



**COTSWOLD
DISTRICT COUNCIL**

COUNCIL AGENDA

Wednesday 3rd July 2019, 6.00 p.m.

Council Chamber, Trinity Road, Cirencester,

NOTES

(i) Questions Arising on the Agenda

If any Member has any questions regarding any substantive item contained within the Agenda, he/she is requested to give advance notice of such question to the Officer originating the report or to an Officer of the Democratic Services Section so that a full response can be made available either prior to, or at, the Meeting. If no such advance notification is given, a full response to any question cannot be guaranteed at the Meeting.

(ii) Mobile Phones/Pagers

All mobile phones/pagers should be **SWITCHED OFF OR SET TO SILENT MODE BEFORE** the start of the Meeting.

(iii) Recording of Proceedings

The public proceedings of Council, Cabinet, and Committee Meetings may 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 before the start of the Meeting.

Recording/filming should not be disruptive or distracting to the good order and conduct of the Meeting. To assist with this, an area of the Meeting venue will be designated from which proceedings can be recorded/filmed, and 'roaming' around the venue while recording is not permitted. The Chairman will exclude anyone whose behaviour is disruptive.

Recording/filming should only be of Members and Council Officers, and not any members of the public (unless they are formally addressing the Meeting or unless specific permission has been given by those individuals).

For further information, please read the Notices displayed inside and outside the Meeting venue and/or speak with the Committee Administrator.

(iv) Committee Administrator

If any Member has any general questions about the Meeting or the associated agenda papers, or is unable to attend, he/she is asked to contact Ben Amor on 01285 623236 who will be the Committee Administrator responsible for the Meeting.

Distribution:

All Members of the Council



Nigel Adams
Head of Paid Service

25th June 2019

COUNCIL: 3RD JULY 2019

AGENDA

(1) **Apologies**

To receive any apologies for absence.

(2) **Declarations of Interest**

(a) To receive any declarations of interest from Members under:-

(i) the Code of Conduct for Members; and/or

(ii) Section 106 of the Local Government Finance Act 1992 (any Councillor who has Council Tax payments remaining unpaid for at least two months must declare an interest and not participate in any matter affecting the level of Council tax or arrangements for administering the Council Tax).

(b) To receive any declarations of interest from Officers under the Code of Conduct for Officers.

(3) **Minutes** - To confirm:-

(i) the Minutes of the Meeting of Council held on 26th February 2019 (attached);

(ii) the Minutes of the Annual Meeting of Council held on 14th May 2019 (attached);

(iii) the Minutes of the Special Meeting of Council held on 27th June 2019 (to follow, if available).

(4) **Announcements from the Chairman, Leader or Head of Paid Service**

(5) **Public Questions**

Council Procedure Rule 10 - Not more than fifteen minutes allowed for written questions to be put by members of the public on any matter in relation to which the Council has any power or duties or which affects the District.

The following questions have been submitted:-

(1) **Question from Mr David Fowles of Poulton to Councillor Joe Harris, Leader of the Council**

'It is now nearly 6 months since the Cirencester Futures conference at which there were 120 delegates present. Just prior to the election, the CEO of the Town Council, officers from CDC's Forward Planning Team and I (as the then elected representative) met to plan the next steps for the creation of the Cirencester Futures Partnership.

Could the Leader please update the town on what is happening?'

(2) Question from Mr David Fowles of Poulton to Councillor Mark Harris, Cabinet Member for Car Parks and Town and Parish Councils

'There continues to be a shortage of car parking in Cirencester town..

As the long-standing Chairman of the Cirencester Parking Board and the newly appointed Portfolio Holder for, amongst other things, car parking, could you please update the town on what progress has been made on the various car parking initiatives in the town?'

(3) Question from Mr Patrick Moylan of Cirencester to Councillor Joe Harris, Leader of the Council

'This question concerns the viability assessment connected with the Chesterton strategic site and the Bathurst Development.

Planning Practice Guidelines say that 'Any viability assessment should be prepared on the basis that it will be made publically available other than in exceptional circumstances'. The courts have grappled with the issue of whether viability assessments should be confidential and increasingly the move has been toward demanding openness. It is not clear what those exceptional circumstances might be. It is questionable whether what was previously viewed as confidential and trade secrets would now be accepted as 'exceptional' and, therefore, a valid reason to withhold information. Indeed, notwithstanding the PPG, requests to disclose under the Environmental Information Regulations 2004 leave little room for discretion.

Will the Council undertake to make public the viability assessment documentation relating to the Chesterton development?'

(4) Question from Mr Patrick Moylan of Cirencester to Councillor Joe Harris, Leader of the Council

'The previous Leader of the Council, Tony Berry, agreed in early April that a straightforward document which compares the Chesterton S106 heads of terms with the S106 agreement would be helpful and promised that he would arrange for one to be produced. Indeed, we are surprised if one doesn't exist in some form, otherwise how could the officers and former Leader be sure that the legal agreement accorded with the heads? The new Leader of the Council has stated that such a document will be made available. Given the public disquiet over at least three matters - the education contribution, the health centre and the socially rented affordable housing numbers - would the Council please make getting this document out a priority, and when can we expect to see it?'

(6) **Member Questions**

Council Procedure Rule 11 - Not more than fifteen minutes allowed for written questions to be put by Members on any matter in relation to which the Council has any power or duties or which affects the District.

The following questions have been submitted:-

(1) Question from Councillor Ray Theodoulou to Councillor Joe Harris, Leader of the Council

'The Administration has pledged to look at the CDC decision-making structure and consider the introduction of the committee system to replace the cabinet system which has been in place for some 20 years.

Does the Leader accept that the cabinet system has served this Authority well and can he explain the potential benefits of a committee decision making system as compared with the present governance arrangements?'

(2) Question from Councillor Sue Jepson to Councillor Joe Harris, Leader of the Council

'The Leader has indicated his keen-ness to engage and promote transparent decision-making. Could he, therefore, confirm what consultation took place in respect of the timings of full council meetings before they were recently circulated to members as a fait accompli?'

I specifically refer to the proposals that most meetings of full council will start at 6pm.

The finish time for the 26th February 2019 meeting of full council, at which the budget was set, is recorded as 3.55pm. This indicates a meeting length of 5 hours 55 minutes. After deducting say an hour for lunch, the meeting still lasted nearly 5 hours.

Given the proposed start time of 6pm for the corresponding meeting in 2020, did the Leader give any consideration to the fact that there are councillors in this room (including women who may be travelling alone) who will be leaving Cirencester as late as 11pm in the evening in the middle of the winter with an hour's journey ahead of them - often along unlit country lanes?'

Did the Leader also give any consideration to the fact that councillors in such circumstances may also need to employ the services of sitters for the elderly or, indeed babysitters, and that a midnight finish may severely restrict that opportunity?'

Did the Leader also give any consideration as to the availability of public transport for members who may wish or need to use that method of transport? In that respect would he kindly advise what buses and/or trains would be available to transport me from Cirencester back to Chipping Campden, given a departure time of 11pm - or later - and also confirm my arrival time back home the following day?'

Please can the Leader please give an estimate of the extra costs involved in evening meetings of both full Council and Cabinet for Officer attendance, including any overtime payments and the value of additional time-off-in-lieu?'

Finally, will the Leader please reconsider this decision? If not, would he please consider holding every other meeting at Moreton-in-Marsh Area Centre in order that the burden is shared more equally amongst members?'

(3) Question from Councillor Julian Beale to Councillor Joe Harris, Leader of the Council,

'In the light of his responsibilities in leading Cotswold District Council, will Councillor Joe Harris resign his seat on Gloucestershire County Council?'

(4) Question from Councillor Richard Morgan to Councillor Mark Harris, Cabinet Member for Car Parks and Town and Parish Councils

'Could you confirm how many town or parish council meetings you have attended (not including those directly relating to your own ward) since you became Cabinet Member for Car Parks and Town and Parish Councils?'

- (7) Petitions (if any)

Items for Decision

- (8) Funding Allocations - 2018/19 Budget Surplus
(9) Temporary Decked Car Parking in Cirencester

Other Matters

- (10) Issues/Reports Arising from the Cabinet (if any)
(11) Issues/Reports Arising from Overview and Scrutiny and/or Audit (if any)
(12) Notice of Motions

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

- (i) Motion 1 of 2019/20 re Corporate Strategy and Plan

Proposed by Councillor Mike Evely, Seconded by Councillor Mark Harris:

'This Council notes that it now has a Liberal Democrat administration for the first time following 16 years of Conservative rule.'

Its majority group has a new set of priorities as outlined in the Liberal Democrats 2019 manifesto 'Because the Cotswolds Deserves Better', which requires a fundamental review and re-writing of the Council's Corporate Strategy and Plan.

The Council therefore rescinds its current Corporate Strategy and Plan and instructs its Officers to work with the Leader and his Cabinet to prepare a new Plan for debate and agreement at its meeting on 25th September 2019.'

- (ii) Motion 2 of 2019/20 re Climate Emergency

Proposed by Councillor Rachel Coxcoon, Seconded by Councillor Andrew Maclean:

'Council notes that:

- The global position on climate change is clear: the world has already reached around 1°C of post-industrial warming; extreme weather events happening now can be attributed with confidence to warming at this scale, and the impacts of climate breakdown are already causing serious damage around the world.*
- In a business-as-usual world, reaching global warming of 4°C by 2100, significant and systemic impacts will occur, against which the effect of adaptation actions will be limited. The UK faces damaging local impacts related to extreme heat, water shortages, sea level rise, and global impacts such as food price shocks and greatly increased migratory pressures.*

- *The Intergovernmental Panel on Climate Change's 1.5°C special report (2018) demonstrates that, with ambitious action, limiting climate change impacts to 1.5°C may still be possible.*
- *The Committee on Climate Change 'Net Zero' report of May 2019 concludes that it is now credible, achievable and cost-effective for the UK to legislate for a 100% reduction in greenhouse gas emissions, and government will bring this forward for Parliamentary vote.*

Council also notes that:

- *All governments (national, regional and local) have a duty to act, and to lead change on the ground. The urgency of the situation is such that local governments that recognise this must not wait for their national governments to change their policies.*
- *Strong policies to cut emissions will have a wide range of associated health, well-being and economic benefits that will improve the quality of life for our residents.*
- *The Cotswolds is an Area of Outstanding Natural Beauty, of international renown, and the impacts of unchecked climate change on the AONB will cause massive and irreversible damage to its environmental integrity and special characteristics.*

Council therefore commits to:

- *Declare a 'Climate Emergency' that requires urgent and comprehensive action.*
- *Make the Council's own activities net-zero carbon as soon as possible, aiming for an 80% reduction against a 1990 baseline by 2030, and a 100% reduction by 2045, with no reliance on offsetting or the trading of carbon credits.*
- *Achieve 100% clean energy use across the Council's full range of functions as soon as possible, and not later than 2030.*
- *Instruct Officers to produce a strategy and delivery plan within 12 months, aligned with the above targets, together with budgeted actions and a measured baseline, to be submitted to Cabinet fully detailing the financial, resource and other implications arising from the Motion.*
- *Ensure that political and chief officer leadership teams from the Council and Publica embed climate emergency considerations in all work areas and decision-making processes.*
- *Ensure that the Council's Overview and Scrutiny Committee and any Scrutiny Panels consider the impact of climate change and the environment when reviewing Council policies and strategies.*
- *Appoint a Corporate Sustainability Manager with a clear brief to provide senior officer level support across the Council to embed climate-friendly working practices, and co-ordinate evidence review, strategy development and policy drafting on moving to a net carbon zero target.*

- *Provide training and support to all Council and Publica employees to ensure that climate change considerations are part of all decision making, and all roles.*
- *Review the adopted Local Plan to ensure that climate change is a strategic priority for planning and new development, and introduce Supplementary Planning Documents where necessary to provide greater clarity and ambition on planning for renewable energy generation and storage, housing energy efficiency, green infrastructure, sustainable drainage and low-carbon transport solutions.*
- *Consider all Council and Publica contracts going forward to oblige all contractors to report their carbon emissions, and to use a 'carbon / environmental cost' as a key decision factor when assessing competing bids.*
- *Publicly report on the level of investment in the fossil fuel industry that our pensions plan and other investments have, and review the investment strategies of the Council and Publica to give due consideration to climate change impacts in the investment portfolio.*
- *Take a leadership role on the Climate Emergency in the Cotswolds, working with, influencing and inspiring partners across the District, County and region to help deliver a zero-carbon future through all relevant strategies, plans actions and shared resources by developing a series of meetings, events and partner workshops.*
- *Establish a Climate Change Panel, involving Councillors, residents, young citizens, climate science and solutions experts, businesses, and other relevant parties, to help shape and promote the District's zero-carbon strategy, and also recommend ways to maximise local benefits of these actions in other sectors such as employment, health, agriculture, transport and the economy.*
- *Call on the UK Government to urgently provide the powers, resources and help with funding to make this possible, and ask local MPs to do likewise.*
- *Immediately restrict the use of flights for all Council business - conferences and meetings within the UK and Europe will be subject to a no-fly rule, and any Council business that would require travel outside Europe will be referred to the Cabinet Member for Climate Change for review.'*

(iii) Motion 3 of 2019/20 re Democratic Renewal

Proposed by Councillor Jenny Forde, Seconded by Councillor Mike Evemy:

'This Council believes that it is here to serve the needs of the District's residents by taking well informed and reasoned decisions to improve their lives and the built and natural environment of the District.

This Council recognises that it needs to improve how it engages with the public, how it supports its Members to participate in its decision-making, and how it inspires and develops its employees.

As a leading public body within Gloucestershire, the Council recognises that it can set an example for other public bodies, private companies, charities and voluntary sector bodies by how it operates.

This Council therefore resolves to remove all gender-specific terms from its practices. Terms such as Chairman and Vice-Chairman are out-dated and send the wrong message to our residents, Members and employees about our commitment to equality of opportunity.

It calls for its Officers, both directly and indirectly employed, to review their practices and procedures to ensure that they do not disadvantage residents, Members or employees based upon their sex, race, religion, disability, sexual orientation, gender identity or any other legally protected characteristic, recognising that everyone has unconscious bias.

It welcomes the initiative of the Chair and the Leader to trial holding Council and Cabinet meetings at different times to make it easier for Members and residents to participate and asks each of its committees to consider how they could engage residents and other Members more in their work. It requests Officers to gather feedback on the impact of these trials to share with Members when considering the municipal calendar for 2020/21.

This Council supports the Leader's initiative to webcast its proceedings and those of its Cabinet and Committees as a key mechanism to widen access and understanding of the Council's decision-making process.

This Council wishes to review its decision-making processes and the ways in which interested Members and the public can participate in those processes to improve the resulting decisions. It will therefore set up a task group consisting of six members (3 from the Liberal Democrat Group, 2 from the Conservative Group and one non-aligned Member) to consider the options available for the Council to amend its current Constitution to meet the goals set out in this motion, reporting back to Council before the end of this municipal year.'

(iv) Motion 4 of 2019/20 re Use of Solar Panels to Reduce Carbon Footprint

Proposed by Councillor Steve Trotter, Seconded by Councillor Tony Berry:

'Following the Council's announcement of a 'Climate Change Emergency', and as a starting point for a full programme in response to this, we ask that the Council takes immediate action by instigating a project to assess the cost/benefit case of installing solar panels on the roof of its Trinity Road premises and any other suitable owned properties, leading to a decision as to whether or not to carry out the work.'

(v) Motion 5 of 2019/20 re More Scrutiny of Valley Trading Planning Application

Proposed by Councillor Richard Morgan, Seconded by Councillor Richard Norris:

'This Council notes:

- Large increases in HGV movements impact quality of life and increase noise, pollution and congestion in our local villages and towns.*

- *Tetbury has had 600 new homes built in the past 24 months and is already hopelessly congested where the A4135 enters the town. GCC highways data is out of date and does not reflect the significant changes to Tetbury traffic levels over the last few years.*
- *The area near Babdown Industrial Estate is a tourist hotspot with Calcot Manor, Tetbury High Street, Chavenage House, Westonbirt Arboretum, Highgrove, Great Tythe Barn, Kingscote Barn, Matara centre, Owlpen Manor all being major visitor destinations and important for the local economy. All will be adversely impacted by increased numbers of HGVs.*
- *Valley Trading operates in an area of limited commercial and residential activity. To justify an increase from 45,000 to 75,000 tonnes, they will need to travel further afield and collect waste from further away. This application will lead to a much wider impact on the rest of Cotswold District and neighbouring districts.*
- *At 75,000 tonnes, Valley Trading would be almost half the size of the new Javelin Park incinerator. The new incinerator has undergone almost a decade of scrutiny and analysis, yet the Valley Trading application could be approved quickly with limited public scrutiny.*

This Council further notes that:

- *Local residents don't understand the current operational size of Valley Trading and if the plant is currently operating at 45,000 tonnes or not. If not, the increase could be significantly larger than the proposed 30,000 tonnes. Despite efforts by local residents, the current capacity levels have not been clarified by the applicant.*
- *The Valley Trading application is in direct conflict with the Tetbury and Tetbury Upton Neighbourhood Plan. The Plan seeks to improve traffic conditions within the town centre and Objective 3 states "The town centre will be re-balanced to honour its historic heritage as well as its crucial shopping and meeting role and its environmental quality will be improved". Cotswold District Council is concerned that its Neighbourhood Plans are being ignored, which sets a dangerous precedent and could lead to more opportunistic planning applications.*
- *The 2004 Planning Act states that decisions must be made in accordance with the adopted Development Plan (in this case the Cotswold Local Plan and Gloucestershire Waste Core Strategy (GWCS)). As the Valley Trading application is over 50,000 tonnes, this is classified as "major development" and "strategic scale" in the GWCS. Policy GWCS4 states that a "Strategic Scale" development must be located in "Zone C" which is far beyond the current location of Valley Trading. Despite the fact the application has been submitted under s73 conditions, the Planning Authority has a legal duty to assess the development against these new policies and apply their full weight. If this is not scrutinised, Cotswold District Council is concerned this application could set a dangerous precedent and could lead to further opportunistic planning applications.*
- *Beverston and Tetbury are designated Conservation Areas inside the Area of Outstanding Natural Beauty (AONB). GWCS highlights that "rich historic environment" and "AONB" are important considerations in*

terms of the location of new waste management facilities. Policy GWCS14 states that major development in the AONB must be in the "proven public interest" and planning permission granted in "exceptional circumstances" following the "most rigorous" examination. Cotswold District Council would argue this application is not being subjected to the "most rigorous examination".

- *Valley Trading have indicated they are currently responsible for only 108 HGV movements on average per day, and this will only increase to 180 HGV movements per day once they hit 75,000 tonnes capacity. Local residents strongly disagree and local surveys have suggested Valley Trading are already responsible for up to 300 HGV movements per day. Cotswold District Council believes a proper analysis should be done to understand if the number of HGV movements is 108 or higher.*

This Council resolves to:

- *Seek clarification as to whether the Valley Trading application is in direct conflict with the Tetbury and Tetbury and Upton Neighbourhood Plans, and if it is, write to GCC questioning why the application has not been rejected on these grounds.*
- *Write to GCC seeking confirmation that, should the application be approved, the Valley Trading plant would be defined as a "major development" and of "strategic scale" by their own Waste Core Strategy and should therefore be located in Zone C (and it is not appropriate for its current location).*
- *Write to GCC and confirm Policy GWCS14 states that major development in AONB must be in the "proven public interest" and planning permission only granted in exceptional circumstances following the "most rigorous" examination. Furthermore the letter should state that Cotswold District Council does not feel this application is currently not being subjected to the "most rigorous" examination.*
- *Write to GCC and ask for a fully independent survey to be conducted over multiple random days to ascertain the exact level of HGV movements along the A4135 and how many of these movements are Valley Trading vehicles. Once the survey has taken place, these results should be made public.'*

(13) **Sealing of Documents**

To resolve:

"that the Common Seal of the Council be affixed to all contracts, conveyances and any other documents necessary for carrying into effect all resolutions passed by the Council."

Note:

The Register of Sealing will be available at the Meeting for Members' inspection.

(14) **Exclusion of the Public and Press**

To consider, and if so agreed, to

RESOLVE that under Section 100A(4) of the Local Government Act 1972 the public and Press be excluded from the Meeting for the following item of business on the grounds that it involves likely disclosure of exempt information as defined in paragraph (3) of Part I of Schedule 12A to the said Act (Information relating to financial or business affairs) and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information concerned.

**Item of Exempt Business
for Consideration and Decision**

(15) **Property Matter**

(END)