



COTSWOLD
DISTRICT COUNCIL

Tuesday, 23 July 2024

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COUNCIL

A meeting of the Council will be held in the Council Chamber - Council Offices, Trinity Road, Cirencester, GL7 1PX on **Wednesday, 31 July 2024 at 6.00 pm.**

Rob Weaver
Chief Executive

To: Members of the Council

(Councillors Gina Blomefield, Claire Bloomer, Ray Brassington, Patrick Coleman, Daryl Corps, David Cunningham, Tony Dale, Mike Evely, David Fowles, Joe Harris, Mark Harris, Paul Hodgkinson, Roly Hughes, Nikki Ind, Angus Jenkinson, Julia Judd, Juliet Layton, Andrew Maclean, Helene Mansilla, Mike McKeown, Dilys Neill, Nigel Robbins, Gary Selwyn, Tony Slater, Lisa Spivey, Tom Stowe, Jeremy Theyer, Clare Turner, Chris Twells, Michael Vann, Jon Wareing, Ian Watson, Tristan Wilkinson and Len Wilkins)

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**
To receive any apologies for absence. The quorum for Council is 9 members.
2. **Declarations of Interest**
To receive any declarations of interest from Members relating to items to be considered at the meeting.
3. **Minutes (Pages 13 - 44)**
To confirm the minutes of the meetings of Council held on 20 March 2024 and 15 May 2024.
4. **Announcements from the Chair, Leader or Chief Executive (if any)**
To receive any announcements from the Chair of the Council, the Leader of the Council and the Chief Executive.
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 Council'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 (Pages 45 - 62)**
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.

The following questions were submitted before the publication of the agenda:

Question 1 from Councillor Jon Wareing to Councillor Tony Dale, Cabinet Member for Economy and Council Transformation

The World Tourism Organization (UNWTO) defines over-tourism as “the impact of tourism on a destination, or parts thereof, that excessively influences perceived quality of life of citizens and/or quality of visitor experiences in a negative way”.

Does the Cabinet Member responsible for the Economy and Council Transformation agree with me that Bourton-on-the-Water suffers from over-tourism on this basis, and will he commit to ensuring that Bourton can develop an approach to sustainable tourism whilst building a more resilient economy with retail services for the residents of Bourton and the wider North Cotswolds? This should include prioritising parking for residents and looking to support parking for visitor traffic on the periphery of the village.

Question 2 from Councillor Dilys Neill to Councillor Juliet Layton, Cabinet Member for Planning and Regulatory Services

Here is a quote from the submitted Neighbourhood development plan for Stow & The Swells

MAIN PLANNING ISSUES

- During the mid Twentieth Century a substantial amount of social housing was built in two major developments – King Georges Field and the Park estate. A substantial number of these properties have passed into private hands under the Right to Buy and have not been replaced. There is only limited turnover in the remaining social housing.
- Stow, a compact hilltop community within the AONB, has a tight development boundary. Most developments in recent years have been minor infill developments within the development boundary. Stow’s attractiveness has resulted in high prices well beyond the reach of almost all local residents. There has been an increase in the number of second homes. The private rented sector has seen a significant shift towards holiday lettings pricing local people out of that market also. This has forced many young people away from Stow leaving an increasingly ageing population.
- Stow’s working age population has fallen over the last decade and the Primary School rolls have declined with an increasing number of pupils coming from outside the parish. Only two significant developments have been permitted outside the development boundary both of which have been restricted to retirement living. Taken together the McCarthy and Stone development north of Tesco and the Brio development on Stow

Hill (for which approval was given on appeal) will add some 200 elderly residents to Stow's population (currently about 1900).

- There is a strong case for seeking to improve Stow's sustainability by providing a significant number of houses that local people, people of working age and essential workers can afford. This can only be achieved by substantial development of affordable housing, primarily social rented, outside the current development boundary.

Our primary school received an impressive Ofsted report last month, yet the numbers on role have fallen to less than 100, they can take 140 children. Last year, they had to lose a teacher & unless something is done to allow more families to live in Stow, the viability of the school is threatened.

In addition to the shortage of genuinely affordable housing, the neighbourhood plan sight to address the lack of employment opportunities in Stow & parking.

Our Market Square the jewel in the crown of Stow's built development is spoilt by the fact that it is effectively a large car park.

The neighbourhood plan's proposal for a strategic site for housing, a car park & a community hub which included employment opportunities was turned down by the inspector. I have been the Ward Councillor for Stow since 2016, & have been told by members of this administration as well as the previous administration & officers from the forward planning team that these concerns, particularly housing, should be a priority for this council. Yet year by year, under the SHELAA process, sites put forward around Stow are turned down.

My question to the Cabinet member with the responsibility for the local plan is what are you going to do to support the residents of Stow in terms of allowing more affordable, & in particular social, housing to be built?

Question 3 from Councillor Chris Twells to Councillor Mike Evemy, Deputy Leader and Cabinet Member for Finance

Please set out the number of missed refuse and recycling collections, broken down by ward, since the new refuse collection timetable was introduced on 24 June 2024.

It would be helpful to have a percentage figure as well as the number.

Question 4 from Councillor Chris Twells to Councillor Joe Harris, Leader of the Council

Please could the Leader confirm when he expects to meet the new Deputy Prime Minister and Secretary of State for Housing, Communities & Local Government, and the main issues he intends to raise in any meeting?

Question 5 from Councillor Tom Stowe to Councillor Mike Evemy, Deputy Leader and Cabinet Member for Finance

Has the Council and UBICO investigated the use of HVO fuels for its refuse collection fleet?

Question 6 from Councillor David Fowles to Councillor Joe Harris, Leader of the Council

Several months ago, I asked a supplementary question about Cotswold News to which I did not receive an answer. Given the Administration's pledge to be 'green to the core' please could you confirm that the latest issue of Cotswold News was produced on 100% Recycled Material and the paper and production were Carbon Balanced to ensure the environmental impacts of the publication were kept to a minimum?

Question 7 from Councillor Tom Stowe to Councillor Juliet Layton, Cabinet Member for Planning and Regulatory Services

Following recent news in the National Press that CDC has pledged to "identify suitable areas for wind energy development" in the district, given the constraints on development across much of the district as evidenced in the ongoing Local Plan update, where do you foresee these Wind Farms being built?

Question 8 from Councillor Jeremy Theyer to Councillor Mike Evemy, Deputy Leader and Cabinet Member for Finance

At a recent Audit and Governance Committee meeting, concerns were raised around Gas Safe and Electrical Safety Tests on some CDC buildings. Please can you confirm the Council has robust systems in place to ensure these tests are up to date and recorded in line with Health & Safety legislation to ensure our buildings are safe for visitors and staff?

Question 9 from Councillor Julia Judd to Councillor Mike Evemy, Deputy Leader and Cabinet Member for Finance

In March this year we were told that a number of interested parties had been in touch in response to the 'Call for Interest' regarding the Council owned Old Station building.

At least £150,000 has already been spent to address urgent repairs and the building is in a poor state of repair, it would be prudent therefore to find a way forward to progress matters as soon as possible in order to avoid further expense.

Have any of the interested parties come forward with a viable scheme which can be taken forward?

Question 10 from Councillor Gina Blomefield to Councillor Mike Evemy, Deputy Leader and Cabinet Member for Finance

At a recent Cabinet meeting a decision was taken to appoint an external company to market the space at Trinity Road that had been made available for commercial letting. What progress has been made?

Question 11 from Councillor Daryl Corps to Councillor Juliet Layton, Cabinet Member for Planning and Regulatory Services

What is the status of the Moreton-in-Marsh Working Group set-up in respect to the Local Plan update?

Question 12 from Councillor Tony Slater to Councillor Juliet Layton, Cabinet Member for Planning and Regulatory Services

The CDC Local Enforcement Plan 2022 states that “Planning Enforcement is a vital function of the Council’s overall planning strategy and service. It underpins the planning decisions and policies of the Council, while helping protect the district’s built and natural environments.”

Although performance against targets is not included in the quarterly performance figures, it is clear, and acknowledged on the CDC website, that despite their best efforts the enforcement team faces huge challenges in providing an effective service across the district due to a critical lack of resources.

It is acknowledged that the transition of Publica back to CDC has the potential to attract suitable candidates, but this in itself will not resolve the issue.

Please can you advise what actions the administration is taking locally to resolve the shortage of skilled staff in the department and will you pledge to include statistical information in the quarterly performance report against the published targets in the Enforcement Plan?

Question 13 from Councillor Gina Blomefield to Councillor Juliet Layton, Cabinet Member for Planning and Regulatory Services

In April, CDC introduced a new planning protocol with the intention of making the process more efficient so decisions could be made in most cases within the statutory six-week period. As part of this process, pro forma Call Ins were introduced whereby a ward member could call in an application early in the process if they felt there might be serious concerns. This pro forma Call In could be annulled later if these concerns were found to be unwarranted or addressed by the applicant.

As Members we received a Briefing on this in April and were told that Town and Parish Councils would shortly also be given training on the new protocol so that they understood the importance of examining planning applications as soon as possible after validation and quickly raising any concerns they might have with their ward councillor.

As far as I am aware from the Town and Parish Councils in my area, they have not been invited to attend training on the new protocol yet. Planning is a core service provided by CDC and Town and Parish Councils have an important role to play in assessing planning applications.

When do you plan to provide this important training on the new planning protocol to the Town and Parish Councils?

Question 14 from Councillor David Fowles to Councillor Joe Harris, Leader of the Council

During the recent General Election, the North Cotswold Conservatives received a number of complaints from voters who had applied for postal votes and found that their packs did not include ballot papers. This was immediately reported to the CDC elections

office who stated that the packs had been collated by hand and that there were no omissions. Whilst we don't wish to criticise the highly professional organisation of the election by the Elections department there is always the chance of human error. That said, we were instructed to tell postal voters to return their postal vote packs and new ones would be issued. The Liberal Democrat candidate Cllr Hodgkinson stated on social media that he was also aware of others who had reported problems and that there should be a review carried out. Given it is of paramount importance to get the process 100% accurate, would the leader support a cross party review into the postal voting process?

Question 15 from Councillor Andrew Maclean to Councillor Mike McKeown, Cabinet Member for Climate Change and Sustainability

(Submitted after the deadline for a guaranteed written response before the meeting)

Climate Emergency UK (CE UK) was set up in response to the climate emergency declarations that councils started making from the end of 2018. CE UK began by collecting these declarations, and the Climate Action Plans that followed, on its website. They published the Council Climate Plan Scorecards in January 2022, measuring the strength of councils' written climate action plans.

CE UK have created a Climate Action Plan Explorer (CAPE) and the Climate Action Plan Checklist with the support of Friends of the Earth, Ashden, the Centre for Alternative Technology and APSE Energy. This outlines the elements of a strong Climate Action Plan and highlights best practice from councils all over the world. Using CAPE and the Checklist, CE UK assessed the quality of all UK councils' written climate action plans.

CE UK hope that the Council Climate Action Scorecards will:

- Effectively hold councils to account on their claimed climate action and provides credible and transparent data on council climate action in the UK.
- Allow councils to use the results of the Council Climate Action Scorecards to improve their current Climate Action Plans and implement effective policies to help them reach net-zero in a just way within their current constraints.

Unfortunately CDC is not one of the best performing councils with a score of only 24% with 3 areas of particular concern: Transport (2%), Planning and Land Use (8%) and Biodiversity (0%).

Would you agree that the Scorecard is an accurate reflection of the progress we have made towards achieving our climate emergency goals? Have you got any firm plans in place that would make a significant difference to this score? And most importantly what can we learn from this Scorecard that will help us improve our performance in achieving our goals in responding to the Climate Emergency?

7. Publica Review - Detailed report (Pages 63 - 122)

Purpose

To consider the Detailed Transition Plan, to note its content and to approve the recommendations therein.

Recommendations

That, subject to the resolutions of Cabinet on 25 July 2024, Full Council resolves

to:

1. Approve the implementation of Phase I of the Publica Transition based on the Detailed Transition Plan and the phasing for the transition.
2. Delegate to the Chief Executive, in consultation with the Leader of the Council, the decision to deal with any final detail matters arising from the Detailed Transition Plan.
3. Delegate authority to the Director of Governance and Development (Monitoring Officer), in liaison with the Leader, to update the constitution by making any consequential changes required as a result of Phase I of the Publica Transition.
4. Carry out a budget re-basing for the 2026/7 financial year so that the funding provided to Publica is proportionate to the services received.
5. Note that following the decision on Phase I, preparatory work for Phase 2 will commence and will be the subject of a separate report
6. Note the following as included in the Detailed Transition Plan;

Section 2: Transition Planning:

- *Note the Design-Led principles*
- *Note the Key Goals for Transition*

Section 7: Modelling Assumptions and Outputs:

- *Note the cost modelling for Phase I.*

Section 9: Post-Transition Support:

- *Note the need for post-transition support.*

8. **Business And Planning Act 2020 - Update To Pavement Licensing Regime** (Pages 123 - 142)

Purpose

For Full Council to consider the draft Pavement License Policy document for approval following the Levelling Up and Regeneration Act making permanent the pavement licensing regime.

Recommendation

That Full Council resolves to:

1. Approve the draft Pavement Licensing Policy and Fees, attached at Annex A.

9. **Overview and Scrutiny Annual Report 2023/24** (Pages 143 - 174)

Purpose

To receive the annual report of the work of the Overview and Scrutiny Committee.

Recommendation

That Full Council resolves to:

1. Note the Annual Report of the Overview and Scrutiny Committee 2023/24.

10. **Decision taken under Urgency Powers** (Pages 175 - 180)

Purpose

To report to Full Council on a decision taken by the Chief Executive Officer under urgency powers.

Recommendation

That Full Council resolves to:

1. Note the decision taken as set out in Annex A.

11. **Appointment and Remuneration of Independent Persons (Pages 181 - 188)**

Purpose

To appoint Independent Persons for standards matters, commence a subsequent recruitment campaign, and approve allowances payable.

Recommendations

That Full Council resolves to:

1. Appoint Robert Cawley and Melvin Kenyon and re-appoint Michael Paget-Wilkes and Phyllida Pyper as Independent Members, effective from 1.08.2024. All appointments to be a maximum of four years i.e. to 31.07.2028;
2. Approve that the Independent Persons are paid an annual allowance of £1000 per annum on a monthly basis, plus a mileage allowance equivalent to the rate paid to elected Members;
3. Authorise the Director of Governance & Development (Monitoring Officer) to commence a recruitment campaign prior to the expiration of current appointments and to enable reports to be presented on future appointments.

12. **Appointment of a Temporary Parish Council Member to Upper Rissington Parish Council (Pages 189 - 194)**

Purpose

To agree the appointment of a temporary member of Upper Rissington Parish Council, enabling the Parish Council to become quorate and to update the appointment arrangements, allowing delegation of this function to the Director of Governance and Development (Monitoring Officer).

Recommendations

That Full Council resolves to:

1. Agree to make an order under Section 91 of the Local Government Act 1972 ('the Act') appointing Councillor Andrew Maclean as a temporary member of Upper Rissington Parish Council enabling Upper Rissington Parish Council to become quorate;
2. Note that the appointment shall be effective until Upper Rissington Parish Council is quorate (i.e. it has four members of the Council in place, excepting the temporary appointee);
3. Approve the draft procedure at Annex A, delegating authority to the Monitoring Officer to make orders and make temporary appointments to Town/Parish Councils as required, under the powers in Section 91 of the Act.

13. **Notice of Motions**

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

Motion A: Cotswold Lakes

Proposer: Councillor Juliet Layton
Seconder: Councillor Mike Evemy

This Council notes the aspiration from local businesses, Town and Parish Councils, Cotswold Lakes Trust and Cotswold Tourism to change the name of the Cotswold Water Park to the Cotswold Lakes.

The area has been formed from around 50 years of gravel extraction over three counties of Gloucestershire, Wiltshire, and Oxfordshire. In 1967 the counties formed a Joint Committee which includes the three counties representation along with Cirencester Rural District Council and Cricklade and Wootton Bassett Rural District Council.

The Joint Committee named the lakes area the Cotswold Water Park, wrote a Master Plan and created in 1996 The Cotswold Water Park Society to help deliver four main aims – Access, Conservation, Leisure and Education.

The Cotswold Water Park Society became a fully registered charity in 2011 and recently changed its name to Cotswold Lakes Trust.

This Council also notes that the name Cotswold Water Park causes confusion for the many visitors who come each year and ask where the Park is, how much it costs etc. The idea of a Water Park is a single venue providing swimming, water slides, pools, play areas and provision of food outlets. It is estimated that approximately 1,000,000 come to spend leisure time in the CWP every year and most do not know that that it is a vast area of over 180 lakes with multiple land owners and businesses.

This Council believes in this unique area and the value of its lakes and landscapes for wildlife and nature and home for 35,000 wintering birds, the value of its properties for health and wellbeing for residents and visitors and the benefits of the businesses which run leisure facilities, activities on the lakes in various forms of water sports, fishing and walking, and the value of the Cotswold Lakes Trust which owns two country parks, 5 car parks, and 5 nature reserves. Natural England values the lakes highly and extended the original SSSI on 10 lakes in 1984 to 170 lakes in 2021.

This Council resolves to:

1. Agree to support the proposal of the name change from the confusing Cotswold Water Park to a clearer the Cotswold Lakes and helps to promote this change on the Council's website, Local Plan and other literature within the Council's control.
2. Continues to support our Strategy working with partners to promote and enhance the area.

14. **Next meeting**

The next meeting of Council will be held on Wednesday 25 September 2024 at 14:00.

15. **Matters exempt from publication**

If Council 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 Council to pass a resolution in accordance with the provisions of section 100A of the Local Government Act 1972 on the grounds that their presence could involve the likely disclosure of exempt information as described in specific paragraphs of Schedule 12A of the Local Government Act

1972.

Council 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. **Decision on future regeneration of The Old Station and Memorial Cottages, Cirencester**
(Pages 195 - 216)

Purpose

To consider the Asset Plans for these buildings produced as part of the Council's Asset Management Strategy and consider disposal of these buildings in line with those Asset Plans.

Recommendations

That, subject to the resolutions of Cabinet on 25 July 2024, Full Council resolves to:

1. Agree that the Old Station and Old Memorial cottages are disposed of, as two separate assets, in line with the Asset Management Strategy adopted at Cabinet in May 2024 and the Asset Plans appended to this report.
2. Delegate authority to the Deputy Chief Executive and Chief Finance Officer, in consultation with the Deputy Leader and Cabinet Member for Finance to approve the final terms of the sale including sale price.

(END)