



CHELTENHAM

BOROUGH COUNCIL

Notice of a meeting of Council

Monday, 17 February 2020
2.30 pm
Council Chamber - Municipal Offices

Membership	
Councillors:	Roger Whyborn (Chair), Sandra Holliday (Vice-Chair), Victoria Atherstone, Matt Babbage, Paul Baker, Garth Barnes, Dilys Barrell, Angie Boyes, Nigel Britter, Jonny Brownsteen, Flo Clucas, Chris Coleman, Mike Collins, Stephen Cooke, Iain Dobie, Bernard Fisher, Wendy Flynn, Tim Harman, Steve Harvey, Rowena Hay, Alex Hegenbarth, Karl Hopley, Martin Horwood, Peter Jeffries, Steve Jordan, Chris Mason, Paul McCloskey, Andrew McKinlay, Tony Oliver, Dennis Parsons, John Payne, Louis Savage, Diggory Seacome, Malcolm Stennett, Jo Stafford, Klara Sudbury, Simon Wheeler, Max Wilkinson, Suzanne Williams and David Willingham

A Moment of Reflection

(to be led by the Mayor's Chaplain- Rev Luke Goodway)

This will be of an inclusive nature and held in the Cambray Room at 14:15. All Members are welcome to participate but need not do so.

Agenda

1.	APOLOGIES	
2.	DECLARATIONS OF INTEREST	
3.	MINUTES OF THE LAST MEETING Minutes of the meeting held on 16 December 2019	(Pages 5 - 28)
4.	COMMUNICATIONS BY THE MAYOR	
5.	COMMUNICATIONS BY THE LEADER OF THE COUNCIL	
6.	TO RECEIVE PETITIONS	
7.	PUBLIC QUESTIONS These must be received no later than 12 noon on Tuesday 11	

	February 2020.	
8.	MEMBER QUESTIONS These must be received no later than 12 noon on Tuesday 11 February 2020.	
9.	UPDATE TO THE CONSTITUTION Report of the Cabinet Member Corporate Services	(Pages 29 - 34)
10.	HOUSING REVENUE ACCOUNT - REVISED FORECAST 2019/20 AND BUDGET PROPOSALS 2020/21 Report of the Cabinet Member Finance TO FOLLOW	
11.	GENERAL FUND REVENUE AND CAPITAL – REVISED BUDGET 2019/20 AND FINAL BUDGET PROPOSALS 2020/21 Report of the Cabinet Member Finance TO FOLLOW	
12.	COUNCIL TAX RESOLUTION 2020 Report of the Cabinet Member Finance TO FOLLOW	
13.	NOMINATIONS FOR MAYOR ELECT AND DEPUTY MAYOR ELECT 2020-21 Report of the Leader of the Council	(Pages 35 - 42)
14.	RECOMMENDATION TO ADOPT THE INTERNATIONAL HOLOCAUST REMEMBRANCE ALLIANCE (IHRA) WORKING DEFINITION OF ANTISEMITISM Report of the Leader	(Pages 43 - 52)
15.	NOTICES OF MOTION These must be received no later than 12 noon on Monday 10 February 2020.	
16.	ANY OTHER ITEM THE MAYOR DETERMINES AS URGENT AND WHICH REQUIRES A DECISION	
17.	LOCAL GOVERNMENT ACT 1972 -EXEMPT INFORMATION The committee is recommended to approve the following resolution:- “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)	
18.	EXEMPT MINUTES To approve the exempt minutes of the meeting held on 22 July 2019	(Pages 53 - 58)

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Contact Officer: Bev Thomas, Democratic Services Team Leader, 01242 264246
Email: democratic.services@cheltenham.gov.uk

Gareth Edmundson
Chief Executive

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More information can be found in [Appendix K](#) of the Council Constitution.

Further questions and contact details

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democratic.services@cheltenham.gov.uk

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Council

Monday, 16th December, 2019

5.00 - 8.35 pm

Attendees	
Councillors:	Roger Whyborn (Chair), Sandra Holliday (Vice-Chair), Victoria Atherstone, Matt Babbage, Paul Baker, Garth Barnes, Dilys Barrell, Angie Boyes, Nigel Britter, Jonny Brownstein, Flo Clucas, Chris Coleman, Mike Collins, Stephen Cooke, Iain Dobie, Bernard Fisher, Wendy Flynn, Tim Harman, Steve Harvey, Karl Hobley, Martin Horwood, Peter Jeffries, Steve Jordan, Chris Mason, Paul McCloskey, Andrew McKinlay, Tony Oliver, Dennis Parsons, John Payne, Diggory Seacome, Jo Stafford, Simon Wheeler and David Willingham

Minutes

1. APOLOGIES

Apologies were received from Councillor Hay, Hegenbarth, Savage, Stennett, Sudbury, Wilkinson and Williams.

2. DECLARATIONS OF INTEREST

Councillor Horwood declared an interest in agenda item 12 as he let a property which was currently vacant.

3. MINUTES OF THE LAST MEETING

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

4. COMMUNICATIONS BY THE MAYOR

The Mayor informed Members that the Licensing Team had received the iESE Certificate of Excellence reward for significant innovations in public sector transformations. He explained that Cheltenham Borough Council's Licensing Team had led on several innovative and "national first" initiatives, including the digitalisation of all of its taxi and alcohol licensing application processes where the project achieved a 100% channel shift. Similarly, in 2017, the council was the first authority to adopt a Public Spaces Protection Order to tackle ticket touting during major sporting events and in 2019, Cheltenham became the first town in the country to win an Association of Town and City Management award recognising the town's wide appeal in its evening and night-time economy. He also advised that Louis Krog, Licensing Team Leader, was runner-up in the 2019 Institute of Licensing's Jeremy Allen Award.

The Mayor then updated Members on a number of recent events he had attended.

He then advised Members of the following :

- that he had written a letter to the Mayor of Annecy on behalf of the council following the fire which had destroyed the Town Hall.
- Sophie McGough, Democracy Officer, would be leaving the council in the new year and wished her well in her new job.
- He commiserated with Cllr Wilkinson for his defeat at the recent General Election and offered his congratulations to Alex Chalk. He also wished to thank all of the staff involved in the elections for their hard work.

Councillor Harman also wished to thank Paul Jones and Kim Smith for their hard work during the election. He congratulated Alex Chalk MP and hoped that the council could work with Alex to achieve the best outcome for the people of Cheltenham.

5. COMMUNICATIONS BY THE LEADER OF THE COUNCIL

The Leader also thanked all the staff involved in the election and congratulated all of the candidates who stood, in particular Max Wilkinson for running a fantastic campaign.

He informed Members that the TRO committee had today voted to halt the Transport Plan. He felt that this was a disaster for Cheltenham's future and questioned how serious the County Council were about climate change given the environmental benefits of the scheme. He explained that the matter would still go before the County Council Cabinet but it was anticipated that they would follow the recommendations of the TRO committee. He thanked all those involved in getting the transport plan to its current stage.

6. TO RECEIVE PETITIONS

None received.

7. PUBLIC QUESTIONS

1.	Question from Amber Astron Christo to the Cabinet Member, Development & Safety Councillor Andrew McKinlay
	<p>Re BOOTS CORNER.</p> <p>Over £20,000 of tax payers money has been spent. It is now proposed that it is all re-designed at a cost of over £100,000?</p> <p>The scheme has been badly thought out and has simply removed the polluting transport away from the shopping area, into residential streets. My additional concerns are as follows:</p> <ul style="list-style-type: none">• A backlog of traffic builds up on Bath Road, Old Bath Road, College Road, Sandford Rd., Thirlestaine Rd., Suffolk Rd., Hales Rd., Hewlett Rd., and many others. Rush hour traffic results in commuters sitting in a backlog, idling and polluting the air. You have simply moved the problem from one area to another.• The particles from diesel are still pouring out at Boots corner, from buses and cabs, and you have encouraged people to sit and breath that pollution in, with new seating provided.• The real problem is that the way transport is moved around

	<p>Cheltenham is badly thought out, with a lack of signage or sensibility.</p> <ul style="list-style-type: none"> • Many businesses claim the scheme has negatively impacted their takings/footfall. <p>What exactly are you going to do about these issues?</p>
	<p>Response from Cabinet Member</p>
	<p>The works at Boots Corner were a temporary measure to coincide with the experimental traffic order introduced by colleagues at GCC. The works could not be permanent as it could be deemed to predetermine the outcome of the trial.</p> <p>That trial will be considered by the GCC Traffic Regulation Order committee on 16th December and by GCC cabinet on 20th December 2019, for a final determination.</p> <p>All of the points that you raise were considered by CBC cabinet on 5th November 2019 and the full papers can be found here https://democracy.cheltenham.gov.uk/documents/g2980/Public%20reports%20pack%2005th-Nov-2019%2018.00%20Cabinet.pdf?T=10</p> <p>Interestingly the traffic flow data from GCC appended to the above report does not support your assertion. In fact GCC states:</p> <ul style="list-style-type: none"> • The traffic data collected during March 2019 suggests the closure of Clarence Street as part of the Cheltenham Transport Plan Experimental Traffic Regulation Order is having only a limited effect on the wider traffic network; • Traffic volumes across Cheltenham between 2008 and 2015 decreased by approximately 13% and are continuing to fall; • In 2018, traffic volumes across Cheltenham were approximately 20% lower than they were in 2008; • This pattern is likely to continue given the rise in home working and modal shift. <p>So we actually have declining vehicle movements within the town.</p> <p>In terms of air pollution, again I refer to the appendix to the report. This notes:</p> <ul style="list-style-type: none"> • A slow decline of NOx over the last 10 years; and • A 7.5% decline since 2014, reflecting a reduction in traffic volumes and improvements in emissions. <p>So we have an improving air quality position within the town.</p> <p>The way people move around the town has changed dramatically, as shown by this data from Stagecoach:</p> <ul style="list-style-type: none"> • An extra 270,000 bus passenger journeys made across Cheltenham in the first year of the trial; • That's about 5,200 a week or 4.3% growth (compared to a national decline of around 2%);

<ul style="list-style-type: none"> • Additionally, buses have seen an improvement in their punctuality, which is up from 92.5% to 93.1% (based on all routes which cover about 2.6 million annual miles). <p>Additionally, at Boots Corner itself, the following data has been independently recorded:</p> <ul style="list-style-type: none"> • 124% increase in pedestrian movements; • 185% increase in the number of cycle movements. <p>This is evidence of changing patterns of movement away from the private vehicle, and is supporting the challenges associated with mitigating emissions which are contributing to global heating.</p> <p>Whilst some businesses have claimed declining footfall, this is not entirely borne out by the facts. In respect of day and stay-over visitors over last year</p> <ul style="list-style-type: none"> • Day visitors to Cheltenham grew to 1.9 million – a 7% increase; • Staying visitors rose to just under 1.1 million – a 6% increase; • Cheltenham has significantly outperformed the national trend. <p>Source :The South West Research Company.</p> <p>Town centres are complex entities and we are fully aware of the challenges being faced by the retail sector, which is exactly why we have encouraged both new players into the centre e.g. John Lewis & partners, but also diversification including:</p> <ul style="list-style-type: none"> • Leisure at the Brewery Quarter; • New food & beverage offers; • New office space – Formal House, Honeybourne Place and at the Brewery Quarter;; • New housing – Regency Place. <p>The trial at Boots Corner has clearly not ‘frightened’ investors, as in addition we have major improvement works in progress at The Quadrangle, St George’s hotel and 111-117 High Street.</p> <p>Our plan is to continue to support the wide range of businesses within the town centre, whilst equally responding to the challenges of climate change by seeking long term reductions in carbon emissions.</p> <p>The recent Cheltenham residents’ survey 2019 had promoting walking, cycling and public transport within the top 3 priorities for the Borough and the Council will aim to respond to that prioritisation by pursuing policies that further support sustainable transport options for the town.</p>
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8. MEMBER QUESTIONS

1.	Question from Councillor Willingham to the Cabinet Member Development & Safety, Councillor Andrew McKinlay
	Given the frequent operation of the Alstone Lane Level Crossing, and the long queues of traffic which form when the barriers are lowered during peak hours,

	could I please enquire what air quality monitoring is performed in the vicinity of the Alstone Lane Level Crossing?
	Response from Cabinet Member
	The nearest monitoring point to the Alstone Lane Level Crossing is our NOx monitoring tube situated at 264, Gloucester Road. The 2018 annual average level of NO ₂ recorded at 264 Gloucester Rd was 31.59ug/m ³ which is within the legal limit of 40ug/m ³ . Air pollution levels have not been specifically monitored in Alstone Lane.
	Supplementary Question
	Given the consistent queuing of traffic on Alstone Lane which is in close proximity to the level crossing, would it be possible to get some air quality monitoring equipment installed nearby to identify whether there is an issue?
	Response from Cabinet Member
	Could not give a definitive answer to question at present, but there was equipment available as a result of the CTP.
2.	Question from Councillor Willingham to the Cabinet Member Development & Safety, Councillor Andrew McKinlay
	Could I please enquire what would be required, both in terms of evidence and legislation, to get an enforceable no-idling zone on Alstone Lane in the vicinity of the Level Crossing, and if it is possible, how the responsibility for enacting and enforcing this would likely be divided between the Borough and County Councils?
	Response from Cabinet Member
	<p>I would urge all drivers to consider how they can contribute to local air quality by turning off their engines when stationary, particularly when there is likely to be a foreseeable delay, such as at a level crossing.</p> <p>My understanding is that legislation exists (The Road Traffic Vehicle Emissions (Fixed Penalty) (England) Regulations 2002) to allow councils to enforce. However, the legislation is limited in its scope and widely considered to be almost completely ineffective.</p> <p>We have the power to adopt anti-idling legislation on application to the Secretary of State, but only in an Air Quality Management Area (AQMA). CBC is about to revise the Cheltenham AQMA which currently covers the whole borough, following which most of the town will no longer be covered by an AQMA. This proposed revision was supported by the Department for Environment, Food and Rural Affairs (DEFRA) in its Annual Status Report for Cheltenham in November 2018.</p> <p>The legislation requires that anyone allowing their car to idle (whilst stopped at the kerb, but not when stationary in a traffic queue) has to be challenged and invited to stop idling. If they don't they can be issued with a fine. The fine is set at £20.</p> <p>These powers have only been adopted by a handful of councils across the country, who have found they spend a lot of officer time (and money) trying to enforce it and issuing very few fines (of the order of less than double figures in a year).</p> <p>A better approach is probably to seek to educate and influence public opinion, such that this behaviour becomes socially unacceptable. There are many more</p>

	<p>examples where collective action is going to be required in pursuit of the climate change agenda, akin to adopting the use of seatbelts and not smoking in public.</p> <p>If the problem of idling persists, tighter and more punitive legislative controls may be appropriate at a national level.</p>
	Supplementary Question
	<p>Noted that Network Rail and Great Western were due to come to either O&S or a Members seminar in the New Year and requested that Members and the Cabinet Member attend to encourage Network rail to look at how they operate the Alstone Lane level crossing to minimise the barrier down time.</p>
	Response from Cabinet Member
	<p>Agreed that there was an issue at the level crossing and the barrier down time appeared to be excessive. Suggested that the officers convey the concerns to Network Rail.</p>
3.	Question from Councillor Willingham to the Cabinet Member Development & Safety, Councillor Andrew McKinlay
	<p>Could the Cabinet Member please advise whether CBC have any enforcement powers to deal with air pollution from diesel trains left idling and visibly, odourously, and in some cases gustably, spewing black diesel smoke when they are using the sidings and other reversing facilities close to Cheltenham Spa station and the Alstone Lane Level Crossing in St Peter's ward?</p>
	Response from Cabinet Member
	<p>We have no power to take action against smoke from diesel railway engines. In air quality terms, the amount of pollution caused in Cheltenham from railway engines is tiny compared with that produced by road traffic. Similarly, in terms of impact per passenger mile, pollution from rail transport is considerably less than that generated from the use of private vehicles.</p>
4.	Question from Councillor Harman to Cabinet Member Development and Safety, Councillor Andrew McKinlay
	<p>In relation to two Planning enforcement issues in Park Ward recently there has been a standard response that the matters might not be capable of being examined for up to twenty days.</p> <p>Whereas I am grateful to the very professional response from the appropriate officers when it came, will the Cabinet Member examine whether it is possible to provide a more rapid response especially when there may be serious breaches of consent or works being undertaken without consent.</p>
	Response from Cabinet Member
	<p>All Planning enforcement cases are dealt with in relation to their assessed priority as established by the adopted 'Local Enforcement Plan' approved by members following consultation. It is planned to review this document, to ensure that it continues to reflect current member priorities, in terms of the range of cases being dealt with by the planning enforcement team.</p> <p>Officers did endeavour to deal with matters recently raised in the Park ward area within the timeframes specified in the Enforcement Plan, but in one particular case, there was some delay due to access problems beyond the control of the officer dealing with the case.</p> <p>The ability of the Planning Enforcement team to respond to all referred cases</p>

	<p>within the time frames specified in the Plan, has been raised. Accordingly, a new post has been approved to help deal with this workload. The post was advertised without success in attracting a suitable candidate, but is due to be re-advertised shortly, probably at a higher grade.</p> <p>Councillor Harman noted that the document referred to was being reviewed which he welcomed.</p>
5.	Question from Councillor Harman to Cabinet Member Healthy Lifestyles, Councillor Clucas
	<p>I understand that the organisers of the Cheltenham Film Festival are seeking financial assistance with next years Festival.</p> <p>Will the Cabinet Member examine whether this is possible in some way either directly or in collaboration with partners and if she might be prepared to meet the organisers.</p>
	Response from Cabinet Member
	<p>The council provided a grant of £5,000 to support this year's Cheltenham Film Festival https://democracy.cheltenham.gov.uk/ieDecisionDetails.aspx?ID=1167</p> <p>The grant was awarded in the expectation that this would be a one-off grant to get the Film Festival up and running and not an annual grant.</p> <p>We have been approached by the organisers who are seeking financial support for the 2020 Festival. To date no decision has been made either way and I would welcome the opportunity to sit down with the organiser to discuss his plans for the 2020 festival and how these align with the council's priorities.</p>
	Supplementary Question
	Would welcome a meeting to look at potential funding options.
	Response from Cabinet Member
	Confirmed that she would be happy to meet, although could not guarantee funding until the council's financial situation had been considered further.

9. CONSIDERATION OF A PETITION ENTITLED - 'KEEP PARKING AT PITTVILLE PARK FREE!'

The petition was introduced by the petition organiser, Mr Stephan Fifield. He criticised the parking order and spoke about the importance of Pittville Park to the community. He emphasised that its importance and popularity was based on accessibility and felt that introducing parking charges would damage this accessibility and reduce the number of visitors. He stressed that the order sought to achieve two contradictory goals: improving air quality by deterring the use of cars, while also improving access. Furthermore, it contradicted the council's stated goal of making all parks 'more accessible to all'. He suggested that a car parking policy should seek to maximise public good, and this could not be the case if access to the park was reduced. He asked that the two car parks (Pittville Pump Room and Albermarle Gate) be excluded from the order, on grounds of public good.

The Cabinet Member for Development and Safety, responded by reminding Members that the 2016 Car Parking Strategy included a consultation in September regarding smaller car parks on the outskirts of town. A number of

petitions were submitted regarding other car parks, such as the one in Charlton Kings, and those suggestions were included in the final strategy. However, this petition had failed to meet the timeline. Other petitions relating to Pittville were submitted during the statutory consultation process and taken into account, resulting in changes to the recommendations. Two hours' free parking were offered, with a £1 charge for the next two hours. He stressed that this did not generate significant income for the council, but ensured that people did not stay there too long. He suggested that the requirements of the new petition had already been satisfied by previous submissions, and that the decision made by Council in September was the correct one.

One Member asked when precisely the changes would be applied. Mike Redman, Director of Environment, clarified that the timings for this particular car park were between 8am and 6pm, which differed slightly from the usual schedule for Cheltenham car parks.

In the debate that followed, Members made the following comments:

- Pittville Park had historically not always been free to all. The successful investment the council had made in improving the park was acknowledged.
- Charges were minimal and would not affect public enjoyment, but would improve access by preventing the car parks becoming clogged up.
- It was wise to discourage long-term parking, but questioned whether charging £1 was sufficient to do that, and whether enforcement would be properly carried out.
- The 6pm cut-off point was endorsed as this allowed those attending evening concerts to avoid unexpected charges.
- The only solution to overcrowding from commuter parking and student parking was to impose a time limit, set at four hours although this needed to be properly enforced. It was suggested that enforcement could be paid for through parking fees, creating a more direct link to users.
- One Member echoed the concern that a £1 charge would not cover the cost of enforcement. They asked why they could not make four hours free and increase the fine after that.

The Cabinet Member Development and Safety summarised that the core issue was that car parks were not working for people using the venues they were supposed to serve. He emphasised the need for local solutions to local problems. He suggested that the recommendations of the report represented a workable compromise, with the contributions received during the consultation period taken into account.

RESOLVED THAT (28 for, 5 against, 0 abstentions)

No further action be taken in respect of the petition, in light of the officer comments set out at Section 3 and action already agreed by Cabinet, following public consultation, to modify the original proposal to introduce charges at the Pittville Pump Room and Albemarle Gate car parks (see in particular paragraph 3.3).

10. RECOMMENDATIONS OF THE INDEPENDENT REMUNERATION PANEL (IRP) REGARDING MEMBERS' SCHEME OF ALLOWANCES

The Acting Head of Paid Service introduced the report and explained that a full review of the Members' allowance scheme was conducted every 4 years and the recommendations following the most recent review were detailed in the appended Independent Remuneration Panel (IRP) report. He welcomed Quentin Tallon, the Chair of the IRP to introduce the report.

Mr Tallon firstly wished to thank Democratic Services for their support in conducting the review. He highlighted the process for the review and explained that they had sent a questionnaire to Members to which they had received an 85% response rate. They had also interviewed 12 Members, including leaders of political groups, Cabinet Members and back benchers. He summarised the recommendations in the report, as follows:

- They recognised the increased workload for Councillors and so were proposing a 2% increase to the basic allowance and the same increase to all SRA's.
- The report was recommending to formalise the split of the SRA for the Chair and Vice-Chair of Licensing in the scheme.
- They acknowledged the increased work load for the Chair and Vice-Chair of the planning committee as a result of the evolving legislation and the need to keep informed of changes to the emerging local plan, the JCS and NPPF. As such, they were recommending a 15% increase to the allowance for the Chair and Vice-Chair of the Planning Committee.
- They had considered increasing the allowance for the Mayor following comments from Members, however, reasoned that the allowance was not designed to compensate a Member for loss of earnings and when compared with other mayoral allowances within the region, it was considerably higher.
- They were recommending an increase to the Members training budget as they felt it was imperative Members were equipped with the right information and knowledge to fulfil the role.

He lastly wished to thank Members for their invaluable participation in the process.

In the debate that followed, Members thanked members of the IRP for conducting the review. The Leader noted the reference in the report to extending the size of the Cabinet and explained that this was something he was seriously considering in the near future, however, the election had halted the process. He confirmed that they were considering creating a role as a Cabinet Member for Cyber Central and one for climate change.

Members had some concerns in the report regarding remuneration to council appointed representatives on outside bodies. Whilst they acknowledged that the appointment to the airport was a slight anomaly as the airport was jointly owned by the council they felt that all other appointments were carrying out duties on behalf of the council, and as such, should receive an allowance. It was highlighted that the non executive directors of the airport, Ubico and Publica now receive a payment and so it was deemed unfair that the council nominated non exec director does not receive an allowance for the same role.

Councillor Parsons wished to propose the following amendment that was seconded by Councillor Stafford:

"That the Special Responsibility Allowance (SRA) for members appointed as non-executive directors or trustees of bodies undertaking responsibilities for which the council is ultimately responsible be set pari passu with the remuneration of other non-executive directors of the organisation."

The Head of Law confirmed that further work with regards to the interpretation of the regulations would need to be conducted and suggested a report be brought back before the Council once this had been done. The legal advice at present was that payment could not be made under the regulations.

Councillor Parsons explained that the reason for the amendment was that there were a number of appointments made by the council that were treated differently from executive directors that were appointed by the body themselves.

One Member suggested that the matter be debated to get a general steer on the subject and then it be referred to the overview & scrutiny committee for further consideration.

One Member questioned whether the SRA would be paid for by the council and whether this would be equal to what the outside body pay the other representatives. They acknowledged that as separate legal entities it was up to the outside body what they pay the representatives and this could not be dictated by the council. Therefore, consideration would need to be given to whether the council ask the body to pay the appointment or whether it is paid for by the council in the form of an SRA. A Member agreed that the onus should be on the outside body to pay the representatives but the legalities surrounding this would need to be explored.

One Member felt that the appointment to the Cheltenham Trust was particularly challenging and required considerable commitment both in terms of meetings and workload outside of the meetings. Similarly, it was noted that the Cheltenham Trust performed functions that would have previously been undertaken by paid CBC staff and Cabinet Members and so it only seemed fair that they were remunerated for this role. It was agreed that if the council wanted to be more diverse they needed to reasonably remunerate Councillors so that they were financially able to undertake the role.

Other Members felt that the payment should come from CBC, particularly in the example of the Cheltenham Trust Board because they were functions that would otherwise be taking place inside CBC.

Councillor Whyborn declared an interest in the matter as the council nominated representative on Gloucestershire Airport.

One Member highlighted that you cannot be remunerated as a trustee of a charity as stipulated by the charity commission.

Members understood the complexities around the matter and agreed that there were inevitable legal and financial considerations and felt that the matter should be referred to the overview and scrutiny committee for consideration.

Councillor Parsons withdrew the amendment on the agreement that it be referred to the overview and scrutiny committee. Members unanimously supported this.

Members proceeded to vote the substantive recommendations, they welcomed the recommendation to make the travel and subsistence form electronic as they felt the current process was a waste of resources. They also felt it was imperative councillors had access to the right training in order to make legally sound decisions. They also recognised the importance of remunerating councillors to ensure diversity.

RESOLVED (with one abstention) THAT

1. The Council accepts the recommendations as follows:

- **That the basic allowance be increased by 2% to £5,698, (this incorporates a £50 increase to the home ICT allowance).**
- **That the Special Responsibility Allowances be increased by 2% to give the following levels:**

Role	Current Allowance	Recommendations from the IRP from April 2020 with a 2% increase (except for those marked with an asterisk)
Leader	17,435	17,784
Cabinet Member	13,723	13,997
Chair of Planning Committee	3,211	3,767*
Vice-Chair of Planning Committee	1,604	1,881*
Chair of Licensing Committee	867	884
Vice-Chair of Licensing Committee	577	589
Chair of Overview & Scrutiny Committee	2,889	2,947

Vice-Chair of Overview & Scrutiny Committee	1,444	1,473
Chair of Audit Committee	723	737
Chair of Standards Committee	320	326
Group Leaders	643	656
Independent Members of Standards Committee	318	324
Mayor (Chair of Council)	481	491
Mayor (Duties of Civic Head)	7,016	7,156
Deputy Mayor	1,404	1,432

- **That the Special Responsibility Allowance for the Chair and Vice-Chair of Planning Committee be increased by 15% in addition to the 2% inflation increase to give the following levels:**
 - **Chair of Planning Committee - £3,767**
 - **Vice-Chair of Planning Committee - £1,881**

- **That the Special Responsibility Allowance for the Licensing Committee be split between the Chair and Vice-Chair on a 60/40 basis and formalised within the scheme.**

2. The Council notes the IRP comments on:

- **Potential additional training requirements in order to equip Members with the knowledge and expertise required to undertake their role.**

- **Digitalising the submission of travel claims.**

- 3. The matter relating to remuneration of CBC nominated representatives on outside bodies be referred to Overview and Scrutiny.**

11. LOCAL COUNCIL TAX SUPPORT SCHEME FOR 2020/21

The Leader of the Council presented the report, in the absence of the Cabinet Member Finance. He reminded Members that the process was introduced in 2013, and covered the benefit for working age people. The government had cut its funding by 10%, but the council had continued to provide 100% support to over 2700 families. The system operated using 20% bands, and sought to align with Universal Credit. The report proposed enhancing the disabled child disregard to £100 a week and increasing the amount per band to prevent people dropping out of a particular tier. The discretionary fund would be used in particular cases of hardship. He emphasised that the council must be especially supportive of those on low incomes, noting that while the pension age was fixed, the council can have a genuine influence on the situation of working families.

RESOLVED (unanimously) THAT

- 1) The Local Council Tax Support Scheme for 2020/21 for working age customers in Appendix 2 and summarised in Appendix 3 in accordance with section 13A(2) of the Local Government Finance Act 1992 be approved.**

12. REVIEW OF COUNCIL TAX PREMIUM ON EMPTY PROPERTIES

The Cabinet Member Housing presented the report, in the absence of the Cabinet Member Finance. Councillor Horwood declared an interest in this issue and left the chamber.

The Cabinet Member Housing explained that the scheme was introduced in 2018, in line with the council's Housing & Homelessness Strategy. A commitment was made last year to review the scheme, which had now been undertaken. He suggested he was particularly pleased that 85 properties have been brought back into use. There were 300 properties in Cheltenham that were deemed to be 'long-term empty'. This scheme incentivised making proper use of these properties.

One Member asked about the technical details of classifying furnished and unfurnished houses. The Cabinet Member Housing clarified that houses have to be 'reasonably furnished' in order to qualify – in other words, just putting a sofa in does not change the status. Second homes do not fall under the remit of this legislation.

One Member outlined a case in Charlton Kings where a property was damaged by a serious fire. The building was rendered uninhabitable for six months, but was still treated as an empty property and charged accordingly. The Cabinet Member Housing clarified that in extreme cases, individuals could apply for extenuating circumstances.

RESOLVED (unanimously) THAT

The level of Council Tax Empty Homes Premium detailed in appendix 2 as follows be approved:

- a) **100% in respect of properties which have been unoccupied and unfurnished for more than 2 years from 1st April 2020**
- b) **200% in respect of properties which have been unoccupied and unfurnished for more than 5 years from 1st April 2020**
- c) **300% in respect of properties which have been unoccupied and unfurnished for more than for 10 years from 1st April 2021**

13. TREASURY MID-TERM REPORT 2019/20

In the absence of the Cabinet Member Finance, Councillor Baker, as Chair of the Treasury Management Panel presented the report, supported by the Executive Director Finance and Assets. He drew members' attention to part 6.3, which mentioned uncertainty due to the general election. As this had now occurred, the uncertainty was lessened.

RESOLVED (unanimously) THAT

The contents of the summary report of the treasury management activity during the first six months of 2019/20 be noted.

14. REVIEW OF NO CHILD LEFT BEHIND AND ADOPTION OF THE CHELTENHAM OFFER

The Cabinet Member Healthy Lifestyles introduced the report, and thanked Members for their active engagement in the No Child Left Behind project. She drew their attention to section 3.1, which illustrated the number of children helped directly. She emphasised the value of a whole town approach, and the importance of a plan to continue the project in the years to come. She thanked the Strategy and Engagement Manager and officers in his team as well as Charles Welsh, Executive Headteacher, Gardeners Lane and Oakwood Federation for their hard work, especially in terms of gaining the support of private organisations.

The next steps for the project were to build on what had already been achieved. Language accessibility was a key aim, as was helping the victims of criminal exploitation. The project intended to take a trauma informed approach and empower individuals through strength-based relationships. It was hoped that the example set by No Child Left Behind would be adopted by other towns and communities. She drew Members' attention to the Cheltenham Offer, on the final page of the report. This was intended to be self-sustaining, so the council was considering the submission of a potential lottery bid.

Summarising her speech, the Cabinet Member Healthy Lifestyles asked the Mayor to write to all those involved in the project and thank them for their work.

One Member thanked the Cabinet Member Healthy Lifestyles for her contribution and emphasised that they were wholeheartedly supportive in their role as a county councillor, as well as a local councillor. The project had been nationally recognised by the LGA, and they are working on securing additional funding at that moment.

One Member emphasised the importance of the issue to the town. Inequality was appalling, and was unlikely to improve over the next five years. 4000 children in Cheltenham were growing up in poverty. Exclusion from school must be seen as a last resort.

Members congratulated the Cabinet Member Healthy Lifestyles and the relevant officers for their good work. They endorsed the holistic approach taken by the project, and praised the good work done behind the scenes. The child poverty figures in Cheltenham were disgraceful, and it was paramount that things were done to improve the situation. Last year, there were 128 episodes of children as young as five running away from care, indicating that the care system is broken.

One Member cited the damning Ofsted report published in 2017, which referred to 'serious and widespread failures' in children's services. It was undeniable that there were children suffering in Cheltenham, and was of the utmost importance that the council worked to alleviate this.

The Mayor thanked the Cabinet Member and officers concerned.

RESOLVED (unanimously) THAT

- 1. The progress achieved by the No Child Year of action be noted.**
- 2. Cheltenham Borough Council commit to support a second year of No Child Left Behind.**
- 3. Cheltenham Borough Council commit to the Cheltenham Offer.**
- 4. Authority be delegated to the Executive Director People and Change, in consultation with the Cabinet Member Healthy Lifestyles, to develop and agree an action plan that demonstrates how we will deliver the Cheltenham Offer through its internal and external arrangements.**

**15. NOTICES OF MOTION
Motion A**

**Proposed by Councillor Cooke
Seconded by Councillor Harman**

This council recognises that trees have a crucial role to play in tackling the climate emergency.

Following the declaration of a climate emergency in February 2019, and the endorsement of the 'Carbon Neutral Cheltenham Leadership through Stewardship' report in October 2019, this council further notes that:

Doubling tree cover across the UK could draw down 50 million tonnes of carbon dioxide annually, which is around 10% of current UK emissions.

Trees also provide additional benefits beyond their critical importance in reaching net-zero greenhouse gas emissions: trees create more space for nature, supporting hundreds of species of insects, birds and mammals. Trees are also great for public health, helping clean the air and providing access to nature that's important for our wellbeing.

This council therefore commits to including the following in its Carbon Neutral action plan and allocate appropriate funding for:

- 1) Increasing tree cover on council-owned land.*
- 2) Increasing tree cover across the Borough by updating council strategies and plans.*
- 3) Working with partner organisations to plant one million trees by 2030*

In proposing the motion Councillor Cooke explained that this followed on from the carbon leadership report that was brought to Council and sought approval to include the initiatives in the enabling work that the council had already endeavored to undertake. He acknowledged that this required working with partner agencies such as the Woodland Trust to change the management of the land. He wished to modify point 3 as follows :

"working with partner organisations towards planting 1 million trees or equivalent by 2030".

He highlighted that over its lifetime, 1 tree stored a metric tonne of carbon and each human on average, produces 12 tonnes a year. Therefore, whilst trees would never be the complete answer, they could form an important part of the solution and official figures suggested we need to plant around 5x more trees. He stressed that in the UK, the woodland cover is only around 13% when compared with Europe which is around 35%. Similarly, the UK imported a significant amount of wood and only produced around 20% of its own in order to fulfill its timber requirements. He highlighted that as well as carbon sequestration, trees contributed to flood defense, reduction in soil erosion, improved biodiversity and importantly improving effects on air quality. He acknowledged that the council was limited to planting trees on its own land, however, reasoned that ecological succession would enable indigenous species to grow and would not cost the council money. He noted that imported diseases and pests caused a number of trees to die and so at the very least they needed to be replanting these.

Councillor Willingham proposed the following amendment to motion A, this was seconded by Councillor Baker.

After the third paragraph ending "*our wellbeing.*" Add the following paragraphs:

"Cheltenham Borough Council has already commenced tree planting, with approximately one thousand trees having already been planted in various parks

and green spaces across the Borough; including at: Elmfield Park, Honeybourne Line (north), Winston Churchill Memorial Gardens, Nauton Park, King George V Playing Field, Benhall Open Space and Pittville Park. Council formally records its thanks to the Green Spaces Team and the volunteers who gave up their time to do this.

The report predicts that planting one million trees has the potential annual effect of removing 1t CO₂e, whereas measures such as “Zero Carbon Leisure@”, “Net positive depot”, “100% renewable electricity” and “Solar car parks”, are each predicted to have the potential annual effect of removing 1,190t CO₂e, 970t CO₂e, 860t CO₂e and 800t CO₂e respectively. This gives a total predicted effect of removing 3,820t CO₂e, something that would be between three and four orders of magnitude more effective than planting trees and that to have a significant impact the schemes with the greatest impact need to be prioritised, and that the Council has already switched to renewable electricity.

Cheltenham Borough Council cannot tackle global climate change in isolation, that central government needs to make positive changes to legislation to give local authorities the additional powers they need to tackle climate change and that the Leader of the Council has already written to Ministers to request these and notes with concern and regret our Member of Parliament’s reported record¹ of consistently voting against measures to tackle climate change; including:

- Voting not to reduce the permitted carbon dioxide emission rate of new homes.*
- Voting against requiring a strategy for carbon capture and storage for the energy industry.*
- Voting against setting a decarbonisation target for the UK within six months of June 2016 and reviewing it annually thereafter.*
- Voting to apply the Climate Change Levy tax to electricity generated from renewable sources.*
- Voting to apply the tax on non-domestic electricity supplies known as the climate change levy to electricity generated from renewable sources.*

The responsibility for planting and maintaining street trees in the Borough is the responsibility of Gloucestershire County Council.”

In the numbered item 3) replace the word “Working” with “Continue working, both internally and”

Add numbered items 4) and 5) and footnote ¹ as follows:

“4) Encourage Gloucestershire County Council to deliver a comprehensive street tree planting programme within the Borough.

5) Continue to lobby the government, both directly and via the Local Government Association, for the additional powers the council needs to locally tackle climate change.

¹ at <https://www.theyworkforyou.com/>”

In proposing the amendment, Councillor Willingham wished to highlight the work the Council was already doing as part of the stewardship programme which included the planting of 1000 trees in parks and gardens across the borough. He also noted that initiatives that were being undertaken by the

council such as Zero Carbon Leisure@, Net positive depot, 100% renewable electricity and Solar car parks had a greater effect on CO₂e removal than planting trees and the initiatives with the greatest impact needed to be prioritised. He stressed that climate change could not be tackled in isolation and that will from Central Government commitment was imperative. Therefore, continuing to lobby the government was key to tackling the problem. He further noted that the planting and maintenance of street trees was the responsibility of the County Council.

Members proceeded to debate the amendment and made the following comments:

- The County Council have an ambitious planting programme for trees that forms part of a wider climate change strategy.
- There was not enough space to plant the required number of trees and so this would only form a small part of the solution.
- It was acknowledged that tree planting was important in combating pollutants and particulates.
- More needed to be done by Central Government to incentivise people to reduce their carbon footprint.
- It was questioned whether the figures in the amendment which stated that planting one million trees had the potential annual effect of removing 1t CO₂e were factually correct.
- Some Members questioned the leadership from Gloucestershire County Council on issues of climate change, particularly with regards to the recent decision of the TRO committee to reverse the transport plan.
- One Member reasoned that better insulation of homes had a far greater impact than tree planting.
- Members acknowledged the investment that the European Union was making in to initiatives to tackle climate change and the importance of working with them to address the problem.

Members welcomed the motion which aimed to tackle the root cause of the problem and was not just focused on mitigation measures.

Councillor Willingham explained that the figures cited in the amendment had come from the original stewardship report that had been presented to council in October 2019.

Upon a vote, the amendment was CARRIED.

Councillor Horwood proposed to remove the following line from the motion given the suspected inaccuracies in the statistics.

“The report predicts that planting one million trees has the potential annual effect of removing 1t CO₂e”.

As proposer of the original motion, Councillor Cooke agreed that the above line be omitted from the amended motion.

Members proceeded to debate the substantive motion. One Member questioned the requirement for the motion given the fact that council had voted

to declare a climate emergency in October 2019 and as part of that had committed to planting 1 million trees.

In concluding, Councillor Cooke acknowledged that the commitment was in the original DCA report, however, the purpose of the motion was to make it more explicit so that the public were aware such measures were being taken. He stressed that it could only form a small part of the solution. Importing wood for wood pellets and for building had huge carbon costs and so it would be better to use trees within the UK.

Upon a vote, the motion (as amended) was CARRIED.

Motion A (as amended)

This council recognises that trees have a crucial role to play in tackling the climate emergency.

Following the declaration of a climate emergency in February 2019, and the endorsement of the 'Carbon Neutral Cheltenham Leadership through Stewardship' report in October 2019, this council further notes that:

Doubling tree cover across the UK could draw down 50 million tonnes of carbon dioxide annually, which is around 10% of current UK emissions.

Trees also provide additional benefits beyond their critical importance in reaching net-zero greenhouse gas emissions: trees create more space for nature, supporting hundreds of species of insects, birds and mammals. Trees are also great for public health, helping clean the air and providing access to nature that's important for our wellbeing.

Cheltenham Borough Council has already commenced tree planting, with approximately one thousand trees having already been planted in various parks and green spaces across the Borough; including at: Elmfield Park, Honeybourne Line (north), Winston Churchill Memorial Gardens, Nauton Park, King George V Playing Field, Benhall Open Space and Pittville Park. Council formally records its thanks to the Green Spaces Team and the volunteers who gave up their time to do this.

Measures such as "Zero Carbon Leisure@", "Net positive depot", "100% renewable electricity" and "Solar car parks", are each predicted to have the potential annual effect of removing 1,190t CO₂e, 970t CO₂e, 860t CO₂e and 800t CO₂e respectively. This gives a total predicted effect of removing 3,820t CO₂e, something that would be between three and four orders of magnitude more effective than planting trees and that to have a significant impact the schemes with the greatest impact need to be prioritised, and that the Council has already switched to renewable electricity.

Cheltenham Borough Council cannot tackle global climate change in isolation, that central government needs to make positive changes to legislation to give local authorities the additional powers they need to tackle climate change and that the Leader of the Council has already written to Ministers to request these and notes with concern and regret our Member of Parliament's reported record¹ of consistently voting against measures to tackle climate change; including:

- *Voting not to reduce the permitted carbon dioxide emission rate of new homes.*
- *Voting against requiring a strategy for carbon capture and storage for the energy industry.*
- *Voting against setting a decarbonisation target for the UK within six months of June 2016 and reviewing it annually thereafter.*
- *Voting to apply the Climate Change Levy tax to electricity generated from renewable sources.*
- *Voting to apply the tax on non-domestic electricity supplies known as the climate change levy to electricity generated from renewable sources.*

The responsibility for planting and maintaining street trees in the Borough is the responsibility of Gloucestershire County Council.

This council therefore commits to including the following in its Carbon Neutral action plan and allocate appropriate funding for:

- 1) Increasing tree cover on council-owned land.*
- 2) Increasing tree cover across the Borough by updating council strategies and plans.*
- 3) Continue working with partner organisations towards planting 1 million trees or equivalent by 2030.*
- 4) Encourage Gloucestershire County Council to deliver a comprehensive street tree planting programme within the Borough.*
- 5) Continue to lobby the government, both directly and via the Local Government Association, for the additional powers the council needs to locally tackle climate change.*

¹ at <https://www.theyworkforyou.com/>

Motion B

Proposed by Councillor Babbage
Seconded by Councillor Harvey

The Cotswolds Area of Outstanding Natural Beauty

This Council notes that:

- *The Government recently commissioned a review of National Parks and AONB sites in England, led by Julian Glover. The findings of the review (Landscapes Review) were published in September.*
- *The Cotswolds, which already has Conservation Board Status as an AONB, receives approximately 23 million visitor days each year, with tourism worth around £900m to the local economy.*
- *The Landscapes Review identifies the Cotswolds as a 'strong candidate, to be considered for National Park status', suggesting Natural England and Ministers consider the case for this designation.*

This Council further notes, however, that:

- *The Cotswolds is not reliant upon just its landscapes and tourism for its economy, it is also a thriving area for a wide range of businesses and technologies with many established employment sites.*
- *A National Park designation can affect housing affordability as there is often a 'price premium' applied to National Park area designations.*
- *A National Park designation would remove planning powers over land within the National Park from existing planning authorities, including Cheltenham Borough Council, reducing democratic accountability.*

This Council resolves to write to Natural England and relevant Ministers:

- *To support aspects of the Landscape Review, including the underlying thrust of promoting and supporting national landscapes for our nation's wellbeing while protecting and enhancing our countryside.*
- *But to reject the notion of a National Park designation for the Cotswolds, noting that tourism is already thriving in the area and that no evidence has been provided to show how the costs to the wider economic future outweigh the smaller benefits that would come from a change in designation.*

To work with other local authorities within the AONB and the Cotswolds Conservation Board to address the challenges and opportunities highlighted in the Landscapes Review.

In proposing the motion, Councillor Babbage acknowledged that a number of Members had already voted on a similar matter at the County Council. He cited the benefits of having National Park status which included the boost to tourism. However, he noted that National Parks come with upward pressure on issues such as housing affordability. Furthermore, the Cotswolds was not a typical AONB as it comprised large urban towns with established employment sites. Under a National Park, the responsibility for planning decisions would lie with the National Park Authority.

Members supported the motion and had particular concerns with regards to the implications on the planning process. National Park authorities were not democratically accountable bodies. They also cited concerns with the impact on house prices.

Councillor Willingham proposed the following amendment to Motion B, this was seconded by Councillor Wheeler

In the third section of bullet points between the second and third bullet point, add the following text:

- *To remind Ministers of the financial difficulties caused to agricultural businesses and other land stewards by significant delays to payments from the Rural Payments Agency (RPA) and Natural England (NE), and to suggest that resolution of these issues should be prioritised ahead of considering National Park status."*

In the third section of bullet points, in the final bullet point, replace the word "and" after "AONB" with a comma, and add the words "and other appropriate

partners including the Cleeve Common Trust,” after the phrase “Cotswolds Conservation Board”.

Some Members had concerns that they had not had time to consider the amendment and suggested a deferral. However, following a short discussion Councillor Babbage, as proposer of the motion agreed to the amendment.

One Member noted a recent decision in the supreme court which removed a village green status as an area of open land and questioned what the potential implications were for local green space in Cheltenham and in the AONB area as a result of the decision at the supreme court.

Upon a vote, the motion (as amended) was CARRIED.

Motion B (as amended)

The Cotswolds Area of Outstanding Natural Beauty

This Council notes that:

- *The Government recently commissioned a review of National Parks and AONB sites in England, led by Julian Glover. The findings of the review (Landscapes Review) were published in September.*
- *The Cotswolds, which already has Conservation Board Status as an AONB, receives approximately 23 million visitor days each year, with tourism worth around £900m to the local economy.*
- *The Landscapes Review identifies the Cotswolds as a ‘strong candidate, to be considered for National Park status’, suggesting Natural England and Ministers consider the case for this designation.*

This Council further notes, however, that:

- *The Cotswolds is not reliant upon just its landscapes and tourism for its economy, it is also a thriving area for a wide range of businesses and technologies with many established employment sites.*
- *A National Park designation can affect housing affordability as there is often a ‘price premium’ applied to National Park area designations.*
- *A National Park designation would remove planning powers over land within the National Park from existing planning authorities, including Cheltenham Borough Council, reducing democratic accountability.*

This Council resolves to write to Natural England and relevant Ministers:

- *To support aspects of the Landscape Review, including the underlying thrust of promoting and supporting national landscapes for our nation’s wellbeing while protecting and enhancing our countryside.*
- *But to reject the notion of a National Park designation for the Cotswolds, noting that tourism is already thriving in the area and that no evidence has been provided to show how the costs to the wider economic future*

outweigh the smaller benefits that would come from a change in designation.

- *To remind Ministers of the financial difficulties caused to agricultural businesses and other land stewards by significant delays to payments from the Rural Payments Agency (RPA) and Natural England (NE), and to suggest that resolution of these issues should be prioritised ahead of considering National Park status.*
- *To work with other local authorities within the AONB and, the Cotswolds Conservation Board and other appropriate partners including the Cleeve Common Trust, to address the challenges and opportunities highlighted in the Landscapes Review.*

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

There was none.

Roger Whyborn
Chairman

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Cheltenham Borough Council Council- 17 February 2020 Update to the Constitution

Accountable member	Cabinet Member Corporate Services, Councillor Alex Hegenbarth
Accountable officer	Gareth Edmundson, Chief Executive
Ward(s) affected	n/a
Key/Significant Decision	Yes
Executive summary	This report sets out the recent work and recommendations of the Constitution Working Group for consideration by Council.
Recommendations	<p>That Council:</p> <ol style="list-style-type: none"> 1. Approves a change to Article 7, paragraph 7.2 of the Constitution to read “The Cabinet shall consist of the Leader of the Council together with at least two, but not more than nine Councillors”. 2. Notes the financial implications that will arise from Recommendation 1. 3. To note that the proposed change in size of Planning Committee will require Council approval at Annual and Selection Council on 18 May 2020 and once approved would have immediate effect. 4. Approves the use of the electronic voting system as an alternative to a show of hands currently required. 5. Approves the proposal to move the start time of Council meetings to 6 pm in the Council Diary for 2020/21. 6. Delegates to the Borough Solicitor authority to make any textual or other amendments which are necessary to ensure accuracy, consistency and legality of the Constitution when incorporating the revisions authorised by Council.

Financial implications	<p>The annual cost of one additional Cabinet member would be £13,723 (the Cabinet Member allowance) plus National Insurance payments of £1467, a total of £15,190.</p> <p>The two additional Cabinet members proposed would cost twice that amount i.e. £30,380 per annum. A 2% increase in allowances for next year would require funding for 2020/21 of £30,988.</p> <p>It is anticipated that the on-going cost from April 2020 will form part of the 2020/21 budget proposals which will come in front of Full Council for approval in February 2020.</p> <p>Contact officer: Martin Yates, martin.yates@publicagroup.uk, 01242 264200</p>
Legal implications	<p>Changes to the Constitution require Council approval (unless the changes are minor amendments) following a report from the Constitution Working Group.</p> <p>Under section 9C (3) Local Government Act 2000 the executive may consist of 2 or more councillors of the authority appointed to the executive by the executive leader. Under 9C(5) the number of members of a local authority executive may not exceed 10 or such other numbers as may be specified in regulations made by the Secretary of State.</p> <p>Contact officer: Sarah Farooqi, sarah.farooqi@tewkesbury.gov.uk, 01684 272012</p>
HR implications (including learning and organisational development)	<p>As employers, CBC will need to consider the implications from an HR perspective and review relevant policies and practices to reflect the implications of evening working to ensure the safety and welfare of its/our staff.</p> <p>Contact officer: Corry Ravenscroft, corry.ravenscroft@publicagroup.uk, 07827 895624</p>
Key risks	<p>There are no risks identified.</p>
Corporate and community plan Implications	<p>The changes proposed to the make-up of cabinet reflect the significance of the two priorities; climate change and cyber, to the council.</p> <p>Contact officer: Richard Gibson, richard.gibson@cheltenham.gov.uk, 01242 264280</p>
Environmental and climate change implications	<p>The creation of a cabinet lead with a portfolio dedicated to climate change is essential for enabling delivery of the council's climate emergency commitments and ensuring the agenda is properly considered across all the council's activities.</p> <p>Contact officer: Gill Morris, gill.morris@cheltenham.gov.uk, 01242 264222</p>
Property/Asset Implications	<p>The proposed recommendations will not have a direct impact of property matters.</p> <p>Contact officer: Simon Hodges, simon.hodges@cheltenham.gov.uk</p>

1. Background

1.1 The Constitution Working Group (CWG), which is the Member Group with responsibility for reviewing the Constitution, met on 27 January 2020. The Group is chaired by Councillor Dennis Parsons and supported by the Head of Law-Litigation and Business Development, One Legal, the Democratic Services Team Leader and officers from their teams.

2. Cabinet size

2.1 Under Article 7 of the Council's current Constitution provision is made for Cabinet to consist of the Leader and up to 7 Members.

2.2 In accordance with the Local Government and Public Involvement in Health Act 2007 Cheltenham Borough Council implemented the strong leader model in May 2012. This empowered the Leader to determine the number of Councillors who may be appointed to the Cabinet subject to the statutory minimum requirement of 2 and maximum of 10 as outlined in the Local Government Act 2000.

2.3 The Leader of the Council has expressed his intent to increase the size of his Cabinet to 9 Members (including himself as Leader). This is to provide specific leads to support the growing environmental / climate change agenda and the economic development / growth agenda. These two new portfolios are generating considerable additional workloads and are of growing local and national importance.

2.4 **Climate Change:** On 18 February 2019, the Council approved a motion to declare a Climate Change Emergency. Full Council called on the Cabinet to:

- Declare a 'Climate Emergency';
- Pledge to make Cheltenham carbon neutral by 2030, taking into account both production and consumption emissions;
- Call on Westminster to provide the powers and resources to make the 2030 target possible;
- Work with other governments (both within the UK and internationally) to determine and implement best practice methods to limit Global Warming to less than 1.5°C;
- Continue to work with partners across the town, county and region to deliver this new goal through all relevant strategies and plans;
- Report to Full Council within six months with the actions the Council will take to address this emergency.

2.5 In October 2019 the Council endorsed the 'Carbon Neutral Cheltenham – Leadership through Stewardship' report and roadmap. This commitment and roadmap will generate considerable additional workload. The importance of and focus on this agenda continues to grow and it is therefore important that a dedicated portfolio and cabinet lead is created.

2.6 **Economic Growth & Cyber Central:** In July 2018 the Council made a commitment to support the development of the West Cheltenham strategic allocation for the growth of the cyber industry and deliver housing. In June 2019, Homes England awarded Garden Community status for the 'Cyber Central Garden Community'. In August 2019, the Council announced that it had purchased two strategically important parcels of land covering 112 acres of land. Our corporate plan objective of making Cheltenham the cyber capital of the UK requires considerable resource and focus. This also links closely to the wider growth agenda and the important role Cheltenham has in the delivery of Gloucestershire's Local Industrial Strategy.

2.7 Cheltenham's Place Strategy sets out a vision for this to be a place where everyone thrives. Growing the economy and delivery of housing are important objectives. The West Cheltenham (Cyber Central) allocation will play a significant role in delivery of high value jobs and housing. This is an agenda that is growing, with the recent announcement of Cheltenham's (as part of

Gloucestershire) inclusion in the Western Gateway, the need to have a greater dedicated focus on growth and Economic development strengthens.

- 2.8** The Constitution Working Group oversees changes to the Constitution and consequently has considered and supported the proposal to recommend to Council – to approve a change to Article 7, paragraph 7.2 of the Constitution to read “The Cabinet shall consist of the Leader of the Council together with at least two, but not more than nine Councillors”. This amendment would bring the constitution in line with the Local Government Act 2000 which under section 9C(5) stipulates that the number of members of a local authority executive may not exceed 10.

3. Size of Planning Committee

- 3.1** A request was made to the Constitution Working Group in October 2019 to review the number of Members who sit on the Planning Committee. This was following a suggestion to reduce the numbers on the committee in order to see if a smaller committee might increase the effectiveness of the decision-making process. Having considered the average size of Planning Committee for other councils, the proposal from the Constitution Working Group, supported by Group Leaders, is to reduce the number of seats on the committee from 15 to 11 with a quorum of 6.
- 3.2** To facilitate the proposed change in size of Planning Committee Appendix B of the Constitution, which outlines committee membership, will require approval at Annual and Selection Council on 18 May 2020 and once approved would have immediate effect. Council is requested to note this timeline.

4. Implementation of Electronic Voting

- 4.1** The electronic voting system has now been installed within the audio visual system in the council chamber. With the agreement of the Chair of Planning and the Head of Planning, the system has been tested on two occasions at Planning Committee.
- 4.2** The law does not prescribe the method of voting at committees or sub-committees but currently under Paragraph 15.3 of Part 4C of the committee procedure rules the constitution provides this by show of hands. Full implementation of the electronic voting system would therefore require a change of the constitution to read “the Chairman will take the vote by show of hands or by use of the electronic voting system”.
- 4.3** The use of the electronic voting system should also satisfy the constitutional requirements for secret ballots (Paragraph 15.4 Part 4C committee procedure rules).
- 4.4** Group Leaders have been consulted on the use of the electronic voting system.
- 4.5** The Constitution Working Group is therefore requesting Council to approve the use of the electronic voting system.

5. Timings of meetings of full Council Meetings

- 5.1** Upon request of the Chair this was considered by the Constitution Working Group. Members felt that a 6 pm start time for meetings of Council would facilitate more public engagement and enable those Members in employment to attend more easily.
- 5.2** Acknowledging that the Council diary was currently out for consultation with Members, the Constitution Working Group wished to seek Council approval for this proposal prior to the approval of the Council diary 2020/21 at the March Council meeting.

5.3 The current Council procedure rules state the following with regard to the duration of meetings “Unless the majority of Members present vote for the Meeting to continue, any Meeting of the Council that has sat for four hours in total will immediately adjourn and the remaining business will be considered at a time and date fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next Ordinary Meeting”.

6. Reasons for recommendations

- 6.1 To facilitate the Leader’s request to increase the size of his Cabinet to 9 Members.
- 6.2 To ensure that the Council’s Constitution is up to date and in accordance with current legislation.
- 6.3 To ensure the authority’s ability to do business in a timely and cost effective manner in order to deliver best value.

7. Alternative options considered

- 7.1 To retain the current numbers for Cabinet.

8. How this initiative contributes to the corporate plan

- 8.1 The changes proposed to the make-up of cabinet reflect the significance of the two priorities; climate change and cyber, to Cheltenham Borough Council.

9. Consultation and feedback

- 9.1 Group Leaders, Constitution Working Group, ELT, One Legal, Finance.

10. Performance management –monitoring and review

- 10.1 There are no performance management issues arising from this report.

Report author	Contact officers: Bev Thomas, Democratic Services Team Leader beverly.thomas@cheltenham.gov.uk
Appendices	1. Risk Assessment
Background information	1. Article 7, Cheltenham Borough Council Constitution 2. Local Government Act 2000-Local Authority Executives 3. Local Government and Public Involvement in Health Act 2007

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	
	The cost for funding the additional cabinet posts cannot be accommodated as part of the 20/21 process.	Paul Jones	Nov 19	4	3	12	reduce	This would be prioritised as part of the budget process and would be considered against other growth items and workstreams	Feb 20	Gareth Edmundson		
	Failure to implement the proposals would minimise impact and delivery of CBC priorities - Climate Change and Growth agenda	Tim Atkins	Nov 19	4	2	8	accept	If not implemented other options would need to be considered, however this may have an impact on delivery.	Feb 20	Gareth Edmundson		
	If the Constitution is not regularly reviewed there is a risk of decisions being made outside of due process	Democratic Services Team Leader		2	2	4	reduce	Ensure robustness of the Decision Making processes in the Constitution	Feb 20	Democratic Services Team Leader		

Explanatory notes

Impact – 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)

Likelihood – 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)

Control - Either: Reduce / Accept / Transfer to 3rd party / Close

Cheltenham Borough Council
Council – 17th February 2020
Nominations for Mayor Elect and Deputy Mayor Elect 2020-21
Report of the Chief Executive

Accountable member	Leader, Councillor Steve Jordan
Accountable officer	Chief Executive, Gareth Edmundson
Accountable scrutiny committee	n/a
Ward(s) affected	None directly
Significant Decision	No
Executive summary	<p>Councillor Sandra Holliday has served as Deputy Mayor since last year's Annual Council Meeting and Members will be asked to elect her as Mayor at this year's Annual Meeting.</p> <p>The Members shown towards the head of the Order of Precedence in Appendix 2 have been approached to ascertain if they are willing and able to have their name put forward for appointment as Deputy Mayor for 2020-21.</p> <p>Councillor Chris Coleman indicated a willingness to put his name forward as Deputy Mayor subject to no other eligible councillor wishing to do so and pending the outcome of the May 2020 elections.</p>
Recommendations	<ol style="list-style-type: none"> 1. That Council note the Order of Precedence in Appendix 2. 2. That Councillor Sandra Holliday be put to the Annual Council Meeting for election as Mayor for the Municipal year 2020 – 2021. 3. That Councillor Chris Coleman be put to the Annual Council Meeting for election as Deputy Mayor for the Municipal year 2020-2021, subject to his re-election.
Financial implications	<p>The allowances for Mayor and Deputy Mayor have been included in the budget for 2020/21.</p> <p>Contact Officer: Paul Jones, Tel 01242 264123 E-mail paul.jones@cheltenham.gov.uk</p>

Legal implications	<p>Whilst the Council operates the Rules Relating To Order Of Precedence Of Members as a local convention, the Council has final discretion as to which members it appoints as its Mayor and Deputy Mayor (Council chair and vice-chairman).</p> <p>Contact Officer: Sarah Farooqi, Tel 01684 272012 E-mail sarah.farooqi@tewkesbury.gov.uk</p>
HR implications (including learning and organisational development)	<p>None</p> <p>Contact officer: Corry Ravenscroft, Tel: 0787 895624 E-mail corry.ravenscroft@publicagroup.uk</p>
Key risks	None
Corporate and community plan Implications	<p>The Mayor and Deputy Mayor promote the corporate and community objectives in carrying out their role as civic heads.</p> <p>Contact officer: Richard Gibson, Tel : 01242 264280 E-mail Richard.Gibson@cheltenham.gov.uk</p>
Environmental and climate change implications	None

1. Background

- 1.1 The rules relating to order of precedence of Members were amended by Council on 17 March 2008. They are set out in Appendix J of the Council's Constitution, attached as Appendix 1.
- 1.2 As part of that change it was agreed that once a councillor has achieved the office of Mayor, they should remain at the bottom of the Order of Precedence in date order and should not be eligible to hold the office again until all those above them on the Order of Precedence have chosen not to accept the honour or do not qualify for selection.
- 1.3 In addition, it was agreed that a member would not be eligible for consideration as Mayor unless they had a minimum of four years' service prior to taking up office and a minimum of three years' service prior to becoming Deputy Mayor.

2. Reasons for recommendations

- 2.1 The Council's Constitution provides that the Mayor and Deputy Mayor shall be elected at the Annual Council Meeting.
- 2.2 The Constitution also provides that in order to assist the Council the Chief Executive will maintain a list of members (the Order of Precedence) showing members' total service on the authority and, if appropriate, their period of service since they served the Borough as its Mayor. This list is attached as Appendix 2.
- 2.3 Whilst the Council must formally make these appointments at the Annual Council Meeting, in accordance with the Constitution, the Order of Precedence is presented to the first Council meeting in the calendar year.

3. Alternative options considered

- 3.1 The alternative is for this Council meeting to note a nomination for Deputy Mayor Elect as it has

done in previous years.

4. Consultation and feedback

4.1 Not applicable

Report author	Contact officer: Bev Thomas, Democratic Services Team Leader
Appendices	<ol style="list-style-type: none"> 1. The rules relating to the order of precedence of Members 2. Order of Precedence (2020)
Background information	N/A

THE RULES RELATING TO THE ORDER OF PRECEDENCE OF MEMBERS

1. The Chief Executive (or the Monitoring Officer on his or her behalf) will maintain a list of all members showing their precedence in terms of their service on Cheltenham Borough Council, and this list will be referred to as "The Order of Precedence". It is only of relevance in the determination of the succession of the posts of Mayor and Deputy Mayor.
2. To be eligible for consideration as Mayor a member must have had a minimum of four years' service prior to taking up office.
3. To be eligible for consideration as Deputy Mayor a member must have had a minimum of three years' service prior to taking up office.
4. The Deputy Mayor appointed to serve as such in a particular municipal year will be elected Mayor for the following municipal year provided he or she is willing, and remains eligible, to accept that office.
5. If the Deputy Mayor is unwilling or ineligible to accept nomination as Mayor, the nomination will be offered by the Chief Executive, following consultation with the Monitoring Officer, to members in accordance with The Order of Precedence until a member is able to accept the nomination.
6. Not later than 31st December in any year the Chief Executive (or the Monitoring Officer on his or her behalf) will approach the member at the head of The Order of Precedence (other than the Deputy Mayor) to ascertain if he or she is willing to accept nomination as Deputy Mayor for the next municipal year.
7. If the member approached by, or on behalf of, the Chief Executive is unwilling or unable to accept the nomination, the Chief Executive (or the Monitoring Officer on his or her behalf) will approach members in accordance with The Order of Precedence until a member is able to accept the nomination.

The Chief Executive will inform the Council of the member's willingness to accept nomination at its first ordinary meeting in the new calendar year.
8. The fact that a member approached by, or on behalf of, the Chief Executive is unwilling or unable to accept nomination as Deputy Mayor for a particular municipal year, shall not prevent that member being approached again in accordance with The Order of Precedence.
9. Where members have equal periods of service, a member with unbroken service on Cheltenham Borough Council will take precedence over a member with broken service.
10. Members who have served the borough as Mayor will be moved to the bottom of the Order of Precedence and will only be considered for selection if no other member is interested in taking on the position of Deputy Mayor/Mayor or is eligible to do so.

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11. The precedence between members who notwithstanding paragraph 9 have equal periods of service on Cheltenham Borough Council shall be decided by lot conducted prior to the first ordinary meeting of the Council following municipal elections.
12. Any questions arising as to the application of these rules shall be determined by the Chief Executive, following consultation with the Monitoring Officer, and in consultation with the Group Leaders.

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Councillor	Ballot	Ward	Political party	Next up for election	Date of election/period of service	Eligible service for Mayor 2019	Mayor
McKinlay, Andrew	A	Up Hatherley	Lib Dem	2022	1991-	28	0
Jordan, Steve A	B	All Saints	Lib Dem	2020	1986-1992, 1994-1999, 2002-	28	0
Holliday, Sandra J		St. Mark's	Lib Dem	2022	1996-	23	0
Seacome, Diggory C		Lansdown	Conservative	2020	2000-	19	0
Stennett, Malcolm		Prestbury	PAB	2020	2000-	19	0
Britter, Nigel C		Benhall & The Reddings	Lib Dem	2022	2002-	17	0
Coleman, Chris		St Mark's	Lib Dem	2020	2002-2008, 2012-	13	0
Hay, Rowena		Oakley	Lib Dem	2020	2002-2006, 2010-	13	0
Baker, Paul		Charlton Park	Lib Dem	2022	1985-1992, 2014-	12	0
Jeffries, Peter *	C	Springbank	Lib Dem	2022	2010-	9	0
Williams, Suzanne *	A	Springbank	Lib Dem	2020	2012-	7	0
Harman, Tim *	B	Park	Conservative	2020	2012-	7	0
Harvey, Steve	C	Charlton Park	Lib Dem	2020	1995-1999, 2016-	7	0
Clucas, Flo *	C	Swindon Village	Lib Dem	2022	2014-	5	0
Wilkinson, Max *	D	Oakley	Lib Dem	2022	2014-	5	0
Mason, Chris *	E	Lansdown	Conservative	2022	2014-	5	0
Payne, John *	F	Prestbury	PAB	2022	2014-	5	0
Babbage, Matt *	H	Battledown	Conservative	2022	2014-	5	0
Savage, Louis		Battledown	Conservative	2020	2015-	4	0
McCloskey, Paul	A	Charlton Kings	Lib Dem	2020	2016-	3	0
Oliver, Tony	B	Warden Hill	Lib Dem	2020	2016-	3	0
Parsons, Dennis	C	Pittville	Lib Dem	2020	2016-	3	0
Collins, Mike	D	Benhall & The Reddings	Lib Dem	2020	2016-	3	0
Hobley, Karl	E	St. Paul's	Lib Dem	2020	2016-	3	0
Willingham, David	F	St. Peter's	Lib Dem	2020	2016-	3	0
Hegenbarth, Alex		All Saints	Lib Dem	2022	2017-	2	0
Dobie, Iain A P	A	Warden Hill	Lib Dem	2022	2018-	1	0
Brownsteen, Jonny	B	St.Paul's	Lib Dem	2022	2018-	1	0
Barrell, Dilys M J	C	Park	Lib Dem	2022	2018-	1	0
Atherstone, Victoria M	D	St.Peter's	Lib Dem	2022	2018-	1	0
Horwood, Martin, C	E	Leckhampton	Lib Dem	2022	2018-	1	0
Cooke, Stephen G	F	Leckhampton	Conservative	2020	2018-	1	0
Stafford, Jo	G	Pittville	Lib Dem	2022	2018-	1	0
Boyes, Angie	H	Charlton Kings	Lib Dem	2022	2018-	1	0
Barnes, Garth W		College	Lib Dem	2022	1976-1983, 1990-1998, 2002-	15	2003/04
Flynn, Wendy L		Hesters Way	Lib Dem	2020	2002-	5	2013/14
Wheeler, Simon		Hesters Way	Lib Dem	2022	2002-	4	2014/15
Sudbury, Klara *	A	College	Lib Dem	2020	2008-	1	2017/18
Fisher, Bernard *	B	Swindon Village	Lib Dem	2020	2008-	0	2018/19
Whyborn, Roger *	B	Up Hatherley	Lib Dem	2020	2008-	N/A	2019/20

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**Cheltenham Borough Council
Council – 17th February**

Recommendation to adopt the International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism

Accountable member	Steve Jordan
Accountable officer	Louise Forey
Ward(s) affected	All
Key/Significant Decision	No
Executive summary	A letter from the Secretary of State for Housing, Communities and Local Government, received in October 2019, encourages CBC to urgently adopt the International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism.
Recommendations	That the IHRA Working Definition on antisemitism be adopted for use across the Council ensuring that this is reflected in its Equality and Diversity Scheme and other relevant policies.

Financial implications	None
Legal implications	There are no specific legal implications arising from the report. The adoption of the IHRA definition would however support the Authority in continuing to meet its legal obligations under the Equality Act 2010 and Human Rights Act 1998. One Legal – legal.services@tewkesbury.gov.uk
HR implications (including learning and organisational development)	HR will work with the team to ensure full HR & legislative processes are followed & reviewed particularly around the Equality Act, induction & relevant training for CBC staff. Contact officer: Corry Ravenscroft, HRBP corry.ravenscroft@publica.org.uk, 07827 895624
Key risks	Failure to adopt the IHRA definition could have a significant impact on the council’s reputation and relationships with communities in Cheltenham, in particular the Jewish communities. There is a clear steer from central government for local authorities to adopt the definition in their work.
Corporate and community plan Implications	None

Environmental and climate change implications	None
Property/Asset Implications	None

1. Background

1.1 The International Holocaust Remembrance Alliance (IHRA) is an intergovernmental body, comprising 31 member nations whose purpose is to place political and social leaders' support behind the need for Holocaust education, remembrance and research both nationally and internationally. The new definition of anti-Semitism was adopted during their plenary meetings in Bucharest in May 2016.

1.2 On 26 May 2016, the Plenary in Bucharest decided to adopt the following non-legally binding working definition of antisemitism:

“Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”

1.3 To guide IHRA in its work, the following examples may serve as illustrations:

1.4 Manifestations might include the targeting of the state of Israel, conceived as a Jewish collectivity. However, criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic. Antisemitism frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for “why things go wrong.” It is expressed in speech, writing, visual forms and action, and employs sinister stereotypes and negative character traits.

1.5 Contemporary examples of antisemitism in public life, the media, schools, the workplace, and in the religious sphere could, taking into account the overall context, include, but are not limited to:

- Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
- Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.
- Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.

- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
 - Holding Jews collectively responsible for actions of the state of Israel.
- 1.6 Antisemitic acts** are criminal when they are so defined by law (for example, denial of the Holocaust or distribution of antisemitic materials in some countries).
 - 1.7 Criminal acts** are antisemitic when the targets of attacks, whether they are people or property – such as buildings, schools, places of worship and cemeteries – are selected because they are, or are perceived to be, Jewish or linked to Jews.
 - 1.8 Antisemitic discrimination** is the denial to Jews of opportunities or services available to others and is illegal in many countries.
 - 1.9** The UK government adopted the working definition on 12 December 2016
 - 1.10** Police forces already use a version of the IHRA definition, which is described as a useful tool which assists officers identify what could constitute anti-Semitism.
 - 1.11** In October 2019 a letter from the Secretary of State for Housing, Communities and Local Government, was received by Steve Jordan, encouraging Cheltenham Borough Council to take urgent action; to adopt the International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism. The secretary's predecessor had also written to the council in early 2017 encouraging the same.
 - 1.12** "It is in this context that I write to you again, to strongly urge you to formally adopt the IHRA definition and use it on all appropriate occasions. The definition is not designed to be legally binding, but it is an invaluable tool for public bodies to understand how antisemitism manifests itself in the 21st century. It demonstrates a commitment to engaging with the experiences of Jewish communities and supporting them against the contemporary challenges they face... Eradicating antisemitism is not a task that the Government can achieve on our own. We need local authorities to show leadership, alongside our partners in civil society and community activists. The Government has adopted the IHRA definition of antisemitism, as we recognise this is one of the strongest signals we can give our Jewish communities. It demonstrates that we hear and understand their concerns and are ready and willing to act in response" Rt Hon Robert Jenrick MP.
- 2. Criticisms of the IHRA definition**
 - 2.1** Some groups have expressed concerns that the IHRA definition restricts freedom of speech by prohibiting legitimate criticism of Israeli government action in the Palestinian territories.
 - 2.2** The government, and other public bodies that have adopted the definition and its examples, believe that references within the definition stating that "criticism of Israel similar to that levelled against any other country cannot be regarded as anti-Semitic" are sufficient to ensure freedom of speech. It is worth noting that an earlier version of the definition is being used by the police and forms part of the National Police Chief's Council Hate Crime Manual for officers. The Government believe that the definition is a useful tool for criminal justice agencies and other public bodies to use to understand how anti-Semitism manifests itself in the 21st century.
- 3. Reasons for recommendations**
 - 3.1** Not adopting the definition would have a significant impact on our reputation and relationship with communities in Cheltenham, in particular the Jewish communities. There is a clear and urgent steer from central government for the council to adopt the definition in its work.

- 3.2 We work with organisations across Cheltenham to promote a clear and consistent message that prejudicial views or behaviour that could result in hate incidents or crimes are not tolerated or condoned. We work with communities to ensure people are treated with dignity and respect and the causes of unfairness are understood and addressed.
- 3.3 Cheltenham Borough Council has robust anti-discrimination policies including tackling racism. We work with the Cheltenham Hebrew Congregation and Gloucestershire Liberal Jewish Community to hold an annual act of remembrance on national Holocaust Memorial Day at the Council Offices and provide small grants to support this. We have good relationships with the community in Cheltenham. CBC is also represented on the county Hate Crime and Incident Strategic Group and recently held staff and councillor training on hate crime.

4. How this initiative contributes to the corporate plan

4.1 Supporting Cheltenham’s Place Vision “Our vision is that Cheltenham is a place where all people and communities thrive”

- 4.1.1 We ensure that all our residents, businesses and visitors feel safe
- 4.1.2 We build strong, healthy and inclusive communities

5. Consultation and feedback

- 5.1 Jennifer Silverston, Cheltenham Hebrew Congregation – “I think the given IHRA definition should be supported to show solidarity with a minority group that has a long history of persecution. It would also give CBC a firm basis to support anyone affected by antisemitism. And, yes, it does happen in Cheltenham.
- 5.2 Not all appreciate that anti-Semitism is a problem at all, especially in an area with few Jews like Cheltenham, this makes it more important for CBC to take a responsible position on behalf of a local minority group not just for residents but also for temporary residents such as students and our visitors.
- 5.3 Some individuals use hateful anti-Semitic language very lightly and say that they meant no offence or that they were only joking. What they are doing though is against the law and likely to reinforce stereotyping and prejudice.
- 5.4 It should be noted that Israel can be criticized like any other country. Like any other country though. It is a country where 25% of the population is not Jewish and all faiths can live peacefully, protected by Israeli laws”

6. Performance management –monitoring and review

- 6.1 Once adopted the definition will be in use across all the areas of the Councils work and services will consider its implementation where relevant to the work that they deliver.

Report author	Contact officer: Louise Forey; louise.forey@cheltenham.gov.uk 01242 264297
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Appendices	<ol style="list-style-type: none">1. Risk Assessment2. Letter from Secretary of State
Background information	

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
1	There is a CBC reputational risk if the working definition is not adopted	Cllr Steve Jordan	11/11/2019	3	4	12	Reduce	Adopt the IHRA working definition	16/12/2019	Louise Forey	

Explanatory notes

Impact – 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)

Likelihood – 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)

Control - Either: Reduce / Accept / Transfer to 3rd party / Close

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Ministry of Housing,
Communities &
Local Government

Page 51 on Robert Jenrick MP

Secretary of State for Housing, Communities
and Local Government

**Ministry of Housing, Communities and Local
Government**

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Council Leaders in England

15 October 2019

Dear Local Leaders,

Adoption of the International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism

My predecessor wrote to you in early 2017 following the Government's adoption of the IHRA definition, encouraging you to formally adopt the definition as a clear message that antisemitic behaviour will not be tolerated. I am writing to you on this issue again to impress upon you the need to take urgent action, which is more important now than ever.

The Community Security Trust (CST) is the leading organisation monitoring and supporting victims of antisemitism, and I know many of you will be familiar with their work. Earlier this year, CST released their report on antisemitic incidents in the first six months of 2019. It showed the highest total on record over a six-month period, and an increase of 10% on the same period in 2018, with over 100 incidents per month for the third year running. Similarly, the annual figures for 2018 showed the highest number of antisemitic incidents on record.

This is a very worrying trend. CST's figures reflect the Home Office official statistics from October 2019 which show that 18% of religiously motivated hatred is targeted at Jewish people – up from 12% in 2018 – and that, per capita, Jewish people were most likely to report experiencing hatred.

The recent deplorable attack on a synagogue in Halle, Germany, which took the lives of two innocent people on Yom Kippur, the holiest day in the Jewish calendar, shows that antisemitic hate crime is not a thing of the past. This must give us all serious pause.

It is in this context that I write to you again, to strongly urge you to formally adopt the IHRA definition and use it on all appropriate occasions. The definition is not designed to be legally binding, but it is an invaluable tool for public bodies to understand how antisemitism manifests itself in the 21st century. It demonstrates a commitment to engaging with the experiences of Jewish communities and supporting them against the contemporary challenges they face.

I recognise the local authorities who have already adopted the definition and considered its practical application, and I am grateful to you for showing leadership in tackling this challenge.

The IHRA definition is already used in guidance for the Police and Crown Prosecution Service, providing examples of the kinds of behaviours which, depending on the circumstances, could constitute antisemitism. The United Nations Special Rapporteur on Freedom of Religion or Belief also recently released a report which agreed that “the IHRA Working Definition of Antisemitism can offer valuable guidance for identifying antisemitism in its various forms” and encouraged its use in “education, awareness-raising and for monitoring and responding to manifestations of antisemitism”.

For our part, the Government is absolutely committed to combatting antisemitism in all its forms, from wherever it arises. Examples of this include the strong work of the Cross-Government Working Group to Tackle Antisemitism, which builds on our close relationship with Jewish communities. The Government funds projects such as Solutions Not Sides which seeks to challenge stereotypes and foster more nuanced discussion of the Israel-Palestinian conflict, and we have recently announced a further £100,000 in funding to tackle online antisemitism.

I am a strong advocate for clear standards on hate crime and a consistent approach across institutions to strengthen the support we provide to students and communities.

We recognise the incredibly valuable role local authorities have to play in tackling all forms of hate crime, in partnership with local police forces. Your intimate knowledge of local communities and their concerns provides valuable evidence to target responses. Your work to build resilience and integration locally helps to challenge some of the factors that may cause hate crime, preventing prejudice and hatred from taking root.

Eradicating antisemitism is not a task that the Government can achieve on our own. We need local authorities to show leadership, alongside our partners in civil society and community activists. The Government has adopted the IHRA definition of antisemitism, as we recognise this is one of the strongest signals we can give our Jewish communities. It demonstrates that we hear and understand their concerns and are ready and willing to act in response. I would be grateful if you would inform me when you have adopted the definition, or the steps you are taking to adopt it, or otherwise explain your reluctance to do so, so that I can discuss the matter with you directly.



RT HON ROBERT JENRICK MP

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