

Council  
14/July2021



**COTSWOLD**  
DISTRICT COUNCIL

**Minutes of a meeting of Council held at the Boutflour Hall, Royal Agricultural University, Cirencester, Gloucestershire on Wednesday, 14 July 2021.**

**Councillors present:**

Dilys Neill  
Stephen Andrews  
Tony Berry  
Claire Bloomer  
Ray Brassington  
Patrick Coleman  
Rachel Coxcoon  
David Cunningham  
Tony Dale  
Andrew Doherty

Nikki Ind  
Mike Evemy  
Jenny Forde  
Joe Harris  
Mark Harris  
Stephen Hirst  
Sue Jepson  
Julia Judd  
Richard Keeling  
Juliet Layton

Nick Maunder  
Richard Morgan  
Richard Norris  
Nigel Robbins  
Gary Selwyn  
Ray Theodoulou  
Steve Trotter  
Clive Webster

**Officers present:**

Rob Weaver – Chief Executive  
Jenny Poole – Deputy Chief Executive and Section 151 Officer  
Angela Claridge – Interim Monitoring Officer  
Amy Bridgewater-Carnall – Senior Strategic Support Officer

**13 Apologies**

Apologies for absence were received from Councillors Gina Blomefield, Robin Hughes, Roly Hughes and Lisa Spivey.

**14 Announcements from the Chair, Leader or Chief Executive (if any)**

The Leader, Councillor Harris, advised that he had been elected as Vice-Chair of the Local Government Association.

Councillor Harris provided an update on the current situation regarding the Boundary Commission Review. He advised that Cotswold District Council would be included within a report in August.

The Chief Executive expressed his congratulations to Councillor Harris on his recent appointment as Vice Chair of the Local Government Association (LGA). The Chief Executive also noted the strength of partnership that the LGA has with Councillors and applauded the support received.

## **15 Declarations of Interest**

### Agenda Item 8 – Recommendations from Overview & Scrutiny Committee and Cabinet – Tetbury and Fairford Leisure Provision Task and Finish Group

Councillor Hirst declared an interest because he had been the Governor of a school in Tetbury when the Leisure Centres were taken over.

Councillor Ind declared an interest because she had been Mayor of Tetbury during this time.

## **16 Minutes**

The minutes of the meeting held on 17 March 2021 were taken as read and signed by the Chair as a correct record.

The minutes of the meeting held on 26 May 2021 were agreed subject to the following amendments:

The attendance list be updated to include Councillors Annett and Mark Harris; and  
The wording on page 26 of the minutes be amended to include 'then there was a risk that' in the last line to avoid any confusion over the decision of the last Annual General Meeting.

## **17 Public Questions**

A record of public questions and answers are available in the schedule attached to these minutes. Questions were asked by David Fowles, Colin Pearce and Tetbury Town Council to Councillor Joe Harris, Leader of the Council.

## **18 Member Questions**

A record of Member questions and answers are available in the schedule attached to these minutes unless noted below. Questions were asked by:

Councillor Tony Berry to Councillor Joe Harris, Leader of the Council.

Councillor Tony Berry to Councillor Andrew Doherty, Cabinet Member for the Environment, Waste and Recycling.

(Following the meeting, officers advised that the report referred to in the written answer, would now be submitted to the Cabinet meeting in November.)

Councillor Richard Morgan to Councillor Lisa Spivey, Cabinet Member for Housing and Homelessness.

Councillor Ray Theodoulou to Councillor Joe Harris, Leader of the Council.

Councillor Julia Judd to Councillor Joe Harris, Leader of the Council.

(Following the meeting, officers advised that the report referred to in the written answer, would now be submitted to the Cabinet meeting in November.)

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Councillor Richard Norris to Councillor Andrew Doherty, Cabinet Member for the Environment, Waste and Recycling.

Councillor Stephen Andrews to Councillor Dilys Neill, Chair of the Council.

Councillor David Cunningham to Councillor Andrew Doherty, Cabinet Member for the Environment, Waste and Recycling. Councillor Doherty provided a verbal update at the meeting and advised that he could not provide assurances that there would be sufficient funds available to deliver a project by the winter, however, Gloucestershire County Council were leading on this and discussions were ongoing with CDC officers and GCC officers as to how to address the funding gap, whilst liaising with the landowner to enable the work to move forwards.

Councillor Stephen Andrews to Councillor Andrew Doherty, Cabinet Member for the Environment, Waste and Recycling. Councillor Doherty provided a verbal update at the meeting and explained that the consultation responses had been received and could be shared with Members. He advised that whilst the Council did not have an issue with the principal of the Bill, it did have concerns about the timescales the Government may be working to, as this could require adaptations to be made to refuse vehicles which were still within their useable lifetime and would therefore result in high costs to the Council. Another concern was the option to make the garden waste services free across the country and the financial contribution from Government did not cover the service being provided.

## **19 Affordable Housing Schemes - Expenditure of S106 Commuted Sums**

Councillor Coxcoon introduced the report on behalf of Councillor Spivey which updated Members on the Section 106 commuted sums for affordable housing and sought Council approval for proposals for expenditure of unallocated funds.

Councillor Coxcoon highlighted the S106 Commuted Sums documents which was attached at Annex A to the report and proposed the recommendations as laid out, subject to the removal of the reference to Cabinet.

This was seconded by Councillor Every who stated that this was a fantastic investment.

Members debated the report and clarification on the finances contained in Annex A was provided by the Deputy Chief Executive and S151 Officer.

**RESOLVED** that

- a) the current position on Section 106 commuted sums as shown in Annex A, is noted; and
- b) 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, is approved. The award of the capital grant will be included within the Council's capital programme and funded from the Section 106 commuted sums.

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

## **20 Recommendations from Overview and Scrutiny Committee and Cabinet - Tetbury and Fairford Leisure Provision Task and Finish Group**

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Councillor Harris outlined the report which contained a number of recommendations from the Overview and Scrutiny Committee following the work undertaken by the Tetbury and Fairford Leisure Provision Task and Finish Group.

The group had been set up to review the approach taken to leisure provision in Tetbury and Fairford and establish any lessons learned. Cabinet had considered the key lessons at their meeting in June 2021 and recommended them to Council to support future commissioning and procurement activity.

Councillor Harris proposed a revised resolution, circulated at the meeting, which included an apology to the people of Tetbury and Fairford and the schools concerned.

This was seconded by Councillor Every. Councillor Andrews also notified about his position as the Chair of the Overview and Scrutiny Committee and consulted with the Vice-Chair of the Sub-Committee Councillor Selwyn. It was also noted by Councillor Andrews about recognising the lessons learnt, and applying the improved processes to similar projects in the future.

**RESOLVED** that

Council thanks the Officers and Members who worked together in the Tetbury and Fairford Leisure Provision Task and Finish Group for their work investigating and considering the events that led up to the closure of the Leisure Centres in the towns to public use and for their thorough report and its recommendations;

Council supports the recommendations from the Group listed in paragraph 2.1 of the report and asks Officers to ensure processes are in place to follow them;

Council notes the actions and processes which are already in place in support of the recommendations as listed in paragraph 3.1 and the planned activity in support of the recommendations in paragraph 4.1 of the report, and asks for an update report on progress with these actions to be provided for Cabinet at its meeting in January 2022;

Council believes that the decision taken by Cabinet in 2013 to transfer the ownership and management of the leisure centres in Fairford and Tetbury led directly to the decision to withdraw public access to the centres in 2019, since the sustainability of the new business model for the centres was not properly tested;

Council would like to apologise to the people of Tetbury and Fairford and the other individual users of the centres for this decision; and

Council would also like to apologise to the schools concerned for putting them in this position.

**Record of Voting – for 14, against 0, abstentions 11, absent 6.**

## **21 Funding for Improvement Works to Rissington Road Car Park, Bourton on the Water**

Councillor Every introduced the report which sought agreement to allocate capital and car parking earmarked reserve funds for improvements to Rissington Road Car Park, Bourton-on-the-Water.

Councillor Every highlighted the financial aspects of the report and proposed the recommendation as laid out. This was seconded by Councillor Maunder.

**RESOLVED** that 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, is agreed.

**Record of Voting – for 28, against 0, abstentions 0, absent 6.**

## **22 Licensing Act 2003 - Review of the Statement of Licensing Policy**

Councillor Layton introduced the report which detailed the proposed revisions to the Council's Statement of Licensing Policy (Licensing Act 2003), based on legislative requirements and statutory guidance.

Councillor Layton highlighted the draft Statement of Licensing Policy at Annex A, along with the table of responses received following a twelve week public consultation. Councillor Layton proposed the recommendation as laid out and this was seconded by Councillor Mark Harris.

**RESOLVED** that the reviewed Statement of Licensing Policy attached at Annex A to the report is approved.

**Record of Voting – for 28, against 0, abstentions 0, absent 6.**

## **23 Report of the Working Group Investigation Short Term Lets (STL)**

Councillor Berry introduced the report which set out the key findings from the Short Term Lets (STL) Working Group.

The cross party working group had been set up on 18 November 2020 to look at the impact of properties let for short periods and in particular the implications for neighbours. The group had met monthly since its initiation and was asked to report back to Council in June 2021. The report outlined the membership and scope of the group and detailed a draft enforcement protocol at Annex A and a Summary of Recommendations at Annex B to the report.

Councillor Berry proposed the recommendations as set out subject to the delegation of recommendation b) to the Chief Executive. This was seconded by Councillor Webster.

Members expressed their gratitude to all Members and Officers involved in the Group and hoped that the work could be shared with other Local Authorities through the Local Government Association.

**RESOLVED** that

- a) Councillor Berry is authorised to send a letter to the local MP seeking his support regarding the changes to the legal position as outlined in this report;
- b) Having considered the issues summarised at Annex B, the Chief Executive is authorised to agree whether further action should be taken; and

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- c) Taking account of any further actions required as a result of recommendation b) that the Chief Executive be asked to oversee the preparation of a report back to Council with an Action Plan detailing how and when such actions will be progressed.

**Record of Voting – for 28, against 0, abstentions 0, absent 6.**

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

Councillor Joe Harris introduced the report which updated Council on the work and recommendations of the Constitution Working Group who had been modernising the Constitution.

Members noted that the motion relating to the Planning Committee Protocol from Councillor Trotter, would be debated as part of this item and had therefore been withdrawn from Agenda Item 14.

Councillor Joe Harris thanked the cross party working group for their work and to all Members for their patience with this complex piece of work. He handed over to the Interim Monitoring Officer, Mrs Claridge who took Members through each section and explained any further amendments where necessary.

During the course of this item, Members were required to agree whether to continue with the meeting as it had reached the three hour time limit. Councillor Harris proposed that the meeting continue and this was seconded by Councillor Morgan. It was agreed that the meeting continue.

Recommendations 2, 5 and 6 were voted on and carried unanimously. Further debate took place on Recommendations 1, 3 and 4.

With regard to recommendation 1, Councillor Andrews proposed an amendment to Appendix 2, Part C, 3H. Following a robust debate, the amendment was withdrawn.

Councillor Trotter had proposed an amendment to recommendation 3 relating to the Planning Protocol. A recorded vote was taken and the amendment was lost, 11 votes to 17. The recorded vote was as follows:

For: Councillors Andrews, Berry, Cunningham, Hirst, Jepson, Judd, Keeling, Morgan, Norris, Theodoulou and Trotter.

Against: Councillors Bloomer, Brassington, Coleman, Coxcoo, Dale, Doherty, Evemy, Forde, Joe Harris, Mark Harris, Ind, Layton, Maunder, Neill, Robbins, Selwyn and Webster.

Recommendation 3 was voted on as originally proposed and was carried 17 votes to 11.

Councillor Berry proposed an amendment to Recommendation 4 relating to the Finance Rules. A recorded vote was taken and lost 11 votes to 17. Recommendation 4 was voted on as originally proposed and was carried 17 votes to 11.

**RESOLVED** that

- I. the updated Responsibility for Functions at Appendix 2 is adopted;

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- II. the revised Non-Executive Officer Scheme of Delegation at Appendix 4 is adopted;
- III. the updated Planning Protocol as outlined at Appendix 6, is adopted;
- IV. the updated Finance Rules as outlined at appendix 7, is adopted;
- V. the Monitoring Officer is 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'*; and
- VI. the Monitoring Officer is authorised to publish a final clean version of the constitution (removing track changes, correct any numbering, editing or formatting errors).

#### **Record of Voting:**

**Recommendation 1- for 28, against 0, abstentions 0, absent 6.**

**Recommendation 2- for 28, against 0, abstentions 0, absent 6.**

**Recommendation 3- for 17, against 11, abstentions 0, absent 6.**

**(For:** Councillors Bloomer, Brassington, Coleman, Coxcoon, Dale, Doherty, Every, Forde, Joe Harris, Mark Harris, Ind, Layton, Maunder, Neill, Robbins, Selwyn and Webster.

**Against:** Councillors Andrews, Berry, Cunningham, Hirst, Jepson, Judd, Keeling, Morgan, Norris, Theodoulou and Trotter.)

**Recommendation 4- for 17, against 11, abstentions 0, absent 6.**

**Recommendation 5- for 28, against 0, abstentions 0, absent 6.**

**Recommendation 6- for 28, against 0, abstentions 0, absent 6.**

#### **25 Proposal for Loan Finance to Cottsway Housing Association**

Members considered 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.

The report asked that Council approve the loan arrangement; agree that the loan be financed through Prudential Borrowing in line with the Council's Capital and Treasury Management Strategies; and 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. Finally, it was proposed that the Audit Committee review performance as part of regular Treasury Management updates.

It was noted that the Council had established a Capital Programme Investment Board to provide cross-party Member engagement. The Business Case considered by the Board was attached at Annex A to the report and the views of the Board were included for consideration by Council.

The Deputy Leader, Councillor Every introduced the report and proposed the recommendations as laid out. This was seconded by Councillor Dale.

A number of Councillors raised concerns about the length of time finances would be 'tied up' and whether the loan was a suitable use of Council money. The Deputy Chief Executive and Chief Finance Officer clarified the Council's position and confirmed that due diligence was being followed.

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Having considered the report, a recorded vote was taken and it was

**Resolved** that

- (a) the loan arrangement is approved;
- (b) the loan will be financed through Prudential Borrowing in line with the Council's Capital and Treasury Management Strategies;
- (c) the negotiation of the detailed terms for the transaction is 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; and
- (d) the Audit Committee will review performance as part of regular Treasury Management updates.

**Record of Voting – for 16, against 0, abstentions 11, absent 6.**

## **26 Notice of Motions**

Members had been given notice of a number of Notice of Motion, detailed on the agenda.

In relation to Agenda Item 14, Motion (e) – Planning Committee Protocol, it was agreed at the meeting that this would be considered during the deliberations relating to Item 12 – Refresh of the Constitution. This motion was therefore removed from this section of the agenda (Minute 24 relates).

Due to the late hour, it was proposed by Councillor Every and duly seconded that consideration of the remaining Notices of Motion be moved to the next Council meeting, due to be held on 22 September 2021.

On being put to the vote, the proposal was carried and it was therefore

**RESOLVED** that the following Notices of Motion be considered at the Council meeting on 22 September 2021:

- a) Scrap the Planning Act
- b) Community Funding for the 2022 Queen's Platinum Jubilee Celebrations
- c) Cotswold Shopping Festival
- d) Dog Waste Bin Provision

## **27 Next Meeting - 22 September 2021 - 6pm**

The Meeting commenced at 6.00 pm and closed at 10.25 pm

Chair

(END)