



## COUNCIL

**MEETING** : Thursday, 28th November 2013

**PRESENT** : Cllrs. Chatterton (Mayor), Hansdot (Sheriff & Deputy Mayor), James, Wood, Dallimore, Organ, Hilton, Haigh, Gravells, Durrant, Tracey, Hobbs, McLellan, C. Witts, Smith, Lugg, Noakes, Ravenhill, Hanman, Lewis, Wilson, Bhaimia, S. Witts, Field, Williams, Llewellyn, Brown, Dee, Porter, Taylor, Beeley, Mozol, Randle, Toleman and Gilson

### **Others in Attendance**

Peter Gillett – Corporate Director of Resources

Sue Mullins – Head of Legal and Policy Development and Monitoring Officer

Martin Shields – Director Services and Neighbourhoods

Julian Wain – Chief Executive

Penny Williams – Democratic and Electoral Services Officer

**APOLOGIES** : Councillor Patel

### **48. MINUTES**

Subject to the amending the minutes of 11<sup>th</sup> November to record that the Councillor Haigh, was the Labour Group Leader rather than Councillor Hilton.

**Resolved:** That the minutes of the meeting held on 12<sup>th</sup> September, 17<sup>th</sup> October and 11<sup>th</sup> November 2013 be approved and signed by the Mayor as a correct record.

### **49. DECLARATIONS OF INTEREST**

Councillor J Lugg declared a Disclosable Pecuniary Interest in item 15 as a Member of the Airport Board.

Councillors Gravells, Tracey and Williams, all declared personal interests with regard to item 12, the motion on Javelin Park.

Councillor Hilton declared a personal interest as a County Councillor on item 12, the motion regarding Javelin Park, and a Disclosable Personal Interest on item 15 as a Member of the Airport Board.

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Councillor Brown declared a personal interest as County Councillor on item 12, the motion on Javelin Park.

**50. PUBLIC QUESTION TIME (15 MINUTES)**

In response to the following question from Kay Powell to the Leader of the Council.

‘As Eric Pickles has repeatedly stated that local authorities should allow members of the public to film and record their meetings, will this be allowed by Gloucester City Council?’

The Leader of the Council responded by explaining that he had no issue should the public wish to record Council meetings. Moreover that the webcasting of Council meetings has been considered in the past had not been progressed due to cost. However, members of the public were welcome to record meetings.

It was agreed that the Cabinet Member for Environment would write to Kay Powell to response to the following question:

*How and when did you become aware that Gymnasian were planning to build a riding arena on a part of St James Park in Tredworth that had never been given planning permission to be part of St James City Farm and was not recognised by most park users as being part of the farm?*

**51. PETITIONS AND DEPUTATIONS (15 MINUTES)**

There were no petitions or deputations.

**52. ANNOUNCEMENTS (COUNCIL PROCEDURE RULE 2(VII))**

The Mayor reminded Members of the date of the Mayors Christmas Party.

At this point in the meeting Group Leaders spoke in praise of Councillor Andrew Gravells in recognition of his 28 years of service to Gloucester City Council.

Councillor Gravells thanked Members for the kind words and the people of Gloucester City for voting for him.

The Chairman of Overview and Scrutiny Committee addressed the Council and reminded Members Overview and Scrutiny meeting on 9<sup>th</sup> December where preliminary views on the budget would be discussed.

The Chair of the Audit and Governance Committee also reminded on the date and importance of the Risk Management Training that was scheduled for 8<sup>th</sup> January 2014.

**53. SUSPENSION OF COUNCIL PROCEDURE RULES**

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Moved by Councillor James (Leader of the Council) and seconded by Councillor Dallimore (Deputy Leader of the Council).

**Resolved:** That Council procedure rules be suspended to allow the relevant officers to address the Council in respect of agenda items 8 (Stroud District Local Plan Pre-Submission Draft), 9 (Regulation of Investigatory Powers Act 2000 (RIPA) – Annual Review of Procedural Guide), 10 (Draft Programme of Meetings from May 2015 to end of October 2015), 14 (Special Urgency Decisions) and 15 (The future of Gloucestershire Airport – Based on ‘Review of assets at and adjoining Gloucestershire Airport’ York Aviation 2013).

**54. STROUD DISTRICT COUNCIL LOCAL PLAN PRE-SUBMISSION DRAFT**

The Council considered a report the purpose of which was to agree the City Council’s response to the pre-submission consultation to the Stroud Local Plan. When presenting the report the Leader of the Council reminded Members that Gloucester City Council had been invited as a neighbouring authority.

**Resolved:**

- (i) Gloucester City Council welcomed the opportunity to comment on Stroud’s Pre-Submission Draft Local Plan (September 2013).**
- (ii) That the decision to lengthen the plan period from 2026 to 2031 be welcomed as it harmonised with the Gloucester, Tewkesbury and Cheltenham Joint Core Strategy and the Gloucester City Plan development periods and that the Council be supported in the principle of its proposal to meet its housing target of 9,500 dwellings by 2031.**
- (iii) That Gloucester City Council objects to the continued expansion of the urban area of Gloucester through the proposed allocation of a further 500 new dwellings at Hunts Grove. This approach conflicts with the Draft Joint Core Strategy for Gloucester, Tewkesbury and Cheltenham and the strategy of the City Plan which seeks to focus growth around the north, west and east of the Gloucester urban area.**
- iv) That Gloucester City Council does not support proposals to promote an urban extension to Gloucester City at Hunts Grove as the most sustainable choice for addressing Stroud’s housing needs.**
- (iv) Gloucester City Council supports Stroud Pre-Submission Draft Plan position that alternative locations to the south of Gloucester, namely Whaddon and Hardwicke, are unsuitable locations for development.**
- (v) That Stroud and Gloucester City Councils continue to work together on cross boundary issues as part of the Statutory Duty to Cooperate, particularly in respect of continuing to align the evidence base supporting the development plans of each authority.**

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- (vi) That Stroud District Council be requested to amend the review policy set out in policy C2, to ensure the plan is seen as being positively prepared and in line with national guidance, as follows:

*“Stroud District Council will give due consideration to the need to assist neighbouring authorities in meeting their unmet objectively assessed development through an early review of its plan if required based on ongoing monitoring and co-operating with the other authorities to ensure any future shortfalls that may arise in the delivery of housing and employment growth across the area are assessed and provided for in the most appropriate and sustainable way”.*

In addition, the following associated changes to the supporting text be requested:

*“Cheltenham Borough, Gloucester City and Tewkesbury Borough Councils are currently preparing a Joint Core Strategy. If neighbouring authorities can demonstrate through their local plan process that there are unmet development and infrastructure requirements that could be met more sustainably through provision in Stroud District, these will be considered by Stroud District Council and may be incorporated into an early review of this Local Plan”*

**55. REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) - ANNUAL REVIEW OF PROCEDURAL GUIDE**

The Council considered a report, the purpose of which was to request that Members reviewed and updated the Council’s procedural guidance on RIPA and to request that the use by the Council of its RIPA powers in the last year be noted.

**Resolved: That the Procedural Guide attached at Appendix 1 of the report to Council be agreed.**

**56. DRAFT PROGRAMME OF MEETINGS FROM MAY 2015 TO END OF OCTOBER 2015**

The Council received a six month programme of ordinary meetings of Council and calendar of other meetings for the period of May 2015 to the end of October 2015.

Members asked if meetings could be checked against party conference dates and that is was presented in a format that could be easily read on their Ipads.

**Resolved: The draft programme of meetings for the period May 2015 to the end of October 2015 be approved.**

**57. QUESTIONS BY MEMBERS (COUNCIL PROCEDURE RULE 12)**

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**a) Written questions to Cabinet Members**

Council noted the written questions submitted by Councillor Field and the written responses as set out in the agenda.

The following supplementary question was asked by Councillor Field with regards to question 2 of the written questions.

Could the Leader be encouraged to consider an application for the UK city of culture for 2020 as we have seen from Hull and the cities that lose, it is a real boost to their cultural offer and national profile.

This is certainly something that we can look at and I agree with Councillor Field on the value these types of competitions, the improvements they can bring about and the benefits the award of the title can bring. We certainly need to spend the immediate future trying to improve the cultural offer of Gloucester.

**b) Leader and Members question time**

Councillor Hilton asked the Leader of the Council on the press speculation on TX Maxx opening as store in the city centre, and them possibly taking over the current indoor market. Councillor Hilton added that it was good that they want to open a store and it would be a good addition to have them in the City; however; if they were to take over the indoor market, where would the displaced local traders be moved to?

The Leader of the Council responded that he had written a piece for the Citizen newspaper on this matter setting out the Councils position on the indoor market. The Council had not promoted the indoor market site, and the owners of the site had made a suggestion where the indoor market could be sited, however this was still being considered and it was very early in the process and the Council would consider all options.

Councillor Hilton reiterated that he thought it would be good to have TK Maxx operating from Gloucester City Centre. However, if TX Maxx did move to the current site of the indoor market then somewhere else more suitable needed to be found and could the first floor of the food hall be considered, or if there were any other suitable location for a new indoor market in Gloucester.

The Leader of the Council responded by saying that it was not easy to find a suitable location, as the market needed a large footprint and affordable rent to enable the market to survive. I do have other ideas that I will be asking Officers to explore.

Councillor Haigh asked that as the City was keen to promote itself as a city of markets, was a business plan in place to ensure the future survival of the markets.

The Leader of the Council responded by explaining that Cabinet would receive a report in the near future on the market strategy for the future that would not only cover the indoor market but also the other markets that the Council operated

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outside the city centre. He reiterated that the Council was looking at the proposal that had been presented and a decision would be made once all of the facts and negotiations were clear. The Council was working with the market traders and they had approached it with an open mind and been constructive with their engagement. He concluded by saying that he was determined that there was an indoor market in the city and one that would thrive and prosper.

In response to the answer given the Leader of the Council, Councillor Haigh asked why this hadn't been looked at earlier as the market building was becoming 'life expired'. This hadn't happened overnight and there were other markets in the city in a similar situation and why hadn't steps been taken to ensure that the markets had a viable future.

The Leader of the Council confirmed that the Council owned the freehold of the Eastgate shopping centre, and Rockspring had a long lease on it and the Council leased back the markets building and there was a fairly long unexpired term on the lease. Rockspring would not be able to kick the Council or the market traders out. As far as the condition of the market hall is concerned, clearly it had been deteriorating for a long period of time. The building was approximately 45 years old and buildings of that nature have a limited life and had required a significant number of repairs over a period of time and measures had been put in place to improve the vitality of the market, including cheaper rents for the stall holders, which had to a large degree worked and occupancy levels were higher than they had been for some time.

Councillor Hilton asked Leader of the Council if the levels of household recycling were satisfactory.

In response the Leader of Council replied that he would like it to be better. He reminded Members that when the current administration took over the recycling rates were at 7% and now they were currently around 40%. The County Council had an ambitious target of 70% and the Council would like to work towards meeting its 50% target and then move towards that higher level. Moreover, there were a number of factors to take into account, firstly increasing participation and there were some households that did not recycle at all or as much as they should do, and there needed to be further education. The second issue surrounded that range of recyclable material that is collected and this needed to be expanded once the vehicles allow. The Recycling Task and Finish group had also made some valuable recommendations to act upon.

Councillor Hilton responded by saying that the recycling rate set for 2013/14 was 50% and the forecast was that only 37% would be achieved, which was poor as compared to the other collection authorities in Gloucester and should more be done to achieve this target.

The Leader of the Council replied by explaining that the Council would like to do more. Further, that there were a number of different factors that needed to be taken into account. These included the supermarkets collection sites that had previously been operated by the Council, and those sites had previously been included in the Councils collections figures and in reality the recycling rates were being suppressed by that.

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Councillor Haigh asked for further detail regarding when a planning application could be expected for the Kings Quarter Development.

The Leader of the Council replied that there were a number of factors to be taken into account. Firstly, then that the purchase of the Golden Egg was imminent, and then a further planning application would be required once the site had been levelled. If the bus station element of the scheme was progressed earlier than planned then there would be a planning application for that too. Should that happen then it needed to be looked at as part of a comprehensive development of the whole site so it may be that an outline planning application for the whole scheme with a more detailed application for the bus station. The Leader concluded that he hoped that something would happen by the spring and further discussion would be had with Stanhope.

Councillor Haigh commented that this represented a delay in the timescales and represented a significant risk to the Council. She then asked what was the Council doing to encourage Stanhope to bring this forward as soon as possible.

The Leader of the Council responded that the bus station was being brought forward sooner than anticipated and the acquisition of the Golden Egg was a positive step that represented action in the ground sooner than planned. Further, that there were to be some archaeological digs in the Square and this would represent a package of interim works. The Leader explained that the key issues for the scheme were to ensure that the land that was needed was available, and the overall viability of the scheme and the government funding for the bus station would help with the overall viability.

Councillor C Witts asked the Leader of the Council about the content of the welcome signs to Gloucester and who made that decision.

The Leader of the Council responded that a wide range of people were involved and he noted that Councillor C Witts was keen to retain the twinning details on the 'Welcome to Gloucester' signs. Council was advised that the signs had to be approved by the Department of Transport, but it was recognised that the signs were old and faded and needed to be replaced. The Leader of the Council explained that he would include Councillor C Witts in the consultation.

Councillor C Witts asked the Leader what importance he placed on the signs displaying the cities that Gloucester was twinned with.

The Leader of the Council replied that he recognised that the signs were important and gave a positive message about the City. The Leader added that twinning was very important too and had stood the test of time and the twin cities had been great friends to Gloucester, however having their names on the signs was not the most important part of twinning, but he would do what he could and would consult with Councillor C Witts.

Councillor Field asked the Leader of the Council about tethering of horses on open land and what was the Council doing about this following the death of horses on the field at Sadlers Lane that had flooded.

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The Leader of the Council responded that he would send a written reply.

Councillor McLellan asked the Leader on the policy regarding Council owned trees and explained that he had corresponded with Councillor Patel on this issue. Cllr McLellan asked if a conclusion had been reached.

The Leader of the Council explained that the current policy stated that the Council would remove dead, dangerous and dying and dangerous trees, remove major deadwood that overhangs private and council property, remove dangerous or damaged limbs and remove trees where actionable legal nuisance was being caused. However the Council did not have an obligation to prune back or remove overhanging branches other than to abate an executable legal nuisance, to prune or remove trees to improve light or improve view or to systematically crown reduce or top trees, but after Councillor McLellan's request the Legal Team have been asked to look and see if the policy can be amended to cover where damage will be caused to property if the works are not done. However this would need careful consideration and it was a difficult judgement to make if it was sufficient or not to make a judgement about what might happen in the future. He concluded by explaining that once there was a response from the Legal Team the next steps would be confirmed.

Councillor Smith commented on how excellent the lantern procession and service was, however it was noted that the event was very busy and she asked if there could be crowd management at future events.

The Leader of the Council responded by stating that it was a very popular event and that he would feedback the comments to the organisers.

Councillor Lugg commented on the success of the Victorian Market; however she asked if the impact on the traffic when holding events of this nature could be considered and if there could be more park and ride.

The Leader of the Council responded that market had been very successful and had attracted over 150 thousand visitors. It was noted that this had been a lot of visitors in short period of time, however there was learning from this and Gloucester Quays had encouraged visitors to use other city centre car parks as well as their own. It was noted that Gloucester Quays did need to be more proactive with active traffic management as there had not been the same problems when the tall ships event had been held in the summer. Moreover, Marketing Gloucester were making available to Gloucester Quays the traffic plan that they use.

Councillor Hobbs asked the Leader of the Council for the current costs for the relocation of the Tourist Information Centre.

The Leader of the Council responded that the report that went to Cabinet on the use of the £2m investment fund that was set aside, and the money that was set aside from the sale of land at St Oswald's Park set out a budget for the relocation of the Tourist Information Centre of £130k, which was largely for refurbishment. There are also plans to include in the Tourist Information Centre for conveniences that could be used by the public. The Leader of the Council added that Bath had spent



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£500k on the refurbishment of their Tourist Information Centre. The Leader concluded by adding that the Tourist Information Centre was a multi award winning service and its current premises were not fit for purpose.

Councillor Hobbs further asked if the Tourist Information Centre could be temporarily be located in the Golden Egg

The Leader of the Council replied that there would be costs to make it habitable and it was better that the Golden Egg was demolished.

Councillor Gilson asked the Leader of the Council why there had only been one successful prosecution for dog fouling in five years.

The Leader of the Council commented that the reality was that it was difficult to prosecute, as the offence needed to be witnessed, the person needed to be challenged and then given the opportunity to clean it up and if they didn't then there was the option of following the prosecution route. A number of Neighbourhood Management Officers had been trained to issue fixed penalty notices. A balanced approach was needed between education and providing dog bins. The Leader of the Council concluded that there were powers to issue fixed penalty notices and actions were taken at hot spots and people did run the risk of a fine or prosecution

Councillor Field asked the Cabinet Members for Housing Health and Leisure what was going to be done to reduce the number of people sleeping rough in future years.

The Cabinet Members for Housing Health and Leisure responded that this was a matter the Council took seriously, but that there were a number of reasons why people were homeless and living rough. He added that the Council was being proactive and working with partner organisations on projects to try and help this situation and a lot of work had been done.

Councillor Haigh asked the Leader of the Council if spitting could be considered a form of littering for which people could be prosecuted.

The Leader of the Council responded that he was not aware that it was a major problem in the city and that prosecution was not always the answer.

Councillor Haigh responded by stating that message needed to go out that spitting was not an acceptable habit.

Councillor Tracey commented that Gloslinks did a lot of good work and that she would like to work with Councillor C Witts regarding the welcome signs.

Councillor Wilson asked the Leader of the Council about the traffic signs for the car parks, stating that they were a useful aid, and urging the Leader of the Council to use his influence to have them switched back on.

The Leader of the Council responded by saying that he would investigate.

**58. NOTICES OF MOTION**

Please note that the 1<sup>st</sup> and 3<sup>rd</sup> motions that both referred to the commemoration of the First World War were combined.

**WW1 Commemoration**

Councillor Haigh and Councillor McLellan agreed to combine their motions as printed on the Council agenda.

Moved by Councillor Haigh and seconded by Councillor McLellan

1. That the Council writes to the local branch of the Royal British Legion to thank them for their work with veterans and families in keeping the remembrance alive and for the practical help and support within the community.
2. The Council resolves to join the First World War Centenary Partnership.
3. The Council resolves to survey all war memorials and commemorative public art in the city so that there is a complete record, including the condition of the memorial so that any disrepair can be identified and measures taken to preserve them.
4. The Council resolves to make the anniversary and Remembrance Sunday an appropriate event that reaches out to all communities and all generations in the city.
5. The Council notes that the Lord Lieutenant is leading the County response and will seek to work with her to develop a relevant programme of events.

After a lengthy debate regarding the impact of the First World War the motion was carried.

**Javelin Park**

Moved by Councillor Haigh and seconded by Councillor Hobbs

That the Leader of the Council write to the Secretary of State for Communities and Local Government asking him to use his powers to refuse planning permission for the Energy from Waste facility at Javelin Park.

The motion was carried.

**59. EXCLUSION OF PRESS AND PUBLIC**

Resolved: That the press and public be excluded from the meeting during the following item of business on the grounds that it likely, in view of the nature of business to be transacted or the nature of proceedings, that if a member of the press or public were present during the consideration of this item there would be

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disclosure of exempt information as defined in paragraph 3 of section 100(1) of the Local Government Act 1972 as amended.

Agenda Items 14 and 15 – Information relating to the financial or business affairs of any particular person (including the authority holding that information).

**60. REPORT ON SPECIAL URGENCY DECISIONS**

Council received a report on two urgent decisions taken with regard to property acquisitions.

**Resolved: That the decisions taken in regard to the property referred to in the report be noted and endorsed.**

**61. THE FUTURE OF GLOUCESTERSHIRE AIRPORT - BASED ON 'REVIEW OF ASSETS AT AND ADJOINING GLOUCESTERSHIRE AIRPORT' YORK AVIATION 2013**

Council received and considered a report on the future of Gloucestershire Airport.

**Time of commencement: 19:00 hours  
Time of conclusion: 21:30 hours**

**Chair**