



COTSWOLD
DISTRICT COUNCIL

Tuesday, 6 July 2021

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COUNCIL

You are summoned to attend a meeting of the Full Council to be held at the Bouffleur Hall, Royal Agricultural University, Cirencester, Gloucestershire GL7 6JS on **Wednesday, 14 July 2021 at 6.00 pm.**

Rob Weaver
Chief Executive

To: All Members of the Council

Recording of Proceedings – The law allows the public proceedings of Council, Cabinet, and Committee Meetings to 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 prior to the date of the meeting.

AGENDA

1. **Apologies**
2. **Declarations of Interest**
To receive any declarations of interest from Members and Officers, relating to items to be considered at the meeting.
3. **Minutes 11 – 28**
To confirm the minutes of the meetings of Council held on 17 March 2021 and 26 May 2021.
4. **Announcements from the Chair, Leader or Chief Executive (if any)**
5. **Public Questions**
To deal with questions from the public within the open forum question and answer session of fifteen minutes in total. Questions from each member of the public should be no longer than two minutes each and relate to issues under the Council's or Committee's remit. Any member of the public wishing to ask a public question is requested to contact Democratic Services by no later than 5.00pm the working day before the meeting.
6. **Member Questions**
7. **Affordable Housing Schemes - Expenditure of S106 Commuted Sums 29 – 46**
Purpose
To update Council on the Section 106 commuted sums for affordable housing and to seek Council approval for proposals for expenditure of unallocated funds.

Recommendations
That Council, as recommended by Cabinet:
 - a) notes the current position on Section 106 commuted sums as shown in Annex A
 - b) approves the allocation of a capital grant of £550,000 to redevelop a site of 24 existing homes to provide 28 new social rented homes in Moreton in Marsh as detailed in paragraph 2.3. The award of the capital grant to be included within the Council's capital programme and funded from the Section 106 commuted sums.
8. **Recommendations from Overview and Scrutiny Committee and Cabinet - Tetbury and Fairford Leisure Provision Task and Finish Group 47 - 52**
Purpose
The Overview and Scrutiny Committee set up a Task and Finish Group for Groups to review the approach taken to leisure provision in Tetbury and Fairford and establish any lessons learnt.

Cabinet considered these key lessons learnt on 7 June 2021 and subsequently recommend them to Council to support future commissioning and procurement activity.

Recommendations

That Council agree recommendations one to six and note the commentary at section five regarding future leisure provision.

9. **Funding for Improvement Works to Rissington Road Car Park, Bourton on the Water** 53 - 58

Purpose

To seek agreement to allocate capital and car parking earmarked reserve funds for improvements to Rissington Road Car Park, Bourton-on-the-Water.

Recommendation

That Council agrees the allocation of £245,000 of capital funding and £92,000 of car park earmarked reserve fund to make improvements to Rissington Road Car Park, Bourton-on-the-Water.

10. **Licensing Act 2003 - Review of the Statement Of Licensing Policy** 59 - 94

Purpose

The report details the proposed revisions to the Council's Statement of Licensing Policy (Licensing Act 2003), based on legislative requirements and statutory guidance.

Recommendation

That Council approves the reviewed Statement of Licensing Policy attached at Annex 'A'.

11. **Report of the Working Group Investigation Short Term Lets (STL)** 95 - 108

Purpose

To inform Members of the key findings of the Cross Party Working Group set up to look at the impact of properties let for short periods and in particular the implications for neighbours.

Recommendations

9. That Council authorises sending a letter to the local MP seeking his support regarding the changes to the legal position as outlined in this report;

10. That the Council consider the issues raised in the emboldened paragraphs of this report and as summarised at Annex B, and agrees whether further action should be taken; and

11. Taking account of any further actions required as a result of recommendation b), the Chief Executive reports back to Council with an action planning detailing how and when such actions will be progressed.

12. **Refresh of the Constitution: Responsibility for Functions, Non-Executive Scheme of Delegation to Officers, Planning Protocol, & Financial Rules** 109 - 312

Purpose

To update Council on the work and recommendations of the Constitution Working Group who have been modernising the Constitution.

Recommendations

That Council:

- I. Adopt the updated Responsibility for Functions at Appendix 2

- II. Adopt the revised Non-Executive Officer Scheme of Delegation at Appendix 4.
- III. Adopt the updated Planning Protocol at Appendix 6.
- IV. Adopt the updated Finance Rules at appendix 7.

Authorise that the Monitoring Officer:

- V. Be authorised to update the Constitution to reflect the inclusion commitments of the Council, changing *'he or she'* to *'he, she or they'* and change *'his or her'* to *'his, her or their'*.
- VI. be authorised to publish a final clean version of the constitution (removing track changes, correct any numbering, editing or formatting errors).

13. **Proposal for Loan Finance to Cottsway Housing Association 313 - 398**

Purpose

To consider a proposal to provide loan financing to Cottsway Housing Association Ltd through its subsidiary company, Cottsway 2. The lower cost of finance would enable the provision of green energy generation via solar PV installation on 15 houses at Davies Road, Moreton-in-Marsh.

Recommendations

That:

- (a) Council approves the loan arrangement; and
- (b) The loan is financed through Prudential Borrowing in line with the Council's Capital and Treasury Management Strategies;
- (c) That, subject to the approval by Council of recommendation (a), the negotiation of the detailed terms for the transaction be delegated to the Deputy Chief Executive, following consultation with the, Head of Legal Services, Monitoring Officer and the Deputy Leader and Cabinet Member for Finance;
- (d) The Audit Committee review performance as part of regular Treasury Management updates.

14. **Notice of Motions**

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

a) Motion – Scrap the Planning Act

Proposed by Councillor Rachel Coxcoon, Seconded by Councillor Joe Harris:

Council notes:

The significant concerns expressed through the ballot box in Chesham & Amersham over the Conservative Government's proposed Planning Reforms, including:

- Loss of democratic accountability within the planning system, under a proposed zoning system that would grant presumed consent to development in two of the three zones
- No commitment to using the planning system to tackle climate change, either through genuinely sustainable placemaking, or through the imposition of a building standards system that will deliver zero-carbon homes.

- The expansion of Permitted Development Rights under this Government, which have already led to the development of ‘modern day slums’.
- Widespread concerns and condemnation of the Planning White Paper proposals across Local Government, The Planning and Architecture Sector, and organisations concerned with protecting green spaces and heritage.

Council is concerned that:

Government proposals to deregulate planning will remove the rights of residents to influence or object to inappropriate development where they live.

The Government's proposals pass the costly burden of design codes from developers to local government, and result in codes that will hold no statutory weight.

The proposals in the White Paper, coupled with the weakness of the proposed Future Homes Standard and Design Codes and the ease with which Permitted Development Rights can now be used, means that the planning system is in danger of becoming an active enabler of the climate crisis, rather than part of the solution.

And finally,

That the proposals in the White Paper, designed principally to speed up the delivery of much needed housing, are doomed to fail on this crucial point, since the slow delivery of housing is demonstrably not a result of delays within the planning decision-making system. Rather, it is the result of land-banking and market manipulation by the development industry. Almost a million homes already have planning permission but have not been built out. Zoning, and thus the allocation of more land for housing, will secure land value increases for a small number of major development companies, but will not alter the speed at which housing comes to the market.

Council believes that:

Residents have the right to a say over development that will change the area they live in.

Local councils, in consultation with their businesses and residents are best placed to understand the issues in their area and respond with a spatial strategy tailored to that area.

The planning system is not fit for purpose if climate change is not the pre-eminent test in decision-making, and local planning authorities are not required to manage emissions through the planning system.

International evidence shows that zoning systems, far from producing the simplified system that advocates suggest, can often result in less transparent, less accountable decision-making than a discretionary, plan-led system.

The development industry, not the planning system, is the main cause of slow housing delivery.

Council calls for the Government to:

Scrap the proposals in the Planning White Paper and instead look to the proposals in the

2017 Raynsford Review of planning to shape a fairer, more sustainable, people-centred system.

Ensure that any re-imagined planning system has a statutory purpose at its heart, to be defined in the Planning Acts. We suggest the following, from the October 2020 Common Ground Publication:

“The purpose of the planning system is to positively promote the spatial organisation of land to achieve the long-term sustainable development of the nation and the health, safety and wellbeing of individuals. In the Planning Acts, ‘sustainable development’ means managing the use, development and protection of land, the built environment and natural resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing while sustaining the potential of future generations to meet their own needs.”

And finally,

Ensure that the Planning Acts and the Climate Change Act are bound together in law, making climate change considerations a central test in any planning policy making and decision-making process.

b) Motion - Community Funding for the 2022 Queen’s Platinum Jubilee Celebrations

Proposed by Councillor Julia Judd, Seconded by Councillor Tony Berry:

“Council notes that The May Bank Holiday Weekend 2022 will be moved to Thursday 2 June 2022 and an additional Bank Holiday on Friday 3 June will see a four-day weekend to celebrate Her Majesty The Queen’s Platinum Jubilee - the first time any British monarch has reached this historic milestone.

This will also likely mark the first truly large community gathering since 2019 owing to the Covid-19 pandemic, so could arguably be considered a double celebration.

There is likely to be a strong appetite from communities to celebrate this milestone. There is no recent parallel for such an event, the closest being the Armistice commemorations and town and village parishes will benefit from a long lead-in time to plan, agree the format and cover issues such as road closures, refreshments and even catering.

This council therefore resolves to set aside specific community funding to support communities to run events over this weekend, enabling them to kick-start their plans to organise an event never to be forgotten.”

c) Motion – Cotswold Shopping Festival

Proposed by Councillor Richard Morgan Seconded by Councillor Stephen Hirst.

“After the successful vaccine rollout, it seems that the COVID-19 lockdown restrictions will be fully lifted on Monday 19 July (in what some people have labelled “Freedom Day”)

As we all know, throughout the pandemic many of our local businesses have been significantly impacted, and our high streets and town centres have been particularly hard hit.

As Freedom Day approaches, we believe that this Council has a duty to support our high streets and encourage people back into our town centres and help build consumer confidence. For this reason we would like to propose the following Motion:

- CDC launches a “**FREE FOR THREE**” parking scheme. This would involve offering free parking in CDC Car Parks for three days (Preferably a Friday, Saturday, Sunday long weekend).
- During the “Free for Three” period, CDC would also hire several local musicians, street performers and children’s entertainers to provide small scale, modest pop-up shows. These small business owners have also been hard hit during the pandemic so are worthy of support.
- Launch a social media campaign and a PR campaign to publicise a “Free for Three” shopping festival. The marketing to be themed around:
 - Visit our town centre and park for free.
 - Bring the whole family and enjoy some local street entertainers.
 - Do your shopping in our amazing shops and support small business owners.

Retail research has shown that if you can attract a customer to your shop three times, they become a loyal customer and visit again and again. For this reason, if the first “Free for Three” event is successful we should consider running it again. (Once a month for three months.)”

d) Motion – Dog Waste Bin Provision

Proposed by Councillor Julia Judd

“This Council notes that an unexpected consequence of Covid-19 has been an escalation in dog ownership. According to the Pet Food Manufacturers' Association over 12 million of us now own a dog and their Covid-19 Pet Survey confirms a staggering rise in pet acquisition with dogs being the most popular at 57%.

Many Cotswold parishes suffer from an over-supply of dog waste causing the bins to fill up quickly. It is common to see dog waste bags lying on the ground around overflowing bins, photos of this regularly appear on Social Media, especially in Tetbury.

It is also common to see filled dog waste bags hanging from trees, trodden into

footpaths, dropped in grit bins, left lying by gateways or on top of Cotswold stone walls. Requests from Parishes for extra dog waste bins and more frequent collections have been turned down, even if Parishes are prepared to pay for the new bins.

Waste collection is a core service which all Councils are expected to deliver, Council Tax Payers expect it and pay for it. It is a service which upholds the Council's Civic Pride agenda and is imperative for public health.

One Cotswold village was told 'we are currently unavailable to install any additional litter / dog waste bins.....we have had to put (this) in force across the whole of the district for various reasons and has been previously raised with Cabinet Member Cllr Andrew Doherty. As a result of COVID 19 we have received a high volume of requests for additional bins, we are unable to fulfil these requests at the present time as we have reached our limit on capacity and the amount of weight the vehicle can collect on each round. We are hopeful that with the easing of lockdown measures the volume of waste will reduce to pre-lockdown figures and we can start looking at getting any additional bin requests installed.' This response implies the Council considers that the problem might go away post Covid-19.

The Ubico team in Chipping Campden were surprised to hear from Cllr Blomefield that we have been told that collection efforts are at maximum capacity, as public bin waste is less than normal owing to there being fewer tourists over the pandemic.

New signs on the bins include information to contact the Council that the bin needs to be emptied and also to encourage people to take their dog waste bags home with them. This rather defeats the purpose of the bins in the first place but more to the point, many people will choose not to take them home, especially if they are travelling in a car, as it is such an unpleasant and potentially hazardous thing to do.

Waste collection is a mandatory, core service. Residents, especially those in towns and bigger villages are suffering from poor service. This situation needs resolving and I ask that Council resolves to approve the appropriate funding to ensure that sufficient bins are made available and regularly emptied before they overflow."

e) Motion – Planning Committee Protocol

Proposed by Councillor Steve Trotter

"This Council notes that concerns have been raised by Parish and Town Councils throughout the District regarding the revised process of referring applications to the Planning Committee.

The following protocol has been adopted by Stroud Council and is therefore tried and tested and demonstrated to be fit for purpose.

1. The delegation shall not apply to an application where the Chair of Development Control Committee ("DCC") (or in his/her absence the Vice Chair of the Committee)

having:

- (a) consulted the Head of Develop Management or the Development Manager;
- and
- (b) being satisfied that the application is a matter which should be considered by committee taking account of paragraphs 1 to 4 below requires that the application first be referred to DCC for consideration before determination.

2. Requirements for reference of items to DCC

2.1. Requests for items to be placed before the DCC may only be made to the Planning Manager, the Development Manager or the Chair of the DCC by:

- (a) the Parish or Town Council in which the application site is located, or
- (b) a Ward Councillor within whose ward the application site is located.

2.2. An application which the Head of Develop Management or Development Manager would otherwise consider it appropriate to determine pursuant to their delegation, should only be referred to committee where it has:

- (a) generated significant public interest which has given rise to contradictory views as to whether the application should be approved or refused; and
- (b) such interest is based upon material planning considerations

2.3. Any request for an application to be referred to committee must:

- (a) be made in writing (or by email);
- (b) include a summary of the reasons why it is considered the matter should be referred to committee;
- (c) be copied to the Head of Develop Management and the Development Manager;
- (d) be received by the Head of Develop Management and the Development Manager before the consideration of the proposal by the panel of planning officers who make recommendations to the said managers to ensure that the application is not determined prior to receipt of such request.
(Applications will not be placed before the panel until the expiry of the consultation period being at least 21 days after the relevant weekly list of applications).

2.4. An application may not be referred to committee pursuant to this Appendix if it concerns a matter of technical appraisal, fact or legal opinion; or is a Version: 22 October 2020 4.23 Section 4 - Appendices A and B Delegations to Officers application with fixed determination periods (e.g. notifications, approval of details reserved by conditions and minor amendments).

2.5. Ward Members are to be invited to the meeting of the Planning Review Panel to discuss their reasons for referral.

It is proposed that this Council replaces the existing protocol adopting the above protocol in it's place."

15. **Next Meeting - 22 September 2021 - 6pm**

(END)