



## Notice of a meeting of Overview & Scrutiny Committee

**Monday, 12 June 2017**  
**6.00 pm**  
**Pittville Room - Municipal Offices**

<b>Membership</b>	
<b>Councillors:</b>	Tim Harman (Chair), Jon Walklett (Vice-Chair), Colin Hay, Alex Hegenbarth, Sandra Holliday, Chris Mason, Helena McCloskey, John Payne, Paul Baker and Max Wilkinson

The Council has a substitution process and any substitutions will be announced at the meeting

### Agenda

<b>1.</b>		<b>APOLOGIES</b>	
<b>2.</b>		<b>DECLARATIONS OF INTEREST</b>	
<b>3.</b>		<b>MINUTES OF THE LAST MEETING</b> Agree minutes of the last meeting held on 20 January 2017	(Pages 3 - 8)
<b>4.</b>		<b>PUBLIC AND MEMBER QUESTIONS, CALLS FOR ACTIONS AND PETITIONS</b>	
<b>5.</b>		<b>CALL IN OF THE DECISION ON APPLICATION FOR DESIGNATION OF A NEIGHBOURHOOD AREA AND NEIGHBOURHOOD FORUM BY THE SPRINGBANK NEIGHBOURHOOD FORUM</b> Consideration of a call-in request regarding a decision made at Cabinet on 16 May 2016 <ul style="list-style-type: none"> <li>• Introduction by the Chair</li> <li>• Councillor Wendy Flynn to speak on the call-in request</li> <li>• Questions to the Cabinet Member Development and Safety, Councillor Andrew McKinlay</li> <li>• Questions to the Development Manager, Phil Stephenson and the Director of Planning, Tracey Crews</li> <li>• Conclusions and agree recommendations</li> </ul>	(Pages 9 - 66)
<b>6.</b>		<b>DATE OF NEXT MEETING</b>	

		Date of next meeting : 26 June 2017	

**Contact Officer:** Saira Malin, Democracy Officer, 01242 775153  
**Email:** [democratic.services@cheltenham.gov.uk](mailto:democratic.services@cheltenham.gov.uk)

## Overview & Scrutiny Committee

**Monday, 20th February, 2017**

**6.00 - 7.35 pm**

<b>Attendees</b>	
<b>Councillors:</b>	Tim Harman (Chair), Jon Walklett (Vice-Chair), Colin Hay, Sandra Holliday, Chris Mason, Helena McCloskey, John Payne, Paul Baker and Max Wilkinson
<b>Also in attendance:</b>	Tim Atkins (Managing Director of Place and Economic Development), Councillor Jordan (Leader of the Council) and Mark Nelson (Enforcement Manager)

## Minutes

### 1. APOLOGIES

Councillor Murch had given his apologies.

### 2. DECLARATIONS OF INTEREST

No interests were declared.

### 3. MINUTES OF THE LAST MEETING

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

Upon a vote it was unanimously

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

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

None received.

### 5. MATTERS REFERRED TO COMMITTEE

None referred.

### 6. FEEDBACK FROM OTHER SCRUTINY MEETINGS ATTENDED

Councillor Hay arrived at 6.07pm.

Councillor McCloskey referred members to the written update on the 3 February meeting of the Police and Crime Panel which had been circulated with the agenda and talked through some of the key points.

Councillor McCloskey gave the following responses to member questions:

- The panels concerns in relation to achieving the target to double the number of special constables related to the associated recruitment and training costs.

- There was a suggestion that the County Council feared that the Commissioner wanted to take governance of the Fire Service and that this was the reason that the Leader was refusing to share budgetary information. The Commissioner needed this information to be able to put together a business case and without it was at an impasse. The Commissioner was openly frustrated by the situation and the fact that he has previously stated that he did not wish to take governance of the Fire Service.
- The Commissioners view was that PCSOs should be attached to specific areas, though this had not been possible in recent times due to lack of experienced officers. Neighbourhood policing was a key focus of the Commissioners manifesto and he was reiterating this to senior officers in the force.
- The Chief Constable was due to retire and a replacement would be in place once the Commissioner had made his decision and the appointment had been confirmed by the Panel.

Members agreed that the Commissioner should be invited to attend another meeting the committee to explain further his vision for neighbourhood policing, especially in view of the additional 50,000 properties which would be built in Gloucestershire.

There had been no meetings of the Gloucestershire Health and Care O&S Committee or the Gloucestershire Economic Growth Scrutiny Committee since the last meeting of this committee.

## **7. CABINET BRIEFING**

The Leader advised that at the recent Leadership Gloucestershire meeting the collaboration between the emergency services had been discussed. Gloucestershire County Council seemed to be implying that they would be submitting a rival business case; though he believed that only one would be accepted and that would be the business case from the Police and Crime Commissioner. He felt it was a little nonsensical that the Ambulance Service had not been included.

He was hopeful that the Growth Deal bid for West Cheltenham would be announced this week.

Members would be aware that a decision had been taken to allow Gloucestershire Airport Limited (GAL) to grant new leases to B Walker & Co (Dursley) Limited in respect of Units SE38, SE41, SE42, SE43 and SE56, South East Area. Some of the detail was restricted as it related to the financial and business affairs of those involved and members were invited to review the report in the Democratic Services office. He noted that, further to his update at the last meeting, discussions were still ongoing in relation to the pension issue at the Airport, as well as broader discussions about the airport more generally.

In response to a comment made by the Chairman about the importance of the airport to the economy of the town, the Leader suggested that an exempt report could well be tabled at the March Council meeting, which would detail the current situation for all members.

**8. HMO SURVEY**

The Enforcement Manager introduced the update on the private rented Houses of Multiple Occupancy (HMO) survey, which had been circulated in advance of the meeting. He confirmed that the survey of properties in St Pauls was now complete and of the 445 that were visited, 313 HMO's had been identified and fully inspected, and 132 properties were found not to be HMO's. During the surveys, 15 properties were referred through to the enforcement team for further investigation as a result of the identification of poor management, poor standards of accommodation or where a licensable HMO was not licensed and of those referred, 7 were now compliant. 20 properties had been referred to planning enforcement due to having more than 6 occupants.

The Enforcement Manager gave the following responses to member questions:

- The HMO Survey post was funded from the Housing Survey Reserve and would eventually be covered by the mandatory HMO licensing fees which were currently payable every 3 years, though this could move to every 5 years.
- The definition of a HMO was a property occupied by persons who did not form a single household which included 3 or more persons for the purpose of the survey. The property had to be the main residence of the occupants.
- Additional licensing for HMOs was only applicable where there was a significant number which were poorly managed, which had not been the case in St Pauls. Article 4 Direction could possibly be adopted if it was found that there was an unbalanced community but would need to be considered in the context of Cheltenham's overall planning strategy and the suggestion was that this should be considered as part of the development of the Cheltenham Plan.

The Chairman acknowledged that Tess Beck, Chair of the St Pauls Resident Association was in attendance and offered her the opportunity to ask questions. The Enforcement Manager gave the following responses:

- He was not qualified to say whether Article 4 would need to be considered as part of the Local Plan or a supplementary planning document.
- Review of the standards of amenity such as provision for storage and disposal of rubbish and the condition of gardens were included as part of the survey.
- He would be happy to attend a meeting of the St Pauls Residents Association.

Members were pleased to see that overall, the quality of HMOs had been high and requested that consideration of the final report be scheduled for the June meeting of the committee when members would give further consideration to whether they felt it was necessary to make a recommendation that an Article 4 Direction be adopted by this council.

The Chairman thanked the Enforcement Manager for his time and looked forward to welcoming him back in June.

**9. CYCLING AND WALKING STG**

Councillor Holliday arrived at 6.40pm.

The Managing Director of Place and Economic Development, introduced the progress review for the Walking and Cycling STG, as circulated with the agenda. He accepted that progress had been hampered by a lack of dedicated resource, but he was pleased to confirm that Councillor Wilkinson had been appointed as the member cycling champion and that the walking and cycling group were scheduled to have their first meeting tomorrow evening (21 February). Cheltenham was ideally suited to develop cycling and members were reminded that the town would be hosting the Tour of Britain in September. Interestingly, a town centre survey about perceptions of Cheltenham identified that the number of people that came to Cheltenham by car (around 20%) was far lower than people perceived the number to be, with the majority of people walking, cycling or using public transport and this, without doing a great deal. This was positive and indicative that with some momentum, more could be achieved.

The Managing Director of Place and Economic Development gave the following responses to member questions:

- Cheltenham had good working relationships with GCC and the NHS CCG but only with more dedicated resources it would be possible to develop partnership working and identify funding streams in relation to cycling and walking initiatives. This work could also involve local cycle shops.
- Members would be aware that a Place Strategy was being developed, which would be the overarching strategy of a number of areas of focus. The Managing Director had intended to give a presentation on this subject ahead of the last Council meeting but technology had failed and therefore he had been prevented from doing so. This was now scheduled for the 1 March at 6pm.
- Some projects (Cheltenham – Bishop's Cleeve link) were big and complex, but there were smaller initiatives that could be undertaken within the council's gift, relatively cheaply, that should also be explored. This was not to say that the council could not use its influence on the larger scale projects, but again, this was reliant on having adequate resources.
- A divisional-wide review was currently underway to identify where resources could be reduced, areas where more resource was required and opportunities to increase income; but as a council, decisions needed to be made about priorities. This was an opportunity to identify cycling and walking as a priority for Cheltenham and to allocate resources accordingly.
- One of the challenges for any new housing developments was designing something which allowed people to store their bicycles.

Councillor Hay had supported a motion at GCC to create a budget for pavements which was separate from the overall highways budget, but this had been defeated, though he was sure further attempts to do this would be made. He also commented that many walkers were deterred from walking because of the condition of pavements and the trip hazard they posed and whilst he was

not suggesting that paving slabs should be replaced with tarmac, there were other options, such as the surface that had been laid on the high street.

Councillor Wilkinson accepted that the lack of progress was a result of there not being enough people to undertake the work required and thanked the Managing Director for driving this issue forward. The first step to doing this would be the meeting of the cycling and walking group tomorrow (21/02) and the group would be discussing how it could influence the local plan and ensure that cycling and walking was a key consideration. This was a diverse issue with a number of aspects, from the Transport Plan, which had already opened up new shared spaces, to the issue of benches. From his experience, benches were important to some but he urged members not to underestimate the opposition that the installation of a bench could incite. He also explained that as part of the original task group review, it had become apparent that guard rails often made it difficult for walkers to walk in the most direct route and whilst some were undoubtedly erected for safety, GCC staff had conceded that many guard rails were not necessarily required.

Councillor Payne advised that Bloor Homes had made £70k available from a development in Prestbury and that the cycling and walking group might want to consider applying for some.

The Chairman thanked the Managing Director for an honest appraisal of progress to date and invited a further update in due course.

### **10. UPDATES FROM SCRUTINY TASK GROUPS**

The Democracy Officer referred members to the update that had been circulated with the agenda. The Street People STG had met with representatives of Project SOLACE (Gloucester City Council and Gloucestershire Constabulary) and had a very positive discussion. The task group were now going to be drafting their final report and recommendations and would be meeting with the relevant Cabinet Members in due course.

### **11. REVIEW OF SCRUTINY WORKPLAN**

The Democracy Officer noted that at the moment there was only one of item of business scheduled for the next meeting (24 April); to consider the response to the Accessibility report which was sent to Cabinet in December 2016.

An invitation would be extended to the Police Commissioner and the 24 April would be suggested as a possible date. The Democracy Officer would update members as necessary.

The HMO survey final report would be scheduled for the June meeting.

A cycling and walking progress update would be added to the list of future items, as a date was yet to be determined.

### **12. LOCAL GOVERNMENT ACT 1972 - EXEMPT INFORMATION**

Upon a vote it was unanimously

**RESOLVED 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)**

**13. UPDATE ON PROPERTY MATTER**

The Managing Director of Place and Economic Development gave an update on a property matter. The committee asked that they be kept informed of any further developments.

**14. DATE OF NEXT MEETING**

The next meeting was scheduled for the 24 April 2017.

Tim Harman  
**Chairman**

# ***Information/Discussion Paper***

## **Overview and Scrutiny Committee**

**12 June 2017**

### **Call in - designation of the current Springbank Ward as a Neighbourhood Area and Neighbourhood Forum**

This note contains information to assist Members in dealing with this call in request.

#### **1. Why has this come to scrutiny?**

- 1.1 A call-in request was received from the Chairman of the Overview and Scrutiny Committee on 25 May 2017 relating to the decision made at Cabinet on 16 May 2017 regarding the designation of a Neighbourhood Area and Neighbourhood Forum in the current Springbank Ward. The request (attached as Appendix 1) was received within the call in period. The request was received by the Proper Officer, the Head of Paid Service, Pat Pratley in accordance with the procedures set out in Part 4D – Overview and Scrutiny Rules – Rule 14 (attached as Appendix 2). The Proper Officer agreed that it was a valid call in request.
- 1.2 Under the rules of call-in, the request must be considered at a meeting of the O&S committee within 10 working days. After consultation with the chair of O&S and the Leader and Cabinet Member, a date of 12 June was agreed.
- 1.3 Having considered the facts of the call-in and having received any representations from the member(s) who submitted the request and the decision maker, the options for O&S are set out in paragraphs 14.13 of the Rule 14 in the Constitution (attached as Appendix 2)

#### **2. Summary of the Issue**

- 2.1 Members are referred to the Cabinet report on the designation of the current Springbank Ward as a neighbourhood Area and Neighbourhood Forum which went to Cabinet on 16 May 2017 together with the (draft) minutes of that meeting and the decision made. These are attached as Appendices 3 and 4.
- 2.2 Members are also referred to the call in request attached as Appendix 1.

#### **3. Summary of evidence/information**

- 3.1 The Chair will invite Councillor Wendy Flynn to outline the reasons why she felt a call in was appropriate.
- 3.2 Members of O&S have requested the following witnesses to attend:

Cabinet Member Development and Safety – Councillor McKinlay

- 3.3** The witnesses have been advised of the potential line of questioning and this is attached as Appendix 5. These are intended to provide the broad line of questioning to assist the witnesses in their preparation but members may wish to ask additional questions on the night.

#### **4. Next Steps**

- 4.1** The possible next steps for the committee are set out in detail in Appendix 2 of the Overview and Scrutiny rules 14.13.

In summary the options are to:

1. Support the decision
2. Make adverse comments on the process but not the decision itself in which case the decision can be implemented.
3. Propose an alternative decision or modifications and delay the implementation until those have been considered by Cabinet.
4. In exceptional circumstances refer the decision to Council for review or scrutiny

---

<b>Appendices</b>	<p>1 – Call in request</p> <p>2 – Rule 14 of the Council's Constitution</p> <p>3.– Line of questioning for the meeting</p> <p>4 – Cabinet report – 16 May 2017</p> <p>5 – Extract from the minutes of Cabinet (16 May 2017)</p>
<b>Background Papers</b>	<p>Cabinet report on an application submitted by West Cheltenham Neighbourhood Forum 6 and 13 December 2016 and the minutes of that meeting</p> <p><a href="#"><u>Cheltenham Borough Council - Agenda item - Application for designation of a Neighbourhood Area and Neighbourhood Forum by the West Cheltenham Neighbourhood Forum</u></a></p>

**Contact Officer**

**Page 11** es, Democratic Services  
Manager, 01242 77 4937,  
rosalind.reeves@cheltenham.gov.uk

**Accountability**

Cabinet Member Development and Safety

**Scrutiny Function**

Overview and Scrutiny Committee

# Calling-In Form

**Please refer to the Overview and Scrutiny Rule 14 in the Council's Constitution for a full explanation of the call in process.**

Please give the name(s) of the member(s) wishing to call in the item. If the member calling in

is the Chairman of the Overview and Scrutiny committee then only their name is required.

<b>Councillor</b>	Tim Harman, Chairman of Overview and Scrutiny Committee
<b>Councillor</b>	
<b>Councillor</b>	
<b>Councillor</b>	

**Which item do you wish to call-in?**

<b>Decision maker</b>	Cabinet e.g. Cabinet/Cabinet Deputy/Officer under delegated powers	
<b>Decision date</b>	<b>Item No</b>	<b>Title</b>
16.5.17	6	Application for designation of a Neighbourhood Area and Neighbourhood Forum by Springbank Neighbourhood Forum

**What is the reason for calling-in this item?**

Call-in can only be requested where members have evidence which suggests that the decision maker did not take the decision in accordance with the principles set out in article 13 (decision making) of the Constitution.

Please give as much detail as possible - continue on a separate sheet if necessary.

Having been requested to call-in this item to the Overview and Scrutiny Committee, I am satisfied that Rule 13.1 (h) applies 'due consideration shall be given to all objections' on the grounds that

- An organisation is currently seeking to be designated and the area overlaps with the proposed area
- A previous application, having been refused, is in the process of submitting a subsequent application but is awaiting a response as to the grounds for refusal

**Date/Time submitted:** Thursday 25 May 2017 at 11.15am

**Please deliver/email the completed form to [democratic.Services@cheltenham.gov.uk](mailto:democratic.Services@cheltenham.gov.uk) and mark for the attention of the Proper Officer.**

**The form must be received by 4 pm Page 13 orking day after the publication of the decision**

All Councillors named on this form will receive written notification of the date and time of the Calling-In Committee meeting to consider this issue and you will be able to set out your concerns in more detail for the Committee's consideration.

**COUNCIL'S CONSTITUTION**

**OVERVIEW AND SCRUTINY RULES**

**RULE 14. CALL-IN**

**General Principles**

- 14.1 Call-in is the exercise of the power of O&S Committee to review a decision in respect of an executive function that has been made but not yet implemented. Once called-in, the decision cannot be implemented other than in accordance with the call-in procedures set out in this Rule 14.
- 14.2 The following types of decision can be called-in: (i) Cabinet decision; (ii) Cabinet Member decision; (iii) Officer key decision; (iv) decision made under Joint Arrangements  
EXCEPT that a decision to recommend to Council cannot be called-in.
- 14.3 A decision may be called in only once.
- 14.4 A request for call-in can only be made on the basis that the decision maker did not take the decision in accordance with one or more of the Principles of Decision Making as set out in Article 13 of the Constitution.

**Procedure prior to call-in**

- 14.5 When any decision is made by the Cabinet or a Cabinet Member or a key decision is made by an officer, or by a joint committee or officer under joint arrangements, notice of the decision shall be published including, where possible, by electronic means, and shall be available at the Municipal Offices normally within two working days of being made. Copies of all such decisions will be sent to all members of the Council at the same time as being published.
- 14.6 The notice in Rule 14.5 will bear the date on which it is published and will specify that the decision will come into force and may then be implemented, on the expiry of five clear working days after the publication of the decision, unless the decision has been called-in.

**Procedure for calling-in**

- 14.7 During the five clear working day (Page 15 to in Rule 14.6, the Proper Officer shall call-in a decision for scrutiny by O&S Committee if so requested by its Chair or any four members of the Council, provided that full written particulars of the reason(s) for the call-in has been received by the Proper Officer by 4.30 p.m. on the fifth clear working day.
- 14.8 The Proper Officer shall immediately notify the decision maker that a call-in request has been received. The Proper Officer shall call a meeting of the O&S Committee to be held on such date as he/she may determine, where possible after consultation with the O&S Chairman and, in any case, the meeting shall take place within a period of ten clear working days of the receipt by the Proper Officer of a valid call-in request or such longer period as agreed by both the decision maker and the member(s) requesting the call-in.
- 14.9 If O&S Committee does not meet in the period set out in Rule 14.8 the decision can be implemented immediately at the end of that period.
- 14.10 In the event of the member(s) submitting the request for call-in confirming to the Proper Officer in writing that the request is withdrawn, the decision can be implemented immediately.

#### **Procedure for scrutinising the decision**

- 14.11 The member(s) submitting the request for call-in will be expected to attend O&S Committee to explain their reasons for the call-in and the alternative course of action or recommendations they wish to propose regarding the decision making process.
- 14.12 The decision maker (represented by the Leader or Lead Member if it is a Cabinet decision and the committee chairman or vice-chairman if it is a joint committee decision) may be required to and shall be entitled to attend O&S Committee and respond to the request for call-in.
- 14.13 Having considered the facts of the call-in and having received any representations from the member(s) who submitted the request and the decision maker, O&S Committee may either:
- (a) Support the decision without qualification or comment, in which case the decision can be implemented immediately; or
  - (b) Make adverse comments (with reference to the Principles for Decision Making in Article 13) regarding the process for reaching the decision but take no adverse view on the decision itself, in which case the decision can be implemented immediately and the O&S Committee comments will be set out in a report to be considered by the decision maker; or

Page 16

(c) Propose modifications to the decision to achieve the same effect, in which case implementation of the decision shall be delayed until the decision maker has received and considered a report from O&S Committee and decided how to proceed; or

(d) In exceptional circumstances (to be determined by O&S Committee and recorded in the minutes) to refer the decision to Council for review or scrutiny

14.14 O&S Committee may refer the call-in to a sub-committee or a STG for consideration prior to taking action under Rule 14.13 (b)-(d) and, if so, the following shall apply:

(a) O&S Committee shall meet to take its final decision on the call-in under Rule 14.13 not later than 20 clear working days from the date of the O&S Committee meeting arranged by the Proper Officer under Rule 14.8

(b) The member(s) who submitted the call-in and the decision maker (represented by the Leader or Lead Member in respect of a Cabinet decision and the committee chairman or vice-chairman in respect of a joint committee) may be required and shall be entitled to attend before the sub-committee or STG

14.15 On receiving a request from the member(s) who submitted the call-in within the 20 clear working day period set out in Rule 14.14 (a), the Proper Officer may extend that period by up to an additional 10 clear working days (potentially allowing up to 30 clear working days for O&S Committee to meet to take its final decision)

14.16 If O&S Committee does not meet to consider the call-in within the period set out in Rule 14.14 (a) or such extension to that period as is made by the Proper Officer under Rule 14.15, the decision can be implemented immediately at the end of that period or extended period.

### **Review and scrutiny by Council**

14.17 Where O&S Committee decides to refer the call-in to Council under Rule 14.13 (d), Council must consider the matter at its next available meeting (other than an Annual or Annual and Selection Meeting) or, if the next available meeting is not due to be held within 15 clear working days of the O&S Committee meeting, at an Extraordinary Meeting to be convened by the Proper Officer within that time.

14.18 If Council does not meet to consider the call-in within the period set out in Rule 14.17 the decision can be implemented immediately at the end of that period.

14.19 If Council does meet to consider the call-in within the period set out in Rule 14.17 but defers consideration of all or part of the call-in to a future Council meeting, Council shall meet to make its final decision on the call-in within 60 clear working days of the receipt of the call-in under Rule 14.7. If Council does not meet to consider the call-in

within that 60 clear working day period. Page 17 ion can be implemented immediately at the end of that period.

14.20 Having considered the facts of the call-in and any recommendations from O&S Committee and having received any representations from the member(s) who submitted the request and the decision maker, Council may either:

- (a) Support the decision without qualification or comment, in which case the decision can be implemented immediately; or
- (b) Make adverse comments (with reference to the Principles for Decision Making in Article 13) regarding the process for reaching the decision but take no adverse view on the decision itself, in which case the decision can be implemented immediately and Council comments will be set out in a report to be considered by the decision maker; or
- (c) Propose modifications to the decision or an alternative to the decision to achieve the same effect, in which case implementation of the decision shall be delayed until the decision maker has received and considered a report from Council and decided how to proceed.

14.21 Where the call-in relates to a failure to comply with the Budget and Policy Framework Rules Council may, in addition to its powers under Rule 14.20:

- (a) amend the Budget or the Policy Framework to allow the decision to be implemented in compliance with the Budget and Policy Framework Rules,
- (b) authorise the decision to be implemented as a departure from the Budget or the Policy Framework.

#### **Action by the decision maker following call-in**

14.22 On receiving a report from O&S Committee or Council, the decision maker shall consider the report and any recommendations and report to the next available O&S Committee the outcome of that consideration.

14.23 Where O&S Committee or Council proposes modifications to or an alternative to the decision that was called in, the decision maker shall either:

- (a) Confirm the called-in decision without modification; or
- (b) Confirm the called-in decision with modification; or
- (c) Rescind the called-in decision, take the alternative decision proposed, or propose a new decision.

- 14.24 Where the decision maker is acting under delegated powers, they may refer the report or proposals from O&S Committee or Council to the delegator to take the actions under 14.9 and 14.20 instead of the decision maker.

### **Call-in and Urgency**

- 14.25 Subject to Rule 14.26, call-in does not apply to an urgent decision as defined in Article 13.

- 14.26 In order to rely on Rule 14.25 the decision maker must:

- (a) Obtain the prior consent of the O&S Committee chairman to the decision being treated as urgent. In the absence of the chairman, prior consent may be given by, in order, the vice-chairman or the Group Leaders acting collectively; and
- (b) Request the Proper Officer to record in the decision, and notice by which it is made public, why in the opinion of the decision maker the decision is an urgent one and not subject to call-in.

# Page 19 Calling-In Form

**Please refer to the Overview and Scrutiny Rule 14 in the Council's Constitution for a full explanation of the call in process.**

Please give the name(s) of the member(s) wishing to call in the item. If the member calling in is the Chairman of the Overview and Scrutiny committee then only their name is required.

<b>Councillor</b>	Tim Harman, Chairman of Overview and Scrutiny Committee
<b>Councillor</b>	
<b>Councillor</b>	
<b>Councillor</b>	

**Which item do you wish to call-in?**

<b>Decision maker</b>	Cabinet e.g. Cabinet/Cabinet Deputy/Officer under delegated powers	
<b>Decision date</b>	<b>Item No</b>	<b>Title</b>
16.5.17	6	Application for designation of a Neighbourhood Area and Neighbourhood Forum by Springbank Neighbourhood Forum

**What is the reason for calling-in this item?**

Call-in can only be requested where members have evidence which suggests that the decision maker did not take the decision in accordance with the principles set out in article 13 (decision making) of the Constitution.

Please give as much detail as possible - continue on a separate sheet if necessary.

Having been requested to call-in this item to the Overview and Scrutiny Committee, I am satisfied that Rule 13.1 (h) applies 'due consideration shall be given to all objections' on the grounds that

- An organisation is currently seeking to be designated and the area overlaps with the proposed area
- A previous application, having been refused, is in the process of submitting a subsequent application but is awaiting a response as to the grounds for refusal

**Date/Time submitted:** Thursday 25 May 2017 at 11.15am

**Please deliver/email the completed form to [democratic.Services@cheltenham.gov.uk](mailto:democratic.Services@cheltenham.gov.uk) and mark for the attention of the Proper Officer.**

**The form must be received by 4 pm on the 5<sup>th</sup> working day after the publication of the decision**

All Councillors named on this form will receive written notification of the date and time of the Calling-In Committee meeting to consider this issue and you will be able to set out your concerns in more detail for the Committee's consideration.

**OVERVIEW AND SCRUTINY RULES****RULE 14. CALL-IN****General Principles**

- 14.1 Call-in is the exercise of the power of O&S Committee to review a decision in respect of an executive function that has been made but not yet implemented. Once called-in, the decision cannot be implemented other than in accordance with the call-in procedures set out in this Rule 14.
- 14.2 The following types of decision can be called-in: (i) Cabinet decision; (ii) Cabinet Member decision; (iii) Officer key decision; (iv) decision made under Joint Arrangements  
EXCEPT that a decision to recommend to Council cannot be called-in.
- 14.3 A decision may be called in only once.
- 14.4 A request for call-in can only be made on the basis that the decision maker did not take the decision in accordance with one or more of the Principles of Decision Making as set out in Article 13 of the Constitution.

**Procedure prior to call-in**

- 14.5 When any decision is made by the Cabinet or a Cabinet Member or a key decision is made by an officer, or by a joint committee or officer under joint arrangements, notice of the decision shall be published including, where possible, by electronic means, and shall be available at the Municipal Offices normally within two working days of being made. Copies of all such decisions will be sent to all members of the Council at the same time as being published.
- 14.6 The notice in Rule 14.5 will bear the date on which it is published and will specify that the decision will come into force and may then be implemented, on the expiry of five clear working days after the publication of the decision, unless the decision has been called-in.

**Procedure for calling-in**

- 14.7 During the five clear working day period referred to in Rule 14.6, the Proper Officer shall call-in a decision for scrutiny by O&S Committee if so requested by its Chair or any four members of the Council, provided that full written particulars of the reason(s) for the call-in has been received by the Proper Officer by 4.30 p.m. on the fifth clear working day.
- 14.8 The Proper Officer shall immediately notify the decision maker that a call-in request has been received. The Proper Officer shall call a meeting of the O&S Committee to be held on such date as he/she may determine, where possible after consultation with the O&S Chairman and, in any case, the meeting shall take place within a period of ten clear working days of the receipt by the Proper Officer of a valid call-in request or such longer period as agreed by both the decision maker and the member(s) requesting the call-in.
- 14.9 If O&S Committee does not meet in the period set out in Rule 14.8 the decision can be

implemented immediately at the end of the meeting.

## Page 21

- 14.10 In the event of the member(s) submitting the request for call-in confirming to the Proper Officer in writing that the request is withdrawn, the decision can be implemented immediately.

### **Procedure for scrutinising the decision**

- 14.11 The member(s) submitting the request for call-in will be expected to attend O&S Committee to explain their reasons for the call-in and the alternative course of action or recommendations they wish to propose regarding the decision making process.
- 14.12 The decision maker (represented by the Leader or Lead Member if it is a Cabinet decision and the committee chairman or vice-chairman if it is a joint committee decision) may be required to and shall be entitled to attend O&S Committee and respond to the request for call-in.
- 14.13 Having considered the facts of the call-in and having received any representations from the member(s) who submitted the request and the decision maker, O&S Committee may either:
- (a) Support the decision without qualification or comment, in which case the decision can be implemented immediately; or
  - (b) Make adverse comments (with reference to the Principles for Decision Making in Article 13) regarding the process for reaching the decision but take no adverse view on the decision itself, in which case the decision can be implemented immediately and the O&S Committee comments will be set out in a report to be considered by the decision maker; or
  - (c) Propose modifications to the decision or an alternative to the decision to achieve the same effect, in which case implementation of the decision shall be delayed until the decision maker has received and considered a report from O&S Committee and decided how to proceed; or
  - (d) In exceptional circumstances (to be determined by O&S Committee and recorded in the minutes) to refer the decision to Council for review or scrutiny
- 14.14 O&S Committee may refer the call-in to a sub-committee or a STG for consideration prior to taking action under Rule 14.13 (b)-(d) and, if so, the following shall apply:
- (a) O&S Committee shall meet to take its final decision on the call-in under Rule 14.13 not later than 20 clear working days from the date of the O&S Committee meeting arranged by the Proper Officer under Rule 14.8
  - (b) The member(s) who submitted the call-in and the decision maker (represented by the Leader or Lead Member in respect of a Cabinet decision and the committee chairman or vice-chairman in respect of a joint committee) may be required and shall be entitled to attend before the sub-committee or STG
- 14.15 On receiving a request from the member(s) who submitted the call-in within the 20 clear working day period set out in Rule 14.14 (a), the Proper Officer may extend that period by up to an additional 10 clear working days (potentially allowing up to 30 clear working days for O&S Committee to meet to take its final decision)

- 14.16 If O&S Committee does not meet to consider the call-in within the period set out in Rule 14.14 (a) or such extension to that period as the Proper Officer under Rule 14.15, the decision can be implemented immediately at the end of that period or extended period.

### **Review and scrutiny by Council**

- 14.17 Where O&S Committee decides to refer the call-in to Council under Rule 14.13 (d), Council must consider the matter at its next available meeting (other than an Annual or Annual and Selection Meeting) or, if the next available meeting is not due to be held within 15 clear working days of the O&S Committee meeting, at an Extraordinary Meeting to be convened by the Proper Officer within that time.
- 14.18 If Council does not meet to consider the call-in within the period set out in Rule 14.17 the decision can be implemented immediately at the end of that period.
- 14.19 If Council does meet to consider the call-in within the period set out in Rule 14.17 but defers consideration of all or part of the call-in to a future Council meeting, Council shall meet to make its final decision on the call-in within 60 clear working days of the receipt of the call-in under Rule 14.7. If Council does not meet to consider the call-in within that 60 clear working day period, the decision can be implemented immediately at the end of that period.
- 14.20 Having considered the facts of the call-in and any recommendations from O&S Committee and having received any representations from the member(s) who submitted the request and the decision maker, Council may either:
- (a) Support the decision without qualification or comment, in which case the decision can be implemented immediately; or
  - (b) Make adverse comments (with reference to the Principles for Decision Making in Article 13) regarding the process for reaching the decision but take no adverse view on the decision itself, in which case the decision can be implemented immediately and Council comments will be set out in a report to be considered by the decision maker; or
  - (c) Propose modifications to the decision or an alternative to the decision to achieve the same effect, in which case implementation of the decision shall be delayed until the decision maker has received and considered a report from Council and decided how to proceed.
- 14.21 Where the call-in relates to a failure to comply with the Budget and Policy Framework Rules Council may, in addition to its powers under Rule 14.20:
- (a) amend the Budget or the Policy Framework to allow the decision to be implemented in compliance with the Budget and Policy Framework Rules,
  - (b) authorise the decision to be implemented as a departure from the Budget or the Policy Framework.

### **Action by the decision maker following call-in**

- 14.22 On receiving a report from O&S Committee or Council, the decision maker shall consider the report and any recommendations and report to the next available O&S Committee the outcome of that consideration.

14.23 Where O&S Committee or Council proposes actions to or an alternative to the decision that was called in, the decision maker shall either.

Page 23

- (a) Confirm the called-in decision without modification; or
- (b) Confirm the called-in decision with modification; or
- (c) Rescind the called-in decision, take the alternative decision proposed, or propose a new decision.

14.24 Where the decision maker is acting under delegated powers, they may refer the report or proposals from O&S Committee or Council to the delegator to take the actions under 14.9 and 14.20 instead of the decision maker.

### **Call-in and Urgency**

14.25 Subject to Rule 14.26, call-in does not apply to an urgent decision as defined in Article 13.

14.26 In order to rely on Rule 14.25 the decision maker must:

- (a) Obtain the prior consent of the O&S Committee chairman to the decision being treated as urgent. In the absence of the chairman, prior consent may be given by, in order, the vice-chairman or the Group Leaders acting collectively; and
- (b) Request the Proper Officer to record in the decision, and notice by which it is made public, why in the opinion of the decision maker the decision is an urgent one and not subject to call-in.



**Call in Springbank Neighbourhood Forum and Area designation decision – 16 May 2017**

**Questions for witnesses to be asked at the O&S meeting on 12 June 2017**

**Councillor Wendy Flynn**

The chair of O&S will invite Councillor Wendy Flynn to explain the reasons why she requested the chair to call in the decision.

Members of O&S will be able to ask any questions.

**Cabinet Member Development and Safety– Councillor Andrew McKinlay**

1. The reasons for the call in are that insufficient consideration was given to all objections. Would you like to comment on the objections detailed in the call-in.

**Development Manager Strategy – Phil Stephenson**

2. What professional advice did you give to Cabinet Members regarding this application?
3. Why was this different from the previous application which was refused?
4. Can you outline the timescales for considering a neighbourhood application and is there any requirement in the neighbourhood regulations for Cabinet to have made a decision by a particular date. What happens if this decision is deferred for any reason?

**Director of Planning – Tracey Crews**

5. In the objection received by Cllr Flynn on 8 May there was a strong indication that she would call in the decision if passed. Was any action taken on that before the report went to Cabinet?



Page 27  
Cheltenham Borough Council  
Cabinet 16th May 2017

**Application for designation of a Neighbourhood Area and  
Neighbourhood Forum by the Springbank Neighbourhood Forum**

<b>Accountable member</b>	<b>Councillor McKinlay – Lead Member for Local Development Plan</b>
<b>Accountable officer</b>	<b>Tracey Crews – Director of Planning</b>
<b>Ward(s) affected</b>	<b>Springbank</b>
<b>Executive summary</b>	<p>Cheltenham Borough Council has a statutory duty to advise or assist communities in the preparation of Neighbourhood Development Plans (NDP). The Localism Act 2011 sets out the Local Planning Authority's (LPA) responsibilities including designating Neighbourhood Plan Areas by inserting provisions into the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004 and the Neighbourhood Planning (General) Regulations 2012 (as amended).</p> <p>An application to designate a neighbourhood plan area and designate the Springbank Neighbourhood Forum as the neighbourhood forum for that area has been received. This application has been assessed against the requirements set out in the legislation and is considered to meet the requirements to enable designation of the neighbourhood area and of the neighbourhood forum. The Council's Neighbourhood Planning Protocol has been used to guide officers in assessing the application.</p> <p>Approval of this application enables the Springbank Neighbourhood Forum to prepare a NDP for the area covered by the designation.</p>
<b>Recommendations</b>	<ol style="list-style-type: none"><li><b>1. To approve the designation of the Springbank Neighbourhood Forum area (the current Springbank Ward) for the purpose of preparing a Neighbourhood Development Plan.</b></li><li><b>2. To approve the designation of the Springbank Neighbourhood Forum as neighbourhood forum as defined by the Localism Act 2011.</b></li></ol>

<b>Financial implications</b>	<p>Additional financial contributions are available from DCLG to support Neighbourhood Planning. This is in recognition of the legal obligations placed upon the Council to provide advice and support to those seeking to introduce a Neighbourhood Development Plan (NDP). This advice and support also includes arranging for the examination of the NDP and the referendum on the NDP. The Council may submit claims to the DCLG to cover the expenditure within the set limits. At present a local authority may submit claims of up to £30,000 for each completed NDP for consideration by the DCLG, made up of £20,000 once they have set a date for a referendum following a successful examination; £5,000 for the first five neighbourhood areas designated and £5,000 for the first five neighbourhood forums designated.</p> <p>There will be resource implications for Officers due to the requirement to provide some assistance and advise communities in the preparation of a Neighbourhood Plan; checking a submitted Plan meets legal requirements, arranging for the independent examination of the Plan; determining whether the Neighbourhood Plan meets the basic conditions and other legal requirements, arranging a referendum, and, subject to the results of the referendum, bringing the Plan into force.</p> <p>Appropriate claims to the DCLG will need to be made to ensure the additional cost burden to the Council is mitigated.</p> <p>Contact officer: Sarah Didcote, Business Partner Manager sarah.didcote@cheltenham.gov.uk, 01242 264125</p>
<b>Legal implications</b>	<p>This work is pursuant to Sections 61G and 61H of the Town and Country Planning Act 1990 as inserted by the Localism Act 2011 and applied by Section 38C of the Planning and Compulsory Purchase Act 2004 and the Neighbourhood Planning (General) Regulations 2012 as amended by the Neighbourhood Planning (General) (Amendment) Regulations 2015.</p> <p><b>Contact officer: Nick Jonathan, <i>nick.jonathan@tewkesbury.gov.uk</i>, 01684 272032</b></p>
<b>HR implications (including learning and organisational development)</b>	<p>Officers are working closely with the neighbourhood forum. Officer resources will be programmed as appropriate.</p> <p>There are no Trade Union implications.</p> <p><b>Contact officer: Julie McCarthy, <i>julie.mccarthy@cheltenham.gov.uk</i>, 01242 777249</b></p>
<b>Key risks</b>	<p>Local authorities are required to provide assistance to parish councils and neighbourhood forums in the neighbourhood planning process. They must take decisions as soon as possible and within statutory time periods. If the Council does not act constructively and make decisions on time then there is a risk that it will fail its statutory duties.</p>

<b>Environmental/Social/ Equality Implications</b>	<p>There are no known implications at this stage; however a neighbourhood development plan may require a strategic environmental assessment (SEA) under the EU Regulations and/or a Habitat Regulations Assessment (HRA). This will depend on the content of the neighbourhood plan.</p> <p>Preparation of Neighbourhood Development Plans could have implications for biodiversity, habitats, energy usage, waste and recycling and/or protected species. These would need to be considered by the body preparing the Plan as appropriate.</p> <p>The responsibility resides with the authorised body however the Borough Council may wish to support the authorised body to undertake a SEA/HRA screening of draft plans to determine whether a SEA and/or HRA will be required.</p>
--	--

## 1. Background

- 1.1 The planning system helps decide what gets built, where and when. It is essential for supporting economic growth, improving people's quality of life, and protecting the natural environment. The Government's intention is to give local communities a greater say in planning decisions by providing the opportunity to prepare a 'Neighbourhood Development Plan', also known as a Neighbourhood Plan (NP).
- 1.2 Neighbourhood planning was introduced through the Localism Act 2011 with specific legislation the *Neighbourhood Planning (General) Regulations 2012* and subsequently amended by the *Neighbourhood Planning (General) Regulations 2015* came into force in April 2012 and February 2015 respectively. The report will refer to these as "the 2012 Regulations".
- 1.3 NPs are a statutory community-led framework for guiding the future development and growth of an area. NPs relate to the use and development of land and associated social, economic and environmental issues. NPs can establish general planning policies for the development and use of land in a neighbourhood, for example where new homes and offices should be built and what they should look like. The NP can be detailed or general, depending what local people want. However, NPs still need to meet the needs of the wider area, which will be set out through the Joint Core Strategy and the Cheltenham Plan.
- 1.4 NPs will be subject to full public engagement, examination and a public referendum. Once adopted a NP will form part of the statutory development plan (along with the Joint Core Strategy and Cheltenham Plan), which is used for guiding decisions on planning applications.
- 1.5 The presumption is that local authorities will designate neighbourhood areas on existing parish boundaries unless there is a valid planning reason not to do so. In non-parished areas, community and business groups can apply as long as they are able to demonstrate that they qualify as a relevant body and that its neighbourhood area/boundaries are justified. They will be classified as a neighbourhood forum. There are specific rules associated with running a forum.
- 1.6 This is the second application the Borough has received to designate a neighbourhood forum in the west of Cheltenham. The first application, submitted by the West Cheltenham Neighbourhood Forum, was consulted on in September and October 2016 and refused by Cabinet on 13<sup>th</sup> December 2016. The reasons for refusal were:

*The Council considers that the submitted forum application has been made for an area which is not appropriate as a neighbourhood area. The area cuts across ward boundaries and includes a number of separate communities, which would reduce community cohesion.*

*The Council considers that because the area applied for is not agreed as constituting an appropriate area, the membership of the applied for forum cannot be found to comply with Section 61F(5) of the Town and Country Planning Act 1990 part (c); having a membership of "a minimum of 21 individuals each of whom lives in the neighbourhood area concerned"*

- 1.7** The current application differs from the previous application in several key ways. Firstly, it has been submitted by a different organisation (Springbank Neighbourhood Forum). Secondly, the current application area follows the boundary of the Springbank ward whereas the previous application included Springbank ward as well as Hesters Way ward and the majority of St. Mark's and St. Peter's wards.
- 1.8** Local Planning Authorities have a statutory duty to advise or assist communities in the preparation of NPs and to take Plans through a process of independent examination. The Council's responsibilities include:
- Designating the area of the NP;
  - Designate neighbourhood forums;
  - Advising or assisting communities in the preparation of a Neighbourhood Plan;
  - Checking a submitted Plan meets legal requirements;
  - Arranging for the independent examination of the Plan;
  - Determining whether the NP meets the basic conditions and other legal requirements;
  - Arranging a referendum to ensure that the local community has the final say on whether a NP comes into force in their area; and
  - Subject to the results of the referendum, bringing the Plan into force.

## **2. Process for designation of a neighbourhood area**

- 2.1** The 2012 Regulations specify that the following must be submitted by the relevant body:
- A map identifying the proposed Neighbourhood Area (Regulation 5(1)(a));
  - A statement explaining why the area is appropriate to be designated as a Neighbourhood Area (Regulation 5(1)(b)); and
  - A statement explaining that the body making the area application is capable of being a relevant body (Regulation 5(1)(c)).
- 2.2** Prior to the Council determining the application the Council is required to publicise the application for a period of not less than six weeks to invite representations on the proposal. The application is required to be publicised on the Borough Council's website and in any other such manner as is considered likely to bring the application to the attention of people who live, work or carry out business in the area to which the application relates.
- 2.3** The Local Authority is required to determine this application within thirteen weeks of first being publicised having regard to the following matters set out in Sections 61G and 61H of the Town and Country Planning Act 1990 and the 2012 Regulations (as amended):
- 1) Is the organisation making the application a relevant body?
  - 2) Is the area identified for designation as a Neighbourhood Area considered appropriate?

- 3) Would the area more appropriately be designated as a business area i.e. the area is wholly or predominantly in business use?
- 4) Does the area overlap with another designated area?
- 5) Any comments received during the public consultation.

### **3. Process for designation of a neighbourhood forum**

**3.1** The 2012 Regulations (as amended) specify that the following must be submitted by the relevant body as part of an application for designation of a neighbourhood forum:

- The name of the proposed neighbourhood forum;
- A copy of the written constitution of the proposed neighbourhood forum;
- The name of the neighbourhood area to which the application relates and a map which identifies the area;
- The contact details of at least one member of the proposed neighbourhood forum to be made public in regulations 9 and 10; and
- A statement which explains how the proposed neighbourhood forum meets the conditions contain in section 61F(5) of the 1990 Act.

### **4. Springbank Neighbourhood Forum Application**

**4.1** An application to designate a neighbourhood plan area and designate the Springbank Neighbourhood Forum as the neighbourhood forum for that area was accepted on 28<sup>th</sup> March 2017. The application must be determined before the 27<sup>th</sup> of June 2017.

**4.2** Consultation on the applications began immediately and ran for six weeks until 9<sup>th</sup> May 2017. The application was published on the Council's website ([www.cheltenham.gov.uk/info/1004/planning\\_policy/1155/neighbourhood\\_plans](http://www.cheltenham.gov.uk/info/1004/planning_policy/1155/neighbourhood_plans)) and was made available in the following locations:

- Municipal Offices; Charlton Kings Library; Cheltenham Library; Hesters Way Library and Community Resource Centre; Prestbury Library; Up Hatherley Library; Bishop's Cleeve Library; Springbank Community Resource Centre, Cheltenham West End Partnership Community Resource Centre; and Oakley Community Resource Centre.

**4.3** The application has been considered and assessed against the matters set out in sections two and three:

- 1) The Springbank Neighbourhood Forum qualifies as a relevant body to make an application (see Appendix 2 for the criteria set out in section 61F of the 1990 Act and section 8 of the 2012 regulations);
- 2) The area proposed to be designated does not include any parish or any organisation currently seeking to be designated and there are no other designated areas that overlap with the proposed area;
- 3) The area proposed for designation cannot be described as being wholly or predominantly in business use and, therefore, it would be inappropriate to designate the area as a business area;
- 4) The area proposed is supported by a statement explaining why the area is considered

appropriate.

- 4.4** A total of 16 representations have been received in respect of this designation. 11 are in favour, 4 against and 1 is neutral. The majority of the supportive comments see the Springbank Neighbourhood Forum as offering local people the opportunity to have more of an input into West Cheltenham JCS Strategic Allocation. Those who object feel that the Springbank Neighbourhood Forum is not representative of the area and dissects communities. The representations are provided in full in appendix 5.
- 4.5** Officers can, on balance, see no planning reason to object to this application. Officers recommend the designation should be approved and the Forum should be enabled to continue to produce their neighbourhood plan. Cabinet members must take into account the desirability of designating a forum whose membership is drawn from different places and sections of the community in that area.

## **5. Relevant Council Policies and Strategies**

**5.1** The following plans are considered relevant:

- Cheltenham Borough Council Local Plan, Second Review (adopted July 2006)
- Joint Core Strategy: Submission version (November 2014)
- Joint Core Strategy Main Modifications (February 2017)
- Emerging Cheltenham Plan (part one). Preferred Options consultation: February to April 2017

## **6. Alternative options Considered**

**6.1** The neighbourhood area application process is a statutory requirement, so for this reason there is no suitable alternative to its approval. Sign-off has been delegated to Cabinet as per the Council's Neighbourhood Planning Protocol adopted on 14<sup>th</sup> December 2015.

## **7. Consultation and feedback**

**7.1** The prescribed date for determining an area application is thirteen weeks from the date immediately following that on which the application is first publicised.

## **8. Performance management –monitoring and review**

**8.1** The main consideration for the Council is to ensure it carries out its duty to determine the application within eight weeks of the application first being publicised. This has been achieved.

<b>Report author</b>	<b>Contact officer:</b> John Rowley, Senior Planning Policy Officer John.rowley@cheltenham.gov.uk, 01242 774928
<b>Appendices</b>	<ol style="list-style-type: none"> <li>1. Risk Assessment</li> <li>2. Neighbourhood Planning Criteria</li> <li>3. Application for Designation of a Neighbourhood Plan Forum and Area</li> <li>4. Springbank Neighbourhood Forum Constitution</li> <li>5. Consultation Representations</li> </ol>
<b>Background information</b>	All background information regarding the application will be made available on the Council's website.

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	Local authorities are required to provide assistance to parish councils and neighbourhood forums in the neighbourhood planning process. They must take decisions as soon as possible and within statutory time periods. If the Council does not act constructively and make decisions on time then there is a risk that it will fail its statutory duties.	Tracey Crews	26.4.17	2	2	4	Accept	None	N/A	John Rowley	N/A if the recommendations of this report are agreed.
<b>Explanatory notes</b> <b>Impact</b> – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical) <b>Likelihood</b> – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability) <b>Control</b> - Either: Reduce / Accept / Transfer to 3rd party / Close											

**Extract from The Town and Country Planning Act 1990 as amended****61F Authorisation to act in relation to neighbourhood areas**

- (1) For the purposes of a neighbourhood development order, a parish council are authorised to act in relation to a neighbourhood area if that area consists of or includes the whole or any part of the area of the council.
- (2) If that neighbourhood area also includes the whole or any part of the area of another parish council, the parish council is authorised for those purposes to act in relation to that neighbourhood area only if the other parish council have given their consent.
- (3) For the purposes of a neighbourhood development order, an organisation or body is authorised to act in relation to a neighbourhood area if it is designated by a local planning authority as a neighbourhood forum for that area.
- (4) An organisation or body may be designated for a neighbourhood area only if that area does not consist of or include the whole or any part of the area of a parish council.
- (5) A local planning authority may designate an organisation or body as a neighbourhood forum if the authority are satisfied that it meets the following conditions—
  - (a) it is established for the express purpose of promoting or improving the social, economic and environmental well-being of an area that consists of or includes the neighbourhood area concerned (whether or not it is also established for the express purpose of promoting the carrying on of trades, professions or other businesses in such an area),
  - (b) its membership is open to—
    - (i) individuals who live in the neighbourhood area concerned,
    - (ii) individuals who work there (whether for businesses carried on there or otherwise), and
    - (iii) individuals who are elected members of a county council, district council or London borough council any of whose area falls within the neighbourhood area concerned,
  - (c) its membership includes a minimum of 21 individuals each of whom—
    - (i) lives in the neighbourhood area concerned,
    - (ii) works there (whether for a business carried on there or otherwise), or
    - (iii) is an elected member of a county council, district council or London borough council any of whose area falls within the neighbourhood area concerned,
  - (d) it has a written constitution, and
  - (e) such other conditions as may be prescribed.
- (6) A local planning authority may also designate an organisation or body as a neighbourhood forum if they are satisfied that the organisation or body meets prescribed conditions.
- (7) A local planning authority—
  - (a) must, in determining under subsection (5) whether to designate an organisation or body as a neighbourhood forum for a neighbourhood area, have regard to the desirability of designating

an organisation or body—

- (i) which has secured (or taken reasonable steps to attempt to secure) that its membership includes at least one individual falling within each of sub-paragraphs (i) to (iii) of subsection (5)(b),
  - (ii) whose membership is drawn from different places in the neighbourhood area concerned and from different sections of the community in that area, and
  - (iii) whose purpose reflects (in general terms) the character of that area,
- (b) may designate only one organisation or body as a neighbourhood forum for each neighbourhood area,
- (c) may designate an organisation or body as a neighbourhood forum only if the organisation or body has made an application to be designated, and
- (d) must give reasons to an organisation or body applying to be designated as a neighbourhood forum where the authority refuse the application.

(8) A designation—

- (a) ceases to have effect at the end of the period of 5 years beginning with the day on which it is made but without affecting the validity of any proposal for a neighbourhood development order made before the end of that period, and
- (b) in the case of the designation of an unincorporated association, is not to be affected merely because of a change in the membership of the association.

(9) A local planning authority may withdraw an organisation or body's designation as a neighbourhood forum if they consider that the organisation or body is no longer meeting—

- (a) the conditions by reference to which it was designated, or
- (b) any other criteria to which the authority were required to have regard in making the designation;

and, where an organisation or body's designation is withdrawn, the authority must give reasons to the organisation or body.

(10) A proposal for a neighbourhood development order by a parish council or neighbourhood forum may not be made at any time in relation to a neighbourhood area if there is at that time another proposal by the council or forum in relation to that area that is outstanding.

(11) Each local planning authority must make such arrangements as they consider appropriate for making people aware as to the times when organisations or bodies could make applications to be designated as neighbourhood forums for neighbourhood areas.

(12) Regulations—

- (a) may make provision in connection with proposals made by qualifying bodies for neighbourhood development orders, and
- (b) may make provision in connection with designations (or withdrawals of designations) of organisations or bodies as neighbourhood forums (including provision of a kind mentioned in section 61G(11)(a) to (g)).

(13) The regulations may in particular make provision—

- (a) as to the consequences of the creation of a new parish council, or a change in the area of a parish council, on any proposal made for a neighbourhood development order,
- (b) as to the consequences of the dissolution of a neighbourhood forum on any proposal for a neighbourhood development order made by it,
- (c) suspending the operation of any duty of a local planning authority under paragraph 6 or 7 of Schedule 4B in cases where they are considering the withdrawal of the designation of an organisation or body as a neighbourhood forum,
- (d) for determining when a proposal for a neighbourhood development order is to be regarded as outstanding, and
- (e) requiring a local planning authority to have regard (in addition, where relevant, to the matters set out in subsection (7)(a)) to prescribed matters in determining whether to designate an organisation or body as a neighbourhood forum.

### **Extract from The Neighbourhood Planning (General) Regulations 2012**

#### **Application for designation of a neighbourhood area**

6. —(1) Where a relevant body(1) submits an area application to the local planning authority it must include—
- (a) a map which identifies the area to which the area application relates;
  - (b) a statement explaining why this area is considered appropriate to be designated as a neighbourhood area; and
  - (c) a statement that the organisation or body making the area application is a relevant body for the purposes of section 61G of the 1990 Act.
- (2) A local planning authority may decline to consider an area application if the relevant body has already made an area application and a decision has not yet been made on that application.

#### **Application for designation of a neighbourhood forum**

Where an organisation or body submits a neighbourhood forum application to the local planning authority it must include—

- (a) the name of the proposed neighbourhood forum;
- (b) a copy of the written constitution of the proposed neighbourhood forum;
- (c) the name of the neighbourhood area to which the application relates and a map which identifies the area;
- (d) the contact details of at least one member of the proposed neighbourhood forum to be made public under regulations 9 and 10; and
- (e) a statement which explains how the proposed neighbourhood forum meets the conditions contained in section 61F(5) of the 1990 Act.

## Neighbourhood Forum and Area Application Form

### 1. Name of the proposed Neighbourhood Forum

Springbank Neighbourhood Forum

### 2. Name of the proposed Neighbourhood Area

Springbank (as defined by the Cheltenham Borough Council ward boundary)

### 3. Primary contact details (these will be made publically available)

The Neighbourhood Planning (General) Regulations 2012 Regulations 8, 9 and 10 requires details of at least one member of the proposed neighbourhood forum to be made public. Contact information provided in this section will be published.

Title	Mr
First name	Adrian
Surname	Kingsbury
Address	76 Henley Road Springbank Cheltenham Glos
Postcode	GL51 0PD
Phone	07789 278863
e-mail	springbankforum@gmail.com

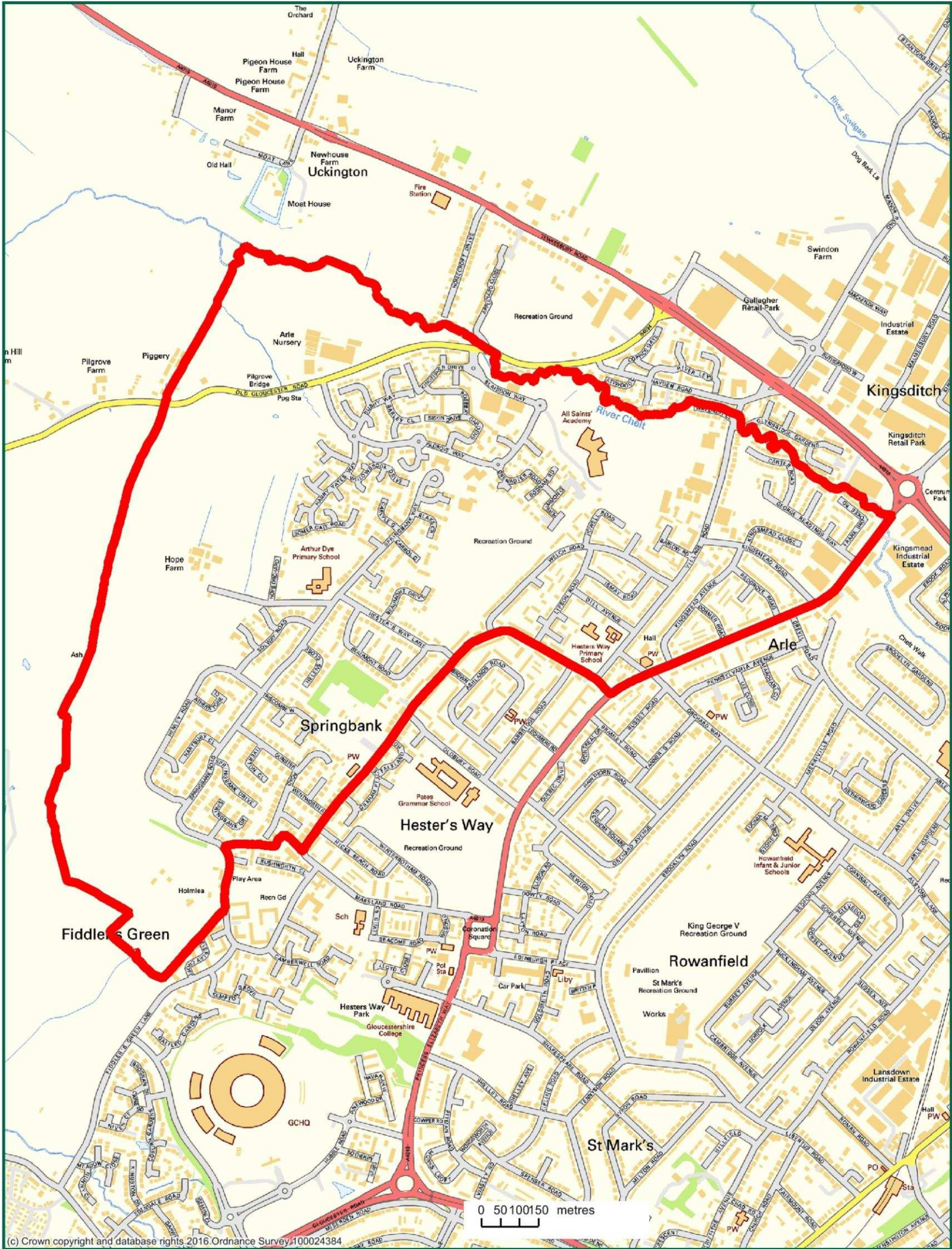
### 4. List of the proposed forum members and what their interest is (i.e. resident, worker, councillor)

	Name	Resident or Business Address if worker please include the name of the company	Interest in area		
			Resident	Worker	Councillor
1	MICHAEL BARNES	8 SOLWAY ROAD, SPRINGBANK, CHELTENHAM, GL51 0LZ	X		
2	DENISE BARNES	8 SOLWAY ROAD, SPRINGBANK, CHELTENHAM, GL51 0LZ	X		
3	PETER JEFFRIES	165 GEORGE READINGS WAY, CHELTENAHM, GL51 0UT	X		X
4	SHARON JEFFRIES	165 GEORGE READINGS WAY, CHELTENAHM, GL51 0UT	X		

5	SUSAN MILLS	38 HENLEY ROAD, SPRINGBANK, CHELTENHAM, GL51 0LD	X		
6	ERIC MILLS	38 HENLEY ROAD, SPRINGBANK, CHELTENHAM, GL51 0LD	X		
7	LUKE MILLS	32 HAZELDEAN ROAD, CAVENDISH PARK, CHELTENHAM, GL51 0QF	X		
8	BECKY MILLS	32 HAZELDEAN ROAD, CAVENDISH PARK, CHELTENHAM, GL51 0QF	X		
9	CAROL KINGSBURY	76 HENLEY ROAD, SPRINGBANK, CHELTENHAM, GL51 0PD	X	X	
10	ADRIAN KINGSBURY	76 HENLEY ROAD, SPRINGBANK, CHELTENHAM, GL51 0PD	X		
11	SUZANNE WILLIAMS	34 FRANK BROOKES ROAD, CHELTENHAM, GL51 0UW	X		X
12	ANDREW WILLIAMS	34 FRANK BROOKES ROAD, CHELTENHAM, GL51 0UW	X		
13	ANDREW HEGENBARTH	21 WILLOWBROOK DRIVE, CAVENDISH PARK, CHELTENHAM, GL51 0PU	X		
14	REBECCA JONES	80 HENLEY ROAD, SPRINGBANK, CHELTENHAM, GL51 0PD	X	X	
15	GARY JONES	80 HENLEY ROAD, SPRINGBANK, CHELTENHAM, GL51 0PD	X		
16	TERRY JONES	66 HENLEY ROAD, SPRINGBANK, CHELTENHAM, GL51 0PD	X		
17	TINA JONES	66 HENLEY ROAD, SPRINGBANK, CHELTENHAM, GL51 0PD	X		
18	ROGER HOPKINS	50 HENLEY ROAD, SPRINGBANK, CHELTENHAM, GL51 0PD	X	X	
19	CAROL HOPKINS	50 HENLEY ROAD, SPRINGBANK, CHELTENHAM, GL51 0PD	X		
20	LOURDES LEAL HERNANDEZ	44 HENLEY ROAD, SPRINGBANK, CHELTENHAM, GL51 0LD	X		
21	MIGUEL A. ARRAUZ CARRERO	44 HENLEY ROAD, SPRINGBANK, CHELTENHAM, GL51 0LD	X		
	Name	Resident or Business Address if worker please include the name of the company	Interest in area		
			Resident	Worker	Councillor
22	MARGARET HOLT	46 HENLEY ROAD, SPRINGBANK, CHELTENHAM, GL51 0LD	X		
23	PETER HOLT	46 HENLEY ROAD, SPRINGBANK, CHELTENHAM, GL51 0LD	X		
24	VALERIE TAYLOR	28 HENLEY ROAD, SPRINGBANK, CHELTENHAM, GL51 0LD	X		
25	MICHAEL TAYLOR	28 HENLEY ROAD, SPRINGBANK, CHELTENHAM, GL51 0LD	X		
26	VANESSA HOPTON	120 GEORGE READINGS WAY, CHELTENHAM, GL51 0UT	X		
27	BARRY HOPTON	120 GEORGE READINGS WAY, CHELTENHAM, GL51 0UT	X	X	
28	JACK REYNOLDS	31 BEAUMONT ROAD, SPRINGBANK, CHELTENHAM, GL51 0LP	X		
29	ERIKA COLLINS	31 BEAUMONT ROAD, SPRINGBANK, CHELTENHAM, GL51 0LP	X		
30	CHRIS CLARKE	6 SPRINGBANK GROVE, SPRINGBANK,	X		

		CHELTENHAM, GL51 0PQ			
31	RAY CLARKE	6 SPRINGBANK GROVE, SPRINGBANK, CHELTENHAM, GL51 0PQ	X		
32	CHRISTINE HANCOCK	70 HENLEY ROAD, SPRINGBANK, CHELTENHAM, GL51 0PD	X		
33	GRAHAM HANCOCK	70 HENLEY ROAD, SPRINGBANK, CHELTENHAM, GL51 0PD	X		
34	MARY ROGERS	14 SPRINGBANK GROVE, SPRINGBANK, CHELTENHAM, GL51 0PQ	X		
35	T.M. ROGERS	14 SPRINGBANK GROVE, SPRINGBANK, CHELTENHAM, GL51 0PQ	X		
36	JEAN GLADWELL	3 ETTINGTON CLOSE, SPRINGBANK, CHELTENHAM, GL51 0NY	X		
37	TERRY GLADWELL	3 ETTINGTON CLOSE, SPRINGBANK, CHELTENHAM, GL51 0NY	X		
38	ALISON BENDALL	4 ETTINGTON CLOSE, SPRINGBANK, CHELTENHAM, GL51 0NY	X		
39	ANDREW BRIERLEY	33 DUNSTER ROAD, SPRINGBANK, CHELTENHAM, GL51 0NL	X		
40	FAYE BRIERLEY	33 DUNSTER ROAD, SPRINGBANK, CHELTENHAM, GL51 0NL	X		
41	JOHN R O'NION	4 ETTINGTON CLOSE, SPRINGBANK, CHELTENHAM, GL51 0NY	X		
42	DIANA O'NION	4 ETTINGTON CLOSE, SPRINGBANK, CHELTENHAM, GL51 0NY	X		

4. An OS map at an appropriate scale which clearly identifies the proposed Neighbourhood Area



Springbank Neighbourhood Forum Area

1:9000  
16 March 2017



**5. A statement explaining why this area is considered appropriate to be designated as a neighbourhood area.**

The area is considered appropriate and practical to designate as a neighbourhood area as it covers the Springbank ward administrative area and would work as required to create a plan in conjunction with other wards or adjoining parish or borough councils where such plans may influence or be influenced by these areas.

**6. A statement which explains how the proposed Neighbourhood Forum meets the conditions contained in Section 61F(5), Schedule 9 of the Town and Country Planning Act 1990**

See attached Springbank Neighbourhood Forum Constitution

**7. A brief statement setting out the main intention for establishing the Neighbourhood Forum**

The Springbank Neighbourhood Forum has been established to promote the social economic and environmental well-being of the neighbourhood plan area, with specific aims of maintaining the open residential character of the neighbourhood, promote the availability, maintenance and use of green spaces, and encourage the creation of affordable housing where space permits, in a similar low density format complementing the existing neighbourhood area.

**8. A copy of the written constitution for the proposed Neighbourhood Forum**

See attached Springbank Neighbourhood Forum Constitution

## **SPRINGBANK NEIGHBOURHOOD FORUM CONSTITUTION**

### **1. Name of Organisation**

Springbank Neighbourhood Forum (SNF)

### **2. Aims**

The Forum aims to promote or improve the social, economic and environmental wellbeing and conditions in the Springbank area as shown on the attached plan (the area), particularly through the preparation and implementation of a Neighbourhood Plan.

### **3. Membership**

3.1 The membership of the Forum is open to:

- ☐ Individuals who live in the area
- ☐ Individuals who work in the area
- ☐ individuals elected members of Cheltenham Borough Council and/or Gloucestershire County Council whose ward or division includes the area.

3.2 The Forum must have a minimum membership of 21 individuals, each of whom either

- ☐ lives in the area
- ☐ works in the area
- ☐ are elected members of Cheltenham Borough Council and/or Gloucestershire County Council whose ward or division includes the area.

3.3 The Forum will strive to have a minimum of one member from each of the three categories in 3.2 above

3.4 The Forum will be as representative as possible of the people who live and work in the area. Thus membership will be drawn from different places in the area and from different sections of the community.

3.5 Membership will begin as soon as the membership form has been received.

3.6 A list of members will be kept by the Membership Secretary.

3.7 Ceasing to be a Member:

3.7.1 Members may resign at any time in writing to the Secretary

3.7.2 Offensive behaviour, including racist, sexist or inflammatory remarks, will not be permitted. Anyone behaving in an offensive way or breaking the equal opportunities policy may be asked not to attend further meetings or to resign from the group if an apology is not given or the behaviour is repeated. The individual concerned shall have the right to be heard by the Committee, accompanied by a friend, before a final decision is made.

### **4. Equal opportunities**

The SNF will not discriminate on grounds of gender, race, colour, ethnic or national origin, sexuality, disability, religious or political belief, marital status or age.

## **5. Officers and Committee**

The business of the Forum will be managed by a Committee.

5.1. The Officers of the Committee will initially be as follows:

Chair

Secretary

Treasurer

Further Officers shall be appointed all the Committee deem necessary

Working Group Leaders and Deputies

5.2 The officers of the Committee (Chair, Secretary, and Treasurer) will be elected at the Annual General Meeting of the Forum.

5.3 In the event of an officer standing down during the year a replacement will be elected by the next General Meeting of members.

5.4 Any Committee member not attending a meeting without apology for three months will be contacted by the Committee and asked if they wish to resign.

5.5 The officers' roles are as follows:

- ☐ Chair, who shall chair both general and Committee meetings
- ☐ Secretary, who shall be responsible for the taking of minutes and the distribution of all papers
- ☐ Treasurer who shall be responsible for maintaining accounts

5.6 The Committee has the power to co-opt up to 5 additional members to ensure maximum feasible representativeness of the people who live and/or work in the area.

5.7 Committee responsibilities:

5.7.1 The overall management of the business of the Forum

5.7.2 Coordinating the work of the Working Groups (Working Groups are referred to in more detail at paragraph 7)

5.7.3 Drafting, agreeing and promoting the implementation of the Springbank Neighbourhood Plan 2017-2031

5.8 Committee meetings

5.8.1 The Committee will meet a minimum of 4 times a year.

5.8.2 The quorum for the Committee will be 5 members

## **6. Meetings of the Forum**

### **6.1 Annual General Meeting**

6.1.1 An Annual General Meeting (AGM) will be held within fifteen months of the previous AGM.

6.1.2 All members will be notified in writing at least 3 weeks before the date of the meeting, giving the venue, date and time.

6.1.3 Nominations of officers for the Committee may be made to the Secretary before the meeting, or at the meeting.

6.1.4 The quorum for the AGM will be 10 members,

**6.1.5 At the AGM:**

- ☐ The Committee will present a report of the work of the SNF over the year.
- ☐ The Committee will present the accounts of the SNF for the previous year.
- ☐ The officers and Committee for the next year will be elected.
- ☐ Any proposals given to the Secretary at least 7 days in advance of the meeting will be discussed

**6.2 Special General Meetings**

6.2.1 The Secretary will call a Special General Meeting at the request of the majority of the Committee or at least eight other members giving a written request to the Chair or Secretary stating the reason for their request.

6.2.2 The meeting will take place within twenty-one days of the request.

6.2.3 All members will be given two weeks' notice of such a meeting, giving the venue, date, time and agenda. Notice may be by telephone, email or post.

6.2.4 The quorum for the Special General Meeting will be 10 members, whichever is the greater number.

**6.3 Rules of Procedure for Committee Meetings, Annual General Meetings and Special General Meetings**

6.3.1 All questions that arise at any meeting will be discussed openly and the meeting will seek to find general agreement that everyone present can agree to.

6.3.2 If a consensus cannot be reached, a vote will be taken and a decision will be made by a simple majority of members present. If the numbers of votes cast on each side are equal, the chair of the meeting shall have an additional casting vote.

**7. Working Groups**

7.1 The Working Groups and their Leaders are established by the Committee.

7.2 A Working Group will comprise a minimum of 2 people from the Forum area.

7.3 Working Groups develop the working arrangements which suit them best and meet as required to investigate and discuss the issues assigned to them.

7.4 The leader or deputy leader reports to the Forum Committee normally once per month.

**8. Partner Organisations**

8.1 To further its aims, the Forum will work in partnership with relevant public, private and community/voluntary sector organisations.

8.2 The work of the Forum will complement, rather than duplicate, the work of other voluntary and community sector organisations in the area.

**9. Finances**

9.1 An account will be maintained on behalf of the Forum at a bank agreed by the Committee. Two cheque signatories will be nominated by the Committee (one to be the Treasurer). Any two of these must sign every cheque. The signatories must not be related nor members of the same household.

9.2 Records of income and expenditure will be maintained by the Treasurer and a financial statement given to each meeting.

9.3 All money raised by or on behalf of the SNF is only to be used to further the aims of the group, as specified in item 2 of this Constitution.

## 10. Amendments to the Constitution

10.1 Amendments to the constitution may only be made at the Annual General Meeting or a Special General Meeting.

10.2 Any proposal to amend the constitution must be given to the Secretary in writing. The proposal must then be circulated with the notice of the meeting.

10.3 Any proposal to amend the constitution will require a two thirds majority of those present and entitled to vote.

## 11. Dissolution

11.1 If a meeting of the Management Committee, by simple majority, decides that it is necessary to close down the Forum it may call a Special General Meeting to do so. The sole business of this meeting will be to dissolve the group.

11.2 If it is agreed to dissolve the group, all remaining money and other assets, once outstanding debts have been paid, will be donated to a community group or local charitable organization, in order to benefit the Springbank neighbourhood. The group/organisation to receive the donation will be agreed at the meeting held to agree the dissolution.

**This constitution was agreed at the inaugural meeting of the Springbank**

**Neighbourhood Forum on ...6<sup>th</sup> March 2017.**

**Name .....**

**Signed**

.....

**Name .....**

**Signed**

.....

Name	Comment
Cllr Suzanne Williams	As a local councillor, it is a pleasure to see a group of local people, taking an interest in the future of our area. Especially at what could potentially be, a period of great change for us.
Jean Gladwell	Springbank residents have only recently learned of the massive development planned for the greenbelt land we all thought was protected. This has led to the realization that we had no group to speak for us or to bring us all together for the good of our area. Yes we have Hesters' Way partnership but we do not get the forum magazine and most of their work seems to be outside our area. It would be good to have something we can relate to now and in the future. Already GCHQ are turning our local streets into an overspill car park and I am sure things are only going to get worse. It would be good to have a first point of contact for any concerns and suggestions. We have already been hived off to Tewkesbury as regards our MP and don't even know the name of the MP who will represent us (not that he will have much interest in a bit of Cheltenham tacked onto his ward). To have our own forum would at least be a starting point to giving us a voice on what happens in the area we live in.
Adrian Kingsbury	<p>Since the creation of Hester's Way estate in the 50's and the subsequent urban extensions of Springbank in the 60's, and Cavendish Park and Arle Farm in the 80's, it has become evermore apparent that the lack of a traditional parish council type arrangement has been a disadvantage for these areas, as subsequent creation of partnerships etc. just do not appear to be recognised as having any gravitas in the community.</p> <p>The new approach of forums may well be hamstrung by a similar malaise, but these are the tools with which the government wish us to work, and at present it is apparent that the immediate community of Springbank is very focussed and wants a greater voice in its destiny, and as such I would very much like to see such a Forum for the area be recognised and promoted by the Council.</p>
Ann Denise Barnes	I am concerned that unwanted and unnecessary development is being considered for building on our precious greenbelt land in the Springbank area. I, therefore, believe that it is necessary for a Forum to help voice the views of our local community and to safeguard Springbank in Council decisions both current and in the future.
John O'Nion	<p>I wish to support the creation of a local forum for the Springbank area.</p> <p>The recent plans for the development of the green belt to the west of the area has shown that we in this area have NO organised voice in place to protest, question or discuss any plans or suggestion that impact upon us.</p> <p>The creation of a Springbank Forum will give us this voice.</p>
Cllr Peter Jeffries	I am responding to the application by residents for a Springbank Neighbourhood forum.

Name	Comment
	<p>It is extremely satisfying to see so many residents I represent coming together to try and have a measurable input into how their community is shaped, both now and for the future. Having a resident led forum will I'm sure prove hugely beneficial in the development of their neighbourhood plan.</p> <p>Springbank as a ward in the borough of Cheltenham was conceived through what can only be described as piece meal development over a number of generations, so this forum will play a crucial role in address outstanding community concerns whilst providing a vision for the future. This vision will be critical in planning policy terms at the local level.</p> <p>Finally, with a growing membership I believe there is a recognition that this community wishes to be part of the wider conversation in how the proposed West Cheltenham strategic developments are progressed, Working with neighbouring communities will be an important part of the Forums discussions in developing their plan.</p> <p>A truly local plan, developed by local residents, addressing local concerns, producing a local vision for their future.</p>
Diana O'Nion	<p>I wish to support the founding of the Springbank Neighbourhood Forum.</p> <p>The idea of giving the people a formal voice on local concerns has recently been highlighted by the short time we have had to organise from scratch to oppose the ideas within the JCS.</p> <p>The formation of a forum for the Springbank area gives the people a voice.</p>
Carol Kingsbury	<p>Having experienced the current situation in West Cheltenham, that the residents of the Springbank neighbourhood are experiencing, I feel this would be a very good idea for the community. There is a desperate need to have a friendly, communication network in place within the community. This would bring people together to enable people to be involved in their neighbourhoods future.</p>
Michael Barnes	<p>Due to the public opinions of the Springbank residents not having a voice on matters that affect them locally there is a need for a forum to address this. There has not been a machine where a residents plan for the future of the area or any consideration to any impacts by outside influences. The creation of the Springbank Forum would give the area an identity it somewhat lacks currently as indicated by the speed and lack of information over the proposed development of the West Cheltenham Greenbelt.</p>

Name	Comment
	I do hope this forum is given approval.
Cllr Ian Bickerton	Can you please record my support to the Springbank Neighbourhood Forum, this will be vital to give residents a voice on important decisions and masterplanning to 2031 given the rapid changes being made to the JCS and the local plan. This would be consistent with Council policy as debated in the chamber and meets the spirit of localism.
Megan Pashley – Gladman Developments Ltd	See attached letter.
Paul Hardiman Planning Policy Officer Tewkesbury Borough Council	See attached letter.
Giles Brockbank – Hunterpage on behalf of Barberry Cheltenham Ltd and Northern Trust Company Ltd	See attached letter.
Charmian Sheppard – Chair of the West Cheltenham Forum steering group	See attached letter.
Wendy Flynn - Cheltenham Borough Councillor (Hester's Way)	See attached letter.
Philip Smith	I object to the application for a Springbank Neighbourhood Forum and Area Designation.

8<sup>th</sup> May 2017

Dear Councillors / Planning Department,

RE Neighbourhood Planning and the proposed Springbank Neighbourhood Plan

The West Cheltenham Forum (WCF) steering group would like to express its disappointment that it is yet to receive a response to its letter dated 20<sup>th</sup> March requesting a full and detailed explanation of the reasons for non-designation of its proposed Neighbourhood Plan. This would have been particularly useful in establishing the Borough Council's strategic stance given the application for a Springbank Neighbourhood Plan made only a few days after our meeting with Councillors on 6<sup>th</sup> March.

The WCF steering group would like to offer comments regarding Springbank Neighbourhood Forum (SNF) application as it will significantly influence how the WCF moves forward. The group have agreed the following comments;

- The SNF application can only evidence casual community engagement; no web presence from the group can be found, no advertising for its meetings has been provided and no attempt has been made by the group to engage with wider local stakeholder organisations, representatives from developers, the WCF or through public meetings.
- The reported membership of the group although consisting of more than the required 21 names includes only 14 premises and does not reflect a cross section of the community either by location, social status, or age. It does not include businesses, local organisations or community groups. In total 20 of the 27 members live in properties backing on to the Greenbelt land at the current residential boundary of Cheltenham.
- The one group that does appear to be represented is the Save the Springbank Greenbelt pressure group.
- The boundary defined by the SNF is coterminous with the Springbank ward and therefore divides the County Council Hesters Way and Springbank ward boundary, the Neighbourhood Co-ordination group boundary and that of the local Hesters Way Partnership. By so doing it divides communities and is detrimental to local community cohesion.
- A criticism of the WCF application was that its area divided the proposed JCS area into two as its western boundary matched the district boundary of Cheltenham. The SNF boundary

also does this and furthermore does not include a second portion of the proposed JCS area which also lies within the Cheltenham district boundary.

- Another criticism of the WCF application was based on a requirement to contact both Tewkesbury Borough and Boddington Parish councils. The SNF application does not evidence any attempts to liaise with these two bodies.
- The SNF cannot show a strategic approach to the economic, social and environmental development of West Cheltenham area nor that of Cheltenham as a whole. This was an intention alluded to at the March 6<sup>th</sup> meeting by the Head of the Council and in meetings between WCF members and senior officers of the Borough Council Planning department.
- The SNF group has not engaged with the Cheltenham Plan process nor with the Green Space Designation and Engagement Communities Project led by Gloucestershire Rural Community Council (GRCC) and sponsored by Cheltenham Borough Council. The documents produced were based on detailed research by the WCF membership and through consultation with local groups.

[https://www.cheltenham.gov.uk/downloads/file/5638/cecp\\_part\\_2\\_chapter\\_8\\_st\\_marks\\_hesters\\_waypdf](https://www.cheltenham.gov.uk/downloads/file/5638/cecp_part_2_chapter_8_st_marks_hesters_waypdf)

- GRCC also facilitated workshops with WCF to ensure members understood the NDP processes and what could and could not be achieved. Their expertise, knowledge, advice and guidance is key for ensuring good neighbourhood planning, encompassing the ideas, thoughts and general support from those within a community.

The WCF steering group believes that the SNF is not an appropriate group to organise a neighbourhood development plan (NDP) for the area. The SNF appears to be taking advantage of the NDP process to further its end of preventing development of the Greenbelt land at Springbank. The WCF feels that, whilst this is an admirable intention, the purpose of an NDP cannot be to restrict growth but to develop planning policies that allow appropriate development based on local opinion.

The WCF had developed outline planning themes in preparation for wider public consultation which would have been possible with central government funds made available once formal designation was made. The groundwork had been done and the 80-strong group with wide reaching contacts across the whole area were ready for action throughout the locality, including Springbank.

On these grounds the WCF would like to object to the SNF proposal. It would however, be keen to engage in discussions which would allow an NDP or NDPs to be established for the west of Cheltenham. The WCF believes that having engaged with the wider population, stakeholders and key businesses and with the support of some local councillors that it is best placed to take the NDP process forward for the benefit of the whole community.

Kind regards,

Charmian Sheppard

3571

8<sup>th</sup> May 2017[localplan@cheltenham.gov.uk](mailto:localplan@cheltenham.gov.uk)

Dear Sir/Madam,

**Springbank Neighbourhood Area**

This response is submitted on behalf of of Barberry Cheltenham Ltd and Northern Trust Company Ltd in relation to land interests in West Cheltenham.

This response is to the Springbank Neighbourhood Forum that has identified an area application covering an area in the west of the town. This includes land under the ownership of the landowners identified that control land beyond the western boundary of the town that is included within the area application. A plan is attached identifying the area concerned that is included as part of the area application.

As part of the Neighbourhood Forum Application it is stated that the express purpose is to produce a Neighbourhood Plan that will meet the following objectives:

*“The Springbank Neighbourhood Forum has been established to promote the social economic and environmental well-being of the neighbourhood plan area, with specific aims of maintaining the open residential character of the neighbourhood, promote the availability, maintenance and use of green spaces, and encourage the creation of affordable housing where space permits, in a similar low density format complementing the existing neighbourhood area”.*

In making this representation, we'd like to support the area application and the area of land that falls between the current urban edge of Cheltenham and current Borough boundary that is now identified in part within the Main Modifications to the Joint Core Strategy (JCS) that sees land to the west of Cheltenham identified to accommodate 1,100 dwellings and 45ha employment land as a phase 1 strategic allocation. This has been introduced into the Plan through the Main Modifications.



## Page 52

In supporting the Neighbourhood Plan Area, we do so on the proviso that any subsequent draft of a Neighbourhood Plan should be reflective of the proposed modifications to the JCS.

Our Clients are committed to delivering an attractive and vibrant new neighbourhood at West Cheltenham which would integrate with the existing community by providing green infrastructure and complementary facilities to benefit new and existing residents. To this end, our clients are keen to work with the existing community to facilitate the vision of sustainable, mixed use development at West Cheltenham.

I trust these points will be taken into consideration as part of this consultation process and would be grateful if we could be kept informed on the progress of the Neighbourhood Plan.

Yours faithfully,

Giles Brockbank MRTPI

**Hunter Page Planning Ltd**

38 Falkland Place  
Cheltenham  
GL51 0RP

//

8<sup>th</sup> May 2017

Dear Cheltenham Borough Council,

I object to the application for a Springbank Neighbourhood Forum and Area Designation for the following reasons:

1. **The area applied for dissects a community.** A great chunk of Springbank and the part of Hester's Way that lies to the West of Princess Elizabeth Way are a united community of which I have been a part for 20 years, living in the ward of Hester's Way, first on Seacombe Road and then for the last 14 years residing at 38 Falkland Place. Nearly all of the children on my road, including my daughter, go to or went to Springbank Primary Academy. Some went to the nursery at the Springbank Resource Centre and many, like me, are patients of the doctors surgery and dentists based at Springbank Community Centre. It is a nonsense to exclude myself and my neighbours from a neighbourhood forum that will decide a plan for an area that contains important community facilities that we use regularly and of which we are a part.
2. **The membership of the forum is not representative of the area** It is almost entirely made up of the save the Springbank greenbelt pressure group. I believe this to be entirely inappropriate for a forum that is meant to represent the whole community not just the aims and ambitions of a few and therefore is in breach of Section 61F(5), Schedule 9 of the Town and Country Planning Act 1990: "The Council must be satisfied that the forum meets the following conditions— (a) it is established for the express purpose of promoting or improving the social, economic and environmental well-being of an area" I do not see how the Council can be satisfied of this when the principal contact is the person behind the save the greenbelt group and the majority of the forum lives adjacent to the area of greenbelt which is due to be developed under JCS plans. The forum is interested in a single issue and their own interests not for "promoting or improving the social, economic and environmental well-being of an area".
3. **The application has been made for the intention of preventing the West Cheltenham Neighbourhood Forum resubmitting their Neighbourhood Forum and Area application,** one which does have the support of a cross section of the community, residents and organisations. The West Cheltenham Forum has not received a reply to their letter dated 20<sup>th</sup> March, some **EIGHT** weeks ago, that requested detailed explanation of the reasons for non-designation of its proposed Neighbourhood Plan. These had been unclear and the only official reason given for refusal is

"The submitted neighbourhood area application has been made for an area which is not appropriate as a neighbourhood area. The area cuts across ward boundaries and includes a number of separate communities, which would reduce community cohesion." and

“The Council considers that the submitted forum application has been made for an area which is not appropriate as a neighbourhood area. The area cuts across ward boundaries and includes a number of separate communities, which would reduce community cohesion. The Council considers that because the area applied for is not agreed as constituting an appropriate area, the membership of the applied for forum cannot be found to comply with Section 61F(5) of the Town and Country Planning Act 1990 part (c); having a membership of “a minimum of 21 individuals each of whom lives in the neighbourhood area concerned”

The Springbank Application actually carves up a strong and vibrant community (I can supply evidence to support this in addition to that provided in point 1 above) whereas the West Cheltenham application sought to build on existing strengths and further develop and enhance the community. This application is an undemocratic attempt by a few to derail the good work being done by the West Cheltenham Forum that was established for the express purpose of promoting AND improving the social, economic and environmental well-being of the area.

4. **Cheltenham Borough Council still has no clear policy on Neighbourhood Plans** and it would be wrong to agree to this application when the reasons for turning down another that included the same area have not been clarified. Please note that should this be passed by cabinet I will call in the decision so that it can be properly scrutinised.
5. **West Cheltenham Regeneration.** CBC and CBH have received a grant of £350K for a research and planning exercise in West Cheltenham. As this has now come forward any Neighbourhood Plans for West Cheltenham should take into account the results of this study. The West Cheltenham Neighbourhood Plan area would have encompassed the whole of the regeneration area however the Springbank one may overlap with it/divide it and therefore be at odds any plans that result from it.

Wendy Flynn

Cheltenham Borough Councillor (Hester's Way)



Gladman House, Alexandria Way  
Congleton Business Park  
Congleton, Cheshire  
CW12 1LB

**T: 01260 288800**

**F: 01260 288801**

**[www.gladman.co.uk](http://www.gladman.co.uk)**

Local Plans Team  
Cheltenham Borough Council  
Municipal Offices  
Promenade  
Cheltenham  
GL50 9SA

(Representations submitted by email to [localplan@cheltenham.gov.uk](mailto:localplan@cheltenham.gov.uk))

25<sup>th</sup> April 2017

**Re: Springbank Neighbourhood Development Plan – Application for Neighbourhood Area Designation**

Dear Sir/Madam,

Gladman Developments Ltd (Gladman) specialise in the promotion of strategic land for residential development with associated community infrastructure. This letter provides Gladman's representations on the application made by The Springbank Neighbourhood Forum for the designation of a neighbourhood area, for the purposes of preparing a neighbourhood development plan.

As this is the first formal stage of preparing a neighbourhood plan, Gladman would like to take this opportunity to comment on the Springbank Neighbourhood Area application to highlight a number of key requirements to which the development of the emerging neighbourhood area should have regard.

Gladman wish to participate in the neighbourhood plan's preparation and to be notified of further developments and consultations in this regard. We would also like to offer our assistance in the preparation of the neighbourhood plan and invite the Neighbourhood Plan Forum to get in touch regarding this.

**Legislation**

Before a Neighbourhood Plan can proceed to referendum it must be tested against a set of Neighbourhood Plan Basic Conditions, set out in §8(2) of Schedule 4B of the Town and Country

Planning Act 1990 (as amended by section 28a of the Planning and Compulsory Purchase Act 2004). The Basic Conditions which the Neighbourhood Plan must be found in compliance with are as follows:

- a) *Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan*
- b) *Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order*
- c) *Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order*
- d) *The making of the neighbourhood plan contributes to the achievement of sustainable development*
- e) *The making of the neighbourhood plan is in general conformity with the strategic policies contained within the development plan for the area of the authority*
- f) *The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations*

If the Neighbourhood Plan is not developed in accordance with all of the Neighbourhood Plan Basic Conditions as set out above then there is a real risk that it will fail when it reaches Independent Examination.

### High Court Judgments

#### Woodcock Judgement

The Woodcock High Court judgment demonstrates the implications for progressing a neighbourhood plan where there is no local plan in place nor a five-year housing land supply. In summary, this High Court judgment demonstrates the following key points:

- That §14 and §49 of the Framework in regard to five-year housing land supply and the weight to be given to extant housing land supply policies applies equally to both emerging and 'made' neighbourhood plans as well as other development plan documents otherwise adopted and/or emerging by the local planning authority.
- There is nothing in policy or statute that elevates neighbourhood planning to a level above the wider development plan that enables special consideration.
- Neighbourhood Plans must respect national planning policy and the core planning principles outlined within the Framework.
- Prematurity must be assessed against the whole of the requirements of the PPG. In neighbourhood planning, there is no requirement for qualifying bodies to produce an objective assessment of housing needs.

#### Crownhall Judgment

On 21<sup>st</sup> January 2016, Holgate J handed down judgment in R(Crownhall Estates Ltd) v Chichester District Council [2016] EWHC 73 (Admin). This judgment summarises the respective legislation at §12-§28 (further detailed below), and the relevant principles at §29.

This judgment does not however mark the end of policy development, on 11<sup>th</sup> February 2016, the Secretary of State published a series of updates to the Neighbourhood Planning chapter of the Planning Practice Guidance (PPG). In particular, the PPG now stresses the importance of housing reserve sites and providing indicative delivery timetables to ensure that emerging evidence of housing needs is addressed to help minimise any potential conflicts that can arise to ensure that a neighbourhood plan is not ultimately overridden by the contents of an emerging Local Plan.

It is important to note that the updates to the PPG were drafted following the Crownhall judgment and it is essential that the steering group consider all of the advice and guidance contained in the PPG.

### National Planning Policy Framework

The National Planning Policy Framework (the Framework) sets out the Government's planning policies for England and how these are expected to be applied. In doing so it sets out the requirements for the preparation of Neighbourhood Plans and the role they must play in meeting the development needs of the local area in which they control.

Paragraph 16 of the Framework sets out the positive role that Neighbourhood Plans should play in meeting the development needs of the local area. It states that:

*"The application of the Presumption (In Favour of Sustainable Development, set out in paragraph 14 of Framework) will have implications for how communities engage in neighbourhood planning. Critically it will mean that neighbourhoods should:*

- *Develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development;*
- *Plan positively to support local development, shaping and directing development in their area that is outside of the strategic elements of the Local Plan"*

Further guidance on the relationship between Neighbourhood Plans and strategic policies for the wider area set out in a Council's Local Plan is included in paragraph 184 of the Framework:

*"The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood Plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date plan is in place as quickly as possible. Neighbourhood Plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood Plans...should not promote less development than set out in the Local Plan or undermine its strategic policies".*

It is clear from the above that neighbourhood plans should be prepared in conformity with the strategic requirements for the wider area as confirmed in an adopted Development Plan. As highlighted above, on 11<sup>th</sup> February 2016, the Secretary of State published a series of updates to the PPG for the preparation of neighbourhood plans. This update makes clear that neighbourhood plans should take account of the latest and up-to-date evidence of housing needs. In particular, where a qualifying body is attempting to identify and meet housing needs, a local planning authority should share relevant evidence on housing need gathered to support its own plan making.

Neighbourhood Plans should also provide indicative delivery timetables and consider the allocation of reserve sites to ensure that emerging evidence of housing need is addressed in order to help minimise any potential conflicts where a post Framework Local Plan is yet to be adopted.

A further update to the PPG was published on 19<sup>th</sup> May 2016. Paragraph 50 of the PPG<sup>1</sup> makes clear that all settlements have a role to play in delivering sustainable development and should avoid blanket policies restricting housing development. Accordingly, the neighbourhood plan should not include policies that would act to arbitrarily preclude the delivery of sustainable development coming forward within the neighbourhood area.

### Relationship with Local Plans

To meet the requirements of the Framework and the Neighbourhood Plan Basic Conditions, Neighbourhood Plans should be prepared to conform to up-to-date strategic policy requirements set out in Local Plans. Where an up-to-date Local Plan has been adopted and is in place for the wider authority area, it is the strategic policy requirements set out in this document that a Neighbourhood Plan should seek to support and meet. When a Local Plan is emerging or is yet to be found sound at Examination, there will be lack of certainty over what scale of development a community must accommodate or the direction the policies in the Neighbourhood Plan should take.

### Adopted Local Plan

The adopted Development Plan relevant to the preparation of the Springbank Neighbourhood Plan consists of the adopted Cheltenham Borough Local Plan Second Review. This plan was adopted in June 2006 and therefore is out of date against the requirements of the Framework which requires local planning authorities to identify and meet full Objectively Assessed Needs (OAN) for housing. Whilst this is the Development Plan that the Springbank Neighbourhood Plan will be tested against it is important that sufficient flexibility is included within the Plan so that its contents are not superseded by the provisions of s38(5) of the Planning and Compulsory Purchase Act 2004.

### Emerging Local Plan

To meet the requirements of the Framework, the Council has commenced work on a new Local Plan. Consultation on the 'Cheltenham Plan (Part One) Preferred Options' ran between 6<sup>th</sup> February and 20<sup>th</sup> March 2017. There is no clear indication provided by the Council regarding anticipated timescales for further preparation of the plan. Further to the preparation of the Cheltenham Plan, the Borough have partnered Gloucester City and Tewkesbury Borough Council to produce a Joint Core Strategy covering the period to 2031. Main modifications consultation ran until 10th April 2017, and subject to

---

<sup>1</sup> PPG Reference ID 50-001-20160519

agreement from all three parties, it is anticipated that the plan will be adopted in autumn 2017. As such, given that the Cheltenham Plan is in the early stages of preparation, there remains considerable uncertainty over what level of development that Springbank may need to accommodate to assist the Council in meeting its OAN for housing. Accordingly, the Plan will need to ensure that it allows for sufficient flexibility to ensure that it is able to react to changes that may arise through the emerging Local Plan Examination.

### **Neighbourhood Plan Policies and Proposals**

In accordance with the Neighbourhood Plan Basic Conditions, Neighbourhood Plan policies should align with the requirements of the Framework and the wider strategic policies for the area set out in the Council's Local Plan. Neighbourhood Plans should provide a policy framework that complements and supports the requirements set out in these higher-order documents, setting out further, locally-specific requirements that will be applied to development proposals coming forward.

The Framework is clear that Neighbourhood Plans cannot introduce policies and proposals that would prevent development from going ahead. They are required to plan positively for new development, enabling sufficient growth to take place to meet the strategic development needs for the area. Policies that are clearly worded or intended to place an unjustified constraint on further sustainable development taking place would not be consistent with the requirements of the Framework or meet the Neighbourhood Plan Basic Conditions.

Communities should not seek to include policies in Neighbourhood Plans that have no planning basis or are inconsistent with national and local policy obligations. Proposals should be appropriately justified, by the findings of a supporting evidence base and must be sufficiently clear to be capable of being interpreted by applicants and decision makers. Policies and proposals should be designed to add value to policies set out in Local Plan and national guidance, as opposed to replicating their requirements.

The community should liaise with the Council's planning team to seek advice on the appropriateness of the Neighbourhood Plan's proposals.

### **Sustainability Appraisal/Strategic Environmental Assessment**

The preparation of a Neighbourhood Plan may fall under the scope of the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations) that require a Strategic Environmental Assessment (SEA) to be undertaken where a Plan's proposals would be likely to have significant environmental effects. The requirement to undertake an SEA will be dependent on a Neighbourhood Plan's proposals, but is likely to be necessary where a Plan is proposing specific allocations or site designations.

In accordance with Schedule 1 of the SEA Regulations, a Screening Assessment of a Neighbourhood Plan's proposals should be completed to assess whether an SEA must be prepared. Where an SEA is required this should be commenced at the earliest opportunity, alongside the preparation of the

emerging Neighbourhood Plan, to ensure the Neighbourhood Plan's proposals have been properly considered through the SEA process, and appropriately justified against other reasonable alternatives. Where an adequate SEA has not been undertaken a Neighbourhood Plan is unlikely to meet the Neighbourhood Plan Basic Conditions.

Although Neighbourhood Plans do not require a Sustainability Appraisal (SA) of their proposals, preparing an SA can help to show how a Neighbourhood Plan will contribute to the achievement of sustainable development, a Neighbourhood Plan Basic Condition. Where an SEA is required, extending this assessment to the preparation of an SA is unlikely to require significant additional input.

The Council's planning team will be able to advise on the likely need for an SEA of the Neighbourhood Plan's proposals. To be compatible with EU obligations, further appraisals, such as a Habitats Regulations Assessment, may also be required depending on local circumstances.

Should you require any further information about the contents of this response or would like to arrange a meeting with a representative from Gladman then please do not hesitate to contact me.

Yours Faithfully,

*Megan Pashley*

Gladman Developments Ltd.

[m.pashley@gladman.co.uk](mailto:m.pashley@gladman.co.uk)

## **Springbank Neighbourhood Area and Forum application to Cheltenham Borough Council**

Consultation Deadline: 9<sup>th</sup> May 2017

Consultation response prepared by Tewkesbury Borough Council

---

### **Representation:**

## **Springbank Neighbourhood Area and Forum application to Cheltenham Borough Council**

Consultation Deadline: 9th May 2017

Consultation response prepared by Tewkesbury Borough Council

### **Representation: Neighbourhood Area Designation**

Tewkesbury Borough Council recommends that in accordance with Policy SA1 of the emerging Joint Core Strategy planning for Strategic Allocations should be comprehensive in nature. Having a designated Neighbourhood Area that incorporates part of a strategic allocation is therefore not an ideal approach. As such, it is recommended that as far as possible the whole of the strategic allocation be covered by cross-boundary joined-up approach to neighbourhood planning.

If, therefore, a neighbourhood forum and area are designated covering the Springbank ward then we recommend and urge a collaborative approach with Boddington Parish Council. The forum should at all times work closely with the Parish Council on issues which have a cross boundary impact. Furthermore, the forum should engage with the Parish Council and consider developing jointly elements of the neighbourhood planning concerning the emerging strategic allocation at West Cheltenham.

This is particularly the case in relation to consideration of matters such as Local Green Space serving the area, and new physical and community infrastructure which cross Borough boundaries and will affect both existing communities.

Planning of matters related to the Strategic Allocation without the involvement of Boddington Parish council would be ineffective and counterproductive, therefore it is important that the creation of this forum should only serve to strengthen this relationship, and that planning should consider areas on both sides of the boundary equally.

The development of any neighbourhood plan within the JCS area will need to be in accordance with the strategic policies in the JCS, including those related to Strategic Allocations.

### **Correction to the Application Form:**

3. Add “as amended” to the Neighbourhood Planning (General) Regulations 2012.

6. Remove “Schedule 9” as Schedule 9 Part 1 of the Localism Act 2011 inserted Section 61f into the Town and Country Planning Act 1990.

### **Correction to the Constitution:**

5.1 Typo “Further Officers shall be appointed all the Committee deem necessary” Replace ‘all’ with ‘as’

### **Constitution – Question of Legality of 11.2**

11. ‘Dissolution’ at 11.2 it states “If it is agreed to dissolve the group, all remaining money and other assets, once outstanding debts have been paid, will be donated to a community group or local charitable organization, in order to benefit the Springbank neighbourhood. The group/organisation to receive the donation will be agreed at the meeting held to agree the dissolution.” This clause should add “Notwithstanding this, grant or other monies (eg. monies arising from planning obligations) which are held by the group must be administered in accordance with the agreements relating to them. This may mean the return of funds to the awarding body or other parties set out in the agreement.

**Cabinet**

**Tuesday, 16th May, 2017**  
**6.00 - 6.30 pm**

<b>Attendees</b>	
<b>Councillors:</b>	Flo Clucas (Cabinet Member Healthy Lifestyles), Chris Coleman (Cabinet Member Clean and Green Environment), Rowena Hay (Cabinet Member Finance), Peter Jeffries (Cabinet Member Housing), Andrew McKinlay (Cabinet Member Development and Safety) and Roger Whyborn (Cabinet Member Corporate Services)

**Minutes**

**6. APPLICATION FOR DESIGNATION OF A NEIGHBOURHOOD AREA AND NEIGHBOURHOOD FORUM BY THE SPRINGBANK NEIGHBOURHOOD FORUM**

The Cabinet Member Housing, Councillor Jeffries left the room for this item and therefore did not participate in the debate.

The Cabinet Member Development and Safety introduced the updated report which had been circulated prior to the meeting regarding an application which had been received to designate a neighbourhood plan area for Springbank and designate the Springbank Neighbourhood Forum as the neighbourhood forum for that area. He reported that the application had been assessed against the requirements set out in the legislation and was considered to meet the requirements to enable designation of the neighbourhood area and of the neighbourhood forum. The Council's Neighbourhood Planning Protocol had been used to guide officers in assessing the application.

The Cabinet Member explained that this was the second application the Borough had received to designate a neighbourhood forum in the west of Cheltenham. The first application had been rejected by Cabinet as the submitted forum application had been made for an area which was not considered appropriate as a neighbourhood area. This was because the area cut across ward boundaries and included a number of separate communities, which would reduce community cohesion. Secondly, because the area applied for was not agreed as constituting an appropriate area, the membership of the applied for forum could not be found to comply with Section 61F(5) of the Town and Country Planning Act 1990 part (c); having a membership of "a minimum of 21 individuals each of whom lives in the neighbourhood area concerned"

Given the objections to the current application, the Cabinet Member Development and Safety explained that this application complied with the Regulations as outlined in paragraph 4.3 of the report. He then drew Members' attention to the supplementary documentation which had been circulated in advance of the meeting highlighting paragraphs 4.4 and 4.5 of the report stating

that officers had considered the representations received and saw no planning reason to object to the applications.

The Cabinet Member emphasised that the current application differed from the previous application in several key ways. Firstly, it has been submitted by a different organisation (Springbank Neighbourhood Forum). Secondly, the current application area followed the boundary of the Springbank ward whereas the previous application included Springbank ward as well as Hesters Way ward and the majority of St. Mark's and St. Peter's wards.

The Cabinet Member sought the advice from the Head of Law in terms of whether due process had been followed in terms of the Regulations and constitutional requirements. The Head of Law explained that in terms of the Regulations, these were detailed technical requirements which the planning officers would have considered and were clearly satisfied with in bringing the report to Cabinet for decision. With regard to the council's constitution he drew Members' attention to the general principles of decision making which were followed at the council; Members should be satisfied that they had been provided with sufficient facts and information, including the officer advice and report, to enable them to reach a balanced and reasoned decision on the recommendations before them.

In discussing the item Members made the following points:

- West Cheltenham was an important area in terms of the Joint Core Strategy and plans for the Cyber hub
- A Neighbourhood Area and Neighbourhood Forum would ensure that the residents of Springbank had an effective local voice to get the best deal.
- Springbank was a large enough ward for neighbourhood planning to work effectively. If the area was larger it would dilute the ability of Springbank residents to have a voice. This was a good application and Members were satisfied that it had been put forward by those who resided in the area as opposed to those in neighbouring areas and other wards. It was noted that there were 27 members of the group with a direct and personal interest in Springbank.
- Concern was expressed regarding the implications of the future of the JCS particularly with regard to cross borough boundaries with Tewkesbury.

In concluding the debate the Cabinet Member Development and Safety clarified that 42 names had been submitted with the application, i.e. there were more residents involved than previously stated during the cabinet debate. He also stated that the council was looking to establish a working relationship with the neighbouring parishes within Tewkesbury Borough.

With reference to a concern expressed on the ability of the neighbourhood plan to block parts of the JCS he confirmed that this would not be a problem as it would need to conform with both the Cheltenham Plan and the JCS.

In summing up the Chair said that he was happy to support the applications which he believed had been properly made by Springbank residents. He

considered that officers had properly applied themselves to the process and that Cabinet had received sufficient information to make a correct and reasoned decision on the applications.

**RESOLVED THAT**

- 1. the designation of the Springbank Neighbourhood Forum area (the current Springbank Ward) be approved for the purpose of preparing a Neighbourhood Development Plan.**
- 2. the designation of the Springbank Neighbourhood Forum be approved as neighbourhood forum as defined by the Localism Act 2011.**

