TEWKESBURY BOROUGH COUNCIL

Minutes of a Meeting of the Executive Committee held at the Council Offices, Gloucester Road, Tewkesbury on Wednesday, 30 August 2017 commencing at 2:00 pm

Present:

Chair Councillor D J Waters Vice Chair Councillor R A Bird

and Councillors:

Mrs K J Berry, Mrs G F Blackwell, M Dean, R Furolo, Mrs J Greening, Mrs E J MacTiernan and J R Mason

also present:

Councillors P W Awford, K J Cromwell, Mrs R M Hatton and H A E Turbyfield

EX.28 ANNOUNCEMENTS

- The evacuation procedure, as set out on the Agenda, was taken as read.
- The Chair welcomed Councillors P W Awford, K J Cromwell, Mrs R M Hatton and H A E Turbyfield as observers to the meeting.

EX.29 DECLARATIONS OF INTEREST

- 29.1 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.
- 29.2 There were no declarations of interest received on this occasion.

EX.30 MINUTES

The Minutes of the meeting held on 12 July 2017, copies of which had been circulated, were approved as a correct record and signed by the Chair.

EX.31 ITEMS FROM MEMBERS OF THE PUBLIC

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

EX.32 EXECUTIVE COMMITTEE FORWARD PLAN

- 32.1 Attention was drawn to the Committee's Forward Plan, circulated at Pages No. 8-13. Members were asked to consider the Plan.
- 32.2 Accordingly, it was

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

EX.33 FINANCIAL UPDATE - QUARTER ONE PERFORMANCE

- The report of the Head of Finance and Asset Management, circulated at Pages No. 14-22, highlighted the Council's financial performance for the first quarter of 2017/18 and asked Members to consider that information.
- 33.2 The Head of Finance and Asset Management explained that the report before the Committee was the first monitoring report of 2017/18 and provided details to the end of June 2017. Members were advised that the table at Paragraph 2.2 set out a summary of the expenditure position for the Council split between the main expenditure types. Currently there was a £225,836 surplus against the profiled budget which was a good position to be in. The budget position in relation to the Heads of Service responsibility showed an underspend of £157,537 as at the end of June and Paragraph 2.3 provided an explanation of the three main areas of savings which were employee costs £67,150; payments to contractors of £17,809; and income of £47.582. The employee cost savings were generated mainly through staff vacancies and maternity leave where services had managed vacancies in the short term with limited use of agency staff and help from current staff to cover work. The underspend on payments to contractors was generated from small savings across all services, with the most significant saving being on the current Materials Recovery Facility (MRF) recycling contract as a result of a lower than anticipated gate fee per tonne. This was a new contract from April 2017 and would be monitored closely over the next quarter to see if the underspend was carried forward as the market price of recyclable materials fluctuated. In terms of planning income, this continued to be significant. Car parking and licensing were performing well so far this year, however, garden waste was struggling to hit budget which appeared to be as a result of the changes to the charging structure whereby customers were making pro rata payments for this financial year. There was not an indication that the number of users had dipped but would need monitoring over the next quarter to confirm if the lower income was as a result of the one-off move to a single renewal date.
- 33.3 Attention was drawn to Appendix A to the report, which showed the summary position for each Head of Service and the current variance against their budget – a short explanation was provided for variances over £10,000. Detailed under the corporate budgets was the retained income from the business rates scheme which showed a surplus of £97,000; this was a prudent prediction of the year-end position although it should be noted that so far there had been very little activity with regard to processing appeals either from past appeal listings or those against the new 2017 list. The Council had set aside a significant provision to cover additional appeals and it was hoped this would be sufficient in meeting successful appeals thereby allowing the Council to benefit from wider increases in business rates income. Appendix B to the report set out the capital budget position which was currently showing a significant underspend against the profiled budget as a result of projects such as the purchase of new waste vehicles - which had not been completed within the expected timescales - and disabled facilities grants being underspent against what had been expected. In terms of the waste vehicles all had now been delivered and this would be shown in the figures for the next quarter. Appendix C showed the reserves position but did not take account of reserves which had been committed but not yet paid. The guarter one position showed a significant balance on the reserves but it was the expectation that those balances would be spent in the future. The Head of Finance and Asset Management drew particular attention to Note 4 on Appendix C and indicated that it should read "£837,000 of the reserve is being used to support the base budget in 2017/18 with £330,000 available for future years".

reserve of £63,000 would be sufficient if another general election was called. In response, the Head of Finance and Asset Management explained that, if a general election was called, the government would pay the costs of that election. The Council's reserve was specifically for its own Borough and Parish elections which were due in 2019. In response to a further query regarding Neighbourhood Development Plan Referendums, the Head of Finance and Asset Management confirmed that funding was drawn down from the government to finance part of those expenditure requirements. In terms of car parking fees, Members were advised that they had been reviewed in 2014. During 2015/16 income had exceeded expectations and had continued to grow due to increased usage and dwell times but there had been no increase in fees and charges. Referring to the amount of time that business rates appeals took, the Head of Finance and Asset Management explained that it could take a couple of years before they were finalised but the Valuation Agency was working slightly guicker now than in previous years. There was nothing registered on the appeals list for this year as yet but Officers were expecting some so had set aside substantial provisions which it was hoped would be sufficient. In response to a Member's query regarding ICT, the Head of Finance and Asset Management confirmed that there were further monies available for ICT through the New Homes Bonus funding if it was needed. The finance team worked closely with the ICT Manager and his team to ensure the correct amount of resources were available.

33.5 Accordingly, it was

RESOLVED: That the financial performance information for the first

quarter of 2017/18 be **NOTED**.

EX.34 MANAGING CONTRACTORS SAFELY POLICY

- 34.1 The report of the Environmental Safety Officer, circulated at Pages No. 23-37, sought to provide guidance to all staff within the Council who were directly involved in the appointment, use and management of contractors on the health and safety guidelines that all parties must follow to ensure their responsibilities were managed during the course of business. The Committee was asked to adopt the Policy.
- The Head of Community Services explained that the Council was committed to the management of health and safety for both client officers and all contractors engaged by it. The aim of the policy was to set out a framework which provided a safe and healthy workplace and systems of work which prevented and reduced the risk of illness and injury equally for employees and contractors; provided a practical, consistent and relevant system for Council staff managing and overseeing the work of contractors and/or their sub-contractors; integrated health and safety requirements into contractor management; and fulfilled the Council's legal health and safety requirements when managing contractors.
- 34.3 Members thanked Officers for developing such an easy to read policy and felt it was extremely useful. One Member questioned whether this was something that Parish and Town Councils which employed contractors should have and, in response, the Head of Community Services indicated that they could consider something similar. He undertook to share the Policy with Parish and Town Councils so they had a template to work from.

RESOLVED: That the Managing Contractors Safely Policy be **ADOPTED**.

EX.35 ENVIRONMENTAL HEALTH ENFORCEMENT POLICY

The report of the Head of Community Services, circulated at Pages No. 38-57, provided a framework for Officers to operate within as well as information for businesses and the general public about the enforcement policy in respect of environmental health. Members were asked to adopt the policy.

- The Head of Community Services advised that this was a simple policy which explained how the environmental health and licensing teams carried out their enforcement work and clearly explained to the public and businesses how, what and when the Council would enforce. Members were advised that the government was committed to reducing regulatory burdens and supporting compliant business growth through the development of an open and constructive relationship between regulators and those they regulated. The current environmental health and prosecution policy was an interim policy and did not reflect the modern day focus of supporting business and working in partnership with compliant businesses; the new environmental health enforcement policy addressed this and ensured the policy was fit for purpose and in line with the Regulators Code.
- 35.3 During the brief discussion which ensued, a Member questioned whether it was correct that businesses did not have to publish the 1-5 rating that they received from environmental health inspections. In response, the Head of Community Services advised that this was the case; although the government was considering whether this should be changed so that there was a requirement that the certificates be displayed. Referring to Page No. 41, a Member questioned what was meant by Tewkesbury Borough Council's Environmental Health Services "delivering water supplies". In response, the Head of Community Services advised that this referred to the quality of water not waterways. Another Member felt that clarification was required at Page No. 49 to refer to Tewkesbury Borough rather than just Tewkesbury. In terms of waterways, a Member questioned whether the obligations of riparian owners should be included in the enforcement document. In response, the Head of Community Services indicated that he would investigate what powers the Council had to enforce against riparian owners who were not meeting their responsibilities and provide a briefing note on this to Members.

35.4 Accordingly, it was

RESOLVED: That the Environmental Health Enforcement Policy be

ADOPTED.

EX.36 COUNCIL TAX, HOUSING BENEFIT AND COUNCIL TAX SUPPORT PENALTY AND PROSECUTION POLICY

- The report of the Head of Finance and Asset Management, circulated at Pages No. 58-68, asked the Committee to approve the Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policy.
- The Head of Finance and Asset Management indicated that in January 2017 the Council had approved Tewkesbury Borough Council's participation in the establishment of a permanent Counter Fraud Unit and, following similar discussions at other authorities across the County, a permanent service had been established. A major part of the Unit's work programme for the year was to review all related policies across the partner Councils and coordinate updated policies. The Policy before Members consolidated and extended the Council's current approach and set out clearly its position in terms of dealing with examples of fraud and error. The Policy would offer a consistent framework to the Counter Fraud Unit and had already been considered by the Audit Committee and been positively received.
- During the brief discussion which ensued, a Member noted that people were cautioned for non-payment of Council Tax and she questioned whether this was a criminal offence that would show up on a person's Disclosure and Barring Service (DBS) check. In response, the Head of Revenues and Benefits explained that the caution was a civil action rather than a criminal one so the Council kept the details within the Revenues and Benefits Section but did not share them with the Police.
- 36.4 Accordingly, it was

RESOLVED: That the Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policy be **APPROVED**.

EX.37 BUSINESS RATES POLICY FOR NEW RELIEF - CHANGES TO THE EXISTING DISCRETIONARY RELIEF POLICY

- 37.1 The report of the Head of Revenues and Benefits, circulated at Pages No. 69-120, asked Members to adopt the new policy for awarding reliefs to ratepayers facing significant increases in business rates bills following the 2017 revaluation.
- Members were advised that the government had made several announcements to reduce the burden of business rates on business rate payers and, in addition, there was a need to change the regularity of reviews for recipients of charitable discretionary reliefs to once every four years and to remove the need for mini reviews in between. The detailed proposals included three new reliefs designed to reduce the burden of business rates on those facing the steepest increases in their bills: a discretionary relief that would be available to local newspapers over a two year period; an increase to the mandatory relief for recipients of rural rate relief from 50% to 100% from 1 April 2017; and the removal from the discretionary relief policy of the need to carry out mini reviews.
- 37.3 The policy document was split into four sections: supporting small business relief; new discretionary relief scheme; business rate relief scheme for pubs; and local newspaper relief. The 'supporting small businesses relief' would help those ratepayers who, as a result of a change in their rateable value at the revaluation, were losing some or all of their small business or rural rate relief and, accordingly, were facing large increases in their bills. In terms of the new discretionary relief scheme, the Council would consider awarding relief in circumstances where rateable values were below £200,000; the eligible ratepayer was the ratepayer occupying the affected property on 31 March 2017 and continued to be the

ratepayer; and where the 2017/18 net bill exceeded the 2016/17 gross rates bill by over 12.5% - in those circumstances the ratepayer would be eligible to receive new discretionary relief reducing the increase by 40%. In terms of the rate relief scheme for pubs, this would apply to those with a rateable value of below £100,000 and would mean those pubs received a discount of £1,000 off their bill for the 2017/18 financial year. The local newspaper relief meant a discount of £1,500 in business rates per year for office space that was occupied by local newspapers. The relief would run for two years from 1 April 2017 and would be assessed and calculated on a daily basis – there were currently no such establishments within Tewkesbury Borough.

- In response to a query regarding the funding that was provided by the government, the Head of Revenues and Benefits explained that the Council was given a ringfenced sum of £191,000 for year one and then £40,000 for year two; if the Council spent more than that it would have to pay the extra. There were many Districts with huge business rate numbers so those authorities would get a higher percentage of the government funding pot. It was intended that the Council would award relief in line with the policy and then write to the ratepayer to advise them; they would then need to indicate if they were not eligible. In terms of the funding provided by the government, the Head of Revenues and Benefits advised that the Department for Communities and Local Government had looked at the Council's rateable value list and come up with the figures which it said the Council was entitled to from the central pot; if the Council wanted a higher figure it would have to put forward a business case but, at the moment, Officers felt the amount would be appropriate.
- 37.5 Accordingly, it was

RESOLVED:

- That the new policy for awarding reliefs to ratepayers facing significant increases in business rates bills following the 2017 revaluation and local newspaper relief be ADOPTED.
- That the changes to the existing charitable discretionary relief policy for recipients of rural rate relief be **NOTED**.
- 3. That the new review period for discretionary reliefs be **ADOPTED**.

EX.38 FLOOD AND WATER MANAGEMENT SUPPLEMENTARY PLANNING DOCUMENT

- 38.1 The report of the Head of Development Services, circulated at Pages No. 121-264, attached a draft Flood and Water Management Supplementary Planning Document which Members were asked to approve for the purposes of consultation. In addition, the Committee was asked to delegate authority to the Head of Development Services to make any necessary minor amendments as considered appropriate prior to its publication for consultation.
- 38.2 Members were advised that in November 2014, the Council had approved the adoption of a Flood and Water Management Supplementary Planning Document; however, since that time there had been significant updates to national guidance surrounding flood and water management and a review of the Council's document had been undertaken. The revised Supplementary Planning Document was attached to the report at Appendix 1. The updated document aimed to provide more in-depth guidance and achieve a higher standard of water and flood risk management than the Council currently had. It provided an update on legislative and policy background primarily around the National Planning Policy Framework

and National Planning Policy Guidance which, most notably, included changing guidance around the approach to climate change. A key change to the revised Supplementary Planning Document was a requirement for all major development to provide a detailed flood risk assessment which included a 70% allowance added to peak river flows to account for climate change. That approach was also recommended for non-major development where possible and provided a precautionary approach to assessing flood risk on potential development sites. The draft document also proposed comprehensive guidance on the application of Sustainable Drainage Systems (SuDS) and guidelines on topics such as SuDS design principles, place-making, surface water management, water reuse and maintenance.

- 38.3 Members were advised that, if approved, the draft Supplementary Planning Document would be published for a six week consultation period in September and October 2017. Following that period, a consultation response report would be produced and any appropriate amendments made it was envisaged that the final document would be reported to the Executive Committee and Council later in 2017.
- During the discussion which ensued, a Member indicated that, as Chair of the 38.4 Council's Flood Risk Management Group, she had pushed for the document to be revised and updated however she was concerned that the draft had not been considered by the Flood Risk Management Group prior to being submitted to the Executive Committee. She fully understood the urgency for the Council to approve the document as soon as possible and as such it needed to be approved for consultation so she did not want its progress to be held up. In addition, she was of the view that, whilst it was a strong document, she had noted a number of typographical errors which would need to be addressed prior to it being released for consultation. Another Member expressed a similar view, that large parts of the document worked well but that he would like to feed into it prior to the consultation particularly as a number of key concerns had been expressed by members of the public during the Joint Core Strategy inquiry and he wanted to ensure those had been taken into account. Members felt the matter was urgent and they did not want to see the document delayed; however, they were also of the view that the Flood Risk Management Group should be consulted. It was suggested that a colour version of the document be sent, electronically and in hard copy format, to that Group for their comments to come back to the Head of Development Services by Friday 8 September 2017 with a caveat that, should no comments be received, it would be assumed they were happy for the consultation to take place. It was also suggested that any amendments made to the document prior to consultation be made by the Head of Development Services in consultation with the Chair of the Flood Risk Management Group. One Member was not happy that the document had not been considered by the Flood Risk Management Group at its meeting and asked that her view be recorded.

38.5 Accordingly, it was

RESOLVED:

- That, subject to 2 and 3 below, the Flood and Water Management Supplementary Planning Document, as set out in Appendix 1 and 1a, be APPROVED for the purposes of public consultation.
- That the draft document be circulated to the Flood Risk Management Group for consultation with any comments being forwarded to the Head of Development Services by Friday 8 September 2017.

 That authority be delegated to the Head of Development Services, in consultation with the Chair of the Flood Risk Management Group, to make any necessary amendments to the draft document as considered appropriate prior to its publication for consultation.

EX.39 PERRYBROOK DEVELOPMENT, BROCKWORTH

- 39.1 The report of the Head of Development Services, circulated at Pages No. 265-270, recommended proposals to discharge the provisions of a Section 106 Agreement in respect of an outdoor sports area and proposed changing facility.
- 39.2 Members were advised that the Perrybrook development had been permitted by the Secretary of State following a public inquiry. The development was subject to a Section 106 Agreement which contained a number of clauses relating to the provision of on-site and off-site sports and recreational facilities as well as community infrastructure. Within the Section 106 Agreement there were two sets of assets; specifically a changing facility and an outdoor sports area which could potentially be transferred to the Brockworth Sports Foundation - this was a company limited by guarantee which existed to promote community participation in healthy recreation for the benefit of the inhabitants of Brockworth and the surrounding areas. The current position was that the Section 106 Agreement provided for either a fitted-out changing facility to be constructed by the developer or the payment of a changing facilities contribution of £685,000 (index-linked) to be used by the Council towards the provision of a new eight team sports changing facility on the development site, rebuilding of the clubhouse or other sports changing facilities within Brockworth. Under the terms of the Section 106 Agreement, before the 135th dwelling on the site was occupied, the Council had to notify the developer if it wished to take the contribution for the changing facilities instead of the developer constructing it itself. If the Council decided to take that option, the contribution had to be paid prior to the occupation of the 255th dwelling. In terms of the outdoor sports pitch, the laying out was to commence prior to the occupation of the 135th dwelling and completed so that the outdoor sports area was ready for its intended use prior to the occupation of the 255th dwelling.
- 39.3 Whilst Brockworth Sports Foundation was not currently ideally placed to take the outdoor sports area or the commuted sum as its application for charitable status was not yet concluded, it was anticipated that it would be completed in the near future. On 17 May, the applicant had formally offered the outdoor sports area and changing facility to the Council (not currently built) but also indicated that there would be no problem with the Council electing to accept the changing facility contribution in place of the changing facility if it so wished. The proposal would enable the Council to exercise greater control over the situation for the short term in order to achieve a sustainable option for sport within the Brockworth community. Following the grant of charitable status to the Brockworth Sports Foundation, the Council could transfer the outdoor sports area to it and provide the changing facilities contribution in the form of a grant agreement; a charge would also be put on the outdoor sports area/facility/existing clubhouse to secure compliance with the grant.

time limit for Brockworth Sports Foundation to gain charitable status. In response, the Head of Development Services indicated that the reserved matters application was being negotiated now and it was understood that the first developer was looking to get on site as soon as possible. It was difficult to advise of a time limit although it would probably be at least a couple of years in terms of the general build out process. However, it was good practice to ensure the details were addressed as early as possible. The decision the Council needed to make was whether it should ask for the building or the money and the recommendation allowed for a delegation to the Head of Development Services, in consultation with Members, if it was decided to take the funding rather than the building. On the basis of the report before the Committee, it would be desirable for Brockworth Sports Foundation to aim to gain charitable status as soon as possible as that was how the Section 106 Agreement was designed. There were provisions to ensure the money was not lost if the Foundation did not achieve charitable status and the report sought to ensure this was understood.

- In response to some concerns, the Chief Executive explained that the Council relied on community organisations to run facilities as it engaged local communities; however, this did come with risks. It was considered, particularly on larger developments such as these, that it was helpful to engage people that moved in and then it would be easier in the future for the community to take over the running of the facility. There were some first class organisations operating within communities around the Borough which was great news.
- 39.6 Having considered the details within the report, it was

RESOLVED:

- 1(a) That the outdoor sports area and, subject to (b) below) the changing facilities referred to in the S106 Agreement, be transferred direct from the developer to Brockworth Community Sports and Recreation Limited, subject to:
 - i) the company establishing charitable trust status (within the period set out in the S106 Agreement) with the Objects of the charitable trust restricted to the promotion of community participation in sporting and recreational activities for the benefit of the inhabitants of Brockworth and the surrounding areas; and
 - ii) the Council being satisfied in all other regards.
- (b) That, notwithstanding the provisions in resolution (a) above, the Head of Development Services, in consultation with local Ward Members, the Lead Members for Health and Wellbeing, Finance and Asset Management and Built Environment, the Head of Finance and Asset Management and the Borough Solicitor may, at any time, exercise the election under the S106 Agreement to receive the changing facilities contribution in lieu of the changing facilities being constructed.
- 2. That, in the event of charitable status not being obtained within the period required set out in the

- S106 Agreement, the Council takes the transfer of the outdoor sports area, shown on the plan appended to the report, and elects to receive the changing facilities contribution.
- 3. That, subsequent to the transfer of the outdoor sports area to the Council, and receipt by the Council of the changing facilities contribution, the Head of Development Services:
 - takes steps to identify an appropriate recipient of the outdoor sports area and the changing facilities contribution;
 - reports back to Executive Committee on the legal status of the proposed recipient, any undervalue implications and any representations received as a result of any statutory notices of the proposed disposal considered necessary; and
 - reports back to Executive Committee on the proposed measures for ensuring that the changing facilities contribution is properly applied.

EX.40 GROWTH HUB

- 40.1 The report of the Economic Development Officer, circulated at Pages No. 271-275, provided information on the Growth Hub proposals and asked the Committee to recommend to Council that delegated powers be given to the Deputy Chief Executive to approve and sign any agreements relevant to the expedient delivery of the Hub.
- 40.2 Members were advised that in Autumn 2016 a successful funding bid had been made to GFirst Local Enterprise Partnership to establish a Business Growth Hub within Tewkesbury Borough Public Service Centre. The Growth Hub would be a place where businesses could meet, network, get access to important resources and secure grant funding. It was hoped the Hub would drive economic success right at the heart of Tewkesbury Borough which was the fastest growing part of Gloucestershire. The original funding bid for £385,000 had been approved by both the Local Enterprise Partnership and Growth Hub Boards. Since approval, the Borough Council had developed a brief and commissioned architects to look at the whole refurbishment project including the Growth Hub. The concept plans developed by the architects indicated an area of 84.5m² was required whereas the original bid had proposed an area of 46.45m²; it was felt the larger area would allow flexibility of space and incorporation of all elements proposed in the original brief – a meeting room, three incubators and a wider touchdown/resource centre area - the increased space would provide improved flexibility for the delivery of growth hub services, achievement of proposed outputs in the original bid and encourage business engagement. To facilitate the refurbishment of the extra space, and to ensure consistency of look and feel, an increased funding request of £80,068.50 had been proposed to the Local Enterprise Partnership. The revised amount had received approval in principle from the Sub-Group Board but would need to be confirmed by the whole Board in due course.
- 40.3 In terms of the timetable, the Council was working closely with the Local Enterprise Partnership for all Hub agreements to be signed/approved by Tewkesbury Borough

Council for signature in September/October 2017; Local Enterprise Partnership Board agreement/approval on 10 October 2017; draw down of the first allocation of funding in December 2017; and for the Growth Hub to open in Spring 2018.

- In response to a query regarding the plans, the Chief Executive advised that the Transform Working Group would get regular updates on the design of the Hub. With regards to the new size, Officers had been assured that the square meterage could be accommodated with no problem. Car parking was obviously a concern for Members going forward especially given the Leisure Centre use and the expansion of the Public Services Centre; however, car parking allowance would be catered for within the plans and Officers were continuing to look at the anticipated demand for parking on site in the future.
- 40.5 Accordingly, it was

RESOLVED:

- That the information and updates within the report be NOTED.
- 2. That it be **RECOMMENDED TO COUNCIL** that authority be delegated to the Deputy Chief Executive, in consultation with the Lead Member for Economic Development/Promotion, the Head of Finance and Asset Management and the Borough Solicitor, to implement the Growth Hub, including entering into appropriate agreements.

EX.41 SEPARATE BUSINESS

41.1 The Chair 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 12(A) of the Act.

EX.42 SEPARATE MINUTES

The separate Minutes of the meeting held on 12 July 2017, copies of which had been circulated, were approved as a correct record and signed by the Chair.

The meeting closed at 3:35 pm