

Copy of 'Decision details' relating to the disposal of land in Hatherley Park. Dated 24 February 2021

Questions posed (1-11) are mine, added in bold type.

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Decision:

To grant a Tenancy to The Butterfly Box. The Tenancy, will allow the Company to place a coffee kiosk and seating to sell refreshments and snacks. The Tenancy will run for three years with appropriate break provisions.

Reasons for the decision:

Following a successful trial period there was overwhelming community support for the continuation of the provision of a kiosk in Hatherley Park. Therefore, the Council is agreeing a lease for 3 years (with appropriate break provisions).

Q1. On what basis was the success measured and what constitutes 'overwhelming community support'?

Q2. The head of Planning says: a) "The structure has been allowed under the temporary relaxation of enforcement for temporary structures since June 2020, and has therefore been in place since then and will be covered until that initiative comes to an end. The initiative is only temporary, brought in in response to COVID restrictions and has been encouraged by the Government. It will eventually come to an end once the Council feel that the Pandemic restrictions are eased, at least enough to allow businesses to recover and thrive as 'normal'. b)The Decision states "Therefore, the Council is agreeing a lease for 3 years" and c) the S123 Notice states: the span of the lease as "a term up to 7 years".

Which version is correct

A tender exercise took place and interested parties were able to submit their applications which were considered for a more permanent provision of a mobile kiosk. This vendor was the successful candidate.

Q2. How many applications were considered?

It offers this business a lifeline during this difficult period. This opportunity is very much about local, and about people being given an opportunity to survive.

Q3. Can we assume that CBC will now offer a 'lifeline' to all local businesses?

The chosen vendor had already set up their business, acquired all equipment, vehicles and branding needed and had a robust business plan. They were ready to trade. The applicants are local residents.

Q4. The Application For Planning Permission is dated 27/02/2021 and attests that that no prior advice on this application had been sought from the local authority. The Decision granting planning permission was dated 24/02/2021, three days earlier. Demonstrably much congress must have taken place between the two parties before the application was submitted. Does this factor alone disqualify this application?

Q5. Does CBC believe that a business who has "already set up their business, acquired all equipment, vehicles and branding needed" before establishing whether, a site from which to operate their business could be found at a sustainable cost, has sufficient business acumen to run a successful business?

Our resources are being stretched because of the pandemic. However, we have found, where the trials are occurring that the kiosks are a conduit that people can use to report back to us. Effectively they are helping us to manage the space and help manage antisocial behaviours. They are our eyes and ears.

Q6. Can the residents of Cheltenham assume that we are all under surveillance now, by Agents appointed by CBC?

Q7. If this is the case, and the above text is unambiguous and clear, (indeed it is reiterated in the 'Alternative options considered' paragraph below) who do these Agents report to, and what powers do they (he or she) have to act on information received?

The Tenancy is a progression of the trials that are still ongoing in a number of our Parks, it will be on similar terms, but with a little more security. The Council and the vendor can terminate this agreement by serving notice, if it is not working for any reason. This was an important provision to take on board comments and objections received during the consultation process. By allowing this Tenancy the council will be receiving income and allow a local business an opportunity to trade in these difficult times.

Q8. Much is made of the claim that the income derived from disposal of public amenity land will generate revenue, sufficient to contribute to the Park's maintenance budget. What is the expected net annual income that disposing of this land will realise?

Alternative options considered:

The Council could decide not to have a coffee kiosk in the park but it would mean that we would not be receiving any income; there would be no conduit to help be our eyes and ears or the ability to help a struggling local business.

Q9. There is clear evidence that CBC were very active in promoting this application long before this Decision was published. Can you explain why the business is classified as 'a struggling local business' when a very short time ago the business plan it submitted was seen as 'robust' and the Interim Head of Planning writing on 31/03/2021, said 'the space [has been] leased out to a successful business', and further 'the success of the kiosk...has resulted in the space being leased...' The question is, is the business successful or is it a business that is struggling and do the CBC really believe that the success or otherwise of an embryonic limited company, can be determined after just a few months trading time-span, in most unusual market conditions, that has yet to submit public accounts, has yet to expend considerable amounts of capital on seating, security, and toilet facilities along with on-going operational costs including leasing, electricity, water, waste collection and disposal and accounting costs etc ?

Wards Affected: (All Wards);

Other reasons / organisations consulted

Generally, the feedback was overwhelmingly in support. However, there were a handful of strong views in opposition and the terms of the tenancy will seek to manage and mitigate these concerns.

Q10. Given the remote location and obvious attraction for thieves and vandals added to the ease in which such activity can be assured by accomplices watching the park entrances, will we see the installation of surveillance cameras and security lights and is CBC relaxed about the fact that the most secure route of escape is through a garden the bounds the park, putting the owner into a highly risky situation?

Q11. The issues of significant parking problems was key, yet no clear indication has been given to solve this on-going problem. What do CBC intend to do to

resolve this issue, that is not only creating community unrest but is in many instances highly dangerous?

Consultees

Consultation has taken place in relation to the Cabinet papers

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