

## Council

Friday, 22nd February, 2013  
2.30 - 3.17 pm

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

## Minutes

**1. A MOMENT OF REFLECTION**

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

**2. APOLOGIES**

Councillor Lansley, Chard, Williams, Godwin, Regan, Stennett, Britter and Teakle had given their apologies.

The Chief Executive had given his apologies and Pat Pratley, Executive Director attended in his place.

**3. DECLARATIONS OF INTEREST**

No interests were declared.

**4. MINUTES OF THE LAST MEETING**

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

The Mayor asked that it be noted at the start of Agenda Item 12 (Treasury Management and Annual Investment Strategy 2013/14) that Councillors C. Hay, Smith, Driver and Williams returned to the Chamber and the Mayor resumed the chair.

Upon a vote it was unanimously

**RESOLVED that the minutes, as amended, of the meeting held on the 8 February 2013 be agreed and signed as an accurate record.**

**5. COMMUNICATIONS BY THE MAYOR**

The Mayor on behalf of Council, extended best wishes to Councillor Chard for a speedy recovery after his recent knee replacement.

**6. COMMUNICATIONS BY THE LEADER OF THE COUNCIL**

The Leader reported back to Council regarding the air balloon roundabout scheme which has been debated at the last meeting. He explained that there had been some confusion as Norman Baker was not in fact the relevant Government Minister. As such, the Leader had written to both the Highways Agency and Stephen Hammond, who was the relevant Government Minister, which was copied to Norman Baker, and suggested a cross party meeting with the Highways Agency. He was pleased to report that since writing this letter, the County Council had withdrawn their support for the scheme and the Highways Agency had subsequently dropped the proposal. He would pass on details of any response to his letter once this had been received.

**7. PUBLIC QUESTIONS**

No public questions had been received.

**8. MEMBER QUESTIONS**

The following responses were given to the 10 member questions received;

<b>1.</b>	<b>Question from Councillor Wall to Cabinet Member Sustainability</b>
	Can the Cabinet member confirm the number of garden waste collection service sign-ups, the current number of renewals and how this compares with the figure from last year at this time?
	<b>Response from Cabinet Member Sustainability, Councillor Whyborn</b>
	There are 12,573 current garden bin subscriptions.  There were approximately 2000 new bin subscriptions during 2012 and 95% of subscriptions were renewed last year.  Renewals are due on a rolling monthly basis with the 1 <sup>st</sup> February being the beginning of the scheme year so we are at the early stages of this year's renewal process. So far over 93% of the 1 <sup>st</sup> February 2013 renewals have been paid. This % will increase.  Therefore please note that garden bin take up is still rising steadily.
<b>2.</b>	<b>Question from Councillor Wall to Cabinet Member Sustainability</b>
	Can the Cabinet member confirm what was the expectation of garden waste collection service sign-ups for 2013 in the original plans to introduce the garden waste collection service?
	<b>Response from Cabinet Member Sustainability, Councillor Whyborn</b>
	The business case for the garden waste scheme originally anticipated a total of 20,000 bin sales by 2013.
<b>3.</b>	<b>Question from Councillor Wall to Cabinet Member Sustainability</b>
	Can the Cabinet member confirm the number of brown bins the Council has in stock and the monetary value of these?
	<b>Response from Cabinet Member Sustainability, Councillor Whyborn</b>
	We have 9,600 bins in stock (including 1,000 which we will be selling to TBC at cost price in April). The value of the stock is £148,320 (or £132,870 if you take off the bins to be sold to TBC). The number of bins in stock is significantly less than when your colleague asked the same question at Council in June 2012
<b>4.</b>	<b>Question from Councillor Wall to Cabinet Member Sustainability</b>
	Can the Cabinet member confirm what costs have been incurred in

	Council staff time and specific expenditure of the recently launched no side waste and closed bin policy from the trial period into the current extension of this across the town?
	<b>Response from Cabinet Member Sustainability, Councillor Whyborn</b>
	The staff involved, in supporting the roll out of the no side waste and closed bin policy, are undertaking this work as part of their normal duties so the council has not incurred additional staffing costs. The council has had to order bin stickers and tags and to date this has cost £3,500. However this is minimal compared to the cost to the taxpayer if residents do not recycle. Landfill costs for GCC are going up to £72 per tonne from 1 <sup>st</sup> April 2013. To date the reduction in tonnage we have seen in those areas where we have rolled out the new approach will save the county council around £9,600 per annum. In addition if residents do not recycle the borough council will lose potential recycling income as well as recycling credits.
<b>5.</b>	<b>Question from Councillor Wall to Cabinet Member Sustainability</b>
	Can the Cabinet member confirm how many warning stickers have been put on residents bins which have contravened Council policy and also how many residents have been spoken to as a result of a failure to follow Council policy?
	<b>Response from Cabinet Member Sustainability, Councillor Whyborn</b>
	There is a staged process with residents getting warning stickers before we start to tag bins. Where tags are issued we do try to contact residents but we cannot always make contact. If the resident continues to present side waste or has a bin lid open then we will send a formal warning letter. As you will see we have had to issue very few formal letters and to date we have not had to undertake formal enforcement action. The number of stickers, tags and letters delivered up to 18th February 2013 are set out below for the areas where the policy has already been rolled out.  Up Hatherley/Warden Hill  Stickers – 656 Tags – 416 Letters – 7  Leckhampton  Stickers – 344 Tags – 61 Letters – 4  St Pauls  Stickers – 1257 Tags – 173 Letters – 41
<b>6.</b>	<b>Question from Councillor Wall to Cabinet Member Sustainability</b>
	Can the Cabinet member confirm how many excess waste bags are being purchased by residents and what the Council's expectation is for the level of sales of these bags?
	<b>Response from Cabinet Member Sustainability, Councillor Whyborn</b>

	<p>The council has yet to roll out the excess waste bag scheme. An order has been placed for one pallet (the smallest quantity we could purchase) at a cost of £1190. We do not expect a huge take up (and have made no assumptions on income levels) as we want to encourage people to recycle and I would refer the member to my previous answer to question 4 about the costs to the taxpayer if people do not recycle. However we do want to be able to give residents the opportunity to have such a facility as on occasion residents may have excess waste. Cotswold District Council currently operates a similar system which has been well received by their residents.</p>
<b>7.</b>	<b>Question from Councillor Smith to the Cabinet Member Housing and Safety</b>
	<p>Can the Cabinet Member confirm what steps he has taken to ensure that meat products sold to the public of Cheltenham have not been contaminated with Horse meat?</p>
	<b>Response from Cabinet Member Housing and Safety, Councillor Jeffries</b>
	<p>Investigation of the possible contamination of meat products with horse meat is outside the legal remit of Cheltenham Borough Council, therefore the Cabinet Member has not instigated any such action. Trading Standards at Gloucestershire County Council has statutory responsibility for Food Standards and therefore an offer of assistance has been made to them by Cheltenham Borough Council's Public &amp; Environmental Health Service (who have statutory duty for Food Hygiene, NOT Food Standards).</p> <p>Councillor Smith was not satisfied that the Cabinet Member had answered the question and his supplementary question was what steps the Cabinet Member himself, had taken to ensure that meat products being sold in Cheltenham had not been contaminated with horse meat?</p> <p>The Cabinet Member reiterated that this was not a responsibility of the borough council, though an offer of support had been made to GCC who had the statutory responsibility for Food Standards.</p>
<b>8.</b>	<b>Question from Councillor Smith to the Cabinet Member Housing and Safety</b>
	<p>What has the Cabinet done to ensure that the Food Safety teams have been adequately resourced to respond to public concerns? What is the current budget and how much additional funding has been allocated in recent weeks?</p>
	<b>Response from Cabinet Member Housing and Safety, Councillor Jeffries</b>
	<p>Whilst the Food Team in Cheltenham is indeed small, it operates on the same principles of risk management as the rest of the Public &amp; Environmental Health Service. In general, public health concerns are prioritised according to risk to human health and dealt with appropriately. With regard to the horse meat situation, there has been almost nil public concern received by CBC - there has been ONE consumer query about sampling, NO media queries and NO Member queries apart from this one. This would indicate public and media understanding that this is a FOOD STANDARDS issue.</p>

	<p>In a supplementary question Councillor Smith asked whether the Cabinet Member accepted the public would find it difficult to know who to contact about any concerns given that there was no advice on the council's website. Whilst he accepted that the borough council were not responsible he queried whether something could be added to the website directing the public to the county council.</p> <p>The Cabinet Member advised that to date there had been one query on this subject. The member of public had been put through to Environmental Health for advice and then referred to GCC, as the responsible authority, for more information.</p>
<b>9.</b>	<b>Question from Councillor Smith to the Cabinet Member Housing and Safety</b>
	What is the process for DNA testing of meat products and how many have been undertaken in Cheltenham in the last year?
	<b>Response from Cabinet Member Housing and Safety, Councillor Jeffries</b>
	<p>None by Cheltenham Borough Council - see answer to question 7. Information is held by Trading Standards at County Council who enforce FOOD STANDARDS.</p> <p>Councillor Smith, who did not feel the Cabinet Member had answered the question, repeated it, asking whether the Cabinet Member knew the process for testing and whether any had been undertaken in Cheltenham?</p> <p>The Cabinet Member again referred Councillor Smith to his original response to question 7.</p>
<b>10.</b>	<b>Question from Councillor Smith to the Cabinet Member Housing and Safety</b>
	Can he re-assure Council that members of the public who have eaten at council owned venues have not been fed horsemeat?
	<b>Response from Cabinet Member Housing and Safety, Councillor Jeffries</b>
	<p>Due to the complexities of food chain supplies and the suspected large scale criminal activity behind this scandal, it would be impossible and indeed improper, to make any such assurances at this stage or at any point in the future.</p> <p>The Council have requested statements from all suppliers giving us the required and unequivocal assurances that no products supplied through our outlets are implicated in the equine DNA contamination. To date we have received 80% of requested responses and all have positively stated that <b>no products supplied to Fosters are implicated in the equine DNA contamination.</b> We anticipate the final responses within the next day and remain confident that these will be in line with those already received.</p> <p>Councillor Smith was grateful for the reassurance and asked that once the final responses had been received, a briefing be circulated to all members so that they could confidently allay any concerns of the public.</p>

The Cabinet Member was happy to circulate a briefing to all members once final responses had been received.
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**9. REPORT OF THE ALLOTMENTS SCRUTINY TASK GROUP**

This item was considered after Agenda Item 12 (Council Tax Resolution 2013-14).

Councillor Smith, Chairman of the Overview and Scrutiny Committee, invited Councillor Stewart as Vice-Chair of the scrutiny task group to introduce the report. Councillor Stewart highlighted the importance of the council fulfilling its statutory duty to provide allotments. The waiting list currently stood at 700. The task group had undertaken a series of visits to allotment sites and held in depth discussions with officers and others involved. He wished to thank all those officers who had supported the group in its work.

It was suggested that rather than reconvening the task group in 12 months time to review the implementation of the recommendations, this could be undertaken by the Overview and Scrutiny Committee.

In response to a question raised regarding the allocation of £600 000 of capital receipts from the sale of land at Midwinter to fund provision of potential new allotments in Cheltenham, the Cabinet Member Finance, referred to the Council's commitment to invest part of the receipt from the Midwinter sale in allotment provision. £600 000 was a recent estimate from property services to provide for the current level of demand. Further work was ongoing to assess demand in terms of duplication with parish council waiting lists. Reference had been made in the report to land at Priors Farm and work was ongoing to ascertain whether this was the right land in the right location. He highlighted that the allotment reserve would form part of the supplementary capital programme which would be brought to Cabinet and Council later in the year.

The Chair of Overview & Scrutiny reminded members that it was scrutiny's intention to bring each piece of work before as many members as possible to raise awareness and enable members to contribute. He thanked the working group for its constructive report which would certainly add value. He welcomed the fact that the legal position had now been resolved. Where there is a Parish Council in a District Council area, then the powers, duties and responsibilities of the Allotment Authority for allotments within the boundaries of that parish lie with them. In addition the Chair of Scrutiny expressed the Task Group's concern about the ability of officers to support allotment holders in the light of budgetary changes. A further key issue was the recommendation to work with others to identify plots of land which could be used for allotments and the council was urged to work in partnership with organisations to facilitate a scheme to distribute surplus produce to those in most need in the town.

The Cabinet Member Sustainability congratulated the task group on its extensive work and thanked all officers involved. He expressed caution with regard to recommendation 6 which requested additional support for allotments as resources were limited but Cabinet would take seriously the recommendation to work with the voluntary sector to take things forward.

In terms of the £600 000 to fund future provision he explained that this was a political commitment which was not set in stone. He reiterated the fact that

Allotment Law requires that where allotments are sold, there is an obligation to replace the lost allotments if there is a demand for them. £600 000 therefore represented the Council's best estimate of meeting current demand. He also highlighted that whilst allotment provision in parished areas clearly lay with Parish Councils, the council would still take an interest in those areas particularly when looking for availability of sites around the town and especially in the south of the town where there was currently the most demand.

The Leader of the Council welcomed the report and said that setting aside £600 000 was justified under the Allotments Act.

Upon a vote it was unanimously

**RESOLVED that**

- 1. The work of the Scrutiny Task Group and asks Cabinet to consider the recommendations contained within the report be commended.**
- 2. The setting aside of up to £600,000 of capital receipts from the sale of land at Midwinter to fund provision of potential new allotments in Cheltenham be approved.**

**10. REPORT OF THE SEX TRADE SCRUTINY TASK GROUP**

Councillor Smith, Chairman of the Overview and Scrutiny Committee invited Councillor Driver as chair of the scrutiny task group to introduce the report.

Councillor Driver explained that the issue of the sex trade in Cheltenham was first raised as an issue in June 2012 due to its high profile in the media. The scrutiny task group was set up to investigate the matter and as a result determined that Cheltenham did not have an excessive problem but nonetheless a problem existed. She wished to thank everyone involved for their input including the Police, Social Services and the BBC.

The Mayor referred to the updated recommendations as tabled and

Upon a vote it was unanimously

**RESOLVED that**

- 1. The recommendations of the Scrutiny Task Group set out at 7.1 of the Scrutiny Task Group report (and below a-e) be endorsed and forwarded to Cabinet for approval :**
  - a) That the council should work with the Police, Public Protection Bureau and voluntary organisations to identify emergency facilities where vulnerable people can be housed safely for a short period. This will allow for victims to receive appropriate emotional support from trained professionals whilst also allowing the Police a sufficient period of time to interview them and build a case for prosecution.
  - b) That all Councillors should attend awareness sessions on safeguarding issues, particularly to learn about the warning signs that children, young people and vulnerable adults often exhibit if they are being abused or

exploited. As community representatives with local knowledge and local intelligence, Councillors are in a good position to contribute towards this agenda.

- c) That the council assist the Police and Public Protection Bureau in producing, promoting and distributing information to those who may be at risk of sexual exploitation or already be victims of it, to let them know where they can go for help and assistance. The task group recognises the challenges involved in making this information accessible to those who are fearful of authority or many not speak English as a first language.
  - d) That the council support the work of the Public Protection Bureau in raising awareness of prostitution and potential sexual exploitation. One issue focuses around making hoteliers more aware of the potential for their premises to be used for prostitution and exploitation purposes, and in response the task group recommends that the council use its links to the Cheltenham Hoteliers Associate to raise awareness of this issue, particularly in relevant periods such as the run up to 'race week'.
  - e) That a greater focus should be placed on producing high quality quantitative data on the scale and nuance of sexual exploitation in Cheltenham, and Gloucestershire as a whole. The task group recognises that the Police are already taking steps to address this issue, however as an intelligence-led area of policing, the importance of understanding the true scale of the issues we face so that we can work together with as partners to coordinate appropriate levels of response, cannot be underestimated.
- 2. The Chief Executive be requested to forward the Scrutiny Task Group report to the Police and Crime Commissioner and Police and Crime Panel to make them aware that issues of human trafficking and sexual exploitation remain an area of concern and focus to Cheltenham Borough Council. This should be done once the report has been considered by Cabinet so that their proposed response can also be included.**

## **11. POLICY ON MEASURES TO CONTROL STREET SCENE ACTIVITIES IN CHELTENHAM**

The Cabinet Member Housing and Safety introduced the draft policy for approval by Council. The draft policy had been approved by Cabinet on the 17 April 2012 for the purposes of consultation and again on the 15 January 2013 following consultation feedback and subsequent amendments. The policy would assist applicants and the council in the decision making process and aimed to promote a street scene which would enhance the town.

The Cabinet Member Housing and Safety gave the following response to member questions;

- He had not considered the impact of balloons tied to A Board to those that were partially sighted or blind but would raise this issue with officers.
- Once licensed enforcement of the policy became much easier.
- The Licensing and Community Protection Team would be dealing with enforcement of this policy, which consisted of six officers.



Upon a vote it was unanimously

**RESOLVED that;**

- 1. The consultee comments submitted be noted and;**
- 2. The amended draft policy be adopted, to take effect on the 1st of April 2013.**

**12. COUNCIL TAX RESOLUTION 2013-14**

The Mayor advised members that he had agreed that this item would be considered before Agenda Item 9 (Report of the Allotment Scrutiny Task Group) as he considered this would offer the best use of officer time for those finance officers who were in attendance.

The Cabinet Member Finance introduced the report, explaining that this was a routine matter for the Council, to formally approve the total Council Tax for residents of Cheltenham, including Council Tax requirements of the precepting organisations Gloucestershire County Council, Gloucestershire Police and the Parish Councils.

Upon a vote it was unanimously

**RESOLVED that the Tax resolution at Appendix 2 be approved and the commentary in respect of the increase in Council Tax at Paragraph 6 of Appendix 2 be noted.**

**13. NOTICES OF MOTION**

No notices of motions had been received.

**14. TO RECEIVE PETITIONS**

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

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

There were no urgent items for discussion.

**16. LOCAL GOVERNMENT ACT 1972 -EXEMPT INFORMATION**

**It was RESOLVED that That in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining agenda items as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraphs 1, 3 and 5, Part (1) Schedule (12A) Local Government Act 1972, namely:**

**Paragraph 1; Information relating to any individual.**

**Paragraph 3; Information relating to the financial or business affairs of any particular person (including the authority holding that information)**

**Paragraph 5; Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings**

**17. EXEMPT MINUTES**

Councillor Prince left the Chamber at 3.15pm.

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

Upon a vote it was, by those that had been present, unanimously

**RESOLVED that the exempt minutes of the meeting held on the 8 February 2013 be agreed and signed as an accurate record.**

Colin Hay  
**Chair**