

Council

Monday, 18th July, 2016
2.30 - 5.50 pm

Attendees	
Councillors:	Chris Ryder (Chairman), Matt Babbage, Paul Baker, Garth Barnes, Ian Bickerton, Nigel Britter, Flo Clucas, Chris Coleman, Mike Collins, Bernard Fisher, Tim Harman, Steve Harvey, Colin Hay, Rowena Hay, Karl Hobley, Sandra Holliday, Peter Jeffries, Steve Jordan, Adam Lillywhite, Helena McCloskey, Paul McCloskey, Andrew McKinlay, Dan Murch, Chris Nelson, Tony Oliver, John Payne, Louis Savage, Diggory Seacome, Malcolm Stennett, Pat Thornton, Jon Walklett, Simon Wheeler, Roger Whyborn, Suzanne Williams and David Willingham

Minutes

1. APOLOGIES

Councillors Flynn, Mason, Parsons, Sudbury and Wilkinson.

2. DECLARATIONS OF INTEREST

The following Councillors declared an interest in agenda item 9 and therefore did not participate in the debate of this item:

Councillor Jeffries due to his private work capacity.

Councillor Wheeler as a County Councillor as he had allocated some of his Active Together Funding to St Margaret's Hall.

Councillor McKinlay as he was the Council's representative on St Margaret's Hall.

Councillor Whyborn as Chair of Trustees for St Margaret's Hall.

Councillor Walklett as a family member was Chair of St Margaret's Hall Committee.

Councillor Ryder declared a personal interest in agenda item 8 as Chair of Cheltenham in Bloom.

3. MINUTES OF THE LAST MEETING

The minutes of the meeting held on 16 May were approved and signed as a correct record subject to the following amendments:

The Mayor took the opportunity to welcome newly elected Members to the Council. She thanked retiring Members Jacky Fletcher and Andrew Chard for their service to the Council.

The minutes of the meeting held on 30 June were approved and signed as a correct record subject to the following amendments:

1. Under Communications by the Mayor the following was added
The Mayor advised Members that the 11 and 12 June saw much celebration of the Queen's birthday. She thanked her Chaplain for the well thought through service held at the Minster to commemorate the occasion.

She reported that she had recently returned from a visit to Annecy to celebrate Cheltenham being twinned with the town for 60 years. The party from Cheltenham had been given a wonderful reception and she was looking forward to welcoming dignitaries and twinning friends from Annecy to Cheltenham in July. The Mayor thanked everyone who had attended the commemoration event for the Battle of Jutland at the Minster. The Mayor advised that on the following day she would be representing Cheltenham at the Centenary Commemorations of the first day of the Battle of the Somme and invited Councillors to join her at the Pittville Pump Rooms at 3.30 pm. She concluded that she would now be handing over the Chair to the Deputy Mayor, Councillor Sudbury.

2. Under Agenda item 8 the following was added :
A Member wished to thank this Council and Officers for the consideration of Leckhampton in the preparation of this plan. Three unanimous votes of support come to mind, important wording added into the JCS resolutions and the 31st July 2014 planning committee left all those present feeling inspired.'

4. COMMUNICATIONS BY THE MAYOR

The Mayor informed Members that she had attended the Battle of the Somme 100 years commemoration service on behalf of the Town in State, within the Grounds of Pittville Pump Rooms. She thanked all Members who had attended.

She had also welcomed the Mayor of Annecy along with twinning friends to Cheltenham to commemorate 60 years of friendship with our town. She thanked Councillor Garth Barnes and the twinning officer for their programme of events. Subsequently, on hearing of the tragic event that had taken place in Nice, she told Members that she had written on behalf of the town to Jean Luc Rigaut, the Mayor of Annecy, expressing our sincere condolences.

A minutes silence was then held in honour of those killed.

Finally, the Mayor said that she had officially opened the new Pittville Park Play area on Sunday 17 July.

5. COMMUNICATIONS BY THE LEADER OF THE COUNCIL

Councillor Steve Jordan reiterated the comments the Mayor had made with regard to the recent Annecy visit and the formal opening of the Pittville Park Play Area.

The Leader informed that the JCS Inspector had now received feedback from the three councils. She was still looking at several issues and would hold further sessions that week. The focus was on housing numbers and some issues surrounding Leckhampton. In light of this, the Extraordinary Council meeting scheduled for September had been cancelled and instead would be

rescheduled for mid-October. Further to this meeting there would be a statutory consultation period of 6 weeks. An examination in public would be held in January to consider the implications of the main modifications which would enable the residents of Prestbury and West Cheltenham to input into the process. The Council would then be convened to sign off the final Joint Core Strategy.

The Leader referred to a seminar which had been convened by the council with 30 stakeholders from business to discuss the impact of Brexit. A note had been circulated to Members on this. The council was considering how best to assist the business community at an uncertain time.

Finally, the Leader informed the meeting that Councillor Thornton would be joining Licensing Committee.

6. PUBLIC QUESTIONS

1.	Question from Tess Beck to Cabinet Member Housing, Councillor Peter Jeffries
	<p>Recent months have seen a number of retrospective applications for planning permission for large Houses of Multiple Occupation (HMOs with more than 6 tenants). Some of these HMOs had been operating as such for several years and had been licensed by Cheltenham Borough Council during that period.</p> <p>Why were these properties licensed despite not having planning permission in place?</p> <p>What steps will be taken to improve cross-checking and communications between the Planning, HMO Licensing and Building Control teams in the future?</p>
	Response from Cabinet Member Housing
	<p>Historically, Houses in Multiple Occupation (HMO's) were licensed without planning consent being in place, because some properties had been in this form of occupation for many years and therefore had established use and owners were not obliged to seek planning consent. A lack of planning consent is not an automatic bar on a property being licensed, as separate pieces of legislation govern these issues.</p> <p>More retrospective applications are being submitted for planning permission relating to larger HMO's as a direct result of the activity of the council's enforcement team. Since the housing and enforcement teams were merged, closer joint working has generated significant additional income from retrospective applications.</p> <p>A number of issues arise in ensuring that HMO's have the required license and planning consent, for example:-</p> <ul style="list-style-type: none"> • The number of occupants can vary over time; • The level of occupancy is not always obvious and may change where a property is subdivided or extended; • Properties are often adapted without consent, or under permitted development rights, without any notification to the council of an increase in the number of occupants.

7. MEMBER QUESTIONS

1.	Question from Councillor Tim Harman to Cabinet Member Corporate Services, Councillor Roger Whyborn
	<p>The Cabinet has recently performed a massive U turn by withdrawing Revenue and Benefits from the 20/20 process.</p> <p>20/20 is a process of sharing back office services with other Councils which has helped to drive down costs thereby protecting valued front line services. Will the Cabinet Member confirm whether the Cabinet is planning to abandon 20/20 altogether? Also will he explain to Council how he plans to fill the black hole of £159,000 which will be created in the budget next year arising from this decision?</p>
	Response from Cabinet Member Corporate Services
	<p>The clue to the answer to Cllr Harman is in the question. Cabinet has identified that 'Revenues and Benefits' is not primarily a back office service. Many residents who deal with the service – for example if there are issues with Council tax benefit or Housing benefit – are dealing with a very much 'front of office' public facing service. Often this can involve some of the neediest and least empowered members of the public. I note that the new Prime Minister has recently spoken of the need for government to empower all, and not just the privileged few.</p> <p>The £159,000 figure which is quoted presumably includes Customer Services (£105,000 = Revs & Bevs plus £54,000 = Customer Services), and again Customer Services is about as 'front-facing', and non 'back office' as it gets.</p> <p>The Cabinet is not planning to abandon 2020 vision rather to progress it with GOSS, ICT, counter fraud and audit services.</p> <p>The Cabinet accepts that savings not taken in one area must be made in another, and will be addressing the whole question of developing the budget for 2017/18 in the context of updating the MTFS as part of an ongoing exercise.</p> <p>In a supplementary question, Councillor Harman asked the Cabinet Member to confirm the exact amount of the transition grant and that this would not be jeopardised in any way by this decision. Would he also agree to attend the next meeting of the Overview and Scrutiny Committee on 12 September to fully brief members and answer any questions?</p> <p>In response the Cabinet Member said he was unable to provide a figure for the exact amount of the transition grant however he indicated that it was quite safe provided the council could come to some agreement with the other three partners in the 2020 partnership on the way forward. These negotiations were already under way so he was quite confident that they would result in such an agreement so consequently it was as safe as anyone could say at this stage. He confirmed he would be happy to attend O&S on 12 September.</p>
2.	Question from Councillor Tim Harman to Cabinet Member Finance, Councillor Rowena Hay
	Will the Cabinet Member update the Council on the present position with regard to the future of North Place?

	In considering what options the Council might have will the Cabinet Member include as one option the possible repurchase of the site in the public interest as a means of securing the key objectives such as additional affordable housing?
	Response from Cabinet Member Finance
	<p>In answering this question it is important to remember that the detail of any discussions between the parties needs to be treated with strict confidence, considering the commercial sensitivities involved.</p> <p>However, in answer to the question I am able to update this council as follows: Subsequent to Morrison's withdrawal from the scheme, Augur Buchler are currently in discussions with a number of interested parties regarding alternatives. The council are supporting them in developing a way forward and are undertaking the necessary due diligence and risk assessments to understand the benefits, potential risks and viability of any proposals.</p> <p>As part of the due diligence and risk assessment process currently underway, due consideration will be given to all potential options open to this council. The uncertainty in the development market caused by recent national events has made risk profiling more complicated. Housing could form part of a scheme going forward as the current development brief states mixed use.</p> <p>Any alternative option would be subject to legal considerations in addition to planning and viability testing. I will of course ensure that as soon as any decision is made Members are informed, I am as keen, as I am sure you are to see this very important site developed.</p> <p>In a supplementary question, Cllr Harman asked the Cabinet Member whether she agreed that there could be some benefits in having some aspects of affordable housing in any option being considered and this may help alleviate the pressure for affordable housing in other areas of the town such as Prestbury.</p> <p>The Cabinet Member agreed that she would want to see more affordable housing provided in the town but she reminded members that this site no longer belonged to the council and a mixed use development had been agreed for the site.</p>
3.	Question from Councillor Babbage to Cabinet Member Clean and Green Environment, Councillor Coleman
	Wheelie recycling bins can make it easier for residents to recycle domestic waste. Will the Cabinet Member follow the example of neighbouring councils and offer wheelie bins, where suitable, for recycling?
	Response from Cabinet Member Clean and Green Environment
	<p>Neighbouring councils operate with a variety of different ways for residents to recycle at home. Whilst it is correct to say that Tewkesbury Borough Council have decided to continue with their co-mingled service using wheeled bins for recycling, Gloucester City Council, Forest of Dean District Council and Cotswold District Council all use boxes in a similar way to how we operate.</p> <p>Wheeled bins for recycling have to be collected using a co-mingled collection where all the recyclables are mixed together and taken to a Materials Recycling Facility (MRF) to be sorted. This type of collection doesn't provide as good a quality recycle</p>

	<p>once they have been sorted and therefore the materials aren't worth as much compared to the current method of collection used in Cheltenham, where all recyclables are sorted at the kerbside.</p> <p>However, as part of the work underway in preparation for the potential service redesign in 2017, we are assessing the pros and cons of the current recycling collection method and the other options available in the industry including co-mingling. This appraisal together with the results of the consultation will help us choose the most practical and cost-effective option for Cheltenham.</p> <p>This Administration continues to be committed to providing the best service possible for the people of Cheltenham.</p>
4.	Question from Councillor Babbage to Cabinet Member Clean and Green Environment, Councillor Chris Coleman
	How many households take up the garden waste service and what steps are being taken to promote this scheme?
	Response from Cabinet Member Clean and Green Environment
	<p>For the past 3 years, the council has offered a promotional discount from February until May of £2 on new garden waste bin subscriptions, with those current users renewing before their renewal date also being eligible for the discount. We always see a surge in new business at the end of May from customers wishing to secure the discount. There is a renewal rate of more than 95%.</p> <p>We have been keen to promote the service as widely as possible. We have distributed bin hangers at the start of spring publicising the service as well as adverts being placed in the Echo and posters being displayed in the public areas. There have been banners at the HRC and on the sides of our vehicles. There has also been reference to the service in the Council Tax mailing as well as online.</p> <p>Take up is continuing to increase year on year and we currently have approximately 15,800 current bin subscriptions compared to 14,703 as at 31 March 2015, 13,699 as at 31 March 2014 and 12,781 as at 31 March 2013. I am satisfied with this increase in take up as well as feedback around the service received from customers.</p> <p>In a supplementary question, Councillor Babbage asked for more details about the paper bag scheme?</p> <p>The Cabinet Member responded that he would be happy to circulate a briefing note to all Councillors so that they could inform their residents about the options for disposing of garden waste including the one to take their garden waste to the recycling centre where they could dispose of it free of charge.</p>
5.	Question from Councillor Babbage to Cabinet Member Development and Safety, Councillor Andrew McKinlay
	Could the Cabinet Member please provide an update on the implementation of the Cheltenham Transport Plan in general, and the Albion Street changes in particular.
	Response from Cabinet Member Housing and Safety
	The bulk of the works in Albion Street being carried out by Gloucestershire County Council (GCC) began on 14 th April and concluded on 8 th July 2016 as planned. I believe that some minor non-disruptive works are continuing such as the closing off of

	<p>the now redundant access road into the former Beechwood car park.</p> <p>The traffic flows and behaviours are I believe being monitored by GCC so that any fine tuning – traffic signal timings, signage etc – can be amended as appropriate. My understanding is that parallel to this monitoring exercise GCC are making preparations for phase 2 (Imperial Square) such that should they be satisfied that the implementation of phase 1 is satisfactory, they will be in a position to proceed, without undue delay and still meet their procurement requirements.</p> <p>In a supplementary question, Councillor Babbage asked what updates would the Cabinet Member expect from the county council after the scheme has been put in place.</p> <p>The Cabinet Member advised that the Cheltenham Development Task Force had been given a verbal update at their meeting on the previous Friday by traffic officers from GCC. They had advised that the implementation had gone well and no significant problems have been reported and the Cabinet Member at the county council had confirmed that he had very few emails on the issue. The county council had been requested to put this in writing and send to the Council within the next four weeks. Phase 2 was currently being discussed and the Cabinet Member had requested the county council to confirm the exact timeframe being planned. He would be happy to circulate both these responses to all Members.</p>
6.	Question from Councillor Savage to Cabinet Member Clean and Green Environment, Councillor Coleman
	<p>Cheltenham sends a higher proportion of household waste to landfill than our neighbours in Tewkesbury and Cotswolds. Can he explain why we are lagging behind other local councils in this important area?</p>
	Response from Cabinet Member Clean and Green Environment
	<p>Cheltenham is far more densely populated than the rural districts of Tewkesbury and the Cotswolds and has a far greater number of properties to collect waste from.</p> <p>The Joint Waste Committee received a performance update for 2015/16 on 21st June, which shows that whilst we are seeing an increase in waste across the country, Cheltenham was the closest to achieving its target for landfill waste per household (475 kg's against a target of 464 kg's) than any of the other authorities in Gloucestershire – as shown on page 5 of the report.</p> <p>http://glostext.gloucestershire.gov.uk/documents/b11845/Agenda%20Item%2011%20-%20Performance%20Monitoring%20Presentation%20Tuesday%2021-Jun-2016%2010.00%20Gloucestershire%20Joi.pdf?T=9</p> <p>Recycling and waste performance is not a competition. Whilst I could be satisfied at comparing our performance to other similar Authorities, such as Gloucester City Council for example, that would miss the point. Here in Cheltenham, we are committed to providing as good a service as possible and our focus will remain on reducing waste and increasing recycling where possible.</p> <p>Councillor Savage thanked the Cabinet Member for their response. The Cabinet Member apologised that the link provided in his response did not appear to work on the app on their iPads and indicated that he would be happy to circulate it to members in an e-mail.</p>
7.	Question from Councillor Savage to Cabinet Member Clean and Green

	Environment, Councillor Coleman
	<p>Can the Cabinet Member guarantee residents that fortnightly bin collections are safe? Can he assure the Council that there are no plans to move to 3 weekly bin collections?</p>
	Response from Cabinet Member Clean and Green Environment
	<p>We are currently considering the various options available to improve our waste and recycling services, with potential changes to be introduced in 2017.</p> <p>We are keen to hear residents' views so that we can make informed decisions when re-shaping and enhancing our services. Therefore we are currently inviting residents to take part in a consultation exercise which is asking for their thoughts on everything from frequency and ease of collections, materials which can be collected, the type and style of bins and recycling containers, as well as questions relating to other parts of the service.</p> <p>As part of the work we are also looking at in close detail, the approaches used by other local authorities, which includes things such as the introduction of a greater number of materials which can be recycled at the kerbside, the co-mingled recycling collection approach and three weekly refuse collections.</p> <p>I have personally reassured residents that we won't be implementing any changes to this valued service until all of this work has been carried out and we are comfortable with the best and most practical option for Cheltenham.</p> <p>In a supplementary question, Councillor Savage asked for reassurance that there would be no move to less frequent bin collections without the full support of the residents of Cheltenham.</p> <p>The Cabinet Member was keen to give his reassurance and clarify the misunderstanding where Cheltenham had been misquoted in a recent TV programme. The makers of the programme had been advised that the renewal of the contract for Cheltenham's waste fleet provided an opportunity to review waste services, consider best practice and look at alternative options including looking at the experience of other councils who had changed the frequency of their waste collections. A consultation is now in progress and he assured members that it would be a period of weeks if not months before any subsequent changes were made. The focus of this administration remained to reduce the amount of waste sent to landfill and increase recycling and those would continue to be the council's objectives.</p>

8. FINANCIAL OUTTURN 2015/16 AND BUDGET MONITORING TO JUNE 2016

The Cabinet Member Finance, Councillor Rowena Hay, introduced the report. She explained that in December 2015 a possible under-spend of £307, 900 was forecast. This was then transferred to the budget support reserve following Council in February 2016.

The Cabinet Member Finance highlighted that changes to government funding arrangements, together with the current economic climate (particularly in the light of Brexit), presented an ongoing concern for the budget. It was important that the council continued to focus on economic development at the same time

as ensuring that it used underspends to support economic growth, the budget strategy reserve and general balances, bearing in mind the Medium Term Financial Strategy. She explained that business rates income had seen a significant short term dip with the Beechwood shopping centre closure and the Brewery redevelopment but despite this, the business rates pool had generated a surplus of £140, 000 in 2015/16 which had been transferred to the business rates equalisation reserve. She reported that a government consultation on the retention of business rates was underway with a deadline for responses by September. This would help shape future reforms and a further technical consultation was expected in the autumn. Parliamentary legislation for the framework was due in 2017 with a pilot scheme being introduced in April next year and full implementation by the end of this parliament.

In terms of the government offer for a fixed 4 year funding settlement, the Cabinet Member Finance believed this should be considered alongside the current business rates consultation. In any case the council was not in a position to submit a response to government with regard to the funding settlement by the October deadline. Cabinet was working with officers to address the MTFs in order to show a balanced budget over the period of the MTFs which must happen before any submission.

The Cabinet Member Finance reported that the Council had contributed £440,000 to the Joint Core Strategy over the last four years. It was uncertain how much more funding for this process was required but discussions were ongoing with the Inspectorate clarifying their estimated costs to completion. A reserve of £68,779 was available for this purpose and any request for additional funding would come forward in the report to be submitted at the October meeting of Council. This was a frustrating position but outside the council's control.

The Cabinet Member Finance announced an underspend of £239,020 in addition to the £307,900 already incorporated into the revised budget. She paid tribute to the officers who were constantly working to find savings, reduce costs and generate income wherever possible. It was proposed that this saving also be transferred to the budget support reserve.

In section 3 of the report, reference had been made to the 2017 Tour of Britain cycle race and the Cabinet Member informed members that discussions were ongoing with regard to the possibility of Cheltenham hosting the penultimate day. Whilst these were at an early stage she emphasised that this would provide a boost to the local economy and raise Cheltenham's profile as a festival town and tourist destination in line with the council's focus on economic and business growth. To host the race the council would be asked to underwrite £100,000 of the cost which would be partly covered by sponsorship by local businesses and other organisations. She believed that the council had to be bold to prosper.

The Cabinet Member Finance referred to the recent currency auction of the council's deposit in the Glitnir Icelandic bank. She reported that on 4 July the council received £627,856. To date the council had recovered £3,055,456 however the shortfall in the return against the carrying value of the loan must be taken into account which amounted to £167,637 (accrual of interest on the investment balance outstanding). Provision had been made within a reserve to

offset any losses and a balance remained of £132,217 which would be used as part of the 2017/18 budget setting process.

She proposed that any revenue savings should be used to strengthen the general fund balance wherever possible and proposed that the budget saving balance of £139,020 be transferred to the Budget Strategy reserve. This would give the council more flexibility to support projects and initiatives which had the potential to deliver future savings and that the £100,000 underwrite for the Tour of Britain be put into the economic development and tourism reserve.

The Cabinet Member Finance proposed that the Keep Cheltenham Tidy reserve be transferred to Cheltenham in Bloom which was an organisation which enhanced the council's floral displays across the town.

In terms of achievements this year the Cabinet Member highlighted the following:

- Ubico had delivered £116,700 to shareholders
- The restoration of the War Memorial was almost complete and community plans were well advanced to mark the 100 year anniversary of WW1
- The Pittville Park Play Area had been completed within budget and on time
- Delta Place was proving to be a wise investment
- Car parking income had exceeded the budgeted target
- The Housing Revenue Outturn statement showed a net positive variance which boded well for the future given the Government imposed rent reduction in future years
- The Capital Programme had delivered the boiler scheme ahead of schedule benefitting tenants with more efficient heating systems and reduced energy costs
- The solar panel installation has generated a feed in tariff of £194,000 which has gone back into the HRA

The following questions were raised by Members and responses given :

- Had the 2020 situation in terms of the withdrawal of revenues and benefits and customer services from the process and the implications for the transformational grant and the consequential loss of savings in the budget made it impossible for the council to apply for four year government funding. In response the Cabinet Member reiterated that the proposal was to look at the Government's offer of four year funding alongside the current business rates consultation. She highlighted that work was ongoing as even without the £157k shortfall from 2020 there must be a balanced budget
- Carry forward requests in Appendix 5- A member expressed concern about the lack of the authority's compliance with statutory food law requirements and asked if Cabinet could provide regular updates to inform Members how this was being progressed to meet this requirement by 2017. In response the Cabinet Member Finance stated that £20k in carry forward requests had been earmarked to address the issues. The Cabinet Member Development and Safety acknowledged that the Annual Food Safety report had revealed the failure of the service to meet some national targets and explained

that this was due to staff long term sickness. A Food Standards Agency audit had considered the council's plans to address the issues and approved its plan in September 2015.

RESOLVED THAT

- 1. the financial outturn performance position for the General Fund, summarised at Appendix 2 be received, and that it be noted that services have been delivered within the revised budget for 2015/16 resulting in a saving (after carry forward requests) of £239,020.**
- 2. £40,000 of carry forward requests (requiring member approval) at Appendix 5 be approved.**
- 3. the use of the budget saving of £239,020 as detailed in Section 3 be approved.**
- 4. the annual treasury management report at Appendix 7 be noted and the actual 2015/16 prudential and treasury indicators be approved.**
- 5. the capital programme outturn position as detailed in Appendix 8 be noted and the carry forward of unspent budgets into 2015/16 be approved(section 7).**
- 6. the position in respect of Section 106 agreements and partnership funding agreements at Appendix 9 (section 9) be noted.**
- 7. the outturn position in respect of collection rates for council tax and non-domestic rates for 2015/16 in Appendix 10 be noted(section 10).**
- 8. the outturn position in respect of collection rates for sundry debts for 2015/16 in Appendix 11 (section 11)be noted.**
- 9. the financial outturn performance position for the Housing Revenue Account for 2015/16 in Appendices 12 to 13 be received and the carry forward of unspent budgets into 2016/17 be approved (section 12).**
- 10. the budget monitoring position to the end of June 2016 (section 13) be noted and the budget virement of £60,000 be approved.**

9. PROPOSED FINANCING ARRANGEMENTS FOR THE CONSTRUCTION OF AN ANNEX AT ST. MARGARET'S HALL

Having declared an interest in this item Councillors McKinlay, Whyborn, Wheeler and Jeffries left the Chamber.

The Cabinet Member Finance, Councillor Rowena Hay, introduced the report and explained that in 1997 Cheltenham Borough Council purchased St Margaret's Hall and it was re-opened by a consortium of users known as the St Margaret's Hall Users' Group who have successfully managed the building and

have undertaken a range of projects to improve the fabric of the building. The hall was a popular community facility serving the Warden Hill and Hatherley communities as well as the wider community of Cheltenham. Rental income brought in around £22,000 per annum. She went on to explain that the current lease ran to 2026 with a rent review in 2017. To support fundraising activities associated with the annex project, the Users Group have approached the council with a request to replace the lease with a new 35 year term on the same terms and conditions. To meet increasing demand for space at the Hall, the Users' Group have drawn up plans for an annex. Details of the proposal were set out in a business plan at Appendix B and she informed Members that planning and building regulation permissions had already been granted. She reported that the Users group have approached the council for a loan of £50,000 which they would repay over a period of 15 years at 3 % interest. They intended to use the offer of a loan from the Council to apply to a range of grant awarding organisations for funding to cover the costs of the building works. The User group had already secured £41,000 and aimed to fund raise the remaining £84,000. Council was therefore being asked to consider an "in principle" loan of £50,000 to the User Group with the following conditions :

- *The offer of the loan in principle will remain open for 12 months from the date of the Council meeting.*
- *The offer of the loan in principle is only to be used in connection with the proposed Annex as detailed in section 3 and is to help the User Group secure the additional funds necessary to enable the build contract to be entered into.*
- *Subject to the User Group securing the additional funds, a further report will be considered by full council to agree whether the "in-principle" loan should be turned into an agreed loan.*

She explained that the proposed development would help meet the growing needs within the south of Cheltenham and support one of the many voluntary sector organisations who the council relied on to help support delivery of the town's priorities through partnership working.

In discussing the proposal Members made the following comments :

- St Margaret's Hall provided a valuable service to local residents and organisations and Members welcomed the proposal and hoped that the facility would continue to prosper into the future
- The building was one of the Council's assets and an excellent example of how the council could influence community activities
- Members wished them well with their fundraising and looked forward to receiving a further report in 12 months' time.

RESOLVED THAT

- 1. an "in-principle" loan of £50,000 be made to St. Margaret's Hall Users Group.**
- 2. this "in-principle" loan be offered for the purposes of enabling further fund-raising to take place in connection with the construction of the proposed annex detailed in section 3.**

3. **this “in-principle” loan be offered on a series of conditions set out in section 5.**
4. **subject to these conditions being met, a further report will be considered by Council to agree whether the “in-principle” loan be turned into an agreed loan.**

10. NOTICES OF MOTION

Motion 1

The following motion was proposed by Councillor McKinlay, seconded by Councillor Clucas

‘Council notes the result of the recent referendum on the future of the United Kingdom’s membership of the European Union, and the political and economic crisis that has resulted from it.

Council further notes that the people of Cheltenham voted to remain members of the European Union.

Council recognises that the future is uncertain; and that Cheltenham now faces many more economic and social risks as a result of the decision to leave the European Union. This will be particularly hard felt by younger residents.

Council resolves to do everything in its power to protect the economy of Cheltenham, and the prosperity of the people of Cheltenham, and to work with all our partners to this end.’

Councillor McKinlay introduced the motion and Councillor Clucas as seconder of the motion reserved the right to speak later in the debate. Councillor McKinlay highlighted the need for the new government to be clear on its objectives for Brexit and have a clear plan going forward. It was important that Cheltenham Borough Council seized the moment and did everything it could for the people of Cheltenham. To that end he made reference again to the seminar the council had convened with the business community which had proved to be valuable. A report on the information gained would now be circulated. Going forward it was important that opportunities were maximised and in this respect he highlighted the Joint Core Strategy as a key strategic planning document to set the framework for providing employment and attracting inward investment to the town. He also referred to the coordinating role of the council in lobbying central government and pursuing policies to make Cheltenham a more attractive and better place. Maintaining contacts with Europe was in his view key. The motion would signal to the community that the council was aware of the issues regarding Brexit and he was keen that there was a positive outcome for the town. He reminded Members that the Brexit vote was what the majority of the country voted for so they had a commitment to the people of Cheltenham to seek the best outcome.

Councillor Savage questioned the use of the phrase “political and economic crisis” which he would be reluctant to endorse and therefore announced his intention later in the debate to propose an amendment for it to read “political and economic uncertainty”. He was upbeat about the local economic situation

and in his view a protracted period of political uncertainty had been avoided due to the formation of a new government.

During the debate the following points were raised :

- The impact of the loss of funding streams such as the European Social Fund, the European Regional Development Fund and support given to locally and regionally elected Members was highlighted. One Member quoted that €1 million had been awarded to Gloucestershire. The EU had done a lot to support community cohesion.
- Members welcomed the prudent approach by bringing businesses together in the town at the recent seminar
- Twinning links were important and they gave the Council the opportunity to build on these further allowing young people to develop their understanding of different culture and languages.
- Erasmus funding was used to support youth work in the town via the twinning agenda.
- Some Members questioned the use of the word 'crisis' which they believed projected fear for younger people, rather than making the most of the opportunity to take the town forward. Some Members felt the use of the word 'crisis' would be more appropriate if Scotland voted to leave the United Kingdom
- Members felt the need for more public involvement in the Brexit agenda, there was currently a vacuum in terms of what it meant. Some Members did not agree with the "wait and see" view and felt that it was essential to talk to business about the immediate issues they faced. There were vital industries in the area such as aerospace and engineering which were directly affected.
- There was concern that employment rights associated with being a Member of the European Union such as through the Working Time Directive, Equal Pay could be at risk in the light of Brexit
- A Member highlighted the impact withdrawal of EU funding would have on Cleve Common which was a Site of Scientific Interest
- The plight of EU nationals residing in Cheltenham was referred to, Members felt their status needed to be guaranteed.

As seconder of the motion Councillor Clucas listed the risks Cheltenham faced as a result of Brexit in terms of loss of skills, investment, health and social care workers and research funding for universities among others. In view of the uncertainty it was important to look at the long term and she highlighted the importance of protecting the diversity in our communities to ensure cohesion. Through the new communities that the JCS would create, the council should aim to build on the values of what it meant to live in Cheltenham and the JCS should enhance the economy for residents to thrive in. She believed there was a striking opportunity in the strength of Cheltenham's own culture, environment and economy. To that end she informed Members that that she had invited colleagues and partners to attend an inaugural meeting of a cultural partnership in September with the purpose being to develop a new role for culture in the town's communities. The aim would be for Cheltenham to be UK City of Culture in 2021 and European Capital of culture in 2023. She intended to set up a Cabinet Member working group to develop this idea further.

Councillor Clucas highlighted the importance of the Chinese business presence in the UK. Some companies established themselves in the UK to give them access to the EU but with Brexit this was now called in to question. It was therefore vital to maintain the ability to attract new companies and plan for the future.

With regard to the wording of the motion, Cllr Clucas firmly believed that the current situation did amount to a crisis but would leave it to Cllr McKinlay, as proposer, to agree such wording as he saw fit.

Councillor Savage said there was a need for stability and confidence and he believed the current wording did not inspire confidence and was not necessarily beneficial for the town. He therefore formally moved the amendment to remove the reference to 'political and economic crisis' and replace this with 'political and economic uncertainty'.

In response to the debate Councillor McKinlay thanked Members for their wide ranging comments. He believed the word 'crisis' in the motion was recognition of the current situation. However he did say that it was a question of semantics and he would accept the proposed change into the motion. He recognised the impact that a reduction in EU funding would have and highlighted the need for businesses to have stability. It was vital that the town remained attractive to investors. Should the package the new UK government propose be rejected by Europe there would be even more uncertainty. He agreed with the comment that the UK should maintain the highest standard in any employment laws and any other areas.

He welcomed the proposals for Cheltenham to build on its traditional strengths of culture and education and the possibility to apply for European City of Culture which would bring the arts, culture and sport together.

Finally, he was pleased that in this motion the Council would lay down a marker to say it was aware of the issues and was trying to tackle them to ensure a positive outcome for the town.

The Mayor asked whether the amended wording to the motion to replace the word 'crisis' with 'uncertainty' was accepted by Cllr McKinlay and he confirmed that it was. He said that the most important thing was for Members to unite behind the motion. The revised substantive motion was then put to the vote. Upon a vote the motion was carried (For 27, Against 3)

Motion 2

The following motion was proposed by Councillor Savage and seconded by Councillor Harman.

'This Council is concerned by the reported rise in hate crime following the EU referendum. Council re-affirms its commitment to an inclusive, tolerant and diverse town. We welcome the contributions made to our vibrant multicultural and multiracial community by people regardless of their background, and will continue to work to tackle hate crime and discrimination in all its forms.'

Councillor Savage introduced the motion and Councillor Harman as seconder of the motion reserved the right to speak later in the debate.

Councillor Coleman considered the wording of the motion was well-made and it was essential that the council stood shoulder to shoulder with all people whatever their background and made a firm stand against any sort of discrimination. He was aware that there were currently over 3 million EU nationals in Great Britain who were very concerned about their status and he was very keen that these people should not be used as a bargaining tool in any negotiations with the EU. There were many EU nationals in Cheltenham who made a valuable contribution to the society where they live, work and love and they must be treated appropriately.

He proposed an amendment which was seconded by Councillor Jordan which was to include the following additional wording:

“This Council also calls on the Government to provide a full assurance to EU Nationals residing in our town that they will have the right to stay in the UK indefinitely.”

Councillor Savage as proposer of the motion indicated that he was happy to accept this amendment and therefore this became the substantive motion which was then debated.

In the debate that followed, Members fully supported the motion.

A member gave an example of where they had the misfortune to witness a hate crime on a bus in Cheltenham and they had reported the incident to the police. They encouraged all members to report such incidents and were concerned that the politics of division had been used in the Brexit debate. Another Member referred to a similar statement made by the Police and Crime Commissioner who had stressed the importance of reporting such incidents to the police.

Another Member suggested that the result of the referendum had emboldened some people to speak out. Their comments were often based on ignorance and he warned people against using emotive words such as ‘hate’. The Leader commented that hate crime had not accelerated in Cheltenham since the referendum result but shouldn't be underestimated. The council must ensure that no groups in the town are isolated and he was pleased that a community pride grant had been granted to address this important issue. Another member referred to a recent seminar on this issue which had emphasised that despite the genteel perception of the town, hate crimes still did exist.

Other Members emphasised the need for working together on this important issue and welcomed consensus across the chamber which would only strengthen the council's response.

Other Members spoke of their experiences and privileges in working and meeting people of different cultures and they felt that this diversity enhanced the town and should be celebrated.

A Member requested that should the council agreed this motion, as well as being minuted, the council should use its communication team to ensure the message was sent out to schools, police and partner organisations. The council had a duty to make it clear to everyone that hate crime was not acceptable and it would not be allowed in Cheltenham.

The Mayor thanked the Cabinet Member Healthy Lifestyles, for her support for the Mayor and Deputy Mayor issuing a media release to encourage all communities to attend the Fiesta in the Park event which had celebrated diversity. She thanked officers and partners for making it such a success.

In seconding the motion, Councillor Harman requested that an action plan should be produced and he would welcome a further Member seminar on this topic.

Councillor Savage thanked members for a high quality and wide ranging debate and for sharing their personal experiences.

Upon a vote the motion was carried unanimously.

Motion 3.

The following motion was proposed by Councillor Coleman and seconded by Councillor Willingham

'This Council recognises that it is important that the makeup of each of its committees is as representative of the Council as possible.

This Council believes that in order to achieve this objective, the start times for meetings need to be kept under review.

This Council notes that, whilst the Corporate Diary was agreed earlier in the year, a new Council was elected in May 2016.

This Council further notes that its Licensing Committee has historically met on a Friday afternoon but that this arrangement is not now best suited to the requirements of Councillors who wish to be part of the Committee.

This Council therefore determines that the start time for the Licensing Committee will be changed from 2:15pm on a Friday to 6:00pm on a weekday evening, to be arranged by the Democratic Services Department in consultation with the Chair and Vice-Chair of the Licensing Committee, commencing in September 2016.'

In introducing the motion, Councillor Coleman indicated that he had joined the council in 2002 in his early 20s. At the time he was working as a junior lawyer and although he felt he could have made a valuable contribution to the Licensing Committee, he felt unable to put his name forward due the committee taking place in the daytime. He referred Members to a similar debate which had taken place when it had first been proposed that the Planning Committee should move from an afternoon slot to a 6 p.m. start. Despite arguments that it would have an adverse effect on officers, applicant and professionals involved in the committee, he didn't recall that this had been the case in practice. He felt that the change had enabled the makeup of the Planning Committee to be more representative of the Council Membership and the same should apply to the Licensing Committee. He was confident that the quality of decision-making would be improved by having a wider membership available to service the

committee. He reminded members that at February Council, Members had been challenged by a member of the public to do more to encourage women to stand as councillors. He advised that he had discussed the change with officers and this had resulted in the revised motion that had been circulated in Members' places. This suggested a review of the structure and meeting arrangements for the Licensing Committee with the aim of making it even more professional and strengthening the work of the committee.

Councillor Willingham spoke as seconder of the motion. He felt it was important that meetings were accessible to all members of the public, particularly those who work during the day. He was pleased to note that the chair had already taken some action to ensure that all debates by the committee were as open as possible to the public. He wished to assure members that there was no intention to move the committee to a Friday evening slot. He also hoped that the review could look at how Licensing policies were developed and the process for approval by Cabinet or Council. In conclusion he felt it was a good move for democracy.

In the debate that followed Members were supportive of the motion. It was commented that whilst an afternoon timing would have been suitable for publicans in the past, the situation had changed and this no longer applied. A member questioned whether employers had to give their employees time off for public service and was there an extra cost involved in officers servicing an evening meeting of the Licensing Committee. Another Member suggested that it should be down to the Licensing Committee to decide when it was best for them to meet. However another Member pointed out that Members may not have put themselves forward to go onto the committee if they knew that it would be held in the afternoon. Other Members suggested that perhaps the Council should also have a 6 pm start in the future and highlighted the overflowing public gallery at the recent JCS meeting which had started at that time.

In his summing up Councillor Coleman thanked members for their support. He confirmed that employees did have rights to take time off for public service however in his own circumstances, at the beginning of his career, he did not have the courage to ask his employer for time off so had taken Annual Leave in order to attend meetings of Council. He noted the comments about the evening start for council. He referred Member to the information paper which had been circulated which indicated that officers attending an evening meeting would take time off in lieu during the day so there will be no budgetary increase. Overall he felt the move to an evening slot would strengthen the openness and transparency of the committee and he was happy to confirm that there would be consultation with outside bodies as part of that review.

Upon a vote on the motion was carried unanimously.

11. TO RECEIVE PETITIONS

Doreen Spiers, Chair of the Springbank Residents Association presented a petition against changes to the C bus route in Springbank. The Mayor accepted the petition which would come to Council for debate in due course under the Council's petition scheme.

Chris Ryder
Chairman

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Council - 18 July 2016

Public Questions (1)

1.	Question from Tess Beck to Cabinet Member Housing, Councillor Peter Jeffries (was not in attendance)
	<p>Recent months have seen a number of retrospective applications for planning permission for large Houses of Multiple Occupation (HMOs with more than 6 tenants). Some of these HMOs had been operating as such for several years and had been licensed by Cheltenham Borough Council during that period.</p> <p>Why were these properties licensed despite not having planning permission in place?</p> <p>What steps will be taken to improve cross-checking and communications between the Planning, HMO Licensing and Building Control teams in the future?</p>
	Response from Cabinet Member Housing
	<p>Historically, Houses in Multiple Occupation (HMO's) were licensed without planning consent being in place, because some properties had been in this form of occupation for many years and therefore had established use and owners were not obliged to seek planning consent. A lack of planning consent is not an automatic bar on a property being licensed, as separate pieces of legislation govern these issues.</p> <p>More retrospective applications are being submitted for planning permission relating to larger HMO's as a direct result of the activity of the council's enforcement team. Since the housing and enforcement teams were merged, closer joint working has generated significant additional income from retrospective applications.</p> <p>A number of issues arise in ensuring that HMO's have the required license and planning consent, for example:-</p> <ul style="list-style-type: none"> • The number of occupants can vary over time; • The level of occupancy is not always obvious and may change where a property is subdivided or extended; • Properties are often adapted without consent, or under permitted development rights, without any notification to the council of an increase in the number of occupants.

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