

Notice of a meeting of Council

Monday, 21 June 2021 2.30 pm Cheltenham Town Hall - Imperial Square, Cheltenham, GL50 1QA

	Membership
Councillors:	Steve Harvey (Chair), Sandra Holliday (Vice-Chair), Victoria Atherstone, Matt Babbage, Paul Baker, Garth Barnes, Dilys Barrell, Ian Bassett-Smith, Angie Boyes, Nigel Britter, Jonny Brownsteen, Barbara Clark, Flo Clucas, Mike Collins, Iain Dobie, Stephan Fifield, Bernard Fisher, Wendy Flynn, Tim Harman, Rowena Hay, Alex Hegenbarth, Martin Horwood, Peter Jeffries, Alisha Lewis, Chris Mason, Guy Maughfling, Paul McCloskey, Andrew McKinlay, Emma Nelson, Tony Oliver, John Payne, Richard Pineger, Julie Sankey, Louis Savage, Diggory Seacome, Jo Stafford, Simon Wheeler, Max Wilkinson, Suzanne Williams and David Willingham

A Moment of Reflection

This will be of an inclusive nature and held virtually at 12 noon. All Members are welcome to participate but need not do so.

Agenda

1.	APOLOGIES	
2.	DECLARATIONS OF INTEREST	
3.	MINUTES OF THE LAST MEETING	(Pages
	Minutes of the meetings held on 17 May 2021	3 - 14)
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 Monday 14 June 2021	

8.	MEMBER QUESTIONS	
	These must be received no later than 12 noon on Monday 14 June	
	2021	
9.	TO CONSIDER THE PETITION 'REDUCE FLOODING AND	(Pages
	EXAMINE FLOOD RISK IN DETAIL, BEFORE ALLOCATING	15 - 24)
	MORE DEVELOPMENT SITES'	
	Report of the Cabinet Member Customer & Regulatory Services	
10.	TO CONSIDER THE PETITION 'DELAY THE ALL WHEELCHAIR	(Pages
	ACCESSIBLE VEHICLE POLICY FOR TWO YEARS'	25 - 32)
	Report of the Cabinet Member Customer and Regulatory Services	·
11.	NOTICES OF MOTION	
12.	ANY OTHER ITEM THE MAYOR DETERMINES AS URGENT AND	
	WHICH REQUIRES A DECISION	

Contact Officer: Bev Thomas, Democratic Services Team Leader, 01242 264246

Email: democratic.services@cheltenham.gov.uk

Gareth Edmundson Chief Executive

FILMING, RECORDING AND BROADCASTING OF COUNCIL MEETINGS

This meeting will be recorded by the council for live and/or subsequent broadcast online at www.cheltenham.gov.uk and www.youtube.com/user/cheltenhamborough. At the start of the meeting the Chair will confirm this. The footage will be streamed live on the YouTube channel.

If you participate in the meeting you are consenting to the use of those sound recordings for broadcasting and training purposes.

Council

Monday, 17th May, 2021 2.30 - 3.45 pm

	Attendees								
Councillors:	Steve Harvey (Chair)Sandra Holliday (Vice-Chair), Victoria Atherstone, Matt Babbage, Garth Barnes, Dilys Barrell, Angie Boyes, Nigel Britter, Jonny Brownsteen, Flo Clucas, Mike Collins, Iain Dobie, Bernard Fisher, Wendy Flynn, Tim Harman, Rowena Hay, Martin Horwood, Peter Jeffries, Chris Mason, Paul McCloskey, Andrew McKinlay, Tony Oliver, John Payne, Louis Savage, Jo Stafford, Simon Wheeler, Max Wilkinson, Suzanne Williams, David Willingham, Barbara Clark, Stephan Fifield, Alisha Lewis, Guy Maughfling, Emma Nelson, Richard Pineger and Julie Sankey								
	Roger Whyborn (Chair)								

Minutes

1. APOLOGIES

Apologies received from Councillors Baker, Bassett-Smith, Hegenbarth and Seacome

Present in Cheltenham Town Hall: Cllrs Atherstone, Barnes, Barrell, Boyes, Britter, Clark, Collins, Dobie, Fisher, Flynn, Harman, Harvey, Hay, Holliday, Horwood, Jeffries, Lewis, Maughfling, McCloskey, McKinlay, Oliver, Payne, Pineger, Sankey, Savage Wheeler, Wilkinson, Willingham, Williams

Present via Webex (non voting) Cllrs Babbage, Brownsteen, Clucas, Fifield, Mason, Nelson, Stafford

2. COMMUNICATIONS BY THE RETIRING MAYOR

The retiring Mayor wished to acknowledge the level of commitment, initiative and enthusiasm from officers at Cheltenham Borough Council during the unprecedented circumstances of the pandemic through 2020/21. He recognised the amazing feat of keeping so many complex services going, while also inventing new ones, and with most staff working from home. He thanked all officers and Members for their sacrificial commitment to help the people of Cheltenham through this period and ongoing. In particular he wished to thank the Strategy and Engagement Manager and his team and the Revenues and Benefits team and apologised if there were some individuals who had also gone beyond the call of duty and he had failed to mention. He also wished to thank the Mayor's PA, Mayor's driver and the Democratic Services team for their support over the last two years. Finally, he referred to his work with the food network and thanked Cllr Clucas and the Leader Cllr Hay and former Leader Steve Jordan in relation to their work relating to the Mayor's foodbank fund.

3. ELECTION OF MAYOR (CHAIR OF COUNCIL) 2021-2022

The Mayor called on Councillor Hay to move the motion proposing Councillor Steve Harvey as Mayor.

Councillor Harvey was proposed for the office of Mayor by Councillor Hay and this was seconded by Councillor Payne.

RESOLVED THAT

Councillor Steve Harvey be, and is hereby elected Mayor of the Borough of Cheltenham and Council Chairman for the ensuing Municipal Year.

The Head of Paid Service invited the Mayor to sign a Declaration of Acceptance of Office of Council chairman for the ensuing municipal year 2021-22.

Councillor Steve Harvey took the chair.

4. ELECTION OF DEPUTY MAYOR (VICE CHAIR OF COUNCIL) 2021-22

The Mayor called on Councillor Fisher to move the motion proposing Councillor Sandra Holliday as Deputy Mayor.

Councillor Holliday was proposed for the office of Deputy Mayor by Councillor Fisher and this was seconded by Councillor Collins.

Members spoke both for and against the nomination.

Upon a request for a recorded vote on the nomination it was

RESOLVED THAT

Councillor Sandra Holliday be, and is hereby elected Deputy Mayor of the Borough of Cheltenham and Council Vice Chair for the ensuing Municipal Year.

The Head of Paid Service invited the Deputy Mayor to sign a Declaration of Acceptance of Office of Council Vice-Chair for the ensuing municipal year 2021-22.

Voting

FOR (16)-Barrell, Barnes, Britter, Collins, Fisher, Harman, Harvey, Holliday, Jeffries, McCloskey, McKinlay, Oliver, Payne, Pineger, Wheeler, Willingham

AGAINST(4)-Boyes, Flynn, Horwood, Lewis

ABSTAIN-(8) Atherstone, Clark, Dobie, Hay, Maughfling, Sankey, Savage, Wilkinson

5. DECLARATIONS OF INTEREST

Councillors Babbage, Fifield, Fisher, Harman, Nelson, Wheeler, Williams, Willingham declared an interest as County Councillors.

6. MINUTES OF THE LAST MEETING RESOLVED THAT

The minutes of the meeting held on 22 March 2021 be approved and signed as a correct record.

7. COMMUNICATIONS BY THE MAYOR

The Mayor reminded Members that they had been invited to attend the Inauguration of the Mayor virtually that evening.

8. APPOINTMENT OF THE LEADER OF THE COUNCIL

Councillor Jeffries proposed that Councillor Hay be appointed the Leader of the Council for the ensuing 4 years.

The proposal was seconded by Councillor Wilkinson.

RESOLVED THAT

Councillor Rowena Hay be appointed the Leader of the Council for the ensuing 4 years.

9. COMMUNICATIONS BY THE LEADER OF THE COUNCIL

The Leader took the opportunity to welcome the 8 newly elected Councillors-Councillors Alisha Lewis, Emma Nelson, Guy Maughfling, Barbara Clark, Ian Bassett-Smith, Richard Pineger, Stephan Fifield, Julie Sankey,

She wished to put on record her thanks to the Elections Manager and the Returning Officer for all they did in making the election venues safe and secure for all.

She then went on to thank the outgoing Police and Crime Commissioner, Martin Surl and wished him well in his next venture.

Congratulations were awarded to Chris Nelson on his election to the office of Police and Crime commissioner she looked forward to hearing his vision for Gloucestershire in due course.

Congratulations were also given to the new Mayor, Councillor Steve Harvey and Deputy Mayor, Councillor Sandra Holiday.

Finally, she sincerely thanked the Chief Executive and the Democratic Services Team Leader and all others involved in moving this Annual meeting to the Town Hall to allow all Members that wished to attend in person to do so.

10. TO NOTE THE MEMBERSHIP OF CABINET INCLUDING THE DEPUTY LEADER

The Leader informed Council of her new cabinet and deputy leader as follows:

Councillor Peter Jeffries-Deputy Leader and Cabinet Member Finance and Assets

Councillor Iain Dobie - Cabinet Member Waste, Recycling & Street Services,

Councillor Max Wilkinson –Cabinet Member Climate Emergency
Councillor Andrew Mckinlay –Cabinet Member Cyber and Strategic Transport
Councillor Victoria Atherstone-Cabinet Member Culture Wellbeing & Business
Councillor Mike Collins –Cabinet Member Housing
Councillor Flo Clucas-Cabinet Member Safety & Communities
Councillor Martin Horwood –Cabinet Member Customer & Regulatory Services

The Leader explained that the portfolio names had changed. She had worked with the Chief Executive to ensure that the administration was working in alignment with the officer resources to deliver our Liberal Democrat vision for Cheltenham and had therefore taken the opportunity to redesign the areas of responsibility. These would be shared with all Members and residents.

11. TO ESTABLISH AND APPOINT TO THE FOLLOWING COMMITTEES, (INCLUDING THE APPOINTMENT OF SUBSTITUTE MEMBERS)

The appointments to the following Committees were approved in accordance with the nominations contained in the table circulated and now attached to these minutes for information.

- a) Overview and Scrutiny committee
- b) Audit, Compliance and Governance Committee
- c) Planning
- d) Licensing
- e) Standards Committee
- f) Appointments and Remuneration Committee
- g) JNC Disciplinary Committee
- h) JNC Appeals Committee

12. APPOINTMENT OF THE CHAIR AND VICE-CHAIR OF THE OVERVIEW AND SCRUTINY COMMITTEE

Councillor Chris Mason was appointed as Chair of Overview and Scrutiny and Councillor Alex Hegenbarth was appointed as Vice Chair.

13. APPOINTMENT TO GLOUCESTERSHIRE HEALTH OVERVIEW AND SCRUTINY COMMITTEE

Councillor Dilys Barrell was appointed to the Gloucestershire Health Overview and Scrutiny Committee.

14. APPOINTMENT TO GLOUCESTERSHIRE ECONOMIC GROWTH SCRUTINY COMMITTEE

Councillor Paul McCloskey was appointed to the Gloucestershire Economic Growth Overview and Scrutiny Committee.

15. APPOINTMENT TO GLOUCESTERSHIRE POLICE AND CRIME PANEL Councillor Jonny Brownsteen was appointed to the Police and Crime Panel.

16. APPOINTMENTS TO ADVISORY PANELS AND WORKING GROUPS

The appointments to the Treasury Management Panel and the Constitution Working group were then approved in accordance with the nominations contained in the table circulated (as amended).

Councillor Paul McCloskey was appointed Chair of the Treasury Management Panel.

Councillor Iain Dobie was appointed Chair of the Constitution Working Group.

17. APPOINTMENT OF MEMBER CHAMPIONS

Councillors Victoria Atherstone and Martin Horwood were appointed Mental Health Champions

Councillor Dilys Barrell was appointed Safeguarding Champion.

Councillor Steve Harvey was appointed Armed Forces Champion

Councillor Richard Pineger was appointed Cycling and Walking Champion.

18. TO APPROVE CONSEQUENTIAL CHANGES TO THE CONSTITUTION RESOLVED

To approve the consequential changes to the constitution.

19. NOTICES OF MOTION

There were none.

20. TO RECEIVE PETITIONS

There were none.

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

The Mayor proposed that the Chairs and Vice-Chairs where necessary be elected by Council rather than by individual committees in separate meetings.

RESOLVED

To elect the Chairs and Vice-Chairs as proposed in the table circulated.

Steve Harvey Chair

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Council

Monday, 17th May, 2021 3.55 - 4.00 pm

Attendees									
Councillors:	Steve Harvey (Chair), Sandra Holliday (Vice-Chair), Victoria Atherstone, Matt Babbage, Dilys Barrell, Angie Boyes, Nigel Britter, Jonny Brownsteen, Barbara Clark, Flo Clucas, Mike Collins, Iain Dobie, Stephan Fifield, Bernard Fisher, Wendy Flynn, Tim Harman, Rowena Hay, Martin Horwood, Peter Jeffries, Alisha Lewis, Chris Mason, Guy Maughfling, Paul McCloskey, Andrew McKinlay, Emma Nelson, Tony Oliver, John Payne, Richard Pineger, Louis Savage, Julie Sankey, Jo Stafford, Simon Wheeler, Max Wilkinson, Suzanne Williams and David Willingham								

Minutes

1. APOLOGIES

Apologies received from Councillors Baker, Barnes, Bassett-Smith, Hegenbarth and Seacome

Present in Cheltenham Town Hall: Cllrs Atherstone, Barrell, Boyes, Britter, Clark, Collins, Dobie, Fisher, Flynn, Harman, Harvey, Hay, Holliday, Horwood, Jeffries, Lewis, Maughfling, McCloskey, McKinlay, Oliver, Payne, Pineger, Sankey, Savage Wheeler, Wilkinson, Willingham, Williams

Present via Webex (non voting) Cllrs Babbage, Brownsteen, Clucas, Fifield, Mason, Nelson, Stafford

2. DECLARATIONS OF INTEREST

Councillors Babbage, Fifield, Fisher, Harman, Nelson, Wheeler, Williams, Willingham declared an interest as County Councillors.

3. APPOINTMENT OF HONORARY ALDERMEN

The Chief Executive introduced the report and explained that Council may confer the title of Honorary Alderman on persons who it considered had rendered eminent services to the Authority in their past roles as councillors.

Historically, Council had conferred the title of Honorary Alderman upon its past members in recognition of both long service and significant contribution to the Authority's affairs.

The longstanding local criteria which had been applied when conferring the title of Honorary Alderman was that the person had at least 16 years service or had been a past Mayor and Chairman of the Council

The Chief Executive reported that a number of former Councillors fell within the criteria and had been nominated by the Group Leaders.

He explained that once agreed by Council, their appointments would be recognised as part of the Inauguration of the Mayor ceremony at the Town Hall that evening.

RESOLVED THAT former Councillors

Chris Coleman Malcolm Stennett Klara Sudbury Roger Whyborn

be conferred the title of Honorary Alderman

Steve Harvey Chairman

Cheltenham Borough Council Council – 21st June 2021

Petition: Reduce Flooding and examine flood risk in detail, before allocating more development sites.

Accountable Member	Cabinet Member Customer & Regulatory Services, Cllr. Martin Horwood
Accountable Officer	Director of Planning, Tracey Crews
Ward(s) Affected	All
Significant Decision	No
Executive Summary	A petition was received by Council on 22 March 2021. As the petition had in excess of 750 signatures it is entitled to a debate at Council. The content of the petition is as follows:
	'Reduce Flooding and examine flood risk in detail, before allocating more development sites.
	We the undersigned petition the council to prior to the allocation of further development sites, to commission, ideally with our JCS partners but alone if necessary, a detailed pluvial and fluvial flood risk assessment across the whole JCS area. This assessment must cover the cumulative impact from all development completed, planned, or projected since 2014; climate change, other influencing factors, and major infrastructure projects; and include a full review of mitigation requirements that may be required during the construction phase. Furthermore, we ask the Council to fully consult with all relevant agencies and parish councils, reviewing and incorporating their local evidence and include this within the Council's development plans
	Justification:
	In considering flooding and flood risk, our current development plans fall short; particularly given all the evidence currently available about the cumulative impact of pluvial (surface rain) and fluvial (river) flooding across the whole JCS area. The result of this is to severely impact residents and, in some areas, has virtually destroyed faith in the Borough Council's plan.'
Recommendations	 Note the existing work that the council is doing to reduce flood risk, including already winning accreditation for a nature-led approach to flood risk in development. Commit to work with relevant partners and agencies in managing the impacts of climate change ensuring that the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy plans for the longer term needs of flood management and mitigation.
	2. Note the considerable responsibility of the Council in flood risk

management as well as the roles of other organisations

3. Thank the petitioners and acknowledge that this is a very important issue

Financial implications	None arising from this report.
	Contact officer: Andrew.Taylor@cheltenham.gov.uk
Legal implications	The petition will be debated at Council in accordance with the Council's Petition Scheme. The petition will be considered in accordance with the Council Procedure Rules varied in so far as necessary to comply with the attached Process. Contact officer: legalservices@tewkesbury.gov.uk
HR implications (including learning and organisational development)	None arising from this report Contact officer: Georgie.Tweddell@publicagroup.uk
Key risks	See Appendix 2
Corporate and community plan Implications	The Council is committed to considering the implications of climate change and at Council on 18 February 2019 debated a climate change emergency. In response to this resources both financial and human resource has been put in place to steer this key workstream. A climate change co-ordinator has been appointed, funded by all the local authorities across Gloucestershire to further support outcomes. As priorities are developed these are expected in part to have a positive impact on our approach to reducing the impact of flooding through climate change resilience. All local authorities have a statutory responsibility to deliver up to date development plans for their areas, assessment of flooding is a key part of the evidence base of this and is subject to scrutiny by stakeholders and communities and tested by the Planning Inspectorate at associated Examinations in Public. Contact officer: Tracey.Crews@cheltenham.gov.uk
Environmental and climate change implications	The Met Office and other sources indicate that climate change is likely to increase the regularity and intensity of flooding which will potentially effect new areas. This is irrespective of new developments. Whilst the council will work hard to mitigate flood risk, a realistic approach will need to be taken as the full implications of climate change are unknown. Therefore, there is great potential to champion innovation and encourage preparedness that can reduce the negative impact of flooding and climate change, which must be delivered in partnership. See section 3.8. Contact officer: Laura.Tapping@cheltenham.gov.uk

Property/Asset Implications	CBC own, have helped to install or are responsible for maintaining various watercourse and flood alleviation assets. See 3.3. We also have delegated authority from GCC for consenting and enforcement on ordinary watercourses.
	Contact officer: Dominic.Stead@cheltenham.gov.uk

1. Background to the Petition Scheme

- 1.1 The Council's Petition Scheme is designed to ensure that the public have easy access to information about how to petition their local authority and they will know what to expect from their local authority in response. Included within the Scheme is the requirement to have a full Council debate should a petition with 750 signatures be received.
- 1.2 The Scheme recognises that the issue may be referred to another part of the authority where the matter is not one reserved for Council. The purpose of the requirement for Council debate, therefore, is not to ensure that the final decision relating to the petition issue is made at that Council meeting but to increase the transparency of the decision making process, ensuring that debates on significant petitions are publicised with sufficient notice to enable the petition organiser and public to attend. It also ensures that local people know that their views have been listened to and they have the opportunity to hear their local representative debate their concerns. The outcome of debates will depend on the subject matter of the petition.

2. The Petition

- 2.1 The Council received a petition at its meeting on 22 March 2021. The wording of the petition is set out in the Executive Summary of this report.
- 2.2 Cllr Emma Nelson (elected May 2021) was nominated as the petition organiser.
- 2.3 The Council is therefore required to debate the petition for a maximum of 15 minutes in accordance with the Petitions Scheme approved by Council on 13th May 2010. A process for dealing with a petition was produced by officers and is attached as Appendix 1 as a process to be followed for the debate at this meeting. The debate should conclude with one or more decisions taken pursuant to the Petition Scheme as follows
 - Taking the action requested in the petition (provided the matter is reserved to full Council for decision);
 - Referring the matter to Cabinet or an Appropriate Cabinet Member or Committee (including Overview and Scrutiny) for further consideration;
 - Holding an inquiry into the matter;
 - Undertaking research into the matter;
 - Holding a public meeting;
 - Holding a consultation;
 - Holding a meeting with petitioners;
 - Calling a referendum;
 - Writing to the petition organiser setting out our views about the request in the petition;
 - Taking no further action on the matter.

3. Officer Comments

3.1 The management of flood risk is a collaborative, multi-agency task. Cheltenham Borough

Council is only one part of the coalition (including the Environment Agency, Gloucestershire County Council, Severn Trent Water and local groups) but it is an extremely important part. We take flood risk and climate change extremely seriously and aspire to reduce flood risk ourselves and encourage others to do the same.

Land use planning

- 3.2 The Joint Core Strategy (JCS) and Cheltenham Plan (CP) together with a number of other documents make up the Development Plan for the borough. They allocate sites for housing, employment and wider development usesand provide a set of policies which planning applications must conform to. Both of these documents have flood risk management at their core which is reflected in their vision and objectives as well as the policies themselves. For example, the CP vision aspires for Cheltenham to be a place where the quality and sustainability "natural and built environment are valued and recognised locally, nationally and internationally". It also includes an objective to "manage and reduce the risk of flooding within the Borough."
- 3.3 The selection of development sites in the Development Plan were influenced by a necessity to minimise flood risk. This was informed by flood risk assessments and input from the Environment Agency (EA), including representation and testing of the flood risk evidence base with the Environment Agency at the relevant development plan examination in public overseen by the Planning Inspectorate.
- **3.4** In terms of policies related to determining planning application the JCS includes Policy INF2: Food Risk Management which states:
 - "Development proposals must avoid areas at risk of flooding, in accordance with a risk-based sequential approach. Proposals must not increase the level of risk to the safety of occupiers of a site, the local community or the wider environment either on the site or elsewhere. For sites of strategic scale, the cumulative impact of the proposed development on flood risk in relation to existing settlements, communities or allocated sites must be assessed and effectively mitigated." [Full text can be found here]
- 3.5 Work is already underway on the JCS Review. It is currently at an <u>early stage</u> but once adopted will allocate residential and commercial development land to facilitate and manage the future growth of Cheltenham and its wider area. The JCS process is legally required to follow policy set out in the <u>National Planning Policy Framework</u> (NPPF) and expanded upon in the <u>Planning Practice Guidance</u> (PPG). Paragraph 156 of the NPPF states:
 - "Strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards."
- The EA have also published <u>guidance on how flood risk assessments should be conducted</u>. The Council is committed to working within this guidance through the production of Strategic Flood Risk Assessments Level 1 and Level 2. These will address all sources of flood risk, including pluvial and fluvial. They will also assess cumulative impacts that development or changing land use would have on the risk of flooding and establish if a development can be made safe without increasing flood risk elsewhere.
- 3.7 The Council will collaborate with statutory bodies, such as the EA and LLFA, in doing so. Through formal consultations and informal discussions, the Council and its consultants will also incorporate the views and knowledge of local residents and groups into the assessments.
- 3.8 In addition to these statutory requirements, the Council is going further by promoting

landscape-scale approaches and solutions that address wider environmental issues holistically. The SPD for the Golden Valley development is a good example of our approach, ensuring mitigating climate change and flooding are represented appropriately in development and brought forward more clearly at the master planning stage. The Golden Valley SPD was accredited by Building with Nature who we worked with closely to incorporate their framework of standards for the design and delivery of high quality green infrastructure. Looking forwards, we aim to encourage developers to utilise these types of resources and to foster a positive mind-set about water management and climate change mitigation.

Operational Responsibilities

3.9 There are several risk management agencies (RMAs) involved in managing flood risk. Flooding also has many different sources (rivers, surface water, highways, sewers etc.). As a district council our responsibilities are quite specific*, so we are often reliant on working collaboratively with others. For example, the Environment Agency (EA), Gloucestershire County Council (GCC) who are the Lead Local Flood Authority (LLFA), Gloucestershire Highways and local water companies like Severn Trent Water (STW).

*Cheltenham Borough Council (CBC) have delegated authority for consenting & enforcing on ordinary watercourses and have some powers under the Land Drainage Act and the Flood and Water Management Act. We also have riparian responsibilities for watercourses on CBC owned land. We are the local planning authority and category 1 responders for emergencies.

- 3.10 CBC are responsible for commenting on flood risk for planning applications for 9 or fewer residential properties or other developments where the area being developed is less than 1 hectare. Technical advice/support for this function is currently provided by the Shared Principal Engineer at Publica. GCC as the Lead Local Flood Authority (LLFA) comment regarding flood risk for applications for anything above these thresholds. The EA sign off any strategic flood risk assessments and CBC are only involved with commenting at a site-specific level.
- 3.11 Cheltenham Borough Council (CBC) have delegated authority from GCC for consenting & enforcing for Ordinary Watercourses. This means we process applications for land drainage consent (for example if someone wants to install a culvert), promote awareness of and investigate riparian* responsibilities and enforce any appropriate actions. This function contributes to the management of flood risk. The EA are responsible for riparian issues relating to main rivers, but we work proactively with all agencies involved.

*Riparian owners are responsible for the maintenance of watercourses. Usually this is the landowner where there is a watercourse within or adjoining the boundaries of their land. This responsibility is sometimes shared.

- 3.12 CBC own, have helped to install, or are responsible for, maintaining various watercourse assets. We are undertaking a process review and asset mapping exercise to ensure watercourses we are responsible for are appropriately maintained and that we can manage flooding enquiries and reports more efficiently. We have been working closely with the EA to align with their main river maintenance programme and liaising with other local districts to share best practice. Some seasonal/wildlife constraints can potentially be perceived as inaction, so we are investigating how Risk Management Authorities (RMAs) can communicate more effectively with the public about how and where maintenance is taking place and raise awareness of the benefits of working more closely with nature (e.g. increased biodiversity, protection of nesting birds).
- 3.13 The Cheltenham Flood Plan annex and Charlton Kings Rapid Response plan are being updated in partnership with the other agencies involved such as the civil protection team at GFRS (Gloucestershire Fire & Rescue Service). We are also reviewing and formulating an approach to sandbags, to improve clarity about what CBC are able to assist with and encourage preparedness.

Additional activities and engagement

- **3.14** In addition to our core operational responsibilities, we also undertake a range of other actions to help manage flood risk in the Borough.
- 3.15 This type of approach can also minimise the long-term maintenance costs and will be incorporated in future works on the high street. We are looking at how we can integrate flood management as part of the wider public realm and aspire to explore potential for retrofit urban SuDS (Sustainable Drainage Systems).
- 3.16 As a sector, flood risk management is evolving to become more holistic and incorporate a greater emphasis on tackling climate change, creating amenity and encouraging biodiversity. Increasingly we will be focussing on the impact of climate change on flooding and working with the newly appointed CBC Climate Emergency officers to explore opportunities that create multiple benefits. For example:
 - SuDS (Sustainable Drainage Systems) and NFM (Natural Flood Management)
 - Raising awareness of the benefits of rain gardens, ponds, permeable paving, water butts, green roofs, tree planting, re-greening gardens etc.
 - Working with local schools and businesses.
- 3.17 In 2020, we completely revaluated how the council resources and approaches flood risk management. A new Flood Resilience Programme Officer role was created and flooding now forms a key part of the climate agenda and our respone to it. We are aware there are areas for improvement, however, so we are reviewing our processes and will be taking on board lessons learned as thinking develops around these themes.
- 3.18 Our communications, engagement activities and public information about flooding is being refreshed to help us continue to build more resilient communities, empower people to make positive behavioural change and improve awareness of the appropriate agencies and resources available. As a result, we are going to be relaunching our Flood Warden volunteer scheme, including new training being developed in partnership with GRCC (Gloucestershire Rural Community Council). The council will also continue to play an active part in the Local Resilience Forum (LFR) Community Resilience Group.
- 3.19 Since the floods of 2007, a significant amount of investment has been made to deliver flood alleviation schemes in the Borough. The council have invested in a number of schemes to protect businesses and properties and when grant funding from partners like the EA or GCC becomes available a key area of collaboration for the council is the delivery of Flood Alleviation Schemes (FAS) and Property Flood Resilience (PFR) grants for qualifying properties at risk of flooding. Other RMAs also manage their own flood alleviation schemes in the Borough (e.g. River Chelt and Prestbury) and most recently, Cheltenham has benefitted from the completion of a £2.78million scheme at Priors Farm and Noverton Farm, which should greatly reduce flood risk to properties in the Whaddon and Oakley areas of Cheltenham.
- **3.20** We have also been working on several collaborative undertakings to try and mitigate flood risk in the Borough including:
 - Participating in the multi-agency response to December 2020 flooding incident, including contributing data at district debriefs and encouraging flood reporting.
 - Working with the LLFA to support their Surface Water Management Plan (SWMP).
 - Contributing to the EA's Flood Risk Management Plan (FRMP) for 2021-2027 (preconsultation stage).
 - Discussing SuDS opportunities in the town centre and wider Borough, NFM (Natural

Flood Management) potential with Charlton Kings Parish Council and feasibility of volunteer run community sandbag stores.

 Investigating possible sources of flooding and potential measures to reduce flood risk in Warden Hill with ward Councillors, STW, GCC and the Highways Authority.

4. Reasons for Recommendations

- **4.1** Council notes the positive actions being undertaken to assess flood risk as part of the review of the JCS. This flood risk assessment will be a key part of the JCS evidence base and key element of the process to allocate future sites.
- **4.2** Council endorses the actions underway and being developed to mitigate flood risk in the Council's other roles and activities and testing scope for new opportunities to influence and manage the impact of flooding as we respond to the demands arising from climate change.
- 4.3 In light of work planned and investigation of further opportunities for improvements there is no further action for the council to take at this time in respect of this petition.

Report author	Contact officer: Rebecca.Sillence@cheltenham.gov.uk
Appendices	Process for dealing with petitions at council
	2. Risk assessment
Background information	N/A

Appendix 1

Process for dealing with petitions at Council

The following is the recommended process to be followed for the debate of a petition at the Council meeting in accordance with the Council's Petition Scheme. The Council Procedure Rules shall be suspended in so far as necessary to facilitate this process.

1. The Mayor will remind members of the procedure to be followed

2. Statement by the petition organiser

The Mayor will invite the petitioner organiser or their representative to come to the microphone and speak for up to 5 minutes on the petition.

There will be no questions and the petition organiser/their representative will take no further part in the proceedings.

3. Clarification on the background information in the officer's report

Members will be invited to ask any questions for clarification as to the facts in the officer's report.

4. Statement by the relevant Cabinet Member

The Cabinet Member whose portfolio is most relevant to the petition will be invited by the Mayor to speak for a maximum of 5 minutes on the subject of the petition. They may wish to refer to the background report from officers circulated with the papers for the meeting.

They may also wish to propose a motion at this point; if so, the motion must be seconded.

5. Debate by members

Where a member has proposed a motion (which is seconded), the usual Rules of Debate (Rule 13) will apply.

If there is no motion, the Mayor will invite any member who wishes to speak on the petition to address Council for up to a maximum of 3 minutes.

When the 15 minutes set aside for the debate (as laid down in the Council's Petition Scheme) is up, the Mayor may decide to extend the time allowed for the debate but will bring it to a close when they feel sufficient time has been allowed.

6. Conclusion of Debate

The debate should conclude with one or more decisions taken pursuant to the Petition Scheme as follows:

- Taking the action requested in the petition (provided the matter is reserved to full council for decision);
- Referring the matter to Cabinet or an Appropriate Cabinet Member or Committee (including Overview and Scrutiny) for further consideration;
- Holding an inquiry into the matter;
- Undertaking research into the matter;
- Holding a public meeting;
- Holding a consultation;
- Holding a meeting with petitioners;
- Calling a referendum;
- Writing to the petition organiser setting out our views about the request in the petition;
- Taking no further action on the matter.

Risk Assessment Appendix 2

The risk			Original risk score (impact x likelihood)		Managing risk						
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5		Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	If we fail to adequately assess flood risk of new development then there will be an increased risk of flooding events.	Tracey Crews	18/02/2021	4	2	8	Reduce	The JCS Review will be accompanied by the appropriate flood risk assessments in accordance with Environment Agency standards	End of 2023	John Rowley	01/06/2021
	If we do not adapt sufficiently to climate change and its impacts then the local environment, amenity and economy will suffer	Tracey Crews	18/02/2021	5	1	5	Reduce	Two Climate Emergency Programme Officers have been appointed to lead on the Council's response to climate change	N/A	Jackie Jobes	01/06/2021
	If we fail in our Duty to Cooperate then we will be unable to complete the JCS Review	Tracey Crews	18/02/2021	4	2	8	Accept	Officers already work closely together across the three JCS authorities. A JCS programme officer is in place to ensure this continues and that statutory bodies are also involved	N/A	John Rowley	01/06/2021

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 – 21st June 2021

Petition: Delay the all WAV policy for two years

Accountable Member	Cabinet Member for Customer & Regulatory Services – Councillor Martin Horwood
Accountable Officer	Director of Environment, Mike Redman
Ward(s) Affected	All
Significant Decision	No
Executive Summary	The following petition was received by Council on 18th March 2021.
	'Delay the all WAV policy for two years.'
	'We the undersigned petition the council to Delay the implementation of the all WAV policy for two years (this policy states that hackney carriages shall only be licensed if they are Wheelchair Accessible Vehicles and is due to come into force on the 1st January 2022).'
	As the petition had in excess of 750 signatures, it is entitled to a debate at Council.
Recommendations	Council is to note the Cabinet Member for Customer & Regulatory Services continues to support the policy implementation on 31 December 2021 but his intention is to continue engagement and dialogue with members of the public, including through the Accessibility Forum, and with members of the licensed trade.

Financial implications	None arising from this report. Contact officer: Andrew Taylor, Andrew.Taylor@cheltenham.gov.uk
Legal implications	The petition will be debated at Council in accordance with the Council's Petition Scheme. The petition will be considered in accordance with the Council Procedure Rules varied in so far as necessary to comply with the attached process. Council can only take the requested action if it is a matter that is reserved to Council. This policy is an Executive matter. Contact officer: One Legal, legal.services@tewkesbury.gov.uk , 01684 272012
HR implications (including learning and organisational development)	None arising from this report. Contact officer: Clare Jones, Clare.Jones@publicagroup.uk
Key risks	
Corporate and community plan Implications	Not applicable.
Environmental and climate change implications	Not applicable.
Property/Asset Implications	Not applicable.

1. Background to the Petition Scheme

- 1.1 The Council's Petition Scheme is designed to ensure that the public have easy access to information about how to petition their local authority and they will know what to expect from their local authority in response. Included within the Scheme is the requirement to have a full Council debate should a petition with 750 signatures be received.
- 1.2 The Scheme recognises that the issue may be referred to another part of the authority where the matter is not one reserved for Council. The purpose of the requirement for Council debate, therefore, is not to ensure that the final decision relating to the petition issue is made at that Council meeting but to increase the transparency of the decision making process, ensuring that debates on significant petitions are publicised with sufficient notice to enable the petition organiser and public to attend. It also ensures that local people know that their views have been listened to and they have the opportunity to hear their local representative debate their concerns. The outcome of debates will depend on the subject matter of the petition.

2. The Petition

- 2.1 The Council received a petition on 18 March 2021. The wording of the petition is set out in the Executive Summary of this report.
- **2.2** Mr David Chambers was nominated as the petition organiser.

- 2.3 The Council is therefore required to debate the petition for a maximum of 15 minutes in accordance with the Petitions Scheme approved by Council on 13th May 2010. A process for dealing with a petition was produced by officers and is attached at Appendix 1 as a process to be followed for the debate at this meeting. The debate should conclude with one or more decisions taken pursuant to the Petition Scheme as follows:
 - Taking the action requested in the petition (provided the matter is reserved to full Council for decision);
 - Referring the matter to Cabinet or an Appropriate Cabinet Member or Committee (including Overview and Scrutiny) for further consideration;
 - Holding an inquiry into the matter;
 - Undertaking research into the matter;
 - Holding a public meeting;
 - Holding a consultation;
 - Holding a meeting with petitioners;
 - Calling a referendum;
 - Writing to the petition organiser setting out our views about the request in the petition;
 - Taking no further action on the matter.

3. Officer Comments

WAV Policy – Background

3.1 The table below set out the timeline relating to key events in the WAV policy adoption:

September 2017	The then Cabinet Member for Development and Safety approved a draft Hackney Carriage (taxi) and private hire licensing policy for consultation. A 12-week consultation was undertaken between September and December 2017 including proposals to ensure all licensed Hackney Carriages (taxis) are fully wheelchair accessible vehicles (WAVs) by 2021.
6 March 2018	Cabinet unanimously adopted the revised Hackney Carriage and private hire licensing policy including the WAV requirement.
28 March 2018	The Cabinet decision was subject of an Overview & Scrutiny ("O&S") call-in review, which was heard on the 28th of March 2018.
	The O&S Committee resolved unanimously to:
	Support the decision made by Cabinet on 6 March 2018 regarding the review of taxi and private hire licensing policy without qualification;
	Note that there will be further consultation with the taxi drivers on appropriate mitigation issues and request that these be in a spirit of

	constructive dialogue;
	 Request the Chair to send a letter to Alex Chalk MP and Laurence Robertson MP requesting them to raise the matter with government and ask when the minister would be clarifying government policy on this issue; and Request a report is brought back to O&S in the Autumn 2018 on the results of the consultation in 2 above.
April - October 2018	Officers met with trade representatives
October 2018	Feedback to O&S on WAV Taxi Policy Implementation discussions. A number of practical issues were agreed or put forward by the trade: • The council will not mandate that any currently licensed hackney carriage vehicle be replaced – provided it remains safe, suitable and in good condition – until a specification has been agreed (which has now been completed.) • Clarification on the implementation date was agreed as December 2021 to take into account the time that has elapsed on the policy implementation discussions and agreement of the vehicle specification. • Cabinet approved waiving new licence fees for proprietors who will be required to change the vehicles. • Special dispensation has been granted so that saloon vehicles can be licensed as private hire vehicles notwithstanding the fact that they are Silver in colour.
November 2018	Cabinet approved the mitigation steps above.

WAV Policy - Requests to defer policy

- 3.2 In May 2020, the then Cabinet Member for Development and Safety, now Cabinet Member for Cyber and Strategic Transport, considered a request for the policy's implementation date to be deferred. This request was rejected. The decision was published and gave the following reasons for turning down the request:
- **3.2.1** The substantive policy decision was taken in 2018, which gave licence holders sufficient time to

- plan and prepare for the transition.
- **3.2.2** Changing the implementation date of the WAV policy would penalise other licence holders who have already changed their saloon vehicles to wheelchair accessible vehicles.
- **3.2.3** There is financial support available to the trade through the Government's 'Self-Employment Income Support Scheme' that is aimed at mitigating financial loss caused by the pandemic.
- **3.2.4** Further mitigation to support the hackney carriage trade has been put in place locally, including the ability for saloon hackney carriage vehicles to be re-licensed as private hire vehicles.
- **3.2.5** A further delay will adversely affect the primary policy intention, which is to make publically available transport in Cheltenham more inclusive and accessible to all.
- 3.3 Since the decision in May referred to above, a number of similar requests have been submitted by trade representatives but turned down for the same reasons.

Overview of Hackney Carriage vehicle licences

3.4 Overview of Hackney Carriage vehicle licences on 24 May 2021

Total number of licenses issued	206
Total number of WAVs	66 (32%) The percentage of WAVs when the policy was adopted in 2018 was 22%.

Equality Duty

- 3.5 The equality duty referred to in the March 2018 Cabinet report remains relevant. As set out in that report, under the authority's public sector equality duty, the authority has a statutory duty in the exercise of its functions, to have due regard to the need to:
- **3.5.1** Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- **3.5.2** Advance equality of opportunity between people who share a protected characteristic and those who do not.
- **3.5.3** Foster good relations between people who share a protected characteristic and those who do not.
- 3.6 The equality duty covers the nine protected characteristics including age and disability.

Vehicle Specification

- 3.7 The adopted WAV vehicle specification, briefly, requires WAVs to be silver in colour, be less than 5 years old from the date of the vehicle's registration and capable of carrying not less than 4 (unless carrying a wheelchair) and not more than 8 passengers with the provision of a seatbelt and head restraint for each passenger.
- 3.8 To give Members an indication of the price range for compliant WAVs, second-hand vehicles start from £10,500 for Peugeot range of WAVs to upward of £50,000 for London style taxis.

Report author	Louis Krog		
	Contact officer: louis.krog@cheltenham.gov.uk, Tel: 01242 264135		
Appendices	Process for dealing with petitions at council		
	2. Risk assessment		
Background information	N/A		

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