

COTSWOLD DISTRICT COUNCIL

COUNCIL MEETING

15 JULY 2020

Present:

Councillor Nigel Robbins	- Chair
Councillor Dilys Neill	- Vice-Chair

Councillors -

Stephen Andrews	Stephen Hirst
Mark Annett	Robin Hughes
Julian Beale	Sue Jepson
Gina Blomefield	Julia Judd
Claire Bloomer	Richard Keeling
Tony Berry	Juliet Layton
Ray Brassington	Andrew Maclean
Patrick Coleman	Nick Maunder
Rachel Coxcoon	Richard Morgan
Tony Dale	Richard Norris
Andrew Doherty	Gary Selwyn
Mike Every	Lisa Spivey
Jenny Forde	Ray Theodoulou
Joe Harris	Steve Trotter
Mark Harris	Clive Webster
Nikki Ind	

CL.14 APOLOGIES

Apologies were received from Councillor Roly Hughes

CL.15 DECLARATIONS OF INTEREST

Councillor Webster declared an interest in Exempt Item 12 on the Agenda, and indicated he would speak as a District Councillor.

The Monitoring Officer declared an interest in respect of Exempt Agenda Item 13, and confirmed she would leave the Meeting while that item was being discussed.

CL.16 MINUTES

**RESOLVED that the minutes of the meetings held on 26 February 2020 and the Annual Meeting of Council held on 3 June 2020 be confirmed.**

**Record of Voting - for 32, against 0, abstentions 2 (26 February 2020), absent 1.**

CL.17 ANNOUNCEMENTS FROM THE CHAIR, LEADER OR INTERIM CHIEF EXECUTIVE

The Leader paid tribute to Nigel Adams and Marie Whiteman who had both retired recently from long careers in Local Government. He welcomed Dr Christine Gore as Interim Chief Executive.

The Leader also updated Council on a decision Cabinet had taken earlier in the day to support the Barn Theatre, financially to provide a Cinema in Cirencester and to continue the CDC Live broadcasts for a further year.

There were no announcements from the Chair or Interim Chief Executive.

#### CL.18 PUBLIC QUESTIONS

##### (a) Question from David Fowles to Councillor Joe Harris

'I read with great interest and considerable scepticism the full page article in Wilts and Glos Standard recently announcing the fact that probably the most experienced Senior Officer of the Council had taken 'early retirement'.

I also hear rumours that there may be discussions taking place about another senior experienced Officer possibly leaving the Council.

If true both of these Officers are leaving at a time when their knowledge and experience would have benefitted your very inexperienced Administration.

What is the total potential cost of these two payoffs – including contributions to their Pension Funds?

Is the rumour that your proposed 30% increase in car parking charges generating a potential £435,000 and coming as it does at entirely the wrong time for the local economy is your way of paying for these two staff departures? I will be attending the Council meeting and look forward to your response. Please could I have a verbal and written reply?'

##### Response from Councillor Joe Harris

'I paid tribute to Nigel Adams earlier in the meeting, I cannot comment on any staff matters, they are confidential and I would be interested to know where you found the information relating to discussions relating to senior members of staff, this is a serious breach of confidentiality of where these rumours came from and what they pertain to.'

##### Supplementary question from David Fowles to Councillor Joe Harris

'I object to the language being used, the information did not come from former colleagues. I would like to see how much has been spent on projects such as the multi-storey car park, office improvements and the financial management relating to this. Happy to have the response in writing.'

Response from Councillor Joe Harris

'Our administration had to find £1m of revenue income and savings, following being elected and I am not going to take a lecture.'

Mr. Fowles commented that he would like it putting on record that he did not expect Councillor Harris to speak to him the way he did and expected him to speak to him properly.

Question from David Fowles to Councillor Joe Harris

It is great to see the innovative ideas that the Conservative Govt have introduced to help pump prime the economy. Ideas such as reducing VAT to 5% to the hospitality sector, cash incentives to businesses to re-employ staff on furlough, even discounts on meals to encourage people to eat out.

Given Rushi Sunak has a first in PPE from Oxford, an MBA from Stanford University and worked at the Bank of England, these initiatives are probably no surprise.

Apart from dishing out government grants and planning to increase car parking charges by 30% I am not aware of any CDC initiatives to restart the economy.

Could the leader please provide details of his qualifications and business experience to reassure us we are in safe hands to guide the local economy going forward? I will be attending the meeting this evening but would request both a verbal and written response.'

Response from Councillor Joe Harris

'We have invested £350,000 for the economy, we are developing an economic development strategy, supporting local businesses, holding webinars through the Communications Team which had been celebrated, we have introduced 20 minute free parking bays in car parks, invested in the light rail project, we are supporting the Barn Theatre in bringing back a cinema. I haven't run my own business, although I do keep getting re-elected, and have a Cabinet of experienced people to help deliver the priorities of the Council.'

Mr. Fowles requested that it was noted that he objected to the language the Leader was using and he realised he had been beaten fair and square, and the Councillor elected in his ward was doing excellent work.

Question from Mike Davis to Councillor Joe Harris

'As a spokesperson for both the Cirencester Chamber of Commerce and the Cirencester Town Centre Business Forum, I have been nominated to present the findings of the Chamber Survey Monkey and the CTCBF petition both of which clearly show that increasing car parking charges at a time when the local economy needs help to recover will have a negative effect. Will you listen to the business community and either cancel or defer any car park charge increases?'

Response from Councillor Joe Harris

'The Council is under severe financial pressure, and the car parking charges mechanism put in place to extend the 'free after three' parking, introduce 20 minute free parking bays in car parks is good, charges haven't gone up for 10 years, we are

talking pence on a car park ticket and there is a need to bring money into the organisation. Through the Covid-19 emergency, we have lost £4m in income.'

Supplementary Question from Mike Davis to Councillor Joe Harris

'I would like to say that it is an wholly inappropriate time to raise car parking charges when businesses are fighting to get people back into the town centre, with a bleak recovery and ask that any plans to increase charges are delayed.'

Response from Councillor Joe Harris

'We have to make tough decisions and have had to increase other fees and charges, as we are going to have a £4m hole in the budget. I know it is not the news you want to hear, but we are keen to engage with businesses and urge you to talk to Tony Dale, Cabinet Member for Economy and Skills.'

Question from Mike Davis to Councillor Dale

'As I understand it, you were first appointed to the Cabinet as the Portfolio Holder for the Economy and Skills in May 2019.'

Could you please let the Business Community know what initiatives you have introduced to help businesses since May of last year in Cirencester and the Cotswolds.'

Response from Councillor Dale

'One of your predecessors asked a similar question in February.' There is an absolute commitment to businesses across the Cotswolds to work with them to have an appropriate recovery plan and also engage with the Cirencester Chamber of Commerce.'

During Councillor Dale's response he explained his qualifications and business experience.

Question from Amanda Davis to Councillor Joe Harris

'I am talking on behalf of Bourton Chase Resident Association. The new development of two hundred houses at Bourton Chase, Bourton-on-the Water includes affordable housing and a payment of £200-300 each year has to be paid by residents, to a management company in order for them to maintain open spaces and attenuation ponds. The attenuation ponds do not benefit residents of the estate. Everyone, including people who do not live on the estate, can use these spaces, which were not adopted either by the Council or the Parish Council. I welcome Motion 1 on the agenda tonight and would like to work with the Council to address this issue of paying fees to upkeep these public spaces.'

Response from Councillor Joe Harris

'Thank you to all the residents on the estate for highlighting the issue and credit to your and neighbours and friends for doing a lot of groundwork, it is a very complex issue, which needs to be discussed and I suggest a round table meeting with residents and Councillors.'

Supplementary Question from Amanda Davis

'Very much welcome that, thank you. Is Cotswold District Council aware just how much a democratic deficit this has created, for example lack of control and accountability leading to elected members becoming very limited in the support to their electorate and how did CDC come to allow this scandalous situation to arise in the first place.'

Response from Councillor Joe Harris

'It is a total scandal and creates a democratic deficit later down the line and puts us all in an impossible situation, particularly with the ownership of the open spaces. I totally understand the concerns and frustrations; you are doing the right thing engaging with us. Let's get around a table and discuss'.

CL19 MEMBER QUESTIONS

(a) Question from Councillor Nikki Ind to Councillor Mike Evemy, Deputy Leader of the Council and Cabinet Member for Finance

'Could you please confirm when the Electric Vehicle Charging Point procurement tender process is due to re-commence for Tetbury and can you also confirm that the Town Council will be consulted and involved in the selection of suitable sites and equipment?'

Response from Councillor Evemy

The project to install electric vehicle charge points (EVCPs) at car parks across the District has been delayed due to the coronavirus pandemic. However, four points will be delivered when the Whiteway Car Park at Cirencester Rugby Club opens in September. Work on the location, procurement and installation of EVCPs in other car parks across the District has restarted with a view to decisions to go ahead on these being taken in the autumn. Town and Parish councils in these locations will be engaged when plans for the car parks have been prepared.

There was no supplementary question; Councillor Ind commented that she looked forward to the restarting of this procurement as it has been outstanding for quite a while for Tetbury, which need charging points and she looked forward to the progress in the autumn. Councillor Evemy responded and reiterated that since taking over as Portfolio Holder this was one of the issues which was being looked at and they were looking to progress this with the help and expertise of the Head of Climate Action. He would keep Members updated with progress across the district.

(b) Question from Councillor Stephen Andrews to Councillor Joe Harris, Leader of the Council

'Officers and Staff of the Council are to be congratulated on the way that they responded to the COVID-19 emergency whilst at the same time ensuring that "normal business", such as that of dealing with Planning Applications and Planning Enforcement, continued.

One such area of "normal business" has been that the Government has continued with its consultations on key aspect of policy, including areas key to the future of Cotswold District.

Would the Leader list those consultations that have been responded to since the 11<sup>th</sup> March and provide members with a copy of the submitted responses that have been provided on their behalf?’

Response from Councillor Harris

‘I have been unable to identify any Government consultations issued since 11 March which relate to areas key to the future of Cotswold District. Officers are diligent in identifying and responding to such consultations and the only Government consultation I am aware of which has received a response since that date is that relating to National Fraud Initiative Fees, which I do not consider to be key to the future of this district. You will recall, I am sure, that there was a Government consultation on the Future Homes Standard earlier this year, but our response to that was agreed by Cabinet at its February meeting, well before the Covid-19 lockdown commenced. I can assure you that there have been other consultations which have been responded to since 11 March, albeit not from the Government. Responses have been provided by officers to consultations from Gloucestershire County Council on its draft Local Developer Guide and its emerging Local Transport Plan, and a report is currently being prepared for consideration by the Audit Committee at its next meeting setting out a draft response to the Local Government Association’s current consultation on a proposed Model Code of Conduct, for its consideration.

Supplementary question from Councillor Andrews to Councillor Harris

‘Thank you for summary of what has been done, in interest of time rather than commenting on the summary in detail, I would draw your attention to the consultation conducted from the Ministry of Housing Communities & Local Government into First Home Schemes which closed on 1 May, the consultation sought views, especially from local planning authorities, such as this council on the delivery for discounted homes for local people, the consultation specifically addressed areas with a definition of what is affordable with the aim of designing a scheme which helps local people especially first time buyers into home ownership whilst maintaining strong communities, Given the concern that this council has expressed about these matters will he undertake to check whether a response has been given to this consultation and if it has not, to liaise directly with our MP on whether if at this late stage some informal input can be given, so voice of people of the Cotswolds can be heard on this important matter.

Response from Councillor Joe Harris

‘Yes we responded to that consultation.’

(c) Question from Councillor Tony Berry to Rachel Coxcoon, Cabinet Member for Climate Change and Forward Planning

‘At the Council meeting held on 3 July 2019, a motion to investigate installing solar panels on the Trinity Road Office building was unanimously approved by this Council, based on a review that was to have been concluded in 6 months. We are now 12 months on and I am unaware of any plan being in place and would ask Councillor Coxcoon what action will take place to carry out the Council’s decision?’

Response from Councillor Coxcoon

An energy survey of Trinity Road was undertaken in April 2020, which included an assessment of the potential for solar PV installation. The survey showed that the

roofs of Trinity Road could accommodate panels with an installed capacity of around 140kWp. For context, this would meet around one quarter of the building's current electricity consumption, save around 10% of greenhouse gas emissions from the building, and achieve a financial payback of roughly 10 years.

The payback period for this investment would be reasonable in the context of the Council's key 10 year climate targets to a) Make the Council's own activities net-zero carbon as soon as possible, aiming for an 80% reduction against a 1990 baseline by 2030, and b) to achieve 100% clean energy use across the Council's full range of functions as soon as possible, and not later than 2030. However any such investment requires reasonable certainty that the building will be occupied, and have a similar electricity demand to the present, for at least the next ten years.

Officers are considering the longer term impact of the Council's use and need for office space as a whole which has been significantly impacted by the Covid -19 pandemic. The ability to maintain services during the lockdown period has shown the potential for different ways of working which could have a significant benefit in the reduction, at source, of carbon emissions for our office buildings. Solar panels have a useful part to play in reducing carbon emissions, but the ongoing review of how the building should be used may yield greater savings, and needs to be resolved before a 10 year payback investment can be justified on this building.

Officers are considering the potential installation of solar panels at other sites, which could be significantly larger installations, may provide greater certainty of long term electricity use, and would therefore (if feasible) be a better investment case. Other substantial opportunities for renewable energy generation and consumption are likely to come forward in due course, both building mounted and free-standing, and officers will actively pursue these as they emerge.

Options are also being considered on opportunities to provide or invest in renewable energy projects such as substantial ground-mounted solar farms. For example having the ability to buy electricity from such an installation could satisfy all or most of the Council's electricity demand.

#### Supplementary question from Councillor Berry

'This was something that could have given a 10% return on our capital investment which the administration is trying to achieve, have a problem that we are not making decisions because we are looking at different technologies and ideas, and it looks as though we are chasing the latest idea rather than necessarily getting on and doing something. We were supposed to be getting plan for the climate change emergency some six months ago and wonder when we would be receiving a plan for the climate emergency for Cotswold District Council.

#### Response from Councillor Coxoon

The assessment for solar panels on Trinity Road, would not be a saving against our capital investment, it would be a contribution of 10% in carbon emission against the strategy to be zero carbon by 2030. The Plan was due to be presented to this meeting and because of prioritisation of work due to Covid-19, it will be presented to Council in September. We are looking at how we can best use resources in relation to the climate emergency and the use of Trinity Road and how that building will be used in the future.'

- (d) Question from Councillor Tony Berry to Councillor Lisa Spivey, Cabinet Member for Housing and Homelessness

'At least a year ago we were preparing to design and build 8 sheltered properties in Kemble at the Community Gardens. Since then discussions have taken place but plans do not appear to have moved forward. Please could Councillor Spivey kindly give us an update on this site and given the prominence given to sheltered housing in this administration's manifesto, when will we see some action in this direction?'

Answer from Councillor Spivey

Officers are progressing the project in line with previous Cabinet decisions. At its meeting in February 2019 the resolution was that 'community-led housing options be supported and an appropriate business case be developed'. Consultation has been carried out with the local community as part of this previous Cabinet decision to understand the community's intentions and ability to deliver this site for an affordable housing scheme.

As one of the Council's priorities it is the intention to provide housing which is truly affordable both in terms of rent and running costs by seeking to deliver on both the priority of social housing and climate change. Work is progressing on the feasibility of delivering against this need and a report will be presented to Cabinet shortly which will consider this overall strategy together with the development of Council owned sites, including Kemble.

A cross party Affordable Housing Board has been set up to review the proposals for housing delivery, with its first meeting anticipated within the next few weeks.

Supplementary Question from Councillor Berry

'When will we start to see some plans for this site and expect the report with some results?'

Response from Councillor Spivey

'The draft report has been received and will be taken to Cabinet in September. Within the next few months there will be some concrete plans, to deliver truly affordable housing within the Cotswolds.

(e) Question from Councillor Julia Judd to Councillor Andrew Doherty, Cabinet Member for Environment, Waste and Recycling

'Residents continue to regularly contact us with complaints of missed rubbish collections. Could you please explain the reasons behind the resurgence of failed collections?'

Response from Councillor Doherty

The launch of the new waste service in March was a massive undertaking and teething problems would have been expected. Launching the service in parallel with the first major pandemic in a century was less foreseeable and that led to considerably more difficulties.

The majority of issues occurred in the early part of the new service launch - when we had maximum disruption from staff absences. Cotswold has been more adversely affected than other authorities by staffing issues and the resulting gaps in local knowledge. Unlike some of our neighbouring authorities we have a minimal number of other staff, such as grounds maintenance, available to help in an emergency.



The customer service and waste teams have put in a great deal of work to identify and resolve persistent problems in collection. The level of missed collections is now greatly reduced and continues to decline. We're now down to less than 40 missed collection calls per day. That's less than 1% of the daily scheduled collections. However, that is still higher than should be considered acceptable so work continues to reduce and eliminate those remaining misses.

Supplementary question from Councillor Judd

It is good that we are down to less than 40 missed collections, but during lockdown, we received really helpful emails letting us know about missed collections, is there any chance that these emails could resume where appropriate?

Response from Councillor Doherty

One of the things I am talking to the team about is to try to ensure we are going back to normal processes, the team are still very busy trying to clear up missed collections and if we have major outages we would make sure that Members were aware of this straightaway, but we will look at an appropriate mechanism to supply information to Members.

(f) Question from Councillor Julia Judd to Councillor Andrew Doherty, Cabinet Member for Environment, Waste and Recycling

'Please could the Cabinet Member clarify why the impact of the Covid-19 crisis on waste collection services in the Cotswold District has been so much worse than for neighbouring authorities?

Response from Councillor Doherty

'I would like to cover this in more detail than time allows, but that needs a proper walk through of the South-West Audit Partnership's (SWAP) "Waste and Recycling Service Redesign - 2019/20" audit report, and the correspondence and documentation that I have seen since becoming the cabinet member.

The service we are now running is pretty much the most complex option that could have been chosen. Anyone with involvement in large projects would recognise that running an operationally complex, staff heavy service with unique custom-built vehicles does not naturally lead to a service that is flexible, robust or resilient.

What is now known about the decision making behind the service review in 2018 would suggest that the full council was persuaded to sign up to the current service without accurate information. While the cabinet recommendation was described as "what residents wanted" and "best", the primary driver of choices behind the scenes was a desire to avoid risk and significant change - the audit report specifically notes a desire to avoid "political" risk. Behind the scenes the project was littered with risks:

- insufficient resources
- a lack of financial oversight
- minimal project management expertise
- insufficient involvement or scrutiny by the administration or executive

Over 7 years the service will cost around £34,000,000 (plus inflation). The cabinet meeting that recommended the service choice took 36 minutes, that's nearly £1m per minute.

Well before the launch date the service had already turned out to be seriously mispriced – in March 2019 the unbudgeted costs were thought to be £1,274,000 a year, by August 2019 those extra costs were down to (only) £630,000 a year. That's an extra £4.4m over the life of the service and the largest chunk of the “£1m Blackhole” described in the budget process.

The most immediate outcome of the project failings was the inability of the programme to be implemented on time. The vehicles needed were not ordered until April 2019 - not soon enough for them to be delivered for a November launch. Once it was clear that couldn't be achieved the launch date was changed to March - to miss the peak Christmas period and worst of possible winter disruption. The change to a March launch turns out to be hugely consequential given the escalating pandemic and the UK lockdown the week after go-live.

The secondary issue is the type of service recommended in 2018. The decision to avoid political risk and a naive approach to cost reduction led to a more complex service. Service complexity directly affects resilience - a dual-stream service like Stroud's (a choice which Ubico very, very strongly recommended to CDC) is much simpler. It doesn't require bespoke, customised vehicles - you put most items in together and keep going until the lorry is full. It takes a lot of material to fill a 26 tonne Rear Compaction Vehicle and fewer staff to do so. At home in lockdown, our Cotswold population produced more material than could be accommodated in our bespoke vehicles - leading directly to service failures and collections not happening on schedule. A desire to avoid hard choices and significant change led to a service with less flexibility, resilience and capacity than needed, in a large rural district that needs those things.

Ubico has pointed out that the launch went relatively smoothly considering that no council has ever made such a service change during a pandemic. But, even if so, any disruption for residents is too much; and I apologise again to all those who've been affected by the problems with our collections.

The waste service is the single most complex and costly service we deliver and it deserves more attention, scrutiny and resource than it has historically received. There are many more factors involved than I have been able to cover here. If the council wishes, then this can be explored in more detail - here in council, or in the Overview & Scrutiny Committee. Having been through this experience it is incumbent on us to learn from it, to improve and ensure the service meets whatever challenges it may face in the future.

#### Supplementary question from Councillor Judd

New residents and people who are now getting bi-weekly collections would like to have a second bin and it looks as though people are being denied that.

#### Response from Councillor Doherty

We have to ensure that people who have requested their first bins are processed through the system and requests for second bins are now being processed, therefore this should not be an issue and people should start to receive their bins.

### CL.20 DECLARING AN ECOLOGICAL EMERGENCY

Councillor Webster, the Cabinet Member for Planning Department, Town and Parish Councils introduced the report which recommended to Council to declare an ecological

emergency to help deliver on all the corporate priorities. Councillor Coxcoon seconded this recommendation and commented that this declaration would bring together the work which is already being carried out on the Climate Emergency

During debate Members discussed the biodiversity within the grasslands within the AONB; the policy areas which could be brought together, to look at the recommendations of the peer review which identified having a credible corporate plan and which was able to show that these issues linked together. Members were supportive of the action plan but wanted to ensure that there were the resources to deliver on the Plan.

In summing up Councillor Webster agreed that there were some useful points put forward by Members, he would undertake to talk to the Cotswold Conservation Board regarding the limestone grasslands. Councillor Coxcoon commented that the Council was fortunate to have an action plan and a lot of the work was already being undertaken.

**RESOLVED that the Council:**

- (a) declares an ecological emergency for the District;**
- (b) approves the 'Cotswold District Council Ecological Emergency Action Plan – leading the way towards nature recovery as set out in Annex A to the report.**

**Record of Voting - for 33, against 0, abstentions 0, absent 1.**

#### **CL.21 COVID-19 COMMUNITY AWARDS SCHEME**

The Council received a report on the options for a Covid-19 Community Awards Scheme.

Councillor Jenny Forde, wanted to thank officers for their work during the pandemic, for the way they had dealt with lots of different issues, personally and within the community, with the relentless workload this brought. She commented that she had felt privileged and humbled to work with Officers and the community during this time.

Councillor Joe Harris moved the following motion, which was seconded by Councillor Jenny Forde:

'The Council agrees to establish a working group of four members - the Chair and Vice-Chair of Council together with a nominee from the Conservative Group and one of the non-aligned members - to consider the detail of how this awards scheme would operate and make proposals for the Council to consider at its meeting in September 2020. The working group will also be asked to consider the proposal to establish a memorial in the District as described in Motion 2 of 2020/21 on this agenda report back on this to the September 2020 Council meeting.'

Councillor Robbins supported this motion. Councillor Morgan, Leader of the Conservatives, thanked the administration for the motion which was not party political, although considered the group may not have a wide enough membership.

Debate was around the memorials being community based rather than just a single memorial in, for example, Cirencester or Moreton-in-Marsh. Also Gloucestershire County Council were proposing a similar scheme and consideration should be given as to whether the Council's scheme would overlap with the County Council's scheme.

**RESOLVED that**

- (a) a working group of four members be established- the Chair and Vice-Chair of Council together with a nominee from the Conservative Group and one of the**

**non-aligned members;**

**(b) the detail, is considered, of how this awards scheme would operate and make proposals for the Council to consider at its meeting in September 2020.**

**(c) the working group be asked to consider the proposal to establish a memorial in the District and report back on this to the September 2020 Council meeting.**

**Record of Voting - for 33, against 0, abstentions 0, absent 1.**

#### **CL.22 REPORT OF THE CONSTITUTION WORKING GROUP**

The Council received a report on the suggestions and issues arising out of the meetings of the group.

Councillor Joe Harris moved the following motion, which was seconded by Councillor Mike Every:

‘The Council’s Constitution should be amended to allow for the establishment of a Chief Executive Appeals Committee if required and following discussion and agreement with the Council’s Chief Executive on their appointment.’

Councillor Every commented that recommendation (b) in the Officers report was to be included in the resolution of the meeting.

Amendments were proposed by Councillor Andrews and seconded by Councillor Julian Beale:

#### **‘Statutory Officer Appointment and Disciplinary Process**

##### **Add a new 3<sup>rd</sup> Paragraph 2.1.2:**

A member of the Working Group expressed the opinion that the way in which all three statutory officers should be dealt with should be similar. He was given assurance that was not the case and the point was overruled by the Chair on those grounds.

##### **Add a new Paragraph 2.1.4:**

Subsequent to the meeting, Statutory Guidance linking the way in which all three statutory officers should be considered was sent to the Legal Officer by that member asking if this Statutory Guidance was extant and what their advice would be on its implementation. The advice received was that the Statutory Guidance was extant and a paper outlining a proposed process, that also took account of the LGA recommendation on a model process, was attached. All of his correspondence was copied to the interim Chief Executive and to the Deputy Leader, the latter as sponsor of this proposal to the Constitution Working Group.

##### **Attachment of Relevant Papers:**

A copy of this correspondence and associated documents is attached.

##### **Proposal #1/2:**

In order to ensure that the Constitution is amended taking into account all information now available, the Council agrees to the addition of a new 3<sup>rd</sup> Paragraph 2.1.2 and a new Paragraph 2.1.4 and to refer the matter back to the Constitution Working Group in order

that it can review its recommendation to ensure that its recommendation to Council is both legally sound and takes account of best practice reflected in LGA recommendations on a model process.

### **Public Forum within Virtual Meetings**

#### **Replace Paragraph 2.2.3**

In order to provide a more accurate reflection of the context for those not present at the meeting and where the responsibility for any further consideration should lie Paragraph 2.2.3 should be replaced with:

A member pointed out that some practical experience had been gained through the way in which Public Representation in respect of Planning Applications had been conducted. This was ruled by the Working Group Chair as out of the scope of this discussion as Public Representation for applications was a matter for the Planning Committee to agree. The member pointed out that this would result in the anomaly that at Planning Meetings a member of the public would be able to be “virtually present” to ask a Public Question but unable to make any similar representation in respect of an application. The Chair accepted that this should be noted but that this was something for the Planning Committee to consider.’

#### **Proposal #2/2:**

The Council agree to the replacement of Paragraph 2.2.3 with the above wording and that the Planning and Licencing Committee consider this at the earliest opportunity.

Councillor Beale spoke to the motion indicating that this clarified the position of these issues.

Councillor Every spoke and put forward an amendment to the resolution to change Chief Executive to Statutory Officers in order to be clear that the Appeals Committee would include all three statutory officers.

The amendment proposed by Councillor Andrews and seconded by Councillor Beale was put to the vote with **14 votes for, 18 votes against, 1 abstention and 1 absent**, therefore the amendment was **lost**.

The amendment proposed by Councillor Harris and seconded by Councillor Every was put to the vote:

#### **RESOLVED that:**

- (a) the Council’s Constitution should be amended to allow for the establishment of a Statutory Officers Appeals Committee if required and following discussion and agreement with the Council’s Chief Executive on their appointment;**
- (b) authorises the Monitoring Officer to make the necessary revisions to the Council’s Constitution arising out of the decisions made by the Council.**

**Record of Voting - for 19, against 1, abstentions 13, absent 1.**

### **CL.23 NOTICE OF MOTIONS**

(i) **Motion 1 of 2020/21 re Fairer management of public open space and waste collection on new developments**

Proposed by Councillor Coxcoon, Seconded by Councillor Maunder

**Council notes that:**

Prior to 2011, public open spaces, dog waste bins, litter bins and play facilities on new housing developments were generally taken on by Parish or Town Councils for management.

As average development size (and thus the scale of associated landscaping) has greatly increased since 2011, there has been an increasing tendency for parish and town councils to decline to take on the management of public open spaces, bins, street furniture and play equipment.

It is now common practice for developers to hand over the long term management of public facilities on new housing estates to private management companies, for which new residents must pay a surcharge over and above their council tax. These charges vary, but an example is the Moreton Park estate, where each dwelling contributes an average of £181 per year.

Combined, the residents of new housing in the Cotswolds, constructed since 2011, are therefore likely to be paying in the region of £770k per annum, over and above council tax, for public open space management. With a government imposed housing target of over 400 homes per year, this figure will only increase.

**Council believes that the situation as it stands is:**

**Unfair:** New residents pay full council tax, but pay an excess over and above this for the public open spaces nearest to their homes to be maintained. Other local residents can, and do, use these spaces free of charge.

**Divisive:** The move away from parish and town council delivery of public open space management has created an 'us and them' atmosphere. New residents feel aggrieved that they are treated as outsiders and must contribute more than residents of older parts of town.

**Unethical:** Residents on new estates repeatedly tell ward members that they cannot get redress or response from private management companies or developers where they pay a standard service charge. Worse still, in situations where an 'Embedded Management Company' (EMC) is imposed, annual costs can rise without cap, and EMCs can interfere with the sale of homes where back-payments are due.

**Uneconomical:** In towns with several estates built by different developers, there are limited economies of scale in the delivery of services. Different personnel, driving different vehicles, turn up on different days of the week to mow grass and empty bins within very short distances of each other. As much as 25% of the management fee is devoted to 'administration'; managing mailings and address lists that could be centralised. CDC customer service staff deal with repeated enquiries about green spaces the council cannot control, wasting CDC time and money.

**Of limited environmental and social benefit:** Multiple vehicles visit towns, where one would suffice. Private management companies often employ least-cost management techniques, rather than those that would maximise biodiversity, actively sequester carbon, and deliver a high quality green environment. Opportunities for community events and

community access to funding for green space initiatives are limited by the private delivery structure.

**Council therefore commits to instruct officers to:**

1. Carry out an evidence review and satisfaction survey, to produce an accurate picture of:
  - (a) the sums being paid for public open space management by residents on new housing estates across the district;
  - (b) the levels of service they are receiving for the fees paid, and the variation in service cost between developments;
  - (c) the levels of resident satisfaction with the services being provided by private management companies or other forms of site management;
  - (d) the identity and operating location of the management companies and contractors delivering the services, to better understand the economic value to the district of the services being delivered (i.e. how much money is leaking out of the local economy to contractors based elsewhere);
  - (e) the biodiversity and environmental value of the green space management practices generally applied across the district's new estates, and whether these are in line with agreed management plans;
  - (f) how green space management in the district compares with other Council areas, to establish best-practice from elsewhere.
2. Produce a report to Cabinet for April 2021 outlining the range of options open to the District that that would allow the Council to ensure that new public open spaces are managed effectively and to a high quality, in a way that:
  - (a) is fair to all residents, existing and new;
  - (b) produces high quality outcomes for biodiversity, climate emergency response, and the quality of the public realm;
  - (c) strengthens the local economy, by keeping money local and creating local employment opportunities;
  - (d) creates opportunities for bringing existing housing estates out of private management;
  - (e) sets out the level of provision and management expected of a high quality public open space;
  - (f) promotes inclusive communities and the use of public open space by all sectors of the community, to deliver health and wellbeing benefits;
  - (g) identifies costs, commercialisation opportunities, and potential funding sources.
3. Establish what mechanisms the council can use to prevent future use of 'Embedded Management Companies' and similar arrangements that limit accountability to residents on new developments.

**Council also commits to** allocate a sum of up to £25,000 from the Council Priorities Fund for additional resources (increased internal capacity and/or external consultants and specialist advice) to support the delivery of this work. Officers to investigate grants and whether there are existing partnerships of local authorities and green space experts actively looking into these issues, and partner where possible to minimise this spend.

In proposing the motion Councillor Coxcoo highlighted that issues surrounding the open spaces and pavements on the Moreton Park Estate had not been resolved by the management company, with the Council's enforcement teams being deployed to check issues such as dog waste bins.

Councillor Maunder seconded the motion and explained that he was doing so because his experience in relation to these issues was based on personal experience.

Members considered that this motion should be approved as it was a matter of urgency to resolve issues such as these.

**RESOLVED that the Motion be supported.**

**Record of Voting - for 33, against 0, abstentions 0, absent 1.**

**(ii) Motion 2 of 2020/21 re Coronavirus COVID-19**

This motion which was proposed by Councillor Joe Harris and seconded by Councillor Forde was withdrawn to enable the working group as detailed in Minute No. CL.21 to report back to Council in September 2020.

**(iii) Motion 3 of 2020/21 re Car Parking Charges**

Proposed by Councillor Morgan, Seconded by Councillor Berry

'This council should abandon plans to increase parking charges by almost 30% in council owned car parks across the Cotswolds. Retail shops and small business owners across the Cotswolds have been hugely impacted by Coronavirus and the subsequent lockdown. On top of COVID-19 many of our high streets were already having to react to changing consumer behaviour and new large online competitors. Given how under pressure our retail shops and small business owners are, this council should do everything that we can to support these entrepreneurs and their staff to keep our high streets and car parks as accessible as possible. This council should abandon its plans to raise parking charges by 30%.'

In proposing this motion Councillor Morgan highlighted that during a Cabinet meeting it was mentioned that car parking charges had not been increased for 10 years. Councillor Morgan stated that the last administration had done a lot of work on keeping the charges frozen for 10 years and consultation which took place prior to the pandemic being announced, business owners indicated that that charges should not be increased. This would mean that an extra £400 per year would need to be paid by workers, which may not be able to find this extra money. He commented that the current administration had inherited a council in a good financial position and that they should delay the price increase, which would make it harder for people to find jobs and urged Members to support the motion.



Councillor Every, Deputy Leader and Cabinet Member for Finance was invited to speak, he highlighted that it was recognised that it was a difficult time for businesses across the District and country. As a Council some difficult decisions will need to be faced during the budget process and he thought it was reasonable and fair to ask residents, visitors and workers to pay slightly more on the car parking charges to bring in much needed income. During April and May there were no charges on the Council's car parks and zero income had to be taken into account. The implementation of the rise in charges had been delayed. Officers and Members had been giving businesses a lot of help during the Covid-19 emergency, although the Council needed to receive income to help the residents and business of the District. He urged Members to reject this motion.

During debate it was considered that this was a difficult decision to make, and it was considered that local businesses should be supported in the run up to Christmas.

Councillor Joe Harris explained that this was a tough decision to make and it needed to be taken, as the Government had indicated at the beginning of the pandemic that the finance would be available to local authorities where needed, this was not now the case.

Councillor Maclean tabled an amendment to the motion to defer the increase by three months. This proposal was seconded by Councillor Ind.

Councillor Ind explained that she would not want to abandon or change our decision on a decision that had already been made, but she considered that something needed to be done to help businesses.

Councillor Every pointed out that the decision taken to increase charges had already been deferred to 1 September 2020 and to defer the charges further would incur around £100,000 of lost income and urged Members not to support this amendment to the motion.

Concern was expressed that Councillor Hughes was discussing a confidential item and should not be referring to the item in question.

Councillor Berry suggested that the amendment should be four months to take over the Christmas period into account, or perhaps six months when the budget was brought to Council in February.

Councillor Maclean amended his amendment to the motion to 4 months, Councillor Ind seconded this. On being put to the vote the amendment was lost

**Record of Voting - for 15, against 18, abstentions 0, absent 1.**

Councillor Berry spoke to the main motion explaining that the Council had to make provision for future years, as Government funding would not be available, the Waterloo car park had been delayed which meant funding would be being put back in the budget. There was a need to support businesses, who were struggling due to Coronavirus and recommended that Members supported this motion.

Councillor Morgan responded with one last plea to ask Members to support the motion.

**On being put to the vote the motion was lost..**

**Record of Voting - for 16, against 17, abstentions 0, absent 1.**

Following this item a vote had to be taken for an extension of time, as three hours had elapsed since the start of the meeting.

**Record of Voting - for 19, against 14, abstentions 0, absent 1.**

**CL.24 EXCLUSION OF THE PUBLIC AND PRESS**

**RESOLVED** that under Section 100A(4) of the Local Government Act 1972 the public and Press be excluded from the Meeting for the following items of business on the grounds that they involve likely disclosure of exempt information as defined in paragraph (1) of

- (a) Part I of Schedule 12A to the said Act (Information relating to any individual) and**
- (b) Part I of Schedule 12A to the said Act (Information relating to the financial or business affairs of any particular person (including the authority holding that information));**

**that the public interest in maintaining the exemption outweighs the public interest in disclosing the information concerned.**

**Record of Voting - for 20, against 1, abstentions 12, absent 1.**

**CL.25 SENIOR MANAGEMENT STRUCTURE**

The Council received an exempt report regarding the senior management structure to consider the early retirement of the Monitoring Officer and appointing a new Monitoring Officer.

The Leader explained that discussions had taken place with the proposed new Monitoring Officer, who would be part time and a 'fresh pair of eyes.' The new Monitoring Officer would take up post on 1 August 2020.

**RESOLVED that:**

- (a) the Council agrees to the early retirement of the current Group Manager Legal Services/Monitoring Officer on the terms detailed in the report;**
- (b) delegated authority be given to the Interim Chief Executive in consultation with the Leader, the Interim Head of Legal Services and Section 151 Officer to complete the agreement;**
- (c) Council approves:**
  - (i) the appointment of an Interim Head of Legal Services and Monitoring Officer, subject to the approval of the proposed candidate by the Interim Chief Executive in consultation with the Leader of the Council;**
  - (ii) delegated authority be given to the Interim Chief Executive to, negotiate a business case regarding both future service provision and the interim Monitoring Officer role.**

**Record of Voting - for 18, against 14, abstentions 1, absent 1.**

**CL.26 PROPERTY MATTER**

A report was presented to Council by Councillor Joe Harris and Councillor Mike Every to

enable a decision to be made on the joint acquisition of a property which was a strategic site for future economic development purposes to support integrated transport infrastructure for the north Cotswolds.

**RESOLVED that the Council enter into a joint agreement for the acquisition of a strategic site for economic development purposes.**

**Record of Voting - for 18, against 11, abstentions 2, absent 2.**

The Meeting commenced at 6.00pm adjourned between 9.05pm and 9.10pm and closed at 10.40pm

Chair

(END)