

Cheltenham Borough Council
Council – 13 December 2010
A petition regarding Imperial Gardens

Accountable member	Council
Accountable officer	Chief Executive
Accountable scrutiny committee	Environment
Ward(s) affected	Lansdown Ward
Significant Decision	No
Executive summary	<p>A petition was received by Council on 13 October 2010 requesting the following:</p> <p><i>“ We the undersigned are strongly opposed to the proposal that flowerbeds in Imperial Gardens should be removed to make way for more sponsors' tents for Cheltenham Festivals”.</i></p> <p>As the petition had in excess of 750 signatures it is entitled to a debate at Council.</p>
Recommendations	To consider the petition and agree an appropriate course of action

Financial implications	<p>There are no financial implications arising from this report.</p> <p>Contact officer: Sarah Didcote, Sarah.Didcote@cheltenham.gov.uk, 01242 264125</p>
Legal implications	<p>The petition must be considered in accordance with the Council's Petition Scheme made pursuant to the Local Democracy, Economic Development and Construction Act 2009. The petition will be considered in accordance with the Council Procedure Rules varied in so far as necessary to comply with the attached Process.</p> <p>Contact officer: Peter Lewis, peter.lewis@teWKesbury.gov.uk, 01684 272012</p>
HR implications (including learning and organisational development)	<p>None</p> <p>Contact officer: Amanda Attfield, AD HR and Organisation Development amanda.attfield@cheltenham.gov.uk, 01242 264186</p>
Key risks	

Corporate and community plan implications	<p>Four outcomes are of relevance:</p> <ul style="list-style-type: none"> • Cheltenham has a clean and well-maintained environment • Cheltenham's natural & built environment is enhanced and protected • Create a financially sustainable structure for delivering arts and culture activities. • Arts and culture are used as a means to strengthen communities, strengthen the economy and enhance and protect our environment
Environmental and climate change implications	<p>See section 3 of the report</p>

1. Background to the Petition Scheme

- 1.1 The petition provisions in the Local Democracy, Economic Development and Construction Act 2009 aim to address the perception nationally, as revealed in the results of the Place survey, that the community is unable to influence local decisions.
- 1.2 The Council's Petition Scheme (based on the national model scheme) is designed to ensure that the public has easy access to information about how to petition their local authority and they will know what to expect from their local authority in response. Included within the Scheme is the requirement to have a full Council debate should a certain number of signatures be achieved. Cheltenham Borough Council have set that threshold lower than that recommended by the legislation at 750 signatures.
- 1.3 The legislation also recommends a 15 minute maximum period for the debate and recognises that the issue may be referred to another committee where the matter is not one reserved for full Council. The purpose of the requirement for Council debate therefore, is not to ensure that the final decision relating to the petition issue is made at that Council meeting but to increase the transparency of the decision making process, ensuring that debates on significant petitions are publicised with sufficient notice to enable the petition organiser and public to attend. It also ensures that local people know that their views have been listened to and they have the opportunity to hear their local representative debate their concerns. The outcome of debates will depend on the subject matter of the petition.

2. The petition

- 2.1 The Mayor notified Council on 13 October 2010 that she had received a petition earlier that day. It had in excess of 750 signatures and requested the following:

" We the undersigned are strongly opposed to the proposal that flowerbeds in Imperial Gardens should be removed to make way for more sponsors' tents for Cheltenham Festivals".

- 2.2 Fiona Wild was nominated as the petition organiser.
- 2.3 The Council is therefore required to debate the petition for a maximum of 15 minutes in accordance with the Petitions Scheme approved by Council on the 13 May 2010. As this is the first time a petition has been dealt with under the new scheme, a process for dealing with the petition was produced by officers. This was circulated to Group Leaders and the Mayor and Deputy Mayor for comments on 16 November and in the absence of any comments it is attached

as Appendix 1 as a process to be followed for the debate at this meeting. The debate should conclude with one or more decisions taken pursuant to the Petition Scheme as follows

- taking the action requested in the petition (provided the matter is reserved to full Council for decision)
- referring the matter to Cabinet or an Appropriate Cabinet Member or Committee (including Overview and Scrutiny) for further consideration
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition
- taking no further action on the matter

3. Background information to the subject of the petition

3.1 Imperial Gardens

Imperial Gardens, which can be found at the rear of the Town Hall, were originally planted out for the exclusive use of the subscribers to the Sherborne Spa. The spa was constructed in 1818 on the site now occupied by the Queens Hotel. Over the intervening years, the Gardens have undergone many changes, with the formal style you now see being laid out after the second world war. Each year, approximately 25,000 seasonal Spring and Summer bedding plants are used to produce the floral displays.

3.2 The Cheltenham Festivals occupation of the gardens

The Gardens have accommodated the festival marquees for around 14 years. Initially, this consisted of one or two marquees on one occasion per year usually located on the back lawn adjacent to the Town Hall car park. In recent years the footprint occupied by the festival marquees has increased as the literature festival has grown, and with the introduction of both the Jazz and Science Festivals. The footprint now occupied by the festivals has increased, at its maximum, to the size of the area bounded by the red line on the attached plan. The number of days in a year that the Gardens are occupied by the festivals, including the days spent setting up and taking down is approximately 107, although the space is not fully occupied all of this time. The occupation takes place during May, June, July, September and October.

3.3 In arriving at this position the Council has consented to the removal of three flower beds, but has protected the remaining area, which accommodates the main seasonal flower displays, from any permanent marquee construction. It does however allow for its use by the festivals for informal temporary activities associated with public fundays.

3.4 A previous petition

Officers in Green Environment received another petition on the 17th August 2010 from Charlton Kings in Bloom. The wording of the petition was as follows:

“We the undersigned wish to protest against the proposed removal of flower beds in Imperial Gardens to accommodate the festival marquees.”

The petition was been signed by 47 people and was accompanied by a letter from the Chairman of Charlton Kings in Bloom.

3.5 Joint overview and scrutiny working group on Cheltenham Festivals

The use of gardens by the festivals was also considered by the joint overview and scrutiny

working group looking at the Cheltenham Festivals who made their recommendations to Cabinet on 7 December 2010.

In section 3.7 of their report to Cabinet it was stated that:

“The growth of the festivals will require a more flexible use of the green spaces in the centre of town, namely Imperial Square and Montpellier Gardens. Detailed discussions have been had between officers, members and CF but it is important that this is set down in an agreed strategy so that there is clarity and understanding. There may need to be additional consultation with residents. Cabinet should consider the agreed strategy before the end of the year to enable sufficient time to make adequate preparations.”

3.6 Current situation

The Council is aware that the Cheltenham Festivals would like to use more of Imperial Gardens, but has not consented to this at the present time. The council has consented in principle to the use of Montpellier Gardens for additional marquees associated with the Literature Festival in order to accommodate growth, but this is subject to detail.

3.7 Officers are studying ways to accommodate Festivals in a more sustainable way than at present. Before putting any proposals forward on Imperial Gardens, the council would go out to consult all parties and the public. Any such proposals would be put forward as a Cabinet report.

4. Reasons for recommendations

4.1 To decide a course of action as required by the Petition Scheme.

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Appendices	<ol style="list-style-type: none"> 1. Process for dealing with a petition at council 2. Plan showing usage of the gardens by the Festivals
Background information	<ol style="list-style-type: none"> 1. Council's petition scheme – report to Council 13 May 2010 2. Report of the Joint Overview and Scrutiny Working Group on Cheltenham Festivals – Cabinet 7 December 2010