



# CHEL TENHAM

## BOROUGH COUNCIL

**Dear Sir / Madam**

You are hereby summoned to attend a meeting of Council to be held in the Municipal Offices, Promenade, Cheltenham, GL50 9SA, on **Monday, 16 May 2011 at 5.00 pm** at which meeting the following business will be transacted and any other business which may be legally transacted at such a meeting.

<b>Councillors</b>
Anne Regan (Chair), Barbara Driver (Vice-Chair), Garth Barnes, Ian Bickerton, Nigel Britter, Chris Coleman, Tim Cooper, Bernard Fisher, Jacky Fletcher, Wendy Flynn, Rob Garnham, Les Godwin, Penny Hall, Colin Hay, Rowena Hay, Diane Hibbert, 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, Pat Thornton, Jon Walklett, Andrew Wall, John Webster, Paul Wheeldon, Simon Wheeler, Roger Whyborn and Jo Teakle

### **Agenda**

- 1. PRAYERS**
- 2. APOLOGIES**

- 3. ELECTION OF MAYOR 2011 - 2012**

The Mayor (Councillor Anne Regan) to call on Councillor Rob Garnham to move the motion proposing Councillor Barbara Driver as Mayor.

Councillor Rob Garnham will propose **“that Councillor Barbara Driver be, and is hereby, elected Mayor of the Borough of Cheltenham and Council Chairman for the ensuing Municipal Year”**.

The Mayor will call upon a Councillor to formally second the motion.

The Mayor, will thereafter put to the Council the motion **“that Councillor Barbara Driver be, and is hereby, elected Mayor of the Borough of Cheltenham and Council Chairman for the ensuing Municipal Year”**.

The Mayor will invite Councillors to give a show of hands to indicate their support.

The Mayor will congratulate Councillor Driver on her appointment and invite her to take her place in the chamber (she will still be wearing the chain until she hands it over to the new Mayor in the Town Hall ceremony).

The Chief Executive will ask the newly elected Mayor to sign a declaration of acceptance of office of Council Chairman 2011 – 2012. (This is not read out)

From this point onwards Councillor Barbara Driver will chair the meeting.

**4. ELECTION ON DEPUTY MAYOR 2011 - 2012**

The Mayor will call upon Councillor Steve Jordan to move the motion to appoint Councillor Colin Hay as Deputy Mayor.

Councillor Steve Jordan will propose **“that Councillor Colin Hay be, and is hereby, elected Deputy Mayor of the Borough of Cheltenham and Council Vice-Chairman for the ensuing Municipal Year”**.

The Mayor will call upon a Councillor to formally second the motion.

The Mayor to put the motion to Council **“that Councillor Colin Hay be, and is hereby, elected Deputy Mayor of the Borough of Cheltenham and Council Vice-Chairman for the ensuing Municipal Year”**.

The Mayor will invite Councillors to give a show of hands to indicate their support.

Upon being carried, the Mayor will congratulate Councillor Colin Hay on his appointment.

The Chief Executive will ask the newly elected Deputy Mayor to sign a declaration of acceptance of office of Council Vice-Chairman 2011 – 2012. (This is not read out)

**5. DECLARATIONS OF INTEREST**

**6. TO APPROVE AND CONFIRM THE MINUTES OF THE MEETING HELD ON;  
28 March 2011**

(Pages 1 - 10)

**7. COMMUNICATIONS BY THE MAYOR**

**8. NOTICES OF MOTION**  
None received.

**9. TO RECEIVE PETITIONS**

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

**11. CLOSE**

The Mayor will remind everyone that the Inauguration of the Mayor will take place at 6.30pm in the Town Hall.

**Contact Officer:** Saira Malin, Democracy Officer, 01242 775153

**Email:** [democratic.services@cheltenham.gov.uk](mailto:democratic.services@cheltenham.gov.uk)

**Andrew North  
Chief Executive**

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## Council

**Monday, 28th March, 2011**

**2.30 - 3.20 pm**

<b>Attendees</b>	
<b>Councillors:</b>	Anne Regan (Chair), Barbara Driver (Vice-Chair), Garth Barnes, Ian Bickerton, Tim Cooper, Bernard Fisher, Jacky Fletcher, Wendy Flynn, Les Godwin, Penny Hall, Colin Hay, Rowena Hay, Diane Hibbert, Sandra Holliday, Peter Jeffries, Steve Jordan, Paul Massey, Helena McCloskey, Andrew McKinlay, Heather McLain, John Rawson, Diggory Seacome, Duncan Smith, Malcolm Stennett, Charles Stewart, Klara Sudbury, Lloyd Surgenor, Pat Thornton, Jon Walklett, Andrew Wall, John Webster, Simon Wheeler, Roger Whyborn and Jo Teakle
<b>Also in attendance:</b>	Sara Freckleton (Borough Solicitor and Monitoring Officer) and Pat Pratley (Strategic Director) and Friends of Imperial Square and Gardens, Mr Ken Pollock and Ms May Nelson

## Minutes

**1. PRAYERS**

Reverend Maz Allen opened the meeting with a prayer.

**2. APOLOGIES**

Councillors Britter, Coleman, Garnham, P. McLain and Wheeldon had given their apologies.

**3. DECLARATIONS OF INTEREST**

None declared.

**4. TO APPROVE AND CONFIRM THE MINUTES OF THE MEETING HELD ON THE 25 FEBRUARY 2011**

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

The Mayor advised that a minor amendment to the minutes was a required. The words 'upon a vote' would be removed from item 7, Communications by the Leader of the Council.

Upon a vote it was unanimously

**RESOLVED that the amended minutes of the meeting held on the 25 February 2011 be agreed and signed as an accurate record.**

**5. PUBLIC QUESTIONS**

The following responses were given to the Public Questions received:

<b>1.</b>	<b>Question from Fiona Wild to the Cabinet Member Sustainability</b>
	Please could I have an assurance that a drawing rather than a diagram, preferably in colour and properly to scale with surrounding buildings, will be shown to interested parties and available to the general public, before a final decision is made on the future layout of Imperial Gardens?
	<b>Response from Cabinet Member Sustainability</b>
	Yes. The layout plan that will be produced for public consultation will be in colour, to scale and will show the surrounding streets and buildings.
<b>2.</b>	<b>Question from Friends of Imperial Square and Gardens (FoISaG) to the Cabinet Member Sustainability</b>
	<p>The Friends of Imperial Square and Gardens would like to ask the Councillors to be true to their promise to keep Imperial Gardens as the iconic floral hub of Cheltenham. At present there are 48 colourful flower beds in The Gardens.</p> <p>While we support the Festivals in their aspirations, Option 2 does require giving them a third more open area ground space.</p> <p>We ask that this should be camouflaged in such a way that when The Gardens are re-designed they don't become a series of football pitches with flower beds dotted about to make a token impression.</p> <p>We would draw your attention to a front-page article in the Daily Telegraph's Travel Section last Saturday, 19th March 2011 which highlighted the Hay-on-Wye Literary Festival and how they have prospered with their re-located site drawing in visitors well above 100,000. At the same time it has attracted top names such as former American Presidents Jimmy Carter and Bill Clinton.</p> <p>We also emphasise how important The Gardens are to the people of Cheltenham - evidenced this weekend when the sunny weather attracted a flood of people to enjoy the colour, warmth and eco-friendliness of Imperial Gardens in the heart of town.</p>
	<b>Response from Cabinet Member Sustainability</b>
	<p>Yes it is the Council's intention to reflect the spirit of the commitments made in the cabinet paper of 15th March and this will appear in graphical form for public consultation – but the Council clearly can't commit to actual numbers and locations of flower beds at this stage.</p> <p>In a supplementary question a representative of the FoISaG asked that Councillors consider very carefully what was being given away and the significant safeguards that were needed if option 2 were adopted. There was also a request that severe penalties be put in place for failure to immediately reinstate the gardens after usage.</p> <p>The representative submitted contrasting pictures of Imperial Gardens in full floral glory and in their current state, resembling what he described as waste land six months after the tents were taken down. He had been interested to see that work had commenced earlier in the day to re-turf</p>

	<p>Imperial Gardens and felt this was a strange coincidence given that there was a Council meeting this afternoon.</p> <p>The Cabinet Member Sustainability accepted and sympathised with the concerns of not just the FoLSaG but all residents in Cheltenham and assured them that care would be taken to ensure reinstatement was swift in the future. Whilst the timing of today's work to Imperial Gardens could appear coincidental, the work had in fact been scheduled for last week and postponed until now as a result of the dry conditions.</p>
<b>3.</b>	<b>Question from Mr Ken Pollock to the Mayor</b>
	<p>At the eleventh hour, during their recent decision meeting, Cabinet finally quantified a "limit" of 2750 square metres for Festival tentage in Imperial Gardens, increased by 38% from the 2000 square metres used last year (which already necessitated the removal of four circular flowerbeds, and has resulted in considerable damage to lawns).</p> <p>Under Option 2, this increased tentage is said to be "dispersed" across the entire Garden, i.e. incorporating that ornamental 'half' which currently contains flower-beds and lawn.</p> <p>Accordingly, as this increased spread will clearly entail major deletion of most of the present patterned layout of flowerbeds, will councillors venture to express their requests that the forthcoming "public consultation" (based on no more than an outline design, to be revealed shortly) be fed back for debate not only by the two Scrutiny committees but in Full Council, and for this to occur <u>before</u> any further Cabinet commitment on Cheltenham's 'iconic' floral garden?</p>
	<b>Response from the Mayor</b>
	<p>The figure of 2750 m<sup>2</sup> was already contained within the main body of the cabinet report, and was made a specific requirement by cabinet in choosing option 2. Whether the issue is to be considered for a second time by the two scrutiny committees is a matter for the chair of each committee to consider. Whilst recognising that the final decision lies with cabinet, in view of the importance to the Borough as a whole, I would strongly request that cabinet refers the matter to full council for consideration before a final decision is made.</p> <p>In a supplementary question Mr Pollock noted that the response provided by the Mayor outlined her individual request and queried whether other Councillors shared this viewpoint.</p> <p>The Mayor had made her request which she was confident would be noted by Cabinet and she was not in a position to comment on behalf of any other Councillors.</p>
<b>4.</b>	<b>Question from Mary Nelson to the Cabinet Member Sustainability</b>
	<p>At a time of financial constraint (when even Public Toilets have to be closed, and all the flowerbeds in Sandford Park 's High Street pergola-garden are currently bare earth) a major redesign of Imperial Gardens is unjustifiable and unreasonable to many taxpayers of Cheltenham, and is clearly being undertaken solely to facilitate Cheltenham Festivals</p>

	<p>requirement to take over the whole of Cheltenham's renowned Imperial Gardens in the Promenade.</p> <p>Can the Cabinet member for Sustainability please clarify whether <u>all</u> the costs for the redesign and subsequent works to be undertaken in Imperial Gardens will be paid for by the Council, and that no funding, either for the design or for the works to Imperial Gardens, is to be provided by Cheltenham Festivals or by any of their sponsors?</p>
	<p><b>Response from the Cabinet Member Sustainability</b></p>
	<p>£140K has been allocated from council funds for works in Imperial and Montpellier Gardens. This will be targeted at improvements to the public space that will benefit all users, not just Cheltenham Festivals. No other funding has been offered by third parties at the time of writing, and were it offered CBC would have to review each case on its merits.</p> <p>In a supplementary question, Mary Nelson felt that the response offered by the Cabinet Member Sustainability did not rule out future acceptance of funding and wondered whether this could be seen by the public as commercialisation of a public space.</p> <p>The Cabinet Member Sustainability explained that most Councils received forms of sponsorship and this was not something he would discount for CBC, though conditions of accepting such funding would be given full consideration as necessary.</p>

**6. COMMUNICATIONS BY THE MAYOR**

The Mayor wished Councillor Driver, the Deputy Mayor a Happy Birthday.

This would be the last Council meeting over which she would preside entirely. The last year as Mayor had been the ultimate challenge and had proved nerve racking at times, but she had given it her all and she thanked members for their support and kindness. It had been a wonderful year and she was rather sad that it was coming to an end.

Following the tsunami which had hit Japan she had attended a concert by 102 Japanese students and had offered her condolences on behalf of the town.

**7. COMMUNICATIONS BY THE LEADER OF THE COUNCIL**

The Leader gave informal thanks to the Mayor on behalf of all members, this would be formalised at the next meeting, Annual Council.

Other general comments included, the announcement about the Kemble-Swindon redoubling scheme which involved the restoration of a second rail track between Kemble and Swindon. This proposed work would benefit transport links and was good news for Gloucestershire.

The funding bid to the Heritage Lottery Fund (HLF) for £750k to redevelop Cheltenham Art Gallery and Museum had been successful. This positive news meant that the redevelopment scheme could now move forward to the next stage, but fundraising would continue.



Following on from the response by the Mayor to public question number 3, he was happy with the proposal to include Council in further discussions about the future use of Imperial Gardens but would need to take legal advice about exactly how Council could be involved in a Cabinet decision.

As a point of clarification and as outlined in the budget proposals, toilets would not be closed until full discussions had taken place and alternatives were agreed, it was never the intention to close them on the 31 March.

**8. MEMBER QUESTIONS**

The following responses were given to the Member Questions received:

<b>1.</b>	<b>Question from Councillor Hall to the Cabinet Member Sustainability</b>
	Please can you tell me how many Bags for Green waste collection were sold to the public in the years 2009-2010 and 2010-2011, and what month in 2010 did sales stop?
	<b>Response from Cabinet Member Sustainability</b>
	7,843 garden waste bags were sold in 2009/10 and 7,461 in 2010/11. Following the decision in July 2010 to change to wheeled bins all potential purchasers were made aware that they would not receive a bag collection with effect from February 2011. Many chose to purchase the bags anyway as they are useful around the garden and to transport garden waste to the Swindon Road recycling centre which remains free of charge.  In a supplementary question Councillor Hall queried how the new green waste scheme could improve levels of recycling when the previous bag scheme had allowed residents 6 bags per fortnight and yet under the new scheme, the brown bin would only accommodate 2 bags worth of waste.  The Cabinet Member felt that the parameters of the old scheme were being inflated and no more than 4 bags were collected fortnightly from each property. Larger properties requiring another brown bin would be provided with one upon request and the new scheme did deliver improvements.
<b>2.</b>	<b>Question from Councillor Surgenor to the Cabinet Member Sustainability</b>
	I would like to ask the Cabinet Member Sustainability if CBC were consulted by the County Council about the planned Waste Incinerator?
	<b>Response from Cabinet Member Sustainability</b>
	The amount of information made available by GCC, and the nature of the questions would not have enabled a meaningful or quantifiable Council answer, beyond some comments on transport distances. These comments were incorporated in a letter from myself to the County Council, which I am happy to make available. CBC was consulted but did not therefore reply formally.  I am very concerned about the implications of installing a Waste incinerator in the Severn Vale, as I know are many members, and others.

<p>We are concerned about:</p> <ul style="list-style-type: none"><li>a) implications for public health resulting from the landfilling of toxic ash which is a 25% fraction of the waste incinerated</li><li>b) the very high likely capital cost and long payback, details of which are filtering through, and the effects on the taxpayer, particularly if estimates prove to be a bit wide of the mark, and the likely difficulties of maintaining an economic level of feedstock should the county's declared recycling targets be reached or exceeded. In the limit the incinerator could become a £500m white elephant by 2030.</li><li>c) the fact that incineration is a poor solution in environmental terms, particularly energy efficiency in the widest sense and effect on carbon footprint.</li></ul> <p>In a supplementary question, Councillor Surgenor queried whether it were possible for the Leader to request more information, including figures which to date the County Council had not made public.</p> <p>Though the original question had not been directed at the Leader, he was happy to take the relevant steps to securing more information from the County Council.</p>
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**9. ANNUAL REPORT OF THE STANDARDS COMMITTEE**

Simon Lainè, Chairman of the Standards Committee, introduced the report as circulated with the agenda, to which there was little he could add.

The main issue facing the Committee was the imminent demise of the Government's national body Standards for England. There was no great detail about the changes that would be imposed, the suggestion being 'watch this space'.

There had been very few complaints over the last year, a reduction on the previous year. The committee had upheld two recommendations of 'no breach' by the investigating officer and these investigations had been conducted in-house which had far reduced associated costs compared with previous investigations undertaken by external investigators.

The Standards Committee were comfortable but not complacent about the adherence to the Code of Conduct and would comment further when the Government proposals had been made clear.

In response to a question from a Member, the Chairman of the Standards Committee along with the Monitoring Officer confirmed that current indications were that Parish Councils would be responsible for their own conduct rather than the relevant district authority.

The Leader of the Council thanked the members of the committee for all that they had done over the last year and proposed that moving forward, Council would be involved in agreeing what to do next once further details had been made available.

The Mayor thanked the Chairman of the Standards Committee for his attendance.

The Council noted the report.

### **10. CORPORATE STRATEGY 2011/12**

The Leader introduced the report as circulated with the agenda and referred members to the addendum which had been circulated at the start of the meeting. This set out modifications made to the action plan since the publication of Council papers and included indicators and targets for the Town Hall.

In March 2010 the Council agreed a 5 year vision (2010-2015) alongside a 12 month action plan, which would be reviewed in June.

It was now time to set an action plan for the coming 12 months. The strategy had been developed in parallel with the budget which had seen a reduction of staff and therefore capacity, but despite the financial pressure the 5 objectives had been retained, though actions had reduced. He outlined some of the actions that would deliver the current priorities, which included important projects for the borough (Recycling, St. Paul's phase 2, the Art Gallery and Museum extension and the sale of North Place).

The indicators used to measure performance had been reviewed in light of the Government's national indicator set having been lifted, which had allowed for local performance indicators which would be more meaningful. These had been split between service indicators for which the council could directly influence the outcome and community indicators which the council was not directly responsible for.

The draft action plan had been considered by the three overview and scrutiny committees and the feedback received was included in the report. An urgent matter for resolution was Economic Development (ED) given that the ED Manager had recently commenced maternity leave and the ED Officer had subsequently tendered his resignation.

Despite the financial constraints there was a commitment to achieving positive outcomes for the borough over the coming 12 months.

The following responses were given by the Leader to questions and comments made by members;

- He acknowledged the importance and urgency of finalising the role of the council in supporting the economic development of the town. Whilst the one-off funding was no longer available for local businesses, that staffing budgets were still in place.
- He did not accept the suggestion that the development of the action plan had been a meaningless exercise. The matter of indicators was a separate issue, the government indicators had been swept away and their substitutes were very much work in progress and proposed improvements would be welcomed.

Upon a vote it was

**RESOLVED** (with 1 abstention) **that the 2011-12 corporate strategy action plan be approved and used as the basis for monitoring the council's performance over the next twelve months.**

**11. NOTICES OF MOTION**

None received.

**12. TO RECEIVE PETITIONS**

The Mayor confirmed that a petition had been received on behalf of the Bath Road Traders on Monday 21 March:

*Cheltenham Borough Council has taken upon themselves without consultation with residents, shoppers or traders to close the public toilets in the Bath Road shoppers car park. This will leave a blossoming trading area without public toilet facilities, especially in regard to disabled access, thus driving many shoppers to alternative shopping areas and endangering business to the Bath Road.*

*We the undersigned call on CBC to take proper consultation on the closure of the Bath Road Shoppers Car Park Public and Disabled Toilets. It is unacceptable to make a closure of the facilities on Tuesday 31 March 2011, without discussion with residents, shoppers, disabled and traders. We therefore ask for the suspension of the closure.*

The petition would be debated at the next Council meeting on the 16 May 2011. *(This was subsequently deferred by the petition organiser).*

Councillor Smith felt that as a point of principle, despite the fact that the toilets were not to be closed on the 31 March as clearly anticipated by the petitioners, the fact that it had been scheduled to be debated after that date was nonsensical.

Councillor Surgenor, as a point of clarification confirmed that there were in fact two car parks in Bath Road and the petition referred specifically to the Bath Terrace car park, which the petition should have made clear.

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

There were no urgent items for discussion.

**14. LOCAL GOVERNMENT ACT 1972 - EXEMPT INFORMATION**

The following members were in attendance for this item: Councillors Barnes, Bickerton, Cooper, Fisher, Fletcher, Flynn, Hall, C. Hay, Holliday, Jeffries, Massey, McCloskey, H. McLain, Rawson, Regan (Mayor), Stennett, Stewart, Sudbury, Teakle, Walklett, Wall and Wheeler.

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

Upon a vote it was

**RESOLVED** (Voting: For 20 with 2 abstentions) **That in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining items of business as it is likely that, in view**

of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraph 1, 3 and 5, Part 1, Schedule 12A (as amended) Local Government Act 1972, namely:

1. Information relating to any individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

**15. EXEMPT MINUTES**

The following members were in attendance for this item: Councillors Barnes, Bickerton, Cooper, Fisher, Fletcher, Flynn, Hall, C. Hay, Holliday, Jeffries, Massey, McCloskey, H. McLain, Rawson, Regan (Mayor), Stennett, Stewart, Sudbury, Teakle, Walklett, Wall and Wheeler.

The exempt minutes of the meeting held on the 25 February 2011 had been circulated with the agenda.

Upon a vote it was

**RESOLVED (Voting: 20 For with 2 abstentions) that the exempt minutes of the meeting held on the 25 February 2011 be agreed and signed as an accurate record.**

Anne Regan  
Chairman

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