

Environment Overview and Scrutiny Committee

Wednesday, 2nd March, 2011

5.30 - 7.55 pm

Attendees	
Councillors:	Penny Hall (Chair), Ian Bickerton, Nigel Britter, Jacky Fletcher, Sandra Holliday, Helena McCloskey, Diggory Seacome (In place of Rob Garnham), Charles Stewart and Paul Wheeldon
Also in attendance:	Councillor Colin Hay, Councillor John Rawson and Councillor Roger Whyborn

Extract from the Minutes

1. IMPERIAL AND MONTPELLIER GARDENS STRATEGY

The Cabinet Member Sustainability introduced the paper as circulated with the agenda.

The strategy was born of two elements, the first, Cheltenham Festivals (CF) requests for a review of the design and usage of the Gardens to allow expansion due to increased demand and the second, concerns of residents about the increased use of Imperial Gardens and resulting standards of the gardens.

This culminated in a public petition which was debated at Council in December and resulted in a request that Cabinet attempt to resolve the issues, which in turn should be reviewed by the relevant O&S Committees (Environment and Economy & Business Improvement).

There were no easy answers, simply saying yes to one and no to the other was not an option given how important both CF and the gardens were to the town.

In consideration of all the issues, as set out in item 3 of the paper, two options were developed.

Option 1 favoured the primary use of the gardens as a public garden and denying CF increased usage of Imperial Gardens. Restricting CF to the lower tier of Imperial Gardens and reducing tentage would resolve resident concerns but would not address CF's issues.

Option 2 provided an opportunity to redesign Imperial Gardens to accommodate CF, achieving a 'festival within a garden' feel and allowing use of Montpellier Gardens. Whilst offering a lower capacity in Imperial Gardens, it would allow expansion into Montpellier Gardens and the positioning of flowerbeds between tents would ensure the retained look and feel of the garden whether the tents were up or down. This would be beneficial to festival goers too.

The Cabinet Member Sustainability echoed the comments at Council about the desire to reopen Skillicorne Gardens.

The Chair explained that she would now allow speakers on behalf of CF, Friends of Imperial Square and Gardens (FoISaG) and Friends of Montpellier Bandstand and Gardens (FoMBaG).

Adrian Hensley of CF introduced himself to the committee. He welcomed the paper which he felt, moving forward, opened constructive discussion.

The proposed limit to use of the gardens to 75 days had necessitated in depth discussions with the relevant contractors in an effort to identify opportunities to reduce the time spent building and removing the tents. Access was key as this had a direct impact on the period CF were in the gardens.

A larger site would result in a shorter festival, whilst a smaller site would require a longer festival period in order that it were financially viable.

Future decisions about size and duration of various festivals would be greatly affected by the design of the gardens. If permitted expansion, CF would need to be involved in discussions regarding design in order that CF were not hindered by the design, given that walkways between tents were specific widths, etc.

From CF's point of view improvements to the infrastructure were required, improved external water and power supplies would make for more efficient festivals and negate the need to transport and house large generators, etc.

Another approach for CF to meet reduced timeframes would be to utilise Montpellier Gardens, though there was no desire on CF's part to move the problem.

There were many challenges to overcome but CF welcomed the open dialogue between all interested parties.

Adrian Hensley of CF offered the following responses to questions from members of the committee;

- There were 2 approaches to reducing time in Imperial Gardens to 75 days. The first was moving the Jazz Festival to Montpellier Gardens, which had the added benefit of relieving Imperial Gardens before the Science Festival started a short time after. The second would be improving access to Imperial Gardens which was currently accessed via the Town Hall. He was confident that either of these approaches would make it possible to achieve the 75 days limit.
- It was difficult to say what the optimum amount of space would be in the future as CF couldn't predict requirements of future years. Knowing the maximum amount of space and design of gardens would allow CF to build to suit the space that was available to them.
- As the Production Manager for CF, he wasn't an authority on the issue but venues were often organised after artists had stipulated their availability (date/time) and as such there were occasions when the venue was a little large for the size of the audience.
- Over the last 12 years CF had endeavoured to use local contractors wherever possible. However, given the increased scale of tents and

reduced time, the current tent contractor had admitted that they wouldn't be able to undertake work to both Imperial and Montpellier Gardens. The tender process had allowed for open discussions with contractors about the time constraints, etc. CF were eager to support local companies, many of whom had grown with the Festivals and would strive to continue to do so where possible.

Mr Hensley thanked the committee for extending an invite to CF to attend the meeting.

Mr Keevle, the Vice Chair of FoISaG introduced himself to the committee.

He didn't intend to go through the pros and cons of the 2 options given that they were well set out in the paper that had been produced, but he did note how constructive he had found the whole process and how appreciative FoISaG were for the opportunity to be involved.

He considered Imperial Gardens and others like it to be the jewel in the crown of Cheltenham and Option 1 would be his preferred option, retaining and/or increasing the flower beds and reducing the space for CF.

He did realise that this would not be entirely acceptable to everyone and had therefore considered Option 2. He felt this option had merit too and especially liked the reference to 'festival within a garden'.

However, he felt strongly that Option 2 would need strict conditions, rewards and fines associated with it which would need to be policed, though admittedly there was reference to this within the paper.

A sensible approach would be for at least one of the festivals, perhaps Jazz as the smallest, to go elsewhere, with Montpellier Gardens the obvious choice. The feeling was that the Literature Festival in October caused the most damage to Imperial Gardens and allowing it time to recover should be a consideration for the future. Perhaps boarding over the beds could be another option.

Whilst he understood the need to include some sustainable planting, he urged that the flower beds retain at least some of the coloured flowers and saw distinct benefits to opening Skillicorne Gardens.

He was comfortable with the idea of some hard standings in Imperial gardens which would minimise damage to the grass and beds, though personally, he struggled to accept that it was not possible to use restorative treatments on the lawns, which he felt was wholly necessary if the use of the gardens was to increase.

In closing he explained that FoISaG were looking to establish a charity in order to secure funding to replace the railings at Imperial Gardens in acceptance that the Council were not in a position to provide funding, though they would be fully consulted.

The Chair thanked Mr Keevle for his very practical approach.

As a point of clarification Adrian Hensley of CF explained that the hope was to move the Jazz Festival to Montpellier Gardens in 2012 rather than 2011.

Members agreed with Option 2 as a way forward and were impressed that both parties accepted the need to reduce the period in which tents were in Imperial Gardens. The suggestion by Mr Keevle to board over flower beds was an imaginative one and welcomed by members.

The Chair reminded members and attendees that the committee were a sounding board rather than the decision maker but welcomed general consensus having been achieved.

Brian Bracegirdle the Secretary of FoMBaG for over 20 years, introduced himself to the committee. He apologised for the comments that he would make which members may construe as negativity but in his mind had to be said.

In order to meet the demands of CF the Council planned to 'lump together' Imperial and Montpellier Gardens which was in the opinion of FoMBaG was unfeasible given their differing sizes, users and number of residents in proximity.

In 2004 the Council received a substantial sum of Heritage Lottery Funding to renovate Montpellier Gardens and Clause 8 of the funding agreement stated "The Grantee will arrange for the general public to have appropriate access to the Property. The Grantee will ensure that no person is unreasonably denied access to the Property". His interpretation of which was that Montpellier Gardens were restored for general use and not as a show ground. He had presumed that Officers currently employed by the Council were unaware of such a clause and had therefore highlighted it to them last week. His concern was that the Council would grant CF use of Montpellier Gardens in contradiction of the clause.

The Managing Director of CF claimed to have evidence that the Festivals generated huge financial benefits for the Town and yet despite more than one request, she had failed to submit any proof to substantiate her claims.

Imperial Gardens were in very poor condition following last years Festivals.

To conclude he stated that by allowing use of Montpellier Gardens by CF for 75 days of 'shows' would fall foul of Clause 8 of the HLF agreement of 2004 and it was his duty to highlight this. Having undertaken surveys of users of the Montpellier Gardens where he had put the proposals to them had evoked concern and discontent.

He and his wife were in fact patrons of the Festivals and he had been compelled to raise the issue in spite of it appearing negative.

In response to concerns of members about the weight that the clause carried, the Assistant Director – Operations advised that given that Members and Officers with first-hand knowledge of the agreement had since moved on, the matter would need to be investigated further and prior to Cabinet. He couldn't imagine that the clause would preclude doing things in the gardens, the Food Festival for example.

Members felt that the Festivals were the jewel in the crown of tourism for Cheltenham and did not doubt the financial benefits that came with it.

The Cabinet Member Sustainability highlighted that the issue of the clause had been raised too late for inclusion in the paper which had been circulated. The paperwork associated with the HLF funding was currently being reviewed by Officers and therefore no definitive answer could be provided at this time. His initial understanding was that the agreement did not preclude events such as the Food Festival as the gardens remained open to the public, except when it was necessary for safety reasons to close them (erecting and dismantling tents). He hoped to have achieved clarity on the issue before Monday (7 March), when the item was scheduled for discussion at Economy & Business Improvement and would include members of this committee in any emails.

Councillor Barbara Driver, as the relevant Ward Member asked that she be included in any emails relating to the issue.

In response to a question from a member of the committee the Cabinet Member confirmed that continuation of the current arrangements was referred to within the paper. However, there had been no merit to offering it as a third option given that it clearly wasn't working as well as it should.

Councillor Seacome felt obliged as the Chairman of the Licensing Committee to reaffirm the decision of the committee almost 5 years ago to grant a year-round license to both Imperial and Montpellier Gardens in order that individual events didn't need to apply each time. He wondered whether this may pose an issue in light of the clause.

The Chair moved to bring discussion to a close given the time permitted on the agenda. Whilst not tasked with making a decision, members had indicated their preference towards Option 2 and she looked forward to hearing the issue discussed at Cabinet - the matter was hugely important and at the point of agreeing a way forward to the future.

She thanked everyone, including members of the public, for their attendance for what she felt was a very thought provoking discussion.