

Council

Monday, 16th December, 2013
2.30 - 4.15 pm

Attendees	
Councillors:	Wendy Flynn (Chair), Colin Hay, 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, Sandra Holliday, Peter Jeffries, Steve Jordan, Andrew Lansley, Paul Massey, Helena McCloskey, Andrew McKinlay, John Rawson, Anne Regan, Rob Reid, Chris Ryder, Diggory Seacome, Malcolm Stennett, Klara Sudbury, Pat Thornton, Jon Walklett, Simon Wheeler (Vice-Chair) and Roger Whyborn

Minutes

1. APOLOGIES

Apologies were received from Councillors McLain, Smith, Stewart, Wall and Williams.

2. DECLARATIONS OF INTEREST

Councillor Chard declared a personal and prejudicial interest in Agenda Item 9 as an owner of a licensed premise.

3. MINUTES OF THE LAST MEETING

Councillor Roger Whyborn proposed the following amendments to the draft minutes of Council 16 December 2013.

In Agenda item 10 (seconded by Cllr Walklett) last paragraph on page 15

After "displacement of traffic in to the St Paul's and other areas in the town was also of concern" add the words

"A Member commented that it was essential to sort out the congestion in St Margaret's Road, in conjunction with the traffic scheme and this had been referred to in the consultation report. If traffic couldn't flow freely into and through St Margaret's Road then this would displace traffic into other areas. Other members concurred with this view."

In Agenda item 11 (seconded by Cllr Regan) 4th paragraph on Page 20 -

The current draft says "There were some comments about the location of a bus station within the town and also the safety of cycling within the town centre."

Proposed wording "Two members strongly advocated the provision of a bus station as part of the package, and hoped that this could be achieved. There

were also concerns expressed by some about the safety of cycling within the town centre."

Resolved that the minutes as amended of the meeting held on 18 November 2013 be approved and signed as a correct record.

4. COMMUNICATIONS BY THE MAYOR

The Mayor reported that the iPad trial among Members was well underway.

The Mayor announced that she would be undertaking a Christmas day swim at the Lido in aid of her charities and sponsorship forms would be circulated shortly.

The Mayor paid tribute to the late Nelson Mandela and reported that a book of condolence had been opened in reception.

5. COMMUNICATIONS BY THE LEADER OF THE COUNCIL

The Leader of the Council also paid tribute to Nelson Mandela.

The Leader referred to a recent article in the Echo which reported on a proposed suspension of emergency surgery in Cheltenham. This was obviously of concern but he clarified that this was in fact a report on an internal consultation document. He assured Members that should this evolve as an emerging consultation the council would be consulted.

The Leader reported that following the Council meeting on 18 November he had recently made a decision, on behalf of the Council, to request the County Council to progress the TRO process. He would be emailing all members to invite them to be involved in the liaison process which would comprise and members and residents. A meeting would be held in early January.

6. PUBLIC QUESTIONS

1.	Question from Gary Scott Paterson to Cabinet Member Housing and Safety, Councillor Peter Jeffries (will be in attendance)
	<p>In response to a recently published article in the national press (London Metro - Monday Dec 2nd) it was reported that Dr David Humphreys from the University of Cambridge has indicated that initiatives implemented over the past decade (in particular the implemented 24-hr licensed drinking and it's subsequent failure to reduce rates of alcohol-related violence) have 'lacked evaluation or systematic appraisal'. <i>'While the emphasis on change and improvement should be encouraged, the enthusiasm to act needs to be balanced with careful, systematic attempts to understand the implications and effectiveness of these interventions'</i>.</p> <p>It is paramount to highlight many presently ignored factors when implementing the LNL such as cheaper supermarket prices and the issues related to 'pre-loading' along with bars profiting via offering cheap drinks promotions bought and consumed prior to midnight. Both of which are to be considered a major contributing to many late night incidents requiring police intervention.</p>

	<p>Whilst not presently considered liable for the LNL to to it's rigid structure, it brings into question the 'fairness' of the LNL and it's ability to tackle any such problems regardless of how much revenue is raised by those venues continuing to trade after said time. ALL outlets selling alcohol for profit should share an equal proportion of responsibility which at present the proposed LNL does not address this issue and thereby it brings into question the effectiveness of targeting the issues raised and it's subsequent impact on those smaller venues trading fewer hours than the larger capacity clubs.</p> <p>The question</p> <p>It is my personal desire that In order for the LNL to achieve a satisfactory result in it's ambition to tackle drink related problems associated with the late night drinking culture i believe we need to study the reasons in more detail. I would like to inquire as to whether or not the Cheltenham Borough Council, Cheltenham Licensing and/or the Cheltenham Police have carried out any impact analysis surveys (and are any such figures/results available to view?) in relation to the late night trade and any increases in amounts in for example the amount of refuse created though more importantly the number of incidents requiring police assistance following the proposed LNL start time of 00.01am against those occurring due to the daytime sale and consumption of alcohol from supermarkets and bars trading from 08.00am which 'spills' over into the later hours presently ignored as a contributing factor when the LNL was first conceived.</p>
	<p>Response from Cabinet Member</p>
	<p>The Council is required to have regard to the cost of policing the night time economy and based on this the desirability of adopting the levy.</p> <p>In relation to the costs of policing the night time economy, Council will give consideration to the costs and impact of policing the night time economy. These include figures associated with number of incidents requiring police assistance, trends and resources required.</p> <p>Premises licensed for off-sales beyond the late night supply period will be liable to pay the levy. The Council does not have the ability to extend the late night supply period to apply before the prescribed times i.e. midnight so any premises, whether licensed for on or off sales, that is not licensed beyond midnight cannot be brought within the scope of the levy.</p> <p>Cheltenham Borough Council is very aware of “pre-loading” and cost issues associated with premises licensed for on sales and those for off sales and are currently looking of ways to address some of these issues via the alcohol co-ordination group.</p>

7. MEMBER QUESTIONS

1.	Question from Councillor Tim Harman to Cabinet Member Sustainability, Councillor Roger Whyborn
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	<p>Will the Cabinet Member, working with Ubico, seek to improve arrangements at the various "Bring Sites", such as Bath Terrace, over the Christmas and New Year period to prevent them from overflowing which regularly happens at Public Holidays. Will he look at either increasing capacity especially for packaging, glass bottles and cans or by providing additional collections?</p>
	<p>Response from Cabinet Member</p>
	<p>The Council is aware that in the period around Christmas and New Year bring sites are under pressure due to increased quantities of waste and reduced number of working days. The system is in fact at almost full capacity in that period, and any extra provision of capacity would be relatively expensive, as it would include not only labour cost but also vehicle hire. Officers are however taking steps to optimise the capacity, by utilising all possible collection hours which we have.</p> <p>Secondly, CBC and Ubico are currently involved in a comprehensive review of our bring site arrangements, but at the time of writing I would not want to commit to providing significant additional capacity from bring sites in the Christmas period. Indeed to put this into overall context, it is not a matter which is the subject of many complaints from the public. Officers are therefore confident CBC should be able to offer a reasonable service over the festive period using the existing resource.</p> <p>In a supplementary question Councillor Harman asked whether the Cabinet Member would consider improvements to bring sites and green waste collections in order to achieve targets.</p> <p>In response the Cabinet Member Sustainability said officers were looking at various ways to improve levels of recycling and this included a review of bring sites.</p>
2.	<p>Question from Councillor Jacky Fletcher to Cabinet Member Corporate Services, Councillor Jon Walklett</p>
	<p>Can the Cabinet Member for Corporate Services please tell this Council when all members can be assured that they will have 100% reliability, or as near as it practically possible, for access to IT through the CITRIX system.</p>
	<p>Response from Cabinet Member</p>
	<p>The ICT shared service has been working hard over recent months to upgrade the underlying ICT infrastructure which will improve the stability of key applications. The new Citrix environment was rolled out for testing with a key number of users and I am pleased to say that only minor issues were raised and these were resolved.</p> <p>As such, this will be rolled out across the organisation during early 2014. Whilst we can never guarantee that there will be 100% reliability, the new infrastructure will include back up arrangements with Forest of Dean District Council to ensure that the likelihood of Citrix being unavailable will be minimised and we are certainly aiming for 99.9% availability.</p>

	<p>We are also investigating out of hours cover arrangements which will provide additional support to both members and officers should there be an issue during evenings and weekends.</p> <p>In a supplementary question Councillor Fletcher asked whether members could be assured that Citrix was fit for purpose for the 21st century.</p> <p>In response the Cabinet Member Corporate Services said that Citrix had been chosen as an option in October 2012 as it was one of the few options available and many other councils were using it successfully. However, it did not work as well as anticipated due to the current IT infrastructure and a plan was in place to improve the continuity and availability of Citrix. It was hoped that all issues would be resolved in early 2014.</p>
3.	Question from Councillor Anne Regan to Cabinet Member Leisure and Culture, Councillor Rowena Hay
	<p>I am really impressed by The Wilson and what we have achieved by the refurbishment and the re-opening - it really is a credit to Cheltenham. However I was rather dismayed when I went to buy a Christmas card from there the other day and there were none on display and they had to be retrieved from in a cupboard. Therefore can the Cabinet Member responsible for Leisure and Culture reassure me that the entrance to The Wilson will be brightened up in time for Christmas and that staff are allowed some Festive spirit? Can the Cabinet Member also comment on why the shop is not part of the museum and are there any plans to direct visitors through the shop as they leave The Wilson?</p>
	Response from Cabinet Member
	<p>A partnership has been formed with the Gloucestershire Guild of Craftsmen to operate their Guild gallery / shop from the new ground floor retail area at The Wilson. The partnership proposal has been planned and discussed since 2010 - and works on two levels. The first is through a lease agreement which includes an annual rental for the premises - and the second is through an informal working agreement, covering shared events, exhibitions and promotional activities at The Wilson. The original proposal stated that the Guild would sell souvenirs for the Art Gallery & Museum within the Guild shop - charging a commission on any items sold. However, as the agreement for the lease was being finalised (in July this year), the Guild decided that they only wanted to sell books for the Art Gallery & Museum and not souvenirs. This obviously left a gap in provision of services for The Wilson - combined with the fact that the Art Gallery & Museum was going through a major re-branding. Therefore a decision was made to set-up a temporary shop within the main ground floor reception area selling catalogues linked to the exhibitions programme and existing stock from the Tourist Information Centre - pending a review of new stock linked to (and reflective of) the new brand. The new Wilson Shop will be launched for the next major exhibition, Embrace (18th January), and the return of Rodin's Kiss on the 14th February.</p> <p>The Wilson does look very festive at the moment - with a number of Christmas trees in the main reception area, cafe (ground and first floor)</p>

	<p>and the main office windows.</p> <p>In a supplementary question Councillor Regan said that when the members working group met to discuss the commissioning of leisure and culture, one of the early discussions was about the shop and reassurance given about the retention of a visitor shop in the museum. She asked why there was not a souvenir shop selling gifts to remind people of their visit which may encourage them to pay a return visit to the Wilson.</p> <p>In response the Cabinet Member Sport and Culture explained that as already stated within her response, the shop would be launched in January. The Gloucestershire Guild of Craftsman had changed their minds about selling souvenirs within their shop at a late stage and given the delays in building work the priority was to open the museum on time rather than set up a shop.</p>
4.	Question from Councillors Whyborn, McKinlay and Wheeler to the Leader, Councillor Steve Jordan
	<p>Hatherley and Shurdington Triangle action group (Hashtag) have requested that local Councillors call upon Cheltenham Borough Council to remove the land between Up Hatherley Way and Chargrove Lane from the JCS plan, and that the Borough Council both takes note of these objections, and takes steps to save the Green Belt. Local Councillors are aware that numerous submissions around the town to the JCS consultation have raised serious concerns about proposed building on Green Belt land.</p> <p>Can the Council leader assure the Council that in further negotiations regarding the shape of the final JCS plan, that in the first instance he will be seeking to reduce the quantum of housing around Cheltenham, and secondly that the highest priority in deciding the preferred option JCS will be to minimise loss of green belt and green spaces, including the Chargrove triangle, and thirdly that further effort will be put into seeking further brownfield sites, including the additional factoring in of the occurrence of windfall brownfield sites, and the building of extensions to existing homes.</p>
	Response from Cabinet Member
	<p>Yes.</p> <p>The council undertakes a robust assessment of sites, this includes identifying brownfield sites. A call for sites has recently been undertaken as part of this sites assessment.</p> <p>The JCS team have received a representation (from Cllr McKinlay) on the inclusion of extensions to existing homes in the quantum of housing. Representations have also been received in regard to the proposed urban extension at Up Hatherley. These will all be considered in the next stage of the JCS.</p>
5.	Question from Councillor Penny Hall to Cabinet Member Corporate

	Services, Councillor Jon Walklett (this question was referred to the Chief Executive for a response as Electoral Registration Officer)
	With Reference to Agenda Item 10, Review of Polling Districts, Places and Stations, and the consultation exercise that took place from October 10th 2013 until November 8th 2013 in Charlton Park Ward, I and Cllr Duncan Smith were informed by letter dated October 10th advising of the interim review. I assume that the other persons and organisations identified as consultees in the report were contacted in the same way. Is the Cabinet Member satisfied that corresponding with the Ward Borough Councillors and chosen consultees by letter and the Consultation process itself meets the standard of consultation required.
	Response from the Chief Executive, Andrew North (as Electoral Registration Officer)
	<p>Letters were issued to ward members and chosen consultees (see report section 6.1 of agenda item 10) with the view that they then communicate with their community and we published a notice at the municipal offices. A folder was placed in reception with all of the details and these were also placed on the council's website. This is the process that the council uses for such reviews and conforms to Schedule A1 of the Representation of the People Act 1983.</p> <p>As Councillor Hall will be aware, unfortunately the relevant pages were not linked to the consultation pages on the website, although they could be found by using the search facility. Once she had brought this to the attention of officers, the website was amended and the consultation period was extended by a further two weeks and we advised of this extended period. The report is proposing no change at this time and as the report states there will be borough wide consultation on polling districts, places and stations next year. As this will be borough wide there is likely to be more media attention.</p> <p>In a supplementary question Councillor Hall explained the difficulty she had in retrieving the consultation document using the search facility on the website and despite the extension of the deadline by 8 days time still did not allow residents views to be sought.</p> <p>In response the Chief Executive acknowledged that there should have been a link to the consultation document on the front page of the website. He proposed that the issues could be looked at again in the summer 2014 when there would be a full consultation.</p>
6.	Question from Councillor Rob Garnham to the Leader Councillor Steve Jordan
	Last weekend we saw Councils up and down the country supporting "Small Business Saturday". Can the Leader inform us what actions he arranged for this council to take with a view to supporting the small businesses of our town on this special day?
	Response from Cabinet Member
	Cheltenham Borough Council works hard to support small businesses in a number of different areas with some examples as follows:

	<ul style="list-style-type: none"> • Following requests from local retailers, CBC re negotiated the contract of the Christmas Market and now have it trading later into the Christmas season which has already resulted in increased coach bookings. • Through High Street Innovation funding, CBC has delivered retail training to independent retailers which they would otherwise have been unable to access. • Extended street entertainment during the day of the Christmas lights switch-on events boosted footfall and sales this year • An extensive programme of town centre markets and events – arts & crafts; international; farmers; etc has led to greater opportunities for local independent retailers to trade in the town centre and has added to the vitality and viability of Cheltenham as a shopping destination. • The council is also funding an advice service to provide assistance to local people setting up new businesses. <p>On car parking, Small Business Saturday was already expected to be the busiest Saturday of the year in Cheltenham. It is also difficult to ensure general parking discounts benefit small businesses. Feedback from local businesses was that any discounts would be more useful to them at quiet times of the year. We have listened to this advice and are working on schemes for 2014.</p> <p>In a supplementary question Councillor Garnham, asked what support the Council had given to small business Saturday. In response the Leader denied that he had sidestepped the issue, explained that the council already undertakes a lot of initiatives to support small businesses in the town.</p>
7.	Question from Councillor Duncan Smith to the Leader, Councillor Steve Jordan
	<p>The draft economic plan being submitted by the Gloucestershire LEP shows a need for an increase in employment land of 150% over and above the levels shown in the JCS document.</p> <ol style="list-style-type: none"> 1. Given that the JCS assumes that economic development will drive the need for housing numbers, what guarantees can the leader give that he will not be coming back to this chamber next year with a Final JCS document that is proposing significantly more housing than the current draft? 2. Which sites will have to be brought forward to accommodate the extra 50,000 houses that would need to be built should the LEP plan prove to be more robust than the evidence base currently held to support the JCS?

	<p>3. How will the inherent contradiction between this key economic plan and the current version of the JCS be resolved in time for a public inquiry?</p> <p>4. How does the Leader propose to consult the public on these issues? Given that the inclusion of the Up Hatherley land in the current draft of the JCS has attracted significant criticism of his administration for not consulting on this change, will he commit to a significant change to the JCS consultation timetable if further changes to numbers and sites are to be made to the JCS next year?</p>
	<p>Response from Cabinet Member</p>
	<p>The draft Strategic Economic Plan is due to be submitted to government by the Gloucestershire LEP by 19th December and it is not yet available although I am aware it is being worked on. However, the final SEP is not due to be completed until 31st March 2014 and will no doubt be subject to widespread discussion before then.</p> <p>I have seen no evidence for and would not support the level of employment land being suggested by Cllr Smith. Equally I don't know where Cllr Smith gets his estimate of an 'extra 50,000' houses but clearly this would be both impractical and unacceptable.</p> <p>The draft JCS attempts to use available evidence to make a balance between provision of employment land and housing. This and all the other evidence base for the JCS has just been consulted on. Further time for consultation is already allocated in 2014 prior to the final JCS being submitted for public enquiry.</p>

8. **APPOINTMENT TO CHAIR OF OVERVIEW AND SCRUTINY**

The Cabinet Member Corporate Services introduced the report. He explained that at Selection Council on 14 May 2012, Council resolved that all nominations for chairs and vice-chairs of committees should be made at that Council meeting rather than separate meetings of those committees immediately following Council which had been done in previous years.

Councillor Duncan Smith was duly elected as chair of O&S.

Councillor Garnham, as leader of the Conservative group, had advised the Chief Executive and other group leaders that Councillor Duncan Smith would be standing down as chair of O&S and Councillor Barbara Driver was the Conservative nomination to replace him. This was confirmed by Councillor Smith at the O&S meeting on 25 November when he indicated that the meeting on 9 January would be his last meeting as chair. As these appointments were made by Council it now fell to Council to appoint the new chair. Councillor Smith indicated that he would also be stepping down from the O&S committee at the same time and Councillor Chard would be taking his place.

Resolved that Councillor Barbara Driver be appointed as Chair of Overview and Scrutiny Committee following the conclusion of the O&S meeting on 9 January 2014.

Councillor Driver thanked Council for their support and said she would do her best as the new chair.

9. ADOPTION OF A LATE NIGHT LEVY

Having declared a personal and prejudicial interest in this item Councillor Chard left the room and did not participate in the debate.

Councillor Jeffries, as Cabinet Member Housing and Safety, introduced the report saying Cheltenham has a vibrant night-time economy that far exceeds other towns of similar sizes. The town offers a rich choice of entertainment and facilities which makes it a destination that attracts high numbers of visitors, with some travelling considerable distances to enjoy what the late night economy has to offer. The town also hosts a number of internationally renowned festivals throughout the year.

He reminded Members that although the vast majority of people visiting the town do so safely and responsibly, an active night-time economy nonetheless demands additional resource and cost for the council, police and other partners to deal with associated crime, disorder and other anti-social behaviour. The council has set out a priority to strengthen communities by making those communities feel safe and ensuring they are safe. By working in partnership with the police and other stakeholders it has brought forward a proposal to adopt a late night levy in Cheltenham.

He advised that the late night levy is a new discretionary power arising from Part 2 of the Police Reform and Social Responsibility Act 2011. The levy can be charged to persons who are licensed to sell alcohol between midnight and 6am as a means for raising a contribution towards the costs of policing the late night economy.

He drew attention to the exemptions which the council could choose to apply and also the discretion as to the proportion of the funds raised, which it must allocate to the Police and Crime Commissioner (PCC). The levy if adopted would raise around £200,000 before exemptions, reductions for costs and any variations. The report outlined the consultation that had taken place and the issues that had been raised

In coming to a decision as to whether to adopt the levy the council must consider the cost of policing and the desirability of raising revenue. The costs of policing were set out in section 8.9 of the report. It could be seen that these costs were significant and in terms of desirability of raising the revenue, Councillor Jeffries felt that public safety and the costs of cleaning were important factors.

Section 11 of the report set out the outcomes which might be achieved with the introduction of the levy, and advised that the PCC had given assurances that if the scheme was introduced he would ensure that the money would be spent in Cheltenham. There had been meetings with the police and the trade, who were supportive of one single programme, with an advisory group identifying how the money should be allocated.

In his summing up he reminded Members that licensees have a business choice as to whether they wish to serve alcohol after midnight and also to adopt

best practice schemes and asked Members to support the recommendations as outlined in the report.

The Mayor then asked Members for any questions on the report before moving to the main debate. The following responses were given:

- The scheme has to be borough wide
- Any establishment serving alcohol during the levy period (0:01 to 6:00 hrs) would be subject to the levy. This would include small residential hotels and B&Bs.
- The scheme would be operational from 1 April 2014, but given that the funding will not be available until 2015, it would not be sensible to review it until after this period. The PCC has indicated that should the advisory groups identify projects prior to funding being available, then he may be able to provide some upfront funding. The levy has no automatic review date, and the decision to review is one for the Executive to determine.
- The advisory group will include representatives from the licensed trade so they will be able to monitor the impact of the levy on the trade.
- It was recognised that much of the litter is generated from people throwing away takeaway packaging but the levy only applies to licensed premises. However this may be something that could be considered as a project by the advisory group.
- The recommendations are that none of the potential exemptions set out under regulations 4a to 4h should be applied. The only exemption that has been recommended is the exemption for New Year's Eve. It is for the license holder to determine whether they wish to sell alcohol after midnight.
- Monitoring of the licenses is undertaken by the police and the licensing team. Whether the establishment is a large hotel, nightclub or a small hotel they are still selling alcohol with the consequences of doing so. If an establishment chose not to have a license for selling alcohol after midnight but continued to sell alcohol, it would be committing an offence and subject to prosecution.
- If the levy was adopted the licensing team and police would continue to follow their normal enforcement procedures and policies.
- Establishments can apply for a temporary event license and this is not covered by the late night levy.
- The levy is designed to deal with the impact of late night drinking regardless of location.

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

Councillor Garnham, a chair of the former Police Authority, said that he had been supportive of the late night levy proposals when the 2011 Act was introduced, as he believed that those who create the mess and problems should be expected to pay for dealing with it. However following the clarifications that Members had received in response to their questions, he now had concerns and felt that the proposal was a sledgehammer to crack a nut. He did not understand how it was equitable that a large hotel, such as The Queens Hotel, should pay the same amount as a small privately run hotel. He believed that more needed to be done to understand the impacts of alcohol and particularly preloading i.e. when young people drink at home before they go out. In principle he was supportive that those clubs where there are fights, litter and

people unwell, should pay for the resource required to deal with the issues, but was unhappy that the council would not be applying any exemptions. He felt that the scheme was an example of red tape, it was bureaucratic and would require significant administration and monitoring. He reminded Members that the council may retain a proportion of the business rates, and it should look to maximise this income by growing the economy and using this to offset the costs of the night time economy. He questioned whether the council had the employees to enforce the proposals and that it was too blunt an instrument to deal with a range of complex issues. On that basis he and his group would be voting against the recommendations.

Several Members commented that they thought that the levy was a good idea and that it would support the vibrant night time economy by making it a safe and enjoyable environment. The funds raised could be used to support the taxi marshals, the street pastors and potentially street cleaning and extended toilet opening hours. The assurance from the PCC that the money would be spent in Cheltenham to support community safety outcomes was welcomed. The scheme would be reviewed at some point and in the meantime it was important that there was a partnership approach with the police to encourage best practice and ensure that individuals drink responsibly.

One Member made reference to the supply of cheap alcohol available from supermarkets, and also to the attitude of the pub companies who have closed the local neighbourhood pubs which tended to be self policing. They felt that the council should be campaigning to change this pattern of behaviour by these national companies. They also felt that when reviewing the scheme, consideration should be given to the exemptions which are available and that these could be seen as an incentive for small establishments and community organisations to operate responsibly.

Another Member reminded the Council that the adoption of a levy was a discretionary power and that the Council was not required to adopt the proposals. They felt that the proposed split of funding, i.e. 70% to PCC and 30% to CBC, would leave very little for the proactive actions as proposed by other Members. They also highlighted that the PCC was intending to raise the precept, and that the council should not introduce the proposals but consider alternative ways of addressing the issues.

One Member felt that the proposals were targeting the wrong people and that more should be done to encourage people to drink responsibly. They would want to see the money ringfenced, to make sure it does not get used for other things. They also questioned how the review would work; and if it was found that the scheme was unsuccessful, as to whether they would refund the levy.

Councillor Jordan, Leader of the council, said he was supportive of the proposal and reassured Members that the money would be ringfenced and the PCC had also given similar assurances. He recognised that it was a new tax on businesses and as such the council needed to demonstrate why it should be introduced. He felt that the proposal to have one programme overseen by an advisory group was the right thing to do and would build on existing partnership working. He recognised some of the concerns regarding the exemptions but also reminded them that businesses will make a choice based on their business needs and financial situation as to whether they sell alcohol after midnight. As

the Cabinet lead for the economy he advised Members that the town currently does not have any business improvement districts (BID), and should one be introduced, which has been discussed, then one could not have the levy and the additional rates arising from a BID. He felt that given that only 50 people had responded to the consultation, it was not a huge issue and that some of the feedback had been positive. He stressed that the council would work with the trade to minimise the concerns that have been expressed.

Indicating that it had been an interesting debate, a Member said that all the issues relating to the night time economy were centred on the town centre whilst the exemptions, if applied, would be for those outside of the main core area. They asked the Cabinet Member to explain why he was recommending that the exemptions should not be applied. They were supportive of the idea as a way of dealing with town centre issues, but felt that more thought should be given to the proposal as it was a blunt instrument in the way it was being implemented across the whole town.

In his summing up, Councillor Jeffries advised Members that he did not have the freedom to design a scheme as the regulations were set by government and the council has to apply these if it is to implement a levy. The introduction of the levy will support the town and if exemptions had been applied they would have reduced the income available to introduce actions to minimise the impact of late night drinking. He reminded Members that businesses have options and can choose how they wish to run their business based on business needs. He felt that the proposed levy would support the town and asked Members to support the recommendations. With regards to the issues of preloading, he acknowledged that this was a national issue and outside of the scope of the levy.

Resolved that:

- 1. The consultation feedback be noted.**
- 2. Pursuant to section 125(2) of the Police Reform and Social Responsibility Act 2011 (“2011 Act”) the late night levy be applied in Cheltenham;**
- 3. Pursuant to section 132(1) of the 2011 Act:-**
 - a) that the 1st of April 2014 be the date on which the late night levy requirement is first to apply; and**
 - b) for the first levy year and, subject to section 133 of the 2011 Act, each subsequent levy year;**
 - i. that the late night supply period be set from 00:01 to 06:00;**
 - ii. that the following permitted exemption categories as defined in regulation 4 of the Late Night Levy (Expenses, Exemptions and Reductions) Regulations 2012 are to apply:-**
 - (1) regulation 4(i) – premises authorised to supply alcohol for on consumption only between midnight and 6 am on 1 January.**

- iii. that the following permitted exemption category as defined in regulation 4 of the Late Night Levy (Expenses, Exemptions and Reductions) Regulations 2012 is not to apply:-
 - (1) regulation 4(a) – hotels etc. supplying alcohol for on-consumption by resident patrons;
 - (2) regulation 4(b) – theatres supplying alcohol for on-consumption to ticket holders, performers, guests at private events;
 - (3) regulation 4(c) – cinemas supplying alcohol for on-consumption to ticket holders, guests at private events;
 - (4) regulation 4(d) – bingo halls where the playing of non-remote bingo is the primary activity;
 - (5) regulation 4(e) – registered community amateur sports clubs;
 - (6) regulation 4(f) – community premises like church halls and village halls, etc. that are subject to the alternative licence condition;
 - (7) regulation 4(g) – single country village pubs in designated rural settlements which receive rate relief; and
 - (8) regulation 4(h) – premises liable for the Business Improvement District levy.
 - iv. that the following permitted reduction category as defined in regulation 5 of the Late Night Levy (Expenses, Exemptions and Reductions) Regulations 2012 be applied-
 - (1) regulation 5(1)(a) – members of business-led best practice schemes.
 - v. that the following permitted reduction category as defined in regulation 5 of the Late Night Levy (Expenses, Exemptions and Reductions) Regulations 2012 is not to apply:-
 - vi. regulation 5(1)(b) – certain premises authorised to supply alcohol for on-consumption which receive small business rate relief.
 - vii. that the proportion of the net amount of levy payments that is to be paid to the relevant local policing body under section 131 of the 2011 Act is 70 per cent.
4. That the Deputy Chief Executive, in consultation with the Cabinet Member Housing and Safety, shall have delegated powers to do all things necessary to implement these decisions, including:-

- a) power to publish notice of the decisions in accordance with regulation 9(1)(b) of the Late Night Levy (Application and Administration) Regulations 2012;
- b) power to determine whether the holders of any relevant late night authorisations fall within any permitted exemption or reduction categories;
- c) power to determine the aggregate amount of expenses of the Council that are permitted deductions under section 130(1)(b) of the 2011 Act;
- d) power to publish annual notices under section 130(5) of the 2011 Act relating to anticipated expenses and the net amount of the levy payments;
- e) power to make adjustments to payments in accordance with paragraph 7 of the Late Night Levy (Application and Administration) Regulations 2012;
- f) power to determine from time to time when and for what purposes the Council will apply the non-specified proportion of the net amount of the levy payments; and
- g) to enter into an agreement with the Police and Crime Commissioner regarding the use of the net amount of levy payments as a single programme and the establishment of a Late Night Levy Advisory Group to facilitate a single programme.

Voting : For: 24, Against: 5, Abstentions : 4

10. REVIEW OF POLLING DISTRICTS PLACES AND STATIONS

The Chief Executive, Andrew North, introduced the report and advised Members that every five years the council has to undertake a review of its polling places and polling stations and that this would be undertaken next year. Such a review needs to consider how easy it is for voters to reach a polling station; that the station is located in the polling district it serves if at all possible; and that there is disabled access to the premises. However, the council can consider interim reviews if it is felt that there is an issue with a specific polling station.

Councillor Sudbury had advised him that the voters of EA polling district had felt that the proximity of the polling station needed to improve, and that she had come up with the proposal to use the Church of the Latter Day Saints. Currently those in EA polling district vote at Sacred Hearts Church. He advised Members that he had placed a copy of the locations on the map on the display board in the chamber and Members may wish to look at the map prior to making a decision. Although neither he nor his team had received complaints about the use of the current location, and the ward was one with a higher turnout in elections than other wards, he was happy that the proposal would be a suitable location and therefore had undertaken an interim review.

He advised Members that there had been only two responses, although as Councillor Hall had previously indicated in her question during Member question

time, there had been some issues with the information on the website. One elector was very opposed to the suggested change of location, and the other, although happy for the station to move, had suggested the alternative location of the Lido. The report sets out the implications of this alternative suggestion.

Given the low response rate and that there was no support for the proposal, he was recommending that the polling station should not change for voters in EA polling district but that it would be reviewed next year as part of the borough wide review.

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

Councillor Hall, as the ward councillor for the area, advised that she canvasses the area on a regular basis and listens to the issues of the electors. Apart from one elector, the location of the polling station had not been raised as an issue. She felt that the location of a second porta-cabin at the Lido was not an option as the car park was already congested on the day of an election. She was pleased that no changes had been made to the polling station location and that it would form part of the borough wide review.

Councillor Sudbury explained why she had asked for the review to be undertaken. She had been contacted by several electors, and reminded Members that the polling district goes down to College Road/Hewlett Road so it is a long distance to the polling station. She explained that there are residents in Keynsham Road who live over the road to the polling station at the Lido and cannot understand why they cannot vote at this location. She was pleased that the review had been undertaken, and had originally wanted the Lido as a suggested location until she realised the costs. This was why she had then suggested the Church of the Latter Day Saints as it was a suitable location and very pleasant venue. She advised Members that her colleague Paul Baker had put out a newsletter making reference to the review, but she was not surprised that there had been a poor response to the consultation as it was hard to find the information on the website. She believed that it was a matter of fairness that people had access to a suitably located polling station and although acknowledging that voters could have a postal vote, they should not be denied the opportunity to vote locally.

A Member questioned why the review had taken place given that there had not been any complaints to the council, and that the review was a waste of time and money when there were other priorities.

There was a suggestion that the new Fire and Rescue building was considered when the review is undertaken next time, as the building was designed to be used as a community resource.

In summing up the Chief Executive said that it was part of his responsibilities to undertake interim reviews of polling stations and polling places and he took the decision to review as there was a justifiable case with regards to location. In terms of costs, these had been minimal and were mainly officer time. In conducting the full review next year, he would ensure that the fire station was looked at as a potential venue.

Upon a vote it was

RESOLVED THAT

- 1. All electors in the current polling district EA continue to vote at Sacred Hearts Parish Hall, Moorend Road.**
- 2. These arrangements will be considered further as part of the full review of polling districts, polling places and polling stations to be carried out during summer 2014 and any changes that are agreed will be implemented before the Parliamentary election in May 2015.**

Voting : Carried with 2 abstentions

11. TREASURY MID TERM REPORT 2013/14

Councillor Rawson, Cabinet Member finance introduced the report which fulfilled two purposes; i.e. to demonstrate performance over the last six months and that the council is operating within the agreed parameters. He advised that before the downturn the council's treasury management played an important part in the council's finances with investment income of around £0.75m, but with the downturn in the global economy the investment income is now very modest. However it is still important that the Council is satisfied as to the way in which its investments and loans are being managed, and he was pleased to report that over the last six months the council has managed its cash flow in such a way that short term borrowing has been reduced. The level of investment income was higher than predicted, due to favourable interest rates. He pointed out that long term borrowing had increased due to the loan which had been taken out on behalf of the airport. He referred Members to section 4.4 to 4.7 of the report which set out the position in relation to the Icelandic banks.

He concluded that the council was operating within its prudential borrowing guidelines and thanked the officers, particularly Andrew Sherbourne for his work on treasury management. He also thanked the chair of treasury management panel, Councillor Tim Harman, and its members for their monitoring work.

There being no comments or questions the Mayor moved to the vote

RESOLVED THAT the contents of the summary report of the treasury management activity during the first six months of 2013/14 be noted.

12. NOTICES OF MOTION

Councillor Harman proposed the following motion which was seconded by Councillor Driver:

"That this Council formally records its thanks and appreciation to the many people in the Town who give of their time on a voluntary basis to help those in need and to support projects that benefit others.

Cheltenham is very fortunate to be enriched by our volunteers many of whom receive no recognition and who add such value to our Community."

In proposing the motion he advised Members he had been involved in public life for 40 years and had a huge respect for those involved with volunteering. He was always impressed with the work that individuals do and hoped Members would support this simple resolution as a way of saying Thank You to so many people.

In seconding the motion Councillor Driver said that all Members were aware of the work done by the voluntary and community sector (VCS) but her time as Mayor had opened her eyes to all the individuals who do so much. She felt they were unsung heroes and was proud of everything they do.

Other Members, some of whom were also past mayors, supported the motion. They felt it was often the unseen volunteers who provided some of the most valuable support to communities and the town was blessed with so many dedicated individuals who are prepared to spend time within the community. Members recognised the sometimes difficult and challenging nature of volunteering but also recognised its rewards and how individuals are passionate about their work.

Some Members spoke about the critical role that volunteers play in society and the increasing difficulty of recruiting young volunteers and also the potential difficulty in the future with the rise in retirement age. They felt that the motion was a good opportunity to be proactive and ensure that the message gets out in the media, not only thanking volunteers but encouraging others to volunteer. A Member suggested that there may be some formal recognition, such as a specific church service which had been held a few years ago to celebrate the role of the VCS.

One Member speaking in support of the motion also flagged up the role of parish councillors who are also volunteers as their work in the community is important.

Another Member commending the motion, made reference to the work of the volunteers who were packing and distributing food parcels, and felt that it was appalling that such measures were required.

The Deputy Mayor said that he thought that it was important for the council to not just recognise the work of the VCS but to actively support them and gave an example of a public transport issue which impacted on a specific charity. He thought that the council could assist by lobbying Stagecoach to reroute the No. 94 bus. Another Member advised that the Airport had made a similar request, as it would help not just the charity but the businesses located in the area.

A couple of Members made reference to the need to acknowledge the role of those involved with the support network for volunteers, who do a vital job in supporting those actively seeking volunteering roles and also those who are volunteers. Councillor Ryder made specific thanks to officers and Andrew North, with regards to the support she had received from the council as a trustee and chair of a charitable organisation who supports volunteers.

The Mayor told Members that she was aware that a number of councillors also undertake voluntary work and would want to add her thanks to them also.

In his summing up, Councillor Harman, said he was in agreement about the positive benefits individuals get from volunteering, including for some individuals motivation and feeling less isolated. He asked if the Mayor or deputy Mayor would consider thinking about organising a civic service at some point to recognise the work of the VCS.

Upon a vote the motion was carried unanimously.

13. TO RECEIVE PETITIONS

The Mayor advised that she had received a petition from Chris Nelson with regards to the land at Leckhampton and the JCS. The petition would be passed to the relevant officers within the council for a response.

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

There were no urgent items.

Wendy Flynn
Chair

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