



COUNCIL

MEETING : Thursday, 23rd July 2015

PRESENT : Cllrs. Field (Mayor), Beeley (Sheriff & Deputy Mayor), James, Dallimore, Noakes, Norman, Organ, Porter, Haigh, Hilton, Tracey, McLellan, Smith, Hobbs, Lugg, Hanman, Lewis, Bhaimia, S. Witts, Llewellyn, Williams, Brown, Hansdot, Patel, Randle, Toleman, Chatterton, Pullen, Etheridge, Hampson, H. Norman and Pearsall

Others in Attendance

Jon McGinty, Managing Director

Martin Shields, Corporate Director of Services and Neighbourhoods

Ross Cook, Corporate Director

Shirin Wotherspoon, Solicitor

Sarah Freckleton, Solicitor

Anthony Wilson, Head of Planning

Tanya Davies, Democratic and Electoral Services Manager

APOLOGIES : Cllrs. Gravells, C. Witts, Dee and Taylor

13. MINUTES

- 13.1 **RESOLVED** – That the minutes of the meeting held on 21 May 2015 be approved and signed by the Mayor as a correct record.

14. DECLARATIONS OF INTEREST

- 14.1 There were no declarations of interest.

15. PUBLIC QUESTION TIME (15 MINUTES)

- 15.1 Mr Andrew Chick asked the Cabinet Member for Housing and Planning to provide the details of the existing housing planning permissions which were in the Council's five year list, showing which were Brownfield and which were Greenfield, the number of dwellings to be built on each site and what efforts the Council was able to make to persuade developers to build those homes.
- 15.2 Councillor Organ (Cabinet Member for Housing and Planning) undertook to provide a breakdown of the information requested. He noted that five years was a long time and the information could change rapidly depending on housing need, the economy and the availability of mortgages.

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- 15.3 Mr Steve Morgan asked the Chair of the Planning Committee and the Cabinet Member for Housing and Planning if, before any further applications for housing on Greenfield sites were determined, they would jointly investigate the contention that the Strategic Housing Land Availability Assessments of recent years and the 2013 SALA were both flawed and void because there was not the community involvement as required in both the 2007 and 2014 Government Guidance and in particular paragraph 008 and the 2014 guidance, which states that plan makers should work with local communities amongst others. He further requested that any resulting report from the review be presented to the Planning Policy Sub Committee.
- 15.4 Councillor Lewis (Vice Chair of the Planning Committee) agreed to discuss the request with the Chair of the Planning Committee, the Cabinet Member for Housing and Planning and officers and, if appropriate, bring a report to the Planning Policy Sub Committee.
- 15.5 Councillor Organ stated that the matter came under the Joint Core Strategy (JCS), which was currently being inspected. He reported that the inspector had called for more detail and more consultations would take place, with feedback expected in September; therefore it would be appropriate to consider the matter at that time.
- 15.6 Mr Morgan asked if the Cabinet Member accepted that the question related historic reports and actions taken that had been used as evidence for determining planning applications.
- 15.7 Councillor Organ undertook to consider the data in question and to provide a written response.
- 15.8 Mr Christopher Atine from the Licensed Victuallers Association (LVA) asked the Leader of the Council and the Cabinet Member for Communities and Neighbourhoods how a licensed premises at the Docks was able to obtain a licence to stay open past midnight when assurances had repeatedly been given that it was not the aim for the Quays/Docks area, what the intention for the area was, and whether the Council was aware of the precedent that had now been set.
- 15.9 Councillor James (Leader of the Council and Cabinet Member for Regeneration and Economy) advised that the premises in question were not part of the Gloucester Quays site, and were owned by the Canal and River Trust and it would be a matter for them to exercise any controls as landlords. He stated that it was important for the evening economy in the Docks and the city centre to complement each other, not compete and that it would not be appropriate to have a concentration of late night licenses nor would it be compatible with the concentration of housing. Those determining applications should have regard for the impact of the environment and residents and the Council would encourage residents to provide feedback and make objections to applications where they saw fit to do so.
- 15.10 Councillor Dallimore (Cabinet Member for Communities and Neighbourhoods) stated that she was concerned about the issues that had been raised and that the Council did not wish for licensed premises to affect the quality of life of any residents. She had already agreed to discuss the issues at Nightsafe, but noted that only one formal complaint, in relation to noise, had been received, and the

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Council encouraged residents to report any issues. She advised that licences were dealt with on their own merits and that she had not been aware that a late licence had been sought and approved. She undertook to involve the LVA and Nightsafe in discussions with officers and approach the licensee to consider what could be done to tackle any anti-social behaviour.

- 15.11 Mr Atine asked if the Council was aware of the strength of feeling amongst traders that events arranged at the Docks were having a negative impact on the city centre and that the city centre would eventually become a satellite.
- 15.12 Councillor James stated that the Council wanted both the Docks and city centre to be successful and that they served different purposes and so should complement each other. The aim was not to prevent success at the Docks, but to promote the city centre, and the Council itself continued to invest significantly more in the city centre through the City Centre Investment Fund.

16. PETITIONS AND DEPUTATIONS (15 MINUTES)

- 16.1 Mr Steve Morgan presented the following petition signed by 139 people:
- “We the undersigned call upon Gloucester City Council to use its existing plans, policies and strategies to resist any development on Greenfield sites in Hempsted until all brownfield sites in the vicinity are built out.”
- 16.2 Councillor Organ stated that he agreed that building on brownfield sites was desirable where possible and that urban sprawl should be resisted; however, the Council did not own the land and brownfield sites tended to be more difficult to develop. He explained that working with developers was important; including encouraging them to get the best out of poor sites, but the City was running out of land to develop due to the challenging boundaries.

17. ANNOUNCEMENTS (COUNCIL PROCEDURE RULE 2(VII))

Mayor

- 17.1 The Mayor stated that Gloucester Carnival would take place on Saturday 25 July 2015 and that it also marked the beginning of the Summer Festival. He added that the Rhythm and Blues Festival would take place from Saturday 25 July to Sunday 2 August 2015.

Cabinet Members

- 17.2 Councillor Noakes (Cabinet Member for Culture and Leisure) also highlighted the Carnival and reminded Members of the travel arrangements and the theme, which was ‘World in Union’.
- 17.3 Councillor Organ reminded Members about the Retro Festival taking place in the city centre on 29 and 30 August 2015; each of the gate streets would be themed around a different era in history.

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Chairs of Committees

- 17.4 Councillor Lugg (Chair of the Overview and Scrutiny Committee) advised that nominations were being sought for Members to take part in a joint Overview and Scrutiny Task and Finish Group with Cheltenham Borough Council about broadband issues.

18. SUSPENSION OF COUNCIL PROCEDURE RULES

- 18.1 Moved by Councillor James (Leader of the Council and Cabinet Member for Regeneration and Economy), seconded by Councillor Dallimore (Deputy Leader of the Council and Cabinet Member for Communities and Neighbourhoods) –
- 18.2 **RESOLVED** - That Council Procedure Rules be suspended to allow the relevant officers to address the Council in respect of agenda item 8 (Statement of Community Involvement).

19. STATEMENT OF COMMUNITY INVOLVEMENT

- 19.1 Council considered a report of the Cabinet Member for Housing and Planning seeking formal adoption of the Council's Statement of Community Involvement (SCI) following a period of its public consultation.
- 19.2 Councillor Organ moved the recommendations set out in the report and explained that the SCI set out how communities were to be engaged during the planning process and that the Council was legally required to update it to reflect changes in legislation. A small number of consultation responses had been received and incorporated and the revised SCI had been endorsed by the Planning Policy Sub Committee on 18 June.
- 19.3 Councillor James seconded the motion.
- 19.4 **RESOLVED** - that the Statement of Community Involvement attached at Appendix 1 to the report be formally adopted for planning policy and development control purposes.

20. APPOINTMENT OF ELECTORAL REGISTRATION OFFICER AND RETURNING OFFICER

- 20.1 Council considered a report of the Monitoring Officer concerning the appointment of an Electoral Registration Officer and Returning Officer.
- 20.2 Councillor James moved the recommendations set out in the report and welcomed Jon McGinty, the Council's new Managing Director. He advised that Mr McGinty's appointment to the role included the positions of Electoral Registration Officer and Returning Officer, which required approval by Council. He thanked Martin Shields, Corporate Director of Services and Neighbourhoods, for acting as Returning Officer during the General and local elections in May 2015.
- 20.3 Councillor Dallimore seconded the motion.

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20.4 RESOLVED –

- (1) That, in terms of the Representation of the People Act 1983 and all related legislation, Jonathan McGinty be appointed as Electoral Registration Officer for the City.
- (2) That, in terms of Section 41 of the Local Government Act 1972 and all related legislation, Jonathan McGinty be appointed as Returning Officer for the City Council, with authority to act in that capacity for elections to the City and Quedgeley parish council.
- (3) That the City Council Returning Officer also be 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 referenda.
- (4) That the Electoral Registration Officer and the Returning Officer be authorised to appoint a deputy or deputies in relation to these roles.
- (5) That, in relation to the duties of Returning Officer or any other electoral, referendum or polling duties arising from such an appointment, the Returning Officer shall be entitled to be remunerated in accordance with the scale of fees approved 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 referenda.
- (6) 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 contribution from central government or other agencies where this can be done.
- (7) That in relation to the conduct of local authority elections and polls, and elections to the UK Parliament, and all other electoral duties where the Council is entitled by law to do so, the Council shall take out and maintain 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 accidental contravention of any legislation 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 action for them in connection with the election or poll).
- (8) That, in the event of such insurance carrying an 'excess' clause by which an initial portion of risk is not insured, the Council, through its internal insurance reserve or otherwise, will indemnify the Returning Officer up to the value of such an excess.

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21. DESIGNATION OF MONITORING OFFICER

- 21.1 Council considered a report of the Head of Paid Service concerning the appointment of a Monitoring Officer.
- 21.2 Councillor James moved the recommendations set out in the report. He advised that the previous Monitoring Officer had left the Council's employment and that the Council was required by law to make an appointment. It was considered that the most appropriate option was to extend the arrangement with One Legal to include the Monitoring Officer functions on a temporary basis for a period of 12 months.
- 21.3 Councillor Dallimore seconded the motion.

21.4 RESOLVED –

- (1) That Shirin Wotherspoon, Head of Law (Commercial) from Tewkesbury Borough Council (One Legal), be designated Monitoring Officer for the City Council in accordance with section 5 of the Local Government and Housing Act 1989 with immediate effect for an interim period of up to 12 months.
- (2) To enter into an agreement to second the above mentioned officer from Tewkesbury Borough Council (One Legal) to Gloucester City Council on terms to be agreed between Tewkesbury Borough Council, Gloucester City Council and the officer.
- (3) To delegate authority to the Managing Director to agree the terms of the secondment and to sign the secondment agreement on behalf of Gloucester City Council and to make any necessary consequential amendments to the Council's Constitution arising from the agreed terms and any re-assignment of the current Monitoring Officer functions.

22. VARIOUS CONSTITUTIONAL AMENDMENTS

- 22.1 Council considered a report of the Monitoring Officer concerning various amendments to the Council's Constitution.
- 22.2 Councillor Hilton (Chair of the Constitutional and Electoral Working Group) moved the recommendations set out in the report and highlighted each of the proposed changes, which had been endorsed by the Constitutional and Electoral Working Group on 14 July 2015.
- 22.3 Councillor Haigh (Vice Chair of the Constitutional and Electoral Working Group) seconded the motion and stated that in light of the dissolution of the Equality Champions Group, the Council needed to review its approach to People Impact Assessments. She added that moving verbal questions to Cabinet Members up the agenda would engage Members of the public and encourage Members to focus on important issues affecting the City.
- 22.4 Councillor Dallimore stated that she was happy to work with the Cabinet Member for Performance and Resources on the Council's approach to internal and external

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equalities matters, but that a specific forum was not required because feedback from Members was welcomed at any time.

22.5 RESOLVED –

- (1) The changes to the Constitution shown in Appendix 1 be approved.
- (2) The changes to the Constitution shown in Appendix 2 be approved.
- (3) The changes to the Constitution shown in Appendix 3 be approved and the Cabinet Members for Communities and Neighbourhoods and Performance and Resources be asked to consider reviewing the Council's approach to People Impact Assessments.
- (4) The changes to the Constitution shown in Appendix 4 be approved.

23. ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE FOR 2014-15

- 23.1 Council considered a report of the Chair of the Overview and Scrutiny Committee concerning the Annual Report of the Overview and Scrutiny Committee for 2014-15.
- 23.2 Councillor Lugg moved the recommendations set out in the report and thanked Sonia Tucker, Democratic Services Officer, for compiling the report and supporting the Committee. She highlighted the Committee's work with students and Task and Finish Group activity over the preceding 12 months.
- 23.3 Councillor Hampson seconded the motion.
- 23.4 **RESOLVED** - that the Annual Report of the Overview and Scrutiny Committee for 2014-15 be noted.

24. ANNUAL REPORT OF THE AUDIT AND GOVERNANCE COMMITTEE 2014-15

- 23.1 Council considered a report of the Chair of the Overview and Scrutiny Committee concerning the Annual Report of the Overview and Scrutiny Committee for 2014-15.
- 23.2 Councillor Llewellyn (Chair of the Audit and Governance Committee) moved the recommendations set out in the report and noted that the number of meetings of the Committee had been increased to ensure that the workload could be managed effectively. She advised that the settled membership had helped over recent years and paid tribute to former Councillor Declan Wilson for his service to the Committee during his time as Chair.
- 23.3 Councillor McLellan seconded the motion.
- 23.4 Councillor Haigh echoed the remarks made to acknowledge the contribution of the former Chair and suggested that a letter be sent to Declan Wilson expressing the Council's gratitude and best wishes.

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- 23.5 **RESOLVED** - that the Annual Report of the Audit and Governance Committee for 2014-15 be noted.

25. QUESTIONS BY MEMBERS (COUNCIL PROCEDURE RULE 12)

Written questions to Cabinet Members

- 25a.1 There were no written questions.

Leader and Cabinet Members' Question Time

- 25b.1 Councillor Haigh asked the Leader of the Council and Cabinet Member for Regeneration and Economy whether the Administration misled the City over plans to clad ugly buildings in advance of the Rugby World Cup (RWC) or failed to deliver.
- 25b.2 Councillor James stated that the Council would deliver on the commitment made in respect of unattractive buildings; however, the decision had been made to take a cautious approach in respect of Kings Walk car park to ensure that the optimum result was achieved. He reported that the upper levels of the building had been cleaned and a test panel put in place to seek feedback before a final decision was made. He advised that the upper levels would be painted in advance of the RWC, but that building was not actually on any of the main routes associated with the RWC.
- 25b.3 Councillor Haigh asked if it was disappointing that the cladding would not be in place for the RWC despite previous assurances.
- 25b.4 Councillor James reiterated that a cautious approach was appropriate and would ensure that the right result was achieved.
- 25b.5 Councillor Haigh asked the Leader of the Council and Cabinet Member for Regeneration and Economy what steps had been taken to ensure that there would be no repeat of the distribution of hate literature that occurred at Gloucester Carnival in 2014.
- 25b.6 Councillor James explained that new guidelines had been issued and stewards had been briefed to maintain a keen eye, but that the Council relied upon individuals to behave appropriately.
- 25b.7 Councillor Haigh asked whether relevant groups had been informed about the new guidelines.
- 25b.8 Councillor James advised that the new guidelines had been sent to all groups.
- 25b.9 Councillor Hilton asked the Leader of the Council and Cabinet Member for Regeneration and Economy when Stanhope could be expected to submit a planning application for the Kings Quarter development.
- 25b.10 Councillor James highlighted the progress already made, including the acquisition of the land from Aviva and securing funding for the new bus station. He advised

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that development agreement required Stanhope to submit a planning application by 31 March 2016 and they were being pressed to meet the requirement.

- 25b.11 Councillor Hilton asked what the Council's alternative plan for the development was in the event that Stanhope failed to submit a planning application within the required timescale.
- 25b.12 Councillor James advised that Stanhope had assured the Council of their commitment to the scheme and that discussing alternatives in a public forum would only serve to undermine the development, which needed to be given the best chance of succeeding.
- 25b.13 Councillor Hilton asked the Cabinet Member if he agreed that tenants in the private rented sector should be given the same right to buy their home as the government was giving to social housing tenants.
- 25b.14 Councillor Organ stated that private landlords should not be forced to sell to tenants and that it would cause the private rented sector to seize up; a balanced approach with choice was required for a healthy housing market.
- 25b.15 Councillor Hilton asked why the government was forcing registered social landlords to sell to tenants by giving them the right to buy their home when this would have a detrimental impact on the market and reduce the number amount of housing available for those in need.
- 25b.16 Councillor Organ stated that the government was committed to creating a balanced housing market with choice
- 25b.17 Councillor Chatterton asked the Leader of the Council and Cabinet Member for Regeneration and Economy whether he could give assurances that the new Gloucester Rugby Superdry at Gloucester Quays was a one-off and that the outlet centre would not be welcoming any other A1 retail brands.
- 25b.18 Councillor James stated that Gloucester was an outlet centre and that it is obliged to comply with its planning consent; however, a small amount of A1 retail was permitted and the new store made use of this permission.
- 25b.19 Councillor Chatterton asked the Leader to confirm that no other non-outlet stores would open.
- 25b.20 Councillor James confirmed that 2000 square feet of A1 retail was permitted and that the Gloucester Rugby Superdry store occupied all of the permitted space.
- 25b.21 Councillor McLellan asked the Cabinet Member for Environment how many bins had been delivered during 2014-15, what the cause on non-delivery was and what the Council had done to resolve the issue.
- 25b.22 Councillor Porter (Cabinet Member for Environment) reported that 10,748 requests for new or replacement bins, boxes or caddies had been received in 2014-15 and that deliveries had been completed for all requests that had been deemed reasonable, however, delivery had not always met the optimum

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timescale. 482 complaints of late delivery had been received, a significant increase to the 112 complaints received during 2013-14 and the reason for the delays was due to a supply issue. He advised that the matter had been raised with Amey at the time and remained a priority issue.

- 25b.23 Councillor McLellan asked the Cabinet Member whether he was confident that issue was being resolved.
- 25b.24 Councillor Porter advised that he had received assurances that there was no longer a supply issue and that work was ongoing to catch up with delayed deliveries. He reported that 332 requests for new or replacement bins, boxes or caddies had been received in 2015-16 to date and that there had been 106 complaints regarding late delivery.
- 25b.25 Councillor Hobbs asked the Cabinet Member for Housing and Planning what measures the Council was putting in place to prevent changes to the fundamental detail of existing planning approvals for brownfield sites being given automatic approval under changes announced to the planning process.
- 25b.26 Councillor Organ stated that once the Joint Core Strategy was approved there would be a plan in place for all development; this would ensure that development would be driven for the right reasons and protect the Council. He advised that it was necessary to reach agreement with Cheltenham Borough Council and Tewkesbury Borough Council regarding the location of social housing and that the Housing Strategy would follow the approval of the JCS.
- 25b.27 Councillor Hobbs asked what the Council would do to stop developers ignoring the JCS and utilising the National Planning Policy Framework to obtain automatic approval.
- 25b.28 Councillor Organ stated that the JCS would be the Council's main defence and that devolution would also help if local areas were given more decision-making powers.
- 25b.29 Councillor Brown asked the Cabinet Member for Culture and Leisure whether she was aware of the Gloucester Arts Council and if a dialogue had begun with the aim of improving the cultural offer in the City.
- 25b.30 Councillor Noakes advised that she was aware of the Gloucester Arts Council and that other groups and individuals had also contributed to the significant progress already made to the City's cultural offering and the continued momentum. She explained that an Interim Culture Board has been established to begin work on a new Cultural Strategy; a formal Board requiring cross-party representation would follow and forum for practitioners would run in parallel. She advised that with a revised Cultural Strategy in place, the Council would be able to bid for funding.
- 25b.31 Councillor Brown asked the Cabinet Member to confirm the timescale for the creation of the formal Culture Board.
- 25b.32 Councillor Noakes advised that the timescale would be aggressive and that Members would be made aware of the full details as soon as possible.

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- 25b.33 Councillor Pullen asked the Cabinet Member for Communities and Neighbourhoods whether any thought had been given to how the Council could limit the spread of fixed term betting in the City.
- 25b.34 Councillor Dallimore stated that it was an important issue and one that was being monitored, so that if it became a problem the Council could act.
- 25b.35 Councillor Pullen asked whether the Council could limit the number of terminals permitted on each premises.
- 25b.36 Councillor Dallimore undertook to discuss any relevant powers with the Licensing Team and consider whether any policies could be introduced to prevent the saturation of licences.

26. NOTICES OF MOTION

(1) Notice of Motion from the Labour Group

- 26.1 Moved by Councillor Haigh and seconded by Councillor Chatterton:

“This Council agrees to set up a cross party working group to consider the implications of devolution within England for the City Council in the light of Leadership Gloucestershire's expression of interest to the DCLG to assume more powers.”

- 26.2 The motion was put to the vote and was carried.

(2) Notice of Motion from the Liberal Democrat Group

- 26.3 Moved by Councillor McLellan and seconded by Councillor Hilton:

“This Council will write to the Local Government Association to ask them to seek government support for legislation to stop supermarkets throwing away food which has reached its sell by date and instead donate it to charity or use for animal feed and to support proposals by the EU Commission to recommend these ideas across the EU.”

- 26.4 The motion was put to the vote and was carried.

Time of commencement: 7.00 pm hours

Time of conclusion: 8.50 pm hours

Chair