

COTSWOLD DISTRICT COUNCIL

COUNCIL MEETING

13<sup>TH</sup> DECEMBER 2016

Present:

Councillor Mark F Annett - Chairman  
Councillor Julian Beale Vice-Chairman

Councillors -

SI Andrews	RL Hughes
AW Berry	Mrs. SL Jepson
T Cheung	RG Keeling
Sue Coakley	Juliet Layton
Alison Coggins	Jim Parsons
PCB Coleman	NJW Parsons
RW Dutton	SDE Parsons
Jenny Forde	NP Robbins
David Fowles	Tina Stevenson
C Hancock	Lynden Stowe
JA Harris	R Theodoulou
Jenny Hincks	LR Wilkins
RC Hughes	

Apologies:

AR Brassington	SG Hirst
M Harris	MGE MacKenzie-Charrington
Maggie Heaven	Dilys Neill

CL.27 DECLARATIONS OF INTEREST

(1) Declarations by Members

There were no declarations of interest by Members.

(2) Declarations by Officers

There were no declarations of interest by Officers.

CL.28 MINUTES

**RESOLVED that the Minutes of the Council Meeting held on 27<sup>th</sup> September 2016 be approved as a correct record.**

**Record of Voting - for 24, against 0, abstentions 3, absent 6, vacancy 1.**

Arising thereon:(i) Member Question re Recyclables (CL.14(2))

In response to a question, the Cabinet Member for Environment confirmed that it was still anticipated that the changes to the bring-site network would be completed by the end of the current calendar year.

(ii) Notice of Motions (CL.24)

In response to a question, the Head of Democratic Services updated Members on the action taken in pursuance of the Motions agreed at the last Meeting, and confirmed that any formal responses received would be circulated to Members.

**CL.29 ANNOUNCEMENTS FROM THE CHAIRMAN, LEADER OR HEAD OF PAID SERVICE**

(i) Filming/Recording of Proceedings - the Chairman referred to the standing notification previously received from a member of the public of the intention to film the Council Meeting; and stated that, accordingly, the Council would make its own audio recording of the proceedings.

(ii) Members' Absence - the Chairman referred to the absence from the Meeting of Councillors Dilys Neill and Ray Brassington, due to illness, and extended the best wishes of the Council for their speedy and full recoveries; and, similarly, to Honorary Alderman Sheila Jeffery who, unfortunately, was also in hospital recovering from a badly broken hip. These sentiments were echoed by other Members.

(iii) Fund-Raising Activities - the Chairman wished to congratulate staff at the Council who, through a series of events had raised over £1,085 for Children in Need, which he considered was a truly remarkable effort and achievement.

(iv) Special Council Meeting/Members' Christmas Lunch - the Chairman reminded Members that, at the conclusion of the Ordinary Meeting, there would be a Special Council Meeting regarding the formal appointment of a new Honorary Alderman, and that formal proceedings would be followed by the traditional Members' Christmas Lunch, to which Honorary Aldermen and guests had been invited.

**CL.30 FORMAL PRESENTATIONS**(i) Painting by Laurie Plant

The Chairman welcomed to the meeting Carole Boydell, Chair of Corinium Radio, and Laurie Plant, a local artist, who had been appointed by Corinium Radio as its first Creative in Residence.

The Chairman explained that, in May 2016, Corinium Radio had received the Creatives Champion Award from Cirencester Chamber of Commerce in recognition of the support it had given to the creative industries - such as musicians, artists, poets, authors etc. - by encouraging them to make programmes with the station and promote their talent.

The award had been a catalyst for Corinium Radio to appoint four Creatives in Residence throughout the ensuing year - local people who were at the heart of their community - which would culminate in a Creatives Trail next summer, showcasing the breadth of creativity across the Cotswolds.

At the invitation of the Chairman, Carole and Laurie were invited to address the Council. Carole drew attention to the work of Corinium Radio and its community contributions, and provided further information in respect of the Creatives Champion Award. Laurie described the nature of his work, how he had constructed his painting, and how his painting had sought to demonstrate the shapes of the community.

It was explained that the painting had been auctioned, in an attempt to obtain funds to enable the radio station to continue to operate. However, the individual who had been successful at auction, had asked that the painting be displayed in a public location, hence the presentation.

The Chairman expressed his delight at the Council being invited to receive the painting, and stated that the Council would look to display the painting prominently, either in its reception area or the Council Chamber area, or even both from time to time.

(ii) Outstanding Achievement Award - Danny Kent, 2015 Moto 3 World Champion

The Chairman referred to the planned presentation of an outstanding achievement award to Danny Kent, 2015 Moto 3 World Champion, and reported that, due to illness, Danny was unable to be present at the Council Meeting. The Chairman would seek to either hold over the presentation to a future Council Meeting or arrange for an alternative presentation event, based on Danny's racing commitments.

CL.31 PUBLIC QUESTIONS

In accordance with Council Procedure Rule 10, questions had been submitted, and responses provided, as follows:-

(1) From Mr M Pratley, Cirencester to Councillor Mark MacKenzie-Charrington, Cabinet Member for Planning Services

'I bring to your attention two of the reasons for CDC's refusal of the application for 88 dwellings on Land South of Love Lane, known as Severalls Field:

1. "The proposed development would result in an isolated and incongruous residential enclave within open countryside poorly related to existing residential areas of Cirencester."
2. "the scale and massing of built form, along with the proposed access, would have an urbanising effect."

Both of these reasons would be equally applicable to the Land South of Chesterton (Chesterton Farm) application for 2350 dwellings.

I also bring to your attention that in the SHLAA Addendum 2<sup>nd</sup> December 2015 one of the reasons listed for Severalls Field being "not currently developable" is the "loss of Grade 2 agricultural land." The loss of Grade 2 agricultural land is also referred to in the SHLAA appraisal of Chesterton Farm, yet this site is considered to be developable. There are further glaring inconsistencies listed, involving waste water infrastructure, electricity pylons, gas pipelines, Great Crested Newts, Tree Preservation Orders etc.

Does CDC recognise that this clearly demonstrates inconsistencies in dealing with planning issues, and therefore this in itself raises very serious concerns about competence?’

Response from Councillor Mark MacKenzie-Charrington

*The SHLAA is a document which informs site allocations for the Local Plan. It is not a policy document. The SHELAA identified a number of constraints, in addition to the loss of grade 2 agricultural land, that in combination resulted in the site not being considered currently developable.*

*During the course of the outline planning applications for the Severalls and Chesterton sites, the issues of waste water, gas pipelines etc. were, and are being, fully assessed. The Council does not accept that there have been inconsistencies in dealing with these issues.*

*Furthermore, as has previously been discussed in response to questions raised about agricultural land quality, at the Chesterton site an Agricultural Land classification report submitted with the application, and based upon soil sampling at the site, identified that the agricultural land is predominantly Grade 3b (86.3%) with a small proportion of Grade 3a (7.4%). The reference in the SHLAA to Grade 2 agricultural land was based upon provisional maps published by Natural England/Defra which were produced prior to the 1988 changes to classification criteria, and was not based upon site specific testing.*

In thanking the Cabinet Member for his response, Mr. Pratley expressed the opinion that there were still glaring inconsistencies in the way the two development sites had been appraised by CDC. He referred to the fact that in section 2.8 of the Council's Statement of Case for the Severalls Field appeal it had stated “Reference will be made to the emerging Local Plan January and November 2015 documents, both of which have passed through the Reg. 19 Submission Draft Stage. An examination of the emerging Local Plan has yet to be arranged. The council will therefore state that the emerging Local Plan should be afforded little weight at this stage”.

However, a statement made on 7<sup>th</sup> December, in response to the Chesterton application submitted by the CDC Forward Planning Department, included the statement “it is perfectly reasonable for this application to be determined ahead of the Local Plan examination”.

By way of a supplementary question, Mr. Pratley asked whether, if the Bathurst Chesterton application committee date were to be before the Local Plan examination date, would the emerging Local Plan be afforded “little weight” in the Chesterton application too, as had been the case with Severalls Field; and, if not, how could the Council explain this inconsistency?

In the absence of Councillor MacKenzie-Charrington from the Meeting, Councillor NJW Parsons sought to respond. Councillor Parsons stated that the answer to the question would depend upon timing. The Council could not completely control the timing of the determination of the application because that very much depended on the applicant and the speed with which the applicant provided information that was required. Therefore, if the application was heard at a time when the Council had submitted its draft Local Plan to the Inspectorate for examination, then the Emerging Local Plan would have started to bear more weight.

(2) From Mr D James, Cirencester to Councillor Mark MacKenzie-Charrington, Cabinet Member for Planning Services

'In the Updated Transport Assessment Vol. 1 for the Chesterton development dated 11<sup>th</sup> November, the traffic modelling showed that Cirencester's roads would have to take a further 1900 vehicles per working day. Whilst the model chosen for this traffic study may be questioned, what cannot be questioned is the fact that our residents will have to cope with a much decreased air quality and consequent increased respiratory illness. What plans does the Council have to enable monitoring of both existing air pollution and the increased pollution from their extra 1900 vehicles?'

Response from Councillor Mark MacKenzie-Charrington

*New information regarding air quality has recently been submitted to the Council and will be fully assessed as part of the application process. It is not anticipated that the additional vehicles will contribute to pollutant levels in such a way that air quality in the area will be significantly affected. The road network is open (i.e. no street canyons) and the traffic is expected to be mainly free-flowing in the area. However, if it is determined that the proposed development would result in unacceptable levels of pollution, then the Officer Recommendation to the Planning and Licensing Committee will reflect this.*

By way of a supplementary question, Mr. James asked:-

'Will CDC not admit that if they permit the Chesterton development for 2,350 houses they may be guilty of (a) compromising the health of its citizens, particularly the very young and the very old and (b) breaching EU guidelines on acceptable traffic density levels at any of the town's 'sensitive receptor' locations; and that the only way that they can rescue this situation is by reducing the number of planned homes to at least half those proposed?'

In the absence of Councillor MacKenzie-Charrington from the Meeting, Councillor NJW Parsons sought to respond. Councillor Parsons stated that, as the written answer explained, if issues were not resolved to the professional Planning Officer's opinion, then consultees would be used to advise the Council as to what might or might not be necessary, more specifically in relation to health. If the assessment was that the traffic density did lead to a health problem, then that would have to be addressed as part of the planning application, and it could not be overlooked. Likewise, while we remained members of the European Community, if EU guidelines were likely to be breached, then that would have to be reflected in the advice given to Members making the decision by our professional Planning Officers, with recommended conditions as to how to deal with those issues.

(3) From Mr P Dernie, Save Our Cirencester to Councillor Mark MacKenzie-Charrington, Cabinet Member for Planning Services

'In recent correspondence with Cotswold District Council (CDC) Licensing and Planning Committee, Save Our Cirencester (SOC) requested that any updated Chesterton Development Environmental Statement (ES) be audited by ARUP prior to public submission.

The reason, of course, is that ARUP's judgement of the initial January 2016 ES was that it contained numerous significant deficiencies (approximately 58) and they stated '*overall it is considered there is a significant risk in Cotswold*

*District Council using the environmental information provided to determine the current Chesterton application'. This is a quite astonishing and damning verdict.*

SOC currently understands the updated ES, prepared by the same consultants who prepared the initial ES, has not been re-audited by ARUP. Accordingly, there is a real risk that the updated ES remains flawed and unfit for purpose. We believe it should not be used in the decision making process until a second ARUP audit is completed.

Does CDC fully support, and has it technically approved, the contents and conclusions of the recent updates of the ES without any additional ARUP audit?

Will CDC use this un-audited updated ES in the decision making process?'

#### Response from Councillor Mark MacKenzie-Charrington

*The purpose of the Arup review of the ES was to assist CDC in identifying whether the ES had been produced in accordance with the EIA Regulations; to ensure that the ES properly described the measures proposed to avoid, reduce and remedy significant adverse impacts; and to identify any areas where further information would be required. It was not the role of Arup to assess the content of the technical information for each subject area within the ES - that role properly lies with external and internal consultees.*

*Accordingly, at this stage, CDC is not intending to engage Arup to assess the additional information submitted, and this will be undertaken by those consultees.*

Mr. Dornie stated that Save Our Cirencester (SOC) believed that Councillor MacKenzie-Charrington's reply to the question was, like the Environmental Statement (ES), flawed. He explained that the ARUP report scope, as agreed between ARUP and Cotswold District Council (CDC), was contained within six questions, of which No. 5 was - "Does the ES and associated planning application material contain sufficient, reasonable information to allow an informed decision to be made?"

Councillor MacKenzie-Charrington had, however, stated in the reply to the SOC question that "It was not the role of Arup to assess the content of the technical information for each subject area within the ES ...."; which had meant that the two statements were completely contradictory and thus SOC believed that Councillor MacKenzie-Charrington's answer was invalid. Accordingly, SOC again strongly requested CDC to commission a second ARUP audit of the updated ES to confirm all stated red high risk issues had been addressed. Mr. Dornie believed that it would confirm whether the ES and associated planning application material contained sufficient, reasonable information to allow an informed decision to be made.

Mr. Dornie felt that this would be in the interests of transparency, public confidence in the ES and the future health of the people of Cirencester; and formally asked whether Cotswold District Council would now change its opinion and agree to the fair and reasonable request?

In the absence of Councillor MacKenzie-Charrington from the Meeting, Councillor NJW Parsons sought to respond. Councillor Parsons referred to the written answer previously provided, which pointed out that the ARUP consultancy had been set up in

order to advise Planning Officers as to whether the ES had been written in accordance with the EIA Regulations, and that this had shown that parts of the document had not been in accordance with those regulations. It was now for the Planning Officers to ensure that the issues highlighted were dealt with through the normal consultation process and report back to Members with the advice of the statutory consultees.

(4) From Mr P Moylan, Save Our Cirencester to Councillor Mark MacKenzie-Charrington, Cabinet Member for Planning Services

'At the last council meeting, Councillor Nick Parsons wrongly dismissed the level of opposition to the Chesterton development. There are in fact many hundreds of objections and comments and there would be many, many more were it not for the seriously dysfunctional council website and online system that discourages ordinary people.

Save Our Cirencester are much more in touch and representative of public feelings.

The public has just about come to terms with the huge windfall profits that will be gained by a wealthy landowning trust by approving the emerging local plan and outline application, and reluctantly accept that this has no bearing on planning policy.

What they are really struggling with, however, is the harm that will be done to the community by the sheer scale of this development, bigger than any other comparable town. Traffic and pollution increases will thus be far more excessive than other towns will experience. They also believe that the concentration of nearly all new housing in one location fails to satisfy housing needs in other Cotswolds communities as evidenced by housing registration preferences recorded on the Homeseecker Plus database. Another factor is that Cirencester is not, and cannot, become a serious job provider - the new residents will commute to distant places of employment and this, together with the severance effect of the by-pass, will render the new development unsustainable and thus contrary to the NPPF.

We know that the council has previously resisted arguments against its plans for Chesterton but, as the picture becomes clearer to the public, can it respond to criticisms that harm will be done because of the development's scale, that traffic and pollution will be a problem, that the district's housing needs will not be effectively addressed, and that sustainability will not be achieved because of out-commuting and the severance effect?'

Response from Councillor Mark MacKenzie-Charrington

*In his response to your question at the October 2016 Cabinet Meeting, Councillor Nick Parsons' comments in respect of the strategic site at Chesterton had specifically related to the Reg.18 consultation, and he clarified this at that Meeting.*

*Turning to the website, it would be helpful if Mr Moylan could provide further information to Officers in due course to explain the difficulties faced - as the Council is not aware of any problem with the system, which is well used and provides a very efficient way of ensuring comments are registered for consideration and available for view on the website. The Council welcomes*

*feedback and will implement improvements subject to the constraints of the system software. In addition, for those who do not have access to the internet or who struggle with the website, there is a complete set of the application documents held by Front of House and at the Council Offices which can be viewed by the public; and the various Local Plan documents are also available in 'hard' copy.*

*We have responded to many questions relating to the Chesterton site, both from a Local Plan perspective and in relation to the specific BDL application, and in many ways I can do no more than to reiterate those previous comments - namely that the Local Plan proposals are the culmination of many years of work, the gathering and interpretation of extensive evidence-based documentation, and many consultations; and the BDL application must be dealt with in its own rights and on its merits, but we will seek to ensure that all issues and considerations are highlighted and addressed, and reflected in any subsequent determination report (including the matters that you have raised).*

By way of a supplementary question, Mr. Moylan asked:-

'Will the Council undertake some work to find out whether housing registration preferences do or do not confirm concerns about flawed housing distribution arising from the local plan and the Chesterton application, especially with regard to affordable and social housing?'

In the absence of Councillor MacKenzie-Charrington from the Meeting, Councillor NJW Parsons sought to respond. Councillor Parsons stated that, as had been identified, the Local Plan process was very fluid, with evidence shifting almost on a daily basis. It was the District Council's duty to present to the Planning Inspectorate the most up-to-date database possible. Councillor Parsons confirmed that he understood and noted the concerns, and would ask Officers to prepare an updated assessment, which would then be 'posted' as updated evidence on the Council's website.

(5) From Mr P Moylan of Cirencester to Councillor Mark MacKenzie-Charrington, Cabinet Member for Planning Services

'Mr Vickery of Forward Planning has submitted comments to the outline application for Chesterton where he states "Given the circumstances outlined above ( *in his comments* ) and assuming nothing material and untoward emerges in the meantime, it is perfectly reasonable for this application to be determined ahead of the Local Plan examination".

Is it the intention of the council to make a decision on the application before the local plan examination and why would it consider such precipitate action?'

By way of a supplementary question, Mr. Moylan asked:-

'Mr. Vickery writes "assuming nothing material and untoward emerges in the meantime, it is perfectly reasonable for this application to be determined". Is he and the council going to ignore the hundreds of well-informed and evidence-based comments already made calling for modification or refusal of the application? Does the council intend to ignore these concerns completely?'

In the absence of Councillor MacKenzie-Charrington from the Meeting, Councillor NJW Parsons sought to respond. Councillor Parsons reiterated that it was the duty of

this Council to assess all evidence available to it when determining any planning application, and was content to give assurances that this application would not come for determination until such time as Officers were of the opinion that all issues had been assessed/addressed.

#### CL.32 MEMBER QUESTIONS

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

(1) From Councillor Jenny Forde to Councillor Mark MacKenzie-Charrington, Cabinet Member for Planning Services

'Since I became a Councillor for Chedworth & Churn Valley I have been astounded at the frustratingly slow response from enforcement when developers are breaching conditions or simply carrying out works without permission.

The prevailing perception of this council's administration is that you are weak and unreasonably slow in dealing with individuals and developers that flout their conditions, laws and permissions.

What steps are the council taking to address the resource for Planning enforcement to ensure that offenders are stopped in the quickest time frame possible and the public's trust in the Planning process can be restored?'

#### Response from Councillor Mark MacKenzie-Charrington

*Officers have reviewed all cases received for the Chedworth and Churn Valley Ward since the beginning of 2016, of which there are six in total. The description for each alleged breach is set out below with relevant dates given for the first site visit and closing the file:-*

- 1. Earth works being undertaken: This is an on-going case which was received on 14<sup>th</sup> November with the first site visit undertaken on 25<sup>th</sup> November. Officers have set a deadline of 9<sup>th</sup> December for the applicant's planning agent to provide a response to the Council's concerns (7 days from the date of their request).*
- 2. Allegation of annexe being used as separate residence: This case was closed 34 working days after its receipt - no breach was identified.*
- 3. Storage of caravans: Received 16<sup>th</sup> September. This is an on-going case with the first visit undertaken 12 days after its receipt - Case Officer is waiting for the land owner to contact them.*
- 4. Noise disturbance: Received 8<sup>th</sup> April 2016 and was closed 68 working days after its receipt - referred to Environmental Health, as no breach of planning control identified.*
- 5. Mobile home in garden: Received 16<sup>th</sup> February 2016. E-mail exchange with owner on 4<sup>th</sup> March identified no breach - case was closed 13 working days after its receipt.*

6. *Storage of caravans: Received 28<sup>th</sup> January 2016 and first visit 17<sup>th</sup> February. Case closed 189 working days after its receipt - application invited.*

*On the face of it, none of the above complaints appeared to fall within the High Priority category as set out within the Council's Enforcement Plan (see <http://www.cotswold.gov.uk/residents/planning-building/planning/planning-enforcement/>). Note: Photographs of the earth works (complaint no.1) were received at the outset.*

*From the above information, it appears that the Council has responded in a timely manner in respect of all complaints relating to the Chedworth and Churn Valley Ward that it has received this calendar year.*

*With regards to pursuing enforcement action, it must be noted that this cannot be taken simply on the basis that a breach of planning control has occurred. Rather, the Council must be able to prove that the breach has resulted in demonstrable planning harm. In addition, it is common practice for Councils to enter into negotiation with the owner of land upon which a breach has been identified to seek to resolve the matter before formal action is taken. Notwithstanding this, the Council does take formal action in cases where it is appropriate to do so and, where relevant, seeks to prosecute transgressing parties if notices are not complied with.*

*All that said, I know that the service is already part-way through a review of the enforcement function; and am aware that the Overview and Scrutiny Committee, which you Chair, has also asked for a paper on planning enforcement, in terms of processes and procedures.*

Councillor Forde thanked the Cabinet Member for the research into enforcement cases in her Ward, especially as she had not heard of some of them.

Councillor Forde welcomed the fact that a review of the enforcement function was underway and confirmed that the Overview and Scrutiny Committee would also be looking into this too, at the request of Committee Members.

Whilst it might be that, according to the statistics, the Council had responded in a "timely manner" to planning enforcement issues, and even that the enforcement process was deemed fit-for-purpose, Councillor Forde stressed that perception was key and for many perception was reality, and advanced evidence in respect of a 'live' case to support this.

Similarly, whilst there might be machinations, processes and work happening behind the scenes, residents rightly expected fair play in the system and for the Council to take action quickly when people (especially repeat offenders) appeared to be flouting the rules - with law-abiding citizens who followed the rules and obtained planning permission understandably finding it galling to see others who did not.

By way of a supplementary question - and in acknowledging this Council's aim to be the most efficient in the country and the fact that planning success was measured by how quickly we responded to planning applications and not by our approach to enforcement or service - Councillor Forde asked that, should it be found as a result of the review and the scrutiny process, that we need to invest in resources and

processes to address perception, service and customer relations, would the Cabinet agree to invest in and implement them?

In the absence of Councillor MacKenzie-Charrington from the Meeting, Councillor NJW Parsons sought to respond. Councillor Parsons stated that he did not consider it appropriate to comment on a particular enforcement issue which might or might not be a breach and therefore where it might or might not be expedient to enforce against it. Councillor Parsons confirmed that the Cabinet would always be willing to receive advice from the Overview and Scrutiny Committee and see whether their recommendations could be implemented/funded but drew attention to the budgetary process and cycle, which ultimately involved the whole Council.

(2) From Councillor PCB Coleman to Councillor Lynden Stowe, Leader of the Council

'Would the Leader please provide the latest table of data showing the annual comparison between the annual cut in Revenue Support Grant to this Council and the annual payment of New Homes Bonus (NHB) to this Council, for each of the years since the Council first became eligible to receive NHB?'

Response from Councillor Stowe

*Details are as follows:-*

	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	Change in funding
<b>RSG</b>	5,360,402	4,281,639	3,644,152	2,466,458	2,003,593	1,510,389	856,333	<b>(4,504,069)</b>
<b>NHB</b>	0	240,382	744,164	1,374,172	1,949,830	2,564,789	3,250,616	<b>3,250,616</b>
<b>Total</b>	5,360,402	4,522,021	4,388,316	3,840,630	3,953,423	4,075,178	4,106,949	
<b>(Loss)/ Increase in Funding</b>		<b>(838,381)</b>	<b>(133,705)</b>	<b>(547,686)</b>	<b>112,793</b>	<b>121,755</b>	<b>31,771</b>	<b>(1,253,453)</b>

Councillor Coleman thanked the Leader for the information, which confirmed how important that New Homes Bonus (NHB) payments had become to this Council, now providing £3.25 million in the current financial year compared with only £850,000 from Revenue Support Grant (RSG), which is being phased out.

In referring to the significant underspends of previous years, Councillor Coleman asked whether some of this NHB surplus could be shared with Town and Parish Councils, albeit subject to certain restrictions as to use, e.g. towards the costs of the council tax support scheme, or towards projects which aligned with this Council's Corporate Strategy, or towards a bidding process for any local council who sought to take on services that had previously been provided by the District and/or the County Council.

In response, Councillor Stowe stated that whilst the NHB was currently a welcome source of funding, it was in no way guaranteed and there were Government proposals at the moment to restrict that funding. The Leader was of the view that it would be imprudent to earmark money that was not guaranteed to be received. In terms of any underspend, this would normally be transferred into the Council Priorities Fund, for use to, for instance, finance change management such as the 2020 Partnership which ultimately helps to keep Council Tax down and allow is to make savings but at the same time protect those front-line services. The Leader did not consider it appropriate to fund services that were the proper responsibility of other authorities, be that County Council, police authority or indeed local councils, who had a certain remit within law, but also a substantial amount of discretion as to spending.

Turning to the three proposals, the Leader (i) was of the view that the Council had been very generous in the past in respect of the Local Council Tax Support Scheme, but had to recognise likely significant reductions in Government funding in the future; (ii) funding was already available for community projects, not only through the bespoke fund but also for one-off projects, such as the Market Place scheme in Cirencester; and (iii) a decision to fund services within the remit of other authorities could lead to an unlimited commitment against a backdrop of diminishing resources and the potential for a referendum if spending was considered to be excessive.

(3) From Councillor PCB Coleman to Councillor Chris Hancock, Cabinet Member for Enterprise and Partnerships

'Would the Cabinet Member for Enterprise and Partnerships please make a statement on the latest position regarding the provision of a shuttle bus service in and around Cirencester, as recommended in the report for his Decision which was to be made no earlier than Thursday 1st December, indicating the processes by which route selection, choice of operator partner(s), and cost estimation were all made?'

Response from Councillor Hancock

*In November, the Parking Demand Project Board considered a suggestion that the Council could provide a Christmas Shuttle Bus service to complement existing bus services and make bus travel a more attractive and practical solution for the many Cirencester residents who travel from the outskirts of Cirencester to the town centre to work and shop. This suggestion was supported as it was considered to be a practical solution for easing the pressure for car parking spaces in the town centre in the run-up to Christmas, when spaces will be in particularly high demand. In order that this could be actioned and delivered quickly, the recommendation to allocate funding for this shuttle bus service, from income paid in error by motorists during the 'Free After 3' initiative, was included in a report for decision by me, as Cabinet Member.*

*Unfortunately, once the County Council had been consulted and a detailed analysis of existing bus routes had been carried out, it was determined that only one area in Cirencester - the Beeches - would really benefit from this service as the remainder already receive regular bus services. It was therefore established that the demand for this service was not as had been originally thought and, therefore, the provision of a shuttle bus service was not considered to be a practical solution. The Council wishes to support the County Council's bus services as they provide a valuable service which avoids the need for car use and it was determined that introducing this shuttle bus*

*could have created competition with County bus services, which might have had a longer-term adverse effect on customers.*

*If a shuttle bus is considered in the future, a procurement process will be followed to obtain a local operator, and decisions will be made based on the costs and benefits of the service at that time.*

Councillor Coleman thanked the Cabinet Member for his reply, and for taking up the idea as a priority through the Parking Demand Project Board and seeking to see where possible to produce an accelerated scheme this December.

Whilst acknowledging the difficulties faced, but noting as a positive that costings provided had been rather lower than expected, Councillor Coleman asked, by way of a supplementary question, whether the Cabinet Member would keep this matter under active review, and if the Parking Board would consult the Royal Agricultural University (RAU) to see whether the bus service that the University currently ran for students in Cirencester might be expanded to provide a wider service.

Councillor Hancock responded in the affirmative. He explained that it would have been wonderful if something could have been achieved for Christmas but, unfortunately, it had not proved possible. However, other options had been, and would continue to be, explored, as well as partnerships in relation to other sites around the district. The Cabinet Member stated that an arrangement with the RAU might be possible, and that a viable means of providing a shuttle bus around Cirencester would be kept under review.

(4) From Councillor JA Harris to Councillor Chris Hancock, Cabinet Member for Enterprise and Partnerships

'Car Park users in Cirencester have paid "in error" £11,000 during the duration of the Free After 3 initiative up to late November.

Would the Cabinet Member for Enterprise and Partnerships please supply figures to show how the rate of payments-in-error has changed with the passage of time?'

Response from Councillor Hancock

*The figures for 2016 to date (net of VAT) are set out below:-*

<i>January</i>	<i>£1,213.25</i>
<i>February</i>	<i>£1,060.38</i>
<i>March</i>	<i>£2,603.88</i>
<i>April</i>	<i>£992.88</i>
<i>May</i>	<i>£799.67</i>
<i>June</i>	<i>£767.33</i>
<i>July</i>	<i>£641.92</i>
<i>August</i>	<i>£1,079.17</i>
<i>September</i>	<i>£1,052.29</i>
<i>October</i>	<i>£886.75</i>
<i>November</i>	<i>£786.50</i>
<i>Total:</i>	<i>£11,884.02</i>

In referring to the figures provided, Councillor Harris reiterated his previous suggestion that the problem could be resolved by parking meters being covered during non-payment periods.

In addition, with reference to the monies generated from parking charges and fines, reported at £1.6m in the last financial year alone, Councillor Harris asked whether that money would go into finding a much-needed solution to parking issues in Cirencester, especially with the future housing allocated as part of the proposed Chesterton Development.

In response, Councillor Hancock confirmed that the use of covers, particularly at times when free parking was offered across the whole of the district, was simply not practical. However, something might be possible in relation to a small number of car parks.

With particular regard to the suggestion of investing parking receipts in finding a solution to parking in Cirencester, the Cabinet Member was of the opinion that the Council needed to look at its long-term financial strategy as a whole, and reminded Members that substantial sums had already been committed in an attempt to address the situation.

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

'Please can the Leader tell me how much this Council has underspent each year since 2011?'

Response from Councillor Stowe

*Details are the operational underspend are as follows:-*

<b>2011/12</b>	<b>2012/13</b>	<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>
£	£	£	£	£
158,649	582,679	567,967	1,305,514	941,435

Councillor Harris expressed the view that residents and businesses would be shocked by the sums involved, and questioned whether such underspends were at the expense of quality and/or level of service provision. Councillor Harris considered the Council to be incredibly 'rich' despite reduced central funding, and especially when compared to many other authorities. Given the circumstances, he believed that the Council should be investing its funds for the benefit of the Cotswolds, for housing and other projects of a community value, and to assist local councils. By way of a supplementary question, Councillor Harris asked the Leader to identify projects that could be brought forward in this vein.

In response, the Leader explained that the identified monies were not all available for use by the Council for various reasons. The Council Priorities Fund was a key example of provision for future investment, albeit largely of a one-off nature or for invest-to-save projects where monies could be 'recycled'. Examples of such use included flood alleviation projects, temporary increases in service capacity, and shared working initiatives.

The Council had achieved its current financial position due to prudent management over many years, and it would not be right to prejudice that position by unwarranted and unjustified spending. Expenditure needed to be managed, and it was not

appropriate to spend monies just because funds were there, as this would only increase pressures in future years.

The Leader also drew attention to opportunities for Members to put forward proposals for capital and revenue expenditure, particularly as part of the annual budget-setting process which culminated in the February Meeting of Council each year. However, he hoped that any proposals would be submitted in advance, rather than last-minute at the Council Meeting itself, so that they could be properly worked through and debated.

#### CL.33 PETITIONS

No petitions had been received.

#### CL.34 COUNCIL TAX SUPPORT SCHEME 2017/18

The Leader of the Council presented the report and recommendation of the Cabinet in respect of the Council Tax Support Scheme for the financial year 2017/18. The Leader drew attention to the proposed changes, which had been subject to public consultation, and amplified aspects of the responses received.

The Leader referred to previously-stated Government policy intentions that, other than protected groups, all people should pay an element of Council Tax, and reminded Members as to how the Council had responded by way of its local support scheme. He explained that the current scheme required a minimum 8.5% Council Tax charge for working age customers, excluding the protected groups, which was significantly less than many councils.

The proposals before Members sought to provide a scheme which was in line with recent changes to housing benefit/universal credit, making it easier for claimants to understand. The Leader also made specific reference to the proposed establishment of a Hardship Fund, to provide additional support for those who could demonstrate financial hardship and an inability to meet even the minimum Council Tax payments.

The Leader drew attention to the public consultation responses received, and reiterated that the consultation had not included any questions regarding the minimum charge to be applied, which it was proposed should remain at 8.5% for the coming year and then be subject to consultation thereafter.

The Leader and Officers responded to various questions regarding the proposed Hardship Fund; connection to the DWP-funded Discretionary Housing Payment Scheme; possible impacts on the Local Council Tax Support Scheme for town/parish councils; the financial benefits to other authorities of the proposed scheme.

At the request of a Member, the Council considered and indicated its support or otherwise for each element of the proposed scheme.

#### **RESOLVED that:**

**(a) the amendments proposed in respect of the Council Tax Support Scheme, as detailed at Appendix 'A' to the circulated report, be approved and incorporated into a new Scheme, with effect from 1<sup>st</sup> April 2017;**

**(b) a Council Tax Support Hardship Fund of £20,000 be established, financed from the Council Priorities Fund.**

**Record of Voting - for 27, against 0, abstentions 1, absent 5, vacancy 1.**

CL.35 APPOINTMENT OF EXTERNAL AUDITORS

The Leader of the Council presented the report and recommendation of the Cabinet in respect of the process for the appointment of external auditors. In so doing, he explained that it had been considered that opting into the 'appointing person' regime would result in savings for the Council and the appointment of 'appropriate' external auditors.

It was noted that the recommendation also had the support of the Audit Committee.

**RESOLVED that the Council opts into the 'appointing person' arrangements made by Public Sector Audit Appointments for the appointment of external auditors.**

**Record of Voting - for 28, against 0, abstentions 0, absent 5, vacancy 1.**

CL.36 ANY OTHER ISSUES ARISING FROM THE CABINET

There were no other issues arising from the Cabinet.

CL.37 ISSUES/REPORTS ARISING FROM OVERVIEW AND SCRUTINY AND/OR AUDIT

There were no issues/reports arising from Overview and Scrutiny and/or Audit, apart from the Glitnir Update/Closure Statement.

CL.37 NOTICE OF MOTIONS

No Motions had been submitted.

CL.38 SEALING OF DOCUMENTS

**RESOLVED that the Common Seal of the Council be affixed to all contracts, conveyances and any other documents necessary for carrying into effect all resolutions passed by the Council.**

**Record of Voting - for 28, against 0, abstentions 0, absent 5, vacancy 1.**

CL.39 OTHER BUSINESS

There was no other business that was urgent.

The Meeting commenced at 10.05 a.m., and closed at 11.35 a.m.

Chairman

(END)