

Council

Friday, 25th February, 2011
2.30 - 3.30 pm

Attendees	
Councillors:	Barbara Driver (Vice-Chair, in the Chair), Garth Barnes, Ian Bickerton, Nigel Britter, Chris Coleman, 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, 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

Minutes

1. PRAYERS

Reverend Maz Allen opened the meeting with a prayer.

2. APOLOGIES

Apologies had been received from Councillors Cooper, Regan and Smith.

3. DECLARATIONS OF INTEREST

Regarding agenda item 16, the Head of Legal Services advised members that they should complete and submit the declaration form as necessary but there would be no need to verbally inform the meeting of the nature of their interest.

Councillor Macdonald declared a personal and prejudicial interest in agenda item 9 as a homeowner of a property in the area being considered.

Councillor Sudbury declared a personal and prejudicial interest in agenda item 9 as a committee member of LEGLAG and homeowner of a property near Leckhampton white land. She also had a personal interest as a member of Gloucestershire County Council (GCC).

Councillor Garnham declared a personal interest in agenda item 9 as a member of GCC who owned some of the land in the area under discussion.

Councillors Massey and Webster declared a personal interest in agenda item 9 as a signatory of the LEGLAG petition.

Councillors Fletcher, Teakle and Bickerton, declared a personal interest in agenda item 9.

Councillors Surgenor declared a personal interest in agenda item 9 as a member of LEGLAG and a member of the Planning Committee.

The Head of Legal Services reminded members that they should submit their declaration of interest form advising of the nature of their interests before a vote on agenda item 9 was taken.

4. TO APPROVE AND CONFIRM THE MINUTES OF THE LAST MEETING

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 11 February 2011 be agreed and signed as an accurate record.

5. PUBLIC QUESTIONS

None received.

6. COMMUNICATIONS BY THE MAYOR

The Deputy Mayor advised members that Councillor Roger Whyborn and his wife would be joining the Mayor in attending the Royal Garden Party at Buckingham Palace.

7. COMMUNICATIONS BY THE LEADER OF THE COUNCIL

The Leader advised members that he had been requested to inform members that Councillor Godwin had been nominated a substitute for the Environment Overview and Scrutiny Committee for the People against Bureaucracy group.

This appointment was confirmed by Council.

8. MEMBER QUESTIONS

None received.

9. CONSIDERATION OF A PETITION REQUESTING THAT LAND AT LECKHAMPTON BE PROTECTED FROM INAPPROPRIATE LARGE SCALE DEVELOPMENT

The Deputy Mayor reminded members of the procedure for dealing with petitions. She welcomed Kit Brauholtz, the petition organiser, to the meeting and invited him to present the petition.

In his statement, Kit Brauholtz thanked the Mayor for receiving the petition outside the Municipal Offices prior to the Council meeting on 13 December 2011 and thanked Council for considering it at this meeting. The petition had been organised with two objectives in mind:

- To make the public aware of the potential development on the land they were trying to protect. A consortium of developers had already announced their intention to submit an application for 1300 homes on this land.
- To make the councillors and officers aware of the strength of opposition to any development and the 1200 signatures on the petition was an indication of this.

He indicated that he had brought a map to illustrate the area. He stressed that the area was very attractive and an asset to Cheltenham. He read out a summary of the conclusion of the Inspectors Report 2005. In the report the inspector had considered the area of land in question and had concluded that it was not suitable for large-scale development.

In summary he emphasised that in signing the petition, it was not an expression of NIMBYism but people were expressing their genuine desire to preserve the rural character of an important piece of land.

The Deputy Mayor invited the Leader to make a statement.

The Leader said that it had always been council's policy to protect its rural areas from large-scale development and this policy would continue. This council was working with Gloucester City and Tewkesbury councils on the Joint Core Strategy (JCS) and how to protect valued land would be a key issue for discussion. He advised members that if an area was designated as a country park, unlike a National Park, it had no protection in planning terms. However the land would be subject to existing planning policies which would offer some protection. He added that it was unlikely that the council would have the necessary funds for compulsory purchase of the land.

Councillor Jordan proposed the recommendation set out in the report.

Councillor Ian Bickerton, seconded by Councillor Walklett, proposed an amendment requesting

“officers provide a point of contact in the JCS Team to provide direction and technical assistance to LEGLAG in the context of the new localism directives and options for longer term protection of the Leckhampton green land which are clearly of special community interest.”

In proposing the amendment he informed members that four inspectors had previously rejected large scale developments on Leckhampton white land and he quoted Inspector David Asher as saying, “development of the objection site would materially harm the rural character and appearance of the area, and the important contribution that this makes to the landscape within the site and when seen from the AONB, the rural character up to the edge of the town which would be lost if development were to take place” (CBC Local Plan Second Review to 2011 Inspector's Report).

Councillor Bickerton reminded members of discussions at the recent JCS seminar regarding the complex issues of sustainability, housing needs and encroachments on the green belt. The Localism Bill now been added to the debate. LEGLAG were putting forward a community lead solution, important to the wider community as expressed by the LEGLAG petition and needed officer support.

In seconding the motion, Councillor Walklett fully supported the aims of LEGLAG. He recognised that the area in question was a much loved site and it needed the council's protection.

The proposer indicated that he would be happy to accept the amendment given the wording suggested in the advice note circulated to members. The Leader emphasised that the council would be providing an opportunity for all local groups to get involved with the JCS process.

Councillor Garnham expressed concern that if the council were to agree this amendment, it may suggest that LEGLAG was being treated differently to other groups. He proposed that the words "and any other group, landowner or developer" be inserted after the word LEGLAG. This would ensure that the process was open and transparent.

The proposer indicated that he was happy to accept this amendment.

In response to a question from a member, the Leader confirmed that Tewkesbury Borough Council were aware of the petition.

Upon a vote the motion as amended was agreed.

Resolved that:

- 1. Officers are requested to consider the issues raised by the petition as part of the developing options process for the Joint Core Strategy as set out in paragraphs 3.10 and 3.11 of this report.**
- 2. An officer point of contact should be provided to enable LEGLAG and any other group, landowner or developer, to obtain information and guidance to aid understanding of the relevant procedures and processes in respect of the Joint Core Strategy and for creation of a country park.**

Voting: For 31 with 3 Abstentions.

10. COUNCIL_TAX_RESOLUTION_2011_2012

The Cabinet Member Finance and Community Development introduced the report and referred members to the appendix that had been circulated at the start of the meeting.

The appendix contained the total council tax to be paid by residents of Cheltenham in 2011-12 by council tax band and included the precepting authorities (Gloucestershire County Council and Gloucestershire Police Authority).

Upon being put to the vote it was unanimously;

RESOLVED THAT: the council tax resolution at Appendix 2 be approved.

11. COUNCIL DIARY SEPTEMBER 2011 TO AUGUST 2012

The Chief Executive introduced the report, which sought approval of the provisional diary of meetings for September 2011 to August 2012. The provisional dates had been circulated in advance of the meeting, comments received and amendments made. He advised that the asset management working group for 28 June 2012 should be listed as a 5 pm. start and not 6 pm.

Upon being put to the vote it was unanimously;

RESOLVED THAT: the Council diary of meetings for September 2011 – August 2012 as amended be approved.

12. NOTICES OF MOTION

None received.

13. TO RECEIVE PETITIONS

None received

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

None.

15. LOCAL GOVERNMENT ACT 1972 - EXEMPT INFORMATION

Upon a vote it was unanimously:

RESOLVED that 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.**

16. REQUEST FOR DISCRETIONARY ALLOWANCE UNDER THE LOCAL GOVERNMENT (DISCRETIONARY PAYMENTS) REGULATIONS 1996

The following members were in attendance for this item: Councillors Garth Barnes, Ian Bickerton, Nigel Britter, Bernard Fisher, Jacky Fletcher, Wendy Flynn, Penny Hall, Diane Hibbert, Sandra Holliday, Peter Jeffries, Robin MacDonald, Paul Massey, Helena McCloskey, Heather McLain, Paul McLain, John Rawson, Malcolm Stennett, Charles Stewart, Klara Sudbury, Jon Walklett, Andrew Wall, Paul Wheeldon, Simon Wheeler and Jo Teakle

In the absence of the Mayor and Deputy Mayor, the Chief Executive took the chair and invited nominations for a member to preside as set out in rule eight of the Council Procedure Rules. Councillor Barnes took the chair.

The Council received a report from the Staff & Support Services Committee making a recommendation in response to a request for a discretionary allowance under the Local Government (Discretionary Payments) Regulations 1996. The Council, having considered the request, the reports of the Staff & Support Services Committee and of the Assistant Director of Human Resources

and Organisational Development which had been received, determined the request. A discretionary allowance was approved subject to review in 2013.

Anne Regan
Chairman