

Overview & Scrutiny Committee

Monday, 25th June, 2018
6.00 - 9.05 pm

Attendees	
Councillors:	Chris Mason (Chair), Klara Sudbury (Vice-Chair), Sandra Holliday, John Payne, Max Wilkinson, Dilys Barrell, Iain Dobie, Jo Stafford, Dennis Parsons, Tim Harman (Reserve) and David Willingham (Reserve)
Also in attendance:	Councillor Steve Jordan and Councillor Rowena Hay

Minutes

1. APOLOGIES

Councillor Baker had given his apologies and Councillor Willingham was attending as a substitute.

2. DECLARATIONS OF INTEREST

None declared.

3. MINUTES OF THE LAST MEETING

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

RESOLVED that the minutes of the last meeting held on 23 April 2018 were approved and signed as a correct record.

4. PUBLIC AND MEMBER QUESTIONS, CALLS FOR ACTIONS AND PETITIONS

None received.

5. APPOINTMENT OF BUDGET SCRUTINY WORKING GROUP

Following receipt of five nominations it was

RESOLVED that Councillors Atherton, Babbage, Britter, Horwood and Payne be appointed to the budget scrutiny working group.

It was noted that the Chair and vice-Chair would be appointed at the first meeting.

6. END OF YEAR PERFORMANCE REPORT

The Strategy and Engagement manager introduced the report which reviewed the corporate performance of the organisation at the end of the financial year 2017/18 and invited comments and observations from the committee. This was also an opportunity for the committee to make requests for any further information which would help them review performance in the future. The oversight of performance by overview and scrutiny was an important part of the process and their feedback was very valuable. He highlighted the progress against the 82 milestones set out in paragraph 3.1 of the report and invited questions and comments from Members. The following issues were raised:

- ENV7 was listed as a red risk and this raised a concern about the apparent lack of collaborative working with the county council (GCC). This seemed to cause difficulties for councillors trying to resolve highways issues in their wards. Any perceived lack of communication between two local authorities was a concern regardless of political party and the public just wanted their issues resolved.
 - The officer was not in a position to comment further but would be happy to take away an action to circulate more information in liaison with the MD place and growth.
 - The Leader invited to speak by the Chair added that the sheer volume of work for GCC and the level of expectation did cause issues. He was more than willing to work with the county and the council was awaiting feedback on their offer to devolve some of the county's transport responsibilities to the Borough Council.
- The council's involvement in the Cheltenham Spa railway station was raised where there were difficulties in engaging with Network Rail particularly regarding parking nuisances to local people in the area.
 - The Leader advised that the council was represented on a stakeholder group for the station working with Network Rail, Stagecoach, GWR and the county council and they were encouraging the rail companies to maximise consultation with local residents.
- Regarding ECON 2 to promote cyber-growth the Leader clarified the bidding process and that the council were currently working with the developer, the LEP and the county council on an acceptable package which would release the funding for the road infrastructure work.
 - the MD Place and Growth added that it was a 3 year programme currently in mid year one and there was an expectation that there would be much clearer project outcomes in four months time.
- The Director of Planning advised that there would be some changes to the Local Plan before it is submitted and these would be discussed with the Planning and Liaison Member working group as set out in the resolution of the Council meeting.
- The request to use inclusive language when talking about improvements to the public realm was noted.
- The Leader confirmed that within the public realm any surfaces would be weight-bearing where there was vehicular access.
- A Member raised a concern that 'domestic abuse awareness week' in COM7 was not a celebration event and did not correctly reflect the 16 days of action.
 - The officer noted the need to be careful with language and highlighted that COM7 referred to a range of community building and celebration events and the events planned in connection with the 16 days of action

were all designed to raise awareness of this issue. He would be happy to have a discussion with the Member outside the meeting to discuss events planned for November.

- ECON 4 - 7 – the officer confirmed that the council was working with other partners to develop the tourism strategy which would help to promote both Cheltenham and the Cotswolds.

The Chair thanked the officer for his report.

7. FEEDBACK FROM OTHER SCRUTINY MEETINGS ATTENDED

Councillor Paul McCloskey had circulated an update from the meeting of the Gloucestershire Economic Growth Overview and Scrutiny committee he had attended on 20 June 2018. The report highlighted the plans for subnational transport bodies (SNTBs) and the implications for the South West. He also updated the committee on an important debate on the possibility of the AONB becoming a National Park and the decision that a scrutiny task group at the county should undertake a study of the implications. A more detailed briefing note on this proposal had been circulated to Members at the meeting tonight.

There was some concern that if a National Park was set up it could become its own planning authority taking in some parts of Cheltenham and there would be a concern if the council lost any significant planning powers.

The Chair asked the MD Place and Growth to provide more information on the process and whether the council would be able to veto any proposal to become a National Park. This was agreed.

Councillor Martin Horwood had only been appointed as the council's representative on the Gloucestershire Health and Care O&S Committee after their last meeting on 8 May but was able to give a brief update on the issues raised. These included an update on the non-emergency patients transport services where the contract with the current provider had been extended to 2019. The committee had also had an annual report from the Director of Public Health where there had been an interesting discussion about child health issues. Councillor Dobie, in his capacity as a County Councillor, had also attended the meeting and he updated the committee on the increase in debt of £10 million announced at the meeting. This had resulted from errors in an IT system used for billing operations. There was a concern that this deficit may have a knock-on effect on service delivery but they had been assured by the NHS Trust that this would not be the case however this did not preclude changing the way services were provided.

A Member expressed the view that the IT systems used by the Gloucestershire NHS Trust were 10 years behind the times and one of the poorest in the country and a decent ICT system with facilities to transfer results between Gloucester and Cheltenham could help prevent closure of services at Cheltenham.

The committee agreed that it would be useful to invite the Director of Public Health to a future meeting of this committee and the strategy and engagement manager agreed to progress this.

Other points that the committee wished to raise with the Health and Care O&S committee were that integrated care systems for Gloucestershire should continue to be run by the NHS and a request was made for Telecare services to be looked at.

Councillor Horwood highlighted a number of events being held in July which Members may like to attend.

8. CABINET BRIEFING

The Leader reminded Members of the 2050 Vision Member Seminar being held on Thursday at 5.30 pm.

As the Borough representative on the Gloucestershire Economic Growth Committee he acknowledged the risk of confusion between the role of that committee and its overview and scrutiny committee and he agreed that the AONB proposal need to be looked at very carefully.

He was pleased to report that the LEP was now resourced sufficiently to reintroduce the tourism group and all districts would be involved.

Following his attendance at the overview and scrutiny training session earlier that evening, he would welcome an open conversation on how the Executive interacted with scrutiny and any changes the committee would like to see to strengthen this working relationship.

9. NEW SCRUTINY REGISTRATION FORMS

Scrutiny registration forms for four suggested topics had been circulated with the agenda and these were discussed in detail by the committee.

Urban Gulls

Councillor Sudbury presented the scrutiny registration form which she had submitted on behalf of Councillors Barrell and Harman. She along with the other councillors had received many e-mails on this issue in the lead up to elections in May. The Urban Gulls Forum had been useful and this suggested task group did not set out to replace it, however the task group could bring all the evidence together in a more formal way and make an evidence-based request for more investment.

Councillor Barrell supported the proposal and suggested that the issue of gull proofing for new builds should also be considered in planning.

A Member added that local residents have suggested specific schemes in Bath and Hereford which they would like the council to look at. He acknowledged that they may be more expensive options than the current ones adopted by the council. There had also been problems with gulls at the Lido intimidating children eating food. Another Member raised the issue of food waste from fast food premises and suggested the task group look at the council powers for street litter control and the public health issues associated with bird mess.

A Member stated that a better focus for scrutiny would be to challenge why the Urban Gulls Forum was not working effectively and why the forum was not coming up with recommendations for the Executive to consider.

Councillor Sudbury advised that the former had been going for many years and did not have the right structure going forward and she felt it had gone as far as it could go. It was now Chaired by Councillor Harman but it only met twice a year. The Chair of O&S added his opinion from the 3 meetings he had attended that the forum was largely a talking shop and had no real authority and he thought an evidence-based review would be appropriate.

The managing director place and growth advised that it was an important issue for Cheltenham but there were only a limited number of options for dealing with the problem and additional budget may be required for other solutions. He flagged that a scrutiny task group would require officer support so it was important that the scope was carefully defined.

The Chair in his summing up noted that if there were budget implications any recommendations would need to come forward within the timescales for the budget process. The task group would need to review what had already been done and the evidence had already been collected.

RESOLVED that

- i) **a scrutiny task group should be set up**
- ii) **the proposers of the scrutiny task group work with the MD Place and Growth to define potential terms of reference for the task group**

Cheltenham Transport Plan

Councillor Sudbury introduced the scrutiny registration form which she was proposing should scrutinise phases 1-3 of the Cheltenham Transport Plan and to provide overview and scrutiny of Phase 4, the Boots Corner Experimental TRO with the outcomes as set out on the form. She felt it was the biggest change that had happened in Cheltenham town centre for some time and scrutiny to date had not been as good as it could be. She felt scrutiny involvement at this stage would improve democracy, enhance member engagement and potentially improve accessibility for all residents.

The Chair invited comments from the MD Place and Growth. He referred to the comments and suggestions made by the director of planning in the officer implications section of the form. The approach recommended would provide a way of Members reviewing progress but without any risk of interrupting the TRO process. The information on the outcomes of phases 1-3 was already available and it was just a matter of finding a suitable format in which to present it to Members.

In response to a question about whether the council had sufficient baseline data to monitor changes going forward, the officer advised that traffic models had been set up based on existing traffic flow and real-time monitoring would be taking place. Officers could bring this information back to Members but it was important to allow a reasonable length of time for traffic flow to level out after any significant changes and it would be a matter of judgement what constituted success or failure. A Member commented data should also be collected on numbers of car drivers shifting to journeys on foot or bicycle and another member suggested shifts to public transport should be monitored as well.

A Member challenged the value of evaluating phases one to three which were not doing the job they were intended to do until phase 4 had been fully implemented.

The proposer of the topic, Councillor Sudbury, challenged whether phases 1-3 could be considered a success and gave examples of long waits for pedestrians crossing by the Swallow Bakery and difficulties with the exits from the Regent arcade car park. She felt it was important to scrutinise the process that had been followed in a level of detail which would not be possible in a meeting of this type.

Upon a vote the Members

RESOLVED THAT

- i) **a scrutiny task group would not be set up at this time**
- ii) **The MD Place and Growth would arrange for officers from the county council to give a presentation to this committee within 2 months on the implementation of Phases 1-3, an update on findings from the monitoring data and resultant changes made to enable the trial of phase 4.**
- iii) **Scrutiny Committee to receive an update report on monitoring against an agreed timeline, enabling Committee to engage directly with officers on potential modifications/interventions during the course of the trial.**
- iv) **Officers to provide a regular update to O&S on future progress and timescales thereafter**
- v) **Scrutiny to receive a review of the TRO consultation responses and undertake a review of the Cheltenham Transport Plan as a whole (phases 1 – 4) and for GCC to consider this as formal evidence ahead of a decision being made on the outcome of the trial.**

Events Impact and Consultation

Councillor Willingham as the proposer of the Events Impact scrutiny topic presented the registration form. Whilst he considered a variety of events were great for boosting the economy of the town there were issues about consultation beyond the licensing of an event. Local people needed to have their say earlier in the process especially where the event was being held on council owned parkland. There had been concerns expressed about the noise at the Jazz Festival and residents felt there was nothing they could do to challenge this and ensure some action was taken.

Another Member was primarily concerned with the way the licensing process took place where it was down to the applicant to publicise notices ahead of their event to alert local residents. There was a risk that they would do as little as possible resulting in minimal consultation and if the ward councillor was not made aware of the event they could not assist in raising awareness with local residents. Once a licence had been granted it could not be easily withdrawn without a catalogue of evidence and he cited a recent example of the license issued to the Cheltenham Football Club for the recent Steps concert which now provide a license for live music seven days a week until 11.30 pm.

Another Member felt the parks should provide areas of quiet relaxation for local residents to enjoy. They had been particularly concerned at the plans for the Chilli Festival to be held in Sandford Park where no licence had been needed and therefore there had been no consultation with residents and ward councillors in adjoining wards. There must be a balance in the Place strategy, whilst encouraging events this should not be at the expense of residents paying the price locally.

The Chair highlighted the Jazz Festival where there had been many meetings where residents had produced evidence that noise had exceeded national guidelines. He emphasised that residents were not saying that the town should not have festivals but there was a question as to whether the council should be allowing its land to be used when they are aware that national guidelines are being broken.

On the wider topic of consultation, a Member suggested that typically responders to consultation would be male and over 50 and it was important to try and consult with people who were not currently talking to the council.

Members concluded that they needed to be more aware of the events consultation process and would welcome more information at this committee.

The MD Place and Growth referred to the officer comments in the implications section of the report and the suggestion that the evolving events project could review the process and develop engagement proposals which could then be reviewed with overview and scrutiny.

The strategy and engagement manager advised the committee that the council had a number of documents which may be of interest to the committee in pursuing the second scrutiny topic suggested by Councillor Baker namely:

1. the council's consultation strategy produced in 2004
2. the statement of community involvement
3. caselaw around consultation
4. recently issued consultation guidelines from government

He added that there was always more scope for wider consultation but this had to be balanced with officer capacity.

RESOLVED THAT

- i) **the various documents suggested by the strategy and engagement manager should be circulated to members of the committee**
- ii) **the report of the scrutiny task group that had looked at the events would be circulated and the committee to receive an update report at a future meeting on existing mechanisms for moderating and mitigating the impact of events (including noise) and whether these are being utilised in the most effective way possible**
- iii) **that the Commercial Expansion of Events Infrastructure (Events) project process improvements and engagement proposals continue to be developed by officers and shared with**

- Scrutiny, for feedback, prior to being put forward to Cabinet for approval**
- iv) **the committee could then decide its next steps if any further work is needed.**

10. REVIEW OF SCRUTINY WORKPLAN

The scrutiny workplan had been circulated with the agenda and was noted.

11. ARLE NURSERY STRATEGIC REVIEW

The Chair reminded Members that they would need to go into exempt session if they wanted to discuss the business case or exempt risks.

The Director of Corporate Projects introduced the report which set out the options for the Arle Nursery site. This report followed on from the Cabinet decision in December 2017 to adopt a mixed public realm planting scheme within the Borough thereby reducing the requirement for annual bedding plant stocks to be grown in the Nursery. Annual bedding plants would be retained in the Long Garden and Imperial Gardens. Falling revenue from the nursery sales of bedding plants for commercial use and the substantial investment required at Arle Nursery had prompted this review. The Cabinet was due to make a decision in July 2018 and the project team welcome feedback and comments on the options presented or the committee's view on anything missing from the analysis that had been done.

A Member made an observation that there was more priority for affordable housing in the town centre.

A Member asked whether there was a risk that in the future the council may be left with no commercial supplier of bedding plants or that one supplier may have a monopoly and could set prices over the odds. Would the council be able to maintain Cheltenham in bloom and keep the town looking nice?

Officers acknowledged the risk but thought that more nurseries may open as others close. The Cabinet Member Finance added that this could open up new opportunities for local suppliers as there were a number of independent nurseries in the Cheltenham area.

A Member was uncomfortable with the sequence of events which had led to the logical conclusion set out in the report and put the council in an extremely advantageous position. The site had first been taken out of the green belt and the council had underinvested in the nursery to such an extent that it was now financially unviable to maintain it. There had been strong support to maintain traditional planting in areas of the town. Perennial planting required a lot more maintenance and in his opinion it was already evident from the appearance of such an area in Prestbury that this was inadequate.

In response to a question from the Chair about how the site would be marketed, officers advised that there will be a full market evaluation and they would look for other agencies who might be able to work with the council to develop the

site. The Cabinet Member advised that she was unable to give any more details in public session. She explained that the site also adjoined private land, which already had planning permission for new build, and land owned by GCC. Initially GCC had not been interested in disposing of the land but this situation had now changed and further discussions would take place with the county if the Cabinet made the decision to dispose of the site. The aim would be 40% affordable housing in any new build.

Following a summing up by the Chair it was

RESOLVED that the report and its recommendations be supported by the committee.

12. LOCAL GOVERNMENT ACT 1972 - EXEMPT INFORMATION

13. UPDATE ON NORTH PLACE

The Managing Director Place and Growth introduced the exempt briefing note which had been circulated which updated Members on the current status of the significant North Place parcel of land and the negotiations taking place with the owner of the site.

14. DATE OF NEXT MEETING

10 September 2018.

Chris Mason
Chairman