

Council

Friday, 24th February, 2012
2.30 - 4.25 pm

| Attendees | |
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| Councillors: | Barbara Driver (Chair), Colin Hay (Vice-Chair), Garth Barnes, Ian Bickerton, Nigel Britter, Bernard Fisher, Jacky Fletcher, Wendy Flynn, Rob Garnham, Les Godwin, Penny Hall, Rowena Hay, Diane Hibbert, Sandra Holliday, Peter Jeffries, Steve Jordan, Robin MacDonald, Paul Massey, Helena McCloskey, Andrew McKinlay, Heather McLain, Paul McLain, John Rawson, Anne Regan, Diggory Seacome, Malcolm Stennett, Charles Stewart, Klara Sudbury, Lloyd Surgenor, Jo Teakle, Pat Thornton, Jon Walklett, Andrew Wall, John Webster, Paul Wheeldon and Roger Whyborn |

Minutes

1. A MOMENT OF REFLECTION

Reverend Tim Mayfield invited members to take a moment of reflection.

2. APOLOGIES

Councillors Wheeler, Cooper, Coleman and Smith had given their apologies.

The Chief Executive had given his apologies and therefore the Executive Director, Pat Pratley, had attended in his place and likewise, the Head of Financial Services was in the place of the Director of Resources.

3. DECLARATIONS OF INTEREST

No interests were declared.

4. TO APPROVE AND CONFIRM THE MINUTES OF THE MEETING HELD ON THE 10 FEBRUARY 2012

The minutes of the last meeting had been circulated with the agenda.

Upon a vote it was unanimously

RESOLVED that the minutes of the meeting held on the 10 February 2012 be agreed and signed as an accurate record.

5. PUBLIC QUESTIONS

The Mayor was pleased to see the number of public questions that had been received, given that she was a keen advocate of public participation.

The following responses were given to the 18 questions received from members of the public;

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| 1. | Question from Robert Keevil to Cabinet Member Sustainability (Councillor Whyborn) and Cabinet Member Built Environment (Councillor Rawson) |
| | <p>Given the very strong local opposition to the proposed staging of Expo 2012 and subsequent Street Racing Events in the sensitive Conservation Area in Imperial Square, Imperial Gardens and The Promenade;</p> <p style="padding-left: 40px;">A. What areas do you envisage using this year and in future years?</p> <p style="padding-left: 40px;">B. What road closures are you planning and for what length of time?</p> |
| | Response from Cabinet Member Built Environment |
| | <p>Neither the Expo 2012 nor the street racing events which Cheltenham Motor Sports are talking about are council events. The organisers have booked the Town Hall and committee rooms in the Municipal Offices for Expo 2012 but have confirmed that they do not intend to use any parks or gardens.</p> <p>A document was received from the organisers this week indicating that they are seeking road closures around the proposed circuit during part of the weekend of 8th and 9th September 2012, though no racing. There are no details for future years. The document also says that the organisers propose to use the Inner Promenade for static displays in 2012.</p> <p>However, no formal proposals for road closures have been made. When they are, my understanding is that such closures will need to be approved by the County Council as Highways Authority, as they are likely to go beyond the very limited powers that the Borough Council has.</p> <p>In any case, my understanding is that permission for street racing would require a Private Act of Parliament, which Cheltenham Motor Sports say they are planning to seek, though not for any activity in 2012.</p> |
| | Supplementary question from Robert Keevil |
| | <p>Bearing in mind the huge amount of public funds that have been spent by the Council to redevelop and upgrade Imperial Gardens, for the benefit and enjoyment of all the people who live and work, or visit Cheltenham, what assurances and guarantees are you seeking from the promoters of this commercial motor sports event, regarding the safeguarding of this investment in the gardens, in respect of any future events that they are planning?</p> |
| | Supplementary response from Cabinet Member Built Environment |
| | <p>This issue was covered in a subsequent question but safeguarding of the gardens would form part of any permissions.</p> |
| 2. | Question from Paulette Faulkner to Cabinet Member Sustainability (Councillor Whyborn) and Cabinet Member Built Environment (Councillor Rawson) |
| | <p>It has been acknowledged by all parties that Imperial Gardens cannot sustain any additional wear and tear. A Motor Sport Event in this Conservation Area is most inappropriate. Any activity such as Street</p> |

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| | Racing in Imperial Square would result in large crowds tramping all over Imperial Gardens. Therefore will the Cheltenham Borough Council give their assurance that no permission will be given for either an Expo 2012 or for Street Racing in the Area of Imperial Square and Gardens? |
| | Response from Cabinet Member Sustainability |
| | The Expo promoters have confirmed that they will not be using Imperial Gardens in 2012. Any future usage of Imperial Gardens must comply with both the 2011 policies approved by cabinet, and the 2012 planning permission, albeit the latter is for 15 months. The situation for 2013/2014 is unclear, but the general spirit of limiting both the intensity and time for what is allowed would continue to be the case. If a booking for 2013 was accepted, it would be subject to rigorous conditions to protect the gardens. Of particular importance is that any September usage should not encroach onto flower bedding. The current regime depends on an orderly changeover from Spring to Summer bedding earlier in the year. |
| | Supplementary question from Paulette Faulkner |
| | Imperial Square and Imperial Gardens surrounded by important Listed buildings are representative of the Regency heritage of Cheltenham and any type of street racing in this sensitive area will bring with it a number of risks, namely, the large crowds of spectators and the consequent possible damage to the gardens and infrastructure, accidents due to speeds envisaged either during the event or afterwards by the likelihood of copycat racers and the probable damage to property. No satisfactory answer has been given by the organisers when asked about insurances against damage to either persons or property. We are constantly told that this event will benefit businesses in Cheltenham so it is surprising that the route was reportedly changed so as not to inconvenience businesses. Please will the Borough Council insist that the route is either changed back to the original circuit or to another route without so many residences so that road closures and potential hazards are borne by the beneficiaries of this event rather than the permanent residents? |
| | Supplementary response from Cabinet Member Sustainability |
| | Decisions relating to the exact route and any road closures would be for the County Council and Police to decide, this was not something CBC could decide. |
| 3. | Question on behalf of the Friends of Imperial Square & Gardens to Cabinet Member Sustainability (Councillor Whyborn) and Cabinet Member Built Environment (Councillor Rawson) |
| | Has Cheltenham Borough Council assessed the full environmental impact of these so-called low carbon vehicles descending upon these much admired Conservation Areas as bio-diesel vehicles can emit substantial amounts of toxic carbon monoxide and larger amounts of nitrogen oxides than conventional cars under certain conditions as explained in a recent edition of the Sunday Times? |
| | Response from Cabinet Member Sustainability |
| | At the time of writing we do not have visibility of the Expo promoters' |

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| | proposed emissions for the vehicles, though the Council will need to be satisfied as regards the impact on the local environment in terms of air quality. |
| 4. | Question on behalf of the Friends of Imperial Square & Gardens to Cabinet Member Sustainability (Councillor Whyborn) and Cabinet Member Built Environment (Councillor Rawson) |
| | Bearing in mind the large number of motor vehicles which are likely to be involved, has anyone carried out a full Risk Assessment including the need for adequate Insurance Cover and the likelihood of Accidents to those attending such an event either in Imperial Gardens or the streets around Imperial Square? |
| | Response from Cabinet Member Built Environment |
| | As I said in response to question 1, no detailed proposals for street racing have yet been made, and Cheltenham Motor Sports do not propose that this should happen in 2012. It would be premature to undertake a Risk Assessment before there are any clear proposals. However, there is no doubt that any body involved in permitting any street racing, including the Borough Council in respect of use of Imperial Gardens, would require a robust Risk Assessment and consider it carefully before doing so. |
| | Supplementary question on behalf of the Friends of Imperial Square & Gardens |
| | Can/will Councillor Rawson guarantee that residents living in Imperial Square will have continuous and uninterrupted access to the highway from their car parks at all times during the proposed Expo 2012, especially as the organisers latest document says "Special Event Road Closures for the Street Race Circuit (plan attached) will be in place between 09:00 and 13:00 on Sunday 9th September 2012. There will be a gradual shutdown process that will start at approximately 06:00..."? |
| | Supplementary response from Cabinet Member Built Environment |
| | Issues concerning road closures were a matter for the County Council in conjunction with the Police. He gave assurances that the wellbeing of residents would be an important consideration for CBC in any application. |
| 5. | Question from Gary Redmond to Cabinet Member Built Environment (Councillor Rawson) |
| | As Expo 2012 is proposed as the fore-runner to Street Racing, has the Council considered the visual and road safety impact on this Conservation Area which will be surrounded by nearly a mile of high and substantial crash barriers on both sides of the roads along with the disruption and time needed to build and dismantle them? |
| | Response from Cabinet Member Built Environment |
| | Expo 2012 may well be seen by its organisers as a forerunner of street racing, but it has come forward as a separate proposal and the Borough Council has no alternative but to treat it as an event in its own right. So far as street racing is concerned, the visual impact and the road safety impact are clearly matters that would need to be considered before permission was given by any authority whose consent would be required. |

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| | Supplementary question from Gary Redmond |
| | If street racing is approved what action will the Council take to stop boy racers adopting sections of the circuit to undertake copycat races? |
| | Supplementary response from Cabinet Member Built Environment |
| | This point was taken but without having seen detailed proposals or having had discussions with Highways or the Police, it was difficult to provide a solution at this time. |
| 6. | Question from Fiona Wild to the Leader (Councillor Jordan) |
| | Who has been meeting the organisers of the proposed Expo 2012 and street-racing the following year, and giving them the go-ahead to make announcements that the event is already up and running? |
| | Response from the Leader |
| | While I don't know which announcements are being referred to, any statement by the organisers of the Expo 2012 about their intentions is their responsibility. The organisers have booked the Town Hall and committee rooms in the Municipal Offices for Expo 2012 and have confirmed that they do not intend to use any parks or gardens. No formal requests have yet been made for the closure of roads. |
| | Supplementary question from Fiona Wild |
| | Can you assure me that the taxpayers of Cheltenham, directly or indirectly, will not be liable for costs, a situation not without precedence, for the proposed Expo this year and street racing in the future, as the original Cheltenham Motor Sports website mentions that an Act of Parliament would be required? |
| | Supplementary response from the Leader |
| | The issue of costs was covered in a subsequent response, but no, the Council would not provide any funding to the organiser in relation to the Act of Parliament. |
| 7. | Question from Fiona Wild to Cabinet Member Sustainability (Councillor Whyborn) |
| | Cheltenham Borough Council has recently had Imperial Gardens redesigned at great cost, plus new pavements along the side, and the Promenade is currently being re-laid. After spending so much time and money on these projects, how can car-racing of any kind around the area be justified when Cheltenham is fortunate enough to have a race-course, a place for time-trials (Prescott) and Castle Combe Circuit not far away? |
| | Response from Cabinet Member Sustainability |
| | The types of racing in these venues are likely to be different; however please be assured, by the answers given to previous questioner (Q2) that the Council has every intention to protect its recent investment in Imperial Gardens. Any plans submitted for Imperial Gardens will be subject to rigorous scrutiny to ensure the gardens are protected. |
| 8. | Question from Barry Wild to Cabinet Member Sustainability |

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| | (Councillor Whyborn) |
| | <p><i>The Cheltenham Street Race proposes to use entirely, so called “green” vehicles. The “green” alternatives which are proposed for use in the Cheltenham Street Race are</i></p> <ol style="list-style-type: none"> <i>1. Electric cars. These have no emissions but their electrical power is mainly derived from burning fossil fuels in power stations – they therefore contribute to climate change.</i> <i>2. Cars which burn biodiesel in a conventional car engine. Biodiesel is made from fats such as cooking oil and is “carbon neutral” because although it emit CO2 when burnt, that carbon originated from plants which extracted it from CO2 in the air via photosynthesis. These cars however also emit toxic carbon monoxide (although less than from a normal car) but emit more nitrogen oxides. If they are raced at high speeds (they can reach well over 140 mph) and are subject to rapid acceleration and deceleration around the eight sharp bends, they will emit substantial quantities of carbon monoxide and nitrogen oxides, both of which are health hazards. These cars driven at high speed will be very noisy too!</i> <i>3. Cars which burn a ‘second generation’ biofuel such as bio-methanol, produced from biomass – waste biological material. Burning methanol in engines produces very high-powered vehicles, also producing carbon monoxide and nitrogen oxides. Methanol itself is also toxic.</i> <i>4. Hydrogen powered vehicles. These have no emissions but the hydrogen is generated using fossil fuels and thus contributes to climate change.</i> <p><i>These “green” vehicles, when driven at speed around such a circuit, will pose a substantial threat to the health, environment, fabric and safety of our precious town.</i></p> <p>Has the Council assessed the full environmental impact and the safety implications of allowing high speed cars, burning biodiesel fuel, to race around the twisting 1.2 miles of Cheltenham’s finest streets?</p> |
| | Response from Cabinet Member Sustainability |
| | <p>Please see the answer to previous Questioner (Q3). The Council does not have visibility of the Expo promoters’ proposed emissions for the vehicles. It should be added that any environmental claims are made by the organisers, and not by the Council, though the Council will need to be satisfied as regards the impact on the local environment in terms of air quality.</p> |
| | Supplementary question from Barry Wild |
| | <p>Did Council members see or try the Cheltenham Motorsports online video game (now conveniently removed) that clearly showed the narrow and dangerous racetrack that winds through the town?</p> |
| | Supplementary response from Cabinet Member Sustainability |

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| | No he had not personally seen or tried the online video game. The environmental impact of any application would be assessed. |
| 9. | Question from Barry Wild to the Leader (Councillor Jordan) |
| | What evidence does the Council have that the ordinary citizens of Cheltenham want their town centre turned into a high speed race track? |
| | Response from the Leader |
| | Neither the Expo 2012 nor the street racing events which Cheltenham Motor Sports are talking about are council events. While the organisers have been holding public forums to explain their proposals, we understand that any permission for street racing would require a Private Act of Parliament, and this should give the chance for residents to express their views. |
| | Supplementary question from Barry Wild |
| | It is possible for these green cars to reach speeds of 200mph, yet our MP has suggested a speed limit of 20mph in Cheltenham town centre on grounds of safety. Do you not think that the contrast between these two figures speaks volumes about the unsuitability of this venture? |
| | Supplementary response from the Leader |
| | These details would all be subject to the Act of Parliament. |
| 10. | Question from Yvonne Archdale to the Leader (Councillor Jordan) |
| | Has Cheltenham Borough Council thought of the financial implications of Expo 2012 and Street Racing and what contingencies are being put in place should the events promoter be unable to meet its obligations and contributions? Traders will be faced with problems. |
| | Response from the Leader |
| | The Expo 2012 and any subsequent street racing event could provide considerable economic benefit to Cheltenham based on publicity for and extra visitors to the town. It also has potential to boost local high technology and 'green' industries. The Expo 2012 was one of 15 projects that were recommended for support from the Promoting Cheltenham Fund after being assessed by a panel made up of business representatives and cross party group of councillors. The financing of the Expo 2012 itself and any subsequent street racing is the responsibility of the organisers. |
| 11. | Question from Yvonne Archdale to Cabinet Member Built Environment (Councillor Rawson) |
| | What assurances will the council demand regarding full insurance cover for any damage or injury to persons and property which could be substantial for these high profile motor sport events? |
| | Response from Cabinet Member Built Environment |
| | Any event taking place in the public realm requires Public Liability Insurance (typically no less than £5 million pounds) and in this case, the Council would take advice to ensure that such arrangements were |

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| | adequate to cover any potential risks to the authority with regard to use of its land. The event organiser's insurer will no doubt want to make its own assessment of the risks involved in determining both an appropriate level of cover and the associated premium. |
| 12. | Question from Julianna Tierney to Cabinet Member Sustainability (Councillor Whyborn) and Cabinet Member Built Environment (Councillor Rawson) |
| | Any major Motor Sport Event leads to infrastructure damage particularly in a sensitive Conservation Area. What plans are in place or in preparation and who is expected to pay for the extra police protection of property and environment, the prevention of crime, the inevitable aftermath of such an event, viz. litter and damage, and the restoration to normality of the environment? |
| | Response from Cabinet Member Built Environment |
| | <p>So far as the Borough Council is concerned, we would certainly want to ensure that the cost of any damage to our property was met by the organisers of the event.</p> <p>As previously stated, there are currently no proposals for the use of gardens. If there were, land use agreements (LUA) would be required which would include arrangements for litter picking and restoration of damage, at organisers' expense, and also street cleaning. Re-instatement of gardens routinely forms part of the LUA and is now a condition of the new planning consent conditions.</p> <p>As stated, in the answer to question 11, <u>any</u> public events on Council land would require the organisers to carry at least £5M in public liability insurance.</p> <p>The question of policing and potential damage to the highways infrastructure would be matters for the Gloucestershire Constabulary and the County Council respectively.</p> |
| 13. | Question on behalf of Cheltenham in Bloom to Cabinet Member Sustainability (Councillor Whyborn) |
| | <p>The proposed Cheltenham Motorsport & Expo 2012 which is likely to be staged on the 8th & 9th September within the Town, may well make use of our Floral Heritage Gardens. Cheltenham in Bloom committee are very concerned to be informed that there is the possibility our Nationally acclaimed 'Long Gardens' may well be Boarded over so that Cheltenham Motorsport's can display cars. With flower beds blooming well into late September, early October, we estimate the height of the boarding would have to be exceptional high, so that there was no damage to plants, at least 3 foot or more as often the 'Dot' planting is made up of tall plants, unless of course you have ideas to strip out the beds before their time which would be sacrilege.</p> <p>If the Boarding Over of the 'Long Garden's were to take place, would this not be setting a precedent for future events within this prestigious area of our town, which we view would be at the detriment of our Floral Heritage or would this be a 'one off' proposal?</p> |

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| | Response from Cabinet Member Sustainability |
| | The Expo promoters have confirmed that they will not be using the Long Gardens in 2012. If any future request were to be made the impact on the Long Gardens would be a foremost concern. |
| 14. | Question on behalf of Cheltenham in Bloom to Cabinet Member Sustainability (Councillor Whyborn) |
| | Cheltenham Motorsport Exp 2012: If this event were to go ahead, Cheltenham in Bloom committee understand that discussions are to be held to finalise display areas for cars and exhibit stalls. If the 'Long Garden's' were not to be used, and the 'Inner Promenade' was to be used. What protection to the Gardens would be put in place to stop the public from walking through the colourful and attractive floral beds, when going to and from the exhibit stands and viewing cars on display, would this implicate any cost to the local tax payer of Cheltenham or Cheltenham Motorsport, indeed if any gardens were to be damaged would the event organiser pay for damages? |
| | Response from Cabinet Member Sustainability |
| | The Expo promoters have confirmed that they will not be using the Long Gardens in 2012 but hope to use the Inner Promenade, subject to a formal request for a road closure. The point is accepted that some form of barriers would have to be put in place to protect the floral beds from members of the public going to/from exhibits. Indeed it may be necessary to protect the turf also. |
| | Supplementary question on behalf of Cheltenham In Bloom |
| | The language used today in response to earlier questions has been very provisional, when will the Council take responsibility for future events? |
| | Supplementary response from Cabinet Member Sustainability |
| | As yet, no formal proposals had been received for 2013-14 and it was not possible to provide answers to questions which were not before him. It was accepted that use of the Long Gardens would require some form of protection. |
| 15. | Question from Ken Pollock to Cabinet Member Finance & Community Development (Councillor Webster) |
| | With regard to the Expo 2012 who is going to pay for: a) the road closures, b) the police resources, c) all the necessary road closure signage and re-direction signage that will be required for a major town centre event, d) Public Liability Insurance? |
| | Response from Cabinet Member Finance & Community Development |
| | (a) This question should be directed to the Highways Authority whose responsibility it is. |

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| | <p>(b) This question should be redirected to the Chief Constable: police resources are the responsibility of the Police Authority.</p> <p>(c) It is premature to say what signage may be necessary, but this is something that in the normal course of events, the organisers would have to pay for.</p> <p>(d) See answer to Q11. The responsibility for insurance is the event organisers. Any event taking place in the public realm requires Public Liability Insurance (typically no less than £5 million pounds) and in this case, the Council would take advice to ensure that such arrangements were adequate to cover any potential risks to the authority. The event organiser's insurer will no doubt want to make its own assessment of the risks involved in determining both an appropriate level of cover and the associated premium</p> |
| | Supplementary question from Ken Pollock |
| | <p>According to the police website, the onus is on the event organiser to provide a 'Traffic Management Plan' and to pay for the use of police resources in order to control/direct traffic.</p> <p>Who is on the Working Group needed to guide this Traffic Management Plan, a group upon which CBC clearly needs to be represented?</p> |
| | Supplementary response from Cabinet Member Finance & Community Development |
| | The event organiser was responsible for providing the Traffic Management Plan and any request to sit on a working group would be considered by the Council, at the time of it being received. |
| 16. | Question from Ken Pollock to Cabinet Member Sustainability (Councillor Whyborn) |
| | Will you not acknowledge that, knowing (since earlier last year) about this event scheduled for 8th and 9th September 2012 (and The Leader and Chief Executive having declared their "support" for it), your 'omission' to even mention it in the recent Planning Application for Events in Imperial Gardens (whilst leaving a nominal spare capacity of 5 days) looks like deliberate scheming? |
| | Response from Cabinet Member Sustainability |
| | Not at all. The Expo promoters initial requests for use of Gardens were not at all well defined. However within the last few days they have confirmed that they will not be using Imperial Gardens in 2012. However the Town Hall has been booked during the weekend of 8 th /9 th September. |
| | Supplementary question from Ken Pollock |
| | As the 2012 event is now booked (in the the Town Hall) and is just 6 months away, and as Chief Executive North and Leader Jordan have declared their public approval of it (at the Montpellier Chapter), should you not be answering today's public questions rather than saying 'not got all the details yet' or 'go and ask the County Council or the Police'? |
| | Supplementary response from Cabinet Member Sustainability |
| | The Cabinet Member took exception to the insinuation that he had been |

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| | economical with the truth or disingenuous in any way. |
| 17. | Question from Mary Nelson to the Leader (Councillor Jordan) |
| | <p>At the Cheltenham Motor Sport Forum held at the Montpellier Chapter Hotel in July last year, attended by Chief Executive Andrew North and Leader Cllr. Jordan, the following statement (verbatim) was made by Cheltenham Motor Sport's co-director, Peter Allison:</p> <p>"We have an outline agreement in place that was arrived at in August last year (i.e. 2010) between Cheltenham Borough Council which will lead the legislative process with strong support from Gloucestershire County Council and Cheltenham Motor Sport. That is the partnership that will be moving forward to look at the legislation that is required."</p> <p><i>Regarding the above mentioned legislation (Road Traffic Regulation Act (Special Events)) Cheltenham Motor Sport's website makes the following statement:</i></p> <p><i>If we were successful in getting Parliament time, then at the very best, the timescale for the process would be 8 – 10 months. If there is consultation required and other public processes, then it could be up to 2 years. Financially, if we were to have the best route through the process we could hope for, then we would be looking at approximately £30k - £40k. If there were delays and again, consultation etc., we could easily be getting up to in excess of £200k.</i></p> <p>Can the Leader confirm whether this "<u>outline agreement</u>" was made in verbal or written form, which officers and councillors were party to/involved with or informed of the existence of the agreement, and whether there has been any agreement or pledge by Cheltenham Borough Council to fund any of the estimated £30K to £200K expenses involved in this legislative process, either directly by paying the application and legal costs, and/or by CBC providing officers' time free of charge on behalf of Cheltenham Motor Sports?</p> |
| | Response from the Leader |
| | <p>While neither the Expo 2012 nor the street racing is a council event, the organisers Cheltenham Motor Sports have made presentations to a number of groups including a joint meeting of the cabinet and board of directors of Cheltenham Borough Council. This meeting felt the idea was worth pursuing although there was no written agreement. The responsibility for getting agreement to any aspect of the event that needs approval remains with the organisers.</p> <p>The council has agreed to hire the Town Hall and committee rooms in the Municipal Offices to Cheltenham Motor Sports for Expo 2012.</p> <p>The Expo 2012 was one of 15 events that were recommended for support from the Promoting Cheltenham Fund after being assessed by a panel made up of business representatives and cross party group of councillors. The original bid was for £20k but it was agreed at the 18th October 2011 cabinet meeting to offer £10k and this is subject to formal agreement depending on the event going ahead. The council is not</p> |

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| | providing any other funding towards legal or any other costs of the event. |
| | Supplementary question from Mary Nelson |
| | The response doesn't answer the question of whether a verbal agreement was made? |
| | Supplementary response from the Leader |
| | No verbal agreement was made but as already stated, it was felt that it was an idea worth pursuing. |
| 18. | Question from Mary Nelson to the Leader (Councillor Jordan) |
| | <p>Can Cllr. Jordan explain who he was speaking on behalf of (i.e. define his use of the word "<u>we</u>") when he addressed the Cheltenham Motor Sport Forum in July 2011 and said (verbatim as recorded):</p> <p><i>".....we thought this was a great idea. We are keen to make this one happen and I think the good news is - if I worked it out correctly time wise - we are over half way to making this happen"</i></p> <p>and does he consider that by making the above statement he might have overstepped his elected authority and paid too scant a regard to democracy, bearing in mind that few councillors were aware of the proposed Motor Sport events until recently, yet discussions had been ongoing for 3 years and an outline agreement with CBC had been reached a year earlier in August 2010?</p> |
| | Response from the Leader |
| | <p>The organisers, Cheltenham Motor Sports, have made presentations to a number of groups including a joint meeting of the cabinet and board of directors of Cheltenham Borough Council. This meeting felt the idea was worth pursuing, but that the organisers would clearly have considerable work to do before any event could take place.</p> <p>Cheltenham welcomes a wide variety of events which benefit both the economy and culture of the town. The cabinet is keen to encourage new events and council has set up the Promoting Cheltenham Fund to do just that. My view is that this event will be good for Cheltenham and it is entirely appropriate to say so. However, this in no way removes the need to get approvals for any specific aspects of the event that may need it. This responsibility remains with the organisers.</p> <p>It would be surprising if "few councillors were aware of the proposed Motor Sport events until recently" since there have been regular stories in the Gloucestershire Echo since April 2010 outlining the emerging plans of the event organisers.</p> |
| | Supplementary question from Mary Nelson |
| | The statement of support implies that some form of democratic agreement or approval was achieved, is this the case? |
| | Supplementary response from the Leader |
| | I refer you to my previous supplementary response. There was and |

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| should be a distinction between opinion and responsibility. |
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6. COMMUNICATIONS BY THE MAYOR

In the week prior to this meeting, the Mayor had put forward a request to Members that this meeting be held later in the day. This proposal had not proved convenient for some Members and as such her decision had been to go forward with the 2.30pm start. She wondered whether consideration should be given to arranging Council meetings in an evening, given the difficulty that a 2.30pm start posed to those Members in employment,

7. COMMUNICATIONS BY THE LEADER OF THE COUNCIL

The Leader had no communications.

8. MEMBER QUESTIONS

No Member questions had been received.

9. COUNCIL TAX RESOLUTION 2012-13

The Mayor referred Members to the appendix that had been circulated at the start of the meeting. The appendix contained the total council tax to be paid by residents of Cheltenham in 2012-13 by council tax band and included the precepting authorities (Gloucestershire County Council and Gloucestershire Police Authority).

The Cabinet Member Finance & Community Development had nothing further to add and formally moved the resolutions.

Upon a vote it was unanimously

RESOLVED that the council tax resolution at Appendix 2 be approved.

10. REVIEWING THE 'DEVELOPMENT ON GARDEN LAND AND INFILL SITES' SPD

The Cabinet Member Built Environment reminded Members that at the June 2011 meeting, Council had asked for a working group to be established to review the working of the SPD on Garden Land and Infill sites. What was before Members was the result of discussions by the working group on 2 November and the Planning Committee on 17 November, at which the recommendations of the working group were endorsed by a large majority. Members on all sides of the Chamber, in Council and Planning Committee had agreed that the SPD was a valuable addition to the Councils defence of garden land, with benefits including, aiding Officers and the Planning Committee to oppose garden land development, plans being withdrawn, recommendations being changed from approval to refusal and in numerous cases where pre-application advice had been sought by prospective developers and resulting plans had been improved. There was no way of knowing how many schemes it had prevented from being put forward.

The SPD's role in planning appeals had undoubtedly been a positive one, a sentiment supported by Councillor Godwin at Planning Committee on 21 July when he said "Since the SPD was introduced, most inspectors considered it a document of material value which carried weight when making decisions".

At Council in June 2011 Members raised a number of concerns, the first of which was that there was some confusion about the Council's interpretation of Local Plan Policies HS1 and HS2, in light of changes to national policy statement PPS3. This has now been clarified and both the working group and the Planning Committee were of the view that this should be subject to further clarification.

The second concern was the SPD would require revision when the Localism Bill and the final version of the National Planning Policy Framework were passed. The Localism Act had received Royal Assent in November 2011 and the publication of the NPPF was imminent. Both the working group and Planning Committee agreed that once passed, the working group would need to meet again to consider any implications and this was incorporated in the recommendations of this report.

The third and most contentious issue was the question of whether the document was too flexible. The document allowed flexibility in certain areas whereby it stated that certain developments 'would not normally be permitted'. Whilst some Members felt that this flexibility should be taken away, large majorities of the working group and Planning Committee disagreed. He urged Members not to forget that the SPD was not and never could be, a guaranteed way of preventing any garden land development. The guidance was a material consideration in planning decisions but it did not have the status of policy and even if it were, it could not have the effect of stopping all garden land development. Government policy was clear, although garden land was no longer regarded as brownfield land, it could be developed in appropriate circumstances.

He suggested that in order to resist garden land development the Council would need to advance sound reasons based on individual schemes and the suitability of the particular site. The SPD was a tool box of ideas and arguments that should be used to protect against bad development and improve more acceptable schemes.

It was clear that taking a dogmatic approach and not allowing any garden development on principle was not acceptable to Government inspectors but this was not to say that nothing could be done, but rather, that each case should be argued on its merits or demerits.

The Cabinet Member Built Environment did not support garden land development and wanted to resist development that would destroy the character of some of the best residential neighbourhoods in the town, including some in his own ward (St.Peter's). This would require an intelligent approach, one that was consistent with national planning policy, one that was likely to be effective and that was what, in his view, this planning guidance provided.

A number of Members voiced concerns about the statutory review; it had been almost 4 months since the recommendations had been agreed by the working group and Planning Committee and in that time the Localism Act had been enacted and the NPPF was due to be passed within the next 2 weeks. Members considered that this review should be undertaken as a priority and the SPD updated as necessary.

Some Members were unconvinced by the argument that the SPD should offer a degree of flexibility and felt that there were areas in which the guidance should be far more prescriptive than stating 'not normally permitted'. This wording was condemned by these Members as unclear and therefore meaningless.

Those Members who disagreed and felt that flexibility should be inherent in planning documents did so as they believed that it would be unwise of the Council to give the appearance that they were against back garden development. They were of the opinion that the current wording offered the flexibility to protect against those inappropriate schemes and increase the quality of what were acceptable schemes. These Members felt strongly that each scheme should be considered on its individual merits.

Councillor Fisher was concerned that should the SPD be more prescriptive and less flexible, there would be an inability to approve acceptable schemes and this could lead to an increase in applications to demolish existing properties, whereby developers could put numerous properties in its place.

In closing, the Cabinet Member Built Environment assured Members that, as set out in the report, the working group would be reconvened to review the SPD once the NPPF had been published, which admittedly, could be any day now. The working group would be tasked with considering to what extent the pieces of policy affected the SPD and it could be that the NPPF made it more difficult to allow back garden development. Ultimately, he respected the views of the Planning Committee, who had, by a large majority, accepted the recommendations of the working group, as set out in the report.

Upon a vote it was

RESOLVED that the decision of Planning Committee set out in paragraph 4.1 of the report be noted, namely:

- **The SPD should continue in use in its present form without a statutory review, at least until the Localism Bill is enacted and the National Planning Policy Framework (NPPF) is published.**
- **Textual amendments necessary as a result of changes in higher level policy should be re-published as an addendum.**
- **Members should be provided with a further note to explain current policy considerations, following clarification on the implementation of Local Plan Policy HS1 and recent appeals relating to this.**
- **A further meeting of the Member working group is arranged following the publication of the approved NPPF to consider its effects on decision-making.**

(Voting: CARRIED with 3 Abstentions)

11. NOTICES OF MOTION

Councillor Wheeldon, seconded by Councillor Walklett, proposed the following motion:

This council is fully committed to reduce its output of greenhouse gases and therefore resolves that;

Our current target of a 30% reduction by 2015 should be brought in line with other public bodies and changed to a 40% reduction target by 2020.

In proposing the motion, Councillor Wheeldon first reminded Members of some of the extreme weather events Cheltenham had seen over the past 15 years.

He confirmed it was his intention to stand down in the upcoming Borough Elections and spoke of his plans to work in The Gambia, a country which generates less carbon emissions than the town of Cheltenham.

Friends of the Earth had invited the Council to sign up to their pledge to reduce Co2 emissions across the borough by 40% by 2020, but this wasn't something he felt the Council could commit to given that it was not in a position to influence external organisations. He did however, consider that the Council could commit itself to this target and lead from the front by setting an example for the rest of the town.

The current corporate policy set out the Council's commitment to a 30% reduction to the 2005 figures for emissions by 2015. The issue was that this target was not comparable to other public bodies whose target reduction was 40% by 2020.

He was confident that this new target was achievable. Members had recently demonstrated unanimous support for the purchase of zero carbon electricity and even a low carbon option would realise the current 30% reduction figure, but next year rather than by 2015. He felt that it was actually the final 10% which would be more difficult to achieve and that was why he considered it necessary for the Council to adopt a longer term commitment to reach the higher target.

He regularly heard Members complain about the heat in the public rooms and proposed that reducing heating costs would not only save the environment but also tax payer's money.

He took this opportunity to thank Transition Towns and Vision 21 for the vital environmental work they did in the town and thanked residents of St. Paul's, Officers and Members of the Council for their support in his role as a Borough Councillor. He hoped that Members would support his motion.

As seconder, Councillor Walklett reserved his right to speak in support of the motion until later in the debate.

A number of Members took the opportunity to thank Councillor Wheeldon for the work he had undertaken in his Ward of St. Pauls and his commitment to reducing carbon emissions and wished him well in his future endeavours.

Members who voiced concerns about the motion did so because there was no business case which set out the costs associated with achieving the proposed target reduction. Whilst the aspiration was welcomed, Members felt unable to

commit the Council to a course of action without this information and asked that the matter be considered by scrutiny.

Members who supported the motion considered that the reduction was achievable, carbon saving initiatives would ultimately result in savings for Cheltenham tax payers and most importantly, that the Council should lead by example.

The Cabinet Member Sustainability agreed that the proposed target was achievable and confirmed that there were already a number of initiatives included in the Corporate Strategy.

Councillor Hall, as Chair of the Environment O&S Committee, was displeased that the motion had not been raised with the Committee before being put to Council under the name of the Climate Change Working Group.

The Leader assured Members that a Council motion did not bind Cabinet to any specific actions and agreed with Councillor Hall that the issue of the motion should be considered by the Environment O&S Committee, where more detail should be attached.

Councillor Garnham proposed an amendment to the motion, that the word 'resolved' be replaced by the word 'aspires' and that the issue then be considered by scrutiny. Councillor Whyborn seconded the amendment.

Councillor Wheeldon, as proposer of the original motion which he deemed to most importantly, set out a comparable target against other authorities. He did not accept the proposed amendment, but rather, proposed the addition of the wording 'subject to consideration by scrutiny' so the substantive motion would read;

This council is fully committed to reduce its output of greenhouse gases and therefore resolves that;

Our current target of a 30% reduction by 2015 should be brought in line with other public bodies and changed to a 40% reduction target by 2020 subject to consideration by scrutiny.

As seconder of the original motion, Councillor Walklett agreed that the addition of the extra wording proposed by Councillor Wheeldon would meet the requirements of those Members who had voiced concerns.

In response to a request for clarification, the Borough Solicitor & Monitoring Officer confirmed that rule 13.2(a) of the constitution 'Amendments to motions' did allow Council to refer the matter to an appropriate body or individual for consideration or reconsideration.

Upon a vote on the substantive motion it was CARRIED with 2 Abstentions.

12. TO RECEIVE PETITIONS

No petitions had been received since the last meeting, nor were any presented at the meeting.

13. ANY OTHER ITEM THE MAYOR DETERMINES AS URGENT AND WHICH REQUIRES A DECISION

There were no urgent items for discussion.

Barbara Driver
Chair