

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Executive Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Wednesday, 15 July 2015 commencing at
2:00 pm**

Present:

Chairman
Vice Chairman

Councillor R J E Vines
Councillor D J Waters

and Councillors:

R E Allen, Mrs K J Berry, R A Bird, D M M Davies, M Dean, Mrs E J MacTiernan and J R Mason

also present:

Councillors P W Awford and Mrs J Greening

EX.12 ANNOUNCEMENTS

- 12.1 The evacuation procedure, as noted on the Agenda, was taken as read.
- 12.2 The Chairman welcomed Councillor P W Awford to the meeting and explained that he was in attendance, as Chairman of the Overview and Scrutiny Committee, for Agenda Item 7 – Performance Management – Quarter Four 2014/15. Councillor Mrs J Greening was in attendance as an observer and the Chairman also welcomed her to the meeting.

EX.13 DECLARATIONS OF INTEREST

- 13.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.
- 13.2 The following declarations were made:

Councillor	Application No./Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
R E Allen	Item 9 – Disposal of Surplus Assets.	Is the Council's representative on the Board of Severn Vale Housing Society.	Would speak and vote.
D J Waters	Item 9 – Disposal of Surplus Assets.	Is the Council's representative on the Board of Severn Vale Housing Society.	Would speak and vote.

- 13.3 There were no further declarations made on this occasion.

EX.14 MINUTES

- 14.1 The Minutes of the meeting held on 10 June 2015, copies of which had been circulated, were approved as a correct record and signed by the Chairman.

EX.15 ITEMS FROM MEMBERS OF THE PUBLIC

- 15.1 There were no items from members of the public on this occasion.

EX.16 EXECUTIVE COMMITTEE FORWARD PLAN

- 16.1 Attention was drawn to the Committee's Forward Plan, circulated at Pages No.8-11. Members were asked to consider the Plan.

- 16.2 Accordingly, it was

RESOLVED: That the Committee's Forward Plan be **NOTED**.

EX.17 PERFORMANCE MANAGEMENT - QUARTER FOUR 2014/15

- 17.1 The report of the Chairman of the Overview and Scrutiny Committee, circulated at Pages No. 12-70, asked Members to review and, if appropriate, take action against the observations of the Overview and Scrutiny Committee following its review of the 2014/15 quarter four performance management information.

- 17.2 The Chairman of the Overview and Scrutiny Committee explained that this had been the first meeting of the new Committee and Members had asked a lot of questions which he felt was good news. In terms of the delivery of the Council Plan actions, the good progress which had been identified within the report had been noted. The specific questions that had arisen at the meeting had been in relation to the second floor accommodation in the Council Offices building and the plans, costs and loss of income thereof; the live date for the property search database; more information about the LEADER funding; the arrangements for the implementation of the Community Infrastructure Levy; fly-tipping and dog fouling; the value for money of the Anti-Social Behaviour Youth Diversion Worker; the levels of sickness absence; and planning performance and processing times. In terms of the financial summary information, Members had discussed the business rates revaluation in which it was agreed Members were well versed. Referring to the LEADER funding, the Chairman of the Overview and Scrutiny Committee explained that Members had been encouraged to contact the Programme Manager to advise of any businesses that might benefit from the funding and, whilst it had not been raised at the meeting, the Chairman felt that, given the value of the funding, a presentation should be made to the Overview and Scrutiny Committee in six months' time so that Members could understand how the fund was progressing. There was some concern expressed about the Community Infrastructure Levy and whether or not Neighbourhood Plans were still relevant; particularly given the amount of work that some areas had already put into their Plans. In terms of dog fouling and flytipping, the Committee had raised genuine concerns about the level of enviro-crimes and had been advised that Environmental Health had recently gone through a structure review during which it had been necessary to recruit to some posts; the service would soon be fully staffed which would allow more community work to be undertaken. Surveillance cameras had recently been purchased, Brockworth Parish Council had bought glow in the dark signs and posters had been used to good effect in Shurdington and would also be used at The Vineyards in Tewkesbury. Lastly, in respect of planning performance, Members had been informed of the forthcoming service review which would follow a similar process as the recent review of the Revenues

and Benefits Service which had proven to be very successful. Planning performance was currently improving against a backdrop of an increase in applications which was pleasing. At the Overview and Scrutiny Committee, the Vice-Chairman of the Planning Committee had reiterated that there were a number of large and complex applications being received and he hoped the new scheme of delegation may help reduce overall processing times.

17.3 Referring to the Joint Waste Committee's discussions about the procurement of cameras, a Member questioned whether the cameras would be covert or overt. In response, he was advised that they would be overt and therefore not subject to the Regulation of Investigatory Powers Act 2000 (RIPA). Referring to the use of posters in Shurdington to discourage dog fouling, a Member advised that in Churchdown Parish they had discovered a cheap and effective way of stopping dog fouling which used a stencil saying 'bag it and bin it' with a picture of a dog in the middle; this was used to spray the pavement in problem areas. The scheme had been monitored and seemed to be effective. The Deputy Chief Executive indicated that Officers welcomed the sharing of any good practice across the Borough and she undertook to discuss the approach taken in Churchdown with the Member. In respect of flytipping, a Member advised that this was a real problem in the Highnam/Minsterworth area. The last time he had reported it he had seen a swift response and he knew that an address had been found amongst the rubbish which had been followed up; however, he had never been advised of the final outcome which he felt was a shame since he had initially reported it. The Deputy Chief Executive undertook to follow this up and ask that the Member be advised of the outcome of the incident. A Member expressed the view that fly-tipping was a blight and Tewkesbury Borough Council was certainly not the only one that suffered. He explained that, at the Joint Waste Committee, Members delivered reports on what was being done in their areas and the Forest of Dean District Council's reports were usually quite heartening. It paid Herefordshire County Council to prosecute fly-tippers and this seemed to work well; although it did need a person dedicated to deal with it. The Joint Waste Committee intended to look at this for the whole of Gloucestershire and consider whether it would be a cost effective way forward. The Chairman of the Overview and Scrutiny Committee felt that Members would welcome such a possibility; although he understood there would need to be a cost/benefits balance. The Deputy Chief Executive agreed that pooling resources across the County may be a good way forward to really have an effect on enviro-crimes and she felt it was helpful that this was being looked at by the Joint Waste Committee. A Member questioned whether there would be any mileage in not charging builders etc. for disposing of their waste for a trial period to see if this helped the situation. The Lead Member indicated that this could be investigated by the Joint Waste Committee.

17.4 Referring to Page No 37, a Member questioned why the Council did not have tougher enforcement on dog fouling. She indicated that previously the Council had chosen not to be involved in the 'Clean Towns Initiative' and she felt that this had been a mistake. She noted that the Enviro-Crimes Working Group had decided that Parish Councils should make a quarterly report on dog fouling to provide to the Borough Council; however, this was not practical as residents often did not report the problem and therefore the Parish Council was not aware of the extent of the issues. In response, the Deputy Chief Executive indicated that the Borough Council was using Fixed Penalty Notices for dog fouling wherever possible but unfortunately residents did not report the issues to the Borough Council either. There were a number of ideas being considered and it was felt that the 'Paws on Patrol' Scheme would be helpful. With regard to Parish Councils, she advised that it was the identification of 'hot spots' which the Borough Council required. This would allow resources to be targeted in problem areas; it was not the intention that the Parish Councils would have a complete data capture across the whole area. Members generally understood that catching people letting their dogs foul without

picking it up was the real issue and that evidence was needed before any prosecutions could take place. Another Member advised that, in her area, the problem was getting worse rather than better and her Parish had looked at the possibility of partnering with other Parishes to jointly procure a Dog Warden in the hope that this would help. In response, the Deputy Chief Executive explained that the Overview and Scrutiny Committee had undertaken a review of Enviro-Crimes and there would be a report shortly on the actions undertaken since that review. She felt that it was still quite early after the review to have experienced huge changes but work on this was moving forward. The problem with a Dog Warden was that they still had to catch people that were letting their dogs foul without picking it up and this remained an issue with or without a Dog Warden in place. There had been one successful outcome in Northway Parish whereby someone who was known not to pick up after their dog had been sent a letter to encourage them to do so and this seemed to have worked. Members were advised that Tewkesbury Borough Council had also used this approach in the past but, again, the perpetrators had to be identified before this could be successful. A Member suggested that there had been a law whereby dog fouling was an offence in areas where the speed limit was 40mph or above and he felt that this would have a major effect on rural areas; the Borough Solicitor advised that she was not aware of that law but undertook to investigate. A Member suggested that residents could be encouraged to take photos on their mobile phones of people that allowed their dogs to foul and did not pick it up. In response, the Deputy Chief Executive advised that, whilst it was increasingly common for people to use technology to report things, and one of the strands of the Overview and Scrutiny Committee's review had been communication, identifying people from pictures would probably be quite difficult. She felt that the main deterrent would be to catch a few people and then use that as part of a publicity campaign to show that the Council was tough on enviro-crimes. There was also a need to create a different culture so that people understood that it was not acceptable not to pick up after their dogs or to fly-tip etc.

- 17.5 In reference to Page No. 22, a Member questioned whether the explanation of the difference between high, medium and low risk in terms of food establishments which were broadly compliant with food hygiene regulations had been circulated to Members following the meeting and, if so, whether that information could be circulated to all Members rather than just to Overview and Scrutiny Committee Members. The Deputy Chief Executive undertook to action this request. The Member also noted that there were many establishments which she visited that did not display their one to five rating and she questioned whether the Council could say that the certificate had to be visible to the public. In response, the Deputy Chief Executive advised that establishments were not legally required to display their certificates but it certainly was best practice to do so. She further advised that there was to be a review of the Environmental Health and Planning services and, as part of that process, Officers would be looking to understand the impact of the services on customers etc. She felt that this could be considered as part of that work and maybe the ratings from the Council could be put into the public domain somehow rather than just relying on the individual establishments to show their certificates. The Chief Executive indicated that he would ensure a Member Update was circulated which explained how the food hygiene rating system worked. A Member suggested that food establishments could be encouraged to 'wear their badge with pride' in respect of food hygiene ratings as this would lift their clientele which would be helpful to their business.

- 17.6 A Member drew attention to Page No. 26, Paragraph b) Improve complaints handling, including learning from complaints received to improve service delivery, and expressed the view that the Council must learn from any complaints received as this was the only way it would improve in those areas where there was an issue. In response, the Deputy Chief Executive advised that an internal audit had been undertaken which had identified that there were significant learning points which were not being addressed. Officers were working to rectify those issues.
- 17.7 The Overview and Scrutiny Committee Chairman indicated that he would take the Executive Committee's comments on fly-tipping and dog fouling back to his Committee for discussion. The Chief Executive also reminded Members that the Overview and Scrutiny Committee would soon be considering an update on the review of enviro-crimes which he felt would offer an opportunity to discuss what was working/not working following that review. He felt there may be opportunities for improved partnership working with Parishes and other Districts and he was of the view that conversations at the Joint Waste Committee meetings could be of great help in this area.
- 17.8 Having considered the information received, it was

RESOLVED: That the Overview and Scrutiny Committee's comments on the Performance Management Report for Quarter Four of 2014/15 be **NOTED**.

EX.18 FINANCIAL OUTTURN 2014/15

- 18.1 The report of the Finance and Asset Management Group Manager, circulated at Pages No. 71-93, highlighted the Council's financial performance for the previous year, setting out the general fund and capital outturn positions, as well as providing detail on both the positive and negative variances against the budget. Members were asked to note the general fund outturn for 2014/15; the financing of the capital programme and the annual treasury management report and performance; and to approve the transfers to and from earmarked reserves.
- 18.2 Members were advised that the report was brought to the Committee in recognition that the Executive Committee had not previously received a comprehensive report like this which provided an overview of performance against the general fund revenue budget for 2014/15 with an explanation of the significant variances. The report also addressed the movement on reserves and requested Member approval for the creation of new reserves or additions to existing reserves that fell outside of a previously approved sum. It also sought to confirm the full year progress against the capital programme and the sources, if finance was used in delivering that programme, as well as reporting the performance in 2014/15 of the treasury management function in line with the requirements of the Code of Practice. All of the information contained within the report would be included in the Council's Statement of Accounts which would be approved by the Audit Committee at its meeting on 30 September 2015.
- 18.3 The Finance and Asset Management Group Manager explained that the general fund revenue outturn position for the full year could now be reported at a surplus of £207,742 which represented a positive variance of 2.4% and was within the tolerance of the Medium Term Financial Strategy. It was pleasing to report a surplus for the Council within the financial year; particularly given the financial climate for local government and the squeeze on service budgets. The surplus would now be utilised to finance the reserve and carry forward requests of the Council. The outturn position was mainly attributable to major items such as the development management income exceeding target by over £152,000 as a result of planning and land charges income; other income targets exceeding expectation,

in particular trade and garden waste and car parking; and expenditure on employee costs being in excess of the budgeted position as the use of agency staff to cover both vacancies and sickness absence had a substantial impact. In addition, vacant posts were being filled quicker than in previous years which prevented any savings accruing from vacant posts. Pages No. 80 and 81 set out the notes to explain the variances and also identified the responsible Group Managers for Members' information. In contrast to the excellent position reported for the general fund, the financing of the fund had been substantially impacted by the performance of the retained business rates scheme in 2014/15. The scheme allowed the Council to retain a percentage of the growth in the local business rate base above a calculated baseline. Tewkesbury Borough had budgeted for retained income of £250,000 from the scheme and was also a member of the Gloucestershire business rates pool which maximised the retention within Gloucestershire. Whilst Councils could benefit from growth in business rates, they must also share in the risk of businesses successfully challenging their business rate valuation. The Council had allowed for substantial provisions against successful appeals within the scheme but, as previously documented, had suffered from a number of successful appeals by Virgin Media. This had meant that Tewkesbury Borough Council had lost all of the £250,000 it envisaged it would have had to finance its services and had also needed to utilise the reserve it had previously set aside for business rates. In addition, the position had been supported by a safety net payment of £3.95 million from the Gloucestershire pool which, in turn, had placed the pool into deficit. The governance arrangements of the pool meant that any deficits needed to be met by the members of the pool in proportion to their baseline funding targets. The deficit to be met by Tewkesbury Borough was approximately £225,000 and could be met from previous surplus distributions of the pool and balances within the business rates reserve for the Council.

- 18.4 A Member indicated that she had recently read an article in the Gloucestershire Echo which had stated that Tewkesbury Borough's uncollected Council Tax amounted to over £1 million. The article indicated that the Council disputed that figure but did not state what it should be. In response, the Deputy Chief Executive advised that the Council did dispute the article as it actually had a high collection rate and Officers were investigating where the Echo had got its information from. The correct information would be supplied once Officers had put it all together but she believed the actual figure was substantially lower. In terms of the use of agency staff, the Finance and Asset Management Group Manager indicated that there were a number of reasons for their use i.e. the inability to recruit permanent staff or the inability to recruit staff quickly enough; to cover temporary absences; to bring in additional income through the use of additional staff; or when restructures were ongoing etc.
- 18.5 Referring to Paragraph 2.4 of the report, a Member indicated that the fact that planning income was exceeding target seemed to explain the problems in meeting performance targets as there were a large number of applications being submitted. In terms of the car parking income, he felt it was important to note that this was not due to the parking strategy at this stage as that had only been introduced in April; he felt it would be interesting to see the results at the end of the year. The Chief Executive advised that an increase in income tended to be an indicator of an improving economy in the Borough; this had knock-on effects in terms of resources but was a good sign for the area. A Member indicated that she was aware of issues with service in the Planning Department. She understood that a review was underway and that agency staff had been employed on a temporary basis until permanent staff could be appointed. She felt that the use of agency staff could cause extra work for permanent staff as they did not know the background etc. of the Borough and she questioned why the Council could not advertise permanently for Planning Officers as this may ensure quicker employment in the long term. She

also questioned what was involved for Officers in a review of the scope that was proposed as she felt it could add pressure to a department that was already finding it difficult to cope. In response, the Deputy Chief Executive advised that recruitment of Planning Officers was a national problem as local authorities struggled to compete with the private sector. She felt that the Council needed to look at different ways of recruiting. In terms of the expectation of staff while the review was underway, she explained that this review would be carried out in a similar way to the recent Revenues and Benefits review. The reality was that the Council was facing more cuts and it had to consider doing things differently even if there was an increase in workload for staff whilst the review was ongoing. In Revenues and Benefits the review had resulted in staff being less pressurised having also had the opportunity to look at their service and assess how efficient it was which had proven to be a successful way forward. There may be a drop in performance whilst the review was being undertaken but the longer term solutions to be gained were of great benefit. She further reiterated that Development Management was within the scope of the review but Planning Policy was not. In terms of the number of new staff within the Planning Department, the Deputy Chief Executive agreed that it would be helpful for Members to be offered the opportunity to meet them and she undertook to arrange this in due course.

- 18.6 The Finance and Asset Management Group Manager explained that a breakdown of the Council's reserves as at 31 March 2015 was attached at Appendix B to the report. The reserves had been grouped under strategic headings with the aim of providing Members with a better understanding of the actual intended use of the monies that were set aside. There were notes included to explain any significant movement within the year; in terms of Note 2 – reserve established to allow for timing differences in accounting for retained business rates and the cash flow associated with the scheme, Members were reassured that this did not relate to the Virgin Media appeals, it was purely an anomaly of the process. In continuing his presentation of the report, the Finance and Asset Management Group Manager explained that the Council had committed to a substantial capital programme in the last few years and this was highlighted in the level of capital expenditure incurred in 2014/15. Over £819,000 of capital had been expended during the year on the office refurbishment project which had been completed ahead of schedule and had been £28,870 under the total budget allocation for the project. The new leisure facility build project had commenced in February 2015 with the initial groundworks and had seen expenditure of £1.25 million by 31 March. Monies set aside for investment purposes were held back in the second half of the year resulting in a substantial underspend against the capital investment programme. Within the total expenditure on housing and business grants was expenditure on flood relief grants for properties and businesses affected by flooding in winter 2014. £315,000 had been spent on that programme in the 2014/15 financial year and had been financed from the Council's capital balances. However, the scheme was backed by central government and capital grants to cover the expenditure incurred would be received by the Council in 2015/16. A summary of the capital programme was attached at Appendix C to the report. The detailed treasury report was attached at Appendix D to the report for information. The Finance and Asset Management Group Manager indicated that he was obliged to report this twice a year and he was relatively pleased with the treasury activities that had taken place during the previous year. The two performance indicators for the financial services section had shown significantly improved performance in 2014/15 compared to the previous year which was also good news.

- 18.7 The Vice-Chairman felt that the format of the report was helpful and accordingly, it

was

- RESOLVED:**
1. That the general fund outturn for 2014/15, the financing of the capital programme and the annual treasury management report and performance be **NOTED**.
 2. That the transfers to and from earmarked reserves be **APPROVED**.

EX.19 DISPOSAL OF SURPLUS ASSETS

- 19.1 The report of the Finance and Asset Management Group Manager, circulated at Pages No. 94-99, introduced a new framework for the Council to consider the use of its assets and Members were asked to consider whether or not the assets listed in the report were required for continued or future service use.
- 19.2 Members were advised that the Council held a limited portfolio of land and property assets of any commercial value but nevertheless retained a number of assets that were not required for current or future service use and did not provide a substantial community amenity. Councils were required to assess their assets to gain the optimal value and return either in terms of service delivery, financial return or reduced ongoing liability. The Committee was asked to consider a number of sites which included the MAFF site, Tewkesbury; land off Evesham Road, Bishop's Cleeve; Land at Uckington; and all remaining retained garage sites managed by Severn Vale Housing Society. Any assets agreed for disposal would be dealt with in line with the Council's Constitution and, where required, reports would be submitted to the Executive Committee for further consideration. The report currently before Members was intended as the first step in formalising the process for declaring any land and property asset owned by the Council surplus to requirements and would provide a formal and public declaration by the Council rather than maintaining the current ad-hoc arrangements for the disposal of individual assets. Previous reports on asset disposal had often included elements of a commercially sensitive nature, such as bid prices, and this had prevented the full report being aired in open business. Having declared a property surplus to requirements, the Asset Management Team would consider a number of options on whether the Council should retain the asset as part of the investment portfolio for letting purposes; retain the asset for redevelopment; or dispose of the asset and generate a capital receipt. By following the process outlined within the report, it was hoped that the Council would establish a robust and transparent position on each asset which would allow an early dialogue with both the community and potential bidders, whilst providing proper authority and disposal parameters from which the Asset Management Team could take forward the Council's property ambitions.
- 19.3 In respect of the remaining retained garage sites, the Finance and Asset Management Group Manager advised that all of the sites were of a similar construction and age and ranged in size from 94m² up to 811m². The units were manufactured from a concrete frame and asbestos roof and were suffering from age. They were considered to be uneconomical to repair and maintain given the type of construction and the rental income from the units with no value in replacing them. In addition, many of the sites had suffered from various types of anti-social behaviour over the years. In terms of garage unit lets, around 20% of units were currently let to tenants of Severn Vale Housing Society and 45% were let to private tenants. Void units currently accounted for 35% of the total; a proportion that was increasing. The garages agreement with Severn Vale Housing Society allowed first refusal on the site to be given to Severn Vale Housing Society should the sites no longer be required for garage use. Should the Council wish to work with Severn

Vale Housing Society to redevelop the sites, the Society would also be able to relocate many of the existing tenancies to other garage units within their stock. Officers felt that there was no service use going forward for the sites and the potential to do something different with them was interesting. It was hoped that Members would agree to undertake discussions with Severn Vale to see what might be possible.

- 19.4 During the discussion which ensued, a Member indicated that it was helpful to see the full list of garage sites and the areas they were located and he felt they should be considered for the development of affordable housing. In response, the Finance and Asset Management Group Manager indicated that they had not been looked at in detail yet and as such the optimum way forward was yet to be established; however, Officers would certainly bear that in mind as an option. Another Member questioned what was meant when an asset was described as 'surplus to service requirements'. In response, he was advised that there were a total of around 5,000 assets in the ownership of the Borough Council; the vast majority of which were very small areas within developments. The term 'surplus to service requirements' meant assets that were not needed for operational requirements or had not been earmarked for service use. All of the assets needed to be reviewed but at this stage only the larger sites were being considered.
- 19.5 A Member expressed concern that, when the Council dealt with organisations such as Severn Vale Housing Society, it tended not to get the best market value for the asset and she asked for reassurance that current valuations for all of the assets would be sought and that, where possible, value for money was gained from their transfer. In response, the Deputy Chief Executive explained that the assets were part of the Council's resources and therefore they had to be utilised for the benefit of the community as well as having a financial benefit. Any proposal in connection to the asset base would need a valuation and if it was proposed that they be disposed of at less than market value this would have to be a decision of the Executive Committee. In terms of the garages, the Finance and Asset Management Group Manager confirmed that they were all within the freehold of the Council and it would have to approach Severn Vale in the first instance if it was looking to develop them for social housing. Officers would be investigating the best package whilst taking account of all of the options. A Member expressed concern that many of the assets should already have been disposed of but that he would not want them to be disposed of now in a piecemeal way. In response, the Finance and Asset Management Group Manager advised that the reason for the current report was to look at the asset base as a whole, rather than independently, which was the preferred way forward. Members were generally in agreement that this was an excellent approach and they were pleased with the action proposed within the report. One Member did, however, feel that there must be proper research before the assets were disposed of and she suggested a workshop with Members to explore the options for the Council in developing sites would be helpful.
- 19.6 The Chief Executive advised that the disposal of some assets was about filling the gap in capital but also about allowing investment in other assets that would provide a better return. There was often a need to generate capital to gain a higher return. Having considered the information provided, it was

RESOLVED: That it be **AGREED** that the following land and property assets are surplus to service requirements and that Officers

investigate the potential for disposing of the assets or retaining them to provide an ongoing return:

- MAFF Site, Tewkesbury.
- Land off Evesham Road, Bishop's Cleeve.
- Land at Uckington.
- All remaining retained garage sites managed by Severn Vale Housing Society.

EX.20 CHELTENHAM BOROUGH PLAN PART 1 - ISSUES AND OPTIONS CONSULTATION

- 20.1 The report of the Development Services Group Manager, circulated at Pages No. 100-166, attached, for Members information, the Cheltenham Borough Plan Part 1 – Issues and Options consultation document and asked the Committee to agree the Council's response to the document.
- 20.2 The Development Services Group Manager explained that that the Cheltenham Borough Plan provided the District-level planning framework that sat underneath the strategic-level Joint Core Strategy. Together the two Plans provided the Development Plan for Cheltenham Borough up to 2031, along with the Gloucestershire Minerals and Waste Plans and any Neighbourhood Plans. Cheltenham Borough Council was now consulting on its draft Plan and that consultation period was ongoing until 3 August 2015. It was important that Tewkesbury Borough Council provided representations on the Cheltenham Plan due to the collaborative working on the higher-level Joint Core Strategy and the cross-boundary issues that were present. It was also important that the Cheltenham Plan sufficiently provided the appropriate sites and policies to deliver the growth identified in the Joint Core Strategy and in line with the spatial strategy it set out.
- 20.3 Members were advised that the key points to consider were local green space, housing allocations and employment allocations. In terms of local green space there were cross boundary issues as some of the areas were within the emerging strategic allocations. In recognition of the potential conflicts, the Joint Core Strategy inspector would be considering the local green space submissions as part of the examination. In addition, no indication was provided within the document as to whether there were an adequate number of suitable, achievable and deliverable sites to meet the development needs as set out in the Joint Core Strategy and it was also noted that none of the sites being consulted upon that were in the Green Belt or the Area of Outstanding Natural Beauty were considered to be suitable development which could present a problem when looking for sufficient sites to meet the need identified for development. The consultation document did not make it clear how the Council would find the residual number and it was felt that this needed to be questioned. It was also unclear how it would address the Gypsy, Traveller and Travelling Showpeople allocation and whether there were adequate sites to meet development needs. Appendix 5 set out Tewkesbury Borough Council's proposed response to the consultation document.
- 20.4 A number of Members questioned whether the response was robust enough, particularly in terms of the whole concept of local green space. The Development Services Group Manager felt that the response was appropriate at the current

stage of the process. Cheltenham Borough Council would be looking at all of the responses received and would take them forward to the next stage of the process. She felt that Members should take reassurance from the fact that the Joint Core Strategy inspector had already expressed an interest in the deliverability of the strategic sites and that Tewkesbury Borough Council would object to anything that undermined the Joint Core Strategy. The Deputy Chief Executive agreed that the response was adequate to make clear Tewkesbury Borough Council's concerns at this stage and provided a clear message to Cheltenham Borough Council about what would and would not be acceptable. A Member indicated that, whilst he accepted the document was still one for consultation, he felt there may be a need to add a phrase at the end of the Council's response to state that the document was not currently acceptable to Tewkesbury Borough Council.

20.5 There was some concern expressed about the current progress of the Joint Core Strategy examination and Officers indicated that they understood the issues raised and would be discussing what might be done to address this; although Members did need to bear in mind that much of the examination process was out of the control of the Councils involved.

20.6 Having considered the information provided, it was proposed and seconded that additional wording be added to the Council's response to indicate that it would object to any proposal which would undermine the integrity of the Joint Core Strategy and, accordingly, it was

RESOLVED: That the Council's response to the Cheltenham Plan Part 1: Issues and Options Consultation, as set out at Appendix 5 to the report, be **AGREED** subject to the inclusion of a sentence to state that 'Tewkesbury Borough Council will object to any proposal which will undermine the integrity of the Joint Core Strategy'.

EX.21 INTERIM ENVIRONMENTAL HEALTH ENFORCEMENT POLICY

21.1 The report of the Environmental and Housing Services Group Manager, circulated at Pages No. 167-187, set out how the Council's Environmental Health and Licensing services responded to regulatory non-compliance. The Committee was asked to consider and approve the interim Policy, as set out at Appendix B to the report.

21.2 Members were advised that this was a very high level document which looked at the way that enforcement was undertaken in the Environmental Health and Licensing services. There was currently a policy in place but recently there had been specific changes in legislation which provided a principles-based framework for how regulators should engage with those that they regulated. The new Regulators Code covered specific Local Authority services which included food safety, environmental protection, health and safety, private sector housing, public health, trading standards, waste and licensing. It did not cover planning, building control and parking services enforcement. The reason that the proposed policy was an interim policy was that, in the long term, Officers would like to look at other areas of the Council's regulatory work, i.e. planning, to see if there was scope to introduce a common corporate approach to enforcement. This may or may not be possible but it was felt that there was an opportunity to investigate this which should not be lost.

21.3 Members felt that the interim policy was sensible and that it would be helpful to investigate the possibilities of a corporate approach. Accordingly, it was

RESOLVED: That the draft Interim Health Enforcement Policy be
APPROVED.

EX.22 ROSES THEATRE REFURBISHMENT PROJECT

- 22.1 The report of the Finance and Asset Management Group Manager, circulated at Pages No. 188-191, advised the Committee of action taken under the Urgency Procedure in respect of the Roses Theatre refurbishment project. Members were asked to note the action taken.
- 22.2 Members were advised that under the terms of the lease on the Roses Theatre, the Council had the responsibility for the roof of the Theatre which, following an inspection, had been identified as being in need of urgent and substantial repair and replacement. To address the issues, and to work alongside the Roses Theatre Trust with its plans to refurbish the interior of the building, the Council had approved an injection of funding of £150,000. The tenders received for the work on the roof had been much higher than expected due, in part, to the demand for roofing contractors during the summer months, and partly due to the fact that the development industry overall was in greater demand than it had been previously. In terms of the timing of the works, Members were advised that the refurbishment would take place over the summer months as that was the Theatre's quietest performance period and, since the Theatre needed to be closed for the duration of the works, this was the option that made the most business sense. The newly refurbished building would open in late September to allow for the autumn and Christmas performance schedules which were obviously much busier.
- 22.3 To enable acceptance of the roofing tender, the appropriate budgetary provision had to be in place and, in light of this, an urgent decision request had been made to the Deputy Chief Executive, in consultation with the Chairman and Vice-Chairman of the Executive Committee and the decision had been taken to allow the virement of £100,000 to support the required work at the Theatre. There would, in the longer term, be a cost benefit to the Council as the overall improvements would benefit the Council as the owner of the building.
- 22.4 In response to a query regarding the reason for the increase in costs, the Deputy Chief Executive advised that, in addition to the reasons already noted, when the work on the roof had begun the contractors had found asbestos that had not been identified within the condition survey. Members questioned why this had been the case and in response, the Deputy Chief Executive was unsure how this had occurred and assured Members that she would investigate. She did, however, reiterate that the additional £100,000 was not required purely due to the asbestos in the roof, although that had increased the costs slightly. In terms of maintenance, the Deputy Chief Executive confirmed that the Roses Theatre was no different to any of the Council's other assets in that it needed to be maintained to ensure its future going forward; it would otherwise become a burden to the Council that it could not afford. The Theatre was extremely well thought of by the Arts Council which perceived it as one of the best cultural venues in the Country. In addition, the benefit that it brought to residents of the Borough in terms of its outreach work, its community and schools work and its use as an arts centre as well as a Theatre was exceptional. Members generally expressed the view that the Theatre was of great benefit to the Borough and that it brought a lot of enjoyment to many residents. One Member indicated that the Council should also remember that it had another such asset in Cleeve Hill Golf Club and he reminded Officers that there was a lot of work required on that asset to bring it up to a good standard.
- 22.5 Having considered the report, it was

RESOLVED: That the action taken in accordance with the Urgency Procedure be **NOTED**.

EX.23 SEPARATE BUSINESS

23.1 The Chairman proposed, and it was

RESOLVED That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely discussion of exempt information as defined in Part 1 of Schedule 12A of the Act.

EX.24 SEPARATE MINUTES

24.1 The separate Minutes of the meeting held on 10 June 2015, copies of which had been circulated, were approved as a correct record and signed by the Chairman.

The meeting closed at 5:05 pm