Council

Monday, 13th December, 2010
2.30 - 7.12 pm

Attendees	
Councillors:	Anne Regan (Chair), Garth Barnes, Ian Bickerton, Nigel Britter, Chris Coleman, Tim Cooper, Barbara Driver, Bernard Fisher, Jacky Fletcher, Wendy Flynn, Rob Garnham, Les Godwin, Penny Hall, Colin Hay, Rowena Hay, Sandra Holliday, Peter Jeffries, Steve Jordan, Robin MacDonald, Paul Massey, Helena McCloskey, Andrew McKinlay, Heather McLain, Paul McLain, John Rawson, Diggory Seacome, Duncan Smith, Malcolm Stennett, Charles Stewart, Klara Sudbury, Lloyd Surgenor, Jo Teakle, Jon Walklett, Andrew Wall, John Webster, Paul Wheeldon, Simon Wheeler and Roger Whyborn
Also in attendance:	

Minutes

1. PRAYERS

Reverend Maz Allen opened the meeting with a prayer.

2. APOLOGIES

Apologies were received from Councillor Pat Thornton and Councillor Rob Garnham had indicated that he would be arriving late at the meeting.

3. DECLARATIONS OF INTEREST

Councillors Rawson and Seacome both declared a personal interest in agenda item 9 as the borough council's nominated, non-voting observers on the Festivals Board.

Councillors Smith, Paul McLain, Sudbury, Wheeler and Garnham (later in the meeting) declared personal interests in the motion at agenda item 16 A, as they were all Gloucestershire county councillors.

During the debate on the motion under 16A, Councillor Whyborn declared a personal interest as a member of the Brizen Youth Centre management committee and Councillor Hall declared a personal interest as she had chaired a committee of Gloucestershire youth workers at Naunton Park.

4. TO APPROVE AND CONFIRM THE MINUTES OF THE MEETING HELD ON 11 OCTOBER 2010

Resolved that the minutes of the meeting held on 11 October 2010 be agreed and signed as an accurate record.

5. PUBLIC QUESTIONS

None received.

6. COMMUNICATIONS BY THE MAYOR

The Mayor advised that due to the austerity in the Civic Department she would not be sending Christmas cards to councillors this year.

7. COMMUNICATIONS BY THE LEADER OF THE COUNCIL

The Leader congratulated Councillor Smith on becoming Group Leader of the Conservative Party.

He advised members that following receipt of the details of the final government settlement Cabinet would be considering the budget proposals on 21 December 2010.

He advised that under the first phase of the Gloucestershire centre restructuring, the Gloucestershire Strategic Partnership along with the Chief Executives group and the Accountable Bodies Group would be replaced by a single Leaders' Board. This would include two Chief Executives to facilitate the process. A task and finish group had been set up to review how the voluntary sector should be engaged in the process.

8. MEMBER QUESTIONS

The following Member questions and responses were given.

1.	**Question from Councillor Andrew Wall to Cabinet Member Sustainability, Councillor Roger Whyborn**
	The current garden waste collection service is popular in Battledown and many residents are very disappointed that the Liberal Democrats are scrapping it in January. If the uptake from residents in the Battledown Ward for the new paid for service matches the Council's projections, can the Cabinet member confirm how much income will be raised from the ward each year under the scheme in addition to the Council tax paid?
	Response from Cabinet Member Sustainability
	At this stage, the council cannot estimate the amount of income raised in each ward under the new scheme. However of the 52,872 households in the Borough some 41,000 receive the garden waste service. Based on take up in other authorities, we are projecting that 20,000 households will sign up to the new service.. It is estimated that the council will generate additional income of £720,000 in 2011/12 from the scheme and new

	charge. This will offset the additional costs of acquiring new vehicles, bins the operation of the new scheme and help towards maintaining the refuse and recycling service at an affordable, competitive and sustainable cost given the current pressure of council finances and thereby protecting other valued services from significant cuts.
	In a supplementary question, Councillor Wall asked how many households in the Battledown Ward currently make use of the garden waste collection service. The Cabinet Member Sustainability advised that he did not have that information to hand but would ask officers to confirm the figures to Councillor Wall.
2.	**Question from Councillor Andrew Wall to Cabinet Member Finance and Community Development, Councillor John Webster**
	A recent press release from the Council about the scrapping of the garden waste collection service contained the following text: "It is being withdrawn because it sees those who do not need or cannot receive the service subsidising the cost for those who do." Can the Cabinet member confirm how this principle is going to be applied to other Council services?
	Response from Cabinet Member Finance and Community Development
	The majority of council services are available to all residents and they have a choice as to whether they use them. However, some people do not have gardens or the need for the green waste service. Given the scale of this service and the fact that it is discretionary, it is not unreasonable to make a charge for it. In a supplementary question, Councillor Wall did not consider his question had been answered so asked again whether the council was adopting a new principle. In response the Cabinet Member advised that it was not a new principle. He gave the example of residents using the council's swimming pool for which they paid, but which is also funded from council revenue.
3.	**Question from Councillor Andrew Wall to the Leader of the Council, Councillor Steve Jordan**
	Previous Liberal Democrat administrations have been very active is writing to Government ministers to voice concerns about the effects of Government policy on the Council and the residents of Cheltenham. Has the Leader or any member of the Cabinet written to Danny Alexander, the Liberal Democrat Chief Secretary to the Treasury, regarding the Council's

	current financial state?
	Response from the Leader of the Council
	This council has responded to consultation on the proposed method of calculating future support grants but along with all other councils, is still awaiting the financial settlement for 2011/12 and beyond. If we feel we have been unfairly treated when we receive this we will lobby the relevant secretary of state.
4.	**Question from Councillor Penny Hall to the Cabinet Member Built Environment, Councillor John Rawson**
	At the Council meeting of 28th June 2010 during the discussions on the Financial Outcome Report I raised concerns with the Cabinet Member for the Built Environment on the £17,000 underspend on routine maintainance of the Municipal Offices and was informed that "given the accommodation review that was underway it was sensible to restrict maintainance to the minimum requirements necessary for health and safety" Can the Cabinet Member tell me (i) It is 6 months later is this restriction still in place, if not when did it stop? (ii) Has this lead to a backlog of routine maintainance waiting to be done and if so have estimates been done of how long it will take to clear. (iii) I have heard of one accident in the Municipal Officers to a member of the public recently. How many accidents have taken place within the building over the last 6 months to; - Members of the public - Officers and Council employees (iv) Has a full investigation on each been done?
	Response from Cabinet Member Built Environment
	(i) Yes - all non-essential maintenance is still on hold pending the Accommodation Review. This includes routine works such as decoration of offices, replacement carpets and upgrading infrastructure. However it does not include any work necessary to protect the health and safety of the public or staff, which is being done as normal. (ii) Some works have been deferred, but this has not led to an insurmountable backlog. Routine maintenance works are usually programmed on a rolling basis. (iii) There have been just three incidents recorded this year relating to visitors to the Municipal Offices and an additional one in the car park to the front of the building which is owned by GCC. In one case a customer fainted in the

	Tourist Information Office. In another a customer tripped on the steps up to the main entrance. The accident in the car park was another case of a customer tripping and falling. The fourth case, which is probably the case referred to by Cllr Hall, involved a visitor suffering a minor graze to the head when a piece of timber fell on him. The piece of wood in question was the head door stop of the entrance to the Council Chamber which broke off as a result of an impact. This is an unusual occurrence and property services staff have checked all the other doors for safety. In respect of all these accidents, medical aid was offered, though in the latter case it was declined. No staff staff accidents or injuries within the Municipal Offices have been reported this year. (v) All incidents were investigated by the property team. Can I add that the Accommodation Review is well under way and is expected to come forward to members in the early part of next year. This is a necessary exercise because currently the Municipal Offices provide significantly more accommodation than the Council needs. However, I hope it will not be too long before we are clearer about the future of our office accommodation and therefore its maintenance needs. In a supplementary question, Councillor Hall asked when the decision had been taken and whether the Cabinet Member still considered that it was a good idea given that he had referred to the upgrading of the infrastructure and the Municipal Offices were a valuable structure for the Council? In response the Cabinet Member said he was not in a position to advise exactly when the decision had been taken. Officers had advised that the building provided more office space than the council current required and so there was a need for some strategic planning and consideration of all options for the building. He hoped to have a strategy in place by Spring 2011 when the accommodation strategy was due to be reported to Cabinet. In the meantime it was sensible not to carry out any non-essential maintenance on the building. .
5.	**Question from Councillor Duncan Smith to Cabinet Member Sustainability, Councillor Roger Whyborn**
	Can the cabinet member confirm how many households currently use the Green Bag garden waste recycling in the following wards

	Charlton Kings Charlton Park Leckhampton
	Response from Cabinet Member Sustainability
	No ward-specific data has been produced. However the present scheme is open to 41,000 households across the whole town , regardless of whether residents choose to use it. Councillor Smith asked for clarification as the Cabinet Member's response to question 1 implied that ward specific data was available for Battledown ward? In response the Cabinet Member confirmed that it was possible to produce ward specific date but there was a fair amount of work involved. In a supplementary question, Councillor Smith asked given a 50% take-up rate, what would happen to the green waste if residents do not subscribe to the scheme, In response the Cabinet Member said it was premature to state a 50% figure and the phones had already been busy with applicants for the scheme. There were other facilities available for residents to dispose of their garden waste at the Swindon Road depot. As a matter of personal explanation, Councillor Smith said that the 50% predicted take-up was the Cabinet Member's own figure given in response to a previous question.
6.	**Question from Councillor Duncan Smith to Cabinet Member Sustainability, Councillor Roger Whyborn**
	Following the public meeting in Leckhampton that called for the Leckhampton White Lands and surrounding green fields in CBC and TBC jurisdiction to be designated as a Country Park, can the cabinet member explain what he has done to address this matter?
	Response from Cabinet Member Sustainability
	No approach has been made on this subject to myself. However I understand that a council officer has attended a meeting and officers are responding informally to questions. However as my colleague Cllr Webster advises in his reply to Q 11, it may well be that a petition organised by Leckhampton Green Land Action Group (LegLag) to create a Country Park on the Leckhampton White land will be presented to the Council shortly. In a supplementary question, Councillor Smith asked whether given that there may be plans for developing a thousand new houses on this white land, could the Cabinet Member takes some action now to prevent development of this land rather than waiting for a petition or for officers to resolve the matter.

	The Cabinet Member responded that he was fully supportive of the LegLag aims for this area and would do everything possible to assist them.
7.	**Question from Councillor Duncan Smith to Cabinet Member Corporate Services, Councillor Colin Hay**
	Can the cabinet member explain to Council when a personal and prejudicial interest should be declared and what action a councillor should take having made such a declaration?
	Response from Cabinet Member Corporate Services
	What is a personal interest? You have a personal interest in any business of your authority where it relates to or is likely to affect: 1) An interest that you must register. 2) An interest that is not on your register but where the well-being or financial position of you, members of your family, or people or bodies with whom you have a close association, is likely to be affected by the business of your authority more than it would affect the majority of: • inhabitants of the ward or electoral divisions affected by the decision (in the case of authorities with wards or electoral divisions) • inhabitants of the assembly constituency affected by the decision (in the case of the Greater London Authority) • inhabitants of the authority's area (in all other cases). **What should I do if I have a personal interest?** You must declare that you have a personal interest and the nature of the interest as soon as it becomes apparent to you in all formal meetings before the matter is discussed. However, where an interest arises solely from membership of, position of control or management on: • any other body to which you were appointed or nominated by the authority • any other body exercising functions of a public nature, for example if you have been appointed as a school governor • you will only need to declare your interest if and when you speak on a matter, provided that you do not have a prejudicial interest. **What is a prejudicial interest?** Your personal interest will also be a prejudicial interest if it meets all of

	the following conditions: a) The matter does not fall within one of the exempt categories of decisions under paragraph 10(2) (c), for example setting the council tax. b) The matter affects your interests financially or is about a licensing, planning or other regulatory matter that might affect your interests. c) A member of the public, who knows the relevant facts, would reasonably think your personal interest so significant that it is likely to prejudice your judgement of the public interest. **What should I do if I have a prejudicial interest?** You must declare that you have a prejudicial interest and the nature of that interest as soon as that interest becomes apparent. You should leave the room unless members of the public are allowed to make representations, give evidence or answer questions about the matter. If this is the case, you can also attend the meeting for that purpose. You must leave the room immediately once you have finished speaking, or when the meeting decides that you have finished (if that is earlier). If your authority does not provide members of the public with any right to speak, you would need to leave the meeting room after declaring the nature and extent of your interest. However, you can: • Make written representations in your private capacity. These should be addressed to officers rather than members of the authority. • Use a professional representative to make an application, for example a planning application, on your behalf. • Arrange for another member of the authority to represent the views of your constituents.
8.	**Question from Councillor Duncan Smith to Cabinet Member Housing and Safety, Councillor Klara Sudbury**
	Can the cabinet member confirm how many properties are owned by CBH and how many of those properties are currently vacant?
	Response from Cabinet Member Housing and Safety
	CBH do not directly own any properties as they are managers of CBC owned property. The total managed properties are 4606 tenanted plus 450 leaseholder properties. There are a total of 43 void properties. In general needs there are 31 voids including 6 approved for demolition , 6 awaiting action from CBC for disposal and 1 option appraisal void. There are 7 voids within shared ownership awaiting sale. There are 5 temporary furnished voids.

9.	**Question from Councillor Duncan Smith to Cabinet Member Housing and Safety, Councillor Klara Sudbury**
	How many homeless people are there living in Cheltenham Borough?
	Response from Cabinet Member Housing and Safety
	Street homeless - 1 following rough sleepers count carried out between 12.30am and 4.00am on 30th November 2010. Number of households accepted as homeless in the last quarter to end Sep - 6 Number of homeless households in temporary accommodation as at end Sep - 28 Number of homelessness preventions in the last quarter to end Sep - 96 In a supplementary question, Councillor Smith asked given the number of void properties awaiting action by the council, what was the borough council doing to encourage Cheltenham Borough Homes to bring empty properties into use to provide temporary accommodation to support the homeless. In response the Cabinet Member reminded members that CBH was an arms length organisation and it was not her role as Cabinet Member Housing and Safety to tell them what they should be doing. She would be happy to take these comments back to them on an informal basis.
10.	**Question from Councillor Duncan Smith to Cabinet Member Housing and Safety, Councillor Klara Sudbury**
	How many CBH properties still require bathroom and/or kitchens to be replaced?
	Response from Cabinet Member Housing and Safety
	There are 38 properties where the kitchens and/or bathrooms fail decency, all of which were refusals by the tenant previously for a variety of reasons. These properties form part of the internal works programme contract for 2011 but are still subject to the tenants approving the works being conducted. Should any of these properties become void then works will be carried out then.
11.	**Question from Councillor Duncan Smith to Cabinet Member Finance and Community Development, Councillor John Webster**
	Can the cabinet member confirm that he has plans to include funding for a Leckhampton Country Park in his forthcoming budget.
	Response from Cabinet Member Finance and Community Development
	I am aware and have signed a petition organised by Leckhampton Green Land Action Group (LegLag) that wishes to create a Country Park on the Leckhampton White land. The Council will help and advise in this should

	the petition which is due to be presented to the forthcoming Council meeting be supported. Opportunities in the forthcoming Localism Bill may present themselves to achieve this and such work would fall under another portfolio. However, as I'm sure the Member for Charlton Kings will appreciate, in the current financial situation when substantial cutbacks are inevitable it would not be appropriate or politically acceptable to allocate funding for the creation or management and maintenance of such a park, and neither does the petition ask for this. In a supplementary question, Councillor Smith asked whether given the commitment of the Cabinet Member Sustainability to support LegLag, the Cabinet Member Finance and Community Development would like to reconsider his answer and give some consideration to supporting this voluntary community group. The Cabinet Member replied that he did support the group but it was not possible to allocate any long-term funding for the Country Park. This aspiration would be more properly included in the Local Development Framework and Joint Core strategy if it was considered desirable to do so.
12.	**Question from Councillor Duncan Smith to Cabinet Member Finance and Community Development, Councillor John Webster**
	Can the cabinet member explain what he is doing to justify the inclusion of 'community development' in his title?
	Response from Cabinet Member Finance and Community Development
	The Voluntary and Community sector is blossoming in Cheltenham and there are challenges as well as opportunities in the current turbulent period. Regular meetings and contacts with the Community Regeneration Partnerships, Cheltenham Voluntary and Community Action, Council Officers and the Stronger Communities Partnership are necessary to ensure opportunities proceed, and any important developments will be reported to Overview and Scrutiny by myself when it is appropriate. Much of the most successful work relating to Neighbourhood management is taking place through the Neighbourhood Coordination Groups which I am sure Cllr Smith attends in his own area, as I do in mine. It would be too time consuming to report on all of these but it would be appropriate, should he wish it, to review its progress at some future date through Soc and Com O&S.
13.	**Question from Councillor Duncan Smith to Cabinet Member Sport and Culture, Councillor Andrew McKinlay**
	Can the cabinet member confirm he is committed to supporting Cheltenham Festivals through the next 3 years of their business plan?
	Response from Cabinet Member Sport and Culture
	I can confirm that I am committed to working with Cheltenham Festivals for the benefit of the people of Cheltenham.

	This commitment does not however imply that the Council will be able to provide the level of financial or in kind support assumed by Cheltenham Festivals in their business plan.
14.	**Question from Councillor Duncan Smith to the Leader of the Council, Councillor Steve Jordan**
	Can the leader explain to Council how often he expects his cabinet members to attend overview & scrutiny committee?
	Response from the Leader of the Council
	I would expect cabinet members to attend overview & scrutiny committee whenever requested to do so. In a supplementary question, Councillor Smith asked what action overview and scrutiny should take if a Cabinet Member did not attend a meeting he was asked to attend? The Leader responded that he as Leader should be advised and he would take the appropriate action.
15.	**Question from Councillor Duncan Smith to the Leader of the Council, Councillor Steve Jordan**
	What is the financial value of the support given by CBC to Cheltenham Strategic partnership and its feeder partnerships?
	Response from the Leader of the Council
	The council currently provides an annual allocation of £15,000 to support the work of Cheltenham Strategic Partnership and £5,200 to the Low Carbon Partnership. There is also one-off funding of £15,000 to the Business and Economic Partnership in the current year. This will be reviewed for the 2011/12 budget.
16.	**Question from Councillor Duncan Smith to the Leader of the Council, Councillor Steve Jordan**
	Can the leader confirm if he voted for the abolition of the Gloucestershire Conference and the creation of a commissioning partnership in its place?
	Response from the Leader of the Council
	I broadly support the proposed streamlining of the Gloucestershire Conference Structure. This includes the replacement of the Gloucestershire Strategic Partnership, the Community Strategy Executive Board and the Accountable Bodies Group with a single new Gloucestershire Leaders Board (GLB). The membership will be the leaders of the county council and the 6 district councils plus the chairs of the PCT and the Police Authority and two Chief Executives, Pete Bungard and Mike Dawson (nominated by districts). I am concerned that there is no representation of the voluntary sector at this top level. Given the increasing dependence of the public sector on the voluntary sector to continue the provision of services to the

	community, it seems to me it will be essential to get the relevant input from the voluntary sector to make this work. Instead, a task and finish has been proposed to review how best the voluntary sector can be involved in Gloucestershire Conference, While the issue was discussed and my reservations noted at the recent ABG meeting, no vote was in fact taken.
17.	**Question from Councillor Barbara Driver to Cabinet Member Housing and Safety, Councillor Klara Sudbury**
	During this freezing weather what have CBC done to help the homeless who have to sleep rough. What plans do you have to work with others in trying to get help to these people and what help are you planning in the months to come as it looks this weather will continue throughout the winter. How do CBC find out where these people are sleeping to get them the help. Do we have any idea as to the numbers of people sleeping rough?
	Response from Cabinet Member Housing and Safety
	CBC worked with Cheltenham Housing Aid Centre on a rough sleepers count on 30th November. I am very grateful to the volunteers from CBC, CCP and Cheltenham Housing Aid Centre who worked in groups of 3 to cover the whole of Cheltenham, with a particular focus on the known hotspots based on intelligence provided by the churches, police and advice agencies. The count identified 1 rough sleeper. In view of the cold weather, the Borough Council has sent a message round to all agencies that are likely to be in contact with rough sleepers, via the Homelessness Forum, to send anyone believed to be rough sleeping to the Housing Options Team at Cheltenham First Stop in order for emergency housing to be made available for them for the duration of this very cold spell. To date, 1 rough sleeper has been identified and housed in emergency accommodation (i.e. a Bed & Breakfast). Intelligence on the number of rough sleepers comes from a wide range of agencies within the Homelessness Forum. We will continue to arrange accommodation for any known rough sleeper who is known to a relevant agency and who seeks help for the duration of any sub-zero night time temperatures and proactively engage with them to identify more suitable accommodation, such as supported housing thereafter. In a supplementary question Councillor Driver asked whether more people should be consulted when calculating the number of homeless people as she suggested the figure could be much higher if they consulted with the night-time pastors or the Salvation Army. In response, the Cabinet Member indicated that the figure was derived from a count of the homeless on one specific evening and she was satisfied that it reflected the position on that day. However she took the comments on board.

18.	**Question from Councillor Robin MacDonald to Cabinet Member Sustainability, Councillor Roger Whyborn**
	Following the decision to charge more for garden waste and separate kitchen waste there is a movement by Local Partnership to create Community Composting schemes. What part, if any, will the Council play in encouraging these schemes which are a direct result of the Council's decision and what are the revenue consequences if these schemes went ahead?
	Response from Cabinet Member Sustainability
	The principle of Composting is supported by the Council, whether that be in home composters or Community Composting schemes; indeed the Council supports sales of home composters at subsidised prices. No approaches have been made to the Borough Council for local Community Composting schemes, and it is not possible to estimate the revenue effects of these schemes. However, the Gloucestershire Waste Partnership supports community composting schemes and small grants may be available to fund set up costs. The County Council, as the waste Disposal Authority, pay recycling credits to accredited schemes to assist with ongoing funding. In a supplementary question, Councillor MacDonald whether the Cabinet Member's response applied to all the various schemes that might arise from the decision? In response the Cabinet Member advised that the council would support home composting in general terms however he advised that there were certain products that cannot be satisfactorily composted at home and officers could provide details. He confirmed that there was no charge for kitchen waste.
19.	**Question from Councillor Jacky Fletcher to Cabinet Member Built Environment, Councillor John Rawson**
	Following the request from Shire Hall to Cheltenham Borough Council to lift the restrictions which prevent bicycle users from cycling down the High Street and Promenade, may I ask that when considering this request the Cabinet bears in mind not only the some 25,000 registered disabled people but those others who because they are deaf, partially sighted and slow in movement. I think we all have no problem with the cyclists who act responsibility but it is those you see daily weaving in and out of the pedestrians as if they take precedent and unfortunately they are the majority. If you go down this path I am afraid accidents will happen. I am the CBC representative on the Pensioners' Forum and earlier this year concern was raised about the increase in cyclists on pavements and that the elderly and infirm were afraid of being knocked over by inconsiderate behaviour.
	Response from Cabinet Member Built Environment
	I hope Cllr Fletcher and the Council will forgive me for answering this

	question at some length, as I believe councillors deserve an explanation of the present situation, which they will only have read about in the local press. It is not the County Council that has asked the Borough Council to look at the issue of permitting cyclists to ride in the pedestrianised areas of the town centre. What appears to have happened is that the Borough Council asked the County Council to look at this some years ago. The Borough Council's view over a number of years has been that it is illogical and impractical to permit cycling in the Strand and Cambray Place but to ban it in the other pedestrianised areas. This view is shared by the police, who find the present arrangements very difficult to enforce. For some years, the proposal to allow cycling in pedestrianied areas where it is currently banned remained on the back burner. Then, in September 2009, it was discussed at a meeting of the Multi Agency Focus Group for Cycling. This is a body on which the Borough Council is represented, along with the County Council, Gloucestershire Highways and the police. The group decided on an initiative to reduce anti-social cycling while also relaxing cycling restrictions around the Promenade and other identified areas in the Town Centre and Lower High Street. Gloucestershire Highways was tasked with launching a safety audit and consultation exercise in preparation for a trial scheme to be introduced. A few weeks ago, Gloucestershire Highways wrote to a number of organisations in the town to inform them that they were ready to proceed with this scheme. The current position, as I understand it, is that Gloucestershire Highways have started work on their safety audit but that they will still need to carry out a consultation exercise before bringing in a traffic order to allow cycling in the pedestrianised areas for a trial period. Speaking personally, I am sympathetic to the trial, and do not share Cllr Fletcher's view that a majority of cyclists behave irresponsibly. However, I do agree with her that the safety and wellbeing of pedestrians, especially older people and disabled people, need to be taken fully into account. I am also concerned that it is several years since the issue was last discussed by the Borough Council. It is important that the Council should be involved in the consultation process, and therefore I have asked for the issue to be considered by the Environment Overview & Scrutiny Committee at its next meeting. I believe the Council will want to clarify a number of issues in respect of the new traffic order. First of all, I believe we will need to be satisfied that a sensible assessment of risk is made before the new traffic order is introduced. This should follow a careful study of pedestrian and cyclist behaviour in the Strand, where cycling is already permitted, and other pedestrianised areas.

	Secondly, I believe we will need to be satisfied that the police can and will take action against anti-social and dangerous cyclists in the pedestrian area. Because cycling is permitted, that should clearly not mean that bad behaviour by cyclists is acceptable. Thirdly, I believe the Borough Council would want to be involved in monitoring any experimental scheme, along with the police and Gloucestershire Highways, to ensure that it is working as intended. Finally, can I refer to what Cllr Fletcher says about the problem of cyclists riding on the pavements. This is a separate issue from cycling in the pedestrianised areas, which are generally very wide and capacious. However, it is an issue which I would be very happy to take up with the police. In a supplementary question, Councillor Fletcher advised that she had attended a recent meeting of the CBC forum and asked for the Cabinet Member's assurance that the safety of pedestrians and disabled people would be paramount in the Civic Pride principles of design. He referred to his previous answer and stated that the Environment Overview and Scrutiny Committee will be invited to give their views on this matter.

9. PETITION REGARDING IMPERIAL GARDENS

The Mayor outlined the procedure for dealing with petitions as this was the first time one had been debated at Council under the new petitions scheme. She welcomed Fiona Wild, the petition organiser, to the meeting and invited her to present the petition.

In her statement, Fiona Wild said that the Imperial Gardens were the heart of the town and the magnificent array of flowers was one of the first things people noticed when they came to Cheltenham. Whilst enjoying the gardens they also spent money in the town and boosted the local economy. Whilst attending the Literature Festival, she had heard people comment that the festival should not be allowed to become any bigger or to spread any further. The sponsors' marquees had already caused several beds to be removed and the Festival seemed very successful as it is. If any more space were needed then Montpellier Gardens should be used. In her view the flowers in the gardens enhanced the festivals and were there all the time for people to enjoy whereas the festivals and their marquees were only there for a few weeks of the year. She praised the creativity of design in the planting which made Imperial Gardens so different from the landscaping of Montpellier Gardens. She urged Council not to destroy it through misguided short-termism but to consider how popular the flowers are and how much they add to the general ambience of the town.

The Mayor advised that she had agreed to a request from Mr David Stennett, representing the Friends of Imperial Gardens, for him to address the meeting.

Mr Stennett expressed his concerns that the use of the gardens by the festivals was expanding to an unacceptable level. He was also concerned about the lack of remedial work following the use of the gardens by the festivals and considered that they had been left in a shameful condition. He referred to a letter from the Chief Executive to the Friends of Imperial Gardens which had indicated that officers would be working closely with the organisers of the festival's to achieve a balance and organise appropriate repairs. He concluded that the parks and gardens should be there for the benefit of the public and this had been enshrined in an act of Parliament for the last hundred years.

The Mayor invited the Cabinet Member Sustainability to make a statement. He welcomed the opportunity to respond to the petitioners and said it was his intention to maintain the gardens for the public, for residents, tourists and indeed festival goers to enjoy. He acknowledged that the effect of the Festivals on the turf had been unsatisfactory and this would be addressed in 2011 in conjunction with Cheltenham Festivals. He also intended to work with them to try and reduce the occupancy rate below the current 107 days per year.

He recognised that the Festivals provide a key and expanding part of Cheltenham's economy and tourism. Providing a suitable venue for the Festivals was very important to the town and he acknowledged the Festivals' needs to expand in the future. He stated that he intended there to be no change to the area of Imperial Gardens available to the Festivals in 2011. They would be able to hire Montpellier Gardens, the details to be negotiated, and this would be very necessary in view of the Everyman Theatre not being available in 2011.

For the future, in 2012 and beyond, the use of Imperial and Montpellier Gardens would be discussed with both Cheltenham Festivals and other stakeholders. He explained that he would be meeting with the petitioners and officers later this week and would be arranging a meeting with key stakeholders in January.

In response to the petition, he said that the Council would be retaining the flowerbeds but there may be some changes and the council would need to seek funding for any work. He concluded that the Gardens belonged to the people of Cheltenham and after listening to them, their elected representatives would make the decision based on what they believed was best for the town.

Councillor Whyborn, seconded by Councillor Surgenor, proposed the following motion:

"*Council recommend that Cabinet bring forward proposals to address matters in Imperial Gardens relating to Cheltenham Festivals within three months, and that any such proposals will first be the subject of consultation with the petitioners and stakeholders, and scrutiny by the Environment Overview and Scrutiny Committee"*

Councillor Paul McLain proposed an amendment to the motion that the matter should also be subject to scrutiny by the Economy and Business Improvement Overview and Scrutiny Committee which would facilitate scrutiny of the economic aspects as well as the environmental ones.

This amendment was accepted by the proposer.

In response to a question from a member, the Cabinet Member Sustainability confirmed that the consultation with stakeholders would include Friends of the Gardens, local residents, local ward councillors, the Festivals, the Civic Society and Cheltenham in Bloom who would all be invited to the meeting he was arranging in January.

Upon a vote the motion as amended was agreed unanimously.

10. RECOMMENDATIONS FROM CABINET

These were included in other agenda items.

11. MEMBERS' ALLOWANCES REVIEW

The Assistant Chief Executive introduced her report which had been circulated with the agenda. She gave apologies on behalf of the chair of the Independent Remuneration Panel (IRP) who had intended to be present at the meeting but had been called away on urgent business.

She explained that this year the panel had convened to carry out a full review required every four years under legislation. The IRP had been made fully aware of the council's budget situation and had taken this into account when making their recommendations which were set out in section 5.1 of the report.

The Leader of the Council thanked the panel for their work on members' allowances which he acknowledged was a difficult and controversial issue. His inclination was to accept the recommendations and he also advised Members that as part of the budget process, his Cabinet members would be accepting a voluntary reduction in their Special Responsibility Allowances (SRAs).

Councillor Surgenor and Councillor Fletcher, speaking as chair and vice-chair of Planning Committee respectively, were pleased that the IRP had acknowledged the responsibilities of both the chair and vice-chair and noted the recommendations for the related increases in their SRAs. However in view of the current budget situation they advised that although they wished the increases to be approved in the overall scheme, it was their intention to request that they personally did not accept any increases in their SRAs.

Another member referred to the recommendation regarding provision of a laptop or VPN link for every member that required it. He requested that the Council chamber and committee rooms were rewired so that members could bring their laptops into meetings. This would result in considerable savings in printing committee papers and would therefore be a very green initiative.

Another member pointed out that a number of members did not have a council laptop and the proposal would be unfair to those who were not computer literate and therefore the previous suggestion was not relevant to the recommendations.

Upon a vote the recommendations of the IRP were agreed unanimously.

Resolved that:

1. **The recommendations set out in the IRP report and summarised in part 5 of the covering report be adopted and the Assistant Chief Executive Council be authorised to implement any necessary changes to the scheme of allowances**

2. **The Borough Solicitor and Monitoring Officer be authorised to make any necessary changes to Council's constitution.**

12. REVIEW OF NORTH PLACE & PORTLAND STREET DEVELOPMENT BRIEF & CIVIC PRIDE URBAN DESIGN FRAMEWORK

The Cabinet Member Built Environment introduced the report. The report explained that on 27 July 2010 Cabinet had approved a consultation exercise on the proposed revisions of the North Place and Portland Street Development Brief and its associated technical appendix; the Cheltenham Civic Pride Urban Design Framework Supplementary Planning Document (SPD). These revisions were considered necessary by the Cheltenham Development Task Force in order to reflect current market conditions and enable greater flexibility in the type and mix of uses that could be accommodated on the site.

He stressed that whilst the SPD was far more flexible than before, there would still be high standards set for the quality of the development.

Consultation had been key to the development of the brief and a wide range of comments had been received. He was pleased that many of the suggestions had now been incorporated. He thanked the Strategic Land Use Team for their work in carrying out the consultation and drafting responses.

In summary he said it was the most significant development scheme in the town in the last 30 years. It would bring huge environmental improvements as well as creating jobs and boosting the local economy.

Councillor Fletcher declared an interest as a member of the board of trustees for Dowty House. She highlighted the need for the developers to take great care in this area particularly with regard to the distance between buildings.

A member suggested that the reference to underground car parking in 5.2 was not strong enough and developers would be unlikely to consider this if it was presented as an option. Forcing developers to introduce underground car parking would improve the environment and free up land.
Another member was concerned about the cost of underground car parking which could be as much as 10 times the cost of over-ground parking and asked where the council would get the money from. Another member suggested that if developers were forced to fund this, this would reduce the potential funding for other improvements paid for by the developer which the council might negotiate.

A member sought reassurance that land would not be sold for a supermarket in order to finance the rest of the development. He also commented that the risk

assessment in appendix 1 was inadequate and asked what would happen if the council did not get a developer for the site. Was that the end of Civic pride?

Other members made the following comments and questions:

- There was a reference to restricting the number of storeys in residential properties to 5, was there a similar intention to restrict the number of storeys in commercial properties?
- Would the 300 car parking spaces be in addition to car parking provided as part of a business or residential development?
- In reviewing the proposals members should be looking at the bigger picture and the vision for the next 20 years.
- It was important not to be too restrictive with developers and the council must be flexible and work with them.
- The scheme was important for raising funds for improvements in other areas of the town such as Royal Well, Town Hall and Imperial Gardens.
- Could members have clarification on the process and when it would come back to members?

In response the Cabinet Member Built Environment advised that there was an acknowledgement of the need for sensitivity In the West and North of the scheme and Dowty House was specifically mentioned in the report. He advised that in some areas of the development a five-storey property might be acceptable as there were some existing properties of this height in the area.

He was satisfied that the brief directed developers to consider underground car parks as an option but he felt it would be dangerous to insist on this.

He reminded members that the Council had appointed the development task force as a group of professional experts and had intentionally put it at arm's length from the council. There was a balancing act between aspirations and the need for a sound financial business case. The permitted uses were clearly set out in the brief and this did include retail use. He confirmed that under the development brief, developers would be expected to meet the car parking needs of businesses and other facilities on their sites as part of the development.

He concluded that there would be ongoing review by the Environment Overview and Scrutiny Committee. The committee had already received a detailed presentation on the scheme which had been welcomed by members. He would be happy to arrange for this presentation to be offered to all members if there was a demand.

Upon a vote the recommendations were CARRIED.
Voting: For 34, Against 2 and no abstentions.

Resolved that the revised Cheltenham Civic Pride Urban Design Framework Supplementary Planning Document (Appendix A) under section 23 of the Planning and Compulsory Purchase Act 2004, including the revised North Place and Portland Street Development Brief (Appendix B) be adopted.

13. REVIEW OF THE COUNCIL'S CONSTITUTION

Councillor Jordan, as chair of the Staff and Support Services Committee introduced the report. He thanked the members of the constitution working group. The recommendations in the report were in response to the Action Plans approved by the Council in March 2010. He advised an amendment to recommendation 2. to allow one further meeting of the Staff and Support Services Committee to deal with one outstanding item of business as set out in 3.1 of the report. A further amendment was that the membership of the constitution working group as set out in Appendix 2C, would be increased to five members.

Regarding the Appointments Committee, he had been advised that with the current political proportionality the committee of 9 members, could be made up of 3 Conservatives, 5 Liberal Democrats and 1 PAB or a 3,6,0 split. He indicated he was happy with a 3,5,1 split and requested Group Leaders to make their nominations on that basis as a matter of urgency given the need to make appointments in the new structure. The chair and vice-chair would be determined at the first meeting of the committee. He indicated that the group had concluded that it was not necessary to set up a permanent working group to look at staff issues but this could be set up at any time if there proved to be a need.

As a member of the constitution working group, Councillor Smith gave thanks to the Borough Solicitor and the Monitoring Officer for her work.

Upon a vote the recommendations were carried unanimously.

Resolved that Council:

1. **Accepts the recommendation of the Constitution Working Group that the Staff and Support Services Committee should be discontinued.**
2. **Implements recommendation 1 above with effect from the decision of the Council on the 13th December 2010 subject to the need for one further meeting of the Staff and Support Services Committee.**
3. **Approves the amendments to the Employee Scheme of Delegation and the membership and functions of the Constitution Working Group set out in Appendix 2 subject to there being up to 5 members on the working group.**
4. **Approves the setting up of an Appointments Committee with the membership and functions set out in Appendix 3.**
5. **Approves the revisions to the functions of the JNC Disciplinary Committee and the setting up of a JNC Appeals Committee as set out in Appendix 4.**
6. **Approves the revised Article 14 of Part 2 of the Council's Constitution as set out in Appendix 5.**
7. **Approves the revised Article 13 of Part 2 to the Council's Constitution as set out in Appendix 6 and revisions to Part 3H of the Constitution as set out in Appendix 7.**
8. **Approves the amendment to Rule 14 of the Council Procedure Rules (Voting on appointment of statutory officers) as set out in paragraph 5.2.2 of the report at Appendix A.**

9. **Approves the amendment to Rule 14 of the Council Procedure Rules and to the corresponding Rules in the Cabinet, Committee and Overview and Scrutiny Procedure Rules (Recording of Number of Votes), as set out in paragraph 6.1.2 of the report at Appendix A.**
10. **Approves the revised Protocol for Member/Officer Relations as set out in Appendix 9**
11. **Authorises the Borough Solicitor to make any further minor amendments to the Constitution which are consequential upon the changes approved by the Council**

14. STRATEGIC COMMISSIONING

The meeting adjourned for tea between 4.10 and 4.45 pm. Following this adjournment the Mayor had to leave the meeting so the chair was taken by the Deputy Chair, Councillor Barbara Driver.

The Chief Executive introduced his report which had been circulated with the agenda. He emphasised that in producing the report he had consulted widely and for the purposes of brevity he had not circulated the consultants report to the meeting although it was available to all members.

He acknowledged that at this stage the role of members was not as clearly defined as some members would like. However he emphasised that this section 4 report was concerned with the proposed officer structure. The members working group had been set up to help define member involvement going forward.

He emphasised the huge implications arising from the government financial settlement and the Localism Bill. He considered that the recommendations for the officer structure were fit for purpose in the context of the new Coalition government's agenda which it would be unwise to ignore. Indeed he felt there was no realistic alternative as maintaining the status quo was not an option.

He acknowledged that some members thought that commissioning was just good management and officers should just get on and do it. In his view the important difference was to start with a much clearer idea of the desired outcomes for citizens and the community. Commissioning did not assume there would be no in-house delivery in the future but decisions would be made on the basis of the most effective business case. It opened up opportunities for the voluntary and community sector and it was not a case of all services being transferred to the private sector. He had circulated an outline plan to councillors which provided an indicative timetable for when services would be reviewed.

From his consultation with members, he concluded that members were supportive of the need to reduce the number of Assistant Directors. He emphasised the importance of the role of the Strategic Directors in their management to date of key change projects such as GO and Civic Pride so it was logical for them to take on the commissioning role in the new structure.

Finally he stressed that the project was very much frontloaded and therefore the "one-off' resource of £80,000 funded from virement as recommended by Cabinet would be very welcome to manage the transition period.

The Leader indicated that his party would be supporting the recommendations. He emphasised that member involvement and public involvement would be key when the future of each service was being considered. He also encouraged members of overview and scrutiny to come forward with their own ideas on how they wish to be involved in the monitoring of the services in the future.

A member expressed concerns that the officer structure had been mapped out but there are was still a big gap in the definition of how members and residents would be involved. He had raised these concerns back in June and he now wanted to see firm proposals. He wanted to know what the organisation would look like in six months time and he considered that defining the member framework should be a priority. It also concerned him greatly that he did not know the reasons for moving forward with commissioning.

Other members concurred that there were concerns about members roles and it was particularly important that backbenchers were able to feel more accountable to their electorate going forward. They acknowledged the need to give their feedback to their Chief Executive when requested and to get involved.

Another member supported the direction of travel but struggled with the rationale for the section 4 report. It seemed premature to be recommending an officer structure and officers must take councillors with them. There was also a risk of overview and scrutiny being excluded and a protocol was needed to set out how scrutiny would be monitoring contracts in the future. There was also a gap in defining who residents would go to if they were not satisfied with the service being provided.
Without a proper business case, it did not seem the right time to cut back on resources and put in place a structure which was appropriate for the endgame but not necessarily appropriate for the transition period.

A member suggested that members must be able to have trust and belief in the management team in taking strategic commissioning forward and it was important for members to ensure the right management team was in place.

Other members supported the need to improve services and that there was no time to waste given the current financial challenges.

In response the Chief Executive stressed that all members had been invited to give their views. He did not feel it was for him as Chief Executive to bring forward proposals for members' involvement. His role was to facilitate it by bringing members together so that they could come up with the definitions. There was a need to define a business case and public engagement but that was not an issue for the section 4 report. He was confident that the officer structure would support the transition period and emphasised the additional funding to address any initial shortfalls.

Upon a vote the recommendations were CARRIED.
Voting For: 29 with 2 absentions

Resolved that:

1. **The Chief Executive's proposals for a Strategic Commissioning Council be approved and the new Council structure as set out in**

this report and in Appendices A and B be agreed

2. **A 'one-off' resource of £80,000 be set aside, funded from virement as recommended by Cabinet, as outlined in section 4 of the report.**

3. **It be noted that formal consultation (stage 3 as set out in Appendix C) on the proposed new structure will be undertaken with affected employees**

4. **The newly constituted Appointments Committee (or appropriate sub-committee) be requested to conduct and complete any necessary recruitment or redundancy processes at Assistant Director level (including the AD Resources/s151 Officer) and to agree such terms and conditions of appointment or dismissal as may be necessary in order to facilitate the new structure**

15. 2010/11 TREASURY SEMI ANNUAL REPORT

The Chief Finance Officer introduced the report and highlighted the key points. He explained that the Treasury Management Code of Practice was updated in Nov 2009. The code now requires treasury activities to be reported to Council at least twice a year i.e. a mid term report and a year end outturn report.

In response to a question from a member, he referred members to the lending policy set out on page 186 which stated that new investments were restricted to UK banks.

The Chief Finance Officer updated members on the government settlement which had been announced earlier that day.

Upon the vote the recommendations were agreed unanimously.

Resolved that in compliance with the requirements of the CIPFA Code of Practice the report be noted.

16. NOTICES OF MOTION

Councillor Sudbury, seconded by Councillor Jeffries, proposed the following motion.

"This council wishes to recognise the very significant contribution Gloucestershire Youth Service and its staff make in Cheltenham both in youth centres and with regard to detached youth work. We also recognise the many voluntary groups, who play an important role in youth provision in the town.

Cheltenham's youth centres are highly valued, provide positive opportunities for young people in a safe environment, have a positive impact on young people's development and are widely regarded as helping reduce anti-social behaviour in our communities.

This Council notes the planned budget cuts and service changes contained in Gloucestershire County Council's Meeting the Challenge proposals. Whilst

accepting that the County faces difficult budgetary pressures and a need to make savings, this Council is concerned that the budget cuts to young people's services will mean an end to highly valued County Council funded universal youth provision.

Therefore this Council:

1) Resolves to ask the Chief Executive of Cheltenham Borough Council to write to the Leader of Gloucestershire County Council asking him to reconsider the decision to withdraw all County Council youth work activity from youth centres and to allocate only £50k to each district to help community and other groups to extend existing services and create new ones;

2) Seeks urgent discussions with County to clarify their future proposals and how best we can work with them to provide best possible youth service;

3) Will seek wherever possible to work in partnership with the County Council, community and voluntary groups and the young people themselves to strengthen and develop the future of universal youth services in the town; and

4) Asks Cheltenham Borough Council Cabinet to develop plans on how to allocate the funding available to achieve the best possible outcomes for the benefit of our young people and the rest of the community.

In supporting the motion she praised the work of the youth workers and volunteers.

Councillor Paul McLain, as the County Cabinet Member Lead for Children and Young People offered some outline context to the proposals made. The County Council had to save £108 million in next year's budget and unfortunately that would result in some services having to cease. A consultation exercise had been carried out and although subjective it was also quantitative and the public had expressed a view that services for adults, social care and vulnerable children should all be protected. There was also a huge increase in the cost of children in care particularly those with multiple disabilities. The proposed cuts were not a criticism of the work of Youth Services but it was simply a case that the council could no longer afford to provide them. The policy was to replace universal youth provision with targeted youth work and prevention. Although he had no problems with the motion he challenged members to come up with an alternative for the funding of Youth Services.

In supporting the motion members made the following points:

- Many young people were already in trouble and therefore a policy of prevention was shortsighted and could be counter-productive.
- What if community groups and volunteers did not step forward to fill the gap left when youth centres have to close? It would not be an option for

other agencies to pick up the work given that they were under the same financial pressures.

- The proposed cuts would be implemented in March therefore there was very little time to deal with the void left. The cuts went too far and were too fast.
- The police were concerned that antisocial behaviour may increase if universal youth work declines
- Young people themselves were upset that their youth clubs were going to be closing
- A small amount of extra resource for youth services would make a huge difference
- There was evidence that initiatives such as the opening of the Brizen Youth Centre project and Naunton Park had reduced the level of antisocial behaviour and their dedicated teams had done some very positive work with young people
- It was a misconception that youth centres were only needed in areas of high deprivation and areas in the south of Cheltenham and the town centre also needed these services.
- How would the county monitor the 1300 young people currently receiving youth service provision in Cheltenham? (Councillor Paul McLain agreed to provide a briefing note)

A member indicated that he would be happy to support the motion because there was a need for the County Cabinet to come back with a more coherent policy. However he questioned the precise wording of the motion in that discussions were already under way with the County and the council should already be doing 3). He hoped that the Cabinet would be taking the action requested in 4) as a matter of course. Another member highlighted that there was no money left at the County Council for these services and therefore tough decisions were needed.

In her summing up, Councillor Sudbury indicated that she had been hoping for unanimous support for the motion and was disappointed that some members had questioned the precise wording. The motion was designed to give young people a voice and to value the work that was being done.

Upon a vote on the motion was CARRIED.
Voting: For 27 with 4 abstentions.

17. TO RECEIVE PETITIONS

The Deputy Mayor announced that the Mayor had today received a petition with a total of 2130 signatures.

"The petition urged the Council to allocate a designated area to the south of Cheltenham (including the land formerly known as the Leckhampton White Land, Brizen Farm and Land West of Farm Lane) that shall be protected from inappropriate large-scale development.

This area of land is of high local community interest due to its attractiveness, views in an out of the AONB and the contribution it makes to the setting of Cheltenham. We also highly value its easy accessibility for informal recreation, local food production, wildlife, environmental and ecological interest.

We suggest that although parts of this area are in Shurdington, this designated land may for convenience (at the council's discretion) become known as LECKHAMPTON COUNTRY PARK."

The petition was handed to Democratic services for the appropriate process to be followed.

18. ANY OTHER ITEM THE MAYOR DETERMINES AS URGENT AND WHICH REQUIRES A DECISION

As the Council had been in session for over four hours, upon a vote the members unanimously agreed to continue the meeting.

19. NEW EXECUTIVE ARRANGEMENTS

The Assistant Chief Executive introduced her report which had been circulated with the agenda. She explained that the Council had a statutory obligation to adopt new executive arrangements; either a new style strong leader and cabinet model or a directly elected Mayor and cabinet model. There had been a period of public consultation resulting in 1000 hits to the website and 1 person responding. They had been in support of the strong leader model. The DCLG had advised that the new arrangements must be adopted by the end of December 2010 hence this report to Council.

Resolved that:

1. **A new style strong leader and cabinet model be adopted to take effect from May 2012**

2. **The Borough Solicitor and Monitoring Officer be authorised to update the Council Constitution to facilitate the new executive arrangements as set out in paragraph 3.4 of the report.**

Anne Regan
Chairman