

COTSWOLD DISTRICT COUNCIL

CABINET

16<sup>TH</sup> JUNE 2016

Present:

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

Councillors -

Sue Coakley Mrs. SL Jepson  
Alison Coggins MGE MacKenzie-Charrington  
C Hancock

Observers:

SI Andrews JA Harris (until 12.15 p.m.)  
Miss AML Beccle Juliet Layton  
Jenny Forde

CAB.1 DECLARATIONS OF INTEREST

There were no declarations of interest under the Code of Conduct for Members or Section 106 of the Local Government Finance Act 1992.

There were no declarations of interest under the Code of Conduct for Officers.

CAB.2 MINUTES

**RESOLVED that:**

**(a) the Minutes of the Ordinary Meeting of the Cabinet held on 21<sup>st</sup> April 2016 be approved as a correct record;**

**Record of Voting - for 5, against 0, abstentions 2, absent 0.**

**(b) the Minutes of the Special Meeting of the Cabinet held on 21<sup>st</sup> April 2016 be approved as a correct record.**

**Record of Voting - for 5, against 0, abstentions 2, absent 0.**

CAB.3 WELCOME

The Leader of the Council welcomed Councillors Alison Coggins and MGE MacKenzie-Charrington to their first Meeting as Members of the Cabinet.

CAB.4 PUBLIC QUESTIONS

In accordance with Council Procedure Rule 10, the following five questions had been submitted. However, such questions had been submitted after the deadline by which answers could be guaranteed either in advance of, or at, the Cabinet Meeting. Notwithstanding this, responses had been provided in advance of the Meeting in respect of the first three questions, and a response was provided at the Meeting in respect of the fifth question.

- (1) From Patrick Moylan of Cirencester to Councillor NJW Parsons, Deputy Leader of the Council and Cabinet Member for Forward Planning

*'At the full council meeting on 17<sup>th</sup> May, a senior councillor and a member of the planning committee was heard to say that they hoped that parking issues in Cirencester would not get in the way of the Chesterton development. Does the Cabinet Member not think that this was a poorly judged statement and that such a mind-set could lead to rushed and wrong decisions being made?'*

Response from Councillor Parsons

'We must deal with any application for the proposed Chesterton strategic site in its own right and on its merits. As such, the overall issue of parking in Cirencester is not material, although any additional demand that might result from the proposed development would be.

In general, Officers would not present the report for the Chesterton development to the Planning and Licensing Committee with significant issues unresolved, and would ensure that all relevant considerations are highlighted.'

Mr. Moylan thanked the Deputy Leader for his response, and confirmed that he did not wish to ask a supplementary question on this occasion.

- (2) From Mark Pratley of Cirencester to Councillor NJW Parsons, Deputy Leader of the Council and Cabinet Member for Forward Planning

*'The growth of car parking requirements **IS ALREADY A MAJOR PROBLEM ESPECIALLY IF THE** proposed Bathurst development **GOES AHEAD**. Will CDC give an absolute assurance that no further consideration will be given to the Bathurst Development until long term solutions for parking have been established, **AND IF NOT, WHY NOT?'***

Response from Councillor Parsons

'We must deal with any application for the proposed Chesterton strategic site in its own right and on its merits. It would not be appropriate to seek to delay the application until long-term parking solutions have been devised for Cirencester as a whole - to do so would leave ourselves open to an appeal against non-determination at some stage in the future.

From a housing perspective, like all Local Planning Authorities, CDC is required to 'boost significantly the supply of housing' (NPPF 47). Given the strategic significance of the Chesterton site in delivering the District's housing requirement to 2031, I also see no justification for delaying housing delivery on the grounds of parking issues in the town centre which are not directly as a result of the development.

That said, I can confirm that Officers are considering to what extent the Chesterton development will impact upon car parking in the town centre and how this can be dealt with. However, it should be noted that IF contributions are required from the Chesterton development towards town centre parking, the contribution will only relate to any additional demand resulting from the development.

In response to representations on the first Reg.18 consultation in January 2015, research has been undertaken to seek to fully understand Cirencester's parking issues, and a Parking Board has been set up to consider potential solutions. Considerable progress has already been made. Until a long-term solution has been implemented, short-term measures are being actively pursued to increase parking capacity in the town centre.

It should also be noted that, in the event of permission being granted for the Chesterton development, it would take several years for essential infrastructure to be put in place before meaningful development could commence; and that subsequent development is likely to be phased.'

Mr. Pratley thanked Councillor Parsons for his response and confirmed that he did not wish to ask a supplementary question on this occasion.

(3) From Mark Pratley of Cirencester to Councillor Lynden Stowe, Leader of the Council

*'We note that the two new appointees to the cabinet. Given the prominence that the local plan, for example accords to Cirencester as the principal town, why is there STILL no representation for Cirencester at Cabinet level?'*

Response from Councillor Stowe

'The substantial majority of Local Authorities in England are run with a Cabinet system. Inevitably, where a political grouping has a majority of seats, then the Cabinet will consist entirely of representatives from that group. Although it is a rather surreal comparison - it is replicated at Government level too.

It should also be remembered that the overriding duty and accountability of all Councillors, irrespective of whether they serve on the Cabinet or any Committee, is to the whole of the District, not just to individual Wards or specific towns.

In establishing my Cabinet, I have sought to introduce roles which reflect the priorities and needs of the District, and then make appointments based on skills, attributes and an ability to commit to

what can often be heavy workloads. You will note that one of my new appointees has specific lead responsibility for the Cirencester Car Parking project.

In what is a relatively small District Council, we are well aware of issues right across the District - including those relating to our largest town of Cirencester - not least because of the valuable feedback we receive from all Members and, indeed, our residents and businesses.

The Cabinet also draws on the expertise and local knowledge of other Members from time-to-time, e.g. the appointment of a Cirencester-based Member as Chairman to the Car Parking Project Board (Councillor Mark Harris).

In summary, I should like to assure Mr. Pratley that all Members of the Cabinet share a keen interest in issues relating to Cirencester; and would point out that the Deputy Leader/Cabinet Member with responsibility for Forward Planning, whilst not living in Cirencester, does work in the town (and has done so for many years).'

Mr. Pratley thanked Councillor Parsons for his response and confirmed that he did not wish to ask a supplementary question on this occasion.

- (4) From Patrick Moylan of Cirencester to Councillor NJW Parsons, Deputy Leader of the Council and Cabinet Member for Forward Planning

*'In today's agenda item 7, about the community infrastructure levy, there is mention of a funding gap (excluding the Chesterton strategic site) of nine million, eight hundred and thirty thousand pounds. Can the council explain to us in straightforward terms the nature of this funding gap, what are its components, how has it been quantified and whether the developer has been involved in discussions about it?'*

Councillor Parsons confirmed that a written response would be provided.

Mr. Moylan advised that he did not wish to ask a supplementary question on this occasion.

- (5) From Tony Golics to Councillor NJW Parsons, Deputy Leader of the Council and Cabinet Member for Forward Planning

*'Why is the strategic site at Chesterton rated at zero for CIL?'*

Response from Councillor Parsons

*'I thank Mr. Golics for his question, and I would refer him to paragraphs 2.7 and 2.8 of the related report within the circulated papers for the Cabinet Meeting, where the answer can be found in full.'*

Mr. Golics confirmed that he did not wish to ask a supplementary question on this occasion.

CAB.5 MEMBER QUESTIONS

In accordance with Council Procedure Rule 11, questions had been submitted, and responses provided, as follows:-

- (1) From Councillor JA Harris to Councillor Lynden Stowe, Leader of the Council

*'Whilst your register of members' interests notes your pecuniary interest in Vale Press Ltd & Cotswold Media Ltd it fails to inform the public that both organisations play a pivotal role in owning, publishing & distributing 'Barringtons' magazine. This glossy magazine, as you'll be aware, is exclusively dedicated to the promotion & marketing of Cotswold houses via local estate agent advertising. In view of your Cabinet's vast Local Plan numbers for new housing will you be updating your declaration to, specifically, include your links to 'Barringtons'?'*

Response from Councillor Stowe

'I am satisfied that my declaration contains all relevant information that I am required to disclose.'

Councillor Harris thanked Councillor Stowe for his response and, by way of a supplementary question, he asked if the 'David' referred to in 'Barringtons' was Councillor David Fowles and, if so, if as a Member of the Planning and Licensing Committee Councillor Fowles would be declaring an interest in respect of the Bathurst planning application when it came before that Committee for determination.

In reply, Councillor Stowe explained that it was for Councillor Fowles to answer the question and, on any occasion, to declare any necessary interests. Councillor Stowe stated that, when he was invited to address the Planning and Licensing Committee in his capacity as one of the Members for the Campden & Vale Ward, he invariably spoke against large scale developments and he pointed out that his views were often contrary to the views expressed by Councillor Harris in respect of the applications concerned.

- (2) From Councillor JA Harris to Councillor Mrs. SL Jepson, Cabinet Member for Planning and Housing

*'The London based public relations agent for Bathurst Development Ltd promotes the following services:*

*"Local support is instrumental in the success of any scheme and it is important to understand the local political landscape in which you are operating. Contact with political stakeholders can be complicated. Politicians often wield considerable local influence over the direction of a scheme. We help our clients to*

*develop strong relationships with political stakeholders, which can be critical in securing support" Jeremy Handel, Political Developments Ltd*

*What "strong relationships" do you & this Council have with Earl Bathurst & Bathurst Development Ltd?'*

Response from Councillor Mrs. Jepson

'In my Councillor role, I have no strong relationships with either Earl Bathurst or Bathurst Development Ltd. To the best of my knowledge, I have not met Jeremy Handel.

As a Council, we will obviously engage from time to time with local stakeholders, across a variety of issues.'

Councillor Harris thanked Councillor Mrs. Jepson for her response and commented that Earl Bathurst was a member of the Conservative Party and that Councillor Mrs. Jepson held a senior position in the Cotswolds Conservative Association. By way of a supplementary question, Councillor Harris asked if Councillor Mrs. Jepson considered that she would have a conflict of interest when the Bathurst planning application came before the Planning and Licensing Committee for determination.

In reply, Councillor Mrs. Jepson stated that her role as Chairman of the Cotswolds Conservative Association was not part of her role as a District Councillor. In that latter role, Councillor Mrs. Jepson explained that she represented the Blockley Ward and the District as a whole and she concluded by stating that she would declare interests when she considered it necessary to do so.

(3) From Councillors Jenny Forde and M Harris to Councillor Lynden Stowe, Leader of the Council

*'As members of the parking board we are well aware that a lot of good work is being done by officers to secure temporary and medium to long term solutions to solving Cirencester's parking problems.*

*What assurance can the leader give me that that:*

- 1) *this will remain a top priority until resolved?*
- 2) *that Officers will have additional man-hours and expertise where needed?*
- 3) *the parking board is empowered to cut through any bureaucracy? and*
- 4) *we do not wind up in the same situation in 15 years' time?'*

Response from Councillor Stowe

'I will address your queries in the order raised:

- 1) The issue features specifically within the Council's Corporate Strategy 2016-2019, under our priority of 'Protecting the local environment whilst supporting the local economy'. One of the key

tasks within that priority is to 'assess future car parking demands in Cirencester, and deliver solutions to meet those needs'. We have already delivered a number of short-term initiatives to ease the current situation, and have taken various decisions with the future in mind. The creation of a cross-party Parking Board is an example of the priority that we are affording the issue, as is the fact that one of the two new Cabinet Members is specifically designated as the lead Member for the car parking project in Cirencester.

2) Resourcing has been considered and it was felt that the most effective way of ensuring this project proceeds with sufficient resource and without delay was through the appointment of consultants (Carter Jonas). Existing Officers will manage the parking projects and work closely with the consultants, and resourcing will be continually reviewed to ensure that any additional resource requirements are identified quickly and then put in place.

3) Whilst we are governed by our Constitutional requirements, and the Parking Board itself cannot have any decision-making powers, our governance arrangements means that decisions can be taken swiftly and effectively, either by the Cabinet as a whole or via the relevant Cabinet Member, or even by Officers in cases of urgency (subject to relevant consultation). The Parking Board enables detailed discussions to take place between formal Decision-Making Meetings.

4) The work being undertaken by the Board aims to ensure parking provision for at least the life of the Local Plan but we will also be looking to future proof parking provision - as such, we will seek to identify sites and options which may not need to be taken forward now but could be brought on line in the future and developed to meet longer-term parking needs.'

Councillor Forde thanked Councillor Stowe for his response and confirmed that she did not wish to ask a supplementary question on this occasion.

CAB.6 LEADER'S ANNOUNCEMENTS

There were no further announcements from the Leader.

CAB.7 COMMUNITY INFRASTRUCTURE LEVY - PRELIMINARY DRAFT CHARGING STRUCTURE FOR CONSULTATION

The Deputy Leader of the Council and Cabinet Member for Forward Planning introduced this item.

The Cabinet was requested to approve the Preliminary Draft charging schedule of the Community Infrastructure Levy (CIL) for public consultation. The Deputy Leader highlighted aspects of the circulated report and Appendices, and explained that the Council did not currently have a CIL. The outcome of the proposed consultation, and further evidence, would help to establish if a CIL was needed. The Deputy Leader further explained that community benefits and infrastructure improvements accruing from the proposed Chesterton Strategic Development could be dealt with through the Section 106 Agreement process which, he contended, would deliver more localised benefits which would better relate to Chesterton.

A Member suggested that consideration be given to a specific CIL allocation in respect of the restoration of quarry workings in the Cotswold Water Park. The Member commented that, as restoration of such workings to provide leisure and sporting facilities had an impact on the local area, it would be reasonable to expect a contribution therefrom towards infrastructure improvements. In response to various questions, it was reported that, currently, contributions in respect of affordable housing provision and site-specific requirements would continue to be through Section 106 Agreements, which could address site-specific requirements; CIL contributions would be of benefit to other priorities across the District, although the Local Plan would identify essential infrastructure needs to support new development; the issue of a contribution from the restoration of quarry workings should be considered separately, as a consultation response; Gloucestershire County Council did not have its own CIL, so this Council would collect any CIL contributions and pass them onto the County Council; the proposal was to submit the CIL for examination at the same time as the draft Local Plan, so it would not be in the Council's interests to delay the proposed consultation to assess the impact of the forthcoming starter home legislation; and the District Valuer was still in the process of investigating the issue of residential build costs.

The Cabinet commended and endorsed the circulated report.

**RESOLVED that:**

**(a) consultation be undertaken in respect of the Preliminary Draft Charging Schedule attached at Appendix 'A' to the circulated report and its supporting documents, in accordance with the statutory requirements of Regulation 15 of the Community Infrastructure Levy Regulations 2010 (as amended);**

**(b) the Head of Planning and Strategic Housing, in consultation with the Deputy Leader of the Council and Cabinet Member for Forward Planning, be authorised to approve any minor amendments needed to prepare the Preliminary Draft Charging Schedule and its supporting documents for public consultation.**

**Record of Voting - for 7, against 0, abstentions 0, absent 0.**

Note:

The Cabinet thanked the Forward Planning Team for their work on the Preliminary Draft Charging Schedule.

CAB.8

WRITE-OFFS IN EXCESS OF £5,000

The Leader of the Council introduced this item.

The Cabinet was requested to consider writing-off four National Non-Domestic Rate (NNDR) debts and one Housing Benefit overpayment, each in excess of £5,000. It was reported that the total financial impact of the NNDR debts on the Council would be £14,902.33 (40% of the outstanding debts) and £6,210.99 in respect of the overpayment of Housing Benefit.



The Leader explained that, currently, all avenues of recovery of the debts had been exhausted but that they would be written back onto the system for recovery in the future in the event that continued efforts to trace the debtors were successful.

**RESOLVED that the writing off of four National Non-Domestic Rate debts and one Housing Benefit overpayment, each in excess of £5,000, be approved.**

**Record of Voting - for 7, against 0, abstentions 0, absent 0.**

CAB.9 DISCRETIONARY HOUSING POLICY

The Leader of the Council introduced this item.

The Cabinet considered a report detailing some revisions to the Council's Discretionary Housing Policy. The Leader emphasised the importance of working within the framework and budget.

**RESOLVED that the revised Discretionary Housing Payment Policy be adopted, subject to Officers not exceeding the budget provided by the Department for Work and Pensions.**

**Record of Voting - for 7, against 0, abstentions 0, absent 0.**

CAB.10 SUMMARY SERVICE PERFORMANCE REPORT - 2015/16 YEAR END

The Leader of the Council introduced this item.

The Cabinet was requested to consider and comment on the Summary Service Performance report for the end of the 2015/16 financial year.

Arising thereon:

(i) Overview and Scrutiny Committee - it was explained that the performance report had been considered by the Overview and Scrutiny Committee at its Meeting held on 7<sup>th</sup> June 2016. A copy of the comments from that Committee was circulated at the Meeting and each of the six comments was considered in turn by the Cabinet.

In response to concerns over performance in the Building Control service, it was noted that the service was now part of the 2020 Programme and that the Programme was keen to resolve the outstanding performance issues.

The Cabinet Member for Environment commented that, as few customers were filling out the Web-based survey forms, that element of the service and the forms would both be reviewed. The Cabinet Member welcomed the comments and concerns expressed in respect of performance and commented that a lot of the issues raised would be addressed through the 2020 Programme.

The Cabinet Member for Environment explained that Officers would provide a breakdown in respect of the number of long-term empty properties to the Overview and Scrutiny Committee.

Sickness absence reporting was considered to be fundamental for the Council and it was suggested that Heads of Service should be challenged if sickness absence figures exceeded what was considered to be an acceptable level. It was considered vital to continue reporting sickness absence.

(ii) Performance Indicators (Paragraph 1.7) - it was noted that, overall, performance had increased, with over 85% of PIs achieving their targets or being within tolerance figures - which was an improvement on 2014/15. There were five PIs where targets had not been met and it was suggested that the reasons for this should be addressed by the respective Heads of Service.

(iii) Budget Variances (Paragraph 2.11) - the Cabinet welcomed the positive variances in budgets, including in respect of car parking and the refund from Ubico Ltd. against its contract fee. It was noted that underperformance in relation to recycling was due to economic, as well as social, circumstances.

(iv) Capital Expenditure and Capital Receipts (Paragraph 3.5) - flood/land drainage works were considered to be of great importance. In that context, it was reported that planning permission had been granted for the final elements of the flood alleviation scheme at Moreton-in-Marsh. The Cabinet Member for Environment congratulated Officers on their achievements in that respect.

(v) Revenue Outturn (Appendix 'D') - the Leader drew attention to the revenue outturn and commented that not many local authorities could report an underspend in a sum of £1.3m across activities. The Leader noted that, as the net budget had been set at around £10m, the Council's spending was 13% less than originally anticipated.

In that context, it was noted that service levels in some areas had improved, despite the predicted underspend. It was further noted that the predicted underspend had included some 'early' delivery on targets in the 2020 Programme, which would not be repeated in future years. A view was expressed that the Council should ensure that it had adequate resources and that staff were not placed under undue pressure. In response, it was reported that the Council could call on additional resources, if necessary, to respond to demand issues.

(vi) General Comment - on behalf of the Cabinet, the Leader asked the Head of Paid Service to pass on thanks to all staff for delivering savings which were in the interests of local Council Tax payers.

**RESOLVED that:**

- (a) performance for the 2015/16 year end be noted;**
- (b) an allocation in a sum of £395,000 to the Business Rates Smoothing Reserve, to fund future budget gaps resulting from the accounting treatment of retained Business Rates income, be approved;**
- (c) an allocation in a sum of £125,000 to an earmarked reserve, to fund additional resources for processing the Chesterton Site planning application, be approved.**

**Record of Voting - for 7, against 0, abstentions 0, absent 0.**

CAB.11 SCHEDULE OF DECISION(S) 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, and the Cabinet Member for Health, Environment and Communities.

CAB.12 ISSUE(S) ARISING FROM OVERVIEW AND SCRUTINY AND/OR AUDIT

There were no issues arising from Overview and Scrutiny and/or Audit, apart from the Summary Service Performance Report - 2015/16 Year End.

CAB.13 OTHER BUSINESS

There was no other business that was urgent.

The Meeting commenced at 12.05 p.m. and closed at 12.50 p.m.

Chairman

(END)