

## Council

Thursday, 25th February, 2016  
6.00 - 8.40 pm

Attendees	
<b>Councillors:</b>	Duncan Smith (Chairman), Chris Ryder (Vice-Chair), Matt Babbage, Flo Clucas, Adam Lillywhite, Chris Mason, 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, Helena McCloskey, Andrew McKinlay, David Prince, John Rawson, Anne Regan, Rob Reid, Louis Savage, Diggory Seacome, Malcolm Stennett, Klara Sudbury, Pat Thornton, Jon Walklett, Simon Wheeler and Roger Whyborn

## Minutes

### 1. APOLOGIES

Apologies were received from Councillors Murch and Williams.

### 2. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 3. MINUTES OF THE LAST MEETING

The minutes of the meeting held on 9 February were approved and signed as a correct record.

### 4. COMMUNICATIONS BY THE MAYOR

The Mayor informed Members that this would be the last Council meeting for Andrew North, Chief Executive. He invited Group Leaders to address Council in this regard.

On behalf of the Liberal Democrats, the Leader thanked the Chief Executive for his service over the last ten years. He had been appointed at a difficult time for the Council but had taken it forward. He paid tribute to his key role in enabling and leading CBC as a commissioning council in difficult financial circumstances which had been positive for the town.

The Leader of the Conservative Group acknowledged the great work the Chief Executive had achieved during his time in office. He had come into post at a traumatic time for the organisation but had quickly brought back stability. He had always provided Members with sound and impartial advice which was listened to with respect and provided him personally with help and guidance as a group leader. The Chair of the Conservative Group welcomed the fact that he would continue to play a part in the life of the town and wished him every success.

The Leader of the PAB group echoed the comments of his colleagues and thanked the Chief Executive for his open door policy, his information and advice that he had provided to him as group leader. On behalf of the PAB he wished him a long, happy and healthy retirement.

In exercising his right of personal explanation the Chief Executive thanked the Group Leaders for their comments. He said that he would not return in any council capacity but hoped he would play a part in the cultural life of the town.

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

The Leader informed Members that an announcement had been made that day by Cotswold District Council with 5 Oxfordshire district councils that they were proposing the creation of new Local Unitary Councils.

He explained that Leadership Gloucestershire had met that day and reacted to the unexpected news with dismay and a statement had been issued to that effect but maintained that Leadership Gloucestershire were keen to do the best for Gloucestershire in terms of a devolution deal with Government.

Whilst recognising that it was still early days there would undoubtedly be an impact on the Gloucestershire devolution bid and there would be implications in terms of the existing 2020 partnership should the Oxfordshire deal progress.

**6. PUBLIC QUESTIONS**

<b>1.</b>	<p><b>Question from Carl Friessner-Day to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b></p> <p>Under Agenda Item 9 - Section Property/Asset Implications - the Council states :</p> <p>“The implementation of the Cheltenham Transport Plan will have an impact on the marketability, delivery of the subsequent disposal and redevelopment of the Municipal Offices.”</p> <p>There is therefore no longer any denying the link between the CTP and development for sale of the Municipal building. As this Council has sought external professional advice, could this Council now share with the public the estimated value of sale of the Municipal building with the current footprint and the estimated value of sale of the Municipal Building with the enlarged footprint should the CTP enable the closure of Boots Corner to occur, thus restricting the traffic at the back of the Municipal building and thereby facilitating the purchase of land at the back and rear external development.</p> <p><i>(For purposes of clarity we only need the two figures and no other information. I believe the residents of Cheltenham and in particular those in St Pauls, St Lukes, Pittville, All Saints and those around Prince Elizabeth’s Way are able to calculate the difference and therefore the PRICE the Council accepts for the degradation of their health, wellbeing and communities with the added traffic, noise, pollution and safety risks heading their way).</i></p>
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	<b>Response from Cabinet Member Development and Safety</b>
	<p>The aim of the CTP is to improve traffic flow around the town. As a result of these programmed transport works there are many opportunities to improve public realm and wider place making objectives.</p> <p>A development brief for the future of the Municipal offices and Royal Well identifies the ability to utilise space should it become available. This development brief has been approved by council. The utilisation of the space is a potential opportunity that would contribute to the wider place making and economic development agenda for Cheltenham.</p> <p>The Council has yet to determine the extent of any redevelopment of the Municipal Offices but the working assumption is that it is likely to just extend to the back of the pavement behind the Municipal Offices rather than across the road in Royal Well.</p> <p>The Council is not proposing to sell the Municipal Offices but is considering redeveloping it with a joint venture partner and has therefore not sought a valuation. The financial assumptions include a projection of additional business rates from any redevelopment of £175,000 per annum w.e.f. 2020/21 which will be factored into the Council's future budgets to protect current services in the context of reducing government funding.</p>
<b>2.</b>	<b>Question from Carl Friessner-Day to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	<p>In 2016 as part of the Cheltenham Transport Plan process, a TRO was held and recommendation made to the GCC Cabinet. Both sides of the argument for and against the Cheltenham Transport Plan respected the</p>

	<p>democratic process and presented their cases, yet the notes for the CDT taken on 9th October 2015 clearly highlight a last minute bid to influence opinion by the Task Force, namely Jeremy Williamson – and the effect this had in changing the Cabinet’s recommendation.</p> <p>“SE suggested that ST/FR give regular updates at future meetings. He also noted the Task Force’s ability to influence decisions as had happened in relation to the TRO issue when a letter of representation”. This referring to the letter signed by the cartel of a hand full of large businesses with self-interest.</p> <p>This Council now seeks to extend the power of the Cheltenham Development Task Force. How can this Council and its elected Councillors, a Council elected under the rule of democracy, allow the principles of democracy to be undermined by non-elected groups like the Cheltenham Development Task Force that show little respect for formal process and rule. Surely this interference makes a mockery of everything every Councillor stands for? Will Councillors investigate this interference and the democratic process around it before supporting further empowerment of the CDTF?</p>
<b>Response from Cabinet Member Development and Safety</b>	
	<p>As one of several Councillors (including Cabinet Members) from both CBC and GCC who sit on the Cheltenham Development Task Force, I can confirm that the Task Force has no decision-making powers. Decisions rest entirely with Councillors and the Task Force is completely advisory.</p> <p>The point in question referred to a letter from the Chair of the Task Force, asking why the initial GCC cabinet recommendation for the meeting of 22/07/15 seemed contrary to the outcome of the Traffic Regulation Order (TRO) committee.</p> <p>The Task Force can raise questions and seek to influence in the same way as any other individual or body – indeed, in much the same way as this question is doing.</p> <p>The Task Force has proven to be an effective vehicle which has helped deliver a host of positives for the Cheltenham economy, including Brewery II, Beechwood Arcade redevelopment, Regency Place, funding for the railway station and a number of public realm improvements.</p>
<b>3. Question from Peter Sayers to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>	
	<p>The Gloucestershire Cabinet meeting of 22 July 2015 determined that the Cheltenham Transport Plan would be phased and that each phase would be trialled. I am not clear as to Cheltenham Council’s role in determining the success or otherwise of these trials: Where may a resident, affected by these trials, examine the criteria and the data to be utilised to</p>

	determine the success or failure of these trials?
	<b>Response from Cabinet Member Development and Safety</b>
	<p>Final determination of success or failure will rest with GCC as the highways authority.</p> <p>In a supplementary question, Mr Sayers commented that the Cabinet Member had not answered his question. He asked the Cabinet Member to confirm that Gloucestershire County Council would be the sole arbiter of the success or failure of the schemes and there would be no input from any officers from CBC with taking the measurements, commenting on the measurements or decisions on any resulting actions.</p> <p>The Cabinet Member assured the questioner that his answer had been correct and although he would like more influence, GCC was the authority responsible for highways. He could not confirm whether there would be any officer input from CBC but he hoped that would be the case as he wouldn't want any decisions made without input from Cheltenham Councillors and officers.</p>
<b>4.</b>	<b>Question from Peter Sayers to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	The traffic modelling that was constructed to support the Cheltenham Transport Plan was not only utilising out of date data but was not informed by all of the recent housing developments which are proposed around the Cheltenham area. Given the size and impact of these developments, are Traffic Officers confident they understand the effects on residential areas, both now and in the future, of the Cheltenham Transport Plan?
	<b>Response from Cabinet Member Development and Safety</b>
	<p>CBC is not the traffic authority and I am unable to speak on behalf of GCC.</p> <p>In a supplementary question, Mr Sayers asked who would be speaking on behalf of the residents in the many wards right across Cheltenham who would be adversely affected by the CTP and how was the plan being adapted in view of the latest traffic data made available?</p> <p>The Cabinet Member acknowledged that there had been some new traffic data arising from the JCS work but it was for GCC to make any updates to the scheme. He advised the questioner that it was not this council's responsibility to consider any adaptations and indeed they had no legal right to do so but they would be seeking to influence GCC as much as possible.</p>
<b>5.</b>	<b>Question from Andrew Riley to Leader, Councillor Steve Jordan</b>
	As a restaurant owner I applaud the intention to inject vibrancy into the local economy by reducing evening parking costs in the town. This will obviously help sustain the retail jobs on the high street. However, other than this continued drive to promote the retail high street, what is the Council doing in the broader economy to encourage business to Cheltenham as it appears in the last 2 years this Council has allowed the

	<p>conversion of three significant office blocks into retirement homes, forcing residents to get in their cars to drive to jobs outside of Cheltenham, which then has the knock on effect of contradicting the intentions of the CTP i.e. getting people out of their cars!!! . Is Cheltenham to become the new Bournemouth or are there plans afoot to create jobs outside of the retail environment, jobs that pay more than the minimum wage and ones that will sustain the prosperity of the town longer term?</p>
	<p><b>Response from Leader</b></p>
	<p>The Council is very much focussed on delivering economic growth. The Cheltenham Development Taskforce has already been successful in bringing about redevelopment of a number of key sites. The Council recognises the important role tourism plays in the local economy and has commissioned a consultant's report on how the town can use and enhance its many assets to encourage further tourism. The Council has set up a Cheltenham Tourism Partnership to take this work forward and recommendations resulting from this will be considered by Cabinet next month. In addition, the Council has been funding a successful small business advice service to assist anyone setting up a new business.</p> <p>In 2014 the Council commissioned consultants Athey Consulting to provide an updated position on the economy of Cheltenham and provide recommendations to support growth. Work is ongoing through the review of the local plan (Cheltenham Plan) to assist this together with additional resource via the recent appointment of Managing Director of Place and Economic Development.</p> <p>However, in relation to the loss of existing office space, the Council must work within the parameters of national planning policy, this includes;</p> <p>Enabling development for other uses where it can be demonstrated the existing use is unviable/site unsuitable for existing use – this is very relevant in respect of recent permissions which has seen the changes of use of dated office space. Consents were granted following the submission of evidence detailing marketing of the sites for employment uses</p> <p>Government planning policy has left towns vulnerable to loss of offices by extending “permitted development rights” to allow the conversion of offices to residential use. This policy is a major concern for the Borough Council, not only because of the direct impact, but because indirectly it weakens the Councils negotiating position in relation to the loss of offices to a whole range of uses. Work is ongoing in respect of this point through work on the Cheltenham Plan, including early investigations of an Article 4 direction.</p> <p>The Council does not wish Cheltenham to become a dormitory town and is working to deliver more employment land through the Joint Core Strategy (JCS) process – much discussion has taken place through the JCS examination on the role and function of employment land, the need for new sites and a working age population to support the economy. The need for high value jobs growth has been recognised by the LEP strategic economic plan and Cheltenham's own economic analysis. I am keen to encourage the growth of the cyber security sector and in 2015 support for this was tested in early consultation on the Cheltenham Plan</p>

	<p>This aligns to the potential for a cyber or innovation hub as announced by the Chancellor in the autumn, and support from GCHQ to the JCS examination in public, which provides the opportunity to bring forward much needed land for employment. Employment that is designed to either attract or help grow high value GVA (gross value added) jobs to the town and which would be welcomed by this authority.</p>
<b>6.</b>	<b>Question from Andrew Riley to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	<p>The County Council is responsible from LSTF funding for the installation of the Albion Street changes. No 'public realm' expenditure should attempt to concrete those junction changes irreversibly in place until they have been demonstrated to be compatible with essential town centre traffic circulation, and therefore been deemed worthy of becoming permanent. Until Phase 1 is installed and trialed and approved as viable, is it not irresponsible to be disbursing from the £100k fund on "public realm improvement" for Albion Street</p>
	<b>Response from Cabinet Member Development and Safety</b>
	<p>This funding is designed to assist in the phasing process. Initially it was envisaged that all phases of the Transport Plan would be delivered in relatively quick succession and the funding was intended to help soften the impact of temporary works during trial works. However, following the GCC cabinet decision to phase implementation, it would seem prudent to have funding available throughout the whole of the projects implementation for both temporary and (if deemed appropriate by the highways authority) more permanent public realm changes.</p>
<b>7.</b>	<b>Question from Geoffrey Bloxson to Cabinet Member Development and Safety</b>
	<p>North Place Car Park  On the 10th October 2011 the Council considered and approved a proposal to award the contract to develop the site to Augur Buchler. The scheme included a minimum of 300 space public car park, the freehold of which would be retained by CBC and a 250 year lease granted for the area containing the car park. CBC would receive an annual rent equal to the net revenue from 300 spaces that were currently on the site. Augur Buchler were required to complete the construction work within an agreed time scale. Failure to do so would require them to pay a daily sum equal to the car park revenue for each extra day. As it is now 4 years and 4 months since the council approved the proposal will the Cabinet confirm that the above quoted daily sum is being received, when the payments commenced and the total sum collected to date?</p>
	<b>Response from Cabinet Member</b>
	<p>Mr Bloxson refers to the meeting of the Council on October 10th 2011, at which Augur Buchler was appointed preferred developer of the North Place site. However, he will be aware that Auger Buchler did not take possession of the site until December 2014. Up to that time, the Borough Council continued to run a car park on the site and to take the income from that car park.</p>

	<p>Under the terms of the agreement, Augur Buchler were allowed a reasonable time from the time they took possession of the site, to carry out redevelopment and provide us with a new car park as part of that deal. That period comes to an end in June 2016, after which time the agreed financial compensation that Mr Bloxsom refers to will become due.</p> <p>Morrisons withdrew from their contractual relationship with Augur Buchler early in 2015, which means that no development will be completed on the site in 2016, or for some time to come. The Council is therefore in discussions with Augur Buchler about bringing the site back into use as a car park in the near future. The aim of such an arrangement would be to enable Augur Buchler to deliver on its financial obligations to the Council, as well as increasing parking capacity in the town.</p> <p>In the meantime the Council retains the freehold of the part of the site on which the multi-tier car park was intended to stand. It remains our objective to work with Augur Buchler to ensure that the car park is built a part of a new development of the site.</p> <p>It is worth adding that the impact on the Council's income of losing the North Place car park has not been as great as was feared, as some of the North Place usage has been displaced to other council car parks. In 2014, the Council set up a parking income reserve of £350,000 to cushion the loss of income during the development of the North Place site. However, this has not been needed and has remained intact up to the present time.</p>
<b>8.</b>	<b>Question from Geoffrey Bloxsom to Cabinet Member Development and Safety</b>
	<p>Portland Street Car Park</p> <p>At the council meeting on the 10th October 2011 when Angur Buchlur were awarded the contract to develop the site for residential housing a clause in the development brief stated;</p> <p>It is a requirement of the development brief approved by the council that architectural style should be "of its time" and not a Regency copy or pastiche. This is also the view of the Council's officers and the development team. Augur Buchler subsequently sold the site to Skanska who shortly afterwards withdrew from housebuilding in the U.K. Since 2013 no other builder had been prepared to take on the project. In view of this situation would the Cabinet consider reversing the restrictions on architectural style and approve Regency replica homes on the Portland Street frontage. This approval would complete the last vacant space linking the town centre conservation area to Regency Pittville and fulfil the considerable demand for this style of home. It would also acknowledge the Development Task Force commitment to recognise the town's history in shaping current layout and from and pursuing high quality design that responds positively to historic context.</p>
	<b>Response from Cabinet Member</b>
	<p>The development brief establishes the basis for planning negotiations and decisions in relation to Portland Street and North Place. It is a statutorily adopted document which is a part of the Council's development plan and</p>



	<p>a material consideration in the determination of relevant planning applications. Amending a statutory Development Brief is a lengthy process (usually about 8 months if it runs smoothly) and to commence it at the moment runs the risk of becoming entangled in the emerging Cheltenham Plan adoption process.</p> <p>There is in any event, no evidence that the clause referring to architectural style is a reason for the site's current predicament and seems to me that the lengthy period of uncertainty and delay resulting from a review of the brief will not help in a swift resolution of the problem here.</p> <p>The approved scheme did attract much market interest, as did a similar scheme built by Homes by Skanska in Cambridge, which was why the market was surprised by the withdrawal of Homes by Skanska from the UK market.</p> <p>I am advised that the site is still being actively marketed and until a sale is concluded and a new owner advises their intention, it is premature to determine exactly what approach should be adopted, other than that the development brief should be followed and remains a material consideration in planning terms.</p>
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## 7. MEMBER QUESTIONS

<b>1.</b>	<b>Question from Councillor Tim Harman to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	<p>The Cheltenham Transport Plan report which the Council will consider this evening envisages a different phasing than originally outlined. Can the Cabinet Member specify what safeguards he has put in place to protect the council and Council Tax Payers should any phase of the scheme up to and including the Boots Corner be deemed to have failed?</p>
	<b>Response from Cabinet Member Development and Safety</b>
	<p>The phasing approved by GCC cabinet was predicated upon the initial phase at Albion Street being implemented between October 2015 and February 2016, with the final phase, a trial at Boots Corner, to take place in Spring 2017.</p> <p>Given events associated with the Beechwood shopping centre and the complexities associated with its conversion to a John Lewis store, the start date has slipped to March 2016, although we understand that the target date for the final phase remains the same.</p> <p>The primary safeguard for Council tax payers, was to ensure that the majority of this scheme was funded through a Department for Transport grant (£4.95 million), which was successfully secured by GCC. However, CBC did offer £50k funding for mitigation (in November 2013) and is proposing the release of £100k of uncommitted funds to assist GCC with implementation.</p> <p>By making available this £100k and £50k funding CBC is demonstrating</p>

	<p>support for the success of the County Council's by seeking to ensure the lengthened implementation stage can be successfully accommodated.</p> <p>Clearly, if GCC determines that any phase is deemed to have failed, then the sums might be required to assist with the County Council's mitigation costs.</p>
<b>2.</b>	<b>Question from Councillor Tim Harman to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	Can the Cabinet Member inform Council of the financial reporting arrangements that the Task Force will be required to undertake to Council and how this will be reported to Members?
	<b>Response from Cabinet Member Development and Safety</b>
	The Task Force has no direct budgetary control. This is because the body is purely advisory. Whilst there is a Task Force budget, it is overseen by officers of CBC and subject to the usual scrutiny and audit controls. The majority of any spend associated with Task Force activity is linked to capital expenditure and this is bid for, allocated and accounted for in line with other budgets managed by CBC officers.
<b>3.</b>	<b>Question from Councillor John Payne to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	This question was withdrawn at the request of Councillor Payne.
<b>4.</b>	<b>Question from Councillor John Payne to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	This question was withdrawn at the request of Councillor Payne.
<b>5.</b>	<b>Question from Councillor John Payne to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	<p>GCC is still unable to publish any details of precisely how the Winchcombe Street and Pittville junctions are to be implemented, e.g. the "zebra crossing". Local residents and road users should be allowed to comment in good time on the viability of these measures by studying a layout plan before expenditure is committed.</p> <p>At the same time as inserting a 'zebra crossing' (and turning off the traffic lights?) are you also intending to reverse the general traffic flow direction in Portland Street (as is marked on the TRO plan)? And will the Traffic lanes approaching the zebra-crossing from North Street be reduced to two, with a central island; and will general traffic still be allowed to turn right into Pittville Street?</p>
	<b>Response from Cabinet Member Development and Safety</b>
	<p>As far as I am aware, the proposed traffic management arrangements on Albion Street are as discussed at the Traffic Regulation Order (TRO) stage of this scheme.</p> <p>I believe that GCC has notified members of pedestrian crossing elements of detailed design, not changes to the scheme, so would suggest that these specific questions are posed to the County Council as highways</p>

	<p>authority.</p> <p>In a supplementary question, Councillor Payne asked about the process for evaluating whether mitigation was appropriate and would this council just be advised of the mitigation requirements by GCC and then expected to pay for it?</p> <p>In response the Cabinet Member emphasised that phase 1 was a different case because the agreement reached with John Lewis had required the Albion Street 2 way changes to be agreed before they would sign up. On this phase the council would be working closely with GCC putting in temporary changes to ensure the scheme worked smoothly and these would go beyond what GCC would normally be expected to do for a TRO.</p>
<b>6.</b>	<b>Question from Councillor Adam Lillywhite to the Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	<p>CBC have finally admitted in the officer's report that the "marketability" and "subsequent disposal and redevelopment of the Municipal Offices" is the driver of this unworkable nonsense of closing Cheltenham's sole Ring Road.</p> <p>What are and how can you justify imposing Phase-3, Royal Well changes, which are necessarily permanent if they are the 'land grab' of Royal Well Road, before Phase-4, Boots Corner trial, has been completed and most probably been demonstrated unfit to become permanent when it has already received £2M of irreversible "public realm" capital spend?</p>
	<b>Response from Cabinet Member</b>
	<p>The aim of the CTP is to improve traffic flow around the town. As a result of these programmed transport works there are many opportunities to improve public realm and wider place making objectives.</p> <p>A development brief for the future of the Municipal offices and Royal Well identifies the ability to utilise space should it become available. This development brief has been approved by council. The utilisation of the space is a potential opportunity that would contribute to the wider place making and economic development agenda for Cheltenham.</p> <p>I don't think that the phrase "land grab" is appropriate in terms of the Council's intention to deliver a place-making agenda.</p> <p>The £2m in question for Boots Corner is CBC money, held in a CBC reserve, available for use should GCC determine that Boots Corner can reasonably be closed to most through-traffic beyond the trial period. The money has been allocated for this future purpose, but has not been spent and will not be spent on "irreversible" public realm capital expenditure, until the Boots Corner trial has been assessed by GCC as highways authority.</p>
<b>7</b>	<b>Question from Councillor Adam Lillywhite to the Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>

	<p>In view of Cheltenham's peculiarly unique road network for a large town for which there is no longer any road-building money to remedy and in view of the lengthy controversy over CTP, is it not irresponsible to be restricting all subsequent CTP implementation decisions to one in consultation with one Cabinet Member and in discussion with the MD of the CDTF, rather than take the decision back to all elected Councillors. Can the Cabinet Member assure me that the officer will be fully briefed and have all the relevant information to enable him to make an informed decision?</p>
	<p><b>Response from Cabinet Member</b></p> <p>The officer concerned is responsible for the Directorate which has had primary responsibility for development and delivery of CBC's input into the Cheltenham Transport Plan and consequently, I believe that he is fully briefed. The suggestion of liaison with the MD of the Task Force, is because he is the Officer of the Council responsible for the Task Force which itself has a number of groups advising on the CTP project and includes a co-ordination group which links together developers and contractors to ensure that operational issues that could impact upon the town centre are dealt with effectively e.g. the delivery of tower cranes; utility connections etc.</p> <p>It is this group that has assisted in developing the proposed timetable for the Albion Street implementation, as we potentially have 3 major projects operational in the same street simultaneously - works for the CTP and works at Regency Place and Beechwood shopping centre.</p>
<b>8</b>	<p><b>Question from Councillor Adam Lillywhite to the Cabinet Member Development and Safety, Councillor Andrew McKinlay</b></p> <p>How can Councillors make a decision over a zebra crossing when they have no idea what is happening to the traffic on Albion Street? How long will it be between announcing the changes to the public for the rest of Albion Street and them being implemented?</p>
	<p><b>Response from Cabinet Member</b></p> <p>As far as I am aware, the traffic management on Albion Street is as discussed at the TRO stage of this scheme.</p> <p>I believe that GCC has notified Members of the pedestrian crossing element of detailed design, which I understand is a requirement of the relevant Highway legislation, it is not fundamental changes to the scheme.</p> <p>So, the timing between decision (GCC cabinet 22/07/15) and planned start of implementation (21/03/16) is 8 months.</p> <p>In a supplementary question Councillor Lillywhite asked for clarification on what was due to happen at the junction of Albion Street and Winchcombe Street where the work was scheduled to start in three weeks?</p> <p>In response the Cabinet Member referred to the plans which had been produced by GCC and had been available to Councillor Lillywhite and to</p>

	all Members. These set out details of the scheme and he reminded Members that GCC have produced the TRO and thus any changes to it were being directed by them.
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#### **8. COUNCIL TAX RESOLUTION 2016/17**

The Cabinet Member Finance introduced the report the purpose of which was to enable the Council to set the Council Tax for 2016/17. He explained that the Council had agreed its budget and level of Council tax for 2016/17 at its meeting on 12 February 2016. The Council was required to formally approve the total Council Tax for residents of Cheltenham, including the Council Tax requirement of the precepting organisations Gloucestershire County Council (GCC) and Gloucestershire Police. He reported that the Borough Council share of Council Tax for a band D property had increased by £5, the County Council share had increased by £43.51 and the Police by £2.58.

The motion was seconded by Councillor Jordan.

In accordance with the legislation a recorded vote was required.

Voting For 36: (Babbage, Barnes, Baker, Britter, Chard, Clucas, Coleman, Fisher, Fletcher, Flynn, Harman, C Hay, R Hay, Holliday, Jeffries, Jordan, Lillywhite, Mason, McCloskey, McKinlay, Nelson, Payne, Rawson, Regan, Reid, Ryder, Savage, Seacome, Smith, Stennett, Sudbury, Thornton, Walklett, Wheeler, Whyborn, Wilkinson)

Councillor Prince had left the meeting by the time the vote was taken.

#### **RESOLVED (unanimously) THAT**

**The formal Council tax resolution at Appendix 2 be approved and that the commentary in respect of the increase in Council Tax at Paragraph 6 of Appendix 2 be noted.**

#### **9. CHELTENHAM TRANSPORT PLAN - RELEASE OF RESERVE FUNDS**

The Cabinet Member Development and Safety, Councillor Andrew McKinlay, introduced the report regarding the release of reserve funds for the Cheltenham Transport Plan (CTP). The report recommended the release of funds to implement temporary and mitigation works related to the Cheltenham Transport Plan. Implementation was about to commence using a phased programme, which differed significantly from the single phase implementation previously envisaged. He explained that funding was from two tranches:

- £100,000 from unallocated capital receipts was to be available for use immediately the implementation of phase 1 commenced; and
- £50,000 from Civic Pride reserve (approved as part of the 2014/15 Budget Setting Report – 14<sup>th</sup> February 2014 - specifically for mitigation) was to be available for use when phase 4 (works at Boots Corner) commences.

He referred to the amended recommendations which had been circulated to Members before the start of the meeting. The changes addressed some of the

concerns expressed by Members and the public in their questions in that the £50K from the Civic Pride reserve would now be held until phase 4 commenced. This would ensure that there would be funding available for any mitigating issues as a result of the works at Boots Corner.

He emphasised that in passing the resolutions, Council would be allocating funds already included in the budget. There was an immediate need to progress with phase 1 due to the agreement with John Lewis. He emphasised that the council would not necessarily be spending all the money allocated but it would be there if required to carry out mitigation work for any unforeseen issues.

The Mayor invited Members to ask questions of the Cabinet Member.

- Would the local ward councillors be fully engaged in discussions on any mitigation issues?
- The traffic officers at GCC would not necessarily consult with the Cabinet Member but he would pass on any advice he was given to local ward councillors. He suggested that if there were knock-on effects in Oriel Road or St Lukes, which GCC hadn't addressed as part of their mitigation measures, then this could be a case for using some of the additional funding allocated in this resolution today for mitigation measures.
- Was the Cabinet Member confident that the funding referred to in the report would cover all the necessary mitigation work across the town and would this include mitigation work beyond the ring road?
- The Cabinet Member was confident that it would be sufficient and emphasised that £50K was being held back for phase 4. The funds of £100K that GCC had allocated for mitigation work would be confined to where the TROs were taking place whereas the CBC funds could be allocated in areas beyond this where there were knock-on impacts.
- Asked to consider the hypothetical situation where the funds the Council had allocated were insufficient, the Cabinet Member suggested that something would have gone seriously wrong if the council was to get to that point. The Cabinet Member Finance added that the success of the CTP was so significant to the future of Cheltenham that his successor would have to ensure that a solution could be found bringing back a report to this Council seeking additional funding if necessary.
- Could the wards affected include Pittville as certainly Clarence Square could be one area that could be adversely affected.
- The Cabinet Member agreed to add this to the list. He advised that the funds could be released anywhere that they were needed but the four wards specifically mentioned had designated TROs.
- Could the process for assessing the impact of each phase be clarified?
- The Cabinet Member advised that the process would be carried out by GCC and they would be making the decisions. In carrying out this assessment it would be short-term and looking for any showstoppers whereas CBC would be considering the more longer-term impacts.
- The timetable suggests a three-month period between phases. Can the Cabinet Member confirm that the timetable would allow full testing between phases and had the timetable being reassessed in view of the slippage.

- The Cabinet Member confirmed that GCC were confident in the timetable even with the slippage and that they could achieve the 2017 completion date.
- Had the Cabinet Member specifically asked GCC to be involved in the process or have they refused to have a dialogue with him?
- The CTP has been progressing for the last 10 years and this council has worked closely with GCC at all stages to ensure an appropriate scheme for Cheltenham. GCC had submitted the funding bid to government and was now the responsible authority for the implementation. Although the Cabinet Member would have preferred that responsibility to be with the borough council it was a false idea to suggest that the council was washing its hands of it.
- Can the Cabinet Member guarantee that no organisation from this town will try to interfere in GCC's decisions on the success or otherwise of the schemes?
- Any organisation was free to make representations and express their views to the county council so he was not in a position to make that guarantee nor would he want to be in a position to do so.

In the debate that followed two Members from College Ward indicated that they would be planning to abstain from the vote. Whilst supporting the additional funds for the mitigation work, they did not support the proposals in the CTP which they felt would increase traffic through the communities they represented. They were concerned that the mitigation work would not be sufficient to diminish the impact on their residents, particularly if other wards may be competing for the money.

A Member highlighted that in January 2015, they had proposed an amendment to the CTP to do all the schemes on an experimental basis but they had been advised that this was too expensive. They had proposed additional funds for mitigation and were pleased that this had been accepted at the time and they welcomed the additional funding that was now being proposed. They felt that the council had a responsibility to reflect the views of residents in the many wards across town who were really worried about the potential blight to their homes. It was important to listen to these residents and try and address their concerns as the schemes progressed.

A Member stressed that in his view recommendation 3 did not set out to exclude ward councillors and residents but reflected the democratic process that had to be followed in making any decisions.

Councillor Adam Lillywhite proposed an amendment which was seconded by Councillor Stennett to add the following additional recommendation:

*4. During the assessment period for each completed construction phase of the CTP request the Highways Authority to report on it and the contents of the next phase to full Council for their agreement to continue.*

In proposing the amendment, Councillor Lillywhite reminded Members of the reasons why he was opposed to the CTP. He felt there must be controls in the implementation of the schemes going forward and a proper democratic process should be followed. If Members were to vote for this amendment he believed it

would reinstate public confidence that the council still had a voice and some influence.

The Mayor asked for advice from officers on the legality of the amendment. The Head of Law advised that the council could make such a request to the county council but they could not insist upon it.

Members speaking against the amendment felt that it was an ineffective, toothless resolution. The evaluations of each scheme were already included in the plans and they had been assured by GCC that the Cabinet Member would have access to these evaluations. It was dangerous for this council to try and micromanage the implementation and was not a good use of CBC resources. Other Members also highlighted the impracticability of trying to arrange Council meetings to fit in with the implementation timetable and this could cause unnecessary delays. Another Member suggested that a better way would be for Overview and Scrutiny to set up a review process as they could invite residents to give their views and could request officers from GCC to attend and answer questions.

Some Members were concerned that there could be a liability for consequential damages if this council were to insist on changes to the CTP and this could pose financial risks for the Council. The Chief Executive advised Members that should this situation arise, officers would be able to give clear advice to Members on any potential liabilities. There may be some liabilities but officers could not give hypothetical advice at this stage.

A number of Members supported the thinking behind the amendment and welcomed the opportunity for another layer of scrutiny and public engagement. There were many uncertainties around the traffic schemes and it was important that the council received reports on progress and had the opportunity to express its views to the GCC. There was concern that similar amendments for progress updates had been requested before but Members were not aware that anything had been happening. Despite requests to GCC, some ward Members felt disenfranchised and that they had not been specifically consulted or kept informed by GCC. They agreed that it would send a message of support to residents that their views would be listened to and would make the process more open and accountable. The amendment was fundamentally about improving communications and giving the GCC an opportunity to demonstrate that they were listening to Cheltenham concerns.

The Chief Executive was asked to advise on the procedural implications of passing such an amendment. He advised that if the recommendations were approved, then he would approach GCC to make the request as firmly as possible and agree dates when progress could be reported back to this Council. If these dates were not compatible with the timetable of Council meetings then special meetings would have to be arranged. If the GCC did not agree to the request, the Council would have no comeback. He emphasised that the council could make requests to GCC for alterations to a particular scheme but the cost liabilities would have to be carefully considered at the time.

Councillors Stennett as seconder of the amendment, suggested that a lot of people in the town were very worried about the scheme which represented a big



and very important step for the town and the more information the council could get the better.

In his summing up, Councillor Lillywhite said there were facilities for break points in the contracts and he was confident that the assessment phases could be fitted in with the timetable of Council meetings. The process must be transparent and there must be a democratic process for giving their responses to the county council. He concluded that Members in the chamber would be accountable for the scheme if there was a problem so this check and balance was essential.

In responding to the amendment, Councillor McKinlay was concerned that passing the amendment would give a message to the GCC that the borough council had reservations about the scheme. He did not disagree that the county council should be asked to report back regularly on the scheme but he proposed that the final phrase of the amendment "to full Council for their agreement to continue" should be deleted.

Councillor Lillywhite was not happy to accept this amendment and therefore there was a vote on the amendment. This was LOST.  
Voting (For 12, Against 21 and 3 abstentions).

The debate then moved back to the substantive motion.

Councillor Rawson as seconder of the motion, emphasised that the CTP was not just about Boots Corner and he emphasised the importance of the scheme to the town. The changes to Albion Street were very important for the John Lewis development. The council must ensure the appropriate mitigation takes place and passing these resolutions would ensure that the necessary funds could be released at the appropriate time.

At the request of Councillor Babbage, the Cabinet Member Development and Safety indicated that he would be happy to add a recommendation 4 requesting that the highways authority supply regular updates to himself and he would be able to pass those updates to Members via e-mail or to overview and scrutiny if preferred.

Upon a vote the motion with this additional recommendation was CARRIED.

Voting (For 34 with 2 abstentions)

#### **RESOLVED THAT**

**In order to fund works in support of the Cheltenham Transport Plan during its implementation and trials,:**

- 1. £100,000 be allocated from unallocated capital receipts towards works that may be necessary to assist implementation of the Cheltenham Transport Plan, in keeping with the phased approach agreed by the County Council and in close cooperation with Gloucestershire Highways;**
- 2. The future appropriation of £50,000 from the Civic Pride reserve which has previously been approved for mitigation work associated with the implementation of the Cheltenham Transport Plan be agreed ; this funding to be reserved for use during and**

after the final stage of implementation at Boots Corner and spent in close cooperation with the County Council and Gloucestershire Highways; and

3. It be noted that decisions regarding the spending on individual elements of the project will be delegated to the Cabinet Member Development and Safety in consultation with the Managing Director Place and Economic Development and the Managing Director of the Cheltenham Development Task Force.
4. During the assessment period for each completed construction phase of the CTP, the Highways Authority be requested to report on it and the contents of the next phase.

## **10. APPOINTMENT OF THE HEAD OF PAID SERVICE**

The Chief Executive introduced the report and explained that he was due to leave the council on 27 March 2016 following the decision by Council in October 2015 to make his post redundant. The Council had a statutory duty to appoint a designated Head of Paid Service (HoPS) under section 4 of the Local Government and Housing Act 1989

and it was intended that the new HoPS post undertook the statutory role.

The Chief Executive reported that on 20 January 2016 the Appointment and Remuneration Committee met to consider the options and he now had great pleasure in proposing a valued and respected colleague for the role in Pat Pratley, the current Deputy Chief Executive. The Chief Executive referred to the job description in Appendix 1 and explained that the role attracted an additional salary of £8k per annum to be funded from part of the savings from the deletion of the CEO post. He highlighted that the appointment would be on an interim basis due to the fact that the council was about to enter another significant period of change with uncertainty about the impact the 2020 Partnership would have on the retained authority, the announcement from Cotswold and West Oxfordshire with regard to unitary authority status and the possibility of a combined authority. He reported that the council intended to carry out a further review of the senior structure in 12-18 months time when it was hoped that a more detailed position of the impact of the 2020 Programme and the devolution agenda would be known. He added that he would remain the Returning Officer/Electoral registration Officer for the scheduled Borough Council and Police and Crime Commissioner elections on May 5 but the new Head of Paid Service would be in a good position to take up this role for the EU Referendum scheduled for 23 June.

The Chair of the Appointments and Remuneration Committee explained how the committee had considered in detail the appointment and believed the current Deputy Chief Executive would provide the stability and consistency the authority required going forward in this time of change.

The Leader of the Council supported the appointment and gave thanks to the Appointments and Remuneration Committee for their work. He wished Pat Pratley all the best in her new position.

### **RESOLVED (unanimously) THAT**

- 1. Pat Pratley be appointed to the role of Head of Paid Service and that the appointment will be from 28 March 2016.**

- 2. It be noted that the appointment incorporates the responsibility for the role of Returning Officer and Electoral Registration Officer from 23 May 2016**
- 3. It be noted that a further review of the council's Senior Leadership Team structure would take place during 2017.**

## **11. REVISION TO CONTRACT RULES**

The Chairman of the Constitution Working Group introduced the report and reminded members that at its meeting on 14 December 2015 the Council approved an updated set of contract rules which was common to all 2020 vision partner councils. He explained that the contract rules included the requirement for a bond or a parent company guarantee for contracts over £1million. He said however that in practice the need for a bond or guarantee can be negated by holding back retention sums and making staged payments i.e. only for actual work that has been undertaken. Also, the requirement can be difficult and costly to obtain and it was not always necessary to obtain a bond in order to protect the council. As such it was now proposed that there was a revision to the Contract Rules to provide a practical and workable solution to the awarding of high value contracts which provides flexibility in the use of bonds/guarantees. This revision would allow the section 151 Officer, in consultation with the council's Solicitor, to decide that a bond/guarantee was not appropriate in the circumstances of a particular contract.

The Chairman of the Constitution Working Group said that one sensitive issue which had been raised by Audit Committee was on not having a bond in place and he suggested that Audit Committee kept a watching brief on how the variant was used and not misused so there was no additional risk. He highlighted that by not having to have a bond in place did make it easier for smaller local companies to bid for a project rather than rely on larger companies.

In response to a question the Head of Legal clarified that the existing contract rules covered contracts of £1 million or less; the specific issue under discussion was contracts of more than £1 million to ensure that discretion sat with the Section 151 officer as to whether a bond was required for a particular contract.

A member commented that staged payments would not compensate for the additional cost when a contract encountered difficulties. In response the Chair of the Constitution Working group said it was all about risk which would have to be managed and the S151 and Borough Solicitor would have to look at each circumstance individually. Large projects would be project managed and be assessed by the project board. Gateway reviews also were submitted to Overview and Scrutiny Committee and the decisions which were taken with large contracts would be published. Where it was felt that the variant was not used appropriately this would be reported to Audit Committee.

When asked whether this proposal corresponded with the latest best practice the Director Resources said that the use of the variant was a judgement by the S151 Officer due to the nature of the activity and the size of the contract.

The Cabinet Member Housing welcomed the proposals and said it would give more flexibility to officers and he gave the example of CBH who were entering into contracts on behalf of the council as often it was difficult to attract smaller and medium sized companies.

**RESOLVED THAT (Voting-32 for;1 against; 1 abstention)**

**Contract rule 19.1 be amended as per paragraph 1.5.**

**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 were no urgent items.

Duncan Smith  
**Chairman**