

COUNCIL

17 October 2005

*Held at Elizabeth House, Stratford-upon-Avon
Meeting commence at 2.00pm on Monday 17 October 2005 and ending at 5.20pm.*

Present: The Chairman of the Council (Councillor Dixon) in the Chair

COUNCILLORS

Akeister	Flower	Meade	P Seccombe
Appleton	Giblin	Moorse	Short
Barnes	Gray	Organ	Slaughter
Bates	Haddon	Patrick	Thirlwell
Beaman	Harrison	Pemberton	Thomas
Beckett	Hewer	Perry	Topham
Beese	Higgs	Price	White
Bowring	Hobbs	Roache	Williams
Brain	Jackson	Rock	Winterburn
Close	James	Russel	H Wright
Cockings	Juned	Saint	R Wright
Cronin	Lawrence	Seaman	
Dally	Lloyd	I Seccombe	

. **Disclosures of Interest**

Personal Interests were disclosed by the following in respect of the items indicated:-

Councillors:

All Members also serving on the County Council in relation to Waste Management Strategy (Item 6(1))

All Liberal Democrat Members in relation to representations received about the Motion at item 9 and in relation to Recharging Parish Elections at item 6(3), where Members also serve on the Parish Councils. (**separate individual declarations were made in relation to latter item by Councillors Bates and Close*)

All Independent Group Members in relation to Recharging Parish Elections at item 6(3) where Members also serve on the Parish Councils.

All Members had received representations in relation to Item 9 – Notice of Motion.

Councillors Akeister, Beaman, Beese, Brain, Appleton, Giblin, Harrison, Hewer, Gray, Patrick, Price, Seaman, Short, Slaughter and Thirlwell in relation to Election Cost Recharging at item 6(3)

Hobbs Clarified that, following advice from both District and County Council Monitoring Officers he did not have a prejudicial interest in relation to Item 9 – Notice of Motion.

Lawrence	Item 9 - Notice of Motion and in relation to membership of West Midlands Regional Planning Partnership and West Midlands Regional Planning Executive
Saint	Prejudicial Interest in relation to Item 9 – Notice of Motion
P Seccombe	Prejudicial Interest in relation to Item 9 – Notice of Motion
I Seccombe	Personal Interest in relation to Item 9 – Notice of Motion Prejudicial Interest in relation to recommendation part 3 only
Williams	West Midlands Planning Partnership
Winterburn	Notice of Motion at Item 9 and Election Cost Recharging - Item 6(3)

Officers

Paul Lankester, Chief Executive Personal but non prejudicial interest in management competencies

Peter Cruden, Head of Legal & Monitoring Officer

Senior Management Restructuring and Item 12 – Appointment of Monitoring Officer

Richard Hood, Interim Head of Democratic Support Services

Item 12 – Appointment of Monitoring Officer

Trevor Askew, David Nash and Martin Henwood – Corporate Directors

Senior Management Restructuring

Minutes

The Minutes of the meeting held on 7 and 13 September 2005 were confirmed and signed.

(Notes:

- 1. the names of Councillors Russel and Saint would be deleted from the attendance list for that part of the meeting continuing on 13 September*
- 2. an amendment to insert additional wording into the minutes relating to legal advice from the Council's appointed barrister was lost)*

Apologies for Absence

Apologies for absence were received from Councillors Macaulay and Stevens.

Announcements

The following items were reported by the Chairman under this item:-

- The Chairman's personal weight challenge was going well and he had lost weight since the previous meeting
- The planned themed debate ('crime and the fear of crime') had been removed from the current agenda as officers wished to provide training to members to better inform a future debate, which will therefore now be postponed until the New Year. The debate at the December meeting will be 'World Class Stratford'.

- Congratulations were extended to the residents of both Napton on the award of Best Kept Large Village in Warwickshire and Northend on the award of Best Kept Small Village in Warwickshire.
- The Council had recently welcomed a delegation of local government officers from Japan, the chairman extended his thanks to all the staff involved in this cross country exchange of ideas.
- Since the last Council meeting Stratford upon Avon had hosted the Sister Cities Reunion, with participants from Stratford cities / towns from around the world including Ontario, Connecticut, Prince Edward Island, Australia and New Zealand
- The 33 mile Cycle Ride between home in Tanworth and Elizabeth House had been most enjoyable and he thanked David Miller for his company on this experimental and environmental cycle ride.
- Following on from the themed debate at a previous Council meeting, a Seminar had now been arranged on Housing Issues for 10.00am on 23 November and all members were urged to attend.
- The recent staff survey indicated that good progress in this area was being made and together with the progress being achieved with the delivery of the Improvement Plan the chairman asked the Chief Executive to convey the Council's thanks to all staff for their hard work.
- The Council had been commended for best practice following a recent visit to the Authority by The Office of Surveillance Commissioners'.
- On 9 November, the Stratford Operatic Society would be staging "42nd Street" a Civic party would be attending and if members acted quickly tickets were still available.

The Chief Executive made mention of the Members' Development Programme that had recently been published and he urged all Members to book their places as courses were filling-up fast.

Public Participation

Three members of the public had submitted questions in accordance with Council Procedure Rule 10:

Question 1

From Miss A Draycott, Chairman, Shottery Village Association

"Can you confirm that this is only the second occasion in four years when a decision of the full Council has been subject to a requisition to reconsider it, and the first occasion when a matter of policy is concerned, and explain why the modification to the Structure Plan should be revisited when the original decision was taken by due process, at a meeting dedicated to the Structure Plan and called with plenty of notice?"

The Chairman of the Council answers:

"I can confirm that this is the case. The Council's Constitution contains provisions to allow decisions to be revisited where a large proportion of the Council's Membership requests it. The ability to reconsider decisions is an important part of the democratic process."

Question 2

Mrs P.Holden, Trustee of Philip Baker Trust Proprietors of Land and Cottages adjacent to Alcester Road, Stratford-on-Avon, Warwickshire (*not present at the meeting)

"The Stratford-on-Avon District Deposit Draft Local Plan Review 1996-2011

Given that, if Proposal SUA.W is deleted from the Local Plan or its implementation is delayed until after 2011, for at least 10 to 15 years and perhaps indefinitely:

- 1. The proposed South-western Relief Road will not be constructed, the planned traffic calming measures and other highway improvements in Shottery and Stratford will not be implemented and the Councils Transport Strategy will once again be in tatters;*
- 2. No new Public Open Spaces will be provided in Shottery;*
- 3. There will be no Visitor's Centre, new access road or car and coach park for Ann Hatherways Cottage, traffic will continue to clog up Shottery's lanes and Cottage Lane will not be returned to a quiet cul-de-sac which it was until 1940's;*

Do the elected members (many of whom do not live in or near Stratford) believe that these results are in the long-term interests of the present and future inhabitants of and visitor's to Stratford or of the district as a whole? If so will each of who do hold this conviction give your reasons in writing on the District Council's website, so that the public (99% of whom are unable to attend Council meeting) can understand them and judge their merits?

The Executive Portfolio-holder for Planning responds as follows:

"The issue of housing provision and the future of the presently allocated site at Shottery and the other greenfield sites recommended by the Inspector have presented the biggest challenge for the Council in formulating its response to the Inspector's report.

Having revised the housing provision figures to reflect the Regional Spatial Strategy it is clear that there will, almost certainly, be no need to release any further large greenfield sites, including that west of Shottery, during this plan-period i.e. before 2011. To retain the Shottery site as an allocation in this plan would run counter to the Regional Strategy and run the risk of intervention by the Secretary of State.

However, in recommending the Strategic Reserve approach to Council I recognise that the Shottery site represents a sustainable development option which has been rigorously tested through the Local Plan Inquiry, and which is capable of delivering the substantial benefits listed by Mrs Holden in her question. These are benefits which should not be dismissed lightly and that is one of the reasons why I believe the Council should keep options open by retaining this site as a strategic reserve.

I have to acknowledge that one of the disadvantages of the approach is that, at best, there is likely to be a substantial delay in delivering the benefits listed by Mrs Holden. But this has to be set against the harm that would be caused to the Regional Strategy by the release of a large-scale greenfield site for housing during this plan period.

It may be possible for the Council to seek to deliver certain proposals, where feasible, in advance of any residential development of the Shottery site. For example, in responding to the County Council's Local Transport Plan the Executive will be recommended to ask the County to explore options for delivering the Western Relief Road either in advance of, or separately from, any residential development at Shottery."

Question 3

James Kenyon, Mayor of Alcester (*not present at the meeting)

"Will your full District Council consider the recommendation made to the executive Committee by the Overview and Scrutiny Committee (at its meeting on 14th September 2005) and considered by the Executive Committee (at its meeting on 3rd October 2005) when the recommendation by the Overview and Scrutiny Committee that "to the Executive that Section 136 of the Local Government Act be re-instated and considered as part of the Review of the maintenance of all open spaces in the District" was "Noted" but was not implemented."

The Executive Portfolio holder for the Environment will respond as follows:

"

- 1. The Council in setting the budget on the 28th February 2005 decided that 2005/6 would be the last year that the council would make S136 payments. After consultation with the portfolio-holder, a letter was sent to all town and parish Councils to provide formal notice of this decision in order that they could make the necessary arrangements for 2006/7 and onwards.*
- 2. The Operational Services Overview and Scrutiny Committee (OSOSC) met on the 14 September and considered a report and views of the Parish Councils presented by a representative of WALC*
- 3. The OSOSC recommended to the Executive - 'that s136 be reinstated and considered as part of a review of the maintenance of all open spaces in the district'*
- 4. The Executive considered the views of the OSOSC and 'noted the report' at its meeting on 3 October.*
- 5. The decision of the Council has been properly considered including overview and scrutiny and is now determined. The implications of the decision need to be acted on by town and parish councils now as part of their budget planning for the 2006/7 precept. "*

BACKGROUND INFORMATION

Section 136 Of the Local Government Act 1972 allows a council which has 'coterminous' powers with another council, i.e. where two councils have the powers to do something, one may provide funding to the other council to undertake the duties. Historically Stratford District Council has exercised it's discretion in choosing to reimburse Town and parish Council's within the district, except for Stratford-upon-Avon Town Council, for a proportion of their costs for certain grounds maintenance activities.

The budget for 2005/6 is £153,800. In 2004/5 the total S136 claims amounted to £232,654 and the budget was £149,700, resulting in the refund being 64.34% of total claimed.

Motions on Notice

In view of the large number of public in attendance at the meeting for this item, the Chairman agreed to bring this agenda item forward in the order of consideration.

(Councillors Saint and P Seccombe, having declared prejudicial interests, left the meeting during the full consideration of this matter. Councillor I Seccombe, having declared a prejudicial interest in third part of the decision, left the meeting for that part only).

(1) Local Plan Proposal SUA.W – land west of Shottery, Kipling Road and Egg Packing Station, Bishopton Lane

The following Motion was moved by Councillor Hobbs and seconded by Councillor Slaughter in accordance with Rules 13.1 and 17.1 of the Constitution's Council Procedure Rules:-

That

- 1) *in accordance with Council Procedure Rule 17.1, the decision at Minute No. 425 be rescinded;*
- 2) *the proposal to identify land west of Shottery, Kipling Road and the Egg Packing Station, Bishopton Lane as strategic reserve sites be re-instated within the response to the Inspector's report document (Appendix a to the report) and the Council's proposed modifications to the Plan; and*
- 3) *the original recommendations as set out in Agenda Paper Item 6 for the Council Meeting on 7 September 2005 be approved."*

(Note: the wording of this motion had been altered from that printed in the agenda papers, with the consent of the Chair and the meeting, for the sake of correction)

At its previous meeting the Council had agreed to remove proposal SUA.W (land west of Shottery) as an allocation in the Local Plan, and had decided not to identify this and the other sites referred to in the motion as 'strategic reserve' sites. Subsequently, this new Motion had been received seeking re-instatement of the original recommendation to identify all three sites as 'strategic reserve'.

The Motion was thoroughly debated with Members expressing views in favour and against the proposal. These included:

- The wish to maintain Stratford as an attractive place for visitors and safeguard greenfield areas of the town;
- The need to identify land for strategic reserve in accordance with Government guidance. Failure to do so could undermine the strategic housing policies of the Local Plan and lead to a greater likelihood of Shottery and other sites coming under threat from prospective developers;
- The delay and expense that would result if an Inquiry into modification was necessary, during which time prospective applications for this site might be submitted;
- Designating the site as strategic reserve could blight the area and issues of environment and sustainability needed to be taken into account. The

wishes of local residents for no future development must be taken into consideration.

- That the proposal had already been carefully considered through the Council's scrutiny process and these issues had been explored
- Concern about the extra traffic arising from new roads constructed, set against the relief that such roads might bring for other parts of the town;
- Identifying land west of Shottery as a strategic reserve site was a carefully considered strategy to protect against the potential for development in the short term

In taking a decision, the three parts of the motion were voted upon in turn, and in accordance with Council Procedure Rule 18.4 'named votes' were taken on each part.

RESOLVED that:

- (1) in accordance with Council Procedure Rule 17.1, the decision at Minute No. 425 be rescinded;

For: (26)

Akeister, Appleton, Beese, Brain, Dally, Dixon, Flower, Gray, Haddon, Hewer, Hobbs, Jackson, James, Lawrence, Organ, Roache, Russel, Seaman, I Seccombe, Short, Slaughter, Thirwell, Topham, Williams, Winterburn and R Wright.

Against:(22)

Barnes, Bates, Beaman, Beckett, Bowring, Close, Cockings, Cronin, Giblin, Higgs, Juned, Lloyd, Meade, Moore, Patrick, Pemberton, Perry, Price, Rock, Thomas, White and H Wright.

Abstentions: (1)

Harrison

- (2) the proposal to identify land west of Shottery, Kipling Road and the Egg Packing Station, Bishopton Lane as strategic reserve sites be re-instated within the response to the Inspector's report document (Appendix A to the report) and the Council's proposed modifications to the Plan;

For: (26)

Akeister, Appleton, Beese, Brain, Dally, Dixon, Flower, Gray, Haddon, Hewer, Hobbs, Jackson, James, Lawrence, Organ, Roache, Russel, Seaman, I Seccombe, Short, Slaughter, Thirwell, Topham, Williams, Winterburn and R Wright.

Against:(22)

Barnes, Bates, Beaman, Beckett, Bowring, Close, Cockings, Cronin, Giblin, Higgs, Juned, Lloyd, Meade, Moore, Patrick, Pemberton, Perry, Price, Rock, Thomas, White and H Wright.

Abstentions:(1)

Harrison

- (3) the original recommendations as set out in Agenda Paper Item 6 for the Council Meeting on 7 September 2005 be approved."

For: (24)

Akeister, Appleton, Beese, Brain, Dally, Dixon, Flower, Gray, Haddon, Hower, Hobbs, Jackson, James, Lawrence, Organ, Roache, Russel, Seaman, Short, Slaughter, Thirwell, Topham, Williams and Winterburn.

Against:(22)

Barnes, Bates, Beaman, Beckett, Bowring, Close, Cockings, Cronin, Giblin, Higgs, Juned, Lloyd, Meade, Moorse, Patrick, Pemberton, Perry, Price, Rock, Thomas, White and H Wright.

Abstentions: (2)

Harrison and R Wright

Matters Referred to Council by the Executive and Standing Committees for Determination

The following matters had been referred to the Council a decision:

(1) Waste Management Strategy (from the Executive)

RESOLVED: that the Joint Warwickshire Municipal Waste Management Strategy be approved and adopted by the Council.

(2) Quinton Parish Council (from Political Management Committee)

RESOLVED:

- (1) That the Membership of Quinton Parish Council be increased by one to nine Councillors;
- (2) That the Chief Executive report to a future meeting suggesting guidelines for determining the appropriate number of Members who should sit on any Parish Council within the District.

(3) Recharging Parish Elections (from Political Management Committee)

RESOLVED:

- (1) That the 'Actual Costs' method set out as Option 3 in the report be adopted for recharging all Parish Council elections commencing 1 May 2006;
- (2) That parishes are recharged an amount of £100 for uncontested Parish Elections commencing 1 May 2006;
- (3) That Parish and Town clerks be informed of the changes proposed in the arrangements for Parish Elections; and
- (4) That Officers be requested to provide Parish Clerks with estimates of likely costs as soon as

possible to help them with their budgeting for these costs.

(Vote carried by 25 votes for to 24 against)

(Note: Councillor Rock presented a proposed amendment in relation to recharging but this was ruled invalid by the Chairman as it did not comply with financial requirements within the Constitution)

Committee Reports

The Committee received for information the reports of the following meetings of Committees held on the dates indicated below. Members asked questions arising from the content of the minutes. These were included in the separate minute book:

Committee	Date of Meeting
(1) Executive	1 August 2005, 31 August 2005, 5 September 2005 and 3 October 2005.
(2) Planning and Regulation	15 August 2005 and 26 September 2005
(3) Avon Area Community Committee	25 August 2005
(4) Stour Area Community Committee	7 September 2005
(5) Appointments Committee	28 September 2005
(6) Political Management Committee	5 October 2005
(7) Employment Committee	5 October 2005
(8) Standards & Ethics Committee	10 October 2005

Questions

Two questions have been received from Councillor Nigel Rock in accordance with Council Procedure Rule 12.

Question 1

"What is the guidance given by Central Government and Officers on the assessment of excessive expenditure of Authorities with the District which might result in capping? Specifically, does the assessment of expenditure within the District embrace the total effect on Council Tax Payers including that through Parish Councils, even though Parish Councils themselves may not be capped? Is the transfer of expenditure from the District to Parish Councils an ineffective mechanism to avoid capping and could large rises by Parish Councils result in capping of this Council?"

Councillor Lynda Organ answered as follows:

The government decided its budget capping for 2005/06 on the basis of those authorities that:

- *had an increase of more than 6% over their 2004/05 budget*

- *had an increase of more than 5.5% in their Council Tax over the same period*

There is no mention of Parish Councils in the statement, which was made on 23 March 2005.

Advice to Councils in relation the level of Council Tax increase and potential capping is likely to come fairly late in the budget making process. This is because the government forms a view of what the potential increases are for the coming year following consideration of the comments/feedback it gets after the interim grant settlement is made. For example, for 2005/06 there was a letter to Leaders of Councils on 9 December 2005.

The most effective way of addressing this issue is therefore to take a view as to where the likely cap will be and bear this in mind as one of a number of factors when deriving the budget for the coming year.

Tax increases relating to parishes have not led to capping for a Council yet. Whether it could or not in the future is a matter of debate.

Question 2

"Is there an "Access Plan" (within the meaning of the Disability Discrimination Act) in place for all Council owned premises, including that in which the Council has a significant share such as the Grange Hall Southam and premises managed by others such as SLM? Do the Plans include a monitoring scheme for disabled parking bays? Are the implications of the DAA addressed within our Risk Management plan?"

Councillor Lynda Organ answered as follows:

Access to buildings – all buildings were reviewed and reasonable adjustments made and are considered compliant under the Disability Discrimination Act (DDA).

Local Managers are responsible for managing their local sites.

Risk Management – the DDA risk management responsibilities in terms of buildings is covered as operational notes in the preparation of annual service plans.

Motions on Notice

This item had been brought forward in the order of the agenda and dealt with earlier in the meeting (See Minute [X] above).

Exclusion of the Public from the Meeting

Before excluding the public from the meeting, Members joined with the Chairman in paying tribute to Peter Cruden for his service to the Council and the community during his time as Monitoring Officer.

The Chairman to move the following:

"That, pursuant to Section 100A(4) of the Local Government Act 1972, the public be excluded from the remaining business of the meeting in view of the fact that the nature of the proceedings will be such that, if members of the public were present during consideration of such business, there would

be disclosure to them of exempt information under Paragraphs 1 of Part I of Schedule 12A to the said Act."

Appointment of Monitoring Officer

The Head of Legal Services and Monitoring Officer would be taking early retirement from the Council's employment with effect from 30 November 2005.

The recruitment process to appointment a new Monitoring Officer was underway along with those of the new Director and Head of Service posts under the new structure. However, it was necessary to put in hand interim arrangements until a permanent appointment could be made.

- RESOLVED:-
- (1) That Peter Cruden, Head of Legal Services, be relieved from Monitoring Officer responsibilities on 30 November 2005; and
 - (2) That Richard Hood, Interim Head of Democratic Support Services, be appointed as the Council's Monitoring Officer for the purposes of s5 of the Local Government and Housing Act 1989 with effect from 1 December 2005