



**COTSWOLD
DISTRICT COUNCIL**

COUNCIL AGENDA

Tuesday 13th June 2017, 10.00 a.m.

Council Chamber, Trinity Road, Cirencester

NOTES

(i) Questions Arising on the Agenda

If any Member has any questions regarding either (a) an update/progress report on a specific item contained in the Minutes of the previous Meeting or (b) a report contained within the Agenda, he/she is requested to give advance notice of such question to the Director/Officer originating the report or to an Officer of the Democratic Services Section so that a full response can be made available either prior to, or at, the Meeting. If no such advance notification is given, a full response to any question cannot be guaranteed at the Meeting.

With specific regard to the Minutes of previous Meetings, Members' attention is drawn to Council Procedure Rule 17.1 which provides that, once the Minutes have been signed, Members may ask questions to ascertain what progress has been made on a particular matter referred to in the Minutes, but may not make any other statement or generate discussion on the Minutes.

(ii) Mobile Phones/Pagers

All mobile phones/pagers should be **SWITCHED OFF OR SET TO SILENT MODE BEFORE** the start of the Meeting.

(iii) Recording of Proceedings

The public proceedings of Council, Cabinet, and Committee Meetings may be recorded, which includes filming as well as audio-recording. Photography is also permitted.

As a matter of courtesy, if you intend to record any part of the proceedings please let the Committee Administrator know before the start of the Meeting.

Recording/filming should not be disruptive or distracting to the good order and conduct of the Meeting. To assist with this, an area of the Meeting venue will be designated from which proceedings can be recorded/filmed, and 'roaming' around the venue while recording is not permitted. The Chairman will exclude anyone whose behaviour is disruptive.

Recording/filming should only be of Members and Council Officers, and not any members of the public (unless they are formally addressing the Meeting or unless specific permission has been given by those individuals).

For further information, please read the Notices displayed inside and outside the Meeting venue and/or speak with the Committee Administrator.

(iv) Committee Administrator

If any Member has any general questions about the Meeting or the associated agenda papers, or is unable to attend, he/she is asked to contact Nigel Adams on 01285 623202 who will be the Committee Administrator responsible for the Meeting.

Distribution:

All Members of the Council



Nigel Adams
Head of Democratic Services

5th June 2017

COUNCIL : 13TH JUNE 2017

AGENDA

- (1) **Apologies**
- (2) **Declarations of Interest**
 - (a) To receive any declarations of interest from Members under:-
 - (i) the Code of Conduct for Members; and/or
 - (ii) Section 106 of the Local Government Finance Act 1992 (any Councillor who has Council Tax payments remaining unpaid for at least two months must declare an interest and not participate in any matter affecting the level of Council tax or arrangements for administering the Council Tax).
 - (b) To receive any declarations of interest from Officers under the Code of Conduct for Officers.
- (3) **Minutes** - To confirm:-
 - (i) the Minutes of the Meeting of the Council held on 21st February 2017;
 - (ii) the Minutes of the Annual Meeting of the Council held on 16th May 2017.
- (4) **Announcements from the Chairman, Leader or Head of Paid Service**

Under this item, the Chairman has agreed to allow the following:-

Abbey 900 - 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, will attend to show the Council the quilted wall hanging and an example of the mosaic panels which local schools have been busy creating for Abbey 900.

The Society has funded the quilt and the mosaic panels projects as its contribution to Abbey 900. The quilt will be on display for a number of weeks in the Council Chamber.
- (5) **Public Questions**

Council Procedure Rule 10 - Not more than fifteen minutes allowed for written questions to be put by members of the public on any matter in relation to which the Council has any power or duties or which affects the District.
- (6) **Member Questions**

Council Procedure Rule 11 - Not more than fifteen minutes allowed for written questions to be put by Members on any matter in relation to which the Council has any power or duties or which affects the District.

The following questions have been submitted:-

(1) From Councillor Jenny Forde to Councillor MGE 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?'

(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?'

(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?'

(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?'

(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?'

(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?'

(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?'

(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?'

Note:

The above questions were submitted by the time by responses are guaranteed to be provided to the questioner at least 24 hours before the Council Meeting (by virtue of the Council's Procedure Rules). As such, written responses will be provided to all Members either in advance of, or at, the Council Meeting.

(7) **Petitions (if any)**

Items for Decision

	<u>Page Number</u>
(8) <u>Corporate Strategy 2016-19 - Update</u>	1
(9) <u>Focussed Changes and Minor Modifications to the Submission Draft Cotswold District Local Plan</u>	8
(10) <u>Community Infrastructure Levy - Draft Charging Schedule</u>	15
(11) <u>Vires Audit and Delegation</u>	24

Other Matters

- (12) **Issues/Reports Arising from the Cabinet (if any)**
- (13) **Issues/Reports Arising from Overview and Scrutiny and/or Audit (if any)**

(14) **Notice of Motions**

In accordance with Council Procedure Rule 12, the following Motions have been received:-

(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.**'*

N.B. In accordance with the requirements of Council Procedure Rule 15.1, which relates to the rescinding of a decision of the Council made within the previous six months, this Motion has been 'signed' by at least one-quarter of the whole number of Members of the Council.

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

Proposed by Councillor M Harris, 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.'*

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

Proposed by Councillor Jenny Forde, 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.'

(v) 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, predisposition 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.

Note:

In accordance with Council Procedure Rule 12, any Motion that is duly proposed and seconded shall automatically stand referred to the Cabinet or the appropriate Committee for consideration, unless the Chairman of the Council considers it convenient and conducive to the despatch of business for the Motion to be dealt with at the Meeting. Members will be advised of the views of the Chairman on this aspect as soon as possible.

(15) **Sealing of Documents**

To resolve:

“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.”

Note:

The Register of Sealing will be available at the Meeting for Members' inspection.

(END)