

# Cheltenham Borough Council Council

**Meeting date:** 18 May 2026

**Meeting time:** 2.30 pm

**Meeting venue:** Council Chamber - Municipal Offices

---

## **Membership:**

David Willingham (Chair), Councillors Martin Horwood (Vice-Chair), Glenn Andrews, Victoria Atherstone, Paul Baker, Adrian Bamford, Garth Barnes, Graham Beale, Angie Boyes, Jackie Chelin, Barbara Clark, Julia Chandler, Flo Clucas, Mike Collins, Ashleigh Davies, Chris Day, Cathy Dearden, Iain Dobie, Callum Eldridge, Jan Foster, Steve Harvey, Rowena Hay, Sandra Holliday, Cecily Henderson, Jamie Jamieson, Peter Jeffries, Tabi Joy, Richard Lawler, Alisha Lewis, Tony Oliver, Dr Helen Pemberton, Richard Pineger, Karen Priest, Julie Sankey, Stan Smith, Arthur Snell, Dr Steve Steinhardt, Izaak Tailford, Julian Tooke, Simon Wheeler and Suzanne Williams

---

## **Important notice – filming, recording and broadcasting of Council meetings**

This meeting will be recorded by the council for live broadcast online at [www.cheltenham.gov.uk](http://www.cheltenham.gov.uk) and <https://www.youtube.com/@cheltenhambc/streams>. The Chair will confirm this at the start of the meeting.

If you participate in the meeting, you consent to being filmed and to the possible use of those images and sound recordings for broadcasting and/or training purposes.

If you have any questions on the issue of filming/recording of meetings, please contact Democratic Services.

---

**Contact:** [democraticservices@cheltenham.gov.uk](mailto:democraticservices@cheltenham.gov.uk)

**Phone:** 01242 264 246

## **1 Apologies**

## **2 Communications by the retiring Mayor**

## **3 Election of Mayor 2026-27 (Chair of Council)**

To elect the Mayor (Chair of Council) for the Municipal Year 2026-27

## **4 Election of Deputy Mayor 2026-27 (Vice-Chair of Council)**

To elect the Deputy Mayor (Vice-Chair of Council) for the Municipal Year 2026-27

## **5 Declarations of interest**

## **6 Minutes of the last meeting (Pages 5 - 18)**

Minutes of the meeting held on 23 March 2026

## **7 Communications by the Mayor**

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

## **9 To note the membership of the Cabinet, including Deputy Leader**

## **10 To establish and appoint to the following committees**

TO FOLLOW

It is proposed that the Chairs and Vice-Chairs of these committees be appointed by Council, rather than by the individual committees in separate meetings. The proposed nominations are TO FOLLOW

Appeals

Appointments and Remuneration

Audit, Compliance and Governance (including Standards)

Disciplinary

Licensing

Licensing Sub-Committee – Miscellaneous

Overview and Scrutiny (The Chair shall not be a Member of the Political Group which forms the Cabinet)

Planning

## **11 To appoint to the following Joint Committees (including substitutes)**

A) Appointment to Gloucestershire Health Overview and Scrutiny Committee (and substitute)

B) Appointment to Gloucestershire Economic Strategy Scrutiny Committee (and substitute)

C) Appointment to Gloucestershire Police and Crime Panel (and substitute)

**12 To appoint to the following advisory panels and working groups**

Constitution Working Group  
Treasury Management Panel

To note the following appointments :

Community Infrastructure Levy Neighbourhood Panel  
Joint Monitoring and Liaison Group – Building Control  
One Legal Management Board  
Member Development Panel  
Planning and Liaison Member Working Group

**13 To appoint to the following Member Champion roles**

Armed Forces Covenant  
Cycling and Walking  
Mental Health  
Refugee  
Safeguarding

**14 To receive petitions**

**15 Revisions to the Constitution (Pages 19 - 48)**

Report of the Leader

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

Gareth Edmundson  
Chief Executive

This page is intentionally left blank



# Cheltenham Borough Council Council Minutes

**Meeting date:** 23 March 2026

**Meeting time:** 2.30 pm - 3.45 pm

---

## **In attendance:**

### **Councillors:**

Dr David Willingham (Chair), Martin Horwood (Vice-Chair), Frank Allen, Glenn Andrews, Victoria Atherstone, Paul Baker, Adrian Bamford, Dilys Barrell, Angie Boyes, Jackie Chelin, Barbara Clark, Julia Chandler, Flo Clucas, Mike Collins, Ashleigh Davies, Chris Day, Iain Dobie, Jan Foster, Steve Harvey, Rowena Hay, Sandra Holliday, Tabi Joy, Alisha Lewis, Dr Cathal Lynch, Dr Helen Pemberton, Richard Pineger, Julie Sankey, Stan Smith, Dr Steve Steinhardt, Izaak Tailford, Julian Tooke, Simon Wheeler and Suzanne Williams

### **Also in attendance:**

Claire Hughes (Director of Governance, Housing and Communities), Gareth Edmundson (Chief Executive) and Adele Taylor (Interim S151 Officer)

---

## **1 Apologies**

Apologies were received from Councillors Barnes, Beale, Garcia Clamp, Healy, Jeffries, Oliver and Orme.

## **2 Declarations of interest**

There were none.

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

The minutes of the meeting of Council on 23 February were approved as a true record, and signed accordingly.

The Monitoring Officer highlighted two minor points in Appendix 11 Pay Policy Statements:

- the incorrect date on the front page (2025-26 instead of 2026-27);
- reference within the document to the S151 Officer also being the Deputy CEO.

She confirmed that the CEO will use delegated powers to make the necessary amendments.

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

The Mayor had circulated in advance a list of his engagements and events attended since the last meeting. Of the many, he highlighted one in particular – his visit with Councillor Pervaiz, Mayor of Tewkesbury, to morning prayers at Cheltenham Mosque, where they were both made very welcome. He said he has attended many events in places of worship across the whole spectrum of denominations during his year in office, and always been reminded that there is so much more that joins together people of all faiths and of none than divides them.

As this was the last meeting of Full Council before the May elections, he took the opportunity to thank all Members, particularly those who are planning to stand down and those who aren't re-elected, for their service and hard work over the last two years.

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

The Leader of the Council shared the following:

- at its recent annual conference and after much consultation, the District Councils Network officially launched its change of name and brand to Local Councils Network, getting ahead of the game well before district councils no longer exist. It has an important role to play as local government reorganisation continues around the country;
- Members are reminded to respond to the Community Governance Review – and to encourage as many residents as possible to do so too;
- the government's consultation on LGR options for Gloucestershire closes on Thursday if Members wish to submit comments. She is responding on behalf of the council, and will share her response once it has been submitted;
- work on the Strategic and Local Plan continues to progress, with the partnership working well across the board, but faced with unrealistic housing numbers set by government, which will require a conversation with our MP and the government about how to tackle our housing need. Southwest Councils are collectively lobbying on this – they all want to build houses, but the number, quantity and location of these must be decided locally. The new government figures also mean that where CBC could previously demonstrate 4.5 years of its 5-year housing supply, it can now only demonstrate 2 years through no fault of its own;

- the loss of the airport sale is clearly disappointing, but the deal could not be completed. GCC and CBC are now working on alternative options. Members will be kept updated;
- we are sending a joint responses on the Spatial Development Strategy and Food Standards Agency consultation, conveying a strong message that our economy, funding and public sector services look south, and we anticipate becoming part of a combined strategic authority in due course, leaning towards Bristol and the West of England Combined Authority (WECA) rather than the Midlands. Cheltenham is very much part of the south west and we aim to communicate this to government;
- thanks to all Members who have served for the last two years, and commiserations to anyone who isn't re-elected.

### **6 To receive petitions**

There were none.

### **7 Public Questions**

Eight public questions had been received from four questioners, two of whom were present to ask supplementary questions. The original questions and written responses had been published and were taken as read.

#### **1. Question from Elliot Craddock to Cabinet Member for Waste, Recycling, Parks, Gardens, and Public Green Space, Councillor Paul Baker**

What progress has been made in reopening the Swindon Road tip, since it was closed on January the 10th 2025, well over a year ago?

#### **Cabinet Member response**

Thank you for your question.

As you rightly point out Cheltenham Borough Council closed the Household Recycling Centre (HRC) in January 2025 because to comply with the new licensing regime of the Environment Agency we would have had to spend around £1m on improvements. Given the significant constraints of Local Government financing following 14 years of cuts imposed by the previous Conservative government and now extended for the next 3 years by the Labour government, this money was simply unavailable.

Notwithstanding the above you will appreciate that the HRC function falls under the remit of Gloucestershire County Council (GCC) and not Cheltenham Borough Council. When the HRC was closed the then-conservative administration at GCC refused point blank to offer any support whatsoever to re-opening it, pointing out the 'nearby' facility they operate at Wingmoor Farm.

The good news, to a point, is that the new Liberal Democrat administration at GCC have been far more engaging with us about the future of the HRC. Numerous meetings and an exploratory site visit have been held, and we are now awaiting to hear back from them following their review of options at the Swindon Road depot.

Needless to say, whatever the outcome, the site still requires significant investment which will need to be funded by GCC but in our view there is no question that Cheltenham, as the largest urban centre in the county, must have its own HRC for the convenience of its residents and the expanding population.

In the meantime, Cheltenham Borough Council continues to expand the range of its kerbside recycling options which are soon to include tetra paks. In addition, the trial scheme for the collection of flexible plastic bags and packaging collection is ready to be rolled out across the town.

### **Supplementary question**

From conversations with county councillors, it appears that CBC announced the closure of the Swindon Road HRA very abruptly and didn't reach out to the county council for help. Is there any evidence to suggest that it did?

### **Cabinet Member response**

The current Cabinet Member for Waste, Recycling, Parks, Gardens and Green Open Space was not in post at the time, but the Leader confirmed that following the Council debate, she undertook to communicate with Cllr Davies at the County Council and an email conversation took place before the HRA was closed.

## **2. Question from Elliot Craddock to the Leader, Councillor Rowena Hay**

Before Christmas, Ed Davey wrote to the Equality and Human Rights Commission to complain that cancelling elections was against human rights. In January Rowena Hay confirmed the council was asking to postpone the local elections. Now that we know elections are going ahead anyway, who was wrong?

### **Cabinet Member response**

The Government was wrong. It was their decision to postpone elections and also their decision to u-turn on that decision. Cheltenham Borough Council had all-out elections for the whole chamber in 2024. Our mandate is less than two years old and is a stronger mandate than almost all our district neighbours. While we maintain that holding elections is not the best use of taxpayers' money, and despite the mess the government has made of its decisions, we now look forward to holding elections in May.

**Supplementary Question**

The government offered the opportunity for elections to be cancelled; the council could have said no. Do you agree that the Liberal Democrat council is in lockstep with the government?

**Leader response**

No.

**3. Question from Gill Hewlett to Cabinet Member for Economic Development, Wellbeing, Culture and Public Realm, Councillor Izaak Tailford**

What are Canada Life's plans for the former Cavendish House site, when will they begin, how long do they anticipate taking to completion, and what measures have the council taken to accelerate the process ? - the area is becoming increasingly derelict and without significant, and effective council intervention I cannot see how this will not deteriorate further.

**Cabinet Member response**

Thank you for your question Gill. Unfortunately, these questions are mostly a matter for Canada Life to answer. It is their building, and timelines on getting definitive plans for the future of the building are outside of the council's control.

However, we all know how important Cav House is to our town centre and local economy, particularly for the businesses in the immediate area on and around The Prom. So please rest assured we are doing all we can to encourage Canada Life to take action as swiftly as possible. You may have seen Cheltenham Borough Council has publicly called for Canada Life to progress its plans and to put forward positive plans for the building. As a company they promote their values of investing in and making a positive difference to communities, and this council will continue to hold them to account on this commitment and encourage Canada Life to deliver a successful future for this critical town centre site.

I am pleased to advise that Canada Life has recently engaged with the council in its role as local planning authority on pre application of a revised scheme. I cannot advise any further at this point but actively encourage Canada Life to bring forward a positive planning application for the site at the earliest opportunity.

*No supplementary question*

**4. Question from Gill Hewlett to Cabinet Member for Economic Development, Wellbeing, Culture and Public Realm, Councillor Izaak Tailford**

There are significant amounts of unwanted graffiti around the town, a notable example being the end of the lower high street, by the railway bridge and the Honeybourne Gate complex. Knowing the highly possible links of graffiti to gang culture, how much have the council allocated in the budget to clear up graffiti in the town, and what are the timescales for tackling it?

### **Cabinet Member response**

Thank you for your question, it is something that I, and my cabinet colleagues, feel strongly about. Following years of budget cuts from central government, local authorities across the country, including Cheltenham, are doing their best to fund the cost of removing increasing amounts of graffiti in our borough. We rely on support from the police to catch the perpetrators, but police resources are also stretched, and they have to prioritise their resources on more serious crimes.

The council is responsible for removing graffiti on public buildings. However, on non-public buildings, our policy states that offensive graffiti should be removed by the property owner within 14 days of receiving formal notice from the authority requesting its removal; failure to do so may result in a Community Protection Notice (CPN) being issued to the property or Premises/Business owner. Other non-offensive graffiti should be removed within 28 days.

The council's environmental services partner, Ubico, seeks to remove graffiti from public buildings within 10 days of receiving a request to do so. Generally, offensive graffiti is removed within one working day where possible.

In parts of Cheltenham town centre, there has also been a very successful pilot scheme with the Cheltenham BID, collaborating with the Council and the Police, for graffiti removal on business premises within the BID area. This has recently entered its second phase, though I note it does not cover the area of lower high street mentioned in your question.

Also, on the Honeybourne Line, we currently have an active project brief live for targeted public art works there – which could include covering up of graffiti. I look forward to updating you more as this progresses.

Annually the council spends around £1.7 million on street cleansing and it is within this budget that graffiti removal is funded, along with litter picking, litter bin emptying, fly tip removal, mechanical sweeping of pavements and roads, and jet washing pavements. The council does not currently separate out the cost of graffiti removal.

If you spot any graffiti in Cheltenham, please do report it to us so it can be logged and action can be requested from the responsible party.

*No supplementary question*

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

Can you please update me on the position with regard to the possible sale of Gloucestershire Airport?

**Cabinet Member response**

Thank you for the question. Cheltenham Borough Council, alongside joint shareholder Gloucester City Council, have been unable to reach agreement with Horizon Aero Group (HAG). The councils are disappointed that we were unable to accept the terms put forward by HAG.

It is important that the shareholding councils will now maintain close contact with operators, tenants and stakeholders to explore alternative options.

As Leader, I understand that and appreciate that this will be a cause for concern for all those working at the airport and for business owners who operate from there.

I want to assure you that we are committed to engaging with all parties so that we can reach a positive outcome for the future of the airport.

**Supplementary question**

Can you indicate if the failure to sell the airport has implications for the council's financial position, particularly the capital programme, and give some idea of the cost of the abortive sale exercise so far?

**Leader response**

It has no impact at present for this budget, but if we are still in the same position next year, there could well be an impact.

Regarding the costs, this was not an abortive sale – the prospective buyer could not raise the funds due to the failure of one of their investors to come through; we gave them time to find a new investor but they were unable to do so within the timeframe, and rather than prolong the uncertainty, the deal was abandoned. Council will be kept updated on any progress.

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

Can you please update me on the possible sale of the Municipal Offices?

**Cabinet Member response**

The council has entered into an exclusivity agreement for the sale of the Municipal Offices. The preferred bid proposes to re-develop the building into a hotel, spa and banqueting/conferencing destination.

The exclusivity agreement continues to progress and we will provide further updates when a more definitive timetable for the sale is known.

*No supplementary question*

**7. Question from Rich Newman to Cabinet Member for Planning and Building Control, Councillor Mike Collins**

Why did no borough councillor call in to committee The Bell Inn's planning proposal? That could have saved it.

**Cabinet Member response**

Thank you for your question, I assume that you are referring to planning application ref. 25/01196/FUL which was granted in October 2025. The approved scheme involves the conversion of the upper floors of the Bell Inn and part of the ground floor to three flats, with the remainder of the ground floor used for commercial purposes.

The application was determined under delegated powers; it was not called to the Planning Committee. Members themselves are best placed to set out why they did not call the application to committee. It is not appropriate for me to put words in members' mouths, but it is the case that planning applications may only be called to committee if there are legitimate material planning reasons for doing so and when it is in the public interest (this is set out in our adopted Scheme of Delegation); in this case it can only be assumed that members felt that no material planning reasons were present and that there was no necessity, in public interest terms, for the application to be debated and determined by the committee.

*No supplementary question*

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

How much of the council's budget goes towards paying pensions of previous employees?

**Cabinet Member response**

The Council is a member of the Local Government Pension Scheme with the Gloucestershire Pension Fund that is administered by Gloucestershire County Council on behalf of member bodies.

The Fund collects employer and employee pension contributions in relation to active employees of relevant organisations and meets the cost of pension benefits due to current and former employees including those within Cheltenham Borough Council. The pension scheme is a defined benefit scheme and has to demonstrate it can be fully funded through triennial reviews, the latest of which was completed during 2025.

Following this actuarial review, the council has set a budget for the financial year 2026/27 to pay £2,319,870 for primary pension contributions and £290,000 for secondary contributions. These secondary contributions cover off the liabilities for

past service. In total, £2,609,870 of the council's 2026/27 budget is allocated to pension-related costs.

The contribution rate is equivalent to a 17.1% which is a significant reduction on the prior period due to the improved overall financial position of the pension fund mainly due to stronger future investment returns.

*No supplementary question*

### **8 Member Questions**

Four Member questions had been received from four Members. The original questions and written responses had been published and were taken as read.

#### **9. Question from Councillor Cathal Lynch to Cabinet Member for Planning and Building Control, Councillor Mike Collins**

There is a strong local interest in the nature of the frontage at the 131 restaurant/bar on the Promenade. Given how long the current structures have been present, can we have some clarity on if and why there have been any delays in changes being made as previously directed by the council?

#### **Member response:**

Thank you for your question.

The marquee structures currently situated forward of 125-133 Promenade are unauthorised and do not have the benefit of planning permission. An Enforcement Notice requiring these unauthorised structures to be removed, was served on the property owner in January 2024. The legislation is such that when an appeal is lodged against an Enforcement Notice, the Enforcement Notice is suspended until such time that the appeal has been determined.

In this case, the property owner lodged an appeal with the Planning Inspectorate shortly after receipt of the Enforcement Notice (February 2024); the Notice is therefore currently suspended, and this will remain the case until the Planning Inspectorate determine the appeal. The Planning Inspectorate has now been dealing with this appeal for over two years, and to-date has declined to provide a meaningful update.

Notwithstanding the live appeal, the property owner may remove the marquees at any time and replace them with the permanent structures which were granted planning permission in March 2025, but to-date has not done so. The council has no power to force the property owner to remove the marquees while the Enforcement Notice is suspended by the appeal proceedings.

#### **10. Question from Councillor David Willingham to Cabinet Member for Planning and Building Control, Councillor Mike Collins**

Planning application forms contain the following declaration which must be accepted by the applicant or agent: "*I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.*" Could the cabinet member for planning please advise how many cases in the previous and current municipal year have misstatements been identified and reported by a) officers, b) councillors, and c) others, and how many applicants or agents have suffered any sanctions or consequences for making untrue or knowingly inaccurate statements on planning applications (including details if the matters are not *sub judice*)?

**Member response:**

Thank you for your question.

The planning department does not record this data in a numerical format and so the number/frequency of individual circumstances of inaccurate information within planning submissions cannot be reported.

The submission of inaccurate information is uncommon and when it does occur it is often because of a genuine error or misunderstanding. The correct and reasonable approach when receiving inaccurate information is to seek its withdrawal and/or correction and this is what our Planning Officers do. If the revised corrected information is material, re-consultation of neighbours etc. will usually follow. No further sanctions are necessary.

**11. Question from Councillor David Willingham to Cabinet Member for Housing and Customer Services, Councillor Flo Clucas**

The Cheltenham Borough Council Housing Voids Policy suggests the majority of properties are supplied unfurnished and without white goods such as a cooker, washing machine or fridge-freezer. Where a person or family being housed do not already have these items, the cost of new white goods is considerable, and options such as commercially renting them weekly or credit/borrowing are very expensive and depending on an individual's credit history may not even be available. Would the cabinet member for housing agree to explore how CBC Housing could assist tenants to acquire and pay for white goods as part of their agreement with CBC and help them avoid exorbitant weekly charges or debt interest and the financial risks those options can lead to?

**Member response**

Thank you for your question.

I'm pleased to be able to share that the Council already does a number of things to help our tenants who do not have white goods. For example, we have our Help2 scheme and we make referrals for grants to places such as the Barnwood Trust and the Household Support Fund alongside using the Turn2us grant tool which identifies further charities and grants that our tenants may be eligible for.

In addition, our Empty Homes Team are really skilled at finding out upon viewing/sign up what the tenant may be missing and referring tenants to our benefit and money advice team so that they can look to see what help we can provide.

Last year we also ran a Home Starter pack scheme which provided those who were homeless and moving into our properties for the first time with a new home starter kit. It included items such bedding, towels, cutlery, crockery and either a microwave, slow cooker, or air fryer. The scheme was so successful that we have set aside enough budget within the 26/27 financial year to run it again this year.

Please be assured that we do absolutely everything we can to support our tenants.

### **12. Question from Councillor Jan Foster to Cabinet Member for Finance and Assets, Councillor Peter Jeffries**

The sale of Gloucestershire Airport seems increasingly uncertain, yet earlier this month the leader of Gloucester City Council was reported as saying that “nothing has been worked out” with regard to a plan B, but options were available.

Have the councils started to work on a plan B yet and if so, what options are they considering?

#### **Member response**

Thank you for the question. Cheltenham Borough Council, alongside joint shareholder Gloucester City Council, have been unable to reach agreement with Horizon Aero Group (HAG). The councils are disappointed that we were unable to accept the terms put forward by HAG.

It is important that the shareholding councils maintain close contact with operators, tenants and stakeholders and will now explore alternative options.

As Leader, I understand and appreciate that this will be a cause for concern for all those working at the airport and for business owners who operate from there.

It would be premature to talk about alternative options until we have engaged further with the current Board and employees at the airport and had meaningful discussions with businesses and operators to listen to their views so we can draw up proposals for the way forward.

#### **Supplementary question**

It is noted that the councils are planning to consult with those directly involved with the airport about its future, but aside from the financial losses, the airport is a major contributor to noise and carbon emissions, with a wide impact. Are there any plans to consult with the wider public on what they would like the future of the site to be?

#### **Leader response**

It is too early to say how wide the consultation will be at this stage. CBC gave the Leader authority to sell the airport, and whatever comes next will have to be brought back to Council for approval. Until there are some options, I cannot say what the wider consultation will be. It's unlikely everyone will agree, and there will always be concerns about noise and emissions, but there are businesses operating successfully from there and important to the economy.

## **9 Second Confirming Resolution Cheltenham Borough Council (Markets) Bill**

Introducing the item, the Cabinet Member for Economic Development, Wellbeing, Culture and Public Realm said that following Members' agreement in November 2025 to promote the Cheltenham Borough Council (Markets) Bill, it was duly deposited in parliament in line with statutory requirements, and has progressed well and unopposed. It will be considered by a Commons select committee tomorrow (24 March), then proceed to the reports stage, and conclude its scrutiny with a third reading in the House of Commons.

A quirk of this private bill procedure is the requirement of the promoting local authority to pass a confirmatory resolution after the bill is deposited in Parliament, the rationale being to allow the opportunity to reconsider the position once the deposit has taken place. The confirmatory resolution must be approved at a meeting of Full Council.

A Member pointed out that the date of the Equality Impact Assessment was not properly displayed. The Cabinet Member for Economic Development, Wellbeing, Culture and Public Realm confirmed that this would be corrected.

There was no debate.

The Mayor thanked the Head of Public Protection and the OneLegal team for all their work getting this through the bureaucratic process and back to Council.

### **RESOLVED THAT:**

- 1. the resolution of this Council passed at a meeting of the Council held on Monday 17 November 2025 to promote a Bill in the present Session of Parliament, pursuant to which the Bill, entitled "A Bill to make provision for the repeal of section 83 of the Cheltenham Improvement Act 1852 and for connected purposes", has been deposited in Parliament, is hereby confirmed.**

*Unanimous*

## **10 Capital, Investment, Treasury Management Strategies 2026/27**

In the absence of the Cabinet Member for Finance and Assets, the Leader introduced the report, which presents the council's Capital, Investments and Treasury Managements strategies for 2026-27, and explains how the council plans to manage its money, assets and investments in coming financial year. She said the strategies are prepared in line with guidance from the Chartered institute of Public Finance and Accountancy and the statutory framework set by DHCLG, helping to ensure we continue to follow good practice in financial planning and governance.

The strategies set out how the council will use its capital resources responsibly to support our key priorities for the town, including the local economy, regeneration, and long-term sustainability, and show how the council will manage its existing assets and investments so that they continue to provide value and support the essential services on which our residents rely.

The report demonstrates the council's careful and balanced approach to managing public finances, continuing to invest in projects to secure and deliver benefits for residents and the future economy

The documents and figures are informed by the budget, and will in future years come forward at the budget-setting meeting, not possible this year as the finance team had to prioritise dealing with last-minute changes arising from the government's 3-year settlement. All details can be found in the budget papers approved last month.

### Questions

A Member asked how the war in the Middle East might impact on council finances. The Leader said the response to that was multi-faceted – there are potential financial risks for the council, and we are and will continue to mitigate these wherever possible:

- the main areas of concern are the direct impact on the cost of energy and fuel. The council is already buying gas and electricity supplies through a broker, mitigating significant fluctuations in price by buying with others. Electricity is less exposed; gas is impacted more, but prices had already been fixed to the end of May before the start of the conflict; the price fluctuation is starting to calm and the broker will continue to monitor the situation;
- fuel prices are being affected, and represent significant costs particularly in relation to contracts around waste management. We are seeking mitigation through fleet management and buying power;
- regarding borrowing and interest costs, we are working with the latest marketing information. Borrowing is spread over short- and longer-term periods as part of the ongoing treasury management package, with the impact monitored and managed throughout year and reported back to Council and Cabinet in the usual way. The current situation may mean the proportion of short to long-term borrowing may change to reflect different risks, but we are taking proper financial advice on our approach;
- the costs of goods and services is also subject to indirect pressure, but we are making the best use of procurement functions and frameworks when buying supplies, to ensure we manage our money well.

In response to further Members' questions, the Leader said that:

- she could not confirm the present occupancy rate of the MX but will provide a written response after the meeting;
- not capitalising expenditure under £10k and charging this to the revenue budget is standard practice in district council finances.

A Member asked about the Environmental, Social and Governance (ESG) Policy, saying councillors are regularly lobbied about investment in tobacco, any

investments that might prolong the ongoing crisis in the Middle East, and the council's investment policy around ESG. He wondered if there are any plans to take a closer look at these issues. The Leader confirmed that the council does not invest in tobacco, and is continually looking to avoid investments in areas it would prefer to avoid; it has a small amount invested in fuel, and has committed to seeing another investment through to the end of its term unless the markets change, as it would cost £450k to de-invest.

She added that CBC has no control over its pensions investments.

### **Debate**

A Member commented that, compared with other towns facing the same local and national issues as Cheltenham, CBC does very well in providing both mandatory and non-mandatory frontline services. He said this is due to the excellent management of the finance team and officers who continue to do such a great job in running our finances.

The Leader also thanked all the officers who manage CBC's finances on our behalf, and thanked Members for their questions and comments.

### **RESOLVED THAT:**

- **the Capital Strategy 2026/27 at Appendix 2 is approved;**
- **the Investment Strategy 2026/27 at Appendix 3 is approve; and**
- **the Treasury Management Strategy Statement 2026/27 at Appendix 4 is approved.**

*32 in support, 1 abstention*

### **11 Notice of Motions**

There were none.

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

There were no urgent items.

As this was the last meeting of Full Council before the elections in May, the Leader thanked the Mayor for a good and busy year. The Mayor thanked the Leader and all Members for making it easy, senior officers, Democratic Services team, Jennie Ingram, and all officers who come in to support Cabinet and Council when required.

## Cheltenham Borough Council

**Council – 18 May 2026**

### Revisions to the Constitution

---

**Accountable member:**

Cllr Rowena Hay, Leader of the Council

**Accountable officer:**

Claire Hughes, Director of Governance, Housing and Communities (Monitoring Officer)

**Ward(s) affected:**

n/a

---

**Key Decision:**

No

**Executive summary:**

The Report sets out proposed revisions to the Constitution

**Recommendations: That Council:**

- 1. Approves the revised Planning Protocol as set out in Appendix 1 to replace the existing Planning Protocol at Part 5D of the Constitution.**
- 2. Approve the addition of the Head of Public Protection as an Authorised Officer under s 27, 28 and 2of 9 the Regulation of Investigatory Powers Act 2000 in Part 3F of the Constitution (Statutory and Proper Officer Appointments).**
- 3. Notes the amendments made to the Constitution by the Monitoring Officer as set out in Para 2.5 below under her general delegation as set out at Part 3D of the Constitution**
- 4. Gives delegated authority to the Monitoring Officer to make all necessary changes to the Constitution to reflect these decisions.**

## 1. Implications

### 1.1 Financial, Property and Asset implications

There are no direct financial, property or asset implications arising from the recommendations

**Signed off by:** Jon Whitlock, Head of Finance (Deputy S.151 Officer)

[jon.whitlock@cheltenham.gov.uk](mailto:jon.whitlock@cheltenham.gov.uk)

### 1.2 Legal implications

1.2.1 Any decision to amend the Constitution rests with Full Council or as set out in part 3D of the Constitution. The Constitution should be kept under review and amended where necessary to provide a clear governance framework that will support effective, efficient and lawful decision-making in a manner that also supports accountability, scrutiny, and transparency.

1.2.2 There may be a need to further review the Planning Protocol and other provisions of the Constitution following the coming into force, later this year, of measures through the Planning and Infrastructure Act 2025 to:

- (i) give a new power to the Secretary of State to set out which planning functions should be delegated to planning officers for a decision and which should instead go to a planning committee or sub-committee;
- (ii) give a new power to the Secretary of State to control the size and composition of planning committees; and
- (iii) impose a new requirement for members of planning committees to be trained, and certified, in key elements of planning.

**Signed off by:** Alison McKane, Interim Deputy Monitoring Officer,

[alison.mckane@cheltenham.gov.uk](mailto:alison.mckane@cheltenham.gov.uk)

### Environmental and climate change implications

There are no direct environmental or climate change implications arising from this report

### 1.3 Corporate Plan Priorities

This report contributes to the following Corporate Plan Priorities:

- Reducing inequalities, supporting better outcomes
- Taking care of your money

#### **1.4 Equality, Diversity and Inclusion Implications**

An equality impact assessment is not required for this report.

---

## **2 Background**

- 2.1 A full review of the Council's Planning Protocol has been undertaken by Officers, in consultation with the Council's Constitution Working Group and with members of Planning Committee.
- 2.2 If approved the new planning protocol will replace the existing protocol currently included in the Council's Constitution at Part 5D.
- 2.3 The proposed revised planning protocol is attached to this report at Appendix 1.
- 2.4 The addition of the Head of Public Protection as an Authorised Officer under s.27, s.28 and s.29 of the Regulation of Investigatory Powers Act 2000 in Part 3F of the Constitution (Statutory and Proper Officer Appointments) is required in order to increase resilience should an urgent authorisation be required in accordance with the Council's Regulation of Investigatory Powers Act 2000 – Surveillance and Covert Human Intelligence Source Policy.
- 2.5 The Monitoring Officer has updated the Constitution to reflect changes in staff job titles

## **3 Reasons for recommendations**

### **Planning Protocol**

- 3.1 The existing protocol is out of date and requires revision in order to ensure that it reflects best practice and to strengthen the robustness, transparency and legal defensibility of the Council's decision-making process at Planning Committee. Amendments have also been made in order to update the language and format of the Protocol to make it easier to understand in terms of roles and responsibilities in the bringing of applications to Committee and in the decision-making process.
- 3.2 The key differences between the revised version and the existing protocol can be summarised as follows:
- 3.2.1 **Language and format:** As a general point the language contained in the protocol has been updated and some parts have been re-ordered in order to make it easier to read;

- 3.2.2 **Amendments to reflect actual practice:** Some parts of the protocol have been amended as they didn't reflect current (and best) practice. For example, paras.1.4 and 3.1.5 now make it clear that it is the responsibility of the Chair of Planning Committee, in consultation with the Head of Planning, to determine whether or not an application to call in a Planning Application should proceed to Planning Committee.
- 3.2.3 **Opportunity for ward members to comment on the content of s.106 Agreements affecting their area:** It was agreed at a full council meeting some time ago that case officers would consult ward members as to any suggested planning obligations for applications which have a s106 Agreement. Informally this has been taking place, however the existing Planning Protocol on this matter is silent, so this review is a good opportunity to add this (please see paras 3.1.7 and 3.1.8.).
- 3.2.4 **Member Behaviour:** We have updated the wording to include appropriate behaviour to assist members of the public who are watching in the Chamber or remotely, to enable them to follow the debate more easily.
- 3.2.5 **Voting and Decision Making:** This is the main area of material amendment. These changes are proposed to strengthen the robustness, and legal defensibility of the Council's decision-making process. The Flowchart at Appendix One to the protocol provides a guide to the new decision-making process. The key changes are:
- i. **Officer recommendation is not automatically taken as moved.** The current practice of treating the officer recommendation as automatically moved can reduce clarity around who is formally proposing a motion and may unintentionally limit debate. Requiring a motion to be formally proposed and seconded by a Member following questions and debate reinforces Member ownership of decisions, ensures that motions are clearly articulated, and aligns the process more closely with standard committee practice. This approach also helps make the decision-making process clearer to the public and provides a more transparent audit trail.
  - ii. **Requirement for all motions to be seconded.** Requiring all motions (whether substantive, amendments or procedural) to be seconded ensures that only motions with a minimum level of Member support are debated and voted upon. This helps to promote efficient use of committee time, avoids confusion, and supports orderly decision-making. It also provides consistency and clarity within the protocol, reducing the risk of procedural uncertainty during meetings. If motions are not seconded they fall.
  - iii. **Emphasis on clear reasons for motions contrary to officer**

**recommendation** Where Members are minded to make decisions that depart from officer recommendations, it is essential that these decisions are founded on clear, defensible planning reasons based on material considerations. Strengthening the wording within the protocol reinforces the importance of this principle and helps to mitigate the risk of successful appeals, costs applications, or judicial review. The revised wording also highlights the importance of seeking advice from planning officers, including assistance with drafting reasons and conditions, to ensure that any alternative motion is both technically sound and legally robust before it is put to the vote.

**3.2.6 Other amendments:** Following discussion at Constitution Working Group other amendments have been made to the protocol and current practice as follows: -

- i. **Member Call in:** The revised protocol includes clarification that Members who call in an application will be advised of the acceptance of call in and receive an alert for the Committee date. The speaking order for Members calling in an application has also been clarified (para 5.5).
- ii. **Provision for adjournment in exceptional circumstances:** the revised protocol sets out the circumstances and the process to be followed should this be necessary for clarification purposes.
- iii. **Training Requirements:** greater clarity around which training is mandatory and requires in person attendance.

## **4 Alternative options considered**

**4.1** None - but Council could decide not to approve the revisions to the Planning Protocol.

## **5 Consultation and feedback**

**5.1** Constitution Working Group and Members of Planning Committee have been consulted and their comments have been taken into account in the drafting of the revised planning protocol.

## **6 Key risks**

**6.1** None

---

### **Report author:**

Alison McKane, Interim Deputy Monitoring Officer

alison.mckane@cheltenham.gov.uk

**Appendices:**

1. Revised Planning Protocol

**Background information:**

[Cheltenham Borough Council Constitution](#)

DRAFT

This page is intentionally left blank

## Part 5D- Planning Protocol

### Contents

<b>1. Introduction</b>	<b>2</b>
<b>2. The Planning Committee</b>	<b>2</b>
2.1 The development management role of the Committee	2
2.2 Statutory functions of the Committee	3
2.3 The role of members of the Planning Committee	3
2.4 The role of officers	3
<b>3. Advice and guidance for Members</b>	<b>4</b>
3.1 Calling applications to Committee	4
3.2 Code of Conduct	5
3.3 Interests under the Code of Members' Conduct	6
3.4 Relationship with Officers	7
3.5 Engagement – contact with applicants, developers, supporters and objectors	8
3.6 Lobbying	9
3.7 Predetermination and Predisposition	10
3.8 Planning Committee Members who serve on Parish or County Councils	11
3.9 Hospitality	11
<b>4 Site visits</b>	<b>11</b>
<b>5 Public speaking at meetings</b>	<b>13</b>
<b>6 Decision making and the voting process</b>	<b>14</b>
<b>7 Non Committee Members attendance at Committee Meetings</b>	<b>15</b>
<b>8 Training</b>	<b>16</b>
<b>9 Rules around certain types of application</b>	<b>16</b>
9.1 Planning Applications from a Member or their relatives	16
9.2 Planning Applications submitted by the Council itself	17
9.3 Applications submitted by Officers	17

## 1. Introduction

- 1.1 This Protocol sets out guidance for both officers and members when determining planning applications, specifically those which come before the Planning Committee for determination.
- 1.2 It sets out the role of the Planning Committee and its members, how the Committee will operate and when and how it takes decisions. It should be read in conjunction with the Code of Conduct for members.
- 1.3 Planning is not an exact science. Rather it relies on informed judgement within a firm policy context. It is often highly contentious because its decisions affect the daily lives of everyone and the private lives of individuals, landowners and developers. This is heightened by the openness of the system (it actively invites public opinion before taking decisions). This is reinforced by the legal status of development plans and decision notices. It is essential, therefore, that the planning process is characterised by open and transparent decision-making.
- 1.4 **The aim of this Protocol:** The aim of this Protocol is to ensure that the planning process is conducted in a manner that is transparent, impartial, and robust. It seeks to prevent any suggestion that decisions are biased, partial, or not properly founded. The Protocol also aims to provide the public with a clear and transparent explanation of how the planning process operates, including the respective roles and responsibilities of all those involved.

## 2. The Planning Committee

### 2.1 The development management role of the Committee

- 2.1.1 The development management role of the Planning Committee is to manage development and other operations in the Borough, so as to provide a satisfactory physical, social and economic environment for the benefit of the whole community by exercising the Council's powers under the Town and Country Planning Acts, and various legislative provisions concerned with the protection of the environment, in accordance with the approved Statutory Development Plan (including any approved Neighbourhood Plans), Supplementary Planning Documents and relevant approved strategies for example Gloucestershire Local Nature Recovery Strategy and Gloucestershire Local Economic Growth Plan , subject to any agreed scheme of delegation to officers.
- 2.1.2 As a quasi-judicial Committee members of the Committee are required to be non-partisan and to represent the entire borough. Political whipping is not appropriate in the context of Planning Committee decisions, as all determinations must be based solely on their merit in the context of the legislative framework, national planning guidance, statutory development plans and other material planning considerations.

## 2.2 Statutory functions of the Committee

2.2.1 The Committee is responsible for those functions allocated to the Council under the statutory provisions (including statutory instruments, national planning policy framework, government circulars, planning statements, ministerial statements and guidance) for control over development as defined in section 55(1) of the Town and Country Planning Act 1990 or any replacement legislation within the Borough or that will have an impact on the Borough save those matters delegated to officers and included in the scheme of delegation.

2.2.2 Members involved in the planning process must at all times comply with the requirements of this protocol, which are in addition to the Code of Conduct for members. Members are reminded that planning committees are live streamed via the council's YouTube channel, these recordings are retained in line with the Council's retention policy and such recordings may be used as evidence, for example in complaints to the councils, planning appeals, Judicial Review, Local Government and Social Care Ombudsman cases etc.

## 2.3 The role of members of the Planning Committee

2.3.1 In making decisions on planning applications, you will:

- **act fairly and openly** - ensuring that the process is transparent to all parties
- **act impartially** - approaching each application with an open mind and without pre-determination;
- **make decisions using sound judgement** - giving careful and balanced consideration to all material planning considerations.
- **not favour any person, company, group or locality** – you must not put yourself in a position where you might appear to do so.
- **ensure that that the reasons for your decisions are clearly and validly stated** – whether approving or refusing an application.
- **understand and be able to interpret all relevant plans and policies in making your decision** - including national and local planning policies, plans and guidance.
- **have regard to wider Council strategic plans and objectives** – including strategic plans, economic growth strategies, demonstrated housing needs, and other relevant corporate priorities, where material to decision making.
- **listen to all representations** - ensuring that both applicants and objectors are treated fairly and given due consideration.
- **remain aware of your equal duty to objectors and applicants** – ensuring that neither is privileged over the other

## 2.4 The role of officers

2.4.1 The role of officers is to handle all applications in a professional and balanced way. Officers will undertake as appropriate site visits and consider all representations made in relation to an application alongside all evidence submitted to support the planning application. Officers involved in the processing of applications must act in accordance

with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct.

- 2.4.2 As a result, planning officer's views, opinions and recommendations will be based on their overriding duty of professional independence. These may, on occasion differ from the views, opinions or decisions of the Committee or its Members.
- 2.4.3 Each application is assigned to a case officer who, as part of a wider team is responsible for the application from validation through to determination and beyond. Members are advised of the case officer for each application via the weekly list of planning applications, which is circulated to all members by email.
- 2.4.4 All relevant applications dealt with by Committee are presented in the form of an Officer report which addresses all relevant documents and material considerations. Any additional information received after the preparation of that report up to the day of the Committee meeting, will be brought to the attention of the Committee if it raises new and/or relevant material planning matters. This information is referred to as late material. Any papers received after that time will normally be discounted, at the discretion of the Chair, as there will not be sufficient time to check their accuracy or to give proper consideration to their implications.
- 2.4.5 If any member receives material from, or on behalf of an applicant or third party in relation to an application coming before the Committee they should check with the Planning Officers whether the material has already been received by them. If it has not, they should make it available as soon as possible to the Planning Officer.

### 3. Advice and guidance for Members

#### 3.1 Calling applications to Committee

- 3.1.1 Where a Member believes, for reasons related to material planning considerations, an application should be determined by the Committee, they may request its referral, within **21 days** of being notified of a valid application by way of the weekly application list. The request **must be made by email** to the Case Officer and **must clearly detail the reasons why the matter should be referred to the Committee**. (note: Members may also, subject to the same deadline, request referral of applications where, following discussion with the Case Officer or the Head of Planning, there is considered to be significant public interest).
- 3.1.2 Members making referrals are expected to attend the Committee meeting to present their reasons for referral and Members making a referral will be advised if their request has been accepted and the anticipated Committee date. Members are also expected to engage with Planning Officers throughout the process to resolve issues wherever possible. This includes querying interpretations of Policy and requesting further information where needed.

- 3.1.3 Any Member can refer any application within the Borough to the Committee. However, where a Member seeks to refer an application for a site located outside of their own Ward, they should notify the relevant Ward Members of their intention to do so.
- 3.1.4 Requests for referral to the Planning Committee will be considered by the Chair or in their absence Vice Chair of the Committee, The Chair will determine whether or not the application should proceed to Committee in consultation with the Head of Planning.
- 3.1.5 Except in circumstances where the Chair or in their absence the Vice Chair believes there to be exceptional circumstances, requests which are received outside of the 21 days or which do not contain valid Planning reasons may not be passed to Committee. The final responsibility for the decision will lie with the Chair in consultation with the Head of Planning.
- 3.1.6 If a planning application is likely to be the subject of a s106 Agreement, the case officer shall notify the ward member(s) of this as soon as is reasonably practicable. The Member(s) may then if they so wish, and within 14 days of being notified by the case officer, make suggestions in writing as the content of that s106 Agreement. The case officer will take into account those suggestions when reviewing the planning application but the final decision as to the content of the s106 Agreement will rest with the case officer (or committee if a committee decision).
- 3.1.7 The above paragraph does not apply to s106 Agreements which are only required to secure standardised/formulaic financial contributions (SANG/SAMM for example) or s106 Agreements relating to s73 applications (unless fundamental changes to the previously secured s106 Agreement are proposed).

### 3.2 Code of Conduct

- 3.2.1 **Members should apply the rules in the Code of Members' Conduct first**, which must always be complied with.
- 3.2.2 **Members must then also** then apply the requirements of this Planning Protocol, which supplements the Code of Members' Conduct specifically for the purposes of planning control. Failure to act in accordance with the Code of Conduct and this Protocol, may put:
- **the Council** at risk of proceedings on the legality or maladministration of the related decision which may lead to that decision being quashed; and
  - **the Member** at risk of either being named in a report made to the Audit, Compliance and Governance Committee, Council or the Local Government and

Social Care Ombudsman. Where the failure also amounts to a breach of the Code of Conduct, a complaint being made to the Monitoring Officer.

3.2.3 **If any member has a concern** regarding a potential breach of the Code of Members' Conduct or this Planning Protocol, they should raise it with the Monitoring Officer at the earliest opportunity. Officers and Members at all levels of an organisation need to be prepared to speak up and challenge inappropriate behaviour where the integrity of the authority may be at risk.

3.2.4 Members should conduct themselves at all times with a level of formality appropriate to a formal meeting of the Council, using appropriate forms of address to Officers and other Members to ensure that members of the public attending in person or remotely can follow the debate with ease.

### 3.3 Interests under the Code of Members' Conduct

3.3.1 Members must comply with the rules regarding the registration and disclosure of Interests as set out in the Members Code of Conduct. Members attention is specifically drawn to the following:

- **Do not** use your position improperly for personal gain or to advantage your friends or close associates.
- Keep your **register of interests** up-to-date
- Declare any relevant interest at the **start** of any relevant meeting, including informal meetings or discussions with officers and other Members, not only when the item comes up.

3.3.2 Where you have a Disclosable Pecuniary Interest (as defined within the Member's Code of Conduct) you must:

- **Declare** the Disclosable Pecuniary Interest to the Committee, unless the Monitoring Officer considers it to be sensitive in nature
- **Not vote, speak, or take part** in the discussion of the matter and must leave the meeting room while any discussion or vote takes place, unless a dispensation has been granted

3.3.3 If you have an Other Interest you may attend the meeting for the purposes of making a representation, but you must:

- **Declare** the Other Interest to the Committee
- **Leave the meeting after making your representation and not vote** on the matter, if the matter affects:
  - your well-being or financial position;
  - the interest you hold that constitutes an Other Interest;

- the well-being or financial position of a member of your family or a person with whom you have a close association;
- a person with whom you, a close member of your family or a close associate have a contractual relationship; or
- the determination of an application submitted by you, a close member of your family or a close associate;

**and** a reasonable member of the public, knowing the facts, would think the interest is significant enough to affect your judgement of the public interest.

A dispensation may be granted in some circumstances.

- 3.3.4 You can apply to the Monitoring Officer for a dispensation. If granted, this will allow you to participate in a discussion and vote on a matter notwithstanding a Disclosable Pecuniary Interest or Other Interest as set out above.
- 3.3.5 If a member is making a planning application to the authority, they must notify the Monitoring Officer in writing no later than submission of the application.
- 3.3.6 Planning Applications made by members will always be reported to the Committee and not dealt with by officers under delegated powers.

### **3.4 Relationship with Officers**

- 3.4.1 Members must not pressure officers to recommend a particular outcome on a planning matter. You may ask questions or submit your views to the Head of Planning or the relevant case officer, which may be incorporated into any committee report to ensure transparency – but you must not seek to influence the officer's professional judgement.
- 3.4.2 Members should recognise that officers work for the Council as a whole, not for individual Councillors. A successful relationship between Councillors and officers depends on:
  - mutual trust and respect,
  - courtesy, and
  - understanding of each other's roles and responsibilities.

This relationship, and the trust which underpins it, must never be abused or compromised.

- 3.4.3 Members must recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of

Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a consequence, officers' views, opinions and recommendations are presented on the basis of their overriding duty of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members. It must be recognised and respected that the recommendation, including the reasons for that recommendation together with any suggested conditions as well as any planning obligations, rests with the planning officer who is providing their professional and detailed assessment, analysis and conclusions to the proposal presented.

### 3.5 Engagement – contact with applicants, developers, supporters and objectors

3.5.1 The Local Planning Authority actively encourages pre-application discussions with potential applicants. This is a discretionary paid for service. Negotiations and discussions may continue after an application has been submitted. However, such discussions can sometimes be interpreted by the public, particularly by objectors, as prejudicing the planning decision making process. To avoid such perceptions, discussions on planning applications take place within the clear guidelines given below.

3.5.2 Pre-application meetings with prospective applicants are encouraged but must be conducted with an appropriate degree of formality to avoid misunderstandings, working within the Code of Conduct for Members. These meetings will normally only involve Officers. Members should not involve themselves in such meetings unless an appropriate Senior Officer is present and there is a clear purpose for Member representation. It will be made clear at pre-application meetings that:

- **Officers' initial views and advice are given on a without prejudice basis** which will be consistent with the provisions of the current Development Plan and other adopted Council policy (unless there are clear material considerations that would justify consideration of a development contrary to policy;)
- **no decisions may be made** or advice given which would bind or otherwise compromise the Planning Committee of the Council (or the Senior Officer responsible for Planning if delegated to make the decision); and
- for all pre-application meetings, **a written note** of the discussion (not a formal advice note) will be taken by the Planning Officer, including details of those present, and will be made available for public inspection, subject to the usual rules about access to information. At least one appropriate Planning Officer will be present at all such meetings.

3.5.3 Following discussion with the appropriate planning officer, members may take part in organised post submission meetings with applicants or other parties. A note of any discussions will be taken and will be made available for public inspection, subject to the usual rules about access to information. At least one Planning Officer will be present at all such meetings, unless the meeting is a formal meeting of a Parish Council (including its Planning Committee).

- Where members do engage in pre-application discussions with developers, they must comply with the rules on lobbying set out in the Protocol and observe the guidance contained in the [Local Government Association Guide Probitiy in Planning – 2019](#). In addition to the above, members should also: follow the rules on lobbying contained in this Protocol
- **report** to the Head of Planning any significant contact with applicants or other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.
- **raise** with Head of Planning of the Case Officer any issues on which clarification is needed.
- **forward** any information received which the case officer may not already have so that all information is properly considered.

### 3.6 Lobbying

3.6.1 Lobbying or seeking to influence a decision by the applicant or objector(s) is a normal and legitimate part of the democratic and political process. However, it can give rise to perceptions of partiality and therefore requires careful handling.

Difficulties can arise where Members indicate, or give the impression of, support for or opposition to a development proposal before all relevant information is available. This includes the officer report, consultation responses, and any late material. Expressing a firm view prematurely may be unfair and may compromise the impartiality of the decision-making process.

Although the Localism Act does allow a member to express a particular predisposed position (a leaning or preliminary view), it does not permit predetermination, where a member has made up their mind prior to the meeting.

3.6.2 Lobbying can take many forms: approaches in person, by telephone, post or email, chance encounters, or by way of a request to see all or some of the Members of the Planning Committee. It is an essential part of democratic engagement that members of the public can make their views known. However, to avoid prejudicing your position before you have received all the relevant information, evidence and arguments, you will:

- **avoid discussing** with an applicant or any other person your thoughts about the merits and drawbacks of a planning application or proposed development;
- **pass onto the case officer** any written material provided to you so that it can be logged, assessed, and included in the planning file;
- **not indicate in advance** whether you support or oppose a proposal unless you accept that by doing so may prevent you from taking part in the decision making on that application;
- **restrict your response** to procedural advice only, making it clear that that is the extent of what you are permitted to provide;

- **direct lobbyists or objectors** to the case officer and advise that their views should be expressed in writing, and
- **notify the Senior Officer responsible for Planning** as soon as possible of the existence of any substantial lobbying activity.
- **avoid signing any Petition on a matter likely to be determined by the Planning Committee**

If you publicly express a final view on an application prior to the meeting at which a decision is to be taken, you will be required to withdraw from the meeting whilst the application is discussed and determined. Public expression of a view would include, for example:

- making a statement to the press
- comments in any document to be made publicly available,
- remarks made at a meeting of the Council or a Parish Council (or one of their Committees), or
- in any situation where the view expressed might reasonably be expected to gain wider circulation.

### 3.7 Predetermination and Predisposition

3.7.1 Members must consider each application on its merits and must not do anything which may preclude them from taking part in the determination process. You must only reach a decision after

- reading the officers report and any additional updates,
- hearing the Officer's presentation
- receiving any points of clarification and
- considering all the arguments on both sides.

If a member predetermines an application, they will be precluded from taking part in the debate and voting.

3.7.2 It is acceptable to have a legitimate predisposition in relation to an application. A member who has expressed a preference for a particular outcome will not be taken to have a closed mind when making their decision, provided that a fair-minded observer would think that you were open to changing your mind in the light of different or additional information, advice or evidence presented.

3.7.3 A member may however be considered as predetermining an application if they have acted as an advocate for the application. This includes situations where a member has:

- been significantly involved in the preparation or submission of the application
- acted as an active supporter or promoter of the proposal; or
- taken a role in opposing the application prior to Committee.

In any circumstance where a member is unsure whether their involvement amounts to predisposition or predetermination, they should seek advice from the Monitoring Officer at the earliest opportunity.

### **3.8 Planning Committee Members who serve on Parish or County Councils**

- 3.8.1 Some Councillors will be Members of Parish Councils, or of Gloucestershire County Council (collectively 'Other Council'), as well as Cheltenham Borough Council Councillors. This situation can create difficulties where the Other Council is consulted on planning applications. It is entirely possible that a Councillor, once in possession of the full information contained in the Borough Council officer report, may reach a different conclusion from the one reached when considering the matter at the Other Council.
- 3.8.2 To avoid any potential conflict or perceptions of predetermination, it is preferable that Councillors do not contribute to Other Council's considerations of development management matters. Members who do serve on Other Councils may find it helpful to make the following statement to clarify their position when regarding development control matters:

*While I will consider this matter as a Member of this Council, I am also on the Planning Committee of Cheltenham Borough Council and may be called upon to vote on any application that this council responds to. In the light of additional information received, I may not vote at the Borough Council's Planning Committee in the same way as I do at this meeting.*

### **3.9 Hospitality**

- 3.9.1 As a Member of the Council you are discouraged from receiving hospitality generally but are expressly prohibited from receiving any gifts or hospitality from people with an interest in a planning proposal.

## **4. Site visits**

- 4.1 As part of the Councils process for fulfilling its duties of Planning Committee all Planning Committee members and substitutes are requested to take part in a monthly 'planning view'. This is a structured site visit organised by officers and is an invaluable tool in the decision-making process. Planning view enables Members to:

- view and where necessary, enter application sites (and neighbouring sites where appropriate)
- understand the physical and the surrounding context of the proposal
- better assess impacts that may be difficult to visualise from the plans and any supporting material, including photographs taken by officers or provided within the applicants supporting information

- more fully consider the comments of the applicant and objectors when these cannot be expressed adequately in writing
- 4.2 Planning view should only incorporate sites which can be justified on planning grounds, including where:
- the character or appearance of the development itself is a fundamental planning consideration;
  - a judgement is required on visual impact; or
  - the setting and surroundings are fundamental to the determination or to the conditions being considered
- 4.3 Site visits will be conducted in a formal manner
- The Chair or Vice-Chair will open the meeting, and outline its purpose and conduct;
  - Officers will highlight issues relevant to the site inspection;
  - Members can ask questions or seek clarification on matters relevant to the site, but Planning View is not an opportunity to express opinions or views on the development proposed.
  - No formal notes of the visit will be taken, however a record of attendance will be captured and shared with the committee.
  - No hospitality will be accepted at any site
  - Members must not engage with any resident or applicant who has facilitated access to the site, where viewing has been unable to be achieved from a public footpath or highway.
- 4.4 Members who have an interest in an application are precluded from attending any site visit on that matter. If an interest becomes apparent during a site visit the member should immediately declare it to the chair and withdraw from the site.
- 4.5 Planning View must not become an opportunity for lobbying by applicants, objectors, neighbours or any third parties. If approached on site:
- Members must advise that they may make representations in writing to the Local Planning Authority
  - Members should direct individuals to officers present
  - Members must not discuss applications with the applicant, objectors, neighbours or any or third parties and
  - Members must remain aware of, and comply with, the provisions of the 'Lobbying of Councillors' section found elsewhere within this Code of Conduct.

4.6 Members should not enter a site which is subject to an application other than on planning view as this may give the impression of bias. If a member considers an unaccompanied site visit is essential, they must:

- advise the Head of Planning in advance and explain the reasons
- remain mindful of the 'Lobbying of Councillors' section found elsewhere within this Code of Conduct
- avoid conversations with applicants, neighbours, objector or any other third party

4.7 Any visit made outside of planning view will be recorded and must be declared by the member at the relevant Planning Committee meeting.

## **5. Public speaking at meetings**

5.1 The purpose of permitting public speaking is to enable those affected by proposed developments to present their views directly to the Committee and to contribute to an open, fair and transparent debate on applications in which they have an interest. All public speaking will be carried out in accordance with any guidance issued by the Council.

5.2 Guidance will be provided for members of the public who wish to speak at planning meetings and Democratic Services officers will provide practical assistance for those undertaking public speaking. Public speakers must register by 10am on the day before the meeting.

- All public speakers should provide a written copy of their speech to Democratic Services.
- Members of the public are permitted to share slides, photographs etc provided that a copy is provided to Democratic Services by 10am on the day before the meeting.

5.3 A maximum of one person is allowed to speak in support and one in objection, plus parish/ward councillors. In the event of more than one request in support or objection being received, we ask that a single person represent the group. If no agreement on a spokesperson can be reached, the speaking slot will be given to the first registered speaker. The Chair has the final decision as to who is allowed to speak. Public speaking is limited to five minutes per speaker.

5.4 County Councillors and MP's are not automatically entitled to speak on planning applications simply on the basis of their position as County Councillors however they have the same rights as members of the public to attend and speak at Planning Committee.

5.5 Public speaking will take place in the following order:

- i. (where relevant) the Member who has referred the application to Committee to present their reasons for referral

- ii. Objector
- iii. Applicant, Agent or Supporter
- iv. Parish Council(s)
- v. Upon conclusion of public speaking the Ward Member(s) will be invited to speak for up to 5 minutes.

## 6 Decision making and the voting process

6.1 Members should only vote on an application if they have been present for the whole of the presentation of, and discussion on, the application.

6.2 Decisions will be recorded in the Minutes of the meeting and will be submitted to the next practicable meeting for approval as a correct record.

### 6.3 Deferral of applications

6.3.1 Any member who wishes to move a motion seeking to defer an application before Committee must ensure that the reasons for their motion and any subsequent decision are recorded in the minutes of the meeting.

### 6.4 The Procedure

6.4.1 The procedure for the consideration of an application and the voting process is set out on the Flowchart at Appendix 1 to this Protocol. Following any members of the public and ward members speaking, and any questions from the Committee, the Chair will open the debate on the application. Following the debate the Chair can invite members to propose a motion and once proposed and seconded a vote will be taken on the motion proposed.

### 6.5 Decisions contrary to officer recommendations or to development plan policies:

6.5.1 From time to time Members may disagree with officer advice. In such cases it is the Members' responsibility to propose a motion **based on material planning considerations**. Before making a decision, which differs from the officer recommendation or the development plan (or where conditions included in an officer report are proposed), the Committee should take the following steps:

- **Discuss the areas of difference** and the reasons for that difference with officers beforehand where possible;
- **Record the detailed reasons** as part of the mover's motion. These reasons must be material planning considerations, and
- Where there is concern about the validity of those reasons, **consider deferring** to another meeting to have the putative reasons can be tested and discussed.

6.5.2 Before Members vote on a motion to determine an application contrary to officer recommendation the Planning Committee must receive advice from:

- the Planning Officer in attendance and
- if required the Legal Officer as to the form of the new motion.

Officers must be given an opportunity to explain the implications of the contrary decision including:

- an assessment of a likely outcome of any appeal; and
- the prospects of a successful award of costs against the authority should one be made.

6.5.3 If the Committee makes a decision contrary to officer recommendation or the development plan (whether for approval or refusal or changes to conditions or planning obligations) a detailed minute of the Committee's reasons should be made. An officer should be asked to:

- draft the reasons and/or
- any new conditions

These will be approved by the Chair.

Members must be prepared to explain their planning reasons for the decision they are making. Pressure must not be placed on officers to 'sort out the planning reasons' after the meeting. Reasons must be provided by Members based upon their assessments of all the information provided and the debate by committee. In exceptional circumstances a short adjournment of the meeting may be agreed by the Chair in order to clarify the reasons being put forward by a Member. On reconvening after such an adjournment the Chair will explain the reasons for the adjournment and the outcome of it in the interests of transparency.

## **7 Non Committee Members attendance at Committee Meetings**

- 7.1 All members may attend meetings of the Council's Planning Committee even if they are not a member unless they have a Disclosable Pecuniary Interest.
- 7.2 Ward Members may speak on applications within their ward via the allocated public speaking slot. However, they cannot vote.
- 7.3 When attending a Planning Committee, non-committee members should sit in the place reserved in the Council Chamber for Members of the Council who are not members of the Committee. Democratic Services Officers will be available to guide members to the correct area of seating.

## 8 Training

- 8.1 A forward plan of at least of 5 training events for members will be organised annually. Planning Committee Members and anyone who may sit as a substitute will be required **to attend a minimum of 2 training sessions in addition to the mandatory initial induction training** each municipal year. For mandatory training members will be required to attend in person. For wider training this will be a mix of in person and online training. Members who fail to attend the minimum training will be excluded from meetings of Planning Committee until appropriate training has been completed. This training will include a balance of the following:
- Organised site visits to review completed developments, providing opportunities for Members and Officers to reflect on outcomes and consider lessons learned;
  - Topics based sessions to explore planning issues in depth, particularly where overturns may have highlighted challenges in policy interpretation or application;
  - Formal training by external speakers including professional bodies, planning specialists, or legal experts.
- 8.2 New members of the Planning Committee and any member who may act as a substitute **must attend** initial induction training before they participate on the Planning Committee.

## 9 Rules around certain types of application

### 9.1 Planning Applications from a Member or their relatives

- 9.1.1 All applications submitted by or on behalf of a Member of the Council in their private capacity or by a relative or partner (as defined in the Code of Conduct for Members) or relating to land which the member has an ownership and/or has a beneficial interest, must be drawn to the attention of the Monitoring Officer. These applications will be reported to the Planning Committee for determination and will not be dealt with under the Scheme of Delegation to Officers.
- 9.1.2 Members must not speak in support of, or take part in the determination of, an application as described above.
- 9.1.3 Members must declare an Interest and leave the meeting and not seek to influence the decision in any way. They may, however, appoint an agent who can speak, subject to the rules of Public Speaking at meetings of the Planning Committee.
- 9.1.4 Where an application is submitted by a relative or partner (as defined in the Code of Conduct for Members) of a Member of the Borough Council, the Member should not speak in support of, or take part in the determination of, the application.
- 9.1.5 The applicant (or their appointed agent) may speak at Committee meetings subject to the rules of Public Speaking at Meetings of Planning Committee.

## **9.2 Planning Applications submitted by the Council itself**

9.2.1 All applications which are **submitted** by the Council itself must be reported to the Planning Committee for a decision rather than being dealt with in accordance with the scheme of delegation to officers.

However, once the principle of development has been established subsequent applications to:

- discharge conditions, or
- make minor variations

may be determined in accordance with the scheme of delegation.

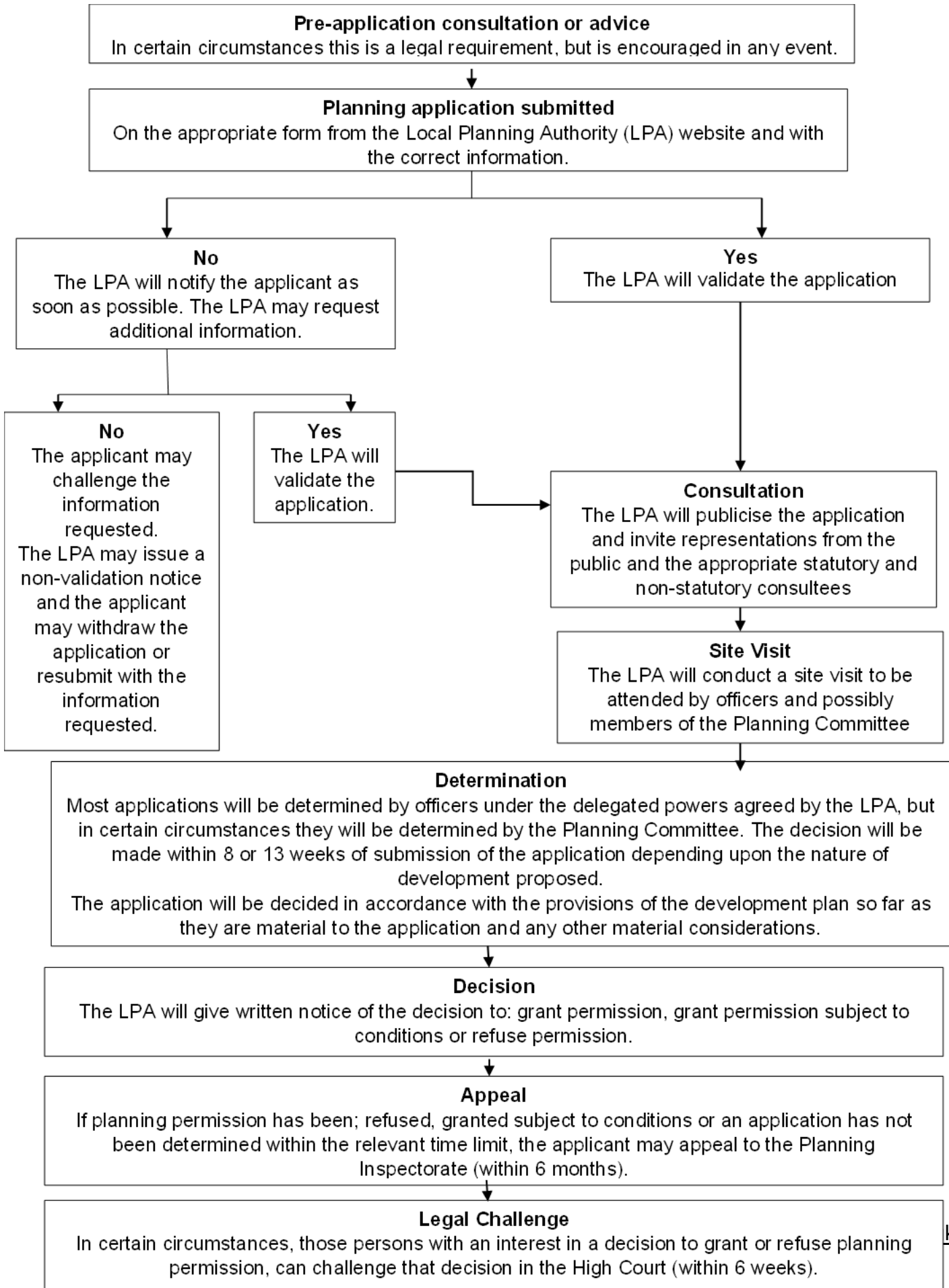
## **9.3 Applications submitted by Officers**

9.3.1 Any application submitted by or on behalf of an employee of the Council who:

- works within the Planning Department, or
- holds a politically restricted post

must be reported to the Planning Committee for determination rather than being decided under delegated powers.

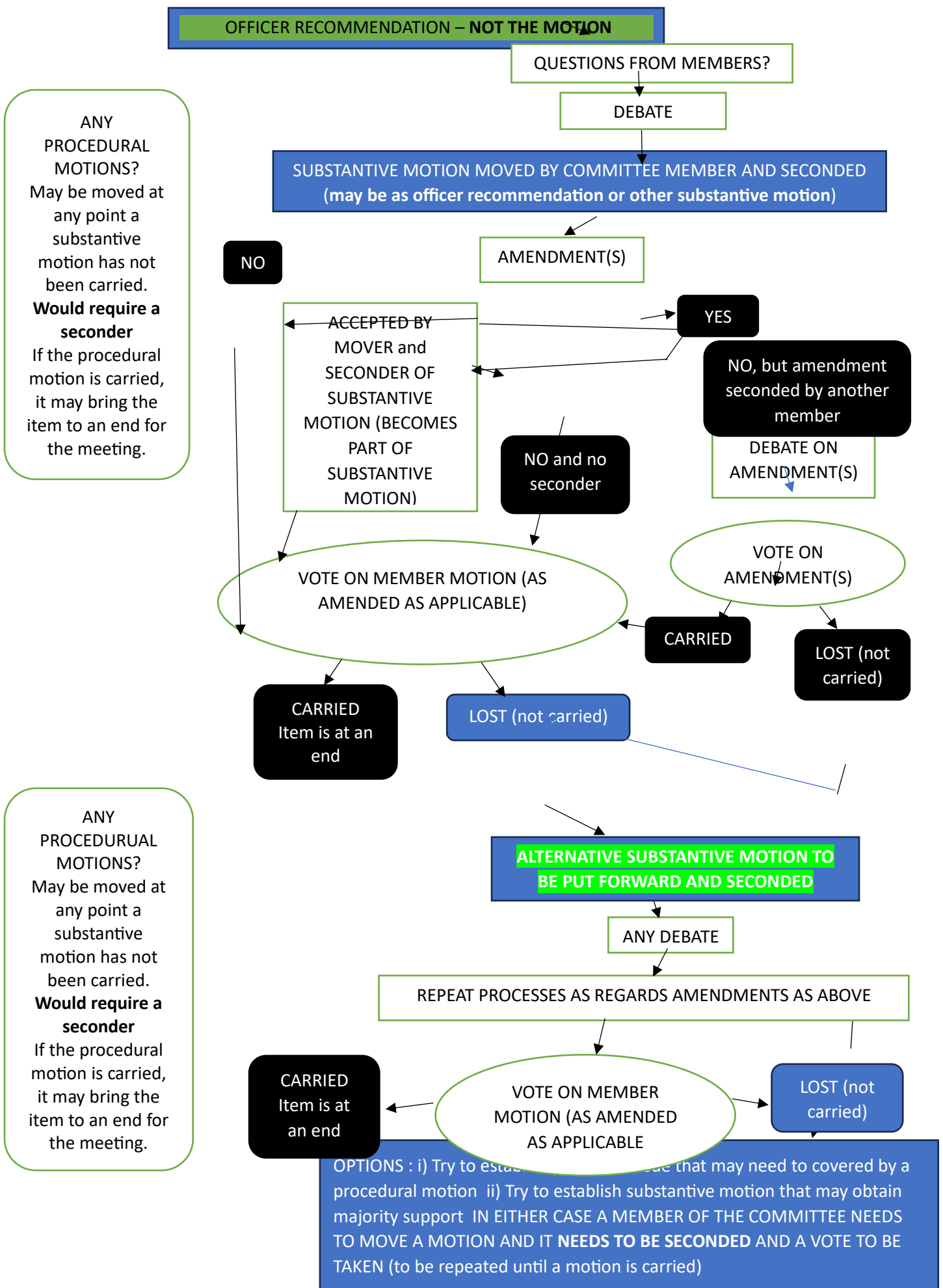




This page is intentionally left blank

**PLANNING COMMITTEE DEBATE FLOWCHART**

***(MOTIONS INCLUDING AMENDMENTS AND PROCEDURAL REQUIRE A PROPOSER AND A SECONDER)***



This page is intentionally left blank