

Council

13 February 2015

Member Questions (19)

1.	Question from Councillor Andrew Chard to Cabinet Member Development and Safety, Councillor Andrew McKinlay
	Following the sudden end to the traffic trial on the Bath Road will the Cabinet Member please explain where this leaves the Cheltenham Transport Plan?
	Response from Cabinet Member
	<p>During the Bath Road trial Gloucestershire Highways (GH) had difficulty with temporary traffic signal equipment failures which led to significant congestion and a general perception that the scheme was a failure. To this end GH was asked by the Leader of the County Council to pull the trial scheme early. The final journey time surveys were done on Tuesday 3rd Feb and officers agreed that sufficient 'learning' had been achieved to influence any potential future scheme design.</p> <p>In a supplementary question Councillor Chard asked whether the Cabinet Member thought that the Bath Road trial affected the Cheltenham Transport Plan.</p> <p>In response the Cabinet Member said that it did affect the plan but it was a free-standing part of the process which informed the provision of the Cheltenham Transport Plan later on. He emphasised that just because the trial had been curtailed it was not necessarily bad for the outcome of the plan as a whole.</p>
2.	Question from Councillor Andrew Chard to Cabinet Member Development and Safety, Councillor Andrew McKinlay
	Can the Cabinet Member please explain the consequences to the entire Cheltenham Transport Plan if the Bath Road part of that plan were not implemented?
	Response from Cabinet Member
	<p>The Bath Road trial was specifically looking at improving pedestrian safety on a stretch of road which has seen some serious pedestrian accidents and which during off-peak times is often referred to as a 'race track'. If a scheme is implemented on Bath Road it is likely to be later in the CTP process as the early stages of the CTP are likely to be about safely delivering the changes to the inner-ring road and bedding these changes in before starting the Boots Corner Trial.</p> <p>In a supplementary question Councillor Chard asked that if the Bath Road</p>

	<p>plan was not implemented would it have an effect on the Cheltenham Transport Plan as a whole and its viability.</p> <p>In response the Cabinet Member said that the Cheltenham Transport Plan works as a whole as the Bath Road element was primarily a safety scheme and would not affect the net flow of traffic into the network.</p>
3.	Question from Councillor Andrew Chard to Cabinet Member Development and Safety, Councillor Andrew McKinlay
	<p>Following the decision of the Cabinet of Gloucestershire County Council to delay making a final decision on the Cheltenham Transport Plan, could the Cabinet Member please explain what the new timetable is for implementing this mis-judged scheme?</p>
	Response from
	<p>Should the GCC Cabinet approve the TROs then Gloucestershire Highways would begin the task of finalising the designs of the inner-ring road changes and setting out the timescales for implementation and for the Boots Corner Trial. It is unclear at this point when the 10 month trial will start but it is unlikely that it will be this year.</p> <p>In a supplementary question Councillor Chard asked whether it was likely that the whole Cheltenham Transport Plan would be delayed until the end of 2015 or beyond.</p> <p>In response the Cabinet Member said that was dependant on how quickly the decision by Gloucestershire County Council could be made. He did say that it was highly unlikely that the Boots Corner element of the scheme would be implemented this year even if there was an early decision, as a number of things had to be implemented first. .</p>
4.	Question from Councillor Andrew Chard to Cabinet Member Development and Safety, Councillor Andrew McKinlay
	<p>Can the Cabinet Member please assure this Council that all possible steps have been taken to ensure that the Transport Plan could not be subject to Judicial Review and that the taxpayers of this Borough will not be expected to meet the cost of any such review of this plan which was approved by Liberal Democrat votes against strong opposition from both my own Party the PAB and two of his own Councillors?</p>
	Response from
	<p>Any local authority decision can be subject to legal challenge and this includes this Council's decision to support the scheme as well as the County's processes for approval of the scheme. We believe we have followed due process and County officers are also confident that the County's decisions have followed due process and would strongly refute any legal challenge.</p>

5.	Question from Councillor Tim Harman to the Leader, Councillor Steve Jordan
	<p>In an official report our Towns Economic Development Strategy was described as being "out of date and no longer fit for purpose"</p> <p>Would the Leader of the Council agree with me that this is a not acceptable and will he outline what urgent steps he is taking to give Cheltenham a robust Economic Strategy that is fit for the 21st Century?</p>
	Response from Cabinet Member
	<p>Cllr Harman should be able to answer his own question since his quote is taken from my report to cabinet in June 2014 which proposed the development of an updated Cheltenham Economic Strategy to replace the current 2007 – 2017 version and allocated funding to do it.</p> <p>Subsequently the council commissioned Athey Consulting Ltd to undertake the work. This strategy provides the local detail which will inform the preparation of the Cheltenham Plan and help deliver the economic development policies of the Gloucester, Cheltenham and Tewkesbury Joint Core strategy. The strategy is in 3 parts; firstly providing an economic assessment of the borough, secondly considering the portfolio of employment sites and lastly providing a strategy which provides the council with a suite of priorities and delivery options for consideration. The Planning and Liaison Member Working Group considered a draft report by the consultants and received a presentation on 27 January 2015. Final amendments are currently being completed and this will be circulated to all members in advance of a member seminar scheduled Monday 16 March. Following this presentation the report will be published.</p> <p>This local strategy follows on from this council's involvement in developing the Gloucestershire Strategic Economic Plan which was successful in recently securing a Growth Deal for Gloucestershire.</p> <p>In a supplementary question Councillor Harman asked for a realistic timescale for a robust, up to date economic plan.</p> <p>In response the Leader said that the new economic plan was now in its final draft stage. A member seminar would be held on 16 March which would give members the opportunity to discuss it. The plan provided an evidence base for the local plan and there may be issues raised which Cabinet wish to take forward before that.</p>
6.	Question from Councillor Anne Regan to Cabinet Member Housing, Councillor Peter Jeffries
	<p>How many privately owned houses in the St Pauls area have been given improvement funding from the Borough Council General Fund and at what cost?</p>

	Response from Cabinet Member
	<p>13 privately owned properties were improved as part of the major regeneration project in St Pauls Phase 1 at a cost of £126,701 in 2012-13 against an approved budget of £130,000, funded from General Fund capital receipts. Aligning to the vision set out in the 2006 Neighbourhood Renewal Assessment, this contribution led to complete transformational change of the phase 1 area and will contribute to the overall success of the St Paul's regeneration project.</p> <p>The description of the scheme that went in front of full Council was 'Transformational improvements to private households in St. Paul's to assist them in raising the standard of their dwellings in line with new build council housing stock'.</p> <p>Further detail was specified in the HRA 30 year Business Plan which was approved by Full Council in February 2012 (i.e. the year before the spend was incurred).</p> <p>The investment of improvement funding to secure regeneration outcomes has been a longstanding approach, including national grant support by successive governments.</p>
7.	Question from Councillor Anne Regan to Cabinet Member Housing, Councillor Peter Jeffries
	How many more privately owned houses in that area will be given this funding in phase two, and what will be the total cost of both phases be to the taxpayer?
	Response from Cabinet Member
	<p>There are 13 privately owned properties along Folly lane in the neighbourhood transformational works area that are currently being considered as part of the potential Phase 2 transformational improvement programme. No decisions have yet been take in respect to funding for the transformation works.</p> <p>The cost of the works to these properties has yet to be determined as the scope of the works, the estimated costs, and the funding mechanisms have yet to be finalised.</p> <p>Cheltenham Borough Homes are undertaking a review which will provide reassurance for tenants, private residents, cabinet and council that value for money is being achieved, as any funding requested could be from both the housing revenue account as well as from general fund capital receipts.</p> <p>Once the review is complete, proposals will be presented to all members</p>

	<p>prior to seeking approval from Full Council for the transformational improvements to proceed.</p> <p>In a supplementary question Councillor Regan asked why £200 k for the transformation improvement of private homes had been withdrawn from the budget papers. She asked whether this was due to embarrassment or that an incentive had not been offered to private home owners across the town.</p> <p>In response the Cabinet Member said this was sensible management and there was no embarrassment. The review was underway to ensure value for money was still being achieved given the higher costings.</p>
8.	Question from Councillor Anne Regan to Cabinet Member Housing, Councillor Peter Jeffries
	Will this opportunity be extended to the rest of the town to those struggling financially?
	Response from Cabinet Member
	<p>This is not envisaged currently.</p> <p>The funding provided to date relates specifically to the St Pauls regeneration scheme and objectives identified in 2006, following an extensive analysis of the area using a prescribed national methodology known as Neighbourhood Renewal Assessment.</p> <p>Means-tested grant funding or a loan facility is currently available to homeowners on income-related benefits who have a serious hazard associated with their home. Grant assistance is only available where a charge cannot be attached to the property to recover a loan and there must be an imminent risk of injury associated with the hazard.</p>
9.	Question from Councillor Chris Nelson to Cabinet Member Finance, Councillor John Rawson
	<p>At the extraordinary Audit Committee meeting on 29 Jan you said that you were fully aware of the lower than expected £5.6M contract for the Wilson (set in July 2011) and deliberately made no change to the budget provision of £6.3M, because you thought it prudent to keep some headroom within the budget to cope with the inherent risk in the contract. If that was the case, why did you not regularly scrutinize the on-going progress of the Wilson contract, so that you could assess whether the known risk had matured or not?</p> <p>Why did you not establish when the £600, 000 contingency fund within the contract had been expended and why did you not monitor the financial impact of the 1,000 plus user change proposals which, in all probability, must have contributed to the £1.2M overspend?</p>
	Response from Cabinet Member
	When I spoke to the Audit Committee it was to confirm what might seem

obvious: that as Cabinet Member for Finance when the 2013 budget was introduced I take responsibility for the fact the amount allocated to the AGM redevelopment project in the capital programme was £6.3m. I added that at that time I did not consider it prudent to reduce the amount.

At that time the main risk that persuaded me to take that view was the possibility that the project might under-achieve its fundraising target, rather than that it might exceed its tender price. Members will be aware that the funding for the project came very substantially from funds raised from trusts, the Heritage Lottery Fund, sponsors and donors; and fundraising was still ongoing at that stage. Indeed it still is.

I was also clear through the period from May 2012 when I was Cabinet Member for Finance that I had a duty to be informed about the finances of the project. The way I did this was to be aware of the regular reports which came from the Operational Programme Board to the Senior Leadership Team.

On this basis, at the start of November 2013, I thought I knew what the position was: namely that the project costs were on target, but that the fundraising might fall short by about £200,000.

It would not have made the slightest difference if I had asked questions to the finance team more frequently, or more persistently, or more aggressively. They would have given me the same answers because at that time they were receiving the same faulty information. Indeed the problem was not that no information was coming forward: it was rather that information was being reported but was highly misleading.

I mention November 2013 because it was towards the end of that month that the true position became clear when the Project Sponsor disclosed it to a member of the finance team. I was briefed very quickly thereafter, at a meeting of the Bridging the Gap Programme Board on November 26th. Steps were immediately taken to try to contain the overspend, but by that stage it was too late to have much of an impact.

I have set these facts out, not to justify what as a very serious organisational failure, but to make the point that, whatever the roots of the problem, they were not the supposed lethargy or indifference of senior management or the cabinet.

In response to Cllr Nelson's final paragraph, I could not have monitored all the variations in the contract without taking day to day control of the project, which was clearly well outside my remit or that of any other councillor.

In a supplementary question Councillor Nelson asked whether the council

	<p>would have been in a better position now if there had been a culture of robust questioning when managing this complex construction project.</p> <p>In response the Cabinet Member clarified that a large proportion of funding for the Art Gallery and Museum had come from external sources. He highlighted that a clear and simple structure was in place and there was a responsibility on officers to report upwards, particularly if there was any information which could cause alarm. The Finance team had no reason not to believe in any of the information they had been given. Involving the Cabinet Member Finance and the Cabinet Member Healthy Lifestyles in the operational elements of the project would have been in his view a “recipe for chaos”. He believed strongly that political and operational functions should not be confused therefore it would not be for the Cabinet member to seize operational control of the project.</p>
10.	Question from Councillor Chris Nelson to Cabinet Member Development and Safety, Councillor Andrew McKinlay
	<p>As the Cabinet Member with specific responsibility for the Wilson project at contract award, you had an opportunity to regularly monitor its progress within the monthly Project Board meetings, as required by the all important Project Initiation Document, which apparently you yourself approved. However, these Project Board meetings never took place. Why did you not insist that these Project Board meetings take place so that you could carry out your responsibilities? If you felt that was not appropriate, what measures did you take to keep yourself accurately informed about such a high profile project within your portfolio of responsibilities? When you handed over responsibility for the Wilson, who did you brief and what information did you give the new Cabinet Member about the risks within the project?</p>
	Response from Cabinet Member
	<p>The Project Initiation Document provides for both a Project Board and a Project Team. In effect the Project Board never met because it was felt that the Project Team included all Board members with the exception of the Cabinet member and would have led to duplication. The Project Sponsor was responsible for delivering all the projects objectives and represented the Project Team at Senior Leadership level.</p> <p>The internal audit review will consider if this was the correct judgement.</p> <p>The Project Sponsor briefed myself on a two weekly basis. The Internal audit will consider if this was the best approach.</p> <p>Cabinet responsibility was handed to Cllr Hay. Risks for the project were recorded in the projects Risk Register. Two briefing meetings were held between Cllr Hay and myself which included input from the relevant officers.</p>

	<p>In a supplementary question Councillor Nelson asked whether the Cabinet Member’s statement “it would not have made the slightest difference if I had asked questions to the finance team more frequently, or more persistently, or more aggressively” meant that the Cabinet Member brought no added value to the process.</p> <p>In response the Cabinet Member said this was not the case as there were different processes in place. The Project Board was the officer based body. As Cabinet Member his main point of contact was with the project sponsor who he met with on a regular basis for an update. The Cabinet Member had fed in to the process at an early stage and was involved in the selection of contractors. The current investigation would produce lessons learned but as the Cabinet Member he felt that he was being correctly informed and there was nothing that caused him undue alarm.</p>
11.	Question from Councillor Chris Nelson to Cabinet Member Healthy Lifestyles
	<p>As the current Cabinet Member with specific responsibility for the Wilson project, you had an opportunity to regularly monitor its progress within the monthly Project Board meetings, as required by the all-important Project Initiation Document. However, these Project Board meetings never took place. When you took office, why did you not insist that these Project Board meetings take place so that you could carry out your responsibilities? If you felt that was not appropriate, what measures did you take to keep yourself accurately informed about such a high profile project within your portfolio of responsibilities?</p> <p>Having now shown commendable interest in attending both Audit meetings that have investigated the Wilson overspend, have you now any public statement to make about your failure to actively monitor the progress of the Wilson project? If you feel you have no responsibility for identifying and controlling the £1.2M overspend who, in your opinion, was responsible?</p>
	Response from Cabinet Member
	<p>As the current Cabinet Member with specific responsibility for the Wilson project, you had an opportunity to regularly monitor its progress within the monthly Project Board meetings, as required by the all-important Project Initiation Document. However, these Project Board meetings never took place. When you took office, why did you not insist that these Project Board meetings take place so that you could carry out your responsibilities?</p> <p>The Project Initiation Document provides for both a Project Board and a Project Team in effect the project board never met because it was felt that the Project Team included all of the Board Members with the exception of the Cabinet Member and it would have led to duplication.</p>

	<p>The Internal Audit review will consider if this was the correct judgement.</p> <p>If you felt that was not appropriate, what measures did you take to keep yourself accurately informed about such a high profile project within your portfolio of responsibilities?</p> <p>I believe that my involvement in the project was active and proportionate receiving regular briefings from the Project Sponsor generally on a monthly basis, asking questions and receiving information reacting appropriately. The Internal Audit review will also consider if this was the best approach.</p> <p>Having now shown commendable interest in attending both Audit meetings that have investigated the Wilson overspend, have you now any public statement to make about your failure to actively monitor the progress of the Wilson project?</p> <p>No as I disagree with the premise of the question.</p> <p>If you feel you have no responsibility for identifying and controlling the £1.2M overspend who, in your opinion, was responsible?</p> <p>As Councillor Nelson well knows internal Audit are carrying out a further review, it would be both premature and irresponsible to speculate prior to the conclusion of that.</p> <p>In a supplementary question Councillor Nelson asked what the Cabinet Member assumed to be the premise of the question.</p> <p>In response the Cabinet Member said that she disagreed that she had failed in her responsibilities. She was a member of Audit Committee and Grant Thornton had produced a report and further investigation would be undertaken by Internal Audit.</p>
<p>12.</p>	<p>Question from Councillor Chris Nelson to Leader, Councillor Steve Jordan</p>
	<p>There appear to be alarming organizational parallels between a number of high-profile situations at other councils and public bodies and the recent report into the Wilson overspend of £1.2M. Information that should have been passed on did not take place, the performance management system did not work as anticipated and comprehensive risk assessments were yet again absent or inadequate. The scrutiny "system" in place seems to have placed too much store on the assurances of people in authority that everything was fine. On top of this, there were jumbled accountability arrangements, in which responsibilities for oversight overlap and duplicate, allowing individuals and organizations to complacently assume that</p>

	<p>'someone else' was doing the important job of scrutiny.</p> <p>Although the Council now has a clear set of recommendations to introduce to correct the numerous shortcomings identified in the Wilson project, do you as Leader not accept that you and your Cabinet Members have a formal responsibility to actively manage your portfolios and ask staff challenging questions about projects such as the Wilson?</p>
	<p>Response from Cabinet Member</p>
	<p>Yes, Cabinet Members have a formal responsibility to actively manage portfolios and ask staff challenging questions about projects such as the Wilson as this is covered within the council's governance and risk management arrangements.</p> <p>This is a responsibility that the Cabinet accepts as illustrated by a quote from the recent LGA Peer Review, "We were very impressed with the sustained and visible political leadership at CBC. Everybody we spoke to expressed their real confidence in the leader of the council. We saw properly briefed and confident cabinet members. Your reputation for delivering through partnership and the leadership this portrays is undisputable."</p> <p>As was made clear to Cllr Nelson at the Audit Committee, Cabinet Members and senior management were asking questions, but the problem was that the answers were inaccurate. For Cllr Nelson to try to make comparisons with other councils before the Internal Audit investigation is complete is foolish even allowing for his inexperience.</p> <p>In a supplementary question Councillor Nelson asked whether the assumption was that the Leader was relaxed about the £1.2 m overspend and that he had no concerns?</p> <p>In response the Leader questioned Councillor Nelson's interpretation. He stated that one investigation had been concluded and a further investigation via Internal Audit was ongoing. Until this had been concluded it was inappropriate to take a judgement.</p>
<p>13.</p>	<p>Question from Councillor Chard to the Leader, Councillor Steve Jordan</p>
	<p>Does the Leader of the Council share his colleague and Lib Dem MP, Martin Horwood's 'disgust' that the JCS was voted through despite the Leckhampton Local Green Space application not having been considered?</p>
	<p>Response from Cabinet Member</p>
	<p>No as that isn't what he said. As Cllr Chard is aware Cheltenham Borough Council is carrying out a Local Green Space review. While I would have preferred a joint review across the JCS area, since colleagues in</p>

	<p>Tewkesbury and Gloucester didn't see this as a priority, it was important that we made progress in Cheltenham. This work will help protect valued green spaces as part of the Cheltenham Local Plan.</p> <p>In a supplementary question Councillor Chard made reference to MP Martin Horwood's criticism of the new design for the Leckhampton green space review and asked if the Leader didn't agree why he was still promoting it?</p> <p>In response the Leader said that he was in favour of a local green space review outside the JCS framework. He advised that Tewkesbury Borough Council were not keen to undertake one but Cheltenham took the view that it was sensible to do one ahead of the local plan and may give the council more control..</p>
14.	<p>Question from Councillor Adam Lillywhite to the Cabinet Member Development and Safety, Councillor Andrew McKinlay</p>
	<p>What is happening on North Place? Do we have any ongoing costs or outstanding liabilities over this site. When and how is a decision to be made over what to do with it and would it not be a good idea if we reserved the 8 million to buy it back?</p>
	<p>Response from Cabinet Member</p>
	<p>As has been reported in the press Augur Buchler, the developer received notice from Morrisons of their intention to rescind the contract, just before Christmas but regrettably not before they had allowed the developer to actually begin work with their contractor. As a consequence the developer ceased material operations pending legal resolution.</p> <p>Whilst Cheltenham Borough Council (CBC) is not party to any of these contractual relationships I think it reasonable that we can assume that neither Morrisons nor any other foodstore operator will emerge to take the proposed store.</p> <p>Although this is disappointing it is however also an opportunity for the developer and CBC as planning authority to revisit the opportunities that the site offers.</p> <p>CBC has no outstanding costs relating to this site, having received the capital receipt in early 2014. CBC has a requirement for a 300 space public car park but given that a new scheme may be the only solution, we await a response from the developer. The decision is one for the developer, as owner of the site, with whom CBC continues to liaise. Re-acquisition is always an option but that assumes that the developer wishes to dispose.</p> <p>In a supplementary question Councillor Lillywhite made reference to the fact that Maidstone Planning Committee had won a judicial review with regard to its refusal of a development by Augur Buchler. He asked whether</p>

	<p>a Member of Planning Committee would get the same level of support from the Council if the planning committee did not agree with what Augur Buchler wished to develop on North Place.</p> <p>In response the Cabinet Member said that this was a hypothetical question. Once a planning application came forward it would be considered in the usual way. He was unaware of the Maidstone case.</p>
15.	Question from Councillor Adam Lillywhite to the Cabinet Member Development and Safety, Councillor Andrew McKinlay
	<p>For the last year the main question in Cheltenham was, Has Morrisons pulled out yet? given their widely publicised move online, away from superstores to 'local' shops as well as their poor trading figures, What questions were asked when Augur Buchler arrived at the end of November 2014 wanting to rush through the deal when so clearly the driving force would not have been Morrisons?</p>
	Response from
	<p>The developer Augur Buchler had an agreement to develop with Morrisons as the anchor tenant, and had all necessary planning consents in place. The trigger to begin works rested entirely with the developer. The fact that Morrisons waited until the developer had physically instructed a contractor to begin works, before deciding their course of action is one best posed to the Morrisons board.</p> <p>In a supplementary question Councillor Lillywhite asked whether the Cabinet Member could quantify the cost to the town of closing North Place car park two weeks before Christmas and asked whether it was expected that those who had visited the town during this period would return next year.</p> <p>In response the Cabinet Member said that this was a false premise. He explained that the site had been sold in 2013 and had in fact remained open for a longer period than anticipated as it was due to have closed in the summer of 2014.</p>
16.	Question from Councillor Adam Lillywhite to the Cabinet Member Finance, Councillor John Rawson
	<p>What consideration was made of the implications of the Borough being complicit in the Stamp Duty Land Tax evasion scheme to purchase North Place, this has both reputational and ethical implications and also invites HMRC inspection for the next seven years. Please supply the minutes or risk assessments that enabled you to consider it safe to override Councillors' concerns and circulate a memo to request that this decision not be called in.</p>
	Response from Cabinet Member
	<p>I am quite used to being denounced as a villain by Cllr Lillywhite, but tax evasion is illegal, and I think I am entitled to ask him to produce his</p>

	<p>evidence for such a serious accusation or withdraw it.</p> <p>The transaction that Cllr Lillywhite refers to was not in any way illegal or unethical. Indeed the developers' accountants Grant Thornton specifically sought advice on the matter from HMRC, who confirmed in writing that the secondary transaction concerned would not attract SDLT.</p> <p>I understand officers requested the O&S chairman to waive the call-in period because of the urgency of the decision and the risk of loss to the Council if it was delayed.</p> <p>My experience of Cllr Lillywhite suggests that he is not always persuaded by evidence and that he is liable to repeat accusations that have already been refuted. I would ask him not to do it in this case, as such a grave accusation is clearly not a matter that can be taken lightly by me or by officers.</p> <p>In a supplementary question Councillor Lillywhite asked whether the Council had been stamp duty compliant in the purchase of North Place and why risk assessments had not been produced. He asked if it was true that 8 days after the ground had been broken on North Place was the first time that Augur Buchler was aware of the withdrawal of Morrisons from the site. He asked whether CBC was involved in the decision to break the ground in order to expedite compensation. He also asked the Cabinet Member to provide figures on the retail deficit due to the closure of North Place as a car park, the ongoing damage to the town and the loss of car parking receipts.</p> <p>In response the Cabinet Member did not believe that these supplementaries related to the original question. He was opposed to the accusation by Councillor Lillywhite of being involved in a tax evasion scheme which was illegal and confirmed that the HMRC had approved the purchase of North Place.</p>
17.	<p>Question from Councillor Adam Lillywhite to the Cabinet Member Finance, Councillor John Rawson</p>
	<p>What are the current plans for the Municipal offices and do we believe it is safe to sell them to a developer in the light of the North Place situation. Why are we suggesting their use as a Hotel when the town is already considerably oversubscribed with hotels, are we not better keeping control of these iconic buildings?</p>
	<p>Response from Cabinet Member</p>
	<p>Any plans to put the Municipal Offices to new uses would depend on the Council finding suitable alternative accommodation. In approving the current accommodation strategy last March, the Council was mindful of the iconic nature of these buildings and expressed a wish to retain the freehold of the building. Also it would be important to ensure that any move was</p>

	<p>timed so that the building was not left empty for any length of time.</p> <p>I have considerable experience of Cllr Lillywhite's rather innovative approach to politics. Even so, I am astonished that, as a hotelier, he should use his position as a councillor to lobby to protect his business against a potential competitor. He needn't worry unduly. A hotel is only one of a range of possible commercial uses to which the Municipal Offices might be put in a new phase of its life. They include retail, leisure, offices and residential uses.</p> <p>In a supplementary question Councillor Lillywhite asked how the public would feel if the Municipal Offices were sold in a similar fiasco to North Place with the result that the premises would be boarded up and surrounded by scaffolding.</p> <p>In response the Cabinet Member stated that it was crucial to arrange the timing of a move from the Municipal Offices so that the building would not lie empty for a substantial period of time. He would ensure that this did not happen.</p>
18.	Question from Councillor Matt Babbage to Cabinet Member Finance, Councillor John Rawson
	<p>Following the stopping of work on the supermarket at the former North Place car park, could you please give details of the impact of this decision on CBC with respect to future share of car park revenues, penalty clauses, and any other implications?</p>
	Response from Cabinet Member
	<p>The site has been disposed of to the developer and whilst a reverse occupational lease was in place which gave the Council an unexpected bonus in terms of on-going car park income, this ended in December when the development began.</p> <p>We always recognised that there would be an impact on our car parking income while the redevelopment of North Place took place. However our agreement with Augur Buchler stipulates that a 300 space public car park will be provided with income accruing to the Council when the development is built out. The withdrawal of Morrisons will undoubtedly delay the development, though we are working with Augur Buchler to help find a positive way forward.</p> <p>In the meantime, we have projected our car park income for 2015/16 at a figure of £3.2 million which reflects the loss of North Place. We also retain a £350,000 car park income reserve which we set up last year to protect ourselves against a drop in parking income.</p> <p>I am not content to leave the matter there, however. That is why we are</p>

	<p>looking for opportunities to increase car parking capacity and income. We are aiming at opening a temporary car park on the Shopfitters and Synagogue Lane sites in the autumn. There are also other options that we are considering.</p> <p>Regarding penalty clauses, we have sold the site and received our capital payment in full and we are of course not party to any legal discussions or proceedings that may take place between Augur Buchler and Morrisons.</p> <p>In a supplementary question Councillor Babbage asked whether given the £350k car parking reserve, safeguards had been included in the original contract to ensure that this revenue did come through.</p> <p>In response the Cabinet Member stated that Augur Buchler had a contractual obligation to provide 305 public car parking spaces and this obligation remained in place. He said that the best course of action was to work with Augur Buchler to ensure a development on North Place was progressed. A plan to set out how to deal with the downturn in car parking income had been taken into account.</p>
19.	Question from Councillor Matt Babbage to Cabinet Member Development and Safety, Councillor Andrew McKinlay
	<p>Could you please give an update on the Banksy artwork on Hewlett Rd, and what steps CBC are taking in relation to it?</p>
	Response from Cabinet Member
	<p>A planning application seeking retention of the Banksy mural was validated on 5th September, 2014. The application is a retrospective application for listed building consent for the mural and a communication dish on the south-east facing flank wall of 159 Fairview Road. When the application was submitted, officers were unable to make a recommendation, as it was unclear how the damaged render could be addressed without affecting the artwork. This fundamental detail was requested, however, when it was submitted, further points needed clarification. Officers received further information in January 2015 and as such are now able to make a recommendation to Planning Committee. Committee will consider the application on 19th February, 2015.</p> <p>The flank wall of 159 Fairview Road is within private ownership. The Council's main priority is to secure the preservation of the Listed Building. However, the Council recognises the wider public interest in the mural. The Council has recently erected Heras fencing around the flank wall to protect the public from the risk of loose render falling from the building.</p>