

Council

Monday, 15th October, 2012
2.30 - 6.05 pm

Attendees	
Councillors:	Colin Hay (Chair), Wendy Flynn (Vice-Chair), Andrew Chard, Garth Barnes, Ian Bickerton, Nigel Britter, Chris Coleman, Barbara Driver, Bernard Fisher, Jacky Fletcher, Rob Garnham, Les Godwin, Penny Hall, Tim Harman, Rowena Hay, Diane Hibbert, Peter Jeffries, Steve Jordan, Paul Massey, Helena McCloskey, Andrew McKinlay, Paul McLain, David Prince, John Rawson, Anne Regan, Rob Reid, Duncan Smith, Charles Stewart, Klara Sudbury, Jo Teakle, Pat Thornton, Jon Walklett, Roger Whyborn and Suzanne Williams

Minutes

1. A MOMENT OF REFLECTION

Reverend Robert Pastelli invited members to take a moment of reflection.

2. APOLOGIES

Apologies were received from Councillors Wall, Holliday, Wheeler, Lansley, Stennett and Seacome. Councillor Williams would be late and subsequently arrived at 4.20pm.

3. DECLARATIONS OF INTEREST

Councillor Garnham declared a personal and prejudicial interest in agenda item 14 (Joint Core Strategy Gloucester, Cheltenham and Tewkesbury) due to his private business being engaged by landowners of a site in Brockworth.

Councillors Sudbury, Teakle, Bickerton and Chard declared a personal interest in agenda item 14 (Joint Core Strategy Gloucester, Cheltenham and Tewkesbury) as members of LEGLAG.

4. MINUTES OF THE LAST MEETING

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

The Leader highlighted an error on page 10 of the minutes at item 10e whereby the consultation document 'developing a preferred option' should have been referenced rather than the NLP report.

Upon a vote it was unanimously

RESOLVED that the minutes, as amended, of the meeting held on the 24 September be agreed and signed as an accurate record.

5. COMMUNICATIONS BY THE MAYOR

The Mayor paid tribute to Edward Gillespie who had stepped down as Managing Director at Cheltenham Racecourse after 32 years in the role. Ed, who was made a Freeman of the Borough in 2008 had transformed the Cheltenham Festival from a well known race meet to the foremost steeple chase festival in the country. The popularity of the other race meets grew year on year and it was recognised what this added to the Cheltenham economy. The Mayor was pleased that Ed would not be leaving the County and looked forward to working with him in the future.

The Mayor agreed to a request to write to Edward Gillespie on behalf of this Council and thank him for all that he had done for the town.

Upcoming events included the Monster Walk on the 27 October, a Halloween-themed fancy dress charity walk and Remembrance Sunday on the 11 November which he urged members to attend as it meant a lot to people in the town and suggested that Councillors attendance was always well received by the public.

6. COMMUNICATIONS BY THE LEADER OF THE COUNCIL

The Leader fully endorsed the comments made by the Mayor regarding Edward Gillespie whose major contribution to the town had been recognised in this chamber when he had been made a Freeman of the Borough.

He had recently attended the AGM of CBH and took this opportunity to thank Lawrence Boyd and Mike Tyrrell who were standing down as members of the Board at CBH after a fantastic contribution as both Chairs and members of the Board. He congratulated Stuart Hutton on his appointment as Chair and wished him all the very best in his new role.

7. PUBLIC QUESTIONS

Councillor McLain arrived at 2.45pm and Councillors Hibbert and Prince arrived at 2.50pm.

The following responses were given to the 3 public questions received;

1.	Question from Kit Braunholtz to the Leader, Councillor Steve Jordan
	Is the Council aware that the average household size in the JCS area was 2.346 in 2001 and was 2.341 in 2011 using figures published by the Office of National Statistics and calculations supplied to me by Councillor Ian Bickerton?
	Response from Leader
	Nathaniel Lichfield and Partners (NLP) state in a recent report using the same source data as Councillor Bickerton that household size for 2001 was 2.3 and for 2011 was 2.29. Hence both set of figures indicate a slight fall. In a supplementary question, he asked whether the Council was further aware that the figure of 28,500 extra houses in the JCS area (in 2031 compared with 2011) quoted by NLP implies that the average household size in 2031 will be approximately 2.22 as opposed to the average household size of 2.33 in 2031 obtained by linear projection from the

	<p>actual figures of the last 10 years; and in the light of this discrepancy, will the Council carefully investigate different ways of obtaining projections (i.e. educated guesses) of what the housing requirement will actually be? And in view of the large differences between projections of the housing requirement obtained by different methods, will the Council consider adopting a sensible strategy of using a figure towards the lower end of the range to begin with, and increasing this figure later if necessary in the light of circumstances?</p> <p>In response the Leader confirmed that the report to Council was recommending that these issues are looked at and the role of the JCS working group would be to examine the figures and report back.</p>
2.	Question from Kit Braunholtz to the Leader, Councillor Steve Jordan
	<p>Does the Council realise that if the population of the JCS area increases (as the JCS team assumes it will) by 44,700 from 2011 to 2031, and if the average household size were to be 2.331 people per household in 2031, (which is what one would obtain by projecting linearly forward the local trend in average household size over the past ten years), then the number of extra houses needed by 2031 would be approximately 19,900? (This figure is slightly higher than the figure previously quoted of 18,600 which was calculated using the national average of 2.4 for household sizes instead of the slightly lower local ones.)</p>
	Response from Leader
	<p>While this is true, members have been advised by officers that making projections based on short-term trend data is not a sound basis on which to assess future housing needs.</p> <p>It is important to assess the evidence as to what the future trend is likely to be rather than just assume the current situation will continue. The report to be discussed by Council later recommends that the JCS and Planning Liaison Overview and Scrutiny Working Group reviews this evidence.</p>
3.	Questions from Gerry Potter to the Leader, Councillor Steve Jordan
	<p>It was quoted in the Cheltenham Echo of Monday 8th October <i>“figures have revealed the number of new jobs in Cheltenham and Tewkesbury boroughs and Gloucester City increased by only 5,000 in 20 years”</i> - the leader of Cheltenham Borough Council also stating the same.</p> <p>However, the figures from the Joint Core Strategy (JCS) suggest 27,000 jobs will be needed in the next 20 years, which would mean an increase of 600 per cent. At a recent meeting of Tewkesbury Borough Council it was also stated <i>“that the number of jobs needed could be between 15,500 and 27,000, depending on two different projections made by separate groups of analysts”</i>. Even if the lower amount turns out to be correct, it would mean the three areas would still need to generate more than three times the number of jobs created in the last 20 years.</p> <p>Where will these jobs come from given that there are a considerable number of unemployed people in Gloucestershire, with unemployment rising in September? The predicted growth that</p>

	<p>everyone expects, and the assumption on which housing requirements have been based, may not happen for at least a decade or two. Surely an informed economic view, and much more information, is needed before any land is committed for building homes on.</p> <p>If one thing has been learnt from the work which has been done as part of the Joint Core Strategy, it must be that future housing needs cannot be looked at in isolation. It begs the question: Can we employ the increased population we are planning homes for - in these tough economic times, it's hard for even the most optimistic among us to consider this feasible ?</p> <p>Do we need to swallow up large parts of the borough to accommodate growth that might not happen ?</p>
	<p>Response from the Leader</p>
	<p>I agree that future housing needs cannot be looked at in isolation and also that the development plan must be internally consistent in respect of the level of economic growth and the level of new housing provision.</p> <p>The joint core strategy must be in conformity with the National Planning Policy Framework (NPPF) otherwise there will be no prospect of the plan being found sound at examination. The NPPF requires that local authorities plan positively for growth, including housing to meet objectively assessed needs.</p> <p>Taken together, these matters are reflected in Resolution 6 agreed at the Council meeting on 24th September which states:</p> <p style="text-align: center;"><i>Agree that "objectively assessed need" for the JCS area should be based upon local job projections and the alignment of housing and employment provision. Also to agree that in preparing the JCS Preferred Option document, further work will be carried out to understand the level of economic growth assumed in the demographic, Cambridge Econometrics and Experian Business Strategies Ltd projections and work with the Local Enterprise Partnership to establish the level of economic growth for the JCS area during the period up to 2031 and the potential implications that this may have on the level of housing required.</i></p> <p>Officers are now working closely with the Local Enterprise Partnership in pursuance of this objective.</p>

8. MEMBER QUESTIONS

The following responses were given to the 5 member questions received;

<p>1.</p>	<p>Question from Councillor Tim Harman to Cabinet Member Corporate Services, Councillor Jon Walklett</p>
	<p>Could the Council be advised of the likely savings to the Council Budget if the Whole Council elections were adopted at the next opportunity?</p>
	<p>Response from Cabinet Member Corporate Services</p>

	<p>The following response has been extracted from a paper presented to Council on 26th July 2010 :-</p> <p>“The current cost of a local council election is £130,000 per election or £260,000 over a 4 year period, budgeted at £65,000 per annum.</p> <p>If the Council was to run a single full election this would increase the costs by £30,000 to £160,000 per election, resulting in a saving over four years of £100,000, or an average saving of £25,000 per annum. This assumes the number of bi-elections do not increase as a result of a four year cycle.</p> <p>However, under legislation, the timetable for holding local elections is such that, in the first year of changing to a 4 year cycle there would be insufficient funding available, as this would be held 1 year earlier than under the planned 2 year cycle. One-off additional budget of £95k would therefore be required to support the new arrangement. There would therefore be a payback period of approximately 4 years.</p> <p>In addition, there will be one-off consultation costs of the proposed changes, as yet undetermined.”</p> <p>I would also like to make you aware that in the event of any increase in bi-elections resulting from a four year cycle further incremental costs currently estimated at £8000 per ward could also be incurred.</p> <p>The result of the July 2010 Council's vote on the matter of four yearly elections was a win (For 25, Against 9) for an amendment which became the substantive motion “<i>Council resolves not to pursue a move to four yearly elections</i>” For interest a further motion “<i>Council reconsiders the matter during 2013</i>” was also defeated (For 10, Against 25)</p> <p>In a supplementary question, Councillor Harman asked whether with greater pressure on council budgets in the year ahead, the Cabinet Member would be looking at every possible saving as ongoing savings would be possible from a change in election arrangements.</p> <p>In response the Cabinet Member said that the average saving of £25,000 per annum that could be achieved from moving to four yearly elections was relatively small and would amount to only 27.89 p for each member of the electorate. This compared with the benefits of giving the Cheltenham electorate the opportunity to exercise their democratic right every two years which he believed was something that the council should endorse.</p>
2.	<p>Question from Councillor Barbara Driver to Cabinet Member Built Environment, Councillor Andrew McKinlay</p>
	<p>As this council quite rightly encourages more cycling could the Cabinet Member responsible tell me why there are not many more bicycle stands across the whole of Cheltenham, and why have some have even be taken away, which as has been pointed out to me by constituents? You do not need large ones, but one or two every few hundred meters both in the town centre, Montpellier the Suffolk's and Bath Road. Also, would CBC encourage the bus companies to place bicycle racks on the front of</p>

	<p>their buses (again as in other towns) so that both can be used to the best advantage?</p>
	<p>Response from Cabinet Member Built Environment</p>
	<p>Currently there are a number of reviews being undertaken on the Cheltenham Cycle Network.</p> <p>CBC together with Gloucestershire County Council, Gloucestershire Highways and local cycle interests such as Cheltenham Cycling Forum are looking at a number of initiatives to not only improve accessibility to Cheltenham for cyclists but more importantly the provision of adequate cycle parking</p> <p>The success of the local sustainable transport fund has now enabled a number of cycle projects to be brought forward this includes in particular the provision of and location of adequate cycle parking. A number of recent cycle parking improvements have taken place in areas identified by local residents and community groups these include Church Piece and Charlton kings.</p> <p>Improvements to cycle parking along the Bath Road Corridor in Leckhampton are also planned as is an extensive review of the cycle parking needs within the town centre where currently there are a number of trials being undertaken to identify the need for and best location for the placement of cycle parking facilities. Historically cycle parking has often been implemented with no overall strategic thought as to the location and or demand for cycle parking.</p> <p>The current need for and future demand for cycle parking facilities are subject to an ongoing process as we move the town towards smarter accessibility and being sustainable travel town.</p> <p>Why have some cycle stands been taken away? With reference to the removal of cycle racks as reported by Councillor Barbara Driver, our officers will meet with and discuss the concerns raised as the removal of cycle stands are only endorsed by CBC where they are removed for maintenance purposes or the location has been deemed no longer functional. Having said this they are not removed without due engagement and consultation being undertaken.</p> <p>Would CBC encourage the bus companies to place bicycle racks on the front of their busses? Discussions have taken place with bus operator/s regarding ways in which potential improvements can be achieved to bus access, in particular cycle carriers and the establishment of localised transport nodes at key bus connection points where improved cycle parking provision can be provided.</p> <p>With regards to cycle carriers being installed on local buses we will again raise this issue with operators and the County's bus management team. The concept of on bus cycle carriers would assist residents and commuters in considering linking cycle and bus travel as part of their first travel choice.</p>

	<p>This can assist in reducing the number of motor vehicle journeys in and around the town.</p> <p>In a supplementary question, Councillor Driver referred to a recent survey which indicated that 8% of the population rode bicycles and she asked the Cabinet Member if this figure was going up or down in Cheltenham.</p> <p>In response the Cabinet Member said he was unaware of this survey. His assumption was that it was going up but he had no figures to verify this. He added that the Cabinet was committed to sustainable transport in the town and this would include encouraging more people to take up cycling.</p>
3.	Question from Councillor Andrew Chard to Cabinet Member Built Environment, Councillor Andrew McKinlay
	<p>Interruption of power affects both businesses and homes alike. In recent months Cheltenham appears to have suffered from more and more power cuts. Please would the relevant Cabinet Member tell this council what steps they have taken to find out why this happening and what the power supply companies have said?</p>
	Response from Cabinet Member Built Environment
	<p>The Council has not undertaken any specific investigations into the recent power losses as clearly the appropriate delivery of electrical supplies is not a Council responsibility.</p> <p>Officers have however reviewed the Council's Corporate Business Continuity Plan and introduced additional measures to ensure that our ICT provisions are appropriately protected. The plan has also been revised to provide a more efficient communication cascade to staff and Members.</p> <p>A new officer team will be set up which will include staff from Property, Front line services, and ICT whose primary role will be to assess the known facts and implement appropriate action. Terms of reference for this group are currently being developed by the Executive Director.</p>
4.	Question from Councillor Rob Garnham to the Leader
	<p>As I have declared a conflict of interest on all matters relating to the JCS I will not be in the council chamber for the debate under agenda item 14. However my question is to the Leader of the Council and is more concerned with who is running the Council and how it is being run. The Press has quoted the Leader of the Council as saying "the additional resolutions by Cheltenham Borough Council on the 24th September wouldn't 'blow the whole thing apart' and that the "18600 figure would not be a 'showstopper'" Given the responses from our JCS partners in Tewkesbury and Gloucester, that would indicate because of his actions the JCS is on the brink of disaster, does he still stand by those quotes?</p>
	Response from the Leader
	Cheltenham Council has already agreed the same 7 clauses agreed by

	<p>both Gloucester and Tewkesbury Councils. It is equally true that the additional resolves agreed by this Council on 24th September do not contradict anything in those 7 clauses.</p> <p>The response of the Gloucester and Tewkesbury Council does indicate a level of confusion over what this Council was actually saying. Last week I had a very useful meeting with Paul James and Rob Vines where we were able to clarify our positions and confirm that we are all committed to making the JCS work so it clearly doesn't 'stand on the brink of disaster'.</p> <p>The report before Council today indicates how the concerns expressed by this council can be taken forward although I do appreciate Cllr Garnham has a conflict of interest in these matters.</p> <p>In a supplementary question, Councillor Garnham asked the Leader to explain why there was a widespread public belief that the amendments proposed by the Leader at the last Council meeting were because Councillor Bickerton had threatened to resign his seat unless the amendments were put.</p> <p>The Leader responded that this was completely untrue and explained the sequence of events. Members of the joint steering group had met on Wednesday after receiving the NLP report on the Monday. The seven resolutions which the Leader himself had drafted were put to the steering group and agreed. The Leader had considered that a useful starting point but he had always intended to take on board people's comments as they arose in further discussions with members of his group and other councillors. He felt this was a very appropriate way for council to approach this issue. He apologised for any confusion with the other councils who may have had a different interpretation of what would happen after the meeting.</p>
5.	<p>Question from Councillor Anne Regan to Cabinet Member Sustainability, Councillor Roger Whyborn</p>
	<p>Can the appropriate portfolio holder tell us since the withdrawal of the free dog bags, has the recorded number of complaints of dog fouling increased particularly in our parks, gardens, and recreational areas. As the danger to children of disease from this issue may increase, will this council consider reintroducing the green bag scheme?</p>
	<p>Response from Cabinet Member Sustainability</p>
	<p>Complaints to the Council's Public Protection Team about dog fouling in the twelve months prior to 01.04.11 (when free dog foul bags were withdrawn) were 134. In the twelve months subsequent to 01.04.12 there were 159 complaints.</p> <p>The Council's Public Protection Team respond to any exceptional dog fouling problems by targeting resources at specific problem areas as they arise and this normally resolves things.</p> <p>Free bags were introduced at the time in order to raise public awareness when dog bags were less widely used and available. Now that they are widely used and available in shops, and expected to be used, continued</p>

	<p>provision by CBC is not considered the best use of council money.</p> <p>In a supplementary question, Councillor Regan asked what steps would be taken to tackle this problem as she was receiving an increasing number of complaints in her ward.</p> <p>In response the Cabinet Member said that the figures available did not show a significant increase in complaints and it was certainly not the case in his ward. He didn't believe that the free supply of dog bags significantly affected the number of dog fouling problems.</p>
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9. **STATEMENT OF ACCOUNTS-REPORT OF THE CHAIR OF AUDIT COMMITTEE**

The Chair of the Audit Committee, Councillor Massey, introduced the Statement of Accounts 2011/12 which had been discussed by the Audit Committee at their meeting on the 19 September. He referred members to item 3.1 of the report, the audit did not identify any material issues in the accounts and item 3.3 of the report emphasising that the finance team had prepared the accounts whilst simultaneously implementing and launching GO. Finance was a small team and deserved recognition for their efforts.

He explained that the second recommendation was a departure from previous years and aimed to align working practices with partner authorities. The consideration and sign off of the Statement of Accounts had been delegated to Audit Committee but in future a report would only be made back to Council if there were issues arising from the audit.

In response to a question from a member, the Chair of the Audit Committee explained that neither of the two elector challenges had been deemed by KPMG as significant enough to delay the signing of the accounts.

The Leader endorsed the comments of the Chair regarding the efforts of the finance team and also thanked the Audit Committee.

Councillor R Hay, as a member of the Audit Committee, highlighted that the Committee had put on record their thanks to KPMG for their hard work and support as they would no longer fulfil the role of external auditor for this authority.

Upon a vote it was unanimously

RESOLVED that:-

- 1. The decision of the Audit Committee to approve the Statement of Accounts for 2011/12 be noted, including the Annual Governance Statement and note that the Chair of the Audit Committee, Councillor Massey, signed the accounts to formally signify their approval by the Council.**
- 2. As outlined in section 4, the Chair of the Audit Committee will only report to the Council if there are any issues arising from the audit of the Statement of Accounts.**

10. RESTORATION OF PITTVILLE GATES

The Cabinet Member Finance was pleased to introduce the report and move the recommendations on the supplementary paper that had been circulated in advance of the meeting. The resolutions had been amended as those that Council needed to agree were different to those that Cabinet had passed previously.

Cabinet strongly supported Friends of Pittville (F.O.P) in their charge to restore the Gates and the surrounding area which had become somewhat neglected. Both Cabinet and F.O.P saw the restoration of the Gates and surrounding area as marking the Jubilee Year.

The Council had supported F.O.P in their efforts as much as possible through an initial allocation of £20k from the Environmental Improvement Fund 2011 which had enabled the design, planning consent and procurement to progress and F.O.P had applied for a further £20k from the Environmental Improvement Fund 2012.

In excess of £134k had been raised by F.O.P so far and these funds would be used to appoint a Project Manager and initiate Phase 1 which would include replacement pillars, lamps and some landscaping. It was important to note that some of the funding that had been secured by F.O.P required works to have commenced by the end of November 2012.

Finally, the Cabinet Member Finance commended the generosity of the funders, the support of the ward Councillors and Officers and above all the tenacity of the F.O.P.

Councillor Hibbert, as Ward Councillor for Pittville, echoed the comments of the Cabinet Member. She informed members that the F.O.P had worked tirelessly to secure funding and had to date secured in region of £155k and already had plans underway for Phases 2 and 3 and she reiterated the importance of work commencing soon.

Councillor Hibbert proposed an amendment to the resolution, namely the addition of the following wording:-

“and wishes to put on record its thanks for the valuable work that has been done by the Friends of Pittville.”

The Cabinet Member Finance welcomed and accepted the amendment.

Members commended F.O.P, especially for their planned restoration of the gates.

Upon a vote it was unanimously

RESOLVED that Council agrees to allocate the funding for this project over the 2 phases as set out in Sections 2.9 and 2.10 of the report be

agreed and wishes to put on record its thanks for the valuable work that has been done by the Friends of Pittville.

11. ICT SUPPORT TO CHELTENHAM FESTIVALS LTD

The Cabinet Member Finance introduced the report as circulated with the agenda. He congratulated Cheltenham Festivals (CF) on the 2012 Literature Festival which he believed had been the most successful yet. Whilst CF were separate to the Council he acknowledged that there was a strong relationship between both organisations with the Council currently providing in kind support to CF for ICT networking and telephony.

As the festivals grew so did the demands on the ICT team and these increasing needs were becoming more difficult to fulfil. A review of ICT in 2011 concluded that CF had different ICT requirements to those of the Council given their extensive use of social media and need to hold massive video files and maintain a huge photo library. Both organisations would benefit from the proposal to make funding available for CF to create an independent ICT structure as this would drive out savings for the Council.

He hoped that members would be able to support the report and recommendation.

Whilst one member voiced her support for the recommendation, another member was not as supportive, querying why the taxpayers of Cheltenham should pay CF £139k if they were as successful as was being suggested.

The Leader reiterated that the Councils current agreement cost £73k year on year so the proposal before members today would ultimately result in a saving for Cheltenham taxpayers.

Upon a vote, with 1 member voting against, it was

RESOLVED that a grant of £139k to Cheltenham Festivals to fund the establishment of independent ICT infrastructure and financing of the first year of independent maintenance support, to be met from the Council's General Fund Reserve be approved.

12. ADOPTION OF STATEMENT OF PRINCIPLES - GAMBLING ACT 2005

The Cabinet Member Housing and Safety introduced the report. Cabinet had approved the draft policy statement for consultation on the 19 June 2012 and there had been no changes following the conclusion of that consultation. It was also noted that the legislation relating to the scope of this policy had remained largely unchanged.

A member queried how many establishments, including outlets, were currently in the town and whether there was a limit to the total number permitted in the town and if so, what this figure was. The Cabinet Member Housing and Safety was not able to provide this information at the meeting and as such agreed to provide the answer in writing.

Upon a vote it was unanimously

RESOLVED that:-

1. The consultee comments received be noted; and

2. The draft policy statement be approved and adopted.

13. BUSINESS RATES RETENTION SCHEME POOLING

The Cabinet Member Finance accepted that this was a complicated issue and attempted to explain it as clearly as possible. The good news for local councils was that next year they could retain 50% of the business rates collected. The bad news being that any council that collected above its baseline funding level may have to pay a levy and those councils that did not achieve their baseline funding level could be eligible for top-up funding from central government to protect them against significant reductions on their income.

The coming together of local authorities to pool business rates could put member authorities in a beneficial collective financial position and could also allow for the off-setting of tariffs against top-ups and reduction in levy. Importantly no Council would be worse off as a result of business rate pooling but this matter would need to be considered further when the Local Government Financial Settlement was announced in November/December 2012.

Given the timescales it would not be possible to bring the matter back to Council but as per the new Executive arrangements the decision by Officers would be published.

The Cabinet Member Finance gave the following responses to member questions;

- The monies would continue to form part of the Council's income streams as they did at present and the surplus could be used for economic development but this would be a matter for consideration and determination by Council.
- The Business Rate Retention scheme would start in April 2013 but the submission deadline for proposals to the Government for a Gloucestershire Pool was the 19 October 2012. Given that the exact impact of the business rate pooling would not be fully understood until the draft Local Government Finance Settlement was announced, a cooling-off period had been built into the Government's timetable which offered an element of flexibility for councils to change their mind. It was stressed however that such a decision would impact other authorities.

The Mayor welcomed the principle of the Council being in control of monies collected locally.

In closing, the Cabinet Member Finance acknowledged the huge amount of work undertaken thus far by Officers at this Council and across the County.

Upon a vote it was unanimously

RESOLVED that

- a) **The proposal to be part of a Gloucestershire Business Rates Pool, subject to a thorough assessment of risks/rewards and agreement on satisfactory governance arrangements be agreed in principle**
- b) **Subject to a) above, the submission of a proposal to the Government for a Gloucestershire Pool by the 19th October deadline be approved**
- c) **Authority to assess the risks/rewards and agree the business case for joining a Gloucestershire Business Rates Pool be delegated to the Section 151 Officer and Chief Executive**
- d) **Authority to agree the governance arrangements for the operation of a Gloucestershire Business Rates Pool be delegated to the Section 151 Officer and Chief Executive, in consultation with the Borough Solicitor, Leader of the Council and the Cabinet Member for Finance.**

14. JOINT CORE STRATEGY GLOUCESTER, CHELTENHAM AND TEWKESBURY

The Mayor explained that the Leader would introduce the report and there would then be the opportunity for members to ask questions. In response to a question from a member, the Head of Legal Services confirmed that members had the right to ask the Chief Executive any questions as the author of the report.

In his introduction, the Leader referred to the long and useful debate that had taken place at Council on 24 September. Council had agreed the seven resolutions previously agreed by representatives of all three councils at the JCS joint member steering group and in addition had agreed three other resolutions which highlighted issues for Cheltenham. At the time he had been satisfied that these three resolutions clarified but did not contradict the seven. He agreed that there had been some confusion since the joint member steering group had met. Going away from that meeting, he had not envisaged that these seven resolutions couldn't be added to and he apologised for any confusion with regard to Tewkesbury and Gloucester City if they had not gone away with this same understanding.

He reported that he had had a useful meeting last week with the three leaders of the councils to understand their respective positions and as a result they had all reaffirmed their commitment to making the JCS work. In addition they had all signed up to the important piece of work regarding economic growth. His aim would be to follow this with an early meeting of the Chief Executives, the Leaders and the officers leading the JCS process across the three councils.

He felt that it was important that certain issues such as household size were referred to the Council's JCS and Planning Liaison Overview and Scrutiny Working Group to examine the facts and opinions and give their views.

In conclusion, he emphasised that the most important thing was for the JCS to continue working across the three councils and the report before members set out how the JCS would be progressed to the Preferred Options stage.

The Mayor invited questions on the report which are set out below together with the responses:

- Could the Chief Executive give his assurance that the additional piece of work set out in recommendation 4 could be completed in the timescales set out for the JCS which were already extremely tight? Would the newly formed working group be sufficiently qualified to deal with the complex situation they were being asked to investigate?
 - The Chief Executive responded that the officers' view was that yes they could be achieved in the timescales but they would need the willingness on the part of members to support the process. He suggested that there should be an early review of the terms of reference, the membership and the mode of operation of the working group to ensure the matter could be progressed as quickly as possible.
- It appeared from the Planning Inspector's website that many councils had submitted JCS documents for periods of less than 20 years and in some cases even 10 years. Should the council be giving themselves more flexibility by following this example?
 - The Interim Strategic Land Use Manager responded that the National Planning Policy Framework (NPPF) set out a minimum of 15 years and it was then discretionary if a council wished to increase this period. He pointed out that the JCS would be reviewed at five year intervals and therefore this should provide the council with adequate flexibility. In his view 20 years was the appropriate period.
- As public confidence in the JCS process seemed to be currently very low, should this be reflected in the risk assessment?
 - The Chief Executive agreed that this should be added.
- If some of the contentious issues that members had raised could not be resolved before the final document needed approval, what was Plan B?
 - The Chief Executive said there was no Plan B. The JCS had to be progressed with the support of the members so that it was sound from an officer's point of view but was also something that members could support from a political stance. In his view there had been a democratic deficit in the process up to now and the Leader had some ideas on how members could be brought more into the process. In that way he hoped that by the time it got to the Preferred Options stage, it would be something that members could sign up to. The alternative of reverting to a process for Cheltenham alone, would potentially involve repeating consultation and recreating the evidence base and would overall delay the adoption of a sound Local Plan for Cheltenham.
- How did the Duty to Co-operate influence the situation where one of the partner councils might want to build close to another's boundary. Would that council have the right to veto any development proposals?
 - The Interim Strategic Land Use Manager said that the duty to co-operate worked both ways but a council did not have the power of veto outside of its boundaries although they could object if there were sound planning reasons.
- Could the Chief Executive outline the governance process and how the O&S member working group would report back progress?
 - The Chief Executive said it was his understanding that O&S were happy to take on this piece of work and he referred to his earlier comment regarding the terms of reference and membership of this

group. He also highlighted that it would be important for the group to consider what meetings would be held in public or private and how they would share information.

- The Head of Legal Services added that greater flexibility had been built into the new scrutiny arrangements regarding the reporting of recommendations. These would be reported initially to the O&S Committee and then on to Council or another body as the O&S committee decided.
- In response to a question, the Interim Strategic Land Use Manager confirmed that five days of the Planning Advisory Service's time and resources had already been allocated to further the work referred to in paragraph 1.6 .4 on page 6 of the report.
- Did working in partnership on the JCS give the council more options?
 - The Leader responded that in his view it was better to work with three councils as without partnership working the council would have very little control over what happened in surrounding land outside the borough.
- A member suggested that Council were being asked to make a very difficult decision. He asked for confirmation that the situation with Gloucester City was as reported and that they would pull out of the JCS if council did not pass the resolutions set out in the report?
 - The Chief Executive responded that it was not a difficult decision from an officer's point of view. Although the three additional resolutions passed by Council appeared to be innocuous paragraphs, the problem had been not with the wording but in the general messages they had sent to JCS partners. Our partners had been concerned that Cheltenham might be causing unnecessary delays to the process or affecting the soundness of the plan. If members were of the view that those additional resolutions merely clarified points then it seemed sensible to drop them in order to keep Gloucester City and Tewkesbury Borough councils on board.
- A member asked the age of the local plans for Tewkesbury and Gloucester City?
 - The Interim Strategic Land Use Manager indicated that Tewksbury's plan was of a similar age as Cheltenham's and Gloucester City's local plan dated back to the 1980s.

The Mayor invited debate on the resolutions in the report which were proposed by the Leader and seconded by Councillor Whyborn.

A member expressed concern that the Leader had not apologised for misleading Council about the impact of the amendments which had been passed at the last meeting and requested an apology for threatening the JCS process, putting Cheltenham at the hands of developers and necessitating a further debate today.

As chair of the Overview and Scrutiny Committee, Councillor Duncan Smith indicated that he was very happy to use the working group to support the process. As the next meeting of the O&S committee was not till 26 November, he suggested that any member who was interested in joining this working group should advise Democratic Services by the end of this week. He would then, in consultation with his vice chair, Councillor Sudbury agree the membership of the working group. He suggested that in order to meet the timescales, the group

would need to be flexible and able to make both daytime and evening meetings and members would need to take that into consideration before putting themselves forward.

Councillor Smith proposed the following amendment which was seconded by Councillor Chard.

Insert an additional resolution 5.

- i. Note that this Council does not want to see undeveloped green and white land in Leckhampton zoned for housing*
- ii. Refers the matter to the O&S JCS working group to examine how this may be reflected in the final JCS*

In proposing the motion, Councillor Smith said that there were a large number of Leckhampton residents who were furious about the proposed development between the Shurdington Road and Leckhampton Road.

In seconding the motion, Councillor Chard said that it was important to address the concerns of local residents and build this into the O&S process.

Other members expressed concern that the amendment could actually make Leckhampton more vulnerable by appearing to prejudice future options. It could also risk Tewkesbury Borough Council withdrawing from the JCS if they favoured development at this location.

The Chief Executive advised against adding a further resolution which may again risk offending our partners. The council could still engage in further discussions with concerned residents and there was no reason why the O&S working group could not encompass this request in its terms of reference and/or make any specific recommendations which could then be discussed with partners.

Councillor Smith when asked by the Mayor, said he could support the approach of including it in the remit of the O&S working group but only if the amendment was to fall.

Other members spoke against the amendments and questioned Councillor Smith's motives for raising it. Having criticised the Leader for supporting amendments which put the JCS partnership at risk and confusing supply and demand, this amendment seemed to do the same thing. If Leckhampton was to be specifically mentioned then this raised the question why other sites should not be protected in this way. It was important to protect all areas from unsustainable development and it was not helpful to single out Leckhampton in a JCS document at this stage.

The council's focus for development should be on promoting growth and reducing unemployment by considering the location of potential business parks.

Asked to advise on a potential predetermination issue, the Head of Legal Services clarified that the question related to pre-determination of planning policy as opposed to planning applications. He said that the process for development of planning policy must be objectively based and advised that if

there were indications that a planning authority had allocated a particular area for development or protection too early in the process this could be used as a matter of argument against the Council. However this was only a general response to a general query and he could not be more specific at this stage.

The Interim Strategic Land Use Manager added that in formulating the JCS, the council must demonstrate that it had considered all alternatives and if the land was taken out of consideration too early the council could be at risk of the plan being considered unsound. He advised that the preferred option stage was the time to consider sites and until then the council should follow due process.

Another member spoke in support of the amendment by saying that Leckhampton was a special case because it was very much an immediate issue and therefore there was justification for making an exception. The referral to O&S was unlikely to change anything.

In his summing up for the amendment, Councillor Smith said he had promised local residents he would raise it and it was a serious issue for council's consideration.

In responding to the amendment, Councillor Jordan said that in resisting the amendment he was not suggesting that Leckhampton was unimportant but passing the amendment would add unnecessary risk to the JCS process and he was satisfied that the matter could be looked at by the O&S working group.

Upon a vote the amendment was **LOST**.
Voting: For 7, Against 21 with 4 abstentions.

Returning to the debate on the substantive motion, a member suggested that members should consider the recommendations in the report alongside the risks. The risks of the JCS partnership collapsing if the recommendations were not passed should be assessed against the risk of the council being seen to accept the housing figure in the NLP report if they were. He was concerned that by appearing to concede to the housing figure this could weaken the council's position on any subsequent appeals. Another member supported this assessment and again questioned the assumptions made in the NLP report which were the basis of the 28,500 demand figure for housing. However if the JCS partnership fell apart, the consequences for Cheltenham were not good and potentially Cheltenham would have no control over what other councils wanted to build around Cheltenham's borders. One member likened the decision to a Hobson's choice. Another member said they were bitterly disappointed by the other two councils' reaction to the amendments but were very supportive of recommendation 4 which allowed the JCS working group to make a contribution and study the figures in more depth.

A member emphasised the need to work in partnership with the other councils as it was very clear that even the minimum projections for housing demand could not be satisfied with the land that was currently available in Cheltenham.

Another member reinforced the need to progress the JCS work quickly in order to support the 11,000 people across the three councils who were now registered with Gloucestershire Homeseekers.

In his summing up, the Leader did not consider that he had misled Council and therefore an apology was not appropriate. He had already apologised for the confusion to other JCS members. He emphasised to members that the JCS was never going to be a risk-free process and he concurred with the member who had described the decision as a balance of risks. The 28,500 figure for housing demand was not something that the Council had signed up to. It was factually true that household size had reduced marginally over the last 10 years but it was the future projections that were important and needed to be verified. He urged members to support the recommendations in the report.

Upon 7 members standing in their seats it was agreed that a recorded vote would be taken.

Upon a vote it was

RESOLVED that:-

- 1. It be noted that the seven recommendations set out in the report to Council of 24th September, 2012, have now been accepted by all three JCS authorities;**

(Voting: Councillors Barnes, Bickerton, Britter, Chard, Coleman, Driver, Fisher, Fletcher, Flynn, Godwin, Hall, Harman, C. Hay, R. Hay, Hibbert, Jeffries, Jordan, Massey, McCloskey, McKinlay, McLain, Prince, Rawson, Regan, Reid, Smith, Stewart, Sudbury, Teakle, Thornton, Walklett, Whyborn and Williams **FOR**)

- 2. It be noted that the additional paragraphs 4, 5 and 10, added at the Council meeting on 24th September, 2012, will be adequately addressed by the original seven report recommendations, or by the ongoing JCS programme, or by the proposal at recommendation 4 below;**

(Voting: Councillors Barnes, Britter, Chard, Coleman, Driver, Fletcher, Flynn, Godwin, Hall, Harman, C. Hay, R. Hay, Hibbert, Jeffries, Jordan, McCloskey, McKinlay, Rawson, Regan, Reid, Smith, Stewart, Thornton, Walklett, and Whyborn **FOR** / Councillors Bickerton, Fisher, Massey, McLain, Prince and Teakle **AGAINST** / Councillor Sudbury and Williams **ABSTEINED**)

- 3. Resolutions 4, 5, and 10 relating to the Council's decisions on "Housing Needs Assessment Report" of 24th September 2012 be withdrawn and the remaining paragraphs renumbered to reflect the original seven recommendations standing alone; and**

(Voting: Councillors Barnes, Britter, Chard, Coleman, Driver, Fletcher, Flynn, Godwin, Hall, Harman, C. Hay, R. Hay, Hibbert, Jeffries, Jordan, McCloskey, McKinlay, Rawson, Regan, Reid, Smith, Stewart, Thornton, Walklett, and Whyborn **FOR** / Councillors Bickerton, Fisher, Massey, McLain, Prince, Sudbury, Teakle and Williams **AGAINST**)

The task of evaluating alternative methods of assessing household formation rates over the plan period, feeding conclusions and recommendations into the JCS "Preferred Option" process for consideration by the three JCS Councils be referred to the Council's 'JCS and Planning Liaison Overview and Scrutiny Working Group'

(Voting: Councillors Barnes, Bickerton, Britter, Chard, Coleman, Driver, Fisher, Fletcher, Flynn, Godwin, Hall, Harman, C. Hay, R. Hay, Hibbert, Jeffries, Jordan, Massey, McCloskey, McKinlay, McLain, Prince, Rawson, Regan, Reid, Smith, Stewart, Sudbury, Teakle, Thornton, Walklett, Whyborn and Williams **FOR**)

15. NOTICES OF MOTION

Councillor McKinlay proposed the following motion which was seconded by Councillor McCloskey:

This Council wishes the Secretary of State for Communities and Local Government to note the following:

That Cheltenham Borough Council believes that local people, through their democratically elected local authorities, are the most suitable judges of what development is acceptable in an area and the suitable level of contributions that developers need to make;

This Council opposes:

- The Secretary of State's proposals for the Planning Inspectorate to have powers to override agreements between Councils and developers over the number of affordable housing units allocated to planning applications.
- The Secretary of State's proposals for planning permission – currently required for extensions of more than three or four metres from the rear wall of any home – to only be needed for those reaching beyond 8m for detached homes and 6m for others
- The Secretary of State's intention to override Section 106 of the Town and Country Planning Act of 1990 which will allow developers to immediately appeal to the Planning Inspectorate over the allocation of affordable housing units in any scheme they maybe concerned with.
- The Secretary of State's proposals for the Planning Inspectorate to take planning powers away from local authorities which he deems to be slow or of making poor quality planning decisions in determining applications.

This Council notes that the current Coalition government did listen earlier in the year over concerns regarding the National Planning Policy Framework and revised its plans accordingly, so urges the Government to listen to the concerns being expressed by the cross-party LGA.

In proposing the motion Councillor McKinlay had done so as he felt that the proposals posed issues regarding potential loss of control at a local level. Members had debated the pros and cons of the JCS at great length but if these

proposals were to become a reality this Council would have very little influence on what happened in Cheltenham. This was a concern for many councils and to the LGA as a whole rather than being a political concern and the motion sought for this Council to form part of a national campaign to get Mr Pickles, the Secretary of State to change his mind. Particular concerns with the Secretary of State's proposals were;

- The Planning Inspectorate would have the power to overturn the figure of 40% affordable housing set by this authority.
- Extensions for which planning process needed to be followed and for which there had been 300-400 applications over the last x years, would no longer be required for extensions under 8 meters.
- Given the drive from Central Government to build as many houses as possible, singularly the most serious threat was the proposal to take powers away from local authorities.

Governments aim may be to boost the economy through these proposals but they had serious implications for local authorities.

Members who supported the motion did so as they shared concerns about the loss of decision making powers at a local level. These members felt the proposals regarding planning permission could result in the ground floor of some terraced properties potentially doubling and that this posed a risk of back garden development. The proposal that the Planning Inspectorate would have powers to overturn a local authority's decision on the amount of affordable housing in a development on appeal was a major concern for members and those that supported the motion felt that this could result in developments with little or no affordable housing provision in Cheltenham.

Some member indicated that they may abstain because they were unhappy about the reference to Mr Pickles and feared that it was a political issue.

One member refuted the claim that the changes being proposed would threaten this council. These changes would instead affect those councils where councillors were unwilling to make difficult decisions and the powers would only be enforced in extreme circumstances.

It was suggested by one member who had previously worked for the LGA that it was a surprisingly non party political organisation which was currently chaired by a Conservative member and lobbied on behalf of local authorities. He reiterated that the LGA had drafted the motion before Council and felt that there was sufficient evidence to demonstrate that this was not a partisan point.

A small number of members disagreed with the proposals suggestion that the planning system in any way restrained economic development, though admitted that there may be ways of improving the system.

As seconder of the motion, Councillor McCloskey had been happy to support the motion as she felt that the proposal flew in the face of the Localism Act, and read an excerpt from 'the Plain English Guide to the Localism Act':-

"For too long, central government has hoarded and concentrated power. Trying to improve people's lives by imposing decisions, setting targets and demanding

inspections from Whitehall simply doesn't work. It creates bureaucracy. It leaves no room for adaptation to reflect local circumstances or innovation to deliver services more effectively and at lower cost. And it leaves people feeling 'done to' and imposed upon - the very opposite of the sense of participation and involvement on which a healthy democracy thrives."

In particular relation to Planning the guide said:

"There are however some significant flaws in the planning system that this Government inherited. Planning did not give members of the public enough influence over decisions that make a big difference to their lives. Too often, power was exercised by people who are not directly affected by the decisions they were taking. This meant, understandably, that people often resented what they saw as decisions and plans being foisted on them. The result was a confrontational and adversarial system where many applications end up being fought over.

The Localism Act contains provisions to make the planning system clearer, more democratic and more effective."

And it was for these reasons that she respectfully asked members to support the motion.

In summing up Councillor McKinlay echoed comments of other members and stated that whilst the LGA was a political group, it was not party political. The LGA were simply attempting to get local authorities to give their views on this matter formally and the same resolution had been passed by a number of councils across the country, not all of whom were Liberal Democrat councils. His references to Mr Pickles in his introduction were because the Secretary of State had been actively promoting these proposals in the media and in his opinion had been critical of local authorities in the process

Upon a vote the motion was CARRIED (Voting: 23 Favour / 1 Against / 2 Abstentions)

16. TO RECEIVE PETITIONS

No petitions were presented nor had any been received since the last meeting.

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

There were no urgent items for discussion.

Colin Hay
Chair