

COTSWOLD DISTRICT COUNCIL

CABINET

14TH SEPTEMBER 2017

Present:

Councillor Mark F Annett - Chairman
Councillor NJW Parsons - Vice-Chairman

Councillors -

Sue Coakley SG Hirst
C Hancock MGE MacKenzie-Charrington

Observers:

SI Andrews JA Harris (invited to speak on
AR Brassington (invited to speak on Minutes CAB.22, CAB.26(1),
Minute CAB.26(2)) CAB.35 and CAB.36)

CAB.22 COUNCILLOR JIM PARSONS

The Leader expressed his extreme sadness at the news that Councillor Jim Parsons had passed away in the early hours of that morning, following a 'battle' with prostate cancer.

The Leader of the Council, and the Leader of the Liberal Democrat Group, each paid tribute to the service and personal attributes/qualities of Councillor Parsons.

Councillor Parsons had been a Councillor since May 1999, and had been an exceptionally well-liked, highly regarded and respected individual, be it for his undoubted political abilities, or his support for the Council, its residents and its staff, where he had always been ready with advice or guidance when needed, or just a hello or kind word or funny quip. However, in whatever he had said or done, he had always been a true gentleman.

The Leader stated that the sympathies and condolences of all at CDC had been conveyed to Councillor Parsons' wife and family; and that details of the funeral arrangements would be circulated when known.

All those present then stood and observed a period of silence in memory of, and out of respect to, Councillor Parsons.

CAB.23 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.24 MINUTES

RESOLVED that the Minutes of the Meeting of the Cabinet held on 6th July 2017 be approved as a correct record.

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

CAB.25 PUBLIC QUESTIONS

No public questions had been submitted.

CAB.26 MEMBER QUESTIONS

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

for (1) From Councillor JA Harris to Councillor C Hancock, Cabinet Member Enterprise and Partnerships

'Question 1

Once again, travellers set up site in Beeches car park last week. This is now happening more frequently and each time costs the Council money in staff time, legal fees and the cost of clearing up the sites when they are vacated.

What is the Cabinet Member doing to ensure that this unacceptable problem is stopped as soon as possible?

Question 2

How much have Cotswold District Council spent on legal fees and clearing up after travellers parking in the Beeches Car Park?'

The following responses had been provided by Councillor Hancock:-

Question 1

Clearly the Council would not wish to prevent the free movement of travellers through our District, but we do understand that illegal encampments can cause disruption to residents, businesses and other car park users. We need to balance the action we take to deter illegal encampments with the needs of other motorists who may have larger vehicles and wish to park in our car parks. The approach the Council has taken is therefore to ensure it has an Injunction in place which enables swift action to be taken, with officers visiting the travellers within a few hours of being notified of their arrival, advising them that an Injunction is in place and working with the Police and our legal team to ensure we can enforce the injunction if the travellers do not move on. In the majority of cases they have left within four days, and Ubico have then responded quickly to remove any waste left behind.

Question 2

When the Injunction was first obtained in June 2015, the total legal costs incurred were £5,780. There have been no further legal costs since that time, as any preparation and service of legal papers has been dealt with in-house.

The clear-up of any rubbish left behind by the travellers has been undertaken by Ubico's street cleansing crews and incorporated into their Cirencester rounds; and has therefore formed part of the contract cost. There has not been a need for separate or additional resources requiring additional costs.

Councillor Harris expressed the view that the response was not good enough, and demonstrated inflexibility on the part of the Council. Whilst he appreciated the existence of the injunction; he felt that local people, and businesses, deserved a permanent solution; and he made reference to the suggestion that height barriers should be installed. By way of an initial supplementary question, Councillor Harris asked what the Cabinet Member saw as a permanent solution.

Councillor Hancock responded that, if the Council was to install height barriers at the car parks, as suggested, this was likely to cause further problems elsewhere, and would also prevent some legitimate users of the car parks from gaining entry. As a principle, the cross-party Parking Board did not object to the current approach. On a wider point, the Cabinet Member stated that he would work in conjunction with Gloucestershire County Council to find suitable land for the travellers to use; although he was aware that transit sites in other counties often led to problems, for example with families not moving on from such sites.

Councillor Harris commented that he felt barriers would be the best solution, even if only as a temporary measure. By way of a further Supplementary Question, Councillor Harris sought information on the loss of income when travellers were in occupation. The Cabinet Member explained that such figures would not be simple to provide, but he would seek to provide as full a response as possible.

Note:

Subsequent to the Meeting, the following response was provided by the Cabinet Member:-

We are unable to calculate what the financial loss to the Council has been. When we have had encampments, we have recorded the number of caravans but not the number of spaces they have taken up. In addition, we are not always aware which vehicles belong to the travellers - some may be obvious but other vans etc. may be owned by the travellers or other motorists legitimately parking in the car park. We have done some comparisons with income in the Beeches in 2017/18 during traveller encampments and the equivalent dates (adjusted so it is a comparison with the same days of the week) in the previous year when there were no travellers present, and in three out of four of the periods the income was actually higher this year. Data shows income

is generally higher this year and the occupation by travellers does not impact on this trend, although we have no way of knowing how much higher it would have been if there had been no encampments.

Even if we could calculate the loss of spaces, this would not necessarily relate to a loss in income. We have offered up the use of other car parks for permit holders and pay and display customers can obviously choose to park at other locations anyway. This may displace the income to other car parks but not necessarily reduce it overall.

The point at which there would be an impact on income would be when there were no alternative spaces available in our car parks and motorists therefore turn away, unable to park. We would have no way of recording this; however, current data on occupancy suggests there is some capacity within the town most of the time, which would cope with short-term displacement from the Beeches car park.

(2) From Councillor AR Brassington to Councillor Mark Annett, Leader of the Council

'Will the Leader please confirm that CDC has introduced a recruitment freeze and state when this came into effect and explain why members were not informed?'

The following response had been provided by Councillor Annett:-

I can categorically confirm that CDC has not introduced a recruitment freeze, and I can see no reason why it would need to in the present climate.

Councillor Brassington was reassured by the response, but asked whether, given the uncertainty that he believed to exist, the Leader could send an email, within the next 24 hours, stating that there was no intention to have a recruitment freeze. An appropriate notification would be sent out.

CAB.26 LEADER'S ANNOUNCEMENTS

There were no further announcements from the Leader

CAB.27 COMMUNITY PROJECTS FUND - REQUEST FOR ADDITIONAL FUNDING ALLOCATION

The Cabinet was requested to consider the potential allocation of additional resources to the Community Projects Fund; and amendments to the criteria relating to that Fund.

Members acknowledged the long-term community benefits of this exceptionally well-received scheme; and strongly supported the proposed further allocation. Particular attention was drawn to the seed funding and leverage capabilities of the Council's contributions.

RESOLVED that the proposed amendments to the criteria for the Community Projects Fund scheme be approved.

RECOMMENDED that:

£100,000 (a) the Capital Programme 2017/18 be increased by a sum of to provide additional funding to the Community Projects Fund;

(b) the Group Manager GO Shared Services be authorised to amend the relevant Prudential Indicators for 2017/18 in line with the above-mentioned recommendation.

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

CAB.28 HOUSING BENEFIT OVERPAYMENTS - WRITE-OFFS IN EXCESS OF £5,000

The Cabinet was requested to consider the writing-off of two Housing Benefit overpayment debts in excess of £5,000, where the Council was highly unlikely to be able to recover the debts.

RESOLVED that the writing-off of two Housing Benefit overpayment debts, in excess of £5,000, be approved.

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

CAB.29 FLEXIBLE HOMELESSNESS SUPPORT GRANT

The Cabinet Member for Housing, Health and Leisure introduced this item, and sought Cabinet's agreement to the proposed use of the Flexible Homelessness Support Grant allocated to this Council, West Oxfordshire District Council and Forest of Dean District Council.

The Cabinet Member explained that a pooled budget of £120,000 per annum would be available, over two years, and it was suggested that such monies should be utilised to fund two shared posts, and the creation of a joint PRS Fund (to be fully utilised, in equal shares per Council, by 31st March 2019).

It was confirmed that the grant would be fully utilised, through ring-fencing, for the prevention and relief of homelessness; and that there would be no additional funding contribution requirement from any of the partner councils.

RESOLVED that the proposals for the use of the Flexible Homelessness Support Grant monies (as set out within the Financial Implications section of the circulated report) be approved.

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

CAB.30 SUMMARY SERVICE/FINANCE PERFORMANCE REPORT - 2017/18 QUARTER 1

The Leader of the Council introduced this item.

The Cabinet was requested to consider and comment on the Summary Service Performance report for Quarter 1 of the 2017/18 financial year.

Members commended the performance of Officers in securing over 92% of performance indicators having been on target/exceeded/within tolerance; and a current under-spend against profiled budget of almost £90,000. The Leader asked that staff be formally congratulated on such achievements.

RESOLVED that service and financial performance for Quarter 1 of the financial year 2017/18 be noted.

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

CAB.31 SCHEDULE OF DECISIONS TAKEN BY THE LEADER OF THE COUNCIL AND /OR INDIVIDUAL CABINET MEMBERS

The Cabinet noted a Schedule detailing a decision taken by the Leader of the Council and other Cabinet Members.

CAB.32 ISSUE(S) ARISING FROM OVERVIEW AND SCRUTINY AND/ OR AUDIT (IF ANY)

There were no formal recommendations arising from Overview and Scrutiny and/or Audit.

CAB.33 OTHER BUSINESS

There was no other business that was urgent.

CAB.34 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 two items of business on the grounds that they involve likely disclosure of exempt information as defined in the paragraphs of Part I of Schedule 12A to the said Act set out below and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information concerned:-

<u>Item</u>	<u>Minute</u>	<u>Paragraph</u>	<u>Reason</u>
(15)	CAB.35	(3)	Information relating to financial or business affairs
(16)	CAB.36	(3)	Information relating to financial or business affairs
(17)	CAB.37	(3)	Information relating to financial or business affairs
		(6)	Information which reveals that the authority proposes to make an order or direction under any enactment

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

CAB.35 CIRENCESTER PARKING

The Cabinet received details of the next stages of the proposed Waterloo decked car park scheme; including the acquisition and development of decant

parking facilities for the construction phase of the decked parking scheme and beyond.

It was noted that the proposals were supported by the Parking Demand Project Board; and that other decant sites were also being investigated.

RESOLVED that:

(a) a sum of £60,000 be allocated from the Council Priorities Fund to support a two-stage OJEU procurement, overseen by RIBA, of an Architect for the design of the Waterloo Decked Car Park;

(b) decant parking be secured for the construction phase of the Waterloo Decked Car Park and longer term permit parking by:-

(i) entering into a conditional lease agreement, based on an annual lease charge of £25,000 per year, for a period of up to ten years, subject to planning permission being granted for permit parking at the identified site;

(ii) delegating authority for the agreement of an exclusivity agreement, final lease terms and any associated transactions to the Strategic Director, in consultation with the Deputy Leader of the Council and Cabinet Member for Forward Planning, the Cabinet Member for Planning and Licensing Services and Cirencester Parking Project, and the Group Manager Land, Legal and Property Services;

(iii) recommending that the Council allocates a sum of £110,000 from the Council Priorities Fund for the preparation of a planning application for the development of the identified site (£60,000) and detailed design and management if the scheme goes ahead (£50,000);

(iv) delegating the decision to submit a planning application to the Head of Environmental and Commercial Services, in consultation with the Parking Demand Project Board;

(v) recommending that the Council includes additional capital funding in a sum of £200,000 in the Capital Programme 2017/18 for car parking, specifically for the development of the identified site;

(vi) recommending that the Council updates its Prudential Indicators accordingly.

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

CAB.36

LAND AT STATION ROAD, KEMBLE

The Cabinet was invited to consider proposals which sought to secure the use of the Council-owned site at Station Road, Kemble for both housing and local green space, having regard to the emerging Local Plan.

RESOLVED that:

- (a) the plan submitted indicating the proposed split of the site between residential and Local Green Space be approved; and Officers progress and submit further appropriate representations to the Forward Planning Team to support the split of the site at Station Road, Kemble to provide housing and a Local Green Space;**
- (b) subject to the joint allocation of the site being approved within the Local Plan, all areas allocated for Local Green Space and any open space within the residential scheme be transferred to Kemble Parish Council on a freehold basis, subject to the covenants detailed in the circulated report;**
- (c) funding be allocated from the Council Priorities Fund in a sum of up to £100,000 to progress a planning application and review of housing options for the site;**
- (d) a further report be submitted to a future Meeting of the Cabinet following a review of the options for housing development on this site;**
- (e) the Strategic Director, in consultation with the Deputy Leader of the Council and Cabinet Member for Forward Planning, the Ward Member and the Group Manager Land, Legal and Property Services be authorised to agree and submit a planning application for this site.**

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

CAB.37

ENFORCED SALE OF RESIDENTIAL PROPERTY

The Cabinet was requested to consider an enforced sale of a residential property. It was noted that the enforcement of the Charging Orders by an Order for sale of the property would be under the Charging Orders Act 1979 and Part 73 of the Civil Procedure Rules.

RESOLVED that the enforced sale of the identified property be approved to ensure that the Council is reimbursed for the outstanding Council Tax owing and currently held against the property through a Charging Order.

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

The Meeting commenced at 4.05 p.m. and closed at 4.35 p.m.

Chairman

(END)