

Cabinet

Tuesday, 12th June, 2018
6.00 - 6.30 pm

Attendees	
Councillors:	Steve Jordan (Leader of the Council), Chris Coleman (Cabinet Member Clean and Green Environment), Rowena Hay (Cabinet Member Finance), Peter Jeffries (Cabinet Member Housing) and Andrew McKinlay (Cabinet Member Development and Safety)
Also in attendance:	Councillor Karl Hobley

Minutes

1. APOLOGIES

Councillors Clucas and Hegenbarth

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES OF THE LAST MEETING

The minutes of the meeting held on 10 April were approved and signed as a correct record.

4. PUBLIC AND MEMBER QUESTIONS AND PETITIONS

1.	Question to the Cabinet Member Development and Safety, Councillor Andrew McKinlay
	<p>I am sure all of Cheltenham and the interested developers would like to see the trial closure of Boots Corner a success.</p> <p>To assist in convincing ratepayers, clear, evidence based, criteria are essential. The Boots Corner closure proposal was in the main supported and justified by the Cheltenham Transport Plan</p> <p>Will the Council be utilising the Cheltenham Transport Plan, that measured and forecast the volume of traffic in a selection of residential streets, as a key element in the evaluation of the Boots Closure trial? Or is there other unpublished data that will be used?</p>
	Response from Cabinet Member
	<p>The scheme will be assessed through consideration of the following:</p> <ul style="list-style-type: none">• Traffic data on flows and speeds gathered before and during the experiment at around 25 sites across Cheltenham• Journey time data on key routes. This will be undertaken at intervals throughout the trial period• Town Centre footfall including a count of pedestrians, cyclists, wheelchairs and the use of seating and bike stands• A survey of public and business perceptions• Data from air quality monitoring sites across Cheltenham• (Subject to confirmation) the numbers of passengers using public

	<p>transport</p> <ul style="list-style-type: none"> • Comments received regarding the scheme. • Observations and thoughts of GCC and Amey officers. <p>It should be noted that some of the measures are subject to random factors (for example, air quality monitoring can be heavily influenced by the season and the weather) so we will need to review several months of data once initial disruption has settled down before reaching valid conclusions.</p> <p>In a supplementary question it was asked why the list of criteria to determine the impact of the extra 75 000 vehicles per week which would be dispersed in to residential areas as a result of this high risk trial was not more accurately specified.</p> <p>In response the Cabinet Member stated that the data collection points would be the same as the original points when the modelling was done. In terms of traffic flows and pollution, sites had already been earmarked and St Paul's road would be reinstated. A combination of all the activities listed would give a clear idea of the impact of the trial.</p>
2.	<p>Question to the Cabinet Member Development and Safety, Councillor Andrew McKinlay</p> <p>The Cheltenham Transport Plan measured and forecast traffic volumes for areas around the Town. These were identified as peak hours of 8-9am and 5-6pm and for the years 2010, 2026 without Boots Corner closure and 2026 with Boots Centre closure.</p> <p>It was on this extensive parametric modelling evidence that the case for the closure of Boots Corner was supported.</p> <p>For the South side of Clarence Square (to and from St Pauls Road) it identified a 'baseline' 2010 ALL DIRECTIONS volume of 582 for 8-9am. It predicts in 2026, with the closure of Boots Corner, 8-9am, a REDUCED number of 419 all directions volume.</p> <p>There is a Council installed traffic counter on the South side of Clarence Square.</p> <p>The recorded numbers, so far, greatly exceed the CTP measurements, forecasting and projections. All indications are that the Boots Corner closure will increase this flow.</p> <p>The traffic volume AVERAGE for March 2017, 8-9am, all directions average is 1371. For 5-6pm the volume was recorded as 1389.</p> <p>In April 2018 this 8-9 am average figure was 1294, and for 5-6pm 1465</p> <p>It is possible that the huge increase from the published Cheltenham Transport Plan volume is due to complexities from Phases 1, 2, implementations of the Cheltenham Transport Plan, which was not accurately modelled.</p> <p>What steps is the Borough Council and Cabinet taking (on this one road), in liaison with GCC or not, to REVIEW and REVISE the obviously</p>

	inaccurate Cheltenham Transport Plan from which the case for Boots Corner closure is predicated?
	Response from Cabinet Member
	<p>As the questioner has noted, the modelling undertaken for the CTP produced a forecast year of 2026. Future year modelling includes a number of elements such as planned housing growth and changes in travel behaviour which have not yet been implemented. It is therefore somewhat premature to compare the operation of the network in 2018 with its forecast operation in 2026.</p> <p>The prohibition of general traffic from Boots Corner is being undertaken as a trial, to enable the scheme to be amended and adjusted as necessary if issues arise. A programme of monitoring, including traffic volumes, journey times and speeds, will be undertaken throughout the trial period to provide information on how the scheme is operating.</p> <p>Air pollution must be measured at relevant exposure points and these relate to where people live. Consequently, Boots Corner has not been identified as a relevant exposure point in previous years' monitoring and it is not proposed to commence monitoring there for that same reason.</p> <p>There is an automatic monitoring station at Swindon Road that will continue to operate.</p> <p>Historically, there was a monitoring point at St Paul's Road which was discontinued as air pollution was consistently under action levels. However, the Council proposes to reinstate this as soon as funding is in place for additional monitoring.</p> <p>In a supplementary question it was asked what the council would be doing in terms of monitoring the traffic along St Pauls Road into Clarence Square which twice daily had stationary traffic.</p> <p>In response the Cabinet Member stated that the trial would ascertain what the real impact would be. The figures quoted from were from the traffic modelling which may or may not be accurate as the model was produced a few years ago. That being said the modelling for the first three phases of the transport plan had been accurate and even overestimated in terms of the amount of traffic being dispersed to other areas as a result of the trial. The traffic flow figures for 2026 suggested that the roads would be under much greater pressure than now. In terms of querying the model on St Pauls Road he stated that some parts of the road would be impossible to have two way traffic on and this would seriously limit the speed at which drivers could go down the road. He queried whether there was an easy fix for St Pauls Road but suggested that a 20mph limit could be an option. He assured the questioner that there were potential solutions available should the problems quoted arise.</p>
3.	Question to Cabinet Member Development and Safety, Councillor Andrew McKinlay
	Has the council produced a community impact statement in respect of

	Boots corner traffic dispersal and its likely effect on local communities
	Response from Cabinet Member
	<p>A Due Regard Statement has been produced as part of the Traffic Regulation Order documents. It will be published alongside the other documentation at the commencement of the trial.</p> <p>The Cabinet Member wished to clarify that the community impact assessment had already been published and that a Due Regard Statement considered all issues relevant to the impact the plan would have.</p>
4.	Question to Cabinet Member Development and Safety, Councillor Andrew McKinlay
	What mechanism is in place for measuring traffic congestion on St Paul's Road, Swindon Road and Clarence Square?
	Response from
	<p>The scheme will be assessed through a number of criteria, including traffic data on flows gathered before and during the experiment at around 25 sites across Cheltenham.</p> <p>The fixed automatic traffic-counter site on Clarence Square is one of 25 traffic monitoring sites.</p> <p>In a supplementary question it was asked how congested traffic with lots of stop-starts, and waiting with the engine running as seen regularly on Swindon Road, the northern relief road, would be monitored. In response the Cabinet Member explained that there would be no mechanical process as such but the County Council would be physically monitoring the traffic flows. Feedback from members of the public was key during the first six months in terms of their concerns and impact of the trial.</p>
5.	Question to Cabinet Member Development and Safety, Councillor Andrew McKinlay
	What mechanism is in place for measuring peak period air quality on St Paul's Road, Swindon Road and Clarence Square?
	Response from Cabinet Member
	<p>UK air quality is measured in terms of averages rather than at peak periods, as statutory levels are based on the relevant health exposure.</p> <p>With regard to the specific locations mentioned:</p> <ul style="list-style-type: none"> • There is an air quality monitoring station located on the corner of Swindon Road and St George's Street which continually measures nitrogen dioxide (NO2). • The Council's environmental health team has given advice in respect of the Cheltenham Transport Plan about recommended additional air quality monitoring points. St Paul's Road is one such location. If NO2 levels in St Paul's Road are measured as being under relevant limits, it is unlikely that the relatively nearby area of Clarence Square would be in breach. The Council hopes to procure an additional piece of air quality monitoring equipment

	<p>(gas mesh pod) which would allow for a more flexible response to local concerns about air quality, but the longer the equipment is in-situ, the more comprehensive and reliable the data will be.</p> <ul style="list-style-type: none"> • There is a network of NO₂ monitoring points around Cheltenham; more information can be found by searching 'air quality' on the CBC website. <p>If any community or environmental groups would like advice about adding to the network by funding additional monitoring in their locality, the environmental health team can provide advice and support.</p> <p>In a supplementary question it was asked whether the air quality monitor on Swindon Road/St George's Street gave hourly readings for NO₂ levels and if so whether this information was publicly available.</p> <p>The Cabinet Member undertook to provide a response to the questioner as he did not have the information available.</p>
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Member Questions

1.	Question from Councillor Karl Hobley to the Cabinet Member Development and Safety, Councillor Andrew McKinlay
	<p>Will cabinet please specify the levels of pollution and traffic that it considers to be safe for the public specifically in the following roads/areas: along St Paul's Road, Swindon Road and Clarence Square?</p>
	Response from Cabinet Member
	<p>Air pollution and traffic both give rise to health risks and it could be argued that the only way to ensure absolute safety is to eliminate them completely.</p> <p>Nitrogen dioxide NO₂ is the pollutant of concern in Cheltenham. The statutory annual mean limit for NO₂ is 40 µg/m³. In addition, NO₂ should not exceed 200 µg/m³ in any one hour period, more than 18 times a year. These limits apply throughout England to help mitigate the adverse health effects that can be associated with air pollution.</p> <p>In the UK, responsibility for meeting air quality limit values is devolved to the national administrations in Scotland, Wales and Northern Ireland. The Secretary of State for Environment, Food and Rural Affairs has responsibility for meeting the limit values in England and the Department for Environment, Food and Rural Affairs (Defra) co-ordinates assessment and air quality plans for the UK as a whole.</p> <p>The UK Government and the devolved administrations are required under the Environment Act 1995 to produce a national air quality strategy. The strategy sets out the UK's air quality objectives and recognises that action at national, regional and local level may be needed, depending on the scale and nature of the air quality problem.</p> <p>Part IV of the Environment Act 1995 and Part II of the Environment</p>

(Northern Ireland) Order 2002 requires local authorities in the UK to review air quality in their area and designate air quality management areas (AQMA's) if improvements are necessary. The whole of Cheltenham is currently designated as an AQMA.

Where an AQMA is designated, local authorities are required to work towards the Strategy's objectives prescribed in regulations for that purpose. An air quality action plan describing the pollution reduction measures must then be put in place. These plans contribute to the achievement of air quality limit values at a local level.

In addition, Cheltenham has been issued with a Ministerial Directive requiring action to be taken to address a projected air pollution exceedance on the A40 road corridor, close to GCHQ. The authority has been awarded a grant of £50k to undertake a targeted feasibility study to identify those measures that could be taken to most quickly address the issue. However, the authority has identified other locations where we believe exceedances could occur without mitigation measures being implemented.

GCC has had a scrutiny task group looking at the issue of air pollution across the county.

The Task Group's recommendations reflect the importance of system-wide interventions in addressing NO₂ exceedances and the limitations of locally targeted actions. This doesn't mean that local measures are ineffective, rather that they need to be accompanied by area-wide measures in order to be effective and have longevity. CBC cannot successfully act alone in delivering such measures.

The overriding objective of the Ministerial Direction is to keep NO₂ levels below the 40 µg/m³ EU threshold level. That is not necessarily the same as the objective of the Task Group, which heard evidence that whilst this improvement may achieve compliance with the law, even exposure to NO₂ pollution below the legal limit will have a significant adverse health impact.

A seminar is being planned for members to provide more comprehensive information regarding the issue of air pollution in Cheltenham and what steps are being taken to mitigate the position.

In a supplementary question Councillor Hobley asked whether the council or the county council had a figure or level of traffic volume on those residential streets likely to be most affected by the trial beyond which it was considered to be excessively busy.

In response the Cabinet Member clarified that it was not about the amount of traffic which would be unsafe but rather the potential pollution this would generate. There were processes in place to address this. In terms of gridlock this did not mean that the traffic was unsafe but recognised that it was unacceptable. The data collected would be looked at as a whole and an overall judgement would be taken.

2.	Question from Councillor Karl Hobley to the Cabinet Member Development and Safety, Councillor Andrew McKinlay
	Will cabinet please specify how it will measure levels of pollution and traffic on St Paul's Road, Swindon Road and Clarence Square, before and after the closure of Boots Corner?
	Response from Cabinet Member
	<p>The scheme will be assessed through a number of different criteria including traffic data on flows gathered before and during the experiment at around 25 sites across Cheltenham.</p> <p>Traffic flow data on the St. Paul's Road / Swindon Road / Clarence Square corridor has been recorded as part of the CTP monitoring since 2015 via the Clarence Square site. The site will continue to be used to monitor the traffic flows throughout the trial.</p> <p>There was an automatic monitoring station at Swindon Road that will continue to operate.</p> <p>Historically there was a monitoring point at St Paul's Road which was discontinued as air pollution was consistently under action levels. However, the council proposes to reinstate this once funding is in place for additional monitoring. If levels are found to be near the action limit in St Paul's Road, then we would consider the implications for wider monitoring of the locality.</p> <p>In a supplementary question Councillor Hobley asked when the funding would be available to allow monitoring on St Pauls Road.</p> <p>In response the Cabinet Member stated that he assumed that the monitoring would start at the commencement of the trial.</p>
3.	Question from Councillor Karl Hobley to the Cabinet Member Development and Safety, Councillor Andrew McKinlay
	If the closure of Boots Corner causes pollution and traffic on St Paul's Road, Swindon Road and Clarence Square to go above the levels the council itself considers being safe, what will be done to bring pollution and traffic back down below these levels?
	Response from Cabinet Member
	<p>The criteria being measured are subject to random factors (for example, drivers will take time to amend their travel patterns once the Boots Corner restriction is in place; air quality monitoring can be heavily influenced by the season and the weather) so we will need to review several months of data once the initial disruption has settled down before reaching valid conclusions. Appropriate mitigation measures will be investigated if issues arise.</p> <p>If NO2 levels reach or breach statutory levels in these locations, the Council will have a legal duty to address the exceedances. This would involve working with local communities and partners to identify a shortlist of practical measures to bring the area back into compliance. These could potentially range from technical measures such as reviewing speed</p>

	<p>limits or improving sustainable transport infrastructure, to behavioural measures / incentives designed to encourage modal shift towards more sustainable methods of travel.</p> <p>In a supplementary question Councillor Hobley asked whether Cabinet or the County Council would be willing to consider the following options, put forward by the community, for reducing the volume of traffic and making the area safer, in response to the success or otherwise of the trial :</p> <ul style="list-style-type: none"> • 20 mph limit • One way • Installing a block in the middle of the road near the church <p>In response the Cabinet Member explained that £150k had been made available for mitigating measures in the various areas affected by the trial. However, there was not one solution which would fit all. He questioned the value of a block in the road in terms of impact on local residents and believed that making the road one way would actually increase traffic speeds. He expressed caution against quick fixes and believed that the impact on St Pauls should be looked at as a whole and a solution to the benefit of all should be examined.</p>
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5. DATA PROTECTION

In the absence of the Cabinet Member Corporate Services the Leader introduced the report and explained that on 25 May 2018 the EU General Data Protection Regulation (GDPR) and a new Data Protection Act and related legislation came into force. A temporary arrangement had been put in place leading up to this Cabinet decision. The new Data Protection Policy at appendix 2 applied to all users who handled information and personal data held by Cheltenham Borough Council, including personal data of our service users. The policy applied to all employees, Members and processors of personal data held by the Council. It did not apply to Members handling their own data or data as part of their political work. A process for Members to register was taking place separately to this.

RESOLVED THAT

1. the new Data Protection Policy be approved.
2. Authority be delegated to the Director of Resources and Corporate Projects to vary the existing s101 Share Service arrangement between the Council, Gloucester City Council and One Legal (Tewkesbury Borough Council) to;
 - Include undertaking the statutory function of the Data Protection Officer (DPO) under the Data Protection legislation and;
 - the Council's Borough Solicitor be designated as the DPO for the Council.

6. HOUSING OPTIONS - SERVICE RELOCATION

The Cabinet Member Housing introduced the report and explained that CBH took over the management of the council's Housing Options Service in December 2013, following approval by Cabinet in June 2013 to transfer the service from the council to CBH. Throughout this period the Housing Options Service had been delivered from Cheltenham First Stop on the High Street. Following the introduction of the Homelessness Reduction Act in April 2018, Additional Burdens Funding from the Ministry of Housing, Communities and local Government (MHCLG) had been used to provide additional staffing within the Housing Options Team to support the requirement to provide additional duties/services to households who are homeless or threatened with homelessness. This increase in staff, in combination with an estimated increase in the number of households likely to present to the Housing Options Service in housing need, means that it is now necessary to move this service to larger, more suitable accommodation. The proposed move to the municipal officers would support these requirements, by better meeting the team's back office needs, whilst also providing a larger reception area and more interview room space to households in housing need.

The Cabinet Member wished to pay tribute to the work of the housing options team and explained how key its partnership with One Stop and CCP was.

In response to a question the Cabinet Member confirmed that whilst the details were being finalised this move meant that there was a single point of contact in reception for the public for the housing options team.

RESOLVED THAT

1. The relocation of the Housing Option Service from Cheltenham First Stop, High Street to the Municipal Offices be approved.
2. Authority be delegated to the Lead Commissioner – Housing Services, in consultation with Cabinet Member – Housing to approve any further changes to these proposals, should this become necessary in order to meet future customer requirements.
3. It be noted that the lease to CBH will be granted at a peppercorn rent.

7. BRIEFING FROM CABINET MEMBERS

The Leader informed that the council had received confirmation from House of Fraser that it intended to keep Cavendish House open. This was good news for the town and as this store was an important part of the retail offer the council would offer its assistance in helping the business maintain its presence in the town.

The Leader reported that the appointment of representatives to outside bodies would be considered at July Cabinet. Should there be no consensus among the political groups on a particular appointment a report would be taken to the July Council meeting.

8. CABINET MEMBER DECISIONS TAKEN SINCE THE LAST MEETING

Cabinet Member	Decision
Leader	Appointment to the Gloucestershire Joint Waste Committee
Development and Safety	Acceptance of tender for phase 1 improvement works on High street
Finance	Appointment of council's borough solicitor as the council's Data Protection Officer 25 May-12 June to ensure compliance with legislative requirements

Chairman