

## **Council**

**Friday, 10th February, 2017**

**2.30 - 6.30 pm**

<b>Attendees</b>	
<b>Councillors:</b>	Chris Ryder (Chairman), Klara Sudbury (Vice-Chair), Matt Babbage, Paul Baker, Garth Barnes, Ian Bickerton, Nigel Britter, Flo Clucas, Chris Coleman, Bernard Fisher, Wendy Flynn, Tim Harman, Steve Harvey, Colin Hay, Rowena Hay, Karl Hobley, Sandra Holliday, Steve Jordan, Adam Lillywhite, Chris Mason, Helena McCloskey, Paul McCloskey, Andrew McKinlay, Chris Nelson, Dennis Parsons, John Payne, Louis Savage, Diggory Seacome, Malcolm Stennett, Pat Thornton, Jon Walklett, Simon Wheeler, Roger Whyborn, Max Wilkinson, Suzanne Williams and David Willingham

## **Minutes**

### **1. APOLOGIES**

Apologies were received from Councillors Mike Collins, Peter Jeffries, Dan Murch and Tony Oliver.

### **2. DECLARATIONS OF INTEREST**

Councillor Ryder declared an interest in agenda item 13 due to a possible pecuniary interest in a small pocket of white land in Leckhampton and announced her intention to leave the meeting at that stage and hand over the chairmanship to the Deputy Mayor.

### **3. MINUTES OF THE LAST MEETING**

The minutes of the meeting held on 12 December were approved as a correct record.

### **4. COMMUNICATIONS BY THE MAYOR**

The Mayor updated Council on her recent engagements:

- At the end of 2016, the Mayor attended commemorations in Cheltenham regarding 100 years of The Royal College of Nursing, whose founder member is buried at Bouncers Lane Cemetery. President Cecilia Anim of The RCN laid a wreath at the grave of Dame Sidney Brown. The Mayor thanked officers and Rev Griffiths for the arrangements of the day.

- The Mayor congratulated Midwinters solicitors, who celebrated their 100<sup>th</sup> Anniversary at The Wilson, for providing legal services in the town. She also thanked the business for playing an important role in their continued contributions in the life of the community.
- The Mayor attended celebrations of the 30<sup>th</sup> Anniversary of HRH The Prince of Wales patronage of Sue Ryder at Leckhampton Court Hospice, with Councillors Mr & Mrs Hay also in attendance.
- The Mayor and her husband served Christmas lunches at St. Luke's Hall for Open Door. She thanked all the support received to provide these lunches to those less fortunate than ourselves.
- She also commended Councillor Jeffries for his efforts in highlighting the plight of many homeless people on our streets and hoped that his efforts will go towards providing a better and helpful solution to this matter
- A service for Holocaust Memorial Day took place in these chambers and provided an opportunity to learn lessons from The Holocaust, subsequent genocides, and apply them to the present day to create a safer and better future.
- The Holst Museum held its grand re-opening, as a result of the torrential downpours in the town last June which caused damage to several rooms. The Mayor thanked businesses of Cheltenham and volunteers helped fund and restore the museum.
- The Mayor and Councillor Wheeler paid their respects at the funeral service of the late Ian Gee, who was known for taking portraits on camera of several formal Mayors through Cheltenham Camera Club.

## **5. COMMUNICATIONS BY THE LEADER OF THE COUNCIL**

The Leader explained the reasons why the budget debate had been deferred. This was due to the delay in the announcement by Government of the final local government settlement which would now be made on 22 February 2017. The Council meeting to agree the budget proposals would now take place on Friday 24 February at 6 p.m. and will be preceded by a Cabinet at 4 p.m.

The Leader was pleased to announce that the council had been successful in its recent reassessment for Investors in People and had retained its award. This was a notable achievement in view of the extent of the changes which had taken place within the council over recent years and he congratulated the Head of Paid Service and all staff.

He referred to the government White Paper which had recently been published for consultation. He was pleased that the work on the Joint Core Strategy (JCS) put the council in a good position with regard to the government expectations set out in the paper. He added that rough sleeping was still an issue for Cheltenham and he congratulated Councillor Peter Jeffries for his recent experiences in highlighting the problem.

He advised two committee changes for his group - Councillor Parsons would be stepping down from the Audit Committee and would be replaced by Councillor Walklett and Councillor Coleman would become a substitute on the Licensing Committee.

Councillor Harman raised a point of order with regard to the timing of the Council meeting on Friday 24 February. Whilst accepting the reasons for the delay there had been some confusion about the timing and he understood the afternoon timing previously communicated had been changed following the Cabinet meeting earlier in the week. He assured members that his group would still be attending but he was concerned about the impact of the timing on officers as Budget Council was not the easiest of meetings and he thought a 2.30 pm start would have shown more consideration. He asked whether all key officers would be able to attend.

The Leader advised that the final decision on timing had been made by the Head of Paid Service.

The Head of Paid Service advised that her final decision had been made on the basis that a greater number of members could attend an evening meeting. Whilst accepting that it was not ideal circumstances for officers she reassured members that the meeting would be covered by all relevant officers including herself.

The Mayor acknowledged that it had not been an easy decision and hoped as many members as possible could attend.

## **6. TO RECEIVE PETITIONS**

There were no petitions.

## **7. PUBLIC QUESTIONS**

<b>1.</b>	<b>Question from Adrian Kingsbury to the Leader, Councillor Steve Jordan (questioner was in attendance)</b>
	The agenda identifies the potential loss of the New Homes Bonus as a Key Risk should the JCS not be approved. Can Cheltenham Borough Council confirm whether they are more concerned about the loss of the New Homes Bonus than the destruction of the Greenbelt through inappropriate development?
	<b>Response from the Leader</b>
	<p>For as long as I have any role in this Council's decisions on the JCS they will be based on trying to meet the housing need for our town in the most appropriate way and not on implications of the New Homes Bonus.</p> <p>Through the JCS examination, the Green Belt within Cheltenham and Tewkesbury Borough has been considered and assessed in detail by an independent inspector. The principal of this assessment has been to examine whether, taking into account the need for housing and employment, the respective contributions of different parts of</p>

	<p>the greenbelt and other factors, there are exceptional circumstances which justify changes to the designation. The JCS examiner, looking at all the facts has concluded that overall, such exceptional circumstances do exist. The government's suggested reductions in New Homes Bonus for those authorities not progressing in plan making would be a risk for any planning authority, and require that plan making (whatever the outcome) is conducted quickly and efficiently.</p> <p>In a supplementary question, Mr Kingsbury asked whether the council proposed to seek to acquire further NHB as a funding stream?</p> <p>The Leader advised that there was no such dependency and the council would be foolish to assume NHB would be there for ever and so it was appropriate to treat it more as a bonus. He indicated he would be happy to discuss this further with the questioner after the meeting.</p>
<b>2.</b>	<b>Question from Adrian Kingsbury to the Leader</b>
	<p>JCS-PMM052 - Can the Council define what is the "very special circumstances test" that will determine whether development outweighs the harm to the Greenbelt by the virtue of the development being inappropriate?</p>
	<b>Response from the Leader</b>
	<p>National Planning Policy says that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. What will amount to very special circumstances depends on the facts of each case. For the test to be met, the harm to the Green Belt would have to be outweighed by major benefits to society, the economy or the environment. Housing need alone will not normally amount to exceptional circumstances. The test has been the subject of a number of complex legal judgements.</p> <p>The fundamental principle remains that decisions should be made in accordance with the development plan, (in this case the JCS) which has been through detailed consideration. Therefore using this plan led approach we seek to conserve the Green Belt going forward whilst planning to meet our need, ensuring that piecemeal and opportunistic development in the Green Belt can be prevented.</p> <p>In a supplementary question, Mr Kingsbury suggested that the Leader's response indicated that there was no specific definition of very special circumstances and could the Leader offer any guidance for members of the public to aid their understanding.</p> <p>The Leader advised that in terms of the JCS process, the final decision would be determined by the Public Inspector so it would come down to her perception. The council was continuing to try and balance the needs of the whole community and it had to take a balanced view of all the circumstances, taking into account the views of the Planning Inspector expressed to date.</p>
<b>3.</b>	<b>Question from Jean Gladwell to the Leader (not in attendance)</b>
	<p>Why when previous councillors have gone to such lengths to keep this land out of JCS is this council using such indecent haste to push it through and concrete over it with high density housing and a science park. Anything done in haste is often</p>

	<p>repented at leisure. To use such a prime piece of land to tick numbers boxes when Government housing policy is changing is at best reckless.</p> <p>When the motorway link is eventually sorted out this piece of land becomes central to the main road infrastructure to be planned. Allowing traffic on PE Way to be reduced and opening up land on both sides of the town. We have a beautiful Regency town don't you think visitors and new businesses deserve to see a well thought out plan? Not high density badly thought out housing estates like Arle farm side by side with a modern science park and dumped among existing housing stock at the cost of beautiful countryside. This last bit of green space this side of town is too important to rush through.</p>
	<b>Response from the Leader</b>
	<p>No decisions will be rushed through.</p> <p>During the examination detailed evidence was heard over a number of sessions on both the Green Belt sensitivity of the site and the potential for development which would meet both economic and housing needs at West Cheltenham. The agendas for these sessions, and the documents produced in relation to them are available on the JCS examination webpage, particularly JCS Green Belt papers EXAM 142 and EXAM 196. The Main Modifications consultation, which should commence shortly, will allow detailed representations on West Cheltenham to be made, which will be passed in full to the inspector. There will then be further hearing sessions (likely to be in early summer) where representations on West Cheltenham can also be made. Ultimately these are matters for the examination and for the inspector's consideration – having heard from all the parties.</p>
<b>4.</b>	<b>Question from Carol Kingsbury to the Leader (will be present)</b>
	<p>The Government Planning Minister, Gavin Barwell, in an interview on Sunday indicated that the long awaited housing white paper, which is to be published on Tuesday, would represent a "change of tone" from past Conservative housing policy, reflecting the fact that rising costs mean many people can no longer afford to get on the housing ladder.</p> <p>I believe the policy document is to include measures to encourage local authorities to plan "proactively" for more "build to rent" developments which would ensure more secure long-term family friendly tenancies are more widely available hopefully ensuring renting itself does not become unaffordable.</p> <p>How do you propose to incorporate this new strategy into you JCS plan and what percentage of currently proposed development can you guarantee will meet this new requirement?</p>
	<b>Response from the Leader</b>
	<p>The Housing White Paper was released on the 7<sup>th</sup> of February this year. It sets out the government's plans to boost the supply of new homes in England. A major part of the white paper is a focus on ensuring that councils have up to date development plans for their area, and that they cooperate with one another strongly in their production. The JCS already incorporates a large part of the fundamentals in the White Paper, as the proposals (which are subject to consultation) are an amalgamation and strengthening of previous ministerial statements in this area.</p>

	<p>As regards development of 'build to rent' developments, the JCS is a strategic level development document, and the allocations within it are flexible enough to encompass changes to the type and mix of housing tenures which may come forward as part of changes to government policy. It has always been the case that strategic allocations would normally contain a degree of rental property, which, if these policy suggestions are brought forward could involve a formal 'build to rent' element.</p> <p>Similarly, through the Cheltenham Plan, build to rent schemes could be brought forward as part of local allocations. The government have described affordable private rented homes as a potential alternative to other affordable housing products, but have not given a view on how much affordable provision should be provided by this tenure. This would be a matter for each local authority based on the characteristics of the local housing market area. The Gloucestershire authorities will look into this as part of an ongoing review of the Strategic Housing Market Assessment.</p> <p>In a supplementary question, Mrs Kingsbury referred to the same press interview with the Government' Planning Minister, Mr Barwell, where he had clearly stated that in order to meet these requirements - "There is no need to take huge tracts of land out of the greenbelt to solve the housing crisis".</p> <p>She asked whether In light of this, with regard to West Cheltenham, would this reflect on how all councillor vote later this afternoon on the JCS ?</p> <p>The Leader could not comment on the views expressed by the government minister but he reiterated that the JCS process was concerned with balancing the needs of the local community. It was trying to reach a sensible solution across the urban areas of Cheltenham and Gloucester and the largely rural area of Tewkesbury Borough Council. This would form the basis of the debate later in this meeting.</p>
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## 8. MEMBER QUESTIONS

1.	Question from Councillor Dennis Parsons to Cabinet Member Healthy Lifestyles, Councillor Flo Clucas
	<p>Will the Cabinet Member arrange to have a permanent memorial placed in a prominent and public location dedicated to Brian Jones, founder of the Rolling Stones, to mark the 75th anniversary of his birth on 28th February this year.</p> <p>Regards</p>
	Response from Cabinet Member
	<p>In thanking Cllr Parsons for his question, I would refer him to the previous response. As he may know, the Council is currently working on a new Public Art strategy, within which it is anticipated that commemorative art will be a feature, both for women and men.</p> <p>In a supplementary question, Councillor Parsons asked whether the Cabinet Member could request that the new Public Art strategy consider prominent memorials for all notable Cheltonians and could members be updated on a regular basis?</p> <p>In response the Cabinet Member advised that she had already requested that the strategy should celebrate the achievements of Cheltonian women and she was happy to pass on Councillor Parsons request for a memorial to Brian Jones and regular updates on the strategy. She added that the Cheltenham Trust would be putting the bust of Brian Jones on display and this would be the subject of a media release.</p>

2.	<b>Question from Councillor Tim Harman to Cabinet Member Clean and Green Environment , Councillor Chris Coleman</b>
	During the Christmas and New Year Period a number of "Bring" sites were overflowing with recycled materials and were very unsightly . Will the Cabinet member examine measures to improve the situation for future public holidays such as the provision of additional skips and or more frequent clearances
	<b>Response from Cabinet Member</b>
	<p>Traditionally during the Christmas holidays, the bring site network comes under pressure because of the large increase in users, which means that it's imperative that all visitors use the containers appropriately.</p> <p>Having reviewed what happened over Christmas, it is apparent that not all users place their recyclables in the recycling banks and unfortunately just throw them on the floor by the side, which then gives the impression that the bank is full, when in fact there is capacity available. The Council communicated this issue previously and will again as part of the next Christmas waste and recycling promotions.</p> <p>Ubico's skip vehicles work longer hours and during weekends over the Christmas holidays. In addition, the cleansing teams monitor the bring bank sites and remove any items which have been placed by the sides of the banks.</p> <p>In a supplementary question, Councillor Harman suggested that the state of the bring sites during the Christmas period had been less than desirable and asked whether the Cabinet Member was certain that nothing more could be done?</p> <p>The Cabinet Member advised that only one bring site had been brought to his attention and he had later checked that all the issues had been rectified. One of the problems was that commercial waste was being dumped at the sites illegally and he would like to see more done to combat this issue. Generally he did not accept that the bring sites were in a poor condition and he thought that the staff did a very good job over the Christmas period. During December he had spent a lot of time talking with officers about service improvements and more kerbside recycling in the future should reduce the need for residents to take their waste to bring sites.</p>
3.	<b>Question from Councillor Louis Savage to the Cabinet Member Corporate Services, Councillor Roger Whyborn</b>
	Can the Cabinet Member outline the total financial cost of holding Borough Council elections in May 2016?
	<b>Response from Cabinet Member</b>
	<p>The financial cost of these elections was within the approved budget. The total cost attributable to the council has been submitted as part of the 2016 election accounts and will be confirmed week commencing 13th February, when the relevant officer returns from annual leave, but in general terms the average cost of holding whole council elections on a four yearly cycle is circa £30,000 per annum.</p> <p>With the Mayor's permission, the Cabinet Member advised that he had received information from officers that the average cost of holding elections was £130,000 per annum and that there would be a saving of £30,000 per annum if elections were held every four years.</p> <p>Councillor Savage had no supplementary question but requested clarification via e-mail on the precise savings figures.</p>



<b>4.</b>	<b>Question from Councillor Louis Savage to the Cabinet Member Corporate Services, Councillor Roger Whyborn</b>
	Has the Cabinet Member or Cabinet considered the potential savings which could be achieved from moving to whole council elections on a 4 yearly basis?
	<b>Response from Cabinet Member</b>
	A similar question was raised at the council meeting on 4th April 2016, and the response remains unchanged. The preferred frequency of elections is based on a judgement as to the best way to ensure the maximum accountability of local politicians to the voting public commensurate with efficient local government. It is my belief, and that of this administration, that by retaining the current 2 year cycle we are offering Cheltenham's electorate more opportunity to express their democratic will than would be the case with a 4 year cycle, and that a move to a 4 year cycle would be a retrograde step for local democracy.
<b>5.</b>	<b>Question from Councillor Adam Lillywhite to the Cabinet Member Built Environment, Councillor Andrew McKinlay</b>
	<p>Every time I have asked you how people can comment on the CTP, I have been sent to Gloucester as the Highways Authority responsible for the scheme, Yet when a group recently wrote to the head of GCC they seemed to see it somewhat differently:</p> <p>"I appreciate you and others are unhappy with the Cheltenham Transport Plan proposals. That is something you must pursue with Cheltenham Borough Council as scheme promoter. Agreeing it was a tough decision, where we did our best to reconcile a number of strongly held views. That decision was taken properly and legally. The council is now moving forward with implementing the phased approach that was agreed."</p> <p>There is therefore little surprise that there have been no objections registered against phase 1, will you please provide a point of contact in Cheltenham where these objections are to be registered and outline how they are to be collated and considered,</p>
	<b>Response from Cabinet Member</b>
	<p>The key word in this question is objection. However, the time for raising objections has been and gone, as clearly identified in the response from GCC. A decision has been taken to proceed in a transparent and legal way and now the focus is upon effective implementation.</p> <p>The decision was taken to progress in a phased manner and this is what is being undertaken. GCC are monitoring for adverse or unexpected outcomes, but I understand that from phase 1 they have received positive feedback from both cyclists and bus operators, and critically the vehicle traffic monitoring showed no unexpected outcomes.</p> <p>The reality is that GCC are seeking evidence over the effectiveness of the scheme and I am sure that if comments were made in that vein rather than objections to the wider scheme, then GCC would welcome them.</p> <p>In a supplementary question, Councillor Lillywhite commented that that the Cabinet Member had not answered the question, "where are objections to be registered?" and asked how could evidence of the effectiveness of this scheme be fed back, when the Cabinet Member repeatedly refused to give a point of contact for the public to do so.</p> <p>In response the Cabinet Member advised that transport officers at the county council would welcome any feedback and they were the first point of call. However if members or residents wished to direct their comments to officers at this council in the first instance they would be happy to pass them on to the officers at the county.</p>



<b>6.</b>	<b>Question from Councillor Adam Lillywhite to the Cabinet Member Built Environment, Councillor Andrew McKinlay</b>
	<p>The only figures the public have seen for traffic flows before and after the CTP changes are not like for like and do they give the direction of the traffic. Prior to changes they were given figures as hourly peak flows and since the changes a comparable for this has not been offered but a 24 hour figure and peak flows without an indication of direction. Will you please ensure that for phase 2 data is supplied in a format that can be compared with the figures that were given in the 'consultations' for Traffic flows. How will an independent assessment of the success of any phase of the CTP be made when to date these have been made by the promoters of the scheme and those contracted to implement or have an interest in seeing it implemented?</p>
	<b>Response from Cabinet Member</b>
	<p>Traffic modelling requires significant amounts of data to construct, and is a costly exercise, both in terms of time and finances. Consequently, traffic models, particularly large and complex models such as the Cheltenham PARAMICS model used for the CTP modelling, generally assess the highest impact time periods, which is usually the AM and PM peak periods.</p> <p>The model outputs for the CTP are for the AM and PM peak periods with the full scheme in place in 2026, which was the scenario assessed.</p> <p>As the changes to the streets as part of the CTP are in place 24 hours a day, the average daily flow is a more appropriate measure to understand any effects of the CTP on the network, rather than constraining the assessment to looking at the peak hours.</p> <p>In a supplementary question, Councillor Lillywhite suggested that from the response it appeared that like for like comparable data to that given in the consultation was not to be supplied, and would no attempt be made to answer the question over the independent assessment of each phase of the scheme?.</p> <p>The Cabinet Member considered his answer had been very clear. All along comparisons had been made at peak times in the morning and afternoon at various points on the traffic network in the town and that would form the basis of any direct comparisons to be made in 2026.</p>
<b>7.</b>	<b>Question from Councillor Adam Lillywhite to the Cabinet Member Built Environment, Councillor Andrew McKinlay</b>
	<p>I have recently received a complaint from a member of my ward about their children feeling sick on their way to school due to the increase in traffic pollution around Pittville Circus since the start of phase 2 for, there are three primary schools in this vicinity. This mother wishes to continue walking her children to school, can please tell me how you are to deal with this increased danger and pollution that is scaring these primary school children and making them feel sick from pollution and reluctant to walk to school, and how you are you to encourage their parents not to give in and drive their children to school so increasing the congestion, but instead continue to subject their children to this fear inducing and health threatening environment at the start of every school day.</p>
	<b>Response from Cabinet Member</b>
	<p>Please convey my concerns for the children who have felt ill.</p> <p>CBC is aware of its responsibilities and has an Air Quality Management Area action plan targeted at dealing with known hotspots, however, many of the actions endorsed by colleagues at GCC rely upon the implementation of measures linked to the Cheltenham Transport Plan, such as improving bus access e.g. Albion Street which the member for Pittville so vehemently opposes; see Q5.</p>

	<p>As widely reported in the national press, there were significant air quality issues across the whole of the country at the end of January 2017. The DEFRA monitoring website shows that Air Pollution levels in the South West, which includes Cheltenham, were classified as moderate to high between 21st and 27th January.</p> <p>Given the nature of airborne pollution, it is difficult to conclusively determine the cause. However, the DEFRA data suggests that the air quality issues noted by the ward member in late January were related to the wider air quality problems experienced across the whole country and not specific to Pittville Circus, which has not previously been identified as a pollution hotspot.</p> <p>In a supplementary question, Councillor Lillywhite restated that children were arriving at school in the morning feeling sick and scared, as a result of the increased pollution and traffic flows, and the Cabinet Members response had been to refer to one day in this period that pollution in the South west of England was on the high side of moderate. No mention was made of the increased traffic and he asked whether the Cabinet Member had so totally washed his hands of the impact of this scheme, that he did not accept what was actually happening, right now in our streets.</p> <p>The Cabinet Member had received a copy of the particular complaint referred to and said it would not be appropriate to comment as colleagues at GCC were currently looking into the detail. He assured Councillor Lillywhite that he was continuing to look at this issue and there would be ongoing monitoring of levels including the site of All Saints Road. There was a budget for any remediable work if required but any decisions would be based on comprehensive evidence including frequency and cause.</p>
<b>8.</b>	<b>Question from Councillor Adam Lillywhite to the Cabinet Member Built Environment, Councillor Andrew McKinlay</b>
	<p>Why for such an expensive, important and fundamental change for the town, which at the last consultation over 90% of people objected to, have we only had one failed trial, a refusal for further trial of the actual changes and a refusal to wait for the upto date traffic modelling that is about to be performed by the JCS?</p>
	<b>Response from Cabinet Member</b>
	<p>Sadly, the member for Pittville remains in denial; colleagues at GCC have successfully implemented phase 1 with no significant adverse effects and some positive outcomes which have been generally welcomed, such as the start of construction of a John Lewis store. GCC comprehensively modelled the proposals for the centre of Cheltenham and whilst in an ideal world all data for all eventualities would be available, the reality is that these proposals have been talked about for 30 years to my knowledge; it is this administration in concert with GCC that is actually doing something about implementing them.</p> <p>In a supplementary question, Councillor Lillywhite felt that no attempt had been made to answer his question with regard to JCS modelling and he was not vehemently opposed to the scheme as the Cabinet Member had suggested in his response to question 7 but was asking for justification of means of assessing the scheme.</p> <p>The Cabinet Member considered his answer was clearly laid out.</p>
<b>9.</b>	<b>Question from Councillor Adam Lillywhite to the Cabinet Member Built Environment, Councillor Andrew McKinlay</b>

	<p>Phase 3 of the CTP, the two waying of Clarence Parade and Clarence Street. Please identify the new routes this enables. This greatly constricts the most expeditious south north route through the town, in a similar manner to which phase 2 constricts a major East West and South North route. Why are we pursuing this scheme under the guise of a 'transport Plan' when it disperses more traffic past schools and through residential areas, permanently and intentionally reduces the capacity and resilience of the towns road network by probably 30% when we are planning to grow the town by 20% in the immediate future? Surely the aim of a 'Transport plan' should be to improve the existing situation in terms of safety, environment, capacity and resilience across the whole town, not just possibly the environment of one street.</p>
	<p><b>Response from Cabinet Member</b></p> <p>I do not agree with the assertions made. Phase 2 of the Cheltenham Transport Plan is not constricting a major East West and South North route. It is merely allowing easier access from the busiest access route (M5 J11) into town centre car parking, thereby removing traffic from the network at the earliest opportunity.</p> <p>Interestingly, I have been advised by GCC that the extent of disruption and queuing during construction for Phase 2 is lower than expected to date; evidence that the previous "trial" generated useful learning for traffic management .</p> <p>Phase 1 and 2 are increasing capacity by creating 2 way accessibility; the traffic monitoring post implementation will determine any dispersal impact.</p> <p>I do, however, agree with Cllr Lillywhite about the aims of the transport plan. Indeed, one of the key objectives of the CTP is to encourage people not to use their vehicles for unnecessary journeys, particularly short ones, subsequently improving safety, environment, capacity and resilience across the whole town.</p> <p>In a supplementary question, Councillor Lillywhite did not feel any attempt had been made to answer this question which was about phase 3 of this scheme and he reread out the second part.</p> <p>The Cabinet Member had nothing to add to his original response.</p>
<b>10.</b>	<p><b>Question from Councillor Chris Nelson to the Leader Councillor Steve Jordan</b></p> <p>Despite being assured at our last JCS Council meeting last October that the 2013 Saturn transport model would be available in November of last year, we are still waiting for it to be signed off by the authorities. This model is now 4 years late!!</p> <p>I have absolutely no confidence that the JCS housing developments will be examined in a timely manner to assess their impact on our transport infrastructure, with a view to developing effective and affordable mitigation measures. If this proves to be the case and the JCS Examination in Public fails to scrutinize this delayed transportation analysis, <b>will the Leader please ensure that the Cheltenham Plan will eventually look at these strategic traffic issues, rather than waiting for each site to come forward individually and examined in isolation?</b> It is always much easier to influence a proposed mitigation measure before it is part of an actual development application, when improvements are much more difficult to engineer.</p> <p>If the JCS transport solution - whatever that may be - is not thoroughly scrutinized, we are likely to see much more town wide congestion and delays on our roads, leading to a significant and adverse impact on the development of our economy and local tourism.</p>

	<b>Response from the Leader</b>
	<p>In her interim report, the Inspector made clear that the 2008 traffic model, which was peer reviewed in 2012, is the best information currently available. The inspector considered whether to delay the progress of the plan to await the 2013 model but took the view that this would cause undue delay and would not be necessary.</p> <p>The Inspector went on to say that "Consequently on the evidence before me, I am satisfied that the JCS can justifiably proceed with the proposed transport mitigation strategy, the main parts of which should be reflected in the JCS with a suitable note referring to the awaited update." (paragraph 200 of the Interim Report)</p> <p>Ongoing work is being undertaken to ensure validation of the transport model is achieved. This is being undertaken on behalf of the JCS authorities via consultants working for the County Council with the aim that policies can be tested and results published prior to the next set JCS examination hearings. The model is being run to test the impact of the JCS so needs to include all agreed strategic sites. The October meeting of Tewkesbury Council created uncertainty over whether Twigworth was included but this was resolved at their 31 January meeting. Officers met on 2 February with County and Highways England colleagues to progress this work. Once validation has been met, a timetable will be made available setting out when the JCS transport modelling will be published.</p> <p>In a supplementary question, Councillor Nelson was concerned that members were still months away from seeing the results of the traffic modelling and analysis which was a key issue for the JCS and indeed this data may not be available before the end of the JCS process. What mechanisms were the public have to comment on the final traffic analysis within the JCS process?</p> <p>The Leader hoped that GCC would be able to make this data available before the end of the JCS process but he did not have an exact timetable at this stage.</p>

**9. FINAL GENERAL FUND REVENUE AND CAPITAL BUDGET PROPOSALS 2017/18 (INCLUDING SECTION 25)**

This item had been deferred to Council on 24 February 2017.

**10. FINAL HOUSING REVENUE ACCOUNT (HRA) BUDGET PROPOSALS 2017/18**

This item had been deferred to Council on 24 February 2017.

**11. TREASURY MANAGEMENT STRATEGY STATEMENT AND ANNUAL INVESTMENT STRATEGY 2017/18**

The Cabinet Member Finance, Councillor Rowena Hay, introduced the report which had been circulated with the agenda. She explained that the council under the CIPFA code must report annually on its treasury management strategy statement and its prudential indicators and the report incorporated the annual investment strategy which is also a requirement.

The Treasury Management Panel (TMP) and Cabinet had recommended that Council approve this report.

The treasury strategy statement was clearly set out in Appendix 2. The council was required to operate a balanced budget, one of the main functions of the treasury operations is to ensure that cash flow is properly planned so that cash is available when needed. Surplus money is invested in low risk counterparties in line with the authority's low risk appetite making sure that liquidity is adequate before any investment return is considered. Another main function of this service is funding the capital plans, broadly this is managing the longer term cash flow to ensure that capital spending obligations can be met.

The annual investment strategy was set out in Appendix 2. Its aim is to generate a list of highly creditworthy counterparties whilst allowing for diversification but avoiding any single concentration of risk therefore providing secure investment and minimising risk.

She explained that the Minimum Revenue Provision must follow statutory guidance issued by the department of communities & local government which sets out what constitutes prudent provision, it is proposed that for the years 16/17 & 17/18 to apply option 1 in relation to supported capital expenditure and option 3 in respect of unsupported capital expenditure. These will be adjusted for 17/18 by using capital receipts to repay debt linked to capital loans as set out in paragraph 24 in Appendix 4.

She gave thanks to council officers and advisors for their achievements. Since the budget monitoring report in September the investment income had improved for 16/17 and was currently showing as a £12,800 surplus above the budget.

In response to a questions from a member the Cabinet Member explained that Repo was the name for a method of borrowing by taking a different form of collateral using a third party.

She referred a question to the Finance Officer and he confirmed that the investments referred to in the UK, Ireland and Luxembourg were sterling only investments. Historically these companies had been based in these countries for a long time and they were not based there for tax avoidance purposes.

A member questioned the appropriateness of the equity investment for an app which was referred to in the report. The Cabinet Member advised that the council had decided to invest in the pilot scheme which if successful could benefit Cheltenham. The Leader added that Gloucestershire was a retail pathfinder and was attracting government support for this venture. It was not a huge investment but the company concerned had asked the council for some money and therefore it had been sensible for the council to request some equity stake in return so if successful they could benefit from future returns. A sum of £25K had been invested and the credit scheme was being rolled out in Cheltenham, Gloucester and Stroud.

A member raised concern about the use of Repos which he acknowledged he had raised at the Treasury Management Panel but he now wished to bring to all members attention. He requested a separate vote on this particular recommendation.

His concern that it was a complex investment and it would be difficult for councillors to fully understand it from the explanation given earlier. Counterparty risks were introduced by using custodians as middlemen in the transaction and

they would inevitably add costs. In summary he thought they were unnecessary and there was no real value in spreading into this area of complexity.

Councillor Paul Baker, as chair of the Treasury Management Panel, advised that they had had a good debate at their last meeting and were pleased that the strategy was looking at innovative new ways to get the best possible returns from the council's investments with low risk. He added that the TMP had discussed Repos at their meeting but they had supported the officer recommendations and there was full explanation in the report before Members. The council must rely on expert advice from their expert officers and it would be wrong to restrict the options or tie their hands in not recommending legal upfront methods which local authorities have at their disposal.

The Cabinet Member endorsed this view that Treasury Management was a complex area and they relied on the skills of their officers and their expert advisors. The custodians used in the Repo investments were old managing lending companies set up in the 19th century and was a securitised form of lending.

Upon a vote it was

#### **RESOLVED (unanimously) THAT**

**The attached Treasury Management Strategy Statement, Annual Investment Strategy for 2017/18 at Appendix 2, 2017/18 Lending list at Appendix 3 and MRP policy statement for 2016/17 and 2017/18 at Appendix 4, be approved including :**

- **The general policy objective 'that Council should invest prudently the surplus funds held on behalf of the community giving priority to security and liquidity'.**
- **That the Prudential Indicators for 2017/18 including the authorised limit as the statutory affordable borrowing limit determined under Section 3 (1) Local Government Act 2003 be approved.**
- **Revisions to the Council's lending list and parameters as shown in Appendix 3 are proposed in order to provide some further capacity. These proposals have been put forward after taking advice from the Council's treasury management advisers Capita Asset Services and are prudent enough to ensure the credit quality of the Council's investment portfolio remains high.**
- **For 2016/17 and 2017/18 in calculating the Minimum Revenue Provision (MRP), the Council will apply a modified Option 1 in respect of supported capital expenditure to repay the debt in equal instalments over 35 years and Option 3**

A separate vote was taken on the fourth bullet point which was carried  
Voting: For 25, Against 4, Abstentions 6

- **The use of Repo/Reverse Repo is accepted as a form of securitised lending.**

## **12. FUTURE PROVISION OF EXTERNAL AUDIT**

The Cabinet Member Corporate Services introduced the report and explained that following the demise of the Audit Commission new arrangements were needed for the appointment of external auditors. The Local Audit and Accountability Act 2014 required authorities to either opt in to the appointing person regime or to establish an auditor panel and conduct their own procurement exercise.

The following points were raised and responses given :

- When asked to what extent CBC's external auditors gained income other than from audit work the Deputy 151 Officer explained that Grant Thornton were requested to do ad-hoc pieces of work on occasion, in addition to their annual audit work, e.g. specialist VAT advice, investment reviews, etc. However this was not a regular occurrence and the associated cost for any such professional advice was not material, in comparison to the annual audit costs.
- It was noted that other local authorities in Gloucestershire used Grant Thornton, and GT were the auditors for the County Council Pension Fund. The council would therefore be able to benefit from GT's experiences across several councils.
- Using the Public Sector Audit Appointments was a more cost effective option.

**RESOLVED (unanimously) THAT**

**this Council opts in to the appointing person arrangements made by Public Sector Audit Appointments (PSAA) for the appointment of external auditors.**

**13. GLOUCESTER, CHELTENHAM AND TEWKESBURY JOINT CORE STRATEGY-MAIN MODIFICATIONS REPORT**

The Leader of the Council introduced the report and explained that the proposed main modifications to the JCS formulated following the July 2016 hearings were agreed at the October 2016 Council meetings by Gloucester City and Cheltenham Borough Councils. However the proposed main modifications were not agreed by Tewkesbury Borough Council (TBC) and officers there had been requested by Members to bring back to their Council a proposal which did not include Twigworth as part of the Innsworth/Twigworth strategic allocation. He reminded Members that the Planning Inspector's stated position was that not including Twigworth may give rise to soundness issues.

The Leader reported that TBC had received specialist flooding advice which had shown there were no planning reasons to support the exclusion of the Twigworth Strategic Allocation from the Main Modifications. At their meeting on 31 January Tewkesbury Borough Council endorsed the proposed main modifications with some changes, including the reduction of the allocation at Twigworth to 995 and the inclusion of a revised flooding policy which all councils could benefit from. He also highlighted the fact that as the MOD would not be releasing their site at Ashchurch for at least 10 years the recommendation was to entirely remove Ashchurch from the proposals. Tewkesbury would now have a housing allocation shortfall and as a result there would be a review of other alternatives. The JCS was however now back on track and there would be a full 6 week public consultation followed by an examination in public with hearings expected late spring/early summer following



which the final report would be submitted to the three Councils for formal endorsement and implementation.

Finally, the Leader emphasised the importance of keeping the JCS on track in terms of providing a plan for Cheltenham in the future. He highlighted the fact that West Cheltenham would have the opportunity to input into the process during the public consultation and the examination in public. It was important to have the JCS in place before planning applications were submitted.

The Development Manager-Strategy was invited to address Council. He informed Members that two of the PMM's (the list of proposed main modifications to the plan) would need minor changes as follows :

- PMM0134 and PPM0135 refer to appendices 2A (maps) and Appendix 3 (superseded policies) respectively. The correct references for this meeting should be: Appendix 1A (maps) and Appendix 2 (superseded policies) respectively.
- PMM084 to paragraph 5.3.2 (in the Background to Policy INF3) is changed at the start to read "The Environment Agency is working with Gloucester City Council, the Lower Severn Internal Drainage Board ..."

The following questions were raised and responses given :

- Swindon Village Local Green Space - a Member sought assurance from officers that when considering planning applications in this area they would take account of what the Inspector had said regarding green space. In response the Development Manager-Strategy said that the Local Green Space in Swindon village had been included in the proposed main modifications and would constitute part of the emerging formal plan if the proposed main modifications were agreed today. Therefore it would be a material consideration in any planning application.
- A Member commented on the Judicial review SD2 site for the 377 houses Redrow development at Leckhampton which looked like it would go ahead. He asked what progress had been made with the Memorandum of Understanding between Cheltenham and Tewkesbury to ensure the 377 houses were scored against the Cheltenham 5 year housing supply in line with the Inspectors examination and would reduce pressure on other areas. The Development Manager-Strategy reported that the Memorandum of Understanding had now been written and was with Tewkesbury Borough Council for sign off, in line with the Inspector's findings and was not expected to be controversial. The Leader added that the Cheltenham Plan went out for consultation on 6 February for a six week period which would overlap with JCS consultation.
- A Member expressed concern regarding the modelling and mitigations which were being used to support and build 10,000 plus new homes in Cheltenham. He asked that the consultation on the JCS be delayed by a few weeks to allow for the new traffic modelling data to become available. In response the Leader said that awaiting the data would not require a delay to the progress of the JCS because the provisional work has been made available based on 2008 data. It was hoped that the new data would be made available in advance of the examination in public.

In concluding the debate the Leader thanked Members for their support for the JCS and for the forthcoming public consultation and examination in public.

## **RESOLVED THAT**

- (1) the proposed main modifications to the June 2014 Pre-Submission Gloucester, Cheltenham and Tewkesbury Joint Core Strategy as set out in Appendix 1 to this report be approved for public consultation (including proposed modifications to the Proposals Map and Key Diagram) as those it endorses and considers necessary to make the JCS sound
- (2) authority be delegated to the Director of Planning of Cheltenham Borough Council in consultation with the Leader of Cheltenham Borough Council to make minor changes to the proposed main modifications and proposed modifications to the Proposals Map and Key Diagram) in terms of formatting, presentation and accuracy

(Voting : For 35, Against 0, Abstention 1)

## **14. NOTICES OF MOTION**

**Motion A: proposed by Councillor Flo Clucas and seconded by: Councillor Andrew McKinlay.**

*“This Council, mindful of the Referendum vote in Cheltenham and the wishes of many Cheltonians and other UK citizens to continue as far as possible to enjoy the benefits of EU Citizenship, supports the proposal by the Lead Negotiator for the European Parliament that, following Brexit, Associate Citizenship be made available to UK citizens who wish to have it.*

*Further, that the Leader be requested to ensure that such support be communicated to local MEPs, MP and to Mr Guy Verhofstadt, Lead Negotiator.”*

In proposing the motion, Councillor Clucas said that Cheltenham was an international town part of the international family. The town’s Arts and Culture, Sport, International businesses, Twinning history, University; Colleges and GCHQ all had an international profile and worked with similar organisations and companies from across EU.

In the referendum on 23 June 2016, thousands of Cheltonians had voted by a significant majority to remain in the EU family and many millions across the UK likewise. There were 1.2m citizens from the UK living, working or studying in EU - some from Cheltenham. An MEP had come up with the idea for Individual Associate Citizenship and many thousands had contacted him about it and there was support from MEPs of all EU nations and parties. The idea had now been taken up by Brexit Chief Negotiator for EP, Guy Verhofstadt.

The beneficiaries of such an arrangement would be students, young people, workers and companies who could continue freely to be part of EU family, even if not members. It would give children, young people, students, those looking for work, for new jobs, to live near family, the opportunity to do so. There would be a right for them to study, work, partake in Erasmus and for local companies to send workers to Europe to work. There would be no visa requirements, European Health Insurance Cards could still be available and there would be continued research opportunities for our universities and colleges. In short, Cheltenham would benefit enormously from the potential it offered.

She concluded that it was important that local MEPs, Cheltenham's MP and the Chief Negotiator should understand how the Council as a representative of the people in the town, felt that this will be beneficial to all and therefore wish to see it adopted. She urged members to support the motion.

Councillor Harman proposed the following amendment which was seconded by Councillor Savage:

Add the additional wording to the motion:

*"This Council recognises the invaluable contribution made by EU nationals living here in Cheltenham and welcomes the Government's constructive efforts to reach a multilateral agreement with the other 27 EU states at the earliest possible date, to secure the reciprocal rights of both EU nationals in the UK and UK citizens living in the EU."*

Before proposing the amendment, Councillor Harman first wished to raise a technical query relating to the main motion put forward on whether it was appropriate for the council to write directly to the lead negotiator or whether this would be more appropriate through local MEPs.

In proposing the motion he valued the European community in Cheltenham and agreed that a sensible and practical solution was needed for our citizens and those from Europe residing in this country. In reality the government was entering into negotiations and he felt the council was in a strong position to support them. He supported the motion as proposed but felt his amendment was an improvement.

Councillor Clucas as proposer of the motion had some difficulties with accepting the amendment as she did not want this to become a political motion.

Councillor Savage as seconder of the amendment reserved his right to speak later in the debate.

Members speaking against the amendment felt they could not support the phrase "welcomes the Government constructive efforts" etc as this was a political statement which they did not agree with.

Councillor McKinlay announced his intention to present the following amendment to the amendment currently being debated by replacing the words with the following:

*“This Council recognises the invaluable contribution made by EU nationals living here in Cheltenham and wishes to see the status of UK nationals and EU nationals in the UK resolved at the earliest possible moment. ”*

This was seconded by Councillor Clucas.

Councillor Savage as seconder of the first amendment indicated that he could not accept that change of wording.

The Deputy Mayor adjourned the meeting at 4.25 pm for 10 minutes to facilitate members coming to some agreement on the wording of the amendment.

On reconvening the following wording for the amendment proposed by Councillor Harman had been agreed and this was added to the original motion and a debate proceeded on the substantive motion.

*“This Council recognises the invaluable contribution made by EU nationals living and working in Cheltenham. It wishes to see their status safeguarded. It also seeks to safeguard the status of UK nationals in the EU”.*

In debating the motion, Councillor Parsons indicated that he could not accept the additional wording in the amendment after the word ‘Cheltenham’ because he did not feel anything was being done by government at the national level to protect the status of European citizens and he felt that this was reflected in the approach of the local Conservative group. He said that EU citizens in the town had an unequivocal unconditional right to stay in the town irrespective of the negotiations on Brexit.

Raising a point of order, Councillor Harman said he was appalled by the comments of Councillor Parsons which implied that the Conservatives in Cheltenham did not have any respect or concern for their European citizens residing in Cheltenham. He requested that Councillor Parsons withdraw or apologise. Councillor Savage added that all members wanted to see the status of UK nationals safeguarded and for Councillor Parsons to suggest that any members would want to see them disadvantaged was unacceptable and an insult to those members.

In the debate that followed many members spoke of their personal experiences of working with colleagues in Europe and they regretted any changes to these existing arrangements.

Some members were still uncomfortable that the motion was asking the Leader to write to the lead negotiator and they felt this would be better done via local MEPS. Another member suggested it would be useful to ask MEPS what they were doing to address this important issue.

Other members were disappointed that this had turned into a political debate in the chamber.

Councillor Parsons proposed an amendment which was seconded by Councillor Fisher.

Delete – “It wishes to see their status safeguarded.” and the following sentence and replace by  
“calls on Government to give an unconditional guarantee that EU nationals legally resident in UK can remain irrespective of outcome of Brexit negotiations”.

In proposing the amendment Councillor Parsons suggested that if Councillor Harman was concerned by his previous remarks, he should support the motion.

Councillor Clucas as the proposer of the substantive motion, indicated that she could not accept the amendment.

The Deputy Mayor invited members to debate the amendment but urged members to come to some sensible agreement so that a strong message could be sent to government.

Several members indicated that they could not support the amendment as it detracted from the message of the original motion. Another member could not support the amendment as any search guaranteed had to be reciprocated and therefore should form part of the negotiations.

In seconding the motion, Councillor Fisher assured members that the motive for the amendment was humanitarian rather than political.

In his summing up, Councillor Parsons stressed that the motion was important to him personally as it reflected the position of his party at a national level.

Upon a vote in the amendment was lost  
Voting: For 2, against 28 with 2 abstentions.

The debate continued on the substantive motion.

In her summing up, Councillor Clucas urged members to be united in supporting the motion as they were all part of the EU family. It was important to express their views to the lead negotiator.

Upon a vote the motion as set out below is in was carried  
Voting: For 31 with 1 against

***“This Council, mindful of the Referendum vote in Cheltenham and the wishes of many Cheltonians and other UK citizens to continue as far as possible to enjoy the benefits of EU Citizenship, supports the proposal by the Lead Negotiator for the European Parliament that, following Brexit, Associate Citizenship be made available to UK citizens who wish to have it.***

***Further, that the Leader be requested to ensure that such support be communicated to local MEPs, MP and to Mr Guy Verhofstadt, Lead Negotiator.***

***This Council recognises the invaluable contribution made by EU nationals living and working in Cheltenham. It wishes to see their status***

***safeguarded. It also seeks to safeguard the status of UK nationals in the EU”.***

**Motion B : Proposed by: Councillor Dennis Parsons and seconded by Councillor Jon Walklett**

*“This Council urges Her Majesty’s Government to make the use of a crossbow a criminal offence unless the user possesses a current licence from the Police permitting its use; and that the licensing checks and conditions for granting and renewing a licence be similar to those in force for a firearms licence.”*

In proposing the motion, Councillor Parsons referred to the recent attack on George the swan. He said that the first reaction of residents had been disbelief and this had quickly turned to concern that an individual had been in Pittville Park with a lethal weapon. There was a particular concern that the state-of-the-art play area was next to the lake and hence there was a risk of a misdirected crossbow hurting a child. He advised members that it was an offence for anyone less than 18 years of age to carry a crossbow or for anyone to sell or hire one to someone under 18 but there were no restrictions over 18. It was also an offence to shoot a bird or animal with a crossbow.

Councillor Harman proposed the following amendment which was seconded by Councillor Babbage:

Add the following paragraph

*“This Council condemns the cowardly and appalling attack on George the swan and welcomes the intervention of Cheltenham’s MP, who has written to the Home Secretary to clarify what further steps can be taken to remove crossbows from our streets, building upon their existing status as “offensive weapons” under UK law.”*

Councillor Parsons as the proposer of the original motion, could not accept the moment as he felt it was making a political point.

As seconder to the original motion, Councillor Walklett was concerned that the amendment added nothing to the original motion.

Councillor Harman indicated that he would be happy to withdraw the amendment and support the original motion.

Several members whilst welcoming control of firearms, suggested there should be some caution about applying further licensing restrictions which could be very complex to administer and stop people using them in a controlled environment. Re-enactment groups was cited as an example and there were other legitimate uses for professional hunters and sportsmen. It was already an offence to carry a weapon in public and to shoot a bird so rather than licensing the emphasis should be more on enforcement. If a licensing scheme was introduced for crossbows would a scheme then be needed for longbows?

In seconding the motion, Councillor Walklett made members aware that there had been large decline in the swan population due to various reasons and swans like George needed some extra protection from idiots with a crossbow.

He was also concerned that a crossbow of this type could be bought for £35 on Amazon.

Other members speaking in support of the motion thought that this type of weapon should be licensed and controlled in some way.

The Deputy Mayor agreed with the sentiment of the motion and had been shocked at what had happened to George the swan. The bird had made a remarkable recovery and she thanked the Vale Wildlife Centre for their efforts. She felt the wording of the motion could be improved. It would place a burden on people who want to use a crossbow illegitimately but acknowledged that it could be used as a lethal weapon and therefore may need a licence.

In his summing up Councillor Parsons thanked members for their contributions. He emphasised that the motion was intended to be proscriptive and not prescriptive and it was seeking to limit people's ability to walk about public places with crossbows. If government adopted such legislation they could provide the detail which would address some of the concerns members had raised about legitimate use. He envisaged there would be some kind of police check, criminal record check, a check with the local GP for any mental or physical restrictions, all in the interests of public safety. He added that the concept of crossbows being used in sport was untrue as longbows were king in that sporting field and there were no crossbow sports operating in Gloucestershire.

Upon a vote on the original motion was carried  
Voting: For 17, Against 3 with four abstentions.

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

There was no urgent business.

Chris Ryder  
**Chairman**