

Council

Monday, 20th July, 2020
2.30 - 6.15 pm

Attendees	
Councillors:	Roger Whyborn (Chair), Sandra Holliday (Vice-Chair), Victoria Atherstone, Matt Babbage, Paul Baker, Garth Barnes, Dilys Barrell, 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 Hobley, Martin Horwood, 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

Minutes

1. APOLOGIES

Councillors Boyes and Jeffries.

2. DECLARATIONS OF INTEREST

Councillor Flynn declared an interest in agenda item 11 as a member of Hester's Way Neighbourhood Partnership.

3. MINUTES OF THE LAST MEETING

The minutes of the meeting held on 15 June were approved and signed as a correct record.

4. COMMUNICATIONS BY THE MAYOR

The Mayor explained that mayoral engagements remained greatly curtailed in the circumstances. He informed Members that there was currently approx. £3k in the Mayor's foodbank fund, with some disbursements already made.

He then made reference to a meeting he had attended virtually with regard to an initiative to pool funding to provide those children on free school meals with food over the schools holiday. More information would follow.

5. COMMUNICATIONS BY THE LEADER OF THE COUNCIL

The Leader of the Council informed Members that the Gloucestershire Covid-19 outbreak management plan had been published on 30 June and was now available to view on the GCC website. It had been coordinated by the Director of Public Health.

The existing Gloucestershire Health Protection Board had been adapted to coordinate any issues for the planning of a potential outbreak and a new Member Engagement Board which included District Council Leaders had been

established and met on a monthly basis to coordinate communications. It provided weekly updates and a data dashboard was in the process of being set up.

Additionally, the Leader referred to the council's recovery strategy which had been approved by Cabinet at its July meeting. He placed on record his thanks to Members and others for their contributions to this evolving document, and informed that the climate change and cultural emphasis had been strengthened as a result of consultation.

The Leader then informed that an extraordinary Cabinet meeting had been convened on Tuesday 28 July at 4pm to consider the budget outturn report to be followed by an extraordinary meeting of Council scheduled for 4pm on Wednesday 29 July.

Finally, the Leader referred to the significant contributions the Cheltenham Development Task Force (CDTF) had made to the town over the last 10 years. It represented a great private-public sector partnership. He wished to place on record his thanks to Graham Garbutt, Chair of the CDTF and Jeremy Williamson who had both played a significant role in many developments across the town over the last 10 years.

He added that the CDTF would morph into the Cheltenham Recovery Task Force which would be in place for the next 18 months and then would be reviewed. He was pleased to announce that Diane Savoury had agreed to be the independent chair of this group and an initial meeting of the task force would take place over the next couple of months.

6. TO RECEIVE PETITIONS

None received.

7. PUBLIC QUESTIONS

1.	Question from Sally Walker to the Leader of the Council, Councillor Steve Jordan
	What is the process for changes to be made to the local plan post adoption , particularly in the event of new material considerations arising with regard to any site allocated for development?
	Response from Cabinet Member
	Once a local plan is adopted by the Council it can only be amended through the plan-making procedure; including preparation, publication, and examination by the Planning Inspectorate on behalf of the Secretary of State. The planning system requires that decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. Therefore, any new material considerations relating to an allocated site would be considered as part of any decision on a planning application on that site.
2.	Question from Sally Walker to the Leader of the Council, Councillor Steve Jordan
	Can the council reassure us that the delegated powers to the planning department (to address issues of consistency etc) do not extend to changing the language on housing allocations, and that council confirm the inspector's language of 'some 25' is the current

	allocation for HD4. [which is now variously down as '25 (table page 11)', 'some 25 (inspectors report)', 'approximately 25' and 'minimum 25 (table page 13)'.]
	Response from Cabinet Member
	<p>Yes, changes to the Local Plan that change the intent of the Local Plan are not delegated to the planning department.</p> <p>The proposed wording of Policy HD4 is included at Appendix 4 of item 10 on the Cheltenham Borough Council Full Council meeting on the 20th July 2020. The wording of Policy HD4 is 'a minimum of 25 dwellings...'. This wording was included in the Cheltenham Plan Main Modifications documentation, approved by the Council on the 14th October 2019 and consulted on towards the end of 2019. Various comments were made on the Main Modifications, including policy HD4/Main Modification 16 during the public consultation. The Main Modifications and all the various comments received were presented (in full) to the Plan Inspector. Having considered the modifications and comments, the Inspector has subsequently determined that the Cheltenham Plan, with the Main Modifications, is 'sound' and can proceed to be considered for adoption. I am unable to comment on the Inspector's use of certain words in their response to the Cheltenham Plan Main Modification proposals.</p> <p>Any changes to the wording contained in the Main Modification consultation and now in the proposed Cheltenham Plan (adoption version) are limited to changes that, when taken together, do not materially affect the policies that would be set out in the document if it was adopted with main modifications but no other modifications.</p>
	Supplementary question from Sally Walker
	<p>I trust the council recognise that the adoption of the plan without review options for at least 5 years raises the unwelcome risk of legal challenge to adoption of the plan or specific policies (as the only route to redress).</p> <p>The DCLG fact sheet on local plans states that "local plans should be reviewed regularly, in whole or in part, to respond flexibly to changing circumstances".</p> <p>Does the council think Cheltenham should agree criteria to review new material considerations affecting individual policies or parts of the plan, outside the rolling 5 year review process? This would improve community engagement and would also provide options to integrate Covid or future lockdown requirements into the plan if required.</p>
	Response from Leader
	The Leader explained that the JCS was currently being reviewed so commencing a review in effect which will trigger another local plan. Allow some time for it to settle down.
3.	Question from Trudie Wheat to the Leader of the Council, Councillor Steve Jordan
	Public feedback clearly indicates that a green buffer zone between the new cyber / golden valley development and existing housing is of great importance to local residents.

	<p>Please can you explain why requests for a green buffer zone between the new industrial area and existing housing on Fiddlers Green Lane are being rejected? This is in contrast to incorporation of a green buffer between new and existing housing.</p>
	<p>Response from Cabinet Member</p> <p>Landscape improvements will be expected to be delivered by development along the length of the threshold with the existing urban area west Cheltenham, including along Fiddlers Green Lane where the proposal cluster of employment uses is earmarked. Policy A7 of the JCS includes a requirement for new development to be integrated with the existing built up area of the town so a balance does need to be struck between creating good connections and providing buffers between areas.</p> <p>The main access to the site will be via Telstar Way so establishing good quality connections and urban integration in this part of the site will be particularly important. There will however be opportunities to establish green edges all the way around the site and the SPD supported the principle of retaining landscape assets such as existing hedges.</p>
	<p>Supplementary question from Trudie Wheat</p> <p>Can you explain your expectation of landscape improvements to be delivered by development along Fiddlers Green Lane. It is hard to imagine how development of an employment site will improve the current landscape.</p> <p>Can you explain the decision that urban integration of the new employment area is more important than urban integration of the new housing and how a large employment development can be successfully integrated into an existing residential area without overwhelming it.</p>
	<p>Response from the Leader</p> <p>This site is being looked at as an agreed development site. There is an expectation that the landscape will be improved when the council receives the detailed planning application.</p> <p>The Supplementary Planning Document being discussed later in the agenda is for guidance; the detail is determined when the application comes forward. It will be then for the Planning committee to judge the application in the context of the guidance but they would certainly look for landscape improvement.</p> <p>Cyber central was an exciting and exceptional development and needs to integrate into the urban landscape.</p> <p>The council will be looking for green boundaries between it and whatever it is adjoins which will be important at the planning application stage.</p>
4.	<p>Question from Jim Lodge to the Leader of the Council, Councillor Steve Jordan</p> <p>BUFFER ZONES</p> <p>Would you please explain, in detail, how the SPD arrived at a proposal for buffer zones between existing residential areas and the new residential development, but not between existing residential areas and the proposed Cyber Park.</p> <p>Page 6 states that there is support for green links to adjoining communities and that retaining green spaces close to existing neighbourhood is a priority.</p>

	<p>Page 8 also refers to emphasis on green spaces in a1.3.10, second paragraph.</p> <p>Page 11 reflects 75% strongly agree with the landscape objective.</p> <p>I would also like to publicly state that it is wholly unacceptable to issue the SPD at such a late time that it has made it impossible to be able to fully read, digest and prepare questions 5 days prior to the Council meeting.</p> <p>For a planning process this is an example of very poor planning.</p>
	<p>Response from Cabinet Member</p>
	<p>Please see response to Question 3.</p> <p>The council papers for this meeting were published on Friday 10th July more than the required time ahead of the council meeting. The timescale for submitting public questions tries to balance the opportunity to ask questions relevant to the agenda while still allowing answers to be provided in time for the meeting.</p> <p>Details of the actual consultation on the SPD are outlined in the consultation statement and public engagement has taken place both informally and formally. The stage we have now reached is the formal approval process which we are undertaking in the usual way.</p>
5.	<p>Question from Jim Lodge to the Leader of the Council, Councillor Steve Jordan</p>
	<p>FIDDLERS GREEN LANE</p> <p>There appears to be no distinct policy regarding Fiddlers Green Lane. Page 20 Policy A7 number 5 states the use of Fiddlers Green Lane as a vehicular access for strategic movements to and from site. This is contradicted by Policy A7 number 8, stating there should be safe, easy and convenient pedestrian and cycle links. The 2 are not compatible. My question is why does the document not clearly outline a policy for Fiddlers Green Lane and when a firm policy is identified, what is the process for this to be discussed with the public before a final commitment is made.</p> <p>Page 138 2.1 states 2 access points of which one is Telstar Way/ Fiddlers Green Lane. This is in fact 2 access points, not one.</p> <p>Page 143 refers to a potential re- routing of Fiddlers Green Lane. This supports the 2 and not one access points.</p> <p>It would appear that there is no definite plan for Fiddlers Green Lane within this document.</p>
	<p>Response from Cabinet Member</p>
	<p>Policy A7 of the JCS is not subject to consultation as this was adopted by the JCS councils in December 2017 and forms part of the statutory development plan for Cheltenham.</p> <p>The principal vehicular access to the site will be across Fiddlers Green Lane at the points of its intersection with Telstar Way. Local traffic management arrangements may need to be revised as more detailed proposals emerge. Any such measures will be a matter for future planning applications. It is too early to be sure what impact the new development will have on Fiddlers Green Lane because detailed proposals for the site have not yet been formed. As things stand however, the intention is that the primary function of Fiddlers Green Lane will remain a local access road for existing local residents. This will all be tested through the development management process when planning</p>

	applications come forward which will be all subject to public consultation at that time.
6.	Question from Andy Hayes to the Leader of the Council, Councillor Steve Jordan
	Bearing in mind the acknowledged sensitivity of the plans for Fiddlers Green Lane both in terms of traffic management and proximity of office and residential buildings, will the council agree to setting up a working group to include key stakeholders including the Hesters Way Forum to address these issues and inform design plans as part of the planning application process?
	Response from Cabinet Member
	This is certainly something we will consider. I have tasked officers to review and engage directly with the Hesters Way Forum on how this could be appropriately managed.
7.	Question from Andy Hayes to the Leader of the Council, Councillor Steve Jordan
	There are six green spaces indicated in in the northern section of the development but only two in the south. Whilst it is recognised that the bulk of the new housing is in the north, there are significant allocations in the south and a large area of residential properties not served by green space adjacent to the site. Will the council commit to a balance of green provision for new and existing communities by including a broad green space adjacent to Fiddlers Green Lane as detailed in the emerging Hesters Way Neighbourhood Plan?
	Response from Cabinet Member
	See response to Question 3. The Hesters Way Neighbourhood Plan was reviewed in the preparation of the SPD. The SPD sets out a masterplan that seeks to make efficient use of land, responds actively in terms of connections to the existing built up area and neighbourhoods in the context of creating a world class business location within a residential landscape which builds on garden community principles.

8. MEMBER QUESTIONS

1.	Question from Councillor David Willingham to Cabinet Member Healthy Lifestyles, Councillor Flo Clucas
	Data published by the ONS shows that from 1st March 2020 to 31st May 2020, the Alstone and St Mark's MSOA had the highest Covid-19 mortality rate of any MSOA in the Southwest region, and fourth highest in the whole of England and Wales. On behalf of the communities that I represent and the bereaved families of the deceased, could I ask the Cabinet Member if she would support my calls for an open and transparent public investigation by the County Council into the causes of this tragically high local death rate?
	Response from Cabinet Member
	Following an update from the Director of Public Health, I can confirm that the County Council will be undertaking a piece of work to look at deaths in care homes to identify any learning that can be taken forward. Cheltenham Borough Council will provide whatever support it can to assist with this review. Recently, a detailed report was taken to the County Council's Adult & Social Care Overview & Scrutiny Committee looking at the support provided to care homes and I can arrange for this

	<p>to be circulated to all members. As members are aware there is an Outbreak Management Plan developed by Public Health, which I can confirm that Cheltenham Borough Council Officers are already integrated into, as part of our ongoing commitment to supporting our residents and communities. The Outbreak Management Plan has a strong focus on the prevention of cases and outbreaks in high risk settings such as care homes. Therefore work is on-going to learn from cases and prevent future occurrences in care homes.</p>
	<p>Supplementary question</p>
	<p>Councillor Willingham firstly wished to put on record his condolences to those who had lost loved ones in this pandemic. Tragically, the area he represents has the highest mortality covid rate in the entire south west region. Prior to 16 April, 111 patients were discharged from hospital in Gloucestershire without being tested for corona virus. GCC appeared to be unclear whether this should fall under the roll of health scrutiny or adult social care scrutiny. He asked whether this could be thoroughly investigated by the CBC Overview & Scrutiny Committee or by something led by the Cabinet Member to ensure that those bereaved families get answers in an open and transparent way.</p>
	<p>Response from the Cabinet Member</p>
	<p>There has been great deal of concern by those involved in dealing directly with Covid 19 but also senior doctors. At the GCC Health Overview and Scrutiny meeting she was surprised by the lack of proper investigation of those responsible for decision making. In echoing condolences to those affected, she would see if this can be investigated by CBC O&S in order to enable those taking such decisions to defend them, particularly those relating to not testing patients before moving into care homes.</p>
2.	<p>Question from Councillor David Willingham to the Leader, Councillor Steve Jordan</p>
	<p>Tower Hamlets Council recently successfully challenged a planning decision made by Conservative Minister Robert Jenrick MP, and based upon media reporting, I understand that this decision was quashed because it was "<i>unlawful by reason of apparent bias</i>". Could the Cabinet Member please confirm whether any CBC planning decisions have been determined by that Minister, and if so, whether this council is satisfied that they have not also been the subject of "<i>apparent bias</i>"?</p>
	<p>Response from Cabinet Member</p>
	<p>The Rt Hon Robert Jenrick MP has held the post of Secretary of State for Housing, Communities and Local Government since 24 July 2019. Since that time no CBC planning decisions have been determined by him.</p> <p>Gloucestershire County Council have referred their decision on the new Secondary School at Land Between Farm Lane/ Kidnappers Lane, Cheltenham, Gloucestershire to the Secretary of State for Housing, Communities and Local Government as it is a departure from Cheltenham Borough Council's adopted Local Plan. At the time of writing the outcome of that referral is unknown. Whilst this is not a Cheltenham Borough Council planning decision, it is within this council's administrative area.</p>

	Supplementary question
	I would like to seek an assurance that the council will learn from the incidences at Westminster City Council in terms of planning decisions, and ensure that our council does everything it can to protect the integrity of our planning processes through regular review.
	Response from the Leader
	Agreed.
3.	Question from Councillor David Willingham to the Leader, Councillor Steve Jordan
	If evidence comes to light that this Council, acting as Planning Authority, has been seriously misled during the determination of a planning application at committee, and that the errors made by those who misled the Planning Authority are so egregious that they render the Planning Committee's decision unsound, could the Cabinet Member please advise what options are open to affected residents and to this council to correct such a clear injustice?
	Response from Cabinet Member
	There are no third party appeal rights in respect of the determination of a planning application and a planning permission cannot be unilaterally withdrawn, even in such a case, and will stand unless quashed through the courts via a judicial review action (permission for this would need to be sought from the Courts within 6 weeks of the decision) or revoked via processes available under the Town and Country Planning Act 1990 (which may be initiated by the local planning authority or the Secretary of State if believed to be expedient). Where a proposed revocation or modification is opposed, the power to revoke or modify lies solely with the Secretary of State. Alternatively, a complaint may be made to the Local Government & Social Care Ombudsman. The Ombudsman investigates complaints of injustice caused by maladministration and service failure. The Ombudsman cannot question whether a council's decision is right or wrong simply because the complainant disagrees with it, but must consider whether there was fault in the way the decision was reached and if fault is found suggest a resolution which may include the payment of compensation to affected residents.
	Supplementary question
	Where there is an issue with both authorities involved in planning and highway could the Leader make any suggestions to facilitate a constructive resolution?
	Response from the Leader
	As this question is posed in the abstract, I would like to suggest that Cllr Willingham emails further details of the matter and the conversation is taken off line, as opposed to through this formal process.
4.	Question from Councillor David Willingham to the Cabinet Member Development and Safety, Councillor Andrew McKinlay
	Currently part of the Regent Street pavement is obstructed by building works. On 12th July 2020, despite the pavement being completely blocked, no ramp was present to ensure access for wheelchair users. While the closure permission was granted by Gloucestershire County

	<p>Council, and their failure to consider wheelchair users seems to be the primary cause of accessibility issues, it is important to try to avoid this occurring at other developments in the future. Does the Borough Council have any way of using enforceable planning conditions to ensure that our highways remain equally accessible by all during construction works?</p>
	<p>Response from Cabinet Member</p>
	<p>The responsibility for the permission of these works sits with Gloucestershire County Council. However, to assist CBC officers have made direct contact with the contractor via Regent Arcade who are investigating whether there are any options to improve access. It should be stressed that ramps can only be provided where it is safe to do so.</p> <p>In terms of Planning Conditions, the erection of structures and plant required temporarily (for construction etc) is Permitted Development and does not require planning permission. Further, in many instances temporary structures etc on the highway (for example scaffolding) is the result of works that do not require planning permission in themselves from Cheltenham Borough Council (for example repair and restoration, repainting and so on).</p>
5.	<p>Question from Councillor David Willingham to the Cabinet Member Development and Safety, Councillor Andrew McKinlay</p>
	<p>Supporting businesses to recover from Covid-19 must be a primary objective of this authority, but the current "café culture" layout on Regent Street presents an inconvenient, if not impossible, obstacle course for wheelchair users, mobility scooter users and parents with baby buggies, does the Cabinet Member agree with me that the Covid-19 recovery should be equally accessible by all, and will he put pressure on Gloucestershire County Council to ensure that what is delivered both supports local businesses while also being safe and equally accessible by all?</p>
	<p>Response from Cabinet Member</p>
	<p>Supporting businesses is very much the objective of this scheme, but there has been some misunderstanding by businesses on the use of this space. Officers have engaged directly with all relevant ones to provide clarity on the positioning of tables and chairs to support economic recovery. Officers are in active engagement with Gloucestershire County Council.</p>
6.	<p>Question from Councillor David Willingham to the Leader, Councillor Steve Jordan</p>
	<p>What equality training has been given to Borough Council staff working on design and planning for works in the public realm to ensure that those works deliver facilities that full comply with the Council's public sector equality duty and are equally accessible by all?</p>
	<p>Response from Cabinet Member</p>
	<p>As a Council we have a legal obligation to the Equality Act 2010. This flows through across our regulatory services and wider activities of the council. The Townscape Team in particular lead on our public realm works and include qualified Landscape Architects who utilise suitable</p>

	<p>guidance and tools to ensure our responsibilities are being met in the public realm. These include:</p> <ul style="list-style-type: none"> • CBC Community impact assessments • Various national guidance including “Design for Access 2” and ‘Guidance on the use of tactile paving surfaces’ • General public engagement – in particular, engagement with the Accessibility Forum <p>Of these examples, the most robust guidance and best practice followed by the Townscape Team is to consult widely. In this respect, our engagement with the Cheltenham Accessibility Forum is of great importance – a very active local volunteer-led group that represents the accessibility needs of the town. This engagement has been underway since 2015 and includes people with sight, hearing and mobility loss, and those who suffer from cognitive impairment and of course sometimes people with multiple impairments. Through the group we engage with; DeafBlind UK, Insight Gloucestershire, National Star College, the Phoenix Centre and a number of local individuals who have challenges accessing the town.</p> <p>Townscape Team have facilitated engagement beyond our public realm works with this forum by also engaging them with/in:</p> <ul style="list-style-type: none"> • Gloucestershire County Council on cycling and walking infrastructure for West Cheltenham • GWR for audits of Cheltenham Spa Station • Stagecoach for bus travel • Taxi licencing consultation • Developers of the Brewery and Regent Arcade • Public toilets and ShopMobility changes • The Cheltenham Transport Plan <p>The Townscape Team are closely engaged with the Planning and Licensing teams.</p> <p>More recently, engagement has occurred for temporary widening of the footpaths to enable better/safer social distancing. Review of other schemes taking place nationally, indicates interventions put in place in Cheltenham to date are more accessible than others carried out by many other Highway Authorities around the country.</p>
	<p>Supplementary question</p>
	<p>I would like to seek an assurance that there is a cultural shift in terms of accessibility for the less able bodied and that it is assigned at the start of a project, rather than retrofitted, particularly due to the practical impact this has on people’s lives.</p>
	<p>Response from Cabinet Member</p>
	<p>The council was committed to accessibility but highlighted that the issue raised referred to temporary buildings and the council did not have the same judicial ability. It was however committed to do everything it could to minimise impact recognising the adverse effect on people’s lives.</p>
<p>7.</p>	<p>Question from Councillor Tim Harman to the Cabinet Member Development and Safety, Councillor Andrew McKinlay</p>

	<p>The Cabinet Member is aware of my previous question with regard to the Council's decision to discontinue the concessionary parking arrangements for residents adjoining the Bath Terrace Car Park. There is no viable off street solution for the two premises. Will he agree to meet the residents and myself and my ward colleague to see if a solution can be found which would be acceptable to the Borough Council and the residents?"</p>
	<p>Response from Cabinet Member</p>
	<p>One of the residents to whom Councillor Harman refers has made a formal complaint to the Local Government Ombudsman (LGO) concerning this matter and a second resident has indicated an intention to go down the same route. I do not think it would be appropriate to meet with residents whilst this matter is under investigation by the LGO.</p> <p>The authority is not obliged to provide off-street car parking, nor is it required to make concessionary arrangements for particular residents. We have recently been through a statutory consultation process, prior to adopting a new parking order. Whilst I am not aware that the residents concerned made any formal representations in relation to the consultation process, parking permits are available for Bath Terrace car park at a cost which is published on the Council's website. The formula which has been used to set parking permit prices has been consistently applied across all Council-owned car parks.</p>
8.	<p>Question from Councillor Jonny Brownsteen to the Cabinet Member Finance, Councillor Rowena Hay</p>
	<p>In June, the council swiftly distributed discretionary business grants to businesses across the borough. Staff worked extremely hard to deliver critical support and should be commended for their efforts. Of the eligible businesses who applied for funding, how many were we able to support? And what response have we had from central government to requests for further funding, to help the local businesses which are still in need?</p>
	<p>Response from Cabinet Member</p>
	<p>May I start by endorsing the hard work acknowledged by Councillor Brownsteen to deliver the critical support required by our much valued businesses. Whilst the government provided guidance for the discretionary scheme, I am really proud of the fact that we were able to target those businesses most affected by COVID-19 such as boutique hotels, bars, restaurants and indoor play-areas whose rateable value was above £51k and were unable to qualify for the original scheme.</p> <p>191 applications were received for the discretionary business grant scheme. £1,150,000 has been paid to 103 successful businesses. The other 88 applications were not successful due to the businesses not meeting the eligibility conditions set by the Government and this Council.</p> <p>In addition to the discretionary scheme £22.8m has been paid to 1,817 businesses qualifying for the original Government grant schemes.</p> <p>The Government has so far not responded to requests for further funding.</p>
9.	<p>Question from Councillor Jonny Brownsteen to the Cabinet Member Finance, Councillor Rowena Hay</p>

	<p>On July 2 the government announced a 'comprehensive package of support' to local authorities. At the time of submitting this question, July 13, we are yet to receive any details much less any of the funds. If the picture is still unclear by the July meeting of full council (Monday 20), can the cabinet member for finance please update members on whatever pertinent information she has: have we been given an indication of how much support Cheltenham can expect to receive; have we been told when that will happen; is that sufficient for our needs; is it proportionate to funding for other councils; and what impact is the delay having on our ability to work our way out of this crisis?</p>
	<p>Response from Cabinet Member</p>
	<p>On 16th July 2020 we were informed by Central Government that we would receive £172,147 from the 3rd tranche of government funding. In total, to date, this council has received £1,382,257. Based on our best estimates this will cover the additional costs directly incurred as a result of this pandemic.</p> <p>Of more concern to this council is the loss of income from sources such as car parking. The government has announced a co-payment scheme that will compensate councils for irrecoverable income losses from sales, fees and charges. They expect Council's to absorb the initial 5% of losses compared to planned income from these sources. Thereafter, there will be a cost splitting arrangement where 75p in every pound of relevant losses will be compensated for by the government. There are still no details available about how the Government will operate the income support scheme, or how the 5% threshold will be calculated at the time of writing this response.</p> <p>There is also no further explanation of how local authorities will be able "to spread their tax deficits over three years rather than the usual one" – by tax deficits, I mean those arrears related to council tax and business rates.</p> <p>Our Executive Director Finance and Assets has written a comprehensive report on his assessment of the Council remaining a going concern. This report will be presented to the Audit, Compliance and Governance Committee on 22nd July 2020 and I would recommend that all members read this report which has already been published in the public domain. Furthermore, I will be presenting the 2019/20 financial outturn report alongside the first quarter budget monitoring report to Full Council on 29th July 2020. I anticipate this will answer any further questions Members may have on the councils financial resilience</p>
<p>10.</p>	<p>Question from Councillor Jonny Brownsteen to the Cabinet Member Development and Safety, Councillor Andrew McKinlay</p>
	<p>The reopening of pubs and bars is a much needed lifeline for them in a highly challenging time. Members will no doubt have been as pleased as I was to see the reopening go smoothly here, but may also share my concern that the overcrowding and disorder we have seen elsewhere in the country could lead to a reimposition of restrictions. A second wave or a second lockdown would be devastating for the many businesses in Cheltenham that have just begun to reopen. What steps can we take to protect the businesses here, that give Cheltenham's night time economy</p>

	its Purple Flag, from being closed down because of the poor behaviour of people in different parts of the country?
	Response from Cabinet Member
	Our focus will be a local one and whilst welcoming the reopening of pubs and bars and the wider Cheltenham shopping experience, I share Councillor Brownsteen's concerns that the behaviour of a minority of people could provide the opportunity for a resurgence in cases of coronavirus and the imposition of new lockdown measures at either a local or national level. Striking the right balance between supporting businesses whilst at the same time restricting opportunities for viral transmission is a major challenge. Officers are working hard to provide professional advice to businesses about how they can operate safely, whilst also monitoring how this is working in practice. In support of this, the Gloucestershire local authorities have made a resourcing request through the county Health Protection Board to help boost our staffing arrangements as part of the £2.2 million allocated by government to Gloucestershire for implementing the Local Outbreak Management Plan.
	Supplementary question
	Are we able to have conversations with central government with regard to lockdown measures and if so are we happy ?
	Response from Cabinet Member
	We have been advised that future decisions on lockdown will be taken at a more local level, although the detail is not yet known In his view, the more locally a decision is made, the more likely it is to be the right decision.
11.	Question from Councillor Jonny Brownsteen to the Cabinet Member Corporate Services, Councillor Alex Hegenbarth
	The Standards Committee conducted its recent meeting with the sensitivity and professionalism that the circumstances demanded. I place on record my thanks to the committee members and its chair for the excellent example of this authority's credibility, at a time when that had been brought into disrepute. The Committee adjudicated that all members should receive diversity training. I concur with and support this decision, and ask the council what is the plan and the timescale, how will it be enforced, and how will its completion be reported back to the people we represent?
	Response from Cabinet Member
	The training brief is currently being developed and will be issued to prospective training providers by the end of July. During August we will evaluate the training proposals in consultation with the Chair of the Standards Committee with the aim of commencing training from mid-September. Group Leaders have the responsibility of ensuring members attend the training. Completion of the training will be reported back at a future Council meeting.
12.	Question from Councillor Chris Mason to the Cabinet Member Development and Safety, Councillor Andrew McKinlay
	Residents living close to a many of the town's parks and gardens have had to endure unacceptable anti-social behaviour including playing loud music, general noise disturbance, littering, urinating in the parks' bushes and people's private property, drug dealing and taking, etc. All of which

	<p>runs late into the night on a number of occasions. With regard to the recent reissuing of the Public Spaces Protection Order would the Cabinet Member agree that letting the previous one lapse was a serious error? Furthermore given the Police's limited resources, could they confirm the number of occasions where the council's officers have patrolled the parks and gardens between 8:00 pm and midnight, and how many fines have been issued?"</p>
	<p>Response from Cabinet Member</p>
	<p>The new Public Spaces Protection Order, which has a three year lifespan, was subject to statutory consultation before coming into force before the easing of lockdown measures relating to pubs and bars on Saturday 4th July. It mirrors the previous one in covering issues of dog control and drinking in public where this is happening antisocially. There was no publicity relating to the lapsing of the previous PSPO and signage has remained in place throughout. Given these circumstances, I do not believe that the PSPO lapsing was a contributory factor to the antisocial activities which took place in parks and gardens prior to the 4th July.</p> <p>The Council has now agreed an action plan in conjunction with the Police, which has increased Police oversight of parks and gardens experiencing the issues you have set out. Council staff have not been routinely patrolling the gardens between 8pm and midnight.</p>
	<p>Supplementary question</p>
	<p>At a recent meeting with the Police they explained that, in part, their response was limited due to a lack of a PSPO. Will the Cabinet Member please ensure that our officers liaise with the Police and are on site with them no matter what time of day?</p>
	<p>Response from Cabinet Member</p>
	<p>I do not believe that the issues in Montpellier Gardens were the fault of that order not being in place because it was not advertised. The Police have a wide range of powers to deal with public disorder in public places so he did not agree with what Cllr Mason was saying and had not been reported to him.</p>
13.	<p>Question from Councillor Louis Savage to the Cabinet Member Clean and Green Environment, Councillor Chris Coleman</p>
	<p>The Cabinet Member is aware of the issue of missed bin collections on Upper Park Street, often due to inconsiderate/illegal parking preventing UBICO crews from being able to gain access. Could he update me on any recent progress, and whether GCC Enforcement Officers are able to work collaboratively with UBICO crews to address this recurrent issue</p>
	<p>Response from Cabinet Member</p>
	<p>I am aware of the issues inconsiderate parking is causing our waste and recycling collections and we are doing what we can to find solutions to these issues.</p> <p>The Council has posted various social media messages encouraging more considerate parking. This is a national problem worsened by lockdown and Recycle Now has included this issue in their guidance: https://www.recyclenow.com/news/2020-03-27-waste-recycling-collections-covid-19 and the government is sign posting people to this same message from their own COVID-19 advice around waste disposal: https://www.gov.uk/guidance/coronavirus-covid-19-disposing-of-waste</p>

Our records show that there were 6 occasions where recycling could not be completed in Upper Park Street this year so far: twice in February, once in April, once in May and twice in June.

Ubico normally put notices on car windscreens where a persistent problem with inconsiderate parking causes access issues however this has not proved effective in all cases, for example Gladstone Road.

We have contacted GCC Highways regarding this issue, as have some of the residents, and we have all been advised that nothing can be done about bad or illegal parking unless it becomes a police matter and in most cases the type of inconsiderate parking does not constitute a matter for the police.

GCC Highways have provided us with the following:

The advice in the Highway Code (sections 242 & 243) places the responsibility with the individual driver to ensure that their vehicle is parked on the carriageway in such a position or location so as not to represent a hazard to other users of the network. If indiscriminate or inconsiderate parking is causing an obstruction or significant highway safety issues then in the first instance this would be a matter for the Police to deal with, who have powers under The Road Traffic Act.

Another alternative which is often requested by members of the public and in fact Ubico crews themselves is double yellow lines however the following information from GCC Highways explains why this isn't an easy fix to this problem:

Double yellow lines (or any waiting restriction) restrict the use of public highway they require a public consultation and an accompanying legal order to make them enforceable. A traffic regulation order requires the scheme to be subject to a public formal consultation which involves engagement with local residents and businesses as well as statutory consultees such as Police, Fire and Ambulance services as well as other key groups. As part of the consultation we are required by law to consider all feedback received and resolve any substantive objects which may come to light. If objections cannot be resolved we have to make a decision to abandon the order, approve using delegated authority or refer to a TRO panel which is made up of trained members who hear the case for and against and make a recommendation whether the order should be progressed. The process is extremely resource intensive in terms of officer hours, input, and processing from our legal team. The cost for a typical order is in the region of £10000 - £15000, however in some cases can be significantly higher. We have to consider the level of impact and benefit in terms of safety against such an outlay.

The Council, working closely with Ubico, will continue to work with residents to find solutions to this issue which is worsened by lockdown and more people working from home but I would urge all residents to park considerately to avoid inconvenience.

	Supplementary question
	On 6 occasions this year bins have been missed on Upper Park Street due to inconsiderate parking. As this situation is becoming untenable for residents, can Ubico liaise with GCC enforcement and PCSOs to resolve the matter ?
	Response from Cabinet Member
	The Cabinet Member acknowledged the issue and reported that this was not the only street where collections were missed due to inconsiderate parking. This was frustrating for crews and residents alike. He was committed to work with Cllr Savage, Cllr Babbage and Ubico to address this.
14.	Question from Councillor Louis Savage to the Cabinet Member Corporate Services, Councillor Alex Hegenbarth
	Given the large size of the Council chamber and recently installed webcasting equipment, when does he envisage resuming meetings, either in whole or in part, within the Municipal Offices? Does the Cabinet Member believe that doing so would help create confidence that it is safe to return to Cheltenham town centre, and act as a sign of much needed support for our high street?"
	Response from Cabinet Member
	We are currently following government guidance in terms of social distancing with the restrictions on the numbers of persons that can meet indoors preventing us from holding in person committee meetings. We are also following the specific legislation relating to virtual committee meetings. Whilst resuming public meetings in the Municipal Offices is our aspiration, and we are looking at how this could work in practice, our primary focus is on the efficient discharge of the democratic function. In the absence of legislation in relation to hybrid meetings, and the technological requirements to facilitate them, particularly in the Council Chamber, virtual meetings in their current form meet our democratic requirements.
15.	Question from Councillor Max Wilkinson to the Leader, Councillor Steve Jordan
	The long-awaited extension of the Honeybourne Line to Lansdown Rd represents a key sustainable transport project for the town. It has been proposed for almost as long as I have been alive. The latest update received was that funding was short by around £300,000 as a result of an overspend on the car park works and the uncertainty over GWR's franchise. Since then, the franchise has been extended and reassurances have been given that money may be found from various sources. What update can the leader of the council give on discussions with GWR, the county council, the LEP and others?
	Response from Cabinet Member
	The GWR franchise extension was a most welcome step given the complexities of this scheme; the land in question, south of the Trimnasium remains in the control of Network Rail as it is outside of the franchise area, but the pedestrian-cycle extension will be delivered by GWR. I am pleased to advise that since the franchise renewal, GWR have been much more positive about delivery and I understand GWR have had an opportunity to bid to DfT to address the funding shortfall. We

	<p>await formal confirmation of the additional funding but as GWR are progressing delivery steps we take that as a positive indication. Additionally Network Rail have begun the process for the delivery of the Access for All improvements, notably the platform lifts.</p>
16.	<p>Question from Councillor Max Wilkinson to the Leader, Councillor Steve Jordan</p>
	<p>The consultation on the West Cheltenham transport improvements was launched by Gloucestershire County Council with social media postings promoting investments in cycling and walking infrastructure. However, the consultation gives almost no indication of what interventions are being made. Questions have been raised with the county council, but no reply has been received. What can we do to find out more about the cycling and walking infrastructure? The LEP is promoting this scheme. Therefore, will the leader raise this issue with the LEP in his role as a member of the LEP board and report back in his verbal report to the next overview and scrutiny meeting?</p>
	<p>Response from Cabinet Member</p>
	<p>On 9 June GFirst LEP approved the business case and hence funding for phases 3 & 4 of West Cheltenham Transport Improvement Scheme. This is the phase from Arle Court to Lansdown Bridge (and the connection with the GWR pedestrian-cycle improvement) with a focus upon walking, cycling and public transport connectivity. These phases are being accelerated from the original timetable and consequently the details are sketchy as further feasibility work for the final design is yet to be undertaken.</p> <p>At the same GFirst LEP meeting approval was also given to spend £1.6m (freed up from a scheme that didn't proceed) on the West Cheltenham Walking and Cycling Improvements Scheme. This is to proceed in parallel with the WCTIS phases 3 & 4 mentioned above.</p> <p>CBC are represented on the GCC led WCTIS stakeholder group and have made strenuous efforts to circulate information when it is available to both the business and wider community via Councillors. I believe that liaising with the GCC stakeholder group (to which the LEP also is invited) is the best route to inform the design.</p> <p>I am happy to update the O&S Committee as requested and keep all members apprised of developments as GCC progress through the various design stages. I will encourage further engagement with key groups such as the cycling forum.</p>
17.	<p>Question from Councillor Max Wilkinson to the Cabinet Member Development and Safety, Councillor Andrew McKinlay</p>
	<p>Gloucestershire County Council has been allocated money for sustainable transport projects that enable social distancing. The county's bid was improved by an ambitious list of projects drawn up by Cheltenham Borough Council. Can the cabinet member for development give an update on the likely schedule for the implementation of these projects?</p>

	Response from Cabinet Member
	Guidance was provided to GCC on 10 th July on Tranche 2 funding with a deadline to submit applications to DfT by 7 th August. We have been advised that the guidance provided is very prescriptive and currently GCC are reviewing proposals across the county in the context of that guidance. We have made regular requests for feedback on the proposals submitted for Cheltenham.
18.	Question from Councillor Max Wilkinson to the Cabinet Member Development and Safety, Councillor Andrew McKinlay
	The county council's statements on the receipt of tranche one Covid social distancing funding do not make it clear whether tranche one monies are paying for schemes already implemented, or schemes yet to be implemented. Does the cabinet member for development know which it is?
	Response from Cabinet Member
	The tranche 1 funding paid for the schemes already implemented by GCC, for Cheltenham this was the Bath Road scheme.
19.	Question from Councillor Max Wilkinson to the Cabinet Member Development and Safety, Councillor Andrew McKinlay
	The county council has been awarded government funding 'in excess of its indicative amount' for Covid social distancing measures. However, most of the implemented schemes so far look like temporary roadworks. One such example is Regent Street. It is a key town centre area of café culture, but some tables and chairs appear to be arranged in the gutter alongside roadworks. Could the cabinet member for development confirm when a better quality of street furniture will be installed?
	Response from Cabinet Member
	The Regents Street intervention has been funded not by GCC but from the CBC allocation of Reopening the High Street Safely (RHSS) fund. The criterion around this funding was very explicit in that interventions must be temporary and could not take the form of planters etc. hence why the water filled barriers were installed which provide a temporary, but robust barrier to support the activities on Regents Street. However, as of this week the MHCLG guidance has been reviewed and we have been advised that the RHSS funding can be used on planters, but only if they are temporary and part of a transport intervention.
	Supplementary question
	If going to have interventions to improve the look and feel of our town centre and encourage walking and cycling as well as improve business in the town, there should be good design. Our trial schemes should be of high quality design, e.g. wooden decking rather than looking like temporary road works.
	Response from Cabinet Member
	Agreed that this should be the highest quality of improvements, however the council was seriously constrained by central government financial regulations and rules in terms of what constitutes temporary work.
20.	Question from Councillor Max Wilkinson to the Cabinet Member Development and Safety, Councillor Andrew McKinlay
	The social distancing measures in Regent Street lack ramps to enable

	<p>wheelchair users and buggies to pass the area on that side of the road. Can the cabinet member for development advise us on how we can ensure the county council takes seriously its responsibilities to allow access for disabled people and parents with young children?</p>
	<p>Response from Cabinet Member</p>
	<p>The dropped kerbs on Regents Street that fall with the Regents Street intervention have been maintained wherever possible and gaps provided within the water filled barriers to maintain access. In addition, no interventions have been placed on the opposite footpath or carriageway which provides a suitable alternative for users. Now the intervention is in place the Townscape Team are reviewing the scheme together with the Licensing Team providing clear guidance to the businesses operating with the space.</p> <p>It is accepted that by the very temporary nature of the intervention and the need to accommodate vehicles, pedestrians and businesses that the solutions will not be perfect, but we are trying to be pragmatic as we respond to COVID-19 recovery.</p>
21.	<p>Question from Councillor Max Wilkinson to the Cabinet Member Development and Safety, Councillor Andrew McKinlay</p>
	<p>The chief executive of the Cheltenham Development Task Force has stepped down and I'm sure we would like to thank Jem Williamson for his hard work for our town over many years. We hear that the organisation will now deal with the Covid-19 recovery. Given that the council has declared a climate emergency, will the cabinet member for development confirm that the Task Force will be placing that matter at the heart of its work? Will the Development Task Force commit to appointing at least one member with expertise in climate change and the environment?</p>
	<p>Response from Cabinet Member</p>
	<p>The Cheltenham Development Taskforce has played an important role in the regeneration activities of the town centre and we thank both Jeremy Williamson and the chair of the Task Force Graham Garbutt for providing leadership together with the wider Task Force membership. The task Force formally closed at its July meeting.</p> <p>A new Economic Recovery Task Force is being established as an 18 month task-finish group to focus on the challenges arising from COVID-19. I am pleased to announce that Diane Savory OBE has agreed to chair the new Task Force and its membership is currently being reviewed. Green Growth will certainly be a priority outcome for our economic recovery and we will be identifying the skill sets that will support that.</p>
22.	<p>Question from Councillor Max Wilkinson to the Leader, Councillor Steve Jordan</p>
	<p>Prior to the Covid-19 outbreak, the leader and the BID were working closely to encourage landlords of empty retail properties to take a more realistic view of rents. It was reported that the response to a letter to retail landlords was disappointing, with most not bothering to reply. Given the importance of the high street to our local economic recovery, can the leader give an update on communications with retail property landlords?</p>

	Response from Cabinet Member
	The Planning team are supporting the activities of the BID Landlord group and certainly the impacts on retailing will be a key priority of the Economic Recovery Task Force. The Planning White Paper is expected imminently and we are anticipating changes to be identified within this that will be focussed on the High Street and the future of retailing. Generally there has been positive support from local landlords but engagement has been more difficult where that is not the case.
23.	Question from Councillor Max Wilkinson to the Cabinet Member Corporate Services, Councillor Alex Hegenbarth
	The Standards Committee has recommended that mandatory training in matters relating to diversity be given to all members. Can the appropriate cabinet member give an update on when this will be delivered?
	Response from Cabinet Member
	The training brief is currently being developed and will be issued to prospective training providers by the end of July. During August we will evaluate the training proposals in consultation with the Chair of the Standards Committee with the aim of commencing training from mid-September. Group Leaders have the responsibility of ensuring members attend the training. Completion of the training will be reported back at a future Council meeting
24.	Question from Councillor Max Wilkinson to the Cabinet Member Housing, Councillor Peter Jeffries
	Will the cabinet member for housing give an update on our £100million housing investment plans?
	Response from Cabinet Member
	<p>Our plans to invest £100m to provide quality homes and promote sustainable communities are progressing well. The delivery of new homes remains a key priority for CBC and CBH and forms part of our economic recovery plan to invest in the town and provide much needed, high quality homes. The emerging 'New Homes and Regeneration Strategy' is really taking shape and outlines our broader strategy for increasing housing across a variety of tenures (affordable and private rented) in Cheltenham in addition to a continued focus on our existing stock and significant regeneration plans. The strategy will ensure we are focused on delivering a 'step change' in the provision of new homes up to 2025. This strategy will be supported by a comprehensive Communications Plan which we will use as an opportunity to showcase our achievements along the way.</p> <p>Despite the recent challenges resulting from the COVID-19 pandemic, we have made significant progress over the last few months including the following:</p> <ul style="list-style-type: none"> • The sites at Monkscroft Villas and Holy Name Hall are now back up and running following a short closure due to COVID-19. These two sites will be completed within the next year to provide 35 new affordable homes for shared ownership and for rent. • We have fostered new relationships with a variety of agents and developer partners which has led to us securing 33 new homes

	<p>across three S106 sites.</p> <ul style="list-style-type: none"> • We completed 27 individual property acquisitions last year and are working to deliver a further 25 this financial year, demonstrating our ability to break the mould and bring about the delivery of new affordable housing in innovative ways. • We have agreed Heads of Terms to acquire two sites which collectively will provide a further circa 90 new homes. • The activity above equates to over £35m of investment to provide in excess of 200 homes. • We are now in the position to reinvigorate our private rented venture. Much work has already been done to prepare ourselves for implementation, including the development of vibrant new branding to ensure that our enterprise has a great look and feel ahead of delivery. We are currently assessing the impact of Covid-19 on the market with a view to acquiring our first private rented home in the coming months. • We continue to pursue other new opportunities and now have an active pipeline of opportunities that we are continuing to assess and progress. <p>We are building <u>#qualityhomes</u> & <u>#thrivingcommunities</u> as part of <u>Cheltenham Borough Council</u> 's £100m housing investment plan. <u>#HomesForCheltenham</u></p> <p>As part of the Golden Valley Development, CBC is currently undertaking the process to select a development partner. We are seeking a dialogue with bidders to explore options for the large scale delivery of private and affordable homes. Based on the projections set out in the draft Supplementary Planning Document we could see the delivery of higher densities potentially exceeding 600 homes on the council's land interests. . The use of Housing Investment Strategy and HRA funds could be used to assist in delivery the vision.</p>
--	--

9. PETITION - WE CALL FOR URGENCY ON OUR CLIMATE EMERGENCY

The petition organiser, Yolande Booyse, presented the petition to members.

She explained that the petition had collected 750 signatures expressing concern over climate change and demanding real action. She added that the next crisis after Covid-19 would be the climate, and our approach to tackling this needed to change. The post-Covid world would offer an opportunity to leverage momentum, and both on a national and global scale, financially supporting green economies was a real possibility. Attempting to continue 'business as usual' was no longer appropriate, so the council should rethink its response to a carbon neutral pledge. She asked members to use the debate to address Cheltenham residents about how Covid-19 had changed their climate change response, including updating them on the progress of appointing a dedicated Cabinet Member and dedicated team for climate change.

The Cabinet Member Corporate Services and thanked the organiser for her presentation. He stressed that community support would be an essential part of

tackling the council's ambitious climate change targets, and welcomed the petition for highlighting the growing support within the town for reducing their carbon footprint.

He reported that the Executive Director People and Change, Darren Knight, and Director of Environment, Mike Redman, had recently met with local groups to discuss the council's plans going forward and boost community involvement. The 'Carbon Neutral Cheltenham – Leadership Through Stewardship' report brought before Council last October laid out a roadmap of actions needed to reduce the town's net carbon footprint to 0 by 2030. He acknowledged that this was a challenging deadline, twenty years ahead of central government's goal of 2050, and meaningful steps must be taken in order to achieve it.

He added that the impact of Covid-19 on climate policy could not be overstated, as it had significantly affected the council's finances, but it had not prevented important projects going forward, while the shift to remote working had changed commuting patterns in the borough. He stressed that the council was doing all it could, and remained committed to the pledge of going carbon neutral by 2030.

One member cited climate change as the key problem faced by the world at the moment, alongside Covid-19. She praised the council's continuous climate change projects, as well as the work that went on quietly in the background to make a difference and keep people safe.

One member noted that the sentiment behind the petition was likely shared by the majority of people in the town, and indeed across the country. He stressed that community involvement was key, and endorsed the inclusion of partners and community groups in the process.

One member acknowledged that alleviating the climate crisis was a long and difficult road, but the council's progress was good. He suggested that the council could declare areas outside all schools in the borough as 'no idling' zones, in order to improve air quality for schoolchildren. This could be enforced by council officers and supported by clear posters, and could then be widened to include more of the borough if successful. The Cabinet Member responded that he would be happy to accept this, and suggested that they explore the topic in more detail to work out the most effective solution. One member noted that the county council was working on a similar program.

One member asked for clarification about the size of Cheltenham's Air Quality Management Area. The Director of Planning responded that the AQMA previously covered the whole borough, but had been condensed to cover the inner ring road area between St George's Road and Gloucester Road.

One member noted that many local authorities were seeking to get climate change back on the agenda as part of their Covid-19 recovery strategies, citing Oxford City Council's plan to ban petrol cars from the city centre by 2030. He warned against diluting policy due to the council's financial difficulties,

suggesting that failing to act on climate change would be far more expensive in the long run.

RESOLVED THAT

The actions which the authority has taken to date and those proposed, as set out in Section 3 be noted.

10. CHELTENHAM PLAN - ADOPTION REPORT

The Leader of the Council introduced the report, noting that the Cheltenham Plan formed part of the Joint Core Strategy. He acknowledged that the Local Plan had been a long process, starting back in 2012, and thanked Members and officers involved for their contributions. The plan sought to strike a balance between providing jobs and affordable homes while protecting green spaces, and continuously consulting the public on its key aspects. He emphasised a number of key points, including the protection of green spaces by granting formal LGS status to 16 sites around the borough, and noted that the process of a second JCS was in its early stages.

The following points were raised by Members :

- the report was welcomed as an essential part of planning out the coming years and ensuring that the council did not stand still. Along with the JCS, it should give the town what it needs, particularly with regard to new houses built to a high standard and new employment.
- some Members had campaigned for some 40 years to protect the Leckhampton Green fields, and were delighted to see it formally designated as an LGS. Free, accessible recreation was a key part of mental health, especially in urban areas, while the fields also provide essential services to the ecosystem by absorbing pollution and floodwater. He thanked planning officers and the Leader of the Council for their work on the issue.
- one Member spoke in his capacity as the council's representative on the Cotswold Conservation Board, and welcomed the level of protection afforded to the Cotswold AONB.
- a number of individuals and organisations were thanked for their work behind the scenes, but concern was expressed about future developers' potential lack of understanding of sustainability. Sustainability must be considered according to a wide range of factors, including the socioeconomic consequences for people living in the area and environmental implications. If Cheltenham could put these considerations front and centre of any future interaction with developers, the town and its residents would benefit immensely.
- disappointment was expressed by one Member that the Oakhurst Rise site was not included among the 16 given LGS status, despite fulfilling many of the criteria involved.
- one Member acknowledged that this plan sought to strike a balance between preserving essential aspects of the town and allowing it to

grow. He stressed that officers had sought to distribute LGS status as widely as possible, having considered 92 sites originally. Interventions from planning inspectors eventually whittled this figure down to 16. He reassured Members that the lack of LGS status did not mean that the site was not protected.

The Leader of the Council summed up the key points and thanked Members for their contributions.

RESOLVED THAT

- 1. the adoption version of the Cheltenham Plan at Appendix 4 to this report be adopted, as part of the Council's statutory development plan**
- 2. the amendments (maps and text) to the adopted Proposals Maps as set out within Appendix 5 and 6 to this report be adopted.**
- 3. authority be delegated to the Director of Planning, in consultation with the Leader of the Council to make minor spelling, grammatical, cross-referencing or typographical errors and presentational changes (including the addition of a Foreword) to the Cheltenham Plan and accompanying policies maps prior to publication**

11. WEST CHELTENHAM CYBER CENTRAL GARDEN COMMUNITY SUPPLEMENTARY PLANNING DOCUMENT

The Leader introduced the Golden Valley Development Supplementary Planning Document (SPD) which outlined the opportunity to deliver a national exemplar, world class cyber facility, as well as being a highly accessible and sustainable development. The Leader noted that the SPD at Appendix 2 was the correct version but that the covering report had been amended. The recommendation had been amended to seek adoption rather than approval by the council. He explained that the SPD covered the area in the JCS, as well as the safeguarded area and emphasised the need for a masterplan in place for this exciting opportunity for the town.

The national support that this project had garnered emphasised the importance of the site and as it crossed into Tewkesbury Borough Council (TBC) boundaries, there had been close collaborative working which would see TBC consider this very same document on the 28 July. Both authorities needed to adopt this SPD for it to come into force. Widespread consultation had been undertaken on the SPD, informally at the end of last year and then formally in January 2020 for a period of 5 weeks. This report and accompanying SPD took account of stakeholder and public engagement together with representations received during the statutory consultation and a full schedule of comments received and subsequent amendments to the SPD was provided at Appendix 5, but the Leader noted that some viewpoints were diametrically opposed and therefore impossible to draft a document that addressed these opposing views. Once approved by both CBC and TBC, the SPD would become a material consideration to the determination of future planning applications.

The site was next door to GCHQ and cyber was already important for the town, with Cheltenham being second only to London in terms of the level of cyber

business. This represented a fantastic opportunity, not least because it could benefit the entire community, some areas of which had higher levels of deprivation and as such it was vitally important that it benefited the whole community in terms of jobs, affordable housing, as well as the climate change agenda. At this stage he noted the 'Excellent' accreditation by Building with Nature. He did ask that members, when looking development plans, be mindful of the fact that CBC owned only part of the site that was being talked about, not all of it, with Severn Trent the owners of some parts.

In closing, he highlighted that Gloucestershire County Council had secured £22m of government funding, the Local Enterprise Partnership (LEP) had re-allocated £1.6m to ensure that all cycling routes were connected and Great Western Railways were in the process of confirming funding for a cycling route out of the station and to this site. Finally, he acknowledged the importance of community involvement and though he pledged that this would continue, he was not yet sure what this would look like going forward.

The Leader, with support from the Director Planning, provided the following response to a member question regarding housing numbers at this site. They explained that the JCS allowed for 1100 houses on this site, based on a simple calculation, however, following a site capacity study as part of the more detailed master planning, this figure is now estimated at 2370. The reference Cheltenham Borough Homes had made to 3000 homes included 1354 that could come forward on the safeguarded land, though this would require a review of the JCS.

The ward member for Hester's Way, whilst welcoming the document and the exciting opportunities ahead, was concerned that higher numbers of houses would result in lower eco standards, or prove unsustainable for developers in terms in the financials. She also went on to endorse the comments of the Leader in relation to the importance of community engagement.

In summing up, the Leader acknowledged that it was essential to retain some green space on this site and reiterated his commitment to involving local communities in the process.

Upon a vote it was RESOLVED THAT

- 1. The Golden Valley Development Supplementary Planning Document (SPD) as provided at Appendix 2 be adopted.**
- 2. Authority be delegated to the Director of Planning to make any minor editorial changes to the approved SPD in terms of formatting, presentation and accuracy prior to final publication.**

12. PLANNING COMMITTEE SIZE

The Deputy Chief Executive, Tim Atkins, introduced the report which sought approval to reduce the size of the Planning Committee from 11 to 15. He reminded members that the Constitution Working Group (CWG) was asked to review the number of members on Planning Committee in order to ascertain if a smaller number might increase the effectiveness of the decision-making

process. The CWG met in January 2020 and supported the proposal, Group Leaders were then consulted and approved the change which was noted by Council when considering changes to the Constitution at its meeting on 17 February. The plan that was this would then be formally approved at the Annual and Selection Council in May 2020 when establishing and appointing to Planning Committee, however, due to the Covid 19 outbreak and the subsequent rescheduling of the Borough Elections until May 2021, the Annual and Selection Council was cancelled. The Deputy Chief Executive explained that the proposal was based on best practice advice that encouraged smaller committees as tending to offer greater consistency in decision making; lower costs to run and better attendance at meetings and hoped that members would support the recommendations.

In response to a member question, the Deputy Chief Executive, along with the Director of Planning, explained that reducing costs was not the main driver for the proposals; but rather that it represented best practice. Whilst being quorate had never been an issue, Planning Committee meetings were never attended by all 15 members. The quorum was currently 8 (members) and were the committee size to reduce to 11 this would in turn reduce to 6.

A number of Planning Committee members, both past and present, stressed the importance of site visits (Planning View), which they felt were poorly attended due to being held during the day, whilst accepting that it would be difficult to undertake in the evenings for some 6 months of the year. Councillors were reminded that ward members were able to attend meetings and address the Committee where an application affected their ward and of the substitution process that was in place, though it was stressed that there was a requirement for substitutes on Planning Committee to have undertaken training and have attended one in three meetings.

Members who spoke against the proposal to reduce the size of the committee, did so because they were concerned that a reduction in members would result in nothing more than reduced diversity of views and were sceptical about the assertion that decisions would be more consistent. Some of these Members urged caution given the pace of unitary discussions, a decision on which would result in a larger, farer ranging area, with a precedent set by having reduced the size of the committee at this stage.

Those that spoke in support of the proposal agreed that a reduction in size could result in Members having the opportunity to gain a greater understanding of planning regulations and give more in-depth consideration to applications, which would result in more consistent and effective decision-making.

The Deputy Chief Executive thanked Members for what had been an interesting debate and noted the efforts that the CWG had put into the review. He suggested that the greatest challenge in terms of the Planning Committee was the requirement for members who were fully trained and experienced and that a larger committee size made this more challenging to achieve. CBC were at the higher end of members compared to other authorities and this reduction did not aim to stifle opposing views or differences of opinion, but instead would ensure the consistent application of planning policy in terms of decisions.

Upon a vote it was

RESOLVED THAT

- 1. The size of Planning Committee be reduced to 11 seats.**
- 2. The appointments to Planning Committee in accordance with the nominations contained in the table (as circulated) be approved.**

13. APPLICATIONS FOR PAVEMENT LICENCES UNDER THE BUSINESS AND PLANNING BILL 2020 AND RESPONSIBILITIES FOR FUNCTIONS

The Deputy Chief Executive explained that the Business and Planning Bill 2020 (“the Bill”) once in force, would introduce a number of changes to potentially promote post-lockdown economic recovery and growth. Part 1 of the Bill included provisions that would enable the operators of licensed premises, via a new standalone mechanism, to secure for a limited period, a “Pavement Licence”. The new Pavement Licences would allow additional outdoor space to be lawfully licensed and used by premises. Under the provision an application must be determined by a local authority within 7 days of receipt of the application, this reducing the consultation period, as well as the ability of the authority to refuse. The proposed delegation would allow the Director of Environment, in consultation with the vice-chair of the Licensing Committee, to determine an application for a Pavement Licence under the new legislation. It was also noted that if necessary the ability to revoke a licence should also be delegated to the Director of Environment. A slight amendment to the recommendation was proposed in that ‘and revoke’ would be added after ‘determine applications’.

The Licensing Team Leader, gave the following answers to member questions:

- Under the Bill there is no statutory appeal process, but the draft guidance states that councils may wish to consider the scope for an internal review process. To this end, an applicant wishing to appeal a decision to refuse consent could apply to the Miscellaneous Licensing Sub-Committee. The Chair felt that it was more appropriate to preside over any such appeal, rather than being involved in the original decision(s) and it was noted that there were two vice-chairs for the Licensing Committee.
- A local authority can grant a Pavement Licence subject to conditions that it considers reasonable but in any event such licences will be deemed to be subject to a “no-obstruction condition” and condition would remain and if following a site inspection it was considered that it would cause an obstruction, the matter would be referred to the Director for determination and possible refusal.

At this stage the Mayor sought agreement from members that the meeting should continue beyond four hours in duration and the no member objected. The meeting continued.

The Licensing Team Leader, continued to respond to member questions:

- There had been no amendments to the Highways Act 1980 and when the Bill was repealed (currently planned for September 2021) applications would be made under the Highways Act 1980.
- In response to a further question, the Business Support and Licensing Team Leader assured members that they would be consulted on applications as ward councillors as they had previously, though admittedly with less time to respond, 5 working days from 28 days. He noted that if the authority does not determine an application within the determination period, the licence would be deemed to have been granted for a year.

The Leader paid tribute to the Licensing and Planning Teams at CBC, as the concept for this Bill had been spearheaded in Cheltenham. He also acknowledged that some of the temporary measures put in place did not look necessarily look as good as they could, but as an authority we had got out and done them to enable businesses to reopen as quickly as possible.

A member felt that the authority should have an Accessibility Champion who could represent and advocate on behalf of people with visual impairments and wheelchair users, etc, in terms of decisions such as these. The Cabinet Member Finance interjected and confirmed that in her previous role, as Cabinet Member Healthy Lifestyles, she had established a Disability Forum and applications were taken to this group for feedback. In her experience, having consulted the Forum during the Changing Places discussions, it was clear that it would never be possible to meet the needs of every single individual and as an authority we could simply do our very best.

Upon a vote it was RESOLVED

- 1. That the Director of Environment, in consultation with the vice-chair of the Licensing Committee, be given delegated authority to determine applications and revoke Pavement Licences under the Business and Planning Act 2020.**
- 2. That the Borough Solicitor be authorised to make any textual or other amendments which are necessary to ensure the accuracy, consistency and legality of the Constitution when incorporating the revisions referred to in 1. above.**

14. NOTICES OF MOTION

There were none.

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

None.

Roger Whyborn
Chairman