

## **Council**

**Monday, 11th December, 2017**  
**2.30 - 10.15 pm**

<b>Attendees</b>	
<b>Councillors:</b>	Klara Sudbury (Chairman), Bernard Fisher (Vice-Chair), Matt Babbage, Paul Baker, Garth Barnes, Ian Bickerton, Nigel Britter, Flo Clucas, Chris Coleman, Mike Collins, Wendy Flynn, Tim Harman, Steve Harvey, Colin Hay, Rowena Hay, Alex Hegenbarth, Karl Hobley, Sandra Holliday, Peter Jeffries, Steve Jordan, Adam Lillywhite, Chris Mason, Helena McCloskey, Paul McCloskey, Andrew McKinlay, Chris Nelson, Tony Oliver, Dennis Parsons, John Payne, Chris Ryder, Louis Savage, Diggory Seacome, Malcolm Stennett, Pat Thornton, Jon Walklett, Simon Wheeler, Roger Whyborn, Max Wilkinson and David Willingham

## **Minutes**

### **1. APOLOGIES**

Councillor Williams had given her apologies.

Councillors Helena McCloskey and Paul McCloskey had advised that they would not arrive until after 4pm and subsequently arrived at 17:15pm.

### **2. DECLARATIONS OF INTEREST**

Councillor Harman declared an interest in Agenda Items 9 and 10 as a County Councillor. Although he had previously received dispensation from the Standards Committee to speak and vote on the item, since the granting of that dispensation, he had been appointed as a Cabinet Member and therefore had both individual and collective responsibility for decision making consequent upon that Cabinet role. He had not sought further dispensation, but had decided, as was the position with a previous CBC / GCC Cabinet member, that he would not participate in the debate or decision and would leave the Chamber for that item.

Councillor Ryder declared a possible pecuniary interest in Agenda Items 9 and 10 (Gloucester, Cheltenham and Tewkesbury Joint Core Strategy – adoption report and The pre-submission Cheltenham Plan 2011-2031) in terms of a small pocket of white land in Leckhampton and announced her intention to leave the chamber for these items. She also declared a non-pecuniary interest in Agenda Item 15 (Community Governance Review).

The Head of Law, confirmed that the dispensations given by the Standards Committee to County Councillors in respect of the JCS item remained in place.

He explained that in terms of Agenda Item 10 (The pre-submission Cheltenham Plan 2011-2031), County Councillors should consider declaring an interest because of the County Council's school proposal and the relationship between that and the Local Plan, but that the Monitoring Officer had advised that those members should still be able to fully participate in the debate and subsequent vote, though this would be for each individual member to decide. Councillor Harman's position differed given his role as a Cabinet Member.

Councillors Babbage, Coleman, Fisher, Colin Hay, Payne, Sudbury and Wheeler, as County Councillors, had received dispensation from the Standards Committee to speak and vote on Agenda Item 9 (Gloucester, Cheltenham and Tewkesbury Joint Core Strategy) and declared a non-prejudicial interest in Agenda item 10 (The pre-submission Cheltenham Plan 2011-2031).

Councillor Bickerton declared a personal interest in Agenda Item 15 (Community Governance Review) as a Parish Councillor for Leckhampton with Warden Hill.

Councillors Payne and Stennett declared a personal interest in Agenda Item 15 (Community Governance Review) as Parish Councillors for Prestbury.

Councillor Nelson declared a personal interest in Agenda Item 15 (Community Governance Review) as a Parish Councillor for Leckhampton with Warden Hill.

Councillors Mason and Whyborn declared a personal interest in Agenda Item 15 (Community Governance Review) as Parish Councillors for Up Hatherley.

Councillor H McCloskey declared a personal interest in Agenda Item 15 (Community Governance Review) as a Parish Councillor for Charlton Kings.

Councillor C Hay and Councillor Hobley advised of a personal interest in Agenda Item 16 (Revised financing arrangements for improvements to Leisure-at-Cheltenham), as Trustees of the Cheltenham Trust.

### **3. MINUTES OF THE LAST MEETING**

Councillor R Hay raised a point of clarification on page 24. As Mark Sheldon had already communicated with Councillor Ryder, the figure that had been quoted by Councillor R Hay should have been £1.25 M and not £2M. This investment was required over a 20 year period and averaged at £62,500 per annum, hence the £625k in the business case for the nursery which modelled financial projections over a 10 year period. However, a further maintenance survey had been commissioned in order to support any future decisions in respect of the nursery. Democratic Services had advised that this could be added as a foot note to the minutes with Council's agreement.

Upon a vote it was unanimously

**RESOLVED that the minutes of the meeting held on the 16 October 2017, as amended, be agreed and signed as an accurate record.**

#### **4. COMMUNICATIONS BY THE MAYOR**

The Mayor informed members of her engagements since the last meeting, and highlights included:

- Attendance at Anti-Trafficking/Modern Day Slavery event organised by Churches Together to raise awareness of this issue. Also Cheltenham Soroptimist's organised an event to coincide with the international campaign to end violence against women and girls 16 Days of Activism.
- In October, she had launched the Wenceslas Heating Scheme, on behalf of The Lions Club of Cheltenham. She reminded anyone who felt that they could manage without their Winter Fuel Allowance, that Cheltenham Lions provided a direct bridge to those in Cheltenham with insufficient money to pay their fuel bills.
- The previous week she had welcomed to the Municipal Offices, Jim Nyamu, a Kenyan Biologist known as 'The Elephant Man'. He and his team were doing 'The Great Elephant Walk UK 2017.' from London to Bristol in order to raise the profile of elephant's killed by poaching and to fundraise towards a campaign to end the ivory trade

Remembrance had been a very busy time for the Mayor, having attended very many events including:

- The launch of the Poppy appeal at the Regent Arcade
- The field of remembrance service
- The ceremony held at the remembrance beds in Imperial Gardens, which she had addressed.
- She had undertaken part of the heart to heart remembrance walk, from the war memorial in Cheltenham to Gloucester Cathedral.
- The Kings School service of remembrance at Gloucester Cathedral
- The Cheltenham town centre Remembrance Sunday service and later that day she had spoken at the Festival of Remembrance at the town hall.
- She had welcomed pupils from Dunalley School to answer their questions and visit the war memorial.
- On the 29<sup>th</sup> November, a service was held at the war memorial in Cheltenham to mark the 50<sup>th</sup> anniversary of the withdrawal of British armed forces from Aden.

Two very successful fundraising events had been held for the Mayor's Charity Appeal; a meal at the Mayflower and a carol concert at Cheltenham college chapel. The Mayor expressed her thanks to Chun and the team at the Mayflower who provided excellent food and service, to Cheltenham College for allowing the use of their magnificent chapel and to John Rawson and Jennie Ingram for organising it. This was well supported by the local community and thanks were given to sponsors, Hinton Capital Investment Ltd along with Officeworx who provided all of the advertising material.

Finally, she took the opportunity to thank Councillor Garth Barnes for his dedication to twinning over the past 40 years. He had served on twinning since 1976 and had been chair on a number of occasions and continuously for the past 15 years, as well as being honoured with the Göttingen Medal of Honour in 2011 during a Big Party visit to Göttingen. At the Annual General Meeting of the Cheltenham Twinning Association in November, he had stood down as chairman of twinning. The Mayor gave her congratulations to Councillor Seacome, who had taken over chairmanship of the association.

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

The Leader reiterated congratulations to Councillor Barnes for his contribution to the Twinning Association over the years.

**6. TO RECEIVE PETITIONS**

No petitions were received.

**7. PUBLIC QUESTIONS**

<b>1.</b>	<b>Question from Jonny Brownsteen to the Cabinet Member Housing, Councillor Peter Jeffries</b>
	Does the council agree that it should install contactless donation points around the town centre, which enable residents to donate money to charities and services that support homeless people in Cheltenham?
	<b>Response from Cabinet Member</b>
	<p>The amount of empathy, kindness and generosity which the residents of Cheltenham show in supporting the charities &amp; voluntary sector, as well as directly for those who are existing on the streets of our town never fails to amaze me. The general advice about giving money to those on our streets is that it should be discouraged, personally I would not wish to dissuade anybody from giving.</p> <p>Enabling financial donations through contactless points could be extremely beneficial and I believe this should be supported. Having had an initial conversation with representatives from the business improvement district (BID) who are interested in the concept I will be making arrangements to progress this further.</p> <p>There was no supplementary question.</p>
<b>2.</b>	<b>Question from Jonny Brownsteen to the Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	One of the attractions which brings people to Cheltenham from around the region is the high standard of the shops here. We have a vacancy factor at the Brewery Quarter, yet are losing Whole Foods from the Gallagher Retail Park. What efforts have the council made to encourage Whole Foods to relocate to this prime site in the town centre? This would bring further business into the town centre, while saving the jobs of the



	staff at the current store who are now facing unemployment.
	<b>Response from Cabinet Member</b>
	<p>CBC has been in touch with Wholefoods concerning the store closure, albeit from the perspective of implications for existing staff.</p> <p>The information provided to us is that both stores outside London (Cheltenham and Glasgow) were being closed for economic reasons and the decision is in no way related to the Amazon acquisition. We understand that all Wholefoods staff have been offered the opportunity to apply for open positions within the Wholefoods business; however, this would require relocation, so consequently, many are exploring alternative employment opportunities locally with support from the job centre.</p> <p>CBC has also arranged to meet with representatives from the Gallagher retail park in early December (although from recollection this particular unit is in alternative ownership).</p> <p>The idea of relocating to the Brewery is interesting, but does not appear to fit with Wholefoods commercial strategy.</p> <p>There was no supplementary question.</p>
<b>3.</b>	<b>Question from Stewart Rood to Cabinet Member Clean and Green Environment, Councillor Chris Coleman</b>
	<p>Why weren't the residents in Whaddon Drive informed in writing of the new collection dates and why was there conflicting answers given when each resident telephoned separately to enquire what exactly was going on. e.g. I was told that both collection and recycling would take place on alternate Wednesdays and my neighbour informed it would take place on a Wednesday for refuse and recycling on a Friday. We were both informed that our addresses did not appear on the system and that only the flats were listed. I have ceased recycling until I know where we are with this and as for the blue bag for cardboard I think it is a step too far.</p>
	<b>Response from Cabinet Member</b>
	<p>Ubico advises that supervisor visits have taken place in the area, to advise residents of the correct collection days and to highlight the changes to the new service.</p> <p>The online search tool will be updated shortly to reflect the same information.</p> <p>There was no supplementary question.</p>
<b>4.</b>	<b>Question from Gary Fulford to the Leader, Councillor Steve Jordan</b>
	<p>Paragraph 4.6.21 of the JCS states that: "A small change has been made to the Green Belt boundary in the area of the Reddings to provide a more appropriate boundary after an implemented permission at Grovefield Way". The JCS team say that the request was valid because during the JCS review, other sites in the Greenbelt that had been "built out" were removed from the Greenbelt. However, the Grovefield Way site has not been built out, so please can you clearly set out the exceptional circumstances that set a precedent to permit its removal from Greenbelt</p>

	before it has been built out, especially as the developer is seeking to introduce A class retail & other classes of development onto the site which have never been placed before the Planning Inspectorate, run contrary to current retained retail policy, and have not yet even been placed before the planning committee?
	<b>Response from</b>
	<p>Through the JCS examination the Inspector considered whether to remove the Green Belt designation from a triangle of land at Grovefield Way, drawing the Green Belt back to a more defensible and permanent boundary, given the part already being built out under an implemented permission (the BMW/ Mini dealership and related services) and extant permissions. The JCS Inspector considered representations during the main modifications consultation and in the hearings as to whether exceptional circumstances existed to remove the land from the Green Belt and concluded at paragraph 176 of her Final Report, that exceptional circumstances exist for the removal, and MM054 inserted paragraph 4.6.21 accordingly.</p> <p>In respect of the current planning application, we have a statutory duty as a local planning authority to consider all applications on their merits. The current scheme has been fully consulted upon and all relevant policy considerations, including the context within the JCS, as examined by the Inspector, have been considered in full. The application will be considered by Planning Committee on 14 December 2017.</p> <p>The questioner struggled to understand the decision to move the boundary of this site before it had been built out?</p> <p>The Leader reiterated that if the Council did not accept the main modifications it would be left without a JCS .</p>
<b>5.</b>	<b>Question from Gary Fulford to the Leader, Councillor Steve Jordan</b>
	Can a MINOR modification be made to paragraph 4.6.21 in respect of this non-strategic, currently undeveloped Greenbelt site at Grovefield Way to specify that any adjustments to the existing Greenbelt boundaries are only made after the Cheltenham local plan and retail policies are agreed, by which time, CBC will have defined a "shopping centre" boundary in relation to the site, and that, the Grovefield Way site must remain within the Green Belt boundary until at least after it is built out and occupied in its entirety?
	<b>Response from Cabinet Member</b>
	<p>This would not be a minor change, but one of substance. It is not possible to adopt a plan that an Inspector has only found to be sound with main modifications, without all the main modifications recommended in the Inspector's Final Report. Save for any additional amendments, which (taken together) do not materially affect the policies set out in the plan with the main modifications; the wording must be as the main modifications set out within the Final Report.</p> <p>The answer to Q4 sets out the JCS examination's consideration of the site. The Cheltenham Plan being brought today as item 10 on the Council agenda, will if agreed, introduce new planning policy (EM3) to allocate the remainder of the site for B class uses and new Cheltenham Plan policy (EM1) will protect the site from changes of use to non employment</p>

	<p>uses on completion of development.</p> <p>As his supplementary, Gary Fulford asked if it would be possible for the word 'only' be added to the sentence thus making it clear that the boundary would 'only' be moved after implemented permission?</p> <p>The Leader replied at this stage, with main modifications recommendations having been made, there were only two choices, accept the JCS or don't, so unfortunately the time for making such an adjustment had passed some time ago.</p>
<b>6.</b>	<p><b>Question from Alice Ross to the Leader, Councillor Steve Jordan</b></p> <p><b>Issue 10, Transport, paragraphs 216 - 230</b></p> <p>With so many aspects of strategic transport planning and mitigation left demonstrably unresolved, is the Borough fully satisfied that it is sound, as stated in Paragraph 223, that "more focussed modelling and mitigation design to deal with allocated development issues can be left to application stage."?</p>
	<p><b>Response from Cabinet Member</b></p> <p>The JCS transport work has demonstrated that effective solutions to mitigate transport impacts of the plan can reasonably be achieved within the plan period. As schemes for major development are submitted across the area, these solutions will refine and build on the model which the JCS, County and Highways England have developed. Similarly, a number of bids for government funding of infrastructure related to these developments are ongoing.</p> <p>Paragraphs 215 to 230 in the Inspector's report set out her consideration of transport evidence through the JCS process. Paragraph 223 is the Inspector's view after careful consideration and much additional evidence being prepared and reviewed. She has concluded that the plan is sound with her recommended main modifications.</p> <p>Both Gloucester City Council and Tewkesbury Borough Council have resolved to adopt the JCS and it is now for this Council to consider whether it too supports the Inspector's conclusions on soundness and the adoption of the JCS.</p> <p>As her supplementary question, Alice Ross asked, if the effect of dealing with transport matters individually for each JCS allocation as it came up at planning, would not be uncoordinated and piecemeal. Would it not mean responding only to problems of that allocation without the fully joined-up sound integrated transport plan which should surely have been prepared for the whole JCS area, not leaving, for instance, two huge allocations (North West Cheltenham and West Cheltenham) to districts to decide, helped by the very Highways Authority which couldn't prepare the plan in the first instance?</p> <p>The Leader accepted that there had been issues relating to receipt of timely information from the Highways Authority but reassured the questioner that the JCS schemes were achievable and that each component of a site would need to work on its own merit and that this would be ensured through planning applications for each of the sites.</p>

<b>7.</b>	<b>Question from James Russell to the Leader, Councillor Steve Jordan</b>
	<p>The JCS reference to "Infrastructure Development Plan (IDP)" at paragraph 5.7.2, is assumed to be related to the "Do Something 7" scenario set out in the traffic evidence. This scenario is critically dependent upon junction 10 of the M5 becoming 4 way. Highways England next funding allocation, which could support the scheme (if approved) will be in 2021 and construction would take at least 24 months. The grants to support the proposed West Cheltenham Cyber Park and infra-structure expire in 2021. This suggests that development will have to be well ahead of any alterations to Junction 10. This would be equivalent to the "Do Minimum 7", or, "Do Nothing 7" scenarios in the traffic evidence, both of which calculated that the major Arle Court roundabout at junction 11 of the M5 would be operating at 187% of its capacity. How will Gloucestershire Highways and Cheltenham Borough Council ensure that this potential problem is avoided?</p>
	<b>Response from Cabinet Member</b>
	<p>The observation concerning the Growth Fund 3 (GD3) monies is correct in that it has a time limit of 2021. This funding is for enabling infrastructure for opening up the cyber park and it is expected, as presented at the JCS examination, that delivery of the site will be phased - it would be not be reasonable to expect delivery of 45 hectares of development by 2021. The traffic modelling scenarios assume full build out by the end of the plan 2031, so essentially, there is a mismatch of timescales. The GD3 funding will enable the cyber park and its employment opportunities to come forward whilst longer term plans such as 'J10 all-ways junction' will impact further into the future, after the initial 2021 delivery target.</p> <p>James Russell queried how traffic would be managed in the meantime if, as the Leader had stated, the timescales for the use of the GD3 monies and plans for J10 were mismatched to such a degree. He queried whether any adjustments would be subject to a judicial review.</p> <p>The Leader reiterated that the GD3 monies needed be used by 2021 but that this cash would simply provide infrastructure to bring the site on stream, rather than completion of the development. It was clear that J10 would need to be a 4 way junction by 2031 build out but the council did not have the funds to deliver J10 and as such was lobbying the Government .</p>
<b>8.</b>	<b>Question from Simon Willis to the Leader, Councillor Steve Jordan</b>
	<p>The JCS allows Council's considerable discretion to build housing in the Green Belt if less than 450 houses are proposed, particularly if the annual building allocations are not being achieved. There are similar discretions afforded for hybrid housing and employment proposals from developers. The proposed urban extensions in the local plan cross into the "defensible" Green Belt and connect the remaining portions of the Green Belt to the Urban area, thereby making sites that are presently considered to be unsustainable to potentially become sustainable. If the precedent to move the Green Belt boundaries every time is built out following a developer request continues to be followed (paragraph 4.6.21), how can the Green Belt boundaries be considered to be</p>

	defensible?
	<b>Response from Cabinet Member</b>
	<p>The strategic Green Belt boundaries for the area have been identified through the JCS, with Strategic Allocations and safeguarded areas having been removed from the existing Green Belt. The safeguarded areas are not allocated for development at this time, but will only be released for development if a future review of the JCS deems the release of this land necessary and appropriate. The JCS's Green Belt policies do allow for a limited review of the Green Belt in other locations as necessary through the Borough Plans, where this is justified by exceptional circumstances.</p> <p>Whilst we have considered the potential for local Green Belt review in the Cheltenham Plan, if items 9 and 10 on the Council agenda are agreed today, we will be in a position to meet the plan's requirements to 2031 in full without further changes to the Green Belt, other than those identified in the JCS.</p> <p>Any application for development which is not part of the narrowly defined national list of compatible development in the Green Belt (e.g. buildings for agriculture or forestry) will need to demonstrate 'very special circumstances' to be permitted.</p> <p>The answer to Q4 sets out the JCS examination's consideration of the site referred to at paragraph 4.6.21.</p> <p>There was no supplementary question.</p>
<b>9.</b>	<b>Question from Simon Willis to the Leader, Councillor Steve Jordan</b>
	<p>If an application is received for off-plan development in the Green Belt and the site has been assessed as being unsustainable by the authority, presumably the planning officers would be required to recommend rejection in all instances, because the allocations to 2031 have been made. If not, why not?</p>
	<b>Response from Cabinet Member</b>
	<p>See Question 8. It is true that development in the Green Belt which would harm its openness, or the reasons for its designation, would normally be refused. In order to gain approval it would need to demonstrate 'very special circumstances' which would outweigh the great importance to be attached to the Green Belt, which is reflected both in the JCS, in national policy and in decision taking. Substantial weight is to be given to any harm to the Green Belt when considering any planning application and decisions must be taken in accordance with the development plan, unless there are material considerations that indicate otherwise.</p> <p>There was no supplementary question.</p>
<b>10.</b>	<b>Question from Michael Evans to the Leader, Councillor Steve Jordan</b>
	<p>I, and other business-experienced people in Cheltenham, were surprised to see that the two shareholding councils of Gloucestershire Airport – Gloucester City and Cheltenham Borough – had sanctioned advertising for three non-executive directors to join the airport company's Board at remuneration levels of £4000 per annum for a two-day/month</p>

	<p>involvement.</p> <p>I should like to know where did this council seek advice concerning the level of remuneration offered to the non-execs being hired to protect its investment and did they compare it with the remuneration of non-executive directors working in other non-FTSE 250 businesses.</p> <p>When I last recruited a non-executive director, albeit ten years' ago, the Institute of Directors quoted annual remunerations of between £15,000 and £20,000 for such positions in companies of comparable size and stature.</p>
	<p><b>Response from Cabinet Member</b></p> <p>The remuneration levels were decided after benchmarking against those recently for Publica, the company owned by 4 councils (including Cheltenham) and the previous success in recruiting directors to Gloucestershire Airport. We have had 48 applicants from some very capable and experienced people who have indicated their enthusiasm for the role at the advertised remuneration levels. I am confident that we will successfully fill the roles after the interview process next week and see no reason to change the amount offered.</p> <p>In a supplementary question Mr Evans asked what value the Council places on having the appropriate expertise available, either employed or contracted in as consultants to the Council or its agencies such as the Task Force and BID, when it comes to making strategic decisions about the drive to bring more and more retailer and restaurant chains into Cheltenham when the town is already over-supplied, and the prosperity of high street retailing is in decline across the country.</p> <p>The Leader highlighted that Cheltenham was in fact bucking the trend in terms of retail investment. Research by Knight Frank had identified 200 towns and cities outside of London which were best for retail investment and Cheltenham had been awarded 9<sup>th</sup> place. He noted that whilst BID was undoubtedly a much valued partner, it was a private sector organisation.</p>

## 8. MEMBER QUESTIONS

1.	<p><b>Question from Councillor Paul Baker to the Cabinet Member Housing, Councillor Peter Jeffries</b></p> <p>The much trumpeted budget claimed it would solve our Housing crisis. Can I ask the Cabinet Member what measures announced in the Budget will assist this Council in building more affordable homes and social housing?</p>
	<p><b>Response from Cabinet Member</b></p> <p>The Budget confirmed the previously announced additional £2bn of funding for affordable housing, with the government stating that some of this funding will also be allocated to support the delivery of Affordable Rented homes. It is unclear at this stage how much of the £2bn will be put aside for the rented element. At present the emphasis within the programme is for the delivery of shared ownership homes, and we are currently working with the Homes &amp; Communities Agency with a view to potentially securing grant funding to support the delivery of a number of</p>



	<p>shared ownership dwellings within the council's development pipeline of new affordable housing. In view of the new announcement, we will also explore the potential for grant funding to support the delivery of Affordable Rented homes within our development pipeline.</p> <p>In addition, £400m of loan funding will be made available across the country for estate regeneration. Cheltenham Borough Homes has already received grant funding of £350,000 to work with communities and stakeholders with a view to developing future options for West Cheltenham. The additional loan funding could therefore potentially support the implementation of any favoured options once they are developed. We will await further clarity over whether this will be of benefit to the West Cheltenham project.</p> <p>Prior to the budget it was announced that the government's rent policy would revert back to CPI +1% from 2020. Additional revenue arising from this could therefore support the delivery of more affordable homes.</p> <p>Finally, there is the potential for councils' HRA borrowing caps to be lifted in high demand areas, with £1bn available for councils to bid for from April 2019 to March 2021. Further detail on the bidding process and the selection criteria is awaited.</p> <p>All the above will be considered as we develop our New Supply Delivery Strategy with Cheltenham Borough Homes.</p> <p>In a supplementary question, Councillor Baker asked for confirmation that the council would apply for some of the £2bn and would the Cabinet Member agree that the requirement to use RTB Receipts within 2 years resulted in the best value for money not always being achieved.</p> <p>The Cabinet Member Housing assured members that Cheltenham would submit a bid if it was possible to meet the criteria and agreed that the Government could do more to make it easier to use RTB receipts to their upmost value.</p>
<b>2.</b>	<b>Question from Councillor Paul Baker to the Cabinet Member Finance, Councillor Rowena Hay</b>
	<p>According to The Times, the increase in Council Tax on unoccupied homes announced in the Budget will only affect 1 in 4 unoccupied homes and cost them on average just £84 extra a year.</p> <p>Is this just a headline grabbing measure or does the Cabinet Member think it will reduce the number of unoccupied homes in Cheltenham?</p>
	<b>Response from Cabinet Member</b>
	<p>It is difficult for me to comment on the Times article without having seen it to understand how they got to those number of homes and the amount of just £84 pounds.</p> <p>What I can say to Cllr Baker is that:-</p> <p>Homeowners leave properties empty for a variety of reasons and may choose to continue leaving them empty despite the additional charge. The premium is one of a number of powers the council has to tackle</p>

	<p>empty properties. It acts as a penalty and sends a clear message to owners that it is not acceptable to keep properties empty.</p> <p>In Cheltenham the Band D council tax for 2017/18 is £1,590.87. A 50% premium would be an extra £795 per year and when the rules change to the 100% premium an extra £1,590.87 per year.</p> <p>It would be difficult for me to say that it is a headline grabbing measure, as you will have seen in today's agenda it is my intention to ask council to support the recommendation that we should now implement the additional 50% premium. Whilst it may or may not reduce the unoccupied homes in Cheltenham it is the principle behind the measure that is important.</p> <p>There was no supplementary question.</p>
<b>3.</b>	<b>Question from Councillor Max Wilkinson to Cabinet Member Housing, Councillor Peter Jeffries</b>
	In light of the autumn budget statement, please can the Cabinet Member for Housing update us on what it means for investment in social and council housing in Cheltenham?
	<b>Response from Cabinet Member</b>
	<p>The response to Q1 summarises the main announcements from the autumn budget statement, and how they might benefit Cheltenham. In addition, the budget also detailed a number of other housing investment funds to help stimulate development more generally. This includes a further £2.7bn for the Housing Infrastructure Fund. These have the potential to unlock sites and could lead to the delivery of more affordable homes. We will await further details about these funding announcements in order to understand how they might be of benefit to Cheltenham.</p> <p>In a supplementary question, Councillor Wilkinson asked what representations could be made to the Government to increase the figure of £2bn, which spread across the entire country did not represent a huge figure.</p> <p>The Cabinet Member felt that Cheltenham could easily be considered an area of high demand and expressed his frustration that no detail had yet been made available.</p>
<b>4.</b>	<b>Question from Councillor Max Wilkinson to Cabinet Member Housing, Councillor Peter Jeffries</b>
	The government says it has given councils and social housing providers more freedom to borrow to invest in housing stock. Does the Cabinet Member agree that the policy statements will help solve the chronic lack of affordable housing to rent?
	<b>Response from Cabinet Member</b>
	As detailed in the response to Q1, there is the potential for councils' HRA borrowing caps to be lifted in high demand areas, with £1bn available from April 2019 to March 2021, which councils will be able to bid for. Further details about the bidding process and the selection criteria are awaited. The proposal would release more funding to increase social housing numbers across the country although I do not believe this will solve the social housing crisis.



	<p>Councillor Wilkinson felt that with several thousand people on the waiting list for social housing in the town, surely Cheltenham would be considered a high demand area.</p> <p>To provide some context to the issue, the Cabinet Member Housing explained that the council used to have housing stock of 11,000, which had halved since the introduction of RTB and this was a national problem with almost 3.5 million properties having been lost to RTB across the country. Cheltenham currently had between 2500 and 3000 people on the waiting list and in order to reverse the trend in Cheltenham there needed to be changes to national policy.</p>
<b>5.</b>	<b>Question from Councillor Max Wilkinson to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b>
	<p>At the last Council meeting, we unanimously agreed a motion to Council aimed at helping younger people who are being punished by a failing housing market. The motion referenced securing properties to rent on secured long term contracts and exploring shared ownership. Please can the Cabinet Member update council on how this is being considered as we move towards a local plan consultation?</p>
	<b>Response from Cabinet Member</b>
	<p>CBC officers and members are setting up a task group which will meet later in December to consider different ways in addressing this issue, both through planning and housing enabling actions. This is an issue both locally and nationally which will require a range of interventions to help alleviate the current chronic undersupply of affordable homes. The JCS authorities are currently commissioning a Strategic Housing Market Assessment (SHMA) 2018 update which will consider the needs and requirements of all groups in the population going forward, including young people. In doing so, it will consider how prevalent the issue is and which tenure types would be most effective in combating it. The findings of the SHMA will inform the mix, size and tenure of residential developments that will be consented going forward, in accordance with Policy SD11 of the JCS.</p> <p>The Local Plan referenced young people but these young people would be middle aged by 2031 when the Local Plan would end and in a supplementary question, Councillor Wilkinson asked, how would the plan take account of those that were still not able to buy their own home?</p> <p>The Cabinet Member Development and Safety felt that there was no obvious answer to this question and no short term solution to the housing issue, but gave assurances that all options would be considered.</p>
<b>6.</b>	<b>Question from Councillor Tim Harman to the Leader, Councillor Steve Jordan</b>
	<p>The Overview and Scrutiny Committee recently received a report on the council's quarterly performance. I raised my concern (which I believe is shared by other members) that there no timescale indicated for the Place strategy. It currently has an Amber rating but I questioned if it should be Red?</p> <p>Given the importance of the Policy upon which the progress of a number</p>

	of other important areas of work depend, such as Tourism, will the Leader commit to an early end date and indicate if sufficient resources are available to implement the outcome?
	<b>Response from Cabinet Member</b>
	<p>Thank you for the question and it provides a useful opportunity to remind members of where we are with the development of the place strategy.</p> <p>Council on 27th March agreed a place-making vision for Cheltenham and that this would form the basis of an action plan that would come back to Council in March 2018 along with the Council's Corporate Strategy 2018-19.</p> <p>The agreed vision was:          "We want Cheltenham to be a place where everyone thrives. We will do this by linking our heritage to an exciting future by being;</p> <ul style="list-style-type: none"> <li>• Creative</li> <li>• Pioneering</li> <li>• Nurturing</li> <li>• Connected and re-connected"</li> </ul> <p>Council also agreed that the place strategy action plan will deliver the following four outcomes:</p> <ul style="list-style-type: none"> <li>• Businesses thrive in Cheltenham</li> <li>• Culture thrives in Cheltenham</li> <li>• People thrive in Cheltenham</li> <li>• Communities thrive in Cheltenham</li> </ul> <p>Work has been progressing to develop the place strategy over the past few months; in terms of partner and stakeholder engagement the place strategy has been discussed at a Civic Society Conference held in June and at a number of partnership meetings held over the Summer and Autumn. We are currently holding discussions with local businesses and are about to hold discussions with cultural partners.</p> <p>The place strategy outcomes are already helping to shape but are not delaying some of our key projects such as the 5 year tourism strategy, the Cheltenham Town Hall project and how we best improve our public realm.</p> <p>Cabinet and Executive Board held a joint session in October to help shape the development of the strategy, but I am conscious that we need to engage other members in discussion about place and therefore I believe that the place strategy will be on the agenda for O+S on 22 January 2018. That will enable us to make further refinements to the strategy before it comes before Cabinet on 6 March and Council on 26 March. The draft strategy could also come to O+S on 26 Feb if that is desirable.</p> <p>Asked whether the implications of the strategy would be included in the forthcoming budget, the Leader confirmed that anything that formed part of the Place Strategy would be built into the budget.</p>
<b>7.</b>	<b>Question from Councillor Tim Harman to Cabinet Member Clean and Green Environment, Councillor Chris Coleman</b>

	<p>In Park Ward and I believe elsewhere in the town there have been a number of problems with collections of recyclables and refuse since the new arrangements were introduced.</p> <p>There have been particular problems with Communal Collections in for example Jubilee Court and Park House which required my intervention. In one part of Andover Road there appeared to have been no collections at all for a least four weeks.</p> <p>Will the Cabinet Member outline what steps he is taking to ensure that all necessary lessons are learnt and to reassure residents that no further problems will arise?</p>
	<b>Response from Cabinet Member</b>
	<p>Ubico has advised that lessons have been learnt from all issues reported; this has led to the implementation of more robust management processes, underpinned with new procedures to help prevent further re-occurrences.</p> <p>In response to a supplementary question, the Cabinet Member confirmed that he would be happy to attend an early 2018 meeting of the Overview and Scrutiny Committee to provide a further factual update.</p>
<b>8.</b>	<b>Question from Councillor Tim Harman to Cabinet Member Corporate Services, Councillor Roger Whyborn</b>
	<p>Together with other members I have been receiving spam emails to by CBC inbox in some cases purporting to come from Officers of the Borough Council. I have followed advice to delete them.</p> <p>Will the Cabinet Member inform the Council of what steps he is taking to improve cyber security?</p>
	<b>Response from Cabinet Member</b>
	<p>The ICT service take the issue of cyber security very seriously and have adopted a layered approach which involves systems designed to watch for malicious email and constantly adjust their settings as new threats are detected, to ensure anything identified as a threat is automatically blocked and quarantined. If an email with links to external websites identified as a risk does make it through these safeguards then they are blocked by our firewalls and systems monitoring outbound emails. We also have alerting systems in place to notify us if a breach occurs as whilst being breached is bad, not knowing about it is far worse.</p> <p>On average, we automatically block around 30,000 Spam &amp; Malicious Emails every day across the Partnership Councils. This equates to around 80% of the mail received each day. The <a href="http://cheltenham.gov.uk">cheltenham.gov.uk</a> address attracts a lot of additional interest because of a well-known Government Agency located within the town!</p> <p>As part of our ongoing security arrangements and PSN compliance, we employed specialists to try and gain access to our systems. On Tuesday 28th November ethical hackers started work at 9am and attempted throughout the day to gain access to our internal systems, at around 4pm ICT had to give them access to allow them to perform the necessary scans to gather the necessary reports to help retain our PSN compliance.</p>

	<p>An external test was also conducted at the same time with no significant risks reported.</p> <p>It is worth noting that with Cyber Security, it is not a question of if we are breached, but when. (Even organisations like the Pentagon have been successfully breached). Therefore it is very important to have good Disaster Recovery and Backup procedures that are tested on a regular basis in place, which we have, as this will then help ensure systems can be recovered quickly following an incident limiting any disruption to the Councils providing services to the Public.</p> <p>There was no supplementary question.</p>
<b>9.</b>	<p><b>Question from Councillor Chris Nelson to Cabinet Member Healthy Lifestyles, Councillor Flo Clucas</b></p> <p>At the time of Remembrance Sunday, you re-tweeted a deeply insensitive article from The Independent entitled "If you voted to leave the EU, don't bother wearing a poppy." I have read that article and it is a complete mess of ideas, including the headline. You also sent out another tweet appearing to confirm your agreement with the article, saying that the EU's prime purpose is peace in Europe. Yet in a later quote, you said that the headline is not your opinion. So why did you re-tweet the article in the first place? Normally when a person sends on an article or joke without comment, you can assume that they agree with it, otherwise they would make that crystal clear. What do you really believe?</p> <p>It is now some 18 months since the referendum (when I voted to Remain by the way), so do you not think it is time to bring the two communities together rather than gratuitously insult all those who voted to Leave the EU? Remembrance ceremonies should be all about reconciliation, forgiveness and mutual respect rather than exclusion and abuse. Remembrance events should also be non political and inclusive - you should not be politicising the wearing of a poppy. Your tweets were disrespectful and divisive and undermine your reputation as a thinking politician who cares about people.</p> <p>Do you now accept you were wrong to re-tweet something you subsequently declared was not your view?</p>
	<p><b>Response from Cabinet Member</b></p> <p>It is extremely sad, and perhaps telling, that the questioner did not ask about the photoshopped initial tweet, nor condemn the actions of the perpetrator.</p> <p>Far be it from me to suggest that he would stoop so low as to take such a stance because the person who did deliberately and with malice change the original tweet is a member of his own party.</p> <p>Councillor Nelson was not aware of any photoshopped tweets but nor did he feel that the Cabinet Member had answered his question and therefore reiterated it; did she accept that she was wrong to re-tweet something that she subsequently declared was not her view?</p> <p>The Cabinet Member had produced a copy of three tweets. The first was her original tweet which clearly identified the source as the Independent,</p>

	<p>the second was the photo-shopped copy on which the identification had been removed and the final tweet reiterated who had written the article. She would give no apologies for tweeting about the article as she had strongly agreed with the part that said that Remembrance should not be used as a weapon in the Brexit debate. She described herself as a thinking politician who cared about people, which the questioner himself had recognised and she outlined numerous projects which she had instigated or played a part in, to which reconciliation had been central. She noted that here, in Cheltenham, the council, along with other organisations and partners, plans were being made for commemorations in 2018. The Cabinet Member felt that questions such as this and similar comments to the press showed less concern for the truth and more for headlines and were, she felt, of a personal nature which amounted to harassment.</p>
<b>10.</b>	<p><b>Question from Councillor Chris Nelson to Cabinet Member Clean and Green Environment, Councillor Chris Coleman</b></p> <p>The introduction of the new recycling service has sadly been spoilt by a series of management blunders over incorrect collection dates, extended waits between collections and the very late delivery of extra recycling bins. It has also highlighted that the same management problems have been present for some time, with the old system generating regular and repeated missed collections, together with occasional spillage of significant amounts of litter, plus other complaints such as not returning bins/boxes to the place where they were left for collection.</p> <p>I am aware that UBICO has a shortage of experienced staff and regularly has to use inexperienced and more expensive Agency staff to cover for their daily staff shortages due to sickness and holidays. Learning new delivery rounds can therefore be a problem, leading to many missed collections. I also know that many staff within UBICO work tirelessly in difficult conditions to provide a service that also attracts compliments.</p> <p>However, please provide details of all complaints about UBICO performance over the last 12 months, month on month, split by separate performance management criteria (missed collections, missed assisted collections, complaints, red route designations, sickness days, staff turnover/retention, agency staff use, etc, etc). Providing comprehensive performance management data from a well run organization should be a relatively simple task and I look forward to reviewing the data.</p>
	<p><b>Response from Cabinet Member</b></p> <p>Initial evidence from Ubico Ltd shows a 25% increase in the tonnage of recycling and food waste being collected from kerbside, which has far exceeded expectations. This speaks volumes and shows how important recycling is to the residents of Cheltenham.</p> <p>This vast increase in kerbside recycling activity has however, had an impact on the collection capacity. Although new vehicles have been purchased and routes redesigned, in some areas, residents may have experienced delays or missed collections and we regret that this has happened. While crews adjust to dealing with this significant increase in recycle and continue to familiarise themselves with the new routes, Ubico is in the process of providing the necessary resources to address the highlighted issues.</p>

	<p>Ubico has introduced a number of improvements which have included a new nurse-led absence 'phone line. This has led to a reduction of over half the sickness days per month for the CBC Waste &amp; Recycling contract from Jan '17 to Oct '17. Agency personnel are used to cover sickness and holidays.</p> <p>Subject to end quarter reconciliation from 54000 households overall there were 52 complaints about missed refuse collections in November 2016 and 322 in November 2017. The equivalent figures for missed recycling were 29 and 404.</p> <p>While detailed figures are public and provided to the Environmental Services Leadership Board we are looking at the best way to make them more available to members.</p> <p>Councillor Nelson was impressed by the 25% increase to the tonnage of recycling and food waste being collected at the kerbside but was alarmed by the significant increases in numbers of missed refuse and recycling collections. He asked that he be kept informed of progress in relation to this issue.</p> <p>The Cabinet Member was pleased that Councillor Nelson had acknowledged the improvements, which was attributed to the hard work of the people on the ground, as well residents. He accepted that there had been teething problems with the new scheme but stressed that these were not entirely unexpected and highlighted that missed collections had been flagged as a possible risk at numerous member seminars, with 54,000 houses being affected by the changes. He had welcomed the invitation that had been extended to him by Councillor Harman to attend an Overview and Scrutiny meeting and was working with officers to look at how best the data could be presented.</p>
<b>11.</b>	<b>Question from Councillor Chris Nelson to Cabinet Member Clean and Green Environment, Councillor Chris Coleman</b>
	<p>Please explain the commercial and operational arguments for employing expensive and inexperienced Agency staff on a regular basis within UBICO. With such a large Company, surely it is possible to predict patterns of sickness/holidays over the course of the year and add staff to the payroll to compensate, at least in part, in order to minimize the need for inexperienced and more expensive Agency staff?</p>
	<b>Response from Cabinet Member</b>
	<p>Ubico assures us that agency personnel usage is kept to a minimum, but is used to cover sickness and holidays for front line staff. The nationwide driver shortage makes filling driver positions increasingly difficult, but Ubico is monitoring the market closely, so that CBC and other shareholders can be provided with clear choices about whether to make further increases in pay to mitigate this shortage and for Ubico to remain an attractive employer.</p> <p>Now that Ubico is a larger company, greater potential exists to create a more viable pool of employees that could work across partnerships and Ubico has already attempted to convert portions of its agency budget to permanent salaried positions to cover predictable absences.</p>



	There was no supplementary question.
<b>12.</b>	<b>Question from Councillor Chris Nelson to Cabinet Member Clean and Green Environment, Councillor Chris Coleman</b>
	<p>I am still receiving complaints from residents getting punctures when visiting the Swindon Road recycling centre. Although the site is now deep cleaned every Wednesday morning, what is UBICO management doing to monitor the site during the week to ensure that excess waste and sharp objects left on the ground around the skips are immediately swept clean? I am also getting complaints about the new compactors in Swindon Road (for cardboard, household and garden waste), which are difficult to empty waste into, due to a 2 foot wide lip. Are you sure that this type of compactor is fully safe, particularly when stretching fully forward to empty garden waste, which can often take a lot of hard shaking to fully empty a reusable bag?</p>
	<b>Response from Cabinet Member</b>
	<p>Ubico advises that the household recycling centre is hand swept daily and is also swept by a mechanical sweeper on a twice weekly basis, with any reported issues being dealt with immediately. There is a daily site inspection carried out by the site staff, with spot checks being undertaken by Ubico supervisors.</p> <p>According to Ubico, the new compactors are built to a standard that satisfies all Health &amp; Safety requirements and Ubico has not received any reports of injury from their use. Site staff are on hand at all times to assist and ensure the safety of site users and to advise on the safe use of the compactors.</p> <p>There was no supplementary question.</p>
<b>13.</b>	<b>Question from Councillor Chris Nelson to Cabinet Member Clean and Green Environment, Councillor Chris Coleman</b>
	<p>I have had a report of the driver of a UBICO recycling vehicle leaving his cab to help his crew empty recycling boxes, leaving the engine running. Is this now common operating practice with the new recycling timetable, which seems to be too demanding for crews to complete within their allocated time?</p>
	<b>Response from Cabinet Member</b>
	<p>Ubico has confirmed that under the Road Vehicles (Construction and Use) Regulations 1986 the requirement regarding stopping the engine when leaving a vehicle unattended shall not apply in respect of a vehicle which requires its engine to be used to drive machinery forming part of the vehicle and used for purposes other than driving the vehicle.</p> <p>The recycling collection vehicles (and refuse collection vehicles) require the engine to be running for the compaction systems to work, but drivers are instructed not to be out of sight of the vehicle at any time to mitigate any risk. This working practice provides the most efficient and cost effective use of the collection crews and vehicles, is common across the waste and recycling industry and is not related to the new service.</p> <p>Councillor Nelson was shocked to hear that the requirement to stop the engine did not apply and given the number of accidents involving refuse vehicles that had been in the headlines in recent years, he felt this posed</p>

	<p>a serious risk. He asked what the Cabinet Members personal views were and whether he would consider modifying the working procedure locally.</p> <p>As far as he was aware, there had been no accident's involving refuse vehicles relating to this particular operating procedure; but rather they were a result of the driver having lost control, for various reasons. He highlighted that Ubico's health and safety record was exemplary. He also stressed that he was not the Operations Director of Ubico, but simply the Cabinet Member and given that they were operating within the regulations, he suspected that posed with the same question, Ubico would repeat his answer.</p>
<b>14.</b>	<b>Question from Councillor Chris Nelson to Cabinet Member Finance, Councillor Rowena Hay</b>
	<p>My recent surveys with residents have revealed a widespread annoyance at the lack of decent public toilets in the town. Although the Council has at last approved a project to install two toilet facilities for the disabled, we still need more public toilets in Cheltenham. What are your plans please to increase the number of public toilets around the town?</p>
	<b>Response from</b>
	<p>Officers are currently undertaking a review of the public conveniences operated by the council, partly due to the annual operating cost of £140,500 of keeping the existing facilities running, but also acknowledgment that some will need to be refurbished needing investment of an estimated £380,000.</p> <p>Some of the council operated facilities are provided within or alongside council buildings which form part of wider proposed redevelopment such as the Town Hall and the municipal offices.</p> <p>The review will also identify other publicly accessible toilets including the Brewery, Regent Arcade and John Lewis when it opens in 2018.</p> <p>Given that this council is under significant budgetary pressure, the provision of additional solely council funded facilities may not be the right solution to increasing provision, unless Cllr Nelson would like to put forward in the upcoming budget something that we could do to compensate for the increased costs. It is my intention that along with other councils, the review will explore the potential to improve public access to facilities in commercial premises.</p> <p>Our continued support to public toilets is demonstrated by the successful securing of a grant of £136,000 towards the provision of 2 Changing Places facilities that caters for the more disabled. As you know Pittville Park is one site while another suitable site has been the subject of extensive consultation with those users as to where it should be and then a review of what suitable buildings are available for adaptation. This in my opinion is far more important than a hasty decision that does not meet the needs of the users.</p> <p>Councillor Nelson queried whether the council was doing enough to identify grants or commercial/sponsorship opportunities as a means of generating funds to purchase more public toilets.</p>



	<p>The Cabinet Member advised that an asset review was scheduled for consideration by Cabinet the following evening (12 December) and this included details of council owned public conveniences. The council would be looking to businesses with the view to doing things differently rather than simply generating more funds.</p>
<b>15.</b>	<p><b>Question from Councillor Dennis Parsons to the Leader, Councillor Steve Jordan</b></p> <p>Reports of the Prime Minister's discussions with European Union leaders over the question of the border between Northern Ireland and the Republic of Ireland strongly suggested that she was willing to agree to allow Northern Ireland to remain within the customs union and effectively within the single market. That also implied acceptance of the four founding principles of freedom of movement of goods, services, capital and labour; and acceptance that the arbiter of disputes would be the European Court of Justice.</p> <p>The devolved Governments of Scotland and Wales and the Mayor of London are calling for equality of treatment with that being afforded to the people of Northern Ireland for the people that they represent, on the logic that they also voted to remain full members of the European Union.</p> <p>The people of Cheltenham voted to remain full members of the European Union. So will the Leader join me in welcoming the Prime Minister's retreat from "Brexit means Brexit" in the latest of her weekly U-turns on the subject of our relations with the European Union; and in hoping that she doesn't once again change her mind? And would he agree that a solution that sees Cheltenham remaining within the European Union or at least within the single market would bring substantial economic benefit to the businesses of the town and the resulting living standards of its residents; and protection to EU nationals living here.</p>
	<p><b>Response from Cabinet Member</b></p> <p>It is difficult to see how there can be any long-term solution to the question of the border between Northern Ireland and the Republic of Ireland unless the UK remains in the customs union and effectively within the single market as suggested. The agreement last Friday seems to have 'parked' this issue pending the next round of talks but clearly it is something that won't go away and will need a solution. In my view Cheltenham, as for the UK as a whole, will benefit from being in the customs union and the single market.</p> <p>Councillor Parsons suggested that the Government had heralded the brexit divorce settlement as a resounding success and he queried whether the Leader agreed that this set the bar for triumph, very low.</p> <p>The Leader agreed.</p>
<b>16.</b>	<p><b>Question from Councillor Matt Babbage to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b></p> <p>Since making a commitment over 18 months ago to remove car parking charges after 6pm at night, what progress has the council made to introduce free evening parking in council car parks? When do the council now expect to introduce free evening parking in council car parks?</p>
	<p><b>Response from Cabinet Member</b></p> <p>Councillor Babbage will be aware that the Cabinet has never formally</p>

endorsed the removal of parking charges after 6 pm. Whilst Council did indicate its support for such a move, this was before the adoption of the Cheltenham Parking Strategy in June 2017, which included specific reference to the implications of such a move.

Our consultant Arup has recommended alignment with the GCC charging arrangements for on-street parking, which in most of the town centre extend to 8 pm to facilitate those residents looking to park when they return home in the evening.

The cross-party car parking working group did not raise any issues in relation to this matter when the draft report was debated and later unanimously supported the final version of the consultant's report.

The recommendations report identified that ...'some car parks are well utilised in the evening, particularly after 6pm.'

The consultants looked carefully at how parking is perceived in the town, versus their findings, based on benchmarking and the data and evidence available. The perception is that free evening and Sunday parking would improve footfall, but the consultants advised that 'there is no evidence locally or nationally to support this view'.

They went on to say 'It is understood that local businesses have campaigned for the Council's charging hours to stop at 6 pm... and for parking to be free on Sundays. With regard to evening and Sundays rates, our research on neighbouring towns and cities shows that shopping centre operators generally charge for parking in the evenings (though sometimes at a capped fixed rate for those users entering and leaving the car park during set times) and it is usual for normal tariff rates to be charged on Sundays. This is not surprising as the organisations that own and operate town and city centre shopping centres will be aware that, as referenced earlier, offering free parking during these period would have a significant financial impact on the car parks and limited, if any, impact on footfall.

In fact our surveys showed that there was negligible difference in usage patterns when free evening parking was offered on the day of the Christmas survey, compared with the post-Christmas survey when normal evening charges applied.'

Our consultants also advised that the estimated loss of revenue were car parks to be free after 6 pm would be approximately £250,000 per annum, which cannot be afforded without a significant cuts to those public services supported through this income.

Given the circumstances outlined, the Cabinet do not support the removal of evening parking charges.

Councillor Babbage queried how, having agreed to remove car parking charges after 6pm almost 2 years ago, the Cabinet Member could now say that Cabinet did not support the removal of evening car parking charges.

The Cabinet Member could not recall any provision having been made in the budget but did recall that in May 2017, the Car Parking working group had agreed the recommendations of the consultants, that charges should

	<p>be in line with GCC charging. These recommendations had been agreed by all members of the group. The group had included: Officers, Philip Williams, Mike Redman and Jeremy Williamson (Cheltenham Development Task Force), Belinda Hunt and Rob Duncan (BID) and Jon Leamon (Cheltenham Chamber of Commerce); Lib Dem members Councillors McKinlay and Williams, PAB members Councillors Payne and Stennett and Conservative members Councillors Mason, Seacome and Babbage. He highlighted that the Conservative group had held the majority on this group and that businesses had been well represented.</p>
<b>17.</b>	<p><b>Question from Councillor Matt Babbage to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b></p>
	<p>What fire safety arrangements are in place at indoor council car parks, including sprinklers and other preventative measures?</p>
	<p><b>Response from Cabinet Member</b></p>
	<p>The Council has two multi-storey car parks; the Regent Arcade, which has 557 spaces and Town Centre East car park, which has 354 spaces.</p> <p>The fire alarm system at Regent Arcade is integrally linked with the system within the retail arcade itself and there is a 24/7 security presence there. Any fire within the car park is identified on the fire control panel within the arcade. Weekly fire safety drills are carried out by arcade staff, in conjunction with CBC and any issues identified in relation to the car park are referred to CBC for remedial action.</p> <p>Town Centre East car park does not have a fire alarm system, but as with Regent Arcade, was the subject of a fire safety risk assessment in 2014 and complies with relevant requirements. Both car parks are due to have a new fire safety risk assessment in 2018 and where appropriate, this will inform the forward planning of the property works programme.</p> <p>Both car parks are modern structures which rely on structural containment between floors in the event of a fire. Neither has a sprinkler system fitted, but the authority has contractual arrangements in place to help satisfy relevant health and safety requirements and provide guidance regarding any fire safety maintenance or improvement works required.</p> <p>In addition, car parking staff report any observed defects to the property team between contractor maintenance visits.</p> <p>There was no supplementary question.</p>
<b>18.</b>	<p><b>Question from Councillor Matt Babbage to Cabinet Member Finance, Councillor Rowena Hay</b></p>
	<p>Please provide an update on how the £271,000 allocated to Cheltenham for 2017/18 from the Discretionary Business Rates Relief Fund has been passed on to businesses in Cheltenham.</p>
	<p><b>Response from Cabinet Member</b></p>
	<p>From the modelling it was initially estimated that 300-400 businesses were likely to qualify. The current position is that relief has been awarded to 250 businesses which amounts to £130,000.</p> <p>Some application forms have still not been returned, the business rates</p>

	<p>team have been proactive at making contact with these businesses to find out why.</p> <p>The team are also doing another sweep of business rate accounts to identify if there are any further businesses that may qualify, this task should be complete by the end of December. The scheme will then be reviewed and cabinet will consider changes to ensure the funding available is distributed to businesses.</p> <p>I can assure Cllr Babbage that every effort to award this money to our small local businesses will be made, it is hard enough to get money from this government and I certainly want to do everything possible to pay back to them as little as possible and preferably none at all!</p> <p>There was no supplementary question.</p>
<b>19.</b>	<p><b>Question from Councillor Karl Hobley to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b></p> <p>Councillors for St Pauls, most notably Cllr Walklett, have campaigned alongside local residents and Residents Association members over a number of years for restrictions to be put in place in the ward regarding both the proliferation and general standard of houses of multiple occupancy (HMOs). The issues that a disproportionate number of HMOs in an area can cause are well known and continue to cause frustration in the community. The survey work of private rented properties undertaken by CBC officers in St Pauls and All Saints wards and reported to the O&amp;S committee was very welcome and the result of much campaigning and lobbying by local Councillors and residents. Residents are now concerned however that they are not aware of the next steps being taken to address this issue.</p> <p>What is the current status of work being undertaken on an article 4 direction that can be used to control the conversion and proliferation of houses of multiple occupancy in St Pauls?</p> <p>What mechanisms exist for members and local residents to feed into this and be kept informed?</p> <p>In what way is this linked to and dependent on the Joint Core Strategy and the Cheltenham Local plan?</p>
	<p><b>Response from Cabinet Member</b></p> <p>Pages 89 – 93 of the Cheltenham Plan (Item 10) detail the mechanisms by which the Cheltenham Plan (If agreed) will bring in policy to control HMOs in the St Pauls Area, alongside an Article 4 direction.</p> <p>On the coming into force of an Article 4 direction (to remove permitted development rights in respect of the conversion of dwelling houses to HMOs) Cheltenham Plan Policy HM5 will mean that planning permission will in future only be granted for HMOs in St Pauls where:</p> <p>“a) The proportion of HMO dwellings does not exceed 10% of all residential properties within a 100 metre radius of the application site; AND b) The granting of planning permission will not result in the creation of more than two adjacent properties in HMO use; AND</p>

	<p>c) The proposal does not have an adverse impact on the amenity of nearby properties...”</p> <p>If the plan is agreed, these policies will be consulted on in January 2018, and go forward to examination. If found sound, and the Article 4 processes are triggered, this will bring the policy into effect as regards development which would otherwise have been permitted development.</p> <p>Regular surveys of the area (at least every 2 years) will be conducted to ensure the continuing need for the policy and to gauge its effect. If successful, the approach could be considered for other parts of the Borough.</p> <p>Councillor Hobley noted that the report regarding the Cheltenham Plan scheduled later on the agenda, talked about how the Plan and Article 4 were linked, but given that there were separate processes, how was this possible?</p> <p>The Cabinet Member proposed that Officers would be better placed to respond to this question and as such would ask that they provide a response when the Cheltenham Plan was debated later in the meeting.</p>
<b>20.</b>	<p><b>Question from Councillor Karl Hobley to Cabinet Member Development and Safety, Councillor Andrew McKinlay</b></p> <p>Local residents continue to believe there is cause for additional licencing to be bought in in the St Pauls area to more effectively control and improve the state of private rented accommodation. With a high proportion of HMOs, including many rented to students and young people, there is concern that the conversion of the largely small terraced houses to multiple bed roomed properties has resulted in a proliferation of basement rooms, loft spaces, small bedrooms and potentially cramped and unsuitable living conditions.</p> <p>Following the results of the survey work undertaken earlier this year what is this Council’s current position regarding additional licencing being introduced in areas of the town to better control and regulate private rented accommodation?</p> <p>What mechanism or avenues are available to residents who still wish to press their case for the need for additional licencing?</p>
	<p><b>Response from Cabinet Member</b></p> <p>The recent HMO survey of St Pauls identified only 11% of the HMO stock to have management problems and / or safety issues. Before making an additional licensing designation, the local authority must be satisfied that a significant proportion of the HMOs to be included are being managed sufficiently ineffectively as to give rise to, or be likely to give rise to, one or more particular problems, either for their occupants, or for members of the public.</p> <p>The relatively good standards of management and low level of Category 1 hazards (2%) that were identified in the survey, reflect the proactive work undertaken by enforcement officers in St Pauls over the last 5 years, including the licensing of 144 HMOs under the Government’s Mandatory Licensing Scheme. If a proposed extension to this mandatory licensing scheme goes ahead, the number of licensable HMO’s in St</p>

	<p>Pauls will rise to around 196 properties, representing 56% of the HMO stock in the ward.</p> <p>It was concluded from the results of the survey, that the introduction of additional licensing in St Pauls could not be justified; however, HMO standards in the St Pauls ward will continue to be enforced in licensed and non-licensed accommodation, to help ensure the level of compliance achieved over the last few years is maintained and improved upon.</p> <p>There was no supplementary question.</p>
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## **9. GLOUCESTER, CHELTENHAM AND TEWKESBURY JOINT CORE STRATEGY-ADOPTION REPORT**

Having declared an interest earlier in the meeting, Councillor Ryder and Councillor Harman left the meeting for this item and the following agenda item.

The Leader introduced the report and explained that the Joint Core Strategy had been prepared jointly over nine years between Gloucester City Council, Cheltenham Borough Council and Tewkesbury Borough Council and provided the vision and planning framework to meet the development needs of the area between 2011 and 2031. He reported that Gloucester City Council and Tewkesbury Borough Council had now adopted the strategy. He added that work would continue as there would immediately be a review as regards housing supply for Gloucester and Tewkesbury and collectively for all three authorities an immediate retail review.

The Leader reminded Members that also in progress was the Cheltenham Plan which was now potentially at pre-submission stage and which would be considered by Council that evening. He highlighted the momentum at Government level for the JCS with the Secretary of State rejecting a call in request from the Tewkesbury MP within 48 hours of receiving it.

The Leader highlighted the following key points:

- The JCS assessed the general housing need for the area which was essential to provide affordable housing for the future.
- In respect of the AONB and the green belt he welcomed the proactive involvement of local communities in putting forward green space requests which had now been incorporated into the JCS however he did note that the Inspector had not used the same opportunity to include mention of the West Cheltenham green space which was equally important for that area.
- The JCS would ensure that adequate infrastructure would be in place and made reference to the £22m growth deal for the cyberpark which illustrated Government's enthusiasm for the scheme. He highlighted that all were keen to see improvements at Junction 10 of the M5 before 2031 and Government would be lobbied to ensure central funding was available.

In terms of the recommendations he highlighted that the Inspector had examined the proposed plan for its soundness and if the main modifications were not accepted there would be no JCS. He referred to the recommendations relating to the Memorandums of Agreement with Tewkesbury Borough Council regarding the delivery of housing at land at Farm Lane and Uckington.

Finally, he gave thanks to all those who had been involved in the long and arduous process in developing the JCS including officers, Members and residents of Cheltenham who had added value in contributing to the process.

The following questions were raised and responses given:

- If the JCS was not accepted by Council then developers would in theory have a 'free for all' in relation to planning
- There was a need to demonstrate a 5 year housing supply
- It had taken some time, along with the whole JCS process, to agree that a Memorandum of Understanding with regard to the houses on Farm Lane would be put in place on adoption of the JCS allocating the 377 houses to Cheltenham's 5 year housing supply figure.

In the debate that ensued the following points were raised by Members:

- The JCS had proven to be an excellent example of Councillors working collaboratively across the county for the benefit of Gloucestershire.
- Members recognised that it was hugely important to have clear guidelines to avoid an uncoordinated approach to development which would pose the greatest threat to the natural environment.
- Whilst in some Members' eyes the JCS was not perfect it did address key issues with a plan for affordable housing going forward, a driver for economic growth and a degree of protection for the AONB.
- Members wished to put on record their thanks to everyone involved in the development of the JCS and particular thanks were given to those local communities and groups who had been proactive in drawing up the green space strategies for areas such as Swindon Village and Leckhampton which would provide those areas with the protection they deserved.

Councillor Nelson proposed the following amendment (changes in bold):

The Council is asked to: (1) ADOPT the adoption version of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy at Appendix 2 to this report as part of the Borough Council's statutory development plan, **less for para 4.6.21 in SD5 Green Belt (" A small change has been made to the Green Belt boundary in the area of the Reddings to provide a more appropriate boundary after an implemented permission at Grovefield Way.") which should be removed and only reviewed after the site is fully developed**

In proposing the amendment Councillor Nelson made the following points:

- Only part of the site at Grovefield Way has an implemented permission (BMW) yet the rest of the site does not. There was a

current planning application to be considered that week seeking permission for a mixed business and retail onto the site yet current permission is limited to B1 office space. He believed that taking the full site out of the green belt now was not the intention as this was potentially premature and could influence the debate on the application. Whilst Planning Committee Members could not declare an opinion on an application there should be sympathy towards development suitable for the green belt environment.

- The retail use of the current application may also be premature as the JCS partner authorities were due to undertake an analysis of retail.
- Many residents felt that traffic was already out of control in that part of the town. The Park and Ride car park was regularly full due to use by GCHQ/BMW employees alongside normal users of the service. There were also issues with parking around GCHQ, the Reddings and Benhall
- If Members were nervous they should leave the full site in the green belt. If his amendment was too controversial for officers and threatened the soundness of the JCS he would be happy to see the BMW proportion of the site removed from the green belt with the rest remaining in the green belt until it was built out.

The amendment was seconded by Councillor Mason. He stated that he was acting on residents' behalf.

Members debated the amendment and the following points were raised:

- Outline permission had been given for development on that site within the last 4 years
- Clarity was sought on how the wording of the JCS was interpreted by officers-did this mean that the area would stay as green belt until a suitable sympathetic development comes forward for consideration by Planning Committee ?

Phil Stephenson, Development Manager -Strategy said this did not constitute a minor amendment but was one of substance. He emphasised that the plan could not be adopted without the inclusion of all the modifications recommended by the Inspector. Changing the green belt at Grovefield Way was part of the main modifications at MM54 and shown on the green belt map. Representations had been made at the time to the Inspector and considered by her and included in the main report and the schedule of main modifications. Account therefore had to be taken of this which represented what the Inspector said had to be changed in order to make the plan sound. He highlighted that planning applications were entirely separate and had to be considered on their own merits. Finally he highlighted that if the main modifications were not accepted as written the council could leave itself open to legal challenge.

Members expressed concern about being left open to legal challenge.

In responding to the debate Cllr Nelson acknowledged that this was not a black and white issue but was the last opportunity to ensure the plan was right particularly in view of the current planning application. He expressed his support



for the JCS which he did not wish to make unsound by this amendment but thought it was a question of interpretation in terms of what the Inspector had written.

The Leader understood the concerns expressed but could not support the amendment. He highlighted the need to maintain a sustainable boundary which could be defended until the end of the plan period.

Upon a vote on the amendment was LOST.

Voting: For 2, Against 27 and abstentions 4.

The debate on the substantive motion ensued and the following points were made:

- Members paid tribute to the work of officers and the Inspector in terms of the support for the application for local green space in Swindon Village and it was important to ensure that the indicative proposals were reflected within the Cheltenham Plan. This had proved to be an excellent process in terms of community involvement and engagement.
- Thanks were given to the Leader and all officers involved in formulating the JCS
- The JCS represented a pragmatic, responsible view for the greater growth of the town with sound, core principles
- The policy on flood risk management was welcomed and reference was made to the overarching principle that all new developments should seek an overall reduction in flood risk.
- It was regrettable that there was no mention in the JCS of the Springbank residents' input into the inquiry. However, their work was recognised by Members and they had achieved a good result.

In summing up the Leader thanked all Members for their comments. This had been a long and difficult process and the levers available to control the process were limited. The lack of mention in the Inspector's report of Springbank green space was somewhat odd but this aspect would be taken on board in the local plan.

**RESOLVED (unanimously) THAT**

- (1) the adoption version of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy at Appendix 2 to this report be adopted as part of the Borough Council's statutory development plan**
- (2) the amendments (maps and text) to the adopted policies map as set out in the modified and new maps within Appendix 3 to this report be adopted**
- (3) authority be delegated to the Director of Planning, in consultation with the Leader of the Council, in collaboration with Tewkesbury Borough and Gloucester City Councils to make minor spelling, grammatical, cross-referencing or typographical errors and**

**presentational changes (including the addition of a Foreword) to the Joint Core Strategy and accompanying policies maps prior to publication**

**(4) the Chief Executive, in consultation with the Leader of Cheltenham Borough Council, be authorised to progress and sign a Memorandum of Agreement with Tewkesbury Borough Council in respect of the delivery of housing at Farm Lane, Leckhampton in Tewkesbury Borough to meet the housing needs of Cheltenham Borough;**

**(5) the Chief Executive, in consultation with the Leader of Cheltenham Borough Council, be authorised to progress and sign a Memorandum of Agreement with Tewkesbury Borough Council in respect of the delivery of housing at land to the South of Tewkesbury Road, Uckington as within Tewkesbury Borough to meet the housing needs of Cheltenham Borough.**

#### **10. THE PRE-SUBMISSION CHELTENHAM PLAN 2011-2031**

Councillor McKinlay introduced the report. He advised that all local authorities were under a statutory obligation to prepare a development plan. The council had chosen to do this through the preparation of two documents the JCS and the Cheltenham Plan which together provided a planning framework for the borough until 2031.

The Plan included a number of key proposals. These included provision of 1300 new homes in the borough the allocation of 7 ha of new employment land and 86 Local Green Space designations across the borough.

There were two particular issues to mention which would require further work, namely the West of Cheltenham Development and the request from GCC that the plan includes an allocation for a new secondary school on the Leckhampton Fields site earmarked for housing. During the JCS process GCC had insisted that there was no need for a new school and their change of mind was only communicated by a letter on 12 November 2017, hence the proposal had not been included in the JCS process. Although this was unsatisfactory there was little doubt that the new school was needed. The inclusion in the plan meant that the proposal for the school at this site would now be subject to full examination via the pre-submission consultation and the examination in public. The timescales were set out in the report.

He highlighted a few of the key changes in the new Cheltenham Plan which were detailed in the report. He concluded that the Cheltenham Plan provided a sound and up-to-date planning framework which would allow the borough to successfully face the challenges of the future.

The Cabinet Member gave the following responses to questions assisted by officers in any technical details:

- Asked why the site at Oakhurst Rise no longer satisfied the criteria for nomination as local green space, the Cabinet Member advised that all sites were judged against a set of criteria.  
The officer added that in all assessments there was a balance between development and other needs. Oakhurst Rise was a constrained site and its heritage sensitivity and landscaped sensitivity were recognized and that was why the original plans for 90-100 units had been reduced to 25. The member working group had been consulted on the proposals.
- The Cabinet Member confirmed that there was an allocation for housing on the Priors Farm playing field.  
The officer confirmed that the master plan for this site was currently being produced by developers and any housing would be accommodated in a large area thereby maintaining green space and allowing for flood alleviation work.
- A Member welcomed the statement in 13.6 but he asked what situation might arise to change this situation and allow building on the green belt. The Cabinet Member couldn't say but he could confirm that there was no anticipated demand at this current time and no part of the green belt had been affected by the Local Plan.
- He confirmed that there would be a 8 week period of public consultation in the second phase which would include public events. There were set rules about who can speak at the public examination but the inspector would look at the results of all public representation and decide who they wanted to call in to the examination.  
The officer added that there would be a series of public events during the consultation, a commitment was made to include West Cheltenham, Leckhampton and town centre as location for events. which would include the town centre and both parished and non-parished areas. They would also write to local groups and people who had responded to the first stage of consultation as well as using social media and press releases.
- Regarding houses of multiple occupation, the Cabinet Member reminded members that an Article 4 direction could be made at any time but dealing with this through the Local Plan was designed to give it more weight.  
The officer clarified that the local plan sets out what conditions should be used to determine whether permission for an HMO should be granted which should assist the Planning Committee in making a decision on any application.

#### **Amendment 1.**

Councillor Nelson proposed the following amendment which was seconded by Councillor Mason

To add additional wording to recommendation 1 in the report so it reads:

1. That the Cheltenham Plan 2011-2031 (pre-submission version) set out in Appendix 2, be approved for publication under regulation 19 of the Town and Country Planning (Local Planning)(England) Regulations

**2012, with the amendment that Site 3 (the A46 Up Hatherley Way roundabout - east) for the new school in the South of Cheltenham (Policy MD5) is further examined with TBC and the Neighbourhood Planning Team from the Leckhampton with Warden Hill Parish Council, in addition to the site off Kidnappers Lane (Sites 1 and 2). Furthermore, after the 2 month consultation period, the selection of a preferred site location should come back to Council for a decision (reducing the risk that the Plan as it stands could be found unsound), before onwards transmission to the Inspector.**

In proposing the amendment Councillor Nelson accepted the need for a new school but felt it must be in the right place. He was concerned that the selection of a preferred site in the South of Cheltenham had taken place without reference to a key stakeholder, Leckhampton with Warden Hill parish council and its' Neighbourhood Planning Team.

The parish council had concerns about the traffic impact on the preferred site of Kidnappers Lane where the school run traffic would be equivalent to the traffic from 700 houses on the same site. This would create the severe traffic congestion that was one of the grounds on which the Borough Council and the Secretary of State at appeal rejected the development of 650 houses on the Leckhampton Fields by Bovis Miller. There was little scope to allow any further increase in morning peak traffic on the A46 unless the plans for 250 new dwellings on Leckhampton fields adjacent to the A46 were abandoned.

The third site (the A46 Up Hatherley Way roundabout – East), near Brizen Farm had much to commend it and needed further analysis. He acknowledged that the site was in the green belt however the “very special circumstances” required by the NPPF exist when meeting an urgent school requirement. This site provided a much more acceptable access from the roundabout and it should be much cheaper to acquire than the 2 hectares of land needed for the school buildings at the Kidnappers Lane site. He concluded that having two options for the site would strengthen the council’s negotiating position and improve the chances of Cheltenham of getting a new school within the next two years.

Before moving to debate the amendment, the Mayor asked the officer to give some advice to Members.

The Development Manager-Strategy advised that the council had been requested by the county council to look at potential sites for an additional school in South Cheltenham. They had applied the Cheltenham Plan spatial strategy looking at brown field sites, green field sites within the urban area and sites outside the urban area which had been identified in the JCS process which were not designated as green belt or AONBs. The site in the Northern Fields in Leckhampton where 370 houses had been planned could accommodate a school and approximately 250 houses and was deemed to be a suitable location. Transport work as detailed in the papers had been carried out and it had been concluded that traffic impact could be mitigated. Two alternative options had been considered which were detailed in the report.

An officer from GCC's Education department was in attendance and he was asked to advise members on the background and rationale for the decision made by the GCC Cabinet on this location.

The officer advised that figures show that there would be a shortage of 120 Year 7 places in South Cheltenham by 2019 which would increase to 180 in 2021. With the growing birth rate a review in 2011 had indicated that 900+ more primary school places would be needed. A change in the timeframe for the North West development meant that the county would not be in a position to deliver the additional secondary places needed therefore they needed to pursue a different route and must move quickly to establish an alternative site. They understood the concerns of the local community regarding traffic and the county was committed to allocating resources and had made budgetary provision for any mitigating traffic measures that may be necessary.

A member felt that the county needed to carry out more detailed traffic modelling particularly based on the number of school runs rather than numbers of houses and in particular the impact on commuter traffic of school run traffic coming in from the south needed to be assessed.

Several Members were concerned that GCC had not identified a need for additional secondary school places during JCS preparation and the whole process seemed rushed and shambolic.

Whilst accepting the need for a school, some Members felt the amendment was unhelpful and the alternative site suggested could make traffic problems in the area worse.

In his summing up Councillor Nelson disagreed that the traffic problems were liveable with and his preferred solution would help keep traffic off the Shurdington Road. He referred to a letter he had received from a concerned parent who although they would benefit from a local school, for safety reasons preferred the alternative site. He also suggested that the developers may refuse to sell the land in which case the school would not be delivered within the two year timescale when it was urgently needed.

In responding to the amendment, Councillor McKinlay, reminded members that there would be a two month consultation period on the Cheltenham Local plan. The amendment was wholly impracticable, with the alternative site suggested within Tewkesbury Borough Council's area so there would be further delays in its consideration of such a proposal.. He accepted there were traffic issues in the area but he did feel that in trading some houses for a school, they had picked the least worst option. At this stage the only option was to support the proposals and progress to the next stage of consultation and that later down the line further transport analysis would be carried out.

Upon a vote the amendment was LOST

Voting: For 2, Against 30, Abstentions 2

The debate now returned to the substantive motion.

The Mayor advised Members that Council had been in session for 4 hours and Members voted to continue.

### **Amendment 2**

Councillor Bickerton proposed the following amendment which was seconded by Councillor Jeffries:

*Council agrees that:*

*The traffic impacts of the new school should continue to be assessed as the masterplan for its implementation is developed. This should further assess the impacts on existing or planned nearby junctions, especially on the A46 and in the wider area, and a comprehensive mitigation package developed which meets the objectives above. CBC officers are directed to continue to work with both County Education and Highways departments to develop their masterplan for the school and ensure that further high quality transport work using a Paramics model is produced alongside the Examination of the Cheltenham Plan and in support of any forthcoming application.*

In proposing the amendment, Councillor Bickerton referred to the introduction which had been circulated with his amendment:

Policy MD5 covers the Leckhampton Northern Fields, an allocation of 250 dwellings and a new Cheltenham Secondary School. This is Gloucestershire County Council's preferred location for a new Secondary School for the South of Cheltenham it having looked at the six possible locations for a new school. Phase 1 transport work has been undertaken by ARUP in respect of the Cheltenham Plan (including policy MD5) which has considered the highways impact of mixing the large volume of commuter traffic with schools traffic in the morning rush hour on the Shurdington Road using SATURN modelling. It is the opinion of the Neighbourhood Planning Team of Leckhampton with Warden Hill Parish Council that Gloucestershire County Council's decision has been rushed through to meet the Cheltenham Plan timetable and it would be to the public interest to look at the business case together with the landscape aspects and more importantly the highway issues as stated in the current MD5 policy in more detail as soon as possible. Alternative locations are not being promoted but, the Parish Council's neighbourhood planning team seek solutions whereby a good separation of school and commuter traffic to the benefit of parents and children, an improved link to the cycle network, reduce the impact of air pollution at the school and on the transport to/from the school (ref. MP Report on Air Pollution, Dec 2014, <http://www.parliament.uk/report-air-quality>) and from an aesthetic point of view attempt to set the school in the landscape rather than crammed into a housing development can be achieved.

Councillor McKinlay as proposer of the main motion indicated that the points made by Councillor Bickerton were valid. He confirmed that after carefully considering the wording and taking advice from officers in One Legal, he didn't believe there was any risk of delaying the examination of the Cheltenham Plan if Members supported this amendment. He was happy to add this as an additional resolution to the recommendations in the report.

### **Amendment 3**

Councillor Babbage proposed the following amendment which was seconded by Councillor Mason:

To remove policy HD4 – land at Oakhurst Rise

To add land at Oakhurst Rise to the list of Local Green Space sites (section 16.12)

In proposing the amendment, Councillor Babbage indicated that locally this was a very contentious site and he was not convinced that it should be designated for housing rather than local green space. The site was used by St Edwards School for recreational purposes and the site was a significant heritage area with significant landscape concerns and was a haven for wildlife.

The Mayor asked the officer to provide some professional advice.

The officer confirmed that the heritage and landscape significance had been recognized and heritage consultants had advised that any development should be located away from the heritage assets. 25 houses were proposed behind the hedge line which would effectively screen the site but the precise location had not yet been determined. What was clear was that the small number of houses proposed still left a large area. There must be sufficient sites in the local plan for the plan to go forward for examination but there would be the opportunity during the consultation and public examination to put forward any concerns about this particular site. English Heritage would also be consulted during the second phase of consultation.

The Cabinet Member confirmed that all such sites have gone through a consistent process and it would undermine the plan to change the designation at this stage. Residents would have the opportunity to put forward a case during public consultation.

In seconding the motion Councillor Mason thought it was important for the Council to agree now that the site should be designated as local green space as hereafter they would lose control to the inspector.

Councillor Babbage considered it was important that he registered the concerns of his residents at this stage.

Upon a vote the amendment was LOST

Voting: For 3, Against 28, Abstentions 6

In the debate on the substantive motion that followed a Member raised concerns that the local plan did not recognize the distinctiveness of Cheltenham as a town. Other points raised were that there were other ways of improving healthy outcomes beyond promoting active travel and the council also wanted to attract talent and businesses to the town as well as tourists.

The officer advised that the JCS had recognized these strategic outcomes for Cheltenham so they were not duplicated in the local plan.

In his summing up Councillor McKinlay recognized that there were a number of controversial issues in the local plan but he urged members to support the recommendations.

Upon a vote the recommendations as amended were CARRIED with 3 abstentions

Resolved that:

1. **The Cheltenham Plan 2011-2031 (pre-submission version) set out in Appendix 2, be approved for publication under regulation 19 of the Town and Country Planning (Local Planning)(England) Regulations 2012**
2. **Council delegates authority to the Director of Planning, in consultation with the Cabinet Member Development and Safety to make any minor amendments to the document prior to publication of the Pre-Submission Cheltenham Plan;**
3. **Following publication, the Pre-Submission Cheltenham Plan be formally submitted to the Secretary of State (as the submission plan) along with all representations received as a result of the pre-submission publication exercise.**
4. **The traffic impacts of the new school should continue to be assessed as the masterplan for its implementation is developed. This should further assess the impacts on existing or planned nearby junctions, especially on the A46 and in the wider area, and a comprehensive mitigation package developed which meets the objectives above. CBC officers are directed to continue to work with both County Education and Highways departments to develop their masterplan for the school and ensure that further high quality transport work using a Paramics model is produced alongside the Examination of the Cheltenham Plan and in support of any forthcoming application.**

#### **11. RECOMMENDATIONS OF THE INDEPENDENT REMUNERATION PANEL (IRP) REGARDING MEMBERS' SCHEME OF ALLOWANCES**

The Democratic Services Manager introduced the report of the panel. She explained that the panel had not carried out a full review this year but had been convened to consider various issues requested by Members and their recommendations were set out in the report.

She advised that the figures quoted in the report were based on a 1% increase in all allowances in line with the provision made for the staff settlement. In the previous week it had been announced that the increase for staff is expected to be 2% so assuming this went ahead any increases quoted would effectively be multiplied by a factor of 2 giving a total cost of the recommended increases of £6,600.

The Council was required to consider the recommendations and if acceptable to resolve to adopt them. If the Council were to reject the recommendations, the current scheme would remain in place.

The Leader thanked the IRP and supporting officer for their report and proposed to accept the recommendations as an increase in line with the staff settlement seemed appropriate.



In response to a question, the Democratic Services Manager confirmed that the basic allowance calculation assumed a voluntary contribution and without that the allowance would be in the order of £7,500.

She also confirmed that the SRA for the Planning Committee Chair was calculated using the formula and then split between the Chair and Vice-Chair on a 2/3:1/3 basis. This was in line with the 60/40 split being recommended for Licensing Committee.

A Member reminded Council of the Give as you Earn facility whereby any Member could make a regular donation to the Mayor's Charity or any charity of their choice by completing a payroll deduction form available from Democratic Services. Members could also elect not to receive any particular increase.

Upon a vote the recommendations were CARRIED

Voting: For:30 with 3 abstentions

RESOLVED (unanimously) THAT

- 1. The recommendations set out in the attached IRP report be adopted and**
  - ii) That the Basic Allowance payable to all Councillors be increased from April 2018 by a % equal to the proposed increase to staff relating to 2018/19.**
  - iii) That the level of all SRAs be increased by the same %.**
  - iv) That the allowances for Mayor and Deputy Mayor are increased by the same %**
  - v) That the SRA for the Licensing Committee Chair be split between the Chair and Vice-Chair on a 60/40 basis until a full evidence based review can be carried out as part of the next full review in September 2018.**
  - vi) That when travelling to approved duties outside of the borough using public transport all travel costs incurred within the borough can be included subject to the requirement to use the most cost effective form of travel for all journeys.**
- 2. It be noted that the next full review required by legislation will start in September 2018 reporting to Council in December 2018.**
- 3. The Democratic Services Manager be authorised to implement any necessary changes to the scheme of allowances and make any necessary changes to Council's constitution**

## **12. TREASURY MID-TERM REPORT**

**The Cabinet Member Finance introduced the report and reminded Members that the council operated a balanced budget. The treasury management operation ensured that cash flow was adequately planned with surplus monies invested in low risk counterparties. Another**

**important function was the funding of the capital plans assessing and ensuring that the borrowing needs could be met in order to fund the capital programme.**

She reported that In 2017 the economy had slowed down compared with 2016 with growth being particularly weak through the period this report covered. Interest rates have remained very low and were to remain low for the foreseeable future. She reported that investment returns achieved to date of 0.60% was still a good return when compared with the benchmark 3 month London interbank bid rate, for the first six months this was averaging 0.18%, however with inflation running at 3% the council was facing increases in the costs of services but with lower investment rates. She then highlighted that this year an additional £22k had been added for investment interest to the 17/18 budget against what was reported in the last budget monitoring report.

The Cabinet Member informed Members that with returns being so much lower than inflation in August this year £1 million was invested in the CCLA property fund, which in its first quarter gave a return of 4.6%, with future returns likely to be of a similar order. She reported that a further £ 2 million was invested into this pooled fund at the end of November.

The Cabinet Member Finance then informed that following a joint procurement with the County Council, South Gloucestershire and the Forest of Dean, a contract was awarded to Arlingclose Limited to provide treasury advice to the council for a five year period with a small saving in fees. She wished to put on record her thanks to Capita for their advice and guidance over the last five years. She reported that Arlingclose had a lot of experience in advising local authorities with pooled funds which could be very relevant to the council moving forward with security, liquidity and returns. She said that treasury had been changing immensely over the last few years with movement away from holding deposits in high street banks and diversifying its treasury management into new areas. She looked forward to reporting back higher returns in the future.

**1.1 Finally, the Cabinet Member wished to put on record her thanks to officers and advisors and informed that the outturn position for 2017/18 was anticipated to be above the budget, at £45,500.**

In response to a question as to whether the funds domiciled in Luxembourg were not invested there for tax reasons but for returns the Cabinet Member Finance reassured the Member that this was the case.

**RESOLVED (unanimously)**

That the contents of the summary report of the treasury management activity during the first six months of 2017/18 be noted.

### **13. LOCAL COUNCIL TAX SUPPORT SCHEME FOR 2018/19**

The Cabinet Member Finance introduced the report and explained that up to April 2013 council tax benefit was fully funded by government. In April that year Government provided the council with 90% but this council maintained the full

100% funding with the 10% shortfall funded by reducing council tax benefits on empty properties.

In 2014/15 the Government stopped separately identifying their contribution and this council continued to support those residents that were on low working incomes or retired on low pensions.

The Cabinet Member Finance explained that the wider introduction of universal credit would impact on how council tax support could be sustained and it maybe necessary to consider an alternative scheme for future years. She reported that during 18/19 some modelling work would be done and consultation undertaken to inform any changes that may be proposed to change the scheme and in any case from 2019/20 the council would no longer receive its revenue support grant from central government, but would be reliant upon council tax and business rates revenue.

Finally, the Cabinet Member stated that a number of welfare reforms targeted at working age people had happened since 2013 and with universal credit now being rolled out in Cheltenham, keeping this level of council tax support would ensure those residents that needed it were not impacted further and she requested that this council continued to support the scheme at 100% for 2018/19.

**RESOLVED (unanimously) THAT**

**the council tax support scheme for working age customers for 2018/19, other than any annual uprating of premiums, allowances and non-dependant deductions be approved.**

**14. COUNCIL TAX PREMIUM ON EMPTY PROPERTIES**

The Cabinet Member Finance introduced the report and reminded Members that councils had discretionary powers to set the level of council tax discount on empty properties. This council had already used its discretionary powers to set discount levels in respect of empty properties and second homes which were detailed in appendix 2.

She also informed Members that councils also had powers to charge an additional 50% council tax in respect of class C properties which had been empty and unfurnished for more than 2 years. In the Autumn Statement the Chancellor announced that the Government were proposing to increase the amount from 50% to 100% which this council may like to consider when further details are published.

The Cabinet Member Finance reported that as of October 2017 80 properties had been empty for more than 2 years and the additional council tax income for CBC would amount to £7,300.

Charging the premium acted as a penalty and was one of a number of powers the council had to tackle empty properties. The council wanted to encourage owners to bring empty homes back into use and charging the premium would send a clear message to owners that it was not acceptable to keep properties empty. Increasing the premium to 100% would further incentivize owners to bring empty properties back in to use.

The Cabinet Member Finance recognised that there were a wide range of reasons for properties being unoccupied. She reported that the number of homes in Cheltenham vacant for longer than 6 months stood at 395 in October 2016 which is 0.7% of the stock), or around 1 in 143 dwellings. The proportion of Cheltenham empty homes that were long term vacant was 23.6% of the total number of empty homes. This was the lowest long term vacant homes rate of the six local authorities in Gloucestershire. The comparable figure for Gloucester was 30.8% and 44.5% in the Forest of Dean.

The Council monitored vacant homes in the private sector and took action where they were being kept empty without good reason for longer than 6 months. In 2016-17, the authority intervened successfully in 130 cases and had done so with another 39 cases so far this year.

Information published by DCLG in October 2016 showed that 287 out of 326 council's were charging this premium, in Gloucestershire currently Stroud and Cotswold both do.

She therefore sought Council's support in implementing the empty homes premium of 50% with effect from 1st April 2018.

**RESOLVED (unanimously) THAT**

**It be determined that the Council Tax Empty Homes Premium of 50% is implemented from 1st April 2018 in respect of properties which have been unoccupied and unfurnished for more than 2 years.**

**15. COMMUNITY GOVERNANCE REVIEW**

The Leader introduced the report and reminded Members that the council had received a petition from Pittville Parish Council Campaign Group for the creation of a new parish council. This had prompted a community governance review which also considered alterations to boundaries of three parish councils: Charlton Kings, Leckhampton with Warden Hill and Up Hatherley, plus consultation on the anomaly areas in Merestones Drive and St Nicholas Drive. The council had received a large response to the consultation.

The Leader outlined the results of the consultation as follows :

- 60 % of respondents voted against the proposed parish council.
- Respondents in each of the four areas of Charlton Kings voted in favour of their area being parished.
- There was overall support that the boundary of Leckhampton with Warden Hill Parish Council be altered to include the additional area. The complication with this was that there were 4 different areas advertised and 1 one had voted narrowly against joining but this would leave it isolated so the proposal was to include it. After the review had finished a request came forward to include an extra field and a consultation process would be held on that area with a review on 23 January.
- The removal of 2 properties on Merestones Drive would not be supported.

- For Up Hatherley Parish Council one area voted clearly in favour while the other was against. The first area included part of the current Park Ward and the working group had proposed not to include this small area in the parish as it would complicate the election process and would need a separate parish councillor. Subsequent analysis has shown that 78% of those who voted in this area were in favour of changing the boundary which also had the support of the Parish Council. The Leader was expecting an amendment to now include the area which he was happy to support.

The Leader went on to say that a reorganisation order would be required if Council was minded to agree the recommendations of the CGR working group to alter the boundaries of the parish councils. This was a legal document that would set out the electoral arrangements, the precept, the transition arrangements and the transfer of any assets, liabilities and services. As this would consider changes to the council tax base a special Council meeting had been scheduled for 23 January and this would also represent the final opportunity to consider further feedback.

Finally the Leader confirmed that all households affected by the changes would be written to.

When asked whether residents had been made aware that polling stations would change as a result the Leader confirmed that they had been notified about the process and the likely Council Tax but information about polling stations had only been available subsequently.

Councillor Whyborn proposed the following amendment:

Recommendation

- 2        *That the alteration of parish council boundaries be supported as follows:*
- b    That the boundary of Up Hatherley Parish Council be altered to include an additional area as shown in amended appendix 4*

6.12    *The Working Group's recommendations are therefore as follows:*

- *That the boundary of Up Hatherley Parish Council be altered to include an additional area as shown in amended appendix 4;*
- *That this area be split into two parish wards; one within the Warden Hill area and one to cover the area that lies within Park ward.*
- *That the area is represented by three parish councillors; one for the Park ward area and two for the Warden Hill area*
- *That electors in the Park ward area of the additional area continue to vote at St Stephens Church but their details will be on a separate register as they would need to be offered both Borough and Parish ballot papers,*
- *That the names of these two parish wards be determined in consultation with Up Hatherley Parish Council*

- *That a new polling district is created to serve electors in the Warden Hill area that would vote at St. Margaret's Hall;*

He proposed that there were 123 houses in Hatherley Road between Dean Close School and the current ward boundary and felt there was a moral and community case for including these in the Up Hatherley Parish Council boundaries. He acknowledged that it did create a problem with polling districts and the area would have to have its own representation however this problem could be addressed when the next ward boundary review was carried out.

It was confirmed that the area concerned included the driveway to the allotments but would not include the allotments themselves. It was noted that some residents were still confused by the changes and they needed to be clearly explained.

The Leader accepted the amendment.

In his summing up of the substantive motion he advised that a note of clarification regarding the allotments would be provided and the location of polling stations would be reviewed as part of the annual review of polling stations after the elections in May 2018.

Upon a vote the following recommendations as amended were CARRIED with one abstention.

- 1. That the creation of a parish council for Pittville not be supported**
- 2. That the alteration of parish council boundaries be supported as follows:**
  - a. The boundary of Charlton Kings Parish Council be altered to include the additional four areas as shown in appendix 3.
  - b. That the boundary of Up Hatherley Parish Council be altered to include an additional area as shown in the amended appendix 4
  - c. That the boundary of Leckhampton with Warden Hill Parish Council be altered to include the additional area as shown in appendix 5.
  - d. That the boundary of Prestbury Parish council be altered to include the area of St Nicholas Drive as shown in appendix 6
- 3. That the removal of the Merestones Drive properties from Leckhampton with Warden Hill Parish Council is not supported following the results of the consultation.**
- 4. That additional consultation is undertaken regarding the request to further extend the boundary of Leckhampton with Warden Hill Parish Council to include the area as set out in section 10 and as shown in appendix 7 and that the Chief Executive be requested to make and publicise recommendation(s) to Council upon the results of that consultation.**

**5. That the parish warding, polling districts and representation for the additional parished areas be supported as follows:**

- a. For the four additional areas of Charlton Kings Parish Council as detailed below:
  - i. Area 1; The parished part of EB and ED are merged with EC and vote at Sacred Hearts;
  - ii. Area 2; This area joins EC and votes at Sacred Hearts;
  - iii. Areas 1 and 2 are part of the West ward of the parish council;
  - iv. West ward will be represented by two additional councillors;
  - v. Area 3 and 4 are added to the North Ward of the parish council;
  - vi. Area 3 and 4 are added to polling district BB;
  - vii. There is a change of polling station for electors in areas 3 and 4, from Holy Apostles Primary School to Holy Apostles Church Hall;
  - viii. There is no requirement for an additional parish councillor to serve areas 3 and 4.
- b. For the additional area of Up Hatherley Parish Council as detailed below:
  - i. That the boundary of Up Hatherley Parish Council be altered to include an additional area as shown in appendix 4 which is an area wholly within Warden Hill Ward;
  - ii. That a new polling district is created to serve electors in this area that would vote at St. Margaret's Hall;
  - iii. That this new area to be called North Ward;
  - iv. That the area is represented by two parish councillors;
  - v. That the boundary not be extended to cover the area in Park Ward.
- c. For the additional area of Leckhampton with Warden Hill Parish Council as detailed below:
  - i. All areas to be added to the Leckhampton ward of the parish council;
  - ii. To increase the number of parish councillors for Leckhampton Parish Ward from 5 to 11;
  - iii. Areas to the west of Leckhampton Road to remain in IC (which could be merged with IB to create one polling district) and vote at Leckhampton Primary School;

- iv. Areas to the east of Leckhampton Road to remain in IA and vote at Zion Hall.
- d. For the additional area of Prestbury Parish Council as detailed below:
  - i. All 8 St Nicholas Drive properties are added to the Prestbury North Ward;
  - ii. These properties are added to polling district MB.
- 6. That the Chief Executive, in consultation with the Borough Solicitor and Leader of the Council, be authorised to prepare the Reorganisation Order and that the Order be brought back to Council on January 2018 for approval.**
- 7. That householders residing in the properties originally written to are informed of the outcome of the consultation and the intentions of Council as set out in the above recommendations.**
- 8. That the Chief Executive be authorised to take such actions and decisions as are necessary to move forward and facilitate the recommendations and matters set out in this report, including consultation, if she so decides, with the CGR Working Group (which shall remain constituted with the current terms of reference and membership)**

## **16. REVISED FINANCING ARRANGEMENTS FOR IMPROVEMENTS TO LEISURE-AT-CHELTHENHAM**

The Cabinet Member Healthy Lifestyles introduced the report which sought Council approval of providing cost certainty on the main project to deliver the revised programme of improvements to Leisure-at-Cheltenham.

She explained that further to Council's decision in March 2017 to agree the proposed works and financing arrangements, the Cheltenham Trust had worked with its development partner Alliance Leisure Services to advance the scheme within the agreed financial framework. After work to further define the project it was clear that project costs would be higher but that these would be mitigated by a greater impact for customers and increases in income against a revised business plan. The original model presented to Council was based on the Trust delivering the project through a loan from the council. This method of project delivery would have incurred VAT which meant fewer improvements would have been delivered. A preferred method was now proposed whereby the council contracted Alliance Leisure Services. In doing so the VAT would be recoverable and the project would deliver greater public benefit for the cost incurred. The revised report thus provided cost certainty on the main project and the benefits were laid out in paragraph 2.7 of the report. This would provide not only a good facility but also addressed the council's concerns on financing and the future of Leisure-at-Cheltenham as a growing concern.



When asked whether some cost increases related to existing work where costs had changed the Cabinet Member Healthy Lifestyles explained that the new work related to entrance at Leisure@ whereby customers would use the gym for an hour with the use of other facilities for free.

In response to a question as to whether the council required a surveyor on site for every day at a cost of £30k the Cabinet Member Healthy Lifestyles felt that this was necessary as no decisions should be taken without the council being made fully aware of them. It would provide the council with an assurance that there would be a person there to report back to the joint commissioning group in the best interest of the Trust, the council and users over time.

Concern was expressed that there were a significant number of risks and wished to ensure that the Overview and Scrutiny committee undertook to scrutinise the project as outlined in paragraph 6.3 of the report. In response the Chair of Overview and Scrutiny undertook to raise this with the lead Members of O&S which were due to meet the following day. The Cabinet Member Healthy Lifestyles added that Members should understand the cost certainty and how risk was regarded at all levels.

**RESOLVED (unanimously) THAT**

- 1. Subject to the conditions in section 7 being met, the Section 151 Officer be authorised, in consultation with the Cabinet Member Finance, to seek prudential borrowing of up to £2.236m at an interest rate of 2% per annum to fund the improvements to Leisure-at-Cheltenham as detailed in Section 3 of this report;**
- 2. The Section 151 Officer be authorised, in consultation with the Cabinet Member Healthy Lifestyles, to agree the most advantageous repayment methodology to reclaim the cost of the borrowing from the Cheltenham Trust;**

**17. NOTICES OF MOTION**

**Motion A**

Proposed by: Councillor Clucas and seconded by: Councillor Fisher

*In view of the concerns expressed by residents who live in the area, where the significant traffic flow makes crossing the road at the junction, entering or egressing Windyridge Road by pedestrians or vehicles, hazardous, GCC Highways is requested to look into providing a roundabout or traffic lights at the Windyridge Road/Swindon Road junction. It is further requested that a response is made to Cheltenham Borough Council in relation to timeline and processes to consult residents.*

In proposing the motion, Councillor Clucas informed members that residents had been trying to get answers to their questions to GCC since 2016.

Councillor Fisher seconded the motion.

Upon a vote the motion was CARRIED with one abstention.

**Motion B**

Proposed by: Councillor Jeffries and seconded by: Councillor Bickerton

*The West Cheltenham strategic allocation in the Joint Core Strategy has been found sound in the inspector's report.*

*In the very short period that this site has been progressed residents of Springbank have had little opportunity to react given what has been a very fluid situation, getting involved, informed and organised has been very limiting due to the condensed timescales.*

*Views ranging from no development at all to we need homes and jobs are widespread, indeed an entire range of opinions between these two points can be heard.*

*This has been reflected in only one sentence in the inspector's report at para 192.*

*There is a feeling amongst residents that having worked extremely hard to have their voices heard they have been ignored.*

*This is especially evident given the creation of a Springbank neighbourhood forum and their formulation of a green space application to Cheltenham Borough council.*

*The green space was carefully crafted and developed taking in a wide range of views, wrapping around four specific walking routes which are subject to a rights of way application which has been submitted to Gloucestershire County Council.*

*Residents across several decades have utilised these walks and the green space has been designed from that starting point, to benefit the existing and proposed new communities both residential and commercial.*

*The Springbank neighbourhood forum green space application has not been given any consideration by the JCS inspector in her report, this is fundamentally unfair and inconsistent given her inclusion & reference to other green space applications, such as those proposed in the north west and south Cheltenham areas / sites.*

*Given the statement in the JCS final report (para 196) which states that each strategic allocation should have its own directions for developers, on infrastructure and transport etc, Council should agree that a requirement within such direction is also a requirement for green infrastructure.*

*Therefore, Council resolves to: -*

*Use the example of the Swindon Village and Leckhampton green space applications and acknowledge the Springbank Neighbourhood Forum's NPPF Local Green Space (LGS) application as the residents preferred green space in the west Cheltenham strategic site.*

*Recognise the importance of the Springbank Neighbourhood Forum NPPF LGS applications indicative layout in the context of the whole west Cheltenham strategic allocation, for any ongoing discussion with the development consortium who are currently preparing a planning application.*

In proposing the motion Councillor Jeffries said that it was very important for this piece of work to be done and this motion would help to ensure that green space would be taken into account and residents were engaged in the process.

In seconding the motion Councillor Bickerton said it was important to be mindful that this area in Springbank was an area of greenbelt. Whilst one might recognise the special circumstances for development there was a compelling argument set out in the Springbank LGS application for protection of a highly valued part of this greenbelt under the new NPPF designation.

He referred to the National Planning Policy Framework (NPPF) section 52 which stated that "The supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements or extensions to existing villages and towns that follow the principles of Garden Cities. Working with the support of their communities, local planning authorities should consider whether such opportunities provide the best way of achieving sustainable development."

He also referred to the ideas of Ebenezer Howard's in his book entitled Garden Cities of Tomorrow, published in 1902. The overall goal for Howard is to combine the traditional countryside with the traditional town. For too long residents have had to make the unfulfilling choice between living in a culturally isolated rural area or giving up nature to live in a city, but "human society and the beauty of nature are meant to be enjoyed together."

He referred to section 76 in the NPPF which stated that "Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them."

He also referred to section 77 which set out criteria when Local Green Space designation would not be appropriate for certain areas.

MIND (the UK Mental Health Charity which advises the Government, had commissioned two studies from the University of Essex, which confirmed that participating in green exercise activities provides substantial benefits for health and wellbeing.

The Springbank LGS shape was trying to capture and protect some of those features that give the landscape its character, the views across the escarpment, the hedgerows and old Whitehall Farm orchard and pond, all key wildlife habitats, and a stand of oak trees that Cheltenham Tree Group estimate that have been a feature of the area for over 100 years, and of course to create/maintain a green corridor connecting Springbank to Hayden and beyond.

He concluded that the motion raised the question of what could be afforded in terms of green space in Cheltenham. This LGS application obviously was coming forward in response to the new JCS strategic site or new policy relating to the development of the west of Cheltenham and Springbank should not be treated any differently from Leckhampton and Swindon Village.

Councillor McKinlay as the Cabinet Member responsible for the local plan, acknowledged that this was an outstanding issue and he would be happy to consider the indicative layout proposed by the SNF as an alternative starting point.

A member stressed the importance of green space to good mental health and therefore all of the green space should be seriously reviewed.

The Mayor supported the motion and in the interests of justice and fairness it was important that people of Springbank had their views heard.

Upon a vote the motion was CARRIED unanimously.

### **Motion C**

Proposed by: Councillor Clucas and seconded by: Councillor Harvey

*Council places on record its thanks to the Parish Councils across the county, who have written with their support for retaining a consultant led, Type 1, 24 hour full A&E facility at Cheltenham General Hospital.*

*It recognises that in Cheltenham, North and East Gloucestershire, there is real concern at the potential downgrading of A&E to an Urgent Care Facility, overseen by non-specialist GPs.*

*It recognises the role of the Health and Wellbeing Board and asks that it consults with Cheltenham residents as to the long term future of medical services.*

*It regrets that the STP promised for Spring 2017, has not yet been published.*

*It notes the statement by the MP for Cheltenham, Alex Chalk, to a meeting of stakeholders that he fully supports the retention of a full, 24 hour, A&E service at CGH. It requests the Member of Parliament to write to GCC, asking that the Health Scrutiny Committee, HOSC, urgently re-examine proposals which downgrade the A&E facility.*

In proposing the motion, Councillor Clucas wished to put on record her thanks to 25 parish councils in Gloucestershire who had written expressing their support for the motion approved by Cheltenham Borough Council on 16 October 2017 in respect of the retention of full A&E services at Cheltenham General Hospital and the need to consult with the Council and Cotswold residents in respect of future plans.

She was concerned about the difference between an urgent care facility manned by GPs and nurses and a full A&E service, particularly as there was a shortage of GPs and it took 7-10 years to train a medic.

She had already talked to Cheltenham's MP and he was committed to fighting to retain a 24 hour A&E service for Cheltenham and North and East Gloucestershire.

In the debate that followed Members supported the motion and acknowledged that the removal of the A&E service from Cheltenham General affected a much wider area of the Cotswolds. Members felt they needed to do everything they could within their lobbying powers to ensure services continue to be free at the point of need and available to all. That included a fully staffed 24-hour A&E facility in Cheltenham. Failure to provide this would have a real impact on the committee and present a risk of people dying. Others felt the NHS was in crisis and suffering from lack of funding.

In seconding the motion Councillor Harvey had a real fear that Cheltenham General hospital would be downgraded to a community hospital. He felt the Health and Well-being Board and the CCG should be much more challenging and he encouraged the GCC Cabinet Member responsible to take this forward. He reminded Members that previously GHOSC had only agreed by a small margin to support the pilot for changes within A&E and they should continue to challenge and scrutinise the work of the Health and Well-being board.

Upon a vote the motion was CARRIED unanimously.

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

**19. LOCAL GOVERNMENT ACT 1972 - EXEMPT INFORMATION RESOLVED THAT**

**That in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining agenda items as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraph 3, Part (1) Schedule (12A) Local Government Act 1972, namely:**

**Paragraph 3; Information relating to the financial or business affairs of any particular person (including the authority holding that information)**

**20. A PROPERTY ACQUISITION**

The Cabinet Member Finance introduced the report and stated that, as some Members were aware, an approach to this council about the possible acquisition of the Sainsbury's supermarket off Priors Road had been made two

weeks ago. Following the briefing Cabinet received and its approval to officers to investigate further, she was now seeking Council's approval to make a budget allocation based on the business case and supporting information.

She explained that many councils were facing a tough and complex set of pressures – funding cuts, rising demand for services with increased costs associated with its provision and economic growth challenges. Further spending cuts were inevitable and likely to be in the next two months with the Local Government settlement and the decision on new homes bonus.

Demographic and economic pressures on authorities and their services were increasing so the question was how could local authorities transform themselves to respond to the pressures they faced. The current thinking of Government was to make councils become less reliant on Revenue Support Grant and other centrally controlled grant funding. It was, therefore, this Cabinet's aspiration to become financially sustainable by 2021-2022. This was one of the reasons why she had requested the Chief Finance Officer to write a commercial strategy that would be submitted to Cabinet the following day for approval.

Many councils were facing an increasing need for reinvestment in resources and services, ranging from community cohesion, health and social care to education and infrastructure. The status quo would only lead to service reduction. Councils would need to have a relentless focus on generating additional sources of revenue income as government grant continued to fall and interest rates remained low. The Cabinet Member believed that the focus, where market conditions allowed, should be on areas such as investments in the commercial property portfolio and regeneration through both direct and indirect investment to boost local economic activity.

She highlighted to Members that the property under discussion was not on the market and therefore an offer to buy needed to be of interest to the owners. With any property investment the need to assess the options and criteria was paramount and the financial objective and revenue delivery of this potential acquisition had been assessed and met the prescribed target yield expectations of circa 5%. The tenant had a strong covenant and it was a fairly modern property with a full repairing lease. The location was prime for this retail sector and was single let which avoided intensive management costs. Alternative uses in the event of tenant failure had been evaluated. Prudent debt repayment provision had also been allowed for. The acquisition had been modelled to be funded through borrowing which would deliver in excess of £150k per year additional income towards the funding gap and this would be new income. It would not be appropriate to define a % return on investment. However the Cabinet Member confirmed that if the acquisition was to be part funded via the council's own equity, the return would be significant as the rental stream would more than cover the principal and interest repayments and was guaranteed for a further 20.5 years.

The Cabinet Member then addressed the issue of risk stating that risk was not the same as uncertainty. Risk was a logical probability function whereas uncertainty was anything but. She said that those councils who adopted a more commercial approach would need to identify assumptions and risks. The risks associated with the proposed acquisition had been identified and scored

appropriately but she questioned what the alternative to those risks would be which would in essence be cuts to services the public relied on. The Chief Finance Officer had also questioned whether the council could afford not to take the risks of commercial decisions.

In conclusion the Cabinet Member believed that commercialisation was the route to maintain and enhance service delivery. An appetite for risk was therefore needed whilst understanding and assessing those risks. Diversification and due diligence would be key to success. She said that the balance of probability of this decision was that it would not end in failure although whilst this would be a learning opportunity the risk of failure with public money should be considered carefully

Finally she highlighted that there was a way to go with this potential purchase and as with any commercial acquisition there was a need to move swiftly which was not always possible within local authority rules. She thus requested Council to put the authority in the best possible place to act swiftly with the best interests of Cheltenham's residents at heart and the services they rightly expected.

The following questions were raised and responses given :

- A Member stated that as this was not a direct approach from the current holders this would attract a worse rate than if the owners were seeking to sell. He then asked whether the Cabinet and officers had assessed other opportunities in Cheltenham which would attract an income of more than 5 %. In response the Cabinet Member explained that there had been other opportunities in recent weeks and bids had been placed. However, it appeared that the properties had sold for 20 % over the asking price. She highlighted that the purchase of Delta House had been an off market deal and if the council was to become more commercial this way of acquiring property would be available to it to consider. She went on to explain that an agent had made a speculative approach to the council. The Member insisted that if this was a third party not related to the council or the owners of the property this effectively meant that the council was approaching the owners. He felt that if properties in Cheltenham were selling for 20 % above the market value then the market value was wrong or that Cheltenham should not be the council's focus. He asked whether there were other projects the council could consider which could also constitute an investment with social benefits. The Cabinet Member confirmed that the Council had in the investment policy committed to invest within the borough. As a result of the autumn statement it was likely that local authorities would no longer be able to invest outside the borough.
- In response to a question on what experience the council had in investing significant sums in one property the Cabinet Member referred to the purchase of Delta Place. The Cabinet Member also highlighted the fact that on 12 December Cabinet would consider the Property Portfolio Asset Review which contained details of all the Councils investment property.
- The Cabinet Member confirmed that 5 % would be the net yield from acquiring the property.

- Whilst some Members welcomed the new commercial approach of the council in terms of innovative ways of investing they questioned whether the risks with the tenant Sainsburys had been fully explored, for example was there any possibility that Sainsburys would invoke the break clause and had officers discussed with Sainsburys their current and future plans and their trading figures. In response the Cabinet Member highlighted that at the break clause point Sainsburys would either exit or renegotiate the rent which. She highlighted that the Sainsburys on Priors Road was the only supermarket that side of town and was in fact a large convenience store. She noted that supermarkets were generally no longer building large superstores.
- The Chief Finance Officer highlighted that the property in terms of yield was 5 % and the approx. £150k per annum would make a valuable contribution to the Medium Term Financial Strategy.
- The freeholder's agent had contacted the council as he was aware the council was looking to invest in the town.
- Many Members welcomed the proposal and felt that the return was over and above what the council was currently realising. In addition the freehold acquisition of the property was of value.
- In response to a question on comparing the potential return on this potential acquisition to that which was currently being realised from Delta Place the Chief Finance Officer highlighted that Delta Place had been purchased a number of years ago and since then the market had changed somewhat as too had the council's appetite for investment. The net yield on Delta Place was 9% and the purchase had different financing arrangements as it had been funded by a mix of £2.5m capital receipts and £6m internal borrowing compared to the proposed funding for this acquisition via the PWLB. Therefore this potential purchase could not be compared with Delta Place.
- In response to a question as to what the return on investing £20 million in council houses would provide the Cabinet Member Finance responded that councils were not permitted to invest in housing.

In the debate that ensued Members made the following points :

- Members paid tribute to the sound advice they felt they received from their professional officers who had demonstrated themselves to be prudent in the way they handled the council's finances. They acknowledged that risks and brave decisions had to be made to invest in property in order to secure an income for the council. The alternative would be a managed decline in services.
- Members remarked that it was shocking that it was permissible for local authorities to make retail investment yet they were disallowed from building houses.
- Due to the location of the site should Sainsburys exit Members acknowledged that the council would still have its capital value which would represent a valuable strategic site. But in general they felt that it was more likely that if the store did exit it would be replaced by another supermarket operator as there was no competition in the area which was surrounded by high density housing.
- Members acknowledged that this was an opportunity to make a sensible investment with potentially good returns.



- Brave decisions had been made by this council in the past which was reflected in its property portfolio.
- This would be a good deal for the town and a welcome challenge. It was important to put Cheltenham first and safeguard the future of the town.
- A Member requested that officers talk further to professionals of the supermarket business as some concern was expressed that the supermarket business would change over the next 10 years with more home delivery due to a change in shopping trends. There could also be some consolidation of the industry. There should therefore be further careful due diligence.
- Some Members remarked that there was a need to understand further the size and type of risk involved with this acquisition.
- A Member felt there was a lack of proper understanding about the decision, he had received no extra reassurances and thus felt very uncomfortable supporting the proposed acquisition.

In response to comments the Chief Finance Officer assured Members that professional officers had scored the risks and Appendix 5 provided Members with the detail and the due diligence and background in terms of what supermarkets were being sold for elsewhere. He gave examples of other local authorities who had made significant capital investments - Spelthorne BC had invested £350m in a BP Plant, Warrington BC had bought a shopping centre for £200m. He said that there would have to be further appetite for risk further ahead in order to manage the absence of government grant from 2019/2020. Alternative sources of income needed to be found or the services provided by the council would have to be reviewed. He believed that the risks had been scored correctly and believed there was low risk that Sainsburys would exit the site based on the location and the trading figures for that particular store.

The Cabinet Member Finance made reference to the point raised on the increase in online shopping and referred to Appendix 5 and the 2016 research by Morgan Stanley which established varying reasons why people did not buy their groceries online. Finally, the Cabinet Member Finance said she had confidence in the officer risk scoring and believed that the council should embrace this opportunity which would reflect the future direction of travel of this authority.

Upon 7 members standing in seat a recorded vote was required and this was CARRIED

**RESOLVED THAT (23 in favour, 2 against, 2 abstentions)**

**A budget allocation of £22m be made, to be funded via prudential borrowing via the Public Works Loan Board (PWLb), for the purchase of the freehold interest of Sainsbury's Priors Road, Cheltenham and all associated costs.**

Voting For 23: Councillors Baker, Britter, Clucas, Coleman, Fisher, Harman, Harvey, C Hay, R Hay, Hegenbarth, Jeffries, Jordan, Mason, H McCloskey, P McCloskey, Payne, Seacome, Stennett, Sudbury, Thornton, Walklett, Wheeler, Willingham

Against 2: Councillors Babbage, Lillywhite.

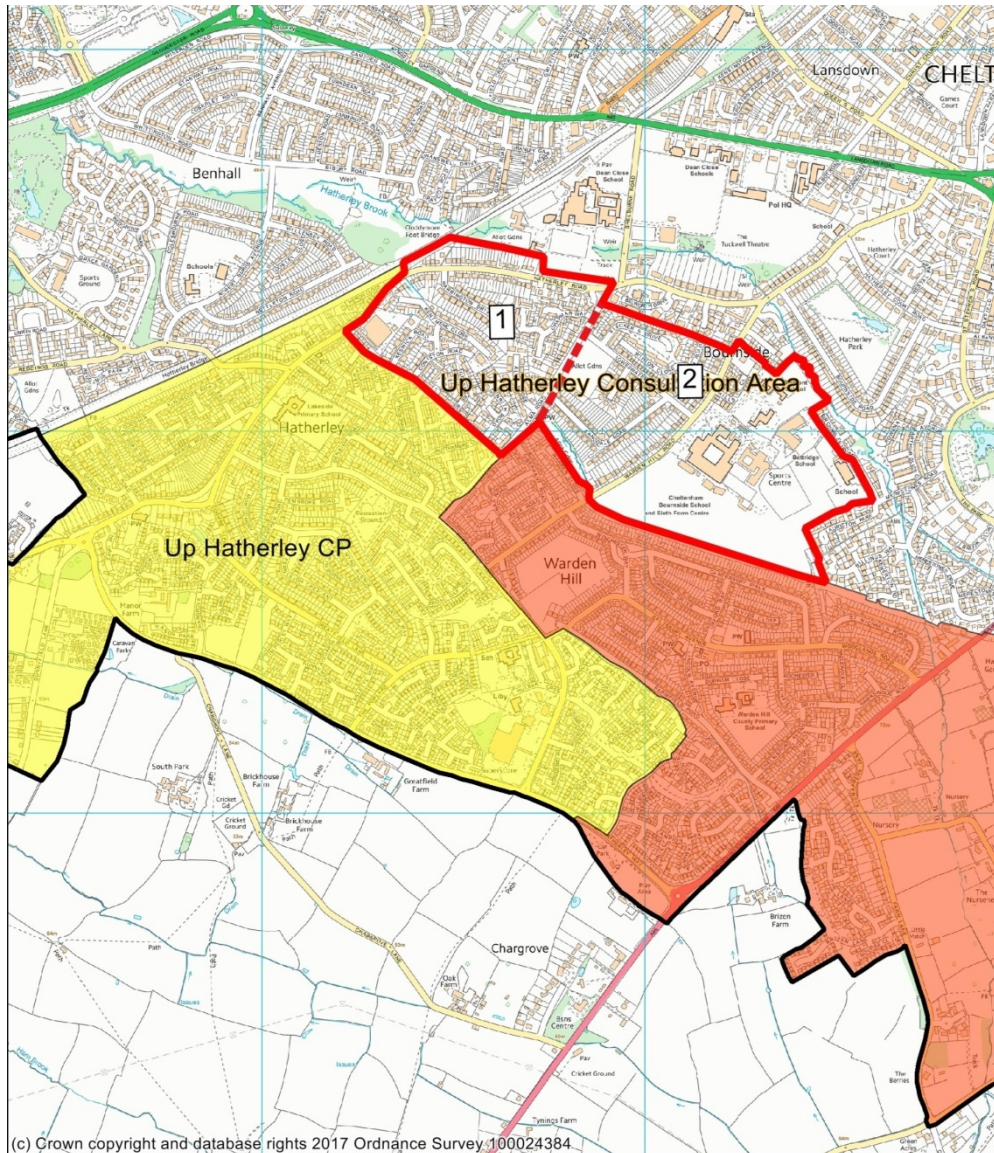
Abstentions 2: Bickerton, Nelson

Klara Sudbury  
**Chairman**

## UPDATED APPENDIX 4 TO SUPPORT AMENDMENT

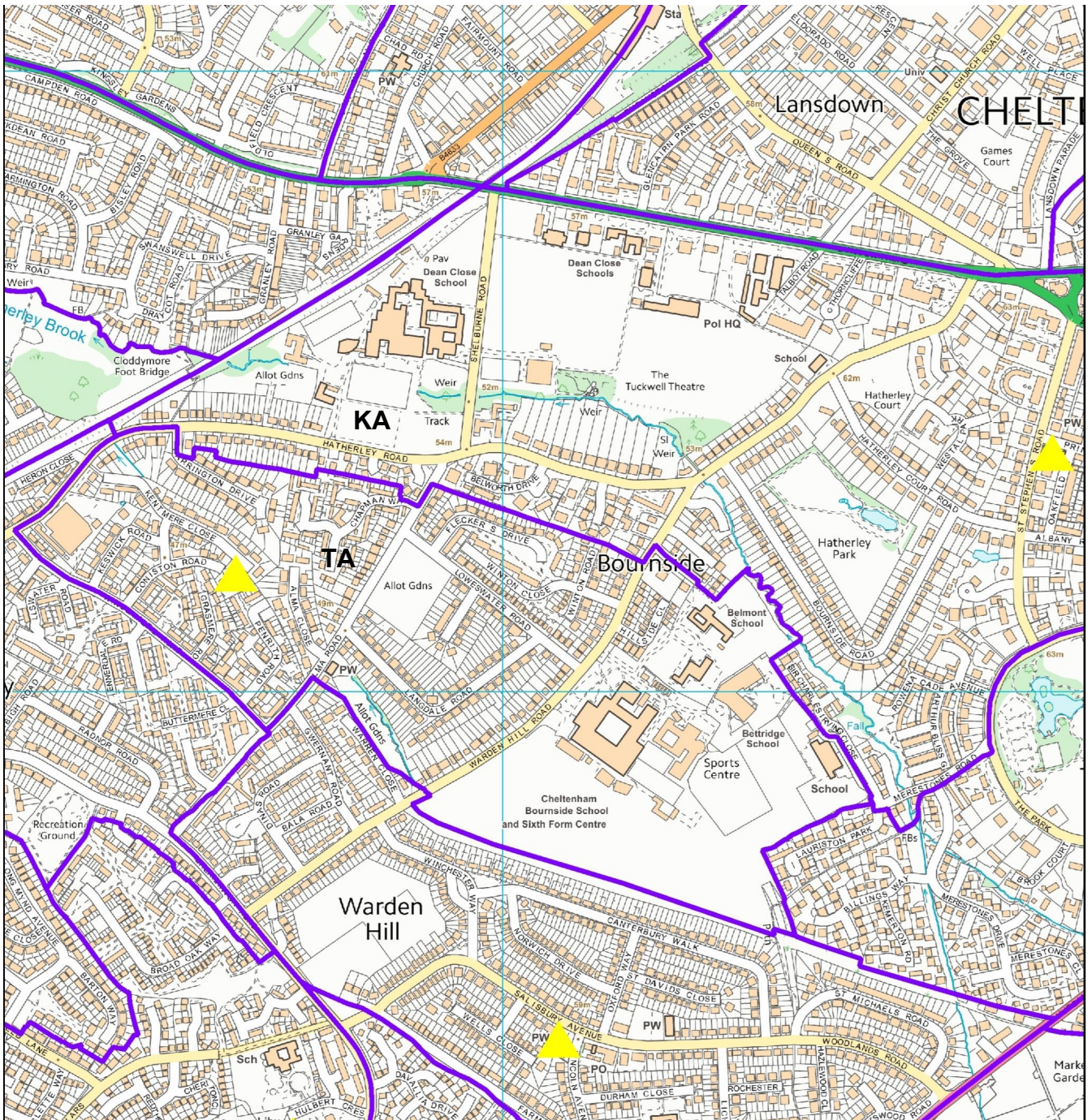
## Appendix 4 - Up Hatherley Parish Council – proposed boundary alteration

## Consultation areas





Current Polling Districts and Polling Station



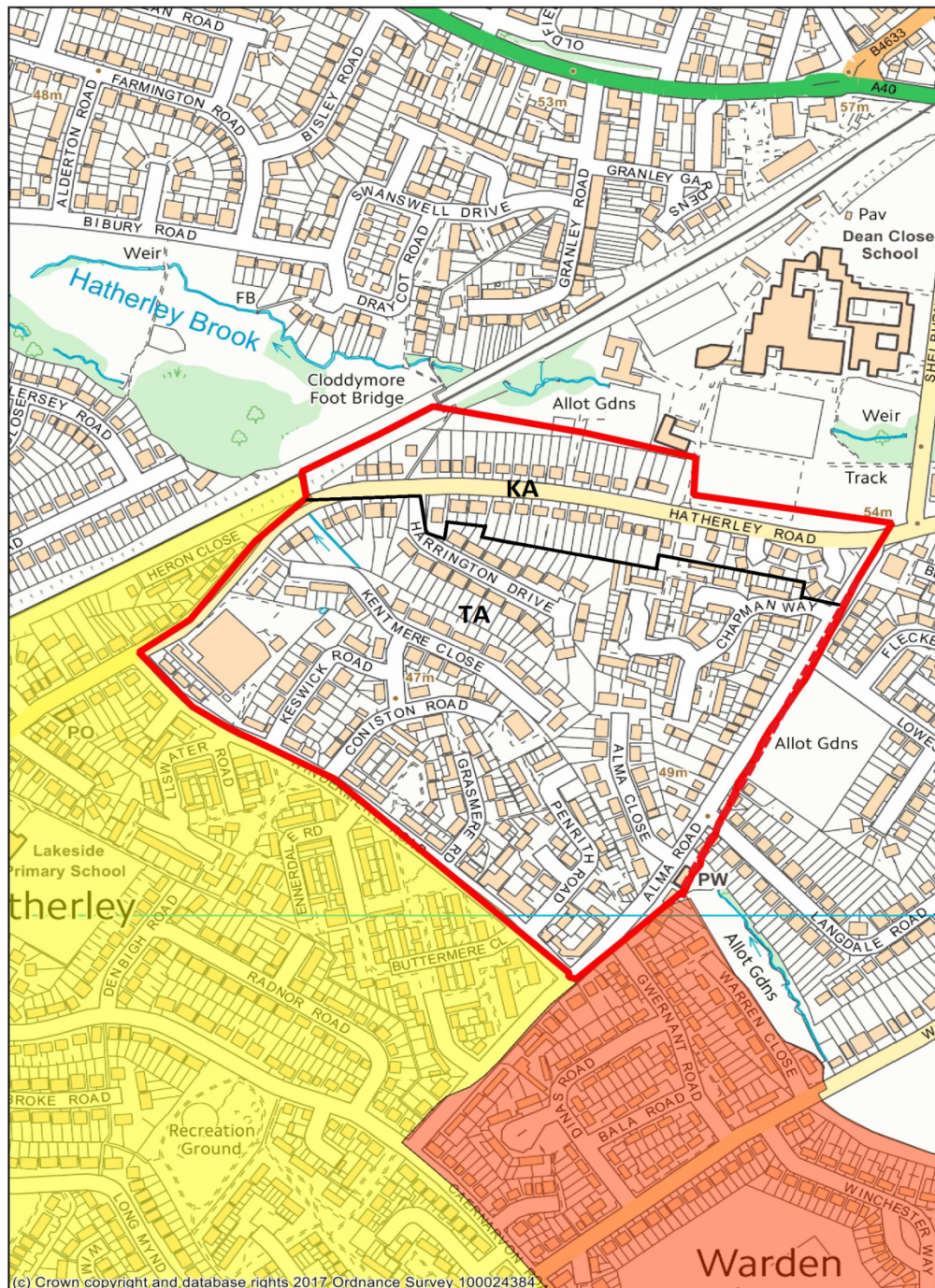


UPDATED APPENDIX 4 TO SUPPORT AMENDMENT

Appendix 4 - Up Hatherley Parish Council – proposed boundary alteration

Red line denotes the proposed area to be added to Up Hatherley Parish Council

Black line denotes the ward boundary, with KA and TA representing the two polling districts.



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