

COTSWOLD DISTRICT COUNCIL

COUNCIL

21<sup>ST</sup> FEBRUARY 2017

Present:

Councillor Mark F Annett  
Councillor Julian Beale

- Chairman  
Vice-Chairman

Councillors -

SI Andrews  
AW Berry  
AR Brassington  
T Cheung  
Sue Coakley  
Alison Coggins  
PCB Coleman  
Andrew Doherty  
RW Dutton  
Jenny Forde  
David Fowles  
C Hancock  
JA Harris  
M Harris  
Maggie Heaven

Jenny Hincks  
SG Hirst  
RC Hughes  
Mrs. SL Jepson  
RG Keeling  
Juliet Layton  
MGE MacKenzie-Charrington  
Jim Parsons  
NJW Parsons  
SDE Parsons  
NP Robbins  
Tina Stevenson  
Lynden Stowe  
R Theodoulou  
LR Wilkins

Apologies:

RL Hughes

Dilys Neill

CL.41 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.42 MINUTES

**RESOLVED that:**

- (a) subject to the inclusion of a Note to Minute CL.34 to identify the record of voting on the various elements of the proposed Council Tax Support Scheme and/or amendments proposed thereto, the Minutes of the Meeting of the Council held on 13<sup>th</sup> December 2016 be approved as a correct record;

**Record of Voting - for 28, against 0, abstentions 4, absent 2.**

**(b) the Minutes of the Special Meeting of the Council held on 13<sup>th</sup> December 2016 be approved as a correct record.**

**Record of Voting - for 26, against 0, abstentions 6 absent 2.**

**CL.43 ANNOUNCEMENTS FROM THE CHAIRMAN, THE LEADER OR HEAD OF PAID SERVICE**

(i) Councillor Andrew Doherty - the Chairman welcomed the newly-elected Member for the Fairford North Ward, Councillor Andrew Doherty, to his first Meeting of the Council, and expressed the hope that he had an enjoyable and fulfilling time with the Authority.

(ii) 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.

(iii) Abbey 900 - the Chairman stated that the following day marked the official opening of the Abbey 900 Festival, and welcomed Corinne Lamus, Chair of the Abbey 900 Cirencester Steering Group, to the Council Meeting; Corinne gave a short presentation about Abbey 900, including an overview of the Festival and the wide range of cultural, dramatic, musical and religious activities which would be taking place over the coming months; Corinne showed a commemorative quilt worked by five Cirencester schools, and some local artwork depicting the Abbey and its surrounds; and, in conclusion, the Chairman thanked Corinne for her presentation and expressed the hope that the Festival would go well.

(iv) Business - the Chairman referred to the full agenda, with some very important items, and stated that whilst he did not wish to stifle debate, he asked Members to be disciplined in their comments, avoid repetition and be succinct and to the point; he confirmed that, in general, Members would be allowed to speak only once on a particular item, and for no longer than the time limit prescribed by our Constitution, even on the Budget.

(v) Budget and Council Tax Items - the Chairman reminded Members that all of the votes relating to the Budget and Council Tax, including on any amendments put forward, were required by legislation to take the form of Recorded Votes.

(vi) Motion 1/2017 - the Chairman confirmed that he would allow the Motion to be debated at the Council Meeting.

There were no announcements from the Leader and/or the Head of Paid Service.

**CL.44 PUBLIC QUESTIONS**

In accordance with Council Procedure Rule 10, a question had been submitted, and a response provided, as follows:-

- (1) From Mr. M Pratley of Cirencester to Councillor NJW Parsons, Deputy Leader of the Council and Cabinet Member for Forward Planning

'The CDC press release on 20<sup>th</sup> December 2016 stated that the Bathurst Chesterton Outline Planning Application will be determined by the full council rather than the Planning Committee. It stated:

*This approach reflects the significance of the application, not only to Cirencester but to the District as a whole, given that the application site is the only strategic development site proposed as part of the emerging Local Plan. By confirming the approach now, it will hopefully provide clarity and certainty to all of those involved with, and affected by, the proposals - not least, the people of Cirencester.*

This application is indeed significant. The Cotswold District has never had such an extraordinary application as this. Its significance reaches far beyond that of any other planning application. This one is about changing the whole nature of this small-to-medium sized historic market town. Most people believe that it will harm this town forever.

You state that the application will be determined by the full council. Does this mean that every councillor, including those representing Chesterton and Four Acres wards, will be allowed to vote?

Response from Councillor NJW Parsons

*The issue is constitutional and, therefore, the question falls to be determined by the Council rather than any Cabinet Member. Indeed, there is an agenda item within our Council papers relating to the Chesterton Strategic site, which includes a section on Ward Member voting.*

*The Council report also confirms that, irrespective of the Ward Member issue, some Members may be precluded from participating in the debate and/or vote on the application - should they have either a Disclosable Pecuniary Interest or an 'Other Interest' in the application.*

In referring to the response provided, and the circumstances in which Members would be likely to be precluded from voting on the application, Mr. Pratley expressed the view that the public would find it unacceptable if any Member with any interest whatsoever in the BDL application did not declare any interest which would rightly preclude them from voting.

By way of example, he suggested that these interests might include:-

- strong connections to a Cirencester or Cotswold estate agency;
- residential property consultants;

- connection with a residential investment property fund;
- advertising houses for sale in the Cotswolds;
- having had links with the applicant in a recent role as President of the Cotswold Conservatives;
- a professional services firm, e.g. solicitor, with a connection to the Bathurst Estate.

By way of a supplementary question, Mr. Pratley asked how the Leader would ensure that the decision process was open and fair, compliant with best practice and beyond reproach.

In response, Councillor Parsons referred to the item which appeared later on the agenda, and confirmed that this issue was for the Council to determine rather than for him to respond in his Cabinet Member role.

#### CL.45 MEMBER QUESTIONS

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

- (1) From Councillor Jenny Hincks to Councillor C Hancock, Cabinet Member for Enterprise and Partnerships

'Please could the cabinet member give an update on the administration's plans for the Old Station building in Cirencester?'

#### Response from Councillor C Hancock:-

*In April 2016, the Cabinet agreed to progress with the marketing of the Old Memorial Hospital, Old Station and Waterloo car parking sites for redevelopment to provide additional car parking spaces and mixed use residential and commercial development, including the invitation of bids.*

*In order to invite bids for the sites, the Council requires a brief for each site setting out the Council's requirements from any development. The Old Station building needs to be considered along with the surrounding car park, to ensure that the Council does not agree to progress a development of the building in isolation, as this could impact on potential for full-site development. One of the significant requirements within a brief for any of the Council's sites in Cirencester is the parking requirements. The Car Parking Demand Project Board (the Board) has therefore been progressing with the work on the feasibility of the town centre sites for future car parking provision. A report was considered by Cabinet last week setting out the parking demand for Cirencester, taking into account committed developments and developments set out in the emerging local plan. The next stage is for the Board to consider an outline Masterplan for the Council's development sites in Cirencester, predominantly car parks, and buildings including the Old Station. The Board will review various related documents which impact on land/property use, including the emerging local plan, the feasibility work carried out on the car park sites, and the Parking Study. This will allow a view to be taken on what development/car parking is required on each site and the likely*

*phasing of any development. The key to unlocking any of the development sites is to provide additional car parking, either separately or as part of the development. The Council Agenda includes a separate report which sets out a request for funding to progress with a planning application for decked parking at the Waterloo car park which, if successful, will start the process of providing the additional parking required and allow development of other sites.*

*The Council continues to invest money in the protection of the property, which is a grade II listed building. In consultation with Heritage Officers, work to the external structure has been carried out over the last three years to conserve and protect the asset. Annual inspections take place to monitor its condition, and appropriate works are scheduled should any priority defects be identified.*

By way of a supplementary question, Councillor Hincks sought reassurance that when the Board looked at its Master Plan, it would take account of the historic nature of building and deal with its future use in a sensitive way.

In response, Councillor Hancock confirmed that this would be the case, explaining that the building was of Grade II listed status and formed an important part of Cirencester's heritage. It was also confirmed that no specific decision had, as yet, been taken as to the future use.

(2) From Councillor T Cheung to Councillor Lynden Stowe, Leader of the Council

'Please could the Leader give an update as to progress with respect to my motion at the September Council meeting regarding the Spine Road through the Cotswold Water Park?

In response, Councillor Stowe circulated a letter that had been received from the County Council that morning in response to the concerns previously raised. The contents of the letter would be reviewed.

By way of a supplementary question, Councillor Cheung asked whether the Council would consider setting up a register on its website setting out details of all Motions, against which progress details could be entered, thereby avoiding the need for further Motions and/or questions to ascertain progress.

In response, the Leader acknowledged what he considered to be a sensible suggestion and would pursue the matter with officers.

(3) From Councillor Juliet Layton to Councillor to Councillor Lynden Stowe, Leader of the Council

'The Cotswold Water Park is one of the jewels in the Cotswolds' crown. It is understood that the Cotswold Water Park Trust (CWPT) is in considerable financial difficulty and is now only carrying out very basic environmental tasks.

On the CWPT website it states:

*We **fundraise**... for a wide range of projects including: more and better public paths, improved parking facilities, the creation of nature reserves and campaigns to protect endangered species like the Water Vole, Otter, Bats and Black Poplar.*

*We **manage**...hundreds of acres of land, from Neigh Bridge Country Park near Somerford Keynes to Riverside Park in Lechlade for the benefit of local people, visitors and wildlife.*

*We **promote**...better understanding through our schools education programme and exciting public events, such as our sell out fossil hunts, talks, walks and workshops.*

*We **work**...to help people understand why the Cotswold Water Park is so unique - we all want to ensure it's used and cared for in ways which will maintain it for future generations.*

When a representative of the CWPT spoke to our Overview and Scrutiny Committee, it was clear that fundraising wasn't proactive, that the trust plans on disposing a number of sites, that promotion of the area was basic and that many of the sites that the CWPT are responsible for are falling into a state of disrepair.

We all want to see the Water Park succeed especially since the scandal in recent years. What can Cotswold District Council do to support the Trust in better meeting these aims?

Response from Councillor Lynden Stowe:-

*The presentation to our Overview and Scrutiny Committee took place in March 2016, as part of which the Trust's Managing Director highlighted the then current challenges relating to funding, alongside various opportunities and initiatives.*

*Since that time, Officers have sought to maintain a dialogue with the Trust, although contact has been sporadic. However, I understand that, within the last few weeks, our Strategic Director has been made aware of some options/proposals that the Trust would like to pursue given that it has regained control over Keynes Country Park - these have yet to be assessed, or discussed with Members.*

Councillor Layton stated that she had hoped that the response would have provided more detailed information, given that there had been a number of meetings within the County Council.

It was known that Keynes Country Park was back in the hands of the Trust; but people did not know the future of the Trust, the Country Park or the numerous other lakes in the Water Park.

Councillor Layton reiterated that the Water Park was the prime tourist attraction in the District, offering a diverse range of interests and activities to residents and tourists; and that the Trust encouraged sports, environmental awareness, preservation and bio-diversity, and many other things.

Councillor Layton expressed the hope that the Council would support the continuation of this good work in an open manner, with discussions being made public, no decisions behind closed doors and, perhaps, with members of the public and ward members involved in the future of the Water Park and the Trust.

The Leader acknowledged the resources and activities within the Water Park; and suggested that it would be appropriate for the Overview and Scrutiny Committee to request a further presentation, particularly given the change of circumstances.

The Leader stated that it would not be appropriate for him to comment on GCC discussions, and that, in any event, he was not aware of any outcomes. Insofar as this Council was concerned, he did not believe that decisions were taken behind closed doors; and reminded Members of the financial support previously offered to the Trust by way of a loan. In this connection, he also suggested that any presentation to the Overview and Scrutiny Committee should also cover the financial situation.

(4) From Councillor AR Brassington to Councillor Mrs. SL Jepson, Cabinet Member for Housing and Communities

'The Council is due to rule on the Bathurst Development Ltd planning application for 2350 homes at Chesterton. I am aware that ward members cannot vote on planning applications in their own ward.'

Given that this application is the largest ever submitted to CDC in its history, the major impact that it will have on the town and that the full Council will determine it, I strongly believe that this ruling should be suspended for this application.

Will the Cabinet support me on this matter?

Response from Councillor Mrs. SL Jepson

*The issue is constitutional and, therefore, the question falls to be determined by the Council rather than any Cabinet Member. Indeed, there is an agenda item within our Council papers relating to the Chesterton Strategic site, which includes a section on Ward Member voting.*

Councillor Brassington stated that the application was unique in many ways, not least its size, and its impact on local residents, on Cirencester itself and on the whole of the Cotswolds. He added that it was so massive that it extended over three wards, and many local residents who were aware that their ward representative could not vote on this application felt disenfranchised and frustrated.

By way of a supplementary question, Councillor Brassington asked why the Council was depriving those residents of a corner-stone of democracy in that their elected representatives were unable to represent them.

In response, Councillor Jepson explained that this was a Constitutional matter for the Council to determine; and referred to the item on this issue which appeared later on the agenda.

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

'In view of the Council's experience when our 5 year housing supply was below target, does the deputy leader agree that the supply figure should be calculated and published quarterly?'

Response from Councillor NJW Parsons

*I fully support the desire to have up-to-date figures, given that these will help frame our planning policy and development control processes. That said, quarterly calculations would be both time consuming and resource intensive, and also unlikely to identify significant changes to those figures unless, in turn, there had been significant changes either in the calculation methodology or local circumstances.*

*Having regard to the current position, I would not support the suggestion put forward, and am content to continue with an annual review. However, additional calculations could be carried out if there were significant changes in circumstances.*

Councillor Coleman referred to problems in the past over the accuracy and currency of the supply figures which, he suggested, had led to an appeal being allowed only for the Council to be able to demonstrate a five-year supply shortly thereafter.

By way of a supplementary question, he asked whether the use of a simple spreadsheet, regularly updated, would not provide a more robust approach.

In response, Councillor Parsons acknowledged the concerns but stated that it was not so simple to verify the figures, and in-depth interrogation of data was required to ensure robustness. In addition, the recent Government White Paper offered an opportunity for a Council to fix housing supply figures for a year at a time which, if pursued, would hopefully help the situation. As a result, the Cabinet Member would not wish to do anything in the meantime to pre-empt anticipated legislation.

- (6) From Councillor JA Harris to Councillor NJW Parsons, Deputy Leader of the Council and Cabinet Member for Forward Planning

'This year sees the sixth anniversary of when the District's local plan was supposed to be in place.

Will the Deputy Leader apologise to the people of the Cotswolds for the area's Local Plan being more than half a decade late under his watch?'

Response from Councillor NJW Parsons

*As Councillor Harris is fully aware, the process for producing a Local Plan is set down in legislation, with many stages and many consultations. A vast amount of work - particularly evidence gathering - is required to ensure that a sound and fully-compliant Plan can be*



*submitted for examination, in accordance with the instructions of Council.*

*With regard to Plan submission, it would not be sensible in my judgement or in the judgement of the professional Officers, to submit a Local Plan prematurely or one with incomplete evidence because this would present a significant risk to adoption with the likelihood of our timetable being put back very seriously.*

Councillor JA Harris felt that it was unfortunate that the Cabinet Member did not feel that an apology was justified, given the excessive delay in respect of the Local Plan. Councillor Harris stated that he had been made aware that the law firm of which the Cabinet Member was a partner was an official sponsor of Cotswold Show, which was run by the Bathurst Estate. As such, he assumed that there would be a financial and/or business interest and relationship, which it could be argued might call into question the integrity of the Council's entire Local Plan, given that the sole strategic site sat on the Bathurst Estate.

By way of a supplementary question, Councillor Harris asked whether the Cabinet Member felt that his position was untenable given the palpable interest and sought comment as to whether the Cabinet Member would be voting on the BDL application when it came before the Council, given the significant pecuniary interest that appeared to exist.

In response, the Cabinet Member stated that he was not aware of his firm's involvement in sponsorship for the Cotswold Show in 2017, and that the firm had been a sponsor in 2015 but not in 2016. He did not believe that any contract had been exchanged for 2017.

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

'At the budget meeting two years ago, the forecast for total capital receipts for the end of 2018/19 was £5.328 million. The corresponding figure for the same date is now £10.565 million. What does the Leader see as the priorities for the use of these funds?'

Response from Councillor Lynden Stowe

*As part of our deliberations at the Council Meeting, we will be deciding upon the Council's revenue and capital proposals for the coming year and beyond. The capital programme within our papers sets out our spending priorities for the next four years, based on the Council's previously agreed strategic aims and objectives.*

Councillor Coleman stated that his question sought partly to highlight the good fortune that had arisen out of the sale of assets in the past, and also to afford the Leader the opportunity to set out his vision as to what the Council should look to achieve in capital terms in the future. Councillor Coleman sought clarification on such future vision.

In response, the Leader expressed the view that the Council was in its current position due to hard work, good strategic planning, good officers and delivering on efficiencies. The MTFP and budget highlighted the financial

successes which gave the Council the ability to look at capital projects, e.g. the Waterloo decked parking proposals and other car park appraisals. The key aspect was that the Council was in a very robust position, and was able to look at a variety of projects that could benefit Cirencester and the District. The prudent approach had been successful, and investments had been wise.

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

'I'd like to welcome the news that the planning application for 2350 homes on the edge of by Bathurst Development Ltd is going be decided by full Council.

When it comes to the vote on the Bathurst application for 2350 homes on the edge of Cirencester, will the Leader, like me, be instructing his fellow Conservative Councillors to declare their interests and refrain from voting where there is an appearance of conflict of interest?'

Response from Councillor Lynden Stowe:-

*I would refer Councillor Harris to the agenda item within the Council papers relating to the Chesterton Strategic site, which includes a section on Member/Officer interests. That report sets out a suggestion made by myself and the Deputy Leader, and the approach that the Monitoring Officer and Deputy Monitoring Officer intend to use in an attempt to ensure exceptional transparency in our consideration of the BDL application.*

*I would expect all Members to abide by the Code of Conduct and to declare all relevant interests at all times. I am also a firm believer that Members should seek advice from our professional Officers on such matters, particularly if in any doubt on a matter, including around issues of perception. That said, it is ultimately the decision of each individual Member as to whether he/she has any interest to be declared. Perception is very real, but I would hope that the proposed approach, coupled with open-ness and integrity on the part of all Members, would overcome and dispel any perception issues.*

By way of a supplementary question, Councillor Harris asked whether the one-to-one meetings would be minuted and made available to public, with full details to ensure transparency.

The Leader explained that he, along with the Deputy Leader, had put forward the initiative, as a protection not only to individual councillors but also the Council as a whole. However, notwithstanding such approach, there would inevitably be individuals with perceptions that would differ from any information published; but he believed that the approach was the right way forward and for information to be placed into the public domain. The Leader also believed that it was essential for all Members to attend and to be open and transparent both ways - as he felt that there had been occasions when Members had decided to leave a meeting, when such an absence could be challenged as being unnecessary.

CL.46 PETITIONS

No petitions had been received.

CL.47 DEVELOPMENT OF THE WATERLOO CAR PARK, CIRENCESTER FOR DECKED CAR PARKING

The Cabinet Member for Planning Services and Cirencester Car Parking Project presented the report and recommendations of the Cabinet relating to the proposed provision of decked parking on the existing Waterloo car park site in Cirencester.

The Cabinet Member amplified aspects of the proposal, emphasised that the funding being sought was to enable the next stages to be pursued, and that further reports would be submitted to future Meetings of the Cabinet and the Council on the principles of any detailed planning application and business case for development.

In response to various questions, the Chairman of the Parking Board (Councillor M Harris) and the Cabinet Member explained how the Waterloo Car Park had been identified as the preferred location for a decked car park; confirmed that on-going consultation and engagement would occur with local residents and businesses; acknowledged the need to ensure that any future design was sympathetic and aesthetic, and would stand the test of time; accepted that any solution must not lead to further congestion within the town; and advised that other associated options, such as park and stride, footpath improvements, bus services, and cycle provision, were being investigated as part of a holistic package of improvements. It was also explained that the initial studies and surveys would enable a realistic timeframe to be developed.

**RESOLVED that:**

- (a) detailed designs and surveys be developed to enable a full planning application to be progressed for a decked car park on the Waterloo site, Cirencester, as requested by the Cirencester Parking Demand Parking Board;
- (b) a sum of up to £225,000 be allocated from the Council's Priorities Fund for the necessary work to enable the submission of a full planning application for the site;
- (c) delegated authority be given to the Strategic Director, in consultation with the Cirencester Parking Demand Project Board, to procure an Architect to design a suitable scheme to enable submission of a full planning application for development of a decked car park;
- (d) a further report be received in order to approve the principles for a detailed planning application and the business case for the development, prior to the planning application submission;
- (e) the appointment of consultants, The Environment Partnership, be approved to carry out and provide the necessary services to progress a full planning application for a decked car park at the Waterloo, Cirencester.

**Record of Voting - for 32, against 0, abstentions 0, absent 2.****CL.48 DRAFT MEDIUM TERM FINANCIAL STRATEGY 2017/18 TO 2020/21 AND BUDGET 2017/18**

The Leader of the Council thanked the Head of Paid Service and the Chief Finance Officer and her team for their work on the budget. The Leader referred to the responses to the public consultation on the proposed budget which, he considered, indicated that the respondents had broadly supported the proposals. The Leader also referred to Business Rates Retention and the Smoothing Pool, and he urged all traders in the District to claim the maximum allowance available to them.

The Leader amplified aspects of the circulated report, drawing specific attention to the recommended freeze on Council Tax instead of the previously-suggested increase of 1.99%. He reminded the Council that the administration had previously promised to 'look after' Council Tax payers and explained that, as a result of that promise, Council Tax bills had reduced by 30% over the past five/six years, and that the Council now had the sixteenth lowest precept in the country. The Leader contended that the Council should leave as much money as possible in people's pockets unless a rise in Council Tax was necessary to deliver front-line services, and he stated that the Council had actually achieved a reduction in bureaucracy and management.

The Leader then referred to the parking situation in Cirencester and elsewhere in the District, and expressed the view that the 'Free After 3' initiative had been successful, and to other car parking initiatives, including proposals to deck the Waterloo Car Park and improvement works at The Beeches Car Park. He referred to concerns expressed in relation to the Enforcement Service, which had also been discussed by the Overview and Scrutiny Committee; flood resilience works; ambulance response times across the District; the forthcoming centenary of the end of the First World War; and the need to repair the roof of the Council's Trinity Road offices and, supplementary to the Cabinet's recommendations, he Proposed the following:-

- extension of the 'Free After 3' parking initiative until March 2018;
- a freeze on car parking charges;
- an additional sum of £30,000 from the Investment in Car Parks budget to complete the improvement works at The Beeches Car Park, Cirencester;
- an additional one-year Enforcement post, to be reviewed at the end of that year;
- an additional sum of £100,000 to complete the Moreton-in-Marsh flood defence scheme and to progress other flood scheme, including in Fairford, Broadwell, Southrop and Ewen, such funding to be topped-up, if necessary;
- a budget of £2,000 per Ward Member to facilitate the roll-out of defibrillators across the District;
- a budget of £750 per Ward Member to promote activities, education and events in Wards and Parishes to commemorate the end of the First World War;
- an allocation of funding to repair the roof of the Council's Trinity Road offices.

The Leader considered that the proposed budget would put out the correct message to residents, and that the Council had genuinely delivered on its promise in relation to Council Tax. He stated that this was his twelfth and last budget as Leader of the Council, and that he knew that things would be left in capable hands to take the Council forwards in the future. He contended that this budget represented the sort of budget that every Council in the country would like to have, and that it recognised that the administration's strategy had worked, and continued to work, for everyone, and represented a good legacy of efficiency and prudence, while maintaining front-line services. The Leader referred to the surplus on New Homes Bonus in a sum of £1.3m, and explained that £400,000 of such surplus would be transferred to reserves via the Council Priorities Fund during the next financial year. The Leader stated that the purpose of that Fund was to meet the cost of the one-off projects the Council wished to undertake. In conclusion, the Leader formally Proposed the budget.

Councillor Mrs. SL Jepson Seconded the Proposition.

Councillor JA Harris, the Leader of the Liberal Democrat Group was invited to respond to the Proposed Budget, and explained that his Group had put forward some amendments, copies of which were circulated. Councillor Harris expressed the hope that such amendments would be considered by the Council and supported.

Councillor Harris commented that the Conservative administration had run the Council for fourteen years; that it was out of touch with reality; and that Councillor Stowe had been 'sleeping on the job'. Councillor Harris contended that the Planning Service was 'a mess'; the parking situation was not good enough; and that a former Cabinet Member had criticised the parking situation. Councillor Harris expressed the view that the Proposed Budget would make the Council less efficient; that the Local Plan was under-resourced and was seven years late; and that Planning and Enforcement Officers were stretched. He stated that the Liberal Democrats had published their budget proposals some three weeks ago and that, at the Cabinet Meeting held on 16<sup>th</sup> February 2017, Councillor Stowe had 'nicked' his Group's proposals in relation to Planning Enforcement; the roll-out of defibrillators; and an extension of the 'Free After 3' initiative, and that therefore, the Liberal Democrats should get some credit. Councillor Harris referred to the Liberal Democrats' success in winning the seats at the recent by-elections in the Stow and Fairford North Wards and he considered that to be due to the electorate judging the Conservative administration on what he termed 'their appalling record'. Councillor Harris also called upon Councillor Mrs. Jepson to apologise for comments regarding 'Liberal Democrat dirty tricks', attributed to her, and which had appeared on social media following the Fairford North by-election.

Councillor Harris wished to Propose the following three amendments to the Proposed Budget, having withdrawn a Proposition relating to the freezing of Council Tax, which had already been addressed:-

- an investment in a sum of £500,000 to fix potholes in roads in the District;
- an allocation of an additional sum of £34,000 to repair and upgrade street signs across the District;

- a one-off allocation in a sum of £50,000 towards the cost of replacing the Astro Turf pitch at Deer Park School.

Councillor Harris requested that the Council adjourn for a period of time to allow Members to consider and discuss the amendments. The Chairman agreed to such request and adjourned the Meeting.

When the Meeting reconvened, Councillor Harris Proposed the first Amendment, and he expressed the view that, in times of hardship, local authorities should work together to deliver quality services. He referred to the current backlog of road repairs across the County, and contended that this Council should support the County Council in completing the task to repair potholes in the road. Councillor Harris referred to the Council's budget surplus, which he attributed to the efficiencies made and the good work undertaken by the current administration, and he considered that the Council could afford to support this Amendment. Councillor Harris accepted that the details of any support would need to be worked out with the County Council as it was important to ensure that any investment made was used to repair potholes in road across the Cotswold District.

Councillor Jenny Forde Seconded the Amendment, stating that she agreed with the comments he had made. Councillor Forde commented that, while she considered the District to be a beautiful area, the roads were in a poor condition and that the verges were being damaged by people driving over them to avoid the potholes. Councillor Forde contended that potholes was a 'doorstep' issue for residents, and that there had been a drop of 26% in the number of people cycling to work across the District, which could be attributed to the condition of the roads. In conclusion, Councillor Forde expressed the view that this Amendment would have an immediate impact and would be welcomed.

The Leader of the Council questioned the appropriateness of the Council picking up the bill for work which should be carried out by the County Council, commenting on the principle of double-taxation and the difficulties of ensuring that any investment would be fully expended within the Cotswold District. The Leader referred to a Proposition at a recent Meeting of the County Council to spend an additional £9m on highways in the next year. He considered that Proposition to have been 'good news' which would ensure that the County Council kept on top of the Amendment put forward by Councillor Harris, who had abstained from voting on the Proposition put forward at the County Council Meeting. The Leader contended that it was likely that a fairly high proportion of the money approved by the County Council would be spent on repairing roads in the Cotswold District as it comprised the largest District in the County, and he reminded the Council of the volume of work that went into the preparation of a budget. He expressed the view that the Amendments put forward by the Liberal Democrat Group represented 'political grandstanding', and had not been circulated to the Conservative Group in advance of this Council Meeting, and he contended that Councillor Harris should be embarrassed by his actions. In conclusion, the Leader stated that he did not support the Amendment.

In response, Councillor Harris stated that he was not embarrassed as his Proposition constituted an Amendment to the Proposed Budget to deliver on the election promises made by the Liberal Democrats at the time of the District Council elections in 2015. Councillor Harris stated that he had spoken

in favour of investing money in roads at the County Council Meeting referred to by the Leader, but that the Conservative Group on the County Council had not been prepared to negotiate. He suggested that the Leader was rattled, was lashing out and was desperate and he considered the refusal by the Leader to inject further money into the repair of roads in the District to be shameful and regrettable.

A Member expressed the view that the administration had done well in preparing a budget if the Opposition Group abstained from voting thereon. The Member suggested that the Proposed Amendment would put down a marker to the County Council that this Council was determined to bring about the benefits of Unitary Authorities without there being Unitary Status in Gloucestershire. The Member referred to the Council's levels of balances, and expressed the view that it was likely to lose some element of New Homes Bonus to adult social care. The Member contended that the Council should consider further co-operation across the tiers of local government; it should use its surplus monies to address appropriate issues; and it should be possible to direct funding towards the repair of potholes across the District during the forthcoming financial year.

A second Member considered that Councillor Harris had given a clear explanation of his actions at the recent County Council Meeting and that there had not been any hypocrisy in those actions. The Member stated that the amendments to the budget, detailed on page 18 of the update report, had been produced at a late stage and reflected the amendments that were being put forward by the Liberal Democrat Group. In conclusion, the Member contended there to be a clear party political element as the Cabinet had only met on 16<sup>th</sup> February 2017.

A third Member expressed the view that this Council was fortunate to have a number of Members who also served on the County Council, and he questioned if Councillor Harris had been in favour of the Proposition put forward at the County Council Meeting in relation to the additional highways expenditure and if he accepted that the County Council had responsibility for highway repairs. The Member contended that the Liberal Democrat Members who had attended the recent County Council Meeting had been subject to a party whip and that, while he accepted that roads across the County were in a poor state of repair, a line had to be drawn under the responsibilities of the various authorities.

In response, Councillor Harris stated that the Liberal Democrat Group was not subject to a party whip but rather, reached a consensus and then voted accordingly. Councillor Harris considered that the Group had suggested a number of sensible Amendments in respect of roads, mental health and social care, but that such Amendments had not been accepted by the Conservative Group on the County Council. He stated that, while he welcomed the additional expenditure proposed by the County Council in respect of highways, his current Amendment was for this Council to contribute an additional sum of £500,000 towards the cost of repairing potholes in roads across the District. In conclusion, Councillor Harris stated that he would not accept a lecture from the last speaker.

On being put to the vote, the Amendment was LOST.

Note:

In accordance with legislative requirements, a Recorded Vote was taken in respect of the Amendment. The Record of Voting was as follows:-

For: - Councillors AR Brassington, T Cheung, PCB Coleman, Andrew Doherty, Jenny Forde, JA Harris, Jenny Hincks, RC Hughes, Juliet Layton and NP Robbins - Total: 10;

Against: - Councillors SI Andrews, Mark F Annett, Julian Beale, AW Berry, Sue Coakley, Alison Coggins, RW Dutton, David Fowles, C Hancock, Maggie Heaven, SG Hirst, Mrs. SL Jepson, RG Keeling, MGE MacKenzie-Charrington, Jim Parsons, NJW Parsons, SDE Parsons, Tina Stevenson, Lynden Stowe, R Theodoulou and LR Wilkins - Total: 21;

Abstentions: - Councillor M Harris - Total: 1;

Absent: - Councillors RL Hughes and Dilys Neill - Total: 2.

Councillor Robbins Proposed the second Amendment. He stated that, some eighteen months ago, the Responsible Officer at West Oxfordshire District Council had agreed to carry out repairs to, and the replacement of, a number of street signs in The Beeches area of Cirencester. Councillor Robbins stated that it was his belief that there was no longer a budget for such works and that, as street signs in other parts of the District were in need of attention, this Amendment would assist with that process.

Councillor RC Hughes Seconded the Amendment, stating that most street signs in Chesterton were in a poor state of repair and needed to be addressed.

The Leader of the Council explained that the District Council had responsibility for street signs and that the County Council had responsibility for road signs. The Leader stated that he did not support the Amendment, as proposed, but suggested another way forward whereby Ward Members via Parish Councils could undertake an audit of street signs and feed back their findings. The Leader suggested that, in the event that there was sufficient evidence of need, consideration be given to making a contribution from the Council Priorities Fund at the appropriate time.

Councillor JA Harris expressed his thanks to the Officer at West Oxfordshire District Council for his assistance in this matter. Councillor Harris welcomed the suggestion by the Leader of the Council but stated that he still wished the Amendment, as proposed, to proceed to a vote.

In light of the suggestion put forward by the Leader of the Council, Councillor Robbins stated that he would withdraw his Amendment.

Councillor Harris then Proposed the third Amendment, stating that the issue had been raised with both the Leader of the Council and the Cabinet Member for Health and Leisure in an e-mail sent by him on 3<sup>rd</sup> February 2017. Councillor Harris outlined the background to his Amendment and explained that the current Astro Turf pitch, which was now sixteen years old, was in need of replacement and that the flood lights needed an upgrade. The School was considering the various available funding options, and had



received agreement in principle to funding from a number of organisations, including Sport England and the Hockey Foundation. Councillor Harris explained that the pitch was well-used by the School, other schools, the local wider communities, and various clubs and organisations and he gave some examples of activities that were planned to take place on the pitch over the next few weeks. Councillor Harris suggested that supporting this Amendment would send a clear message to the public and the local community. He referred to the Council's good record of supporting leisure activities and expressed the view that it should support this Amendment as, in his view, the pitch served a wide section of the community.

Councillor Juliet Layton Seconded the Amendment, commenting that the Council should promote 'healthy lifestyles'. Councillor Layton concurred with Councillor Harris that the pitch was available for use by the community, and commented that it was well-used in all weathers. In conclusion, Councillor Layton expressed the view that the Council could afford to support this Amendment.

The Leader of the Council stated that he did not support this Amendment. The Leader commented that it was not this Council's responsibility to fund the obligations of another organisation, and that the Council would not be able to afford to fund all six academies in the District. The Leader referred to the options available to the School to fund the replacement of its Astro Turf pitch, including through Section 106 Agreement funding and the budgets of £50,000 allocated by the County Council to each County Councillor in 2014 to invest in the promotion of healthy lifestyles in communities. The Leader explained how he had utilised his allocation in that respect, and stated that the e-mail sent by Councillor Harris on 3<sup>rd</sup> February 2017 had evidenced that he had spent all of his allocation and was therefore expecting this Council to bail him out. The Leader reiterated that the Council could not be expected to support one school. The Leader expressed concern that no reference had been made in the Amendment to any appraisal or outcome, and commented that the request could equally apply to any school. The Leader contended that each school in the District had the right to expect the same levels of funding and facilities, and that the School managed a large budget and should look at ways of funding the work itself. In conclusion, the Leader stated that this Council should consider investment in priorities which were within its remit, be they statutory or discretionary.

A Member expressed disappointment at the comments from the Leader, stating that he was Chairman of a Sport and Recreation Group that was trying to pull a number of clubs together. In response to a question asked of the School in relation to contingency funding, the Member explained that he had been advised that such funding had been used to meet the cost of repairs to the School roof. The Member expressed the view that the Amendment did not constitute 'back-stop' funding as the School was seeking funding from a number of other sources but that, rather, the Amendment proposed a top-up of such funding. The Member suggested that consideration could be given to making low-interest or interest-free loans to help schools meet their aspirations.

A second Member expressed his surprise that Councillor Harris had not raised this issue at a County Council Meeting held the previous week, as that authority was responsible for schools. The Member echoed the comments made by the Leader in respect of the 2014 allocation by the County Council in

respect of the investment in the promotion of healthy lifestyles, and commented that he had spent some of his allocation on initiatives within the County Division represented by Councillor Harris, as he had spent all of his allocation. The Member contended that support for this Amendment would set a dangerous and appalling precedent and should, therefore, be resisted.

In response, Councillor JA Harris stated that he had put his 2014 allocation as a County Councillor to good use in Cirencester, citing examples of the initiatives and projects he had supported. Councillor Harris contended that this Amendment constituted a good opportunity for this Council to say to the public that it cared and he reminded the Meeting that schools faced a number of difficult financial decisions. In conclusion, he stated that, while this Amendment had been put forward as a 'friendly' one, it had not been supported.

On being put to the vote, the Amendment was LOST.

Note:

In accordance with legislative requirements, a Recorded Vote was taken in respect of the Amendment. The Record of Voting was as follows:-

For: - Councillors AR Brassington, T Cheung, PCB Coleman, Jenny Forde, JA Harris, M Harris, Jenny Hincks, RC Hughes, Juliet Layton and NP Robbins  
- Total: 10;

Against: - Councillors SI Andrews, Mark F Annett, Julian Beale, AW Berry, Sue Coakley, Alison Coggins, RW Dutton, David Fowles, C Hancock, Maggie Heaven, SG Hirst, Mrs. SL Jepson, RG Keeling, MGE MacKenzie-Charrington, Jim Parsons, NJW Parsons, SDE Parsons, Tina Stevenson, Lynden Stowe, R Theodoulou and LR Wilkins - Total: 21;

Abstentions: - Councillor Andrew Doherty - Total: 1;

Absent: - Councillors RL Hughes and Dilys Neill - Total: 2.

The Council was then invited to consider the Substantive Proposition, as Proposed by Councillor Stowe and Seconded by Councillor Mrs. Jepson, and including the street sign audit initiative.

Councillor JA Harris expressed his disappointment that the Amendments suggested by the Liberal Democrat Group had not been accepted. Councillor Harris considered such Amendments to have been of value and that they would have helped a number of people. Nevertheless, Councillor Harris was pleased that the previously-published Liberal Democrat budget proposals had been accepted by what he considered to be a tired and arrogant administration, and he concluded by stating that the Liberal Democrats would be 'gunning' for the administration and would win more seats at the District Council elections which were scheduled to be held in May 2019.

The Leader of the Council stated that he took issue with comments made by Councillor JA Harris, in the following respects. He disputed that the Local Plan process was 'out of control', commenting that there had been what he considered to be a huge shift in Government policy over the relevant period which had had to be taken into account in the Local Plan process. The

Leader contended that the emerging Local Plan system was different to the previous system, and that, to date, few Local Plans had been approved. The Leader also stated that the Council would be required to review the Local Plan every three-five years.

The Leader disputed the inference by Councillor Harris that the Planning Department was 'shambolic', pointing out that a low level of complaints were received in that respect, and that most complaints related to enforcement issues which the Council was seeking to address. The Leader explained that the Council's policy was always to back-fill posts and that, while the Planning Department was currently experiencing a heavy workload, performance was monitored on a regular basis. The Leader stated that Councillor Harris should not seek to degrade the reputation of either the Council or its highly professional Officers, and expressed the view that the Council delivered a good level of services. The Leader admitted that the Council got things wrong on occasion, but contended that the level of New Homes Bonus it received was a recognition of good performance. The Leader further contended that Councillor Harris should stop trying to claim credit he was not due, pointing out that the decision by the Council to allocate a sum of £500,000 towards improving broadband across the District had been a policy decision which had been taken at the 2016 Budget Meeting and had achieved matched funding through negotiations with the County Council without any involvement of Liberal Democrat Members. In conclusion, the Leader contended that the Proposed Budget would deliver for everyone and would address the issues that had been raised over the past twelve months.

**RESOLVED that:**

- (a) subject to an extension of the 'Free After 3' parking initiative until March 2018; a freeze on car parking charges; an additional sum of £30,000 from the Investment in Car Parks budget to complete the improvement works at The Beeches Car Park, Cirencester; an additional one-year Enforcement post, to be reviewed at the end of that year; an additional sum of £100,000 to complete the Moreton-in-Marsh flood defence scheme and to progress other flood scheme, including in Fairford, Broadwell, Southrop and Ewen, such funding to be topped-up, if necessary; a budget of £2,000 per Ward Member to facilitate the roll-out of defibrillators across the District; a budget of £750 per Ward Member to promote activities, education and events in Wards and Parishes to commemorate the end of the First World War; and an allocation of funding to repair the roof of the Council's Trinity Road offices, the Medium Term Financial Strategy 2017/18 to 2020/21 and Budget 2017/18 (incorporating a Council Tax freeze for 2017/18) be approved;
- (b) the Capital Programme for 2017/18, as detailed in paragraph 13 of the updated report and Appendix 'B' attached thereto, as amended, be approved;
- (c) the Net Budget Requirement for 2017/18, as detailed at paragraph 11.1 of the updated report and Appendix 'B' attached thereto, as amended, be approved;
- (d) the Pay Policy Statement 2017/18, attached at Appendix 'D' to the updated report, be approved;

**(e) the financial impact of any changes from the Provisional Local Government Finance be managed through the General Fund Working Balance for 2017/18.**

**Record of Voting - for 32, against 0, abstentions 0, absent 2.**

Note:

In accordance with legislative requirements, a Recorded Vote was also taken in respect of the Substantive Motion. The Record of Voting was as follows:-

For: - Councillors SI Andrews, Mark F Annett, Julian Beale, AW Berry, AR Brassington, T Cheung, Sue Coakley, Alison Coggins, PCB Coleman, Andrew Doherty, RW Dutton, Jenny Forde, David Fowles, C Hancock, JA Harris, M Harris, Maggie Heaven, Jenny Hincks, SG Hirst, RC Hughes, Mrs. SL Jepson, RG Keeling, Juliet Layton, MGE MacKenzie-Charrington, Jim Parsons, NJW Parsons, SDE Parsons, NP Robbins, Tina Stevenson, Lynden Stowe, R Theodoulou and LR Wilkins - Total: 32;

Against: - Total: 0;

Abstentions: - Total: 0;

Absent: - Councillors RL Hughes and Dilys Neill - Total: 2.

**CL.49 COUNCIL TAX 2017/18**

The Leader of the Council introduced this item, drawing attention to the updated report which had been circulated, reflecting the revised recommendations of the Cabinet and incorporating a freeze in the District Council element of Council Tax, and the Budget for 2017/18 approved by the Council under the previous item of business.

In response to a question on the allocation of Council Tax collected in relation to new properties for a proportion of the financial year, it was reported that such sums were paid into the Collection Fund for apportionment to the County and District Councils and the Police and Crime Commissioner, but not to Town/Parish Councils; and that account was also taken of new homes that were due to come on-stream during the forthcoming financial year.

It was duly Proposed, Seconded and

**RESOLVED that:**

- 1) for the purposes of the Local Government Finance Act 1992 Section 35(2), there are no special expenses for the District Council in 2017/18;**
- 2) it be noted that it be noted that, using her delegated authority, the Chief Finance Officer calculated the Council Tax Base for 2017/18:
 
  - (a) for the whole Council area as 39,045.55 [item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")]; and****

- (b) for dwellings in those parts of its area to which a Parish Precept relates as in the attached Schedule 1;
- 3) the Council Tax requirement for the Council's own purposes for 2017/18 (excluding Parish Precepts) is £126.40;
- 4) the following amounts be calculated for the year 2017/18 in accordance with Sections 31 to 36 of the Act:-
- (a) £55,775,750 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (2) of the Act, taking into account all precepts issued to it by Parish Councils and any additional special expenses;
- (b) £48,124,657 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (3) of the Act;
- (c) £7,651,093 being the amount by which the aggregate at 4(a) above exceeds the aggregate at 4(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its Council Tax requirement for the year (Item R in the formula in Section 31B of the Act);
- (d) £195.95 being the amount at 4(c) above (Item R), all divided by Item T (1(a) above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish Precepts and Special Expenses);
- (e) £2,715,735 being the aggregate amount of all special items (Parish Precepts and Special Expenses) referred to in Section 34(1) of the Act as per the attached Schedule 2;
- (f) £126.40 being the amount at 4(d) above less the result given by dividing the amount at 4(e) above by Item T(1(a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish Precept or special item relates;
- (g) the amounts shown in Schedule 2 being the amounts given by adding to the amount at 4(f) above, the amounts of the special item or items relating to dwellings in those parts of the Council's area shown in Schedule 2 divided in each case by the amount at 2(b) above, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of its area to which one or more special items relate;
- (h) the amounts shown in Schedule 3 being the amounts given by multiplying the amounts at 4(f) and 4(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation Band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into

account for the year in respect of categories of dwellings listed in different valuation bands;

- 5) it be noted that for the year 2017/18 the Gloucestershire County Council and the Police and Crime Commissioner for Gloucestershire have issued precepts to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each category of dwellings in the Council's area as indicated below:-

Valuation Band	Gloucestershire County Council	Police and Crime Commissioner
	£	£
A	786.17	142.99
B	917.20	166.83
C	1,048.23	190.66
D	1,179.26	214.49
E	1,441.32	262.15
F	1,703.38	309.82
G	1,965.43	357.48
H	2,358.52	428.98

- 6) the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in Schedule 4 as the amounts of Council Tax for the year 2017/18 for each part of its area and for each of the categories of dwellings;

- 7) the Council's basic amount of Council Tax for 2017/18 is not excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992;

- 8) the Chief Finance Officer, Principal Solicitor, Legal Executive, Group Manager Revenues and Welfare Support, Joint Operations Manager, Joint Support Lead Officer, Overpayments Officer, Senior Recovery Revenues Officer, Senior Revenues Officer, Revenues Officer and Recovery Officer be authorised to:-

- (a) collect and recover any National Non-Domestic Rates and Council Tax; and
- (b) prosecute or defend on the Council's behalf or to appear on its behalf.

Record of Voting - for 32, against 0, abstentions 0, absent 2.

Note:

In accordance with legislative requirements, a Recorded Vote was taken in respect of the Amendment. The Record of Voting was as follows:-

For: - Councillors SI Andrews, Mark F Annett, Julian Beale, AW Berry, AR Brassington, T Cheung, Sue Coakley, Alison Coggins, PCB Coleman, Andrew Doherty, RW Dutton, Jenny Forde, David Fowles, C Hancock, JA Harris, M Harris, Maggie Heaven, Jenny Hincks, SG Hirst, RC Hughes, Mrs. SL Jepson, RG Keeling, Juliet Layton, MGE MacKenzie-Charrington, Jim

Parsons, NJW Parsons, SDE Parsons, NP Robbins, Tina Stevenson, Lynden Stowe, R Theodoulou and LR Wilkins - Total: 32;

Against: - Total: 0;

Abstentions: - Total: 0;

Absent: - Councillors RL Hughes and Dilys Neill - Total: 2.

**CL.50 TREASURY MANAGEMENT STRATEGY 2017/18**

The Leader of the Council drew attention to the report and recommendation of the Audit Committee commending approval of the Treasury Management Strategy and Annual Investment Strategy for 2017/18; and, also, the half-year performance report for 2016/17.

It was noted that no significant changes had been made to the 2016/17 Strategy.

**RESOLVED that:**

**(a) the Treasury Management Strategy and Annual Investment Strategy 2017/18 be approved;**

**(b) the half-year performance report for 2016/17 be noted.**

**Record of Voting - for 32, against 0, abstentions 0, absent 2.**

**CL.51 INTERNAL AUDIT SUPPLIER**

The Cabinet Member for Enterprise and Partnerships presented the report and recommendations of the Cabinet in respect of the appointment of a supplier of internal audit services; and confirmed that the recommendations also had the support of the Audit Committee.

In response to a question, the Chairman of the Audit Committee confirmed that the governance arrangements were being looked into, to ensure that they were not unwieldy. Attention was also drawn to the benefits of a single provider for the 2020 partners, and the increased resilience afforded by a larger, more flexible organisation.

**RESOLVED that:**

**(a) Cotswold District Council becomes a Member of the South West Audit Partnership;**

**(b) the Chairman of the Audit Committee be nominated as the Council representative on the Members' Board of the South West Audit Partnership;**

**(c) the Group Manager GO Shared Services (in her role as S.151 Officer) be nominated as the Council's representative on the South West Audit Partnership Board of Directors;**

**(d) that delegated authority be given to the Group Manager GO Shared Services (in her role as S.151 Officer) to enter into the following legal agreements - Agreement for the Provision of Audit Services and Deed of Adherence - in consultation with the Cabinet Member for Enterprise and Partnerships, the Shared Strategic Director and Head of Paid Service, and the Group Manager (Land, Legal and Property).**

**Record of Voting - for 30, against 0, abstentions 2, absent 2.**

**CL.52 STRATEGIC SITE AT CHESTERTON CIRENCESTER - OUTLINE APPLICATION 16/00054/OUT**

The Council was requested to note action taken by the Head of Paid Service under Council Procedure Rule 38 to agree that the outline planning application for a mixed use development (including up to 2,350 dwellings) on land at Chesterton Farm, Cranhams Lane, Cirencester (known as the Chesterton Strategic Site) would be determined by the Council as opposed to the Planning and Licensing Committee; and to consider a number of administrative and procedural arrangements relating to the Special Council Meeting to be held in due course to determine the application.

The circulated report set out the current process used in the determination of applications; the existing restrictions in relation to Ward Member voting, and options in this regard; a proposal to extend the time for 'public' speaking; an approach to ensure maximum transparency in the identification of potential Member and Officer interests; options around meeting date/start time/venue; a suggestion for an all-Member sites inspection briefing; the proposed advance circulation/availability of papers; the issue of third party representations; and more general administrative arrangements.

Given the significance of the application, Members welcomed the opportunity to debate these matters and thanked officers for bringing together the report at short notice.

A Proposition was duly made and seconded that the proposals contained within the report be accepted subject to the following two amendments:-

- (i) that, on the grounds of transparency and democracy, Ward Members should be allowed to vote on this particular application;
- (ii) that the meeting venue should either be the Bingham Hall or the Baptist Church in Cirencester, with an early evening start time (5.00 p.m. or 6.00 p.m.).

A number of Members supported the removal of the restriction in respect of Ward Member voting, contending that all Members should be eligible to vote on such a significant application; the restriction was not a legal requirement, and was not applied by many authorities; constituents felt that the restriction reduced a member's ability to represent his/her electorate, and was less democratic; the proposal was suggested as a one-off exception; and the Council would be best served if it allowed all Members to decide for themselves whether to participate and/or vote.

Other Members did not support the relaxation of the Ward Member voting restriction. It was pointed out that whilst the Chesterton proposal was significant, other communities had had to contend with large developments



that were of similar significance in terms of the percentage increase in the number of dwellings in that settlement, and the restriction had applied; the arrangement was tried and tested over a number of years; the restriction afforded a degree of protection to Ward Members and the Council; the continuation of the status quo was the least risk option to the Council; given an inability to vote, the Ward Members could be better placed to represent the wishes of their constituents, and indeed campaign for one outcome or the other, without any fear of accusations of pre-determination; and extended speaking slots were being proposed in an attempt to ensure increased representation.

There was general support for the suggested alternative venues put forward, but disagreement over the meeting start time.

In response to various comments and questions, the Head of Democratic Services clarified aspects relating to pre-determination, pre-disposition and bias; confirmed that, if Members supported change, either in respect of the application alone or as a policy, then independent legal advice could be sought or Members could just agree to change; clarified that officers did not instruct Members in relation to the declaration of interests, but offered their best professional advice; and advised that an evening start time was not supported for the reasons stated within the report.

At this juncture it was agreed that the Council should vote on each item/recommendation separately, with the following outcomes:-

- (i) Recommendation (a) as contained within the circulated report was agreed.
- (ii) The proposition to amend Recommendation (b) within the circulated report to allow Ward Members to vote on this application, as an exception, was LOST. A recorded vote was taken on this item, and the record of voting was:

For: - Councillors AR Brassington, T Cheung, PCB Coleman, Andrew Doherty, Jenny Forde, JA Harris, M Harris, Jenny Hincks, RC Hughes, Juliet Layton and NP Robbins - Total: 11;

Against: - Councillors St Andrews, Mark F Annett, Julian Beale, AW Berry, Alison Coggins, RW Dutton, C Hancock, Maggie Heaven, SG Hirst, Mrs. SL Jepson, RG Keeling, MGE MacKenzie-Charrington, Jim Parsons, NJW Parsons, SDE Parsons, Lynden Stowe, R Theodoulou and LR Wilkins - Total: 18;

Abstentions: - Councillor David Fowles - Total: 1;

Absent: - Councillors Sue Coakley, RL Hughes, Dilys Neill and Tina Stevenson - Total: 4.

- (iii) Recommendation (b) as contained within the circulated report was agreed.
- (iv) Recommendation (c) as contained within the circulated report was agreed.
- (v) Recommendation (d) contained within the circulated report insofar as it related to interests was agreed.

- (vi) An Amendment was Proposed and duly Seconded to the effect that the arrangements as regards meeting venue be delegated to the Head of Paid Service, in consultation with the Chairman of the Council and the Chairman of the Planning and Licensing Committee, having regard to the comments made at the Meeting; and a start time of 1.00 p.m. be agreed for the Meeting.

The Amendment sought to acknowledge the support for a more 'local' venue; but also identified concerns regarding a later meeting start time and the potential for various issues to arise if the meeting needed to spread into a second day (such as further representations; and potential contact by interested parties).

Upon being put to the vote, the Amendment was CARRIED.

**RESOLVED that:**

- (a) the action taken by the Head of Paid Service under Council Procedure Rule 38 to agree to the determination of planning application 16/00054/OUT by the Council (rather than the Planning and Licensing Committee) be noted;

Record of Voting - for 30, against 0, abstentions 0, absent 4.

- (b) the existing arrangements whereby Ward Members are not able to vote on matters in their own Ward be retained in respect of this application;

Record of Voting - for 18, against 10, abstentions 2, absent 4.

- (c) the time allowed for public speaking be increased in line with the proposals at paragraph 3.4 of the circulated report;

Record of Voting - for 30, against 0, abstentions 0, absent 4.

- (d) the Council endorses the approach being taken in respect of the identification of Member and Officer interests;

Record of Voting - for 30, against 0, abstentions 0, absent 4.

- (e) the arrangements as regards meeting venue be delegated to the Head of Paid Service, in consultation with the Chairman of the Council and the Chairman of the Planning and Licensing Committee, having regard to the comments made at the Meeting; and a start time of 1.00 p.m. be agreed for the Meeting.

Record of Voting - for 20, against 6, abstentions 4, absent 4.

Note:

Having taken votes on individual elements, a vote was then taken in respect of the Substantive Motion; and the Record of Voting was - for 20, against 4, abstentions 5, absent 5.

**CL.53 COUNCILLOR DILYS NEILL**

The Council was invited to approve the continued absence of Councillor Dilys Neill from Meetings of the Authority, due to illness.

It was explained that the continued absence of a Member beyond a period of six months could only be approved by the Council, and that the relevant six month period in respect of Councillor Neill would expire before the next scheduled Council Meeting.

**RESOLVED that, in accordance with Section 85 of the Local Government Act 1972, the continued absence of Councillor Dilys Neill from Meetings of the Authority due to illness be approved, up to and including the Council Meeting scheduled for 16<sup>th</sup> May 2017.**

**Record of Voting - for 29, against 0, abstentions 0, absent 5.**

**CL.54 ISSUES/REPORTS ARISING FROM THE CABINET**

There were no other issues arising from the Cabinet.

**CL.55 ISSUES/REPORTS ARISING FROM OVERVIEW AND SCRUTINY AND/OR AUDIT**

There were no other issues/reports arising from Overview and Scrutiny and/or Audit.

**CL.56 NOTICE OF MOTIONS**

In accordance with Council Procedure Rule 12, the following Motion (Motion 1/2017) regarding the New Funding Formula for Schools was Proposed by Councillor JA Harris, and Seconded by Councillor NP Robbins:-

*'Council notes that some schools across the Cotswolds are set to lose out on thousands of pounds under a new funding formula being consulted upon by the Conservative government.*

*Council further notes that the Conservative Party manifesto in 2015 stated that it would protect schools funding.*

*Council recognises that some schools will receive more money as a result of the new formula but is concerned that many across the Cotswolds will end up significantly worse off.*

*Council instructs the Leader of Council to write to the Secretary of State for Education outlining this Council's concern about the proposals and requests that the government re-design their funding formula ensuring that no school loses out.'*

The Chairman stated that the Motion was another where this Council had no power or control, about something that it could only seek to support and lobby on behalf of residents and their children. It related to service provision within the remit of the County Council, and central government funding over which no authority had control.

Accordingly, in allowing the Motion to be debated at the Meeting, notwithstanding the background set out, the Chairman expressed the hope that such debate would not focus on a national party political decision but, instead, on what seemed to be a matter of local concern irrespective of party colour.

However, during the course of the debate on this matter, it became evident that a number of Members felt that they had insufficient information on which to base an informed decision. In the circumstances, the Proposer of the Motion withdrew this item, for possible re-presentation at a future Meeting.

**CL.57 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 29, against 0, abstentions 0, absent 5.**

The Meeting commenced at 10.00 a.m., adjourned between 11.20 a.m. and 11.30 a.m., and closed at 1.55 p.m.

Chairman

(END)

Unconfirmed