

Cabinet

Tuesday, 11th June, 2019

6.00 - 6.40 pm

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

Minutes

1. APOLOGIES

Apologies were received from Councillor Clucas and Hegenbarth.

2. DECLARATIONS OF INTEREST

There were none.

3. MINUTES OF THE LAST MEETING

The minutes of the meeting held on 14th May were approved and signed as a correct record.

4. PUBLIC AND MEMBER QUESTIONS AND PETITIONS

1.	Question from Councillor Willingham to the Cabinet Member Development and Safety, Councillor Andrew McKinlay
	Given that ward boundaries are defined predominantly for purposes of managing elections, and in some cases, like the Lower High Street, a single community can be in more than one ward; could the Cabinet Member please explain the why the St Paul's ward boundary was chosen as the boundary for the proposed Article 4 direction on HMOs, rather than a more fine-grained approach that could have considered individual streets, collections of streets, or communities?
	Response from Cabinet Member
	<p>A detailed programme of inspections was undertaken at ward level, based on the known high concentration of HMO's within the St Paul's area, as identified from previous private sector stock condition surveys. A more fine-grained approach was not put forward as a suggested approach at that time, but the methodology employed was intended as a pilot exercise which could be repeated in other areas if necessary. All Saints is the second area now being inspected to determine whether there is sufficient evidence for an Article 4 direction in that ward, with 38 properties still to be inspected. St Peter's is the next target area for inspection following the All Saints ward work.</p> <p>In a supplementary question, Councillor Willingham explained that in some areas of St Peter's they were affected by a proliferation of HMOs and whilst he recognised the limited resources that the council had he questioned the timescale for inspecting St Peter's in order to determine whether there was sufficient</p>

	<p>evidence for an Article 4 direction.</p> <p>In response, the Cabinet Member acknowledged that there was also a problem in St Peter's particularly in the Lower High Street. He highlighted that due to government regulations in order to implement an Article 4 Direction they need evidence to justify its implementation. He advised that HMOs had been an issue in St Paul's for many years, they were now inspecting All Saints and once this had been completed they would be looking at St Peter's. He highlighted that this was an ongoing process and was unable to give an exact time scale as it was dependent on resources, however estimated that this would be in around 12 months time.</p>
2.	Question from Councillor Willingham to the Cabinet Member Development and Safety, Councillor Andrew McKinlay
	<p>Given that the issues associated with the unregulated proliferation of HMOs are likely to equally affect both the south side of the Lower High Street, which is in St Peter's ward, just outside the proposed area for Article 4 direction, and the north side of the Lower High Street which is in St Paul's ward, just inside the proposed area for Article 4 direction; as part of the proposed statutory consultation would the Cabinet Member ask officers to perform minor amendments to the boundaries so that whole communities are protected, rather than just part of a community based upon an arbitrary line on a map?</p>
	Response from Cabinet Member
	<p>The boundary of the proposed Article 4 direction for St Paul's could be extended, but this would require additional survey work to be completed to justify the inclusion of any wider area. Given that this would delay the introduction of the Article 4 direction for the St Paul's ward, I could not support this suggestion at this stage, but will ask officers to consider the resourcing implications of looking at this sooner than currently planned.</p>
3.	Question from Councillor Willingham to the Cabinet Member Development and Safety, Councillor Andrew McKinlay
	<p>A number of roads in St Peter's ward, away from the proposed St Paul's Article 4 direction area also suffer issues associated with high densities of HMOs, including problems with waste presentation, parking problems, late-night noise, and seasonal increases in fly-tipping, if those areas are brought to the attention of the Council, to protect the remaining communities, will the Council also work with ward members and those communities to perform localised reviews and consider introducing further Article 4 direction areas in respect of HMOs?</p>
	Response from Cabinet Member
	<p>This would have resourcing implications which are not accounted for in our immediate work plans. However, please see my answer to the previous question in relation to other areas for potential consideration of Article 4 direction controls.</p> <p>In a supplementary question, Councillor Willingham recognised the resource implications and current priorities, however questioned whether in the interim the council would look to work with its partners such as universities and landlords to encourage clean up and upcycling and work with universities to inform students at the start of term on bin collection days and how to present their waste.</p>

	In response, the Cabinet Member agreed that this was something they should encourage although reasoned that it was more concerned with community management rather than Article 4 designation. He advised that there was currently a programme in St Paul's where the council worked with landlords to ensure there was no fly tipping and at the end of term residents could be prosecuted for fly tipping. Additionally, the council also had a programme in place where it worked with universities to provide information on refuse collection.
4.	Question from Councillor Willingham to the Cabinet Member Development and Safety, Councillor Andrew McKinlay
	Will the Council be supporting the Article 4 direction proposals with additional resources to perform planning enforcement and HMO licensing enforcement to ensure that dwellings are not converted after the direction comes into force, and to do what the Council can to drive up standards for dwellings in this sector of the housing market?
	Response from Cabinet Member
	This Council's approach to the enforcement of standards in the private rented sector is relatively well resourced as a result of the income generated from related activity. I am confident that this will continue to be the case and that officers will do everything they can, in partnership with local ward members, to effectively enforce any new Article 4 direction adopted. You should note that there will be a 12 month 'grace period' between the time that the Article 4 Direction is first considered by Cabinet and it coming into force, to mitigate an identified risk of financial compensation payable to landowners. During this time it may be difficult to resist new applications for HMO's within the Article 4 area and this is one of the highlighted risks of the project.
5.	Question from Councillor Willingham to the Cabinet Member Clean and Green, Councillor Coleman
	In item 4, there is an Equalities Impact Assessment, yet in item 5, this does not seem to have been performed. Section 1(1) of the Equality Act 2010, provides for a Public sector duty regarding socio-economic inequalities and states " <i>An authority to which this section applies must, when making decisions of a strategic nature about how to exercise its functions, have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage.</i> " Given that in this borough, there are some of the most affluent areas of the country with houses in Council Tax band H, costing over £1,000,000; and there are some of the least affluent areas of the country with houses in Council Tax band A costing under £100k, as well as concentrations of rented social housing, yet the costs for bulky waste collection are uniform, how have officers assessed compliance with this duty as having been met?
	Response from Cabinet Member
	As Cabinet Member I fully support the need to ensure we offer an equal opportunity to all our residents to enable them to access our services and I have therefore asked officers to include this issue within the public consultation planned over the summer. When we consider the consultation feedback at the end of the summer we will

	<p>also consider what more needs to be done to support residents access our services including those on low incomes.</p> <p>In a supplementary question, Councillor Willingham highlighted that in areas with low socioeconomic status this could act as a barrier to engagement with public consultation and questioned what the council was doing to engage with such groups in order to capture their needs with regards to bulky waste collection.</p> <p>The Cabinet Member acknowledged the importance of engaging with all communities about the service that the council provides. He highlighted that they had conducted a number of public consultations on waste and the feedback had had a positive impact on the decision ultimately taken. In previous consultations, they had obtained residents postcodes in order to understand the impact on certain communities. He was satisfied that the consultations undertaken fairly represented all communities across the town and confirmed that they would continue to work with CBH and other community groups to gauge residents concerns.</p>
6.	Question from Councillor Willingham to the Cabinet Member Clean and Green, Councillor Coleman
	<p>In respect of bulky waste collection charges, has any consideration been given to providing a graduated charging scale, for example reduced cost collections for those households in receipt of means-tested benefits, or using other indicators (for example Council tax banding, LSOA indices of deprivation, etc.) to try to ensure that for the least affluent members of our communities the collection service provided by the Council is affordable so that there is less temptation for people to consider dumping items, or using unlicensed waste carriers, and the fly-tipping and enviro-crime that is likely to result from that choice?</p>
	Response from Cabinet Member
	<p>The results of the public consultation and feedback to customer services staff taking bookings for bulky waste collections do not suggest that price is a barrier to residents accessing the service. However, the Council will continue to monitor feedback from residents and the level of fly-tipping in the town.</p> <p>Further public consultation is planned over the summer and this could be used to better understand how we can deliver services to those on a low income.</p> <p>In a supplementary question, Councillor Willingham highlighted that those who were socially and economically deprived were less engaged in consultations and questioned whether the Cabinet would commit to introducing a discount scheme for bulky waste collections for those on the lowest incomes.</p> <p>The Cabinet Member advised that he would be happy to consider this as part of the review and would discuss this further with colleagues and council staff. He advised that to date, when taking bookings the price did not appear to be a bar to any particular group, however, they would continue to review this and if there were any issues they would look to resolve them.</p>
7.	Question from Councillor Willingham to the Cabinet Member Clean and Green, Councillor Coleman

	<p>Could the Cabinet Member please confirm that irrespective to the decisions made by Cabinet, the facilities at Wingmoor Farm, which is less than 5 miles away and approximately a 12 minute drive from Swindon Road will continue to accept garden waste and residual waste?</p>
	<p>Response from Cabinet Member</p> <p>The household recycling facility at Wingmoor Farm is the responsibility of Gloucestershire County Council not Cheltenham Borough Council and changes to their opening hours have increased the usage of our household recycling centre at Swindon Road. I am not aware of any service changes by GCC other than upgrading the site.</p> <p>In a supplementary question, Councillor Willingham questioned whether, if the changes to the Swindon Road depot were implemented following the public consultation they would ensure that Wingmoor Farm was promoted as a viable alternative due to its close proximity to Cheltenham.</p> <p>The Cabinet Member explained that they wanted to further promote the improved range of facilities at the HRC and if there did come a time when either the garden or residual waste facility was to be removed from the depot then appropriate signage for alternative sites would be installed.</p>
8.	<p>Question from Councillor Willingham to the Cabinet Member Clean and Green, Councillor Coleman</p>
	<p>Does this Council have baseline data on fly-tipping levels and locations; if the proposed waste changes are implemented, will it monitor the effects of those changes on fly-tipping; and will any more resources be able to be deployed to deter, detect and prosecute unlicensed waste carriers and those involved fly-tipping and other waste-related enviro-crimes?</p>
	<p>Response from Cabinet Member</p> <p>We report data on the incidence of fly-tipping annually to DEFRA and this forms part of the published totals for England (see attached link for the last nationally published 2017-18 data).</p> <p>https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/756306/FlyTipping_201718_Statistical_Release_rev.pdf</p> <p>The Council has details of the location of each reported fly-tipping incident and can therefore monitor trends over time and identify hotspot areas for targeted action. Waste carriers are licensed by the Environment Agency and officers can and do report any concerns about unlicensed carriers to DEFRA for investigation.</p> <p>In a supplementary question, Councillor Willingham questioned whether the council had the resources and powers to install covert cameras to deter, detect and prosecute those who destroy the environment by fly-tipping, and if not, was this something that they could consider introducing.</p> <p>The Cabinet Member advised that they there were already taking positive steps in this area and this would remain a high priority on the agenda.</p>

9.	Question from Councillor Willingham to the Cabinet Member Clean and Green, Councillor Coleman
	Given the concerns that many residents seem to have about the removal of the garden waste provision at Swindon Road and the intention to perform further consultation on this, could the Cabinet Member please advise what will be done to try to promote the accessibility and affordability of Home Composting, including the council-subsidised composting bins that start from £18.50, and other initiatives for example working with partners such as CBH to encourage the uptake of this across more of our town's diverse demographics?
	Response from Cabinet Member
	As Cabinet Member I am committed to reducing waste. I am keen to further promote the use of our weekly food waste collection to reduce the waste that goes into the residual waste stream but for all of us, only buying the amount of food we need and reducing the volume of food waste would not only help the environment but also our food bill. A significant proportion of food waste can be home composted, so for those residents that have the space and are willing to home compost, most of their food waste can be home composted. Further information is available already on the Council's website at: https://www.cheltenham.gov.uk/a_to_z/service/244/compost_bins Over the summer, the content of the Council's website will be improved and home composting, amongst other waste reduction initiatives, will be promoted to all residents of Cheltenham, including tenants of Cheltenham Borough Homes.

5. IMPROVEMENTS TO THE HOUSEHOLD RECYCLING CENTRE AND CHANGES TO BRING BANK SITES

The Cabinet Member Clean and Green Environment introduced the report, he advised that the enhanced kerbside recycling provisions introduced in 2017 had increased the amount of recycling in 2018/19 by an extra 1641 tonnes. He informed the committee that a weekly kerbside recycling service was being investigated and stressed that this did not mean they would be moving to a three weekly residual waste collection.

He explained that they had had a huge response to the previous public consultations which had demonstrated the clear enthusiasm for the household recycling centre, residents had both commented on the quality of the service but also made suggestions for improvements. He was proud of the service they provided at the HRC but acknowledged resident's concerns regarding improvements that could be made. He noted that the Gloucestershire County Councils household recycling centres had reduced their opening hours which had had an impact on the HRC.

He explained that the council had set out clear priorities to improve the clean and green environment, which had been supported by the motion they had recently passed at Council to declare a climate change emergency. He confirmed that they intended to carry out a complete review of the household recycling centre in order to optimise and expand the re-use and recycling opportunities which could be delivered from the existing site. They had learnt from the consultation that whilst residents were happy with the service, there was clear enthusiasm to expand the recycling facilities. He explained that this work included a review of whether the continued collection of residual and

garden waste supported the Council's priorities. He highlighted that there were environmental and financial considerations as transporting garden waste across town to the HRC was not environmentally friendly, similarly, removal of the garden waste and residual waste skips could allow the site to focus on recycling, re-use and waste reduction. However, they would be reviewing this subject to further consultation.

He explained that they were also reviewing the retention of the residual waste skip as at present, everything residents deposited in to the skip either went to landfill or the incinerator. However, inspections had indicated that a significant amount of this could have been recycled. They were therefore considering whether this should be retained, or they should consider alternatives in order to maximise recycling opportunities that would otherwise be there. In addition, they were also proposing general improvements to the HRC in order to optimise the site layout, provide better signage, enhance internal safety barriers and fencing and replace existing bring banks within existing budgets. He advised that the site would be shut down for a maximum of 2 days to enable these improvements.

He reiterated that they had not made a decision on whether to remove the residual and garden waste at the HRC but wanted to go out to further consultation to gauge resident's opinions. They were also proposing to review and increase the range of recycling materials accepted at the household recycling centre for both re-use and recycling to ensure that the environmental and financial benefits were maximised. From the consultation, it had been clear that residents wanted to do more recycling and this was about improving the range of facilities at the HRC in order to allow them to do so.

With regards to the bring bank sites, he confirmed that they were proposing to remove the bring banks on the Asda – Hatherley Lane, Everest Road, Church Piece – Charlton Kings and High Street Car Park sites as these were less well used and in a poorer condition. He explained that they had to consider the quality of the existing skips and cost of replacing them, there were also health and safety concerns for residents and those servicing the sites that needed to be considered on these 4 sites.

The Leader felt that the suggest approach was a sensible way forward and it was important that they built on the improvements that they had made in 2017 in order to increase recycling provisions. He reiterated that they would be retaining 8 bring bank sites and brining these up to a more modern standard. He also supported the proposed changes to the recycling centre which would make it more useable and looked forward to the seeing the responses to the consultation.

RESOLVED THAT

- 1. Authority be delegated to the Managing Director, Place and Growth, in consultation with the Cabinet Member, Clean and Green Environment to:**
 - 1.1 Implement improvements to the household recycling centre at Swindon Road to optimise the site layout, provide better signage, enhance internal safety barriers and fencing and replace existing**

bring banks within existing budgets;

- 1.2 Agree a suitable date to close the household recycling centre at Swindon Road for a maximum of 2 days to enable the improvements set out at 1.1 to be completed;**
- 1.3 Subject to further public consultation, review the collection of residual waste and garden waste at the household recycling centre and implement any changes necessary to ensure environmental and financial benefits are maximised;**
- 1.4 Review and increase the range of recycling materials accepted at the household recycling centre for both re-use and recycling ensuring environmental and financial benefits are maximised;**
- 2. Approve the retention of third party bring banks only and the removal of Cheltenham Borough Council provided bring banks on the following sites: Asda – Hatherley Lane, Everest Road, Church Piece – Charlton Kings and High Street Car Park as soon as possible.**

6. BULKY COLLECTIONS SERVICE AND CHARGING

The Cabinet Member Clean and Green Environment introduced the report; he noted that the bulky waste collection was a well-regarded service. The report proposed an increase in charges for 2019/20 to bring the price charged for this service closer to the cost of delivering it. They were proposing an increase in the bulky waste collection charge from £17.50 per unit to £19.50 per and an increase in the bulky waste collection charge from £25.50 for a 5 seat three piece suite to £29.25 with effect from 1 July 2019.

He advised that they would continue to review the cost for low income households and if they were to remove the garden waste at the HRC they would explore the option of introducing the collection of large trees/fence panels. They were also continuing to work on how to promote the service more widely to residents.

The Leader endorsed the recommendations within the report and agreed that the services such as the garden bag collection scheme should be more widely promoted.

RESOLVED THAT

- 1. An increase in the bulky waste collection charge from £17.50 per unit to £19.50 per unit with effect from 1 July 2019 be approved;**
- 2. An increase in the bulky waste collection charge from £25.50 for a 5 seat three piece suite, calculated at 1.5 units, to £29.25 for a 5 seat three piece suite with effect from 1 July 2019 be approved.**

7. IMPLEMENTING AN ARTICLE 4(1) DIRECTION FOR THE ST. PAUL'S WARD

The Cabinet Member Development and Safety introduced the report. He explained that until October 2010 planning permission was required for the change of use of a building including a dwelling-house to a HMO. However, the Town and Country Planning Act (General Permitted Development) Order 2015 permits the conversion of existing homes into HMOs without planning permission and so the council has no control over the number of multiple occupancy homes. Therefore, in order to control the creation of new HMOs in St. Paul's Ward, they were proposing to implement an Article 4 direction.

He highlighted that this was an issue in certain areas of the town, particularly in St Paul's ward and they had a lot of historical data to support this. He advised that 12% of all homes in St. Paul's were HMOs which equates to 1 in 8. He highlighted that these were historically student homes which causes serious disruption to the structure and social environment of an area as there is a high density of people during term times and then the areas are vacant at other times of the year. It also causes issues with increased car usage, refuse collections and schooling problems. He explained that they had to justify the introduction of controls against HMOs by providing sufficient evidence of the problem. St Paul's was subject to an Article 4 Direction because of the detrimental impact on both the environment and social structure.

He reiterated that just because they were enacting an Article 4 direction it did not mean there was a blanket ban on HMOs but meant that a developer would have to apply to the council for planning permission and it was for them to determine if it was appropriate. He confirmed that they were proposing to give 12 months' prior notice of removing the C3 to C4 permitted development right through an Article 4(1) Direction as an immediate Article 4 direction, could allow site owners intending to make use of the existing permitted development rights to claim back compensation from the council. They were also proposing that Cabinet receive a report within 6 months seeking to 'confirm' the Article 4(1) Direction, subject to public consultation responses as whilst they did not anticipate the public opposing the recommendations it would allow those residents who live outside of the designated area to come forward and advocate that additional areas should also be given similar designation. He advised that work in All Saints and St Peter's was ongoing to address similar problems.

The Leader highlighted that All Saints and a number of other areas also experienced similar issues and that St Paul's was effectively a pilot before similar controls could be implemented in other areas. He stressed the importance of measuring the implications elsewhere and seeing whether any further action was required in other areas of the town, particularly in neighbouring wards.

RESOLVED THAT

- 1. The giving of 12 months' prior notice of removing the C3 to C4 permitted development right through an Article 4(1) Direction be approved.**
- 2. Cabinet receives a report within 6 months seeking to 'confirm' the Article 4(1) Direction, subject to public consultation responses.**

8. BRIEFING FROM CABINET MEMBERS

There were none.

9. CABINET MEMBER DECISIONS TAKEN SINCE THE LAST MEETING OF CABINET

Cabinet Member	Decision	Link
Leader	To authorise the Head of Property Services or in his absence the Executive Director - Finance & Assets to take decisions (including key decisions) to purchase dwellings	https://democracy.cheltenham.gov.uk/ieDecisionDetails.aspx?ID=1221
Leader	The Council to enter into a Grant Funding Agreement with Homes England	https://democracy.cheltenham.gov.uk/ieDecisionDetails.aspx?ID=1223
Cabinet Member Development and Safety	Approve the draft revised street trading policy document for formal consultation	https://democracy.cheltenham.gov.uk/ieDecisionDetails.aspx?ID=1222
Cabinet Member Development and Safety	To sign on behalf of CBC the A46 Partnership Statement of Commitment	https://democracy.cheltenham.gov.uk/ieDecisionDetails.aspx?ID=1227

10. SECTION 9 : LOCAL GOVERNMENT ACT 1972 - EXEMPT BUSINESS

11. LOCAL GOVERNMENT ACT 1972 - EXEMPT BUSINESS 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)

12. EXEMPT MINUTES

The exempt minutes of the meeting held on 14th May 2019 were approved and signed as a correct record.

Chairman

