

## Council

22 March 2021

### Public Questions (4 total)

<b>1.</b>	<b>Question from Mr Bailey to Cabinet Member Economy and Development, Councillor Victoria Atherstone</b>
	<p>Where has Cheltenham Borough Council safeguarded any land along any main rivers in the Borough to reduce the effects of Global Warming? The National Planning Policy Framework requires that land be safeguarded to reduce the effects of global warming. Leckhampton land seems to be the last option to safeguard land on the River Hatherley Brook, as such the risk needs addressing now. Failure to plan as required by NPPF 150 could present a life-threatening risk in future years.</p>
	<b>Response from Cabinet Member</b>
	<p>The current Cheltenham Plan was prepared and adopted in 2020 in accordance with the 2012 National Planning Policy Framework (NPPF). This had a paragraph 100 which is very similar to the 157 in the 2019 NPPF to which Mr Bailey I believe is referring. The preparatory work on the Plan including undertaking Strategic Flood Risk Assessments which are available on the Council's website. There were extensive discussions on flooding issues with our Drainage Engineer, the Local Lead Flood Authority (LLFA), local flood groups and the Environment Agency.</p> <p>We did not safeguard any specific land for flood management in the future although that may take place within allocated sites as detailed planning proceeds. No such safeguarding was suggested through the plan preparation process. However, an exception to the above could be said to exist for allocated sites MD3 (Royal Well) and E4 (Chelt Walk) which have some specific policy requirements related to flood risk.</p> <p>For Chelt Walk:</p> <ul style="list-style-type: none"><li>• Provide at minimum an 8 metre buffer from the top of bank of the River Chelt;</li><li>• Provide river corridor enhancements that help to protect and enhance the biodiversity and river setting at this location;</li><li>• Not result in a net loss in flood plain storage or adversely impact out-of-bank flows, with opportunities explored to provide flood risk betterment;</li><li>• Provide financial contributions to the flood warning service, maintenance and future improvements of the adjacent River Chelt flood alleviation scheme; and</li><li>• All finished floor levels should be set 600mm above the 1 in 100 year level, including an appropriate allowance for climate change.</li></ul> <p>For Royal Well:</p> <ul style="list-style-type: none"><li>• Development should not locate any new development within 8 metres of</li></ul>

	<p>the culverted River Chelt;</p> <ul style="list-style-type: none"> <li>• Development should not result in a net loss in flood plain storage or adversely impact out of bank flows, with opportunities explored to provide flood risk betterment;</li> <li>• Development should provide financial contributions to the flood warning service, maintenance and future improvements of the adjacent River Chelt flood alleviation scheme;</li> <li>• Development should ensure new finished floor levels be set 600mm above the 1 in 100 year level, including an appropriate allowance for climate change; and</li> <li>• Development should not allow self-contained basement dwellings.</li> </ul> <p>It may be helpful for Mr Bailey to be aware that in the review of the Joint Core Strategy, Level 1 and Level 2 Strategic Flood Risk Assessments will be undertaken in consultation with the Environment Agency, LLFA, Severn Trent Water and other interested stakeholders, to assist in determining how development will be accommodated in the future. Consultation on the first stage of the formal review of the Joint Core Strategy is programmed for the autumn of 2021.</p> <p>Detailed consideration of flood prevention and the impact of climate change will be addressed at the planning application stage.</p>
<b>2.</b>	<b>Question from Mr Bailey to Cabinet Member Economy and Development, Councillor Victoria Atherstone</b>
	<p>What financial risk have been identified that are associated with flooding in the Borough?</p> <ul style="list-style-type: none"> <li>• Flooding directly affects Council assets and the Council is currently indirectly managing watercourses for riparian owners.</li> <li>• All surface water drainage systems need a Lifetime Plan.</li> </ul> <p>Whilst this is largely down to the "Owner" the reality is that it falls to the public purse. Five or six different plans exist for the individual developments in Leckhampton the short term. But the longer term outcomes present a real financial risk unless robust policies are in place.. I have been unable to establish any policies, safeguarded land or any Corporate Risks associated with flooding. If there are financial risk these need to be managed from the date of approval of the application.</p>
	<b>Response from Cabinet Member</b>
	<p>In responding to this question, I am responding to the second part first.</p> <p>As the Lead Local Flood Authority, Gloucestershire County Council are responsible for identifying and allocating flood risk to the districts of Gloucestershire along with the national risk assessments undertaken by the Environment Agency.</p> <p>In 2020, the LLFA identified Cheltenham as high risk for surface water flooding. CBC are working closely with the LLFA to understand the implications of this and the necessary actions, policies and procedures that may need to be established or updated in order to effectively respond to this. This is likely to include update to</p>

our current "Cheltenham Surface Water Management Plan". Please also refer to the answer provided in Q1 for the Joint Core Strategy Strategic Flood Risk Assessments.

CBC have several SuDs, balancing ponds and flood alleviation schemes in our parks and opens spaces such as, Beeches playing field, Coxs Meadow, Sandford Park, Pittville Park, Priors Farm, Chelt Walk St Peters, Honeybourne Way, Coburn Gardens, Brizen Lanes and Springfield Park etc. CBC manages and maintains them solely or as part of a partnership agreement with the Environment Agency or GCC.

Our default approach is to encourage and enforce appropriate riparian duties to be undertaken by riparian owners. This is part of our arrangement with GCC who (as the Lead Local Flood Authority) have delegated authority to us for Consenting & Enforcing on ordinary watercourses.

CBC do not actively seek to maintain assets that are not our responsibility. There are however a few exceptional circumstances in which we may deviate from this approach, if there are community and safety benefits to be realised from doing so.

We have assisted a very small number of riparian owners in the past at strategic locations where the riparian owner:

- Is unable to undertake the required maintenance (e.g. financially unable or vulnerable residents).
- Cannot be traced (not all land is registered)
- If CBC have been instrumental in installing an asset on that land in the past (e.g. trash screens or other flood alleviation measures put in place since 2007 flooding) we may voluntarily continue to support owners to maintain that specific asset, but this does not remove their riparian responsibilities

All developments since 2015 should have an agreed SuDS Maintenance Plan and Drainage Scheme. For un-adopted SuDS the overall responsibility for surface water flood risk is managed by GCC as the (Lead Local Flood Authority) LLFA.

There is considerable work being undertaken to review the future maintenance of flood assets in Cheltenham and where applicable riparian owners will be reminded of their responsibilities.

We are also relaunching our Flood Warden scheme and updating communications, engagement and public information around flooding (in partnership with the other agencies involved), which should help increase awareness of riparian responsibilities and flood risk across the borough.

Turning now to the specific question of financial risk, the Council is currently in the process of reviewing its approach to how it manages its resources allocated to managing flooding, however as outlined above, the responsibility for the impact of flooding in terms of assessments, interventions and managements falls with a number of agencies and authorities together with businesses and homeowners at risk, who require flood insurance. There is not a single financial risk measure for

	<p>this, but measures in place across the separate agencies and authorities.</p>
<b>3.</b>	<p><b>Question from to Jess Cliff to the Cabinet Member Clean and Green Environment, Councillor Chris Coleman</b></p> <p>I am writing in response to the recent murder of Sarah Everard in London.</p> <p>Women all over the country (myself included) are scared to walk alone in the dark. Sarah's death has increased those fears and has demonstrated that it is appropriate to hold those concerns.</p> <p>In response to the event, Lambeth council has committed to install additional lighting in Clapham Common to help reduce the likelihood of these events occurring and to make women feel safer when walking at night. This commitment struck me as particularly prominent since, as a women in my 20s, I have often felt scared when walking alone in the dark, including near my home in Cheltenham.</p> <p>My quickest way back to my house from the centre of the town includes walking through the unlit Sandford park. I normally choose a much longer route home if alone to avoid walking in the dark. I also know of examples of attempted attacks on women in Montpellier Gardens and Imperial Gardens. I hope you'll agree with me that no woman should feel so unsafe, especially in a town like Cheltenham.</p> <p>Would the Council consider installing better lighting in Cheltenham's parks and gardens to help women feel safer?</p>
	<p><b>Response from Cabinet Member</b></p> <p>It is important that our public spaces feel welcoming, that people feel safe using them and I can understand following the tragic murder of Sarah Everard that our communities are looking at the spaces they use and assessing how they feel being within them. Lighting of our parks and gardens has been subject to numerous conversations over the years; with varying views in respect of the extent in which areas should be lit taking into account crime and safety (both evidential and perception), anti-social behaviour, the effect on wildlife, the impact on dark skies within urban areas, and whether other reasonable lit routes exist. However, I agree, that recent events trigger a refresh of those conversations, we want our open spaces to thrive and that people feel safe using them.</p> <p>The Government has recently announced announced new measures to double the Safer Streets Fund to £45m to improve lighting and CCTV, so that women are safer walking home through parks and streets on their way home. We need to understand more about this funding how this could contribute to our neighbourhoods. The issues raised by this question are cross cutting across a number of services of the council and I will draw together the relevant officers to look further at this issue.</p>
<b>4.</b>	<p><b>Question from Sarah Pineger to Chair of Licensing, Councillor David Willingham</b></p> <p>In the past week, with the murder of Sarah Everard, I, like many women around the country have reflected on how it feels to be a woman out, especially after dark, alone. I have reflected on advice I was given as a young woman to stay safe, including not walking alone and to wear shoes I can run in.</p>

I have also reflected on those occasions where I felt most scared, most at risk. These occasions include being inappropriately touched by a taxi driver (a taxi I took to stay safe). I'd like to ask the council what they are doing, especially at busy times like race week, or probably when Covid restrictions relax and pubs can reopen), to prevent unlicensed taxis from operating, and also to ensure any complaints against licensed taxi drivers are dealt with seriously and expediently.

**Response from Chair of Licensing**

I wish to put on record my condolences to the family and friends of Sarah Everard, who will be struggling to come to terms with their grief at this difficult time.

I would like to start by reassuring the questioner and the public that Cheltenham Borough Council's licensing processes are based on the highest possible standards in light of legislation and national guidance. We are confident therefore that taking a Cheltenham licensed taxi or private hire vehicle is safe the drivers will get you home safe and secure at the end of a night out in town.

The Council has a robust Taxi Licensing Policy and performs background checks on all drivers via the Disclosure and Barring Service (DBS), the Driver Vehicle Licensing Agency (DVLA) and the National Register of Revocations and Refusals (NR3), to name a few, and requires drivers to undertake mandatory safeguarding training. Our Taxi Licensing Policy also requires that taxis are silver in colour, display an approved taxi sign on the roof and a Cheltenham taxi plate on the back, this allows the public to identify a Licensed Cheltenham Taxi, which are the ONLY vehicles that can legally ply for hire in the town. There are a number of taxi ranks around town, some with taxi marshals on busy weekend evenings, and both the taxi marshals and the taxi drivers work diligently to report and prevent unlicensed vehicles illegally plying for hire in the town. Alternatively, the public can call, use an app or go to a number of private hire operators and pre-book a private hire journey.

In the event that a member of the public has a complaint about the conduct of a licensed driver, they should report it in writing to the Borough Council either by email: [licensing@cheltenham.gov.uk](mailto:licensing@cheltenham.gov.uk) or to Licensing, Municipal Offices, Promenade, Cheltenham GL50 9SA. In the case of a serious offence it may also be appropriate to contact the Police. Complaints will be assessed by officers in accordance with principles of PACE (Police and Criminal Evidence Act) and the council's enforcement policy. Serious cases may result in the driver's licence being immediately suspended and the matter being referred to the Licensing Committee for determination. The Licensing Committee is there to ensure that all licensed drivers are "fit and proper" and has the power to revoke a driver's license with immediate effect if there is sufficient evidence of serious misconduct.

In terms of enforcement, Council Officers run test purchasing operations to detect, disrupt and prosecute unlicensed vehicles and drivers. This happens throughout Gold Cup Race-week in March and at other times of the year. In 2019, 12 drivers were prosecuted for illegally plying for hire during the festival. The Council's preparations are already underway for post-Covid reopening and the likely influx of people this will bring back into the Evening and Night Time Economy, and is committed to working with Gloucestershire Constabulary and other partners to

	ensure that this happens safely. I am also keen that the Council works with the University around safety in respect of new students arriving during fresher's week.
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