

COTSWOLD DISTRICT COUNCIL

CABINET

3RD APRIL 2014

Present:

Councillor Lynden Stowe - Chairman
Councillor NJW Parsons - Vice-Chairman

Councillors -

John Burgess Mrs. SL Jepson
BD Gibbs Mrs. CH Topple

Observers:

DC Broad PR Hodgkinson (until 4.15 p.m.;
invited to speak on Minute
BS Dare (from 4.30 p.m.) CAB.107)
JA Harris (until 4.15 p.m.; invited to
speak on Minute CAB.107) Sir Edward Horsfall (until 4.30 p.m.)
Ms JM Layton

Apologies:

David Fowles

CAB.104 DECLARATIONS OF INTEREST

Councillor Lynden Stowe declared an 'other' interest in respect of Agenda Item (8) (Review of Implementation of Section 157 Agreements) because a member of his family was in the process of purchasing a property that was subject to a Section 157 restriction, and he left the Meeting while that item was being determined.

There were no declarations of interest under Section 106 of the Local Government Finance Act 1992.

There were no Declarations of Interest under the Code of Conduct from Officers.

CAB.105 MINUTES

RESOLVED that the Minutes of the Meeting of the Cabinet held on 6th March 2014 be approved as a correct record.

Record of Voting - for 6, against 0, abstentions 0, absent 1.

CAB.106 PUBLIC QUESTIONS

No public questions had been received.

CAB.107 MEMBER QUESTIONS

In accordance with Council Procedure Rule 11, the following Member Questions had been submitted:-

(1) From Councillor PR Hodgkinson to Councillor Lynden Stowe, Leader of the Council

'The County Council, along with district councils, the NHS and the police will be marking International Day Against Homophobia taking place on 17 May with events and statements of support. What will you as Leader of this Council be personally doing on that day to mark it?'

The following response had been provided by Councillor Stowe:-

'I do not believe that this is a political or executive issue and, as such, I will not be marking the day in my Leader role. My response to your second question sets out the Council's position in respect of equalities issues generally which, I believe, sends out a more powerful message than support for individual days of action in respect of specific campaigns.'

Councillor Hodgkinson thanked the Leader for his response, but said that he had been saddened and disappointed by it. He considered that, as Leader of the Council, Councillor Stowe was in a position to show leadership and that people would listen to him. Councillor Hodgkinson reminded Councillor Stowe that other organisations had spoken out against homophobia and he contended that a clear statement that day would send a powerful message of Councillor Stowe's commitment. Councillor Hodgkinson concluded by asking Councillor Stowe what his view was.

In response, Councillor Stowe stated that he had set out the Council's position in the second paragraph of his response to the second question put to him by Councillor Hodgkinson and that he supported that position. Councillor Stowe explained that the Council did what it could to fight hate crime in whatever form it appeared and he reminded Councillor Hodgkinson that there were other similar issues and causes and that, while the Council did not necessarily seek to highlight them, Councillors and staff worked in different roles and with local communities to fight against hate crimes, including racism and other inequality issues.

(2) From Councillor PR Hodgkinson to Councillor Lynden Stowe, Leader of the Council

'Although homophobia is rightly on the decrease in the UK, it still remains an issue for some gay people who are subject to bullying and threats. A recent case, highlighted by the Wilts and Glos Standard, reported a 14 year old girl from the Cotswolds who was coming to terms with her sexuality and tragically took her own life. The International Day Against Homophobia on 17 May is a way of combatting publicly the discrimination which many still face. What is this Council doing to mark that day and how is it promoting a positive message to combat discrimination against councillors, council staff and members of the public?'

The following response had been provided by Councillor Stowe:-

'The Council has for many years worked in partnership with others on Community Safety matters, and we are members of the Cotswold and Stroud Hate Crime Group monitoring and addressing hate crime issues, including homophobia. We also work with the County Council on these issues and support the work they have done to combat homophobia.

Whilst the Council is against discrimination of any minority or protected group, it is not our practice to mark particular events linked to any of those groups, by way of another example Black History Month, and so we will not be marking the International Day Against Homophobia. Furthermore, unless a blanket approach was adopted, it could be very difficult to decide which days/events to support or otherwise.

The Council has, however, made a commitment to equality and takes its duty to eliminate discrimination seriously. The Council published an Equality Scheme in 2012 which set out various equality objectives, many of which relate to all groups. We have also recently published our Equality Annual Report which sets out the progress we have made against those objectives as well as outlining what we see as the issues facing different groups in the District. The Council also holds training and awareness sessions for staff every year, the most recent one having been held in early March 2014.'

Councillor Hodgkinson stated that he was saddened and disappointed that the Council would not be marking the International Day against Homophobia on 17th May 2014 while many other organisations were happy to do so. Councillor Hodgkinson reminded Councillor Stowe of a recent unanimous vote taken at a Meeting of Gloucestershire County Council in support and commented that Councillor Stowe had been absent from that Meeting when the vote was taken. Councillor Hodgkinson stated that Stroud District Council and Gloucester City Council also intended to mark the day.

Councillor Hodgkinson referred to three suicides in the area which had been related to sexuality and to the pressure on teenagers who were often bullied at school because of their sexuality. Councillor Hodgkinson contended that a positive, public message from Councillor Stowe condemning homophobic behaviour would help any teenagers who were struggling with their sexuality and send a powerful message to the bullies. Councillor Hodgkinson asked Councillor Stowe to think again, to show some humanity and to commit the Council to marking the day publicly.

In response, Councillor Stowe explained that he had made a statement of support of the International Day against Homophobia in his response to the first supplementary question asked by Councillor Hodgkinson. Councillor Stowe stated that he would not commit the Council to marking the day on the basis that other organisations would be doing so. Councillor Stowe reminded Councillor Hodgkinson that there were many other causes which were supported by various people, for instance the previous day had been National Autism Day, and that individual Councils drew the line in different positions. Councillor Stowe explained that this Council marked those days associated with national issues such as Armed Forces Day, Armistice Day and

Commonwealth Day and he expressed his view that this was the correct line for this Council to draw.

Councillor Stowe recognised there were a huge number of causes relating to discrimination and equalities which could be supported in the same way, and he reiterated that the Council did what it could to support those causes but drew the line at raising flags to mark each one. Councillor Stowe stated that he was against all forms of discrimination, including in respect of homophobic behaviour, racism, or on the grounds of gender, and he concluded by stating that it had to be recognised that different Councils had different priorities in respect of marking days and/or causes.

3. From Councillor JA Harris to Councillor Mrs. SL Jepson, Cabinet Member for Planning and Housing

'What is Cotswold District Council's view on the Community infrastructure levy?'

The following response had been provided by Councillor Mrs. Jepson:-

'The Community Infrastructure Levy (CIL) is a new levy that local authorities can choose to charge on new developments in their areas. The money can be used to support development by funding infrastructure that the Council, local community and neighbourhoods want.'

'The Council is currently investigating the adoption of CIL. Consultants will soon be appointed to assess CIL viability and propose a Schedule of Charges. Any proposals will be assessed by the Cabinet and, if approved, the Charging Schedule will be submitted at the same time as the Local Plan.'

Councillor Harris thanked Councillor Mrs. Jepson for her response. Councillor Harris stated that, if the potential housing development at Chesterton, Cirencester went ahead, there would be a need for investment in the town's infrastructure. Councillor Harris stated that, nationally, only 6% of planning permissions made any contribution to infrastructure improvements, a figure he found to be worrying. Councillor Harris asked if the Council decided against adopting the CIL, what Councillor Mrs. Jepson would do to ensure there was adequate investment in the infrastructure of the town.

In response, Councillor Mrs. Jepson reminded Councillor Harris that the Council was still in the process of assessing the viability of adopting the CIL and that the timetable for adoption would run parallel with the Local Plan timetable. Councillor Mrs. Jepson referred to information from the Planning Advisory Service relating to the background to the CIL, which she would ask Officers to forward to Councillor Harris for him to read and then to come back to her if she could be of further help.

4. From Councillor JA Harris to Councillor Mrs. SL Jepson, Cabinet Member for Housing and Planning

'Cllr. Jepson will no doubt be aware of the hundreds of Planning Notices left up around the Cotswolds, these can look particularly tatty when left for months tied to lampposts, telegraph poles and signage.'

What is CDC doing to make sure these notices are removed when the deadline for comments on applications is up?’

The following response had been provided by Councillor Mrs. Jepson:-

‘Officers are aware of this concern and are encouraged to remove notices when the expiry date for comment has passed. However, they will not make a return trip to the site simply to remove the posted notice(s).

In response to previous comments about this issue, the site notices now include the following text in bold type:-

‘THIS NOTICE CAN BE REMOVED AFTER THE EXPIRY OF THE DEADLINE COMMENT DATE.’

It is acknowledged that a significant number of historic notices remain and that their condition is deteriorating. There is a need for a collective effort, from Applicants, Officers, District Councillors, Parish Councillors and the general public to ensure that notices are removed once the deadline date has expired. However, care must be taken to ensure that whoever removes the notice does not trespass onto private land. The Planning and Development Manager will investigate the possibility of publicity to encourage the removal of the old notices that remain.’

Councillor Harris thanked Councillor Mrs. Jepson for her response and expressed the view that any other organisation would be accused of fly-posting. Councillor Harris contended that one of the functions of the Planning Department was to ensure that the area was well-kept and that more needed to be done to remove out-of-date notices. Councillor Harris asked Councillor Mrs. Jepson if she would be prepared to work with him to try and find other solutions to the problem.

In response, Councillor Mrs. Jepson reiterated her comments about the need for a collective effort to ensure that notices were removed, and she agreed to meet Councillor Harris to discuss potential solutions.

CAB.108 LEADER’S ANNOUNCEMENTS

The Leader announced that the Council, and its GO Shared Services partner Councils, had won a Transformation Challenge Award of £500,000. The money would be shared between the four Councils and the Leader explained that it would give the Council an opportunity to investigate the options for additional savings to be achieved through further joint working initiatives.

The Leader congratulated the Chief Executive and staff for their work on the bid put forward to the Government.

CAB.109 GLOUCESTERSHIRE ECONOMIC GROWTH JOINT COMMITTEE

The Leader of the Council introduced this item.

The Cabinet was requested to consider proposals relating to the establishment of the Gloucestershire Economic Growth Joint Committee, including Terms of Reference for the Joint Committee and its role in taking forward a Strategic Economic Plan for Gloucestershire. It was considered that

a clear demonstration of joint working within the County was required in order to progress initiatives such as the A417 'Missing Link', and that the Joint Committee would provide a protocol for the delivery of the Strategic Economic Plan. The Leader explained that all the Gloucestershire local authorities had indicated their support for the establishment of a Joint Committee and that any decisions relating to 'strategic' issues would be taken by individual Councils.

RESOLVED that:

- (a) the Chief Executive, in consultation with the Leader of the Council, be authorised to endorse the Gloucestershire Strategic Economic Plan, for submission to the Government by GFirst;**
- (b) agreement be given to the establishment of the Gloucestershire Economic Growth Joint Committee, in accordance with Sections 101 and 102 of the Local Government Act 1972, and the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2001;**
- (c) the Chief Executive, in consultation with the Leader of the Council, be authorised to finalise and complete the Inter Authority Agreement (including the Constitution), and other documentation on terms to be approved by the Head of Legal and Property Services, and to take all necessary steps to create the Gloucestershire Economic Growth Joint Committee;**
- (d) it be agreed that the above-mentioned resolutions (a)-(c) will not be effective until such time as equivalent resolutions have been passed by all of the Gloucestershire Councils detailed in the circulated report;**
- (e) following the establishment of the Gloucestershire Economic Growth Joint Committee, this Council's functions be delegated to the Joint Committee, as detailed in paragraph 3 of its Terms of Reference, but subject to the protocols detailed at paragraphs 2.6(iv) and (v) of the circulated report;**
- (f) it be agreed to appoint Gloucestershire County Council as 'Administering Authority', to undertake the role set out in paragraphs 2 and 9 of the Terms of Reference;**
- (g) the Leader of the Council be appointed as this Council's representative on the Gloucestershire Economic Growth Joint Committee and the Leader of the Council be authorised to appoint a Member of the Cabinet as his substitute.**

Record of Voting - for 6, against 0, abstentions 0, absent 1.

CAB.110

REVIEW OF IMPLEMENTATION OF SECTION 157 COVENANTS

The Cabinet Member for Planning and Housing introduced this item.

The Cabinet was requested to review the Council's policy criteria relating to Area of Outstanding Natural Beauty covenants which were applied to former Council houses sold under the Right to Buy provisions, which were subject to restrictions on sale under Section 157 of the Housing Act 1985.

In updating the circulated report, the Cabinet Member suggested the following amendments:-

- (i) the marketing period be set at eight weeks as this would be a more appropriate timescale to allow for marketing than twenty-eight days;
- (ii) the reference to 'a sale by a mortgagee in possession' be deleted as the timescale for marketing was the most important issue;
- (iii) information relating to the availability of such properties should be posted on Gloucestershire Homeseeker and/or the Council's Web Site;
- (iv) the eight-week marketing period should begin as soon as the properties were publicised on Gloucestershire Homeseeker and the Council's Web Site.

In response to questions from Members, it was reported that Ward Members would still be consulted over proposed sales of these properties; and that the Council could change its policy relating to the marketing period at any time.

The Cabinet supported the revised policy, as amended.

RESOLVED that:

- (a) the extent of the marketing period required before applications for consent to sale is granted by the Council under the provisions of Section 157 of the Housing Act 1985 be eight weeks;**
- (b) the Head of Legal and Property Services, in consultation with the Cabinet Member for Planning and Housing, be authorised to approve applications for consent to sale under the provisions of Section 157 of the Housing Act 1985 where either of the following criteria is satisfied:-**
 - (i) sales or purchases by members and/or former members of the Armed Forces and/or Reserved Forces, who are relevant persons, as defined in the Housing (Qualification Criteria for Armed Forces)(England) Regulations 2012;**
 - (ii) a purchase by a Registered Provider who proposes to purchase under the Government's Mortgage Rescue Scheme;**
- (c) information about the sale of these properties will be posted on Gloucestershire Homeseeker and/or the Council's Web Site and the eight-week marketing period will commence from the date of posting;**
- (d) the Head of Legal and Property Services be authorised to amend the process for determining applications for consent to sale under the provisions of Section 157 of the Housing Act 1985.**

Record of Voting - for 5, against 0, abstentions 0, interest declared 1, absent 1.

Note:

The Leader of the Council had declared an 'other' interest in respect of this item, and he left the Meeting while it was being determined. The Deputy Leader of the Council took the Chair for this item.

CAB.111 FUTURE DELIVERY OF PUBLIC PROTECTION SERVICES

The Cabinet Member for Communities and Health introduced this item.

The Cabinet Member explained that this initiative would fit in with the proposals to extend joint working across the GO Shared Services partner authorities. All the partner authorities broadly delivered the same service under the same legislation and controls and the Cabinet considered that a shared service could result in financial benefits and an opportunity to share expertise which would create a breadth of knowledge and improved resilience across the partnership.

RESOLVED that an assessment and business case be commissioned, outlining the financial and qualitative benefits of a shared Public Protection service across the current GO Shared Services partner authorities, to be presented to the Cabinet for consideration during the next six months.

Record of Voting - for 6, against 0, abstentions 0, absent 1.

CAB.112 DECISIONS TAKEN BY THE LEADER OF THE COUNCIL AND/OR INDIVIDUAL CABINET MEMBERS

The Cabinet noted a Schedule detailing decisions taken by the Leader of the Council.

CAB.113 ISSUE(S) ARISING FROM AUDIT AND SCRUTINY

There were no issues arising from Audit and Scrutiny.

CAB.114 OTHER BUSINESS

There was no other business that was urgent.

The Meeting commenced at 4.05 p.m. and closed at 4.34 p.m.

Chairman

(END)