

# Environment Overview and Scrutiny Committee

Wednesday, 2nd March, 2011

5.30 - 7.55 pm

<b>Attendees</b>	
<b>Councillors:</b>	Penny Hall (Chair), Ian Bickerton, Nigel Britter, Jacky Fletcher, Les Godwin (In place of Diane Hibbert), Sandra Holliday, Helena McCloskey, Diggory Seacome (In place of Rob Garnham), Charles Stewart and Paul Wheeldon
<b>Also in attendance:</b>	Rob Bell (Assistant Director - Operations), Mr Bracegirdle (Friends of Montpellier Bandstand and Gardens), Richard Gibson (Policy and Partnerships Manager), Councillor Colin Hay (Cabinet Member Corporate Services), Adrian Hensley (Cheltenham Festivals), Mr Keevle (Friends of Imperial Square and Gardens), Councillor John Rawson (Cabinet Member Built Environment) and Councillor Roger Whyborn (Cabinet Member Sustainability)

## Minutes

### 1. APOLOGIES

Councillors Hibbert and Garnham had given apologies and Councillors Godwin and Seacome were in attendance as their respective substitutes.

Councillor Britter had advised that he would be a little late and subsequently arrived at 5.50pm.

### 2. DECLARATIONS OF INTEREST

Councillor Seacome declared a personal interest in agenda item 8 (Imperial and Montpellier Gardens Strategy) as an observer on the Cheltenham Festivals Board.

### 3. MINUTES

The minutes of the last meeting had been circulated with the agenda.

Upon a vote it was unanimously

**RESOLVED that the minutes of the meeting held on the 19 January 2011 be agreed and signed as an accurate record.**

### 4. PUBLIC QUESTIONS

No public questions were received.

### 5. MATTERS REFERRED TO COMMITTEE

The Chair highlighted the decision by Council for the continuation of the Budget Working Group with existing membership, which included committee members Councillors Britter and Hibbert. The committee were happy with this proposal.

## **6. CABINET MEMBER BRIEFING**

The Cabinet Member Built Environment told that following the marketing of North Place and Portland Street to potential developers at the end of January, over 100 proposals to regenerate the site against the project brief had been received. This was very encouraging and following the deadline next week, all would be asked to complete a pre-qualification questionnaire. From 2 finalists the Cabinet agreed matrix would be followed which balanced cost and environment. He hoped to have a preferred developer by the end of the year, ready to enter into a contract as it would be a great success and step forward.

Gloucestershire County Council (GCC) were continuing with traffic modelling on Boots Corner to assess the feasibility of closing it, which would require diversions elsewhere.

GCC were looking to undertake an experiment with the traffic light system on St. Margarets Road. This was very delicate and engineers were currently reviewing safety issues. The Cabinet Member Built Environment did feel that the traffic along the road in question was very slow and congested. He would keep Members informed given the importance of the issue for the town.

The Council continued to encourage the owners of the Brewery site to link it with the lower high street, which would be a considerable improvement and revitalise the area. The Council were keen to see this happen but this was a commercial decision and as such he would only be able to keep Members informed of any developments. Were the proposals to be taken forward there would be a need for statutory consultation.

He had recently embarked on the commissioning review of 'Sustainable Communities' which included Planning, etc. At present an assessment of the needs of the town and residents was underway and he was keen to involve members. He suggested that a Cabinet Working Group including members from the committee as well as members of the Planning Committee and preferably cross party would be useful in guiding the process.

The following responses were given by the Cabinet Member Built Environment to questions from members of the committee;

- The experiment on St. Margarets Road and Boots Corner were in the hands of the traffic engineers at Shire Hall. Traffic modelling had identified benefits in some areas and the opposite in others and they were now looking at how to address the issues. Modelling and projections had revealed problems as traffic levels increased which would over load a number of junctions. He personally felt that there were opportunities to make better use of road capacity in Cheltenham and its wide one way roads but no changes would be made at the expense of safety.
- Phase 2 of the Brewery development was crucial to the town but some issues were commercially sensitive.
- Potential developers were issued with a development brief which set out various requirements for housing, open space, transport infrastructure, etc, but this was relatively flexible between residential and commercial. The ultimate aim was to achieve a development which was judged as highly against environment criteria as financial.

The Cabinet Member Sustainability had a small number of points to make in addition to some of the other items scheduled for discussion on the agenda.

With regards to plastic recycling in narrow streets in the town he was able to confirm that this would be possible by Autumn 2011, perhaps before depending on delivery of the new vehicle.

In relation to the Corporate Strategy and carbon emissions he noted that he was minded to agree a 30% reduction from 2005 to 2015.

The following responses were given by the Cabinet Member Sustainability, with assistance from the Assistant Director – Operations, to questions from members of the committee;

- Food caddies were being delivered on mass at the moment in preparation for the new food waste scheme. Admittedly, some may have been delivered to some properties for which, at present, a storage solution had not yet been achieved.
- Theft of brown bins was not an issue of epidemic proportions and bins would be replaced where necessary. The Cabinet Working Group would look at this matter in greater detail.
- Friends of the Earth had suggested a reduction to carbon emissions of 40% by 2020 and consideration would be given to the recommendations of the Internal Carbon Reduction Working Group in relation to the target that was being proposed.

The Chair introduced the Cabinet Member Corporate Services, who whilst not scheduled on the agenda, would be permitted to address the committee.

The Cabinet Member Corporate Services hoped all members had taken the opportunity to read his email dated the 22 February 2011, in which he had outlined the current position of the Council in its move to become a strategic commissioning authority.

A members working group had been established some time ago and was originally tasked with assessing the rationale behind the move to strategic commissioning.

In December 2010 Council agreed the move to strategic commissioning and associated changes to the Council structures.

The working group were now focussing on member roles and he was attending the meeting in this instance to seek the views and comments of the committee on who should be involved, when and how. He had attended Social and Community O&S earlier in the week and would be attending Economy and Business Improvement O&S on Monday 7 March.

He was confident that this was an opportunity to enhance the role of all members. Commissioning required knowledge of needs of the community and members had a role in feeding back from their wards, constituents and the town in general.

The relevant Cabinet Member(s) would sit on the Programme Board for each commissioning exercise and maintain a dialogue with all Councillors to ensure that they were all fully engaged. He was also keen to see Cabinet Working Groups established to support these reviews.

Whilst Cabinet Members were accountable, Overview & Scrutiny (O&S) had a role in monitoring services and ensuring the outcomes were being delivered.

Establishing member roles and a way of approaching commissioning exercises with which all members were comfortable was crucial. No decisions had yet been made, it was an evolving process and as such he urged members to respond to his email.

The working group had discussed the current three committee O&S structure and whether this was the right way forward and whether there was an opportunity to change the structure, though it was not for Cabinet to decide how scrutiny was organised. The County had a different model for O&S, elements of which could be used.

Working groups were focussed, interesting and could prove more effective, enabling more open dialogue on options. The Budget Working Group could prove a useful example.

He assured members that this was merely an introduction to strategic commissioning and more detail would be provided next time. The next few months would be important in establishing a successful process of member involvement.

The Chair asked that all members respond to the Cabinet Member Corporate Services' email. This was an initial opportunity for members to offer their opinion and help shape the process for member involvement.

## **7. DRAFT CORPORATE STRATEGY 2011-12**

The Policy and Partnerships Manager introduced the report as circulated with the agenda.

The objective and outcomes framework had been retained, though as the council's budget had reduced by nearly £3m from last year and the scale of activity had reduced with 14 less improvement actions.

Members would not be surprised by the improvement actions as 11 had been retained from the previous year. Item 3.1 of the report set out the outcomes that were directly applicable to the work of the committee.

Government had lifted the national indicator set which had been welcomed as it presented an opportunity to reflect on indicators used to measure corporate performance and choose new indicators which could be more meaningful.

To ensure that the formal views of the members were captured the draft strategy would be considered by all three overview and scrutiny committees. It had been considered by Social and Community O&S and would go to Economy & Business Improvement on Monday (7 March), before going to Cabinet on the 15 March and then to Council on the 28 March for final approval.

Feedback from the O&S committees would be included in the final report or in a verbal update from the Leader.

Councillor Wheeldon was keen for 'sustainable' to be included in the outcome relating to access to decent and affordable housing, given that a house may be affordable to buy but not necessarily to run.

The following responses were given by the Policy and Partnerships Manager to questions from members of the committee;

- The 2005 CO<sub>2</sub> emissions baseline could be used if this was what other organisations used, thus making it easier to compare performance. This would be raised with the Climate Change and Sustainability Officer.
- The indicators for 'Cheltenham's natural and built environment is enhanced and protected' had previously been satisfaction indicators from the Place Survey. As this was no longer being undertaken and given that the Council was not in a position to collect the information itself, this would need to be further reviewed as admittedly the indicator was entirely administrative.
- Apprentices were an indicator within the 'Cheltenham is able to recover quickly and strongly from the recession'.
- The question marks had been completed since the draft strategy was circulated. A completed version would be circulated for Council.
- The indicators relating to cleanliness had been amended and would now focus on waste collection.
- The targets for households living in temporary accommodation and number of homelessness acceptances had been set in anticipation of increases following the changes to housing benefits.

The Chair thanked the Policy and Partnerships Manager for his attendance and commended him for a well analysed response to the workforce challenges within the introduction of the strategy.

He thanked the Chair for her kind words and clarified that this extract of the introduction had been drafted by the Assistant Director – Human Resources and Organisational Development.

## **8. IMPERIAL AND MONTPELLIER GARDENS STRATEGY**

The Cabinet Member Sustainability introduced the paper as circulated with the agenda.

The strategy was born of two elements, the first, Cheltenham Festivals (CF) requests for a review of the design and usage of the Gardens to allow expansion due to increased demand and the second, concerns of residents about the increased use of Imperial Gardens and resulting standards of the gardens.

This culminated in a public petition which was debated at Council in December and resulted in a request that Cabinet attempt to resolve the issues, which in turn should be reviewed by the relevant O&S Committees (Environment and Economy & Business Improvement).

There were no easy answers, simply saying yes to one and no to the other was not an option given how important both CF and the gardens were to the town.

In consideration of all the issues, as set out in item 3 of the paper, two options were developed.

Option 1 favoured the primary use of the gardens as a public garden and denying CF increased usage of Imperial Gardens. Restricting CF to the lower tier of Imperial Gardens and reducing tentage would resolve resident concerns but would not address CF's issues.

Option 2 provided an opportunity to redesign Imperial Gardens to accommodate CF, achieving a 'festival within a garden' feel and allowing use of Montpellier Gardens. Whilst offering a lower capacity in Imperial Gardens, it would allow expansion into Montpellier Gardens and the positioning of flowerbeds between tents would ensure the retained look and feel of the garden whether the tents were up or down. This would be beneficial to festival goers too.

The Cabinet Member Sustainability echoed the comments at Council about the desire to reopen Skillicorne Gardens.

The Chair explained that she would now allow speakers on behalf of CF, Friends of Imperial Square and Gardens (FoISaG) and Friends of Montpellier Bandstand and Gardens (FoMBaG).

Adrian Hensley of CF introduced himself to the committee. He welcomed the paper which he felt, moving forward, opened constructive discussion.

The proposed limit to use of the gardens to 75 days had necessitated in depth discussions with the relevant contractors in an effort to identify opportunities to reduce the time spent building and removing the tents. Access was key as this had a direct impact on the period CF were in the gardens.

A larger site would result in a shorter festival, whilst a smaller site would require a longer festival period in order that it were financially viable.

Future decisions about size and duration of various festivals would be greatly affected by the design of the gardens. If permitted expansion, CF would need to be involved in discussions regarding design in order that CF were not hindered by the design, given that walkways between tents were specific widths, etc.

From CF's point of view improvements to the infrastructure were required, improved external water and power supplies would make for more efficient festivals and negate the need to transport and house large generators, etc.

Another approach for CF to meet reduced timeframes would be to utilise Montpellier Gardens, though there was no desire on CF's part to move the problem.

There were many challenges to overcome but CF welcomed the open dialogue between all interested parties.

Adrian Hensley of CF offered the following responses to questions from members of the committee;

- There were 2 approaches to reducing time in Imperial Gardens to 75 days. The first was moving the Jazz Festival to Montpellier Gardens, which had the added benefit of relieving Imperial Gardens before the Science Festival started a short time after. The second would be improving access to Imperial Gardens which was currently accessed via the Town Hall. He was confident that either of these approaches would make it possible to achieve the 75 days limit.
- It was difficult to say what the optimum amount of space would be in the future as CF couldn't predict requirements of future years. Knowing the maximum amount of space and design of gardens would allow CF to build to suit the space that was available to them.
- As the Production Manager for CF, he wasn't an authority on the issue but venues were often organised after artists had stipulated their availability (date/time) and as such there were occasions when the venue was a little large for the size of the audience.
- Over the last 12 years CF had endeavoured to use local contractors wherever possible. However, given the increased scale of tents and reduced time, the current tent contractor had admitted that they wouldn't be able to undertake work to both Imperial and Montpellier Gardens. The tender process had allowed for open discussions with contractors about the time constraints, etc. CF were eager to support local companies, many of whom had grown with the Festivals and would strive to continue to do so where possible.

Mr Hensley thanked the committee for extending an invite to CF to attend the meeting.

Mr Keevle, the Vice Chair of FoISaG introduced himself to the committee.

He didn't intend to go through the pros and cons of the 2 options given that they were well set out in the paper that had been produced, but he did note how constructive he had found the whole process and how appreciative FoISaG were for the opportunity to be involved.

He considered Imperial Gardens and others like it to be the jewel in the crown of Cheltenham and Option 1 would be his preferred option, retaining and/or increasing the flower beds and reducing the space for CF.

He did realise that this would not be entirely acceptable to everyone and had therefore considered Option 2. He felt this option had merit too and especially liked the reference to 'festival within a garden'.

However, he felt strongly that Option 2 would need strict conditions, rewards and fines associated with it which would need to be policed, though admittedly there was reference to this within the paper.

A sensible approach would be for at least one of the festivals, perhaps Jazz as the smallest, to go elsewhere, with Montpellier Gardens the obvious choice. The feeling was that the Literature Festival in October caused the most damage

to Imperial Gardens and allowing it time to recover should be a consideration for the future. Perhaps boarding over the beds could be another option.

Whilst he understood the need to include some sustainable planting, he urged that the flower beds retain at least some of the coloured flowers and saw distinct benefits to opening Skillicorne Gardens.

He was comfortable with the idea of some hard standings in Imperial gardens which would minimise damage to the grass and beds, though personally, he struggled to accept that it was not possible to use restorative treatments on the lawns, which he felt was wholly necessary if the use of the gardens was to increase.

In closing he explained that FoISaG were looking to establish a charity in order to secure funding to replace the railings at Imperial Gardens in acceptance that the Council were not in a position to provide funding, though they would be fully consulted.

The Chair thanked Mr Keevle for his very practical approach.

As a point of clarification Adrian Hensley of CF explained that the hope was to move the Jazz Festival to Montpellier Gardens in 2012 rather than 2011.

Members agreed with Option 2 as a way forward and were impressed that both parties accepted the need to reduce the period in which tents were in Imperial Gardens. The suggestion by Mr Keevle to board over flower beds was an imaginative one and welcomed by members.

The Chair reminded members and attendees that the committee were a sounding board rather than the decision maker but welcomed general consensus having been achieved.

Brian Bracegirdle the Secretary of FoMBaG for over 20 years, introduced himself to the committee. He apologised for the comments that he would make which members may construe as negativity but in his mind had to be said.

In order to meet the demands of CF the Council planned to 'lump together' Imperial and Montpellier Gardens which was in the opinion of FoMBaG was unfeasible given their differing sizes, users and number of residents in proximity.

In 2004 the Council received a substantial sum of Heritage Lottery Funding to renovate Montpellier Gardens and Clause 8 of the funding agreement stated "The Grantee will arrange for the general public to have appropriate access to the Property. The Grantee will ensure that no person is unreasonably denied access to the Property". His interpretation of which was that Montpellier Gardens were restored for general use and not as a show ground. He had presumed that Officers currently employed by the Council were unaware of such a clause and had therefore highlighted it to them last week. His concern was that the Council would grant CF use of Montpellier Gardens in contradiction of the clause.

The Managing Director of CF claimed to have evidence that the Festivals generated huge financial benefits for the Town and yet despite more than one request, she had failed to submit any proof to substantiate her claims.

Imperial Gardens were in very poor condition following last years Festivals.

To conclude he stated that by allowing use of Montpellier Gardens by CF for 75 days of 'shows' would fall foul of Clause 8 of the HLF agreement of 2004 and it was his duty to highlight this. Having undertaken surveys of users of the Montpellier Gardens where he had put the proposals to them had evoked concern and discontent.

He and his wife were in fact patrons of the Festivals and he had been compelled to raise the issue in spite of it appearing negative.

In response to concerns of members about the weight that the clause carried, the Assistant Director – Operations advised that given that Members and Officers with first-hand knowledge of the agreement had since moved on, the matter would need to be investigated further and prior to Cabinet. He couldn't imagine that the clause would preclude doing things in the gardens, the Food Festival for example.

Members felt that the Festivals were the jewel in the crown of tourism for Cheltenham and did not doubt the financial benefits that came with it.

The Cabinet Member Sustainability highlighted that the issue of the clause had been raised too late for inclusion in the paper which had been circulated. The paperwork associated with the HLF funding was currently being reviewed by Officers and therefore no definitive answer could be provided at this time. His initial understanding was that the agreement did not preclude events such as the Food Festival as the gardens remained open to the public, except when it was necessary for safety reasons to close them (erecting and dismantling tents). He hoped to have achieved clarity on the issue before Monday (7 March), when the item was scheduled for discussion at Economy & Business Improvement and would include members of this committee in any emails.

Councillor Barbara Driver, as the relevant Ward Member asked that she be included in any emails relating to the issue.

In response to a question from a member of the committee the Cabinet Member confirmed that continuation of the current arrangements was referred to within the paper. However, there had been no merit to offering it as a third option given that it clearly wasn't working as well as it should.

Councillor Seacome felt obliged as the Chairman of the Licensing Committee to reaffirm the decision of the committee almost 5 years ago to grant a year-round license to both Imperial and Montpellier Gardens in order that individual events didn't need to apply each time. He wondered whether this may pose an issue in light of the clause.

The Chair moved to bring discussion to a close given the time permitted on the agenda. Whilst not tasked with making a decision, members had indicated their preference towards Option 2 and she looked forward to hearing the issue

discussed at Cabinet - the matter was hugely important and at the point of agreeing a way forward to the future.

She thanked everyone, including members of the public, for their attendance for what she felt was a very thought provoking discussion.

#### **9. JOINT WASTE GOVERNANCE ARRANGEMENTS**

This item was taken after the Internal Carbon Reduction Working Group update.

The Assistant Director – Operations, introduced the paper as circulated with the agenda, which in effect was a position statement based on the circumstances at the time that it was drafted. The issue required a very fluid approach given the complexities of having 4 partners.

The paper offered a direction of travel and things were moving forward but at present there was not enough clarity for an informed debate. Reports were scheduled to go to Cabinet in July and September which this committee were invited to consider.

In response to a question from a member of the committee the Assistant Director – Operations confirmed that the costs of accommodation were subject to separate agreements and a plan was in place to establish a fair market value in the future.

The Chair thanked the Assistant Director for his attendance and what she felt was a very well written paper which she had enjoyed reading. The risk assessment gave cause for concern but on a positive note she was relieved to see that they had been identified.

#### **10. INTERNAL CARBON REDUCTION WORKING GROUP (ICRWG)**

This item was taken before the Joint Waste Governance Arrangement item as Councillor Wheeldon, a member of the Internal Waste Working Group had to leave.

The Chair introduced the item and explained that the verbal update came in anticipation of the formal report back to the committee from the working group.

Councillors Wheeldon, Bickerton and McCloskey introduced themselves as members of the Internal Carbon Reduction Working Group (ICRWG).

Councillor Wheeldon confirmed that the first activity of the ICRWG was to establish the baseline CO<sub>2</sub> emissions against which progress would be measured and the group chose the 2005 figure that many other organisations used. This covered emissions from energy use in buildings, the vehicle fleet and business travel and excluded figures from Cheltenham Borough Homes.

The Council had undertaken various energy saving initiatives over the last few years, switching to low energy lighting, installing time switches, etc and each of these relatively small things had equated to a reduction of almost 500 tonnes of carbon emissions since 2005, which was a substantial cut.

The comment by the Cabinet Member Sustainability earlier in the meeting about setting a target reduction of 30% by 2015 had come as a pleasant surprise.

Friends of the Earth had made a presentation to the working group on their 'Get Serious' campaign and challenged the Council to set a target reduction of 40% across the Borough by 2020. The working group felt that they were unable to commit to a borough-wide reduction but did feel that such a reduction by the Council was feasible.

Invest to save had been another area of work for the group and the need to consider initiatives with a longer term payback period would form one of the recommendations of the working group back to the committee. Whilst aware of the budget constraints, saving energy equated to saving money.

In October 2011 the Council's electricity contract was due for renewal. Were the Council to switch to a wholly green source it could reduce its carbon emissions by up to 25%, but the increased cost would need to be offset against this.

Councillor Bickerton explained that the current initiatives were similar to those being undertaken by people in their homes, investing in LED light, etc. However, making the change to a greener electricity supplier would provide a much larger scale impact.

Other options could include using solar panels to create electricity which would require a big investment and a payback period of around 10 years. Perhaps in the future the Council could consider replacing its fleet with electric vehicles when prices were more reasonable.

Councillor Wheeldon interjected, there was an urgency to the solar panel decision because the financial viability of any project depended on the national feed-in tariff scheme. Prices were fixed for applicants entering the scheme before April 2012 and applied for 25 years thereafter, but the Government could change the tariff levels and rules for applications after that date. This could mean that any project planned after April 2012 would no longer be financially viable.

In addition to the update provided by her colleagues on the working group, Councillor McCloskey detailed the move to replace laptops and PCs with data terminals which produced less heat and were more efficient as well as replacing air conditioning with evaporative cooling systems.

The Cabinet Member Sustainability explained the process with which evaporative cooling systems used water to cool the air.

The Chair thanked the members for their involvement to date, wished the group luck with future endeavours and looked forward to the reviewing their final recommendations.

Councillor Wheeldon left at 7.45pm.

## **11. ENVIRONMENT OVERVIEW & SCRUTINY WORK PLAN 2010-2011**

The Chair referred members to the work plan and explained that two items formerly scheduled for discussion at this meeting had been deferred. Members had received a briefing note for Street Scene Enforcing which explained the reason for the delay. The Supplementary Planning Document 2011-12 Work

Plan had been deferred as the relevant Officer was ill. Both items would be scheduled for discussion at a later date.

Members were reminded that this was the last meeting of the 2010-11 year. Prior to the next meeting, the first of 2011-12, a draft work plan would be developed. This would be presented to the next meeting of the committee as the first item on the agenda for discussion and approval.

The Chair felt the committee had, had a good year of robust overview and scrutiny and thanked all Members and Officers for their involvement, specifically those working groups which had achieved some excellent results.

She thanked Pat Pratley the Lead Officer and Saira Malin the Democracy Officer for their hard work and support over the last year and Councillor Britter in his role as Vice-Chair of the committee.

All members repaid thanks to the Chair.

**12. ANY OTHER BUSINESS THE CHAIRMAN DETERMINES TO BE URGENT AND WHICH REQUIRES A DECISION**

There were no urgent items for discussion.

**13. DATE OF NEXT MEETING**

The next meeting was scheduled for the 11 May 2011.

Penny Hall  
**Chairman**