

## Council

Monday, 25th June, 2012  
2.30 - 6.35 pm

Attendees	
<b>Councillors:</b>	Colin Hay (Chair), Wendy Flynn (Vice-Chair), Andrew Chard, Garth Barnes, Ian Bickerton, Nigel Britter, Chris Coleman, Barbara Driver, Bernard Fisher, Rob Garnham, Penny Hall, Tim Harman, Rowena Hay, Sandra Holliday, Peter Jeffries, Steve Jordan, Andrew Lansley, Paul Massey, Helena McCloskey, Andrew McKinlay, Paul McLain, David Prince, John Rawson, Anne Regan, Rob Reid, Diggory Seacome, Duncan Smith, Malcolm Stennett, Charles Stewart, Klara Sudbury, Jo Teakle, Jon Walklett, Andrew Wall, Simon Wheeler, Roger Whyborn and Suzanne Williams

## Minutes

### 1. A MOMENT OF REFLECTION

Reverend Robert Pestell invited members to take a moment of reflection.

At this point the Mayor presented Honorary Alderman Robin MacDonald with his scroll.

### 2. APOLOGIES

Councillors Fletcher, Godwin and Thornton had given their apologies and Councillor Wall had advised he would be late. He subsequently arrived at 3.10pm.

The Mayor went through some house-keeping. A signing in and out sheet had been situated at the entrance of the chamber and members were asked to note the time of their arrival, if after the meeting had commenced, and the time of their departure if prior to the conclusion of the meeting in order that there would be a clear indication of which members were present at various stages of the meeting. This was something that he would look to enforce if required. He also noted that to allow flexibility no seating plan had been produced and instead the Councillor poster featuring member's names and faces had been circulated throughout the public gallery and provided to the press, though he would endeavour to introduce members when inviting them to speak.

### 3. DECLARATIONS OF INTEREST

Councillor Regan declared a personal interest in agenda item 9 (Petition regarding Weavers Field) as a member of the Warden Hill Parish Council.

The Mayor highlighted that the budget outturn was today being considered and suggested that as there were issues relating to the HRA, should this be debated, Directors of CBH, of which he was one, should declare an interest.

**4. MINUTES OF THE LAST MEETING**

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 14 May 2012 be agreed and signed as an accurate record.**

**5. PUBLIC QUESTIONS**

The public questions were taken just prior to agenda item 9 (Petition regarding Weavers Field) as all of the questions received related to this matter.

The following responses were given to the 8 public questions received;

<b>1.</b>	<b>Question from Mr Poulter to Cabinet Member Sustainability, Councillor Whyborn</b>
	<p>Can I ask please, why the proposed allotment project on Weaver’s Field, Warden Hill is still being pursued, when even our own MP Martin Horwood has publicly stated his grave concerns and opposition to it , the two local Parish Councils, namely Leckhampton with Warden Hill, and Up Hatherley have rejected it....</p> <p>the former being the authority responsible for the provision of allotments in our area, and the second being the Parish Council covering the area which the Member proposing this project represents ...</p> <p>and how does this fit in with the ‘Localism Bill’, because the provision of allotments in this location will restrict ‘Public Use’ of this beautiful green open space, in favour of a Minority?</p>
	<b>Response from Cabinet Member Sustainability</b>
	<p>Localism involves listening to all the local people and groups, not just those who are opposed, but also those people who are anxious to gain an allotment in order to grow their own produce, something which many people would want to encourage. The council also has a legal obligation to supply allotments.</p> <p>Councillors are continuing to listen, and certainly open to modifying the proposal in ways which improve the public amenity for enjoying the views from the hill, walking dogs and so on.</p>
	<b>Supplementary question from Mr Poulter</b>
	<p>When you say “Localism involves listening to all..” are you aware that as well as the 1020 that signed the petition there are hundreds of people in Leckhampton that are against the allotments compared to the 80 or so that would benefit from them?</p>
	<b>Response from Cabinet Member Sustainability</b>
	<p>I look at it differently. There are hundreds of people on the waiting list for allotments and the fact is there are two groups of people saying two very different things and as a Cabinet Member I must look at both and the bigger picture of Cheltenham as a whole.</p>
<b>2.</b>	<b>Question from Mrs John to Cabinet Member Sustainability, Councillor Whyborn</b>

	<p>Back in 2005 when the Council's website referred to the exciting future development in Weavers Field, a group of volunteers was formed, "Friends of Weavers Field", to try and protect the area.</p> <p>We fundraised and worked closely with John Crowther, the then Assistant Director- Green Environment and Mr. James Blockly, Borough Council Conservation Officer, to maintain this valuable space. Mr. Crowther promised to work closely with interested residents to protect and enhance the nature conservation value and bio-diversity of Weavers Field for the greater benefit of all.</p> <p>Can the Cabinet Member Sustainability advise what bio-diversity studies have been done with regards to the impact on protected species such as bats, slow worms etc which are regularly seen?</p> <p>As the late Councillor Ken Buckland wrote as long ago as March 1997 in respect of Weaver's Field, 'these small pockets of green open space in our community are always worth fighting for'.</p>
	<b>Response from Cabinet Member Sustainability</b>
	<p>An ecological study has been completed which can be made available to all, and which demonstrates that no significant impact would be made by converting a part of the hill to allotments.</p> <p>On the general question of future usage of Weavers' Field following the transfer of the land to the Council, there were various discussions over the last decade in terms of how best to use it, which I am advised never really got beyond the general commitment not to build houses on it. In particular the possibility to create a nature reserve was not pursued because of insufficient public support, neither was the idea of a public recreation facility.</p>
	<b>Supplementary question from Mrs John</b>
	You talk about lack of public support for a nature reserve or public recreation facility but why can't the Council just leave it as the unspoiled haven that it is for people to enjoy?
	<b>Response from Cabinet Member Sustainability</b>
	The Council is in a difficult position. It's easy to say leave Weavers Field and use another site but the fact is that there are only a small number of sites and the Council has a statutory duty to provide allotments which it is looking to do within these constraints.
<b>3.</b>	<b>Question from Mr Smiles to Cabinet Member Sustainability, Councillor Whyborn</b>
	In respect of Weaver's Field, Warden Hill, I feel that Cheltenham Borough Council should be very proud of this beautiful field and hill, which is an Oasis in the middle of a suburban area and the only green space left in the area kept in its natural state that local people of all ages can walk to. Given the information about the history of the field and hill and bearing in mind its historical aspect, has the Cabinet Member sought advice from the Heritage and Conservation Manager?
	<b>Response from Cabinet Member Sustainability</b>
	There have certainly been discussions with the Planning department, and no objections raised in principle. Weavers Field is formerly farmland. The

	conservation officer reports that the field has no special historic features or special conservation legislation controlling its development.
	<b>Supplementary question from Mr Smiles</b>
	I assume there is a report which formally sets out the opinion of the Planning department and given the level of public objection why do you want to deprive so many people of this beautiful place.
	<b>Response from Cabinet Member Sustainability</b>
	Only a preliminary response has been provided by the Planning department at this stage, though this was in writing. A formal response would be sought as the result of any future Planning application and this would be available to the public. I have been impressed by the arguments put forward by the public on this matter and these will form part of my consideration of whether the scheme can be modified.
<b>4.</b>	<b>Question from Mr Rastelli to Cabinet Member Sustainability, Councillor Whyborn</b>
	Council members are being asked to make a decision about whether or not to take the Weaver's Field proposal forward. How many of the Council have actually visited this site and experienced exactly what it is?
	<b>Response from Cabinet Member Sustainability</b>
	Council members will not be making that decision in this meeting (25/06/12), and it would be most unusual for an entire Council to visit a site. However local ward members have visited it, including myself, and it is to be expected that before any application goes to the Planning Committee, their members would visit the site.  Following my visits, I would add that the amenity value of the hill is not lost on me, and the Council would certainly want to take this into full account in discussions as to how and where to site allotments on Weavers Field.
	<b>Supplementary question from Mr Rastelli</b>
	Can you assure me that all members visit the site before any decision is taken?
	<b>Response from Cabinet Member Sustainability</b>
	I can't give that assurance or speak for other members, but I certainly hope they would.
<b>5.</b>	<b>Question from Mr John to Cabinet Member Sustainability, Councillor Whyborn</b>
	In the light of the overwhelming strength of local feeling in respect of the Weaver's Field, Warden Hill allotment proposal, has any consideration been given to a full debate being undertaken in the Council chamber over this matter?
	<b>Response from Cabinet Member Sustainability</b>
	Clearly Council members will have opportunities in the debate over the petition, and I am confident that will be conducted so as to represent the range of views. However, the constitution of the Council is such that the decision will not (and cannot) be taken by full Council. It is a decision for cabinet, and which would in turn require a full debate of the Planning committee in the Council chamber.
<b>6.</b>	<b>Question from Mr John to Cabinet Member Sustainability, Councillor Whyborn</b>
	Can the cabinet member confirm what consideration has been given to

	the availability of farmland in a nearby location, which I understand has been offered by a farmer, to be sold or leased to the Council?
	<b>Response from Cabinet Member Sustainability</b>
	The Council is actively looking at land across mainly the south of Cheltenham, including farmland, council owned land, and anything else which may become available, but in reality people are not eager to sell or lease land. CBC is not aware of any such offer from a farmer, but would be very willing to discuss such an offer if it was made.
	<b>Supplementary question from Mr John</b>
	Are you aware that Councillor Regan has details of such an offer?
	<b>Response from Cabinet Member Sustainability</b>
	No I was not aware but I would be happy to discuss this with her if this is the case.
<b>7.</b>	<b>Question from Mr Jones to the Leader of the Council, Councillor Jordan</b>
	As Friends of Weavers Field, we have had over 850 cumulative years of sworn statements that support formal designation of Weavers Field as a Village Green. Added to this overwhelming local demand, may we ask the Leader of Borough Council to also support the application and confirm this in writing with Gloucestershire County Council?
	<b>Response from the Leader</b>
	I'm not sure what '850 cumulative years of sworn statements' means although hope it doesn't mean this has been an issue since 1162.  While I haven't seen the application I am more than happy to look into this matter to see if it is something I can assist with. However, I understand the application is deemed legally invalid by the County Council.
	<b>Supplementary question from Mr Jones</b>
	With your answer in mind, is the Leader aware that his statement regarding the application having been deemed legally invalid by the County Council is incorrect?
	<b>Response from the Leader</b>
	I am not able to comment on behalf of the County Council.
<b>8.</b>	<b>Question from Mr Jones to Cabinet Member Sustainability, Councillor Whyborn</b>
	Can the Cabinet member please confirm why the Parish Council responsible for allotment provision in the Weavers Field were not consulted on the proposal?  This seems very odd bearing in mind that our Parish Council (as has the Cabinet member's own Parish council) have written to the Borough Council confirming they do not support the proposal in any form.
	<b>Response from Cabinet Member Sustainability</b>
	Parish councils are responsible for statutory allotments within their area. The allotments proposed at Weavers Field would be non statutory allotments and would remain the responsibility of the Borough Council.  A meeting was in fact set up for me to attend Leckhampton with Warden Hill Parish council's meeting on March 1 <sup>st</sup> with the Parks Development manager, but it was they who advised that it might be better for us to organise something independently which we did at Brizen Young Peoples

	Centre. The Brizen exhibition was well attended, by both the public and parish council members.
	<b>Supplementary question from Mr Jones</b>
	Are you aware that the information presented at the Brizen exhibition was incorrect and misleading?
	<b>Response from Cabinet Member Sustainability</b>
	I am not aware that the information presented at the Brizen exhibition was incorrect or misleading but I am aware of these claims and do not accept these assertions. The information presented was presented in good faith.

## 6. COMMUNICATIONS BY THE MAYOR

The Mayors first few weeks in office had been very busy and had included the unveiling of a plaque for Lillian Faithful which had provided him with an insight into a great legacy. The Torch Relay event at the racecourse had demonstrated Cheltenham's ability to organise and execute events so well. The crowd at the racecourse grew to a magnificent number which was replicated along the route throughout Cheltenham. He thanked everyone that had been involved for a great job and noted that officials commented that the Cheltenham event had been the best so far. The Mayor had been honoured to go to Wembley Stadium to support the Cheltenham Robins in the football play-offs, though unfortunately they hadn't won the match. Other events included the Mayor's Charity launch at Oakwood School and he urged anyone that had not yet visited the Civic Award winning School to do so as it was a truly impressive building. The residents of Rosehill Street had shown real tenacity by going ahead with their Jubilee event as planned despite the 3 missing properties, the result of a gas explosion and he had been impressed by the coming together of trading and social communities across Cheltenham in celebration of the Jubilee. He had attended an ARRC beating of the retreat event at Imjin Barracks and been involved in some Royal visits. He hoped that members would be able to join him on some of the events throughout the year, including those in support of his charities.

## 7. COMMUNICATIONS BY THE LEADER OF THE COUNCIL

The Leader of the Council reminded members that the deadline for applications to the Promoting Cheltenham Fund was this coming Friday (29 June), so there was still time to apply for funding. Members were also invited to propose any essential environmental improvement schemes for which the deadline was the end of July.

He advised members that the July Council meeting, which was marked in the diary as 'if required' was in fact required and he hoped members would be available to attend.

Finally, he congratulated Councillor Massey on the birth of his second daughter and was pleased to report that mother and baby were doing well.

## 8. MEMBER QUESTIONS

The Leader apologised for the delay in circulation of the member questions and responses, explaining that factual information for one of the responses had not been received until just prior to the meeting. The Mayor suggested that in future the questions and responses should be circulated and any missings be provided verbally at the meeting.

The following responses were given to the 6 member questions received;

<b>1.</b>	<b>Question from Councillor Garnham to Cabinet Member Corporate Services</b>
	<p>Would the relevant Cabinet member please explain why public requests for information from the Council are denied but then an explanation given that if the public want information then it can be released through a Freedom of Information request? This has happened recently when the public have been denied the information regarding exactly how many people wrote in objecting to Cllr Whyborn's proposals for Weavers Field, and also when the projected cost of the ill thought out project were asked for.</p> <p>Would the relevant Cabinet Member explain how much money is spent on complying with a FOI request?</p> <p>Would the relevant Cabinet Member agree with me that it would be far better to give information freely (apart from confidential matters) rather than make everyone go through the FOI route with all the hassle and cost to the public that is involved.</p>
	<b>Response from Cabinet Member Corporate Services, Councillor Walklett</b>
	<p>Most requests for information received by the council are responded to by the service area as 'business as usual' and do not need to be considered a Freedom of Information Request. The council continues to try to publish as much information as possible on its website to assist the public and also to reduce the resources required to respond to Freedom of Information Requests. Last year the council responded to 520 Freedom of Information Requests.</p> <p>Although numbers of Freedom of Information Requests have been steadily increasing over the last five years (2006/7 = 139) at an average of c.30% per annum, the incremental Freedom of Information Requests mirror the experiences of other local councils and both the NHS and Police.</p> <p>There are occasions where members of the public and councillors seek the same information, as highlighted by Councillor Garnham. In such cases, out of courtesy, consideration is given to councillors regarding the timing of when information is publicised. I, as I am sure would all my councillor colleagues, would encourage officers to release information, wherever possible in such instances, to the public and councillors at the same time and certainly without lengthy delays.</p> <p>Freedom of Information requests vary in length and complexity and as a result can take from 5 minutes to several days of officer time to produce a response, with each response involving different officers with different pay grades. The council tries to minimise the resource required to response to requests. In the present case, the request for information was made by telephone. A written request would have been recorded as a Freedom of Information request, and a written response provided. Although the time and cost of providing a written response to a written</p>

	request would have been a little more than providing the same information by telephone, it would have resulted in a record which would have been easily available to those who may need to access it in the future, and circulated to Members who may have an interest in the request and response.
	<b>Supplementary question from Councillor Garnham</b>
	Does the Cabinet Member Corporate Services agree that it was wrong for the public to have to go down the route of a Freedom of Information Request?
	<b>Response from the Cabinet Member Corporate Services</b>
	I am confident that there are no attempts to push members of the public to make Freedom of Information Requests. It's worth noting that the standard level of complaints has remained the same which would suggest that Freedom of Information Requests are not being used to avert complaints.
<b>2.</b>	<b>Question from Councillor Garnham to Cabinet Member Sustainability</b>
	Would the relevant Cabinet Member please tell Council how many unused brown bins, for garden refuse, are currently in the Council's possession, and their value? Further to this can Council be told the total cost of all the brown bins purchased in the last five years? Could the Cabinet Member also confirm there are no plans to sell off these bins to other councils at a price less than what they were purchased for i.e. can it be confirmed the Council is not facing a loss over the purchase of unused brown bins?
	<b>Response from Cabinet Member Sustainability, Councillor Whyborn</b>
	<p>The Council had to calculate approximately the number of residents that might take up the brown bin garden waste service and placed an order accordingly. We built in additional numbers for damaged, broken or stolen bins as it takes a minimum of 12 weeks to order new bins. There are greater discounts for large orders and the availability of storage capacity at the Swindon Road Depot meant it was more feasible to have bins in storage rather than risking running out of bins.</p> <p>There are 10,850 brown bins in stock at a value of £167,632.50 which remain a Council capital asset and therefore do not represent any form of financial loss.</p> <p>The Council has just sold 1,000 bins at 'cost' to Tewkesbury BC which enabled them to not have to wait up to 12 weeks for delivery and it is anticipated that this arrangement could be repeated with other local authorities over the coming months.</p> <p>We currently have 11,883 subscriptions for garden waste bins.</p> <p>Total of 23,800 brown bins purchased in the last 5 years at a cost of £367,710</p> <p>Officers are managing the bin stocks in the most cost effective way, and bin transfers (rather than sales) within the Gloucestershire Waste Partnership are done at cost and that this is something Cheltenham has</p>



	benefited from in the past.
	<b>Supplementary question from Councillor Garnham</b>
	Cabinet are looking at the budget and considering how to allocate the £149k underspend but how much time are they spending debating the money that is tied up in these brown bins?
	<b>Response from Cabinet Member Sustainability</b>
	This matter is a concern to Cabinet but we are where we are and I feel I have already provided a comprehensive explanation of the issue.
<b>3.</b>	<b>Question from Councillors Driver and Seacome to Cabinet Member Sustainability</b>
	<p>The recent wet weather has highlighted even more the problem of blocked road gullies and drains, particularly in Lansdown Ward. Whilst it is the responsibility of the County Council to clear the drains themselves it is the responsibility of the Borough Council to ensure there is not excessive mud and kerbside vegetation is left on the paths and in the gullies for such long extended time, which is all being washed into these drains and blocking them. This is causing a problem of flooded streets and footpaths very quickly and often. At some junctions the problem has nearly caused an accident with cars aquaplaning.</p> <p>Given the failure of the current cleansing system would the Cabinet Member explain to Council how he will ensure that there is an effective street cleansing programme in place to stop the problem of blocked drains every time it rains?</p>
	<b>Response from Cabinet Member Sustainability, Councillor Whyborn</b>
	Scheduled mechanical sweeping is conducted across Cheltenham year round and assessments are also carried out by officers three times a year to assess levels of litter and detritus. CBC proactively organise mechanical sweeping and litter picking of areas which are graded as being below standard and whilst one cannot guarantee 'to stop the problem of blocked drains every time it rains in the Lansdown Ward' an inspection will be organised to determine the extent of the problem, and to assess whether or not there are any extenuating circumstances which need to be reported to Gloucestershire Highways.
	<b>Supplementary question from Councillor Driver</b>
	This doesn't really answer my question as I am asking for over and above; would you consider Sunday street cleaning?
	<b>Response from Cabinet Member Sustainability</b>
	I can't see any relevance to your original question of gulleys. I am however, happy to sit down with members and officers and discuss the matter further.
<b>4.</b>	<b>Question from Councillor Driver to Cabinet Member Built Environment</b>
	Would the Cabinet Member responsible for parking enforcement please look into placing more enforcement officers out in the streets outside the centre of town. In Lansdown we have the commuter parking both for those working in the town and in the area of the train station for other commuters. May times there is parking on corners, double yellow lines, encroaching the resident drives and turning circles. The parking the

	<p>pavement is increasing especially where there a single yellow lines (many blocking the footpaths) which is dangerous for pedestrians, especially those with buggies, the disabled including partially sighted and blind.</p> <p>Those officers we do their best, so does the department controlling them, but there are not enough enforcement officers to make sure violations are not causing problems and dangers in our side streets.</p>
	<p><b>Response from Cabinet Member Built Environment, Councillor McKinlay</b></p>
	<p>I do have some sympathy with Cllr Driver on this issue. The concerns she raises are real, and likely to get worse as a result of circumstances outside of this Council's control. The background to the current situation is as follows:-</p> <p>The Borough Council is responsible for the enforcement of on-street civil enforcement and related back office administration services on behalf of the County Council under an agency agreement.</p> <p>The agency agreement covers amongst other things:-</p> <ul style="list-style-type: none"> <li>▪ Pay and Display – Collection of payments, issue of Parking Contravention Notices (PCNs) for over stay and non payment.</li> <li>▪ Coning and Parking Suspensions.</li> <li>▪ Limited Waiting – Issue of PCN's for overstay and non payment.</li> <li>▪ Highway Contraventions - issuing of PCN'S for such contraventions as Double yellow lines, single yellow lines etc.</li> </ul> <p>The County Council has significantly increased its on street parking charging operations since the start of the agency agreement,(with no increase in agency agreement funding to the Borough), so the balance of the enforcement activities undertaken by the Council's officers has had to shift in favour of Pay and Display activities at the expense of the other types of enforcement listed above.</p> <p>Added to this shift in priorities, there has been a significant cut in County Council funding for 2012/13.</p> <p>The fully resourced cost of this agency agreement for 2012/13 is £517,094 which funds 12 Civil Enforcement Officers as part of the total staff team of 18. However in March 2012, the County Council served notice on the Borough Council of it's intention to end the Agency agreement in 2013 and tender the parking enforcement service to the private sector. As a result, the termination process means that current staff vacancies are not filled. This has resulted in a projected reduction of funding for the service of £151,592 in 2012/13 and a reduction of staff including an enforcement officer.</p> <p>The consequence of these two changes is that the staff time available to address the problems highlighted by Cllr Driver have been significantly reduced.</p> <p>As a result, whilst I am happy to review the day to day activities of our Enforcement Officers, I can see no prospect of any improvement in the overall situation in the near future.</p>
	<p><b>Supplementary question from Councillor Driver</b></p>

	This doesn't answer my question as I am not referring to pay & display areas my question relates to areas of private parking, can't we have more enforcement officers in private streets?
	<b>Response from Cabinet Member Built Environment</b>
	As I have tried to explain in my previous answer there is a fundamental problem at the moment in that there has been a change of focus as GCC are increasingly moving to pay & display. GCC are also bringing to an end the Agency agreement and as such CBC will not be filling current staff vacancies. The fact is that resources are declining, with enforcement officers currently spending 80% of their time in the town centre and only 20% in outlying areas, but I am happy to look at what officers do and see if it can be more efficient.
<b>5.</b>	<b>Question from Councillor Bickerton to the Leader, Councillor Jordan</b>
	Can the Leader please provide some summary feedback on the vital JCS public consultation which completed in February, we need to know exactly what Cheltenham residents consider to be important in our strategy to 2031. For example the balance between environment and economic growth, provision for homes to support the town's demographics and inwards migration, the scenario given support and any concern over the preferred option as presented in our draft JCS.
	<b>Response from the Leader</b>
	<p>The detailed consultation responses are available on the JCS website. Summaries of the responses are currently being finalised by the JCS team and will be published next week. A response to the representations will be published in due course. I have asked that access to these documents is made as easy as possible.</p> <p>While I'm pleased that over 3000 consultation responses were received, members will appreciate that dealing with these represents a considerable demand on stretched resources and takes time to complete. I can nevertheless report that some of the headline issues for Cheltenham include:</p> <ul style="list-style-type: none"> <li>• Leckhampton is by far the most commented-upon area in respect of the impact of potential development in a range of contexts including Green Belt and natural environment;</li> <li>• "Scenario A" has met with a degree of support – although often qualified support - from a considerable number of respondents;</li> <li>• the evidence base and methodology for ascertaining levels of new housing is challenged by many;</li> <li>• concerns about the impact of new development on existing infrastructure – such as highways and education – are frequently raised.</li> </ul> <p>It is worth noting that the consultation document did not set out the preferred option. That is the next stage in plan preparation.</p>
<b>6.</b>	<b>Question from Councillor Chard to the Leader, Councillor Jordan</b>
	Could the Leader of the Council please tell us what actions he has taken, if any, over the last six months to ensure that Leckhampton Green Fields are not subject to any Housing Development?
	<b>Response from the Leader</b>

	<p>As Councillor Chard will know anyone can put in a planning application at any time so it is not possible to ensure that Leckhampton green fields, or indeed anywhere else, are not subject to an application for housing development.</p> <p>Once an application is received the Council is obliged to consider it in accordance with national and local planning policy and other material considerations.</p> <p>Bearing this in mind my first level of activity relates to the National Planning Policy Framework (NPPF) which sets the context for any local plan. While my response to the consultation on the NPPF was submitted over 6 months ago I continued to work with Martin Horwood, MP for Cheltenham, and others in lobbying government to amend the draft NPPF so that there is more local discretion to protect sites based on environmental issues. While this has met with some success in the final document, the degree will become clearer as the document is interpreted by the Planning Inspectorate.</p> <p>The second level of activity was to encourage people to respond to the 'developing the preferred option' document. This included radio and newspaper interviews and delivering leaflets. I am pleased that there were over 3000 responses to the document as this will help in developing a local plan that takes account of the views of local people. In addition I have continued to chair the Members Steering Group of the Joint Core Strategy with the aim of achieving a Joint Core Strategy that all 3 councils feel they can sign up to. If we don't manage to agree a sound local plan across the JCS area this will reduce the chance of protecting areas like Leckhampton from future development.</p> <p>I repeated my previous advice to the consortium planning a development at Leckhampton that I would expect them to await the publication of the new local plan and then comply with it.</p>
	<p><b>Supplementary question from Councillor Chard</b></p>
	<p>Does the Leader agree with the findings of the Police regarding the election material circulated by me (Councillor Chard) in the run up to the recent elections?</p>
	<p><b>Response from the Leader of the Council</b></p>
	<p>I have had no contact with the Police so I can't comment but in any case, this does not relate to your original question.</p>

**9. PETITION REGARDING WEAVERS FIELD**

Agenda item 5 (public questions) was taken just prior to this item as all the questions that had been received related to this matter.

The Mayor referred members to the process for dealing with petitions at Council which had been circulated with the agenda. He invited Mr Rastelli, as petition organiser, to present the petition;

"We the undersigned are very much against the current preliminary proposal which would see up to 88 allotments on part of Weavers Field. The Council say that only 3.1 acres of the 8.1 acre field would be turned into allotments – however this does not take into account the creation of a large car park area in

order to cope with a significant number of vehicles. This area is the only open green space in this locality and the preliminary proposal is not acceptable”.

Mr Rastelli outlined the scale of objection to the proposal and why. He explained that Weavers Field was a space frequented by hundreds of people each week and highly valued by those that used it for walking, playing and socialising. The field and hill were also popular with those with an interest in birds and wildlife as it supported a number of wild birds and a variety of other wild life including bats and slow worms. The proposals would prevent access for the general public to the majority of the field, serving only a comparatively small minority and prevent access for the vast majority.

Leckhampton with Warden Hill Parish Council whose responsibility it was to provide allotments in this area had expressed, in writing, their wish that this area remain a public amenity. The neighbouring Parish Council, Up Hatherley, had also put in writing this same message.

The Friends of Weaver's Field had applied to have this space recognised as a Village Green and were urging the Cabinet Member Sustainability to listen to the people of Warden Hill and withdraw the proposal.

The full statement given by Mr Rastelli is attached at Appendix 1.

The Mayor invited questions from members regarding the background report produced by officers.

As a point of clarification, Councillor Stennett queried the position of Planning Committee members making statements on this issue given that they may have to consider a future planning application. The Monitoring Officer reassured Planning Committee members that this was not a prejudicial matter and involvement in the debate would not prejudice them against any future planning application, though any such application should be approached with an open mind.

A number of members requested that the figures relating to the cost of the proposal be made available, questioning the logic behind undertaking consultation on a proposal that hadn't been properly costed. When members were told that these figures were not available, Councillor Smith moved a procedural motion calling for a 15 minute adjournment of the meeting in order that these figures could be provided. This motion was lost (Voting: (FOR) 12, (AGAINST) 18).

The Cabinet Member Sustainability explained that the decision had been taken to consult on the initial proposals before putting costs together, the plans had not been expensive to produce and officers were confident that the proposal would be deliverable given that there was no cost associated with purchasing the land. £500k had been set aside from the sale of the Midwinter site, though a full costing would be compiled and assessed before anything was taken forward. Whilst he was unable to present any outline figures these were available and he was happy to make them available to members on another day.

A member commented on the suggestion that the council had put forward the proposal for Weavers Field in response to a statutory duty to provide allotments and highlighted Paragraph 9 sub-paragraph (1) of Schedule 29 of the Local Government Act 1972 which states "If there is a Town or Parish Council in a particular area, then the responsibility for allotments within the boundaries of that town or parish lies with them. The District Council, in this case, has no powers to act in any manner over allotments". In view of this, any allotments on Weavers Field would in fact be private allotments rather than statutory as was the implication and the question was posed would they count toward the statutory obligations for allotment provision.

The Cabinet Member Sustainability responded by acknowledging that the location of Weavers Field was within a Parish Council but elaborating that because of its location it would draw in people from neighbouring wards including Up Hatherley and would therefore significantly contribute to the council's obligations for allotments.

The Mayor invited the Cabinet Member Sustainability as the Cabinet Member whose portfolio was most relevant to the petition, to speak on the subject of the petition.

The Cabinet Member Sustainability firstly thanked Mr Rastelli for his articulation of the concerns of the petitioners and officers for their work today, including the background report circulated with the agenda.

As Cabinet Member he had to consider not only the demands of people on the waiting lists for allotments but also the concerns raised by the general public who feared that a much loved public amenity would be lost. The Council had a statutory duty to satisfy demands for allotments and the majority of these were needed in the South of Cheltenham, where land was scarce. Attempts were being made to negotiate sites in the Leckhampton area and where very little council owned land existed in this area, other options were being explored, including the purchase and/or long term lease of land, which was made difficult by the fact that land owners tended to want to hold on to land in this area or offer very short leases in the hope that it would become valuable for housing. Some of the alternative options were not considered particularly attractive or cost-effective for the taxpayers of Cheltenham.

He felt it would be easy for him to simply withdraw the proposal given the level of objection but considered that this would be unfair for the people who have been on the allotment waiting list for some years and could in fact provoke a legal challenge. He noted the petitioners words and suggested that as it were the case that the preliminary proposal was not acceptable he proposed to sit down with Mrs Rastelli, representatives of the petitioners and/or ward members and discuss compromise schemes which would address some of the concerns whilst still delivering a number of allotments.

It was important to note that the decision on how to assess the objections received was a decision for Cabinet, in addition to which there would be a requirement to table any proposal with the Planning Committee.

He proposed the following resolution;

- 1) That the Cabinet Member and officers seek a discussion with representatives of the petitioners and with ward councillor with a view to improving amenity value of the scheme and that;**
- 2) Revised proposals are brought to Cabinet which take this into account.**

The Cabinet Members full statement is attached at Appendix 2.

The Leader of the Councillor confirmed that he would second the proposal put forward by the Cabinet Member Sustainability.

Councillor Regan thanked the Cabinet Member Corporate Services for his offer to discuss the issue with representatives of the petitioners, suggesting that she would represent those that had signed the petition and many more.

A number of members urged the Cabinet Member Sustainability to recognise the value of Weavers Field as a habitat and a space enjoyed by many for a variety of reasons. The invitation for further discussion with the representatives of the petitioners and ward members was welcomed but these members felt that given the overwhelming opposition to these proposals from Parish Councils, over 1000 residents who signed the petition, Borough Councillors and the local MP, they should be withdrawn and alternative sites considered. These members acknowledged that the allotment issue was an immotive one and questioned why supporters of the proposal were not present at the meeting. Some of these members voiced their concerns that the Cabinet Member Sustainability would take forward these proposals regardless and was closed to any alternatives.

Councillor Prince left the meeting at 3.35pm.

In response to concerns raised by members regarding the lack of legal and financial implications within the report produced by Officers, the Mayor explained that this was simply a background report in relation to the petition rather than a report as part of any decision relating to the Weavers Field proposal. Such a report would include full implications when it was considered by Cabinet.

As seconder, the Leader could not support calls for the Weavers Field proposal to be withdrawn completely at this stage. Consultation on the initial proposal had been undertaken but there was more detail still to be worked through, which included any costings. He emphasized the difficulty that faced the council, allotments had to be situated somewhere, though this did not at all invalidate the concerns that had been raised in the petition or through the course of the debate today.

In closing, the Cabinet Member Sustainability admitted that the threat of legal challenge had always been there and that the weight placed on this would be decided at a later date. He assured members that at this stage nothing had been ruled out but that a determining factor would be the availability of other suitable sites. He was interested to hear about alternative sites and invited people to share with him the details of other sites along with details of who owned the land so that they could be considered further. He gave assurances

that if a suitable site was identified he would have no qualms about withdrawing the Weavers Field proposal.

Councillor Harman demanded a recorded vote and six other members were in support.

Upon a vote it was

**RESOLVED that:-**

- 1. the Cabinet Member and Officers seek a discussion with representatives of the petitioners and with ward councillors with a view to improving amenity value of the scheme;**
- 2. Revised proposals are brought to Cabinet which take this into account.**

Voting:

(FOR: 23) Councillors Barnes, Britter, Coleman, Fisher, Flynn, C. Hay, R. Hay, Holliday, Jeffries, Jordan, Lansley, Massey, McCloskey, McKinlay, Rawson, Reid, Stewart, Sudbury, Teakle, Walklett, Wheeler, Whyborn and Williams

(AGAINST: 12) Councillors Bickerton, Chard, Driver, Garnham, Hall, Harman, McLain, Regan, Seacome, Smith, Stennett and Wall

The meeting was adjourned at 4.15pm for tea.

**10. COMMISSIONING PROTOCOL**

The meeting resumed at 4.35pm. Councillors Coleman, Holliday and Williams were no longer in attendance.

The Cabinet Member Corporate Services introduced the commissioning protocol which set out the principles and practices introduced by the Council as part of the strategic commissioning approach that had been adopted in December 2010. The short protocol described how commissioning would be approached and monitored. He felt the content of the report was self explanatory and invited members to accept the recommendations.

A number of members raised concerns about the draft protocol that was being presented for approval. Concerns included the way in which the council was approaching commissioning. Some members felt that this was not being undertaken in a cohesive manner and the way in which priorities were established and decisions made did not demonstrate a consistent approach.

The principal concern of these members was that of accountability. They considered it nonsensical for officers of Cheltenham Borough Council to respond to concerns or complaints from the public advising them that their concern/complaint would be dealt with by a third party (e.g. UBICO). This also raised the issue of ward member's ability to resolve issues. Ultimately members felt that the Lead Cabinet Member should be accountable to scrutiny and were this reflected in the protocol they would feel able to support the recommendations. Whilst supportive of the principal of keeping costs down, the



worry was that the approach would compromise the council's ability to deliver the quality of service expected by the public.

Members speaking in support of the recommendations did so as in their view there was no question of the Lead Cabinet Member abdicating their responsibilities or accountability. They considered that in some circumstances, UBICO for example, would be better placed to respond to a query or complaint than officers within the Commissioning Division, though admitted that this was a practical issue that should be monitored and Overview and Scrutiny would be crucial in this process. The formation of any shared service, Local Authority Company, etc, would not be a conclusion but rather a beginning.

The Cabinet Member Corporate Services was comfortable that his regular attendance at Overview and Scrutiny meetings would provide a degree of accountability and as part of the Joint Management Liaison Group he would maintain an overview of commissioning. It was his aim to communicate the ongoing gains of commissioning and assured members that seminars, of which there had already been 7 or 8, would continue to be organised to ensure members were informed, engaged and able to raise any concerns.

The Cabinet Member Corporate Services agreed that the roles and responsibilities of the Lead Cabinet Member as set out on page 4 of the protocol would be amended to state 'is accountable to scrutiny' in place of 'updates scrutiny'.

Upon a vote it was CARRIED with 1 abstention and 1 against.

**RESOLVED that;**

- 1. The commissioning protocol as amended be endorsed by Council;**
- 2. Monitoring and review of the commissioning protocol be delegated to the Overview and Scrutiny Committee.**

**11. FINANCIAL OUTTURN 2011/12 AND QUARTERLY BUDGET MONITORING TO MAY 2012**

Councillor Teakle left the meeting at 5pm.

The Cabinet Member Finance introduced the report and referred members to the amended appendix 11 that had been circulated at the meeting. The report highlighted the Council's financial performance for the previous year which set out the General Fund and Housing Revenue Account revenue and capital outturn position for 2011/12. The information contained in the report had been used to prepare the Council's Statement of Accounts for 2011/12.

The Cabinet member was pleased to report that during the year, the potential in year budget deficit had been addressed and as a result a revised balanced-budget had been achieved. The council's success in achieving this was down to the hard work by officers across the council in reducing costs and boosting incomes. He outlined the intentions for making use of the revenue budget savings are set out in section 3 of the report and the budget carry forward requests in section 4. He referred members to an error in appendix 7 where the

carry forward bid for democratic services of £7,000 should have referred to £5,000 for the support and rollout of ICT remote access facilities for members and £2000 to support the new scrutiny arrangements.

He highlighted the favourable outcome regarding the Icelandic Banks and the potential uses of the High Street Innovation Fund grant where Cheltenham had been awarded £100,000 of the £10 million allocated by Government to help revive high street retail. He concluded that overall the report represented a sound piece of work which made sensible use of the council's resources.

In response to questions from members, the Cabinet member gave the following responses:

- He confirmed that businesses had been consulted on the potential uses of the High Street Innovation Fund and a number of their suggestions had been picked up.
- In response to a suggestion that the reinstatement of a planning appeals officer would be preferable to boosting the planning appeals reserve, he said in his view these two issues were not connected.
- Asked how the funding of business rate discounts would be "targeted at the areas where it can have the greatest impact", he explained that currently there was a focus on the town centre. However it would be necessary to strike a balance between targeting sufficient funds in an area to make a difference and identifying areas of greatest need across the borough.
- A member had suggested that the proposed £9,000 cost for installation of cameras to measure footfall in different parts of the town centre should be supported by big retailers and the money would be better spent on the business rate relief scheme. In response the Cabinet Member said that businesses in the town centre spent a large amount of money on marketing and this scheme was a sensible way to help them target their resources more appropriately. Major businesses would be making a contribution and the Cheltenham Development Task Force would also be involved in reviewing the results.
- Asked whether the Council could encourage more young people to attend events in the town by refunding their bus fares, he noted the point but the Council did have a limited budget and had already allocated £50,000 to support youth provision in the town and offered facilities at leisure@.
- The additional funding for grass verge cutting had been allocated to make up for the shortfall in County Council funding in 2012/13. If this shortfall continued then the council may have to look at building additional funds into the revenue budget in future years.
- He referred the question about where the funding from the sale of Midwinter appeared in the budget papers to the Director of Resources who advised that it did not appear because the report was an analysis of the outturn of the revenue budgets or capital schemes for the year 2011/12.
- He confirmed that tackling homelessness was a high priority for the council despite the underspend in the previous. The homelessness strategy had highlighted the complex needs of homeless people and the carry forward bid would allow this important work to continue.

- He would provide a written response to members on the areas where the alcohol grant referred to in appendix 7 would be applied.
- He would discuss with officers the question of whether it was sensible to continue reducing staff development budgets when staff needed to develop new skills sets to work effectively in the new commissioning environment.

Upon a vote it was (unanimously)

**RESOLVED that the following recommendations be approved;**

- 1. Receive the financial outturn performance position for the General Fund, summarised at Appendix 2, and note that services have been delivered within the revised budget for 2011/12 resulting in a saving (after carry forward requests) of £149,777.**
- 2. Recommend that Council approve the following:**
  - 2.1 £214,700 of carry forward requests as amended (requiring member approval) at Appendix 7**
  - 2.2 The budget saving of £149,777 be used as follows:**
    - **£43,600 to fund a grant to CHAC as outlined in para 3.3**
    - **£43,900 for providing recycling boxes and bins as outlined in para 3.6**
    - **£62,277 to strengthen the Planning Appeals reserve as outlined in para 3.7**
- 3. Note the treasury management outturn at Appendix 9.**
- 4. Approve the allocation of the High Street Innovation Fund award grant as set out in section 6.**
- 5. Note the capital programme outturn position as detailed in Appendix 11 and approve the carry forward of unspent budgets into 2012/13 (section 8).**
- 6. Note the position in respect of section 106 agreements and partnership funding agreements at Appendix 12 (section 9).**
- 7. Note the outturn position in respect of collection rates for council tax and non domestic rates for 2011/12 in Appendix 13 (section 10).**
- 8. Note the outturn position in respect of collection rates for sundry debts for 2011/12 in Appendix 14 (section 11).**
- 9. Receive the financial outturn performance position for the Housing Revenue Account for 2011/12 in Appendices 15 to 17 (section 12).**
- 10. Note the outturn prudential indicators Appendix 18 and recommend**

**that Council approve the revised prudential indicators for 2011/12, marked with an asterisk (section 13).**

**11. Note the budget monitoring position to the end of May 2012 (section 14).**

**12. REVIEW OF THE COUNCIL'S PERFORMANCE 2011-12**

The Cabinet Member Corporate Services introduced the report which summarised how the council had performed in 2011/12 in regard to the published milestones, performance indicators and outcomes set out in the 2011/12 corporate strategy action plan. The results set out in the report highlighted a good record of achievement particularly given the current difficult circumstances. 93% of milestones had been completed at the end of the year and 83% of targets for performance indicators had been met. The report also recognised the important contribution of Cheltenham Borough Homes in helping the council to meet its targets.

In response to a question he read out the figures of the costs of planning appeals which had been circulated to members of the Overview and Scrutiny Committee following their review of this report at their May meeting. These figures demonstrated that there was a downward trend in the number of planning appeals which had reduced by 2% over the last four years.

Referring to the outcome of a clean and well maintained environment, a member added a note of caution about the focus on waste as members of the public were starting to identify problems with litter and the situation could easily tip the other way. Another member suggested that there should be more information on proposed actions for addressing any areas which had not gone well and gave the reduced numbers at the Tourist Information Centre as an example. In response the Cabinet Member said that visitor numbers to the Centre had increased and £25,000 had been allocated to incorporate the centre into the Art Gallery and Museum when it opened in 2013.

Upon a vote it was unanimously

**RESOLVED that the performance review 2011-12 be approved.**

**13. NEW CONDUCT REGIME**

The Cabinet Member Corporate Services introduced the report which set out the proposed arrangements for adoption by the Council in order to comply with the new conduct regime set out in the Localism Act 2011 and the recently approved Regulations. He apologised for the late circulation of the report but the regulations had not been published until 8 June 2012 and therefore officers had been under particular pressure to produce the report in the required timescales. He highlighted the new obligation to disclose the pecuniary interests of spouses and partners as part of a Member's Register of Interest declaration. Members were also asked to approve a new Code of Conduct.

Councillor McLain indicated his intention to abstain from any vote as although he had supported the original intention of the Standards regime, he was not happy with how it had turned out. He advised that following a detailed briefing by their Monitoring Officer, the Members at the County Council had achieved cross-party consensus in support of a common approach across all seven local

authorities and a common code to include parish councils in Gloucestershire. They would be looking for proposals to come back in the Autumn. Hence he considered that this report was a good piece of work but was premature.

A member asked whether a wife or spouse have the right to refuse to have their interest disclosed and did they have any rights to privacy under the Human Rights Act. The Borough Solicitor acknowledged that this part of the legislation had come as a surprise and that parish councillors had already expressed some concerns. Members could have a defence if they had no knowledge of their spouse's pecuniary interests but otherwise the obligation was on the Member to make the disclosure and not the spouse. If they failed to do this they could be liable to criminal proceedings. She emphasised that these were statutory rules and the council could not decide to amend them. She assumed that the rights of spouses would have been taken into account during the construction of the legislation.

It was noted that Step 1 in appendix 3 should refer to CBC and not TBC.

The Leader referred members to recommendation 8 in the report regarding the appointment of Independent Persons. He advised that an Interview Panel consisting of himself, Councillor Garnham and Councillor Godwin, had interviewed three candidates on 20 June 2012. The panel was unanimous in its recommendation to the Council to appoint Mr Duncan Chittenden and Mr Martin Jauch as Independent Persons for Cheltenham Borough Council.

Before the vote, the Mayor highlighted to Members that the regulations came into force on 1 July and therefore the council was obliged to put arrangements in place in accordance with these regulations. He also reminded Members that the Borough Solicitor had been on hand before the Council meeting to answer any questions members had about the proposals.

Upon the vote the recommendations (excluding 9) were CARRIED with 3 abstentions.

Upon a separate vote on recommendation 9, this was CARRIED.

Voting For: 28, Against:0, Abstain: 1

#### **RESOLVED:**

- 1. That the draft Code of Members' Conduct, attached at Appendix 2, be APPROVED and ADOPTED with effect from 1<sup>st</sup> July 2012.**
- 2. That the Cheltenham Borough Council Register of Interests comprises those Disclosable Pecuniary Interests and other interests as set out in Appendices A and B of the Code of Members' Conduct at Appendix 2.**
- 3. That the Council's Constitution be amended to include within the Council, Cabinet Committee and Sub-Committee Rules of Procedure the following:**
- 4. 'A Member must withdraw from a meeting (including from the public area/gallery) during the whole of the consideration of any item of business in which the Member has a Disclosable Pecuniary Interest, or in which the Member has an "other" interest where, as a**

consequence of Paragraph 10(4) of the Council's Code of Conduct, the Member is required to leave the meeting and not participate or vote on the matter, unless the Member is permitted to remain through the granting of a dispensation.'

5. That the arrangements for dealing with complaints, as set out in Paragraph 3 of this report are ADOPTED, together with the flowchart and assessment criteria set out at Appendix 3.
6. To establish a Standards Committee, including a Hearings Sub-Committee, as set out in Paragraphs 3.13-3.17 of this report, together with the Terms of Reference set out at Appendix 4 to be incorporated within Part 3C of the Council's Constitution.
7. That Councillors Barnes, Fisher, Flynn, Godwin and Wheeler and two Conservative members to be advised be appointed to be members of the Standards Committee in accordance with the political balance requirements (4:2:1).
8. To ask the Independent Remuneration Panel to review the Council's Scheme of Allowances consequent upon the changes to the Standards Committee.
9. That Mr Duncan Chittenden and Mr Martin Jauch as Independent Persons for Cheltenham Borough Council be appointed in accordance with the recommendation of the Interview Panel.
10. That Part 3D (Responsibilities for Functions – Officer Non-Executive Functions) of the Council's Constitution be amended to appoint the Borough Solicitor and Monitoring Officer to be the Proper Officer to receive complaints in writing regarding allegations of failure to comply with the Code of Conduct and that authority is delegated to the Monitoring Officer as follows:
  - i. to determine, after consultation with the Independent Person(s), whether a complaint should be investigated and to arrange such investigation;
  - ii. to seek local resolution of complaints without formal investigation where it is possible to do so;
  - iii. to close a complaint if the investigation finds no evidence of failure to comply with the Code of Conduct;
  - iv. to agree a local resolution where an investigation finds evidence of a failure to comply with the Code of Conduct, subject to consultation with the Independent Person(s) and the complainant being satisfied with the proposed resolution;
  - v. to grant dispensations in accordance with Paragraphs 2.10 and 2.11 of this report;
  - vi. to make any other minor consequential changes to the Council's Constitution as the result of the adoption of the arrangements set out in this report.

The Cabinet Member proposed that Council record a vote of thanks to the current members of the Standards Committee which would be ceasing on the 30th of June 2012. The independent members were Jon Leamon, John Cripps,

David O'Connor, Duncan Chittenden and the chairman Simon Lainé and Parish Councillors were David Iliffe and Gloria Coleman.

#### **14. APPOINTMENTS TO OUTSIDE BODIES**

The Leader referred to the covering note which had been circulated with the additional agenda papers for this meeting. Following agreement by the Group Leaders, Cabinet approved the majority of appointments to the outside bodies at their meeting on 19 June 2012. There were three appointments outstanding where consensus has not been achieved between the political groups and therefore these have been referred to Council as set out in the recommendations in the report.

He also advised that Councillor Reid had now been appointed by Cabinet to the Friends of Leckhampton Hill to fill the remaining vacancy. He reminded Members that there was still a vacancy for the Hillview Community Centre should anyone wish to put their name forward.

Upon a vote it was

#### **RESOLVED THAT:**

**i) Councillor Barnes be appointed as the Council's observer on the Everyman Theatre Board**

**Voting (For Cllr. Barnes 19, for Cllr. Harman 8)**

**ii) Councillor McCloskey be appointed as the Council's representative on the Cotswold Conservation Board**

**Voting (For Cllr. McCloskey 19, for Cllr. Hall 9)**

**iii) Councillor Colin Hay be appointed as the Council's observer on the Board of UBICO**

**Voting (For Cllr. Colin Hay 19, for Cllr. Harman 8)**

#### **15. NOTICES OF MOTION**

Councillor Wall left the meeting at 5.50pm.

Councillor Driver proposed the following motion which was seconded by Councillor Regan:

*Given recent exposé reports in the press both national and international regarding the sex trade and exploitation of young women because of people smuggling and the sex trade in Cheltenham – this Council resolves to:-*

- 1. Work collaboratively with the Gloucestershire Safeguarding Childrens Board, Gloucestershire Safeguarding Adults Board and Child Exploitation and Online Protection Centre to develop a dedicated council strategy*
- 2. Investigate potential impact of licensed sex industry and other venues which might impact in four areas (vulnerable adults / young adults / children / people smuggling)*
- 3. Commit to re-invest funding from Cheltenham's night time economy into the fight against sexual exploitation*

In introducing the motion, Councillor Driver suggested that the council needed to give more thought to the night-time economy. There was much said about what it did for Cheltenham but in her view all it did was make a mess on the streets and provide profits to a corporate company elsewhere. She acknowledged that the police and other organisations had done a lot to try and combat the sex trade and exploitation and the council had also done their bit, but there was a necessity for all organisations to work together. They needed to be particularly aware of vulnerable and neglected young people, possibly with learning difficulties, as she felt a lot of them were being missed.

Members were generally supportive of the sentiments behind the motion and that protection of vulnerable young people must be a priority. If there were issues in Cheltenham then they needed to be addressed and this should be in partnership with other organisations. This kind of activity was an abomination and must be treated very seriously not least because it was hidden under the surface. Some members referred to a recent Channel 4 documentary which had featured a raid in the town on a property where young women were being trafficked. One member did point out that Cheltenham had been featured in the documentary as a typical town to highlight that even a respectable place like Cheltenham could have these problems. Another member highlighted the coverage in the Daily Mail during race week about the sex trade in the town. There may be an opportunity for the Borough Council to take a more proactive stance and there was a need to make members and officers more aware of what was being done and how to report any cases or suspicions.

Although members supported the general thrust of the motion, there were some concerns about the precise wording and resolutions. There were some doubts expressed about whether it would be legitimate to use the revenue from the night-time economy for this purpose as there were strict regulations concerning its use. The night-time economy also employed a lot of people in Cheltenham and therefore did bring benefits to the town. It was also important to distinguish between the licensed sex industry and the criminal offence of exploitation for sexual purposes. The latter was certainly not an 'industry'. The proposal that the council should produce its own strategy was challenged as progress could only be made by working in partnership with other organisations, particularly the police.

Councillor Garnham, as chairman of the Police Authority, acknowledged that there was a problem in Cheltenham but there was a need to be careful about the facts. He updated members on the Pentameter operation carried out by the police in 2008 to address this issue which had been featured in the Channel 4 documentary. As a result there had been 150 arrests and three of those had been in Cheltenham. The initiative in Gloucestershire was seen as an example of good practice. He explained that the Detective Inspector heading up the Public Protection Bureau was already working in this area and should be a point of contact for the council if they wanted to pursue it.

Councillor Barnes and Councillor Seacome, as previous and current chair of the Council's Licensing Committee, highlighted that people trafficking was not operating within the licensed trade but was undercover and unacceptable. The Licensing Committee had made every effort to ensure that establishments were



properly licensed and indeed an establishment not operating within its licence had been closed down during the last race week. The council should not be complacent but they were reasonably confident that the officers and police involved in licensing were ensuring that establishments were being operated within the legal framework. The council had only licensed one sex shop in the last 10 years for the intention of selling adult videos. Lap dancing and other similar venues typically applied for a Temporary Event Notice which allowed them to operate for a limited period such as race week. They were then closed down once the notice expired.

As the County Cabinet Member responsible for this area, Councillor McLain advised that he received regular reports on this issue. He highlighted the work already being done by the safeguarding boards and suggested that the council may want to hear more about the potential projects that they could suggest. The council may wish to see whether it could make better use of the wealth of information held by Cheltenham Borough Homes in addressing the trafficking issue. Finally a considerable amount of research had been done into the links with the licensed sex industry and this was available on the intranet.

During the debate it had been suggested that the matter be referred to the Overview and Scrutiny Committee with the option of setting up a scrutiny task group which would report back to Council. Councillor Smith, as chair of the committee, suggested it would need a period of at least six months to carry out a review and therefore a report back to Council in December will be appropriate. The O&S committee could initiate the task group at its next meeting on 16 July 2012.

The Cabinet Member Housing and Safety supported the sentiment of the motion and clearly if there were issues they needed to be addressed. As a safeguarding organisation the council was already taking some action and he would welcome the support of a working group to look at this in more detail.

In her summing up, Councillor Driver was delighted that the motion had prompted a good debate on this issue.

Upon a vote the motion was CARRIED unanimously and it was also

**Resolved that the matter be referred to the Overview and Scrutiny Committee to set up a working group to review the issue and report back to Council in December 2012.**

**16. TO RECEIVE PETITIONS**  
None received.

**17. ANY OTHER ITEM THE MAYOR DETERMINES AS URGENT AND WHICH REQUIRES A DECISION**  
There was no urgent business.

Colin Hay  
Chair

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# Friends of Weaver's Field

*Ladies and Gentlemen of Cheltenham Borough Council.*

*We: The 'Friends of weaver's Field' Warden Hill, present this petition to you.*

*Over 1,000 people signed the petition in objection to a Proposal from Councillor Whyborn, to change the majority of our beautiful green open space, in Warden Hill, Cheltenham.*

*We wish to state unequivocally that our hill, Warden Hill, on Weaver's Field is not a site that needs altering.*

*The majority of signatories are from Warden Hill and Hatherley. But past residents hearing of the plans signed, many quoting their happy childhood here.*

*Were this land unused, unloved, or unwanted by the population we would not be here today. Your legal department has received many letters of objection from local residents outlining so many, very valid reasons why this proposal should not be proceeded with.*

*We cannot believe that, or understand why, you should want to get rid of this wonderful green open space*

*To outline just a few of these objections..... the land is used weekly by hundreds of people, young and old for walks, exercise, fruit picking, ball games, kite flying, bird watching, nature trails, picnics and has been so-used for over 50 years.*

*The field and hill are teeming with wild birds, **All wild birds are protected under the Wildlife and Countryside Act**, and the field supports a variety of other wild life, including Bats and Slow-worms also protected under the Act.*

*This is an area formerly promised in Perpetuity to remain as 'Green Open Space'.*

*The placing of allotments on it would require a large hard-standing for a car park, a wide gravel path behind many of the houses and a high fence, cutting off by far the better part of the land and virtually the whole of the hill viewpoint.... Amounting to hundreds of metres around the site, preventing access to the majority of the field for the general public.*

*Providing an amenity for the minority and preventing access for the vast majority is illogical and unfair. The hill on Weaver's Field is Warden Hill! It has been in existence since at least 1648 when it was named Warden's Hill.*

*As recently as Jubilee Tuesday – the 4<sup>th</sup> of June, we held our large street party in the entrance to the field, and on the same evening at 10pm –many others from around the estate gathered on top of the hill to view the Jubilee beacons ... using the hill for what is believed was its original purpose ... namely a Warden's Hill, a lookout point.... And we were clearly able to see at least 7 of the Fire Beacons from 2 counties.*

*The Leckhampton with Warden Hill Parish Council, whose responsibility it is to provide allotments, have written to you, informing you that they wish to see this land remain as it is; A valuable public amenity!*

*The neighbouring Up Hatherley Parish Council – from Mr. Whyborn's own ward have written to you with the same message.*

*We the Friends of Weaver's Field have made application to have this beautiful green open space recognised as our Village Green, supported by sworn evidence of a total of over 870 years of collective usage.*

*Warden Hill, as a ward currently sits 15<sup>th</sup> out of twenty for the least amount of green open space in Cheltenham according to your own figures, please don't push us lower.*

*We urge you therefore to hear our petition, to listen to the people of Warden Hill and to reject this proposal.*

*Thank you...*

DEBATE ABOUT PROPOSED ALLOTMENTS ON WEAVERS FIELD

Thank you, Mr Mayor.

(Preface) *First of all thank Mr Rastelli for clearly articulating the concerns of the petitioners (ad-lib wording), and thank officers for very substantial work to date, including the helpful briefing report for this meeting.*

- The question of putting allotments on Weavers Field has been a very difficult one, and has involved not only listening to the demands of people on the waiting lists for allotments in an area where suitable land is scarce, but also listening to the needs of neighbours, and the concerns of the general public who have issues about possible loss of amenity in an area where public open space is limited, and hills are rare. Moreover CBC has a moral and political commitment dating from when the council acquired the Weavers Field land in the 1990's, not to build houses on Warden Hill.
- In addition the Council has a statutory duty to satisfy demands for allotments, albeit the details of this duty are not well defined in statute law.
- Although many issues have been rightly raised, and not only by the petitioners, I believe the three which carry most weight are these: 1) the need to provide allotments in the south of Cheltenham within a reasonable distance of the applicants' homes 2) the amenity value of being able to walk on the hill, and to enjoy the view from the top; 3) the need to maintain sufficient off-street areas for dog walking.
- Land in the south of Cheltenham, which is where most allotments are needed, is very scarce, and the Council is also trying to negotiate sites in the Leckhampton area, and potentially will look at areas further to the west of Warden Hill. There is very little council owned land, so other options are also being explored. Nobody should pretend this is easy, and people who own land in the area are tending to hold it – or offer it on very short leases of in some cases only months – in the hope that it will become valuable for housing. In order to complete its allotment strategy, the Council may well be faced with trying to buy or rent land outside the borough, or in the last resort to

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compulsorily purchase land within it. No options are particularly attractive or cost-effective for the taxpayers of Cheltenham. My view, and advice from officers, is that we will need a number of sites to satisfy demand, and there are very limited choices, particularly within reasonable travelling distance of the Hatherley/Warden Hill area.

- It would be very easy to simply turn round and withdraw the proposals. However this would be unfair to the several hundred people who have been waiting for some years for allotments, and in the limit could provoke a legal challenge that the Council was not serious about its responsibilities. We cannot simply take the easy options; however I note the petitioners' words "the **preliminary** proposal is not acceptable" and in the way that the petition is worded I could accept that, and so I would propose to sit down with Mr Rastelli and a couple of his colleagues, plus the ward councillors, to discuss compromise scheme(s), which would address the amenity concerns whilst still providing a substantial number of allotment plots.
- Whilst it's both right and helpful that full council debate this, as we are about to do, under the council's constitution, the decision on how to assess objections to date rests with cabinet. In addition there is a requirement to bring any proposal before the planning committee. It will be part of that committee's job to look at all aspects of the application, including matters which have concerned residents, such as whether they would be overlooked any more than they are already, and/or concerns about drainage, car parking and the like. Preliminary indications to date from planning officers are there are no reasons in principle why a planning application should not be made and considered.

So I propose we resolve the following at the conclusion of the debate:

- 1) That the cabinet member and officers seek a discussion with representatives of the petitioners and with ward councillors with a view to improving amenity value of the scheme and that 2) revised proposals are brought to cabinet which take this into account.

## New Conduct Regime - Appointment of Independent Person(s)

1. Council is referred to section 4 of the Report on the new Conduct Regime (agenda item 13) which refers to the appointment of Independent Person(s).
2. At its meeting in May, the Council was asked to approve the advertisement process for the appointment of up to 3 Independent Person(s) in order to provide flexibility pending consideration as to how the new Conduct Regime might be implemented within Cheltenham Borough Council.
3. The arrangements which are now recommended by the Constitution Working Group are contained within the report previously circulated. The recommendation envisages that the Independent Person(s) will, as well as fulfilling the statutory requirements, be consulted by the Monitoring Officer as part of the initial assessment of complaints and will be co-opted, non-voting members of the Standards Committee.
4. Whilst it is impossible, at this stage, to predict what the workload for the Independent Person(s) may be, the Monitoring Officer's recommendation is that the Council should appoint 2 Independent Persons at this Council meeting. If, having implemented the new arrangements, it is apparent that further appointments are necessary; the Council can review the position.
5. A Member Panel (Cllrs. Jordan, Garnham and Godwin) interviewed 3 candidates on the 20<sup>th</sup> June 2012. Each of the candidates' suitability for the role was assessed against the Job Description and Person Specification approved by the Council and consideration was given to whether skills were apparent which would enable them to gain the respect and confidence of members of the Borough Council and its 5 Parish Councils.
6. The Member Panel was unanimous in its **recommendation to the Council to appoint Mr. Duncan Chittenden and Mr. Martin Jauch as Independent Persons for Cheltenham Borough Council**. A brief synopsis of their relevant experience is set out below.

Mr. Duncan Chittenden – Resident in Cheltenham Borough, has wide experience of employment in the public sector and currently an Independent co-opted member of the Council's Standards Committee which position will cease on the 30<sup>th</sup> June 2012. Also is Chairman of Gloucestershire Police Authority Standards Committee, having served on that Committee for 4 years.

Mr. Martin Jauch - Resident in Gloucestershire adjacent to Cheltenham Borough and was a Metropolitan police officer for over 30 years. Has experience as a co-opted Independent Member initially of a Conservation Board and then of Cotswold District Council Standards Committee which he has chaired for 2 years and has, in that capacity, dealt with complex cases and Hearings.

7. In accordance with the Localism Act 2011, the appointment must be approved by a majority of the members of the Council.

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