

COTSWOLD DISTRICT COUNCIL

COUNCIL MEETING

25TH SEPTEMBER 2018

Present:

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

Councillors -

SI Andrews	SG Hirst
Mark F Annett	RC Hughes
AW Berry	RL Hughes (until 1.25 p.m.)
AR Brassington	Mrs SL Jepson
T Cheung	RG Keeling
Sue Coakley	Juliet Layton
Alison Coggins	MGE MacKenzie-Charrington
PCB Coleman	RA Morgan (until 12.50 p.m.)
Andrew Doherty	Dilys Neill
RW Dutton	NJW Parsons
Jenny Forde	SDE Parsons
C Hancock	NP Robbins (until 12.35 p.m.)
JA Harris	Tina Stevenson
M Harris	Lynden Stowe
Maggie Heaven	R Theodoulou
Jenny Hincks (until 1.35 p.m.)	LR Wilkins

CL.14 WELCOME

In opening the Meeting, the Chairman read out a comment provided by Councillor M Harris which, he hoped, would apply throughout the proceedings:-

‘Let our debating be reasoned and temperate, recognising that others may have a different point of view; and may we always remember our deliberations and decisions are for the benefit of other people’.

The Chairman welcomed Members, Officers and members of the Public and Press to the Meeting.

CL.15 DECLARATIONS OF INTEREST

(1) Declarations by Members

(i) Councillor JA Harris declared an ‘other’ interest in respect of Agenda Item (11) - Review of Members’ Allowances - as he was acquainted with Mrs. Jane Winstanley, the Chair of the Council’s Independent Remuneration Panel

(ii) Councillor SG Hirst declared an 'other' interest in respect of Agenda Item (11) - Review of Members' Allowances - as he was a Trustee of the Cotswold Volunteers, an organisation Chaired by Mrs. Jane Winstanley, who was also the Chair of the Council's Independent Remuneration Panel.

(2) Declarations by Officers

There were no declarations of interest by Officers.

CL.16 MINUTES

RESOLVED that:

(a) subject to the amendment of the closing time of the Meeting so as to read 11.30 a.m., the Minutes of the Meeting of the Council held on 15th May 2018 be approved as a correct record;

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

(b) the Minutes of the Annual Meeting of the Council held on 15th May 2018 be approved as a correct record;

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

(c) the Minutes of the Special Meeting of the Council held on 3rd August 2018 be approved as a correct record;

Record of Voting - for 24, against 0, abstentions 9, did not vote 1, absent 0.

Arising on the Minutes of the Ordinary Meeting of 15th May 2018:

Member Questions (CL.84)

A Member expressed concern that he had not received a full written response to the supplementary question he had asked in relation to the impacts of the failed Judicial Review into two planning decisions in Tetbury (Question (8) referred).

In response, the Head of Paid Service explained that he had understood that a response had been agreed but apologised if such response had not been circulated. With specific reference to the supplementary question posed, he explained that the Judicial Review related to both applications (appeals), so the costs were not separated; any S106 benefits would not have been lost as a result of the Judicial Review application but, rather, as part of the appeal process, and it was Officers' recollection that as part of the planning appeal for Highfield Farm the applicant had changed what would be offered in a legal agreement, given that the Inspector would rigorously apply the CIL tests and much of what had been offered with the planning application would not have complied with CIL; and, if anything was lost for the Berrells Road appeal, it would have been a small contribution towards library provision, as the County Council could not justify that it was CIL compliant.

In referring to the question and response given in relation to where all recycled plastics collected by this Council ended up (Question (5) referred), the Head of Paid Service informed the Council that, with regards to the District's recycling sorting locations, the majority of mixed plastics (bottles, pots, tubs and trays) was sent to a re-processing plant in Swindon where the materials were turned into plastic pellets for use in the plastic manufacturing industry; HDPE materials (milk bottles) were transported to a plant in Leicestershire where they were turned back into milk bottles; and black and brown food trays were sent to Vietnam where they were melted down to make into plastic pallets, as a way of saving natural wood resources in conventional pallets.

CL.17 ANNOUNCEMENTS FROM THE CHAIRMAN, LEADER OR HEAD OF PAID SERVICE

(i) Tree Donation for the Queen's Canopy - the Chairman explained that five trees donated under the Queen's Canopy (an 'event' to commemorate the diamond jubilee) would soon be arriving and would be planted at the Royal Agricultural University in Cirencester.

(ii) Council Meetings - the Chairman explained that he was currently in discussion with Officers regarding the previous suggestion by Councillor JA Harris to increase the number of Council Meetings held during a typical Council year, taking account of the need to ensure timely debate and inclusiveness in terms of contributions from all Members and the ability to call special meetings.

(iii) Chairman's Awards 2018 - the Chairman highlighted the closing date for nominations of 28th September 2018; urged Members to consider nominating suitable candidates from their Wards; and reported that the Awards presentation event would take place on 9th November 2018.

(iv) 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.

(v) Notices of Motions - the Chairman explained that he had decided that Motions 3/2018 and 4/2018 would both be debated at the Meeting but, once Proposed and Seconded, Motion 5/2018 would stand referred to the Cabinet for initial consideration and recommendation back to the Council. The Chairman also announced that he had decided to exercise the discretion available to him under Council Procedure Rule 3.2 to vary the order of business at the Council Meeting to allow the Motions to be presented and, where appropriate, debated earlier in the Meeting, particularly so as to minimise inconvenience to interested observers.

(vi) Councillor RC Hughes - Poppy Appeal - the Chairman stated that Councillor Roly Hughes had some enamel poppy badges for sale, in aid of the Royal British Legion Poppy Appeal.

(vii) WW1 Tommy Silhouettes - the Vice-Chairman informed Members that the 'Tommy' silhouettes that had been commissioned by the Council would be 'appearing' in upcoming Cirencester events to mark the Armistice of the Great War.

(viii) Waste Service Re-design - the Head of Paid Service explained that the Council was in the early stages of a waste service review and that a Council decision would soon be required on this item. He added that, whilst a Council Meeting was scheduled for 11th December 2018, this could be too late for a decision and the possibility of a Special Council Meeting in November 2018 was being considered, ideally to follow-on from an already-scheduled Meeting.

There were no announcements from the Leader.

CL.18 PUBLIC QUESTIONS

No public questions had been received.

CL.19 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 F Annett, Leader of the Council

'The Conservative administration at this Council made a decision back in 2016 to include child maintenance payments as income when calculating council tax support.

Can the cabinet member not see how grossly unfair this decision was, and that it adversely affects single mothers in particular?

Why did the Conservative administration decide to include child maintenance as 'income' when calculating Council tax support, particularly when many other councils don't do so?'

Response from Councillor Annett

*First of all, may I put the record straight. The December 2016 decision in relation to the Council Tax Support Scheme was taken by the Council, **not** the Cabinet. The Minutes of the Meeting show that 27 of the 28 Members present at that Council Meeting voted in favour of the overall scheme, and one Member abstained - none of those present actually voted against. So this was clearly not a decision of the Conservative administration.*

I would remind you that, in agreeing the Scheme, Members had regard to the responses received to a bespoke consultation carried out. That consultation included a specific question seeking comments as to whether child maintenance should be included when calculating a person's income, and the majority of responses supported such an approach.

I would also point out that child maintenance is disregarded as income for Universal Credit claims. In addition, when agreeing the scheme back in 2016, it was also agreed to establish a Council Tax Hardship Fund, to provide additional support for those who could demonstrate

financial hardship and an inability to meet even the minimum Council Tax payments.

Each council has its own scheme, with local variances to meet local circumstances. I am aware that Cheltenham BC is currently consulting on a new scheme, and that such consultation seeks feedback on whether or not to include child maintenance payments as income.

Looking ahead, our current scheme is also in the process of being reviewed, and a consultation will soon take place on possible elements of a scheme for 2019 onwards. Our consultation will seek current views on the subject of child maintenance payments. A report on a proposed scheme, together with the consultation responses received, will be presented to the Council Meeting in December for consideration and decision.

Councillor Forde commented that, like many issues, the devil was in the detail; and added that, in agreeing any scheme, Councillors should have a full understanding of the impact and legality of the proposals. She also explained that at the time, no indication had been given that the inclusion of child maintenance payments would have a detrimental impact on the District's most vulnerable, namely single women and children, and that she was sure that neither Councillors nor Officers intended to bring in discriminatory rules.

Councillor Forde explained that she was also aware that Citizens Advice Bureau had written to the Leader highlighting the issues around the legality of the decision and asked if the associated regulation was to be challenged through the courts?

The Leader reminded Members that the current scheme was under review, and would reflect legislative requirements; and that a proposed revised scheme would be presented to the Council for decision.

(2) From Councillor Jenny Forde to Councillor Mark F Annett, Leader of the Council

'How many residents has the Leader spoken to who are affected by these (council tax support) changes?'

Response from Councillor Annett

I cannot recall having spoken to, or indeed having been contacted by, anyone specifically regarding the scheme.

Having made enquiries, I understand that officers are aware of one customer who contacted the Council as a result of difficulties due to child maintenance payments being regarded as income; and the customer was invited to claim a discretionary council tax support payment (via the Hardship Fund) to assist her with her council tax liability.

Councillor Forde expressed her disappointment that the Leader had not spoken to anyone affected by the changes and explained that she had

recently visited Cirencester Foodbank where she had met people who were on Council tax support and faced real challenges with the cost of living.

By way of a supplementary question, Councillor Forde asked if the Leader would commit to meeting as many people as possible who would be affected by changes to Council tax support, to understand their concerns and the pressures they face, before voting on potential changes.

The Leader confirmed that he was happy to meet with anyone who wished to discuss the issue with him.

(3) From Councillor AR Brassington to Councillor Sue Coakley, Cabinet Member for Environment

‘Cotswold District Council has a responsibility to carry out street cleaning. All over our roads and pavements grit and detritus have been allowed to build up, particularly on our main roads. In turn, this leads to weeds growing in the kerb channel, blocked drains and danger for cyclists. It also looks unsightly and isn't befitting of the beautiful Cotswolds.

What can be done to increase the frequency of street cleaning and extend it to prevent build-up of grit and detritus?’

Response from Councillor Coakley

The budget for street cleansing has been increased in recent years and we continue to make a positive impact across the district supported by volunteer litter picking by groups and individuals. In addition to the regular schedule of street cleansing and litter picking, we respond positively to any issues reported to us. A recent example was the cleaning of the Ring Road in Cirencester, in co-operation with Gloucestershire Highways, and this is now on the regular schedule for maintenance.

That said, the District continues to grow and, as part of our budget setting for 2019/20, we are reviewing areas of the waste and street cleansing service where there is current or anticipated growth in demand. Whilst every effort is made to realign services and maximise efficiency, it is inevitable that growth will be required from time to time in some areas. Street cleansing is an area that our team have already highlighted for a review of resources as part of that budget setting process to ensure we are appropriately resourced.

Councillor Brassington commented that the recent joint grass cutting operation on busy Cirencester highways had been very successful and, by way of a supplementary question, asked if the Cabinet Member could confirm if this operation was to be repeated in other parts of the District.

Councillor Coakley confirmed that she was currently working with the Highways Authority to take this work forward.

- (4) From Councillor RC Hughes to Councillor MGE Mackenzie-Charrington, Cabinet Member for Planning and Licensing Services and Cirencester Car Parking Project

'It's been over four months now that I raised the issue of vacant properties in Cirencester falling into disrepair.

The former Bramleys site in Brewery Court, which CDC owns the freehold to, has deteriorated even further, with part of the wooden hoarding panels removed and the window smashed even further. The site is now a magnet for anti-social behaviour in the centre of our Town.

In an email to me you stated that 'you can't see the CDC spending a penny on it' due to the development of the site into a cinema by Wildmoor, but this process is 'stuck in the mud' due to a dispute between the developer and CDC.

Will the cabinet member review his position on this matter and instruct Council officers to undertake an urgent clean-up of the building and secure it, so it looks a little less of an eyesore going into Christmas and the winter months?'

Response from Councillor Mackenzie-Charrington

Officers have already issued a schedule of works that we would expect to see carried out in respect of the Bramleys building. We have also indicated that if such works (or an alternative acceptable scheme) are not completed by the end of September, we will carry out the works ourselves and then recharge the costs to Wildmoor.

I should also like to clarify that the wider development of the area is not being held up by a dispute between the Council and the developer.

By way of a supplementary question, Councillor Hughes asked the Cabinet Member what works the Council would undertake and sought reassurance that the Council would recover its costs.

In response, Councillor MacKenzie-Charrington stated that due process had to be followed and that he had been assured by Officers that the Council was acting as quickly as possible in the circumstances. Members would be notified of the timescale for any works that proved necessary to be undertaken by the Council.

- (5) From Councillor Juliet Layton to Councillor Mark F Annett, Leader of the Council

'We are aware, as Councillors, that there is an issue in Publica around staff morale and with communication from senior managers about the security and terms of their jobs.

What is the Leader doing to understand and allay employees' concerns about these issues?'

Response from Councillor Annett

Thank you for your question. I accept that there are some issues that have given me cause for concern. I have raised these matters personally with the MD of Publica, as indeed did you and Councillor Joe Harris at the recent Member Liaison Group meeting.

Our staff are our most valuable asset/resource; and we cannot be complacent. I am sure that we are all sorry when we 'lose' experienced and valued members of staff, and we need to understand the reasons why - if it is a case of betterment, then we should be delighted for the individuals, thank them for their service and wish them every success for the future; however, if their departure is due to concerns as to their futures or with what is going on, then we need to learn what we might do better. I know that more robust exit interview arrangements have been put in place.

Insofar as job security and terms of conditions of service are concerned, all staff that transferred into Publica retained their existing terms and conditions of service, including pension rights and continuity of service. Moving forward, it was acknowledged that the Publica terms and conditions would need to be reviewed to ensure fairness and consistency across all of their previous employers - albeit that pensions and service continuity will not change.

The MD has reassured me that clear messages have been given to staff that any future changes in employment levels will continue to be managed sensitively and through natural turnover of employment. Moreover, I have been reassured that the new pay and grading structure outlined in the Member Liaison Group meeting will deliver real flexibility, for the first time, for Publica to respond quickly to market issues that have all too frequently beset us in recent years leading us to losing key senior staff, such as planners to the private sector.

To date, the potential changes have been positively received by staff and union representatives, and a broader consultation with staff is due to take place in October. The need for clarity and certainty is paramount, and I have discussed this with the Publica leadership team.

I will continue to notify the Publica MD of any concerns that I have in any regard, as well as commending positives. I am more than happy for any other Member to feed any comments into me, or to approach Mr. Neudegg direct. I will do all that I can to ensure that our staff understand just how valued they are. I will also ensure that Members receive regular updates on Publica matters and issues.

In noting that the potential changes to terms and conditions had apparently been positively received by staff and union representatives, Councillor Layton expressed concern that 90% of staff working at Publica were not in a union, and that those former Cotswold employees did not have a staff representative, as he had left in May 2018 and a replacement had not yet been appointed. She questioned whether the lack of a replacement was due to the time commitment involved or, more alarmingly, whether it might be that

officers were fearful of putting their heads above the parapet in advocating the views of staff who still felt fearful and suspicious.

Councillor Layton acknowledged that the majority of staff seemed to love their jobs, but felt that their happiness at work was marred by the background against which they had to work, which was signified by anxiety and lack of information. She considered that addressing this atmosphere had to be Publica's priority, and felt that the best way that this could be done was by telling staff the information they need to know to enable them to decide if they could still afford to live in the District and pay their mortgages, rent and other bills.

Whilst she accepted that assurances had been given about pensions and continuity of service, Councillor Layton was of the view that staff also needed to know about their annual leave, flexi-leave entitlement and mileage rates. Councillor Layton stated that there was a feeling that these details must be known by Publica management and, by way of a supplementary question, asked when this information would be shared with staff.

The Leader thanked Councillor Layton for her supplementary question, confirmed that he was in regular contact with the Managing Director of Publica, but reiterated that no Officer had approached him directly raising concern. That said, the Leader confirmed that he would investigate this issue further, explaining that any staff with concerns were a concern to him as Leader.

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

'How on earth was a council employee allowed to transfer tens of thousands of pounds from Council coffers to an unknown third party?'

Response from Councillor Annett

I would refer you to the report on this issue which is contained within the papers for this meeting.

Councillor Harris did not ask a supplementary question.

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

'The scale of this fraud was buried in blandness in earlier audit committee papers, which were limited to five Councillors on the committee.'

Why on earth was this not communicated to the full Council at the earliest possible opportunity?'

Response from Councillor Annett

Again, I would refer you to the report on this issue which is contained within the papers for this meeting.

Councillor Harris did not ask a supplementary question.

CL.20 PETITIONS

No petitions had been received.

CL.22 NOTICE OF MOTIONS

The Chairman reminded Members of his decisions to (i) allow Motions 3/2018 and 4/2018 to both be debated at the Meeting; (ii) once Proposed and Seconded, refer Motion 5/2018 to the Cabinet for initial consideration and recommendation back to the Council; and (iii) exercise the discretion available to him under Council Procedure Rule 3.2 to vary the order of business at the Council Meeting to allow the Motions to be presented and, where appropriate, debated earlier in the Meeting, particularly so as to minimise inconvenience to interested observers.

(i) Motion 3/2018 re People's Vote on Brexit

Proposed by Councillor Andrew Doherty, Seconded by Councillor Dilys Neill:

'This Council notes:

- *the recent warnings from multinational businesses based in the south west, including Airbus and Honda, that exiting the EU customs union could be a catastrophe for trade and may lead them to relocate their manufacturing outside of the UK;*
- *the number of Cotswold citizens working for businesses that rely on free movement of trade within the European Union;*
- *that, according to the Government's own figures, under all Brexit scenarios the UK will be considerably worse off, not only in terms of international reputation but also the negative social, environmental and economic impact it will have on the people of Cotswolds.*

This Council therefore agrees that there should be a 'people's vote' on the final Brexit deal, which should include an option for the United Kingdom to remain a full member of the European Union.'

In Proposing the Motion, Councillor Doherty explained that the 2016 Brexit Referendum had resulted in a total of 634,751 more voters in favour of Britain leaving the EU than had voted to remain; representing 2 in 100 people and 1 in every 100 people who had voted. Councillor Doherty explained that circumstances had resulted in a genuine concern of many that the decision had left the Government with no plan and no manifesto. Councillor Doherty stated that, since the referendum, the Government had merely managed to produce three 'skeleton pages' of a deal and that those in favour of the vote had promised a 'Brexit buffet full of promises, but had delivered no cake'. In concluding, Councillor Doherty added that the Council was the only elected body for residents of the Cotswolds and was currently not representing the District which had voted in favour of remaining in the EU.

In Seconding the Motion, Councillor Neill stated that, as an ardent European, she was 'devastated' by the result, but that this was not her reason for seconding the Motion. Councillor Neill explained that everybody now recognised that in the run-up to the referendum, neither 'side' had covered themselves in glory and there had been a lot of speculation, scaremongering and fantasy propagated. She added that the last two years had meant people had learnt a lot more about the potential consequences of leaving the EU and were now much better informed, although there were still outstanding issues, including the status of EU citizens in the UK and of British citizens in Europe. In addition, Councillor Neill expressed concern with regard to the future staffing of the NHS, having spent time in hospital where 90% of the domestic staff were European and two-thirds were nurses. In concluding, Councillor Neill explained that she was not seconding the Motion because she was a 'remoaner' but because she wanted to see a vote now that the cards were all on the table and highlighted that a second vote would not be a betrayal of democracy but instead an option to ask the electorate if they were happy with the deal and if the result was really the correct one first time round.

The matter was then opened for debate by the Council, and there was support both for and against the Motion.

A Member commented that he 'profoundly disagreed' with the Motion as the vote had been taken democratically and the British people had voted to leave. He also added that this was a matter for the elected MPs, and the Motion was not within the remit of the Council.

Another Member expressed his pleasure that two of the Council's most recent elected Members had spoken so strongly for a Motion. He commented that there had been strong arguments against Britain joining the Common Market in 1973; but it had been recognised that the EU was the perfect way of ending war and increasing security amongst European nations. He expressed the view that, whilst he accepted the referendum was a done deal, a second referendum should be taken, despite the potential risk' to investigate further if Britain would be truly 'happy but poorer'. The Member concluded that the Motion would help to re-unite the country and move forward in the best possible way.

Various Members stated that they did not support the Motion, reiterating comments that the British people had spoken and that there was now a need by all to accept the democratic decision, recognising that not all important decisions could be taken with the full information at the time required. Those Members also highlighted that Section 51 had been triggered and that Britain was therefore legally obliged to leave; and should it wish to re-join it would have to apply, accepting the possibility of a worse deal. They added that the institution had changed dramatically from the Common Market and that it was no longer a democratic organisation worthy of belonging to.

Other Members, who supported the Motion, explained that the People's Vote Campaign was simply asking if people accepted the final deal and that it was the duty of elected Members of the Council to represent the views of the residents who had voted in favour of remaining. They stated that the Government needed to undertake a clear debate, with no fear tactics, and that it was clear the MP for the District was not representing the views of local people in Government.

Councillor Doherty was then invited to address the Council again. Councillor Doherty explained that leaving the EU was a final process and that a return would never see a good deal as the country had currently. He added that the debate had moved on since the referendum and everyone had to be clear of the consequences of leaving, as the decision the country was about to make could not be undone.

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, Maggie Heaven, SG Hirst, RL Hughes, Mrs. SL Jepson, RG Keeling, MGE MacKenzie-Charrington, RA Morgan, NJW Parsons, SDE Parsons, Tina Stevenson, Lynden Stowe, R Theodoulou and LR Wilkins - Total: 22;

Abstentions: - Total: 0;

Absent: - Total: 0.

(ii) Motion 4/2018 re A417 'Missing Link'

Proposed by Councillor Juliet Layton, Seconded by Councillor AR Brassington:

'This Council welcomes and supports Highways England's recent consultation into the 'Missing Link' at Birdlip and their commitment, alongside Option 30 of the Missing Link, to also address the noise pollution of the A417/419 between Bagendon and Latton. Their decision was announced at a briefing to councillors in July.'

In Proposing the Motion, Councillor Layton explained that since the opening of the A417/A419 some 20 years' ago, noise levels when travelling by car on the stretches of road had only increased. She explained that residents in villages and settlements along the stretches of road had no relief and that traffic noise was relentless both day and night, and both inside and outside of residents' properties. Councillor Layton explained that she was simply asking the Council to support Highways England's promise to the County Council to address the excessive noise of the concrete sections of the dual carriageway, which had been made following the Missing Link consultation.

In Seconding the Motion, Councillor Brassington stated the he was happy to be supporting the Motion as a Member of the A417 Noise Action Group who had been complaining in regard to the issue for some considerable time.

The matter was then opened for debate by the Council, and there was general support for the Motion.

Various Members commented that the Motion was very worthwhile but that they hoped it would not in any way undermine the bypass option which had been agreed in relation to the Missing Link. Those Members also commented that they considered the length of the slip roads to also be too short and therefore a potential danger; and that the whole length of the road gave rise to a noise issue and would benefit from being looked at.

A Member expressed the view that if road speeds were controlled, highway noise and pollution would also be reduced and therefore commended the consideration of alternative/additional solutions as opposed to simple re-surfacing.

Councillor Layton was then invited to address the Council again. Councillor Layton explained that she agreed that a tunnel would be the most sensible option to address the Missing Link issues; and that slowing down of traffic did not necessarily reduce noise levels for residents. She added that she did not wish to include any reference to slip roads in the Motion as this had the potential to increase costs and could divert Highways England from the task at hand.

RESOLVED that the Motion be supported.

Record of voting - for 32, against 1, abstentions 1, absent 0,

(iii) Motion 5/2018 re Council Tax Support Calculations

Proposed by Councillor JA Harris, Seconded by Councillor Jenny Forde:

'Council notes the Cabinet decision in 2016 to include child maintenance payments as income when calculating council tax support.

Council further notes that the demographic most affected by this change are families on low incomes and, in particular, single mothers.

This Council instructs the Cabinet to remove child maintenance payments as income when calculating council tax support, with immediate effect.

Council also resolves to refund the 183 families affected by this decision as identified by officers when justifying the inclusion of child maintenance.'

In Proposing the Motion, Councillor Harris explained that the Cotswolds was an affluent area with strong communities and high employment. He commented that the Council had received a generous New Homes Bonus allocation from the Government and had frozen Council tax rates for a number of years but, despite this, there were a number of people in the District who were struggling to make ends meet. Councillor Harris explained that he had recently visit a foodbank in Cirencester with Councillor Forde and that he considered it a disgrace that some people were having to rely on

these foodbanks to survive. Councillor Harris expressed his concern that the District was the second worst for social mobility in England and the opinion that it was time the Council took action to ensure life was made easier for those struggling in the District. Councillor Harris added that savings were being made on the back of the poorest and whilst he believed everyone should pay Council tax he wished to call upon the Council to take relevant action, and urged the Cabinet to support the Motion and listen to the consultation responses in addition to refunding the 183 families affected by the cruel practice.

In Seconding the Motion, Councillor Forde stated that the Motion represented an attempt to create equality for everyone in the District and to recognise that money from child maintenance was not income. She added that the Motion would aim to help people lift themselves and their children out of poverty and provide a service to eradicating poverty.

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 JA Harris and Forde would be invited to attend the Cabinet Meeting to present and speak to their Motion.

The Head of Paid Service reminded Members that the final decision on any reduction scheme would be taken by the Council, and that the report to be presented would identify the financial implications of the proposals within the Motion.

CL.23 REVIEW OF MEMBERS' ALLOWANCES

The Council was requested to consider the recommendations of the Independent Remuneration Panel following its review of Members' Allowances.

The Head of Paid Service introduced the item and, in so doing, welcomed Mrs. Jane Winstanley, the Chair of the Independent Remuneration Panel to the Meeting. He also explained that whilst the final decision on any scheme was reserved by law to the Council, Members were required to have regard to the recommendations of the Panel.

Mrs. Winstanley then proceeded to present the findings of the Panel. She explained that all Members should be commended on not having increased their Allowances during a time when Officers had not received an increase in salary. She thanked Members for their time given to contribute to the review, and to be interviewed by the Panel; and added that the Panel had informally sought the views of constituents in regards to the proposed changes – as part of which there had been public recognition of the difficult decisions Members had to make on behalf of the Council, including in respect of their own remuneration.

Mrs. Winstanley then highlighted a number of key findings of the Panel - with specific regard to the ICT allowance, she explained that a no change recommendation had been made pending the outcome of the current review Members' ICT; car allowances should be set at the HMRC level; and the Panel would undertake further work, including liaison with the Department Work Pension (DWP), in respect of allowances for those Members who were registered as carers.

Mrs. Winstanley praised those Members who received a private income and had therefore elected not to claim the full allowance permitted.

In conclusion, Mrs. Winstanley reiterated that, owing to the fact that allowances had not been increased for 10 years and, in the hope of encouraging younger people to stand for election, the Panel had recommended what it considered to be realistic and reasonable allowances, and a scheme which would bring the Council more in line with many of its peers. She also thanked all Officers and Members for their assistance in the Panel's work.

A Member commented that he felt it would be beneficial for all Members to see the full Panel report and the comparison tables of the Council against other authorities. The Head of Paid Service explained that comparisons had been made against all south west councils, the other Gloucestershire authorities and West Oxfordshire District Council. He also confirmed that overall, the Councils' basic allowance was far less than other authorities, which had led to the Panel's recommendations, which also sought to ensure that the Council did not continue to 'artificially deflate allowances'.

Another Member commented that the Panel had undertaken a large volume work in regards to reviewing the allowances and, given the fact no increase had been made in 10 years, expressed his support for the Panel's recommendations.

It was PROPOSED and SECONDED that the Panel's recommendations be approved.

Other Members, however, expressed their view that, whilst supporting the majority of recommendations, the recommendation for backdating the increase to 1st April 2018 was 'immoral' and commented that Members had been aware of the available allowances when elected to office in May 2015. Those Members also considered that, given the closeness to the end of the four-year Council term, any increase should apply from the start of the new Council term in May 2019.

An AMENDMENT was duly Proposed and Seconded that the Panel's recommendations be presented at the first Meeting of the newly-elected Council in May 2019 for decision.

A Member commented that he considered a pre-determined formula allowing annual, smaller, increases to be the best approach.

A FURTHER PROPOSITION was made and seconded that a £5,000 basic allowance be applied, which should then be increased annually in-line with any staff pay award.

At this juncture, an adjournment was requested to enable Members/Groups to consider the various Propositions. The Chairman agreed to this request.

Note:

At this juncture, the Meeting was adjourned in order to allow time for Members to consider the various Propositions.

On reconvening, the Original Proposition and Further Proposition were withdrawn; meaning that the Amendment remained, which would be the subject of a formal vote (as the only remaining Proposition).

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

A Member expressed his disappointment that the work of the Panel was not being recognised and that he felt the Council should make a decision at the Meeting. He commented that the Panel had spoken to constituents who had been shocked to find out the current amount paid to Councillors and who considered the allowances merited increase; and felt, therefore, that a decision should not be delayed until May 2019.

The Leader of the Council commented that the suggested increase, in percentage terms of 125%, was entirely justifiable and was disproportionate to Officer awards over the same period. The Leader therefore expressed his support for deferring a decision.

Some Members commented that any deferment of the decision would result in no current Member getting an opportunity to vote on the recommendations. Those Members explained that the Panel had been set up at the request of the Council and had delivered its findings which did not suggest a large increase in allowances. Attention was drawn to the fact that some Members attended a large number of parish council meetings in addition to those of the Council and the workload of some Members was very substantial; and that some non-executive directors of the Council received more in allowances than elected Members.

Other Members reiterated their support for the proposal for deferment explaining that backdating allowances gave entirely the wrong impression; and were of the opinion that Officer salaries should be reviewed prior to any determining Members' allowances.

On being put to the vote, the PROPOSITION was APPROVED.

Note:

The Record of Voting was as follows:-

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

Against: -Total: 0;

Abstentions: - Councillors AR Brassington, T Cheung, Sue Coakley, PCB Coleman, Jenny Forde, JA Harris, M Harris, Jenny Hincks, RC Hughes, Juliet Layton, Dilys Neill, Total: 12;

Absent: - Councillor NP Robbins, Total: 1.

CL.24 CORPORATE STRATEGY 2016-19 - UPDATE 2018/19

The Leader of the Council presented the report and commended the Strategy Update to Council for approval.

A Member expressed concern that the District was the second lowest in England in terms of social mobility, adding that 16% of children within the District were in poverty. In this connection, he sought the Council's commitment to seek to address this issue, and to devise a related indicator which, he considered, was more relevant than some of the ones currently used.

Another Member stressed the need for adequate resourcing within the Planning and Development Team, and expressed the view that that the speed and efficiency of determining all applications was important, not just those within the major classification. On a more general point, the Member supported an adoption of continuous improvement as the Council's Aim.

In response, the Head of Paid Service explained that the item before Members related to the annual update in respect of the final year of the Council's current Corporate Strategy, which had been agreed following the 2015 District Elections - it was not intended for the Council to undertake a comprehensive review of the document, as this would be a task for the new Council after the 2019 elections. It was also confirmed by Officers that concerns in relation to challenges within the Planning and Development Team were now being addressed.

With regards to the Council's current Priorities, a Member suggested that reference be made within the second Priority to sustainability', with the following revised wording - 'Protect and enhance the local environment whilst supporting sustainable economic growth'. The Leader agreed that the amendment should be included.

Various Members expressed their disappointment at the Strategy and commented that the Aim of the Council should combine effectiveness and efficiency.

A Member questioned the current status of the Brewery Court development in Cirencester and if the Developer had agreed to progress the outstanding planning matters. In response, it was explained that there was an on-going disagreement with the Developer but he had stated that he would be submitting an application although, as yet, he had not. The Cabinet Member for Planning and Licensing Services added that the Council had taken legal advice on the type of application required, which had indicated that a full application was required owing to the fundamental changes that would be proposed to the extant permission.

A Proposition, that the Corporate Strategy 2016-2019 be approved, including the amendment, was duly Seconded.

A Member drew attention to a duplicate entry within the top tasks under the Priority 'Champion issues which are important to local people', in relation to the delivery of 150 affordable homes. Officers confirmed that the duplicate entry would be deleted.

RESOLVED that the, subject to the two amendments identified, the update for 2018/19 to the Corporate Strategy 2016-2019 be approved.

Record of Voting - for 24, against 2, abstentions 6, absent 2.

CL.25 FUNDING ALLOCATIONS - 2017/18 BUDGET SURPLUS

The Leader of the Council sought Council's approval to funding allocations from the 2017/18 budget surplus, as recommended by the Cabinet. He commended the recommendation, which was duly seconded.

A Member sought clarification on the recommended allocation from the Collection Fund of £700,000 to the Council's Business rates Smoothing Reserve. In response, Officers explained that this related to the Business Rates element of Council Tax and to Appeals against the Council, and not to how successful the Council was in collecting funds.

Another Member commented that the Council faced a 'massive challenge' in relation to social mobility and that public transport was vital to ensuring the mobility of some of the District's most isolated residents. In this connection, an Amendment was proposed and seconded that there should be a reduction of the proposed funding allocation to the Council Priorities Fund from £750,000 to £500,000, with the sum of £250,000 being used to develop a strategy to reduce rural isolation.

Various Members commented that they did not support the Amendment and highlighted that there was no support for regular bus services. Those Members also drew attention to the Council's efficiency measures which had created funds for priorities and stated that, if the matter of public transport became a Council priority, there would be no need to reduce the Fund contribution.

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

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

Note:

The Record of Voting was as follows:-

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

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, NJW Parsons, SDE Parsons, Tina Stevenson, Lynden Stowe, R Theodoulou and LR Wilkins - Total: 19;

Abstentions: - Total: 0;

Absent: - Councillor RL Hughes, RA Morgan, NP Robbins - Total: 3.

RESOLVED that the funding allocations, as set out in paragraphs 6 and 7 of the circulated report, be approved.

Record of Voting - for 27, against 0, abstentions 4, absent 3.

CL.26 ANNUAL TREASURY MANAGEMENT REVIEW 2017/18

The Chairman of the Audit Committee presented the report and recommendation of the Audit Committee in this matter.

A Member wished to commend the Council with regard to the investment interest being very close to the budgeted sum.

A Proposition, that the Review be approved, was duly Seconded.

RESOLVED that the Annual Treasury Management Review 2017/18, be approved.

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

CL.27 HISTORIC FRAUD ISSUE

The Council received a report detailing information in respect of an historic fraud case.

The Head of Paid Service introduced this item and explained that the report had been requested by a number of Members of the Council. He added that producing the report had been his only involvement in the issue as he had not been in his present role as Head of Paid Service at the time of the incident and had not had any previous dealing in the matter.

A Member thanked the Chairman for including the item on the Meeting's Agenda and expressed his shock and disappointment at the matter. He explained that the information had only been released into the public domain as a result of a Freedom of Information (FOI) request submitted by a student studying for their PHD, revealing the loss of Council tax payer's money. The Member explained that the case had only added to the general public doubt that the Council operated in 'secrecy' and that it had taken six months for responses to the request to be sent by the Council. The Member concluded by suggesting that the ability of the 'scammer' to impersonate a senior Council Officer warranted further investigation and that, aside from being disappointed that the Council's Auditor would not be commissioning a public report, requested the Leader of the Council to publically apologise to Council tax payers across the District.

The Leader of the Council informed the Council that he was aware of such scamming incidents, having experienced similar in his own business; expressed his regret that the incident had occurred; and apologised on behalf of the Council. He added that he would not be writing to the Police, as had been suggested, as they had already reviewed the matter and had decided not to investigate the matter further; and expressed sympathy for the Officer concerned as he considered that the attitudes displayed were for political ambition and gain. The Leader confirmed that he was now satisfied that

everything had been done to safeguard the Council for the future and to ensure, as far as was possible, that a similar event would not occur again.

Another Member stated that errors were seldom down to one person and that it was most likely inadequate training and procedures had been the main cause of the incident. The Member also highlighted that dealing with the 'guilty party' only would not work; and that, regrettably, it was through an incident that better procedures and practices could be secured.

The Chairman of the Audit Committee confirmed that significantly different procedures now existed, which were more robust. In addition, the Council now had a successful Counter Fraud Unit, which was only just being established at the time of the incident; and Officers from the South West Audit Partnership (SWAP) were now employed to work across all of the partner Councils to ensure procedures were as 'watertight' as possible. An Officer from SWAP, who was present at the Meeting, confirmed that all processes had been reviewed and improved since the incident.

A Member of the Council's Audit Committee was extremely disappointed that this incident had happened under the Committee's watch; at the lack of detailed information that had been made available to the Committee; and the manner in which the financial loss had been reported in the Council's accounts. He called upon the Chairman of the Audit Committee to undertake a review to ensure appropriate mechanisms and safeguards in the future.

It was duly Proposed and Seconded that the Chairman of the Audit Committee, in connection with Officers, should undertake an annual review of the accounts, to ensure added scrutiny.

Various Members commented that the majority of people had been subject to some form of 'phishing' and that the increase in technology would only lead to repeat events becoming more common. Those Members stated that it was the responsibility of Council Management to ensure that a response was undertaken quickly and effectively, including informing all relevant parties, as the impact on the Council's reputation was how it reacted to any unfortunate event.

In responding to the Proposition, the Chairman of the Audit Committee explained that all Officers and Members had received counter-fraud training and that he was more concerned with Officer training on the 'front-line'. He added that stopping a scam was most critical at the moment of receipt and confirmed that a series of reviews had been undertaken since the event. He put forward a Further Proposition, that the report be noted, and this was Seconded.

A Member commented that the matter should be reviewed by the Audit Committee, in conjunction with a presentation from the Council's Counter Fraud Unit. She also added that any concerns highlighted by the Committee should be reported to Council and that the review should also assess whether current procedures were robust and relevant.

A Further Proposition was put forward, and duly Seconded, that the report be noted and the Audit Committee be requested to review the incident that occurred and to investigate the procedures put in place as a result to ensure that they remained both relevant and fit for purpose.

RESOLVED that:

(a) the report be noted;

(b) the Council's Audit Committee be requested to review the historic fraud issue that occurred and to investigate the procedures put in place as a result to ensure that they remain both relevant and fit for purpose.

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

CL.28 DURATION OF MEETING

Attention was drawn to Council Procedure Rule 9, and a vote was taken as to whether the Meeting should continue.

RESOLVED that the Meeting be continued.

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

CL.29 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 30, against 0, abstentions 0, absent 4.

The Meeting commenced at 10.00 a.m., adjourned between 12.15 p.m. and 12.30 p.m., and closed at 2.25 p.m.

Chairman

(END)