

Thursday, 20 April 2023

FOREST OF DEAN DISTRICT COUNCIL

FULL COUNCIL

Minutes of a meeting of the Full Council held in the Council Offices, Coleford on Thursday, 20 April 2023 at 7.00 pm.

Present

Chairman Councillor Julia Gooch

Vice Chairman Councillor Clive Elsmore

Councillors James Bevan, Richard Boyles, Philip Burford, Maria Edwards, Jamie Elsmore, Nick Evans, Thom Forester, Jackie Fraser, Andrew Gardiner, Paul Hiatt, Harry Ives, Richard Leppington, Brian Lewis, Di Martin, Chris McFarling, Helen Molyneux, Andy Moore, Gill Moseley, Bernie O'Neill, Nicky Packer, Sid Phelps, Simon Phelps, Brian Robinson, Shaun Stammers, Mark Topping, Mark Turner, Claire Vaughan, David Wheeler, Ian Whitburn and Roger Yeates

Officers

Andrew Grant	Head of Paid Service
Julie Jones	Democratic Services Manager
Alexander Kirk	Lawyer
Andrew Knott,	Chief Finance (s151) Officer
Clive Reynolds MRTPI,	Development Manager
Sue Robus,	Democratic Services
Sian Roxborough,	Monitoring Officer
David Rees	IRP Chairman

1 Apologies

Apologies were received from Councillors Tim Gwilliam, Vilnis Vesma, Carole Allaway Martin, Lynn Sterry, Brian Jones and Alan Preest.

2 Minutes

The non-exempt minutes of the Full Council meeting held on Thursday 2 February and Thursday 16 February 2023 were signed as an accurate record.

Members were reminded that the meeting on Thursday 2 February was an extraordinary meeting.

Councillor Claire Vaughan proposed both sets of minutes
Councillor Di Martin seconded both sets of minutes

Agreed by assent.

Councillors Maria Edwards, Andy Moore, Bernie O'Neill and Philip Burford would not be voting on both sets of minutes because they were not present at one of the meetings, either on Thursday 2 February or Thursday 16 February 2023.

3 Urgent Business

There was no urgent business.

4 Declarations of Interest

Councillor Maria Edwards declared a pecuniary interest in item 9 due to being acquainted with the applicant and having a previous trading relationship with a family member of the applicant. Councillor Edwards would leave the Council Chambers for Item 9.

5 Chairman's Announcements

Welcome

The Chair extended a warm welcome to Andrew Grant who has taken the position as interim Head of Paid Services.

One Minute Silence

The Chair sent sincere condolences to the families and friends of both Fred Passant and Dick Brice.

It was during Fred's time as a member of Newent Millennium Trust that he was instrumental in securing the lottery funding for the purchase and refurbishment of a property for the Youth Club and Community Café known as the 'Chill Out'.

Forest Musician and Poet Dick Brice was renowned for writing and performing his music and verse, his song 'A land between two rivers' is fondly referred to as the Anthem of the Forest.

The Chair invited members of the public, officers and Council to join her in a one minute silence.

A Thank You

Across our district there are many residents who volunteer to help clean up our countryside, just recently it came to my attention that the children from Huntley Primary School supported by our Street Wardens took part in the Keep Britain Tidy GREAT BIG SCHOOL clean campaign, efforts like this really do make a difference. A litter free district helps to build a sense of pride.

The Chair would like to place on record the Council's thanks to the children as well as to all other volunteers who have helped to make a difference to where we live.

Long Service

Celebrating long service has been a tradition here and the Chair would like to recognise and thank councillor's Paul Hiatt, Andrew Gardiner, Di Martin, and Lynn Sterry who between them have clocked up over one hundred years of public service.

5.1 Retiring Councillors

As this council term ends, the Chair would like to thank retiring Councillors for their service to the Council and the community, wishing them well.

Retiring councillors:

Nicky Packer
Brian Robinson,
Vilnis Vesma
Roger Yeates
Richard Boyles
Brian Jones
Brian Lewis
Richard Leppington
Helen Molyneux

6 Public question time

There were no public questions

7 Member questions

7.1 Councillor Nick Evans

To ask the Cabinet Member for Finance whether work is underway in the Council to examine whether it is possible to align the Council's investment strategy with the corporate objectives around reducing the Council's carbon footprint and tackling the climate emergency.

Response from Cllr Richard Leppington, Cabinet Member for Finance and Waste

Thank you for your question.

Work is always happening to review the Council's investments to ensure that they are in line with the investment strategy agreed at Council in February 2023. This currently looks to provide the highest return on investments at the lowest risk around the loss of the capital value. In terms of tackling the climate emergency and reducing the Council's carbon footprint, the council's investment consultants produce an ESG (Environmental, Social and Governance) Report on the investments that we have. This shows what each investment that we have is doing in these areas. This is produced annually and reviewed by the Chief Finance (S151) Officer and discussed with the Cabinet member for Finance.

Supplementary Question

Could the Cabinet Member clarify, where decisions are made which may lose or cost the Council money, which takes precedence the investment strategy or the objectives regarding the carbon footprint?

Response from Cllr Richard Leppington, Cabinet Member for Finance and Waste

The Cabinet Members priority is to do what is financially best for the residents of the District.

Point of Order

Councillor Thom Forester sought confirmation as to why a question that he submitted 1 week and 2 days previous was blocked from being added to the agenda? The question was received out of the required time frame. The Monitoring Officer would clarify the details with Councillor Forester outside of the meeting.

8 Councillor Allowances Independent Remuneration Panel Report

David Rees, Chairman of the Independent Remuneration Panel (IRP) presented report LD.708 to outline the findings and recommendations of the Council's Independent Remuneration Panel regarding Members' Allowances.

Councillor Paul Hiett proposed to move the recommendations.
Councillor Bernie O'Neill seconded

Member Questions

How much will this cost Council including any back pay and uplift of allowances, and how much would each individual member receive?

The approximate estimate for back pay and the uplift is £40,000 which has been bought forward and is included in the budget. The amounts per person would be based on the roles and allowances based on those roles as indicated in the report.

Has the dependent carers allowance also be increased, and if not could this be looked at next time?

No it has not been increased, and it is something we will look at.

Would the back pay be awarded to those retiring members?

Yes.

Debate

Members thanked the IRP for all their hard work.

There was discussion around the insensitivity of an allowance increase of 8.6%, especially during a cost of living crisis. It was commented that this was an allowance that members did not need to take but, if they did take it, they had the option of donating the allowance to a charity of their choice.

It was stated that Councillors work very hard and spend hours dedicated to their work, and some Councillors have a very limited income. It takes all types of people to provide a balanced and inclusive Council. Without an allowance some people would not be able to stand for Council or if elected, serve the public as they would like to.

It was questioned why Councillor's needed to vote on their own allowances and it was noted that it is not an easy task.

Members sought clarification on the salary increase for staff for 21/22, and 22/23.

The pay increase for 22/23 is yet to be decided however, 21/22 was a set financial figure for each grade which is where the 5 per cent came from as a direct percentage across all the grades. The previous year was 2-3 per cent. The IRP is recommending an increase for Councillors that is of a similar percentage.

Members commented on recommendation 7 suggesting that personal electronic devices for Councillors were long overdue and it would help Councillors move to

paperless, but there should be the option available for Councillors to have paper copies. It was pointed out that there had not been enough work done to consider the embodied carbon that the proposed electronic devices would provide, so a carbon case, not just a business case should be produced.

Councillor Brian Robinson proposed that the recommendations be taken on block.

Councillor Philip Burford seconded the proposal.

Voting was as follows:

For (23) Councillors Julia Gooch, Jackie Fraser, Maria Edwards, Philip Burford, Simon Phelps, James Bevan, Helen Molynuex, Mark Turner, Ian Whitburn, Thom Forester, Andrew Gardiner, Richard Boyles, Roger Yeates, Brian Robinson, Gill Moseley, Shaun Stammers, Di Martin, Jamie Elsmore, Bernie O'Neill, Claire Vaughan, Richard Leppington, Paul Hiatt and Clive Elsmore.

Abstain (0)

Against (9) Councillors Chris McFarling, Sid Phelps, Mark Topping, Andy Moore, David Wheeler, Nicky Packer, Brian Lewis, Nick Evans and Harry Ives.

Total (31)

Resolved, that Council:

- 1. Increased the Basic Allowance from £5,100 to £5,540 per annum payable from 1 April 2023; and backdated to 2021/22 and 2022/23 financial years.*
- 2. Agrees that the Basic Allowance should increase annually from 1 April at the same rate as the percentage cost of living uplift in the national pay settlement for local government employees for that year.*
- 3. Agrees the Special Responsibility Allowances as detailed in Annex A.*
- 4. Approves the Councillor Allowances Scheme for 2023-27 including the Travelling & Subsistence scheme as attached at Annexes B.*
- 5. Thanked the Independent Remuneration Panel for their work and note that the Independent Remuneration Panel will hold a mid-term review.*
- 6. Confirmed the appointments of David Rees and Susan Rushton for a further four years until 2027.*
- 7. Requested that officers produce a business case for issuing electronic devices to members*

Voting was as follows;

For (22) Councillors Julia Gooch, David Wheeler, Jackie Fraser, Maria Edwards, Philip Burford, Simon Phelps, James Bevan, Helen Molynuex, Ian Whitburn, Andrew Gardiner, Richard Boyles, Roger Yeates, Brian Robinson, Gill Moseley, Shaun

Stammers, Di Martin, Jamie Elsmore, Bernie O'Neill, Claire Vaughan, Richard Leppington, Paul Hiatt and Clive Elsmore.

Abstain (2) Councillors Chris McFarling and Nicky Packer

Against (8) Councillors Sid Phelps, Mark Topping, Andy Moore, Mark Turner, Thom Forester, Brian Lewis, Nick Evans and Harry Ives

Total (32)

9 Planning Application- P1536/22/FUL Land at Severn Valley Touring, Awre

Councillor Maria Edwards left the Council Chambers at 20.12pm

Councillor Sid Phelps stated that he questioned whether he was qualified to determine this planning application due to the lack of planning training.

The Head of Paid Services clarified that all Councillors would be entitled to have a view on the information presented within the application, as a member of the Full Council, not as part of the Development Management Committee.

The constitution (7.8.11) determines that 'Any decisions made by the Development Management Committee that are contrary to approved policy and officer recommendations must be referred to Full Council for ratification (or overturning) prior to the issuing of a decision notice.'

Councillor Philip Burford, Chairman of the Development Management Committee presented report PH.508, Planning Application - P1536/22/FUL Land at Severn Valley Touring, Awre.

At March's Development Management Committee meeting members considered application P1536/22/FUL. Members of the Development Management Committee wish to grant permission for the development contrary to Local Plan policies and the officer recommendation presented to them. As such, and in accordance with the requirements of the Scheme of Delegation, the matter is brought before Council to ascertain whether the justification advanced by the Development Management Committee for setting aside policy is valid and planning permission granted or whether the Officer recommendation should stand and planning permission be refused.

The task for members was to decide whether the reasons presented by the Development Management Committee which considered setting the Councils policy aside were of sufficient weight that justify putting policy aside and, were sufficiently self-contained so that if used to set policy aside, could not be used as a ready precedent in the future.

Making planning decisions are based on a balance. The balance before Council is to determine the application in accordance with the development plan, unless material considerations indicate otherwise.

The Development Manager, provided an overview of the application to members.

Public Speakers:

The applicant, Joanne Greening spoke in support of the application.

Ward Members Councillors Richard Boyles and Nicky Packer.

Member Questions

Could member have clarification on the number of hard standing units?

There are 16.

Could members have some guidance on what a flexible approach to live/work units means in practice?

The Council do not have a specific policy on live/work units so we would refer back to the core policies which provide guidance on where dwellings should be erected. In general terms the policy states dwellings should be erected within the settlement boundary. Live work units inside the settlement boundary would comply with policy, but if the dwelling is outside of the settlement boundary, there would need to be a proven need for the business to have a dwelling with it.

How far does the applicant presently live from this site, and how far would the proposed office block will be from where the caravans will be sited?

The applicants live approximately a 3 minute drive away from the proposed site. The office block is on the same piece of land as the caravans.

Should there be concern at the possibility of a change of use application in the future?

The application is for a large dwelling house with office and shop space integrated within it. What concerns officers is that the dwelling is a 3 double bedroom two story house which is the element which conflicts with policy as new houses should be built within settlement boundaries.

Debate

It was questioned why local businesses had to jump through so many expensive planning hoops to get permission to do what they believe is best for their business.

This is a local family run business and the Council should support initiative such as this.

Tourism is essential for the economy and there is a need of tourism within the district. This site will provide revenue for the business and revenue for other attractions within the Forest of Dean district.

Guests like to see a permanent presence on site as it shows someone is taking responsibility, it evokes a feeling of safety and having provisions on site would enhance facilities for locals and minimise the environmental impact.

Members mentioned that there had been no objections from the conservation officer, the site is now open 12 months a year and the visual appearance of the building has changed and there are other significant differences between applications. The work life balance which has been proved due to further detail within the officer's report.

Some members raised concern as to whether there was a need for a permanent presence on site due to the applicant living so close and the proposed house being outside of the settlement boundary, therefore contrary to policy. If it was just the ancillary shop and office, Full Council may not have had to consider this application.

Councillor Philip Burford proposed that permission be granted to application PI536/22/FUL subject to the conditions outlined in annex C.

Councillor Brian Robinson seconded the proposal.

Voting was as follows:

For (29) Councillors Julia Gooch, Chris McFarling, Sid Phelps, Mark Topping, Andy Moore, David Wheeler, Nicky Packer, Jackie Fraser, Philip Burford, Simon Phelps, Helen Molynueux, James Bevan, Mark Turner, Ian Whitburn, Thom Forester, Andrew Gardiner, Brian Lewis, Nick Evans, Harry Ives, Richard Boyles, Roger Yeates, Brian Robinson, Gill Moseley, Shaun Stammers, Di Martin, Jamie Elsmore, Bernie O'Neill, Claire Vaughan, and Clive Elsmore.

Abstain (2) Councillors Paul Hiatt and Richard Leppington

Against (0)

Total (31)

10 Procurement and Contract Management Strategy

Councillor Bernie O'Neill, Cabinet Member for Governance presented report F.619 to provide members with an updated draft Procurement and Contract Management Strategy as per the Internal Audit recommendation. FODC Audit Committee previously approved the draft Strategy on the 17th November 2022. Following feedback from Audit Committee, the strategy now includes reference to payment of Living Wage across the Councils supply chain.

Councillor Bernie O'Neill proposed

Councillor Paul Hiett seconded

Member Questions

There were no questions

Debate

There was debate around whether the content of the report had any substance.

Resolved, that Council:

a) Approves the Proposed Procurement and Contract Management Strategy

Voting was as follows:

For (25) Councillors Julia Gooch, Chris McFarling, Sid Phelps, Mark Topping, Nicky Packer, Jackie Fraser, David Wheeler, Philip Burford, Simon Phelps, Helen Molyneux, James Bevan, Ian Whitburn, Brian Lewis, Nick Evans, Harry Ives, Richard Boyles, Roger Yeates, Brian Robinson, Gill Moseley, Jamie Elsmore, Bernie O'Neill, Claire Vaughan, Richard Leppington, Paul Hiett and Clive Elsmore.

Abstain (0)

Against (2) Councillors Thom Forester and Andrew Gardiner,

Total (27)

II Chairman's Charity Donation 2019 Report

Councillor Julia Gooch, Chair of the Council presented report LD.710 for members to agree the payment of a charity donation to the charity chosen by the previous Chair, Councillor James Bevan. The previous charity has gone into liquidation so a new charity, Forest Sensory Services has been chosen to receive the donation instead.

Councillor Julia Gooch proposed
Councillor James Bevan seconded

Member questions

Could members have clarity that the charity, Age Concern, which has gone into liquidation, is the Forest of Dean local organisation not the National Age Concern?
Yes, that is correct. It was a meal delivery service, which Age Concern no longer run, and hence the business went into liquidation.

Debate

There was no debate

Resolved, that Council

a) Approves £546.52 to be paid to Forest Sensory Services as the charity chosen by previous Council Chair, Councillor James Bevan

Voting was as follows;

For (26) Councillors Julia Gooch, Chris McFarling, Sid Phelps, Mark Topping, David Wheeler, Maria Edwards, Philip Burford, Simon Phelps, James Bevan, Helen Molyneux, Ian Whitburn, Andrew Gardiner, Thom Forester, Brian Lewis, Nick Evans, Harry Ives Richard Boyles, Roger Yeates, Brian Robinson, Gill Moseley, Jamie Elsmore, Bernie O'Neill, Claire Vaughan, Richard Leppington, Paul Hiatt and Clive Elsmore.

Abstain (0)

Against (0)

Total (26)

12 Cabinet and Scrutiny Committee Reports

Councillor Paul Hiatt, Deputy Leader of the Council, referred to the Cabinet report in the document pack and opened the floor to questions.

There were no questions

Councillor Nick Evans, Chairman of the Strategic Overview and Scrutiny Committee, referred to the Scrutiny report in the document pack and opened the floor to questions.

A question was raised concerning disregarded evidence that was collected and provided for the CNQ inquiry?

At the outset of the CNQ inquiry members were advised that they could be members of the inquiry or provide evidence but could not do both.

13 Exempt Business

TO CONSIDER, AND IF SO AGREE, TO RESOLVE 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

Councillor Paul Hiett proposed
Councillor Bernie O'Neill seconded

Voting was as follows:

For (14) Councillors Julia Gooch, Maria Edwards, Philip Burford, Simon Phelps, James Bevan, Helen Molynuex, Brian Lewis, Brian Robinson, Gill Moseley, Jamie Elsmore, Bernie O'Neill, Claire Vaughan, Paul Hiett and Clive Elsmore.

Abstain (0)

Against (10) Councillors Chris McFarling, Sid Phelps, Mark Topping, David Wheeler, Ian Whitburn, Andrew Gardiner, Thom Forester, Nick Evans, Harry Ives, Richard Boyles

Total (24)

14 Exempt minutes

The exempt minutes of the Full Council meeting held on Thursday 2 February 2023 were signed as an accurate record.

Councillor Paul Hiett proposed
Councillor Bernie O'Neill seconded

Voting was as follows:

For (17) Councillors Julia Gooch, Chris McFarling, Mark Topping, David Wheeler, Simon Phelps, James Bevan, Ian Whitburn, Andrew Gardiner, Brian Lewis, Nick Evans, Harry Ives, Richard Boyles, Gill Moseley, Jamie Elsmore, Bernie O'Neill, Paul Hiett and Clive Elsmore.

Abstain (0)

Against (0)

Total (17)

15 Future Meetings

Thursday, 25 May 2023 at 7pm (Annual Council Meeting)

The meeting ended at 9.53 pm

Minutes prepared by Julie Jones

Phone: 01594 812624 Email: democratic.services@fdean.gov.uk