

Cabinet

Tuesday, 21st January, 2020
6.00 - 6.40 pm

Attendees	
Councillors:	Steve Jordan (Leader of the Council), Chris Coleman (Cabinet Member Clean and Green Environment), Rowena Hay (Cabinet Member Finance), Peter Jeffries (Cabinet Member Housing) and Andrew McKinlay (Cabinet Member Development and Safety)

Minutes

1. APOLOGIES

Apologies were received from Councillors Clucas and Hegenbarth.

2. DECLARATIONS OF INTEREST

There were none.

3. MINUTES OF THE LAST MEETING

The minutes of the meeting on 17th December 2019 were approved and signed as a correct record.

4. PUBLIC AND MEMBER QUESTIONS AND PETITIONS

Public questions

1.	Question from Tabitha Joy to the Cabinet Member Development and Safety, Councillor Andrew McKinlay
	The most recent data shows that town centre pollution, and traffic volumes, are either actually increasing or staying the same. Does the council therefore accept that the AQAP has been ineffective?
	Response from Cabinet Member
	The current AQMA (and resultant action plan) covers the entire borough. Taken across the whole borough, the results do suggest a slow reduction in NO2 levels. The area highlighted has seen less improvement, although there is no method of assessing what levels would be without the current AQAP. The revised AQMA, to be followed by a new AQAP, will focus on securing improvements in pollution levels in precisely this area.
	Supplementary question from Tabitha Joy
	Oxford City Council has achieved a 39% reduction in CO2 levels in recent years. Why has Cheltenham failed to achieve a similar reduction?

	Response from Cabinet Member
	Oxford City Council has been able to implement radical solutions to greatly reduce the amount of traffic in its town centre over that period. Cheltenham Borough Council has been unable to implement similarly radical solutions, with one example being the decision to reopen Boots Corner, which will have a material effect on CBC's ability to reduce CO2.
2.	Question from Peter Frings to the Cabinet Member Development and Safety, Councillor Andrew McKinlay
	Is the council aware that a recent dispersion modelling study by another consultancy firm, (Air Quality Consultants, hired by GCC, regarding the proposed Leckhampton School) challenges the results given in the Bureau Veritas report? Given that this highlights how unreliable the modelling process used by both consultants is, how can the council base such a major decision on such dubious methodology?
	Response from Cabinet Member
	There is a degree of uncertainty in all models. The detailed model prepared by Bureau Veritas used data from across the town, rather than a very limited area around a proposed development, and used different source data, so unsurprisingly their results are different. The boundaries of the AQMA are based on modelling and monitoring results obtained over a number of years.
	Supplementary question from Peter Frings
	The questioner reiterated that the Leckhampton study used the exact same model and followed the same verification process. CBC's figures indicate a dubious and unreliable approach, which is contradicted by the Leckhampton study. The model and reality do not align, with an error of 14.3%. When this adjusted figure is applied, the end result is very different.
	Response from Cabinet Member
	The Cabinet Member Development and Safety acknowledged that he is not an expert on air quality monitoring, and will pass the query on to more specialised officers. He reminded members that different data is collected for different reasons. The methodology used by CBC is that approved by DEFRA. He added that the Leckhampton data is being collected for other reasons, not least to justify the development of a school on that site, though he acknowledged that this is speculation. The Leader of the Council added that technical officers will be able to give a more specific answer.
3.	Question from Peter Frings to the Cabinet Member Development and Safety, Councillor Andrew McKinlay
	The modelling by Bureau Veritas predicts NO ₂ exceedances at 4 locations. Why is the council proposing that the new AQMA only covers

	one of these?
	Response from Cabinet Member
	In section 5.1 The Detailed Model predicts exceedance or <i>near exceedance</i> of the NO ₂ limit at 4 locations. Monitoring is being carried out to further define the boundaries of any areas of exceedance. Of the locations identified, the junction of Gloucester Road/Princess Elizabeth Way is of most concern, and where monitoring resources will be concentrated. This approach is in accordance with the recommendations in section 6.3. . If our monitoring indicates failures of any limits then further AQMAs will be declared but at this stage due to the relative uncertainty associated with models we do not feel it appropriate to declare AQMA's based on this model alone.
	Supplementary question from Peter Frings
	The Bureau Veritas report says that based on their modelling there are four sites within the margin of error. As this data could be unreliable, more detailed investigation should be carried out. The Cabinet Member's initial response states that due to the relative uncertainty of these models, further investigation will not be carried out. However, in the report, a key recommendation refers to the very same model. Is there a double standard as to whether the data is reliable?
	Response from Cabinet Member
	The other three areas, including the Princess Elizabeth Way/Tewkesbury Road junction, have not been significantly scrutinised before but invariably will be due to the West Cheltenham development. Other sites, while previously high, are now on a downward trend, partly due to phases 1-3 of Cheltenham Transport Plan. The council is focusing on the area of most significance. The change in area has been approved by DEFRA, and fits their criteria.
4.	Question from Adrian Becker to the Cabinet Member Development and Safety, Councillor Andrew McKinlay
	Does the Council accept that in the light of the government's Clean Air Strategy (May 2019), it must include a monitoring programme and action plan for tackling PM _{2.5} particulate pollution in its proposed new AQAP?
	Response from Cabinet Member
	Monitoring of PM _{2.5} is being introduced from January 2020 at 9 locations across the town. Results from this monitoring will be used to inform future actions, which will be included in a new AQAP, and could include declaration of further AQMAs.
	Supplementary question from Adrian Becker
	Can the locations of the council's particulate monitoring be recorded in

	the supplementary answer? Will the council consider introducing low-cost particulate monitoring? This could be rolled out to many more locations than the current nine, while engaging the help of parish councils and residents' groups.
	Response from Cabinet Member
	The nine locations for particulate monitoring are recorded in Appendix B of the report. A further 27 locations using NOx tubes are also recorded in the same place.
5.	Question from Adrian Becker to the Cabinet Member Development and Safety, Councillor Andrew McKinlay
	Initial evidence from monitoring of PM _{2.5} particulate pollution by Leckhampton with Warden Hill Parish Council shows that air quality in Leckhampton is in breach of the WHO guidelines that the DEFRA Clean Air Strategy is committed to achieving. Does the council therefore accept that it makes no sense to restrict the AQMA just to a tiny area of the town centre?
	Response from Cabinet Member
	The boundaries of the revised AQMA are based on data obtained over a number of years from monitoring NO ₂ across the town. The AQMA is focussed on dealing with the area of worst air pollution in the Borough. This approach has received the approval of DEFRA. Monitoring of PM _{2.5} is being introduced from January 2020 and will be used to inform future actions.
	Supplementary question from Adrian Becker
	At a time of increasing concern about particulate pollution, can the council give any examples of other councils which have AQMAs of only a few hundred yards?
	Response from Cabinet Member
	Before 2011, CBC's AQMA was much smaller, and was deliberately expanded after 2011. The reduction in size recommended in this report was approved by DEFRA.

Member questions

1.	Question from Councillor David Willingham to Cabinet Member Clean & Green Environment, Councillor Chris Coleman
	Q) The Clean Air Act gives the council powers to designate Smoke Control Areas. The council's online mapping suggests that only some parts of the town are covered. Given

	issues around pollution (in this case PM10 and PM2.5 as well as climate change) can the council consider whether it would be beneficial for all of the urban and proposed urban extension parts of the town to be subject to these controls?
	Response from Cabinet Member Clean & Green Environment
	The government has consulted on repealing the Clean Air Act, as part of a wider review of AQ powers. A final decision has not been made. The Act makes it an offence to emit smoke from a chimney of residential premises, unless using an approved fuel or appliance. To take any formal action you have to see the smoke and know what fuel is being burnt, and on what appliance. There may be other controls that can be applied to new developments through the planning process that are more appropriate.
	Supplementary question
	The current system of smoke control zones is clearly incomplete, with examples including particular roads where one side is controlled while the other is not. Should the council not take the smoke control system further, considering its declaration of a climate emergency?
	Response from Cabinet Member
	The Cabinet Member indicated a willingness to take this further, and offered to discuss it with officers.
2.	Question from Councillor David Willingham to Cabinet Member Clean & Green Environment, Councillor Chris Coleman
	<p>Q) I am concerned about the following two locations: B4633 Gloucester Road outside Gloucester Road Primary School and Alstone Lane close to level crossing. If there are monitoring resources, getting a year's worth of data would seem worthwhile. As far as I can establish from the council's Air Quality mapping data, those two locations in St Peter's ward have not had any monitoring in the period 2013-2018. The reason for my concerns are details below for each location:</p> <p>There is frequently queuing traffic heading westbound on Gloucester Road outside Gloucester Road Primary School. These traffic queues feed directly into the proposed shrunken AQMA. I understand that studies have shown that air pollution has a worse effect on children, so prior to the AQMA being shrunk, could I please request that consideration is given to having air quality monitoring equipment installed outside Gloucester Road Primary School?</p>
	Response from Cabinet Member Clean & Green Environment
	There will be monitoring outside Gloucester Road School, starting in early 2020. We will have a NOx tube there from the first changeover of 2020. We will have a Mesh pod installed as soon as they are back from being serviced, updated, and calibrated.
	Supplementary question

	As a ward councillor, I see huge queues outside Gloucester Road Primary School. I am keen to ensure that we don't just monitor NOx but also particulates. CBC is responsible for air quality, but the key contributor to pollution is highways. This is overseen by the county council, which hasn't shown serious commitment to combatting pollution. Can we ensure that any strategy considers primary schools as a priority when seeking to improve air quality?
	Response from Cabinet Member
	The Cabinet Member noted the concerns raised and agreed to consult officers.
3.	Question from Councillor David Willingham to Cabinet Member Clean & Green Environment, Councillor Chris Coleman
	Q) In light of the considerable traffic queues caused by long barrier down times at the level crossing and idling diesel trains in the sidings, could I request that air quality monitoring is established in close proximity to Alstone Lane level crossing?
	Response from Cabinet Member Clean & Green Environment
	Alstone Lane is not on our plan for 2020. The modelled levels from the Detailed Modelling Assessment we commissioned last year are published here: https://www.cheltenham.gov.uk/downloads/file/7829/detailed_modelling_assessment_2019 That shows the nearest modelled NO2 levels at the junction of Gloucester Rd / St Georges Rd / Alstone Lane as 24.9 & 29.8 ug/m3 at St Georges Gate and The Kings Arms, respectively. These levels are considerably below the annual limit, and levels on approach roads to that junction (even in proximity to the level crossing) will be lower. We only have a limited budget for equipment, which is being deployed to areas of concern where we need more data on pollutant levels.
	Supplementary question
	There is a level crossing in my ward which seems to be a particularly special case. There are signs asking people to switch off their engine, but you can physically taste diesel in the air. This is a remarkably bad situation which CBC seems to have missed, and requires extra attention.
	Response from Cabinet Member
	The Cabinet Member agreed to look further into the issue and consult officers.

- 5. REVISION TO CHELTENHAM AIR QUALITY MANAGEMENT AREA**
The Cabinet Member Development and Safety presented the report. He acknowledged that the report had already been explored to some degree during the public and member questions. He reported that the council declared a borough wide AQMA in 2011, as part of the broader context of the Transport Plan. Specific goals included ending the ring-road around the centre of Cheltenham, which was successful. This followed all the relevant legal

standards, and led to a steady reduction in the town centre's level of air pollution.

He explained that the formally monitored area is to be reduced from the whole town to an area on the A4019, from the Gloucester Road junction through Poole Way to St George's Street. This is an area of continuing exceedances that requires extra attention. The junction of Princess Elizabeth Way and Tewkesbury Road also requires extra care. He stressed that the report is not an excuse to remove air quality monitoring equipment from the town, and reminded members that more monitoring will be done in the town centre than previously. The AQMA is being reduced in line with DEFRA regulations. Air quality monitoring data must be used to inform future decisions.

The Leader referred to air quality issues in his ward, and said he was pleased that pollution levels have decreased. He added that reducing the AQMA does not mean reduced monitoring. The overall issue of air quality is a major one, but progress so far is good.

RESOLVED THAT:

- 1. The existing borough-wide AQMA be revoked;**
- 2. A new AQMA be declared in the area identified as having the worst air pollution levels;**
- 3. The redeployment of existing equipment be approved to monitor those sites which are closest to exceeding the legal limit.**

6. PROSECUTION OF HOUSING AND TENANCY FRAUD ON BEHALF OF SOCIAL HOUSING PROVIDERS

In the absence of the Cabinet Member Corporate Services, the Cabinet Member Housing presented the report.

RESOLVED THAT:

- 1. the contents of the report be noted;**
- 2. the use of appropriate enforcement powers and those powers set out in the Prevention of Social Housing Fraud Act 2013 be endorsed;**
- 3. the prosecution (where appropriate) of housing and tenancy fraud offences committed in relation to properties owned by the Authority or Social Housing providers within the Borough be supported.**

7. BRIEFING FROM CABINET MEMBERS

The Cabinet Member Clean and Green Environment thanked Ubico for their work over the Christmas period, ensuring that there were very few complaints about collections despite difficult weather conditions. He reported that a brief suspension of brown bins has been taken on board by customers, and the service will be restarted very shortly.

The Leader placed on record his concerns about the planned closure of Jack Wills on the Promenade. This follows a national trend of branches closing. He noted that the company as a whole has been bought by one of Mike Ashley's companies. It is important that the Promenade remains economically buoyant, and we have seen increased footfall in the town centre in the last six months. There is also a branch of House of Fraser in Cavendish House – House of Fraser having also been taken over by Mike Ashley's companies. The Leader reported that he has written to Mike Ashley's company suggesting that they work together to ensure a positive future. This aligns with the work of the Business Improvement District, demonstrating close cooperation with businesses.

The Cabinet Member Finance outlined her decision to award a new contract to CIVICA for the existing Revenues and Benefits System. She noted that there are limited applications that can be done online, which becomes an increasing issue as the population increases. CIVICA offers 24-7 support, which will improve customer satisfaction.

The Cabinet Member Housing outlined his decision to formally amend a bid to Homes England. The bid previously submitted in December 2019 related to 22 affordable rented dwellings, and has now been amended to 22 social rented dwellings. The total grant request will therefore increase from £1.05m to £2,122,328.

The Leader outlined his decision to approve a written resolution relating to Ubico Limited, in his position as a shareholder. The resolution refers to the new articles of association, which revise the board composition.

Chairman