

## Council

Monday, 13th October, 2014  
2.30 - 6.40 pm

Attendees	
<b>Councillors:</b>	Simon Wheeler (Chair), Duncan Smith (Vice-Chair), Matt Babbage, Flo Clucas, Adam Lillywhite, Chris Mason, Dan Murch, Chris Nelson, John Payne, Max Wilkinson, Wendy Flynn, Andrew Chard, Paul Baker, Garth Barnes, Nigel Britter, Chris Coleman, Bernard Fisher, Jacky Fletcher, Colin Hay, Tim Harman, Rowena Hay, Sandra Holliday, Peter Jeffries, Steve Jordan, Andrew Lansley, Helena McCloskey, Andrew McKinlay, David Prince, John Rawson, Anne Regan, Rob Reid, Chris Ryder, Diggory Seacome, Malcolm Stennett, Klara Sudbury, Jon Walklett, Roger Whyborn and Suzanne Williams

## Minutes

### 1. APOLOGIES

Apologies were received from Councillors Thornton and Wall.

### 2. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 3. MINUTES OF THE LAST MEETING

A Member believed it was important to record in the minutes whether a member of the public who had submitted a public question was in attendance at the meeting and as such this should be indicated in the minutes of 21 July 2014. He also referred to minute item 16 and the particular reference to the approval of Councillor Whyborn as the elected representative on UBICO. For clarity, he proposed that this should be amended to read "board observer". These changes were supported by Members.

#### **RESOLVED THAT**

**The minutes of the meeting held on 21 July 2014, as amended, were then approved and signed as a correct record.**

### 4. COMMUNICATIONS BY THE MAYOR

The Mayor reported that he had attended a very interesting talk in the context of Black History Month. He urged Members to support the wide variety of events which were taking place around the town.

### 5. COMMUNICATIONS BY THE LEADER OF THE COUNCIL

The Leader of the Council reminded Members that at the last Council meeting Penny Hall had been appointed as the Council's representative on the Cotswold Conservation Board. Subsequent to this the Board had been in touch to say that

the nomination should be an elected Member of the Council. As a result an email had been sent to Members seeking a nomination for this position.

The Leader reported that the Statement of Accounts had now been signed off.

The Leader gave thanks to all those Members and officers who had been involved in the LGA peer review process. A detailed report from the peer review team was awaited.

## 6. PUBLIC QUESTIONS

<b>1.</b>	<p><b>Question from Mary Nelson to the Leader of the Council, Councillor Steve Jordan (questioner present)</b></p> <p>On the 24<sup>th</sup> September the Audit Committee received a report (Agenda Item 7) reviewing the implications of the Council's Action Plan, following the Public Interest Report of 2010, which resulted from the failed Laird High Court Action.</p> <p>Recommendation R11 of the PIR stated that:</p> <p><i>"The Council should, in all instances, take decisions based on a balanced range of success factors including service needs, legal issues, financial implications and risk.</i></p> <p><i>Decisions should be informed by appropriate risk scenarios or possible outcomes."</i></p> <p>The only aspect of Risk ever acknowledged and published on the Corporate Risk Register for the Cheltenham Transport Plan (Risk CR9), was stated to be that <i>"if Boots Corner/Royal Well Rd closure does not proceed then the Royal Well Development Plan will be prevented from going ahead "</i>.</p> <p>However, even this inadequate sole Risk - rated HIGH, coloured RED with a score of 16 was then downgraded to LOW/MARGINAL coloured GREEN and transferred in June 2012 from the Corporate Risk Register to the Cheltenham Development Task Force Divisional Risk Register (Risk TF03) where it could thenceforth be hidden from public view.</p> <p>The Cheltenham Transport Plan has huge financial, economic, reputational, and health/safety risks for the town, none of which have <u>ever</u> been acknowledged, assessed and recorded in any Risk Assessment.</p> <p><b>Question</b></p> <p><b>Would the Leader therefore agree that</b></p> <ol style="list-style-type: none"> <li><b>1. having no proper, full and adequate Risk Assessment for the Cheltenham Transport Plan entered on the Corporate Risk Register, and</b></li> <li><b>2. having provided no Risk Assessment to Full Council when it voted to approve the CTP on the 18<sup>th</sup> November 2013 (other than one single risk i.e. that not considering the Petition at the same time as the CTP Public Consultation Report would</b></li> </ol>
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	<p style="text-align: center;"><b>be ignoring the concerns raised by the petition)</b></p> <p><b>is more than adequate proof that CBC has ignored this vital PIR Recommendation, and intends to continue to do so?</b></p>
	<p><b>Response from the Leader</b></p> <p>The risk management process is complex because there is a differentiation of responsibilities between Cheltenham Borough Council (CBC) and Gloucestershire County Council (GCC). CBC has been sponsoring the proposal as part of its wider town centre regeneration through the Task Force, evidence of which is now visible – Brewery II, Albion St, way-finding system, public realm works, whilst GCC is responsible for any aspects with a highways impact.</p> <p>For this reason CBC established a risk &amp; accountabilities group as part of the Task Force, specifically to identify how risks are allocated. For this specific issue, GCC are the lead authority and have held an equalities impact assessment as part of their standard practices throughout the process. So in reality risks have been considered and will be further considered in detail as part of the GCC Traffic Regulation Order Committee process.</p> <p>In a supplementary question, Mary Nelson asked why there were no Cheltenham Borough Councillors on the Cheltenham Development Task Force’s ‘Risk Accountability Group’, only officers and two outside business people. Therefore how can there be real accountability to the residents of Cheltenham if there are no elected representatives taking any responsibility for this major risk to the viability of the town?</p> <p>In response the Leader advised that overall responsibility for that group lay with the County Council. There were Cheltenham Borough Councillors on the Cheltenham Development Task Force and any concerns could be reported through this process.</p>
<b>2.</b>	<p><b>Question from Mary Nelson to the Leader of the Council (questioner present)</b></p> <p>If the Cheltenham Transport Plan is implemented and there are major problems with traffic flows into, across and around Cheltenham, causing harm to business, tourism and the town’s reputation, <u>who</u> will be responsible for paying for the scheme’s reversal costs, or undertaking such expensive remedial work as may be required – Cheltenham Borough Council or Gloucester County Council (bearing in mind the £100,000 “Mitigation Fund” would be a mere drop in the ocean in the scale of costs for this work)?</p>
	<p><b>Response from the Leader</b></p> <p>CBC approved an additional £50k contribution to the GCC £100k mitigation fund at the full Council meeting in November 2013. If the scheme is implemented and any mitigation funds fail to address issues as identified by GCC, then as the highways authority they will determine any reversal strategy. Whether this is a wholesale reversal or a partial</p>

	<p>reversal will be determined by them as highways authority.</p> <p>In a supplementary question, Mary Nelson asked the following:</p> <p>Since the risk was transferred from the Corporate Risk Register to the Cheltenham Development Task Force's own "divisional" Risk Register, and is now inaccurately entitled merely as "North Place", the sole risk is stated to be that :</p> <p><i>"if the changes to the traffic network linked to the LSTF funding are not effectively managed then there is a risk to the council's reputation".</i></p> <p><b>Will you please take action to ensure that the title of the risk is listed in full as being "Cheltenham Transport Plan", and that all the <u>component</u> risks involved, especially the financial, but also the economic, and health and safety risks, are now properly assessed with realistic scores, as they would have been in any other business that is not funded by the tax-payer?</b></p> <p>Otherwise there is a serious chance of the same shameful risk failure scenario that occurred with the Laird High Court case.</p> <p>In response the Leader refuted any correlation with the case of the former Managing Director. He was happy to look again at the document but his understanding is that the wording is correct as it is.</p>
<b>3.</b>	<b>Question from Carl Friessner-Day to the Leader, Councillor Steve Jordan</b>
	<p>In light of the recent Council objection to the plans for building on lands in Leckhampton with one of the concerns being that such a development could cause severe congestion problems, would it not be prudent to re-evaluate the outdated Cheltenham Transport Plan as the vote on Leckhampton confirms that despite the modelling that has been done, there is genuine concern in and around Cheltenham about traffic and that the Cheltenham Transport Plan cannot be taken in isolation now that the JCS has been put in place?</p>
	<b>Response from</b>
	<p>The JCS has been subjected to public consultation but to date has not been formally adopted. The vote concerning Leckhampton was complex and emotive because of prematurity relative to the JCS process. It was not merely relating to traffic modelling.</p>
<b>4.</b>	<b>Question from Carl Friessner-Day to the Leader, Councillor Steve Jordan</b>
	<p>With the recent downgrade of Cheltenham A&amp;E and Gloucester receiving money for congestion relief at one roundabout that is comparable to that being spent on the Cheltenham Transport Plan, Cheltenham having a similar sized population, it is apparent that Cheltenham is rapidly becoming the poor cousin and losing out to funding elsewhere in the county.</p> <p><b>Question</b></p>

	<p><b>Could the council explain why Cheltenham is accepting a compromise in the Cheltenham Transport Plan and why instead they are not fighting for adequate transport relief in the form of a bypass, which Gloucester already has?</b></p>
	<p><b>Response from</b></p> <p>The Cheltenham Transport Plan has been funded through a GCC bid to the Department for Transport Local Sustainable Transport Fund. The A&amp;E decision is one for the health authority.</p> <p>The congestion relief to which you refer is I believe being funded through the Gloucestershire Local Transport Board. Cheltenham has secured funding from this fund towards the A40 bus lane at Benhall, improvements at Cheltenham Spa station and A40 bus connectivity, so in reality Cheltenham has presented comprehensive bids and fared well in the current funding process.</p> <p>A bypass for Cheltenham is not identified in the GCC Local Transport Plan 3 so unless GCC as the highways authority change their position, it is currently not a realistic achievable outcome.</p>
<b>5.</b>	<p><b>Question from Helen Bailey to Cabinet Member Development and Safety, Councillor Andy McKinlay</b></p> <p>An extract from the licensing committee page of the Cheltenham Borough Council website states.._</p> <p><u>'18.1 In terms of regulation, our aim is to target those premises which are causing problems within our communities whilst supporting well managed premises and community activities, which provide worthwhile opportunities for the enjoyment of leisure time without having a negative impact. Premises that produce disorder, or threaten public safety, generate public nuisance, or threaten the well being of our children will be targeted for enforcement action.'</u></p> <p>The implication is that the committee include SEVs as 'worthwhile opportunities for the enjoyment of leisure time without having a negative impact'. Is this the case or do you consider SEVs to be incompatible with some of your policy statements? Having read the 'Evidence and Information in Support of a Zero Limit on Sexual Entertainment Venues in the Borough of Cheltenham' I am concerned about their possible negative impacts which may threaten the well being of our children and therefore our communities in subtle but profound ways.</p>
	<p><b>Response from Cabinet Member</b></p> <p>The policy extract is from Licensing Act 2003 Licensing Policy Statement adopted by Council in February 2012. The Licensing Act 2003 deals exclusively with the licensing of alcohol, entertainment and late night hot food outlets.</p> <p>The policy extract quoted is neither the policy nor the legislation relevant to the licensing of SEVs. The inference drawn from the policy extract and the Council's position with regards to the licensing of SEVs is therefore wrong not least because the statutory requirements and tests of the</p>

	<p>Licensing Act 2003 vary significantly from those of the Local Government (Miscellaneous Provisions) Act 1982.</p> <p>The Council's position with the regards to the licensing of SEVs is set out in its adopted "Sexual Entertainment Venue Policy".</p> <p>In response to the question posed, the Council does not consider the licensing of SEVs to be incompatible with its policy statement.</p>
<b>6.</b>	<b>Question from Helen Bailey to Cabinet Member Development and Safety, Councillor Andy McKinlay</b>
	<p>Given that this debate is only relevant to permanent venues, and that the current loophole in the law allows infrequent sex entertainment to go unlicensed, what commitment will the council put in place to monitor the situation regarding infrequent sexual entertainment in the town? This relates to advertising, girls dressed in character, mobile vehicles publicising the sex venues and distribution of flyers.</p>
	<b>Response from Cabinet Member</b>
	<p>The Council has already undertaken a lot of work to monitor and regulate infrequent sexual entertainment in so far as it is able to, given that the exemption is a statutory one.</p> <ol style="list-style-type: none"> <li>1. Dedicated Council officers in partnership with Gloucestershire Police run special operations during March and November's race meetings specifically targeted at premises offering sexual entertainment. These have resulted in a number of closure notices being issued where offences and/or licensing breaches have been identified.</li> <li>2. The Council has adopted a "Sexual Entertainment Code of Practice" that is specifically aimed at premises and operators offering sexual entertainment on an infrequent basis. The code of practice has been adopted through the local 'Pubwatch' group and is now fully implemented and being adhered to by operators.</li> <li>3. Recent changes to temporary events forms have made it easier for the Council and police to identify premises that intend to offer sexual entertainment. The changes to the statutory form now require premises to tell the council if they intend to offer sexual entertainment which was not the case prior to October 2014.</li> </ol>
<b>7.</b>	<b>Question from Deanne Tombs to Cabinet Member Development and Safety, Councillor Andy McKinlay</b>
	<p>Recommendations from the Licensing Committee, which were subsequently agreed by a majority at a Cabinet meeting, involved setting a zero limit in areas of the Borough outside the cleansing area. Within the cleansing area, it was proposed to work on a case by case basis when deciding whether or not to grant an SEV license, and judge each application on its own merits. Was a limit &gt;0 but still low, ever considered or explored and if so, why was it rejected? If not, why not? Surely no one,</p>

	except perhaps SEV club owners, would want a proliferation of SEVs in the cleansing area?
	<b>Response from Cabinet Member</b>
	<p>For clarification, the majority Cabinet view was not to approve the designated area as the cleansing area but as the central shopping area.</p> <p>All options will be considered and properly debated by Members including whether a zero limit is a more appropriate policy.</p> <p>Setting a zero limit for outside the central shopping area is merely a proposal at this stage due to the fact that the formal debate is yet to take place.</p> <p>The Cabinet rationale for the approach is that:</p> <ol style="list-style-type: none"> <li>1. The Council accepts that sexual entertainment is a legitimate form of entertainment.</li> <li>2. Permitting the operation of SEVs in the proposed shopping area would not be incompatible given that the area is inside the core night time economy area.</li> </ol>
<b>8.</b>	<b>Question from Deanne Tombs to Cabinet Member Development and Safety, Councillor Andy McKinlay</b>
	<p>Given the above recommendations for the cleansing area, do the Councillors not think that it would be a risky policy, given the previous granting of a license to premises which appear to fail on a number of counts mentioned as being sensitive in the Council's own guidelines on the matter, e.g. the venue is close to a park, places of worship and premises which offer young people facilities such as dance studios and youth theatres? What confidence can the public have in the Licensing Committee to make considered decisions in the future?</p>
	<b>Response from Cabinet Member</b>
	<p>The Licensing Committee functions in a quasi-judicial capacity which means it is obligated to objectively determine facts and draw conclusions from them so as to provide the basis of an official action.</p> <p>In respect of the Bath Road application the Licensing Committee in this capacity decided that the licensing of the premises was appropriate in light of the statutory requirements and policy.</p> <p>In response to the question, the Licensing Committee will continue to act as a quasi-judicial body and will continue to objectively determine applications on their facts and be guided by statutory requirements and its policies.</p>
<b>9.</b>	<b>Question from Clare Winter to Cabinet Member Development and Safety, Councillor Andy McKinlay (questioner present in the public gallery and was invited to ask a supplementary question)</b>
	Following the Licensing Committee meeting on the 5.9.2014, I was led to

	<p>believe that the current SEV on the Bath Road lay just outside the no limit zone, i.e. in an area where proposals were to set a zero limit. I was going to ask how this would affect license renewal, but I now understand that this is not true and that it lies on the boundary, i.e. in the town centre area where licenses would be decided on a case by case basis. Could this be clarified please, and were the proposals changed or was my initial information incorrect?</p>
	<p><b>Response from Cabinet Member</b></p> <p>A decision about amendments to the policy has not been approved and therefore the Council cannot comment on the individual licence.</p> <p>There are a number of proposals open to the Council including the option not to change the policy, the option to designate a number of areas as zero and/or no limited areas.</p> <p>As a general principle, Members must be guided by the policy but the policy itself should not fetter discretion. Hypothetically, there would be a presumption against the grant of a renewal application if the policy is amended and as a result the licensed premises falls inside an area where the limit has been set to zero but, notwithstanding, the Council would still be obligated to consider the renewal application.</p>
<b>10.</b>	<p><b>Question from Clare Winter to Cabinet Member Development and Safety, Councillor Andy McKinlay (as above)</b></p> <p>I would like to ask the council why, in the light of such strong local opposition for valid reasons which made reference to the council's own published guidelines on the matter, a license was granted to the Bath Road premises in the first place? The current legislation in the Home Office's own words, was introduced to 'further empower local communities' and 'give local people a greater say over where and how many lap dancing clubs open and operate in their neighbourhoods.'</p>
	<p><b>Response from Cabinet Member</b></p> <p>Reasons for the Licensing Committee's decision to grant the application are available on the Council's website (<a href="https://democracy.cheltenham.gov.uk/mqAi.aspx?ID=6796">https://democracy.cheltenham.gov.uk/mqAi.aspx?ID=6796</a>).</p> <p>In accordance with the guidance and statutory requirements, consultation was undertaken with the local community and these were taken into account by the committee when the application was determined.</p> <p>Similarly, local consultation has also been undertaken with the residents of Cheltenham about the Council's policy and these will fully be taken into account when amendments to the policy will be debated.</p>
<b>11.</b>	<p><b>Question from Ken Pollock to the Leader of the Council, Councillor Steve Jordan (questioner present)</b></p> <p>Until just before today's deadline for Public Questions we were approaching eight weeks after the close of the JCS consultation, yet councillors and MSG councillors (and of course the public) were and are still unaware of what the JCS Response contains.</p>

	<p>The major document responses (many of them very relevant to improving Cheltenham's deal) were all uploaded ready for viewing (since 12th September) but access continued to be blocked quite doggedly by officer decree (CBC Chief Executive), which was unnecessary and manipulative behaviour.</p> <p>Considering that  (1) under Localism it is solely the responsibility of locally elected representatives to reach the wisest Core Strategy version, and considering that  (2) once Submitted for Examination all local control of the JCS site choice is relinquished, and considering further that  (3) Examining inspector(s) are not permitted to "improve" a Plan whatever the evidence set before them (they merely check for compliance and soundness), accordingly it is disreputable that key Response information (from both objectors and developers) has been suppressed from view by senior officers (which political leaders have been slow to correct) until it will soon be too late to be able to use those contributions to improve the JCS version.</p> <p><b>Question</b></p> <p><b>Therefore, will Cheltenham's Leader secure not only this (belatedly achieved) display of the document responses, (which now need rigorous independent analysis), but also the immediate publication of the officers' "Summary" of those Responses whatever its current shortcomings "pending update", because this emerging document 'guides' the Inspectorate and needs to be seen to be fair and accurate at all stages ?</b></p>
	<p><b>Response from Cabinet Member</b></p>
	<p>There was a large response to the JCS pre-submission publication with representations from over 2,800 individuals, groups and companies. Scanning these in, entering details onto a database for the Planning Inspector's use and then reading them has taken some time.</p> <p>There is a legal obligation on the Council to make copies of the representations available, so far as practicable, together with the main issues summary statement, as soon as practicable after the JCS has been submitted for examination.</p> <p>Although it is a number of weeks since the close of the consultation, going beyond the legal requirement, the representations are now already available to view on the JCS website and although a final summary of the main issues raised within the representations has yet to be completed, an interim draft of this is also already to view on the JCS website.</p> <p>In a supplementary question Mr Pollock asked the following:</p> <p>As there have been no appreciable changes (since the original JCS draft) to benefit Cheltenham's environment, (apart from the inevitable removal of the unsound Up Hatherley scheme, which would have narrowed the</p>

	<p>critical GreenBelt gap towards Shurdington and Brockworth), will our MSG leader councillors now take steps to achieve some significant improvement for most sensitive Cheltenham?</p> <p>In response the Leader advised that Council had debated the issue at their meeting in April when they had approved the JCS Pre-submission document for publication. The Up Hatherley site had been removed from the JCS plans before the Council meeting. Since Council agreed the document there have been no significant changes which would cause the plans to be revised. The council was awaiting the outcome of traffic modelling and housing numbers review. The next stage would be to submit the document to the Secretary of State.</p>
<b>12.</b>	<b>Question from Ken Pollock to the Leader of the Council, Councillor Steve Jordan (questioner present)</b>
	<p><b>In view of the clear scale and severity of the Objections (still being sustained at this late Pre-Submission stage), and in view also of the closeness of the most recent CBC and TBC votes (18-14 and 18-15 respectively), have Cheltenham's leaders sufficient commitment to fairness and openness to demand a Full Council debate and vote on the final Submission version, regardless of how negligible are the amendments which the officers are willing to propose (in the very short time they have contrived to leave remaining following their suppression of the major responses)?</b></p> <p>Railroading this (still defective) Plan silently onwards, with near zero modification, is a national outrage in peerless Gloucestershire, most especially for Cheltenham's environment.</p>
	<b>Response from Cabinet Member</b>
	<p>The Council discussed the Pre-Submission JCS at length on 9 April 2014. The Council resolved that authority be delegated to the Chief Executives in Cheltenham and Tewkesbury and the Corporate Director of Services and Neighbourhoods for Gloucester City Council in consultation with the relevant Lead Members to make any necessary minor amendments including the identification of any saved plan policies as considered appropriate by the three JCS Councils before the plan is sent to the Planning Inspectorate for independent examination.</p> <p>The response to Question 11 deals with issues around publication of responses. The Plan has not changed significantly since the council meetings in April; therefore another meeting of all three full councils would be unnecessary.</p> <p>In a supplementary question, Mr Pollock asked the following:</p> <p><b>Will Cheltenham's Leader ensure that the 'Interim Response Report' (just disclosed) is amplified (close to its final version) and thereby contains some real discussion/analysis of the initiatives which have been advanced by Pre-Submission respondents (major developers as well as objectors), and that the report is published immediately, to enable its debate by CBC Full Council prior to Submission ?</b></p>

	<p>There may be no need for a Gloucester debate, because the city has secured virtually all its preferences (and it duly approved the JCS version by 33 votes to 3). If Tewkesbury want a speedy Submission, they can easily accommodate Cheltenham's site preferences.</p> <p>In response the Leader highlighted that the council had undertaken a non-statutory process consultation in 2013 in order to gain as much feedback as possible on the draft strategy. Many of the latest submissions had already been taken on board. He advised that the Interim Response Report was still being worked on but once completed would be published.</p>
<b>13.</b>	<b>Question from Ms Kit Mallet to Cabinet Member Development and Safety, Councillor Andy McKinlay</b>
	I understand the current SEV on the Bath Road falls just outside the cleansing area. I am assuming that this will be a significant factor when deciding whether or not to renew the current license. What are the councillors views on this?
	<b>Response from Cabinet Member</b>
	As a general principle, Members must be guided by the Council's policy but the policy itself should not fetter discretion. Hypothetically, there would be a presumption against the grant of a renewal application if the policy is amended and as a result the licensed premises falls inside an area where the limit has been set to zero but, notwithstanding, the Council would still be obligated to consider the renewal application.
<b>14.</b>	<b>Question from Ms Kit Mallet to Cabinet Member Development and Safety, Councillor Andy McKinlay</b>
	<p>I have heard Councillors talk about the 'spirit of the Act' and the 'will of Parliament', e.g. that Parliament's intent was that SEVs would occur in places, and that they should be regulated rather than banned. However, I think this should be balanced with the comments in the Ministerial Forward of the Home Office document Sexual Entertainments Venues Guidance for England and Wales, in which Alan Campbell writes of the: "Government's intention to give local people greater say over the number and location of lap dancing clubs in their area. These new measures, which take effect on 6th April 2010 in England and on 8th May in Wales, will, if adopted by local authorities, give local people a greater say over where and how many lap dancing clubs open and operate in their neighbourhoods. These are important reforms to further empower local communities."</p> <p><b>Question</b>  <b>Do the councillors think that the above should necessarily mean that a zero limit couldn't be placed in the cleansing area also? If it is true that Parliament's intent is that SEVs would occur in places, does that necessarily mean occur in places in every town?</b></p>
	<b>Response from</b>
	The council has taken a balanced approach between the legitimacy of these types of premises to operate and the views of local residents (via

	<p>the consultation) in terms of where it may be appropriate for them to do so.</p> <p>It is not outside the council's legal powers to also restrict SEVs in the central shopping area but the approach must be balanced taking into account all the relevant factors including consultation feedback, statutory requirements, the legitimacy of these types of premises and the local character and use of the area.</p>
<b>15.</b>	<b>Question from Penelope Oliver to Cabinet Member Development and Safety, Councillor Andy McKinlay</b>
	<p>My question is why can't Cheltenham council set a zero limit for sexual entertainment venues? Other councils such as Exeter, Haringey, Harrow, Richmond and Slough have a zero limit. Has Cheltenham borough council spoken to any of these councils for advice? Surely it is important to gain information from these other councils when considering a zero limit and this must surely be considered?</p>
	<b>Response from Cabinet Member</b>
	<p>Officers have extensively researched the approach by other Councils and the outcome of this was presented at the Licensing Committee meeting in September. Consideration was also given to a number of recent high profile court cases involving Leeds, Oxford and Cheshire.</p> <p>Whilst the approach and reasons for such approaches have been taken into account, it would be inappropriate and unlawful for the Council to adopt a similar approach simply because other Councils have.</p> <p>The statutory requirement is for the Council to consider the appropriateness of SEVs taking into account local factors such as the character of areas and the use to which any premises in the vicinity are put (i.e. the prevalence of sensitive premises in the vicinity).</p>
<b>16.</b>	<b>Question from Steven Smith to Cabinet Member Development and Safety Councillor Andy McKinlay (questioner present)</b>
	<p>Captain Steve Smith of the Salvation Army previously has presented research which suggested that SEVs result in an increased probability of sexually related crime, and crime figures from London which support this. In papers prepared by Council Officers for the meeting of the Licensing Committee on 5 September, there was a suggestion made that there was no evidence to suggest that the research and figures were relevant to Cheltenham, and that there were a number of 'external factors' which needed to be considered.</p> <p><b>Questions</b></p> <p><b>1) Could you please explain what the external factors and special circumstances which make Cheltenham exempt from the possible negative effects of SEVs are?</b></p> <p><b>2) If there are no specific factors, is it not the case that the research that shows a rise in the probability of sexual crime as a result of SEVs <u>is</u> as relevant to Cheltenham as it would be anywhere else?</b></p>
	<b>Response from Cabinet Member</b>
	The external factors referred to are wide ranging and include:

	<ol style="list-style-type: none"> <li>1. Has the relevant authority adopted provisions to control SEVs?</li> <li>2. Have they adopted a robust policy and fit-for-purpose conditions?</li> <li>3. Are these enforced and properly so?</li> <li>4. The location of the licensed SEV i.e. located in a saturation zone with potentially high crime and disorder levels.</li> <li>5. How, and how effectively, crime is recorded, interpreted and used.</li> </ol> <p>The point is that Councils have an incredibly wide discretion in terms of the control and regulation of SEVs in their local areas and the purpose of this is to enable Councils to use local understanding and circumstances to adopt an approach right for the localities. Due to this wide discretion, no one approach is the same and circumstances vary between districts.</p> <p>In a supplementary question, Mr Smith asked what part of the research he had provided at the last Council meeting was not relevant to Cheltenham and therefore would it not be fair to say that this evidence needs to be considered.</p> <p>In response the Cabinet Member advised that the evidence provided by Mr Smith was only part of a large body of evidence, some of it contradictory, which the Council needed to consider today. It was also important that the evidence was relevant to Cheltenham today and evidence from other towns 5 years ago may not be so relevant to the debate.</p>
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## 7. MEMBER QUESTIONS

<b>1.</b>	<p><b>Question from Councillor Tim Harman to the Cabinet Member Finance, Councillor John Rawson</b></p> <p>The area of the Royal Well Bus station used for Coach departures operated by National Express is in a deplorable state with most windows missing, the waiting room closed due to anti social behaviour and an abandoned bicycle with a wheel missing which has been in the cycle area for some months.</p> <p>Can the Cabinet Member inform council of his plans to improve this facility and bring it up to the standard that should be expected of this important gateway into and out of our town?</p>
	<p><b>Response from Cabinet Member Finance</b></p> <p>The Borough Council owns the bus station and is therefore responsible for maintaining it, a responsibility we take seriously.</p> <p>Currently a number of different contracts are in place for cleaning and maintaining the site, including a specialist contractor to remove human waste.</p> <p>Earlier this year, the Council closed the waiting room because it had become a regular place for vagrants to sleep and perform other functions and this was a cause of serious nuisance to bus passengers. The waiting room continues to be closed for this reason. The glass in the shelter adjacent to the waiting room was removed by the Council some considerable time ago for safety reasons as it was subject to constant vandalism.</p>

	<p>An initial working group meeting has recently been held between some of the relevant partners (Property Services, Community Protection, Police, Cheltenham Development Taskforce) to discuss a strategy for the bus station. Subsequent to that, I have agreed the following courses of action with officers:</p> <ol style="list-style-type: none"> <li>1. We will review the cleaning and maintenance contracts to ensure that they are functioning in the most effective way.</li> <li>2. We will put up notices making it clear that the bus station is a council facility and giving people points of contact if they wish to complain about mess or antisocial behaviour.</li> <li>3. We will review the condition of the waiting room and shelters to see whether short-term improvements can be made, bearing in mind that the role of the bus station may change in the longer term if the Cheltenham Transport Plan is given the go-ahead. This could include considering whether the waiting room can be modified to provide shelter for passengers without being so attractive to vagrants.</li> </ol> <p>I understand action is now being taken to remove the bicycle Cllr Harman refers to.</p> <p>In a supplementary question Councillor Harman asked whether any immediate measures could be taken to improve the facility, particular given the inclement weather and requested that the matter should be referred to the Asset Management Working Group (AMWG).</p> <p>In response the Cabinet Member Finance undertook to talk to property services and to bring this matter to the attention of AMWG.</p>				
<b>2.</b>	<b>Question from Councillor Anne Regan to Cabinet Member Clean and Green Environment, Councillor Chris Coleman</b>				
	<p>The Ward Councillors in Warden Hill are experiencing continual and increasing complaints from members of the public about Dog Fouling.</p> <p>The Dog Fouling Scrutiny task group report passed by Cabinet in April laid down 13 careful recommendations of improvements that need to be made. Have any of the recommendations actually been actioned to date?</p>				
<b>Response from Cabinet Member Clean and Green Environment</b>					
	<p>Yes - most of the recommendations of the Scrutiny Task Group have been actioned, including all of the immediate and short term actions identified in Appendix 2 to the Cabinet report of 15<sup>th</sup> April 2014. A brief summary of those follows:</p> <table border="1" data-bbox="411 1704 1458 1973"> <thead> <tr> <th data-bbox="411 1704 938 1771">STG recommendations actioned so far</th> <th data-bbox="938 1704 1458 1771">Narrative</th> </tr> </thead> <tbody> <tr> <td data-bbox="411 1771 938 1973">1. Ensure press releases are issued to provide information about the council's efforts to tackle dog fouling and successful enforcement action.</td> <td data-bbox="938 1771 1458 1973">Press releases have been issued about dog awareness days in various locations such as Springfield Park and Clyde Crescent, as well as about responsible dog ownership enforcement. Updates have also</td> </tr> </tbody> </table>	STG recommendations actioned so far	Narrative	1. Ensure press releases are issued to provide information about the council's efforts to tackle dog fouling and successful enforcement action.	Press releases have been issued about dog awareness days in various locations such as Springfield Park and Clyde Crescent, as well as about responsible dog ownership enforcement. Updates have also
STG recommendations actioned so far	Narrative				
1. Ensure press releases are issued to provide information about the council's efforts to tackle dog fouling and successful enforcement action.	Press releases have been issued about dog awareness days in various locations such as Springfield Park and Clyde Crescent, as well as about responsible dog ownership enforcement. Updates have also				

		been provided internally through the fortnightly Leaders Briefings.
	2. Introduce bin stickers to highlight that bagged dog waste could be disposed of using standard public litter bins/investigate sponsorship opportunities of bins	The Community Protection team do not have responsibility for bins or their related signage, but have discussed the use of waterproof stickers on standard litter bins as part of the wider joint waste strategy-this will continue to be progressed. The team have not investigated sponsorship opportunities for dog waste bins because dog waste can be placed in standard litter bins so this would be an unnecessary expense. At the time of the STG report, Members were informed that it costs £380 to £400 to install a dog waste bin with an annual cost to the council of £5630 for the emptying and haulage of these dog waste bins.
	3. Increase the use of dog floor stencils/blue spray circling	Increased floor stencilling has taken place in areas where reports of dog fouling indicate it would be of benefit – examples include entrances to parks like Caernarvon Park and on footpaths. Blue spray circling is also used to measure the incidence of fouling (eg Hatherley Park). To some extent, these measures can act as a deterrent to potential offenders as it is clear the council's officers are monitoring the area.

<p>4. Investigate funding streams or sponsorship to reintroduce free dog waste bags in targeted hot spot areas</p>	<p>This action has not been progressed as it does not directly support the anti-dog fouling message. Dog faeces can be placed in any bag (eg carrier bag, nappy bag, bread bag, food bag) and to reintroduce branded dog waste bags may suggest that they are the only suitable receptacle. The message is that any bag can be used as long as the faeces is picked up. Para 4.2.7 of the STG report noted that "Evidence has also suggested that despite the council withdrawing free dog bags several years ago, people were purchasing and using their own which were now very widely available for as little as £1 for 200 bags", which also indicated this action is not a priority, and in fact, may not even be appropriate.</p>
<p>5. Initiate hard-hitting anti-dog fouling campaigns</p>	<p>The team hope to launch an anti-dog fouling glow-in-the-dark in the town's parks and green spaces with the Parks team and Keep Britain Tidy.</p>
<p>6. Provide better information on the website/use social media to get the anti-dog fouling message across</p>	<p>The team have explored having a Facebook or Twitter presence dedicated to responsible dog ownership issues such as cleaning up after fouling, and preventing dogs from straying. The advice from the communications team is that the content is unlikely to be enough to ensure daily interest, so the preference is to use the corporate accounts to communicate these messages.</p>
<p>7. Continue to encourage and attend community events</p>	<p>There has been a series of responsible dog ownership awareness days over the summer with various partners. Anti-dog fouling has been the key message delivered by the team.</p>
<p>8. Introduce a regular programme of visits and work by Community Protection Officers in schools</p>	<p>This recommendation has not yet been actioned but the team have provided visits and talks for outside organisations. These are in addition to events such as dog awareness days.</p>
<p>9. Encourage public involvement in tackling dog fouling/build on the Partners and Communities Together</p>	<p>An internal PACT working group has been set up and responsible dog ownership/anti-dog fouling is a key</p>

(PACT) initiative	theme going forward. The public have also been encouraged to tackle dog fouling through the dog awareness days.
10. Trial a multi-agency approach – undertake joint patrols with CPOs and PCSOs to demonstrate positive cross service support for this exercise, work together with Cheltenham Borough Homes on this issue	The team has worked with these partners where their priorities and resources permit. Examples are working with the PCSOs on patrols of the Honeybourne Line and briefing CBH teams on the work of the CPOs. The team leader is on a multi-partner project team at Waterwells HQ for the implementation of the Anti-social Behaviour, Crime and Policing Act 2014, which includes responsible dog ownership.
11. Investigate opportunities to use mobile CCTV in dog fouling hotspot areas; improve signage along with targeted enforcement in hotspot areas	The team leader is exploring sharing a camera with a partner or the police, but their priorities are likely to be higher level crimes such as fly tipping and anti-social behaviour. The team do increase signage where intelligence suggests it is necessary and undertake targeted surveillance and enforcement as appropriate – for example, Caernarvon Park and Wells Close.
12. Ensure the Community Protection Team has the resources to fulfil its duties in this area including seeking external sources of funding.	The financial implications of the Cabinet report stated that the recommendations would have to be delivered within existing budget and there are sometimes conflicting service demands and priorities. A meeting to discuss enforcement priorities is imminent, and the systems thinking regulatory and environmental services review should also help. External sources of funding are not currently an option for salaries but the team is exploring ways of thrifty service delivery – from making their own floor stencils to sharing costs with the Parks Manager for a Keep Britain Tidy glow-in-the-dark anti-dog fouling poster campaign (which would also support recommendations 1, 5, 6 and 9).
13. Publicise the good work the Community Protection Officers undertake across the borough	This has been carried out through press releases, public awareness days and Leaders' Briefings.

	<p>Members receiving complaints from residents about dog fouling can report them through the normal channels.</p> <p>In a supplementary question Councillor Regan asked what the time frame was to roll out the bin sticker scheme.</p> <p>In response the Cabinet Member said that the roll out of the scheme would take place in the not too distant future and he would contact the Member to inform her of the exact date. He also took the opportunity to ask Members to report peaks in dog fouling incidences to him so that he could take appropriate action. He also thanked the Scrutiny Task Group for their work on this important issue.</p>
<b>3.</b>	<b>Question from Councillor Chris Nelson to the Leader, Councillor Steve Jordan</b>
	<p>Eric Pickles, Secretary of State for Communities and Local Government stated at a DCLG Briefing at the Conservative Party Conference last week that Green Belt should be protected from development and only allowed in the most exceptional circumstances; there was no pressure from Government to build on Green Belt. He has subsequently issued new guidance to protect the Green Belt: “once established, Green Belt boundaries should only be altered in exceptional circumstances”. Specifically the new guidance makes clear that councils do not have to build on the Green Belt just to meet the locally set long term housing targets. It has been reported that: “Many council planning officers are telling their councillors that they have to remove Green Belt protection when drawing up their Local Plans, in order to meet housing demand. We are making clear that this isn’t the case, and they can take into account development restrictions – such as ongoing Green Belt protection – when drawing up their Local Plans and determining how many houses they want to plan for.”</p> <p>Why is it that the JCS Authorities seem determined to press forward with their plans for urban sprawl and building on Green Belt?</p>
	<b>Response from</b>
	<p>Obviously I can’t speak for the Conservative administrations in Gloucester and Tewkesbury and I’m not sure whether Cllr Nelson seriously expects me to consider Tory conference gossip as evidence. The second quotation he uses does not refer to official Government policy. It comes from a “Government source” quoted in the Daily Telegraph on the 4<sup>th</sup> of October. Little weight can be attached to it.</p> <p>The Government has updated its national Planning Practice Guidance (nPPG) for local authorities and the development industry. It once again confirms the importance the Government attaches to preserving the openness of the Green Belt and the importance of the local plan making process as the place when decisions may be made to review Green Belt boundaries.</p> <p>However, the Government’s starting point in the plan making process remains that councils should meet objectively assessed needs for housing unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. This was confirmed by the Secretary of State in March this year to the head of the Planning Inspectorate, and has not changed in the updated guidance. The updated guidance on Green Belt land does not change</p>

	<p>the Government’s requirement that the JCS authorities must significantly boost the supply of housing and maintain five year plus housing land supplies. If the Government’s requirements are not met in these respects, the JCS will be found unsound.</p> <p>The JCS authorities have to assess the impact of new housing on the Green Belt in the same way as they have to consider impacts on the Cotswolds AONB, flood risk areas or areas of ecological significance. The JCS authorities have conducted substantial research to justify the spatial strategy adopted, including a careful review of the capacity of the built up areas of Cheltenham and Gloucester and other brownfield land to accommodate population growth. The JCS authorities have also conducted a detailed review and assessment of the Green Belt. It remains the case that the authorities will not be able to plan for their future housing needs within the existing built up areas or on brownfield land alone. These are the exceptional circumstances that justify a redrawing of the Green Belt boundaries.</p> <p>NPPF paragraph 83 was quoted by the minister, it states: <i>“once established, green belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan.”</i></p> <p>The last phrase in this sentence is critical. It accepts that the appropriate time to review the Green Belt is during the plan making process. The effect of the change in guidance is to seek to prevent developers from chipping away at the greenbelt through the applications process when an authority lacks a five year supply, or seeking to change Green Belt boundaries on appeal. Changes to the Green Belt are reinforced as being plan led rather than appeal led.</p> <p>Officers conclude that the update to the nPPG does not raise any new matters that would justify a rethink of the spatial strategy that underpins the JCS, it merely reiterates and reinforces the position taken throughout the JCS’ development.</p> <p>In a supplementary question Councillor Nelson asked the Leader to comment on why policy guidance had been issued by the Secretary of State on 6 October if there was not a reason for doing so and sought further clarification.</p> <p>In response the Leader explained that if there were not the proposed urban extensions then the JCS area would only meet 60 % of its assessed housing need. He said that it was likely to be unacceptable if the JCS missed the assessed housing need target by 40 %.</p>
4.	<p><b>Question from Councillor Chris Nelson to Cabinet Member Clean and Green Environment, Councillor Chris Coleman</b></p>
	<p>In August, DCLG made available a new £5M recycling fund for Councils offering weekly bin collections. There is evidence to support that weekly collections increase recycling rates over fortnightly collections and are preferred by the public, reducing complaints about persistent rubbish smells and maggot infestations in the summer months, and rodent activity. This fund has been welcomed by GreenRedeem, which runs recycling incentive schemes, as a “step in the right direction” towards helping the UK meet its waste targets. Has the Council considered switching to weekly collections?</p>

	<b>Response from Cabinet Member Clean and Green Environment</b>
	<p>In 2012, the Government put forward a DCLG funding proposal – ‘Weekly Refuse Collections Incentive’ which was very prescriptive in nature and designed to aid Local Authorities in introducing separate food waste collections or returning to a weekly refuse service where they currently operated an alternate weekly collection.</p> <p>Local Authorities which took up this funding were bound for 5 years and could not revert back to fortnightly refuse collections during that time. This represented a large risk to a Local Authority of being stuck with higher amounts of landfill waste for that time period due to the fact that if weekly refuse collections were reinstated, households would in effect be allotted twice the amount of capacity in their refuse bins.</p> <p>This would in turn jeopardise the Council’s ability to hit recycling targets and would dramatically increase the risk of being financially penalised for the amount of rubbish the authority and County sends to landfill.</p> <p>We understand that at that time, Cotswold District Council completed a modelling study on the implications of returning to a weekly refuse collection under the DCLG proposal which demonstrated that the costs would be substantially higher, income would decrease, landfilled waste would increase and the associated recycling performance would be negatively affected.</p> <p>Cheltenham Borough Council's elected members agreed to the introduction of a revised waste collection service including fortnightly refuse collections in 2011, which has achieved positive results in increasing the amount of refuse being diverted from landfill and increasing the capture of recycling material.</p> <p>The most recent DCLG funding is based on the same principles as in 2012, with the aspiration being to reinstate weekly refuse collections, so given the our current performance, the Council has decided not to pursue the DCLG funding application or return to weekly refuse collections.</p> <p>In a supplementary question Councillor Nelson asked whether the Cabinet Member was happy with the Council’s performance on recycling or whether it could do better.</p> <p>In response the Cabinet Member said that the national focus was on achieving zero waste and that was the council’s direction of travel. The council would do all it could to encourage residents in the town to recycle more.</p>
<b>5.</b>	<b>Question from Councillor Matt Babbage to Cabinet Member Clean and Green Environment, Councillor Chris Coleman</b>
	Please can you give an update on the trial of recycling of mixed plastics at recycling bring sites and to provide statistics on levels of recycling, and particularly plastics, over the last twelve months.
	<b>Response from Cabinet Member Clean and Green Environment</b>
	<p>The 3 month trial of mixed plastics at the 12 larger bring sites was successful and the scheme has proved to be essentially cost neutral with a modest net gain of £158 and therefore has no budgetary impact.</p> <p>As a result the Cabinet made the decision in September 2014 to instate mixed</p>

<p>plastics bring site recycling as a permanent service enhancement.</p> <p>Detailed below are the collected tonnage amounts of plastic bottles (2013/14) compared to mixed plastics (June 2014 onwards);</p>												
Bring Sites	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
2014/15	6.29	5.94	6.17	6.02	7.32	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2013/14	5.96	5.36	5.98	7.33	6.88	4.95	6.63	5.74	5.97	6.65	4.82	5.3
Difference	0.33	0.58	0.19	-1.3	0.44	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Swindon Rd	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
2014/15	1.08	0.82	1.3	1.44	1.88	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2013/14	0.8	0.72	0.9	1.06	1.06	1.06	1	0.86	1.06	0.96	0.66	0.98
Difference	0.28	0.1	0.4	0.38	0.82	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<p>The Swindon Road recycling centre has seen the largest increase since the trial began. I hope that following the upcoming official launch of the permanent service, this improving performance will continue.</p> <p>Finally, as detailed in the Cabinet report on this subject, it is worth noting that the indications are that the weight of plastic bottles collected as part of the kerbside collections has also increased which would suggest that the increase at recycling banks following the start of the trial isn't a result of a transfer of material previously collected at the kerbside.</p> <p>In a supplementary question Councillor Babbage asked why there had been a reduction in plastics recycling at bring sites over the last four months.</p> <p>In response the Cabinet Member said that the trial of the mixed plastics collection had had a positive effect and this is why the decision had been taken to implement a permanent service enhancement in the form of mixed plastics bring site recycling which would commence in the coming weeks.</p>												
<b>6.</b>	<b>Question from Councillor Matt Babbage to Cabinet Member Clean and Green Environment, Councillor Chris Coleman</b>											
Following the changes made at recycling bring sites, what consideration has been given to expanding the recycling of mixed plastics to kerbside collections.												
<b>Response from Cabinet Member Clean and Green Environment</b>												
<p>The Council has previously explored the options available for collecting mixed plastics from the kerbside, with Ubico conducting a modelling exercise to assess the likely financial implications. At this point in time, any kerbside collection of mixed plastics is not financially viable within current budget constraints.</p> <p>It does however remain our aspiration to see mixed plastics collected at the kerbside and I will keep the possibility under review.</p> <p>Members will be aware of the mixed plastics service provided at the 12 larger bring sites across town (referred to above). It is encouraging to see residents making use of this and I hope that Councillors will also be keen to support the scheme.</p>												

	<p>In a supplementary question Councillor Babbage asked how recycling levels could be improved if there was no mixed kerbside recycling.</p> <p>In response the Cabinet Member reported that recycling levels were improving as a result of the introduction of mixed plastics bring sites recycling. They were also working to make it easier for residents to recycle food waste and he would welcome ideas to drive the message forward.</p>
<b>7.</b>	<b>Question from Councillor Matt Babbage to the Leader, Councillor Steve Jordan</b>
	What steps have been taken following the critical report by York Aviation on the governance and financial performance of Gloucestershire Airport?
	<b>Response from the Leader</b>
	<p>An initial York Aviation report was written and paid for by Gloucester City Council which reviewed their future options as shareholders in the Gloucestershire Airport Company. This helped them come to the view, already held by Cheltenham, that the airport does provide economic value to Gloucestershire as well a potential long term income to the councils as shareholders. The second York Aviation report was jointly funded by both councils and looked at possible changes to improve the company. This highlighted the operational success of the airport but also pointed out potential improvements.</p> <p>Since then both councils have agreed to fund York Aviation to support further work with the company to develop the business plan.</p> <p>The proposed Shareholder Forum where the council leaders (as designated shareholders) and relevant officer meet with the company executives and board members has already has its first meeting.</p> <p>Work is also progressing on plans to strengthen the board by appointing 2 non-executive directors with specific airport related knowledge.</p> <p>In a supplementary question Councillor Babbage asked what the long term strategic goal was for the council's ownership of the airport.</p> <p>In response the Leader explained that the airport was of great benefit to the local economy as a whole. The council derived income from property at the airport and a small dividend but the overall aim was to improve the return on investment on behalf of the taxpayers of Cheltenham.</p>
<b>8.</b>	<b>Question from Councillor Matt Babbage to Cabinet Member Housing, Councillor Peter Jeffries</b>
	What steps have been taken within CBC and Cheltenham Borough Homes to avoid a repeat of the scenes in Cleevemount Rd where protests against CBH work to replace roof tiles have led to an alleged assault on a 79 year old man.
	<b>Response from Cabinet Member Housing</b>
	CBH have been implementing a roof replacement contract on existing CBC domestic properties across the town as part of their planned investment and maintenance program. Currently 379 roofs are being replaced under the present contract, there have been no other issues raised regarding the types of tiles that have been used in any of the other areas where CBH have been

	<p>working. In this particular road one property is owned by CBC and the roof has been replaced, the remainder are privately owned.</p> <p>I am confident that CBH have carried out the works correctly in line with the relevant guidelines and policy, the tenant supported by some of his neighbours are happy but two complaints were received from residents within the road. CBH and I were invited to attend a meeting within the community where approximately 10 households were represented, we listened to their concerns, provided information and answered questions.</p> <p>Following the issues arising from these discussions CBC and CBH have agreed that in future, where possible, practical and economically feasible to do so CBH will undertake a wider community consultation and provide a unique solution in replacing one-off roofs.</p> <p>In a supplementary question Councillor Babbage asked whether an apology had been issued to the gentleman who had been hospitalised as a result of the aforementioned incident.</p> <p>In response the Cabinet Member Housing said that this was not his responsibility as the issue did not fall into his portfolio as Cabinet Member responsible for housing and the issue should be taken up directly with the Cheltenham Liberal Democrat Office.</p>
9.	<p><b>Question from Councillor Matt Babbage to Cabinet Member Corporate Services, Councillor Jon Walklett</b></p>
	<p>What measures are being taken to resolve ongoing ICT issues generally, and particularly public facing websites including the PublicAccess planning portal, which is frequently the source of complaints from residents of Cheltenham</p>
	<p><b>Response from Cabinet Member Corporate Services</b></p>
	<p>The underlying issue with the councils ICT is the lack of investment over very many years in ICT infrastructure. As members will be aware this is being addressed by the £1.3m investment programme we agreed in council on February 2013 but this is a major programme and there is not a quick fix.</p> <p>The issues we are currently facing with public facing ICT is a result of both issues with external provider's links to the council plus the inadequacy of the council's internal network connecting our partners.</p> <p>ICT are working with the provider of the Public Access portal to upgrade the infrastructure as well as upgrade the Public Access system to the latest release. ICT are also investigating the monitoring of public websites so that we can better resolve any issues being experienced.</p> <p>The ICT shared service has been working with Cotswold and West Oxford District councils and have redesigned the network which will increase capacity linking sites tenfold, remove the reliance of individual sites such as the Municipal Offices and provide a more stable platform for the council and partner organisation's business systems. As you will already be aware from the communication from the ICT shared service, via the communications team on 2<sup>nd</sup> October, this work is in progress and relies on third parties but we currently anticipate it being completed in December 2014.</p> <p>In a supplementary question Councillor Babbage asked what steps were being</p>

	<p>taken to accommodate time pressures involved in terms of the planning process and the planning portal.</p> <p>In response the Cabinet Member said he was aware that the Planning Portal was not functioning as it should. He informed Members that SOCITM monitored the council's ICT. Officers were looking at ways to improve the facilities and a redesign was in progress. He highlighted that whilst there had been some degree of "firefighting" since the introduction of the shared service with the Forest of Dean in April 2013, much progress had been made over the last 18 months. He emphasised that an issue with a public facing service such as ICT would always receive priority.</p>
<b>10.</b>	<b>Question from Councillor Nelson to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	<p>Our Planning Committee has recently raised the issue of a shortage of Council Enforcement Officers to police planning conditions/restrictions. Councillor case work from residents also suggests that we have insufficient personnel to ensure developers and builders follow correct procedures. What is the average time taken for Enforcement Officers to resolve complaints and has their workload increased over the last 2 years? Is the number of outstanding cases increasing and how long will it be before all existing outstanding cases are actioned? Is it not time to review this whole issue and consider increased resources to this important area of Council responsibility.</p>
	<b>Response from Cabinet Member Development and Safety</b>
	<p>1) The Council has a target of resolving 80 percent of enforcement cases within 13 weeks. Latest statistics indicate the current performance rate against this target is 84 percent.</p> <p>2) The overall workload of the Planning enforcement Team has remained relatively constant over the past four years. What has increased however is the number of cases where formal action was required:-</p> <p>2011:- 10 Statuary Planning Notices served.  2013:- 27 Statuary Planning Notices served.  2014:- 28 Statuary Planning Notices served to date plus 2 Prosecutions &amp; 4 Formal Cautions.</p> <p>3) The Built Environment Local Enforcement Plan (planning) lays out time scales for responding to complaints:-  Priority One :- 10 Days  Priority Two :- 20 Days  Priority Three:- 30 Days</p> <p>Final resolution will however depend on the individual circumstances of each case.</p> <p>4) The issues surrounding the effectiveness of both Planning and Licensing enforcement are currently being reviewed as part of the REST project.</p> <p>In a supplementary question Councillor Nelson said that bearing in mind the proposed increase in development in the framework of the Joint Core Strategy the overall workload of the planning enforcement team would increase further. He asked whether formal actions had increased due to further disregard of</p>

	<p>planning regulations or whether it was due to a more proactive approach to enforcement.</p> <p>In response the Cabinet Member Development and Safety indicated that council officers dealt with about 500 cases per year and of those about 200 were addressed through some informal action. What mattered most was that people understand that the council would take action either formally or informally when conditions attached to planning permission were breached. This issue would be examined as part of the REST project.</p>
<b>11.</b>	<b>Question from Councillor Chris Nelson to the Leader, Councillor Steve Jordan</b>
	<p>What is the Cabinet doing to ensure Gloucestershire County Council repair potholes and broken pavements in Cheltenham? How do we monitor County Council performance and check that Cheltenham receives the priority it needs and deserves? We all know that money is tight but what evidence do we have that Cheltenham's potholes and pavement repairs receive a fair allocation of resources from the County?</p>
	<b>Response from the Leader</b>
	<p>As implied in the question, road and pavement repairs are the responsibility of Gloucestershire County Council and the responsibility for monitoring their performance rests with Environment &amp; Communities Scrutiny Committee. While Cheltenham Borough Council doesn't have enough staff to duplicate the GCC role, our staff have worked closely with the county on key projects such as the Promenade repaving works.</p> <p>However, I would welcome a review of relative performance on pothole and pavement repairs across the county particularly given the project delays resulting from the transfer of the highways contract to Amey.</p> <p>In a supplementary question Councillor Nelson asked how the performance would be monitored.</p> <p>In response the Leader said that in the first instance this would be undertaken by the relevant county scrutiny committee.</p>
<b>12.</b>	<b>Question from Councillor Chris Nelson to the Leader, Councillor Steve Jordan</b>
	<p>The latest report by York Aviation consultants on Staverton Airport make dismal reading and highlights problems that should have been tackled years ago, within the Airport management and with Council oversight and the setting of long term objectives. When will this airport give the Council a good return on our investment or is it time to look for radical solutions, such as being fully privatized or using the location as a strategic site for house building within the JCS?</p>
	<b>Response from the Leader</b>
	<p>If Cllr Nelson wishes to build all over the airport he would first need to abandon any policy of protecting the Green Belt. The airport forms part of the area of Green Belt that prevents Cheltenham &amp; Gloucester sprawling in to each other.</p> <p>A key objective of reforming the company governance is to ensure that the long</p>

	<p>term increase in return to shareholders envisaged in the original Runway Safety Project is realised. For details of how this is being progressed see question 7. If any offers to purchase the company were received they would be considered by the shareholders.</p> <p>In a supplementary question Councillor Nelson asked when a good return on the council's investment could be expected bearing in mind that there appeared to be a lack of a long term objective for the airport.</p> <p>In response the Leader said that things were expected to improve and the Runway Safety Project was predicted to lead to a gradual increase in dividend.</p>
<b>13.</b>	<b>Question from Councillor Chris Nelson to Cabinet Member Corporate Services, Councillor Jon Walklett</b>
	<p>Anyone making submissions on planning applications knows what a nightmare the Council website is – on top of the usual access problems, it is not user friendly and it is very easy to lose comments typed in 'live' rather than attached as a separate word document. When will the Council website be updated and brought into the 21<sup>st</sup> Century?</p>
	<b>Response from Cabinet Member Corporate Services</b>
	<p>An upgrade is being planned for Public Access for early in the new year. The newer version has been made to look and feel more customer friendly and should resolve some of the issues currently being experienced.</p> <p>In terms of the council corporate website, the current website went live in 2007 following a major upgrade to improve usability and subsequently has continued to score well in the Society of Information Technology Management (SOCITM) annual benchmarking tests. We are aware that it may well start to slip down the ranks as we do not have a "responsive design" embedded that enables people to use the site easily via mobile phones and tablets and are considering how we might mitigate against this happening.</p> <p>In a supplementary question Councillor Nelson welcomed the proposed improvements to the website but asked whether the Cabinet Member was confident that they could be achieved in the necessary timeframe.</p> <p>In response the Cabinet Member confirmed that the issues should be resolved between now and the end of December. He would look into the details further and provide feedback for Members.</p>

## **8. POLICY ON SEXUAL ENTERTAINMENT VENUES**

The Cabinet Member Development and Safety, Councillor McKinlay, introduced the report which had been circulated with the agenda. The report explained that Sexual Entertainment Venues (SEVs) are regulated under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009. The amended provisions were adopted by Council on 11 October 2010 and the current policy statement was adopted by the Licensing Committee on 4 February 2011. On 16 September 2014, Cabinet had considered the consultation feedback and approved amendments to the current policy as outlined in section 7 of this report. Cabinet had taken the view that it was reasonable to set a nil limit for SEVs in predominately

residential areas but to retain the existing policy in the town centre. He reminded Members that the authority was obliged to make a differentiation between locations which would not be the case if it applied a nil limit for SEVs across the whole borough. He highlighted that Cabinet had defined the town centre as the town centre shopping area, shaded blue in the map in appendix 3.

The Cabinet recommendations were now being forwarded to Council for their approval. He advised that if Council should not approve the recommendations today then technically they should go back to Cabinet for a final decision. However he indicated that Cabinet would accept Council's decision today on the policy as the final one to be adopted by the authority.

In making these recommendations he did not consider the council was opening the floodgates and the Licensing Committee would still make an informed decision on each individual application. His personal view was that it was much better to legalise and regulate these types of establishments rather than saying no outright and running the risk of them going underground or finding alternative ways to operate their businesses. It could also proliferate the use of Temporary Event Notices (TENS) during periods such as race week.

The Mayor invited Members to ask questions on the report and the following responses were given by the Cabinet Member assisted by the Business Support and Licensing Team Leader, Louis Krog

- If the amended policy was passed by Council, the SEV situated in Bath Road would fall outside the defined town centre area and therefore what would happen when its licence came up for renewal?
  - This would be a material consideration for the Licensing Committee when considering any renewal application and the applicant would have to give evidence as to why an exception should be made in their case to renew their licence.
- Would it be more sensible to redraw the map to include the other side of Bath Road (where the current SEV was situated) in the town centre area?
  - This could be done but there would be little point in doing this as an existing establishment would always have an argument that it is an existing business whatever area it fell into.
- Could the Cabinet Member clarify the conditions in 5 and 6 at appendix 1
  - The distinction was made because the authority only had jurisdiction over activity within the borough and they could not stop flyers or similar promotional material being handed out in other areas outside Cheltenham.
- Does the amended policy take into account the Council's duties under Equality Legislation? The authority has a duty to ensure that women are safe and is that requirement not very pertinent to this policy?
  - The officer confirmed that the Council has a duty to promote equality however the policy does not prescribe the sex of the participants and therefore there is no inconsistency with equality legislation as the council is licensing a lawful activity. The Borough Solicitor added that clearly the Equality Act was relevant to everything the council does but currently there was no suggestion from the police or any other complainant to suggest that the council had not complied with its duties or any

suggestion that there had been a breach of the Act in relation to this policy.

Councillor Clucas proposed the following amendment which was seconded by Councillor Sudbury:

*Amendment to 11.3 of the draft policy so that the recommendations would read as follows:*

- 1. Note the consultation feedback together with the petition submitted;*
- 2. Note the Cabinet recommendation to adopt the draft amended policy; and note the Council's duties in law including the Gender Equality Duty(2007) and the Equality Duty (2010);*
- 3. Note that there is an implied power in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 ("1982 Act") as amended by Section 27 of the Policing and Crime Act 2009 ("2009 Act") for the Council to set a limit on the number of licensed SEVs permitted in the relevant locality, of which zero is appropriate and that a number of local authorities have already taken that decision in light of evidence of the harm and violence against women that such venues can provoke.*

*Council believes there is no place within the Town of Cheltenham which it could be said that it was situated in a locality in which it would be appropriate to licence a sexual entertainment venue.*

*Therefore Council resolves to adopt a nil limit for the whole of Cheltenham Borough, implemented through smaller relevant localities. The relevant localities would be each of the 20 wards in the Borough, to ensure that the characteristic(s) of the relevant localities are taken into account.*

In proposing this amendment, Councillor Clucas said that the best way to regulate SEV's was to say no to them in the first place. She disputed the Cabinet Member's suggestion that this could cause the activity to go underground or be operated illegally. In her view it was the job of enforcement teams and the police to stop that happening. She also suggested that new Statutory Instruments were being laid down in the House of Commons which would potentially tighten up the use of TENs as an alternative option. She fully supported the policy as laid out in paragraph 11.2 which proposed that the appropriate number of SEVs outside of the adopted Central Shopping Area should be nil. However with no nil limit inside this area there would also be no upper limit and little defence if an application for an SEV was turned down by the Licensing Committee and subsequently challenged in court. She highlighted the potential harm that such establishments could do and this had been confirmed in reports to the UK government in 2003/4 and 2007. There was evidence that customers who frequent such establishments were more likely to seek exposure to more extreme forms of 'live' pornography or access pornographic material on the Internet. She was also concerned for the women in the town and argued that violence against women was more likely to occur if such establishments were permitted. She urged the council to ensure that girls could walk safely through the town without requiring an escort and she was not prepared to see young men and women being harmed or the town brought into

disrepute through the adoption of this policy. In her view the council also had duties under The Equality Act which would not be satisfied.

The Mayor invited Members to debate the amendment.

A Member was concerned about the decision that the Licensing Committee had made in approving the SEV licence for the premises in Bath Road. They considered that the committee could have refused the licence on a number of grounds including the fact that it was in a residential area and was frequented by children and churchgoers. There was a concern that this could open the door to more applications of this type and sully the good name of the town which was renowned for its art, culture and tourism. Another Member supported the view that the Licensing Committee would not have approved the licence had it studied its own policy more carefully. Several Members highlighted that whatever policy was agreed, the Licensing Committee would still have to consider every new application on its merits and Council must trust the committee to do this. It was important that in doing this the committee took full account of points raised during the consultation and any evidence they had received regarding any application. It was very clear from the public response that they did not support this type of activity and several Members felt the committee should take this into account. Another Member highlighted that the Licensing Committee could not take any moral view when considering whether to licence an establishment and must only base their decision on the policy itself.

Other Members raised concerns about the types of activity taking place in the clubs where men were sexually aroused and alcohol fuelled and the subsequent risks that this could cause to public safety outside the club. One Member suggested she had an example where a female resident walking past the club with a male companion had been harassed by door staff encouraging him to enter the club. It was also important to protect the welfare of all workers in the club. Other Members were concerned about the safety of shift workers walking back through the town in the early hours. It was also highlighted that drunkenness was not limited to SEVs and was also a problem for other types of establishments.

Other Members were concerned that such clubs would change the nature of the town centre which had recently been highlighted in the media as one of the top 20 towns in the UK to bring up children. The council had tried to bring life into the town centre by encouraging people to live there and they questioned whether this type of activity would positively discourage residents from living there. They also questioned the value that the town would get from these clubs as the profits would go to the businesses and they would do little to benefit other businesses in the town compared with events such as the festivals.

Other Members highlighted Cheltenham's success in dealing with the night-time economy in the town centre. The town centre was also well policed so this was an argument for permitting licences in that area where they could be well regulated and monitored. There was also CCTV to help regulate conditions outside the club. A Member made the point that since the SEV licence had been granted to the premises in Bath Road, the police had recorded no problems. Other Members cited the Blue Room as a similar establishment which had been granted a licence where there had been no trouble and had commercially faded

away. Even during race week there had been successful enforcement by inspectors which ensured everything went smoothly in the town.

Regarding equalities, a Member highlighted that it was important to treat potential violence or sexual exploitation against men or women equally. From a personal point of view they did not have a problem with permitting SEVs provided there was no violence and they were safe. Whilst acknowledging that the probability of some risks could increase it was the role of the local authority to reduce or mitigate those risks and then allow the Licensing Committee to grant licences where appropriate. They felt the policy should have stronger criteria and that there may even be locations outside the town centre where such an establishment might be appropriate.

Another Member highlighted the importance of freedom of choice for businesses wishing to operate in the town. They challenged the argument that children or churchgoers may be at risk as they would be unlikely to be walking past those premises late at night or early in the morning. They also referred to an earlier suggestion that lap dancers working in the club were somehow victims and suggested that they were much more likely to be educated possibly to degree level, or students and statistics showed that 80% of them said they felt safe at work. There was no proven causal link between violence and lap dancing, only anecdotal evidence, so prohibition was not a preferable option.

At the invitation of the Mayor, the Chief Executive advised Council that it may be appropriate for them to consider a short adjournment at this point, in order for Legal officers to give advice on the amendment which they had not seen prior to the meeting. This would ensure that if the amendment was passed there was no legal impediment to its subsequent implementation.

This was agreed by Council and the meeting adjourned at 4.40 and reconvened at 5.00 pm.

The Borough Solicitor advised Members that in order for the policy to set a zero limit for a relevant locality, it was obliged under legislation to define the characteristics of that locality. She advised that the amendment, as drafted, suggested that each ward would be defined as a relevant locality for the purpose of applying the policy. If this approach was to be adopted, then the characteristics of each ward would need to be considered and determined. The Cabinet had already addressed the characteristics of the area outside of the Central Shopping area as set out in the report at paragraph 7.1 and 7.2 and reflected at 11.2 of the draft Policy. Therefore, a way forward would be for the amendment to accept the Cabinet recommendation as far as 11.2 of the Policy is concerned and to address the characteristics of the Central Shopping Area as another relevant locality in order to support a zero limit in that locality.

Councillor Sudbury speaking as the seconder of the amendment highlighted many of the points that had already been made in support of the amendment. She stressed that the public consultation had been very clear on the issue and she thought the Council should now take that on board and adopt a zero limit across the town. She welcomed the revised boundary proposed by Cabinet for the town centre and noted the legal advice regarding relevant localities for the purposes of the policy. She considered the incident she had highlighted earlier demonstrated that the regulations did not work in protecting people within the

vicinity. The regulatory activity may make it safer for the workers inside but offered little protection to the residents outside.

In her summing up, Councillor Clucas welcomed the debate that had taken place and stressed that her arguments in support of the amendment were based on evidence and not morality. She also referred to the corporate and community plan implications in the summary section of the report where it said that "communities should feel safe and are safe and residents enjoy a strong sense of community and are involved in resolving the local issues". She went on to list a wide range of support groups who had been in favour of a zero limit across the town. She believed a zero limit was deliverable and commercial organisations would have no hesitation in seeking out towns with a no zero policy to set up these types of businesses. Finally she listed a series of characteristics of the town centre and suggested that these could be incorporated in the policy should the amendment be passed. These factors included:

Location and residential density of housing in Cheltenham; Location of facilities for children including schools, playgroups and children's centres throughout the town; Location of places of worship; Location of premises attracting vulnerable people such as GP surgeries, health centres, hospitals, dentists; Areas and premises attracting families such as leisure and sport facilities, play spaces, parks and open spaces including tourist attractions; Location of areas associated with commerce, retail and commercial use as shown; Promotion of gender equality, particularly in relation to reducing the fear of crime among women and community attitudes to sex establishments; The Local Plan.

She concluded that given the various factors set out above, there was no place within the Town of Cheltenham where it could be said that it was situated in a locality in which it would be appropriate to licence a sexual entertainment venue.

In accordance with the legal advice the final paragraph of the amendment was slightly amended as follows:-

Paragraph 11.3 of the proposed policy should be amended to read "It is the Council's policy that it would not be appropriate inside the central shopping area to license a SEV. Accordingly the appropriate number of SEVs inside the central shopping area is nil.

In responding to the amendment, the Cabinet Member reflected that it had been a thoughtful debate but he was still inclined to resist the amendment. In the debate much reference was made to the safety of men and women but there was no evidence to support that SEVs had or would cause a lack of safety in the town. Indeed the policy had been in place some years and had not caused any problems or issues. He considered the amended policy circulated with the report was a sensible compromise which allowed officers to direct potential applicants to appropriate areas of the town and gave the Licensing Committee the ability to judge and consider every application based on the government guidance provided.

Upon 7 Members standing in their seats, a recorded vote was requested and agreed.

Upon a vote the amendment was LOST.

For; 18 – Councillors Barnes, Baker, Clucas, Fisher, Fletcher, Harman, Holliday, Lansley, Mason, McCloskey, Nelson, Payne, Rawson, Regan, Ryder, Smith, Sudbury and Whyborn.

Against; 19;- Councillors Babbage, Britter, Chard, Coleman, Flynn, Colin Hay, Rowena Hay, Jeffries, Jordan, Lillywhite, McKinlay, Murch, Reid, Seacome, Stennett, Walklett, Wheeler, Wilkinson and Williams.

Abstentions; 0

The debate moved on to the substantive motion.

A Member expressed their disappointment that the amendment had been lost and emphasised that the residents in the College Ward had made it very clear that they did not want a lap dancing club in their area. The Member felt that accepting the amended policy would send a message to the public that the Council does not take account of the results of public consultation or the views of local councillors. Another Member disagreed saying that Council had demonstrated today that they had had a balanced debate on the issue and all Members had had time to consider all views and reach their conclusions.

Another Member highlighted that if the recommendations were not passed, then the alternative would be to continue with the existing policy with no zero limit anywhere in the Borough. For that reason they would be supporting the recommendations.

Another Member suggested that the policy should be taken back to Cabinet and re-worked to make it more robust as clearly the public were not confident in it as it stands.

In his summing up the Cabinet Member stressed that the proposed policy followed the guidelines set by government. The policy had been dramatically tightened up and 90% of Cheltenham would now be in an area designated for a zero limit. This should provide the Licensing Committee with the scope required for refusing an application that they deemed unsuitable. He too cared about equalities but he took a different view on how they should be addressed. Finally he urged Members to support the recommendations as the alternative would be to retain the existing policy.

Upon a vote it was

**RESOLVED that after noting the consultation feedback and the Cabinet recommendation to adopt the draft amended policy; the amendments to the policy as outlined in the draft policy attached at appendix 4 be adopted**

Voting: For 25, Against 9 with 3 abstentions

## **9. REVIEW OF POLLING STATIONS**

The Chief Executive, Andrew North, as the Electoral Registration Officer introduced the report which had been circulated with agenda. He explained that the council had a statutory duty to review its polling districts, polling places and polling stations every five years, to ensure that all electors have such reasonable facilities for voting as are practicable and to ensure that the polling stations are accessible to all electors including those with special needs. A consultation exercise had been completed and consideration had been given to the views put forward.

The Chief Executive reported that one change was being proposed, namely that the current polling district of Charlton Park Ward, Polling District EA, be split so that electors living in the north of the polling district vote at Cheltenham East Community Fire and Rescue Station, Keynsham Road and a new polling district ED be created for the remaining electors. The Chief Executive explained that Councillors Baker and Sudbury had undertaken a residents' survey earlier in the year and had received strong support for the change. Councillor Smith, the other ward Member for Charlton Park, was also broadly supportive of the suggestions. He also gave the assurance that the event of a fire the fire engines would not be in the way of the polling station.

The Chief Executive then made reference to correspondence received from Councillors Ryder and Regan with regard to Warden Hill Ward, Warden Hill Ward of the Parish of Leckhampton with Warden Hill Polling District TB in terms of creating a new polling district for the roads in the south east corner of polling district TB and a new polling place and station at the Brizen Young Peoples Centre for the electors in the newly created polling district. He reported that this proposal had been looked at carefully and discussions had been held with the ward Councillors but this was deemed to be not as well based in the community so at the present time the existing polling district and polling station would remain unaltered.

Finally, the Chief Executive reported that the full list of polling districts, polling places and polling stations would be published for a further period of six weeks, during which time individuals have the right to make representations to the Electoral Commission.

Members welcomed the proposed change and said it would make it more convenient for those who lived at the north end of Charlton Park ward who currently had to travel by car.

A ward Member from Warden Hill felt that the Warden Hill proposal should be considered further in the future regarding the Up Hatherley Parish Council ward boundary but recognised that there would need to be more community involvement. In response the Chief Executive explained that TB and TC were different parishes and it was required by law that there were separate polling stations. He highlighted however that a review could be requested at any time, i.e. not necessarily within the 5 year period if there was significant community feeling.

**RESOLVED (unanimously) that the following changes to polling districts, places and stations be approved:**

**Charlton Park Ward, Polling District EA – split the current polling district**

of EA so that electors living in the north of the polling district listed below vote at Cheltenham East Community Fire and Rescue Station, Keynsham Road

Argyll Road  
Avenalls Parade  
Avenall Court, Avenalls Parade  
Chelsea Close  
College Gate  
College Road  
Corpus Street  
Keynsham Road  
Keynshambury Road  
Knightsbridge Crescent  
London Road  
Old Bath Road Numbers 1-43 and 4-28  
Sadlers Court, Old Bath Road  
Priory Place  
Sandford Mill Close  
Sandford Mill Road  
Sandford Park Place  
Southgate Drive  
Westminster Close

and create a new polling district ED for the remaining electors living in the roads listed below and for these electors to continue to vote at Sacred Hearts Parish Hall, Moorend Road

Charlton Gardens  
Charlton Lane  
Charlton Park Drive  
Charlton Park Gate  
Cirencester Road  
Evelyn Close  
Greatfield Drive  
Greenhills Close  
King Arthur Close  
Sandringham Court, King Arthur Close  
King George Close  
Balmoral Court, King George Close  
King Henry Close  
King William Drive  
Moorend Road  
Old Bath Road numbers 130-178  
Sandy Lane  
The Avenue

The costs that will be incurred for the new polling station at Cheltenham East Community Fire and Rescue Station will be £360.

That the full list of polling districts, polling places and polling stations as set out in appendix E and F are published for a further period of six weeks, during which time individuals have the right to make representations to the Electoral Commission.

## **10. LOCAL COUNCIL TAX SUPPORT SCHEME**

The Cabinet Member Finance introduced the report which sought approval to keep the Local Council Tax Support Scheme (LCTS) unchanged for 2015/16 and 2016/17. He explained that in 2013/14 the Council received approximately 90% of the cost of the previous year's national council tax benefit scheme from Government. CBC had been working closely with other local authorities in the county and adopted the LCTS and whilst the aspiration had been to agree a permanent scheme this was not possible at this stage due to delays in welfare reforms and policy changes arising from a general election in May 2015.

Members agreed that continuing the present scheme for a further two years was a sensible way forward.

## **RESOLVED**

**That the Local Council Tax Support scheme be kept unchanged for 2015/16 and 2016/17, other than the annual uprating of premiums, allowances, non-dependent deductions and any changes to the national pension age scheme that need to be reflected in the local working age scheme.**

### **11. ASSET MANAGEMENT PLAN AND CAPITAL STRATEGY UPDATE**

The Cabinet Member Finance introduced the report which outlined the progress made in developing the Council's Asset Management Plan and Capital Strategy and made some initial proposals at this stage.

He reminded Members that the significant capital receipt generated from the sale of North Place and Portland Street car parks gave the Council an unrepeatable opportunity to invest in the infrastructure in the town and it was important that the funds were used carefully in order to have a long-term impact. The Asset Management Plan and Capital Strategy would propose how these receipts would be used and set a continuing framework for capital investment.

The Cabinet Member Finance explained that there was a robust system for evaluating capital bids and establishing priorities against the corporate plan. He reported that the Asset Management Working Group (AMWG) and the Budget Scrutiny Working Group (BSWG) as well as the Cheltenham Trust were also involved in the process. In the context of the Cheltenham Trust he reported that the Trust had already set up a committee to look at capital investment.

The Cabinet Member explained that capital projects relating to the High Street public realm improvement works, car park investment and the town hall chairs were being proposed now for approval as they all had a degree of urgency about them. The Cabinet Member confirmed that BSWG and AMWG had appraised the projects at recent meetings and given positive feedback.

In terms of capital investment in the high street the Cabinet Member explained that the council was working with the Cheltenham Development Task Force to unlock potential growth in the town. They were looking at the High Street as a whole in terms of opportunities to improve the environment and boost it as a commercial area which would help tackle a number of priorities. In so doing there was also scope for attracting private sector investment. The proposed investment of £450 000 in public realm and £111 000 in design work would

facilitate works in key areas of the high street. By pooling resources with business and Gloucestershire highways there would be a degree of unity in enhancing the area.

The Cabinet Member brought to Members attention an amendment to the cost of the work for replacing the town hall chairs which now stood at £84 500. Recommendation 2 of the report now read “bringing the total funding of projects to £896 200”.

Responses to questions were given as follows :

- Accommodation strategy - officers were continuing to investigate opportunities and there was currently interest in two properties in the town. Broad costings had been made for new build offices on the Shopfitters site but in the Cabinet Member's view a move to existing office accommodation rather than new build would be more cost-effective and could be realised much quicker. Work would continue and the Asset Management Working group would be kept fully informed. All Members would be kept informed of any new developments.
- High Street paving - it was acknowledged that this was in a poor state but working together with highways and the private sector would deliver paving and other infrastructure to a higher standard.
- Pavement maintenance outside the town centre - some Members felt that the focus of the highways pavements budget was on the town centre and this was having an impact in the wards where no money had been spent on resurfacing complete pavements since 2010. The Cabinet Member reported that the County Council had a town centre specific budget so it did not mean that the entire pavement budget was being spent solely in the town centre.
- Deliverability of the planned maintenance budget - it was acknowledged that the property and maintenance team were under resourced but this was a temporary issue and would be addressed. There was confidence therefore that the town's leisure and cultural facilities, now operated by the Cheltenham Trust, would be adequately maintained and supported and they could therefore deliver the savings identified.
- Car park investment - it was recognised that much of the equipment was outdated and was starting to fail with the council actually losing income. A detailed breakdown of investment by car park as a result would be provided to the Member.
- Boots Corner - pressure was being put on the County Council to expedite this project. The TRO consultation would end at the end of October with the TRO Committee due to meet 15 January 2015. It was acknowledged that there was a lack of resource to facilitate TROs. The High Street remedial work had started based on the analysis work.
- County highways contract - it was acknowledged that the contract with Amey was not working to its full potential and colleagues were therefore urged to voice their concerns with the county council.
- Cemetery and Crematorium - The Cabinet Member Clean and Green Environment said that he had been open about the difficulties at the crematorium. Lessons had been learned and there was an ongoing options appraisal which was not yet concluded. He would be involving the Cabinet Member working group in the process. It was therefore

premature to consider building a new facility. At this stage it was important to keep existing equipment in a functioning stage and the project appraisal would bring forward a more ambitious scheme. He was confident that a service the town expects would continue to be delivered.

**RESOLVED (unanimously) THAT**

- 1. The principles on which the new Asset Management Plan and Capital Strategy will be based and the methodology for prioritising capital projects, as outlined in sections 2 and 3 be approved.**
- 2. The funding of the projects outlined in paragraphs 4.2 to 4.4 totalling £896 200 be funded from capital receipts.**

**12. NOTICES OF MOTION**

There were no notices of motion.

**13. TO RECEIVE PETITIONS**

None received.

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

There was no urgent business.

Simon Wheeler  
**Chair**