

**SWINDON PARISH COUNCIL**

**COUNCIL MEETING**

**8<sup>TH</sup> SEPTEMBER 2009**

**SWINDON VILLAGE PRIMARY SCHOOL, CHURCH ROAD**

Present:

Councillors:

Hugh Evans (Chairman)	Peter Allen (Vice-Chairman)
Rob Ellis	Joanna McVeagh
Colin Green	Glenn Simpson
David Iliffe	Adam Slaughter (until 10.05 p.m.)

Also Present:

Stephen Holley (Clerk of the Council)  
Mr. Jamie Clarke (Cheltenham Borough Council)  
Mr. John Cripps  
(Standards Committee - Cheltenham Borough Council)  
Mr. Trevor Gladding  
(Community Safety Manager - Cheltenham Borough Council)  
Councillor Bernie Fisher  
(Ward Member - Cheltenham Borough Council)  
Councillor Suzanne Williams  
(Ward Member - Gloucestershire County Council)  
PCSO Morag Gordon  
(Gloucestershire Constabulary - Hesters Way INA)  
PS Paul Simmons  
(Gloucestershire Constabulary - Hesters Way INA)  
Eighteen members of the public

Note:

In view of the public interest in the item on Boy Racers/Cruisers, the Meeting was re-located to the Main Hall of the School.

**PUBLIC SESSION**

A. Boy Racers/Cruisers

PS Simmons explained that Boy Racers/Cruisers were not a new phenomenon, they had been a matter of concern for several years now. PCSO Morag Gordon had visited every house in the Swindon Village area to identify issues for the local community and to obtain an accurate idea of the public perception of those issues. The Police would be working with the Borough Council, the County Council and all other relevant agencies.

The Chairman invited Public Questions, and the following items were raised:

- Q1. Residents had been told previously that the various organisations were trying to sort the problem out. This had gone on long enough; what were they actually doing?
- A1. *In response, PS Simmons explained that the Police could take action over the short, medium and long-term. In the short-term; patrols could be sent out for an hour, but they simply displaced Boy Racers from the patrolled location to somewhere else. In the medium-term; covert surveillance operations had been carried out, and other operations. Also, some companies in the area had put up fences or barriers to keep unauthorised vehicles off their property and car parking areas. A working group had been looking at the problem but had not come up with a long-term solution, PS Simmons explained, adding that it was quite possible that he would be having exactly the same conversation in 12 or 24 months time.*
- Q2. There was a general feeling of resentment that the Police could say everyone might be having “exactly the same conversation in 12 or 24 months time”. Why should the village put up with inaction?
- A2. *Patrolling was ineffective in the short- and medium-term because no offences were committed while a patrol car was in evidence. Gatherings of Boy Racers would either behave responsibly for that time, or disperse and return later. If the Police did not witness any offences, they could not prosecute.*
- Q3. Were the Police and larger agencies considering new legislation as part of the long-term solution?
- A3. *Mr. Gladding explained that a solicitor from the Borough Council’s legal department was to report on the possibility of seeking new legislation; the solicitor had been consulting other areas.*
- Q4. Not only did the Boy Racers not have permission to use the local roads, but some had no insurance or MOT certificate. They also left a lot of litter. Why were they able to get away with this when legitimate events such as Church parades and processions using the roads were required to obtain permission just to go on the roads?
- A4. *With regard to the legality of vehicles, PS Simmons explained that the vast majority of Boy Racers were legal road users. Most of the powers available to the Police were under the Road Traffic Act so, if no offence was being caused, there was no power to move people on. The use of private car parks and littering private property was not a matter controlled by the Police.*
- Q5. A resident stated that he had reported Boy Racers causing problems at 8.00pm one evening, but they were still doing so at 11.00pm. What were the Police doing in that three hours?
- A5. *The Police had to prioritise incidents and, if resources were already allocated to other incidents, it might not be possible to respond to a call registered at 8.00pm for several hours. However, residents should continue to phone and register complaints which were useful in providing evidence\* of any problem.*
- \* There was much support for a resident who expressed his astonishment that the Police should request residents to log complaints ‘to provide evidence’ when the problem had been evident for over eight years. It only took a few moments observation of a Boy Racer event to see the scale of the problem. It was insulting to ask residents to continue phoning in.
- Q6. Why did it appear that Boy Racers had left the Town Centre, only to start up in Swindon Village?
- A6. *It was not correct to say that Boy Racers had left the Town Centre; there were still problems there.*
- Q7. Was Swindon Village being used as a containment area, because it was better to have Boy Racers there than elsewhere in the town?

- A7. *Mr. Trevor Gladding, Cheltenham Borough Council's Community Safety Manager, stated that there was no policy of containment in Swindon Village in preference to allowing the problem in the Town Centre. Problems had reduced in the Town Centre, but it did not follow that the agencies were content to allow the problem to remain in Swindon Village.*
- Q8. Could the Police install speed cameras to catch Boy Racers in the act? To receive automatic Penalty Notices and fines should be adequate discouragement to many.
- A8. *PS Simmons explained that Speed cameras were not installed by the Police, which had only mobile equipment. Permanent equipment was a matter for the Highways authorities.*
- Q11. Was there a noise level above which the Police would enforce against noisy exhausts?
- A12. *It might be possible to take action in respect of noise, but the Police did not have a dedicated resource to monitor and enforce against noise offences. The legal limit for exhaust noise was 90 dB. The Police Road Policy Unit had the necessary monitoring equipment and worked with the principal Councils.*
- Q13. Could sleeping policemen/speed bumps be installed in the estate roads?
- A13. *PCSO Gordon explained that the installation of sleeping policemen/speed bumps was not supported by the businesses in the industrial estates, as they were concerned about damage to stock and equipment in delivery vehicles. Nor did they want to install lockable gates on the (privately owned) industrial estate roads, as this would be impractical given the number of deliveries from external suppliers. There was also a question of who would be responsible for locking and unlocking the gates.*
- Q14. Councillor Bernie Fisher stated that, as a Cheltenham Borough Councillor, he was aware of the problems. Earlier this year the Police had applied for a Dispersal Order covering the Town Centre only. At that time Councillor Fisher had said that the Order should be extended and had been told that the Police only had the resources to enforce the Order in the Town Centre. In the previous day's edition of the 'Gloucestershire Echo' a report had stated that the Order had never been used, implying that the resources identified for enforcement had remained unused. If they had not been required in the Town Centre, surely they could have been allocated to Swindon Village on Sunday evenings?
- A14. *PS Simmons explained that Dispersal Orders had to be proportionate to the problem, and supported by statistics. Residents should continue to log complaints in order to create such statistics. Dispersal Orders were not indefinite; generally they could be applied for three to six months with a possible extension of three months. The power in the Order allowed the Police to disperse groups of three or more people from congregating at a certain location for 24 hours. The problem was that those people could come back after 24 hours (or the following week).*
- Q15. Could Cheltenham Borough Council place skips in locations of the greatest inconvenience to the Boy Racer events? Perhaps put them out on Friday afternoons and collect them on Monday mornings?
- A15. *No answer*
- Q16. Some vehicles appeared to be driving at 60mph or more, and some skid noises could be heard for up to 30 seconds. Did the Police find it embarrassing that they had no suggestions to actually do anything to enforce the rights of residents to a peaceful existence?
- A16. *Mr. Gladding asked if anyone had suggestions as to what could be done, as no other area had come up with the right answer.*

A16. *Mr. Gladding explained that the various agencies involved did understand the issues. He had been studying the problem for at least eight years and had learned that Boy Racers were a global issue. Events were organised on a professional basis with websites based in the Midlands and the North of England. Mr. Gladding had visited Bristol, Birmingham and Leicester, where there were even bigger problems. From the beginning of the problem in Cheltenham, Mr. Gladding had been in dialogue with the representatives. He had learned that they wanted their own space, off public roads. Mr. Gladding explained that in Bristol a one-day annual event had been initiated, when Boy Racers would be dealt with sympathetically by the Police. Approaches had been made to Cheltenham Racecourse and Staverton Airport, but both had rejected the idea of hosting any events. Eventually these representatives had dropped out of meetings when they found that the Boy Racers were not going to be given exactly what they wanted. Councillor Peter Allen (Swindon Parish Council) explained that, even if a piece of land was provided, as requested, it would still be necessary to monitor and enforce the event, the costs of which would still be at public expense.*

Mr. Gladding welcomed anyone to attend or join the Cheltenham Cruisers/Boy Racers Working Group. The Working Group currently comprised representatives from Kingsditch Retail Park, the Police, the Borough Council and the County Council. A representative from the Parish Council would be welcome. Councillors Rob Ellis and Adam Slaughter volunteered.

The Chairman thanked all present for their contributions.

Note:

In view of the public interest in the item on Boy Racers/Cruisers in the Public Session, the Chairman agreed to amend the order of business to allow for the formal Agenda item to be dealt with first.

**09/104      BOY RACERS/CRUISERS**

In the light of Mr. Gladding's offer in the Public Session, it was

**RESOLVED that Councillors Rob Ellis and Adam Slaughter be authorised to join the Cheltenham Cruisers/Boy Racers Working Group.**

**09/105      DECLARATIONS OF INTEREST**

There were no declarations of interest.

**09/106      MINUTES**

**1.      Minutes of the Meeting of the Council held on 4<sup>th</sup> August 2009**

**RESOLVED that, with the following amendment, the Minutes of the Meeting of the Council, held on 4<sup>th</sup> August 2009, be approved as a correct record:**

Minutes - Matters Arising from the Minutes of the Meeting of the Council held on 14<sup>th</sup> July 2009 (Minute 09/092.1)(i)

Delete the word "premises" from the end of the last sentence and replace with the word "suppliers"

## **2. Minutes of the Meeting of the Council held on 14<sup>th</sup> July 2009**

Insert the following payment; which had been properly approved by the Council: -

Clerk's salary and expenses (June) - £265.93

09/107

### **CHELTENHAM BOROUGH COUNCIL TO HOST NEIGHBOURHOOD MANAGEMENT MEETINGS**

The Council considered a proposal from Cheltenham Borough Council to host four Neighbourhood Management meetings each year.

Borough Councillor John Webster and Ms Helen Down, the Borough Council's Partnerships Officer had spoken on the proposal at an informal briefing session held on 1<sup>st</sup> September 2009. At that meeting they had explained that the Borough Council wished eight community organisations around the Borough (including the five Parish Councils) to host four Neighbourhood Management meetings each year. The intended purpose of these meetings would be to get the principal Councils, the Police and other partners together with community groups in order to resolve 'nitty gritty problems like potholes and drains' and other local issues there and then.

Concern was expressed that the Council would be taking on extra administration for no obvious benefit. However, it was noted that the Borough Council was offering a maximum sum of £5,000 in the first year to each host organisation to support these meetings. This sum could be split over successive years if the costs were lower than £5,000 in the first year.

The Council noted a suggestion that the four meetings be held on the second Tuesday of each month, immediately prior to the Council's usual monthly meeting, replacing the Public Session. PS Simmons was invited to comment and stated that he supported the proposal.

**RESOLVED that the Council agree to host a maximum of four Neighbourhood Management meetings for a trial period of one year, subject to being satisfied with the proposed administrative and financial arrangements.**

09/108

### **CO-OPTION TO FILL VACANCY ON THE COUNCIL**

The Clerk reminded the Council that one vacancy remained to be filled. Members were requested to promote this vacancy to eligible persons.

09/109

### **ADMINISTRATION**

#### **1. Correspondence**

The Council received a note of correspondence received.

## 2. Other Administrative Matters

**RESOLVED that the Clerk be authorised to attend the 'Budget Planning / Audit Implications' seminar organised by the Gloucestershire Training Partnership, at a cost of £40.**

09/110

### REPORTS

#### 1. Report from the County Councillor

(i) County Councillor Suzanne Williams informed the Council that a resident had requested information on the role and duties of the Parish Snow Warden and the Parish Flood Warden (volunteer posts, both occupied by Parish Councillor Colin Green). The Clerk offered to write a short article for a future edition of 'Village News'

(ii) Replacement seats had been placed in the Swindon Playing Fields; an extra seat had also been provided. It was noted that joggers had been seen using these seats for 'step-ups', thereby getting mud on them.

(iii) A tarmac path was to be installed from the Village Hall car park to the Sundial Mosaic.

#### 2. Report from the Borough Councillor(s)

(i) Borough Councillor Bernie Fisher informed the Council that, since Spirax Sarco had been granted outline planning permission for various extensions (Planning reference 08/01142/OUT) the company had changed its mind about the scheme. Because this scheme was still at an early stage, Councillor Fisher would continue to seek 'planning gain' money towards the installation of a footbridge adjoining the Swindon Road bridge, enabling the road to be widened.

(ii) Councillor Fisher had requested that a retrospective planning application in respect of Hyde View be referred to the Planning Committee in respect of levels and flooding concerns.

#### 3. Reports from Swindon Parish Councillors

Councillor Iliffe requested that the Clerk circulate an email inviting the Council to become a consultee for the Cheltenham-Gloucester-Tewkesbury Joint Core Strategy.

09/111

### PLANNING AND LICENSING

#### 1. Planning Applications referred to the Council for observations

(i) The Council noted the following comments on applications delegated to the Clerk for observations (subsequent to consultation with Members of the Council):

09/0041/CHMAJW - John Herbert Skip Hire - Erection of a building at skip hire yard together with waste transfer station to facilitate waste handling to recycling. Summary of OBJECTIONS on the following grounds: (a) the Inspector at a previous planning appeal had stated that the storage and transfer of waste at the site would

be very likely to give rise to smell and litter around the site; (b) it would cause additional disturbance to those dwellings on the other side of the railway and some 25m from the site; (c) the company gave undertakings to the Inspector, presumably to get conditional planning permission, and then reneged on those conditions; (d) it is clear from the company's actions, i.e. to disregard the conditions which they had agreed, that the site would not be self-regulated to the necessary standards; (e) the possible pollution would be quadrupled from that of the current unauthorised use.

09/01087/ADV – Hylton Nissan (presently Renault), Mackenzie Way/Manor Road - Installation of various signs. OBJECTION on the following grounds: (1) Sign J is excessive at 6m high. Sign J is illuminated, and that there are no limits stated on the level of illumination; (2) Sign J could impair highway visibility for vehicles exiting Mackenzie Way; (3) Sign U is in the visibility splay for the exit from the premises. The plan shows it as being 0.99m high, but it may in fact be higher if the height of the verge is taken into account.

09/01087/ADV – Hylton Nissan, Manor Road – Installation of various signs. (Revised scheme). The Council notes the deletion on sign J, but maintains OBJECTIONS on the following grounds: (1) The sign in the visibility splay would be a problem to drivers' visibility because of the gradient on the existing setup. This problem is exacerbated by the fact that many drivers leaving the premises will be in a vehicle that is new to them; (2) at certain points the flag poles will align to form a wall to visibility; (3) it seems inappropriate to fly flags so close to a public highway.

09/01181/FUL - 41 Quat Goose Lane - Erection of rear conservatory. NO OBJECTION

09/01141/FUL - 36 Church Road - Erection of two bay oak frame car port. OBJECTION on the grounds that the carport is too dominant, and forward of the building line of the adjacent properties. There would be no objection to a carport in the same position with a shallow roof pitch of a few degrees, which would serve the intended purpose just as well.

09/001174/CACN - 41 Church Road - Tree work. NO OBJECTIONS.

(ii) The Council AGREED responses to the following applications: -

09/01222/CACN - Green Lodge, Church Road - Hornbeam - crown thin by 20%; Smaller Lime - crown lift up to 5m and crown thin by 20%; Larger Lime - crown lift up to 5m, crown thin by 20% and crown reduce by 20%. OBJECTION only to the crown reduction of the larger lime tree. The work would be detrimental to the visual amenity of the tree; in the short-term it would look top-heavy and in the long-term it would be counter-productive, as the tree would put on a thick, 'twiggy' top-growth.

09/01153/FUL - 18 Church Road - Construction of two storey extension. NO OBJECTION, but the Council has reservations over the vents on the side elevation facing No. 20 Church Road and suggests that they be omitted, otherwise they might prevent the owners of that property from extending.

09/01205/FUL – Unit 13, Kingsditch Retail Park (former Furnitureland unit, to become Marks and Spencer) - Security fencing. NO OBJECTION, but the Council would like to see (i) clarification of the impact on staff car parking; and (ii) a condition requiring that the gates be painted dark green and maintained in that colour.

**RESOLVED that the comments detailed above be relayed to Cheltenham Borough Council.**

## **2. Decisions on Planning Applications**

The Council noted the following decisions on Planning Applications notified by the Borough Council: -

09/01053/FUL - 126 Riverleys – Erection of a conservatory. The Council noted that the decision had addressed its objection to the presence of clear glazing on the elevation adjoining the neighbouring property. Permission had been granted subject to a condition requiring the use of obscured glass.

## **3. Licence Applications**

No licence applications had been referred to the Council.

**09/112**

### **TRAFFIC AND HIGHWAYS**

1. The Clerk was requested to ask Cheltenham Borough Council to cut back the hedge alongside Swindon Playing Fields.
2. The Clerk was requested to ask Gloucestershire Highways for the following:
  - The installation of three-bar countdown signs on Hyde Lane, to warn of the 30mph limit effective from the 'D'
  - A progress report on the request to reduce the speed limit on Manor Road from Runnings Road to Tewkesbury Road from 60mph to 30mph
  - A response to the Council's request that the weeds be sprayed in the gutters around the parish
  - The installation of bollards to protect the footpath by Mary Godwin Pavilion. Cars parked opposite the entrance and blocked the disabled access
  - Attention to the road works at the junction of Rivelands Road and Quat Goose Lane; the work had been ongoing for at least two weeks. Drivers turning right out of Rivelands Road obstructed Quat Goose Lane to oncoming traffic
  - Attention to the surface of Mandarin Way. Chunks of the wearing course and base course were wearing away.

**09/113**

### **ALLOTMENTS**

1. The Clerk informed the Council that the Allotments Manager had requested him to write to four allotment tenants, requiring them to tidy up their plots.
2. It was reported that one tenant periodically used his allotment shed to sleep in. It was AGREED that this was an unacceptable use of the allotments and the Clerk was requested to ask the Allotments Manger to investigate.
3. The Clerk explained that, in view of the busy agenda for the present Meeting, he had not been able to prepare a report in respect of the Allotments Rent Review (Minute 09/102 referred). Consequently, the rent request letters would be sent out with the advice that a rent review was imminent, with any changes effective from 1<sup>st</sup> April 2010.

**09/114**      **VILLAGE SIGN**

The Clerk presented images of a number of different signs on a stone base or support. The Council AGREED the following: (i) not to pursue the suggestion of a carved pig design to reflect the origins of the name Swindon/Swine-don; (ii) to request the Clerk to prepare a final design proposal in respect of one of the stone signs; and (iii) the final design should include a 6" to 12" cobble buffer around the sign. This final design would remain to be considered as an alternative to any other type of sign (such as painted or carved wood, metal or other material) being investigated by Councillor Allen.

**09/115**      **FINANCE****1.      Accounts for the Year Ended 31<sup>st</sup> March 2009**

It was noted that the External Auditor's Report had not yet been received.

**2.      Accounts Approved for Payment**

	£	£
Clerk's Salary, (August)	236.07	
Expenses	<u>29.86</u>	
		265.93
Royal British Legion (Poppy Appeal) (Payment under s.137 of the Local Government Act 1972)		50.00
Gloucestershire Training Partnership Clerk's attendance at training day		40.00
M R Gautrey.- Refurbishment of Wymans Lane bus shelter		311.75

**09/052**      **MATTERS IDENTIFIED FOR FUTURE CONSIDERATION**

- Review of Allotment Rents, for implementation from 1<sup>st</sup> April 2010
- Publication of the final South West Regional Spatial Strategy
- Review of the Clerk's salary, to include 'benchmarking'
- Eligibility for Quality Council status
- Extension of the footpath from the Amenity Area to Swindon Playing Fields
- Donation/Grant to the Village Hall Committee
- Agenda items for the Annual Parish Assembly in 2010, to include an update on Boy Racers and a presentation by the Borough Council's Tree Officer on tree applications and good tree management)

**09/053**      **OTHER BUSINESS ALLOWED BY THE CHAIRMAN AS URGENT**

There was no urgent business.

The Meeting closed at 10.43 p.m.

Chairman