



STROUD DISTRICT COUNCIL
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**COUNCIL
EXTRAORDINARY MEETING**

16 DECEMBER 2008

7.00 pm – 10.27 pm

Council Chamber, Ebley Mill, Stroud

3

Minutes

Membership:

John Hudson **	P	Joe Forbes	P	Norman Smith	A
John Jones *	P	John Fowles	P	Paul Smith	P
Dennis Andrewartha	P	Timothy Frankau	P	John Stanton	P
Ray Apperley	P	Stephen Glanfield	P	Alex Stennett	P
Tim Archer	P	Christine Headley	P	Ken Stephens	P
Gwen Belcher	P	Paul Hemming	P	Nigel Studdert-Kennedy	P
Philip Bevan	P	John Jeffreys	P	Barbara Tait	P
Elisabeth Bird	P	Graham Littleton	P	Brian Tipper	P
Rowland Blackwell	A	Sarah Lunnon	P	Len Tomlins	A
Philip Booth	P	Fi Macmillan	P	Linda Townley	P
Chris Brine	P	John Marjoram	P	Martin Whiteside	P
Harry Carr	P	Lorraine Patrick	P	Les Williams	A
Patricia Carrick	P	Keith Pearson	P	Mike Williams	A
Nigel Cooper	A	Elizabeth Peters	P	Tom Williams	P
June Cordwell	P	Mark Rees	P	Janet Wood	P
Karon Cross	P	Frances Roden	P	David Wride	P
Chas Fellows	P	Christopher Routledge	P	Debbie Young	P

** = Chair of Council * = Vice Chair of Council P = Present A = Absent

Officers Present

Chief Executive	Head of Legal Services
Strategic Head of Development Services	Democratic Services & Elections Officer
Accountant (Exchequer)	Interim Finance Manager
Strategic Head of Regeneration & Culture	Principal Marketing Officer
	Development Surveyor

Also Present

Cotswolds Canals Trust

CL.051 APOLOGIES

Apologies for absence were received from Councillors Rowland Blackwell, Nigel Cooper, Norman Smith, Len Tomlins, Les Williams and Mike Williams.

CL.052 **DECLARATIONS OF INTEREST****(a)** **Personal and Prejudicial Interests**

Councillors Chas Fellows and John Jones declared a personal interest in the Cotswold Canals Restoration and Regeneration Project as Members of the Cotswolds Canals Trust. Councillors Elizabeth Peters, Christine Headley and Martin Whiteside declared a personal interest as members of the Brimscombe and Thrupp Parish Council Canal Working Group.

(b) **Section 106 of the Local Government Finance Act 1992**

There were none.

CL.053 **COTSWOLD CANALS RESTORATION AND REGENERATION PROJECT – WORK FROM SAUL TO BRIMSCOMBE (PHASE 1a)**

The Cabinet Member for Regeneration & Tourism welcomed members of the public who were viewing remotely and in attendance. The Cabinet Member informed Council that very few details of the project had changed from the report presented at the extraordinary Council meeting held on 5 June 2008. A PowerPoint presentation was given which outlined the following detail:-

- Diagrams showing the completed Cotswold canal as a link between the Rivers Severn and Thames
- New developments along the canal such as the Stonehouse Business Park
- The key benefits by 2020, including 600 jobs in the private sector, 21 permanent jobs in tourism and leisure, the conservation of 30 historic structures, protection of rare species and the potential attraction of 215,000 additional visitors to the district
- Benefits for local schools, educational resources and opportunities to train in heritage skills
- Canals in the future could be used by freight companies and dramatically reduce CO₂ emissions
- A possible alternative to water transfer rather than the proposed new reservoirs in the South East
- Value Engineering – doing more for less – seizing funding opportunities
- £7m savings by obtaining Landfill Tax Exemption Certificate
- Pike Bridge, Eastington 56% saving by professionals and volunteers working together
- Paid tribute to the interpretation boards created by Neville Nelder and associates
- A letter written to Ben Bradshaw MP from the Chief Executive and the Leader of Council including comments regarding the canal regeneration scheme – link to national network

The Cabinet Member specifically drew Council's attention to paragraphs 4, 9,14,22,28 and 29 of the report. The paragraphs referred to issues such as the Council having a minority interest in the limited company, interest shown in Brimscombe Port by developers, the recruitment of a Project Manager, the Chief Executive and Leader being authorised to suspend or stop the project and the Exemption for Waste in the clean up of contaminated land. These points re-addressed issues raised at the extraordinary Council held on 5 June 2008.

The Cabinet Member moved the recommendations set out in the agenda paper, which were duly seconded. At this juncture the Leader gave notice that he would be requesting a recorded vote.

The Chair invited Members of the Council to ask questions, the following points were raised and answered by the relevant Cabinet Member or Officer:-

- The sale of land at Dudbridge Depot had been completed; this would fund part of the project.
- The Monitoring Officer confirmed that there were no constitutional or other legal reasons of a general nature that would preclude members' consideration of the decisions on the issues raised in the report. He drew Members attention to the safeguards referred to both in the legal implications and elsewhere in the report.
- Landowning interests would be represented on the proposed Company Limited by guarantee.
- The Chief Executive and the Leader of Council would hold meetings with Scrutiny Chairs, Vice-Chairs and Group Leaders dependant upon the format and frequency requested by the Scrutiny Chairs to report on and discuss the project.
- A letter of acknowledgement had been received from Ben Bradshaw MP (Minister for the South West) in which it gave a clear indication that the Councils representations were being considered
- Cotswold Canals Trust would only be able to do a limited amount of maintenance. It was hoped that British Waterways would be involved in maintaining the canal following completion.
- The project would be carried out in sections and the Heritage Lottery Fund would pay for the work retrospectively upon invoice.
- The sum of £1.3m was allocated to the restoration project as stated in the report to Cabinet – Capital Programme, 11 December 2008 refers
- Members of Development Control Committee would still be able to make decisions on planning applications which related to the canal project in line with planning polices and guidance, without declaring an interest. Participation in the decision making process at this meeting would not prejudice any Councillors who sat on the Development Control Committee from considering relevant planning issues.
- Original costs stated in the report to the extraordinary Council held on 5 June 2008 had been reduced due to the change in the market place and the amount of land required for the project. The Chief Executive informed Members that all works and resources would have to keep within the budget set.
- The funding agreement of £6m for the acquisition of Brimscombe Port was between SWRDA and British Waterways.
- An approach had been made from a commercial company for the purchase of property at Brimscombe Port. The company recognised that the site had constraints and that a scheme to deliver the canal project was underway. The enquirer was not guaranteed to complete the purchase but discussions were still on-going between SWDRA and British Waterways
- Brimscombe Port would remain predominately as employment land as stated in the Local Plan.
- DEFRA had awarded £21,000 for the investigation into contaminated land at Capel Mills
- Assurances were sought that services currently offered by Stroud District Council would still be available.
- The Head of Finance had drawn Members attention to the potential to claw back of monies by the Heritage Lottery Fund if appropriate within the financial implications of the report

The Chair opened the meeting to debate and a very full and lengthy debate ensued. Many of the Members took the opportunity to express their views on how the proposed project would affect the District as a whole.

During the debate an amendment was put forward and duly seconded as follows," To ensure the canal project is managed in such a way as to support and enhance existing Council priorities. In particular this will include:

- a) the commitment to achieving 30% affordable housing on applicable canal corridor sites is retained;
- b) the District wide budget for insulating 'difficult to treat' houses is retained at or above 2007/8 expenditure levels.

During the debate of the amendment the Cabinet Member for Planning explained that in accordance with the Local Plan it was already Council policy that residential development should contain 30% affordable housing. The site was allocated in the Local Plan for employment use.

The Chairman indicated that parts (a) and (b) of the amendment would be considered and voted on separately.

On being put to the vote part a) was declared, LOST

A vote was taken based on amendment (b) above and was declared, LOST.

The debate and many of the Councillors welcomed the regeneration project and the potential benefits of employment creation. Councillors appreciated the risks involved and referred to the financial and legal implications sections of the report. Members commented on the need to show community leadership and the benefits to the District of undertaking such a project at this stage in the economic cycle.

The Cabinet Member for Regeneration & Tourism thanked all Officers and organisations involved. The Cabinet Member recognised that some detailed aspects of the project remained to be established but that the basis for the Council making a decision was clearly set out and there were sufficient safeguards in place.

A recorded vote was taken on the Motion to approve the recommendations set out in the report, which had been duly moved and seconded earlier in the meeting.

FOR THE Councillors

MOTION:

(37)

Chas Fellows	Frances Roden	Dennis Andrewartha
Raymond Apperley	Tim Archer	Gwen Belcher
Philip Bevan	Elisabeth Bird	Chris Brine
Harry Carr	Patricia Carrick	Karon Cross
Joe Forbes	Timothy Frankau	Stephen Glanfield
Christine Headley	Paul Hemming	John Jeffreys
Graham Littleton	Sarah Lunnon	Lorraine Patrick
Keith Pearson	Elizabeth Peters	Mark Rees
Christopher Routledge	John Stanton	Alex Stennett
Ken Stephens	Nigel Studdert-Kennedy	Barbara Tait
Brian Tipper	Linda Townley	Martin Whiteside
David Wride	Debbie Young	John Jones (Vice-Chair)
John Hudson (Chair)		

AGAINST THE Councillors

MOTION:

(7)

June Cordwell	John Fowles	Fi Macmillan
John Marjoram	Paul Smith	Tom Williams
Janet Wood		

ABSTAIN: Councillors

(1)

Philip Booth

Accordingly, the recommendations were CARRIED.

RESOLVED That the Council:-

1. To commit to undertake the canal regeneration project between Saul and Brimscombe (Phase 1A) subject to completion of a funding agreement with the Heritage Lottery Fund in the sum of £11.924 million.
2. To enter into a funding agreement with HLF and such other funding partners as necessary after consultation between the Chief Executive, the Strategic Head (Regeneration and Culture), Heads of Finance and Legal Services, the Leader of the Council and such portfolio holders as the Leader may decide appropriate.
3. To agree the establishment of a company to be known as the Stroud Valleys Canal Company; this company to be limited by guarantee and to have charitable trust status with the Council taking a minority interest (*The Stroud Valleys Canal Company's purpose being to acquire freehold and leasehold property interests by gift or purchase and be responsible for the operation, repair and maintenance of the canal until such time as British Waterways take on these responsibilities*).
4. To delegate authority to the Chief Executive, the Strategic Head (Regeneration and Culture), Heads of Finance and Legal Services to agree documentation that enables the Council to establish and participate in the company and charitable trust referred to in recommendation 3 and such other agreements and licences as may reasonably be required to implement the project.
5. To agree should circumstances dictate and it being in the interests of the council taxpayer, the Chief Executive and the Leader of the Council be authorised to suspend the project and a report be brought to Council.
6. To agree the preparation and publication of a development brief for the Brimscombe Port area.
7. To earmark the capital receipts from the sale of Dudbridge depot and the Dursley supermarket site specifically to fund the Council's contribution of £2.342m to the canal project. In the event that costs look likely to exceed the capital receipts available recommendation 5 above would apply.
8. Subject to compliance with EU Procurement Directives and to the overriding objective of ensuring best value under the relevant legislative requirements, and specific approval by the Heads of Finance and Legal Services, to authorise the suspension of or exception from the Procedure Rules Relating to Contracts as may from time to time be appropriate, subject to, in order to take best advantage of innovative procurement, value engineering and opportunities to utilise other partners, and to facilitate progress on individual schemes within the overall project. In each instance, specific approval will need to be given by the Heads of Finance and Legal Services.

The meeting closed at 10.27 pm.

Chair of Council