

To all Members of Stroud District Council

6 October 2017

You are hereby summoned to attend a meeting of the **STROUD DISTRICT COUNCIL** in the Council Chamber, Ebley Mill on **THURSDAY 19 OCTOBER 2017 at 7.00 pm.**



David Hagg
Chief Executive

Please Note: This meeting will be filmed for live or subsequent broadcast via the Council's internet site (www.stroud.gov.uk). By entering the Council Chamber you are consenting to being filmed. The whole of the meeting will be filmed except where there are confidential or exempt items, which may need to be considered in the absence of the press and public.

AGENDA

- 1 **APOLOGIES**
To receive apologies for absence.
- 2 **DECLARATIONS OF INTEREST**
To receive declarations of interest.
- 3 **MINUTES**
To approve the Minutes of the Council held on 20 July 2017.
- 4 **ANNOUNCEMENTS**
To receive announcements from the Chair of Council and the Chief Executive.
- 5 **PUBLIC QUESTION TIME**
The Chairs of Committees will answer questions from members of the public submitted in accordance with the Council's procedures.

DEADLINE FOR RECEIPT OF QUESTIONS

Noon on Monday, 16 October 2017

Questions must be submitted to the Chief Executive, Democratic Services,
Ebley Mill, Ebley Wharf, Stroud and sent by post or email
(democratic.services@stroud.gov.uk)

**6 RECOMMENDATIONS FROM STRATEGY & RESOURCES COMMITTEE –
12 OCTOBER 2017**

As at the date of publication of this agenda, the above meeting had not been held, although it was anticipated that the Committee would be making two recommendations to Council.

The relevant reports are available on the [website page](#) for this Council meeting and the report recommendations are set out below. The Leader of the Council will present both items.

6a 100% Business Rates Retention Pilots:

Subject to confirmation of the potential financial benefits outweighing risks, the Council agrees to be part of the Gloucestershire bid for business rate pilot status for 2018/19. The bid should make clear that it is submitted on the basis that it is conditional on there being no financial detriment to Gloucestershire in 2018/19. Should subsequent analysis or the terms of the Government's proposed scheme change, this matter be brought back to Strategy and Resources Committee and Council for further consideration before proceeding with a pilot.

6b Local Council Tax Support Scheme:

The Council adopts the Local Scheme (referred to in the report) as the scheme for Stroud District Council for the period 01 April 2018 to 31 March 2019.

7 HARDWICKE NEIGHBOURHOOD DEVELOPMENT PLAN

To consider a report on whether the Hardwicke Neighbourhood Development Plan should be made part of the Development Plan, following the referendum.

8 MEMBERS' QUESTIONS

See Agenda Item 5 for the submission deadlines.

COUNCIL MEETING

20 July 2017

7.00 pm – 8.35 pm

Council Chamber, Ebley Mill, Stroud

Minutes**Membership:**

Martin Baxendale	P	Nick Hurst	P	Skeena Rathor	A
Dorcas Binns	A	Julie Job	P	Sue Reed	A
Catherine Braun	P	Haydn Jones	P	Mark Reeves	P
Chris Brine	A	John Jones	P	Steve Robinson	P
George Butcher	P	Norman Kay	P	Mattie Ross	P
Miranda Clifton	P	Stephen Lydon	P	Tom Skinner	A
Nigel Cooper	P	John Marjoram	P	Nigel Studdert-Kennedy	P
Doina Cornell	P	Phil McAsey	A	Haydn Sutton	P
Gordon Craig	P	Karen McKeown	P	Brian Tipper	P
Rachel Curley	A	Jenny Miles*	P	Chas Townley	P
Stephen Davies	P	Dave Mossman	P	Jessica Tomblin	P
Paul Denney	P	Gill Oxley	P	Ken Tucker	P
Jim Dewey	P	Keith Pearson	P	Martin Whiteside	P
Jonathan Edmunds	P	Elizabeth Peters	A	Tim Williams	A
Chas Fellows	P	Simon Pickering	P	Tom Williams	P
Colin Fryer	P	Gary Powell**	P	Penny Wride	A
Alison Hayward	P	Nigel Prenter	A	Debbie Young	P

**Chair * Vice-Chair P = Present A = Absent

Officers Present:

Chief Executive Legal Services Manager & Monitoring Officer
 Democratic Services Officer

Also Present:

Adam Starkey, Vice-Chair of GFirst LEP on The Gloucestershire Vision 2050 Project.

The Chair agreed to a request from Councillor Nigel Cooper to bring forward Members' Questions before the Motion.

CL.013 APOLOGIES

Apologies for absence were received from Councillors Dorcas Binns, Chris Brine, Rachel Curley, Philip McAsey, Elizabeth Peters, Nigel Prenter, Skeena Rathor, Sue Reed, Tom Skinner, Tim Williams and Penny Wride.

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CL.014 **DECLARATIONS OF INTEREST**

There were none.

CL.015 **MINUTES**

RESOLVED That the minutes of the Annual General Meeting held on 18 May 2017 are confirmed and signed as a correct record.

CL.016 **ANNOUNCEMENTS**

The Chief Executive announced that Lauren Holbrow, one of our apprentices, had become Public Sector Apprentice of the Year in the Gloucestershire Apprentice Awards 2017, adding to her success in June as Apprentice of the Year in the Stroud Life Awards 2017. Members applauded her success.

CL.017 **PUBLIC QUESTION TIME**

There were none.

CL.018 **PRESENTATION ON VISION 2050**

Members received a power point presentation from Adam Starkey which set out the ambitions for Gloucestershire's long term development and replied to members' questions. Members thanked Mr Starkey for his very informative presentation.

CL.019 **RECOMMENDATION(S) FROM OTHER COMMITTEES****Audit and Standards Committee – 4 July 2017 – Procurement Review 2017/18**

The Chair of Audit and Standards Committee outlined the above report and answered a member's question. Members unanimously

RESOLVED That the thresholds in the Contract and Procurement Procedure Rules be amended as outlined in the report at paragraphs 2.3 and 2.4.

CL.020 **MEMBERS' QUESTIONS**

Questions were submitted by Councillor Nigel Cooper and answered by the Leader of Council. (Refer to the Council's [webcast](#) and [Agenda Item 9](#)).

CL.021 **NOTICE OF MOTION**

The Motion was proposed by Councillor Skeena Rathor and seconded by Councillor Catherine Braun. In Councillor Rathor's absence Councillor Braun presented the Motion which was seconded by Councillor Chas Townley. Both Members highlighted the blight and injustice caused to women who had been affected by the Government's change in their pensionable age, with little and in many cases without any prior notification.

Members debated the Motion and upon the vote it was carried.

RESOLVED The Council calls on the Government to reconsider transitional arrangements so that women do not live in hardship due to these State Pension changes and instructs the Chief Executive to write to The Secretary of State for Work and Pensions and the two Members of Parliament representing the Stroud District seeking their support for action by the Government.

The meeting closed at 8.35 pm.

Chair of Council

Report Title	HARDWICKE NEIGHBOURHOOD DEVELOPMENT PLAN
Purpose of Report	To decide whether the Hardwicke Neighbourhood Development Plan should be made part of the Development Plan for Stroud District following the positive outcome of the referendum held on Thursday, 10th August 2017.
Decision(s)	<p>Council RESOLVES:</p> <ol style="list-style-type: none"> 1. that the Hardwicke Neighbourhood Development Plan is made part of the Development Plan for Stroud District. 2. to delegate to the Strategic Head (Development Services), in agreement with the Qualifying Body, the correction of any further minor spelling, grammatical or typographical errors together with any improvements from a presentational perspective.
Consultation and Feedback	<p>A Referendum relating to the adoption of the Hardwicke Neighbourhood Development Plan was held on Thursday 10th August 2017.</p> <p>The question which was asked in the Referendum was: "Do you want Stroud District Council to use the Neighbourhood Plan for Hardwicke to help it decide planning applications in the neighbourhood area?"</p> <p>The result was as follows:</p> <ul style="list-style-type: none"> • Yes = 407 votes (87.2%) • No = 60 votes (12.8%) • Turnout = 12% <p>All neighbourhood development plans are required to gain a majority of 50% plus one in favour at a local referendum in order to become part of the Development Plan. They are then required to be 'made'/ adopted by the local planning authority. If the plan received a positive result the local planning authority has a legal duty to bring the plan into force.</p>
Financial Implications and Risk Assessment	No direct financial implications arising from this development plan. It is a legal requirement to bring the plan into force, not adopting it would lead to costs associated with legal challenge.

Financial Implications and Risk Assessment Cont'd/...	Adele Rudkin, Accountant Tel: 01453 754109 Email: adele.rudkin@stroud.gov.uk
Legal Implications	The legal position in respect of adopting the Neighbourhood Plan is correctly summarised in paragraph 8 of this report. Alan Carr, Solicitor Tel: 01453 754357 Email: alan.carr@stroud.gov.uk
Report Author	Simon Maher, Neighbourhood Planning Officer Tel: 01453 754339 Email: simon.maher@stroud.gov.uk
Options	The Council has a legal duty to bring the plan into force following a positive result at the local referendum. The only circumstances in which the Council could not make the Neighbourhood Plan would be if it considers that the Neighbourhood Plan, including its preparation, breaches and would otherwise be incompatible with any EU obligation or any Convention rights (within the meaning of the Human Rights Act 1998)
Performance Management Follow Up	The Neighbourhood Plan, when 'made', will continue to form part of the Development Plan for the District and will be used to determine planning applications. The implementation of the Plan will be monitored by the Parish Council. A key measure of success will be the extent to which planning permissions granted in the Plan reflect the policies in the Plan. It is hoped that by monitoring the Plan, the Parish Council will be able to ascertain where changes may need to be made when the Plan is updated.
Background Papers/ Appendices	Appendix A – Hardwicke Neighbourhood Development Plan

BACKGROUND

1. The Hardwicke Neighbourhood Area was designated by resolution of the Council's Environment Committee on 4th February 2014.
2. The preparation of the Hardwicke Neighbourhood Development Plan (HNDP) was led by Hardwicke Parish Council ('the qualifying body').
3. A submission version of the HNDP was accepted by the Council on 8th February 2017, under regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the regulations'). As prescribed by 'the regulations', the Council consulted on the plan for six weeks and arranged for the plan to be examined.

4. The Council appointed Andrew Ashcroft MRTPI as independent examiner of the HNDP.
5. The examination concluded on 9th June 2017 with the submission of the Examiner's Report, which recommended that the HNDP, once modified, should proceed to a referendum.
6. The Council's Environment Committee decided on 29th June 2017:
 - a. to accept all recommended modifications of the Examiner's Report
 - b. that 'the plan', as modified, meets the basic conditions, is compatible with the Convention rights, complies with the definition of a neighbourhood development plan (NDP) and the provisions that can be made by a NDP; and
 - c. to take all appropriate actions to progress the plan to referendum on the 10th August 2017.
7. Following the positive result at referendum, the HNDP became part of the Development Plan for the Stroud District

CONSIDERATION

8. Neighbourhood planning is not a legal requirement but a right which communities in England can choose to use. Under section 38A (4) of the Planning and Compensation Act 2004 (as amended), local planning authorities have a legal duty to make a neighbourhood development plan following a positive referendum result. This is subject to the limit exception, in sub section (6), whereby the council need not adopt the plan if it considers that it would be incompatible with any European Union obligations or Human Rights conventions. In this regard, Environment Committee on 29th June 2017 determined that such requirements had been considered and satisfied. Therefore to not make/adopt the Hardwicke Neighbourhood Development Plan would be in breach of these statutory provisions.

NEXT STEPS

9. The Council must publish a statement setting out its decision and the reason for making it.
10. Once made, the Plan continues to form part of the statutory Development Plan for the District. The NPPF (paragraph 198) states: "Where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted."
11. As soon as possible the Council should publish the plan, details of when and where it can be inspected and notify any person who has asked to be notified that it has been made and where and when it may be inspected.