

Thursday, 17 July 2014

## **FOREST OF DEAN DISTRICT COUNCIL**

### **FULL COUNCIL**

Minutes of a meeting of the Full Council held in the Council Chamber, Council Offices, Coleford on Thursday, 17 July 2014 at 7.00 pm.

#### **Present**

**Chairman**                      Councillor Jane Horne

**Vice Chairman**

Councillors Carole Allaway Martin, James Bevan, Roy Birch, Philip Burford, Max Coborn, Gethyn Davies, Judy Davis, Maria Edey, Brian Edwards, Diana Edwards, Clive Elsmore, Bill Evans, Frankie Evans, Jackie Fraser, Andrew Gardiner, Terry Glastonbury, Julia Gooch, Tim Gwilliam, Terry Hale, Paul Hiatt, Bruce Hogan, Brian Jones, Gabriella Kirkpatrick, Di Martin, Paul McMahan, Patrick Molyneux, Graham Morgan, Bernie O'Neill, Bill Osborne, Don Pugh, Martin Quaile, Simon Roberts, Brian Robinson, Marilyn Smart OBE, Lynn Sterry, Roger Sterry, Arthur Thomas, David Thomson, Ian Whitburn, Clayton Williams and Roger Yeates

#### **Officers**

Sue Pangbourne, Head of Paid Service  
Peter Hibberd, Strategic Director  
Claire Hughes, Legal Team Manager and Monitoring Officer  
Peter Williams, Group Manager, Planning and Housing  
Julie Jones, Democratic Services Manager  
Tony Bees, Democratic Services Officer  
Linda Bowdler, Democratic Services Officer  
Nigel Gibbons, Forward Plan Manager  
Wendy Jackson, Regeneration Manager  
Lisa Weaver, Principal Solicitor

Chris Wood, Independent Person for Standards Panel

Cllr Horne, Chairman of the Council, welcomed councillors and members of the public to the meeting.

**1. APOLOGIES**

Cllr Horne, Chairman of the Council, welcomed councillors and members of the public to the meeting.

Apologies were received from Cllrs Dave East, Val Hobman, Len Lawton, Tanya Palmer, Norman Stephens and Marion Winship.

**2. MINUTES**

The minutes of the meeting held on 29 May 2014 were confirmed and signed as an accurate record.

**3. URGENT BUSINESS**

The chairman identified no items of urgent business.

**4. DECLARATIONS OF INTEREST**

The Monitoring Officer declared an interest in item 12.

**5. CHAIRMAN'S ANNOUNCEMENTS**

The chairman reminded councillors that outside body reports for 2013/14 should be sent to Democratic Services by 31 July.

**6. PUBLIC QUESTION TIME**

**Question 1**

The following question has been received from John Timbrell, Cider Mill Cottage, Prossers Wood, Drybrook, Glos GL17 9EZ

Could the Council please explain what is the legal position that allows the Cabinet to make decisions contrary to Full Council recommendations?

***Response from Councillor Patrick Molyneux, Leader of the Council and Cabinet Member for Regeneration***

*Section 13 of the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 create three categories of functions: Executive functions; Full Council functions; and Local Choice functions. In accordance with this Act there are a number of functions which are specifically reserved to Full Council including setting the annual budget and adopting framework policies. These are set out in full in Table 1 of Chapter 13 of Part 2 of the Constitution.*

*The Act goes on to identify where the functions are local choice, namely it is for the individual Council to determine whether the function will be an Executive or Full Council function. Details of these are set out in Table 2 of Chapter 13 of Part 2 of the Constitution.*

*All other functions (not set out in the tables) are Executive Functions in accordance with the legislation. These include, but are not limited to, allocating resources, establishing priorities and managing the Council's resources*

*Where a matter is an Executive Function even where Full Council expresses a view or moves a motion on a particular issue the decision making powers still rest with the Executive unless it would be contrary to the framework policy which includes any policy, strategy or plan which governs the operations and the discharge of functions of the Council.*

**Supplementary question**

The questioner asked how it was that Full Council had voted for Mitcheldean car park to be free, but the Cabinet had ignored that vote.

**Response from Cllr Molyneux**

He said that the matter had been a Cabinet decision on a recommendation from Full Council.

**Question 2**

The following questions have been received from Marion Greenwood, Brookview Cottage, Rolls Green, Blakeney, Glos GL15 4AL

I would like to ask why the council is ploughing ahead with the northern quarter development when the land has been shown to need be in an unfit state to build on without hugely expensive precautions equivalent to skyscraper foundations.

Why is the council not abandoning the plan and developing the much more suitable Wilderness Site which is being sold off instead of developed. It doesn't seem to make sense to me to lose a valuable asset for far less than its worth while choosing to continue pursuing plans that have been shown to be far more expensive and risky than originally presumed?

I don't understand the logic of clinging to the existing plan after surveys have proven the land has not been built on so far for a very good reason.

***Response from Councillor Patrick Molyneux, Leader of the Council and Cabinet Member for Regeneration***

*The District Council adopted the Cinderford Area Action Plan in February 2012 and continues to work with the Homes & Communities Agency (HCA), Gloucestershire College and the Forestry Commission to progress implementation of this education led plan for regeneration in Cinderford.*

*Ms Greenwood does not specify the surveys to which she is referring but the two phases of extensive ground investigation work undertaken by the HCA in 2013 & 2014 have revealed no issues that would stop development from safely taking place. Nothing has been revealed that cannot be resolved through understood, known and relatively straightforward engineering solutions*

*The Wilderness Centre is not owned by the District Council, nor does it feature within the approved Core Strategy as a location for new mixed use development.*

**Supplementary question**

Marion Greenwood was not present at the meeting and the Council would send her the answer to her question

**Question 3**

The following question has been received from Darragh Hewat, Netherleigh, Hawthorns Road, Drybrook, Glos GL17 9BX

Has the council allocated funds specific for the purpose of surveying the population of rare Bee Orchids growing in the woodlands just South of Wysis Way - directly in the path of the proposed Spine Road?

***Response from Councillor Patrick Molyneux, Leader of the Council and Cabinet Member for Regeneration***

*While the flower of the Bee Orchid is distinctive and noticeable, the plant itself is relatively common and is not afforded any specific protection.*

*The District Council's approved Cinderford Northern Quarter Biodiversity Strategy Technical Guidance recognises the species and habitats that might be affected by the Northern Quarter proposals, the aim of which is to bring new jobs and new homes to meet local needs. The Biodiversity Strategy Technical Guidance for the Northern Quarter has also evaluated the ecological impacts of the proposals and presents approaches to guide appropriate mitigation. The District Council remains diligent in considering and assessing the ecological issues of the area as it considers the current planning application.*

*Whilst plant, animal, insect and habitats surveys have been undertaken in the Northern Quarter area in connection with both the development of the Area Action Plan and planning applications, no specific surveys have been commissioned by the District Council with respect to Bee Orchids.*

*Although there are no specific proposals for Bee Orchids, mitigation proposals set out in the Biodiversity Strategy would provide conditions suitable for the plant; especially as, where soil conditions are right, the plant is known to take advantage of disturbed ground.*

#### **Supplementary question**

Darrah Hewat was not present at the meeting and the Council would send him the answer to his question

#### **Question 4**

The following question has been received from Nicola Packer, 48 Buckshaft Road, Cinderford Glos GL14 3DU

Why have planning applications relating to the Northern Quarter, Cinderford, not been accompanied by a comprehensive Appropriate Assessment available for the people of the Forest of Dean to see, as required by the EC Habitats Directive?

#### **Response from Councillor Patrick Molyneux, Leader of the Council and Cabinet Member for Regeneration**

*Appropriate Assessment is a distinct part of Habitat Regulations Assessment (The Conservation of Habitats & Species Regulations 2010). The requirement to undertake Appropriate Assessment is dependent on the outcome of the previous stage of Habitats Regulations Assessment, namely assessment of likely significant effects. In this way Appropriate Assessment is not automatically required. There is no requirement for the applicant to undertake Habitat Regulations Assessment, although on this occasion the applicant has submitted a 'shadow' assessment as part of the Environmental Statement*

*accompanying the application. As the decision maker it is the responsibility of the Council to have undertaken a Habitats Regulations Assessment prior to giving consent to a plan or project. Currently the Council has completed the Likely Significant Effects screening and is considering the requirements for an Appropriate Assessment. The Likely Significant Effects screening is available on the public record for the application P0663/14/Out (published 29<sup>th</sup> May & 14<sup>th</sup> July 2014). The Council's completed Habitats Regulations Assessments for previous applications within the Northern Quarter at Northern United and Land off Newtown Road are again available as part of the relevant planning application records.*

### **Supplementary question**

The questioner asked when the Council would make an appropriate assessment, given that a decision was required on 12 August.

### **Response from Cllr Molyneux**

He said that, as stated in the original answer, the Council was considering the matter.

### **Question 5**

The following questions have been received from Jacky Smith, Parkend Road, Coalway, Coleford Glos GL16 7HX

According to a recent press release by the HCA, the Northern Quarter Development will deliver "the creation of up to 1,000 new jobs and more than £100m in investment in the district."

I would like to know:-

- a) What sectors these jobs are expected to be in (eg construction, consulting, hospitality, engineering)?
- b) How many are expected to be permanent jobs and how many will be short-term contracts relating to the construction planned for the site?
- c) How many contracts have been let to consultancies to arrive at the current application?
- d) How much has been spent on these contracts?

### **Response from Councillor Patrick Molyneux, Leader of the Council and Cabinet Member for regeneration**

- a) *The estimate of 1,000 new jobs has been calculated using the HCA's Employment Densities Guide 2010 alongside the proposed*

*development floorspace for each of the allocated land uses. Examples are a college (7,000m<sup>2</sup>), a hotel (3,000m<sup>2</sup>) and employment sites (18,800m<sup>2</sup>). There is no further breakdown of specific job type.*

- b) The 1,000 new job figures are based on new Full Time Equivalent jobs only and exclude any temporary construction jobs or apprentice training opportunities that will result during the construction of each phase of development.*
- c) The current planning application has been submitted by the Homes & Communities Agency – the cost of specialist consultancy to support their planning application preparation is a matter for them.*
- d) Refer to answer c) above.*

### **Supplementary question**

The questioner asked how many jobs could have been created using the £14.75 million

### **Response from Cllr Molyneux**

He said that the £14.75 million had been granted by the Alliance for redeveloping the original coalfield site.

### **Question 6**

The following questions have been received from Alan Preest, 7 Greenacre, Bream, Lydney Glos GL15 6AP

- a) How many new homes have been built on Brownfield land in the last 12 months?
- b) How many Housing Association social homes were vacant in the District on 1 July 2014?

### **Response from Councillor Brian Robinson, Deputy Leader of the Council and Cabinet Member for an Efficient Council and Planning Policy and Councillor Terry Hale, Cabinet Member for Community**

- a) For the period 1 April 2013 to 31 March 2014, 343 homes (net of any losses through redevelopment) were completed within the district. 108 of these were on previously developed land, 235 were on “greenfield sites”.*
- b) We do not monitor social housing properties that are empty. Our interest lies in those that are available for letting. At 1 July 2014 there*

*were 10 properties advertised as available on the Gloucestershire Homeseeker website.*

**Supplementary question**

Alan Preest was not present at the meeting and the Council would send him the answer to his question

**Question 7**

The following question has been received from Sid Phelps, Forest of Dean Green Party, 52 Buckshaft Road, Cinderford, Glos GL14 3DU

How has the community of Cinderford/Forest of Dean benefitted from the £14.75million spent on the Cinderford Northern Quarter project to date and did the FoD Council conduct a Cost Benefit Analysis before making a commitment of this high level of outgoings from the public purse?

***Response from Councillor Patrick Molyneux, Leader of the Council and Cabinet Member for Regeneration***

*The Homes & Communities Agency secured funding approval of £14.75M from the National Coalfield Programme Funds in March 2009 and continues to manage expenditure against this approval, not the District Council. Any questions about how this approval has been spent to date are for the Agency to answer.*

**Supplementary question**

Sid Phelps was not present at the meeting and the Council would send him the answer to his question

**Question 8**

The following questions have been received from Jeremy Charlton-Wright, Fairview, 13 Church Road, Cinderford, Glos GL14 2ED

- a) How much has already been spent so far on the Cinderford Northern Quarter Regeneration site?
- b) How much of the original money that was given by the National Coalfields Communities Fund to regenerate the Cinderford Northern Quarter, is actually left?

- c) Are the Councillors aware that there are over 1,300 different species of insects and wildlife as well as fauna, in the proposed Northern Quarter site that stand to be disturbed or possibly made extinct ?;
- d) Do Councillors realise that the Water Table is unusually high in the proposed Northern Quarter site, making it potentially unsafe to build on?
- e) As the proposed Northern Quarter site (being the former Northern United Colliery), is a filled in Open Cast Mine of some 160 feet deep, and as there is NO CONTINGENCY FUND (I have already had this information confirmed in a question I asked at an previous meeting). It is not known what it has been filled in with, and whether there may be something toxic that may have already contaminated the site or will do so in the future?

Will the Council look to find an alternative site to the Northern Quarter?

- f) The Five Acres Campus for Gloucestershire College currently has a site of some 12 acres, but the area earmarked in the Northern Quarter site for the new college has only 7 acres.

Would the Council consider leaving the Five Acres College site where it is and investing in that instead, by upgrading and improving the facilities there, as this is already an established site?

***Response from Councillor Patrick Molyneux, Leader of the Council and Cabinet Member for Regeneration***

- a) *The Homes & Communities Agency secured funding approval of £14.75M from the National Coalfield Programme Funds in March 2009 and continues to manage expenditure against this approval, not the District Council. Any questions about how this approval has been spent to date are for the Agency to answer.*
- b) *See answer a) above.*
- c) *The District Council's approved Cinderford Northern Quarter Biodiversity Strategy Technical Guidance sets out high level requirements for biodiversity mitigation and enhancement for developers. In approving this Guidance, the District Council acknowledged the environmental complexity of the Northern Quarter.*

- d) *The District Council has not received any indication from the Homes & Communities Agency suggesting that ground water management is an issue or would compromise the structural integrity of their development proposals.*
- e) *The Council is not seeking an alternative site to the Northern Quarter. The Homes & Communities Agency has completed two phases of ground investigation works and to date nothing has been found as a result of mineral extraction or as a result of naturally occurring features that cannot be resolved through understood, known and relatively straightforward engineering solutions. Furthermore, the HCA's funding approval referenced in a) above, must be used to regenerate former coalfield areas.*
- f) *Gloucestershire College has identified the Northern Quarter as their preferred re-location option for their Forest Campus. The District Council has allocated space within the adopted Cinderford Area Action Plan to enable the development of a new educational facility. The final decision to re-locate will rest with the College's Governing Body*

#### **Supplementary question**

The questioner asked when councillors were going to stand up to the Cabinet, which itself had reduced in number and was against democracy.

#### **Question 9**

The following questions have been received from Jeremy Charlton-Wright, Fairview, 13 Church Road, Cinderford, Glos GL14 2ED

- a) Can the Council please provide a breakdown of the £180,000 for Car Parking that keeps on getting mentioned by the Council minus the £30,000 that has been paid out to APCOA, therefore making a supposed saving of £150,000 to the Council Tax Payer?
- b) Are all Councillors aware that the Car Parking Charges contract that was entered into with APCOA in July 2012, had a Cancellation Penalty Clause, as FODDC signed up to this to expire at the end of August 2014.

Does this not just show that the Review apparently done after 12 months, in July 2013 was a complete white wash?

#### **Response from Councillor Brian Robinson, Deputy Leader of the Council and Cabinet Member for an Efficient Council and Planning Policy**

- a) *The summary trading position for Car Parks is accounted for in Note 14 on page 58 of the draft statement of accounts (copy attached). This*

*shows that the Council made a small surplus (net of revaluation gains) of £5,814 in 2013/14 which is in line with what the Cabinet set out to do when it introduced car parking charges – to ensure that Car Parking was not subsidised by the Council Taxpayer.*

*In order to assist in answering your question I have also attached the detail behind the £170,224 income and £164,410 expenditure for the financial year 2013/14 and split out between off-street and on-street car parking. In 2013/14 this Council paid APCOA £16,573.13 in respect of the cash collection contract. All other payments to APCOA relate to on-street car parking enforcement, which is a County Council function, and therefore this Council has been reimbursed for those costs.*

*The costs incurred in 2013/14 in respect of off-street car parking were £126,917.03 whereas the income raised was £132,731.69 – a small surplus of £5,814.66. This, therefore, demonstrates an ‘actual’ saving to the Council Taxpayer.*

#### **Car Parks - Trading position 2013/14**

	<b>Off-Street Car parking</b>	<b>On-Street Car parking</b>	<b>Total</b>
Reactive repairs and maintenance	15,020.45		<b>15,020.45</b>
Signs and Notices	92.93		<b>92.93</b>
Grounds Maintenance	5,467.93		<b>5,467.93</b>
Electricity	733.03		<b>733.03</b>
Rent	350.00		<b>350.00</b>
Business Rates	36,385.18		<b>36,385.18</b>
Equipment Purchase	5,249.92		<b>5,249.92</b>
Stationery	18.04		<b>18.04</b>
Non Staff Advertising	405.00		<b>405.00</b>
Economic Impact Assessment	6,850.00		<b>6,850.00</b>
Professional and Legal Fees	290.00		<b>290.00</b>
Cash Collection Contract	16,573.13		<b>16,573.13</b>
IT - Remote Communications	3,037.00		<b>3,037.00</b>
TPP - Major Contract Fees		37,492.72	<b>37,492.72</b>
Creditors	1,344.80		<b>1,344.80</b>
Accountancy	1,508.10		<b>1,508.10</b>
Property Services	8,522.51		<b>8,522.51</b>
Procurement	471.56		<b>471.56</b>
Grounds Maintenance	13,441.60		<b>13,441.60</b>
Policy & Review	2,721.98		<b>2,721.98</b>
Debtors	41.87		<b>41.87</b>
Depreciation	8,392.00		<b>8,392.00</b>
<b>Total Expenditure</b>	<b>126,917.03</b>	<b>37,492.72</b>	<b>164,409.75</b>

Contributions - County Council		-24,588.16	<b>-24,588.16</b>
	-		-
Car Park Fees	120,928.93		<b>120,928.93</b>
Car Park Fines	-11,802.76		<b>-11,802.76</b>
Fines / penalties		-12,904.56	<b>-12,904.56</b>
	-		-
<b>Total Income</b>	<b>132,731.69</b>	<b>-37,492.72</b>	<b>170,224.41</b>
<b>Net Surplus</b>	<b>-5,814.66</b>	<b>0.00</b>	<b>-5,814.66</b>

**Extract from Draft Accounts 2013/14**

**14. TRADING ACCOUNT**

The Council is involved in a number of trading activities; the (surplus)/deficit of which is included in the Comprehensive Income and Expenditure Statement. An analysis of the trading activity is as follows:

	2013/14				2012/13			
	Income	Expenditure	Revaluations	Net (surplus) /deficit	Income	Expenditure	Revaluations	Net (surplus)/ Deficit
Forest Vale Industrial Estate	(168,385)	91,811	-	(76,574)	(160,470)	151,539	(15,000)	(23,931)
Car Parks	(170,224)	164,410	(7,900)	(13,714)	(144,066)	175,784	-	31,718
<b>Surplus/(Deficit)</b>	<b>(338,609)</b>	<b>256,221</b>	<b>(7,900)</b>	<b>(90,288)</b>	<b>(304,536)</b>	<b>327,323</b>	<b>(15,000)</b>	<b>7,787</b>

The Council lets a number of industrial units at Forest Vale Industrial Estate. Market rents are normally charged for these units, which are expected to contribute a revenue trading account surplus annually.

The Council own a number of car parks within the district where a charge for parking is made. The charges are expected to make a contribution to reduce the subsidy annually. Expenditure was high in 2012/13 where the Council still had to carry out a lot of work to get the car parks up to standard.

- b) *In June 2012 the Forest of Dean District Council and Gloucester City Council agreed to vary an existing contract dated 24 June 2008 to provide for the collection of cash from pay and display ticket machines in FODDC owned car parks and to provide for a Civil Enforcement Officer to patrol the same car parks.*

*The Forest of Dean District Council has not entered into any contract with APCOA.*

*There is no 'Cancellation Penalty Clause' in the agreement with Gloucester City Council dated 24 June 2008.*

*The review carried out in July 2013 was an assessment of the charges in place at that time and not an assessment the service providers credentials.*

#### **Question 10**

The following question has been received from Jeremy Charlton-Wright, Fairview, 13 Church Road, Cinderford, Glos GL14 2ED

It has been discussed at many Full Council meetings that many Councillors would like a cross party Cabinet consisting of a minimum of nine Councillors, therefore being more democratic.

When is this going to happen?

#### ***Response from Councillor Patrick Molyneux, Leader of the Council and Cabinet Member for Regeneration***

*Whilst the Council's constitution allows for there to be up to nine councillors plus the Leader in the Cabinet, I have taken the view that it is more cost effective for the Council to keep the number of Cabinet members low. The Constitution is clear that the make up of the Cabinet is a matter for the Leader to determine.*

#### **Question 11**

The following question has been received from Vanessa Stratford, 25 Fairfields, Hastings Road, Cinderford, Glos GL14 2AH

Northern Quarter Development

Why was it decided that cutting down acres of trees, destroying the natural environment and curtailing access to the local population was a viable option to using another area which would be just as easy to access, cause considerably less destruction and disruption and where it would be less controversial?

***Response from Councillor Patrick Molyneux, Leader of the Council and Cabinet Member for Regeneration***

*Following an extensive period of community consultation and an Examination in Public lead by an independent Planning Inspector, the Cinderford Area Action Plan (AAP) was adopted by Full Council in February 2012.*

*The Council and the Cinderford Regeneration Board created an Environmental Forum that helped us to develop the now approved Cinderford Northern Quarter Biodiversity Strategy Technical Guidance which recognises the species and habitats that might be affected by this project, the aim of which is to bring new jobs and new homes to meet local needs. We are determined to minimise the disruption to our environment and do all we can to provide enhancement measures.*

**Supplementary question**

The questioner asked how the Council thought it could minimise the impact of its work.

**Response from Cllr Molyneux**

He replied that this was an important project for the whole district and only involved building on a small part of the site. The Council would do all it could to minimise environmental disruption, but bringing the college and one thousand jobs would give a future for the children of the community.

**Question 12**

The following question has been received from Laurence Moseley, 44 Belle Vue Road, Cinderford Glos GL14 2AG

My question is an attempt to clarify how the estimates of local housing need were calculated. There are four elements to the calculation:

**Current need**

1. The adequacy or otherwise of current housing for the current indigenous population.

**Future need**

2. Natural change in the indigenous population

3. Propensity of household formation in the indigenous population
4. Balance of inward and outward population movement

My question is “What is the Council’s estimate of the number of dwellings needed from each of those causes?”

To reduce the amount of work needed to answer my question, I give below a table which an officer could complete:

<b>Cause</b>	<b>Number of dwellings needed</b>
Current adequacy/inadequacy	
Natural change	
Household formation	
In and Out movements	

***Response from Councillor Patrick Molyneux, Leader of the Council and Cabinet Member for Regeneration***

*As part of the plan making process, a review of the overall housing needs is being undertaken and this will inform the Allocations Plan when it is submitted for Examination. This review is in accord with the requirements set out in national guidance for Local Authorities.*

*The questioner will be aware of various published information which addresses future housing requirements in the district. This includes the latest ONS material which looks at demographic trends and also studies undertaken which look at overall needs. The published ONS material looks at requirements arising from the indigenous population and from migration. The Strategic Housing market Assessment (SHMA) of 2013 considers need overall. Although it considers the whole county it also provides district by district information.*

*The Forest of Dean District council strategic housing Market Assessment which identifies the level of affordable housing need in the Forest of Dean has been produced in accordance with the Department for Communities and Local Government: Strategic Housing Market Assessments Practice Guidance Version 2 2007.*

*In relation to the actual housing need the SHMA guidance breaks the calculation down into 3 areas which is current need + future need less Affordable Housing Supply (including new anticipated affordable housing development and affordable housing which will become vacant) These areas will take into account many factors including household formation, households financial capability as well demographic changes etc. If more information is required regarding the findings of the SHMA this is publically available on the council’s website.*

*In regards to the Forest of Dean Strategic Housing Market Assessment the housing need has been identified as follows:*

	<i>No of households</i>
<i>current need</i>	314
<i>future need</i>	997
<i>less Affordable Housing Supply</i>	-497
<i>net annual need</i>	<hr/> 814

**Supplementary question**

The questioner asked what the Council's estimate was for the optimal population for the district.

**Response from Cllr Molyneux**

He said that he would take the question away and send a written answer.

**Question 13**

The following question has been received from Sylvia Mills, Windralls, Eddys Lane, The Pludds, Ruardean Glos GL17 9TS

Cinderford Northern Quarter

Some 14 million pounds has gone on "consultations", revealing nightmare drawbacks to the chosen site. What is the time scale and projected financial cost of the whole scheme and how will it be paid for?

**Response from Councillor Patrick Molyneux, Leader of the Council and Cabinet Member for Regeneration**

*The Homes & Communities Agency secured funding approval of £14.75M from the National Coalfield Programme Funds in March 2009 and continues to manage expenditure against this approval, not the District Council. Any questions about how this approval has been spent to date are for the Agency to answer.*

*Subject to planning approval, the first two Northern Quarter developments likely to come forward are the spine road and the college facility. The spine*

*road is estimated at £8.9M and the college at £15M. The spine road is likely to be developed in 3 phases with funding coming from the following sources: The HCA; the Local Enterprise Partnership; and developer contributions. The college will finance the majority of the college development with £5M grant assistance from the Skills Funding Agency.*

*The first Phase of the road is due to be completed by August 2015 which would enable the College to relocate later in 2015.*

#### **Supplementary question**

The questioner asked if the Council expected the first phase of development to be completed by August 2015 to enable the college to move later that year.

#### **Response from Cllr Molyneux**

He said that it was dependent on the planning process, but confirmed that this was the projected timeline.

#### **Question 14**

The following question has been received from Roger Savage, Rhymes Farm, Malswick, Newent Glos GL18 1HF

Before the councillors vote on adopting that part of clause AP 10 of the draft Allocations Plan (AP) re the Herefordshire and Gloucestershire Canal, could you confirm that all representations and objections have been considered, before voting to approve the Allocations Plan. I specifically refer to my email correspondence sent to Julie Jones to be forwarded to whom it concerns, this being dated and sent 14 July 2014 at 3:09pm.

#### ***Response from Councillor Brian Robinson, Deputy Leader of the Council and Cabinet Member for an Efficient Council and Planning Policy***

*The Council is being asked to approve the proposed Allocations Plan so that it can be issued for public consultation. No public views have yet been sought on the content of the document. You may wish to comment on the document once issued or simply rely on your submission to date which we will retain and consider alongside all other representations on the Plan*

#### **Supplementary question**

The questioner asked what or who had given the canal trust the sole discretion for deviating from the original canal route and when this had been given.

#### **Response from Cllr Robinson**

He reminded the questioner that the consultation would take into account everyone's concerns and comments, adding that it was important for the canal to have a route. He would take the question away and send a written answer.

### **Question 15**

The following question has been received from Colin Smith, 1-2 High Street, Drybrook, Glos GL17 9EA

What is the total of Coalfield Regeneration Funding currently spent on the Cinderford Northern Quarter Scheme (including the spine road), and how much of that funding now remains?

#### ***Response from Councillor Patrick Molyneux, Leader of the Council and Cabinet Member for Regeneration***

*The Homes & Communities Agency secured funding approval of £14.75M from the National Coalfield Programme Funds in March 2009 and continues to manage expenditure against this approval, not the District Council. Any questions about how this approval has been spent to date are for the Agency to answer.*

#### **Supplementary question**

Colin Smith was not present at the meeting and the Council would send him the answer to his question

### **Question 16**

The following questions have been received from Martin Rudland, 118 High Street, Cinderford, Glos GL14 2TD

I am concerned re the environment at the Northern Quarter, both the natural environment and the mining environment, ie also the effect of the beneath ground unseen aspects as well as the above ground.

- a) What reports have you had regarding both the natural environment and the mining environment?
- b) What is the detail of those reports?

As a Glos County mining engineer has expressed concerns,

- c) then what £££ estimates are there

1. for the civil engineering work needed to stabilise the ground
  2. and make all putative buildings safe from disasters of land subsidence
  3. and safe from land sliding/slippage
  4. and pollution to water courses.
- d) What is the estimated cost of building the putative college?
- e) What is the estimated cost of just repairing the existing college at Five Acres?

***Response from Councillor Patrick Molyneux, Leader of the Council and Cabinet Member for Regeneration***

- a) *The HCA's planning application (P0663/14/OUT) contains an Environmental Statement (ES), an ES addendum and a Northern Quarter Mining Risk Assessment (March 2014).*
- b) *All the HCA planning application documents are available to view from the Council's planning web portal.*
- c) *The HCA and Gloucestershire College each have consultant teams that have prepared detailed designs for the spine road and college. To date nothing has been identified by the ground investigations that cannot be resolved through understood, known and relatively straightforward engineering solutions.*
- d) *Gloucestershire College estimates that a new build college facility in the Cinderford Northern Quarter will cost £15 million.*
- e) *Gloucestershire College has not released any information about the costs associated with other new build or refurbishment options.*

**Supplementary question**

The questioner asked for paper copies of the relevant reports

**7. MEMBER QUESTIONS**

**7.1 Cllr Paul McMahon**

**Councillor Paul McMahon**

How many social housing tenants have fallen into arrears through under occupancy of the 'bedroom tax'?

How many social housing tenants have sought financial assistance to help them with these arrears?

How much money did this Council receive from Central Government to help social housing tenants who are struggling financially, since the introduction of the 'bedroom tax'? How much of this money has been spent?

***Response from Councillor Terry Hale, Cabinet Member for Community***

In answering your question social housing tenants has been interpreted as tenants of Two Rivers and Wyedean Housing, as the two main providers in our area. It must also be pointed out that the information we have access to does not tell us if any arrears are explicitly applicable to the under occupancy charge.

As at 1<sup>st</sup> July 2014 there were 189 arrears cases across the property stock of the two social housing providers.

84 have sought financial assistance by applying for Discretionary Housing Payment. The numbers who have sought financial assistance in other ways is not known.

Discretionary Housing Payments are means tested payments made on an exceptional basis to welfare claimants to deal with short-term difficulties where existing support does not cover housing costs. A Discretionary Housing Payment may be provided in a number of circumstances, only one of which is linked to the under occupancy charge.

The Discretionary Housing Payments funding received by this Council from central government was approximately £106,000 in 2013/14 and £112,585 has been received for 2014/15. £62,000 was spent in 2013/14 and since April 2014 approximately £28,500 has been paid or committed.

Our Housing Options team liaise closely with all Housing Associations working in the area and will offer assistance if arrears have reached such a level where a landlord has decided to take legal proceedings.

**Supplementary question**

Cllr McMahon commented that Two Rivers Housing had spent £5.2 million on welfare reform, most of which was to write off rent arrears. That money could

have been used to build 50 houses. He asked for the Cabinet's reaction to that.

**Response from Cllr Hale**

He would take the question away and send an answer in writing.

**7.2 Cllr Maria Edey**

**Councillor Maria Edey**

How many jobs will be lost when the merger with the three other Councils takes place?

Will any of the officers lose their jobs, if so, which ones?

Can there be a guarantee that when this merger happens the Forest of Dean will not lose out to the other Councils like they usually do?

***Response from Councillor Patrick Molyneux, Leader of the Council and Cabinet Member for Regeneration***

The Cabinets in each of the four partner authorities have agreed a vision, a fundamental aspect of which is the continued ability of each authority to make its own decisions on how to best meet the needs of local people. All four Councils have also authorised further work to develop a more detailed business case. We need to wait until that work has been done to see if the business case remains strong and to understand its implications. A report is due in the Autumn of this year. At this stage no other decisions have been made. The answer to your question is therefore: at the moment I do not know.

For the reasons set out in my answer to your first question, the answer to your second is that I do not know.

The Forest of Dean has not lost out to other councils. On the contrary, not only have we protected local employment through our partnership work - for example, we host the accounts payable financial team for the entire GO Shared Services partnership - but FoDDC is now providing ICT services to Cheltenham Borough Council, Cheltenham Borough Homes and Ubico from Coleford.

**Supplementary question**

Cllr Edey asked if the Leader could give to Full Council a guarantee that the Forest of Dean would not lose out if the councils merged.

#### **Response from Cllr Molyneux**

He said that there could be no guarantees about anything in the future and the Council needed to find ways to save money while maintaining services that the community wanted. The possible partnership seemed a good route, given the success of the GO Shared Service (GOSS) project, shared IT and waste management. The arrangement could also give added resilience to the Council. The Cabinet had asked for a business case to be made so that all councillors could look at it. He added that the Council had done well with GOSS, having staff working here in the council offices for other councils. The Council had already proven its worth in the shared IT and if it could do the same for other services then more jobs could stay in Coleford.

### **7.3 Cllr Paul McMahon**

#### **Councillor Paul McMahon**

At the April 2014 Full Council meeting, the Cabinet Member for Efficient Council and Planning Policy stated that the Council could only release a total for all car parking income, and not individual car parks. Why is this?

#### ***Response from Councillor Brian Robinson, Deputy Leader of the Council and Cabinet Member for an Efficient Council and Planning Policy***

The April 2014 Full Council covered a number of agenda items relating to car parks. To clarify the position on costs:

The gross income from each car park paid into the machine is available for each car park. Payments for season tickets or phone payments would not be attributed to a specific car park. Someone purchasing a ticket for several hours could visit several car parks but the income will be attributed to the car park they paid for the ticket. Season ticket holders may use any of the car parks. Nevertheless on current usage patterns I think the income in the machines at each car park will give a good indication of income for each car park.

The cost of running the car parks such as maintenance and repair can largely be attributed to individual car parks but some costs such as management will apply to all car parks. In addition a proportion of council overheads will be apportioned to car park activity. We could choose to apportion these costs to

individual car parks on the basis of spaces available, income collected, tickets issued or some other arbitrary method. Each would produce a different cost per car park but have no effect on the overall cost. In view of this there seems to be no value to the council in breaking down costs to such a detailed level.

The cost of managing enforcement in the car parks is also district wide and includes enforcement on street, that we manage on behalf of the County Council, as well as our cost of managing enforcement in off street car parks. We could engage in an arbitrary apportionment by time spent or tickets issued but this would add to cost and serve no purpose.

The net cost of running each car park is therefore not available at individual car park level.

As a result we have reliable information on the cost of managing the car parks at district level. On this basis I can confirm that for 2013/14 the cost of running our car parks was fully covered by the income earned. This means users of the car parks paying just 20p per hour have contributed sufficient funding to cover the entire running costs and these facilities no longer need to be subsidised by council tax payers.

#### **Supplementary question**

Cllr McMahon asked if the Cabinet would concede that car park income constituted deluded spin, given that car park income had been lower this year than in the equivalent period the previous year.

#### **Response from Cllr Robinson**

He replied that members could see from the response to an earlier public question that there had been a net surplus of £5,000, showing that the Council had spent less on car parks than during the period when they had been free. This had enabled the council tax to be frozen and the financial burden of maintaining car parks to be borne by those that used them. He added that through the management of the car parks there were now more spaces available for people visiting the towns.

#### **7.4 Cllr Max Coborn**

##### **Councillor Max Coborn**

Heywood swimming pool money is to be spent at last so we are told after 7 years of bringing this item to Full Council. When will the work start and finish?

Will there be any other money spent other than the money that has been ring-fenced?

How much would that money be worth now after 7 years when the amount was originally agreed?

**Response from Councillor Terry Hale Cabinet Member for Community**

An actual start date is yet to be confirmed as the works are still being procured in line with our contract procedure rules. It is however hoped that they will start within the next six to eight weeks.

The original amount ring-fenced was £300,000. Recognising the length of time since the original approval, this was increased to £350,000 when Full Council approved the budget in February this year.

It is important to understand that investment income helps to support the revenue budget and the frontline services delivered. Hypothetically however, using an average of the investment interest rates returned over the period, the original money would be worth approximately £340,000 today.

**Supplementary question**

Cllr Coborn asked if the 19 schools that used the swimming pool had been informed of the timescale and if it were true that a project manager was being paid £30,000 for 12 weeks' work.

**Response from Cllr Hale**

He said that nothing had been finalised regarding the management of the project. He confirmed that it was anticipated that the project would take between 10 and 12 weeks beginning hopefully at the end of August. The Council would let people know and had already informed the schools.

**7.5 Cllr Tim Gwilliam**

**Councillor Tim Gwilliam**

*'As the Council will be aware the Community infrastructure levy has been in place nationally for some time. This levy which replaces the old section 106 is supposedly designed as follows:*

- *To give local authorities the freedom to set their own priorities for what the money should be spent on*

- *To give local authorities including Parish Councils a predictable funding stream that allows them to plan ahead more effectively*
- *To give developers much more certainty from the start about how much money they will be expected to contribute*
- *It makes the system more transparent for local people, as local authorities have to report what they have spent the levy on each year*
- *It rewards communities receiving new development through the direct allocation of a proportion (15% or 25% depending on whether a Neighbourhood Plan is in place) of levy funds collected in their area'.*

*Has this council decreed to charge developers the community Infrastructure levy and at what level of payment? Also based on the elected payment level and taking into account the housing plan for the district how much would this fund raise for Community infrastructure in the next five years?*

***Response from Councillor Brian Robinson, Deputy Leader of the Council and Cabinet Member for an Efficient Council and Planning Policy***

Cllr Gwilliam should be aware that CIL was discussed at the Cabinet in May this year when the following decision was taken:

- a) That work to develop a potential CIL in the District should continue; and
- b) To authorise obtaining expressions of interest and indicative costs from suitable consultants to prepare a viability assessment and scheme for a CIL.

No formal decision has been taken on the adoption of CIL, we want to understand more fully the implications for the district before committing to its implementation. The Council is not obligated to introduce the levy. However, after May 2015 there will be limitations to the use of 106 obligations.

At this stage it is not possible to predict how much money would be raised per annum through CIL.

Introducing a CIL will raise development costs for all smaller developments. This will impact on the viability of new developments and could slow down the building of new development. The final decision to introduce a CIL needs to

be considered carefully weighing up all these factors against any benefits toward infrastructure provision.

### **Supplementary question**

Cllr Gwilliam asked if town and parish councils would be invited to discussions concerning the Community Infrastructure Levy (CIL)

### **Response from Cllr Robinson**

He said that it was a good suggestion and the town and parish councils would be sounded out and consulted before any decision was made.

## **8. NOTICE OF MOTIONS**

### **8.1 Cllr Jackie Fraser**

Cllr Fraser withdrew her motion for a later date.

### **8.2 Cllr Max Coborn**

*I call on this Council to work with the Forestry Commission towards providing a parking permit for residents who live in the Forest of Dean area for parking in all Forestry Commission car parks in the Forest of Dean and suggest the permit should be £5.00*

Cllr Coborn proposed and Cllr Morgan seconded the motion.

Speaking to his motion Cllr Coborn said that he was concerned about creeping costs from the Forestry Commission (FC) coupled with the erection of fences preventing people from parking by the side of the road. As guardians of the forest the people of the forest should be charged a reduced rate to park.

Cllr Martin and Cllr McMahon said that in the New Forest the FC issued free permits to residents, and saw no reason why the initiative could not be replicated here.

Cllr Morgan had noticed that small mounds of earth had been placed where people had previously parked before taking their dogs for walks, thereby deterring people from parking by the side of the road and pushing them towards larger charged car parks.

Cllr Hogan said that the Forest of Dean was a national asset, attracting walkers and cyclists from elsewhere. He met residents daily who were forced to pay for parking and agreed that these were insidious creeping charges.

Cllr Coborn confirmed that the suggested permit cost was per year for residents of the district. He accepted a friendly amendment from Cllr Lynn Sterry that the residents' permit should be free. The amended motion is as follows:

*I call on this Council to work with the Forestry Commission towards providing a parking permit for residents who live in the Forest of Dean district for parking in all Forestry Commission car parks in the Forest of Dean and suggest the permit should be free.*

Cllr Molyneux commented that before the amendment he had been minded to support the motion, but thought that it was now unrealistic given the financial restraints faced by the FC. He thought that the proposal might not cause any problems in normal circumstances, but on sunny weekends and bank holidays the car parks would fill up quickly. He believed that suggesting a free permit or even putting a level on the resident concession was unreasonable and might elicit an immediate negative response from the FC. He suggested that the motion simply propose a dialogue with the FC.

Cllr Lynn Sterry said that residents felt that it was wrong to charge residents, as the car parks were mainly for tourists.

Cllr Hiett commented that over the previous year the FC had sold an unprecedented amount of timber, so were not in a dire financial position. He presumed that the New Forest free resident permit was subsidised by tourists, which could happen in the Forest of Dean.

Cllr Gardiner commented that people on the Council health walks were not wealthy and had to park by the side of the road a fair distance from Mallards Pike and had to struggle up the track before the walks even began.

Cllr Quaile believed that those who fly-tipped and littered in the forest should pay for the cost of clearing up, suggesting that one of the ways of achieving this was by charging for FC car parks.

Cllr Robinson thought that it would probably be impractical to reduce the permit for residents from £25 per year to nothing. He thought that members were in danger of losing a good idea through the amendment and instead thought that dialogue concerning a concession could achieve cross-party support. He offered a friendly amendment to remove mention of the cost of the concession for residents, which Cllr Coborn did not accept.

Cllr Robinson proposed and Cllr Molyneux seconded an amendment to remove mention of the level of concession for residents.

Cllr Morgan believed that any discussion with the FC should be by a cross-party group.

Cllr Lynn Sterry thought that it was unfair of the FC to charge disabled blue badge holders. Cllr Hogan wanted the amendment to include blue badge holders, since they had no choice but to use toilets and consequently FC car parks

Cllrs Coborn and Molyneux and their seconders accepted the amendments concerning cross-party group discussing the notion of a resident permit without mention of a level of concession and to include blue badge holders.

### **RESOLVED -**

*That the Council engage with the Forestry Commission towards providing a parking permit for residents of the Forest of Dean district and requests that a cross party group of the Council enter into a dialogue with the Forestry Commission to have a special concession for the residents of the Forest of Dean District and disabled badge holders.*

Voting was as follows

For (41) Jane Horne, Roger Yeates, Gethyn Davies, Brian Edwards, Brian Jones, James Bevan, Judy Davis, Frankie Evans, Marilyn Smart OBE, Clayton Williams, Roy Birch, Gabriella Kirkpatrick, Andrew Gardiner, Ian Whitburn, Simon Roberts, Arthur Thomas, Julia Gooch, Maria Edey, Philip Burford, Clive Elsmore, Paul Hiett, Graham Morgan, Max Coborn, David Thomson, Bill Osborne, Paul McMahon, Tim Gwilliam, Bill Evans, Di Martin, Bernie O'Neill, Bruce Hogan, Jackie Fraser, Lynn Sterry, Roger Sterry, Don Pugh, Terry Glastonbury, Terry Hale, Diana Edwards, Martin Quaile, Patrick Molyneux, Brian Robinson.

Against (0)

Abstain (1) Carole Allaway Martin,

## **9. CINDERFORD NORTHERN QUARTER SPINE ROAD**

Cllr Molyneux presented report SD.150, clarifying that there had been no call-in of the county council decision. The key point concerned the LEP growth deal, which was excellent news for Gloucestershire. He confirmed that the Strategic Economic Plan (SEP) had secured all the requested funding, £3.8

million of which would help towards the spine road. That money should fill the gap and mean that the loan need not be taken, but the Council still needed to agree the recommendations in the report.

Cllr Burford was supportive of the principle of the Northern Quarter development, but cautioned that to repay a loan of the size detailed in the report against a constrained financial baseline would be difficult. It represented a substantial risk to the Council's budget and reserves that all councillors should be fully aware of before making any decision. He asked for details of the repayment period.

Upon request the Regeneration Manager replied that a seven-year period had been requested; the full details to be agreed as per the conditions on agenda page 17.

Cllr Burford asked if the Council was confident that £500,000 per year could be found from the budget.

Cllr Robinson replied that it would be a challenge, but that it was a contingency that would only come into play if other things had failed. He believed that it was a measured risk.

Cllr Molyneux added that for clarity the Council would only be responsible for 80 per cent of the loan, so the repayments would be £400,000 per year.

Cllr Gardiner commented that the Council would probably find the money by selling off parts of the forest and asked if members wanted to lose their right to roam.

Cllr Birch confirmed that many councils would be in financial difficulty in 2017. He asked if work on all three phases would begin before finances were in place and if there could be three separate contractors, one for each phase.

Upon request the Regeneration Manager replied that the project was in three distinct phases, explaining that the Housing and Communities Agency (HCA) had confirmed funding for the first phase, which would be one contract. The second phase would be looked at in September. She confirmed that each phase could have a separate contractor, adding that the third phase was wholly reliant on completion of the artificial bat roosts. The current prediction was for that to take place after two or three 'overwintering' periods.

Cllr Hogan commented that the area concerned was in a state of what had been called benign neglect, since its development as an open-cast mine. Since then a fragile special ecology had grown that was not typical of the rest of the forest. It was right to respect that ecology, but councils should be careful not to refuse development on brownfield sites at the expense of greenfield

ones. He believed that the development could take place with minimal disruption.

Cllr Molyneux confirmed for Cllr Lynn Sterry that the Council would only draw down the loan if it were needed.

Cllr Molyneux proposed and Cllr Robinson seconded the motion.

**RESOLVED – to**

- a) *Accept the offer of £3.5M interest free loan from the Gloucestershire Local Enterprise Partnership;*
- b) *Delegate to the Strategic Director, Group Manager – Planning, & Housing, Legal Team Manager and s151 Officer, in consultation with the Leader and Cabinet Member for an Efficient Council and Planning Policy, authority to implement the recommendations, accept the GIFF offer of funding and complete the necessary legal documentation.*

The voting was as follows

For (35) Jane Horne, Roger Yeates, Gethyn Davies, Brian Edwards, Brian Jones, , Judy Davis, Frankie Evans, Marrilyn Smart OBE, Carole Allaway Martin, Clayton Williams, Roy Birch, Gabriella Kirkpatrick, Simon Roberts, Arthur Thomas, Julia Gooch, Paul Hiett, Graham Morgan, Max Coborn, David Thomson, Bill Osborne, Paul McMahon, Tim Gwilliam, Bill Evans, Di Martin, Bernie O’Neill, Bruce Hogan, , Lynn Sterry, Roger Sterry, Don Pugh, Terry Glastonbury, Terry Hale, Diana Edwards, Martin Quaile, Patrick Molyneux, Brian Robinson.

Against (4) Andrew Gardiner, Ian Whitburn, Philip Burford, Jackie Fraser

Abstain (3) James Bevan, Maria Edey, Clive Elsmore

**10. LOCAL DEVELOPMENT SCHEME 2014 TO 2018**

Cllr Robinson presented report PH.222, explaining that it concerned the method by which the Council outlined the process for the local plan. He clarified that the Allocations Development Plan was now called the Allocations Plan.

Cllr Robinson proposed and Cllr Quaile seconded the motion.

**RESOLVED** – *to recommend that The Local Development Scheme as attached to report PH.222 is brought into effect on 17 July 2014*

Voting was as follows

For (38) Jane Horne, Roger Yeates, Gethyn Davies, Brian Edwards, Brian Jones, James Bevan, Judy Davis, Frankie Evans, Marilyn Smart OBE, Carole Allaway Martin, Clayton Williams, Roy Birch, Gabriella Kirkpatrick, Ian Whitburn, Simon Roberts, Arthur Thomas, Julia Gooch, Maria Edey, Philip Burford, Clive Elsmore, Paul Hiett, Graham Morgan, David Thomson, Bill Osborne, Paul McMahon, Tim Gwilliam, Bill Evans, Di Martin, Bernie O'Neill, Bruce Hogan, Lynn Sterry, Roger Sterry, Don Pugh, Terry Glastonbury, Terry Hale, Diana Edwards, Martin Quaile, Brian Robinson.

Against (1) Andrew Gardiner

Abstain (1) Jackie Fraser

**11. ALLOCATIONS DEVELOPMENT PLAN DOCUMENT - APPROVAL OF PUBLICATION DRAFT**

Cllr Robinson presented report PH.223, explaining that the Allocations Plan formed part of the Local Plan, identifying areas where the Council wanted further development.

The Planning Policy Cabinet Support Group had been diligently working on it for the past 18 months and it was now a full plan ready for consultation. The Council would take in to account all comments and make necessary amendments before Full Council finally agreed it. As members had spent so long on the plan he believed that Full Council should accept the plan, because there would be ample opportunity to take into account any concerns during the consultation period. He explained that the recommendation was worded to give the plan as much weight as possible over the six months it would take for the process to be completed and the document to be brought back to Full Council. There were several speculative applications, so even though it may change, the plan in its current form was a basis for the coming months. Before coming back to Full Council there would be several sessions for the Planning Policy Cabinet Support Group and all members to consider it.

Cllr O'Neill suggested a friendly amendment to the recommendation to remove the word 'supported'

Cllr Robinson said that to do so might weaken the plan and he asked the Forward Plan Manager to explain.

The Forward Plan Manager said that even if the plan changed the recommendation sought Full Council's endorsement for it going forward.

Cllr Robinson did not want to remove the word 'supported' because on appeal, clever lawyers could use it as against the Council.

Cllr O'Neill proposed and Cllr Fraser seconded an amendment to remove the word 'supported' from the recommendation.

Cllr Pugh commented that his ward residents had been invited to a presentation from a developer concerning a speculative application on farmland and he had seen similar proposals won on appeal. However, he was not aware that a slightly weakened document could lead to speculative applications.

The Forward Plan Manager replied that the important part was for Full Council to endorse and approve the consultation process, adding that one of the drivers was to give weight to allocations and provide as much certainty as possible.

Cllr Hogan commented that this was a consultation document and any amendments would not change the strategic direction. He asked for a dedicated Full Council meeting to discuss the final document.

The chairman agreed to hold an extra meeting.

Cllr Gardiner would have liked to support the document but wanted mention of the Northern Quarter in the summary removed.

Cllr Molyneux replied that it would not be possible since the reference was a statement of fact.

Cllr Burford said that he would reluctantly endorse the document as a consultation draft, although he could not support it, because there are aspects relating to his ward that he thought would be there but were not. He sought absolute assurance that the relevant changes would be made for the final version.

Cllr Robinson said that he believed the document to be the one agreed, but the consultation process should put right such matters.

Cllr Thomson commented that the statement on agenda page 147, paragraph 7.6 left the door open for the Co-operative to turn the Council's Core Strategy against it and the point needed addressing at the earliest opportunity.

Upon invitation The Forward Plan Manager explained that the reference was back to evidence from 2011 in relation to the Core Strategy. The plan allowed for some growth to a point that met the basic requirement for the town centre.

. The plan allowed for some growth to a point that met the basic requirement for the town centre.

Cllr Bevan said that he was not happy with the document in its entirety, as there were concerns in his ward. He urged the public to use the consultation in a strong way to give their views.

Cllr Glastonbury commented that at the previous Planning Committee meeting he was asked to bring an amendment, but given comments earlier in the debate he had decided that it would be dangerous at this point.

Cllr Robinson reflected on the concerns expressed by members and agreed to remove the word 'supported' from the recommendation. Cllr Molyneux agreed.

Cllr Robinson proposed and Cllr Molyneux seconded the motion.

**RESOLVED** - *that the Allocations Plan Draft is endorsed by Council and is approved for consultation.*

Voting was as follows

For (38) Jane Horne, Roger Yeates, Gethyn Davies, Brian Edwards, Brian Jones, James Bevan, Judy Davis, Frankie Evans, Marilyn Smart OBE, Carole Allaway Martin, Clayton Williams, Roy Birch, Gabriella Kirkpatrick, Ian Whitburn, Simon Roberts, Arthur Thomas, Julia Gooch, Philip Burford, Maria Edey, Paul Hiett, Graham Morgan, Max Coborn, David Thomson, Bill Osborne, Tim Gwilliam, Bill Evans, Di Martin, Bernie O'Neill, Bruce Hogan, Lynn Sterry, Roger Sterry, Don Pugh, Terry Glastonbury, Terry Hale, Diana Edwards, Martin Quaile, Patrick Molyneux, Brian Robinson.

Against (1) Andrew Gardiner

Abstain (3) Clive Elsmore, Paul McMahon, Jackie Fraser

## 12. **APPOINTMENT OF ELECTORAL REGISTRATION OFFICER AND RETURNING OFFICER**

The Monitoring Officer left the chamber for this item.

Cllr Molyneux presented report SD.149, highlighting the summary on agenda page 349.

Cllr Molyneux proposed and Cllr Diana Edwards seconded the motion.

**RESOLVED** –

a) *That, in terms of the Representation of the People Act 1983 and all related legislation, Claire Hughes is appointed as Electoral Registration Officer for the District.*

b) *That, in terms of section 41 of the Local Government Act 1972 and all related legislation, Claire Hughes is appointed as Returning Officer for the District council, with authority to act in that capacity for elections to the District council and parish and town councils within the district.*

- c) *That the District Council Returning Officer be also appointed or authorised to act in respect of all related electoral, poll or referendum duties, including in relation to County Council elections, elections to the European Parliament, and for national and regional polls or referendums.*
- d) *That the Electoral Registration Officer and the Returning Officer be authorised to appoint a deputy or deputies in relation to these roles, either on a standing appointment basis or for specific periods or specific elections, and either for all purposes or for specific purposes.*
- e) *That, in relation to the duties of Returning Officer or any other electoral, referendum or polling duties arising from such appointment or arising from the appointment of the Electoral Registration Officer, the Returning Officer shall be entitled to be remunerated in accordance with the scale of fees approved from time to time by the Gloucestershire Election Fees Working Party for local elections, or the relevant scale of fees prescribed by a Fees Order in respect of national, regional or European Parliament elections, polls or referendums.*
- f) *That in all cases where it is a legal requirement or normal practice to do so, fees paid to the Returning Officer shall be superannuable, and the Council shall pay the appropriate employer's contribution to the superannuation fund, recovering such employer's contribution from central government or other agencies where this can be done.*
- g) *That, in relation to the conduct of local authority elections and polls, and elections to the United Kingdom Parliament, and all other electoral duties where the Council is entitled by law to do so, the council shall take out and maintain in force insurance indemnifying the Council and the Returning Officer against legal expenses reasonably incurred in connection with the defence of any proceedings brought against the Council or the Returning Officer and/or the cost of holding another election in the event of the original elections being declared invalid (provided that such proceedings or invalidation are the result of the accidental contravention of the Representation of the People Acts or other legislations governing the electoral process, or accidental breach of any ministerial or other duty by the Returning Officer or any other person employed by or officially acting for her in connection with the election or poll).*

Voting was as follows

For (41) Jane Horne, Roger Yeates, Gethyn Davies, Brian Edwards, Brian Jones, James Bevan, Judy Davis, Frankie Evans, Marilyn Smart OBE, Carole Allaway Martin, Clayton Williams, Roy Birch, Gabriella Kirkpatrick, Andrew Gardiner, Ian Whitburn, Simon Roberts, Arthur Thomas, Julia Gooch, Philip Burford, Clive Elsmore, Paul Hiett, Graham Morgan, Max Coborn, David

Thomson, Bill Osborne, Paul McMahon, Tim Gwilliam, Bill Evans, Di Martin, Bernie O'Neill, Bruce Hogan, Jackie Fraser, Lynn Sterry, Roger Sterry, Don Pugh, Terry Glastonbury, Terry Hale, Diana Edwards, Martin Quaile, Patrick Molyneux, Brian Robinson

Against (1) Maria Edey

Abstain (0)

**13. ANNUAL REPORTS 2013/2014**

Cllr Birch, chairman of the Audit Committee, presented his annual report, highlighting the importance of shared services and the different ways in which partners worked, citing the fact that West Oxfordshire and Cotswold councils did not have a dedicated audit committee. He continued that statements of accounts could be difficult to understand for non-accountants. Cllr Jones and he had attended a workshop from which he had taken some useful documents to distribute to all members via their pigeon holes.

The chairman thanked him for his report and announced that the annual scrutiny report would be circulated

Full Council noted the reports.

**14. CABINET AND SCRUTINY COMMITTEE REPORTS**

Full Council noted the reports.

**15. FUTURE MEETINGS**

The chairman noted that there might need to be an extra meeting to consider the final Allocations Plan.

Thursday, 23 October 2014

Thursday, 4 December 2014

Thursday, 26 February 2015

Thursday, 2 April 2015

Thursday, 28 May 2015 (annual meeting)

16. **EXEMPT BUSINESS**

Cllr Burford said that the member concerned in the proposed exempt item was happy for it to be considered in open session and he called on councillors to vote against the motion to move to exempt business in the interests of transparency.

Cllr Gardiner agreed that it was about being open and was already concerned that democracy was 'going down the drain'.

Cllr Hogan said that he was in favour of as much business as possible being conducted in public, but as he understood it the item concerned member/officer relations. If considered in public the officer's point of view could not be heard because they could not take part. To have a one-sided debate would be totally undemocratic, so on this occasion the item needed to be considered as exempt business. However, the outcome could be publicised.

Cllr O'Neill said that he understood why the member concerned wanted the item to be in public, but agreed with the previous speaker, because it would be unfair.

Cllr Molyneux concurred for the same reasons, even though he supported openness and the notion that Council work must be seen to be open.

Cllr Thomson agreed, adding that if the item had affected the public then he would have been in favour of it being debated in public.

Cllr Pugh proposed and Cllr Hiatt seconded the motion

**RESOLVED** *that under section 100A of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in schedule 12A of the said act*

Voting was as follows

For (36) Jane Horne, Roger Yeates, Gethyn Davies, Brian Edwards, Brian Jones, James Bevan, Judy Davis, Frankie Evans, Marilyn Smart OBE, Carole Allaway Martin, Clayton Williams, Roy Birch, Gabriella Kirkpatrick, Ian Whitburn, Simon Roberts, Paul Hiatt, Graham Morgan, Max Coborn, David Thomson, Bill Osborne, Paul McMahon, Tim Gwilliam, Bill Evans, Di Martin, Bernie O'Neill, Bruce Hogan, Jackie Fraser, Lynn Sterry, Roger Sterry, Don Pugh, Terry Glastonbury, Terry Hale, Diana Edwards, Martin Quaile, Patrick Molyneux, Brian Robinson

Against (4) Andrew Gardiner, Maria Edey, Philip Burford, Clive Elsmore.

Abstain (0)

## 17. **STANDARDS PANEL**

The item concerned the conduct of Councillor Maria Edey.

The complaint related to the tone and content of a number of emails sent to an officer of the Council. Some of the emails were copied to all members of the Council.

The complaint was investigated as a breach of the Council's Code of Conduct for Members. An investigating officer and the Standards Panel, advised by the Deputy Monitoring Officer and the Independent Person, considered that Councillor Edey's conduct constituted a breach of the Code of Conduct which warranted consideration by Full Council.

The investigation report, the recommendations of the Standards Panel and the views of the Independent Person were considered by Full Council and members found that there had been a breach of the Code of Conduct.

It was agreed that Councillor Edey should be censured for her conduct, that she should be removed from, and not appointed to any outside bodies, and the Council should publish its findings in respect of her conduct.

Voting was as follows

For (34) Jane Horne, Roger Yeates, Gethyn Davies, Brian Edwards, Brian Jones, James Bevan, Judy Davis, Frankie Evans, Marilyn Smart OBE, Carole Allaway Martin, Clayton Williams, Roy Birch, Gabriella Kirkpatrick, Simon Roberts, Arthur Thomas, Julia Gooch, Philip Burford, Clive Elsmore, Paul Hiatt, Graham Morgan, Max Coborn, David Thomson, Bill Evans, Di Martin, Bernie O'Neill, Bruce Hogan, , Lynn Sterry, Roger Sterry, Don Pugh, Terry Glastonbury, Terry Hale, Martin Quaile, Patrick Molyneux, Brian Robinson.

Against (0)

Abstain (4) Bill Osborne, Paul McMahon, Tim Gwilliam, Jackie Fraser

**The meeting ended at 9.50 pm**

Minutes prepared by Tony Bees  
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