

# Cheltenham Borough Council

## Council

## Minutes

**Meeting date:** 11 December 2023

**Meeting time:** 2.30pm – 5.55pm

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**In attendance:**

**Councillors:**

Matt Babbage (Chair), Paul Baker (Vice-Chair), Glenn Andrews, Victoria Atherstone, Adrian Bamford, Garth Barnes, Ian Bassett-Smith, Graham Beale, Angie Boyes, Nigel Britter, Jackie Chelin, Barbara Clark, Flo Clucas, Mike Collins, Iain Dobie, Stephan Fifield, Bernard Fisher, Tim Harman, Steve Harvey, Rowena Hay, Sandra Holliday, Martin Horwood, Peter Jeffries, Tabi Joy, Alisha Lewis, Emma Nelson, Tony Oliver, Diggory Seacome, Smith, Izaac Tailford, Julian Tooke, Simon Wheeler, Max Wilkinson, Suzanne Williams and David Willingham

**Also in attendance:**

Paul Jones (Executive Director of Finance, Assets and Regeneration), Claire Hughes (Corporate Director and Monitoring Officer) and Gareth Edmundson (Chief Executive)

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### **1 Apologies**

Apologies were received from Councillors Chidley, Flynn, McCloskey, Pineger and Sankey.

### **2 Declarations of interest**

Councillor Willingham and Councillor Fisher, as a county councillors, declared an interest in Agenda item 14 - Cheltenham, Gloucester and Tewkesbury – Community Infrastructure Levy Joint Committee.

Councillor Clucas, as Chair of Big Local, also declared an interest in Agenda Item 14.

### **3 Minutes of the last meeting**

The minutes of the meeting held on 16 October had been circulated. Councillor Willingham asked that his apologies be added.

### **RESOLVED**

**That the minutes of the meeting held on 16 October 2023 be approved and signed as a correct record.**

### **4 Communications by the Mayor**

The Mayor made Members aware of the passing of Honorary Freeman Air Vice-Marshel Tony Mason and the former Mayor's officer Paul Williams.

Members shared memories of both men, Tony Mason for his regular attendance at Remembrance Sunday and Paul Williams for being extremely efficient and helpful. They will both be much missed, and condolences were sent to their families.

The Mayor invited Members to share in a moment's silent reflection.

### **5 Communications by the Leader of the Council**

The Leader had no communications to share on this occasion.

### **6 To receive petitions**

There were no petitions.

### **7 Public Questions**

One public question had been received, as follows:

#### **1. Question from Mr Graeme Mackintosh to Cabinet Member for Customer and Regulatory Services, Councillor Martin Horwood**

Could the cabinet member responsible please provide an update of the Council's view on the Trust's attempt to extend its temporary structure at Pittville Pump Room and could he give reassurance that no communications or leniency have been made in favour towards the Trust in the planning process.

#### **Cabinet Member response:**

Neither the Officer Planning team nor the Planning Committee team have considered any recent proposals seeking to extend the life of the temporary orangery structure at the Pittville Pump Room.

Planning permission was most recently granted in June of this year for the orangery structure together with its ancillary toilets and storage to remain in place until the 6<sup>th</sup> November 2024. A further planning permission will be required if the Cheltenham Trust wish to retain the structures beyond that date.

The Trust was and is treated no differently to any other applicant for planning permission and that will continue to be the case. The Trust's applications are objectively assessed against national and local planning policy as well as any relevant material considerations, as is the case for any applicant.

All councillors and officers must always adhere to the Council's Constitution and the Planning Code of Conduct which is available on the council website.

**Supplementary question:**

If Cheltenham Trust is not being granted special planning privileges, why has it been allowed to keep the Covid-period greenhouse at Pittville Pump Room until September 2024, with exactly the same building that was refused planning permission in October 2022 then granted in June 2023, while by comparison the Covid structures at 131 Promenade have had appeals then modifications rejected, and these are only beside a Grade II-listed building, of which there are many in Cheltenham, unlike the iconic Grade I-listed Pump Room?

**Cabinet Member response:**

Thank you for the supplementary question. We cannot go into the minutiae of each planning application and how it is treated, as this is specifically the responsibility of the Planning Committee on the advice of planning officers. I will ask the case officers or Chair of Planning Committee to provide a written response to the question. It is reasonable to ask the question, but I repeat the reassurance given in my original response that all officers and councillors abide by the planning code of conduct, which is part of the constitution and available to view on the website.

**8 Member Questions**

Ten Member questions had been received:

**1. Question from Councillor Tim Harman to Cabinet Member for Waste, Recycling and Street Services, Councillor Iain Dobie**

Will the Cabinet Member explain what steps are being taken to sweep/remove the leaf fall which can make pavements slippery at this time of year?

**Cabinet Member response:**

Members will be aware that every year during the Autumn the leaves fall off the trees onto the pavements and as such there is a regular programme of leaf clearance that takes place and details can be found on our website.

As we plant more trees to support climate change, the amount of leaves that fall in our green spaces and built up areas such as the High Street, is increasing and not only in the Autumn. As we have seen over the last few years, periods of hot and dry weather during the summer also cause the trees to drop their leaves. In other words, the trees that we value so much in our efforts to mitigate the impacts of climate change are generating more work when the leaves do fall.

As I have already mentioned, every year, Ubico deliver a regular programme of leaf clearance and move around the town centre and the rest of the borough as quickly as they can. Residents are asked to report any specific areas where there is a build-

up of leaf fall as this does vary from year to year and is also very dependent on weather conditions. I can confirm that during November this year we received 62 requests for leaf clearance of which 44 have been completed already. Over the last few weeks leaf clearance has taken place across the borough including in Queens Road, Christchurch Road, Malvern Road, Lansdown Crescent, Douro Road, Bayshell Road, Lansdown Road, Parabola Road, Hatherley Road, College Road, Sandford Mill Road, Keynsham Road, Pittville Circus and All Saints Road.

I would urge residents to support our street cleansing efforts by moving parked cars when asked to enable cleansing of leaves and detritus from pavements and the highway.

Not only will you see crews manually clearing leaves on pavements and the highway but the road sweepers are also deployed to clear leaves and as such if parked cars block areas of the road these efforts are thwarted. During periods of cold weather, as instructed by Gloucestershire County Council, the road sweepers are stood down on main roads and gateway routes to ensure any gritting that takes place over night is not swept away early in the morning by the road sweepers. As you can imagine this does sometimes slow down the leaf clearing process but I can assure you leaves are cleared as quickly as possible within the available resources.

### **Supplementary question**

Thanks to the Cabinet Member for the helpful reply. Would he also take this opportunity to recognise the efforts of some residents' groups, such as SPJARA in Park ward in helping to coordinate with UBICO with leaf clearances and warning people to move their cars, an exercise just undertaken, and does he think this is something we should promote to other resident groups and to parish councils?

### **Cabinet Member response**

Thanks for the opportunity to thank residents' groups for precisely those actions. It is important that we are working together with residents to get leaves and other obstructions on pavements cleared - there have been many examples of this and will continue to be throughout the winter. What is done by residents' groups and other community groups in conjunction with the council and UBICO shows how closely we work with them and value the volunteers in our town.

### **2. Question from Councillor Tim Harman to the Leader, Councillor Rowena Hay**

From confidential briefings at this Council I understand that the potential sale of Gloucestershire Airport needed to remain under wraps at this stage. The premature disclosure of the potential sale, prompted by a question at Gloucester City Council by a senior liberal democrat councillor, seems to have prompted a formal statement by the two shareholding councils.

Will the Leader like to comment and can she state what the proceeds of CBCs share will be earmarked for?

### **Cabinet Member response:**

Thank you for your question Councillor Harman. The decision to approve the exit strategy for the Council's shareholding in Gloucestershire Airport was made by Full Council in December 2020 and is a matter of public record.

Whilst the formal statement was published a week earlier than planned, it does not change the fact that this Council had approved its exit strategy 3 years ago and all Members within this Chamber had been fully briefed via their Group Leaders.

It would be negligent for me to put on record what the proceeds will be earmarked for in advance of any sale being completed, but I can confirm that any proceeds, should they be realised, will be put towards meeting our corporate priorities as defined in our Corporate Plan.

**Supplementary question:**

Is it intended to have an open tendering process or some other arrangement?

**Leader response:**

We have had lots of interest from people – it isn't a closed shop. We have a duty as an authority to get the best price for any asset we own, so it will be a tendering process but we have not reached that stage at the moment – at present, we are just receiving expressions of interest, and it is quite exciting.

**3. Question from Councillor Stephan Fifield to Cabinet Member for Finance and Assets Councillor Peter Jeffries**

It's been 6 months since I last raised the issue of the unavailability of Spa Water at the Pittville Pump Room. The Cabinet Member said he would update us on the ongoing works within 3 months. We haven't received an update. Could you give us an update on all the works that have been done, clarify what the current situation of the water is, and whether the water will be returning in the next 6 months?

**Cabinet Member response:**

I would like to thank Cllr Fifield for his question and I am pleased to provide an update on the activity which has been undertaken over the last three months in particular. In September the property team replaced the spa water pump in the well which meant the spa tap was operational.

Following the repair, the cold water storage tank was cleaned and disinfected following external advice in advance of water samples being taken.

At the start of October the spa water was tested and the results show the quality of the water was unsatisfactory and not suitable for consumption. This means at present the spa water can run but is not drinkable.

Working in partnership with the Cheltenham trust this situation is being monitored.

**Supplementary question:**

Thanks for the Cabinet Member's response, and we are all sad to hear that the waters still aren't drinkable. When I asked the same question to the Cabinet Member for Economic Development, Culture, Tourism and Wellbeing six months ago, he made it clear the cause of this was uncertain. Are any more works being done to understand what the cause is, and is there a timescale for when those works might be completed?

**Cabinet Member response**

The actual cause of the contamination is open to speculation – it isn't an ongoing piece of work, more a question of ongoing monitoring. I will speak with the relevant property officer in case any more light can be shed on it.

**4. Question from Councillor Stephan Fifield to Cabinet Member for Finance and Assets, Councillor Peter Jeffries**

It was recently reported that the Pump Room was closed for emergency works. This sounds very worrying. Could you please give an update on the works that have been made, why they needed to be done so suddenly, the cost of these works so far, and if these works have completed?

**Cabinet Member response**

I would like to thank Cllr Fifield for his question and his interest in the Pittville Pump Rooms.

The Pump Rooms are currently closed in order to undertake some repairs on the plasterwork in the main ballroom. The decision to undertake these works so urgently was made following a close quarters inspection of the ceilings and the iconic dome which was completed in October 2023.

The Pump Rooms are an important destination for visitors in our town and also available for private hire as well as being an office space for staff at the Cheltenham Trust. It is with great regret that the building has been closed but the Council takes its responsibility to make sure the building continues to be safe for users extremely seriously. We are also committed to ensuring the building can be preserved for the enjoyment of future generations.

In order to move forward as quickly as possible with the remedial works, a specialist contract was appointed by the Council through a waiver within five calendar days of the inspection. We have an initial quote for these works but the full cost may change, depending on whether additional consequential repairs are identified during remediation.

**Supplementary question**

Thanks to the Cabinet Member for his response. I am glad that Cheltenham Trust are repairing the building, but wonder how much support people who had booked the Pump Rooms for events were given to find alternative venues, and have they been told when the venue will be reopened?

**Cabinet Member response**

The council has also been proactive in dealing with this, as well as the Trust. Any cancellations and finding alternative accommodation has been managed by the Trust. As and when the venue is available again will be covered by the comms team, and all Members will be informed.

**5. Question from Councillor Stephan Fifield to Cabinet Member for Finance and Assets, Councillor Peter Jeffries**

Could you please tell me what works have been made to the Municipal building to modernise it since the beginning of the 2020 financial year. Do you have costings for these works and what are they?

**Cabinet Member response:**

I would like to thank Cllr Fifield for his question. Other than reactive repairs and other health and safety related work at the Municipal Offices, the only modernisation work undertaken has been the redecoration of the first and second floor of the building and the refurbishment of the reception area. This work started in 2020 and completed in 2021. The total revenue cost of the redecoration was £205k and the reception capital works cost £125k.

I'm sure you will remember prior to 2020, the office space throughout the building had not been decorated or refurbished for over a decade, in some areas even longer. Modernising the décor allowed the full roll out of agile working as staff returned to the office after the pandemic, it meant the Council could reduce its footprint in the building at a time of rising energy costs in 2022 and provided more modern space to lease and generate commercial income to support the delivery of core services.

The refurbishment of the reception area meant we were able to re-open to the public after the pandemic with a much more professional and fit for purpose customer service front of house. This investment considered the potential future re-location of the Council and all equipment, including the desk itself, can be re-located to a new space.

**6. Question from Councillor Stephan Fifield to Cabinet Member for Finance and Assets, Councillor Peter Jeffries**

Could you please tell me if there have been any negotiations with any potential buyers for Idsall Drive Car Park in the last 6 months, and if so how many separate negotiations have there been, and how many are ongoing?

**Cabinet Member response**

I would like to thank Cllr Fifield for his question. As you are aware, the Cabinet took a decision on the 19 September to declare the land at Idsall Drive surplus to requirements and dispose of the holding for best consideration. At the request of the Leader, conversations were re-opened with Prestbury Parish Council to purchase the land. These have now concluded and the land will shortly be advertised for sale on the open market.

No other negotiations have been undertaken with potential buyers in the last six months.

**Supplementary question:**

Thanks for the response. Now that it is properly on sale, are there any conditions or favoured type of buyers that the council has in mind?

**Cabinet Member response:**

It is hard to pre-judge what might come forward, but the first consideration is best value. No conditions have been raised or discussed with property officers to date.

**7. Question from Councillor Emma Nelson to Cabinet Member for Finance and Assets, Councillor Peter Jeffries**

In previous years, CBC have allowed free parking after 5.00 pm in selected town centre car parks to boost the town's Christmas economy. What plans, if any, are there to do something similar this year? Which car parks will be free and when will this initiative be announced?

**Cabinet Member response:**

I would like to thank Cllr Nelson for her question. You may have seen the media release on 4 December that free parking is being offered in the Town Centre East car park on Thursday 7, 14 and 21 from 12noon to 8pm.

This demonstrates the commitment our Council has for residents to be able to shop locally and support our fantastic retail and hospitality sector in the run up to Christmas. This has proved a successful initiative in previous years and has been endorsed by the Cheltenham BID.

I would also like to take the opportunity to draw attention to a number of events running in the town over the festive period – our very own ice rink in Imperial Gardens, the pantomimes at the Everyman and Playhouse Theatres and the Christmas Arts and Crafts Market which will be running from 14 to 23 December on the Promenade.

And finally, to wish all our residents, visitors, staff and Members a very Merry Christmas!

**Supplementary question:**

Thanks for your response. In your answer, you refer to the successful initiative in previous years, which prompted my original question. Free car parking was announced on the final Wednesday of November last year, for four Thursdays in December and two car parks; this year, the initiative was not announced until 04 December, and will only cover three Thursdays and one car park. Can you explain why?

**Cabinet Member response:**

Officers and I have many detailed conversations about how we can support the business community, some of which take longer than anticipated.

**8. Question from Councillor Emma Nelson to Cabinet Member for Finance and Assets, Councillor Peter Jeffries**

The Council has 11 car parks around the town centre offering a total of 1,803 spaces, including 71 (4%) disabled bays. In all parks but the Regent Arcade, disabled drivers are allowed to park for the first 3 hours for free yet the Regent Arcade Car park requires them to pay normal charges. Why is this and can this be classified as inclusive or fair?

**Cabinet Member response:**



I would like to thank Cllr Nelson for her question. In our pay and display car parks, free parking for up to 3 hours for disabled users is available without the customer purchasing a ticket. As long as a blue badge is displayed in the vehicle, our enforcement officers will not issue a penalty charge notice.

Regent Arcade is a pay on foot barrier system. The customer takes a ticket on entry, pays at one of the machines before leaving. In order to exit the car park a validated ticket should be inserted into the barrier. All vehicles must insert a paid ticket for the exit barrier to open. At present it is not possible for individuals or groups of individuals to by-pass this process.

This information is published by the Council on our website and as part of the consultation on the Car Parking Order when this change was introduced, in direct response to legal advice sought at the time.

[https://www.cheltenham.gov.uk/info/58/disabilities/399/disabled\\_parking](https://www.cheltenham.gov.uk/info/58/disabilities/399/disabled_parking)

The Council's car parking strategy is currently under review and key themes such as accessibility, pricing and capacity to meet future needs are being considered as part of this.

#### **Supplementary question**

Thanks for the Cabinet Member's response. You refer to the parking strategy currently under review, specifically vis-à-vis the classification of 'inclusive' for disabled parking being not free in Regent Arcade. When will that review be completed?

#### **Cabinet Member response**

Early next year.

#### **9. Question from Councillor Emma Nelson to Cabinet Member for Finance and Assets, Councillor Peter Jeffries**

What are the plans for installing EVs in all the CBC-owned car parks? What is the time frame and how many will be installed in each?

#### **Cabinet Member response:**

I would like to thank Cllr Nelson for her question. The property team have been working hard over the last year to develop a proposal for installing EV charging points in our car parks across the town. Working with EV Network, heads of terms are currently being agreed for the provision of 44 rapid charging points in five locations spread evenly across the town: St James Street, Bath Terrace, West End, Six ways and Church Piece.

Before any of the leases can be completed and work begins on the installation of the infrastructure, we will be going out to consultation on the relevant changes that are needed to the Car Parking Order. We look forward to hearing the views of key stakeholders through this consultation period and, subject to the outcome, construction should be able to begin before the end of this financial year.

#### **Supplementary question**

Thank you for your response on the EV point. How did you decide which car parks and how many EV charging points to put in each?

**Cabinet Member response**

The team has been working diligently for quite some time on EV charging points in car parks and have whittled it down from all car parking in Cheltenham down to what they consider to be the most likely to be able to bring forward in terms of accessibility from the market and equally trying to spread them evenly across the town. Hopefully this will be the first of several phases of the EV roll-out

**10. Question from Councillor Tony Oliver to Cabinet Member for Housing, Councillor Victoria Atherstone**

Some of my recent casework has been with helping leaseholders of CBH properties with financial difficulties arising from the costs of updating these properties.

CBH has been following a long running programme of works to maintain and improve the properties they own for the benefit of all their tenants.

Problems have arisen with the costs of improvement works to maisonettes and the shared responsibility for works that are a feature of such properties. As I understand it, CBH maisonette tenants wishing to exercise the 'right to buy' their maisonette could only do so on a leasehold basis, in order to ensure that the costs of any improvements could be equally recovered.

This has caused financial problems to some leaseholders I am working with who have been asked to cover their share of replacing items such as doors and windows and in some instances up to circa £9k towards roof replacements. Whilst payment plans are being offered, I am aware that even for lower costs work these are amounting to around £250 per month over an extended period, which in the current cost of living crisis means that some are finding it increasingly difficult to afford essentials such as food.

Can the Cabinet Member for Housing tell me how many maisonettes in Cheltenham are occupied by CBH leaseholders and what plans there are to help ease the financial concerns of leaseholders who are afraid of running into debts they cannot afford and ultimately losing their homes?

**Cabinet Member response:**

Thank you Councillor Oliver for your important question.

It is correct that some leaseholders can face substantial invoices for their share of costs to the blocks in which they hold their lease. This can apply to leaseholders living in flats as well as to leaseholders living in maisonettes.

There are currently 435 leaseholders within our housing stock (both flats and maisonettes), and of these 161 (37%) are sublet. Being a leaseholder can come with financial challenges, given both the annual service charges and expected contributions towards "major works" such as roof replacements. CBC therefore has a range of options available to help leaseholders, depending on their circumstances. It is important to note that when approached by a leaseholder for help, we will always

handle each situation with compassion, sensitivity and agility, especially given the current financial climate.

The options that we would fully explore with a leaseholder are as follows:

**1) Payment arrangements**

This option is the most common. We will investigate a leaseholder's circumstances, considering any other outstanding invoices, and conduct an overview of their finances to see what help is needed and what repayment arrangements can be made. In some cases we may make a referral to our in-house Benefit and Money Advice Service to see if any additional income can be obtained and other sources and for any guidance on budgeting and bills.

Quite often problems can arise from a change in personal circumstances, so if this happens, we will seek to make a temporary affordable repayment arrangement, which is then reviewed after an agreed period (eg 6 -12 months). If their circumstances have improved, the repayment contributions can then be revisited. The key is flexibility. We will only make arrangements that are affordable to individuals and not based on fixed time periods and amounts. At this stage of the process these arrangements are interest free.

**2) Private Finance (borrowing)**

We will advise those leaseholders without savings to obtain independent financial advice on taking out a private loan. Leaseholders may find adding the amount to their mortgage or seeking a private loan to be the cheapest method of borrowing.

**3) Buy backs**

In some cases, we have worked with individuals who don't want to be a leaseholder due to financial pressures. In such instances we have successfully worked with leaseholders to purchase their property, clear any associated debts owed to the council, and then allowed them to remain in the property on a tenancy.

**4) Service Charge Loan**

A leaseholder also has the right to request a loan from the council to cover the costs for major works done to the property demanded as part of the annual service charges, provided certain eligibility criteria is met.

**5) Discretionary deferred payment**

We realise that it is not always possible for a leaseholder to pay for a major works bill in one go or be able to borrow money from banks and building societies.

A leaseholder may not be eligible for a Service Charge Loan or in the case of being eligible, may not be able to take up the option on the grounds of affordability.

Therefore we can, at our discretion, offer various methods of payments to help leaseholders, based on individual circumstances.

The council would offer discretionary loans to leaseholders, deferring payments, once they have demonstrated that they have not been able to obtain a loan from elsewhere. We would consider each individual leaseholder's circumstances, taking account of their ability to repay the loan and the amount of equity that they have in

their property, before arriving at a decision. This discretionary loan option will only be given to a leaseholder in extreme hardship and is subject to interest.

#### **6) Voluntary Charge on the property**

If none of the above payment options assist a leaseholder facing extreme hardship, a legal charge (known as a Voluntary Charge) can be secured on the property with the Land Registry.

Interest will be charged and once the property is sold, assigned, or passed on through inheritance, the charge would be immediately repayable to the council. The leaseholder will be required to pay the monthly interest to the council but if this was not possible then the council could accrue the interest to be paid from the proceeds of the sold property.

In summary, at present none of our 435 leaseholders have needed to rely on the Council's Major Works Policy for Leaseholders in terms of Service Charge Loans, Discretionary Deferred Payments, or Voluntary Charges. There have been more suitable options for leaseholders in terms of payment arrangements (based on affordability), private finance (borrowing) or through buy backs.

In addition, no leaseholder debts have ever needed to be written off. Ultimately when a leasehold property is sold any outstanding services charges are cleared through the proceeds of sale. Non-payment of Service Charges and Major Works would leave a leaseholder at risk of forfeiture of their lease. This is the means for a landlord to terminate the lease. This has never occurred and should give some further comfort that existing options are working, and that leaseholders are being dealt with sensitively and with compassion.

#### **Supplementary question**

Thanks to the Cabinet Member for a detailed response, and I look forward to working with her in the future.

### **9 Recommendations of the Independent Remuneration Panel (IRP) regarding the Members' Scheme of Allowances**

The Chair of the IRP, Graham Russell, presented the report, the requisite four-yearly review of councillors' allowances and expenses, as well as the whole scheme and the way it is administered. Recommendations have been made based on the level of current allowances, entitlement to expenses, the correction of some anomalies, and some adjustments to reflect how CBC works, all based on evidence received from elected councillors, and he is presenting the view of the Panel today. He thanked Members and officers who supported the Panel and contributed to the review by providing vital evidence, and was happy to take questions.

In response to questions from Members, the Chair of the IRP confirmed that:

- he believed that using the 2007 formula to set the basic allowance was appropriate, taking into account the present wage rate, the average 12.3 weekly hours worked by Members, and the percentage reduction the government

requires panels to implement to the effect that a certain number of councillor hours should be unremunerated;

- he did not personally believe a formula was the most effective way to calculate the special responsibility allowances (SRA) some Members are entitled to over and above the basic allowance, and thinks we need to be more flexible in balancing the evidence with what the council expects from these roles. The Panel has historically used a different formula for this, and may need to revisit it in the future;
- although the national average number of weekly hours worked by councillors is 15, the evidence submitted by Members suggested that 12.3 hours was a more realistic number in CBC;
- the increase in the Deputy Leader's allowance arises from an anomaly found in the scheme that there was no specific SRA for the Deputy Leader role, which the council is statutorily required to have. The scheme recommends SRA levels for all Member roles, but some Members are only entitled to one of the allowances despite undertaking more than one role. As the Deputy Leader is likely to be a Cabinet Member, the allowance is equivalent to the Cabinet Member allowance plus 5%;
- the large increase in allowance for the Chair and Vice-Chair of Licensing arises from recognition of the fact that Licensing and Planning committees both deliver important regulatory functions, where failure to deliver effectively might render the council liable to risk. The existing scheme included a wide differential between the two committees, and the Panel felt it was important to recognise that both Chairs have a significant responsibility for managing risk.

In debate, Members made the following comments:

- the Chair of Licensing has to put in a substantial amount of work behind the scenes, to help keep Cheltenham residents safe;
- the two regulatory committees are commensurate in the amount of work – Planning focuses on long-term development and knowledge of the Joint Core Strategy, National Planning Policy Framework, and supplementary planning documents, while Licensing is very diverse, with monthly hearings involving a varying amount of work, as well as ad hoc meetings, but the responsibility of Members making the right decision is always critical;
- as a Member of Licensing Committee, it is clear that the Chair has a huge responsibility and deserves the increased allowance;
- thanks to the Panel who gave their time freely. Members must realise how important it is that they feed into the process. The Panel will be looking at allowances again next year.

## **RESOLVED THAT:**

**The recommendations of the IRP are accepted as follows:**

- 1. the Council endorses the broader understanding of the purpose of the Basic Allowance as outlined in paragraphs 11-13 of the IRP report.**
- 2. the Basic Allowance for 2024/25 be set at £6,645**
- 3. the Basic Allowance for 2025/26 and beyond be reconsidered by the panel in/or around September 2024.**

4. the principle that a member may only claim one Special Responsibility Allowance be continued, with the exception of the Mayor who may claim both the SRA for their role as Civic Head and Chair of the Council.
5. the Special Responsibility Allowance for the Leader of the Council be set at £21,154 for 2024/25
6. the Special Responsibility Allowance for the Deputy Leader of the Council be set at £18,745 for 2024/25.
7. the Special Responsibility Allowance for the Mayor as Civic Head be set at £7,935 and as Chair of Council £595 for 2024/25.
8. the Special Responsibility Allowance for the following roles be as shown for 2024/25 :
  - Cabinet Member - £17,853
  - Planning Committee - £5,207
  - Licensing Committee - £5,207
  - Overview and Scrutiny Committee - £4,463
  - Audit, Compliance and Governance Committee - £1,785
  - Standards Committee - £1,190
  - Appointments and Remuneration Committee - £397
  - Independent Members of Standards Committee - £397
9. That the Special Responsibility Allowance for a Group Leader remains a flat structure, regardless of size, and be £793 for 2024/25.
10. That the Special Responsibility Allowance for Vice Chairs of the following Committees be as follows for 2024/25 :
  - Planning Committee – £2,083
  - Licensing Committee - £1,770
  - Overview and Scrutiny Committee - £1,517
11. That no change be made at the present time to the travel and subsistence provisions of the Scheme.
12. That no change be made at the present time to the dependent care provisions of the Scheme, and that all councillors be urged to recognise their entitlement to such expenses.

## **10 Statement of Community Involvement (SCI)**

The Cabinet Member for Customer and Regulatory Services introduced his report, saying that there is a statutory requirement to review periodically the SCI and bring forward a revised version of how we intend to involve people in the planning process at all levels. He thanked Tracey Birkinshaw and John Spurling for all their work, and the Cabinet Member for Economic Development, Culture, Tourism and Wellbeing for his input on hard-to-reach groups, which makes the document more up-to-date and relevant.

He highlighted the large section on neighbourhood planning, where the help and support of CBC officers is essential, and will be needed to help facilitate the process in unparished areas considering this route. He also drew Members' attention the council's approach to individual planning applications – due to resource constraints, the standard approach of only notifying immediate neighbours was occasionally too narrow, and a small tweak will allow case officers to consult and notify more widely in some circumstances. The new head of Development Management intends to look into this.

He concluded by saying that some government ministers are dismissive of the idea of careful and considerate planning processes with a lot of consultation, but he feels that we have to take time, to consider hard-to-reach groups, and consult with local communities and neighbours, all of whom have an important part to play in an accountable and fair process.

In response to a Member's question, the Cabinet Member for Customer and Regulatory Services gave assurance that, in line with JCS policy SD12, the council will publish documents relating to viability assessments for affordable housing with the papers, making them open to scrutiny. The Member was concerned that developers sometimes claim they cannot provide affordable housing by inflating costs and under-representing income, and there is no opportunity to scrutinise this.

In debate, Members made the following observations:

- noting the importance of neighbourhood plans, it is great that residents in non-parished areas have a voice, and that CIL money is available for their projects, but when creating a neighbourhood plan, a prerequisite is a neighbourhood forum of 21 residents, with the support of local councillors. In many cases, neighbourhood plans could be created across a division, not just in one ward, but it can still be difficult to get over the first hurdle of getting the requisite 21 residents together to create a neighbourhood forum;
- the importance of the SCI shouldn't be underestimated, as it is essential that we don't passively sit back and only consider feedback from elements of the community who are most likely to take part in consultations. Many relevant interest groups have the right to take part and can do a huge amount to help, including hard-to-reach groups such as the young, the old, disabled residents, schools, colleges, and special interest groups. If the consultation on strategic planning is approved later in the meeting, Members should proactively ask everyone in their communities for feedback – no-one should be excluded;

- community involvement is a critical part of the planning process, with officers and Planning Committee Members starting by looking at the representations and ensuring that the issues they raise are understood and addressed. All Members have a role to play – they receive the weekly planning list, and can communicate with residents about any applications which may be relevant or concerning to them. By law, planning authorities only have to notify neighbours in one of four ways; CBC often goes over and above this, but it is clear that the high cost of writing to all residents in a street is significant; it is good to hear that the new Head of Development Management is going to look at this. Planning applications have a real impact on peoples’ live and it is essential to listen to both sides;
- notifying councillors of S106 negotiations in their wards is to be welcomed, but would be helpful if they could also be advised of negotiations in adjacent wards which may also affect their residents;
- it is vital that applications and consultations are written in a way which is understandable to everyone, whatever their background or education – only then will we seriously tackle the issue of community involvement. People need to access the information, understand what is being proposed, know how to respond and be clear on how they can have a role in the whole process;
- problems in local government consultation have been an issue for a long time, but a particular issue is development at the end of a cul-de-sac or on a corner plot, where residents on one side may be consulted and residents on the other side not. We need to do our best to ensure that all people who may be affected, for example by additional traffic or construction vehicles, are adequately consulted so that their views can be taken into account by planners;
- the list of hard-to-reach groups does not claim to be exhaustive, but should include armed forces veterans;
- the clearly stated intention on how the council will engage with residents and partners is very important and to be welcomed.

In response to Members’ comments, the Cabinet Member for Customer and Regulatory Services made the following points:

- there is a commitment for officers to support residents in unparished and less affluent areas, but the requirements for creating a neighbourhood plan are set in national legislation, with no scope to vary. Hester’s Way is a good example of what can be achieved, however;
- Members’ comments about taking a proactive approach to ensure real involvement are well made;
- it is true that CBC does more than the minimum consultation, but any further consultation will require more resource so a balance has to be struck. The report allows for wider consultation in some contexts, but Members should contact the new Head of Development Management with their views and suggestions.

**RESOLVED THAT:**

- 1. the revised Scheme of Community Involvement, attached to the report at Appendix 2 is adopted to take effect immediately; and**
- 2. authority is delegated to the Director of Community & Economic Development, in consultation with the Leader and the Cabinet Member Customer and Regulatory Services, to prepare the**



**Statement of Community Involvement for publication correcting any minor errors such as spelling, grammar, typographical and formatting changes that do not affect the substantive content of the Statement of Community Involvement.**

**11 2023/24 Treasury Mid-term Report - position at 30th September 2023**

The Cabinet Member for Finance and Assets said regulations require the council to review and scrutinise the treasury management activities undertaken each year, including investments and borrowing to fund key projects and programmes. The report provides details of the outturn position for treasury activities for the first six months of financial year and how activities are compliant with council's policy approved by Members in March 2023. Members will note that general fund borrowing costs are higher than forecast in the 2023-24 budget, driven by Bank of England base rate being 1% higher than predicted when the budget was approved in February 2023. He confirmed that the vast majority of borrowing is at fixed rates, not subject to recent rate rises and volatility, but as an example, the land purchase at West Cheltenham and ongoing capital commitments are currently being funded by temporary short-term borrowing as fixed rate lending is higher than forecast for the coming 24 months.

He said that work is ongoing as part of the 2024-25 budget process to review borrowing and minimise the risk on additional pressures. Officers check interest rates on a daily basis and will determine the optimum opportunity to fix in what is currently a challenging market place, alongside maximising the opportunity to deliver capital receipts.

He concluded by saying that the report was presented and discussed at Treasury Management Panel, is supported by Cabinet colleagues, and is therefore recommended to Council.

In response to Members' questions, the Cabinet Member for Finance and Assets confirmed that:

- it has always been the council's intention to sell its holdings in the Shroder Income Maximiser Fund when prudent to do so. The fund has reduced its exposure to fossil fuel investments and is losing money at the moment;
- all borrowing is the council's capital commitment, with £38-42m of its capital investment for land purchase at Golden Valley, and additional borrowings the development of the scheme. Added together, the council's commitment is around £150m, with £20m from the government.

There was no debate on this item.

**RESOLVED THAT:**

- **the contents of this summary report of the treasury management activity during the first six months of 2023/24 is considered and noted.**

## **12 Local Council Tax Support Scheme 2024-25**

The Cabinet Member for Finance and Assets told Members that each year since 2013, the council has been required to set a Local Council Tax Support Scheme (LCTSS) for working-age residents (support for pensioners is not localised and continues to be provided for by a lateral scheme). He said funding for the scheme used to be rolled into the revenue support grant which was subject to annual cuts, but as the council no longer receives that grant, it adopted and approved a new scheme in 2019-20, with the main aim of ensuring that the most vulnerable and those with the lowest incomes continue to receive 100% support. From 01 April 2024, the proposed LCTSS for working age residents will continue to be based on those five income bands, as summarised at Appendix 5.

He said many residents are still struggling with the cost of living crisis and having to spend a disproportionate amount of their income on food. This scheme will provide vital help for the most financially vulnerable residents, with approximately 4483 residents eligible, equating to just under £4.3m worth of support at October 2023.

He trusted that colleagues would support the recommendations, noting that Recommendation 2 sets out delegated authority to adjust the scheme as necessary when the government introduces any welfare changes, and finished by thanking officers in Revenues and Benefits for the extraordinary amount of work they do in supporting residents of our town.

In response to a Member's question about how the council calculates who is eligible for council tax support, the Cabinet Member for Finance and Assets said that everyone receives a council tax bill, and it is at that point that anyone in need of support can contact the council. The number of people claiming support fluctuates, which can be tricky when calculating the budget.

In debate, the following points were made by Members:

- it is great that CBC is one of the few councils using this mechanism to support the most vulnerable;
- the conservative group will continue to support this scheme.

The Cabinet Member for Finance and Assets agreed, saying that support of vulnerable residents is key and our policy in Cheltenham is having an impact across the county with other districts looking to follow our lead.

### **RESOLVED THAT:**

- 1. the Local Council Tax Support Scheme 2024/25 for working age customers in Appendix 4 and summarised in Appendix 5 is approved;**

- 2. authority is delegated to the Executive Director for Finance Assets and Regeneration in consultation with the Cabinet Member Finance and Assets to uprate any premiums, allowances and determine the income levels in line with any increase in Welfare Benefits by 23 February 2024**

### **13 Cheltenham, Gloucester and Tewkesbury Strategic and Local Plan - Public Consultation (Regulation 18)**

The Leader introduced the report as follows:

- it has been brought to Council for Members to approve CBC's commitment to joint working with Gloucester and Tewkesbury; cross-boundary work is always a challenge, and she thanked Gloucester and Tewkesbury Members for their input;
- by reviewing collectively our strategic and local planning policies, we can look at efficiencies in plan making and provide our communities, wider stakeholders and the development industry with a clear, single point of reference to the planning policies important to our areas. The government is aware of this approach, and the Planning Advisory Service is providing support, recognising the value of three councils working collaboratively in plan-making;
- Regulation 18 is a technical term, drawn from planning regulations, for the stage that presents a draft plan for review. As reviewing planning documents can be time-consuming and challenging, we have introduced a two-stage Regulation 18 process and are consulting on Stage 1 now. It sets out a vision worked upon by the Member working groups across the three councils, together with earlier engagement on the review of the JCS. It introduces the key issues and priorities and tests these through the consultation to ensure they are in line with our Local Development Scheme (that sets the key milestones for plan preparation of the Strategic and Local Plan);
- Stage 2 of Regulation 18 will be presented in early 2025, by which time we will have the appropriate evidence base, built-in comments and recommendations arising from the Stage 1 consultation, and continued active engagement with all on key issues. We recognise that local communities have invested a lot of time previously in the JCS and the Cheltenham Plan, and it is our intention to build upon the strengths of our local policies. Engagement is key as is the value of people getting involved via a package of consultation mechanisms from face-to-face, online and social media. Members should remember that we are all ambassadors to push out the message and encourage engagement;
- we are particularly keen to connect with younger people, who will be most affected by the plans we put in place now, and within the context of building on the quality of our heritage and wider built and green environments. Also, as a council, we are clear that climate change and nature recovery are key drivers and will push sustainability policies to drive significant policy change;
- thanks to the Planning Liaison Member Working Group for their work on the preparation of the SLP and their activity within the wider joint Member working group that has supported the preparation of the consultation document;
- thanks also to the officer teams across the three authorities for their investment of time and positive challenge. This will continue to be an important working group as we move through the phases of plan preparation.

In response to a question raised before the meeting concerning the length and detail of the consultation, she said the Citizen Lab platform being procured to manage the

consultation is interactive and will allow people to respond to as much or as little of the consultation as they wish. She added that the Regulation 18 consultation can be broken down so that readers can easily navigate to different parts of the consultation depending on their interest.

The Leader provided the following responses to Members' questions:

- the council has clear statements in respect of safeguarding the urban greenspace policies set out in the Local Plan and JCS, but as we will have to prepare evidence for future examination in public, all possible development sites will need to be reviewed to demonstrate to the Inspector that we have left no stone unturned. However, the clear principles and justification around our established local green spaces which will be a very important factor in any testing;
- any items attached to CBC within our borough will be entirely our decision – each council will have sovereignty over what happens within its boundary though there will need to be cross-boundary work to make sure we get the best for our residents;
- she recognised the need to protect, enhance and strengthen key flagship policies attached to the current Local Plan (such as climate change policies and SPD, our successful target of 40% affordable housing, and the greenbelt border at Hatherley and Hesters Way) which residents would expect to have been protected to 2031. She said we are clear as an authority about what we want and have fought for, but these issues have to be included in the consultation; the outcomes will affect what the council does going forward, and it is important to recognise the need for change;
- she was not aware that the responses of people outside the borough are given any less weight than those of people whose lives will be directly affected as a result of the policies, although those from outside the area are more likely to be developers.

In debate, Members made the following comments:

- the consultation is long and very thorough; thanks to the Leader for confirming that people can give feedback and make comments on their particular areas of interest and do not need to complete the whole document;
- the word deprivation is mentioned once in the document. The CBC Overview and Scrutiny task group recently looked into how to tackle areas of multiple deprivation in the town, and it would be good to work collaboratively with Gloucester and Tewkesbury, seeking more information about health and wellbeing, social value, what residents feel we could do to increase equal opportunities, improve healthy lifestyles and their economic health;
- thanks to the Leader for her exceptional work – aligning the values of different councils is an immense business. From a climate change perspective, the opportunity for a combined planning strategy is exciting – the impact of climate change on biodiversity, farming, flood defences doesn't stop at boundaries. It is important to work with the partners on our boundaries, particularly where sites are at risk, and the opportunity to share policies as set out in our SPD will be welcomed;
- Gloucestershire has large areas of deprivation which need commercial and housing development to thrive, rather than just concentrating on the three main

- urban areas, which results in additional pressure on infrastructure and schools and adding to the number of commuters. Most rural areas would take more housing – we need to look at the broader picture;
- there is a lot of talk about new development and resilient, healthy communities, but we should not forget existing communities, make sure that any infrastructure for new development is actually delivered, and doesn't result in existing development being disadvantaged;
  - Cheltenham and Gloucester are predominantly urban areas but much of Tewkesbury is more rural. We need to make sure that what are delivering works for our communities but also protects rural communities;
  - In view of the housing crisis and the increasing number of homeless people, it is important that hard-to-reach groups, especially young people, take part in the consultation and share their priorities. The new plan will hopefully be part of the solution to the housing crisis;
  - There is an emerging consensus that the actual consultation document isn't perfect - largely due to combining the needs of other councils and councillors – but while Citizen Lab will provide a broader means of consulting, it is important to acknowledge the drawbacks in the document, such as recognising nature recovery as an urgent priority but not mentioning it in the vision and objectives in the Regulation 18 document, and mixing up climate mitigation and adaptation, which are different concepts;
  - housing options needs to be addressed through supply – a list of pros and cons isn't normal in a consultation document – and while intensifying housing in city and town centres is welcome, more modest and small-scale development will help support rural communities. It seems that the list of cons outweighs the list of pros which gives a misleading impression about where the council is coming from;
  - The consultation document is problematic, but the actual drafts of the Strategic and Local Plan will be a significant improvement on this.

In summing up, the Leader said she had heard all the very valid points and agreed that this is not a perfect document, but it is important that we see it as an opportunity to make our thoughts known. As Members, we are all ambassadors of our communities and can encourage and support residents to express their views. She said a summary will be produced, and it is all about effective communication. She added that the health and well-being aspect missing from the consultation is already being looked at – the council is engaged by the Health and Wellbeing Board, drawing in the NHS and Public Health.

#### **RESOLVED THAT:**

- 1. The Strategic and Local Plan Consultation Document (Appendix 1) is approved for consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012;**
- 2. Authority is delegated to the Director of Communities & Economic Development, in consultation with the Leader, to prepare visual representations to illustrate the general location of development options**

**for inclusion in the consultation document, and to make any other necessary minor amendments, corrections and additions to the document prior to publication for consultation;**

- 3. The update provided at appendix 3 in respect of the Honeybourne Line extension debated at Council on 19th June 2023 is noted.**

#### **14 Cheltenham, Gloucester and Tewkesbury: Community Infrastructure Levy Joint Committee**

The Leader began her introduction by saying our approach to Community Infrastructure Levy (CIL) has been of keen interest to Council, with reports last year adding greater transparency and governance. She continued to make the following points:

- Planning Committee Members will already be seeing changes in reporting, with planning improvements driven forward as we work through the improvement plan developed in response to this year's Planning Advisory Peer Review, but as previously reported, the CIL pot is only growing at a slow rate, due to the instalment policy included in our approved CIL policy, and the strategic allocations are not presenting on the anticipated trajectory;
- Members saw the positive work of the CIL Neighbourhood Panel earlier this year, when CIL money was allocated to a variety of neighbourhood projects, and as the strategic pot grows, appropriate governance needs to be put in place to start making allocations;
- This report provides Terms of Reference (TOR) for the Joint Committee and a refreshed Infrastructure List, much broader than the previous one and focussed on priorities recognising that a new Infrastructure Delivery Plan is needed to support the Strategic Local Plan;
- the CIL Joint Committee builds on the collaborative working with Gloucester and Tewkesbury, recognising that development outside our area has impacts on infrastructure in Cheltenham and enabling the councils to look collectively and strategically at the infrastructure demands affecting our area. Recognising that infrastructure costs are significant and far exceed the funding drawn from CIL, she said that working together offers opportunities to identify wider strategic funding sources where CIL can help match fund investment;
- we have reviewed our infrastructure list and identified Cheltenham's priorities, and this will be a foundation document for the work of the CIL Joint Committee;
- we are confined by our boundaries, restricted on building height, keen to avoid urban sprawl – so it is important that we remain in communication and work together with our partners for the benefit of all our residents at greater speed by pooling our resources;
- triggers for review have been written into the Terms of Reference to ensure we have safeguards to revisit this in the future if appropriate. For example, if a left-field development in one area has the potential to create a significant impact on its infrastructure, there is legitimate rationale for all three councils to go back to each other to reconsider the particular instance;
- there is a lot for the CIL Joint Committee to do, but these are the basic terms of reference. It is important to note that each council will retain sovereignty in its decisions - the committee has decision-making powers but not without the

consultation of each respective council, bolstered by membership – two from each authority (the leader and the relevant planning lead).

In response to a Member's question, the Cabinet Member for Customer and Regulatory Services explained how the pie chart on Page 258 of the report added up, and that the allocations for neighbourhood projects in parished and unparished areas amounted to roughly 7% each, 15% in total. He said a note could be added to future iterations to make this clearer.

In response to further Member questions, the Leader said that:

- regarding Gloucestershire County Council, whether it is satisfied with the report, and whether it will seek S106 agreements to be incorporated into planning permissions to cover education requirements, J10 and other essential infrastructure not covered by CIL, she said it sits on the Joint Advisory Group (JAG) and has been involved in all dialogue so far;
- since the report was published, we have had discussions with the county about the infrastructure list. Members are aware of the financial challenges arising from key infrastructure projects, and the need to give the government confidence that no stone is being left unturned, and also the need to seek contributions from the county – S106 is its preferred route for major highways projects and education, but in reality these will need to be a blend of S106 and CIL, as the CIL pot will not be big enough. An amendment would help clarify this;
- the terms of reference have gone through all three authorities, and the joint advisory group will be replaced by the CIL Joint Committee, which will be properly formulated, more transparent, open and accountable than the joint advisory group. Once agreed, the panel will comprise the leader and one other from each council (this will be the planning portfolio holder from CBC) and a Chair will be elected;
- the council has been accused of sitting on CIL money, but the relationship with the county council has improved greatly over the last few years.

In debate, Members made the following comments:

- congratulations to the Leader on negotiating the joint terms of reference. For clarification, these are for the CIL Joint Committee - the Joint Administration Group (JAG) will continue for strategic and local planning generally, with the CIL committee replacing it in terms of CIL but not in total;
- recommendations 3 and 4 are really important safeguards. With current contributions to the £11.9m CIL pot being Gloucester approximately £1.5m, Cheltenham approximately £2.5m, and Tewkesbury £8m, the pooling of 80% for strategic infrastructure will bring huge benefits for Cheltenham, provided we get a vote on what goes into the final list. In previous years, the priority has basically been £56m to be spent on roads, rather than the liberal democrat goal of a more holistic approach to infrastructure. There is now a much broader range of products in the infrastructure list, including green transport, cycling hubs, EV charging points, health infrastructure, upgraded recycling – all the things we should be looking at – and the council will be able to vote on these important items;
- we are clearly entering into a new and welcome era of collaborative working with our neighbours and the county council, although it will be a challenging process

and there is still a long way to go with £11.9m in the pot and bids from the three authorities amounting to £32m. It would be interesting to know how far the infrastructure list reflects our corporate ambitions and policies, and how it will add more value to town; hopefully it can be changed and added to as new projects come along;

- the list includes some very welcome projects for Cheltenham, including the Petersfield Community and Sports Hub, enhancements round railway station, improvements the cycle ways, and public realm work for the High Street. Gloucester and Tewkesbury have also put in requests, but there don't seem to be any requests for funding from the county council. There needs to be something to record what the county is doing as a strategic partner, such as providing finance for hospitals and many other things. This is a concern – the county enters into S106 agreements for strategic items, including schools and J10, but is there a cast iron guarantee that if it bids for that funding, it will get it?;
- on smaller-scale planning applications where a county councillor has highlighted the need for an S106 agreement to deal with 400% over-subscribed parking and planning authority has not acted on this, it can be difficult to explain this to residents who assume all councils are working for the public good. We need to make sure that the four authorities and other areas of public service are aligned to serve the public. This needs to be looked at in more detail;
- Junction 10 is on hold at the moment, with no immediate prospect of government funding, yet on that hangs 5k houses, and a link road to the cyber park development and employment land. This has been in discussion for 12 years, with the cost increasing from £25m to the current £127m; it must be sorted with the county and partner councils as S106 payments will not cover it although housing on the NW extension will pay a levy towards it;
- working across councils is challenging but the list of projects is really important, as we will need the infrastructure to go with any new houses we approve. Pooling of funds is very much in Tewkesbury's interest as residents in Bishops Cleeve, Churchdown, Shurdington, Tewkesbury and other outlying TBC areas come to consume local services in Cheltenham and Gloucester – it is not in TBC's interest for their CIL money to be spent in Tewkesbury only as their residents would ultimately lose out.

In response and summing up, the Leader made the following observations:

- the county council has been fully engaged with the process and made a big difference, consulting with wider stakeholders. The report references some of the county list, including mass transit, GP surgeries, express bus service and cycle links, but it is important to remember that this is an interim list and a living document which will change with the times. Some of the original highway works already gone back to the county with work in progress, paid by the county;
- CIL and strategic planning have been under discussion for a long time, which is why we sought advice from the Planning Advisory Service on how to approach this – only by working together will we be able to benefit residents across all three districts. So far, negotiations have been successful, with the three councils being realistic about what they can achieve together;
- Gloucester will make its final decision at Council on 25th January, and Tewkesbury is programming its decision making for the new year. Once all three Councils have agreed, the CIL Joint Committee will convene, a Chair will be elected, and work can start.



## **RESOLVED THAT:**

- 1. the establishment of a Community Infrastructure Levy Joint Committee under s101(5) and s102 Local Government Act 1972 and under Part 1A Chapter 2 Section 9EB of the Local Government Act 2000 and pursuant to the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012 is agreed;**
- 2. the Community Infrastructure Levy Joint Committee Terms of Reference, as appended to this report (Appendix 2) are agreed;**
- 3. the pooling of strategic Community Infrastructure Levy monies by the three partner Councils of Cheltenham, Gloucester and Tewkesbury with governance as set out in the Community Infrastructure Levy Joint Committee Terms of Reference is agreed;**
- 4. the Infrastructure List for those items relating to the administrative area of Cheltenham Borough is reviewed and approved, and this list will be combined with the lists of Gloucester, Tewkesbury and Gloucestershire County Council to form the basis of the work of the Community Infrastructure Levy Joint Committee.**
- 5. engagement will be entered into with wider infrastructure providers (e.g. NHS, emergency services, Environment Agency etc.) outside the local authorities to identify any wider infrastructure priorities to be considered by the Community Infrastructure Levy Joint Committee.**

## **15 Adoption of Cheltenham's Animal Welfare Charter**

The Cabinet Member for Customer and Regulatory Services introduced his report, updating an old policy adopted ahead of its time in the 1980s. He made the following points:

- a number of issues have arisen since then – such as the ban on wild animals in circuses, pets as prizes, and hunting on council-owned land – but in addition this new charter takes account of the latest thinking about concepts such as sentience and animal rights, which requires that they are treated with humanity and care;
- the charter covers a wide range of things relevant to council operations, and highlighted a slight glitch in the wording of Paragraph 2.13:

*The authority will not support the killing of animals unless they present a risk to human health and safety. Where there is a need for the authority to kill and control animals, it will seek to employ safe and humane methods where reasonably possible and practicable.*

- this should be read in the context of pest control, and understood to mean that the authority will not support the killing of animals *in council operations such as pest control* unless they present a risk to human health and safety. As an example, he said the killing of animals as required by law in the case of pest infestations would be supported, but not the killing of animals to protect a lawn damaged by wildlife;
- some areas are outside our control, but as a responsible local authority, we should encourage good practice with residents (such as tethering of horses, and humanity towards animals), and also put on record the council motion requesting government reduce the decibel level for fireworks to relieve the distress and upset caused to pets and wildlife.

In conclusion, he said this is an important issue which says something about Cheltenham as a civilised society and town, making animal welfare a priority and putting on record our commitment to respect animal rights.

In response to questions, the Cabinet Member for Customer and Regulatory services confirmed that that:

- Paragraph 2.11 of the report could be amended with the addition of a word to make proper sense: *The authority has given a commitment to do whatever it reasonably can to rehome stray dogs unless there is veterinary advice to the contrary;*
- whether or not the ban of hunting on council-owned land should extend to include other hunt-type activities such as trail hunts, exercising dogs and cubbing was an interesting point and may need further debate and clarification in a future iteration of the charter, but at the moment it should be taken that ‘hunting’ implies that a living animal is being hunted;
- whilst acknowledging that seagulls continue to be a nuisance to many residents, Paragraph 21 of the charter reflects the law and what can be done to discourage seagulls. After many hours of debate in the past, the policy is more or less settled and considered to be reasonable and proportionate, reflecting the legal constraints we must work under;
- he could not say whether pesticides and herbicides were likely to affect the chemicals used in the ‘War on Wee’. He commended the Cabinet Member for Waste, Recycling and Street Services for his efforts to achieve effective weed control while continuing to encourage biodiversity, but said he would ask officers to consider the Member’s question and forward a response;
- regarding measures that could be taken to stop people from feeding and encouraging animals, either deliberately or through laziness, he said Section 26 of the policy refers to litter and broadly covers the harm it can do to domestic and wild animals. The council has recently increased fines for littering and anti-social behaviour.

In debate, Members made the following comments:

- Cheltenham is an animal-friendly and animal-loving town, and it is good to note that the council is working on discouraging the use of pets as prizes on private land as well as council-owned land;

- thanks to the Cabinet Member for Customer and Regulatory Services and officers for their hard work on getting all the details right in this all-encompassing charter. It can presumably be reviewed in the future if necessary.

In summing up, the Cabinet Member for Customer and Regulatory Services welcomed the support of Members and confirmed that the charter would be subject to on-going review, refinement and improvement in the future.

**RESOLVED THAT:**

- **the proposed Animal Welfare Charter for Cheltenham attached at Appendix 2 of the report is adopted.**

**16 Annual Carbon Footprint Report 2022-23**

The Cabinet Member for Climate Emergency said it was her privilege to hold that portfolio and to bring an update on CBC's carbon footprint to Members, particularly as the important figure of 15.1% net carbon reduction is higher than the 14% annual reduction required for us to get to net zero by 2030. She said we should be proud of the progress made this year, as she is proud to be leading a climate team that invests tirelessly in communities through mutual aid programmes, as well as supporting teams such as Planet Cheltenham and the Cheltenham Zero project which has come a long way, thanks particularly to the dedicated work of Becky Sillence.

She was also proud of the financial support and mentorship CBC will be providing to small and medium-sized businesses in the new year, and the retrofit funding to be released to community organisations from churches to scout huts – this is vital social infrastructure and particularly important in the cost of living crisis.

Another source of pride are the newly-fitted solar panels at Cheltenham Town Football Club, the first major Cheltenham Green Deal part-funded project, a visionary and exciting idea which she took on from Councillor Wilkinson. Few projects so completely represent tackling the climate crisis in a sustainable and financially responsible way, while investing in something people love to ensure that it lasts.

Frequently asked whether we can reach the Net Zero target by 2030, she said this year shows how that is possible. We have made substantial progress over last year against the Carbon Disclosure Practice Scorecard – a global gold standard policy paper designed for benchmarking cities across the world on their progress against key targets. We have gone from Grade D to Grade B on important matters such as mitigation and adaptation, and will soon be over and above the regional and global average – a exciting and important achievement for Cheltenham.

In conclusion, she thanked Maizy and the climate team for their incredible work, teams across CBC for being part of the collaborative effort, Paul Jones for his

support and belief in the Green Deal, Claire Hughes for her support with more challenging public engagement matters, and finally Ubico and their staff for the work to reduce carbon.

In response to Members' questions, the Cabinet Member for Climate Emergency confirmed that:

- she already reports annually to Overview and Scrutiny, and feels her report benchmarks progress on previous issues. She would be happy to hear any suggestions of performance indicators or other ways of benchmarking;
- Cheltenham Trust is important and has a huge role to play in helping Cheltenham reach its targets, and this year's report includes more accurate figures on the different sites, providing an exciting starting point on how to work with them on carbon reduction. With a clear picture of what progress needs to look like, there will be many opportunities there, together with CBH properties. She will be working closely on both.

There was no debate, but the Leader put on record her personal thanks to the Cabinet Member for Climate Emergency, for taking on this role and driving it forward in sometimes difficult circumstances. CBC now has an amazing team in place to continue the journey.

The Cabinet Member for Climate Emergency thanked the Leader for giving her the role and the support to make it possible.

#### **RESOLVED THAT:**

- 1. a 2030 Net Zero Delivery programme will be put together, outlining costing against key priority items, that highlights the steps for addressing emission reduction across scope 1 and 2 emissions, alongside a robust plan to address mitigation of any residual emissions;**
- 2. capability gaps across the organisation are identified and a revised structure proposed within the climate & flooding team to sustain delivery against the plan.**
- 3. a risk management programme for climate and flooding risks is identified, alongside review of the Climate Impact Assessment to support its efficacy as a decision-making tool.**

#### **17 Annual report of Overview and Scrutiny**

The Chair of Overview and Scrutiny Committee (O and S) said it had been an exciting couple of months since her election, and she had been trying to meet the expectation set by her deeply missed predecessor, Councillor Payne. She was proud of the progress and wide range of issues examined by O and S. Members will be aware of the recent call-in, the first for some years, which resulted in productive

discussion and the formation of a task group which she hoped would replicate the great work done by Multiple Deprivation task group earlier this year.

Inclusion and public consultation is a priority, and other key issues include looking at MX, discussions with Publica through their challenging situations, and feeding ideas into the culture strategy and tourism. She was looking forward to seeing what would be achieved in the year ahead, in particular a potential scrutiny task group dedicated to accessibility, an issue which Councillor Tooke has asked to be examined.

Finally, she thanked Democratic Services for helping her adjust to the role and facilitating invaluable training

There were no Member questions, but in debate, Members commented as follows:

- Thanks to several people involved with the Multiple Deprivation Scrutiny Task Group who have now left CBC: former Councillor John Payne, who did a huge amount as chair and was a great partner; Darren Knight, who has now moved to a different authority with a well-deserved promotion, based on the work delivered with O and S; Harry Mayo, who created the report; and Richard Gibson and his team who are tasked with delivery and monitoring of recommendations and do a fantastic job. It is important that we took time to look closely at pockets of deprivation in the town, speak to people in front line dealing with it, and look at what we and our partners can do to help;
- Thanks to the Chair for stepping up to the role;
- O and S is a lot more structured now than it was a few years ago, thanks to the chairmanship of former Councillor Mason, and we should all be mindful of the best practice of having opposition Members on O and S to scrutinise the Cabinet's agenda.

In summing up, the Chair added her thanks to officers for their ongoing hard work.

#### **RESOLVED THAT:**

- **the Annual Report of Overview and Scrutiny 2022-23 is noted.**

#### **18 Revisions to the Constitution**

As a vital part of CBC's governance and a document that needs constant updating, the Leader was delighted to bring forward the next phase of the ongoing review of the council's constitution, as recommended by the constitution working group. The paper includes suggested updates to the summary and explanation part of the constitution, the financial rules and limits, the appendices, both the planning code of conduct and probity in licensing documents and the introduction of a budget council meeting protocol, with sections made simpler and more accessible.

She highlighted the following:

- budget protocol reflects the practice that has been followed by this council at the budget-setting meeting for many years. Documenting the process makes it more open and transparent to the public and it means that councillors are aware of

how the meeting will operate sufficiently in advance. It also means there will no longer be a need to suspend standing orders;

- both the planning code of conduct and the probity in licensing documents have been reviewed and approved by the respective committees before coming forward to council. It is important that these, which sit alongside our code of conduct, are kept up to date and that members abide by them;
- the main changes to the financial rules reflect the return of finance services from Publica. Some minor changes to thresholds, identified in the documents, reflect the current economic position and facilitate the principles of good decision making;
- the review of appendices and a move towards using more links to the website means that we can ensure that information remains up to date and removes duplication.

She thanked the Monitoring Officer and the constitution working group for their hard work in making the document much easier to navigate.

In response to two Members' questions, the Leader confirmed that the issue of the public question deadline being set before agendas are published, making it impossible for a member of the public to submit a written question on any agenda item, had been raised before and considered by the Constitution Working Group. She said it was decided not to change the deadline as questions can still be asked by ward councillors. Although the deadline for Member questions is also before the publication date, Members can ask questions during the meeting. It was suggested that this is something that the Constitution Working Group might like to look at again.

In debate, Members made the following comments:

- the update to the Planning Code of Conduct is welcomed – it is easy to read and understand and gives absolute clarity to the roles of Members and Officers. It would be helpful for the document to be circulated to all Members of Planning Committee as a matter of course;
- allowing public speakers up to five minutes instead of three is a positive way forward;
- Another important change is the training regime, which has slipped a little in the last few years but will be more structured going forward, with Planning Committee Members required to attend at least two training sessions a year;
- All new councillors are recommended to read the constitution – it sets out the way the council operates, and is a living and breathing document which changes with time when necessary;
- The Licensing Probity Guidance is also important, in particular the changes to lobbying rules. Any Members with concerns about contentious applications are urged to read the guidance on lobbying to ensure that they are complying with probity guidance – the ways to raise concerns are clearly documented, with the statutory timescales.

The Leader thanked Members for their contributions, and conveyed the thanks of all councillors to all officers this year and wish them a Happy Christmas.

**RESOLVED THAT:**

1. the revised Part 1: Summary and Explanation (Appendix 1) is approved;
2. the budget protocol for inclusion into the Constitution (Appendix 2) is approved;
3. the updated financial rules (part 4H) is approved;
4. the revised financial limits in parts 3D and 3E is approved;
5. the revised Planning Code of Conduct is approved;
6. the revised Probity in Licensing document is approved;
7. current appendices A, B, C, E and L are deleted from the Constitution;
8. authority is delegated to the Monitoring Officer to make the necessary changes to the Constitution to reflect these decisions.

#### **19 Notices of Motion**

There were none.

#### **20 Any other item the Mayor determines as urgent and which requires a decision**

There were no urgent items.

The Mayor thanked Members for their contributions throughout the year, and officers for all their hard work.