

## Cabinet

Tuesday, 18th October, 2011  
6.00 - 9.10 pm

| Attendees           |   |
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| <b>Councillors:</b> | Steve Jordan (Leader of the Council), John Rawson (Cabinet Member Built Environment), Klara Sudbury (Cabinet Member Housing and Safety), Andrew McKinlay (Cabinet Member Sport and Culture), John Webster (Cabinet Member Finance and Community Development), Roger Whyborn (Cabinet Member Sustainability) and Colin Hay (Cabinet Member Corporate Services) |

## Minutes

### 1. APOLOGIES

None.

### 2. DECLARATIONS OF INTEREST

Councillor Colin Hay declared a personal and prejudicial interest in agenda item 8 as a Board Member of Cheltenham Borough Homes.

### 3. MINUTES OF THE LAST MEETING

There were no minutes to be approved.

### 4. PUBLIC QUESTIONS AND PETITIONS

The public questions and responses, together with supplementary questions and answers follow:

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| <b>1.</b> | <b>Question from Andy Beer to the Cabinet Member Sustainability (in his absence the question and response were read out)</b>  |
|           | <p>I wish to put in writing my objections to your proposal to set an upper limit of 75 days for Festivals in Montpellier Gardens, for the following reasons;</p> <p>The Heritage Lottery Trust granted Cheltenham Council £744 k in 2006 to refurbish Montpellier Gardens, on the understanding that you, the Cheltenham Council, would always ensure, that following the refurbishment, the gardens would be <b>freely</b> available and widely used by the general public, without restriction of appropriate access.</p> <p>The event history, shown below, from that date clearly shows that you will be in breach of that understanding:<br/>because <b>restricted full access</b> for the general public will rise from an average of</p> |

20 days to 75 days between Spring and Autumn, equating to a loss of **40% of the total time available from May to October come 2012.** Furthermore, this 40% level of restriction is **NOT** acceptable to the many who use the lawns for informal leisure.

**Event History**

| <b>Year</b>                              | <b>Winter Time Days</b>  | <b>May to October Days</b> |
|--|--------------------------|----------------------------|
| 2006                                     |                          | 14                         |
| 2007                                     |                          | 16                         |
| 2008                                     | 56 (Skating Rink Trial ) | 22                         |
| (Food Festival added)                    |                          |                            |
| 2009                                     | 1                        | 24                         |
| 2010                                     | 1                        | 24.5                       |
| 2011                                     | ?                        | 60                         |
| (Literature Festival added for Sept/Oct) |                          |                            |
| <b>2012</b>                              | <b>?</b>                 | <b>75*</b>                 |
| ( New Jazz Festival proposed in May)..   |                          |                            |

You need to remember that those, like me who live in small flats without a garden and rely on Montpellier Gardens for their informal relaxation, will not only suffer more contractor noise, from metal framework being erected, bleeper sounders on reversing lorries, blaring radios and wooden flooring being dragged and dropped into position, but will find that whilst the Festivals are on, the lovely sounds from bird calls, the whisper of wind blowing through the trees and laughter from families enjoying the outdoor life, replaced with late night Jazz music, loud speaker announcements, drunken shouting continuous hums from the air conditioning fans and power generators and last but not least, noise from car engines, car exhausts and slamming car doors, as patrons drive around and around our streets, especially at the weekend and evenings. During spring to autumn our windows are often open so this outside noise will be heard more easily.

**The question I wish to place before you is this ‘Are you prepared to support us Council Tax Payers and listen to the voice of the locals’?**

If so, I suggest you need to ;:

1. Listen and act on our feedback and set a sensible limit of around **50 days for the period from May and October, rather than 75**, as this will encourage you to look for shorter, more efficient set up / dismantlement times, when you award the Festival contracts, in order to complete your ambitious festival programme..
2. Set maximum noise levels in dB at which music can be broadcast as tents have thin walls.
3. Impose strict time limits on setting up, the playing of music and making of loud speaker announcements.
4. Make the ‘ residents only’ parking bays around the Gardens, 24/7, whilst the Festivals are on.
5. Support your local businesses and restrict the amount of space and therefore the set up time taken up by ensuring that fast food and beverage tents are severely restricted, as their services can be supplied by the many Cafes, pubs and restaurants adjacent to the Gardens.

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|   | <p>6. Finally by way of compensation for the loss of use and noise suffered, offer two entry tickets to each Council tax payer whose property border the Gardens for each festival held within Montpellier Gardens.</p>   |
| <p><b>Response from Cabinet Member Sustainability</b></p> |   |
|   | <p><b>The short answer is “yes we are listening”, and the fact that we have chosen to put limits on density of tentage, and on days of occupancy is largely a result of listening to residents and local Council tax payers.</b></p> <p>1) I do not see scope to negotiate on the number of days of occupancy of turfed areas by hirers. The 75 days was a compromise figure, originally introduced in planning for Imperial Gardens, because the 107 days which were actually used in 2010 was unacceptable both to residents, and in its effect on the turf. 75 days was then read across to Montpellier. The Council considers 75 days reasonable, but will always keep this under review, bearing in mind the effects on the turf, and the competing uses of both residents and festival goers and other users.</p> <p>2) There are various rules and regulations as to what noise levels are acceptable in residential areas, and our Environmental enforcement teams will work closely with gardens hirers to ensure noise is kept to acceptable levels.</p> <p>3) We are reviewing time limits on activities in the gardens, both during festivals and in setting up/breaking down, and these will be reflected in land use agreements.</p> <p>4) On-street Parking regulations are the responsibility of the County Council, but we have joined-up governance approach to this and are happy to facilitate meetings between residents and the highway authority if asked to do so.</p> <p>5) We are always supportive of local business, whilst recognising that festivals generate additional requirements for food and drink that are not necessarily able to be met by existing establishments. One local cafe which was visited near the site reported business to be up during the festival period. Should fast food outlets give rise to excessive amounts of litter and odour etc. in the future, we will certainly review that.</p> <p>6) The question of discounts to local residents in compensation for loss of use and noise, is one for Cheltenham Festivals and other hirers, which you would need to take up with them direct. However I understand that some hirers are sympathetic to the idea in principle.</p> |
| <p><b>2.</b></p>  | <p><b>Question from John Hopwood to the Cabinet Member Built Environment, Councillor John Rawson (intends to be present)</b></p>  |
|   | <p>Regarding the proposed development of North Place car park, has an analysis been made of the reasons for the withdrawal of the alternative developers' proposals? If so, what are your conclusions?"</p>   |

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|           | <b>Response from Cabinet Member Built Environment</b>  |
|           | <p>I presume Mr Hopwood is referring to the withdrawal of Salmon Harvester, as opposed to another developer who withdrew at a very early stage of the process and two other bidders who did not withdraw but were eliminated by an evaluation panel.</p> <p>Salmon Harvester took their own decision to withdraw, for reasons which they explained to us in confidence at the time. These reasons are a matter for them to disclose or not as they see fit. I cannot do so without risking disclosing information which may be commercially sensitive for them as the OJEU (Official Journal of the European Union) rules dictate that both parties (i.e. Borough Council and bidder) enter into confidentiality agreements.</p> <p>In a supplementary question, Mr Hopwood challenged why the analysis requested had not been provided. He asked if this was the best time to be making a decision on the site, given the current economic situation and could the council get a better deal by delaying it.</p> <p>In response, Councillor Rawson said that commercially sensitive information could not be disclosed at this stage so he was unable to make any further comment. The Leader added that once the commercial decision had been made, the council would be able to provide the public with information but at this stage they must respect the commercial sensitivity for both the council and the organisations involved.</p> |
| <b>3.</b> | <b>Question from Alykhan Karim to the Cabinet Member Built Environment</b>   |
|           | <p>The Councils proposal to turn the North Place and Portland Street car parks into homes is extremely good idea, but to also build an hotel and supermarket is not. Firstly when regards to the hotel, why is this needed when a couple of doors down is a fairly new Holiday Inn Express?</p> <p>Secondly when regards to the Supermarket, there are within a half a mile radius three Supermarkets. There is a Tesco's, Wilkinson's and Marks and Spencer's. So why is a fourth one needed?</p> <p>Cheltenham is already plagued by so many supermarkets why add another one?</p> <p>By agreeing to let another supermarket open on this site will cause severe traffic problems, and already at present time the area is already gridlocked, so what will come of that. How will this Big problem be resolved?</p> <p>I read in the papers that there are serious issues when regards to housing in that there aren't enough and that now the government agreeing more with developers to build within the green belts, so I ask why build a Hotel and Supermarket when more homes could be built?</p>   |
|           | <b>Response from Cabinet Member Built Environment</b>  |
|           | <p>When it approved the development brief for the site, the Council allowed developers scope to bring forward proposals which they believed were economically viable. All four shortlisted bidders for the site proposed a food store,</p>   |

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|           | <p>which is very strong evidence that the store is viable. Augur Buchler, whose scheme is currently under consideration, also proposed a hotel. The Council's role is not to establish need, nor does it have the right to turn down planning proposals on the grounds that they are not needed. It is our job simply to say whether these uses are acceptable in principle in planning terms.</p> <p>However, an economic impact assessment will need to be carried out as part of the planning process, and this will give us more information about what the effect on other businesses is likely to be. The traffic impact of the new development as a whole will also need to be modelled and assessed by Gloucestershire Highways as an integral part of the planning process.</p>   |
| <b>4.</b> | <b>Question from Ashifa Karim to the Cabinet Member Built Environment</b>  |
|           | <p>Regarding the New Proposal, I have a few questions of my own which I need answering as I feel it may affect myself and my family in the near future if this Proposal goes ahead.</p> <p>Firstly I would like to know why another Supermarket is necessary when there are already so many Supermarkets in such a small town like Cheltenham?</p> <p>Secondly, myself and my family run a business on Prestbury Road and if this proposal goes ahead this will affect us on a greater scale, as will the other 5 Independent Convenient Stores in the area.</p> <p>As you are aware we are already in difficult times due to the Recession, so what is the need to have yet another Supermarket when we already have a pick of Tesco, Waitrose, 2 Sainsburys, the new Asda, Marks and Spencers and not to mention all their little Express' scattered around Cheltenham.</p> <p>Many of us have done our research and we are aware that our town is struggling with homes, so why not use the area to build more houses for people? I feel another Supermarket and another Hotel should not be on the list of priorities as these are not necessary for our Town, and, not to mention the extra congestion.</p> <p>So I ask, why do we need ANOTHER Supermarket? ANOTHER Hotel? MORE Congestion on our doorstep? But on top of all this, WHY would you want Independent Businesses to suffer when all they are trying to do is earn a living?</p> |
|           | <b>Response from Cabinet Member Built Environment</b>  |
|           | <p>I fully understand why the possible opening of a large new food store in the centre of Cheltenham is so unwelcome to Ms Karim. I can only say that, in my view, such a store will do more good and less damage if it is in the town's commercial core rather than on the periphery. It may well attract customers into the centre to do their food shopping and to visit other shops while they are there. In this way, a new food store may well help other town centre retailers.</p> <p>As I said in response to the previous question, the Council's role is not to establish need but to determine whether the proposed uses are acceptable in terms of their impact on the area.</p> <p>As part of this process, an economic impact assessment will need to be carried</p>  |

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|           | <p>out as part of the planning process, assessing both the positive and the negative impacts of the proposal, and this will give us more information about what the effect on other businesses is likely to be. The traffic impact of the new development as a whole will also need to be modelled and assessed by Gloucestershire Highways as an integral part of the planning process.</p>   |
| <b>5.</b> | <b>Question from Adam Lillywhite to the Cabinet Member Built Environment</b>   |
|           | <p>“The Joint Core strategy when considered and the Tourism strategy, both suggest that building an additional hotel before the town needs one would be damaging to the character and fabric of the town. The JCS identifies a threshold occupancy level, 70%. In 2008 we were below this level and since then occupancies have fallen. The TIC does not believe the town needs a new hotel. These are the inconvenient facts,</p> <p>Over the last three weeks I have repeatedly asked the lead Council officer and Councillor to state why these strategies have been ignored. They have not answered the question. Worse still these facts have not been brought before the councillors for debate despite both these individuals giving progress updates on this scheme on the 10th.</p> <p>Does this Cabinet believe that democracy is being served when the councillors debate was not presented with the recommendations of the relevant CBC strategies and the public were not able to ask a single question because the meeting had been brought forward and not properly advertised.”</p>  |
|           | <b>Response from Cabinet Member Built Environment</b>  |
|           | <p>The answer to Mr Lillywhite’s question is that no council strategies are being ignored.</p> <p>The draft Joint Core Strategy has no specific policies on hotel provision. However, Mr Lillywhite is presumably referring to the hotel capacity study published in May 2009. This does not preclude the expansion of hotel capacity. Indeed it says (page 14): “At our projected level of demand, Cheltenham may well need a total of 150 additional rooms by 2016, with 100 rooms coming on stream by 2013 and a further 50 by 2015. At our optimistic level of demand, Cheltenham may well need a total of 250 additional rooms by 2016, with 100 rooms coming on stream by 2012 and an additional 100 in 2014 and 50 in 2018.”</p> <p>I would make the point that, given the need to secure planning permission and then build the development (which is likely to take 18 months), it is unlikely that any new provision on North Place would come on stream until late 2013 or early 2014 at the earliest.</p> <p>I would add that the estimates of future growth in the hotel capacity study were based on a forecast of demand made in 2009 and an assumption of 70% occupancy, which the study regarded as a healthy level. <b>However in no way was this figure presented as a threshold below which no further expansion of capacity could take place.</b> On the contrary, the conclusion of the study, on page 66, was that “local planning authorities must recognise the importance of maintaining stock to support and grow the industry, but not to create a framework</p> |

that is so restrictive that it attempts to perpetuate outdated forms of accommodation for which there is no longer a demand.”

Furthermore, despite Mr Lillywhite’s statements to the contrary, the hotel capacity study is remarkably consistent with the proposal now being made. It says on page 14: “Clearly, the need for extra capacity will be most strongly felt in the central area... The industry will decide on what is an appropriate investment decision... However, industry trends are likely to want to deliver the majority of supply as Limited Service.” The proposed hotel would certainly be central and almost certainly Limited Service: precisely the kind of accommodation that the study says is most likely to be viable.

Turning to the Tourism Strategy, this quotes the figures for projected demand from the hotel capacity study and recommends caution in expanding hotel capacity in a difficult economic climate. It does not suggest that no expansion should take place.

The hotel capacity study took place during the downturn and this was taken into account in the forecasting. However, I accept that the optimistic demand forecast may not come to fruition, and to that extent I agree with the CHA. However, I am puzzled by the radical differences between the case being argued by the CHA and the advice offered by the British Hospitality Association in a report called *Hospitality: Driving Local Economies* that was published only this month. In the report, the BHA says it believes that it is possible to increase the number of jobs in Cheltenham that are directly hospitality-related from 4,811 to 5,743 – that’s an increase of nearly 20 per cent – by 2020. It believes this growth can be achieved “if national and local government removes the barriers to growth”. It adds “BHA welcomes a less restrictive planning regime”.

I must say that, in this argument, I side more with the CHA than with the BHA. As a Council, we have no intention of breaking down planning restrictions in order to speed up the growth of the hospitality industry in Cheltenham. This project, like every other, will need to go through a rigorous planning process. But we do nonetheless welcome new investment on suitable sites in Cheltenham, which is what this development is about.

In order to ensure that the impacts of a new hotel are properly considered, I want to ensure that a hotel impact assessment is done, using the most recent available data, before this scheme is considered by the Planning Committee. This assessment will be commissioned from a consultant at the developers’ expense and audited by a consultant appointed by the Council.

I regret that at the exhibition on the North Place/Portland Street scheme, Mr Lillywhite was misinformed as to which council meeting was considering the appointment of the Preferred Developer. The matter was brought forward to the October meeting to allow the full Council to take a view before the Cabinet decided on the appointment. I would emphasise that constitutionally the Cabinet is the decision-maker as far as the appointment of the Preferred Developer is concerned. Had the matter come to Council in November, this would have post-dated the Cabinet’s decision. This would have made the Council discussion and indeed any contributions from the public pointless. As matters stand I am pleased to be able to answer his questions and consider his objections very fully at this meeting.

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|           | <p>In a supplementary question, Mr Lillywhite asked why only one of the nine bids included a hotel and he suggested that this was because there was no demand. He sought further clarification on his original question.</p> <p>In response, Councillor Rawson said he was unaware that there was only one hotel in the nine bids as he had not been involved in the shortlisting. He had only been involved in the last five bids. He reiterated that as a planning authority the Council could not turn down a planning application on the basis that it was not needed, but could only consider the impact it would have, and Auger Buchler had agreed to pay for a consultant to carry out an impact assessment. He advised that he had been chair of the tourism strategy working group and at the time the group had been sceptical of the more optimistic projections of demand for hotel accommodation contained in the JCS hotel capacity study. However, there was no suggestion in the hotel capacity study or the tourism strategy that there should be no expansion.</p> |
| <b>6.</b> | <b>Question from Geoffrey Bloxsom to the Cabinet Member Built Environment (intends to be present at the meeting)</b>  |
|           | <p>“I deplore the undue haste that the council are applying to approve the sole development proposal received. This acceleration of procedure is particularly unacceptable in view of the timing(August bank holiday period)and the very brief public consultation period. As a result only 168 citizens commented on the proposal, less than 0.2% of the 114,000 population!</p> <p>The result was almost 50/50 for and against. Accordingly, the cabinet should be very wary of granting “preferred bidder” status to Auger Buchler and subsequently signing a Development Agreement and accepting a 5% deposit. This is a step too far, too soon.</p> <p>I implore the cabinet to defer a decision until a further, more extensive and democratic public consultation has been undertaken.”</p>  |
|           | <b>Response from Cabinet Member Built Environment</b>   |



Vigorous efforts were made by the Council, the developers and the local media to conduct a very high profile consultation process.

The consultation process consisted of:

- 22<sup>nd</sup> August – 10<sup>th</sup> September
  - Static, unmanned displays throughout the period at
    - Municipal Offices (main and Built Environment receptions)
    - Hester's Way Resource Centre
    - Springbank Resource Centre
    - Oakley Resource Centre
    - The new Lower High Street Community Resource Centre
    - Charlton Kings Library
    - Hill View Community Centre/Hatherley Library
  - Council website, with on-line comment form
- 3<sup>rd</sup> September – 10<sup>th</sup> September (excluding Sunday 4<sup>th</sup>)
  - Manned exhibition in High Street (outside Marks & Spencer) – 1 Council officer and 2 Augur Buchler representatives available from 9-5 each day. Written comment forms available.
- 6<sup>th</sup> September
  - Face to face discussions with officers and Augur Buchler representative – 500 invitations were sent out to properties neighbouring the site and about 50 neighbours attended an event.

It is disappointing that the numbers participating were not higher, but that is not unusual for a public consultation exercise. I am not clear why Mr Bloxsom thinks that repeating the exercise, even on a larger scale, would produce a significantly different outcome.

A majority of those consulted broadly approved of the scheme, but I agree that a significant number of people raised objections and concerns. These people will not be ignored, and their concerns are already being taken into account as detailed work on the scheme takes place. Many aspects of the scheme, including the economic impact and the traffic impact, will be the subject of further work.

**There will of course be a further consultation exercise – the statutory consultation process when the planning application comes forward.**

The subject of the appointment of the Preferred Developer was brought forward to the October meeting to allow the full Council to take a view before the Cabinet decided on the appointment. Had the matter come to Council in November, this would have post-dated the Cabinet's decision. This would have made the Council discussion and indeed any contributions from the public pointless.

Can I also add that I would not be supporting the appointment of Augur Buchler as Preferred Developer if this was simply 'Hobson's choice', as Mr Bloxsom implies. The scheme was one of the two finalists in a distinguished field and meets the financial and environmental objectives of the Council, as set out in the development brief, in every respect. It would be perverse to send a developer packing when they had delivered everything you asked for. People often say that local authorities should behave more like businesses. No business would survive

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|           | <p>long if it behaved like that.</p> <p>In a supplementary question, Mr Bloxsom was still concerned about the lack of public consultation and asked whether there should be a referendum which the current government were recommending on issues of public concern.</p> <p>In response, Councillor Rawson said that there was no process for a referendum on a planning issue and he found it difficult to see how the council could have done more in terms of public consultation. He reminded Mr Bloxsom that this would come forward as a planning application along with a series of impact assessments. The Planning Committee would then make a decision independent of politics and consider all the public concerns and ensure they were addressed before making a decision.</p>   |
| <b>7.</b> | <b>Question from Peter V. Christensen to the Cabinet Member Built Environment (will be present)</b>  |
|           | <p>Regarding North Place Car Park Development<br/>As there is now only one bidder for this development, how can the Council demonstrate that it is getting the best deal for the taxpayer and for the project?</p>   |
|           | <b>Response from Cabinet Member Built Environment</b>  |
|           | <p>The Council is obliged by law to achieve the 'best consideration' for any public asset, and that includes the North Place and Portland Street sites. We have retained the leading property valuers GVA to give their professional advice and to certify that the Council has achieved best consideration.</p> <p>I should add that Augur Buchler submitted their financial bid at a time when they were still in a competitive situation, that is to say, before Salmon Harvester withdrew. Shortly after Salmon Harvester's withdrawal, representatives of Augur Buchler met the Leader and Chief Executive of Cheltenham Borough Council and gave assurances that they would honour their bid. We expect them to do so as a condition of being appointed Preferred Developer.</p> <p>In a supplementary question, Mr Christensen asked why the bid was still secret given that it was no longer a competitive process.</p> <p>In response, Councillor John Rawson reiterated his previous response that this was commercially sensitive information for Auger Buchler and the council and could only be made public once the deal had been signed and sealed.</p> |
| <b>8.</b> | <b>Question from Michael Reynolds to the Cabinet Member Built Environment</b>  |
|           | <p><b>Question regarding North Place Car Park development</b><br/>Before I was an hotelier I was a property finance specialist. I understand the key</p>   |

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|   | <p>drivers of developers and the Council’s need to maximise capital values of this site.</p> <p>The accommodation survey undertaken in early 2009 as part of the Joint Core Strategy document shows that Cheltenham does not have a need for additional hotel rooms now or in the near future. It also shows that the development of additional hotel space will be to the detriment of existing accommodation providers, which will be forced to close.</p> <p>Cheltenham currently has a wide variety of good quality accommodation provided by everything from simple 2 room B&amp;Bs to luxury hotels at the top of the market. Many of these establishments have won awards and are highly rated by Quality in Tourism and the AA. This provision is a key part of Cheltenham’s character and welcomes both commercial and leisure visitors to the town.</p> <p>The provision of a new 100 room hotel will dramatically change Cheltenham’s character for the worse.</p> <p><b>What are the legal and commercial impediments preventing the council from asking the developer to amend this scheme omitting the hotel and substituting an alternative development at equal or greater capital value?</b></p>  |
| <b>Response from Cabinet Member Built Environment</b> |  |
|   | <p>I am unable to identify the passage Mr Reynolds refers to in the JCS hotel capacity study which states that, in his words, “Cheltenham does not have a need for additional hotel rooms in the near future”. I am also unable to locate where it says that “the development of additional hotel space will be to the detriment of existing accommodation providers, which will be forced to close.” These are not, as far as I can see, quotations from the document or even paraphrases.</p> <p>On the contrary, the conclusion of this study (page 66) is that: “At our projected level of demand, Cheltenham may well need 100 rooms coming on stream by 2013 and a further 50 by 2015.” It adds (page 14) that: “Clearly, the need for extra capacity will be most strongly felt in the central area.”</p> <p>I very much agree with Mr Reynolds that Cheltenham currently has a wide variety of good quality accommodation, and I believe there will continue to be a demand for high quality, full service hotels and small B&amp;Bs. Customers who want to stay in these places, particularly people staying in Cheltenham for pleasure rather than business, will continue to choose them, regardless of how many limited service chain hotels there may be.</p> <p>Regarding Mr Reynolds’ final point, the Cabinet could clearly reject the Augur Buchler scheme and start the development process again with a new brief that precluded hotel development. In doing this, we would effectively be saying that we disagree with the brief we voted through Council by a very large majority only last December. But if we did this, I doubt whether any developer would want to bid or indeed to have anything to do with the Borough Council the second time around.</p> <p>The Council is also bound by European procurement legislation (OJEU) and accepts bids on their merits. Unfortunately it is not a ‘pick and mix’ scenario where CBC can choose elements from one scheme and mix them with another. Nor is it in our gift to demand withdrawal of any specific element. For that reason,</p> |

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|           | <p>I believe the choice is not between a hotel or no hotel, but between development and no development.</p> <p>Of course the planning process could determine that certain components are not acceptable but that would be beyond the stage which we have now reached.</p> <p>In a supplementary question, Mr Reynolds suggested that the impact assessment was likely to confirm that there was no demand for a hotel and therefore wouldn't it be better to decide on an alternative use now, such as a care home, rather than let it proceed.</p> <p>In response, Councillor Rawson said that the council was now following a legal process and it was not possible to eliminate one element at this stage. The Planning Committee would make its decision entirely independently and would consider the hotel impact assessment. If their decision resulted in any renegotiations of the scheme, that would be done at that time</p>   |
| <b>9.</b> | <b>Question from Guy Hunter to the Cabinet Member Built Environment</b>  |
|           | <p>Will the Cabinet please confirm that the council members were fully briefed on the Tourism Strategy and the Hotel requirement projections in the 2009 JCS hotel capacity study before debating development plans for North Place?"</p>  |
|           | <b>Response from Cabinet Member Built Environment</b>  |
|           | <p>The discussion at Council on October 10<sup>th</sup> was not a debate on the development plans, which will form part of a separate planning process, but on the principle of appointing Augur Buchler as Preferred Developer.</p> <p>The report and presentation at Council on October 10<sup>th</sup> did not refer to the JCS hotel capacity study, the tourism strategy or indeed many other documents that may be material at the planning stage of this process but which are not strictly relevant to the appointment of a preferred developer. However, neither of the documents Mr Hunter refers to has been ignored and neither is inconsistent with the scheme currently being proposed. On the contrary, both assume there will be some expansion in the next few years, as I have explained in my answer to Mr Lillywhite. The hotel capacity survey (page 66) also specifically urges local planning authorities not to create an excessively restrictive framework for the hotel industry.</p> <p>The hotel capacity study was carried out during the downturn and this was taken into account in the forecasting. However, I do want to make sure that the impacts of a new hotel are properly considered, and, for that reason, I want to ensure that a hotel impact assessment is done, using the most recent available data, before the planning application is considered by the Planning Committee.</p> <p>In a supplementary question, Mr Hunter asked whether the names and figures in the hotel impact assessment would be made public.</p> <p>In response, Councillor John Rawson said that he would need to take advice on this as there may be issues of confidentiality in terms of the businesses who supply the information. He would be happy to provide Mr Hunter with a written</p> |

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|            | response.   |
| <b>10.</b> | <b>Question from Peter Bowman to the Cabinet Member Built Environment</b>   |
|            | I understand that there is estimated to be sufficient parking to cope with cars evicted from North Place and Portland Street car parks during the development. Allowing for the projected 15% in the UK population by 2030; does the Council have plans in hand to deliver further town centre sites to maintain the benefits of the current level of in town parking, which is such a unique and attractive factor, compared to Bath or Oxford, for those visiting the borough to shop?  |
|            | <b>Response from Cabinet Member Built Environment</b>   |
|            | <p>A study carried out by the Cheltenham Development Task Force found that off-street parking capacity is poorly distributed in Cheltenham and that this leads to unnecessary vehicle trips across the town. Currently capacity is located disproportionately to the north of the town centre. For this reason we are looking at ways of increasing capacity to the south, possibly by decking an existing car park.</p> <p>In a supplementary question, Mr Bowman asked whether there would be an overall increase in parking across the town or whether any increases in parking in the south would be balanced by a loss of car parking in the north of the town centre.</p> <p>In response, Councillor John Rawson and said there was no suggestion that spaces would have to be lost in the north of the town centre to compensate for increases in the South, over and above the loss of spaces already accounted for in the North Place redevelopment. Evidently there was increased demand in the south particularly during the festivals and in the lead up to Christmas where more people may want to shop and visit the Promenade.</p> |
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## 5. IMPERIAL AND MONTPELLIER GARDENS STRATEGY

Cllr Driver was invited to address the meeting. She explained that she was speaking on behalf of the Glensanda Court Residents Association (GCRA). GCRA was concerned that Cabinet would take a decision about the use of Montpellier Gardens for Festivals in 2012 before it had been able to assess the environmental damage caused to the Gardens by the 2011 Literature Festival.

GCRA were concerned that it had not been consulted about the planned build programme for the 2011 Literature Festival, that guidelines for working hours were either not stipulated or were ignored causing unreasonable disturbance to residents, that guidelines for noise levels during construction were either not stipulated or not enforced and that there had not been a hotline telephone facility provided by the Festivals or their construction contractor.

GCRA were thus seeking assurances from CBC that, if CBC decided to allow Cheltenham Festivals to use Montpellier Gardens again in 2012, conditions of the permitted use would include:

- a. Full and timely consultation with GCRA to allow GCRA views to be considered when plans are finalised by Cheltenham Festivals.
- b. Guidelines for working hours would be issued and enforced by CBC.
- c. Guidelines for noise levels would be issued and enforced by CBC.
- d. A hotline telephone facility would be provided by Cheltenham Festivals for use during construction and use periods.

In response the Cabinet Member Sustainability explained that timescales had not enabled the impact of the 2011 Literature Festival to be assessed prior to a decision being made on the 2012 Festival. An assessment had been made based on the difficulties experienced in Imperial Gardens in 2010 which informed the proposal in the future. He acknowledged that GCRA should have been consulted and going forward consultation would take place with residents surrounding the park. He suggested that if there was a proliferation of interested parties then it may be more appropriate for residents to nominate a spokesperson.

In terms of working hours and noise levels the Cabinet Member Sustainability referred to the answers given to the first public question addressed to this Cabinet meeting. It was a difficult issue as the shorter in the morning and evening that there were restrictions on timings for erecting tents then there would be more demand for days to allow that process to take place. He explained that Environmental Health had been involved in working closely with gardens hirers to ensure noise was kept to acceptable levels. In terms of setting up a hotline he undertook to talk to Cheltenham Festivals as the council was not in direct control of the events. He also undertook, in collaboration with officers, to look at the proximity of properties to the site.

The Cabinet Member referred to the public question regarding concerns on usage and whether this complied with conditions for which the Heritage Lottery Fund had awarded funding. He quoted the Heritage Lottery Fund "So far as the use of the gardens for the Cheltenham Festival are concerned, we agree in principle to the use of the gardens by the Festival but we want to be assured that there will be a reasonable restriction on the overall level of use and that suitable provision will be put into place for the adequate maintenance and repairs after the Festival"

"the use of the Property for the Cheltenham Festival will be the subject of continuing dialogue between the Grantee and the NHMP in order to rectify/resolve any problems which may occur as a result of this use"

Councillor Hall was invited to address the meeting as Chair of Environment Overview and Scrutiny. The committee had met in September to look at this issue and she expressed disappointment that the minutes had not been specifically referred to in the report. Members had raised the issue of communication and she confirmed that there would be ongoing scrutiny of the festivals in respect of use of the gardens. She also congratulated the Council on the condition of the gardens during the festival.

A public Appendix B outlining the cost plan for Imperial and Montpellier Gardens was circulated for public purposes to clarify the confidential Appendix. As tenders had not yet been signed figures remained commercially sensitive.

The Cabinet Member Sustainability informed that recommendation 1 should be amended to make reference to Montpellier Gardens in addition to Imperial Gardens as outlined in Appendix B.

The Leader of the Council thanked those involved in the project and welcomed the progress that had been made.

**RESOLVED that**

- 1. authority be delegated to the Director Operations in consultation with the Cabinet Member, Sustainability and the Council leader, to undertake the first phase of the proposed works in Montpellier and Imperial Gardens as outlined in Appendix B and in accordance with the consultation plans entitled "Imperial Gardens Design" and dated May 2011, and subject to minor alteration where it is deemed necessary.**
- 2. tentage designs for Montpellier gardens be restricted to 4700M2, and 2750m2 in Imperial Gardens (excluding walkways and gazebos) in 2012 and onwards. All to be contained in the areas outlined in red on appendix C and D.**
- 3. both Imperial Gardens and Montpellier Gardens be subject to a maximum usage cap of 75 special event days each (including setting up and taking down).**

**6. NORTH PLACE AND PORTLAND STREET DEVELOPMENT**

The Cabinet Member Built Environment referred to the Council recommendation of 10 October for Cabinet to appoint Augur Buchler Partners Limited as the preferred bidder to undertake the redevelopment of North Place and Portland Street sites. The Cheltenham Development Task Force also unanimously made the same recommendation at its meeting on 14 October. He explained that the recommendation was a result of a competitive tendering process based on the development brief. 9 formal bids had been received and on the basis of an objective scoring matrix 5 were invited to participate in a competitive dialogue process at which point 1 bidder withdrew. From the 4 bids received two schemes scored much higher than the others and were invited to submit a formal tender. The two schemes were from Salmon Harvester and Augur Buchler. Due to commercial reasons Salmon Harvester subsequently withdrew their bid. Augur Buchler and CBC agreed to continue the process with the Augur Buchler bid meeting both the design brief and financial requirements. The proposed scheme would deliver a broad mix of uses for the site including public parking, housing and environmental improvements. It would complete the masterplan for Cheltenham by providing a green route from Montpellier through to Pittville.

The Cabinet Member Built Environment made reference to the public consultation and Cabinet was well aware of the concerns that had been expressed concerning traffic, parking and land uses. The traffic impact would be measured and modelled and impact assessments would be undertaken on the proposed retail, hotel and parking provision via the planning process. There would be an opportunity for further consultation at the planning stage. The Council was obliged by law to achieve best consideration for its land and leading property valuers GVA had been engaged to certify that best consideration had been achieved.

Members welcomed the proposed high class development. The Leader explained that the process had followed an efficient timetable and had been years in preparation. The public had had an opportunity to comment on the development brief in 2010. It was a difficult balance to meet, what the landowner wished to see and what a developer would be prepared to build. Nothing else had been brought up at the design brief stage and Augur Buchler had a high quality design and was one bidder of an originally large field.

The Cabinet Member Built Environment wished to put on record his thanks to Members of the Development Task Force which included members of the business community and local amenity groups and its chair Mr Graham Garbutt.

**RESOLVED to :**

- 1. appoint Augur Buchler Partners Limited as the preferred bidder to undertake the redevelopment of the North Place and Portland Street sites (the Sites) having considered the recommendation of Council on 10 October 2011 and taking into account the advice of the Cheltenham Development Task Force**
- 2. delegate authority to the Head of Property Services in consultation with the Borough Solicitor to:**
  - i) conclude the documentation necessary to appoint Augur Buchler Partners Limited as the preferred bidder;**
  - ii) conclude the documentation required to dispose of the Sites as necessary (noting that the Sites may be disposed of in parts by way of leasehold and freehold disposals and to more than one party);**
  - iii) enter into an agreement with Gloucestershire County Council for the purchase of land at Warwick Place.**

**7. HOUSING REVIEW**

The Cabinet Member Housing and Safety introduced the report and thanked members of the working group and officers for their work. She explained that the cross party working group had been set up in response to the wide scale changes being set out in the Localism and Welfare Reform Bills. The working group gave members and officers the opportunity to look into the various



challenges which the legislative changes pose, to identify risk to the council and for residents, and to identify ways for the council to consider moving forward.

The Cabinet Member highlighted Appendix 3 which outlined the various challenges and opportunities coming from the Localism Bill, the Affordable Homes Programme, Welfare Reform, Supporting People and the self financing HRA. A number of housing related risks were on the corporate risk register. Of particular concern to task group members was the impact of the welfare reform bill and its associated risks, the affordability of the private sector and the fact that the changes to Local Housing Allowance would make this sector less accessible and less affordable, the impact of reductions in the Supporting People budget and the associated revised supporting people strategy. CBC would be working closely with CBH to ensure the needs of tenants in sheltered housing would continue to be supported. The Supporting People risk had been added to the corporate risk register.

Key opportunities for the Council were provided by the Housing Revenue Account Reforms and members valued the member seminar held on the subject to develop its understanding of the subject as part of the overall package of changes affecting housing.

Cabinet was being asked to support the principle of development of a housing and homelessness strategy which would deal with complex and cross cutting issues. The issue of Social Housing Tenure reform would be dealt with in the emerging tenancy strategy which would be part of the housing and homelessness strategy. The theme of this was to make best use of existing stock, whilst at the same time supporting balanced communities.

Moving forward, the Cabinet Member proposed that the working group meet again to consider the housing and homelessness strategy before it is submitted to Cabinet for approval early next year and once the HRA business plan had been through the consultation with tenants and stakeholders.

The Leader of the Council wished to put on record his thanks to the working group which had undertaken some very useful work.

**RESOLVED that :**

- 1. the recommendations of the review group as set out in appendix 2 be endorsed and built into workplans.**
- 2. the principle of the development of a housing and homelessness strategy which incorporates the review groups findings for consideration by Cabinet in March 2012 be endorsed.**
- 3. the outcomes framework as set out at appendix 4 be endorsed as a basis for consultation with stakeholders and be used to inform the development of the housing and homelessness strategy.**
- 4. the Housing Review Member Working Group continues to meet to support the development of the strategy and to provide a sounding**

**board on the development of the HRA business plan preparation ready for Council in February 2012.**

**8. DRAFT HRA BUSINESS PLAN**

Having declared a personal and prejudicial interest in this item Councillor Colin Hay left the room and did not participate in the debate.

The Cabinet Member Finance and Community Development highlighted that there were major changes in social housing including the introduction of a new housing finance system, changes to Welfare reform and changes in provision of funding for new social housing.

He explained that under the new housing finance system CBC would borrow an amount at which the housing stock was valued minus current housing debt, and pay a one off capital amount back to central government funded by borrowing from the Public Works Loan Board. This would mean the Council would have control over how rental income was spent locally. This could over the next 10 years make the Council £15.4m better off at today's values. This would then enable the Council to invest a net amount of £12.2m.

The business plan advocated the following approach to spending this:

- Continue with new build – particularly involving St Paul's phase two at Crabtree Place, Cakebridge Place and Garage sites.
- Invest in existing stock and in particular to improve local environments such as Neighbourhood works
- Improve services to tenants – particularly to invest in community development initiatives in order to address anti-social behaviour, financial exclusion and unemployment.

The business plan also had took account of:

- Rent restructuring – this would continue with the expectation that all rents would be at the Government formula level by 2015/16 and thereafter increase at RPI plus 0.5%.
- The introduction of affordable rents (80% of private sector market housing) with which to finance new build – in future the Homes and Communities Agency will insist that if councils and Housing Associations are to 'qualify' for HCA funding they must operate on the basis of affordable rents.
- Changes to the benefits system. This was of the greatest concern as Government policy was set to increase rents at the same time as reducing benefits, and over 70% of tenants were in receipt of benefits.

The Cabinet Member welcomed the autonomy that the Council would have which would enable it to continue the new-build initiated in St Paul's five years ago, and improve the quality of life for CBH tenants as a result. He also wished to thank officers and those at CBH for their valuable contributions to this work.

Bob Dagger, Assistant Chief Executive CBH informed Cabinet of two recent policy announcements. Firstly, there would be a discounted rate of 85 basis

points below the prevailing rate for local authority borrowing from the Public Works Loan Board. This would provide additional confidence to the social housing market. Secondly, the right to buy discount had been increased to make it more attractive to council housing tenants who wished to buy their homes. The money raised from the sales would be used to repay debt and reinvest in new affordable homes.

Significant changes to council housing finance meant that the Council could be innovative in its housing. It could now have a long term sustainable plan for housing and CBH had plans for a comprehensive consultation process on the way forward.

The Assistant Chief Executive also informed the meeting that DCLG had given an indication that the settlement figure would be announced on 11 November and this was likely to be higher than anticipated due to the increase in the Retail Price Index announced on 18 October.

The Leader of the Council said that this was a key moment for housing in Cheltenham. He welcomed the self financing approach and the comprehensive consultation over the coming months.

The Cabinet Member Finance and Community Development was positive about the future of social housing in the town. There was however a risk in terms of rents being increased whilst benefits were decreasing and he emphasised that particular attention should be paid to this.

#### **RESOLVED that**

- the draft strategy be endorsed and used as a basis for consultation with a range of stakeholders.
- following consultation the strategy be brought back to Cabinet before final approval by Council in February 2012.

#### **9. ADVICE AND INCLUSION CONTRACT**

The Cabinet Member Finance and Community explained that the name of the Single Advice Contract had changed to the Advice and Inclusion contract.

He explained that the current contract expired on 31<sup>st</sup> March 2012. The intention was to let the contract for 3 years plus a further 2 years subject to satisfactory performance.

Changes to the benefits system would mean an increase in the need for housing advice for private sector tenants particularly with the changes recently announced in terms of housing benefit for single people under 35 which would compel them to share accommodation, and the reduction in the amount of local housing allowance available from 50% of local market rents to 30%.

The Cabinet Member reported that more focus had been given to the contract and the amount available had been reduced from £155k to £130k.

The key outcomes were to prevent homelessness, to reduce debt and prevent future debt arising, to ensure the rights of people are protected in respect of rights to benefits and to support the most vulnerable.

The Cabinet Member Housing and Safety informed Cabinet that this approach had been discussed by the Housing Review group. It had welcomed the focus on new priorities and the streamlining of the contract.

**RESOLVED that**

**The Director of Built Environment be authorised to re-tender this contract, as the 'Advice & Inclusion Contract', for a term of 3 years from April 1<sup>st</sup> 2012, plus a further 2 years, subject to satisfactory performance and available finance.**

**10. QUARTERLY BUDGET MONITORING REPORT**

The Cabinet Member Finance and Community Development introduced the report and explained that there was a projected overspend of £476k this year. To address this there was a freeze on Supplies and Services spending and a freeze on staff recruitment subject to various criteria.

The following key issues had been identified :

- not yet being able to save the £80k on salaries budgeted for as resources had been cut to the minimum already.
- there was a shortfall in parking income of a projected £104k (para2.4.6) which was being experienced nationally as a direct result of the recession.
- there was a shortfall of £110k in refuse collection – mainly in Trade Waste and attributable to the recession although a projected increase in recycling income of £100k should partly offset this.
- there was a projected shortfall of £306k against budget for the Green Waste collection system and this was being addressed.

The Cabinet Member reported that whilst the recession clearly had an impact on the generation of income, collection rates of both business rates and Council tax was currently ahead of target.

The Cabinet Member was optimistic that the gap could be addressed without having to fall back on reserves but there were structural implications on next year's budget of a couple of these figures which would have to be paid particular attention to.

The Leader of the Council paid tribute to the continued hard work undertaken by officers to address these issues. Cabinet wished to thank the officers for this work and praised the way that efficiency savings had been found in an inventive way.

**RESOLVED that**

- 1. the contents of this report including the key projected variances to the original 2011/12 budget identified at this stage and the potential projected overspend of £476,400 for the financial year 2011/12 be noted.**
- 2. the current freeze on spending against supplies and service expenditure budgets, where possible, is continued until further notice. This will be factored into the revised 2011/12 budget.**

3. **If, following the more detailed monitoring process currently being undertaken as part of the budget setting process for 2012/13, the potential overspend is confirmed, corrective action be taken to ensure that the Council delivers services within the overall net budget for the year.**

## **11. BUDGET STRATEGY AND PROCESS**

The Cabinet Member Finance and Community Development introduced the report which outlined the process and timetable for the 2012/13 budget up to and beyond budget setting on 10th Feb 2012.

The current predicted gap was £824k assuming a Council Tax increase of 2.5%. The Government had announced it wished to freeze council tax for a second year and fund it for a year. However he warned that when the funding was exhausted after one year the Council would face a minimum 5% increase in Council Tax the following year. Since the Council had taken advantage of government funding for 4 years to freeze Council Tax in this year's budget the Council would face an increase of at least 5% in 2016/17. This had been built into the Medium Term Financial Strategy (MTFS) to ameliorate it.

The Cabinet Member outlined that the key aims were to protect front line services, develop longer term plans for efficiencies in the MTFS including shared services and a new approach to commissioning, co-ordination of the financial implications of all this through Bridging the Gap group.

The cross-party budget working group established in the last budget had made a number of suggestions about the budget process that would be considered in due course and the group would meet again once a draft budget had been drawn up. He reported that the principles being used were no growth (unless invest to save) and no pay inflation and 2.5% inflation.

The Cabinet Member explained that this year consultation should be targeted around specific issues and this would take place between December 2011 and January 2012. In addition to this there would be meetings with the Chamber of Commerce, Trade Unions, Voluntary Sector etc and other Groups upon request and Scrutiny Committees. He highlighted that this would be another difficult budget and the financial difficulties were set to continue.

The Leader of the Council welcomed the proposed targeted consultation in specific areas.

The Cabinet Member Corporate Services stated that whilst the shared services and commissioning work did not deliver immediately he was very encouraged by progress achieved to date and looked forward to more services being delivered in this way. He also referred to the work being done in building capacity within communities.

### **RESOLVED that**

- 1. the budget setting timetable at Appendix 2 be approved.**

2. the estimated funding gap for 2012/13 of £824k at Appendix 3, based upon a 2.5% increase in council tax be noted.
3. the budget strategy outlined in section 4 below be approved.
4. authority be delegated to the Section 151 Officer, in consultation with the Cabinet Member for Finance, to consider the suggestions from the Budget Working Group in preparing the interim budget proposals for 2012/13 as outlined in section 5.

## **12. PROMOTING CHELTENHAM FUND**

The Leader of the Council explained that Cabinet agreed to create the Promoting Cheltenham Fund to support events, projects and initiatives that would stimulate economic and business growth in Cheltenham. 19 bids had been received and he thanked the Panel which had assessed the phase 1 applications.

It had been suggested that the funding should be made sustainable by generating income from those who had been awarded the funding and this point would be taken on board.

Cabinet welcomed the model which had been used for the grant assessment panel and welcomed the worthy projects which had been awarded the funding.

**RESOLVED that**

**the list of projects to be funded from the Promoting Cheltenham Fund as set out in appendix 2 – “List of projects and recommendations” be approved.**

## **13. ENVIRONMENTAL IMPROVEMENTS FUND**

The Cabinet Member Built Environment introduced the report which made recommendations for the distribution of the £149 200 in the Environmental Improvements Fund. Many of the projects awarded funding would attract additional funding from elsewhere and benefits would be felt across the town.

He explained that the New Homes Bonus would continue next year so the schemes that had not been included this time could be put forward at that time. Officers had devised a scoring matrix of appropriate criteria in order to meet the Council's high level environmental objectives. He acknowledged that Environment Overview and Scrutiny had not been given the criteria for the scoring process but assured Members that there would be better Member involvement next year.

The Cabinet Member Sustainability added that it had been a difficult assessment to make but the allocation of funding represented a good geographical spread across the town.

Tribute was paid to those local community groups and businesses who were taking the initiative to improve their areas recognising that local authorities would no longer have the resources to support such projects.

Councillor Regan was invited to address Cabinet. She expressed her disappointment that funding had not been granted to one particular scheme proposed by Waterwise relating to supplying guttering and water butts to all council allotment sheds. However she congratulated all those groups which had received funding.

Cabinet congratulated those groups which had been successful in their bids from both the Promoting Cheltenham Fund and the Environmental Improvements Fund. It was hoped that these would bring about successful outcomes.

**RESOLVED that**

**the prioritised list of bids attached at Appendix C be supported, having had regard to the available budget of £149,200 and the minutes of the Environment Overview and Scrutiny Committee attached at Appendix D**

**14. CHELTENHAM PARTNERSHIP STRUCTURES AND ARRANGEMENTS**

The Leader of the Council introduced the report which sought Cabinet's endorsement for the new structures for partnership working in Cheltenham. He reported that a consultation process had been undertaken, the responses to which were outlined in Appendix 3. The Council placed great value on the voluntary and community sector being involved in discussions at the highest level. The Leader explained that all partner bodies were currently examining what the proposed new structure entailed for them and the December meeting of the Cheltenham Strategic Partnership would approve the new structure.

Councillor Regan was invited to address Cabinet. She expressed her concern that very few non Cabinet Members were represented on any of the committees or task forces in the new structure. In response the Cabinet Member Corporate Services explained that Cabinet members were in the best place to serve on the partnerships as they were the decision makers. However he referred to the current review of the Council's scrutiny arrangements which could provide an opportunity in the future for non Cabinet member involvement in terms of scrutiny of the partnerships.

The Cabinet Member Corporate Services referred to the Economy and Business Improvement Scrutiny Committee's request for additional information as to whether the new structures would generate any savings. This point was accepted. In his view in the future scrutiny would need to look at how best to scrutinise the partnerships effectively and what kind of reporting to scrutiny was required.

Cabinet welcomed the new structure which would avoid the current duplication and provide more clarity. It acknowledged that the relationship between the elected member and the partnerships still needed to be developed.

**RESOLVED that:**

- 1. the new structures for partnership working in Cheltenham as set out in appendix 2 be endorsed.**
- 2. the issues raised by the consultees and the responses of the CSP task and finish group in appendix 3 be noted.**

**15. AIR QUALITY MANAGEMENT**

The Cabinet Member Health and Housing introduced the report which sought a new Air Quality Management Area (AQMA) to cover the whole of Cheltenham Borough and to revoke the current AQMA located in the portion of (lower) Bath Road and High Street. It also sought Cabinet endorsement of the joint working with the County Council and the Transport Authority in the development and implementation of the required Further Assessment and Air Quality Action Plan to address this issue.

The Cabinet Member highlighted that under 2.1 of the assessment-London Road, the reference to London road junction with Priors Road should read London Road junction with Hales Road.

Cabinet welcomed the proposed holistic approach and said it was vital that an action plan was put in place to tackle the problem. As this was a traffic related issue it was dependent on joint working with the County. The Council was keen to also address the issue via the Civic Pride proposals.

**RESOLVED that :**

- 1. a new Air Quality Management Area (AQMA) be declared to cover the whole of Cheltenham Borough and the current AQMA located in the portion of (lower) Bath Road and High Street be revoked .**
- 2. the joint working with the County Council as the Transport Authority in the development and implementation of the required Further Assessment and Air Quality Action Plan to address this issue be endorsed.**

**16. REVIEW OF THE CONSTITUTION-EXECUTIVE FUNCTIONS**

The Cabinet Member Corporate Services introduced the report which sought to simplify the Executive functions and provide more flexibility within the Officer delegations.

The Leader referred to a spreadsheet of Cabinet Member responsibilities which would be made available to all Members.

**RESOLVED that :**



**the proposed Executive Functions set out in the new Part 3E (appendix 2 to agenda item 10 Council 10<sup>th</sup> October) be recommended for approval by the Leader**

**17. COMMISSIONING FRAMEWORK FOR BUILT ENVIRONMENT-UPDATE REPORT**

The Cabinet Member Built Environment introduced the report. He explained that the built environment review had identified a number of recommendations to improve service efficiency, customer service and ultimately budget savings. The review had engaged a number of stakeholders via a series of workshops which provided a valuable insight into the way in which the services were perceived. A member working group was established to support the Cabinet Member with this review and Environment Overview and Scrutiny had also been involved.

In terms of efficiency, the review had found that efficiency savings of £434k had already been made. The Systems Thinking approach had been applied and had identified ways in which the service could be streamlined to the public. It was also recommended that alternative models to deliver the service should be examined. The market should be tested to see how the council's costs compared to that of external providers.

The Cabinet Member referred to the current uncertainty regarding the introduction of the ability for councils to set their own planning fees. If approved this would enable the Council to recover the full cost of planning applications from fees. However, due to this unknown it was not possible to set a definitive budget.

Cabinet thanked all those involved in the review.

**RESOLVED that :**

- 1. the outcome framework set out at appendix 3 be approved and used as a basis for the development of a service specification, against which the internal team will deliver.**
- 2. the Director of Built Environment restructures his team to assist delivery of the outcomes and agreed service specification.**
- 3. the Director of Built Environment report back to the Cabinet, once there is clarity on the legislation, with regards to the local setting of planning fees and identifies the additional planning income which may be realised.**
- 4. the division continue to improve the customer experience by embedding the systems thinking approach across the full range of its services.**
- 5. the division explores with partners the opportunities to undertake collaborative working, where it will provide service resilience and make the most efficient use of resources.**
- 6. a review of alternative delivery models for building control is undertaken in 2013, as part of the programmed review of the current shared service arrangement with Tewkesbury Borough Council.**

7. the inscope range of built environment services will be tested against private sector service alternatives in 2013/14, to confirm whether the internal service continues to deliver value for money, based on an assessment of both cost and quality.
8. that the division holds regular (at least twice per year) stakeholder sessions including agents, developers, conservation and heritage groups, architects panel as well as councillors to discuss progress in delivering the outcomes.
9. that the Director of Built Environment explores the opportunities to extend the charging for pre application process to other areas currently not within scope.
10. that the commissioning division works with the Voluntary and Community Sector to support market development in areas which will underpin the localism bill.

**18. BRIEFING FROM CABINET MEMBERS**

The Leader of the Council informed the meeting that he was still consulting with Group Leaders regarding support for the proposed Council representative on the Local Authority Company. The nomination would be formally approved at the November meeting of Cabinet.

**19. LOCAL GOVERNMENT ACT 1972 - EXEMPT BUSINESS**

The Cabinet was recommended to approve the resolution as set out on the agenda.

Upon a vote it was unanimously

**RESOLVED that in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining agenda items as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraphs 3 and 5, Part (1) Schedule (12A) Local Government Act 1972, namely:**

Paragraph 3; Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Paragraph 5; Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

**20. A FINANCIAL MATTER**

Members discussed the financial matter, considered the options proposed and approved a recommended way forward.

**Chairman**

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**Cabinet  
18 October 2011**

**Public Questions**

| <b>1.</b>                                | <p><b>Question from Andy Beer to the Cabinet Member Sustainability (in his absence the question and response were read out)</b></p>   |            |                  |        |              |  |  |      |  |    |      |  |    |      |                          |    |                       |  |  |      |   |    |      |   |      |      |   |    |  |  |  |             |          |            |  |  |  |
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|  | <p>I wish to put in writing my objections to your proposal to set an upper limit of 75 days for Festivals in Montpellier Gardens, for the following reasons;</p> <p>The Heritage Lottery Trust granted Cheltenham Council £744 k in 2006 to refurbish Montpellier Gardens, on the understanding that you, the Cheltenham Council, would always ensure, that following the refurbishment, the gardens would be <b>freely</b> available and widely used by the general public, without restriction of appropriate access.</p> <p>The event history, shown below, from that date clearly shows that you will be in breach of that understanding:<br/>because <b>restricted full access</b> for the general public will rise from an average of 20 days to 75 days between Spring and Autumn, equating to a loss of <b>40% of the total time available from May to October come 2012.</b></p> <p>Furthermore, this 40% level of restriction is <b>NOT</b> acceptable to the many who use the lawns for informal leisure.</p> <p><b><u>Event History</u></b></p> <table border="0" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Year</th> <th style="text-align: center;">Winter Time Days</th> <th style="text-align: right;">May to</th> </tr> <tr> <th style="text-align: left;">October Days</th> <th></th> <th></th> </tr> </thead> <tbody> <tr> <td>2006</td> <td></td> <td style="text-align: right;">14</td> </tr> <tr> <td>2007</td> <td></td> <td style="text-align: right;">16</td> </tr> <tr> <td>2008</td> <td style="text-align: center;">56 (Skating Rink Trial )</td> <td style="text-align: right;">22</td> </tr> <tr> <td>(Food Festival added)</td> <td></td> <td></td> </tr> <tr> <td>2009</td> <td style="text-align: center;">1</td> <td style="text-align: right;">24</td> </tr> <tr> <td>2010</td> <td style="text-align: center;">1</td> <td style="text-align: right;">24.5</td> </tr> <tr> <td>2011</td> <td style="text-align: center;">?</td> <td style="text-align: right;">60</td> </tr> <tr> <td>(Literature Festival added for Sept/Oct)</td> <td></td> <td></td> </tr> <tr> <td><b>2012</b></td> <td style="text-align: center;"><b>?</b></td> <td style="text-align: right;"><b>75*</b></td> </tr> <tr> <td>( New Jazz Festival proposed in May)..</td> <td></td> <td></td> </tr> </tbody> </table> <p>You need to remember that those, like me who live in small flats without a garden and rely on Montpellier Gardens for their informal relaxation, will not only suffer more contractor noise , from metal framework being erected , bleeper sounders on reversing lorries, blaring radios and wooden flooring being dragged and dropped into position, but will find that whilst the Festivals are on, the lovely sounds from bird calls, the whisper of wind blowing through the trees and laughter from families enjoying the outdoor life, replaced with late night Jazz music, loud speaker announcements, drunken shouting continuous hums from the air conditioning fans and power generators and last but not least, noise from car engines , car exhausts and slamming car doors, as patrons drive around and around our streets , especially at the weekend and evenings.</p> <p>During spring to autumn our windows are often open so this outside noise will be</p> | Year       | Winter Time Days | May to | October Days |  |  | 2006 |  | 14 | 2007 |  | 16 | 2008 | 56 (Skating Rink Trial ) | 22 | (Food Festival added) |  |  | 2009 | 1 | 24 | 2010 | 1 | 24.5 | 2011 | ? | 60 | (Literature Festival added for Sept/Oct) |  |  | <b>2012</b> | <b>?</b> | <b>75*</b> | ( New Jazz Festival proposed in May).. |  |  |
| Year                                     | Winter Time Days  | May to     |                  |        |              |  |  |      |  |    |      |  |    |      |                          |    |                       |  |  |      |   |    |      |   |      |      |   |    |  |  |  |             |          |            |  |  |  |
| October Days                             |   |            |                  |        |              |  |  |      |  |    |      |  |    |      |                          |    |                       |  |  |      |   |    |      |   |      |      |   |    |  |  |  |             |          |            |  |  |  |
| 2006                                     |   | 14         |                  |        |              |  |  |      |  |    |      |  |    |      |                          |    |                       |  |  |      |   |    |      |   |      |      |   |    |  |  |  |             |          |            |  |  |  |
| 2007                                     |   | 16         |                  |        |              |  |  |      |  |    |      |  |    |      |                          |    |                       |  |  |      |   |    |      |   |      |      |   |    |  |  |  |             |          |            |  |  |  |
| 2008                                     | 56 (Skating Rink Trial )  | 22         |                  |        |              |  |  |      |  |    |      |  |    |      |                          |    |                       |  |  |      |   |    |      |   |      |      |   |    |  |  |  |             |          |            |  |  |  |
| (Food Festival added)                    |   |            |                  |        |              |  |  |      |  |    |      |  |    |      |                          |    |                       |  |  |      |   |    |      |   |      |      |   |    |  |  |  |             |          |            |  |  |  |
| 2009                                     | 1   | 24         |                  |        |              |  |  |      |  |    |      |  |    |      |                          |    |                       |  |  |      |   |    |      |   |      |      |   |    |  |  |  |             |          |            |  |  |  |
| 2010                                     | 1   | 24.5       |                  |        |              |  |  |      |  |    |      |  |    |      |                          |    |                       |  |  |      |   |    |      |   |      |      |   |    |  |  |  |             |          |            |  |  |  |
| 2011                                     | ?   | 60         |                  |        |              |  |  |      |  |    |      |  |    |      |                          |    |                       |  |  |      |   |    |      |   |      |      |   |    |  |  |  |             |          |            |  |  |  |
| (Literature Festival added for Sept/Oct) |   |            |                  |        |              |  |  |      |  |    |      |  |    |      |                          |    |                       |  |  |      |   |    |      |   |      |      |   |    |  |  |  |             |          |            |  |  |  |
| <b>2012</b>                              | <b>?</b>  | <b>75*</b> |                  |        |              |  |  |      |  |    |      |  |    |      |                          |    |                       |  |  |      |   |    |      |   |      |      |   |    |  |  |  |             |          |            |  |  |  |
| ( New Jazz Festival proposed in May)..   |   |            |                  |        |              |  |  |      |  |    |      |  |    |      |                          |    |                       |  |  |      |   |    |      |   |      |      |   |    |  |  |  |             |          |            |  |  |  |

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|  | <p>heard more easily.</p> <p><b>The question I wish to place before you is this ‘Are you prepared to support us Council Tax Payers and listen to the voice of the locals’?</b></p> <p>If so, I suggest you need to ;:</p> <ol style="list-style-type: none"> <li>1. Listen and act on our feedback and set a sensible limit of around <b>50 days for the period from May and October, rather than 75</b>, as this will encourage you to look for shorter, more efficient set up / dismantlement times, when you award the Festival contracts, in order to complete your ambitious festival programme..</li> <li>2. Set maximum noise levels in dB at which music can be broadcast as tents have thin walls.</li> <li>3. Impose strict time limits on setting up, the playing of music and making of loud speaker announcements.</li> <li>4. Make the ‘ residents only’ parking bays around the Gardens, 24/7, whilst the Festivals are on.</li> <li>5. Support your local businesses and restrict the amount of space and therefore the set up time taken up by ensuring that fast food and beverage tents are severely restricted, as their services can be supplied by the many Cafes, pubs and restaurants adjacent to the Gardens.</li> <li>6. Finally by way of compensation for the loss of use and noise suffered, offer two entry tickets to each Council tax payer whose property border the Gardens for each festival held within Montpellier Gardens.</li> </ol> |
|  | <p><b>Response from Cabinet Member Sustainability</b></p>   |
|  | <p><b>The short answer is “yes we are listening”, and the fact that we have chosen to put limits on density of tentage, and on days of occupancy is largely a result of listening to residents and local Council tax payers.</b></p> <ol style="list-style-type: none"> <li>1) I do not see scope to negotiate on the number of days of occupancy of turfed areas by hirers. The 75 days was a compromise figure, originally introduced in planning for Imperial Gardens, because the 107 days which were actually used in 2010 was unacceptable both to residents, and in its effect on the turf. 75 days was then read across to Montpellier. The Council considers 75 days reasonable, but will always keep this under review, bearing in mind the effects on the turf, and the competing uses of both residents and festival goers and other users.</li> <li>2) There are various rules and regulations as to what noise levels are acceptable in residential areas, and our Environmental enforcement teams will work closely with gardens hirers to ensure noise is kept to acceptable levels.</li> <li>3) We are reviewing time limits on activities in the gardens, both during festivals and in setting up/breaking down, and these will be reflected in land use agreements.</li> <li>4) On-street Parking regulations are the responsibility of the County Council, but</li> </ol>   |

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|           | <p>we have joined-up governance approach to this and are happy to facilitate meetings between residents and the highway authority if asked to do so.</p> <p>5) We are always supportive of local business, whilst recognising that festivals generate additional requirements for food and drink that are not necessarily able to be met by existing establishments. One local cafe which was visited near the site reported business to be up during the festival period. Should fast food outlets give rise to excessive amounts of litter and odour etc. in the future, we will certainly review that.</p> <p>6) The question of discounts to local residents in compensation for loss of use and noise, is one for Cheltenham Festivals and other hirers, which you would need to take up with them direct. However I understand that some hirers are sympathetic to the idea in principle.</p>  |
| <b>2.</b> | <b>Question from John Hopwood to the Cabinet Member Built Environment, Councillor John Rawson (intends to be present)</b>  |
|           | <p>Regarding the proposed development of North Place car park, has an analysis been made of the reasons for the withdrawal of the alternative developers' proposals? If so, what are your conclusions?"</p>  |
|           | <b>Response from Cabinet Member Built Environment</b>  |
|           | <p>I presume Mr Hopwood is referring to the withdrawal of Salmon Harvester, as opposed to another developer who withdrew at a very early stage of the process and two other bidders who did not withdraw but were eliminated by an evaluation panel.</p> <p>Salmon Harvester took their own decision to withdraw, for reasons which they explained to us in confidence at the time. These reasons are a matter for them to disclose or not as they see fit. I cannot do so without risking disclosing information which may be commercially sensitive for them as the OJEU (Official Journal of the European Union) rules dictate that both parties (i.e. Borough Council and bidder) enter into confidentiality agreements.</p> <p>In a supplementary question, Mr Hopwood challenged why the analysis requested had not been provided. He asked if this was the best time to be making a decision on the site, given the current economic situation and could the council get a better deal by delaying it.</p> <p>In response, Councillor Rawson said that commercially sensitive information could not be disclosed at this stage so he was unable to make any further comment. The Leader added that once the commercial decision had been made, the council would be able to provide the public with information but at this stage they must respect the commercial sensitivity for both the council and the organisations involved.</p> |
| <b>3.</b> | <b>Question from Alykhan Karim to the Cabinet Member Built Environment</b>   |
|           | <p>The Councils proposal to turn the North Place and Portland Street car parks into</p>  |

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|  | <p>homes is extremely good idea, but to also build an hotel and supermarket is not. Firstly when regards to the hotel, why is this needed when a couple of doors down is a fairly new Holiday Inn Express?</p> <p>Secondly when regards to the Supermarket, there are within a half a mile radius three Supermarkets. There is a Tesco's, Wilkinson's and Marks and Spencer's. So why is a fourth one needed?</p> <p>Cheltenham is already plagued by so many supermarkets why add another one?</p> <p>By agreeing to let another supermarket open on this site will cause severe traffic problems, and already at present time the area is already gridlocked, so what will come of that. How will this Big problem be resolved?</p> <p>I read in the papers that there are serious issues when regards to housing in that there aren't enough and that now the government agreeing more with developers to build within the green belts, so I ask why build a Hotel and Supermarket when more homes could be built?</p>    |
| <b>Response from Cabinet Member Built Environment</b>                        |  |
|  | <p>When it approved the development brief for the site, the Council allowed developers scope to bring forward proposals which they believed were economically viable. All four shortlisted bidders for the site proposed a food store, which is very strong evidence that the store is viable. Augur Buchler, whose scheme is currently under consideration, also proposed a hotel. The Council's role is not to establish need, nor does it have the right to turn down planning proposals on the grounds that they are not needed. It is our job simply to say whether these uses are acceptable in principle in planning terms.</p> <p>However, an economic impact assessment will need to be carried out as part of the planning process, and this will give us more information about what the effect on other businesses is likely to be. The traffic impact of the new development as a whole will also need to be modelled and assessed by Gloucestershire Highways as an integral part of the planning process.</p> |
| <b>4. Question from Ashifa Karim to the Cabinet Member Built Environment</b> |  |
|  | <p>Regarding the New Proposal, I have a few questions of my own which I need answering as I feel it may affect myself and my family in the near future if this Proposal goes ahead.</p> <p>Firstly I would like to know why another Supermarket is necessary when there are already so many Supermarkets in such a small town like Cheltenham?</p> <p>Secondly, myself and my family run a business on Prestbury Road and if this proposal goes ahead this will affect us on a greater scale, as will the other 5 Independent Convenient Stores in the area.</p> <p>As you are aware we are already in difficult times due to the Recession, so what</p>   |



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|  | <p>is the need to have yet another Supermarket when we already have a pick of Tesco, Waitrose, 2 Sainsburys, the new Asda, Marks and Spencers and not to mention all their little Express' scattered around Cheltenham.</p> <p>Many of us have done our research and we are aware that our town is struggling with homes, so why not use the area to build more houses for people? I feel another Supermarket and another Hotel should not be on the list of priorities as these are not necessary for our Town, and, not to mention the extra congestion.</p> <p>So I ask, why do we need ANOTHER Supermarket? ANOTHER Hotel? MORE Congestion on our doorstep? But on top of all this, WHY would you want Independent Businesses to suffer when all they are trying to do is earn a living?</p>  |
| <p><b>Response from Cabinet Member Built Environment</b></p>                           |   |
|  | <p>I fully understand why the possible opening of a large new food store in the centre of Cheltenham is so unwelcome to Ms Karim. I can only say that, in my view, such a store will do more good and less damage if it is in the town's commercial core rather than on the periphery. It may well attract customers into the centre to do their food shopping and to visit other shops while they are there. In this way, a new food store may well help other town centre retailers.</p> <p>As I said in response to the previous question, the Council's role is not to establish need but to determine whether the proposed uses are acceptable in terms of their impact on the area.</p> <p>As part of this process, an economic impact assessment will need to be carried out as part of the planning process, assessing both the positive and the negative impacts of the proposal, and this will give us more information about what the effect on other businesses is likely to be. The traffic impact of the new development as a whole will also need to be modelled and assessed by Gloucestershire Highways as an integral part of the planning process.</p> |
| <p><b>5. Question from Adam Lillywhite to the Cabinet Member Built Environment</b></p> |   |
|  | <p>"The Joint Core strategy when considered and the Tourism strategy, both suggest that building an additional hotel before the town needs one would be damaging to the character and fabric of the town. The JCS identifies a threshold occupancy level, 70%. In 2008 we were below this level and since then occupancies have fallen. The TIC does not believe the town needs a new hotel. These are the inconvenient facts,</p> <p>Over the last three weeks I have repeatedly asked the lead Council officer and Councillor to state why these strategies have been ignored. They have not answered the question. Worse still these facts have not been brought before the councillors for debate despite both these individuals giving progress updates on this scheme on the 10th.</p> <p>Does this Cabinet believe that democracy is being served when the councillors debate was not presented with the recommendations of the relevant CBC</p>   |

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|  | <p>strategies and the public were not able to ask a single question because the meeting had been brought forward and not properly advertised.”</p>  |
|  | <p><b>Response from Cabinet Member Built Environment</b></p>  |
|  | <p>The answer to Mr Lillywhite’s question is that no council strategies are being ignored.</p> <p>The draft Joint Core Strategy has no specific policies on hotel provision. However, Mr Lillywhite is presumably referring to the hotel capacity study published in May 2009. This does not preclude the expansion of hotel capacity. Indeed it says (page 14): “At our projected level of demand, Cheltenham may well need a total of 150 additional rooms by 2016, with 100 rooms coming on stream by 2013 and a further 50 by 2015. At our optimistic level of demand, Cheltenham may well need a total of 250 additional rooms by 2016, with 100 rooms coming on stream by 2012 and an additional 100 in 2014 and 50 in 2018.”</p> <p>I would make the point that, given the need to secure planning permission and then build the development (which is likely to take 18 months), it is unlikely that any new provision on North Place would come on stream until late 2013 or early 2014 at the earliest.</p> <p>I would add that the estimates of future growth in the hotel capacity study were based on a forecast of demand made in 2009 and an assumption of 70% occupancy, which the study regarded as a healthy level. <b>However in no way was this figure presented as a threshold below which no further expansion of capacity could take place.</b> On the contrary, the conclusion of the study, on page 66, was that “local planning authorities must recognise the importance of maintaining stock to support and grow the industry, but not to create a framework that is so restrictive that it attempts to perpetuate outdated forms of accommodation for which there is no longer a demand.”</p> <p>Furthermore, despite Mr Lillywhite’s statements to the contrary, the hotel capacity study is remarkably consistent with the proposal now being made. It says on page 14: “Clearly, the need for extra capacity will be most strongly felt in the central area...The industry will decide on what is an appropriate investment decision...However, industry trends are likely to want to deliver the majority of supply as Limited Service.” The proposed hotel would certainly be central and almost certainly Limited Service: precisely the kind of accommodation that the study says is most likely to be viable.</p> <p>Turning to the Tourism Strategy, this quotes the figures for projected demand from the hotel capacity study and recommends caution in expanding hotel capacity in a difficult economic climate. It does not suggest that no expansion should take place.</p> <p>The hotel capacity study took place during the downturn and this was taken into account in the forecasting. However, I accept that the optimistic demand forecast may not come to fruition, and to that extent I agree with the CHA. However, I am puzzled by the radical differences between the case being argued</p> |

by the CHA and the advice offered by the British Hospitality Association in a report called *Hospitality: Driving Local Economies* that was published only this month. In the report, the BHA says it believes that it is possible to increase the number of jobs in Cheltenham that are directly hospitality-related from 4,811 to 5,743 – that’s an increase of nearly 20 per cent – by 2020. It believes this growth can be achieved “if national and local government removes the barriers to growth”. It adds “BHA welcomes a less restrictive planning regime”.

I must say that, in this argument, I side more with the CHA than with the BHA. As a Council, we have no intention of breaking down planning restrictions in order to speed up the growth of the hospitality industry in Cheltenham. This project, like every other, will need to go through a rigorous planning process. But we do nonetheless welcome new investment on suitable sites in Cheltenham, which is what this development is about.

In order to ensure that the impacts of a new hotel are properly considered, I want to ensure that a hotel impact assessment is done, using the most recent available data, before this scheme is considered by the Planning Committee. This assessment will be commissioned from a consultant at the developers’ expense and audited by a consultant appointed by the Council.

I regret that at the exhibition on the North Place/Portland Street scheme, Mr Lillywhite was misinformed as to which council meeting was considering the appointment of the Preferred Developer. The matter was brought forward to the October meeting to allow the full Council to take a view before the Cabinet decided on the appointment. I would emphasise that constitutionally the Cabinet is the decision-maker as far as the appointment of the Preferred Developer is concerned. Had the matter come to Council in November, this would have post-dated the Cabinet’s decision. This would have made the Council discussion and indeed any contributions from the public pointless. As matters stand I am pleased to be able to answer his questions and consider his objections very fully at this meeting.

In a supplementary question, Mr Lillywhite asked why only one of the nine bids included a hotel and he suggested that this was because there was no demand. He sought further clarification on his original question.

In response, Councillor Rawson said he was unaware that there was only one hotel in the nine bids as he had not been involved in the shortlisting. He had only been involved in the last five bids. He reiterated that as a planning authority the Council could not turn down a planning application on the basis that it was not needed, but could only consider the impact it would have, and Auger Buchler had agreed to pay for a consultant to carry out an impact assessment. He advised that he had been chair of the tourism strategy working group and at the time the group had been sceptical of the more optimistic projections of demand for hotel accommodation contained in the JCS hotel capacity study. However, there was no suggestion in the hotel capacity study or the tourism strategy that there should be no expansion.

| (intends to be present at the meeting)                |   |
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|   | <p>“I deplore the undue haste that the council are applying to approve the sole development proposal received. This acceleration of procedure is particularly unacceptable in view of the timing(August bank holiday period)and the very brief public consultation period. As a result only 168 citizens commented on the proposal, less than 0.2% of the 114,000 population!</p> <p>The result was almost 50/50 for and against. Accordingly, the cabinet should be very wary of granting “preferred bidder” status to Augur Buchler and subsequently signing a Development Agreement and accepting a 5% deposit. This is a step too far, too soon.</p> <p>I implore the cabinet to defer a decision until a further, more extensive and democratic public consultation has been undertaken.”</p>  |
| <b>Response from Cabinet Member Built Environment</b> |   |
|   | <p>Vigorous efforts were made by the Council, the developers and the local media to conduct a very high profile consultation process.</p> <p>The consultation process consisted of:</p> <ul style="list-style-type: none"> <li>▪ 22<sup>nd</sup> August – 10<sup>th</sup> September <ul style="list-style-type: none"> <li>○ Static, unmanned displays throughout the period at <ul style="list-style-type: none"> <li>▪ Municipal Offices (main and Built Environment receptions)</li> <li>▪ Hester’s Way Resource Centre</li> <li>▪ Springbank Resource Centre</li> <li>▪ Oakley Resource Centre</li> <li>▪ The new Lower High Street Community Resource Centre</li> <li>▪ Charlton Kings Library</li> <li>▪ Hill View Community Centre/Hatherley Library</li> </ul> </li> <li>○ Council website, with on-line comment form</li> </ul> </li> <li>▪ 3<sup>rd</sup> September – 10<sup>th</sup> September (excluding Sunday 4<sup>th</sup>) <ul style="list-style-type: none"> <li>○ Manned exhibition in High Street (outside Marks &amp; Spencer) – 1 Council officer and 2 Augur Buchler representatives available from 9-5 each day. Written comment forms available.</li> </ul> </li> <li>▪ 6<sup>th</sup> September <ul style="list-style-type: none"> <li>○ Face to face discussions with officers and Augur Buchler representative – 500 invitations were sent out to properties neighbouring the site and about 50 neighbours attended an event.</li> </ul> </li> </ul> <p>It is disappointing that the numbers participating were not higher, but that is not unusual for a public consultation exercise. I am not clear why Mr Bloxson thinks that repeating the exercise, even on a larger scale, would produce a significantly different outcome.</p> <p>A majority of those consulted broadly approved of the scheme, but I agree that a significant number of people raised objections and concerns. These people will</p> |

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|                  | <p>not be ignored, and their concerns are already being taken into account as detailed work on the scheme takes place. Many aspects of the scheme, including the economic impact and the traffic impact, will be the subject of further work.</p> <p><b>There will of course be a further consultation exercise – the statutory consultation process when the planning application comes forward.</b></p> <p>The subject of the appointment of the Preferred Developer was brought forward to the October meeting to allow the full Council to take a view before the Cabinet decided on the appointment. Had the matter come to Council in November, this would have post-dated the Cabinet’s decision. This would have made the Council discussion and indeed any contributions from the public pointless.</p> <p>Can I also add that I would not be supporting the appointment of Augur Buchler as Preferred Developer if this was simply ‘Hobson’s choice’, as Mr Bloxsom implies. The scheme was one of the two finalists in a distinguished field and meets the financial and environmental objectives of the Council, as set out in the development brief, in every respect. It would be perverse to send a developer packing when they had delivered everything you asked for. People often say that local authorities should behave more like businesses. No business would survive long if it behaved like that.</p> <p>In a supplementary question, Mr Bloxsom was still concerned about the lack of public consultation and asked whether there should be a referendum which the current government were recommending on issues of public concern.</p> <p>In response, Councillor Rawson said that there was no process for a referendum on a planning issue and he found it difficult to see how the council could have done more in terms of public consultation. He reminded Mr Bloxsom that this would come forward as a planning application along with a series of impact assessments. The Planning Committee would then make a decision independent of politics and consider all the public concerns and ensure they were addressed before making a decision.</p> |
| <p><b>7.</b></p> | <p><b>Question from Peter V. Christensen to the Cabinet Member Built Environment (will be present)</b></p>   |
|                  | <p>Regarding North Place Car Park Development<br/>As there is now only one bidder for this development, how can the Council demonstrate that it is getting the best deal for the taxpayer and for the project?</p>   |
|                  | <p><b>Response from Cabinet Member Built Environment</b></p>   |
|                  | <p>The Council is obliged by law to achieve the ‘best consideration’ for any public asset, and that includes the North Place and Portland Street sites. We have retained the leading property valuers GVA to give their professional advice and to certify that the Council has achieved best consideration.</p> <p>I should add that Augur Buchler submitted their financial bid at a time when they were still in a competitive situation, that is to say, before Salmon Harvester</p>   |

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|    | <p>withdrew. Shortly after Salmon Harvester’s withdrawal, representatives of Augur Buchler met the Leader and Chief Executive of Cheltenham Borough Council and gave assurances that they would honour their bid. We expect them to do so as a condition of being appointed Preferred Developer.</p> <p>In a supplementary question, Mr Christensen asked why the bid was still secret given that it was no longer a competitive process.</p> <p>In response, Councillor John Rawson reiterated his previous response that this was commercially sensitive information for Auger Buchler and the council and could only be made public once the deal had been signed and sealed.</p>   |
| 8. | <p><b>Question from Michael Reynolds to the Cabinet Member Built Environment</b></p>   |
|    | <p><b>Question regarding North Place Car Park development</b></p> <p>Before I was an hotelier I was a property finance specialist. I understand the key drivers of developers and the Council’s need to maximise capital values of this site.</p> <p>The accommodation survey undertaken in early 2009 as part of the Joint Core Strategy document shows that Cheltenham does not have a need for additional hotel rooms now or in the near future. It also shows that the development of additional hotel space will be to the detriment of existing accommodation providers, which will be forced to close.</p> <p>Cheltenham currently has a wide variety of good quality accommodation provided by everything from simple 2 room B&amp;Bs to luxury hotels at the top of the market. Many of these establishments have won awards and are highly rated by Quality in Tourism and the AA. This provision is a key part of Cheltenham’s character and welcomes both commercial and leisure visitors to the town.</p> <p>The provision of a new 100 room hotel will dramatically change Cheltenham’s character for the worse.</p> <p><b>What are the legal and commercial impediments preventing the council from asking the developer to amend this scheme omitting the hotel and substituting an alternative development at equal or greater capital value?</b></p> |
|    | <p><b>Response from Cabinet Member Built Environment</b></p>   |
|    | <p>I am unable to identify the passage Mr Reynolds refers to in the JCS hotel capacity study which states that, in his words, “Cheltenham does not have a need for additional hotel rooms in the near future”. I am also unable to locate where it says that “the development of additional hotel space will be to the detriment of existing accommodation providers, which will be forced to close.” These are not, as far as I can see, quotations from the document or even paraphrases.</p> <p>On the contrary, the conclusion of this study (page 66) is that: “At our projected level of demand, Cheltenham may well need 100 rooms coming on stream by 2013 and a further 50 by 2015.” It adds (page 14) that: “Clearly, the need for extra capacity will be most strongly felt in the central area.”</p>   |

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|           | <p>I very much agree with Mr Reynolds that Cheltenham currently has a wide variety of good quality accommodation, and I believe there will continue to be a demand for high quality, full service hotels and small B&amp;Bs. Customers who want to stay in these places, particularly people staying in Cheltenham for pleasure rather than business, will continue to choose them, regardless of how many limited service chain hotels there may be.</p> <p>Regarding Mr Reynolds' final point, the Cabinet could clearly reject the Augur Buchler scheme and start the development process again with a new brief that precluded hotel development. In doing this, we would effectively be saying that we disagree with the brief we voted through Council by a very large majority only last December. But if we did this, I doubt whether any developer would want to bid or indeed to have anything to do with the Borough Council the second time around.</p> <p>The Council is also bound by European procurement legislation (OJEU) and accepts bids on their merits. Unfortunately it is not a 'pick and mix' scenario where CBC can choose elements from one scheme and mix them with another. Nor is it in our gift to demand withdrawal of any specific element. For that reason, I believe the choice is not between a hotel or no hotel, but between development and no development.</p> <p>Of course the planning process could determine that certain components are not acceptable but that would be beyond the stage which we have now reached.</p> <p>In a supplementary question, Mr Reynolds suggested that the impact assessment was likely to confirm that there was no demand for a hotel and therefore wouldn't it be better to decide on an alternative use now, such as a care home, rather than let it proceed.</p> <p>In response, Councillor Rawson said that the council was now following a legal process and it was not possible to eliminate one element at this stage. The Planning Committee would make its decision entirely independently and would consider the hotel impact assessment. If their decision resulted in any renegotiations of the scheme, that would be done at that time</p> |
| <b>9.</b> | <b>Question from Guy Hunter to the Cabinet Member Built Environment</b>   |
|           | <p>Will the Cabinet please confirm that the council members were fully briefed on the Tourism Strategy and the Hotel requirement projections in the 2009 JCS hotel capacity study before debating development plans for North Place?"</p>   |
|           | <b>Response from Cabinet Member Built Environment</b>   |
|           | <p>The discussion at Council on October 10<sup>th</sup> was not a debate on the development plans, which will form part of a separate planning process, but on the principle of appointing Augur Buchler as Preferred Developer.</p> <p>The report and presentation at Council on October 10<sup>th</sup> did not refer to the JCS</p>  |

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|                   | <p>hotel capacity study, the tourism strategy or indeed many other documents that may be material at the planning stage of this process but which are not strictly relevant to the appointment of a preferred developer. However, neither of the documents Mr Hunter refers to has been ignored and neither is inconsistent with the scheme currently being proposed. On the contrary, both assume there will be some expansion in the next few years, as I have explained in my answer to Mr Lillywhite. The hotel capacity survey (page 66) also specifically urges local planning authorities not to create an excessively restrictive framework for the hotel industry.</p> <p>The hotel capacity study was carried out during the downturn and this was taken into account in the forecasting. However, I do want to make sure that the impacts of a new hotel are properly considered, and, for that reason, I want to ensure that a hotel impact assessment is done, using the most recent available data, before the planning application is considered by the Planning Committee.</p> <p>In a supplementary question, Mr Hunter asked whether the names and figures in the hotel impact assessment would be made public.</p> <p>In response, Councillor John Rawson said that he would need to take advice on this as there may be issues of confidentiality in terms of the businesses who supply the information. He would be happy to provide Mr Hunter with a written response.</p> |
| <p><b>10.</b></p> | <p><b>Question from Peter Bowman to the Cabinet Member Built Environment</b></p>   |
|                   | <p>I understand that there is estimated to be sufficient parking to cope with cars evicted from North Place and Portland Street car parks during the development. Allowing for the projected 15% in the UK population by 2030; does the Council have plans in hand to deliver further town centre sites to maintain the benefits of the current level of in town parking, which is such a unique and attractive factor, compared to Bath or Oxford, for those visiting the borough to shop?</p>  |
|                   | <p><b>Response from Cabinet Member Built Environment</b></p>   |
|                   | <p>A study carried out by the Cheltenham Development Task Force found that off-street parking capacity is poorly distributed in Cheltenham and that this leads to unnecessary vehicle trips across the town. Currently capacity is located disproportionately to the north of the town centre. For this reason we are looking at ways of increasing capacity to the south, possibly by decking an existing car park.</p> <p>In a supplementary question, Mr Bowman asked whether there would be an overall increase in parking across the town or whether any increases in parking in the south would be balanced by a loss of car parking in the north of the town centre.</p> <p>In response, Councillor John Rawson and said there was no suggestion that spaces would have to be lost in the north of the town centre to compensate for</p>  |



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|  | increases in the South, over and above the loss of spaces already accounted for in the North Place redevelopment. Evidently there was increased demand in the south particularly during the festivals and in the lead up to Christmas where more people may want to shop and visit the Promenade. |
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Page 14