

Council

Monday, 22nd July, 2019
2.30 - 7.00 pm

Attendees	
Councillors:	Roger Whyborn (Chair), Sandra Holliday (Vice-Chair), Victoria Atherstone, Matt Babbage, Paul Baker, Garth Barnes, Dilys Barrell, Nigel Britter, Jonny Brownsteen, Flo Clucas, Mike Collins, Stephen Cooke, Bernard Fisher, Wendy Flynn, Tim Harman, Steve Harvey, Rowena Hay, Alex Hegenbarth, Karl Hobley, Martin Horwood, Peter Jeffries, Steve Jordan, Andrew McKinlay, Tony Oliver, Dennis Parsons, John Payne, Louis Savage, Diggory Seacome, Malcolm Stennett, Jo Stafford, Simon Wheeler and Max Wilkinson

Minutes

1. APOLOGIES

Apologies were received from Cllrs. Boyes, Coleman, Dobie, Mason, McCloskey, Sudbury, Williams and Willingham.

2. DECLARATIONS OF INTEREST

The Mayor declared a pecuniary interest in agenda item 15 and intended to leave the chamber at that point. Cllr Holiday agreed to chair in his absence. Cllr. Harman declared a non-prejudicial interest in agenda item 11 in his capacity as Cabinet Member for Public Health and Communities at Gloucestershire County Council. Cllr. Savage also declared an interest in agenda item 11, due to being employed by the Gloucestershire Hospitals NHS Trust. Cllr. Cooke also declared an interest in agenda item 11, due to being a recent employee of the Trust. Cllrs. Parsons and Hobley declared a pecuniary interest in item 14.

3. MINUTES OF THE LAST MEETING

The minutes of the meetings held on 13th May were approved and signed as a correct record.

4. COMMUNICATIONS BY THE MAYOR

The Mayor briefed Members on his recent engagements.

One member made a point of order on the period of reflection, and sought to place on record their congratulations for the Mayor's handling of the topic.

The Cabinet Member Finance was invited by the Mayor to address Council to present the MJ Award for the Best Commercial Council.

The Cabinet Member Development and Safety presented the Purple Flag award to the Mayor. The council had recently been awarded 'Best in Appeal' for its vibrant choice of night-time leisure and entertainment, for a diverse range of ages, groups, lifestyles and cultures. The Mayor commended the officers and Members who had contributed to these successes.

5. COMMUNICATIONS BY THE LEADER OF THE COUNCIL

The Leader of the Council praised recent efforts on the council's recycling campaign.

He reported that the Association of Public Sector Excellence have released their annual award nominations, with CBC receiving three nominations. These were for Best Service Team (with particular emphasis on the crematorium team), Best Collaboration (particularly regarding its WW1 commemoration events) and the Commercial and Entrepreneur section. The awards will be given out in September.

The Leader took the opportunity to thank the outgoing Chief Executive, Pat Pratley, for her significant contribution to the Council and the town over the last 13 years. She would be greatly missed. Group Leaders and Members were also invited to address Council to pay tribute and thank her for her work. She had been a great ambassador for the town. The Mayor echoed these sentiments.

6. TO RECEIVE PETITIONS

There were none.

7. PUBLIC QUESTIONS

1.	Question from Amber Astron Christo to Cabinet Member Clean and Green Environment, Councillor Chris Coleman
	<p>Are Council Members aware that the failure to sweep Cheltenham streets is having the following negative impact:</p> <ol style="list-style-type: none"> 1) It makes the town look scruffy and puts off visitors/tourists, which may have an effect on the economy; it causes residents of the town to have less pride in their surroundings. 2) The build-up of dirt in the gutters solidifies after rain, (and is not easily removed by the sweeper lorries), and has become an ideal home for weeds to settle in. 3) The failure to sweep leaves/stones/debris has resulted in a huge build-up of dirt that is carried into the drainage system and is blocking some drains every time it rains. I have made reports of this over a period of 18mths. Unnecessary flooding on the pavements, in the road and elsewhere is the result! 4) The build up of dry particles/pollen, which will be circulated up into the air every time there is passing traffic, will exacerbate hay

	<p>fever, asthma and any bronchial problems. So, there is a health risk caused by the negligent failure to sweep the streets</p> <p>What do the Council intend to do to rectify matters?</p>
	<p>Response from Cabinet Member Clean and Green Environment, Councillor Chris Coleman</p>
	<p>I don't agree that the town is so dirty it is putting off visitors. You only have to walk through town at a weekend to see the throngs of residents and visitors in town enjoying the parks and gardens, festivals, restaurants and shopping experience.</p> <p>We all talk about the big issues around climate change, but changing weather patterns are causing issues for our trees and the differences in leaf fall through the year are resulting in a need to review how resources are deployed during the year. Autumn is normally time for leaf clearance on pavements and ensuring the roads are clear of leaves to avoid blocking drains. Unfortunately, we are seeing trees dropping leaves outside of the normal autumn leaf fall period, including over the summer when we have dry spells.</p> <p>As Cabinet Member for Clean and Green Environment, keeping the town clean is a priority and I am pleased to say that the Council has just taken delivery of two new 15 tonne mechanical road sweepers to replace the old vehicles which were taken off the road and replaced with hire vehicles; these too kept breaking down. I am sure these new vehicles, now they are out on the roads every day instead of the hire vehicles, will further improve the cleanliness of our roads.</p> <p>In a supplementary question, Mrs Christo expressed her dissatisfaction that the roads were still not being swept where they should be and had photographic evidence of this. She asked that the council took a reality check.</p> <p>In the absence of the Cabinet Member Clean and Green Environment, the Leader responded that the Council will gladly investigate particular cases if photographic evidence was provided.</p>

8. MEMBER QUESTIONS

1.	Question from Councillor Max Wilkinson to the Leader, Councillor Steve Jordan
	<p>MHCLG Planning Practice Guidance published in March included a new paragraph encouraging local authorities to work together on Community Infrastructure Levy contributions to build cross-boundary infrastructure. Will this guidance provide an opportunity for using the JCS CIL money to fund the Cheltenham to Bishops Cleeve cycle path?</p>
	Response from the Leader
	<p>The Community Infrastructure Levy scheme (CIL), introduced on 1st January 2019, provides an opportunity for the JCS authorities to work together to agree arrangements for CIL governance, CIL priorities, and in turn CIL spend.</p>

	<p>As part of the preparation of the JCS, an Infrastructure Delivery Plan (IDP) was developed. The IDP identifies a range of infrastructure projects that are required to ensure the successful delivery of growth across the JCS area.</p> <p>A ‘Cheltenham to Bishops Cleeve’ cycle path is not specifically mentioned in the IDP. The IDP does include some general/non-specified funding requirements for ‘Community and Culture’ and ‘Green Infrastructure’. Furthermore, the IDP will be reviewed as part of the ongoing JCS review. However, proposals such as these are recognised in the emerging transport strategy – Connecting Cheltenham and this will in due course provide part of the evidence base informing future decisions on CIL spend.</p> <p>Proposals for joint governance, which will be presented to members in the Autumn, will provide opportunities for such cross boundary schemes to be considered.</p>
2.	Question from Councillor Max Wilkinson to Cabinet Member Development and Safety, Councillor Andrew McKinlay
	<p>Clean air continues to be a hot topic. One of the contributors to harmful emissions in our town centre is idling engines. What measures can the council take to introduce an enforcement regime to prevent emissions from public transport providers, including private hire and Hackney carriage vehicles?</p>
	Response from Cabinet Member Development & Safety
	<p>The percentage contribution that idling engines may be having on local air pollution is not quantified and in fact, this behaviour may well be adversely impacting the air quality in other areas more than the town centre, for example, outside schools.</p> <p>Although there is an enforcement measure available to deal with idling engines (which involves a fine), research indicates this is labour intensive, ineffective and does not result in large scale sustainable behaviour change, or improved air quality. For example, only 29 fines were issued across the country in 2018. In addition, the low level of the fine does not act as a deterrent, or allow enforcement authorities to fully recover their costs. The offence of ‘idling’ comes from Section 42 of the Road Traffic Act 1988 and the initial fine is just £20.</p> <p>The latest research is available online at airqualitynews.com https://airqualitynews.com/2019/03/07/exclusive-idling-enforcement-branded-not-fit-for-purpose-as-just-a-handful-of-fines-issued-during-2018/</p> <p>The council will continue to maximise opportunities to deliver air quality benefits by engaging with partners, major employers and the public on long term behaviour change and improved air quality measures. The current borough-wide ‘Air Quality Management Area’ (AQMA) is likely to be revoked this year, with smaller area/s of air quality management identified instead. Part of this work will include creating a new Air Quality Action Plan (AQAP) containing a suite of air quality improvement measures, in collaboration with partners such as public transport</p>

	<p>providers, including taxi and private hire firms.</p> <p>In a supplementary question, the member asked whether councillors would work with him to express their support for the School Streets in an open letter. The response was to offer their support.</p>
3.	Question from Councillor David Willingham to Cabinet Member Clean and Green Environment Councillor Chris Coleman
	<p>Could the Cabinet Member please advise whether this Council has a strategy or policy for proactively identifying and subsequently eradicating invasive, non-native plants (as defined in Schedule 9 of the Wildlife and Countryside Act 1981) from council-owned land?</p>
	Response from Cabinet Member Clean and Green Environment
	<p>The council records the occurrence of invasive non-native species where they occur on its land on its geographical information system. Where green space staff or contractors encounter non-native species in the course of their daily work, they will report it to the green space team, who will verify the sighting and record it on the mapping system. Once identified the weeds are then treated in an approved manner to either control or eradicate them.</p> <p>Schedule 9 of the Countryside and Wildlife Act is extensive and contains many animals, insects and plants. The most commonly found invasive, non-native plants are Japanese Knotweed, Giant hogweed, Himalayan balsam, Rhododendron ponticum and New Zealand pigmy weed. Currently, we only have a few locations where Japanese Knotweed and Himalayan balsam is present. Sightings of Giant hogweed in Cheltenham are rare and have turned out to be common hogweed on closer inspection.</p> <p>The law states that we must not plant these species, or cause them to grow in the wild and we do not have a statutory duty to control or eradicate them where they occur on our land. However, given the potential damage that Japanese knotweed can cause to adjacent buildings, and the harmful sap associated with giant hog weed, it is our policy to remove, or control these species where they occur on our land.</p>

9. FINANCIAL OUTTURN 2018/19 AND BUDGET MONITORING REPORT APRIL - JUNE 2019

The Cabinet Member Finance introduced the Financial Outturn 2018/19 and Budget Monitoring Report April-June 2019 and made a short statement, both of which are attached here as an appendix.

The Mayor thanked the Cabinet Member Finance for her contribution. One Member asked whether Appendix 11 of the report, relating to the council's debt, referred to a monthly or annual figure. The Cabinet Member Finance undertook to provide a more detailed response subsequent to the meeting.

A member also queried the figures on the council's investments, particularly why the capital amounts had fallen by more than the amounts received, and asked why losing money was being presented as a positive. The Cabinet

Member Finance responded that these investments were long-term and faced peaks and troughs, but that she expected to see significant returns over a longer period of time. In any event, the current return was over and above any bank rate.

Members praised the good work of the finance team within a difficult and uncertain economic context.

RESOLVED THAT

- 1. That Council receives the financial outturn performance position for the General Fund, summarised at Appendix 2, and notes that services have been delivered within the revised budget for 2018/19 resulting in a saving (after carry forward requests) of £40,377.**

That furthermore Council:

- 2. Approves £18,300 of carry forward requests (requiring member approval) at Appendix 5.**
- 3. Approves the use of the budget saving of £40,377 as detailed in Section 3.**
- 4. Notes the annual treasury management report at Appendix 7 and note the actual 2018/19 prudential and treasury indicators.**
- 5. Notes the capital programme outturn position as detailed in Appendix 8 and approve the carry forward of unspent budgets into 2019/20 (section 7) and approves the virement of budgets in 2019/20 as set out in paragraphs 7.2 to 7.3.**
- 6. Notes the position in respect of Section 106 agreements and partnership funding agreements at Appendix 9 (section 9).**
- 7. Notes the outturn position in respect of collection rates for council tax and non-domestic rates for 2018/19 in Appendix 10 (section 10).**
- 8. Notes the outturn position in respect of collection rates for sundry debts for 2018/19 in Appendix 11 (section 11).**
- 9. Receives the financial outturn performance position for the Housing Revenue Account for 2018/19 in Appendices 12 to 13 (as detailed in Section 12) and approves the carry forward, virement and reclassification of budgets in 2019/20 as set out in paragraphs 12.8 to 12.10.**
- 10. Notes the budget monitoring position to the end of June 2019**

(section 13).

10. UPDATED PROTOCOL FOR WEBCASTING, FILMING AND RECORDING OF COUNCIL MEETINGS

The Cabinet Member Corporate Services introduced the report relating to incorporating webcasting into the protocol regarding filming and recording meetings of the council's constitution.

He explained that webcasting would start with the live broadcast of the Council meeting in October. He clarified that physical copies of the webcasting and copyright notice would be put up outside and within the chamber when a meeting was due to be recorded, as well as an electronic copy appearing on the Council's YouTube channel.

Members made the following comments and responses given accordingly:

- The question of Constitution Working Group could review the relevant protocols in the next six months of webcasting was raised. The Cabinet Member Corporate Services welcomed the suggestion and suggested that it would help address any teething problems that may arise.
- The value of new technology is helping the Council fulfil its principles of accountability and open democracy.
- In response to a question as to what circumstances the videos would be edited, the Cabinet Member clarified that this would only be done if there was a legal reason to do so: such as if confidential information had been inadvertently exposed.
- In response to a question about why the council was using social media to host the webcast rather than its own website, the Cabinet Member explained that this came down to the significantly lower cost.
- The Cabinet Member explained that the copyright notice should protect the authority from malicious editing or misuse of footage.
- In response to a question it was confirmed that the webcasting of meetings would not mean there would necessarily be more decisions taken in exempt session.
- The issue of safeguarding of councillors was raised, for example where they may be unfairly targeted during a meeting.
- Members noted that by setting up its own webcasting system, the Council would have its own accurate record of each meeting, and would be able to refute inaccurate or misleading versions of events found elsewhere.

RESOLVED THAT

Appendix K of the Council's constitution on the filming and recording of Council meetings be updated to include webcasting of Council meetings

and to adopt the protocol for webcasting, filming and recording of council meetings as detailed in Appendix 2.

11. NOTICES OF MOTION

Motion A.

Proposed by: Councillor Clucas.

Seconded by: Councillor Horwood.

Cheltenham Borough Council (CBC) wishes to place on record its thanks to the Senior Doctors, Members of Parliament, Councillors, Parish Councils, residents and the REACH Board for their commitment to retaining services in their present form at Cheltenham General Hospital. The changes that had been proposed by the Hospitals' Trust were for a General/GI Surgery Pilot which would have had significant negative impact on Cheltenham General's service users, removing emergency cover for patients undergoing surgery or oncology treatment.

The 'pilot', which was supported by GHNSFT and Gloucestershire CCG, was recently abandoned in response to a potential Judicial Review. The threat of a JR should not have been necessary.

CBC therefore requests Gloucestershire County Council (GCC) instruct the Health Overview and Scrutiny Committee to undertake an enquiry covering:

1. *The extent to which GCCGs decision making process is independent of the decisions made by its provider (GHNHFST).*
2. *The extent to which the GCCG has been involved with its other County counterparts when evaluating the Option 2 proposals concerning the transfer of general/GI surgery from Cheltenham General Hospital (CGH) to Gloucester Royal Hospital (GRH).*
3. *Whether a full and proper evaluation of Option 4 was undertaken concerning this transfer.*
4. *How the Provider (GHNHSFT) and Commissioner (GCCG) debated and agreed Option 2, and whether it was done in contravention of NHS Service Change Guidance.*

Having declared an interest in the item, Cllrs. Savage, Harman and Cooke left the chamber.

The Cabinet Member Healthy Lifestyles introduced the motion, which referred to an important issue in local healthcare provision, namely an ostensible 'pilot' scheme which was perceived to be an irreversible change to the relevant service. She explained that a large number of doctors registered their discontent with this, and the plan was abandoned after a potential Judicial Review was suggested. The motion requested that GCC, through its Overview and Scrutiny procedures, carry out an in depth and detailed analysis of its decision making process and report back.

Cllr. Horwood seconded the motion and praised the doctors involved for bringing the issue to public attention. He stated that it should not have been necessary to threaten a Judicial Review, and that there needed to be a proper review into how an unwanted option was allowed to progress so far, and how it could be ensured that the right decision was made next time. He suggested a change to the wording of the motion from 'requests' to 'instructs', which the Cabinet Member Healthy Lifestyles accepted.

Members made the following comments:

- One member emphasised the importance of language, citing the trust's use of the phrase 'set aside' rather than the more accurate 'abandoned' when referring to the scheme.
- One member emphasised the need to keep the pressure on the trust, citing its lack of clarity regarding accountability and decision-making.
- One member added that their experience of local healthcare provision around the country led them to believe that the Gloucestershire healthcare trust is the worst in the country, in terms of its direct link to residents. They praised the motion and asserted that they hoped it will bring forward a root and branch review of healthcare provision in Gloucestershire. The response was to acknowledge this experience and emphasised that the trust has neglected the needs of the people of Gloucestershire.
- One member supported the motion, and sought to clarify how exactly the motion will be brought forward. The response was that the motion will be taken immediately to the highest possible authority, so at least the Council can be sure it has done everything it can. The Cabinet Member Healthy Lifestyles also suggested that if necessary, the Council could send a group to Parliament to appeal directly to the relevant minister.

The motion was unanimously passed.

The meeting was adjourned at 16:25.

The meeting was restarted at 16:44.

Motion B.

Proposed by: Councillor Clucas.

Seconded by: Councillor Fisher.

1. *That the approach taken to Local Green Space in the Cheltenham Plan, as a result of the Examination of that Plan and ongoing Local Plan Member Liaison Group work, be agreed by Council before public consultation on the Cheltenham Plan commences later in 2019.*
2. *That should the LGS designations be not approved through the Cheltenham Local Plan Examination, all possible steps be taken to ensure that the LGS designations, formerly agreed for Swindon Village and Leckhampton, in the Local Plan be retained and confirmed.*
3. *That should the LGS designations be not approved through the Cheltenham Local Plan Examination, all possible steps be taken to ensure that the LGS designations, formerly agreed for Swindon Village and Leckhampton, in the Local Plan be retained and confirmed.*

The Cabinet Member Healthy Lifestyles introduced the motion, which related to the loss of green belt around the town, and asked that members support the motion.

Cllr. Fisher seconded the motion, noting that this issue had been going on for a number of years. He emphasised that the Council must recognise that it had a great responsibility to adhere to its principles, namely ensuring a high quality of green open space, and protecting natural habitats.

Members made the following comments:

- One member supported the motion and acknowledged the need to balance housing requirements with the protection of green spaces. They spoke about the achievements of the green spaces project, and warned of the disproportionate power of unelected planning inspectors who can rule on whether areas of green space are extensive or not. They spoke about the importance of delivering sustainable development, and praised plans in Leckhampton and Swindon Village. They also stated that the Council owes a debt to individuals in the planning team for their work on this issue.
- One member supported the motion and updated members on the Council's current position. Sixteen green space designations have been recently obtained, two of which are the aforementioned sites in Leckhampton and Swindon Village. They stated they saw no point in advancing action against individual inspectors at this point.
- One member warned against the apparent willingness of Members of Parliament to build on the green belt.

- One member spoke about the importance of understanding the Council's responsibility to the next generation, and criticised the reliance on obtaining a single inspector's approval. He suggested that a vote be taken on this. One member seconded this, and emphasised the broader importance of green space as a major part of the town's image and identity.
- One member thanked members of the Executive Leadership Team for their work on this issue.

Upon the request for a recorded vote, the motion was unanimously passed.

Voting

For (24) : Roger Whyborn, Sandra Holliday, Victoria Atherstone, Matt Babbage, Paul Baker, Garth Barnes, Dilys Barrell, Nigel Britter, Jonny Brownsteen, Flo Clucas, Mike Collins, Stephen Cooke, Bernard Fisher, Wendy Flynn, Tim Harman, Steve Harvey, Rowena Hay, Alex Hegenbarth, Karl Hopley, Martin Horwood, Peter Jeffries, Steve Jordan, Andrew McKinlay, Tony Oliver, Dennis Parsons, John Payne, Louis Savage, Diggory Seacome, Malcolm Stennett, Jo Stafford, Simon Wheeler and Max Wilkinson.

Against (0)

Absentions (0)

12. LOCAL GOVERNMENT ACT 1972 -EXEMPT INFORMATION

"In accordance with Section 100A(4) Local Government Act 1972 the public are excluded from the meeting for the remaining agenda items as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraphs 1, 2, 3 and 5, Part (1) Schedule (12A) Local Government Act 1972, namely:

Paragraph 1; Information relating to any individual.

Paragraph 2; Information which is likely to reveal the identity of an individual

Paragraph 3; Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Paragraph 5; Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

- 13. LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN MATTER**
Members discussed the report from the Local Government and Social Care Ombudsman issued to the Council on 26th March 2019. The Cabinet Member Development and Safety presented the report and responded to questions from Members.

Upon a request for a recorded vote on the item the recommendations were ADOPTED.

- 14. A FINANCIAL MATTER**
Members discussed the financial matters as presented in the report and sought clarification from the cabinet member on a number of matters.

Upon a request for a recorded vote on the item the recommendations were ADOPTED.

- 15. GLOUCESTERSHIRE AIRPORT**
Members discussed increasing the lending facilities to GAL in order to support the delivery of the business case and changes to the pension deficit arrangements at GAL. They further considered giving authority to the Executive Director Finance and Assets (in consultation with the Leader of the Council and the Borough Solicitor) to take actions in order to implement the recommendations.

Upon a recorded vote on the item the recommendations were ADOPTED.

RESOLVED THAT

The recommendations in the report be adopted.

Voting

For (20): Councillors Atherstone, Baker, Barrell, Britter, Brownsteen, Clucas, Fisher, Harvey, Hay, Hegenbarth, Hobley, Holliday, Jeffries, Jordan, McKinlay, Parsons, Payne, Stafford, Stennett, Wheeler

Against (0)

Abstentions (4): Councillors Babbage, Cooke, Harman, Horwood

Roger Whyborn
Chairman