

COTSWOLD DISTRICT COUNCIL

COUNCIL MEETING

13TH JUNE 2017

Present:

Councillor Julian Beale - Chairman
Councillor David Fowles - Vice-Chairman

Councillors -

SI Andrews	SG Hirst
Mark F Annett	RC Hughes
AW Berry	RL Hughes
AR Brassington	Mrs SL Jepson
T Cheung	RG Keeling
Sue Coakley	Juliet Layton
Alison Coggins	MGE MacKenzie-Charrington
PCB Coleman	Dilys Neill
Andrew Doherty	NJW Parsons
RW Dutton	SDE Parsons (until 11.40 a.m.)
Jenny Forde	NP Robbins
C Hancock	Tina Stevenson
JA Harris	Lynden Stowe
M Harris	R Theodoulou
Jenny Hincks	LR Wilkins

Apologies:

Maggie Heaven Jim Parsons

CL.11 DECLARATIONS OF INTEREST

Councillor NJW Parsons declared an other interest in respect of Motion 4/2017 (Minute CL.23 referred) because, as the Cabinet Member for Forward Planning, he had been instrumental in promoting the Chesterton strategic site through the Local Plan. There were no other Declarations of Interest from Members under either the Code of Conduct or Section 106 of the Local Government Finance Act 1992.

From an Officer perspective, David Neudegg, Frank Wilson and Christine Gore explained that they each held designate roles within Publica (agenda item (11) - Vires Audit and Delegation - referred).

CL.12 MINUTES

RESOLVED that:

(a) the Minutes of the Meeting of the Council held on 21st February 2017 be approved as a correct record;

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

(b) the Minutes of the Annual Meeting of the Council held on 16th May 2017 be approved as a correct record.

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

CL.13 ANNOUNCEMENTS FROM THE CHAIRMAN, LEADER OR HEAD OF PAID SERVICE

(i) Death at Cotswold Leisure Cirencester - the Chairman expressed his extreme sadness at the death of a leisure centre user at Cotswold Leisure Cirencester Leisure the previous day. He wished to extend the condolences of the Council to the family.

(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 explained that, further to the presentation made at the February 2017 Council Meeting, John Tiffney MBE, the immediate past Chairman of the Corinium Decorative and Fine Arts Society, had been invited to attend to show the Council the quilted wall hanging and an example of the mosaic panels which local schools had been busy creating for Abbey 900. The Society had funded the quilt and the mosaic panels projects as its contribution to Abbey 900, and the quilt would be on display for a number of weeks in the Council Chamber in due course. The Chairman then welcomed Mr. Tiffney to the Meeting and invited him to address Members.

Mr. Tiffney informed Members of the Society's desire to involve young people in two arts projects to help commemorate the Abbey 900 celebrations. The first project had seen the creation of a quilt, involving five local schools, which had been presented to the Bishop of Gloucester, The Right Reverend Rachel Treweek in February 2017, and which had since been displayed in a number of the local schools, prior to being displayed at the Cotswold District Council offices. The second project involved a series of mosaic panels which were to be displayed, once completed, in the Abbey Grounds. Mr. Tiffney explained that all funds from the projects, alongside the Lego Abbey model, would go towards improving the Abbey Grounds, with the Society working with the Town Council to this end. Mr. Tiffney extended his thanks to Members and asked that they help promote the projects.

The Chairman thanked Mr. Tiffney for attending and expressed the hope that the remainder of the Festival went well.

(iv) Chesterton Outline Planning Application - the Chairman confirmed that, due to the fact that there were still a number of outstanding issues to be resolved, the Bathurst Development Limited application would not be ready to be presented to Members for determination for some time yet and, in order to avoid the summer holiday period, potential Meeting dates from around mid-September were being investigated.

(v) Recent Elections - the Chairman congratulated the Returning Officer and his Elections Team for their hard work in running back-to-back County and Parliamentary elections, culminating in a very efficient and smooth Parliamentary Count the previous Thursday; and expressed the hope that the Team could now enjoy a well-earned break. These sentiments were echoed by other Members present.

(vi) Motions - the Chairman confirmed that he intended to allow the Motions relating to the Chesterton Outline Planning Application to be debated at the Council Meeting; but that, once proposed and seconded, the Motion relating to WASPI (Women Against State Pension Inequality) would stand referred to the Cabinet for consideration, with the benefit of background information on the issue.

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

CL.14 PUBLIC QUESTIONS

In accordance with Council Procedure Rule 10, the following question had been submitted by Mr. M Pratley of Cirencester to Councillor NJW Parsons, Deputy Leader and Cabinet Member for Forward Planning:-

'In their Joint Core Strategy report, neighbouring authorities Gloucester, Cheltenham and Tewkesbury have included a note on their definition of a Strategic Site.

In it they state the following:-

*There is no established single definition for what constitutes a large scale housing development (RTPI 2013), so ultimately this is a matter for each local planning authority to determine having regard to their **particular local context**.*

*ATLAS have been providing and continue to provide critical support to the delivery of key sites within the Joint Core Strategy area. It is recognised that ATLAS sites must be large; either housing led projects (**minimum 500 houses**) or mixed-use regeneration projects (**minimum 200 houses**). The **Joint Core Strategy authorities have adopted the housing led scheme approach with a figure of circa 500 homes as an appropriate measure.***

The Joint Core Strategy is concerned with the strategic levels of development for the three authorities and the strategic response to this is through urban extensions to Cheltenham and Gloucester i.e. making the important decisions on the principally important elements of the planning framework to 2031. This is the local response of three local planning authorities when considering development needs arising within their joint plan area. When considering where to set an appropriate approximate threshold, the Joint Core Strategy authorities viewed the approach taken by Atlas, to be an appropriate measure.

Will CDC please explain the following:-

- 1) Their definition of a 'strategic' site.
- 2) The rationale behind applying that definition.
- 3) How does CDC's definition sit within the NPPF?

It was explained that, as the question had been submitted on the afternoon of the day prior to the Council Meeting, a written response would be provided within five working days; and copied to all Councillors.

Note:

Subsequent to the Meeting, the following response had been provided to Mr Pratley:-

'For information, The Advisory Team for Large Applications (ATLAS) has a minimum threshold, as referred to by the JCS authorities, of 500 dwellings for identifying 'ATLAS-scale projects', for the purpose of allocating staff resources. It was not, however, intended to define the term strategic site.

Q1. Their definition of a 'strategic' site

CDC has given the title of 'strategic' to the Chesterton allocation to distinguish it from other allocations. The title also recognises the significance of the allocation to the overall Local Plan strategy. It is a strategic scale of development within the context of the emerging Local Plan.

CDC's approach, in describing Chesterton as a Strategic Site, is consistent in the context of the British planning system.

Q2. The rationale behind applying that definition

See above. The proposed development is fundamental to the strategy - therefore it is of strategic importance.

Q3. Also how does CDC's definition sit within the NPPF?

The NPPF does not give a definition of strategic sites.

The NPPF does make reference to strategy and strategic issues relevant to plan making including the following:-

- the need to set out a clear strategy for their area (Para 21);
- setting out a strategic approach in their Local Plans (Para 114) and strategic priorities to deliver ... [among other things] ... the homes and jobs needed in the area (Para 156);
- crucially, Local Plans should ... [among other things] ... indicate broad locations for strategic development on a key diagram and land-use designations on a proposals map...'' (Para 157).'

CL.15 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 and Cirencester Car Parking Project

'Please could the Cabinet Member give this Meeting an update as to progress on tackling Cirencester's parking capacity issues?'

Response from Councillor MacKenzie-Charrington

'Our key focus is now on preparing a full planning application for a decked car park in the Waterloo which will deal with current and longer term parking demand in the town. We are currently procuring the services of an Architect to prepare designs and are hosting a consultation event for Waterloo residents and businesses and any other interested parties on 27th June, so they can

feed into the process and we can ensure we take account of their requirements and concerns.

We are still in discussion with the land-owners of a number of other sites to try and deliver more short-term solutions and identify suitable alternative parking to the Waterloo during the construction stage (if planning permission is granted); however, we are reliant on the co-operation of those third parties, and securing suitable sites has proved very difficult.'

Councillor Forde thanked Councillor MacKenzie-Charrington for his response. By way of a supplementary question, she asked if Councillor Mackenzie-Charrington could reassure Members and members of the public that the Council was moving as fast as it possibly could on this Project and that the Council had all the resources it needed to complete the Project.

In response, Councillor MacKenzie-Charrington explained that there were procedural matters which needed to be followed, including public consultation and the Project being passed through scrutiny. That said he, alongside Council Officers, were confident that the process was moving as swiftly as possible.

(2) From Councillor Dilys Neill to Councillor C Hancock, Cabinet Member for Enterprise and Partnerships

'One of the issues I campaigned on during my by-election campaign was to try and get to grips with parking and congestion problems in Stow.

Will the Cabinet Member please commit to meeting with myself, Officers and representatives of the community in Stow in order to try and start to find a solution?'

Response from Councillor Hancock

'I would be very happy to meet as requested at the earliest opportunity and have so offered. Where it is clear that additional parking capacity needs to be delivered, or congestion relieved, we can then see what opportunities exist for delivery of appropriate solutions amongst the various stakeholders.'

Councillor Neill was grateful for the Cabinet Member's response, and meeting offer. She had no supplementary question.

(3) From Councillor Juliet Layton to Councillor Sue Coakley, Cabinet Member for Environment

'Please could the Cabinet Member give me an update on current activities at the Packers Leaze site in South Cerney and this Council's intentions for the site in the future?'

Response from Councillor Coakley

'The Packer's Leaze site is now operating as an Environmental services depot for Ubico, which includes the overnight storage of all vehicles involved in the operational waste, street cleansing and grounds maintenance services and the operation of a vehicle maintenance workshop. The Council's intention is to continue to use the site for this purpose in the future.'

By way of a supplementary question, Councillor Layton enquired as to Ubico's future use for the site and the Council's intentions for any extended facilities, such as vehicle maintenance, or offering MOT facilities for external companies. If this was to be the case, she would have concerns with regards to the increased volume of HGV traffic on the Spine Road and Broadway Lane, the consequent wear and tear on the road surfaces, and safety implications for villagers and tourists.

Councillor Layton also sought the Cabinet Member's confirmation of Councillor Stowe's words at the last Council Meeting that South Cerney would not see plans for a waste transfer station coming forward owing to the vehement objections of the villagers.

In response, Councillor Coakley thanked Councillor Layton for her supplementary question and confirmed that any plans for the Packer's Leaze site were for vehicle storage or operational waste re-cleansing only. She confirmed that she had received no paper or recommendation to expand the workshop or to provide MOTs for external companies.

(4) From Councillor Andrew Doherty to Councillor Mark F Annett, Leader of the Council

'When will a timetable and implementation plan for the transition to Publica be provided?'

Response from Councillor Annett

'When Full Council considered this matter in September 2016, it was reported that Companies will be established with appointments to Executive and Non-Executive roles by April 2017; with all staff transferring to the new companies in the Autumn of 2017. This timetable remains the case.

There is a detailed Programme Plan to support the transfer of services and staff. The 2020 Partnership Joint Committee will receive an update on progress at its meeting on Friday 16th June.'

Councillor Doherty expressed some concern with the answer and, by way of a supplementary question, asked how much transparency there was in terms of the Partnership Joint Committee meetings.

In response, the Leader agreed that transparency was important. It was also explained that papers of the Partnership Joint Committee were available on the website.

(5) From Councillor Andrew Doherty to Councillor Mark F Annett, Leader of the Council

'Recent incidents at British Airways, the National Health Service and Capita have shown the importance of proper business continuity and risk management arrangements. Since Publica will be critical to the running of multiple Councils, including Cotswold District, how will we be assured that sufficient attention is being given and resources provided to ensure that it is properly prepared?'

Response from Councillor Annett

'Insofar as our improved resilience and Disaster Recovery (DR) capabilities are concerned:-

- *We now operate a fully integrated IT network and infrastructure across all Councils. The integration has allowed us to enhance our service delivery and have a more flexible and agile approach to our security and hardware arrangements; this reduces downtimes and improves our system upgrades which, in turn, reduces the risks of cyber-attacks.*
- *We have enhanced security prevention measures in place, such as Next Generation Firewalls, that will detect and block sophisticated cyber threats. In the event of an unauthorised intrusion on our network, we have the ability to logically segment those parts of our network that may be compromised (also known as Micro-segmentation). This will allow us to operate continually until remediation can take place.*
- *We actively provide user awareness training to staff and users of our network, highlighting the risks of recent cyber incidents. We have also a framework of network access, communication and password policies in place for network users, which ensures good practices on information security.*

In light of recent incidents, we acknowledge that there is a growing threat, and perhaps an increased likelihood that we may be compromised. However, we have implemented a number of recover procedures:-

- *We have in place back-up solutions - this allows us to copy and replicate multiple copies of all our network systems, which we can safely store at remote sites and then restore when required.*
- *We have a Disaster Recovery (DR) Programme in place that will allow us to survive an incident or disaster and to re-establish our normal business operations quickly and efficiently. We continually undertake DR testing of key systems throughout the year.*
- *We have Business Continuity (BC) procedures in place. Our BC plans are maintained and updated throughout the year. Our Plans identify and prioritise which systems and processes must be sustained, and provide the necessary information for maintaining them.'*

By way of a supplementary question, Councillor Doherty asked whether tasks undertaken to improve the efficiency of the infrastructure that was enabling the start-up of Publica fell into the same category, and wished to seek assurance this was not the case.

The Leader explained that procedures were being carried out properly and, if anything further was needed to be undertaken, he would ensure it was completed.

(6) From Councillor Juliet Layton to Councillor SG Hirst, Cabinet Member for Housing, Health and Leisure

'The availability of affordable housing is a significant concern for residents of the Cotswolds. Residents often express dissatisfaction with the level of affordability achieved - it is common to hear it described as "unaffordable housing". While we are commonly told developers cannot afford more,

company reports show even the worst performing major developers are able to achieve operating profit margins of 15% while some achieve almost 25%. The recent Association for Public Service Excellence “Building Homes, Creating Communities” report highlights the challenges involved and the need for Councils to take new approaches to satisfy this affordable housing demand. How will Cotswold District Council innovate to meet this need?

Response from Councillor Hirst

'In terms of overall delivery the Council has been successful in enabling the completion of 262 new units of affordable housing in the last (financial) year 2016-2017. The Council's target is to deliver a minimum of 150 units per year.

There are a number of models for affordable housing currently available to the Council for new build sites. A mix of different types of affordable housing is secured in response to local need including: affordable rent, shared ownership, discounted market and social rent.

The Council has been proactive in managing to secure a greater discount for 'Discount Sales Home Ownership' than is referred to at a national level (20%) to reflect local affordability levels. This scheme involves negotiations as part of the planning application process and typically in the Cotswold District a discount of between 30% and 40% off the open market value is negotiated.

The Council has also been innovative in recently trialling a new model of rent-to-buy at a site in Lechlade which delivered 11 new units and this could be applied to other sites.

Looking to the future, the Housing White Paper includes reference to Starter Homes and more should be known about this over the coming months. This could represent another model of affordable housing to meet local need and will be delivered if required.

For a more detailed picture of the models, a link to the Council website is provided below:-

<http://www.cotswold.gov.uk/residents/housing/affordable-home-ownership/>

By way of a supplementary question, Councillor Layton asked if Councillor Hirst could provide more information about the innovations he had previously alluded to, particularly as she believed that recent affordable housing delivery had not been as a result of pro-active actions by the Council.

In response, Councillor Hirst explained that the Council had sought to provide affordable homes in a huge mixture of methods. He also drew attention to the fact that the cost of affordable housing depended upon the cost of the land on which the houses were set to be built, and land costs were high cost in the Cotswolds. Further work was being undertaken with local housing associations with regard to starter homes and he hoped to be able to announce details soon.

(7) From Councillor JA Harris to Councillor Mark F Annett, Leader of the Council

'The Leader has now been in place for a month, yet we've heard nothing about his administration's plans and vision for the Cotswolds. Please could he tell us what these are?'

Response from Councillor Annett

'It is for the Council to determine the corporate aim, priorities, objectives and key tasks, and for these to then be implemented for the benefit of the District. Indeed, on the agenda for this Meeting is an item which invites the Council to review its current Corporate Strategy.'

'The Cabinet is primarily responsible for ensuring delivery and I, as Leader, will do all that I can to implement the wishes and decisions of Council. However, I see no reason to divert away from what I believe is a very robust, realistic and successful strategy.'

Councillor Harris did not believe that his original question had been answered; and, by way of a supplementary question, asked the Leader for his vision for the Cotswolds.

In response, the Leader explained that he worked within the strategy and framework that currently existed. As he had only been recently appointed, the Leader assured Members he would ensure transparency was present and his vision would be to make the Cotswolds as good and as comfortable a place as it could be for all of the people. He also offered Councillor Harris the opportunity to discuss his plans in further detail with him outside of the meeting.

(8) From Councillor JA Harris to Councillor Mark F Annett, Leader of the Council

'Most would agree that the reputation of the Council is poor and has been greatly damaged over the past 10 years, most recently amongst our neighbours as a result of the 'Coxit' proposals.

What steps is the Leader going to take to rectify this situation?'

Response from Councillor Annett

'I fundamentally disagree with your contention. As a Council we have continuously sought improvements for the benefit of all within the Cotswold District. We have not been afraid to innovate and seek different ways of doing things, but I fully support such an approach, with risk balanced against benefit. Our efficiency agenda has delivered cost savings which have benefited residents through reductions and/or freezes in Council Tax for many years whilst at the same time protecting front-line services and jobs.'

'Our aspirational aim of being recognised as the most efficient Council in the country has underpinned our work moving forward, and our most recent ranking places us in third position out of 201 councils, which is a great achievement.'

'We have excellent relationships and close working ties with the County Council and our District colleagues; and the continuing strength, and expansion, of our shared working arrangements with West Oxfordshire DC, Forest of Dean DC and Cheltenham BC through the 2020 Partnership and'

through Publica in the future is real and tangible proof that we are a valued partner. Indeed, our innovative ways in pursuing the shared working agenda has led to praise on a national scale, and an enhancement of our reputation. Long may this continue.'

By way of a supplementary question, Councillor Harris asked whether the Leader felt he should apologise for the failures of the administration and how he felt he should improve the situation.

In response, the Leader expressed his view that he felt no need to apologise and that he believed that the Council was in a much better shape than it had been 10 years' previously.

CL.16 PETITIONS

No petitions had been received.

CL.17 CORPORATE STRATEGY 2016-19 - UPDATE

The Leader of the Council presented the report and recommendations of the Cabinet in respect of an updated Corporate Strategy for the period 2016-19.

The recommendations were also endorsed by Councillor Lynden Stowe, who had been the Council Leader when the item had been debated by the Cabinet.

The Leader explained that the Strategy reflected a continuation of the key themes from the previously-approved document, including the on-going policy of being the most efficient Council, which he considered to be a good aspiration. It included a re-statement of the Aim and Priorities; a summary of how the Council was addressing its challenges; and progress on the efficiency indicators and top tasks for 2017/18.

In response to questions, it was explained that the target date for Local Plan Submission remained early Summer 2017, but it was hoped that a June submission could be achievable; and the Unemployment Indicator Rate was an indicator of sustainable economic growth in the area and that it was the Council's responsibility to provide economic growth, which would reduce unemployment.

While some Members suggested that the aim to be the most effective council should be more ambitious, and that a review of key performance indicators would be beneficial, the Leader expressed the view that the current document remained fit-for-purpose and commended it for approval.

With regard to the Priority in respect of environment and sustainability issues, a Member suggested that such Priority should include the term 'sustainable economic growth'. A Proposal to this effect was duly seconded but, upon being put to the vote, was LOST. The record of voting was - for 13, against 17, abstentions 1, absent 2.

RESOLVED that the update to the Corporate Strategy 2016-19 for 2017/18 be approved.

Record of Voting - for 22, against 1, abstentions 9, absent 2.

CL.18 FOCUSSED CHANGES AND MINOR MODIFICATIONS TO THE SUBMISSION DRAFT COTSWOLD DISTRICT LOCAL PLAN

The Council was requested to consider (i) 'Focussed Changes' and 'Minor Modifications' to the Submission Draft Cotswold District Local Plan, which would be formally submitted to the Secretary of State for examination, as amendments to the Submission Draft; (ii) a revised Cotswold District Local Development Scheme for 2017; and (iii) the grant of delegated authority to the Forward Planning Manager to provide formal responses to questions from the Inspector for the duration the Local Plan's examination.

The Deputy Leader of the Council and Cabinet Member for Forward Planning introduced this item, introduced members of the Officer team, and welcomed Mr. George Mackenzie (the Council's external legal adviser) to the Meeting.

Mr. Mackenzie informed Members that he was present to provide a short briefing to explain the context in legal terms that led Officers to recommend adoption of the Focussed Changes and Minor Modifications. Mr. Mackenzie reminded Members that the draft Plan had been subject to three rounds of public consultation, followed by a six-week formal round of consultation known as the Regulation 19 consultation, which had secured 1,298 responses from 352 consultees.

Mr. Mackenzie explained that the Focussed Changes document presented to Members consisted of changes to the draft Local Plan that were considered to support the soundness of the Plan. Owing to their substantive nature, the Focussed Changes document had been subject to a further six-week public consultation in January and February 2017; with a further 150 additional representations having been made as a result of this further consultation.

Mr. Mackenzie summarised that the Forward Planning Team considered the Focussed Changes, which had been proposed to achieve soundness, were satisfactory to the emerging Local Plan and that Members were now being asked to propose the addendum to the emerging Local Plan and to approve changes, which would result in a consolidated version of the Local Plan.

Mr. Mackenzie explained to Members that, if the draft Local Plan was approved, the consolidated version would be submitted to the Secretary of State for independent examination. If the proposed changes were rejected, then dependent on the reasons for rejection and if the Focussed Changes document required updating, a further round of Regulation 19 public consultation would be needed on the amended documents, lasting six weeks.

The Deputy Leader confirmed that no advance questions had been submitted in relation to the papers, and referred to the set of minor Further Amendments that had been circulated to Members in the form of an Addendum, and which, if approved, would be incorporated into the consolidated version of the Plan.

The Deputy Leader reiterated the decisions being sought; drew attention to the Statement of Consultation, which highlighted the large volume of work that had gone into the Local Plan since 2009/10; and provided an update to the various circulated documents.

It was duly Proposed and Seconded that the submitted documents, and the recommendations relating thereto, be accepted.

In acknowledging the tremendous amount of work involved in the process, some Members questioned whether the consultations undertaken had been successful in getting the message out to the public, and achieving meaningful engagement with

town and parish councils. Some Members also reiterated their previously-expressed concerns as to the overall 'direction' of the Local Plan.

In response, the Deputy Leader stated that he accepted and understood that some Members disagreed with the concept of the Plan, but drew particular attention to the Statement of Consultation, which highlighted the main points raised and how they had been subsequently addressed in the Regulation 18 and 19 stages.

A Member sought clarification of the definition of the phrase 'minor amendments'. Mr. Mackenzie replied that minor amendments entailed non-material changes; and ones that did not fundamentally change how the Plan operated. Mr. Mackenzie explained that if the Inspector decided that the Plan was effective only if fundamental or material changes were necessary, this would either result in the examination being suspended to allow the Council to propose necessary amendments (which would then be subject to a further round of public consultation, prior to examination), or the Inspector would propose adoption of certain recommendations and the Plan could only be adopted subject to the modifications being made. In this event, the Council could then choose to accept the proposed modifications, subject to consultation, or not adopt the Plan.

A Member raised his difficulty with voting on the recommendations en bloc, having been concerned with the Council's lack of consideration of an alternative site to that at Chesterton. In this connection, the Deputy Leader reminded Members of the Motion put to the Council in 2010 for an alternative to the strategic approach, involving the required number of houses to be spread across the Cotswolds, including within villages and towns, and that the Council had been professionally advised at that time that such an approach would not be a sustainable way to develop the Local Plan.

RESOLVED that:

- (a) subject to the further minor amendments circulated by way of an Addendum, the 'Submission Draft Cotswold District Local Plan Focussed Changes Addendum' (Appendix 1) and the 'Submission Draft Cotswold District Local Plan Minor Modifications Addendum' (Appendix 2) be approved for formal submission to the Secretary of State as amendments to the Submission Draft Local Plan in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012;**
- (b) the Deputy Leader of the Council and Cabinet Member for Forward Planning be authorised to approve further minor modifications and minor amendments, as necessary, prior to formal submission to the Secretary of State in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012;**
- (c) the Forward Planning Manager, in consultation with the Deputy Leader of the Council and Cabinet Member for Forward Planning, be authorised to provide formal responses to questions from the Inspector for the duration the Local Plan's examination;**
- (d) the Cotswold District Local Development Scheme April 2017 to March 2020 (Appendix 5) be approved.**

Record of Voting - for 25, against 2, abstentions 5, absent 2.

CL.19 COMMUNITY INFRASTRUCTURE LEVY - DRAFT CHARGING SCHEDULE

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

The Council was requested to agree the Community Infrastructure Levy Draft Charging Schedule for Cotswold District, for submission to the Secretary of State for Communities and Local Government - in order to ensure that the Council (i) complied with the relevant provisions of the Planning Act 2008, and the Community Infrastructure Levy Regulations 2010 (as amended) in setting its Community Infrastructure Levy (CIL) and (ii) secured an appropriate level of infrastructure provision to support new development. In so doing, it was noted that delegated authority was also being sought for the Deputy Leader to approve any further minor amendments that could prove necessary prior to submission to the Secretary of State.

The Deputy Leader explained that CIL had been introduced to complement Section 106 (S106) obligations, and enabled the Council to raise funds from new development, in order to fund a wide range of infrastructure that was needed to help support development and deliver the Local Plan. The CIL was focussed on 'tariff-style' general infrastructure contributions that included, for example, school places, open space, library provision, transport works, etc. - but it did not cover affordable housing, which would continue to be a S106 obligation. Site specific infrastructure requirements would also continue to be negotiated for, and collected via, the S106 processes. Furthermore, CIL funds could be pooled and directed where appropriate within the District, and could be subject to instalment payments; whereas S106 money could only be spent on the application to which it related.

The circulated report set out the representations received to various consultations; and the next steps.

In response to questions, Mr. Mackenzie reiterated that the S106 arrangements would still be in place and would work in parallel with the CIL arrangements, and advised that an Infrastructure Delivery Plan would help the Council to identify essential areas that required funding to enable sustainable development; the Head of Planning and Strategic Housing confirmed that S106 monies could still be sought in respect of a particular development, but that this was limited to five applications or obligations and was therefore restrictive, whereas CIL was not limited to a particular site and could be spent anywhere in the District; the Head of Planning and Strategic Housing advised that the impact on viability in setting the amount of CIL had taken into account the land values - as a result, anyone proposing a scheme would be aware of the requirement and would reflect this in land values at the outset; and the Head of Planning and Strategic Housing explained that, dependent on the scale of change proposed, either the Cabinet or the Council (not the Planning and Licensing Committee) would be responsible for reviewing the Draft Regulation List, as it was a Policy Document.

RESOLVED that:

(a) the Cotswold District Council Community Infrastructure Levy Charging Schedule and its supporting documents (attached at Appendices 'A', 'B' and 'C') be approved for formal submission to the Secretary of State in accordance with the statutory requirements of the Community Infrastructure Levy Regulations 2010 (as amended);

- (b) the Deputy Leader of the Council and Cabinet Member for Forward Planning be authorised to approve further minor amendments, as necessary, prior to formal submission to the Secretary of State;**
- (c) the consultation on the Draft Regulation 123 List and the Draft Instalments Policy be noted.**

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

CL.20 VIRES AUDIT AND DELEGATION

The Leader of the Council introduced this item, which he believed to be largely administrative in nature.

In noting that the vires audit had yet to be completed, a number of Members questioned whether this matter should not be brought back to the Council for final decision rather than be the subject of a delegated arrangement; or, at least, be reported back if all consultees were not content with the audit outcome and resulting proposed way forward. Other Members were content with the recommendations, and expressed the view that the delegated authority would not be exercised if there was a genuine constitutional problem.

In response to a question, it was confirmed that the audit was being undertaken by the Council's Legal Team in consultation with external legal advisors.

RESOLVED that:

- (a) the Council notes that changes to the Council's Constitution will be necessary to enable the formal delivery of Council services by the Council-owned and controlled Teckal companies;**
- (b) following completion of the vires audit, the Head of Paid Service, in consultation with the Leader of the Council, the relevant Cabinet Member, the Leader of the Liberal Democrat Group and the Chairman of the Overview and Scrutiny Committee, be authorised to agree the necessary changes;**
- (c) if there is not unanimous support from the Members consulted in accordance with resolution (b) above, the matter be referred back to the Council for debate and decision;**
- (d) in due course, the Head of Democratic Services be authorised to incorporate the necessary changes within the Council's Constitution.**

Record of Voting - for 30, against 1, abstentions 0, absent 3.

CL.21 ISSUES/REPORTS ARISING FROM THE CABINET

There were no other issues arising from the Cabinet.

CL.22 ISSUES/REPORTS ARISING FROM OVERVIEW AND SCRUTINY AND/OR AUDIT

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

CL.23 NOTICE OF MOTIONS

(i) Motions 2/2017, 3/2017 and 6/2017 re Ward Member Voting Rights

The Head of Democratic Services explained that three of the Motions submitted related to the same principle of Ward Member voting rights, either as a policy issue or specifically regarding the Chesterton Strategic Site application.

The relevant Motions were as follows:-

(i) Motion 2/2017 re Members' Right to Vote in Respect of Planning Applications in their own Wards

Proposed by Councillor PCB Coleman, seconded by Councillor M Harris:

'1. This Council resolves to rescind the decision taken in 1998 which prohibits Members of the Planning Committee (and of the Council when sitting as Planning Authority) from voting on applications within the Ward they represent.

2. This Council acknowledges that this will extend the powers of its elected Members to promote the interests of their constituents, but also recognises that a vote to abstain can be a valid option.

3. This Council resolves to carry out a full review of this decision after it has been in effect, as a pilot, for two years.

4. The Council delegates powers to the Head of Democratic Services to make the necessary changes to the Council's Standing Orders and other associated documents to remove all reference to this restriction.'

(ii) Motion 3/2017 re Ward Member Voting Rights specifically for the Chesterton Outline Planning Application

Proposed by Councillor JA Harris, seconded by Councillor Juliet Layton:

'(a) In accordance with Council Procedure Rule 24.1, the provisions of Council Procedure Rule 15.2 be suspended to enable consideration of the following proposal, which was rejected in similar terms at the Council Meeting on 21st February 2017;

(b) subject to (a) above, this Council resolves to waive Planning Protocol 3.1 and Council Procedure Rule 36 for the determination of the Chesterton OPA, and allow the Ward Members affected to vote on the application whilst drawing their attention to LGA advice (S.4. Probity in Planning LGA 2009) in particular:

*4.11 A ward councillor who is also a member of the planning committee **wishing to campaign for or against a proposal** could speak at a planning committee on behalf of their constituents, having declared their pre-determined position. The councillor can continue to represent those ward interests as a spokesperson for their local community, notwithstanding their normal planning committee membership. However, they would have to **declare their position and not take part in the vote to avoid accusations of bias.**'*

(iii) Motion 6/2017 re Ward Member Voting Rights

Proposed by Councillor David Fowles, seconded by Councillor RL Hughes:

'That the Council:

(i) agrees that the historic practice of not allowing Ward Members to vote on planning applications in their own Ward is no longer in the best interests of residents or the elected members;

(ii) resolves, with immediate effect, to allow Ward Members to vote or make/second propositions/amendments on applications for planning permission, listed building consent, conservation area consent, advertisement consent; or certificates of lawful use or development; or enforcement issues; or issues relating to legal agreements; within their own Wards (whether at meetings of the Planning and Licensing Committee or at meetings of full Council when it is acting as the planning authority);

(iii) authorises the Head of Democratic Services to make the necessary amendments to the Council's Constitution and related documents.'

Background/Rationale Provided by the Proposer and Seconder

As Councillors we have many different roles - as the local elected representatives we seek to engage with residents and groups on a wide range of different issues and take on an important community leadership role; and at the council we contribute to the development of policies and strategies, including budget setting, and are involved in audit and scrutiny matters or taking decisions on planning or licensing applications.

In all that we do, we seek to balance competing and often varied priorities - the needs of the wider District, our residents and voters, community groups, local businesses and the Council.

With our Strong Leader and Cabinet model of governance, many Members are able to devote much of their time to representing their wards and the people living there - whether as advocates or by providing information and feedback.

However, this brings increased expectations in terms of accountability and transparency - not only in the way that we vote but also the views that we express.

The above issues are perhaps most pronounced in respect of development control matters which, whatever their scale or nature, tend to generate the most local interest and views, and have the potential to impact significantly on our local communities. There is also an expectation that the local member will be able to fully participate in all aspects of the planning process, representing local views and casting a vote.

We appreciate that the restriction has been seen to offer a form of 'protection' to Ward Members, and developers, in that the rule enabled Members to engage more freely with, and be in a better position to represent the views of, residents, as they would not be fettered by issues of pre-determination, pre-disposition or bias; and without the fear of allegations that a Member had been

unduly influenced. We also note that the restriction did not prevent Members from speaking on planning matters pertaining to their Wards.

We also understand that while some Councils do operate a similar practice of not allowing Ward Members to vote, the majority of Councils adopt a different, more inclusive approach.

*In the circumstances, we would ask the Council to support our Motion, noting that the issue is one of **principle and policy**.*

It should also be noted that adequate safeguards will still apply despite the removal of this restriction - as Members will still be bound by the requirements of the Code of Conduct in terms of the declaration of interests and, with it, the potential impact on participation in the debate and/or voting on agenda items; and will also need to have regard to the common law and guidance relating to issues of predisposition, predetermination and bias.

The Head of Democratic Services informed Members that he understood there to be an agreement between the various Proposers and Seconders that Motion 6/2017 would be taken as an agreed composite Motion, proposed by Councillors David Fowles and JA Harris and seconded by Councillors RL Hughes and PCB Coleman, as a joint way forward. In the event of such Motion succeeding, Motions 2/2017 and 3/2017 would be 'redundant' and would be withdrawn.

The Chairman of the Council reiterated that, in accordance with Council Procedure Rule 12, he intended to allow the Motion(s) to be debated at the Council Meeting.

Councillor Fowles referred to the background/rationale to the Motion, and stated that he understood that the majority of councils permitted their ward councillors to vote on applications. Councillor JA Harris expressed his support for the Motion, commenting that he believed that this was an opportunity for the Council 'to right a wrong'.

Councillor RL Hughes expressed his support for lifting the restriction at planning meetings, and reminded Members that the other usual safeguards would apply, and that Members would still be bound by the Code of Conduct requirements. Councillor Coleman reiterated his support for the Motion, and expressed the hope that it would apply immediately. Councillor Coleman also commended the LGA advice document 'Probity in Planning', and the distinctions between campaigning, pre-disposition, pre-determination and bias.

By way of clarification, the Head of Democratic Services confirmed that Members would be bound by the requirements of the Code of Conduct in terms of the declaration of interests and, with it, the potential impact on participation in the debate and/or voting on agenda items; and would also need to have regard to the common law and guidance relating to issues of predisposition, predetermination and bias. In addition, he explained that the Motion sought a removal of the policy restriction, and therefore referred to Planning and Licensing Committee Meetings and Council Meetings, in the event of applications being referred up; and, if Members supported the Motion, it would be effective immediately and apply to the following day's Planning and Licensing Committee Meeting.

A number of Members expressed their support for a policy change, and stated that they did not believe that an exception decision solely in respect of the Chesterton application was appropriate.

Some Members felt that it would be preferable for the Planning and Licensing Committee to consider issues of process before any change of policy was implemented, thereby enabling the necessary Constitutional amendments to be identified and any written protocol to be in place and made available to Members. An AMENDMENT - that before the policy change was implemented the Planning and Licensing Committee should approve the process that would be followed, taking account of LGA advice contained in the 'Probity in Planning' document - was duly Proposed and Seconded.

Other Members felt that there was sufficient information on which to make a decision at the Meeting, and that the implications and processes that would arise out of the proposed policy change were clear.

Upon being put to the vote, the AMENDMENT was LOST, with the Record of Voting being - for 2, against 28, abstentions 1, absent 3.

In response to a Member's question regarding a substitute Member on the Planning and Licensing Committee who was not a Member of the Committee and whether this was acceptable, the Head of Democratic Services confirmed that any substitute Member would have full voting rights even if, by chance, the Meeting at which the Member was substituting was considering an application in his/her own ward.

The original Motion was then put to the vote.

RESOLVED that:

(a) the Council agrees that the historic practice of not allowing Ward Members to vote on planning applications in their own Ward is no longer in the best interests of residents or the elected members;

(b) with immediate effect, Ward Members be allowed to vote or make/second propositions/amendments on applications for planning permission, listed building consent, conservation area consent, advertisement consent; or certificates of lawful use or development; or enforcement issues; or issues relating to legal agreements; within their own Wards (whether at meetings of the Planning and Licensing Committee or at meetings of full Council when it is acting as the planning authority);

**(c) the Head of Democratic Services be authorised to make the necessary amendments to the Council's Constitution and related documents.
Record of Voting - for 27, against 4, abstentions 1, absent 2.**

Note:

Given the above decision, Motions 2/2017 and 3/2017 were 'redundant' and were therefore withdrawn.

(ii) Motion 4/2017 re Determination of the Chesterton Outline Planning Application (OPA)

The following Motion had been Proposed by Councillor M Harris, and Seconded by Councillor PCB Coleman:

'This Council:

1. *Resolves that it will determine the Chesterton OPA in the light of the Inspector's report on the draft Local Plan 2011-2031.*
2. *Recognises that this is the logical and fair way to proceed, in the interests of good government and public confidence.*
3. *Notes that there are some risks from this decision, but agrees that these are outweighed by the benefits identified above.'*

The Chairman of the Council stated that, in accordance with Council Procedure Rule 12, he intended to allow the Motion to be debated at the Council Meeting. Reference was made to the Officer Briefing Note that had been provided to Members - in the light of questions already posed by some Members, and to assist the debate on the Motion with a view to ensuring an informed decision - which set out the benefits and risks associated with deferring the determination of the Chesterton application until the Inspector's report on the Local Plan. Councillors M Harris and Coleman were then invited to formally Propose, Second and speak to their Motion.

In proposing the Motion, Councillor M Harris expressed the view that it would be premature to determine the application before the outcome of the Local Plan Examination was known; a view which was also supported by Cirencester Town Council. In support of his suggestion, Councillor Harris explained that Section 216 of the National Planning Policy Framework indicated that the amount of weight that a local planning authority could give to an emerging Local Plan when determining applications depended on how much progress had been made with regard to the Local Plan and how many objections had been received either to the Plan or to the specific allocation. With this in mind, he referred to a recent appeal decision where the Inspector had concluded that, as the Council's local Plan had not been examined, things could change and therefore little weight could be given to it. Councillor Harris also referred to DCLG Planning Practice Guidance, which indicated that prematurity could be cited where two criteria could both be satisfied, namely that the development was so substantial or the cumulative effect was so significant that to grant permission would undermine the planning process, and the emerging Local Plan was at an advanced stage but not yet formally part of the development plan. For these reasons, he urged Members to support a delay in the application determination.

Councillor Coleman explained that he felt the sensible approach was to go through the Local Plan process and then consider the application. He welcomed the Briefing Note which articulated the risks and benefits, but commented that little was absolutely certain at that point in time. Councillor Coleman had been encouraged at the positive engagement and relationships between the developer and the town and district councils and local people, and of the desire to leave the town with a positive legacy. However, whilst there might be sound planning reasons to push ahead and determine the application, he felt that the Council should consider those who would be impacted directly by the proposals and the need to ensure a fair and transparent approach, rather than create the impression that the application must be determined at the earliest opportunity at all costs.

A number of Members did not support the Motion for a variety of reasons - they felt that the Local Plan was already at an advanced stage, especially given the decisions taken earlier in the Meeting to agree to its submission to the Secretary of State for determination; it was not reasonable to ask a developer to wait for what could be two years to receive a decision on a validly-submitted application, particularly as the Council had a statutory duty to determine applications within the

statutory, or other agreed, time limit; non-determination could lead to an appeal, which might then jeopardise the community benefits that were considered to be achievable through planning obligations, and could lead to financial impacts on the Council; the development of the site had been put forward as part of the previous Local Plan site identification process, back in 2004; the application was only an outline at this stage, and any legacy would be highlighted as part of the subsequent detailed submissions; and, given the numerous pressures faced by developers, there could be no certainty in expecting or hoping that developers would 'do the right thing'. The view was expressed that Members of the Council should be confident to make an appropriate decision, based on all material considerations.

In response to a question, Officers provided information on the significant financial risks to the Council for non-determination, including any award of costs at appeal, the requirement to return the applicant's planning application fee; and issues surrounding the Housing White Paper, which suggested that New Homes Bonus would not be given to councils in respect of development which was granted on appeal.

Other Members supported the Motion, as they believed that determining the application prior to the Local Plan outcome was the wrong thing to do, both procedurally and morally. A Member believed that the financial risks reported were tantamount to scaremongering; and he was confident that the applicant would be amenable to an arrangement being sought, given the goodwill expressed thus far.

In response to a question, Mr. George Mackenzie (the Council's external legal adviser in relation to the Local Plan and the Chesterton planning application) confirmed that it was not unusual for applications to be submitted in advance of a draft site allocation and/or Local Plan adoption and, for that reason, the National Planning Policy Framework cited examples of circumstances where prematurity could be advanced as a reason to refuse an application. However, he was not aware of any instance where prematurity had been cited as a reason for deferral.

In summing up, Councillor M Harris reiterated that the Council's emerging Local Plan was not in place and could change at Examination; and, as such, it carried little weight. He urged Members to consider whether, if such development proposal was in their wards, they would be prepared to take a decision knowing that the proposal was not the subject of a current Local Plan policy. He was firmly of the view that a decision on the Local Plan should come first, before any consideration of the related application; and that this approach was fair and just. For these reasons, he asked Members to support the Motion.

In accordance with Council Procedure Rule 16.6, a recorded vote was requested; and this request was supported by the requisite number of Members.

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

Note:

The Record of Voting was as follows:-

For: - Councillors AR Brassington, T Cheung, PCB Coleman, Andrew Doherty, Jenny Forde, JA Harris, M Harris, Jenny Hincks, RC Hughes, Juliet Layton, Dilys Neill and NP Robbins - Total: 12;

Against: - Councillors SI Andrews, Mark F Annett, Julian Beale, AW Berry, Sue Coakley, Alison Coggins, RW Dutton, David Fowles, C Hancock, SG Hirst, RL Hughes, Mrs. SL Jepson, RG Keeling, MGE MacKenzie-Charrington, NJW Parsons, Tina Stevenson, Lynden Stowe, R Theodoulou and LR Wilkins - Total: 19;

Abstentions: - Total: 0;

Absent: - Councillors Maggie Heaven, SDE Parsons and Jim Parsons - Total: 3

(iii) Motion 5/2017 re WASPI (Women Against State Pension Inequality)

The following Motion had been Proposed by Councillor Jenny Forde, and Seconded by Councillor T Cheung:

'The Council calls upon the Government to make fair transitional state pension arrangements for all women born on or after 6th April 1951, who have unfairly borne the burden of the increase to the State Pension Age (SPA) with lack of appropriate notification.'

The Chairman of the Council stated that, in accordance with Council Procedure Rule 12, once Proposed and Seconded, the Motion would stand referred to the Cabinet for consideration, ideally with the benefit of additional background information.

In Proposing the Motion, Councillor Forde stated that the Motion sought an expression of support from the Council for the principle of making fair, transitional pension arrangements for those women affected by the changes in the State Pension age and to collectively ask the Government to take action to solve that issue.

Councillor Forde explained that 6,354 women in the Cotswolds were affected by the changes. Whilst the principle of an equalisation of the state pension age was supported, the way in which the changes had been made under the 2011 Pensions Act were considered to be grossly unfair in that many women would now receive their pensions many years later than expected and had not been given a reasonable time to prepare for retirement. It was believed that some 2.6m women were affected by the changes nation-wide.

Councillor Forde was of the view that pensions were a right, not a benefit, and resulted from years of contributions. It was a gross injustice to implement such changes in such an unfair manner, which would lead to many having to live off of savings during what should have been a well-earned period of retirement. Fair transitional measures were being sought but, up until now, the Government had not been prepared to act.

In Seconding the Motion, Councillor Cheung wished to echo the comments of Councillor Forde, and would elaborate at the subsequent Cabinet Meeting.

In response to a question, the Chairman explained his rationale for the matter to be referred to the Cabinet, but acknowledged the difficulties with regard to Motions on subjects over which the Council had no direct control or power but on which it was being asked to influence. With this in mind, he felt that a referral would enable additional background information to be provided which, in turn, would allow an informed debate and decision. Notwithstanding this approach, the Chairman undertook to discuss with Officers arrangements relating to Motions, particularly on topics where the Council had no direct power/control.

At this point, the Motion stood referred to the Cabinet; it being noted that, in accordance with the Council's procedures and custom and practice, Councillors Forde and Cheung would be invited to attend the Cabinet Meeting to present and speak to their Motion.

CL.24 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 31, against 0, abstentions 0, absent 3.

The Meeting commenced at 10.00 a.m., adjourned between 11.40 a.m. and 11.55 a.m., and closed at 1.18 p.m.

Chairman

(END)