

Council

19 February 2018

Public Questions (8)

1.	Question from Ben Stone to Cabinet Member Clean and Green Environment, Councillor Chris Coleman (intends to be present)
	<p>Residents in All Saints Villas Road have recently been experiencing problems with the Council's Garden Waste collection service and have reported a number of missed collections. Residents have been told that this is due to issues with getting the collection vehicle down their narrow street. Given residents have to pay for this scheme, this is clearly very poor service.</p> <p>How will the Council address the specific problems on All Saints Villas Road and numerous other town centre streets which are notoriously narrow?</p>
	Response from Cabinet Member
	<p>There have always been access issues in All Saints Villas Road due the narrowness of the road and parking on the corners and bend. A smaller vehicle is now being used to make garden waste collections in this road and other narrow roads in the town.</p>
2.	Question from Tess Beck to Cabinet Member Development and Safety, Councillor Andrew McKinlay (intends to be present)
	<p>Can it be inferred from the decision taken by the Licensing Committee on 2/10/2018 that they agreed with the statement made on behalf of the Two Pigs Management that any unaccompanied women are likely to be prostitutes, and should therefore be refused entry to a pub?</p> <p>Does the council agree with this and if so how is this compatible with the council's public sector equality duty?</p>
	Response from Cabinet Member
	<p>The Council recognises that Parliament has made it lawful to operate a sex establishment and that such businesses are a legitimate part of the retail and leisure industries. It is this council's role as the Licensing Authority to administer the licensing regime in accordance with the law.</p> <p>To this end, the council is under a duty to determine applications for sex establishment licences. Each application is determined on its individual merits taking into account a wide range of factors such as; its adopted policy, local comments and objections, primary legislation and submissions by the applicant before the relevant Licensing Committee.</p> <p>The Licensing Committee did not concur with the supposition that unaccompanied women were likely to be prostitutes when entering the establishing of Two Pigs. The Licensing Committee were keen to relay to the representatives of the establishment that an inference should not be drawn by lone women entering the establishment that they were prostitutes. The Committee reminded the representatives of the Equality Duty and not displaying any discriminatory practices or treatment towards women.</p>

	The council is fully aware and follows its Public Sector Equality Duty and its obligations under it which is relevant when determining any licensing application.
3.	Question from Lisa Belshaw to Cabinet Member Development and Safety, Councillor Andrew McKinlay on behalf of the Cheltenham Labour Party Women's Group
	What are the economic and social benefits for Cheltenham of sexual entertainment clubs during race week? Given previous objections to the licenses what would result in them being refused?
	Response from Cabinet Member
	<p>The council's role is to license and regulate the operation of sexual entertainment venues locally recognising that Parliament has made it lawful to operate such venues and that such businesses are a legitimate part of the retail and leisure industries.</p> <p>The council is bound by strict statutory rules with regards to what it is allowed to consider relevant when determining licence applications of this type. The economic and social benefits of sexual entertainment venues are not a relevant consideration in law and as such are not considered by the council when determining applications.</p> <p>The council is bound to consider and have due regard to, among other things, objections raised by residents and other local people when determining licence applications. Each application is determined on its individual merits including reasons for refusal.</p>
4.	Question from Laura Kennedy to Cabinet Member Development and Safety, Councillor Andrew McKinlay
	Are there going to be adequately resourced gull prevention measures and treatments in key areas of Cheltenham, including in the Tivoli area?
	Response from Cabinet Member
	<p>I met with the 'Gulls Working Group' on the 22nd November, 2017, to discuss the issue of gulls in Tivoli. I suggested that the Working Group put a bid into the budget process to fund the remedial works being advocated, but I am not aware of any such bid for funding being submitted.</p> <p>Historically, during the egg replacement programme carried out annually by the Council, the vast majority of eggs have been replaced on commercial buildings within certain areas of town. This is a discretionary service with a limited budget and to achieve maximum benefit within the resources available, we propose to target those buildings where we know most nests will be found. This does not include properties in the Tivoli area.</p> <p>For all other property owners who wish to install bird proofing measures or replace eggs in nests, the services of private pest control contractors are available. Officers will continue to give advice in this respect where we receive enquiries from members of the public.</p>

5.	<p>Question from Mary Nelson to Cabinet Member Development and Safety, Councillor Andrew McKinlay (intends to be present)</p>
	<p>In CBC's 2017 Air Quality Annual Status Report dated June 2017, it states the following:</p> <p><i>"the Council is now considering revoking the current borough-wide AQMA in favour of a much smaller linear route across the north of the town centre, which has consistently given poor air quality results."</i></p> <p><i>The new AQMA would:</i></p> <ul style="list-style-type: none"> <i>• Illustrate to visitors, residents, and prospective purchasers of properties within Cheltenham that the whole of the Borough is NOT an area of poor air quality</i> <i>• Allow more concerted and targeted action, by the District and County Councils and their partners, to address the known areas of poor air quality.</i> <p><i>The proposed new AQMA is under consideration and will be subject to the necessary procedures before it can go to Council for approval.</i></p> <p>Question:</p> <p>Given:</p> <ol style="list-style-type: none"> 1. CBC's published intentions to make the above major changes to its Air Quality Plan in Cheltenham <u>and</u> 2. the long expressed concerns by many of Cheltenham's residents of the likely increase in air pollution in residential areas from the closure of the inner ring road through Boots Corner <u>and</u> 3. the impact that JCS housing development will have on Cheltenham's radial road network, with no new ring road infrastructure being provided <p>Why is there no Air Quality Policy in the Local Plan (just released for public consultation), and not even a single mention of the word 'Air Quality' anywhere in the text of the Plan?</p>
	<p>Response from Cabinet Member</p>
	<p>The Cheltenham Plan does not contain any specific policies on air quality because the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) already covers this in policies SD3 and INF1. These policies require applicants to assess any potential impacts on air quality. Several other policies in the JCS and Cheltenham Plan focus development into the most accessible areas and require proposals to increase the use of sustainable modes of transport. The development plan for Cheltenham consists of both the JCS and the Cheltenham Plan and as such the Cheltenham Plan, now being consulted upon does not duplicate either the JCS or planning policy set out via the National Planning Policy Framework.</p>

	Cheltenham Plan is currently available for public comment until 9th April, comments are welcomed.
6.	Question from Mary Nelson to Cabinet Member Development and Safety, Councillor Andrew McKinlay
	<p>In July 2017 the government produced a report entitled "UK plan for tackling roadside Nitrogen dioxide concentrations", as vehicles contribute 80% of NO2 pollution at the roadside, exacerbated by the huge growth in the number of diesel vehicles over the last 10 years.</p> <p>This report stated that the government requires local authorities who have areas or hot spots where air pollution has exceeded acceptable limits, to set out a draft air quality plan by the end of March 2018, with a final plan in place by the end of December 2018. To assist local authorities in meeting these timescales the government made an Implementation Fund of £255 million available, with £40 million available immediately, in addition to central government expertise.</p> <p>Question:</p> <p>Can you please say whether CBC has benefitted from this government Implementation Fund (and if so by how much), and whether it could have used these funds to increase the number of air pollution monitoring sites within the town to provide sufficient evidence to justify removal of the whole town AQMA, or whether CBC has utilized any of this funding to make changes to their existing Air Quality plan from a whole town AQMA to only a narrow <u>linear route</u> across <u>one area</u> of the town?</p>
	Response from Cabinet Member
	No money has been received from this source. The Government directive of July 2017 was issued in response to the 2nd Client Earth court case challenging the Government's policies on air quality. This directive was itself then challenged by Client Earth. The directive announced funding, but no indication of how to apply or what projects would be eligible. The DEFRA LAQM funding page has not been updated since October 2016. Funding was confirmed in November 2017 budget, with consultation running until January 2018, however the results of this have not been published and guidance still not issued, so we are unable to say what the fund could be used for. We intend consulting on updating our Air Quality Action Plan this coming financial year notwithstanding the outcome of the funding.
7.	Question from Ken Pollock to Cabinet Member Development and Safety, Councillor Andrew McKinlay (intends to be present)
	<p>Sarah Clark, CBC 'team leader for environmental health', states in reply to an AQMA query that:</p> <p>"Our intention is to <u>revoke the town wide AQMA</u> subject to consultation and replace it with a smaller AQMA based on the area with the poorest air quality as evidenced by ongoing monitoring trends." [my underlining].</p> <p>Why has this long-established "intention" by CBC been kept <u>out</u> of the "final version" of the Cheltenham Local Plan, published yesterday, thereby evading public consultation before the scheme is <i>de facto</i> implemented (with consequent reduction of monitoring areas) ?</p>
	Response from Cabinet Member
	The potential changes to the Air Quality Management Area are not included in the

	<p>Cheltenham Plan consultation document. Although these changes were mentioned in the 2017 Air Quality Annual Status Report no formal proposal has been put forward or been consulted on as of yet. The legislation which governs AQMAs is separate from that which the Cheltenham Plan sits under so the plan cannot make changes to the AQMA.</p>
8.	<p>Question from Ken Pollock to Cabinet Member Development and Safety, Councillor Andrew McKinlay</p> <p>The A46 (Bath to Cheltenham section) terminates in the Cheltenham 'Inner Ring Road' loop, which thereby <u>connects</u> to the onward routes of A435 (to Bishops Cleeve & Evesham), then to B4079 (to expanding Ashchurch), to B4632 (Winchcombe) and to the A4019 (east-west Northern Relief Road). How can this hub of Cheltenham's extraordinarily deficient road network be cut for general traffic, when no viable alternative corridors exist, and Cheltenham has no middle or outer 'ring roads' ?</p> <p>The main alternatives, College Road and Gloucester Road, are no longer viable (nor widenable) for vital south-north traffic flows. The hub of a transport <u>network</u> cannot be glibly "dispersed" (as CTP has claimed).</p>
	<p>Response from Cabinet Member</p> <p>To date the phased implementation of the Cheltenham Transport Plan has had no impact upon traffic flows around the town, as measured by the highways authority 26 data collection points.</p> <p>Monitoring will continue during the trial closure of Boots Corner. This approach allows changes to be made if adverse effects occur.</p>