

Cheltenham Borough Council

Council – 18 March 2024

Petition : Stop the sale of Idsall Drive Car Park

Accountable member:

Cabinet Member for Finance and Assets, Councillor Peter Jeffries

Accountable officer:

Director of Finance and Assets, Gemma Bell

Ward(s) affected:

Prestbury

Key Decision: No

Executive summary:

A petition was presented to Council by Councillor Stephan Fifield on 23 February 2024 to stop the sale of Idsall Drive car park in Prestbury. The Council own the freehold of the car park and had approved the site as surplus to requirements in November 2020. The summary statement accompanying the petition is set out below.

The purpose of this petition is to stop the sale of Idsall Drive Car Park and to resolve its long-term future.

We, the petitioners, recognise that the decision to sell Idsall Drive Car Park is the sole responsibility of Cheltenham Borough Council.

We recognise it is clear that this car park, as is evidenced by the amount of signatures on this petition, is overwhelmingly valued by the local community providing access to various shops and amenities.

We have significant concerns about the evidence provided to justify the selling of the car park.

We believe that the sale to a buyer who would not maintain its function as a car park would go against the will of the local community and cause serious damage to the local economy and community.

We believe that there are various alternative options that could be found for the car park that recognises its social and economic value and finds a long-term solution to its continued function.

We therefore respectfully ask the Mayor to:

1. *Call on the Overview & Scrutiny Committee to review the initial logic and decision to sell the car park.*
2. *For the Overview & Scrutiny Committee to create a report outlining possible alternatives for the car park with a clear set of recommendations with evidence provided from officers, residents and local stakeholders.*
3. *For the Full Council to vote on whether to accept one or some of these recommendations.*
4. *To call on the administration to immediately take the car park off the market while the petition is processed and the future of the car park is decided.*

We could be willing to discuss alternative options on the condition the car park is not sold before this democratic process is completed.

This is a cross community petition supported by people from all walks of life of various political persuasions and is meant in a constructive spirit. It is supported but not limited to by both the Conservative and People Against Bureaucracy Councillor Groups.

As the petition had in excess of 750 signatures, it is entitled to a debate at Council.

Recommendations:

It is recommended that Council:

1. **Note the detail of the petition presented to Full Council on 23 February 2024 to stop the Council's sale of Idsall Drive car park.**
2. **Note the activities outlined in Section 4 of this report undertaken by the Council between 2020/21 and 2023/24 which have led to the decision to dispose of the car park.**
3. **Reject the recommendations 1-4 outlined in the petition and continue with the disposal of the site on the open market.**

1. Implications

1.1 Financial, Property and Asset implications

Disposal of the site will deliver both immediate ongoing revenue savings and long term capital expenditure, whilst delivering a receipt to support the council's medium term financial plan and corporate plan.

Signed off by: Gemma Bell, Director for Finance & Assets, gemma.bell@cheltenham.gov.uk

1.2 Legal implications

One Legal have been instructed to act on the sale of the car park in accordance with the Cabinet decision of the 19 September 2023. Once contracts have been exchanged, the Council are bound to sell the car park to the buyer.

If the Council decides to pull out of the sale at this stage, it would need to consider the

reputational damage and that that the buyer would be entitled to monetary damages.

The petition will be debated at Council in accordance with the council's Petition Scheme. This means that the petition will be discussed at Full Council and the Council will decide how to respond to the petition at this meeting.

Signed off by: One Legal, legalservices@onelegal.org.uk

1.3 Environmental and climate change implications

N/A - The sale of the car park will deliver revenue and capital savings and a substantial capital receipt for reinvestment into the council's corporate priorities to help make Cheltenham #netzero by 2030

1.4 Corporate Plan Priorities

This report contributes to the following Corporate Plan Priorities:

- Being a more modern, efficient and financially sustainable council

1.5 Equality, Diversity and Inclusion Implications

N/A – The sale of the car park will deliver revenue and capital savings and a substantial capital receipt for reinvestment into the council's corporate priorities to ensure residents, communities and businesses benefit from Cheltenham's future growth and prosperity.

1.6 Performance management – monitoring and review

Matter will be managed by Finance & Assets by Peter Woodley MRICS, Principal Surveyor – Asset Management, Projects & Development

2 Background

- 2.1 The council's Petition Scheme is designed to ensure that the public have easy access to information about how to petition their local authority and they will know what to expect from their local authority in response. Included within the Scheme is the requirement to have a full Council debate should a petition with 750 signatures be received.
- 2.2 The Scheme recognises that the issue may be referred to another part of the authority where the matter is not one reserved for Council. The purpose of the requirement for the Council debate, therefore, is not to ensure that the final decision relating to the petition issue is made at that Council meeting but to increase the transparency of the decision-making process, ensuring that debates on significant petitions are publicised with sufficient notice to enable the petition organiser and public to attend. It also ensures that local people know that their views have been listened to and they have the opportunity to hear their local representative debate their concerns. The outcome of debates will depend on the subject matter of the petition.

3 The Petition

- 3.1 The Council received a petition at its meeting on 23 February 2024. The wording of the petition is set out in the Executive Summary of this report.
- 3.2 Councillor Stephan Fifield was nominated as the petition organiser.
- 3.3 The Council is therefore required to debate the petition for a maximum of 15 minutes in accordance with the Petitions Scheme approved by Council on 13th May 2010. A process for dealing with a petition was produced by officers and is attached as Appendix 2 as a process to be followed for the debate at this meeting. The debate should conclude with one or more decisions taken pursuant to the Petition Scheme as follows:
- Taking the action requested in the petition (provided the matter is reserved to full Council for decision);
 - Referring the matter to Cabinet or an Appropriate Cabinet Member or Committee (including Overview and Scrutiny) for further consideration;
 - Holding an inquiry into the matter;
 - Undertaking research into the matter;
 - Holding a public meeting;
 - Holding a consultation;
 - Holding a meeting with petitioners;
 - Calling a referendum;
 - Writing to the petition organiser setting out our views about the request in the petition;
 - Taking no further action on the matter.

4 Reasons for recommendations

- 4.1 In November 2020 the Council unanimously approved the Covid-19 recovery revised budget 2020/21. This budget identified eight assets for disposal to generate capital receipts to support the budget pressures during the pandemic and over the medium term as the borough recovered. Idsall Drive Car Park was one of a number of under-utilised assets specifically identified and the recommendation was approved to note the asset for disposal.
- 4.2 In order to action the recommendation, discussions were held with Prestbury Parish Council in 2021 to explore the Parish purchasing the car park. An offer was made below market value with an overage requirement if the site was subsequently sold on by the Parish for development. In January 2022, Prestbury Parish Council voted in favour of not proceeding with the purchase.
- 4.3 In the period July to September 2022, surveys of the car park were undertaken to establish utilisation and potential impact on car parking within Prestbury High Street, which was set out to Cabinet in September 2023 (Pages 81 to 95).
- 4.4 Similarly in 2022 an initial marketing exercise was undertaken across some 42 locations to establish the interest from EV Charging Companies to install and operate EV charging points. Idsall Drive Car Park was included in this exercise but interest in the site for such a use was limited.

- 4.5 The survey data was presented as part of the Cabinet report approved on 19 September 2023. In advance of the papers being published for the Cabinet meeting they were also presented and discussed at the Council's Asset Management Working Group on 12 September 2023. This is a cross party working group with representatives from all the Council's elected parties. No specific objections were raised in this forum to marketing the site for disposal.
- 4.6 The recommendations approved by Cabinet on 19 September 2023 were that Cabinet:
- i. declares the site surplus to requirements;
 - ii. delegates to the Director for Finance & Assets, in consultation with the Deputy Leader and Cabinet Member for Finance & Assets, authority to dispose of the site on terms that represent best consideration and upon such other terms as are deemed appropriate; and
 - iii. authorises the Director for Finance & Assets, in consultation with Deputy Leader and Cabinet Member for Finance & Assets and the Director of One Legal, to prepare and conclude the necessary legal documentation to reflect the terms negotiated.
- 4.7 During the meeting, the Leader asked the Cabinet Member for Finance and Assets to go back to Prestbury Parish Council for further dialogue to ensure there was every opportunity for the Parish to purchase the site. In response to this, a meeting was held on 9 October 2023 with representatives from Prestbury Parish Council. A comparable offer was made to the Parish Council for the car park which was similar to the offer made in 2021 however the Parish Council voted to reject this.
- 4.8 In December 2023, THP Chartered Surveyors were instructed to market the car park on the basis of an informal tender, with a deadline for bids of 9 February 2024. The site was marketed on the basis of the existing use, albeit with alternative use development potential.
- 4.9 A total of 8 bids for the site were received, based on a range of values and conditions, both conditional and unconditional. None of the bids received were from EV charging companies. Whilst a sale remains subject to contract, the details of these bids remain confidential and are "exempt information" under paragraph 3, schedule 12A, Local Government Act 1972.
- 4.10 However, it can be stated the most advantageous offer was substantially in excess of the "hypothetical market value of £100,000" referenced in the September 2023 cabinet report and represents "best consideration" within the requirements of s.123 Local Government Act 1972.
- 4.11 In accordance with the delegations by Cabinet in September 2023, solicitors have been instructed and completion of a sale is being targeted by 31 March 2024 to support the funding of the capital programme for 2024/25.

5 Financial Context

- 5.1 As indicated in the report to Full Council in November 2020, the impact of Covid-19 on the finances of local authorities, coupled with a decade of austerity, budget cuts and a 'cost of

living' crisis is unprecedented. News from councils across the country tell of local authorities struggling to balance the books and warning of the possibility of issuing section 114 (bankruptcy) notices without further financial support from Central Government. The situation is being closely monitored by the Department for Levelling Up, Housing and Communities (DLUHC).

- 5.2 Since 2020, a further seven councils in England have issued section 114s. The most recent was Birmingham, which announced in early September 2023 that it has a budget shortfall of £87m. A survey, from the Local Government Information Unit (LGIU) which informed the LGIU's *State of Local Government Finance in England 2024* report, found just 4% of councils are confident in the sustainability of local government finance, and more than half drew on their reserves this financial year, with half of respondents reporting their councils planned to draw on reserves again in the next financial year (2024/25).
- 5.3 As part of that study, half of councils (51%) have warned they are likely to issue a section 114 notice in the next five years, and 14 local authorities (9%) said they are likely to issue such a notice within the next financial year. Whilst Cheltenham Borough Council are not currently in a position whereby it will need to issue such a notice, that is clearly predicated on the basis that the Council will need to make difficult decisions to ensure its financial sustainability.
- 5.4 The 2020 Recovery Budget approved unanimously by Full Council in November 2020, set out a pathway to ensure the Council remains financially viable through creatively re-focussing and re-energising our asset portfolio to ensure they are being used to maximum benefit. A number of assets, including Idsall Drive car park were considered surplus to requirements, in accordance with our approved Asset Management Strategy, and it was proposed that we look to generate maximum receipts from sale proceeds.
- 5.5 The Capital Strategy, agreed annually by Full Council, and the Investment Property Portfolio approved by Full Council on the 13th December 2016 set the following key aims:
- ***Support new business to stimulate growth and employment opportunities.***
 - ***Work with partners such as Cheltenham Borough Homes and the Cheltenham Economic Recovery Task Force to regenerate sites within the Borough, including those owned by the Council.***
 - ***Secure investment in the town to improve commercial and cultural heritage.***
 - ***Ensure our land and property asset portfolio is fit for purpose, secures increased income generation, maximises capital receipts and stimulates growth and investment in the Borough.***
 - ***Increase the proportion of total income from commercial activities.***
- 5.6 With the above in mind, the immediate focus was on those assets held in our portfolio that are deemed surplus to operational requirements and are currently low yielding in terms of delivering a return to our residents. They are, however, strategically placed to drive economic activity and the creation of jobs to deliver much needed housing and commercial

opportunities for the wider benefit of the whole town and its communities.

- 5.7 Whilst the disposal of assets is an executive decision, the Cabinet was keen to ensure any disposals were considered in an open and transparent manner. This report details the transparent nature to which Idsall Drive car park has been considered, scrutinised and approved for disposal over a period of more than 3 years.
- 5.8 The Cabinet accepts that some of the proposed disposals, including Idsall Drive car park, may not be universally supported by some members and some individuals and groups in our communities but that they are put forward for the benefit of the whole Borough and to ensure the ongoing viability of the Council and the delivery of its priorities.

6 Alternative options considered

- 6.1 Alternative options for the car park were outlined, considered and rejected within the cabinet resolution of 19 September 2023, made as a result of the unanimous resolution by full council in November 2020.
- 6.2 As outlined in Section 4 above, the alternative sale to Prestbury Parish Council has been considered twice since 2020 and on both occasions the Parish Council rejected the offer.

7 Consultation and feedback

- 7.1 The consultation and feedback that informed the decision to sell Idsall Drive car park and the associated recommendations in this report is outlined in Section 4 above.

8 Key risks

- 8.1 The key risks relating to the issues raised in the petition are outlined in Appendix 1.

Report author:

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Appendices:

- i. Risk Assessment
- ii. Process for dealing with petitions at Council

Background information:

- i. Cabinet Report on the Sale of Idsall Drive - 19 September 2023

<https://democracy.cheltenham.gov.uk/documents/s45081/Idsall%20Drive%20-%20officer%20report.pdf>

- ii. Idsall Drive Car Parking Survey – 19 September 2023

<https://democracy.cheltenham.gov.uk/documents/s44989/ldsall%20Drive%20Car%20Parking%20Survey.pdf>

iii. Covid-19 Recovery Revised Budget – Full Council – 16 November 2020

https://democracy.cheltenham.gov.uk/documents/s34044/2020_11_16_Cabinet_Council_Covid%20recover%20revised%20budget_2020_21%20v3.pdf

Appendix 1: Risk Assessment

Risk ref	Risk description	Risk owner	Impact score (1-5)	Likelihood score (1-5)	Initial raw risk score (1 - 25)	Controls / Mitigating actions	Control / Action owner	Deadline for controls/ actions
1	In the event that the car park is not disposed of in accordance with the resolution of September 2023, the council will continue to incur both the revenue and capital costs associated with ownership.	Gemma Bell, Director for Finance & Assets	5	2	10	Review of the approved budget for 2024/25 to identify whether ongoing maintenance would create further pressures. Consider introducing car parking charges and enforcement.	Gemma Bell	31 March 2024
2	Loss of substantial capital receipt may create pressure on the funding of the capital programme approved by Full Council on 23 February 2024.	Gemma Bell, Director for Finance & Assets	5	2	10	Prepare a contingency plan for the funding of the approved capital programme	Gemma Bell	31 March 2024
3	There may be reputational damage to the Council in halting an approved sale leading to difficulty in engaging buyers for	Gemma Bell, Director for Finance & Assets	4	2	8	Ongoing engagement with bidders for the site	Peter Woodley	Ongoing

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	future asset disposals.							

Process for dealing with petitions at Council

The following is the recommended process to be followed for the debate of a petition at the Council meeting in accordance with the Council's Petition Scheme. The Council Procedure Rules shall be suspended in so far as necessary to facilitate this process.

1. The Mayor will remind members of the procedure to be followed

2. Statement by the petition organiser

The Mayor will invite the petitioner organiser or their representative to come to the microphone and speak for up to 5 minutes on the petition.

There will be no questions and the petition organiser/their representative will take no further part in the proceedings.

3. Clarification on the background information in the officer's report

Members will be invited to ask any questions for clarification as to the facts in the officer's report.

4. Statement by the relevant Cabinet Member

The Cabinet Member whose portfolio is most relevant to the petition will be invited by the Mayor to speak for a maximum of 5 minutes on the subject of the petition. They may wish to refer to the background report from officers circulated with the papers for the meeting.

They may also wish to propose a motion at this point; if so, the motion must be seconded.

5. Debate by members

Where a member has proposed a motion (which is seconded), the usual Rules of Debate (Rule 13) will apply.

If there is no motion, the Mayor will invite any member who wishes to speak on the petition to address Council for up to a maximum of 3 minutes.

When the 15 minutes set aside for the debate (as laid down in the Council's Petition Scheme) is up, the Mayor may decide to extend the time allowed for the debate but will bring it to a close when they feel sufficient time has been allowed.

6. Conclusion of Debate

The debate should conclude with one or more decisions taken pursuant to the Petition Scheme as follows:

- Taking the action requested in the petition (provided the matter is reserved to full council for decision);
- Referring the matter to Cabinet or an Appropriate Cabinet Member or Committee (including Overview and Scrutiny) for further consideration;
- Holding an inquiry into the matter;
- Undertaking research into the matter;
- Holding a public meeting;
- Holding a consultation;
- Holding a meeting with petitioners;
- Calling a referendum;
- Writing to the petition organiser setting out our views about the request in the petition;
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