

Council

Monday, 18th November, 2013

6.00 - 9.35 pm

Attendees	
Councillors:	Wendy Flynn (Chair), Simon Wheeler (Vice-Chair), Andrew Chard, Garth Barnes, Ian Bickerton, Nigel Britter, Chris Coleman, Barbara Driver, Bernard Fisher, Jacky Fletcher, Rob Garnham, Les Godwin, Penny Hall, Tim Harman, Rowena Hay, Diane Hibbert, Sandra Holliday, Peter Jeffries, Steve Jordan, Andrew Lansley, Paul Massey, Helena McCloskey, Andrew McKinlay, Paul McLain, David Prince, John Rawson, Anne Regan, Rob Reid, Chris Ryder, Diggory Seacome, Duncan Smith, Malcolm Stennett, Charles Stewart, Klara Sudbury, Pat Thornton, Jon Walklett, Andrew Wall and Roger Whyborn

Minutes

1. APOLOGIES

Apologies had been received from Councillor Colin Hay.

2. DECLARATIONS OF INTEREST

Councillors Garnham and McKinlay declared a personal interest in that they were representatives on the Cheltenham Development Task Force.

Councillor Driver declared a personal and prejudicial interest in Agenda item 15-exempt minutes as a board member of CBH.

3. RECORDING OF THE MEETING

The Chief Executive explained that Mr Adam Lillywhite had requested that an audio recording be made of the Council meeting and that this request required Council approval. Government guidance was for councils to accede to such requests where possible in the interests of accessibility and accountability. He noted that many councils already webcast or audio record their meetings. He then explained that arrangements were in place to record this meeting and this would be made available.

The Chief Executive then suggested that if Members would like to consider the feasibility of putting such arrangements in place for future meetings, a scrutiny task group could look further into the issue of recording and webcasting meetings. There would have to be some assessment of cost and resources, public availability after the meeting, archiving and storage, implications for the written minutes and constitutional changes.

Members unanimously supported this proposal. The Chair of Overview and Scrutiny agreed that this would be discussed at the O&S meeting on 25 November.

4. MINUTES OF THE LAST MEETING

Councillor Driver wished to record that she would be abstaining from the approval of the minutes as she did not believe they were an accurate reflection of what happened.

Councillor Garnham wished to record his dissatisfaction that the public minute of agenda item 14 did not record the reason why the item was being brought to Council as an exempt urgent item. He clarified that he had requested that this item be brought to Council as a letter had been received from the Cabinet Office to the effect that within 24 hours Cheltenham Borough Council's access to the Public Service Network (PSN) risked being switched off. He understood that the reason why the item was discussed in exempt session was due to the serious threat to CBC's IT systems.

Councillor Smith asked for an update on the PSN situation as the minutes noted that Councillors would be notified by email and no such communication had been received. In response the Chief Executive explained that CBC was still awaiting confirmation of compliance from the Cabinet Office.

The Leader of the Council invited Councillor Garnham to propose an amendment to the minutes. Councillor Garnham proposed the following amendment to the minutes "Councillor Garnham had brought this as an urgent item to Council because of the urgent nature of the content of the letter from the Cabinet Office dated 19 September 2013 in which it was made clear that Cheltenham Borough Council's access to the PSN network could be switched off within 24 hours of the date of the Council meeting."

On being put to the vote the amendment was carried.

RESOLVED THAT (with 4 abstentions)

The minutes (as amended) of the meeting held on 7 October, be approved and signed as a correct record.

5. COMMUNICATIONS BY THE MAYOR

The Mayor thanked everyone, Councillors and the public, who had attended the Remembrance Day service on 10 November.

The Mayor then announced that this week was Interfaith week and urged Members to get involved in related events.

6. COMMUNICATIONS BY THE LEADER OF THE COUNCIL

The Leader notified Councillors that Councillor Holliday had been appointed to the Overview & Scrutiny Committee.

7. PUBLIC QUESTIONS

1.	Question from Alice Ross to Cabinet Member Built Environment, Councillor Andy McKinlay
	Is it truly best practice, responsible and good value for Cheltenham Borough Council to be prepared to spend Government, County and

	Borough funding on a scheme shown neither properly to pedestrianise Boots Corner in any literal sense nor satisfactorily or convincingly to plan the management of displaced traffic?
	Response from Cabinet Member
	<p>The Council has been working with the county council for a number of years to produce and implement a forward-looking strategy to manage existing and projected issues with traffic in the Cheltenham town centre area.</p> <p>The Cheltenham Transport Plan and associated initiatives being funded from the government's Local Sustainable Transport Fund, have been designed to help address a range of identified issues, including:-</p> <ol style="list-style-type: none"> 1. Long term predicted growth in traffic 2. Existing poor air quality in a number of highway locations; 3. The increasing need for improved town centre access by more sustainable modes of travel, including walking, cycling and public transport; 4. An uplift in the public realm to help Cheltenham to compete with other centres and to support the local economy; 5. Reducing the severance at Boots' Corner; which essentially cuts the High Street in two 6. Encouraging development and regeneration 7. Reducing traffic speeds and improving accessibility and permeability on other routes around the town centre, by reintroducing two-way working on some sections of the current inner ring road. 8. Providing easier more direct access to car parks 9. A Paramics traffic model has been built for Cheltenham by colleagues at Gloucestershire highways, to predict future traffic movements. This is a computer modelling tool endorsed by the Dept for Transport and which has assisted in the development of the proposals – ranging from removal of some traffic lights, re-synchronising of others, amending traffic flows on certain roads and mapping the flows 10. GCC is currently working with 7,000 households in Cheltenham to encourage viable alternatives to the private motor vehicle. Where this has been carried out elsewhere has proven an effective measure in achieving modal shift. <p>In a supplementary question Alice Ross asked whether there was a time limit for taking up the £4 900 000 Department of Transport grant for the transport scheme. If this was not the case she asked whether it would be more sensible to rework the scheme to find a more satisfactory and less flawed outcome. She gave the example of revising the bus network to give a genuine pedestrian area at Boots corner and designing out the adverse consequences of the other changes.</p> <p>In response the Cabinet Member confirmed that there was a time limit of end of March 2015 for using this funding. He took issue with the assumed consequences of the proposals and disagreed that the proposed scheme was flawed.</p>

2.	Question from Les Thurlow to Cabinet Member
	What conclusions did the planners draw about changes to future traffic flow in the immediate areas around Boots Corner and what plans will be implemented to mitigate any adverse impacts on the these areas, and are these plans represented in the recently submitted new GCC area traffic plan.
	Response from Cabinet Member
	Many of the roads in the areas immediately around Boots Corner are predicted to see a reduction in traffic volume, for example Albion Street, Royal Well Road and Clarence Street. Fairview Road and St Margaret's Road immediately to the North of Boots Corner are expected to see an increase in volume. Gloucestershire County Council have advised that an investigation to optimise the operation of traffic signals along this route will take place prior to scheme implementation.
3.	Question from Jayne Lillywhite to Cabinet Member Built Environment, Councillor Andy McKinlay
	AXA Insurance has created a report on accident rankings for schools around the country. Statistics provided by Gloucestershire Highways show that in Cheltenham the top eight schools ranked by accident levels will receive more traffic as a direct result of the closure of Boots Corner. While out canvassing, (Steve Jordan) said that there is a level of risk of accidents acceptable with development such as the current 'transport plan'. Can I ask for the Council to outline what the increase in level of risk is and why the council prepared to accept the increased risk of accident rates for these schools?
	Response from Cabinet Member
	Although the AXA Local Road Safety Index provides a well intentioned indication of accident frequency around schools it is a general tool that is limited in its usefulness. The AXA index records the total number of accidents within a 500 metre radius of a school, not just those associated with school journeys. The index also gives no data concerning time of year, time of day or factors involved in the accident, all of which are important data for road safety officers when analysing accident causality. It is therefore unsurprising that schools close to the town centre will be in areas where there are a higher number of accidents. Any changes to traffic flow does not automatically equate to greater risk as there are many other factors influencing risk; in fact part of the wider work being undertaken by the LSTF team is focussing upon school travel and critically reducing private vehicle use by parents for the school run, itself a major contributor to the morning traffic volumes.
4.	Question from Andrew Riley to Cabinet Member Built Environment, Councillor Andy McKinlay
	I understand St Margaret's Road is being Traffic calmed to one lane to allow easier crossing for pedestrians just as this major source of additional traffic is being redirected onto it and additional traffic is being generated by the large proposed new supermarket. Given the

	<p>failure to implement the recent traffic trial in this area, how will the council prevent Clarence Square, St Paul's road and other vulnerable roads across town, such as Gloucester Place and Sandford street becoming greater rat runs ?</p>
	<p>Response from Cabinet Member</p>
	<p>As part of the North Place development changes to St Margaret's Road south of the development are planned. The intention is to reduce traffic to one lane in each direction in front of the development but not reduce capacity at the junctions either side of the development. The traffic modelling indicates that the closure of Boots Corner will result in an increase in vehicle volume along this corridor. It is the County Councils intention to undertake investigation and works to optimise the operation of traffic signals on this route before any prohibition of driving at Boots Corner would take place, whilst the associated North Place development will aim to improve pedestrian connectivity in this zone currently characterised by vehicles either at stop or accelerating or worse still ignoring the directional traffic bollards.</p>
5.	<p>Question from Jan Walters to Cabinet Member Built Environment</p>
	<p>Cheltenham Local Plan (2006) commits to protect environmentally sensitive areas (Residential) from increased traffic, but the current proposals will ensure the opposite - pushing traffic and pollution into roads intended to provide local access only. How can the council justify moving levels of NO2 pollution from a transient population in the town centre to a static residential population, whilst, at the same time, converting the potential benefits of "Smarter Choices" into traffic queues and damaged neighbourhoods?</p>
	<p>Response from Cabinet Member</p>
	<p>Traffic flows are predicted to grow across the whole town unless a suitable intervention strategy is enacted. The proposal has at its core a long term reduction in traffic movements through a wide range of activities. These include the smarter choices measures to promote walking, cycling and public transport as well as traffic flow adjustments. The traffic modelling prepared by highways colleagues does not suggest increasing pollution levels as the objective is to reduce the stop/accelerate scenario currently prevalent within the existing set-up.</p>
6.	<p>Question from Sheila Cheeseman to Cabinet Member Built Environment,</p>
	<p>If you leave the back of the Beechwood arcade and wish to cross the road, How would you do this, first cross a line of traffic coming from left to right into the car Park, then watch for the Bus lane, Right to left and then Left to right again on the main flow of traffic coming from three sources, Winchcombe strt times 2 and Albion street all now ungoverned by lights and one of which is now greatly increased as it is the main flow of Traffic diverted from Boots corner! Do you consider this to be an improvement in Traffic safety?"</p>
	<p>Response from Cabinet Member</p>
	<p>From the rear entrance of Beechwood the existing pull-in lane will essentially become redundant so there will only be 2 lanes of traffic – the</p>

	<p>first to cross will be travelling from the East (a bus lane) and then there will be a lane of all vehicles traversing from the West. However the model predicts a fall of 33% in the evening peak and even more in the morning peak but this would be before the Beechwood centre opens for trading. I believe that a significant reduction in traffic associated with traffic light removal will generally slow traffic down rather than having the accelerate/stop process prevalent on the stretch currently. On this basis and subject to any final traffic audits by colleagues at GCC I would expect this arrangement to be an improvement in safety terms.</p>
7.	Question from Carl Friessner-Day to Cabinet Member Built Environment
	<p>The modelling for the Cheltenham Transport Plan considers only permitted developments up until 2016, yet traffic figures shared during public consultation extend into 2026, these figures were used to persuade individuals of the limited negative impact of traffic on Cheltenham and residential areas. On the 5th of September during the Joint Core Strategy meeting and responding to fears of greater traffic caused by the development of 30000+ houses, the Council agreed the impacts of the planned housing on Cheltenham infrastructure were not known and further modelling would be done. In addition the model does not consider increased traffic due to large events with economic benefits on over ¼ of the weeks of the year, nor the increased size of Morrison's on a major arterial route. Based on this, would the Council not agree that this undermines the validity of the support gained from a significant proportion of those that voted in favour of the Transport Scheme and that given the meeting of the 5th, any further progress should be halted until accurate modelling 'future proofed' figures can be obtained and shared with the public otherwise any decision is not truly reflective of public opinion based on ROBUST FACT.</p>
	Response from Cabinet Member
	<p>The funding from the Dept for Transport is predicated on modelling that extends 10 years after the Local Sustainable transport Funds have been implemented, hence 2026.</p> <p>Given that the LSTF bid has certain time limits and that the JCS consultation has only just begun it is not practicable to tie the two together. Should the public consultation support the wider JCS proposals then any approvals will require the individual developer concerned to map the impacts through a traffic impact assessment for each site brought forward.</p> <p>The North Place development was assumed in the plan and the specifics have also been modelled within the Paramics framework in order to secure planning consent. Morrisons has only ever been one size – 5792m² gross external floor space (c 61000 sqft of which c 35,000 sq ft will be shop floor.)</p> <p>Given these facts I believe that the consultation presented as much information as was factually known. Changes to circumstances, such as new developments will be required to be modelled in line with standard planning procedures.</p> <p>In a supplementary question Carl Friessner Day noted that the consultation on the JCS would finish shortly and he asked whether the Council would undertake more transport infrastructure modelling of the</p>

	<p>development or whether this would be in the hands of developers. He asked whether the council should be doing everything in its power to make robust decisions based on robust fact.</p> <p>In response the Cabinet Member said that an element of predicting development was conjecture but the robust facts would appear when planning applications had been submitted. At this point any major scheme would go through the planning process including road mitigation and other section 106 issues. This has been taken into account where there are concrete proposals e.g., the North Place development. However, it was too premature to take future developments into account. The plan would however be amended in the light of concrete information coming forward.</p>
8.	Question from John Firth to Cabinet Member Built Environment
	<p>A simple factor analysis of distances, corners, and junctions, looking at the routes people will have to take to cross the town if Boots Corner is closed indicates the doubling of journey times with associated increase in pollution and frustration. There are no new routes provided - just instructions to use narrow residential streets, that are already congested rat runs at rush hours and will become congested arteries all day. I support smarter choices initiative but recognise that it can be implemented without closing Boots Corner. Can the council please identify any routes across Cheltenham that will be shorter after this flawed Transport Plan is implemented and that actually need Boots Corner closed to make it shorter?</p>
	Response from Cabinet Member
	<p>This question supposes that all interventions are based purely upon serving the needs of car drivers, whereas the wider scheme is attempting to balance the needs of car drivers and pedestrians and thus has different responses in different sections of the town, responding to the specific need or focus. E.g. Bath Road proposal primarily safety driven following highway safety concerns; Boots Corner bus and pedestrian focussed; St Margarets Road traffic corridor focus.</p> <p>The closing of Boots corner to general through traffic is not designed to shorten any specific route but improve the attractiveness of the town centre for pedestrians, visitors, shoppers, and traders alike. However other interventions will deliver shortened routes e.g. two way traffic in front of the Town Hall will provide easier, and for many motorists significantly shorter access to the Regent Arcade car park; the largest off street car park in the town.</p> <p>In a supplementary question John Firth asked whether, with the only beneficiaries of this plan being motorists heading into the Regent Arcade, the destruction of the inner town residential neighbourhoods was a justifiable outcome of this plan.</p> <p>In response the Cabinet Member stated that in his view the questioner's assessment was rather bleak. However, the process which had been put in place to analyse the data and identify remedial action should be sufficient for any problems to be addressed should they arise. The idea was not to have an arbitrary scheme but work would be undertaken with residents to find solutions.</p>

9.	Question from Guy Woodcock to Cabinet Member Built Environment
	<p>The consultation leaflet and questionnaire was blatantly misleading in presenting a map of a very small proportion of Cheltenham town centre, <u>specifically excluding all of the affected residential areas</u>, and in so doing and in the absence of further critical information, suggested seemingly benign even reasonable traffic junction changes as being the trade-off for aesthetic improvements to the town centre. In reality therefore, the leaflet was a cynical and dishonest attempt to obfuscate the true implications of the proposals on the residents. The phrasing of the questionnaire moreover was such that if you approved of the Cheltenham Transport Plan <u>but not to the closure of Boots Corner</u>, the only option available on the questionnaire was to vote YES and to insert a written comment. As the findings of the questionnaire were taken on a strictly YES or NO basis, it is entirely wrong of the Council, as they are now doing, to claim that the poll was on the closure of Boots Corner. It was not. Furthermore, only 1400 people completed the questionnaire, of whom two thirds either disapproved or expressed conditions which have not been taken into account. Finally, and critically, adding to the questionnaire results the 1200 petitions of opposition to the Boots Corner transport proposals, which the Council officers have advised the councillors to ignore, the Council clearly has no democratic mandate from Cheltenham residents to implement the traffic junction changes associated with the partial closure of Boots Corner. How do the councillors justify the Council officer's claim of a mandate with these blatant attempts to pervert the course of true democracy, and will they now reconsider the wishes of the petitioning residents.</p>
	Response from Cabinet Member
	<p>The County Council took independent advice over the structure of the consultation document from the Consultation Institute. Exhibitions were undertaken both generally and specifically in areas where residents had expressed concerns. The map used was to highlight the specific physical changes; this would not have been possible on a map of the whole borough.</p> <p>As noted the questionnaire phrasing was subject to independent advice. All comments were treated equally whether a respondent had ticked a yes, yes with reservation or no box. 1496 independently verified responses were received by GCC and two thirds did not disapprove. 44% ticked yes; 28% yes with reservations and 27% no. None of these figures added together equates to two thirds and all comments were considered. Equally many respondents who had reservations did not necessarily make comments solely about the proposed traffic layouts.</p> <p>Unlike the GCC approach the petition was not independently verified, it did not contain 1200 separate signatories and critically like many social media campaigns collected respondents from towns many miles from Cheltenham. The petition began in April whilst GCC did not begin the release of their consultation material until 20th June in readiness for a 1st July start date.</p> <p>What is clear however is that the concerns raised by the petition have also been noted in the report from GCC relating to formal consultation responses, and the petition is subject to a separate debate by CBC.</p>

	<p>In a supplementary question Guy Woodcock questioned the legality of the consultation. In accordance with the Gunning principles the proposal failed as the consultation should have taken place when the proposal was still at a formative stage and not when the decision had already been made, otherwise consultation is unfair if the outcome has been predetermined. The closure of Boots corner had long been decided and when a meeting was held with the MP, residents were informed that it was not up for discussion. In addition, the consultation failed as residents did not have sufficient evidence to make an informed decision. Thirdly, the product of consultation must be conscientiously taken into account. In his view this had unequivocally not been the case in this consultation.</p> <p>In response the Cabinet Member said this was not a referendum but a consultation. This was the fifth consultation with previous consultations undertaken in 2000, 2007, 2008 and 2012. The transport plan had therefore emerged over time and the process had been very robust.</p>
10.	Question from Tony Aburrow to Cabinet Member Built Environment
	<p>If the Council is to meet its obligations to people with disability under the Equality Act, it will need to allow taxis to go through Boots corner during the daytime. This SIGNIFICANTLY undermines the image that the council presented to voters in the consultation - of **a safe, enhanced town centre area and **an attractive public realm space. **. Does the Council think people would have voted in support of the plan if they had realised that both buses AND taxis will be using this space (and so will not be like the Promenade in front of Cavendish House that Jeremy Williamson said it would be), and will the Council return to the residents to vote on this new -- and significant -- change to the Plan?"</p>
	Response from Cabinet Member
	<p>Thanks to the sterling work by Councillor Driver a working group has been established to ensure that concerns from specific groups are considered in any remodelling of Boots Corner, should the wider proposals be implemented. Access for buses was always envisaged and was shown on the images. The issue of hackney carriages and private hire vehicles is still subject to further consideration.</p>
11.	Question from Bob Hughes to Cabinet Member Built Environment
	<p>Cheltenham is renowned for its poor one way system, to the extent that many potential visitors are put off by it. This Plan will make it worse by doubling journey times through the town centre. How has the Council modelled the impact on the numerous events at the racecourse and the conferences at the Centaur, which brings additional traffic to our roads and will further exasperate traffic issues at great cost to, the welfare and safety of its residents, just to persuade a reluctant landlord, the NFU Mutual to sanitise and homogenize the lower higher street which is thriving and a great seedbed for new businesses? That is apart from the shops 'Woodys' which have been evicted for the development to commence. Of course!</p>
	Response from Cabinet Member
	I concur with the remark concerning the one-way system. We have a

	<p>problem that will not resolve itself.</p> <p>Seasonal traffic flows are part of the model but in reality the real solution for avoiding raceday traffic concerns would be to create a 4 way junction at J10 of the M5 which CBC has been, and will continue to advocate with GCC and the Gloucestershire Local Enterprise partnership.</p> <p>The Brewery phase 2 is a major development for Cheltenham and like many investors, the owners perceive the existing Boots Corner situation as severing the town. The interest from the development industry in response to this scheme and other plans demonstrates that changes such as these can promote investment and regeneration for the town. For information I understand that Woody's have not been evicted – they took a short term lease at very preferential rates in full knowledge that a redevelopment was imminent – a calculated risk from astute business people.</p>
12.	Question from Christine Saunders to Cabinet Member Built Environment
	<p>There is too little consideration of impact to residents, on alternate routes, Individual impact of a single journey likely to be more than twice as great as, twice as long and going through narrow residential streets not purpose built one way with very few residents. Consider the noise, pollution, Health and safety impact and loss of amenity these houses. It is inconceivable that this apparent usurping of democracy would not result in legal review which would not be brought by the residents of the hundreds of properties affected, when there is clearly no mandate from the population. Do the council believe that a decision to claim a mandate is necessary or reasonable given that so little effort appears to have been made to explore other means to satisfy the condition for the owners to proceed with the development of the Brewery Phase 2.</p>
	Response from Cabinet Member
	<p>The purpose of the consultation was to garner views from residents and as a consequence identify whether alternatives can assist in addressing the challenges of the existing system and the predicted long term growth in traffic if nothing is done. For this reason the consultation document encouraged individuals to express their views.</p> <p>Any mandate arises from the totality of views from the full consultation exercise, but equally the benefit of consultation is that it allows for views and concerns to be expressed; it was not a simple yes/no referendum. Having received those views CBC and GCC can now consider whether the concerns are valid and if so how to best deal with them.</p> <p>The operators of the Brewery made representation along with many other interested parties including Regent Arcade, Supergroup, Stagecoach, English Heritage, the Civic Society, Chamber of Commerce and Disability Forum – all of which are documented within the report.</p> <p>In a supplementary question Christine Saunders asked whether it would be considered reasonable to keep Boots Corner closed to traffic at night when residents would be trying to sleep and traffic is diverted into the narrow streets past their windows.</p> <p>In response the Cabinet Member said that by having variable traffic regulation changes at various times of the day was a recipe for disaster.</p>

13.	Question from Angela Hodgkinson to Cabinet Member Built Environment
	<p>After the closure of Boots corner and once traffic junction changes take place, there is likely to be an increase in traffic using Rodney Road as the shortest alternative south-north route. The area of the High street into which Rodney Road enters – just beyond “Thomas Cook” corner – is a fairly relaxed and pleasant area. This will now have a constant and steady flow of cars. This both increases town centre traffic AND danger to pedestrians. If the consultation document is to be believed it creates a barrier to pedestrian wishing to visit the Beechwood Arcade and the Strand area. Maybe you agree with Martin Horwood that the High street is too long anyway? This ‘barrier’ also has to be crossed to get from the ‘now to be used’ main parking area for the town, Grosvenor street and terrace, the Beechwood and Sherborne streets .What form of crossing is to be implemented in this area and why is this issue not included in the CTP or made clear in the consultation?</p>
	Response from Cabinet Member
	<p>It is recognised that there is a risk that traffic flows through Rodney Road may increase and this will be monitored as part of the overall traffic management should the scheme proceed. If additional works are required to maintain the priority of pedestrians through the High Street section, then GCC have budgetary allowances for such amendments.</p>
14.	Question from Mike Huysinga to Cabinet Member Built Environment
	<p>I am concerned about what happens to the East end of the High Street. What sort of impression will visitors to the town have when they are directed to the Grosvenor Street Terrace and Beechwood Arcade car parks and then have to cross the major route meandering through town emerging from Rodney Road destroying, what is currently, an enjoyable space. A crossing is not indicated on the consultation map but would be required. If the consultation document is to be believed then the barrier which is being only partially removed from Boots Corner will be dropped across the High Street further up, creating exactly the same problems over again. Do the councillors believe the High Street is too long and what provision is being made for the loss of pedestrian traffic which is being diverted to the lower High Street?</p>
	Response from Cabinet Member
	<p>It is recognised that there is a risk that traffic flows through Rodney Road may increase and this will be monitored as part of the overall traffic management should the scheme proceed. If additional works are required to maintain the priority of pedestrians through the High Street section, then GCC have budgetary allowances for such amendments. The length of the High Street is essentially determined by market forces, and clearly it would be preferential to have a reduced length of vibrant trading High Street as opposed to one that is much longer but peppered with vacant units. The response from commercial investors and operators to both the transport consultation and other developments is that these will be good for the long term economic performance of the town centre.</p>

	<p>In a supplementary question Mike Huysinga said that the answer provided mentioned that High Street success was determined by market forces and that commercial investors and operators were supportive of the consultation. However, residents were aware that one hotel deal had fallen through due to the Council policy on development. He asked what message this gave to lenders and investors in the town.</p> <p>In response the Cabinet Member explained that on the whole this was a positive message in that the Council had recognized the problem and was preparing to address it. Cheltenham was a good place to invest and the council was not sitting on its laurels waiting for things to go wrong.</p>
15.	Question from Geoffrey Bloxsom to Cabinet Member Built Environment
	<p>The economic model used to support the case for closing Boots Corner and developing Brewery 2 is the creation of 450 jobs. This figure is based on vacant retail space and the national average employment level in such space. The economic model does not take into consideration the additional retail spend of £20-30m needed to create 450 'sustainable retail jobs', nor the loss of jobs elsewhere in the town due to the creation of this new site including those already employed in the shops being removed from the lower high street as a result. The research developed by the 'Retail Research Council' which points to a reduction in the high street of 22% by 2018 due to the closing of NATIONAL RETAIL COMPANIES out of the control of local dynamic, and therefore the need to make the high street smaller and less dependent on retail schemes has been adopted by other Councils already in the UK wanting to protect prosperity. Given the flawed economic facts underwriting this scheme and the most up to date research, should the Council not be focusing their attention on what we have rather than what we have not got?</p>
	Response from Cabinet Member
	<p>The independent analysis undertaken by DCResearch in line with Treasury guidance identified the potential for 420 direct jobs as a result of the Brewery phase 2 scheme. The estimate focussed upon the nature of retail and commercial units that could be created in a new build, notably larger floor plates that are difficult to deliver in many existing building structures due to listing and conservation concerns.</p> <p>That study notes that</p> <p>“traffic management and improvements in the public realm would encourage further investment in more isolated town centre areas, adding to pedestrian links and improving the environmental quality.”</p> <p>“LSTF funding and the proposal to limit vehicular access at Boots Corner to improve access for buses, cycling and walking represents an opportunity for these issues of town centre linkages, and issues concerning investment uncertainty in the area around The Brewery to be addressed in Cheltenham.”</p> <p>The interest in the Western part of the High Street by retailers, in anticipation of the Brewery scheme is best demonstrated by recent lease transactions, which would suggest that Cheltenham is bucking the national trend or that it will be more peripheral areas of the High Street that will suffer voids.</p>

	<p>In a supplementary question Geoffrey Bloxsom asked whether the Council believed it was appropriate to disrupt the lives of thousands of citizens and devalue their homes by an ill conceived rerouting of traffic in the town in order for the council to use taxpayers money to subsidise a private company's development designed to salvage their existing underperforming leisure service.</p> <p>In response the Cabinet Member did not accept the premise on which the question was put. It was right to make the town more attractive to everyone- residents, investors and visitors. It was important to recognise that this created change but where the problems arose it was important to address them.</p>
16.	Question from Helen Bailey to Cabinet Member Built Environment
	<p>Given that journeys are likely to be so much longer due to all the diverted traffic, and that cars will now be stationary for longer in residential areas, with increased noise and traffic throughout the night, please explain what consideration and value has been placed on the loss of residential amenity, health, well being, and safety of the adults and children that live in the hundreds of houses affected by this and attend one of the eight schools which are already so high on the Axa insurance traffic risk table?</p>
	Response from Cabinet Member
	<p>It is recognised that two way traffic flows generally provide shorter journeys by creating options. An oft quoted route is for strangers to Cheltenham who finding themselves at the Quadrangle are forced to drive 1,999m through 13 sets of traffic lights to arrive at Rodney Road and access Regent Arcade whereas the direct route from the Quadrangle is 173m to Rodney Road.</p> <p>The traffic modelling focuses upon morning and evening peak journeys as these times have the greatest number of vehicle flows. There is no evidence to suggest that there will be greater traffic movements outside of core times. In fact the model predicts an overall reduction in traffic vehicle numbers.</p> <p>All finalised amendments to the road network will be subject to detailed risk assessments by GCC prior to being implemented.</p> <p>Although the AXA Local Road Safety Index provides a well-intentioned indication of accident frequency around schools it is a general tool that is limited in its usefulness.</p> <p>In a supplementary question Helen Bailey asked whether the assurance given during the consultation process that there would be no loss of parking to those living in residential areas was still valid.</p> <p>In response the Cabinet Member said this could not be confirmed at this time but a formal reply would be provided in writing by the relevant county council officers to the questioner.</p>

8. MEMBER QUESTIONS

None.

9. PETITION RECEIVED ON THE CHELTENHAM TRANSPORT PLAN

Mr Adam Lillywhite was invited to address Council. He explained that he was representing a group of residents who understood the implications of closing Boots Corner. The group questioned the economic drivers as they believed that much of the claimed benefit would be negated by the predictable outcome. In their view, traffic would not simply 'disappear' without major implications for the town, the modelling was negligent and the plan failed to understand or mitigate its own impact. More sensitive economic, environmental and social solutions existed and needed exploring.

Mr Lillywhite explained that factor analysis showed that the four shortest alternate routes on average more than doubled journey length and complexity. This meant that twice as many cars, congestion, pollution and danger to the public, all of which would be moved out of the purpose built one way system to car lined narrow residential streets where the impact would be far greater. The model used did not include the 26% increase in households (outlined in the JCS) or allow for a vast new supermarket generating 1000 plus extra journeys an hour around the town centre at busy times.

Mr Lillywhite believed that the principle stakeholders had not been involved in this plan and early efforts to engage in the process had been rebuffed. The refusal to discuss issues meant that potentially crucial options remained unexplored. He also stated that the pre-determination of this decision was clear from letters, and an early meeting with the local MP and the re-location of traders so that work could commence. This pre-determination had driven the optimistic bias of the consultation which did not identify negative impact, used inadequate maps, and exaggerated the benefit. The leaflet misled respondents and left them unable to make an informed and reasoned judgement as legally required by the Gunnings principle. Given the ambiguity of the response options and interpretation, given that 'Closure' was not mentioned on the entire response form, residents therefore believed that this could not be considered a mandate. Two and half times as many people have explicitly requested that Boot Corner remains open, not closed.

Mr Lillywhite made reference to Protocol 1 of the Human rights act which states, "that a person has the right to the peaceful enjoyment of all their possessions, which includes not only the home but also the surroundings." He believed that this had been totally ignored.

In summing up Mr Lillywhite said that the failure to appropriately weigh the aforementioned risks had led the petitioners to believe that, like the electorate, Councillors have not been made fully aware of the consequences of closing Boots Corner. He believed there were better alternatives such as shared space and timed options which would achieve the desired outcome without the economic, environmental and social costs. He therefore urged the Council to implement smarter choices and seek alternatives to the closure of Boots Corner.

Councillor McKinlay thanked Mr Lillywhite for his petition which he welcomed as this was an important issue and it was right that concerns had been brought to the attention of the Council. He did however take issue with the claim that the Council did not have a mandate. He clarified that this was a consultation not a referendum and the inference from the petitioners was that they had a better

feel for public opinion than the consultation. He acknowledged the considerable work that had been undertaken to collect signatures for the petition which was not an easy exercise. In terms of fact the written petition had received 910 signatures and 217 by email giving a total of 1127. He used this data to match data from the GCC consultation to see how it compared. 813 petitioners were from Cheltenham and he plotted these against the map in Appendix B. There were 226 from the east, 178 from the south (91 of whom resided in St Lukes/College Road), 162 in the West, 41 in the North and 72 in central Cheltenham. 84 signatories were not located. When comparing these figures to GCC there were 293 from the east, 111 from the south, 137 from the west, 58 from the north and 72 from central with 161 not known. This totalled 832. This suggested that those in St Luke's who had signed the petition had not responded to the consultation. If both sets of data were compared the number of respondents were identical and the respondents were the same with the exception of the south. In conclusion therefore there was a high percentage response to the petition and the same people had responded to the consultation. The petition and the consultation were therefore similar although at least a third of the petitioners did not respond to the consultation and say no.

Councillor Garnham proposed two additional recommendations to the resolution. These were seconded by Councillor Smith.

- 1) Irrespective of the outcome of agenda item 10 this council establishes a liaison group with the residents of St Luke's to address present traffic issues and future concerns in relation to the Cheltenham Transport Plan
- 2) That £50 000 of New Homes Bonus be allocated for spending on any mitigation works arising out of the implementation, if it occurs, of the Cheltenham Transport Plan. This money would be in addition to GCC's £100 000.

In proposing the amendment Councillor Garnham acknowledged the valued views of the residents of St Luke's. The petition had raised awareness of the issues. The Council had to ensure it was listening to the views that had been expressed and a working group involving local residents and disabled groups in the town should address many of the fears. He made reference to the £100 000 which had been allocated for mitigation measures which he felt was insufficient bearing in mind the cost of implementation. The amendment proposed that New Homes Bonus money was used for its true purpose, i.e. to mitigate against the effects of extra development and in this case traffic.

In discussing the amendment Members paid tribute to the hard work of residents who had put together the petition. Concern was expressed that residents felt they had been ignored throughout the process. It was therefore high time to talk to residents prior to the implementation of the scheme and the proposed amendment to incorporate the views of residents was welcomed. Some Members recognised the impact the Cheltenham Transport Plan would have on residents in the St Luke's area and that the displacement of traffic in to the St Paul's and other areas in the town was also of concern. It was important that the proposed liaison group could include interested parties from other areas of the town. It was suggested that the hospital be included in the proposed liaison group as major employers with high numbers of patient visitors.

The Leader clarified that the £100 000 already allocated for mitigation measures came from the Local Sustainable Transport Fund. He acknowledged the need to work with residents.

As seconder of the amendment Councillor Smith had hoped that there would be an apology from the Cabinet Member to residents that their concerns had not been listened to. It was now time to rebuild and reengage constructively with residents.

On being put to the vote it was :

RESOLVED THAT

- 1. the concerns of certain sections of the public be noted and that these be considered within the context of the Cheltenham Transport Plan Consultation Report.**
- 2. Irrespective of the outcome of Agenda Item 10 a liaison group with the residents of St Luke's be established to address present traffic issues and future concerns in relation to the Cheltenham Transport Plan**
- 3. £50 000 of New Homes Bonus be allocated for spending on any mitigation works arising out of the implementation, if it occurs, of the Cheltenham Transport Plan. This money would be in addition to the £100 000 from Gloucestershire Council**

Voting : For : 33, Against : 1, Abstentions : 4

10. CHELTENHAM TRANSPORT PLAN-CONSULTATION REPORT

Councillor McKinlay, Cabinet Member Built Environment, introduced the report on the Cheltenham Transport Plan consultation. He told Members that the current one way system had been built around an 18th century townscape and it was never going to work effectively. He reminded Members that the proposals to review the traffic flows in Cheltenham had a long history starting back in 2001 with the Latham Report, public consultation in 2007, followed by consultation on Civic Pride and the traffic management plan in 2008.

The key elements of the plan included two way travel down some current one way systems, redesigning 13 junctions and the removal of 5 sets of traffic lights in addition to the closure of Boots Corner to through traffic. The current traffic management system was a barrier to the town, and the proposals would help increase the attractiveness of the town centre and bolster the town's economy. Traffic volumes would decrease in certain areas and this would assist with air quality. The proposals would also assist the access to town centre car parking, and the improved safety measures would assist in encouraging more cycling and walking.

He drew attention to appendix A of the report which set out the details of the consultation exercise undertaken, and to the wide range of concerns which had been identified by the public, and which were set out on pages 27-48 of the agenda pack. He was pleased with the level of response and that the public had engaged with the process.

The proposals would address a number of long standing existing problems with traffic movements around the town and also address the predicted increase in traffic over the coming years. Tourism and commerce would be boosted by the proposals and it would encourage a more sustainable transport system. He believed it was good for town and the people of Cheltenham and he wished to recommend it to Council.

The Cabinet Member referred Members to the amended resolutions that had been circulated at the start of the meeting and proposed the following recommendations which were seconded by Councillor Jordan.

That Council

- i) Considers the Cheltenham Transport Plan Consultation Report produced on behalf of GCC for CBC, along with the initial suggestions for dealing with the concerns raised; and*
- ii) Confirms its support for the Cheltenham Transport Plan and recommends that Cabinet requests that GCC undertakes the enabling statutory Traffic Regulation Order (TRO) process to facilitate delivery of the Cheltenham Transport Plan*
- iii) Cabinet be recommended, subject to the outcome of the TRO process, to request GCC to either:
 - a) progress the delivery of the Cheltenham Transport Plan, and monitor it for an evaluation period of several months, with a view to identifying any appropriate mitigation measures, using the £100 000 LSTF monies specifically allocated for this purpose; or*
 - b) reconsider the options for delivering or otherwise the Cheltenham Transport Plan in liaison with CBC and the Cheltenham Development Taskforce**

The Mayor then asked Members for any questions on the report before moving into the main debate and Richard Cornell, LSTF Programme Manager, Gloucestershire County Council (GCC) was asked to support the Cabinet lead on any technical issues. The following responses were given:

- The area for the traffic modelling had extended to Gloucester Road in the west, Old Bath Road and Hales Road in the East, Pittville Park to the north, and the A40/Suffolk Road, Thirlestaine Road in the south.
- In response to a question as to what measures would be in place to encourage walking and cycling, and what evidence there was that the traffic problems would be solved for the next 15 years, the Cabinet Member acknowledged that there was no perfect solution. However he said that changes to signage, bus and cycle priority routes plus a package of measures to change behaviours would all improve the current traffic situation and that the programme as it developed would be flexible to ensure that improvements were successful.
- The £150k which was set aside for mitigating actions would be used to create a package of measures, some to be implemented (if practical and appropriate and following consultation) ahead of any changes and some afterwards once the full effects were known. It was acknowledged that

consultation with residents could commence in advance of the scheme to ensure there was resident engagement.

- The concerns of Stagecoach were noted but the impact of buses crossing the pedestrian area had been researched and other towns and cities have such operation without any safety issues. Indeed the current High Street already works on this basis.
- The contribution that community transport makes to the elderly and disabled is valued and discussions are already taking place with such operators regarding dropping off points. Consideration was also being given as to how they could access the area closed to vehicles and reassurance was given to Members that these discussions were ongoing.
- In response to a question as to whether there were alternative proposals and concerns that if the proposed changes were ineffective then over future years further changes would have to be made, it was noted that there were no alternative proposals and that the modelling demonstrated that the proposals would work. The funding from central government runs until March 2015 and would be lost if not taken up.
- The Head of Legal Services confirmed that he had given legal advice on the wording of the recommendations so that they took account of executive functions and decisions. However he said that this did not prevent the Cabinet from liaising with and referring matters to Council prior to them making a decision.
- Clarification was given that the only buses and cycles would be able to go through Boots Corner during the core hours i.e. during the working day and that outside of these core hours, hackney carriages and delivery vehicles would be permitted. It was unlikely that private hire vehicles would be permitted due to practicalities of them being unregistered.
- It was noted that useful meetings had been held with disabled groups to discuss the plans and that in future GCC needed to attend.
- In response as to why the Council had been requested to debate the matter by GCC, and whether this was a sign that they were unhappy with the proposals, confirmation was given that the GCC had been involved in the preparation of the Local Sustainable Transport Funding (LSTF) bid, that they had worked with CBC and the Cheltenham Development Task Force (CDTF) by providing advice and looking at the impacts of the scheme and that they had also worked with the council to develop the final proposals. Under the spirit of localism the decision as to whether to proceed rested with the borough council. The scheme had been initiated by CBC, and GCC were partners within the CDTF and have a statutory role for highways, and it was acknowledged that the scheme was not being imposed by GCC.

As there were no further questions the Mayor moved to the substantive debate.

Several Members made reference to the improvements that two way traffic would make to the town. There was recognition by many Members who spoke that the current one way system was not effective. It was noted that the road was a barrier and often difficult for car users to understand how to access parts of the town.

Concern was expressed about the impact of the proposals on air quality given that in some parts of the town levels were already near to EU limits. A Member reminded that the council had over the last few decades encouraged people to live in the town centre. It now had a thriving town centre population who would now be impacted from noxious fumes given the redistribution of traffic to residential streets. Another Member noted that the proposals should reduce air pollution in some of these known hotspots.

Several Members expressed their concerns about the public consultation exercise and the validity of the results. Others welcomed the participation by the public and the issues that they had raised and felt that overall there was public support. A few Members felt that there had been conflicting messages and they still felt that they and the public did not understand fully what was being proposed. Moving forward there needed to be better communication and engagement. A Member felt that the delay in consultation until after the elections in May, had caused confusion for some residents but could understand GCC's reasons for delaying the consultation. One Member felt that nothing in the plan had changed following the consultation.

Some Members questioned whether the scheme could be introduced on a phased or trial basis to assess the impacts before the scheme was finalised. There were also some comments and concerns about the length of time assigned to evaluating the schemes and implementing the mitigating actions. It was noted that the £150k allocated for mitigation should assist in dealing with any issues which arose and that residents should be engaged at an early stage. It was agreed that there needed to be a clear timescale for reviewing the scheme once implemented and taking remedial and mitigating actions.

The benefits of the scheme were debated, including the improvements to the environment around Boots Corner for pedestrians. It was also recognised that some journeys would be shorter whilst others may take longer, but taking out traffic lights and improving junctions would improve journey times. The proposals also included a package of measures to get residents to change their travelling habits which was recognised by a Member when supporting the scheme.

Although most Members were supportive of the scheme and felt that it had many positive aspects many stated that they had reservations and would want the concerns that they raised to be considered as the scheme was implemented. One Member stated that although they wanted to see the town improve they recognised the deep disquiet from residents and rather than have a scheme predicated on opportunistic funding they wanted to see more due diligence undertaken on the proposals before it was taken forward.

Several Members talked about the once in a generation opportunity and also reminded Members of previous changes to the road system (which at the time had been controversial) but which had improved the town such as removing vehicles from parts of the Promenade and the High Street. It was also noted that the proposals put forward this evening had arisen from an

evolutionary process starting back in 2001. A Member said that it was one of the most important decisions that the Council would take and that they needed to be bold and have the vision to improve the town. Other Members said that the town needed to keep pace with other towns across the country and if nothing was done then the traffic congestion would increase. A Member felt that by looking back to the past one could see the opportunity for the future by returning the town centre back to the elegant avenues of the past.

There was recognition that the removal of the pelican crossing by the bus station may cause difficulties for the elderly and disabled. Many Members held the general view that the project team should think carefully about the impacts on the elderly, disabled and parents with prams when implementing the scheme.

Councillor Lansley indicated that he would be abstaining when it came to the vote due to many of the concerns already raised by Members such as communication, engagement and impacts on the town, and although supportive in principle the scheme should not be introduced at any cost. As Councillor for a ward which would be impacted by the proposals he felt that the Council should take time to reflect on the consultation and consider amending the proposals.

There were some comments about the location of a bus station within the town and also the safety of cycling within the town centre. Some Members also mentioned their concern that unless implemented carefully there may be safety issues for pedestrians if buses were still using the area at Boots Corner.

One Member made reference to the car parking charges and that other towns did not have such high charges.

The validity of the traffic modelling was questioned as it made assumptions about the way in which drivers behave and also only covered the main town centre area. Members were reminded that traffic modelling was only a prediction and had failed in the past and a Member gave an example from their own ward where traffic flows were not as predicted once the new Battledown development was completed.

Many Members made reference to the benefits that the scheme would bring to the economy of Cheltenham, although one Member felt that this was overstated as the dispersed traffic may impact unfavourably on businesses outside of the core town centre. Others spoke of the difficulties that would arise if the council did nothing and the potential for the town to stagnate and not move forward. The town was attractive and the plans would enhance this and make Cheltenham an attractive place to visit, shop and work which benefits the overall economy.

One Member stated that his reservations about the proposals did not mean that he lacked vision or did not care about the town, but was using his own judgement and beliefs to protect the residents from the consequences of a scheme which if implemented would impact on generations to come.

The proposals included enhancements to the physical environment and a Member requested that it was important that whatever was put in place was able to be maintained effectively, for example being able to replace broken paving slabs.

A few Members questioned whether there was any plan B, as they had reservations about the proposals, and also made reference to the need to go further in looking at the opportunity for an outer ring road. They felt that with the increasing traffic and development proposed through the JCS process that the scheme may not be sufficient and they were unsure as to how traffic volumes would disperse around the town.

The Traffic Regulation Order was a GCC responsibility but it was noted that it would come back to Cabinet before finalising. It was felt that there needed to be some engagement with Members.

Councillor Chard proposed an amendment that the TRO should come back formally to Council. This was seconded by Councillor Driver.

There was some concern as to what message this might give to GCC as they were looking for a clear steer from the Council as to their support for the scheme. A member said that GCC's legal responsibilities with regards to TRO's should be recognised and the Head of Legal Services confirmed that GCC had ultimate responsibility for local transport planning and TROs.

Following a ten minute recess the Cabinet Member Built Environment proposed to revise recommendation (iii) to include "subject to consultation with Council" and Councillor Chard who had proposed the original amendment agreed to it being withdrawn.

In summing up the debate Councillor Mckinlay said that many of the concerns raised by Members were similar to those raised in the consultation listed on pages 27-48 which also listed the mitigating actions. He recognised that some Members may not agree with the proposed solutions but he was confident that the matters had been addressed. He was happy to consult with Council colleagues at appropriate stages and also to engage with residents, and explore with them appropriate mitigating actions. He had listened carefully to all of the comments that had been made by those in favour of the scheme and those against. He advised that there is no Plan B and that if Members could not see the advantage of the proposals then they should vote against it, but he believed that it was a 1 in 25 years opportunity to do something and the only chance to address the traffic issues impacting on the town.

RESOLVED THAT

Having considered the "Cheltenham Transport Plan Consultation Report" produced on behalf of GCC for CBC, along with the initial suggestions for dealing with the concerns raised:

- i) the Cheltenham Transport Plan be supported and Cabinet be recommended to request GCC to undertake the enabling statutory**

Traffic Regulation Order (TRO) process to facilitate delivery of the Cheltenham Transport Plan

ii) Cabinet be recommended, after consultation with Council, and subject to the outcome of the TRO process, to request GCC to either:

a) progress the delivery of the Cheltenham Transport Plan, and monitor it for an evaluation period of several months, with a view to identifying any appropriate mitigation measures, using the £100 000 LSTF monies specifically allocated for this purpose; or

b) reconsider the options for delivering or otherwise the Cheltenham Transport Plan in liaison with CBC and the Cheltenham Development Taskforce

Voting : For : 26, Against: 9; Abstentions: 3

11. NOTICES OF MOTION

There were none.

12. TO RECEIVE PETITIONS

There were none.

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

None.

14. LOCAL GOVERNMENT ACT 1972 -EXEMPT INFORMATION

15. EXEMPT MINUTES

The exempt minutes of the meeting held on 7 October 2013 were approved and signed as a correct record.

Wendy Flynn
Chair