

# Public Document Pack



COTSWOLD  
DISTRICT COUNCIL

Friday, 9 June 2023

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## CABINET

A meeting of the Cabinet will be held at Council Chamber - Trinity Road on **Monday, 19 June 2023** at **6.00 pm**.

Rob Weaver  
Chief Executive

To: Members of the Cabinet  
(Councillors Joe Harris, Mike Evemy, Tony Dale, Juliet Layton, Lisa Spivey, Claire Bloomer, Paul Hodgkinson and Mike McKeown)

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 (Pages 5 - 12)**

To approve the minutes of the previous meeting on 13<sup>th</sup> March 2023.

4. **Chair's Announcements**

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 one minute each and relate to issues under the Cabinet's remit. At any one meeting no person may submit more than two questions and no more than two such questions may be asked on behalf of one organisation.

The Chair will ask whether any members of the public present at the meeting wish to ask a question and will decide on the order of questioners.

The response may take the form of:

- a) a direct oral answer;
- b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

6. **Member Questions**

No Member Questions have been submitted prior to the publication of the agenda.

A Member of the Council may ask the Chair, the Leader, a Cabinet Member or the Chair of any Committee a question on any matter in relation to which the Council has powers or duties or which affects the Cotswold District. A maximum period of fifteen minutes shall be allowed at any such meeting for Member questions.

A Member may only ask a question if:

- a) the question has been delivered in writing or by electronic mail to the Chief Executive no later than 5.00 p.m. on the working day before the day of the meeting; or
- b) the question relates to an urgent matter, they have the consent of the Chair to whom the question is to be put and the content of the question is given to the Chief Executive by 9.30 a.m. on the day of the meeting.

An answer may take the form of:

- a) a direct oral answer;
- b) where the desired information is in a publication of the Council or other

- published work, a reference to that publication; or  
c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

7. **Business Rates Discretionary Relief (exceeding £10,000) (Pages 13 - 16)**

Purpose

To consider three renewal applications in respect of Discretionary Rate Relief each in excess of £10,000 for the 2022/23 Business Rates liability.

Recommendations

That Cabinet resolves to;

- 1) Approve the Discretionary Rate Relief applications in respect of the Corinium Museum, Bourton Leisure Centre and Cotswold Swimming Pool and Leisure Centre

8. **Business Rates Discretionary Relief Reconsideration (Pages 17 - 20)**

Purpose

To reconsider an application for Discretionary Rate Relief submitted under Section 47 of the Local Government Finance Act 1998 for the financial year 2021/22

Recommendation

That Cabinet resolves to:

- 1) reconsider the original decision not to award a Discretionary Rate Relief submitted under S47; and approve the relief of £1,404.53

9. **Hybrid Mail contract award (Pages 21 - 24)**

Purpose

To consider the results of a procurement exercise to award a new contract for the provision of external printing and postage for the council and its partners

Recommendation

That Cabinet resolves to:

- 1) Approve the contract for external printing and postage from 1 August 2023 to 1 mail for a period of 3 plus 1 year

10. **Write off in excess of £5,000 relating to a business (Pages 25 - 28)**

Purpose

To seek approval for the writing off of business rates debts in excess of £5,000

Recommendation

That Cabinet resolves to:

- 1) Approve the write off of the outstanding accounts totalling £11,384.40

11. **Development Management Improvement Programme (Pages 29 - 68)**

Purpose

To provide an update on progress against Phases I and II of the DM Improvement Programme and make recommendations for further improvements (Phase III), following the Planning Advisory Service report.

Recommendations

That Cabinet resolves to:

- 1) Note the improvement progress to date, and

2) Approve the changes detailed in paragraph 5.1

12. **Green Economic Growth Strategy Six Monthly Update (Pages 69 - 76)**

Purpose

To update Cabinet Members on the progress in delivering the Council's Green Economic Growth Strategy

Recommendations

That Cabinet resolves to:

- 1) Note progress in delivering the Green Economic Growth Strategy.
- 2) Agree to a review and refresh of the Strategy in light of progress to date, the Administration's priorities following the elections in May 2023 and the emerging Gloucestershire Economic Strategy.
- 3) Agree that future updates on the Green Economic Growth Strategy are dealt with via Member briefings rather than a report to Cabinet, unless a formal decision is required.

13. **Schedule of Decisions taken by the Leader of the Council and/or Individual Cabinet Members (Pages 77 - 78)**

Purpose

To note the decisions taken since the previous meeting.

14. **Issue(s) Arising from Overview and Scrutiny and/or Audit**

15. **Matters exempt from publication**

If Cabinet wishes to exclude the press and the public from the meeting during consideration of any of the items on the exempt from publication part of the agenda, it will be necessary for Cabinet to pass a resolution in accordance with the provisions of Paragraph 4(2)(b) of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012 on the grounds that their presence could involve the likely disclosure of exempt information as described in paragraphs 1 and 3 of Schedule 12A of the Local Government Act 1972.

Cabinet may maintain the exemption if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

16. **Write off in excess of £5,000 relating to an individual (Pages 79 - 84)**

Purpose

To seek approval for the writing off of council tax debt in excess of £5,000

Recommendation

That Cabinet resolves to:

- 1) Approve the write off of £7306.65 as detailed within the report

(END)

# Agenda Item 3

Cabinet  
13/March2023



COTSWOLD  
DISTRICT COUNCIL

## Minutes of a meeting of Cabinet held on Monday, 13 March 2023.

### Councillors present:

Joe Harris - Chair  
Rachel Coxcoon  
Tony Dale

Mike Evemy – Vice Chair  
Andrew Doherty  
Jenny Forde

Juliet Layton

### Officers present:

Robert Weaver, Chief Executive  
David Stanley, Deputy Chief Executive and  
Chief Finance Officer  
Angela Claridge, Director of Governance and  
Development (Monitoring Officer)  
Jan Britton, Managing Director - Publica  
Claire Locke, Assistant Director for Property  
and Regeneration  
Andrew Brown, Democratic Services Business  
Manager

Mandy Fathers, Business Manager for  
Environmental, Welfare and Revenues  
James Brain, Forward Planning Manager  
Matthew Britton, Principal Planning Policy  
Officer  
Paul James, Economic Development Lead  
Jasper Lamoon, Senior Infrastructure Delivery  
Officer  
Ana Prelici, Democratic Services Officer

### Observers:

Councillor Nikki Ind, Councillor Stephen Andrews

### **103 Apologies**

Apologies were received from Councillor Lisa Spivey.

### **104 Declarations of Interest**

There were no declarations of interest from Members.

There were no declarations of interest from Officers.

### **105 Minutes**

RESOLVED that the minutes of the meeting of the Cabinet held on 6<sup>th</sup> February 2023 be approved as a correct record.

**For 7, Against 0, Abstentions 0, Absent 1**

**106 Chair's Announcements**

The Leader noted the difficult events that had taken place since the 2019 District elections such as the Coronavirus Pandemic, and thanked Cabinet Members and Officers for their work to deliver the Council's corporate priorities during these times.

It was also noted that this was the first meeting to be clerked by Ana Prelici as a Democratic Services Officer in the absence of Senior Democratic Services Officer Caleb Harris who was on annual leave.

**107 Public Questions**

There were no Public Questions.

**108 Member Questions**

There were no Member Questions.

**109 Business Rates Relief 2023/24. Retail, Hospitality and Leisure Scheme**

The purpose of this report was for Cabinet to implement a scheme of rate relief for retail premises as outlined by the UK Government in the Autumn Statement of 2022

The Deputy Leader and Cabinet Member for Finance introduced the report and highlighted the scheme at Annex A which Cabinet was asked to implement.

It was noted that the scheme could provide relief of 75% or up to a cash cap of £110,000.

The delegation to the Assistant Director for Residents Services was also noted to award the scheme within the policy criteria.

It was noted by Cabinet that there was no need for businesses to apply as the Council was aware of which businesses would be eligible. This was confirmed as correct by the report author.

RESOLVED: That Cabinet resolved

- a) NOTE the contents of the report;
- b) ENDORSE the Retail, Hospitality and Leisure Scheme as detailed in Annex A; and
- c) DELEGATE AUTHORITY to the Assistant Director of Resident Services to award of such relief

**Voting Record – For 7, Against 0, Abstentions 0, Absent 1**

**110 Council Priority and Service Performance Report - 2022-23 Quarter 3**

The purpose of the report was to provide an update to Cabinet on progress on the Council's priorities and service performance

The Chief Executive introduced the report.

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It was noted that the report had been separated into two to cover service performance and the financial performance of the Council.

The Peer Review was noted as it had provided comments regarding benchmarking with nearest neighbours within the quarterly reports.

The Chief Executive thanked officers for their ongoing work in delivering the Council's priorities.

The following points were noted by Cabinet from the Service Performance Report

- The Council Tax collection rate was up by 1%
- The Council had paid out £3.8 million for the core scheme and £135,000 for the Discretionary Council Tax relief scheme. The new relief schemes approved by Cabinet were noted as officers are contacting those who may be eligible for the scheme.
- The Homes for Ukraine Programme had 150 sponsors as of December 2022. The monthly sponsor amount given had also been increased to £500 which has helped to support families.
- Following the Legal Services review, the Phase 2 Service Review had been started with Cadence Innova being appointed to assist.
- There were improvements in departments such as Planning and Customer Services, with challenging circumstances for those such as Revenue and Benefits. This was noted as a consequence of the cost of living pressures that were taking place nationally.
- Increasing automation and communication channels with customers was also highlighted as part of the improvement programmes with many service areas.
- Determination of planning applications had continued to improve.
- Severe weather towards the end of 2022 had caused challenges for departments particularly waste collection.

It was noted that the report referred to the refurbishment of Trinity Road beginning in January and February and there was a query about if this had changed. The Chief Executive noted that the 16th March was the deadline for bids from contractors, and there were processes ongoing to produce timescales for the work.

**RESOLVED: That Cabinet NOTED overall progress on the Council priorities and service delivery for 2022-23 Q3**

### **III Financial Performance Report Q3 2022/23**

The purpose of this report was to set out to Cabinet the latest budget monitoring position for the 2022/23 financial year.

The Chief Finance Officer introduced the report and outlined how there wasn't much change from the position set out in the Budget in February.

It was noted by Cabinet that there hadn't been any significant changes to the financial outlook on the revenue budget with a variation of around £1.2 million.

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Whilst it was also stated that there was a £160,000 improvement as set out in paragraph 2.2 of the Executive Summary, it was emphasised that inflation, energy costs, fuel costs and staff pay awards were still the key factors that have contributed to the adverse financial position of the Council reported to Members during the financial year.

Cabinet also noted the following points

- £2.2 million of reserves would need to be used to balance the budgets in 2022/23 and 2023/24.
- A projected capital spend of £4.9 million with some variations expected from the Agile Working Strategy.
- The upcoming Budget on 15th March from the UK Government could impact on areas such as the support for commercial energy use, and independent economic forecasts for the year ahead.
- It was also noted that the position of trades unions regarding the national pay award may present some challenge to the Council's financial position.

The Deputy Leader and Cabinet Member for Finance noted a saving of £125,000 due to no borrowing taking place in 2021/22, and how the administration was careful in its use of reserves due the exceptional circumstances faced.

**RESOLVED: Cabinet NOTED the Financial Performance Report Q3 2022/23**

#### **112 Discretionary Council Tax Support Fund**

The purpose of the report was to adopt the Discretionary Council Tax Support Fund for 2023/2024.

The Deputy Leader and Cabinet Member for Finance introduced the report and highlighted the following points:

- UK Government had allocated £100 million to support vulnerable households in receipt of council tax support who had an outstanding liability.
- £102,731 had been allocated to the Council to support households.
- Table 3.3 in the report showed the Council's proposal to offer a payment of up to £50.
- The cost of this proposal was estimated to be £73,000.

Cabinet also noted the recommended delegation to the Deputy Chief Executive for approving the use of the surplus funds of this scheme in consultation with the Deputy Leader and Cabinet Member for Finance.

**RESOLVED** that Cabinet:

- a) **APPROVE** a payment of £50 as detailed in para 3.3 of this report; and,
- b) **DELEGATE AUTHORITY** for the distribution of surplus funds to the Deputy Chief Executive in consultation with the Deputy Leader and Cabinet Member for Finance

**Voting Record – 7 for, 0 against, 0 abstention, 1 absent**

### **113 Introduction of S106 Monitoring Fee Schedule**

The purpose of the report was to set out the proposal of a S.106 Monitoring Fee Schedule for Cotswold District Council to help cover the cost of monitoring S.106 agreements.

The Cabinet Member for Climate Change and Forward Planning introduced the report and outlined the proposal.

It was highlighted that the fee schedule would help to monitor how S.106 monies were spent and managed on infrastructure projects.

It was also noted how the fee would change depending on the size of the development and the time spent by officers on monitoring these projects.

RESOLVED that Cabinet APPROVED the introduction of a S106 Monitoring Fee Charging Schedule as detailed in the report

**Voting Record – 7 for, 0 against, 0 abstention, 1 absent**

### **114 UK Shared Prosperity Fund Update**

The purpose of the report was to seek Cabinet's approval for the governance arrangements and allocation of funding from the UK Shared Prosperity Fund.

The Cabinet Member for Economy and Council Transformation introduced the report.

The Cabinet Member thanked officers for their work at speed granting on these proposals.

Cabinet noted the following points as outlined by the Cabinet Member;

- The UKSPF as part of the Levelling Up fund granted the council £1 million over 3 years.
- 1st year 109,000 has now been allocated.
- Of the Year 2 funding of £219,000 and Year 3 funding of £617,000, the report proposes £135,000 to be allocated for each of these years to the Local Enterprise Partnership Business Growth Hub located on the Royal Agricultural College Campus in Cirencester to support their work.
- A service delivery agreement with the Council and the Growth Hub would be required.

RESOLVED: That Cabinet APPROVED to:

1. NOTE Government approval of the Council's UKSPF Local Investment Plan.
2. NOTE the allocation of funding to Year One projects.
3. APPROVE the governance arrangements set out in para 2.3.
4. APPROVE the allocation of up to £135,000 of Year Two (2023/24) UKSPF funding to the Cirencester Growth Hub, subject to entering into a satisfactory service level agreement, and up to £135,000 in Year Three (2024/25) subject to satisfactory performance.
5. DELEGATE AUTHORITY to the Chief Executive, in consultation with the Cabinet Member for the Economy and Transformation, to approve details of the service level agreement with the Growth Hub.

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6. DELEGATE AUTHORITY to the Chief Executive, in consultation with the Cabinet Member for Economy and Transformation, to allocate the balance of Year Two funding.

**Voting Record – 7 for, 0 against, 0 abstention, 1 absent**

**115 Approve the Cotswold District Council Vacant Building Credit Technical Advice Note**

The purpose of the report was to request that Cabinet approve the Technical Advice Note which explains how the council will implement the provisions of national policy and guidance on Vacant Building Credit in Cotswold District.

The Leader of the Council invited the Principal Planning Officer as the report author to introduce the report.

The Principal Planning Officer outlined that there was ambiguity around the terms of Vacant Building Credits and how a building is defined as 'vacant'.

It was explained that the technical advice note seeks to clarify the Council's position for any future developments which will help to bring consistent decisions and reduce planning appeals.

RESOLVED that Cabinet APPROVED the use of the Cotswold District Council Vacant Building Credit Technical Advice Note from 13 March 2023

**Voting Record – 7 for, 0 against, 0 abstention, 1 absent**

**116 Application to Secretary of State for Levelling Up, Housing and Communities to designate land in Cotswold District as a rural area**

The purpose of the report was to set out the various considerations around making an application to the Secretary of State to designate land within the District as a rural area under Section 157 of the Housing Act 1985.

The Leader of the Council invited the Principal Planning Officer as the report author to speak.

It was noted that this application would help to develop new affordable homes and that 15 -25 additional new affordable housing units would potentially be delivered by the end of the Local Plan period in 2031.

It was also noted that this designation would last beyond the end of the current Local Plan period.

The Leader of the Council and Cabinet Member for Housing welcomed the report as a good opportunity to get new affordable housing in the district.

RESOLVED That Cabinet APPROVED the proposal to apply to the Secretary of State to designate land within Cotswold District as a rural area.

**Voting Record – 7 for, 0 against, 0 abstention, 1 absent**

**117 Sustainable Transport - Decarbonisation trajectory**

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The purpose of the report was to set out a proposed trajectory for transport decarbonisation in Cotswold to meet the target of net zero carbon emissions by 2045.

The Cabinet Member for Climate Change and Forward Planning introduced the report.

It was noted that this report, whilst focussing on an issue largely relating to the highways authority, had implications for Cotswold's local plan update and the Council's corporate priorities to tackle climate change.

The Cabinet Member highlighted that the background of this report was how emissions across the United Kingdom have dropped by 45% in the last 30 years. The Cabinet Member added that further reductions will be required to meet national net-zero targets in the next 30 years.

It was noted that transport emissions have only dropped by 5% in the last 30 years nationally, and there was a large increase in vehicle usage during that time.

It was outlined that the report sets out the trajectory and the steps to reach the Council's corporate target to reach net-zero by 2045. This included increasing the use of electric cars whilst reducing the overall number of car journeys by bringing services closer to residents.

Cabinet commended the work of the report author Hannah Fountain in the area of tackling climate change in the district, and engaging with residents on these issues.

**RESOLVED:** That Cabinet **AGREED** to proceed with the development of the Sustainable Transport Strategy using the proposed high level framework for transport carbon reduction in Cotswold, comprising targets to avoid, shift and improve vehicle journeys as set out in Table I.

**Voting Record – 7 for, 0 against, 0 abstention, 1 absent**

#### **118 Schedule of Decisions taken by the Leader of the Council and/or Individual Cabinet Members**

Cabinet noted the Schedule of Decisions.

#### **119 Issue(s) Arising from Overview and Scrutiny and/or Audit**

There were none.

#### **120 Approval of contracts for the management of the Council's leisure and culture facilities**

The purpose of the report was to seek the authority of Cabinet (subject to Full Council's approval on the 15th March 2023) to award a contract for the management of the Council's leisure facilities and the management of the Council's culture facilities

Before proceeding with this item, the Leader outlined that there were exempt annexes and reminded Cabinet Members to exercise caution in discussing this item.

The Monitoring Officer advised that, to maintain confidentiality, the term 'preferred bidder' should be used when discussing the proposal. It was also noted that elements of the report were marked as exempt due to commercial sensitivities.

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The Cabinet Member for Health and Wellbeing introduced the item and noted the thorough work by officers on this item.

It was noted that this was about the delivery of the Cotswold leisure facilities in Cirencester, Bourton and Chipping Campden and the cultural facilities in Cirencester and Northleach.

Cabinet noted that this is one of the largest procurement decisions that this Council has to make.

Cabinet also noted the leadership of Cllr Forde in moving this procurement process forward.

Cabinet outlined that a large amount of detailed work had taken place on this item.

It was also noted that Recommendation 4 would be changed to ensure that the delegation would be to the Leader of the Council as well as the Cabinet Member for Health and Wellbeing as she would be leaving the Council and therefore her Cabinet role on 8 May.

**RESOLVED:** That Cabinet agreed to recommend to Council to:

1. **AGREE** to award the Leisure Management Contract to the preferred bidder set out in EXEMPT Annex C (i).
2. **AGREE** to award the Culture Management Contract to the preferred bidder set out in EXEMPT Annex C (ii).
3. **DELEGATE AUTHORITY** to the interim Head of Legal Services for Contract finalisation.
4. **DELEGATE AUTHORITY** to Deputy Chief Executive and s151 Officer, in consultation with the Cabinet Member for Health and Wellbeing, the Leader of the Council and Leadership and Management Team (Chief Executive, Deputy Chief Executive and Director of Governance and Development), to accept capital investment proposals set out in preferred bidder's Leisure tender submission.
5. **NOTE** the position set out in paragraph 5.6 for the mobilisation period and in the early process of embedding the new contracts.

**Voting Record – 7 for, 0 against, 0 abstention, 1 absent**

## **121** Matters exempt from publication

Cabinet did not enter private session for Agenda Item 18 and did not discuss the exempt annexes.

The Meeting commenced at 6.00 pm and closed at 7.30 pm

Chair

(END)

## Questions submitted to Cllr Joe Harris, Leader of the Council from Cllr Chris Twells

### I - To the Leader

A resident of Tetbury Upton, Claire Jefferies, and other volunteers do fantastic work at the Goods Shed in Tetbury

*Claire emailed me during the election campaign and said: "[I have invited the Leader] to come and see the excellent work undertaken with zero funding. This was prompted after the generous donation made by CDC to The Barn Theatre for their cinema equipment to show what the people of Tetbury have done without the same level of support. Alas, Cllr Harris directed me to his assistant who never came back with a proposed date, despite my prompting. I even offered free coffee and cake from the Whistle Stop Cafe."*

**Please could the Leader commit to visiting the Goods Shed with me before the end of July 2023 to meet Claire and the other volunteers and identify what support they would like from the District Council?** We will, of course, pay full price for any refreshment.

### Response from Cllr Joe Harris, The Leader of the Council

I'd like to thank Cllr Twells for bringing this to my attention.

I'd be more than happy to meet with Claire and Cllr Twells to look at the Goods Shed in Tetbury and will look to bring Cllr Hodgkinson too as our new Cabinet Member for Health, Leisure and Culture.

Please accept my apologies that a date hasn't been arranged to date. The initial request and follow up email was sent before my current executive assistant started in post and during a period when I was without administrative support. As a result the request was missed.

## **2 - To the Leader**

Cotswold District Council currently operates under the Leader and Cabinet system. This system has been described by campaigners as "undemocratic, leading to bad decisions and a focus on divisive party politics instead of doing the best for the District." The eight councillors who actually have power to make most decisions (whether Liberal Democrat or Conservative in recent years) are unrepresentative of the District and are indebted to the Leader for their positions and allowances. All but one of the current Cabinet have a Cirencester postcode. The remaining 26 councillors are locked out of the decision-making process.

Bristol has recently opted to change to a committee system. The Localism Act 2011 allows for 5% of residents in the District to trigger a governance referendum and the cross-party campaigning group 'Our Cotswolds' has started to collect signatures. If successful, a referendum could be held in May 2024 alongside the Police and Crime Commissioner elections and a committee system would be in place by May 2025. However, councils have the option to change without holding a referendum.

**Will the Leader meet with 'Our Cotswolds' and representatives from the Green, Conservative and Independent Groups to discuss changing to the modern committee system without the delay and expense of a referendum?**

### **Response from Cllr Joe Harris, The Leader of the Council**

In the 2019 Liberal Democrat manifesto for Cotswold District Council, we committed to reviewing the decision-making structures of the Council.

That review took place in 2021/22 under a brief from the Constitution Working Group. It was carried out by a Models of Governance Working Group consisting of three members – Cllr Mike Evemy (chair), Cllr Patrick Coleman and former councillor Stephen Andrews – together with relevant officers. They investigated the alternatives available and met with officers and members to understand how their decision-making structures worked. The final report of that Group was presented to the Constitution Working Group on 4 May 2022 and can be found [here](#).

The Group considered the alternative decision-making structures available to the Council and recommended that the Council should continue with the Leader, Cabinet and Scrutiny Model. It also recommended that changes should be made to the Cabinet Member Individual Decision-Maker meetings to improve transparency.

Both of those recommendations were agreed by the Constitution Working Group with the changes to Individual Decision-Maker meetings agreed by Council on [18th January 2023](#) and subsequently implemented.

I don't accept the description of the Council's decision-making structure as 'undemocratic'. Nor do I accept that the Cabinet is unrepresentative – its members are chosen from the majority group on the Council I lead - or that where Cabinet members live determines how they make decisions on behalf of residents across the District. There are ways for members to get involved in the decision-making process of the Council whether they are from the majority Liberal Democrat Group or not.

I have not previously heard of a group called 'Our Cotswolds' but would be happy to receive further information from them on their aims and objectives.

I am happy to discuss the decision-making structure of the Council with you and fellow Group Leaders. The decision we took to retain the Leader, Cabinet and Scrutiny model was with the support of both the Conservative members of the Constitution Working Group and Councillor Ind as well as the Liberal Democrat members of the Group.

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# Agenda Item 7



**COTSWOLD**  
DISTRICT COUNCIL

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	CABINET – 19 <sup>th</sup> June 2023
Subject	APPLICATION FOR DISCRETIONARY RATES RELIEF IN EXCESS OF £10,000
Wards affected	Abbey; Bourton Village; Four Acres
Accountable member	Cllr Mike Evely – Deputy Leader and Cabinet Member with responsibility for Finance Email: <a href="mailto:mike.evely@cotswold.gov.uk">mike.evely@cotswold.gov.uk</a>
Accountable officer	Mandy Fathers – Business Manager for Environmental, Welfare and Revenues Email: <a href="mailto:mandy.fathers@publicagroup.uk">mandy.fathers@publicagroup.uk</a>
Report author	Chris Kent – Revenues Manager Email: <a href="mailto:chris.kent@publicagroup.uk">chris.kent@publicagroup.uk</a>
Summary/Purpose	To consider three renewal applications in respect of Discretionary Rate Relief each in excess of £10,000 for the 2022/23 Business Rates liability.
Annexes	None
Recommendation(s)	That Cabinet resolves to: <i>a) Approve the Discretionary Rate Relief applications in respect of the Corinium Museum, Bourton Leisure Centre and Cotswold Swimming Pool and Leisure Centre</i>
Corporate priorities	<ul style="list-style-type: none"> <li>• Delivering our services to the highest standards</li> <li>• Enable a Vibrant Economy</li> <li>• Support Health and Wellbeing</li> </ul>
Key Decision	NO
Exempt	NO
Consultees/ Consultation	Leader, Deputy Leader and Member for Finance, Chief Executive and Deputy Chief Executive, Monitoring Officer, Interim Head of Legal Services, Finance Business Partner, Assistant Director, Director of Finance (Publica)



## 1. BACKGROUND

- 1.1 Cotswold District Council has the power to consider granting on an individual basis, Discretionary Rate Relief to non-profit making organisations and organisations experiencing financial hardship.

## 2. MAIN POINTS

- 2.1 The Council has received three renewal applications in respect of Discretionary Rate Relief, each in excess of £10,000.
- 2.2 The financial overview of these applications is detailed within Annex A, attached to this report.
- 2.3 SLM is contracted to provide the management of the Council's three leisure centres and the Corinium Museum in Cirencester, which are owned by the Authority.
- 2.4 The Council's leisure services play a significant role in the physical and mental wellbeing of residents of the District and support the Council priority to "Support Health and Wellbeing", whilst the Museum provides educational benefits to local schools who regularly visit the premises as well as other visitors and tourists to the District.
- 2.5 When the Council decided to commission the operation of its leisure services provision through an external contractor, one of the benefits was the fact that the contract sum would reflect the Council awarding Discretionary Rate Relief on the premises. It is therefore proposed that Discretionary Relief is awarded on the full amount of the business rates liability after the award of mandatory relief.

## 3. FINANCIAL IMPLICATIONS

- 3.1 The Council is part of the Gloucestershire 50% Business Rates pool and the costs of awarding Discretionary Rate Relief is shared as follows

- Central Government            50%
- County Council                    10%
- District Council                    40%



**3.2** In monetary terms for each application, if approved, is as follows:

Applicant	Central Government	County Council	District Council
SLM – Bourton Leisure Centre	£7,219.20	£1,443.84	£5,775.36
SLM – Cotswold Swimming Pool and Leisure Centre	£15,872.00	£3,174.40	£12,697.60
SLM – Corinium Museum	£7,782.40	£1,556.48	£6,225.92
<b>Total</b>	<b>£30,873.60</b>	<b>£6,174.72</b>	<b>£24,698.88</b>

**4. LEGAL IMPLICATIONS**

- 4.1** Section 47 of the Local Government Finance Act 1988 (LGFA), as amended, permits the billing authority to grant discretionary rate relief to charities and other organisations of prescribed types.
- 4.2** In addition, Section 49 of the LGFA allows billing authorities to reduce the business rates of any local ratepayer when that ratepayer would sustain hardship if the authority did not do so, and it is reasonable for the authority to do so, having regard to the interests of local Council Tax payers.

**5. RISK ASSESSMENT**

- 5.1** The approval, or otherwise, of the individual applications does not set a precedent or carry any significant risk to the Council or its residents, as each application is considered on an individual basis.

**6. EQUALITIES IMPACT**

- 6.1** None



**7. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS**

7.1 There are none associated with this report.

**8. ALTERNATIVE OPTIONS**

8.1 Cabinet could decide to award a different percentage of relief than that proposed.

(END)

# Agenda Item 8



**COTSWOLD**  
DISTRICT COUNCIL

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	CABINET – 19 <sup>th</sup> JUNE 2023
Subject	<b>BUSINESS RATES DISCRETIONARY RATE RELIEF RECONSIDERATION</b>
Wards affected	St. Michael's
Accountable member	Cllr Mike Evemy. Deputy Leader and Member for Finance Email: <a href="mailto:mike.evemy@cotswold.gov.uk">mike.evemy@cotswold.gov.uk</a>
Accountable officer	Mandy Fathers – Business Manager for Environmental, Welfare and Revenues e-mail: <a href="mailto:mandy.fathers@publicagroup.uk">mandy.fathers@publicagroup.uk</a>
Author	Chris Kent – Revenues Manger e-mail: <a href="mailto:chris.kent@publicagroup.uk">chris.kent@publicagroup.uk</a>
Summary/Purpose	To reconsider an application for Discretionary Rate Relief submitted under Section 47 of the Local Government Finance Act 1998 for the financial year 2021/22
Annexes	None
Recommendation(s)	That Cabinet resolves to:  <i>a) reconsider the original decision not to award a Discretionary Rate Relief submitted under S47; and approve the relief of £1,404.53</i>
Corporate priorities	<ul style="list-style-type: none"> <li>Delivering our services to the highest standards</li> </ul>
Key Decision	NO
Exempt	NO
Consultees/ Consultation	The Leader and Deputy Leader, Chief Executive Officer, Chief Finance Officer, Monitoring Officer, Head of Legal Services, Finance Business Partner, Group Manager, Director of Finance (Publica)



## **1. BACKGROUND**

- 1.1** Cotswold District Council has the power (exercised through powers delegated to the Deputy Leader and Cabinet Member for Finance) to consider granting, on an individual basis, Discretionary Rates Relief to non-profit making organisations and organisations suffering financial hardship.
- 1.2** In the decision making meeting of 9<sup>th</sup> May 2022, the Deputy Leader and Cabinet Member for Finance considered a recommendation put forward by the Revenues Officer who was dealing with the application and made the decision to refuse the relief based on the level of unrestricted reserves held by the applicant.

## **2. MAIN POINTS**

- 2.1** The policy for Discretionary Rates Relief states that there is no statutory right of appeal against a decision other than by way of judicial review. An unsuccessful applicant may make a request for the Council to review its decision if there is relevant information that was not available at the time the decision was originally made, or that the supporting information was not interpreted correctly. This request must be made within one calendar month.
- 2.2** Although the request for review was not received within the accepted time, it transpired that the applicant was not given this information in the letter that advised of the refusal. Therefore, it has been asked that the out-of-time review is still considered. Such cases should be reviewed by Cabinet.
- 2.3** The applicant is a local pre-school providing integrated education for pre-school children and support for their families. Their premises has a rateable value of 19,500, resulting in a charge for 2021/22 of £7,022.63. The business is in receipt of an 80% charitable relief (£5,618.10) and an additional reduction for the Nursery Relief introduced during the Covid-19 pandemic. This reduction was 100% for April to June, followed by a 66% reduction from July to March (£1,046.05). The remaining payable charge is £358.48.
- 2.4** The hierarchy of reliefs means that if Cotswold District Council agrees to grant Discretionary Rates relief, the government will not provide Nursery Relief and therefore the outstanding amount of £358.48 increases to £1,404.53.
- 2.5** The original recommendation was made taking into account information from the applicant's published accounts. These stated the business held free cash reserves of £68,053 on 31<sup>st</sup> August 2021. This fell within the target of free cash reserves set in the business' policy. It was also noted that the business made a net profit of £16,386 as at 31<sup>st</sup> August 2021. The



interpretation of the accounts suggested the financial ability to pay the sum due for Business Rates for 2021/22.

- 2.6** The review was requested following a representation from the applicant that the Reserve policy of the charity is to hold a minimum of 3 months operating costs (£52,500) and a maximum of 6 months (£105,000). Therefore the sum of £68,053 in reserves is not a particularly significant sum given the number of months that it allows the business to trade in an emergency. It was also highlighted that operating costs had increased whilst their free cash reserves had remained constant. The Council's Discretionary Relief Policy suggests that as a guide, to be eligible for discretionary rate relief an organisation must not have enough reserves to continue to operate for more than 12 months

### **3. CONCLUSIONS**

- 3.1** Taking into account the comments made by the applicant in their request for a review it is suggested that the supporting information considered in the original recommendation was misinterpreted. With the added effect the pandemic had on such organisations, it is now proposed that the Council supports the continued running of this business by agreeing to award Discretionary Rates Relief against the business rates for 2021/22.

### **4. FINANCIAL IMPLICATIONS**

- 4.1** Cotswold District Council is part of the Gloucestershire 50% Business Rates pool and the costs of awarding discretionary rate relief is shared as follows:

- Central Government      50%
- County Council              10%
- District Council              40%

The hierarchy of reliefs means that if Cotswold District Council agrees to grant Discretionary Rates relief, the government will not provide Nursery Relief introduced during the Covid-19 pandemic. Therefore the current outstanding amount of £358.48 increases to £1,404.53.

A 40% share of this equates to £561.81, being the cost to Cotswold District Council which would be funded from the Council's General Fund.

### **5. LEGAL IMPLICATIONS**

- 5.1** Section 47 of the Local Government Finance Act (1988) permits the billing authority to grant discretionary rate relief to charities and other organisations of prescribed types

**6. RISK ASSESSMENT**



**COTSWOLD  
DISTRICT COUNCIL**

- 6.1 The approval, or otherwise, of the individual application does not set a precedent or carry any significant risk to the Council or its residents as each application is considered on an individual basis.

**7. EQUALITIES IMPACT**

- 7.1 There are no equalities impacts for these Discretionary Rates Relief applications.

**8. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS**

- 8.1 There are no direct climate change implications for the Council.

**9. ALTERNATIVE OPTIONS**

- 9.1 Cabinet could decide to award a different level of Rate Relief to that recommended or could decide to keep to the original decision not to grant relief at all.

<b>Percentage</b>	<b>Amount of Discount</b>	<b>Cost to Cotswold District Council</b>
15%	£1,053.39	£421.36
10%	£702.26	£280.90

# Agenda Item 9



**COTSWOLD**  
DISTRICT COUNCIL

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	CABINET – 19 JUNE 2023
Subject	APPROVAL OF AWARD OF CONTRACT FOR EXTERNAL PRINTING AND POSTAGE (HYBRID MAIL)
Wards affected	All
Accountable member	Cllr Joe Harris, Leader of the Council <a href="mailto:joe.harris@cotswold.gov.uk">joe.harris@cotswold.gov.uk</a>
Accountable officer	Mandy Fathers – Business Manager for Environmental, Welfare and Revenues Email: <a href="mailto:mandy.fathers@publicagroup.uk">mandy.fathers@publicagroup.uk</a>
Report Author	Mandy Fathers – Business Manager for Environmental, Welfare and Revenues Email: <a href="mailto:mandy.fathers@publicagroup.uk">mandy.fathers@publicagroup.uk</a>
Summary/Purpose	To consider the results of a procurement exercise to award a new contract for the provision of external printing and postage for the council and its partners
Annexes	None
Recommendation(s)	That Cabinet resolves to: <i>a) Approve the contract for external printing and postage from 1 August 2023 to 1mail for a period of 3 plus 1 year</i>
Corporate priorities	<ul style="list-style-type: none"> <li>● Delivering our services to the highest standard of service</li> <li>● Responding to the challenges presented by the climate crisis</li> </ul>
Key Decision	YES
Exempt	NO
Consultees/ Consultation	Leader, Deputy Leader and Member for Finance, Chief Executive and Deputy Chief Executive, Monitoring Officer, Interim Head of Legal Services, Finance Business Partner, Assistant Director, Director of Finance (Publica)



## **1. EXECUTIVE SUMMARY**

- 1.1** This report seeks approval to award a contract for the provision of the council's external printing and postage, also referred to as a hybrid mail solution.
- 1.2** Hybrid mail is a secure, fast, online method of producing, managing and sending documents direct to residents and businesses from any location.
- 1.3** As part of the items taken to the Shareholders forum in October 2022, a hybrid mail solution was identified as a potential savings area for the council.
- 1.4** Officers have now explored this solution further and through a procurement framework identified a supplier who can support the council in reducing its overall printing and posting costs.

## **2. BACKGROUND**

- 2.1** The council maintains a traditional postal service for the majority of service areas in respect of its outbound mail. For the majority of its outgoing mail in respect of Revenues and Benefits, mail is delivered via a hybrid mail provider.
- 2.2** Within the council, the benefits of hybrid mail are seen in remote working flexibility, hardware, consumables, staff time and postage costs. To illustrate this point, a user would be able to send a file to the service provider from any location, be that home or office. There would be no need to print to a multi-functional device, so there would be a reduction in hardware and associated printing costs. There would be a reduction in the need for holding physical stock of letter headed stationery, inserts or envelopes. There would be a reduction in postal costs. Users across the council would recoup the time spent printing, collecting and processing items of outbound post, and could use that time to complete others tasks as required.
- 2.3** The impact of the Covid-19 pandemic increased the pressures on the traditional mail service. Many officers are now continuing to work remotely, and this has resulted in the need to consider alternative methods of processing mail. Remote/agile working will remain a key feature of how the council operates and so a solution to enable staff access to mail documents is crucial to business operations moving forward.
- 2.4** In 2017, an external contract for a hybrid print and post solution was awarded in partnership with Cheltenham Borough Council and West Oxfordshire District Council Revenues and



Benefits services. This contract has now expired and under the council's commissioning rules, a new tender exercise has been undertaken, with consideration to adopt hybrid mail across all council service areas.

- 2.5 The council must maintain a physical post solution as items such as those requiring recorded delivery to return personal documents for example, are not able to be returned electronically.

### 3. MAIN POINTS

- 3.1 Following approval from the Commissioning Board a procurement exercise has been undertaken in partnership with Cheltenham Borough Council, Forest of Dean District Council, Stroud District Council and West Oxfordshire District Council to award a new contract for its off-site printing and mailing provision.

- 3.2 Procurement of the contract was undertaken via the GCloud I3\_ RMI557.13 which is a Crown Commercial PCRI5 compliant framework. Under the terms of the Framework, the Authority must carry out an evaluation of all potential suppliers listed on the framework in order to arrive at a shortlist of potential suppliers. Shortlisted suppliers are then evaluated in 2 ways:

- 1) Most Economically Advantageous Tender (MEAT) criteria
- 2) Direct award on lowest price only if they are comparable services

- 3.3 Following the initial assessment of providers listed on the framework, 4 were shortlisted and assessed using both methods of evaluation listed above with the chosen supplier, IMail meeting the requirements of the specification, providing the best unit price for first and second class mail; with no disruption to setup and implementation

### 4. FINANCIAL IMPLICATIONS

- 4.1 Hybrid mail providers are able to provide postal services at postage rates that are cheaper than the traditional method. The joint procurement and wider use of hybrid mail solutions will provide economies of scale in respect of pricing.

- 4.2 The financial savings arising from switching to hybrid mail compared to using traditional postage will vary depending on volumes, postage class and the number of items sent by recorded/special delivery. Based on current volumes, Royal Mail charges and stationery savings are estimated to be in the region of £12K per annum. Longer term, further savings may be generated from the rationalisation of printing devices once they have reached the end of their service life. Moving to a hybrid mail service should also improve efficiency as staff will need to spend less time on mail handling and associated activities.



- 4.3** This figure is £8k less than the original projection set out in the outline business case but officers will continue to investigate options for reducing mail costs through the use of digital solutions of contact where possible.

## **5. LEGAL IMPLICATIONS**

- 5.1** The value of this contract over its lifetime could be higher than the EU threshold for Services and the award of the contract therefore is government by the Public Procurement Regulations 2006. The award is also subject to the council's constitution including Contract Rules, the Council's Financial Rules and the Scheme of Delegation.

## **6. RISK ASSESSMENT**

- 6.1** In changing to a new provider the quality of service is unfamiliar; however, a staged approach will be incorporated into the process; ensuring quality assurance checks are carried out within each stage.

## **7. EQUALITIES IMPACT**

- 7.1** There are no unacceptable adverse effects on the protected characteristics covered by the Equalities Act 2010 that have been identified.

## **8. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS**

- 8.1** Whilst reducing the direct carbon footprint for the Council it will transfer this indirectly to the chosen provider. Compared to the average office, hybrid mail providers will generally use more environmentally friendly print and distribution equipment.

## **9. ALTERNATIVE OPTIONS**

- 9.1** The Council's current hybrid mail contract has expired. The Council could decide to do nothing and continue to use the more traditional services for external print and posting. However, by doing so, it would not realise the potential cost savings of using a hybrid mail solution.

# Agenda Item 10



**COTSWOLD**  
DISTRICT COUNCIL

Council name	<b>COTSWOLD DISTRICT COUNCIL</b>
Name and date of Committee	<b>CABINET – 19 JUNE 2023</b>
Subject	<b>WRITE OFF IN EXCESS OF £5,000 RELATING TO A BUSINESS</b>
Wards affected	Ermin
Accountable member	<p>Cllr Mike Evemy – Deputy Leader and Cabinet Member with responsibility for Finance</p> <p>Email: mike.evemy@cotswold.gov.uk</p>
Accountable officer	<p>Mandy Fathers – Business Manager for Environmental, Welfare and Revenues</p> <p>Email: mandy.fathers@publicagroup.uk</p>
Report Author	<p>Mandy Fathers – Business Manager for Environmental, Welfare and Revenues</p> <p>Email: mandy.fathers@publicagroup.uk</p>
Summary/Purpose	To seek approval for the writing off of business rates debts in excess of £5,000
Annexes	None
Recommendation(s)	<p>That Cabinet resolves to:</p> <p><i>a) Approve the write off of the outstanding accounts totalling £11,384.40</i></p>
Corporate priorities	<ul style="list-style-type: none"> <li>• Deliver the highest standard of service</li> </ul>
Key Decision	NO
Exempt	NO
Consultees/ Consultation	<p>Leader, Deputy Leader and Member for Finance, Chief Executive and Deputy Chief Executive, Monitoring Officer, Interim Head of Legal Services, Finance Business Partner, Assistant Director, Director of Finance (Publica)</p>



## **1. EXECUTIVE SUMMARY**

- 1.1 On 7 December 2020 the Cabinet approved a recommendation to accept a one-off payment from Leckhampton Estates (Ullenwood) Ltd in full and final settlement to remove the secured charges the Council had on business hereditaments for unpaid business rates.
- 1.2 The one-off payment was for the sum of £75,307.27 to remove charges that totalled £100,304.71 from 27 business hereditaments and 1 domestic property.
- 1.3 The one-off payment was apportioned across these properties, and any balances left on accounts was then written off.
- 1.4 This report is in respect of a further 4 hereditaments that formed part of the Leckhampton Estate and were part of the approved settlement agreement; however, these hereditaments were missed off the original report, and therefore, this report is to seek approval to write-off the outstanding balances on these accounts.

## **2. BACKGROUND**

- 2.1 Leckhampton Estate (Ullenwood) Ltd, is a private company limited by shares.
- 2.2 In 2016 the company owned the site known as Ullenwood Court, Ullenwood, with a view to redeveloping the land. The exact purchase price of this site is unknown, but information obtained from Companies House confirmed accounts included a £2 million bank loan which was secured by a legal mortgage over the property.
- 2.3 Ullenwood Court had previously been utilised as agricultural type workplaces; all of which would have been assessed under the non domestic rating system.
- 2.4 When purchased, all hereditaments had been empty and unused for a number of years and all eligible reliefs and/or exemptions had been applied to the business rate accounts.
- 2.5 The company failed to pay the business rates due on each hereditament, and the Council were successful in securing a charge on the site for business rates that were owed.
- 2.6 The Council later instructed an Insolvency Practitioner to help recover monies owed who advised that Leckhampton Estate (Ullenwood) Ltd had received an offer to purchase the land for £1.2 million.
- 2.7 In order for the sale to be successful the mortgagee, who had significant interest and outstanding balances, offered to pay the Council £75,307.27, in full and final settlement to remove the secured charges that totalled £100,034.71.



**2.8** On advice from the Insolvency Practitioner to accept this offer and relinquish the charge to ensure the majority of debt was repaid to the Council, a report was submitted to Cabinet on 7 December 2020 for the offer to be approved.

### **3. MAIN POINTS**

- 3.1** The Cabinet report, dated 7 December 2020 related to 27 non domestic rate accounts and 1 council tax account and were individually listed within Annex A of that report.
- 3.2** Unfortunately, an additional 4 business rates accounts were missed off the initial report, and monies secured and repaid to the Council have not been apportioned against these accounts.
- 3.3** It is therefore being proposed that the following accounts which in total have an outstanding balance of £11,384.40 are also written off.

Account	Address	Charge Period	Amount
7500165931	Ullenwood Court Riding Centre	01.07.17 to 18.02.18	£1,691.03
7500161528	15 Ullenwood Court	01.04.17 to 18.02.18	£3,724.39
7500144842	23 Ullenwood Court	01.04.16 to 31.3.17	£2,820.16
750045481	Pt 23, Ullenwood Court	01.04.16 to 31.03.18	£3,147.82
Total			£11,384.40

### **4. FINANCIAL IMPLICATIONS**

**4.1** The financial impact of the write off will be recognised in the Collection Fund and will form part of the Collection Fund Surplus or Deficit at the end of 2023/24. The financial impact of the proposed write off will be shared by Central Government (50%), Gloucestershire County Council (10%) and Cotswold District Council (40%) as follows:

Government 50%	Gloucestershire County 10%	Cotswold 40%	Amount
£5,692.20	£1,138.44	£4,553.76	£11,384.40



## **5. LEGAL IMPLICATIONS**

- 5.1 The Council's Financial Rules state that any amounts in excess of £5,000 that are requested for write off must be approved by Cabinet.

## **6. RISK ASSESSMENT**

- 6.1 There is no risk associated with this report. The debts that are being proposed for write off should have been included within the previous report in which the Council approved the full and final settlement offer.

## **7. EQUALITIES IMPACT**

- 7.1 There are no unacceptable adverse effects on the protected characteristics covered by the Equalities Act 2010 that have been identified.

## **8. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS**

- 8.1 There are none associated with this report.

## **9. ALTERNATIVE OPTIONS**

- 9.1 The Council has previously approved a full and final settlement to address the debts owed. There are no other options available to the Council.

## **10. BACKGROUND PAPERS**

- 10.1 The following documents have been identified by the author of the report in accordance with section 100D.5(a) of the Local Government Act 1972 and are listed in accordance with section 100 D.1(a) for inspection by members of the public:

- Agenda Item 14 – Cabinet 7 December 2020.

These documents will be available for inspection at the Council Offices at Trinity Road, Cirencester, GL7 1PX during normal office hours for a period of up to 4 years from the date of the meeting. Please contact democratic services via [democratic@cotswold.gov.uk](mailto:democratic@cotswold.gov.uk)

(END)



Council name	<b>COTSWOLD DISTRICT COUNCIL</b>
Name and date of Committee	<b>CABINET – 19<sup>TH</sup> June 2023</b>
Subject	<b>DEVELOPMENT MANAGEMENT IMPROVEMENT PROGRAMME</b>
Wards affected	All
Accountable member	Cllr Juliet Layton Cabinet Member for Development Management and Licensing Email: <a href="mailto:Juliet.layton@cotswold.gov.uk">Juliet.layton@cotswold.gov.uk</a>
Accountable officer	Jon Dearing Assistant Director for Residents Services <a href="mailto:Jon.dearing@publicagroup.uk">Jon.dearing@publicagroup.uk</a>
Report author	Phil Shaw, Business Manager for Planning and Sustainability Email: <a href="mailto:Phil.Shaw@publicagroup.uk">Phil.Shaw@publicagroup.uk</a>
Summary/Purpose	To provide an update on progress against Phases I and II of the DM Improvement Programme and make recommendations for further improvements (Phase III), following the Planning Advisory Service report.
Annexes	Annex A – Enforcement ‘Harm’ Checklist Annex B - Planning Advisory Service Report Annex C – Consultation Protocol Annex D – Negotiation Protocol Annex E- Fees and charges schedule (To be provided)
Recommendation(s)	That Cabinet resolves to: 1) Note the improvement progress to date, and 2) Approve the changes detailed in paragraph 5.1
Corporate priorities	<ul style="list-style-type: none"> <li>• Deliver the highest standard of service</li> </ul>
Key Decision	No



Exempt	No
Consultees/ Consultation	Officers, and a representative of the Planning Advisory Service, met with Cabinet and the Planning Committee Chair and Vice Chair.

## 1. EXECUTIVE SUMMARY

- 1.1 The report identifies the progress made in implementing the improvements to DM that have been undertaken thus far and the improvements to performance that have been secured. It then sets out further improvements that are in train and are proposed following the PAS review. Furthermore a series of additional options are set out which would need member authorisation to implement.

## 2. BACKGROUND

- 2.1 The Development Management Service has had a challenging time over the last few years. The Pandemic brought about an unanticipated surge in demand, which resulted in substantially higher workloads and a much more competitive recruitment market. The Pandemic also restricted working processes, with (at times) 100% home working and restrictions around meetings and site visits.
- 2.2 Locally, these Pandemic related challenges were exacerbated by issues around retention, recruitment, a temporary Management Structure, validation backlogs and a lack of accurate data around which performance management mechanisms could operate. This in turn led to customer contact /feedback issues as staff prioritised throughput/backlog reduction over customer focus.
- 2.3 Accordingly, an Improvement Programme was initiated in January 2021, with the aim of addressing the fundamental issues. As a result, over the last 2 years the Service has:
1. Added additional capacity - added two Career Grade Planner posts at each site and added flexibility to all the new contracts to better meet the needs of the Councils and their customers,
  2. Introduced Career Grades with salary progression based on the attainment of experience, qualifications and value to the organisation,
  3. Improved, and localised, the recruitment process to reflect the significant advantages of being a Planner in this part of the Country,



4. Made changes to Management roles to provide stability for the Teams and local points of contact for Members,
5. Formed a Validation Shared Service team which added significant resilience and enabled us to cut our Validation timescales by around 60%,
6. Introduced customer contact touchpoints that mean that we are much more proactively communicating starting from receipt of the application and further contacts being rolled out at each stage of the process as our redesigns work through. We also introduced the Enterprise (Workflow) System, so that we are able to monitor and performance manage these proactive communications,
7. Created additional data sets to seek to overcome the issue that the vast majority of existing data was backwards looking and seeking to improve the quality, depth and frequency of our data sets, so managers have the adequate tools to manage their officers and overall performance, and
8. Commissioned a review by the Planning Advisory Service (PAS) in recognition that these improvements were only Phase I of the journey.

2.4 As a result of these improvement actions the performance in relation to 'Minor' and 'Other' applications (making up 99% of all applications) has been continually improving since July 2021, as shown in the following table:

CDC	Q1 21/22	Q2 21/22	Q3 21/22	Q4 21/22	Q1 22/23	Q2 22/23	Q3 22/23	Q4 22/23
Minors	61.68%	60.59%	66.03%	66.08%	74.49%	76.35%	78.00%	78.1%
Others	62.26%	55.73%	58.51%	59.34%	71.47%	71.93%	73.75%	74.29%

The table shows the cumulative performance in each year (percentage of applications determined within 8 weeks or an agreed Extension of Time). The data shows that for Minor and Other applications there have now been six consecutive quarters of performance improvement.

2.5 Over the last year and a half the DM Management Team have been closely monitoring the impact of the first phase of improvements, consulting Members and Teams on the next best steps in terms of improving the service and have received the results of the PAS Review mentioned in paragraph 2.3 (point 8). The result of these consultations was the formation of Phase II of the Improvement Programme. Phase II, the focus of this report, is still quite process/protocol orientated and is anticipated to be completed over the next few months



- 2.6** Phase III of the Programme will be initiated during late 2023/early 2024 and will focus on the digitalisation of the service and the implementation of a continuous programme of user research so that we can better understand the future needs of our service users. This will be complemented by sustainability measures such as succession planning, advancement of our officer development programme, further work on (and expansion of) our Career Grade approach, implementation of further shared working models where appropriate and 'in time' Data. The aim of this work is to be providing a high quality, customer focussed and high performing service; that is sustainable and efficient.
- 2.7** Members may be aware that Government monitors the performance of all LPA's against a rolling 2 year average. Because the good performance at CDC pre Covid has now dropped out of the data set and been replaced with the poorer performance that resulted from Covid restrictions (as detailed in the left hand boxes above) this has meant the rolling average has dropped even though the poor performance issue has been rectified and the service is back above target and performance is improving further. This meant that Government identified that it was at 69.6% as opposed to the 70% requirement and as such was potentially in the position of designation by Government. Officers have been liaising with the team from DLUHC setting out that the 'miss' was by a very small margin, that performance is now clearly on an improving trend (indeed for April was over 90%) and that as a result of the measures already implemented (which are clearly working) and the further improvements proposed by way of this report, that we are confident that we will not have any further performance issues. The Officers from DLUHC acknowledged the above and indicated that there is nothing more that they would have done than has already been done. The situation does however highlight the importance of the corporate data sets clearly displaying the right data (they did not as they showed spot data as opposed to rolling average data) and of constantly looking at the way that applications are processed to ensure performance is maintained/improved. The measures set out later in this report are thus part of that process of looking at continued improvement..

### **3. MAIN POINTS**

- 3.1** The PAS review focussed on Process and the brief given to the Inspector was to give us their unbiased assessment of where the planning team are and what needs to be done to further improve; but also to sense-check the further improvements that were already implemented or were planned to ensure that they were consistent with good practice across the country.
- 3.2** As a result of their findings and political feedback a revised Action Plan has been created that sets the agenda for the next phase. The key improvement areas included in the Action



Plan are detailed in section 4 whilst section 5 details further, proposed, improvement areas where we need Cabinet approval given the sensitivity/potential impact.

- 3.3** It is worth setting out that until this process started most of the improvement processes had been initiated and designed by the respective teams and that as a result they had considerable ownership of them but with the disadvantage that they were often too inward looking - focussing on the efficiency of the process as opposed to the outcome for the customer. This programme of works has been undertaken by staff resources based within the Residents Services Group but with the Planners as clients/advisors as opposed to designers. This has already started to yield significant advantages in terms of the external oversight producing generic as opposed to site specific solutions which in turn aids resilience and efficiency. However it has sometimes meant challenging long held norms in terms of what was perceived as good customer care and as a result has necessitated quite a cultural change amongst the team; particularly amongst some of the longer serving staff. However the data collected is demonstrating that the improvements are working and there are far fewer customer complaints than were being received when the process was started. Whilst mistakes may be made as staff adapt to significantly different new ways of working the programme is delivering the key outcomes of better customer service at less cost and with greater resilience. Thus, if errors are made in future they sit in the context of why the changes have been made and there is the data to support the fact that the service is now clearly on a long term improving trend.

#### **4. AREAS ALREADY ADDED TO THE ACTION PLAN**

- 4.1** The following items have been added to the Action Plan and are either in the process of being implemented or are scheduled in for implementation

Enforcement: Work is underway to cleanse the backlog of cases that are either now resolved or are considered not to be causing harm and have had no correspondence against them for more than two years. A web Form has been developed which will help the complainant provide the necessary information and evidence at the first point of contact and help us to triage complaints more effectively

Validation: A substantial piece of work has been done to create a Validation Checklist that captures those requirements common across the partnership but is bespoke as regards particular policy requirements at each site. It includes many new features as to what needs to be submitted alongside applications in terms of biodiversity, climate change, energy efficiency, sewage disposal etc. As it is a digital document it also links to advice sections so as to enable the applicant to get it right first time and reduce the current (circa) 40% invalid applications which is a hidden cost to the Council in rectifying errors made by agents to enable the application to be registered and processed.



- 4.2** Pre-Application Service: As an initial phase of the improvement programme the process whereby pre application advice is offered to potential applicants was remodelled. The core premise of this work was that much of the work in terms of drafting the letters and managing the caseload could be carried out at relatively junior and administration levels but each 'caseworker' would have a planning officer to act as a 'consultant' in the drafting of the letter. Sign off would remain with more senior staff. In so doing we would release planners from the more admin/process elements of the task whilst retaining planner input and sign off to ensure quality. However the implementation of this new process was delayed in that the substantial increase in the volumes of planning applications meant there was insufficient resource to bring it in. Subsequently the priority has been to focus on the enforcement element of the service. However it is considered that the work mapped out remains valid and, now that caseloads are reducing back towards pre pandemic levels, the opportunity will arise to revisit this work stream and realise the benefits that flow from it in terms of quicker responses, cheaper staff costs and a mechanism to support career development. We may also be able to introduce further charges for "fast track" pre apps and clearance of conditions etc where developers or potential purchasers of property are under time pressure.
- 4.3** Invalid Applications: We have created a process where the cause of the invalidation can be logged such that we can improve the pre application information we provide in order to seek to reduce the errors agents are making.
- 4.4** Extensions of Time:. Government introduced a process whereby, if the applicant agreed, the timescale for determining an application could be extended beyond the statutory period but the application is still counted as being in time. This process was not, historically, widely used by this Council as it was seen as masking poor performance. However in contrast some authorities seek an extension of time at validation and so achieve 100% within time. Clearly when benchmarked against that approach operating without using EOT much or at all makes it very difficult to match that performance. What is now happening is that the team ask for an EOT for the delays caused by others (e.g. awaiting a key consultee, awaiting an ecology survey that can only take place next May, awaiting amended plans, to enable it to go to committee, at the applicants request, etc.) but do not promote it when the issue sits with us (e.g. Admin error, officer on leave etc.). In that way the team will be operating on a much more level playing field with those who are gaming the process whilst not masking issues that sit with the Council to resolve. The really positive consequence of this approach is that customers are kept much better informed and have realistic expectations around timescales



- 4.5 Customer Contact: As advised above we have started a number of initiatives aiming to build in customer contact.
- 4.6 Agent Forum: Clearly a lot of these changes will affect Agents. Over the years a number of them have become reliant upon the Administration Team to get their applications into shape before processing could even start. This has significant time and cost implications for the Council and this dynamic will shift as part of the Validation process improvements. There are also new fees for undertaking tasks that have hitherto been provided for free. This is likely to cause some disruption and as such an Agents forum will be convened in early Autumn to explain that if they follow the advice offered it should actually help matters as they will not be stuck in a queue behind applications that the staff have to work on even to get registered. Once held, these forums will be repeated such that the ever evolving planning legislation can be discussed and explained and future improvements to the system can be consulted upon.
- 4.7 Web Improvement: In the last year a Channel Choice Team has been formed within the Resident Services Group; made up of Customer Service officers, ICT officers, Communications and Web Design officers. As well as working to provide more accessible digital services for our customers, this Team is working with the Web Content officer to improve the information provided on the Website. The usability of the Web pages has a direct impact on the level of enquiries/requests for assistance that is received by the Planning Service.
- 4.8 Non Committee Reports: The PAS report identified that officers were of a high calibre and carried significant caseloads. However there was a perception that some junior officers put together reports that relied unduly on senior officers to correct and format and that they should be producing better reports at the outset. At CDC PAS considered the reports to be overly long and detailed (in relation to straightforward applications), with far too much effort and expertise being invested in a piece of work that would probably never be read again once the application had been signed off. The solution to both of these issues is to adopt a standard template approach where reports are tailored to the likely audience. Thus Committee reports and refusals that may be appealed would be written as bespoke pieces of work (as now) whereas other applications would not need such bespoke reports but could use standard templates with inserts. These new reports will be implemented shortly.
- 4.9 Decision Sign Off: In order to avoid a bottleneck at the Principal Officer level we have, following consultation with the Portfolio Holder, introduced a system of Peer Sign Off on



less complex applications. As well as speeding up the process of Sign Off, this approach allows officers to learn from their colleagues' decision making considerations

## 5. AREAS REQUIRING MEMBER APPROVAL

- 5.1 The following further improvement items require approval in that they are considered to have political implications, as per recommendation (b):
- 5.2 Charges: As part of a separate (Corporate) report it was agreed that a new fee charging structure be adopted based around two premises. Firstly, that many of the Fees levied were not in line with neighbouring Councils and needed to increase. Secondly, that there were many non-statutory functions being undertaken without any charge. The newly adopted structure brings existing Fees in line with comparators and introduced (modest) new Fees where we are providing officer assistance in areas where information is available to enable self-serve. (see annex E) However when they have bedded in there is the opportunity to revisit them to look at whether income could be further enhanced by adding charges for further tasks (such as fast tracking) or by raising the rates further as the quality of service improves.
- 5.3 Recommendation: That new fees be monitored and increased/added to (as per PAS recommendations) as and when the opportunity arises
- 5.4 Enforcement: At present there is little formal prioritisation of enforcement cases with an emphasis is on getting out on site to view the breach as opposed to actually seeking to resolve the most important cases as expeditiously as possible. This approach alongside the restrictions imposed by the pandemic (where there were more complaints arising from neighbours locked down at home coupled with severe restrictions on site visits) brought about a substantial backlog. Much good work has been done over the last 6 months using a "harms checklist" to reduce the backlogs and it is considered that this approach could equally well be used to triage new cases. Thus, with the improved information generated from the improved enforcement complaint form, we could assess the breach in terms of its planning harm, political impact, criminality or likely precedent and by so doing focus our attentions on the cases where real harm is identified; as opposed to seeking to move across a broad front of 300-400 cases, many of which are either trivial in nature, cause little harm or where the planning system is arguably being used as a tool in a neighbour dispute. Critically there would, with a reduced caseload, be the opportunity to provide better and more focussed enforcement update reports for Members so that they in turn are better informed to enable their community advocacy role in updating/managing expectations of Parish/Town Councils and neighbours. There will clearly be some neighbours who do not see the focus on key cases as being correct and want 'their' case investigated as a priority. However by focussing on the harm caused as opposed merely to the fact that there is a breach this potential source of future complaint can be mitigated to some degree



- 5.5** Recommendation: That the 'Harm Checklist' (Annex A) be introduced at complaint receipt stage to enable greater focus on higher priority/harm/impact cases
- 5.6** Consultation Protocol: A good planning decision is based upon timely and accurate responses from consultees and so a culture has developed of consulting very widely on planning applications to seek to garner as much information as possible. However PAS identified that many of the consultees were not resourced to deliver against the volume of work they were being required to undertake to provide planning responses. This in turn often meant that rather than resolving matters they suggested a condition requiring submission of further information; which then delayed the development whilst this was submitted and processed and further increased the work burden for planners and consultees in having to process the condition discharge applications. Sometimes the time delays waiting for this additional information far exceeded the time to process the main application. PAS were of the view that many decisions could be made without waiting for the consultation response as they were not in fact critical to the decision. This involves a degree of risk management by officers who will need to review who is consulted, whether their responses can be adapted so as to not require further information and whether if the time for response has gone the application can be determined without waiting. Some responses have severe consequences (e.g. some Highways and Flooding responses) and some have legal consequences (e.g. Ecology) but not every one of them. This will need considerable care as to how we can ensure consistency of consultation and whether to wait or determine the application and so it is suggested that a consultation protocol be trialled to ensure that we retain the correct balance between informed decisions versus late decisions awaiting additional but ultimately unnecessary information.
- 5.7** Recommendation: That a 'Consultation Protocol' (Annex C) be adopted.
- 5.8** Member Call In: At present Members have an opportunity to call in applications that would normally be determined under the scheme of delegation; with a requirement that this is done for planning reasons alone. Elsewhere the call in period is applied at the beginning of the process but at CDC it operates at the end of the process. PAS were particularly concerned that this back-ended approach adds considerable delay to the process and critically that it undermined the ability of the officer to negotiate improvements, as the applicant was always aware that a last minute request could take the decision to Committee where all the arguments could be re rehearsed. The process whereby a group of Councillors/Officers decide whether the request is "a planning matter" has also been questioned by PAS; as it is much more common for the local Lead Officer to make that determination. It is therefore suggested that the process is reviewed, potentially looking for the decision to request referral by a Councillor to be made within 28 days of the receipt of the application with the Councillor clearly stating the planning reasons for referral and the decision as to whether they are or are not planning reasons being vested in the Local Lead officer.
- 5.9** Recommendation: That the Constitution Working Party be asked to investigate an approach based upon the above to feed into the next review of the Scheme of Delegation.



- 5.10 Neighbour Notices:** The law requires that applications are advertised by either site notices(s) coupled with some newspaper advertisement or by newspaper advertisement coupled with direct neighbour notification. PAS identified the system that best creates efficiency, utilises the computer systems to best advantage and ensures that those customer who are less IT literate are not disadvantaged was not using direct Neighbour Notification but rather posting a site notice or a number of notices at each site. Additionally, however, as part of the administration process, copies of the site notice are included in the paperwork available to the officer when they visit the site. If they consider that a particular property is affected and they have not had a response from that site as yet then a copy of the notice is posted through the door. This ensures that persons who are directly impacted but who have not seen the site notice or newspaper advertisements are still able to contribute. By encouraging use of on line alerts and submissions via electronic as opposed to paper based methods it also reduces the back office processes. Similarly if the process involves moving to a primarily site notice based method then copies can be sent out directly to applicants to get them to post them- which reduces the need for officers to sometimes make two visits; one to post the notice and a further one following receipt of comments. Some sites will still need to have the notice posted by the officer (e.g. where there is no on site presence) but further cost savings can be generated by not having officers post every notice.
- 5.11 Recommendation:** That following a period of publicity the neighbour notification process be adapted as outlined above to move to site notices, on site posting at officer discretion and applicants to self-post their notice.
- 5.12 Application Negotiation:** It has historically been the case that Officers have worked proactively with applicants to seek to secure them planning permission. This is in accordance with the presumption in favour of sustainable development under which the planning system operates. However this can mean multiple iterations of a scheme have to be registered, processed, negotiated upon and assessed. On some occasions pre application advice may have been given that something needs to have been done, but it is only when the application is written up for refusal that the applicant will make the changes requested. This involves substantial abortive work and can mean that neighbours experience uncertainty for a substantial period of time as the application goes through a series of amendments - rather than being determined. It is therefore proposed that a negotiation protocol be adopted that seeks to limit the number of times that an application can be deferred whilst keeping open the opportunity to resolve minor matters. Where pre application advice has been ignored this restriction on 'endless negotiation' will be strongly applied and where no pre application advice has been applied for then it may be decided to determine the application as tabled
- 5.13 Recommendation:** That a negotiation protocol (Annex D) be adopted, to seek to limit the extent of times an application will be allowed to be amended.
- 5.14 Ecology and Sustainability:** At present the workloads of internal consultees such as trees, forestry, landscape, heritage, design, conservation, architecture, green infrastructure etc. has increased substantially alongside the increase in planning applications. This is likely to increase

still further alongside the impending requirements of Biodiversity Net Gain, the Environment Act and the Habitats Regulations coupled with the workloads that will be required to input into the emerging Local Plans at each site. The resources to deliver against this agenda are currently not sufficient. It is therefore highly likely that separate reports will be made to the Council seeking to address this longer term demand. In the interim the capacity of the team to deal with the volume of work generated from its core application response and serving LP issues is such that they will not be able to take on additional tasks and delivery against some existing targets is likely to slip. A further separate report will be made in due course to address this issue.

## **6. ALTERNATIVE OPTIONS**

- 6.1 Section 5 of this report includes the options and the level of risk associated with each.

## **7. FINANCIAL IMPLICATIONS**

- 7.1 There are no costs associated with either the changes detailed in section 4 or the recommended changes detailed in section 5; no significant costs that cannot be covered within existing service budgets. There will be investment costs in relation to the implementation of IDOX Cloud (The digitalisation of the Planning Service); however these, and the associated ongoing savings, have been highlighted and agreed as part of the Shareholder Innovation Programme. The resourcing needs of the Ecology and Sustainability Service (see paragraph 5.1.13) will have a financial impact but this will be the subject of a separate report.

## **8. LEGAL IMPLICATIONS**

- 8.1 Any legal implications associated with the proposed changes are highlighted within the body of the report.

## **9. RISK ASSESSMENT**

- 9.1 Any risks associated with the proposed changes are highlighted within the body of the report.

## **10. EQUALITIES IMPACT**

- 10.1 There are no adverse effects on the protected characteristics covered by the Equalities Act. An Equalities Impact Assessment has been completed and reviewed by the Business Manager for Business Continuity, Governance and Risk.

## **11. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS**

- 11.1 There is no negative impact associated with these recommendations



**COTSWOLD**  
DISTRICT COUNCIL

## **12. BACKGROUND PAPERS**

None

(END)

# Enforcement Harm Checklist

## Case Details

1	Contravention No.	
2	Site Address	
3	Alleged Breach	
4	Action Target Date	
5	Priority	
6	Ward	
7	Ward Member	

## Relevant Policies and Considerations

8	Enforcement / Planning History	
9	Local Enforcement Plan	
10	Equalities Act	
11	Human Rights Act 1998	

## Primary Considerations

Y/N/NA

12	Development	Do the works that have taken place fall within the <b>meaning of development</b> as defined by Section 55 of the TCPA 1990? If Y, go to Q13 – If N, <b>no further action</b> on this form is required and go to Q34	
13	Permitted Development	Is the development <b>permitted development</b> ? If N, go to Q14, if Y <b>no further action</b> on this form is required and go to Q34 <b>Comments (if any):</b>	
14	Breach	<b>Has a breach of control taken place?</b> If Y go to Q15 if N, go to Q34  <b>Comments (if any):</b> i.e is development, but built to approved plans, or mud on road but condition not breached etc	
15	Illegal works	Does the complaint concern <b>illegal works to listed buildings, illegal advertisements, hedge removal and trees covered by a tree preservation order</b> or in a <b>conservation area</b> ? If Y go to Q16– <b>the case needs investigating</b>	

## Details of Breach

16	Type of breach	What <b>type of breach</b> has occurred?	Y/N
		a) Operational Development	
		b) Change of Use	
		c) Breach of Condition	
		d) Untidy Land	

		e) Advertisement	
		<b>Comments (if any):</b>	
17	The complainant	<b>Who is the complainant?</b>	Y/N
		a) Member	
		b) Parish Council	
		c) Immediate Neighbour	
		d) Other	
		<b>Comments (if any):</b>	
<b>Impact of Breach</b>			Y/N
18	Conservation area	a) Is the breach taking place in a <b>conservation area</b> ?	
		b) Is the breach potentially causing <b>harm</b> to the <b>character</b> and <b>appearance</b> of the <b>conservation area</b> ?	
		<b>Comments (if any):</b>	
19	Listed Building	a) Is the breach potentially causing harm to the <b>setting</b> of a <b>Listed Building</b> ?	
		b) Has the <b>conservation officer commented</b> on the case?	
		c) If <b>Y</b> , have they raised <b>strong objections</b> to the works?	
		<b>Comments (if any):</b>	
20	Visual impact	a) Do the unauthorised works result in an <b>adverse visual impact</b> on the character of the area or existing property by reason of <b>poor design, incongruous features</b> , etc	
		b) Have you <b>spoken</b> with a <b>planning officer</b> regarding the design?	
		c) Are the works <b>contrary</b> to the <b>Design Guide/ development plan policies</b> ?	
		<b>Comments (if any):</b>	
21	Residential amenity	a) Is the breach having an adverse impact on the <b>residential amenity of neighbouring properties</b> ?	
		b) If <b>Y</b> , How many neighbours is it affecting?	
		c) And in what way are they being affected?	
		(i) Noise	
		(ii) Smell	
		(iii) Light	
		(iv) Overlooking	
		(v) Other	
		<b>Comments (if any):</b>	
22	Stat nuisance	a) Is the breach causing a (potential) statutory nuisance?	
		b) If <b>Y</b> , have you consulted Environmental Protection / Building Control?	
		<b>Comments (if any):</b>	
23	Highway Safety	Is the breach causing <b>highway safety</b> issues?	
		<b>Comments (if any):</b>	
24	Other safety issues	Is the breach causing any <b>other safety</b> issues?	
		<b>Comments (if any):</b>	
25	Protected species	Is the site likely to have <b>protected species</b> present or is there any evidence of <b>habitat disturbance</b> ?	

		<b>Comments (if any):</b>	
26	<b>Trees</b>	Is the breach impacting on <b>trees</b> in a <b>conservation area</b> or protected by a <b>Tree Preservation Order</b> ?	
		<b>Comments (if any):</b>	
27	<b>Flood Zone</b>	Is the development in Flood Zone 2 or 3?	
<b>Harm Caused by Breach</b>			<b>Y/N</b>
28	<b>Extent</b>	What is the <b>extent</b> of the <b>harm</b> caused by the breach?	
		a) <b>Widespread</b>	
		b) <b>Local</b>	
		<b>Comments (if any):</b>	
29	<b>Scale</b>	Is the <b>harm</b> caused by the breach <b>irreversible</b> ?	
		<b>Comments (if any):</b>	
30	<b>Precedence</b>	Could allowing breach to remain <b>erode</b> the Council's <b>ability to enforce elsewhere</b> ?	
		<b>Comments (if any):</b>	
31	<b>Urgency</b>	Is the <b>breach</b> within <b>6 months of immunity</b> ?	
32	<b>Status</b>	What is the <b>current status</b> of breach?	
		a) <b>Worsening</b>	
		b) <b>Stable</b>	
		<b>Comments (if any):</b>	
33	<b>Planning Permission</b>	Would an <b>application</b> for <b>planning permission</b> be viewed <b>favourably</b> for the development? If <b>Yes</b> go to <b>Q34</b>	
		<b>Comments (if any):</b>	
<b>Conclusion</b>			<b>Y/N</b>
34	<b>Recommended action</b>	<b>No Further Action and close case</b> Not development, is permitted development, limited or no harm, planning permission would likely be granted if applied for, etc.	
		<b>Request Further Information</b> Issue a PCN or seek further information, such as via diary sheets.	
		<b>Invite Retrospective Application</b> If the case is borderline or acceptable with conditions.	
		<b>Ask owner/occupier to remove the development/cease the use</b> Harm which cannot be resolve via a retrospective application and before resorting to a formal notice	
		<b>Serve Notice</b> Harm that cannot be resolved (negotiations have failed or not an option).	
		<b>Serve Temporary Stop Notice or Stop Notice</b> Necessary to stop the breach immediately.	
		Provide specific details:	
<b>Completed by</b>			
35	<b>Case Officer</b>		Date:
<b>Authorising Officer</b>			<b>Y/N</b>

36	Sign off	Do you <b>agree</b> with the Case Officer's recommended <b>action</b> and <b>reasoning</b> ?	
		Comments (if any):	
37	Timescale for Action	What is the recommended <b>timescale</b> for the <b>action</b> to be <b>carried out</b> ?	
		Comments (if any):	
38	Authorising Officer		Date: <input type="text"/>

## **Forest of Dean District Council, Cotswold District Council and West Oxfordshire District Council (Publica)**

### **Development Management Review**

**June 2022**

#### **1. INTRODUCTION**

1.1 Publica is a council owned employment company set up in 2017 to deliver shared services between Cotswold, West Oxfordshire, and Forest of Dean District Councils and Cheltenham Borough Council. More specifically, Planning services are provided to Cotswold, West Oxfordshire, and Forest of Dean District Councils. Each of the councils retain their independence and identity but by working together and sharing resources seek to maximise mutual benefit, leading to more efficient, effective delivery of local services.

1.2 The Planning Advisory Service (PAS) have been asked to undertake a high-level review of the Development Management Services at the three Councils to identify areas where performance could be improved and to identify where best practice might be shared across the area.

1.2 The review has been undertaken by Tim Burton appointed by PAS. PAS is part of the Local Government Association (LGA) and provides high quality help, advice, support and training on planning and service delivery to councils, primarily in England. Its work follows a 'sector led' improvement approach, whereby local authorities help each other to continuously improve. Tim has over 30 years' experience working for local authorities, including most recently as Head of Planning for Taunton Deane and West Somerset Councils. For the last 3 years he has worked with PAS providing a range of support to many local planning authorities, including service reviews, Planning Committee reviews and Member and Officer training.

1.3 The review has been based on the application of the PAS Development Management (DM) Challenge Toolkit with particular emphasis on the sections on performance management, pre-application advice, receipt and validation, consultation and allocation, and officer reports. The toolkit aims to provide a 'health check' for Planning Authorities and act as a simple way to develop an action plan for improvements to their Development Management service. There is a link to the Toolkit at the end of this report.

1.4 The review was initially to be focussed primarily on processes and performance at Forest of Dean District Council. High level data was provided for consideration and a full day visit was carried out on 5th May 2022. This comprised discussions with a range of planning staff, focussing on performance and how this might be improved. It was agreed that Tim should also visit Cotswold District Council and West Oxfordshire Council and meet with staff there. These subsequent visits took place on 6th May 2022. Some information on application process and procedures was shared prior to the visits, However, this report is based primarily on the outputs of discussions with team members and their managers.

1.5 All those interviewed were friendly and welcoming and engaged fully with the process and are thanked for providing their honest opinions and feedback.

## **2. BACKGROUND**

2.1 All three Councils are performing comparatively poorly in terms of the speed of determination for non-major applications. Performance for the period January 2020-December 2021 is 73.5% against a minimum required level of 70% at Forest of Dean. The Council is ranked 311<sup>th</sup> out of 341 local planning authorities nationally. Cotswold is 314<sup>th</sup> (72.9%), whilst West Oxfordshire are 316<sup>th</sup> (72.8%). Against this background, PAS has been asked to provide support to improve performance against and to consider best practice for the planning services delivered by Publica.

2.5 These performance issues have undoubtedly been exacerbated by the impacts of Covid and the need to adapt to remote working, as well as a significant upturn in the number of applications being submitted.

2.6 Caseloads remain high and like many other local planning authorities, each of the Councils has struggled to recruit suitably qualified and experienced planning officers to permanent posts in recent times.

2.7 Whilst each staff team identified specific issues and areas for improvement relating to their own district, there were a number of common themes identified.

2.7 The consultant, in consultation with Phil Shaw (Business Manager, Development Management) has identified six priority areas where improvements are sought. These are: addressing issues associated with consultation; the delivery of a more customer focussed service; pre-application advice and development of a strategy for negotiations; validation processes; performance monitoring and reporting; and attitude to risk.

## **RECOMMENDATIONS**

**R1 Work with other services to highlight the importance corporately of timely decision-making in planning and identify where the process can be improved including exploration of a more risk-based approach to whether applications can be determined without waiting for consultation responses and where the introduction of standing advice might help improve performance**

**R2 Ensure that all staff prioritise the provision of progress updates using extensions of time as the primary method to do so (in such circumstances where an extension may be required). Extensions of time should be requested in all cases where the application will not be able to be determined within the statutory target. This recommendation should be supported by a customer protocol to explain this revised more customer focused approach to service delivery.**

**R3 Consider giving priority to those cases that have been subject to pre-application engagement whilst taking a more robust approach in other cases; together with a review of pre-application charges to ensure that they are covering the full cost of providing the service**

**R4 Review management information to reduce reliance on officers devising their own mechanisms (Maximise the use of the Enterprise to provide a range of performance information).**

**R5 Undertake a review of areas of the service at each Council where greater alignment might be achieved and to identify areas where a less risk averse approach might improve service delivery generally. Areas for review to include consultation and notification, officer reports (including their checking) and issuing of decisions**

### **3. ADDRESSING ISSUES ASSOCIATED WITH CONSULTATION**

3.1 Consultation delays were identified as being the key constraint to timely decision-making by all three Councils. Delays to determination associated with ecology responses were a particular concern raised at Forest of Dean, whilst drainage was a major issue for West Oxfordshire. It was acknowledged at all three sites that the approach currently taken to consultation is risk averse and that a more proportionate approach at validation stage might reduce the number of consultations being undertaken and the scale of the issue as a result.

3.2 Whilst consultees generally respond to initial consultation in a timely manner, responding to the additional information requests is considered to be extremely slow, with many applications being delayed for several months. If additional information is sought, it is inevitable that the application will not be determined within the eight-week period. It is understood that monitoring of performance only looks at the initial responses and therefore the extent of the problem has been largely hidden

3.3 It was suggested that whilst the importance of timely decision-making in planning is recognised corporately, this does not appear to be reflected in the priority given to responding to planning consultations by other Council services. Within the sample of applications reviewed several applications were delayed by several months awaiting consultation responses. Whilst the planning teams have sought to find solutions to improve turnaround times, performance in this area is largely beyond their control. Therefore, corporate recognition of the importance of timely decision-making in planning needs to be translated into prioritisation of such work across other Council services if performance is to improve.

3.4 The planning teams claimed that they try to take a pragmatic view on whether applications can reasonably be determined without waiting for outstanding consultation responses. However, reference was made to a general unwillingness from Councillors to make decisions in the absence of a final consultation response at both Forest of Dean and Cotswold. In order to speed up the process and reduce the burden of work for consultees it is recommended that the number of consultations undertaken be reviewed and a more risk-based approach taken.

3.5 The production of standing advice can act as a useful way of ensuring technical issues are addressed, whilst reducing the workload for consultees. Whilst there will always be cases where

bespoke advice is required, the introduction of more standing advice could have a major impact upon the speed of determination in many instances.

#### **4 THE DELIVERY OF A MORE CUSTOMER FOCUSSED SERVICE**

4.1 Each of the three Councils have traditionally performed well against its planning performance targets. However, for a variety of reasons as has already been set out, performance has declined recently, with decisions on non-major applications routinely taking longer than eight weeks to determine.

4.2 Planning is no different to other customer facing services, whereby those seeking a service should have a right to expect to be kept up to date on progress of their application, particularly in circumstances where the timescales become protracted. The use of an extension of time is the appropriate mechanism to agree a programme for the determination of their application with the applicant or agent when it cannot be determined within the target time. Whilst the Councils should not find themselves in such a position whereby, they need to be used as a matter of course, they can be a key tool to be used in the delivery of good customer service. They are particularly useful when determination times are protracted (as they currently are for various reasons that are identified elsewhere in this report).

4.3 Planning staff, as well as their managers, acknowledge that insufficient focus may have been given to the need to agree the period for determination with the developer or their agent and to review this as may be required. Whilst individual case officers will vary in their responsiveness to customers, the overall impression is that keeping applicants apprised of progress and agreeing extensions of time has not been seen as a top priority. None of the Councils have traditionally seen the use of extensions of time as an integral part of service delivery. With resource issues and other matters (as outlined elsewhere) meaning that performance against an eight-week target has declined, the need to agree extensions of time as a fundamental part of customer liaison has not been appreciated. The reviewer got a clear impression that use of extensions of time had in effect been seen as 'cheating' ie. a means of hiding poor performance. If the Councils are failing to determine applications within the statutory target and not agreeing extensions of time, it is inevitable that performance against the relevant target will suffer.

4.4 An unwillingness to agree extensions of time on the part of developers has not been identified as being a significant contributor to the decline in performance when measured against the 70% target for the determination of non-major applications. Issues around staff vacancies, staff absences during Covid and the need to adapt to new ways of working as a result of Covid restrictions were all identified as having a greater detrimental impact upon performance. In these circumstances, the need to agree extensions of time where necessary must be given a higher priority.

4.5 A more structured approach to liaison with applicants and their agents, that sets out expectations in terms of determination timescales, could be incorporated into the initial acknowledgement letter, confirming that the Council will be proactive in requesting an extension

of time prior to expiry should this prove to be necessary. Applicants should be made aware of likely decision times and extensions of time should be agreed when both parties agree it is appropriate, and in all cases well in advance of the decision. Whilst this approach should reduce the need for developers and their agents to chase progress, the letter could include the case officer details with their working patterns included to enable them to be contacted if required.

4.6 The Council should seek to publish as much information as possible on its website to minimise the need for direct customer contact. West Oxfordshire operate an alert system, which could be further developed and applied to the other Council areas.

4.7 This revised approach to customer interaction would benefit from being set out in a 'customer protocol' to be shared at an Agents forum as a reset in the relationship between agents and their Council. To encourage the take up of extensions of time the Councils may also wish to consider whether priority is given to those cases where the determination will be in accordance with the target or where an extension of time has been agreed.

4.8 Information on performance should be shared with the team and should be discussed at team meetings as well as part of individual performance assessments and 1-2-1s.

## **5. PRE-APPLICATION SERVICE AND THE DEVELOPMENT OF A STRATEGY FOR NEGOTIATIONS**

5.1 All three Councils take a similar approach in seeking to negotiate a positive outcome wherever possible. However, it is questioned whether the approach currently demonstrates best use of a limited resource.

5.2 The Councils see their pre-application advice service as a key component of the delivery of a positive and proactive planning service. Pre-application engagement is encouraged and prioritised accordingly.

5.3 However, the ethos of seeking solutions to enable the granting of permission wherever possible also extends to those proposals where the developer has not engaged pre-application, or failed to take advice. Therefore, it is questioned why a developer would pay for a 'pre-app' if the Council is still going to seek to negotiate a positive solution with them even when they have declined early engagement.

5.4 Whilst a desire to get to a position where a planning permission can be granted wherever possible is a laudable one, the current approach would appear unsustainable based upon the resources available and is undoubtedly a contributory factor in the failure to meet performance targets. In order to encourage an increase in take up of pre-application engagement and enhanced performance in the determination of non-major applications, the Councils may wish to consider restricting negotiation following the submission of an application to cases where the developer has first sought and responded positively to pre-application advice. Other applications would then generally be determined based upon the merits of the proposal as submitted. This

more robust approach would reduce the amount of officer resource taken up with negotiation significantly as well as giving further emphasis to the importance of pre-application engagement. It is important that any change in approach be communicated to developers and also gets buy-in from elected members in advance of its implementation.

5.5 All of the Councils now charge for a pre-application service, although it is understood that Forest of Dean have only recently started charging. If it is deemed not to be a subsidised service, it is important that charges reflect the true cost of providing the service. It would not appear that this is always the case. The DM Challenge Toolkit advises Councils to ask applicants what services they would benefit from; to undertake a time recording exercise to establish the actual cost of particular pre applications and set fees accordingly; to seek customer feedback on value for money; benchmark with similar Planning Authorities to identify appropriate costs. It also advises that fees should be reviewed at least annually using an inflationary measure (e.g. RPI) as a benchmark for price rises.

## **6. VALIDATION PROCESSES**

6.1 Validation is undertaken by a centralised validation team. Whilst there are clearly resource and resilience issues within this team currently, the general approach to validation appears to be a sound one. Indeed, the resource and resilience issues would likely to have been far greater without the adoption of a shared service approach. Whilst staff at Cotswold District Council explained benefits from their previous approach whereby the case officer was responsible for the validation of their applications, the principle of freeing up case officer time in times of constrained professional resource is a sound one and there is no reason why the current approach cannot be successful. At West Oxfordshire the allocating officer is responsible for identifying the consultees. Adoption of this approach elsewhere might address many of the concerns raised around validation becoming a 'tick box' exercise.

6.2 Concerns were also raised around errors occurring in the validation process. The resource and resilience issues leading to limited capacity for training may well be a contributory factor in the number of issues occurring at this point in time. However, resolution of the current resilience issues should alleviate the problem as perceived and does not suggest the need for the adoption of an alternative approach to validation. Up to date and consistent validation checklists will also help to reduce the number of errors being made. It will be important to get buy-in from all staff to this new approach to validation (particularly as this represents a radical shift from that previously applied at Cotswold).

## **7. PERFORMANCE MONITORING AND REPORTING**

7.1 Information available to monitor performance and identify deadlines is generally considered to be poor at each Council, relying on officers and managers to invent their own systems. Deadlines are inevitably being missed simply because staff and their managers are unaware of them. The implementation of Enterprise needs to resolve this issue, with less reliance on officers

to identify their own deadlines and giving managers better information with which to monitor individual staff performance.

7.2 The DM Challenge toolkit identifies a good planning service as one that regularly monitors the statutory performance measures (at least every month), has a variety of qualitative and quantitative performance measures that are important to the Planning Authority including a customer feedback performance target. In order to improve performance in this area, performance information needs to be readily at hand and officers alerted when extensions of time need to be agreed. As is recommended in the Toolkit, the Council is advised to review management information to reduce reliance on officers devising their own mechanisms (Make use of the Planning software to provide performance information/Different staff need different information). A system also needs to be in place to ensure that extension of times are being recorded accurately. Data needs to be in real time, including standard workload reports for each officer that can be run at any time. Reports need to be able to be easily read and explain performance through the use of graphs, comparisons etc.

7.3 The lack of readily available real time performance information is seen as having been a major constraint to performance for both case officers and those who manage them. The introduction of Enterprise provides the ideal opportunity to incorporate high quality real-time reporting and alerts. The DM Challenge Toolkit states that 'project management software should allow an officer to understand whether their application is on track eg. A traffic light system'. The availability of information for all staff should also help to reduce the reliance upon case officers to inform applicants and other interested parties of their application's progress towards determination, as well as helping officers manage their own caseload. Greater use of staff other than the case officer to provide updates should be able to be more effective if the necessary information is easily accessible. There is already some good practice at West Oxfordshire in terms of alerts and notifications, which could be applied more widely.

7.4 Enterprise should provide quarterly information on applications received and applications that are valid (the numbers to be broken down into gross number and by case officer and not yet validated/invalid/valid, plus what type of application they are). There should be the ability to run a report by each area for all of the team to compare performance across the teams. It should outline the number of applications determined/how long it has taken for them to be determined to include where an extension of time has been agreed, as well as data on pre-apps, appeals and fee income.

7.5 This access to performance data should enable more informed performance management practices to be applied. This does not always appear to have been the case previously and represents a huge opportunity to improve overall team performance.

## 8. ATTITUDE TO RISK

8.1 There are areas where each of the Councils appeared to the reviewer to be overly risk averse. Staff at each of the Councils recognised this and that in light of limited resources a more risk-based approach could be applied. The reviewer is aware that Cotswold DC undertook a process re-engineering exercise prior to the formation of the Publica partnership. The general impression given by those staff who spoke to the reviewer there was that the 'Cotswold approach' had been successful in delivering a high-quality service. However, whilst there may be some reluctance to move away from what was perceived as being good practice, the realities around resources and a desire to align the three services would indicate the need to undertake a wide-ranging review to determine where greater risk might be taken to improve speed and efficiency and ensure that limited resources are being best utilised.

8.2 West Oxfordshire District Council have adopted an approach whereby site notices are relied upon, and individual householders are not notified of proposals directly. This undoubtedly represents a considerable saving in time and money, and it was suggested has not reduced public participation. Whilst this approach may not be seen to be appropriate by the other Councils, other options to publicise applications more cheaply and effectively could be explored.

8.3 In response to Covid restrictions, many local planning authorities have begun to rely upon applicants to display site notices and to provide evidence of doing so in the form of a photograph. This approach will normally result in the site notice being displayed more quickly and can also avoid the need for the case officer to undertake a site visit in certain circumstances.

8.4 Whilst it is important that officer reports provide enough information to understand and justify the recommendation made, there was a recognition at both Cotswold and Forest of Dean that a risk averse approach was leading to reports that were comprehensive in terms of their content even for relatively straightforward proposals. The DM Challenge Toolkit advises Councils to create different report templates for different types of applications e.g. householder, minor commercial, minor residential, major etc. The officer report follows a template and the template changes depending on the type of application and the decision made. Reports for householder applications can be very short unless the decision is to refuse or a Planning Committee item. Major application reports will need to include additional information such as S106 requirements. If an application is being refused it is helpful if it is written in a form that can be used as a written representations appeal statement or sent to the Planning Inspector without any further additional information. The Councils are advised to use best practice to design a number of templates for different types of applications and decisions, including a tick box report for very straightforward householder applications.

8.5 The use of standard wording can ensure that officers include key information e.g. housing supply, Equality Act, Human Rights Act etc. At Forest of Dean in particular, an impression was given that officer reports were being checked in detail by managers (including checking of spelling, grammar etc.). This does not represent best use of managers time and a lighter touch approach could be taken. However, it will be incumbent upon case officers to be more rigorous in

their own checking in future, rather than knowing that if they make an error, someone else will correct it. It is hoped that case officers would respond to a culture where officers have greater responsibility for their own decisions in a positive fashion.

8.6 In order to minimise delays in the issuing of decisions, it is important that a number of senior officers are authorised to sign off decisions.

8.7 At Forest of Dean in particular, the process for the issuing of decisions appears unnecessarily complex. If the report has been signed off by a senior manager, there would seem to be no reason why it then has to be referred back to the case officer for a further check before it is issued. Removal of this additional handover would reduce the potential for delay.

8.8 When considering adopting a greater attitude to risk, it will be important to get buy-in to new ways of working from the staff at each Council. Moreover, it will need to be explained to Councillors that a more risk-based approach is essential if performance is to be improved. Individual officers should not be criticised unduly should more mistakes occur as a result.

8.9 The scheme of delegation at Cotswold DC allows for Councillors to call applications in to the Planning Committee at the end of the process, meaning that almost inevitably those applications will not be able to be determined within the statutory time period. This is not seen as being good practice and it also unnecessarily extends the period of uncertainty for all parties involved. It is recommended that consideration be given to revising the time period for call-in to align with that for representations (ie 21 or 28 days from the date of notification).

## **9. CONCLUSION**

9.1 During the most recent assessment period none of the Councils are performing well when judged against the government's performance target in relation to non-major applications. Whilst this can, in part, be attributed to an increase in the number of applications being submitted, resource issues and the need to respond to Covid19 related challenges, these are issues are equally being faced by a significant proportion of Councils across the country. Therefore, it is important that performance is improved to ensure that none of the Councils become at risk of designation as well as improving the service provided to developers more generally.

9.2 A step change in terms of the priority the Councils gives to agreeing timescales for determining applications with applicants and agents, based upon a far more rigorous approach to seeking extensions of time should deliver demonstrable improvement to performance in the period to the end of 2022. The implementation of the other recommendations in this report will assist the Councils in reducing overall determination times resulting in the need to agree extensions of time becoming a less frequent requirement in the future.

*PAS Development Management Challenge Toolkit*

<https://www.local.gov.uk/pas/development-mgmt/development-management-challenge-toolkit>

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# **Consultation Protocol**

Making a good planning decision relies upon being well-informed. As such, effective consultation with other stakeholders and consultees is essential if well-informed decisions are to be made. However, this can lead to a tendency to over consult (as a safety net) and to wait for every consultee to reply before issuing a decision. This is inefficient and causes unnecessary delay and the PAS report of May 2021 identified these delays as being a major component in inhibiting timely determination of applications. This document sets out the roles and responsibility of those engaged in consulting upon applications and subsequently considering those responses with a view to ensuring that consultation is effective, efficient and targeted at securing the right information whilst not delaying determination unless that is essential for legal or other reasons

## **Admin/Validation Team**

Undertake the Statutory consultations as per the GPDO

Use the "Who to consult list" to sense check and input non stat consultees

Check with a planner/Heritage Officer if unsure or it is an unusual application

Over consult rather than under consult at the initial stage if there is any doubt

If amended plans require re-consultation check with officer if same list is appropriate or if it can be more targeted

## **Planning Officer/Heritage Officer**

Upon receipt of file, check who was consulted by admin/ validation and add any missing ones if required

Chase late responses for Statutory consultees as part of case management to ensure they are received in good time

Reconcile competing responses with the consultees at the earliest opportunity eg is the hedge that highways want removing the same one the ecologists are saying must stay?

When the 21 day consultation period has expired make a conscious decision as to whether any outstanding responses are 'nice to have' or 'need to have' before decision can be made. This will in part be based on a professional judgement as to what is key to the decision ( eg safety or legal necessity). Ask the question as to whether anything the consultee could say would be likely to change the recommendation and if not proceed to determine the application. Address the lack of response from the consultee and assess the pertinent issue in the case officer's report.

When assessing conditions that are being suggested by consultees, ensure that they meet the 6 tests set out before a condition can be imposed and in particular that they do not unnecessarily ask for more info that we should dictate now ie can we prescribe what is required as opposed to asking for details and hence causing additional work and delay. If conditions are to be changed check back with the consultee to explain why that is the case

When considering a consultee based refusal if we are going to seek support from a specialist consultee at Appeal we need to ensure that they are happy with the reason even if they are only lack of info

## **Signing Off Officer**

Sense check the above and issue decision

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## Negotiating Submitted Applications

### Procedure Note 2023

Overall, the vast majority of planning applications received are granted permission and a significant number of these will involve some form of negotiation.

Negotiations during the course of an application are an important part of the planning process. They enable schemes to be amended and improved to:

- meet the requirements of technical consultees & policies
- address responses of neighbours, consultees, Town/Parish Councils and Councillors
- allow for a pragmatic response to the needs of developers/applicants
- ensure that, together, we maximise the opportunity to deliver the best possible schemes.

The facility to make amendments is, however, not an alternative to a properly thought through and prepared application. The preference, in accordance with national Planning policy & best practice, is for negotiation to take place before the application is submitted - as this speeds up the process. We encourage discussions via our pre-application advice service. Pre-application advice will generally give more certainty at an earlier stage and help resolve issues so that speedier decisions can be made when the application is submitted.

A key part of every planning case officer's role is to make a recommendation on the acceptability or otherwise of any planning application. Having considered all relevant factors, the case officer might conclude that the proposal is unacceptable for a number of reasons. In this case a further judgement is required on whether negotiations are appropriate to be carried out in an attempt to make the scheme acceptable or whether the application should instead be refused.

#### **When we negotiate**

A number of factors will influence this judgement, but the main ones are policy considerations and the scale and nature of the amendments required.

Planning applications under consideration typically fall into one of the following categories:

1. Scheme acceptable as submitted - **Approval without negotiation**
2. Scheme fundamentally unacceptable as submitted - **Refusal without negotiation**

If the proposal is clearly contrary to policy for example, it is unlikely that negotiations can overcome this. In these cases, the planning case officer will proceed to progress the application to a determination. Similarly, if the scheme is substantially sub-standard, perhaps in a number of different respects, the presumption is that it will be progressed towards a decision without negotiations being undertaken. The reasons for refusal will advise the applicant or agent what the problems are so that they can seek to address these in a re-submitted application, if they wish to do this, or to give them the earliest opportunity to seek review of the decision via the Appeal process.

3. Scheme unacceptable as submitted but needs only minor amendments to make it acceptable which would not materially alter the application and which would (generally) not require re-consultation – **Approval following negotiation.**

If the scheme only requires a relatively minor change to make it acceptable, the presumption is that negotiations will be undertaken to obtain satisfactory amended plans before the application is put forward for a decision. Whether any amendments are considered to be 'minor' is addressed in more detail below.

4. Scheme is unacceptable as submitted but needs minor amendments or further information to meet the objections or concerns of a consultee and no other third parties need to be reconsulted – **Approval following negotiation.**

Sometimes, people who are consulted on an application (including external consultees such as the Highway Authority, Environment Agency, Natural England, etc and internal consultees such as other Council departments) require changes to be made to the plans or additional information to be submitted. In cases such as this, negotiation and amendments may be acceptable in certain cases and this is addressed in more detail below.

**How do we assess if a scheme needs only minor amendments?** (see point 3 above)

In the first instance we ask two questions;

Q1 - would the amendment materially alter the application? If YES, a fresh application is needed and amended plans will not normally be accepted.

Q2 – would any re-consultation with the Town or Parish Council or neighbours on any amendment be needed? If YES, a fresh application is normally needed and amended plans will not be accepted.

Whether the amendments comprise a material alteration and/or whether re-consultation is needed is a matter for the planning case officer. It depends on the nature and scale of the amendments and any comments that have been received from third parties. The Council will consider the use of extensions of time should it be considered appropriate to do so to progress a scheme, but the Council will normally only accept a single amended set of plans to overcome any issues raised by officers in such circumstances.

Some common examples where **amendments will not normally be accepted** are set out below;

- Significant changes to the character or appearance of the development eg
  - Design changes that have a singular or cumulative material impact on any neighbours or the public realm
  - Changes to the application site boundary
  - Significant changes to the site layout
  - Significant changes in scale such as the increase in the footprint of a new building or extension
- Material changes to the description of the development (other than removing elements from the scheme):
- Addition of new elements to the originally submitted proposal eg
  - Additional extensions
  - Additional openings facing neighbouring properties
  - Additional information such as Traffic Impact Assessments
  - Additional survey work such as ecological surveys

Please note we will generally accept minor amendments (without re-consultation) to an application where those amendments are made to address the concerns of respondents or where the details of the amendments have been clearly presented at Committee and have been accepted as being required to reach a decision.

**When will we accept amendments to address the concerns of a consultee?** (see point 4 above)

In the first instance we ask three questions;

Q1 – Can the amendment/additional information be provided within the statutory time period for determination (or a single agreed extension of time eg to meet a consultee timeframe)?

If the answer is YES, we move to Q2. If the answer is NO, amended plans and/or additional information will not be accepted

Q2 – Can the comments of the consultee on the amendment/additional information supplied also reasonably be received within the statutory timeframe (or agreed extension of time)?

If the answer is YES, we move to Q3. If the answer is NO, amended plans and/or additional information will not be accepted

Q3 – Will anyone other than the consultee need to be re-consulted?

If the answer is YES, amended plans and/or additional information will only be accepted at the discretion of the planning case officer or Development Manager.

### **What happens if we ask for amended plans or to provide additional information?**

If we seek to amend plans and the case officer confirms that they will accept such amendments as part of the current application, the case officer will give a date by which to submit the plans and any additional information.

If the amendments are not received by the date given, we will generally determine the application as it stands.

We will not accept amendments after the date given by the case officer.

The dates given by the case officer will vary according to the case officer's workload and priorities at the time. In some cases the time period given for amendments to be submitted may be short. In all cases we will try our best to advise applicants of the need for amendments as early in the process as possible.

The expectation is that only one round of negotiation and, if necessary, re-consultation with a consultee, will be entered into per application. Similarly endless extensions of time is unfair to third parties and so the expectation will be that only one such extension will be agreed.

Applicants and agents to be encouraged NOT to submit amended plans unless invited to do so by the case officer. If amended plans are received without being requested, it is a matter for the discretion of the case officer whether those plans are accepted or not.

**NB No guidance note can cover all eventualities. In some circumstances ( eg to avoid an appeal/for political or procedural or practical reasons etc) , exceptions to the above approach may therefore be allowed at the discretion of the relevant Principal Officer or Development Manager.**

<b>DEVELOPMENT MANAGEMENT – PRE-APPLICATION &amp; DISCRETIONARY FEES (April 2023)</b>		
<b>PROPOSED FEE LEVELS FOR PRE-APPLICATION (AND RELATED) ADVICE (April 2023)</b>	<b>Fee (VAT included)</b>	<b>Notes</b>
<b>Advice category</b>		
Is planning permission required? (to include a search of our records to ascertain whether permitted development rights have been removed)	£75	The Planning Portal provides guidance on the need for planning permission for the majority of development types and proposals, and customers are advised to use this tool prior to contacting the Council for advice on whether planning permission is required.  If a formal decision is required, an application for a Lawful Development Certificate for a Proposed use or development should be submitted.
Is listed building consent required?	£100	If a formal decision is required, an application for a Certificate of Lawfulness of Proposed Works to a listed building should be submitted.
Is a building or structure considered to be curtilage listed?	£100	If a formal decision is required, an application for a Certificate of Lawfulness of Proposed Works to a listed building should be submitted.
Has a planning condition or S.106 legal agreement clause been complied with?	£50 (+ 50 ph) for complicated requests – taking more than 1 hour to be agreed in advance)	For many queries relating to compliance with planning conditions, the customer is able to self-serve (from web and paper files) to find this information.

Simple householder advice (does not include advice relating to development proposals for listed buildings)	£75	Covers simple queries relating to the acceptability of householder development proposals. The response will be brief and will not include a site visit or a meeting and covers a maximum of 2 hours officers time.
Complex householder advice (including advice relating to development proposals for listed buildings)	£500 +£75 if a site visit is required	More comprehensive advice that may require the input of more than one Officer. It is sometimes not necessary to hold a meeting or to carry out a site visit and attendance at a site visit or a meeting will be at the discretion of the Council; however there will be an additional site visit fee. This service includes (including meetings and travel times should they be outside the office) 10 hours of case officer time (Including 2 hours of Specialist time where required).  The response will consist of a written response (or alternatively, with agreement, by feedback at a meeting).
Each subsequent hour of officer time above the stated limit (to be agreed in advance) including specialist officers time.	£50	
Any subsequent response to further amendments	£200	
Any subsequent meeting or site visit	£150	
Minor development		
<ul style="list-style-type: none"> <li>1 dwelling (including replacement dwellings and holiday let/tourist accommodation)</li> </ul>	£660	Comprehensive advice that is likely to require the input of more than one Officer. It is sometimes not necessary to hold a meeting or to carry out a site visit and attendance at a site visit or a meeting will be at the discretion of the Council; there will not be an additional fee for the initial site visit. The fee stated is for a maximum of 10 hours officers (including specialists) time (meetings and visits inclusive) and any additions will be charged as above.  The responses will consist of a written response (or alternatively, with agreement, by verbal feedback at a meeting).
<ul style="list-style-type: none"> <li>Provision of up to 200 square metres of floor space for other uses e.g. equestrian/retail/commercial/industrial/mixed development</li> </ul>	£300	

		The same fee will apply for requests for pre-application advice on reserved matters details.
Additional hour(s) of officer time (including specialist officers) to be agreed and paid in advance	£50	
Any subsequent response to further amendments	£150	This fee will be to review any revised plans or documents and is limited to 2 hours of officer time.
Any subsequent meeting	£250	
Minor development		Comprehensive advice that may require the input of a number of Officers. It is sometimes not necessary to hold a meeting or to carry out a site visit and attendance at a site visit or a meeting will be at the discretion of the Council; there will not be an additional fee for the initial site visit or meetings contained within the time limit.
<ul style="list-style-type: none"> <li>• 2 - 9 (inclusive) dwellings (including replacement dwellings and holiday let/tourist accommodation)</li> </ul>	£1,000	
<ul style="list-style-type: none"> <li>• Development of less than 0.5 hectares for residential use (if number of dwellings/units is not known)</li> </ul>	£500	The response will consist of a written report (or alternatively, with agreement, by verbal feedback at a meeting).
<ul style="list-style-type: none"> <li>• Provision of 200-1,000 square metres of floor space or 0.5 hectares for other uses (where floorspace not known) e.g. equestrian/retail/commercial/industrial/ mixed development</li> </ul>	£500	For those sites where floorspace or housing numbers are not known, general in principle advice will be given commensurate to the amount of information provided to the Council.
<ul style="list-style-type: none"> <li>• Development of land for other uses e.g. equestrian/retail/commercial/industrial/mixed development use with a site area of upto 1 hectare</li> </ul>	£500	
<ul style="list-style-type: none"> <li>• Change of use of land or buildings</li> </ul>	£500	These fees are limited to 10 hours officer (including specialist) time (meeting and initial site visits included) and additional fees will be charged as stated but agreed in advance with clients.

Additional hour (s) of officer and specialist time (to be agreed and paid in advance)	£60	
Any subsequent response to further amendments	£150	
Any subsequent meeting	£250	
<p>Major applications (other)</p> <ul style="list-style-type: none"> <li>• 10 – 199 (inclusive) residential units</li> <li>• Residential development (where the proposed number of units is not specified), with a site area of 0.5 hectares or more and less than four hectares</li> <li>• Provision of 1,000 - 9,999 square metres of floor space for other uses e.g. equestrian/ retail/ commercial/industrial/ mixed development</li> <li>• Development of land for other uses e.g. equestrian/retail/commercial/industrial/mixed development with a site area of one hectare or more and less than two hectares</li> </ul>	£2,000	<p>For major applications, we encourage applicants to use <a href="#">Planning Performance Agreements (click the link for further information on PPAs)</a>.</p> <p>Comprehensive advice that may require the input of a number of Officers. It is sometimes not necessary to hold a meeting or to carry out a site visit and attendance at a site visit or a meeting will be at the discretion of the Council; there will not be an additional fee for the initial site visit.</p> <p>The fee includes 15 hours of officer (including specialists) time and any additional time will be billed as per the schedule.</p> <p>The response will consist of a written response (or alternatively, with agreement, by verbal feedback at a meeting).</p>
An hour of additional officer (including specialist) time (to be agreed and paid in advance)	£75	
Any subsequent response to further amendments	£250	
Any subsequent meeting	£500	
Major applications		For major applications, we encourage applicants to use <a href="#">Planning Performance Agreements (click the link for further information on PPAs)</a> .

<ul style="list-style-type: none"> <li>• 200 or more residential units</li> <li>• Residential development (where the proposed number of units is not specified) with a site area of four hectares or more</li> <li>• Provision of 10,000 square metres or more of floor space for other uses e.g. equestrian/retail commercial/ industrial/ mixed development</li> <li>• Development of land for other uses e.g. equestrian /retail /commercial / industrial / mixed development with a site area of two hectares or more</li> </ul>	£4,000	<p>Comprehensive advice that may require the input of a number of Officers. It is sometimes not necessary to hold a meeting or to carry out a site visit and attendance at a site visit or a meeting will be at the discretion of the Council; there will not be an additional fee for the initial site visit.</p> <p>The response will consist of a written response (or alternatively, with agreement, by verbal feedback at a meeting) and will contain 25 hours of officer (including specialists) time with additional to be as below and agreed and paid in advance.</p>
Any subsequent response to further amendments	£500	
An hour of additional officer (including specialist) time (to be agreed and paid in advance)	£100	
Any subsequent meeting	£750	
<b>DEVELOPMENT MANAGEMENT – Other Discretionary fees</b>		
General Policy/CIL/S106 related Advice	£150 per hour of officer time.	For those requests that will be longer, the fee will be agreed in advance.

Annex E

General Planning or other related advice not covered above	£100 per hour	
Assistance with filling in a planning application form or other related planning document.	£75 per hour	This is to assist members of the public in filling out forms only and can be done via telephone, email or if agreed in advance in person.
Admin charge for applications not submitted on the Planning Portal i.e postal or email.	£25 per application	This charge is to cover the extra time taken to upload applications to the system and any associated printing etc. Please note the Portal charges a similar fee.
Charging for invalid applications (that have not been made valid within 28 days or as indicated/agreed by the Councils validation team).	Householder, advertisements Certificates of Lawfulness & Prior notifications - £50  Minor Applications - £100  Major Applications - £200	The charge is to cover admin costs for corresponding, processing, assessing the validity etc of un-progressed planning applications. The charge will be taken out automatically of any fee to be returned with the application.
Copy of Decision Notice, TPO, Appeal Decision Notice, Enforcement Notices, S111 etc	£30 per document	Most of these are available via self service, The Council will sign post requests to this free option but if officers are required to print, find or sent such documents then the charge will be implemented in advance of delivery.
Copy of S106 or Agreement	£50 per document	See above.

<p>Charges for paper copies of applications</p>	<p>Charge per whole application should all documents be requested.</p> <ul style="list-style-type: none"> <li>• £25 per Householder</li> <li>• £50 per Minor/Other</li> <li>• £100 per Major</li> </ul> <p>Charges per plan are based on the costs to copy and send out the document and are per sheet.</p> <p>A0 - £8.00  A1 - £7.00  A2 – £6.00  A3 - £5.50  A4 - £4.50  A4 – subsequent copies £0.50</p>	<p>Planning applications are available online to view, and can be printed at home or at any other location. The Council will sign post requests to the website for self service but should paper copies be required then the charges here apply. The costs set out here are to cover the time, equipment and postage incurred by the Council for distributing copies of such documents.</p>
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**Pre 2023 pricing Schedule**

**Types of development and fees**

All costs will have 20% VAT added. If there are any other additional fees, for example, for specialist advice, we will let you know.

Type of development	Initial meeting or written response	Additional response	Additional meeting	Meeting on site
Major 200 or more units	£2180	£163.50	£545	£218
Major 10 to 199 units	£1090	£163.50	£545	£218
Minor 1 to 9 units	£500	£100	£150	£200
Complex applications	£545	£109	£163.50	£219

# Agenda Item 12



**COTSWOLD**  
DISTRICT COUNCIL

Council name	<b>COTSWOLD DISTRICT COUNCIL</b>
Name and date of Committee	<b>CABINET 19th JUNE 2023</b>
Subject	<b>GREEN ECONOMIC GROWTH STRATEGY - SIX MONTHLY UPDATE</b>
Wards affected	All
Accountable member	Cllr Tony Dale, Cabinet Member for Economy and Council Transformation Email: <a href="mailto:tony.dale@cotswold.gov.uk">tony.dale@cotswold.gov.uk</a>
Accountable officer	Andy Barge, Assistant Director - Communities Email: <a href="mailto:andy.barge@publicagroup.uk">andy.barge@publicagroup.uk</a>
Report	Paul James, Economic Development Lead Email: <a href="mailto:paul.james@cotswold.gov.uk">paul.james@cotswold.gov.uk</a>
Summary/Purpose	To update Cabinet Members on the progress in delivering the Council's Green Economic Growth Strategy
Annexes	None.
Recommendation(s)	<ol style="list-style-type: none"> <li>1) <i>That progress in delivering the Green Economic Growth Strategy is noted.</i></li> <li>2) <i>That a review and refresh of the Strategy is undertaken in light of progress to date, the Administration's priorities following the elections in May 2023 and the emerging Gloucestershire Economic Strategy.</i></li> <li>3) <i>That future updates on the Green Economic Growth Strategy are dealt with via Member briefings rather than a report to Cabinet, unless a formal decision is required.</i></li> </ol>
Corporate priorities	<ul style="list-style-type: none"> <li>● Enable a vibrant economy</li> <li>● Responding to the climate crisis</li> </ul>
Key Decision	NO



Exempt	NO
Consultees/ Consultation	Cotswold Economic Advisory Group

## 1. BACKGROUND

- 1.1 The Council's Corporate Strategy identifies the need to "enable a vibrant economy" as a key priority. To this end, Cabinet approved a draft Green Economic Growth Strategy for consultation in October 2020 and, following amendments made as a result of the consultation, it was adopted by Cabinet in December 2020. The Strategy covers a four year period from adoption and the report by the Cabinet Member undertook to provide six monthly updates to Cabinet. This report is the fifth such update. It is recommended that future updates are dealt with via Member Briefings rather than Cabinet reports in order to free up space on future Cabinet agendas.
- 1.2 It is also worth reminding Cabinet that they approved the establishment of the Cotswold Economic Advisory Group to oversee implementation of the actions contained within the strategy. The Group meets five times a year, bringing together key stakeholders, and provides a valuable source of guidance and challenge.

## 2. PROGRESS UPDATES

- 2.1 The Strategy set out a number of different themes and progress against each of them is set out below.

### Growing key sectors

- 2.2 The strategy identified, in common with Gloucestershire's Draft Local Industrial Strategy (available at <https://www.gfirstlep.com/industrial-strategy/>), agritech, cyber/digital and green technologies as key growth sectors for the District. In terms of agritech, we have continued to work closely with the Royal Agricultural University (RAU). The strategy set out our belief that the RAU's Triangle/University Gate site should be used, consistent with its allocation in the Local Plan, for purposes which build on the status and reputation of the RAU. The RAU's new senior management team and Governing Council share the Council's ambitions and launched the 'Innovation Village' project in January 2023.
- 2.3 The plans for an Innovation Village, including research and education facilities, incubator and grow-on space, live/work units, a hotel and conference centre are now progressing through the design phase. With the Council's help, the RAU has secured £100,000 from the



Gloucestershire Economic Growth Joint Committee Strategic Economic Development Fund to enable project management support over the next two years to be put in place. An outline planning application for the site is expected to be lodged with the Council later in the year. To give an idea of scale, the development is estimated to have a Gross Development Value (GDV) of £100 million, making it one of the biggest developments in the District for some time. The Cabinet Member and Council Officers are part of a project stakeholder group which meets regularly to oversee the project.

- 2.4** Members will be aware of ZeroAvia, who moved to Cotswold Airport from Cranfield and are developing a hydrogen powertrain for aircraft. They have increased their headcount from 15 to 140 since moving to Cotswold Airport and are continuing to expand. The Council is keen to accommodate as much of their growth as possible within the District and are in discussions with the company and the airport to determine how we can assist. Indeed, the Council is working with the airport company and other stakeholders to promote the airport as a location for sustainable aviation businesses.

#### Town Centres

- 2.5** Town centres within the District continue to perform well compared with many others, but many businesses face a difficult time with rising costs and suppressed demand due to the cost of living crisis, so it is important that the Council and its partners continue to devote effort to assisting towns to evolve in the post-Covid world.
- 2.6** A vacant unit count in town centres was undertaken in early April. Vacancy rates in most towns remain relatively low, but have edged up in some towns, which is not entirely surprising as this is generally the toughest time of the year for retailers. Cirencester's vacancy rate rose to 5.4% from 4.8% last October, which compares with 11% in August 2021 and is much lower than the national average of 13.8%. A number of the vacant units in the town are either now let, under offer or being refurbished, including the former House of Fraser site.

#### Visitor Economy

- 2.7** Much of Cotswolds Tourism's work in recent months has been centred on working towards Visit England accreditation for a new Local Visitor Economy Partnership (LVEP) alongside other strategic partners from across the wider region. This new approach for destination management will bring forward opportunities to access specialist Visit England business support, potential funding and longer term bring the regional tourism organisations into a closer working collaboration. Key themes will cover accessibility, sustainability, skills, data and business support as well as focussing on continuing to work together to promote overseas and business events.



- 2.8** As a response to findings in the Sustainable Tourism Survey, Cotswolds Tourism recently held its first local connections event. This was a ‘speed dating’ event to introduce local accommodation providers (hotels and self-catering) to a variety of small local service providers ranging from soap makers to tour guides, gin makers to electric bike hire. Feedback has been very positive with many of the businesses now looking to work together.
- 2.9** There have been two Cotswold innovation workshop meetings organised by Gloucestershire Community Rail Partnership, bringing together Cotswolds Tourism, the Council’s Sustainable Transport Lead and a few businesses to scope short and longer term actions an expanded group could work on. This could link into the new LVEP sustainable transport action plan that will need to be developed from a tourism perspective.
- 2.10** Work continues to promote the area via media visits, digital engagement and highlighting new products to buyers and media. A recent Visit England media event, kindly supported by local business Larkswold supplying beeswax wraps and Cotswold Lavender giving free samples, showcased the region as an opportunity to focus on wellness and sustainable crafts.

#### Infrastructure

- 2.11** By far the biggest infrastructure project within the District is the A417 Missing Link. Preparatory work has started on site, with construction due to begin later in the year. Officers are continuing to liaise with National Highways (formerly Highways England) and Kier to ensure the opportunities for local contractors, labour and suppliers are maximised. Kier is presenting to the September meeting of the Cotswold Economic Advisory Group.
- 2.12** Broadband coverage in the District continues to edge up, with Superfast coverage (>30mbps) now at 97.8% and Gigabit ready/full fibre now at 57%. Gloucestershire County Council are working to address the issue of households who do not have access to broadband greater than 30mbps, by increasing the Fastershire Community Broadband maximum grant from £5000 to £7000 per household and launching the Gloucestershire Digital Household Grant Scheme, based on 4G technology, for those unable to apply for the Fastershire Community Broadband Grant.

#### Skills and Training

- 2.13** The new T-Level building at Cirencester College is now complete and an official opening took place. The College is now looking at further expanding the T-Level provision with additional student facilities on site and the Council has supported funding bids submitted by the College. The Council’s Local Investment Plan for the UK Shared Prosperity Fund includes funding in Year Three (2024/25) for support for people furthest from the labour market and for green skills.



#### Key sites and inward investment

- 2.14** In addition to the RAU Innovation Village site, Officers are working with the owners of a number of other key employment sites in the District to bring them forward. This includes the Fire Service College at Moreton-in-Marsh where there is an existing employment land allocation, and Cotswold Airport, where there is strong demand for new hangars for aviation-related uses, particularly around sustainable aviation. The Council remains in close contact with Bathurst Developments regarding the employment elements of The Steadings. A reserved matters application for the first phase of employment land has been received and at the time of writing is awaiting determination.
- 2.15** Officers have also been in regular contact with the new owners of the former Mitsubishi site at Watermoor, Cirencester which has now been rebranded as Watermoor Point. The site is proving very successful, with over 90% occupancy and providing an attractive business environment for more than 60 companies. A recent innovation is a brand-new co-working suite equipped with 40 large desks, specifically tailored for the needs of micro and hybrid businesses. The owners have also introduced an innovative and flexible co-warehousing solution, offering businesses a private, secure space within the warehouse, ranging from 1,000 to 10,000 square feet. Businesses also benefit from shared mechanical handling equipment and an on-site qualified forklift driver. Watermoor Point has been granted planning permission to install an additional 310 PV solar panels in addition to its existing 50kWh array, demonstrating its commitment to sustainability.

#### Business Engagement and Support

- 2.16** The Cabinet Member for Economy and Transformation and the Economic Development Lead continue to visit businesses in the District. This programme has been interrupted by restrictions in place during the pre-election period but arrangements are being put in place to restart it now the election period is over.
- 2.17** Members will be aware that Cabinet in March agreed to allocate funding from the UK Shared Prosperity Fund (UKSPF) to support the Growth Hub, based on the RAU Campus in Cirencester. One enhancement to the offer as a result of the UKSPF funding is that the Growth Hub will be able to operate an outreach service to support businesses throughout the District.

#### Government Funding

- 2.18** The Council successfully bid to the Government's 'Changing Places' fund and was awarded £162,500 to provide Changing Places toilet facilities for the severely disabled at four locations in the District - the Abbey Grounds in Cirencester, Cotswold Country Park and Beach near South Cerney, Birdland at Bourton-on-the-Water and Cotswold Farm Park at



Guiting Power. The facility at Cotswold Farm Park has been completed and Abbey Grounds is currently on site and will be the next one to open as part of a wider refurbishment of the public toilet provision in the park. It is anticipated that Birdland and Cotswold Country Park and Beach will both be completed in the current financial year.

**2.19** Members will recall that the Council was allocated £1 million over three years under the UK Shared Prosperity Fund (UKSPF). The Council's 'Local Investment Plan' was approved in December 2022 and various projects are either completed or underway as a result of this funding.

**2.20** In addition, in September 2022 it was announced that the Council had been allocated an additional £764,292 over two years under the Rural England Prosperity Fund (REPF), which is a capital-only fund. A report went to Cabinet in November and the Council submitted an addendum to its Local Investment Plan later in that month. The Council's submission was approved in April 2023. The REPF proposal allocates a large proportion of the funding for grants to businesses to support them with diversification, innovation and net zero infrastructure. A report on the Council's approach to the REPF appears elsewhere on the agenda.

#### Review of the Strategy

**2.21** As the strategy has now been running for two and a half years of its four year lifetime, now seems like an appropriate time to review it in light of the progress to date and the Administration's priorities over the next four years. A new Economic Strategy for Gloucestershire is currently being worked on by the County Council and GFirst LEP. The Council's Economic Development Lead sits on the task group for the Countywide strategy. The Economic Development Lead will undertake the review of the Council's Green Economic Growth Strategy in consultation with the Cabinet Member and other stakeholders such as the Cotswold Economic Advisory Group and will report back to Cabinet with the outcome of the review in due course.

### **3. CONCLUSIONS**

**3.1** The last six months have continued to be a very active time in respect of the Council's economic development function. The Cotswold economy continues to be fundamentally strong with some exciting projects underway or being planned within the District. A review of the Green Economic Strategy is proposed given that it is two and a half years through its four year lifetime.

### **4. FINANCIAL IMPLICATIONS**



4.1 All activities have been undertaken within existing budgets. There are no further financial implications arising directly from this report.

**5. LEGAL IMPLICATIONS**

5.1 There are no legal implications arising directly from this report.

**6. RISK ASSESSMENT**

6.1 There are no direct risks associated with this report. The risks of non-delivery of the actions contained within the Strategy are mitigated by regular monitoring and reporting.

**7. EQUALITIES IMPACT**

7.1 The Green Economic Growth Strategy seeks to deliver inclusive economic growth.

**8. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS**

8.1 The Green Economic Growth Strategy seeks to grow the environmental technology sector in the District and encourage businesses to reduce their carbon emissions.

**9. ALTERNATIVE OPTIONS**

9.1 The Council could choose not to have a Green Economic Growth Strategy or could choose not to monitor progress against it. Neither option is recommended.

**10. BACKGROUND PAPERS**

10.1 None.

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**CABINET – 19<sup>th</sup> June 2023**

**SCHEDULE OF DECISION(S) TAKEN BY THE LEADER OF THE COUNCIL AND INDIVIDUAL CABINET MEMBERS**

Note: Further details regarding the decisions are available in the relevant Decision Notices.

<b>Cabinet Member</b>	<b>Meeting Date</b>	<b>Subject</b>	<b>Decision(s)</b>
<b>Deputy Leader and Cabinet Member for Finance – Councillor Mike Evemy</b>	<b>14<sup>th</sup> March 2023</b>	<b>Application for Discretionary Rate Relief</b>	<b>The Cabinet Member considered the recommendations of the officer and resolved to APPROVE the applications listed a) and d) within the report and REFUSE applications listed e) to z) in the report. The Cabinet Member also agreed to the late applications for 2021/22 as highlighted in red in the appendix.</b>
<b>Deputy Leader and Cabinet Member for Finance – Councillor Mike Evemy</b>	<b>14<sup>th</sup> March 2023</b>	<b>Application for Discretionary Rate Relief</b>	<b>The Cabinet Member considered the recommendations of the officer and resolved to APPROVE the applications listed a) to g) within the report and REFUSE applications listed h) to cc) as set out in the report in the report.</b>
<b>Cabinet Member for Planning and Regulatory Services – Councillor Juliet Layton</b>	<b>5<sup>th</sup> June 2023</b>	<b>Fairford Neighbourhood Development Plan</b>	<b>The Cabinet Member considered the recommendation of the officer and AGREED to make the plan.</b>

(END)

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Council name	<b>COTSWOLD DISTRICT COUNCIL</b>
Name and date of Committee	<b>CABINET – 19 JUNE 2023</b>
Subject	<b>WRITE OFF IN EXCESS OF £5,000</b>
Wards affected	Bourton Vale
Accountable member	<p>Cllr Mike Evemy – Deputy Leader and Cabinet Member with responsibility for Finance</p> <p>Email: mike.evemy@cotswold.gov.uk</p>
Accountable officer	<p>Mandy Fathers – Business Manager for Environmental, Welfare and Revenues</p> <p>Email: mandy.fathers@publicagroup.uk</p>
Report Author	<p>Mandy Fathers – Business Manager for Environmental, Welfare and Revenues</p> <p>Email: mandy.fathers@publicagroup.uk</p>
Summary/Purpose	To seek approval for the writing off of council tax debt in excess of £5,000
Annexes	None
Recommendation(s)	<p>That Cabinet resolves to:</p> <p><i>a) Approve the write off of £7306.65 as detailed within the report</i></p>
Corporate priorities	<ul style="list-style-type: none"> <li>• Deliver the highest standard of service</li> </ul>
Key Decision	NO
Exempt	YES
Consultees/ Consultation	<p>Leader, Deputy Leader and Member for Finance, Chief Executive and Deputy Chief Executive, Monitoring Officer, Interim Head of Legal Services, Finance Business Partner, Assistant Director, Director of Finance (Publica)</p>



## **1. EXECUTIVE SUMMARY**

- 1.1 This report seeks approval to write off a council tax debt from a deceased persons account.
- 1.2 Officers have followed the council's recovery procedures with the aim to recover the debt prior to notification being received that the debtor had passed away.

## **2. BACKGROUND**

- 2.1 The Council Tax is in respect of Mr M Smith of Grey Gates, Tally Ho Lane, Guiting Power.
- 2.2 In 2017 the council was notified by Mr M Smith that his mother, who was at that time in occupation of Grey Gates (the property), had moved into a nursing home. He advised that the property would be furnished, but unoccupied and would be for the foreseeable future. He also advised that he would contact the council should this situation change.
- 2.3 Following this information, a full 100% exemption was applied to the council tax account.
- 2.4 In July 2019 the council received a telephone call from a concerned resident to advise that Mr M Smith had moved into the property approximately 18 months ago and that he had admitted to numerous neighbours that he was not paying council tax for the property.
- 2.5 Following this information the council sent a letter to Mr Smith at the property requesting details of his occupancy.

## **3. MAIN POINTS**

- 3.1 Mr Smith failed to respond to the council, which resulted in an officer visiting the property with the aim to make contact. Unfortunately, all attempts to make contact with Mr Smith were unsuccessful.
- 3.2 Following further investigations officers were able to trace Mr Smith to a previous address and were able to use the end date of that tenancy to establish the date of occupation of Grey Gates.
- 3.3 Mr Smith was therefore made liable for council tax at the property from 2 August 2017.
- 3.4 The amount of council tax owing for the period of 2 August 2017 to 31 March 2020 is as follows:



Financial Year	Annual Liability	Payments Received
2017	£1,249.32	0.00
2018	£1,964.86	0.00
2019	£2,072.27	0.00

- 3.5 As the council was not made aware until July 2019 that Mr Smith had taken up occupation in the property, all notifications sent for those three years were included as a multiyear recovery action and the following notices were issued:

Date	Notice
31 October 2019	Reminder
28 November 2019	Final Notice
10 February 2020	Court Hearing
28 February 2020	Notification of Liability Order

- 3.6 As the council received no response from Mr Smith in respect of the notices issued, the debts were referred to Bristow and Sutor, the council's contracted enforcement agency.

- 3.7 The amounts owing for the financial year 2020 was £2,020.20.

- 3.8 The following notices were used in respect of this financial year as follows:

Date	Notice
13 October 2020	Reminder
9 November 2021	Reminder 2
27 June 2022	Final Notice
2 September 2022	Court Hearing
30 September 2022	Notification of Liability Order



- 3.9** It should be noted, that due to the pandemic, recovery action on all debts was placed on hold as a directive from the council; hence the delay in notices being issued for this individual year. The Magistrates Court also suspended all hearings regarding the collection of Council Tax and Business Rate debts.
- 3.10** Once the restrictions on recovery were lifted and as the council had received no response from Mr Smith in respect of this debt, the case was referred to Bristow and Sutor.
- 3.11** Following a letter left at the property by Bristow and Sutor it became apparent that Mr Smith no longer resided in the property and had sold it in March 2021.
- 3.12** Bristow and Sutor traced Mr Smith to another address in Cheltenham, but following a visit by them to the address, found he had absconded.
- 3.13** Further traces were undertaken on Mr Smith, with information being obtained, that he had passed away in September 2021.
- 3.14** The council does not hold any details of any next of kin and are therefore unable to claim the outstanding amount of £7306.65 against an estate.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1** The impact of the write off will be shared across the Gloucestershire County Council, the District Council and the Gloucestershire Police and Crime Commissioner in proportion to the overall demand upon the collection fund.
- 4.2** For Cotswold District Council that share would be £526.8 and will be funded from the Council tax provision for bad debt.

#### **5. LEGAL IMPLICATIONS**

- 5.1** The Council's Financial Rules state that any amounts in excess of £5,000 that are requested for write off must be approved by Cabinet.

#### **6. RISK ASSESSMENT**

- 6.1** A provision for bad debts is made in the accounts and reflected in council budgets. The write off outlined within this report will be funded from this provision and have no adverse effect on the MTFP.



**7. EQUALITIES IMPACT**

7.1 None

**8. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS**

8.1 There are none associated with this report.

**9. ALTERNATIVE OPTIONS**

9.1 As the debtor is deceased there are no other options available than to write the debt off.

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