

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Executive Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Wednesday, 11 October 2017 commencing
at 2:00 pm**

Present:

Chair	Councillor D J Waters
Vice Chair	Councillor R A Bird

and Councillors:

K J Berry, M Dean, J Greening, E J MacTiernan and J R Mason

also present:

Councillor P W Awford

EX.43 ANNOUNCEMENTS

- 43.1 The evacuation procedure, as noted on the Agenda, was taken as read.
- 43.2 The Chair welcomed Councillor P W Awford to the meeting and advised that he was in attendance - as Chair of the Overview and Scrutiny Committee - for Item 7, Performance Management Report – Quarter One 2017/18, and Item 8, Review of Tewkesbury Borough News.
- 43.3 The Chair advised that he had used his discretion to accept an urgent item of business which would be considered as Item 12 on the Agenda. The item was urgent due to the fact that, as a group of authorities, Gloucestershire was actively investigating the potential to bid to become a 100% retained business rate pilot for 2018/19 and the bid needed to be submitted before the end of October. The report requested delegation to the Chief Executive and the S151 Officer to complete the assessment process and to formally enter the bid on behalf of the Council before the deadline expired.

EX.44 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 44.1 Apologies for absence had been received from Councillors G F Blackwell and R Furolo. There were no substitutions for the meeting.

EX.45 DECLARATIONS OF INTEREST

45.1 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.

45.2 The following declaration was made:

Councillor	Application No./Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
D J Waters	Item 7 – Performance Management Report – Quarter One 2017/18.	Was a Severn Vale Housing Society Board Member.	Would speak and vote.

45.3 There were no further declarations made on this occasion.

EX.46 MINUTES

46.1 The Minutes of the meeting held on 30 August 2017, copies of which had been circulated, were approved as a correct record and signed by the Chair.

EX.47 ITEMS FROM MEMBERS OF THE PUBLIC

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

EX.48 EXECUTIVE COMMITTEE FORWARD PLAN

48.1 Attention was drawn to the Committee's Forward Plan, circulated at Pages No. 12-16. Members were asked to consider the Plan.

48.2 Accordingly, it was

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

EX.49 PERFORMANCE MANAGEMENT REPORT - QUARTER ONE 2017/18

49.1 The report of the Overview and Scrutiny Committee Chair, circulated at Pages No. 17-53, asked Members to review and, if appropriate, take action on the observations of the Overview and Scrutiny Committee following its review of the 2017/18 quarter one performance management information.

49.2 Attention was drawn to the observations made by the Overview and Scrutiny Committee, attached at Appendix 1 to the report, and to the Council Plan Performance Tracker, attached to the report at Appendix 2.

49.3 The Overview and Scrutiny Committee Chair explained that progress on Council performance for the first quarter of 2017/18 was generally good with some key areas of excellent performance including the introduction of a new business grants scheme with a new online form available; four successful fly-tipping/duty of care prosecutions; and a tenant having been secured for a third of the top floor of the Public Services Centre. While the performance report indicated that actions were looking positive for the year ahead, given the wide range of performance that was reported on, Members had also been made aware of areas that were not

progressing as planned. A Member had questioned whether a plan to regenerate Spring Gardens was on track and the Committee had been informed that a report was being taken to the Executive Committee in the near future which would set out the proposed way forward. It had been noted that, at a recent East Area Place Programme meeting it had come to light that Officers were unclear as to who owned the assets in areas across the Borough and a Member had raised concerns around this. In response, the Head of Finance and Asset Management had provided reassurance that the Asset Management Team had identified everything the Council owned in the Borough and, in addition, work was ongoing with the County Council and the NHS to enable the plotting of all the assets owned by those organisations, and the Council, onto one system. Under the action to deliver the Council's asset plan, a Member had asked for an update on the disposal of the garage sites and it was explained that, unfortunately, it had not happened as quickly as had been hoped; this was largely due to the capacity of the team but a plan was in place to go to the market in the New Year. Under the same action, a Member had questioned when work was going to start on the Vineyards play area and the Head of Finance and Asset Management had confirmed that the work had now commenced. Under the Key Performance Indicator (KPI) for outstanding sundry debt which was in excess of 12 months old, a Member had questioned whether the debt for £10,973 was likely to be recovered. In response, the Head of Finance and Asset Management had explained that it was close to a resolution and he was confident of receiving the full sum in due course. In terms of customer-focused services, a Member had raised concern around parking at the Public Services Centre site and Members were advised that ensuring there was adequate parking remained a priority; a final scheme design for the depot was being looked at to see how many spaces could be provided.

49.4 During the discussion which ensued, a Member referred to Page No. 51 of the report and questioned whether crime was actually increasing or rather that reporting of crime was increasing. She was aware that a lot of crime was not reported so the figures were not always a true reflection of what was happening in neighbourhoods across the Borough. In response, the Head of Community Services undertook to speak to the Inspector about this issue. He knew there was more resource going into the Borough and he felt the figures were in line with the national increase but he would look into this and confirm. In terms of the possible letting of the top floor of the Public Services Centre to Severn Vale Housing Society, the Deputy Chief Executive indicated that the Board had now confirmed that it was keen to consider all of the options available for its future and, as such, it would not be moving into the building in the short term. Officers would therefore be moving forward with the marketing of the space to other organisations.

49.5 Accordingly, it was

RESOLVED: That the Overview and Scrutiny Committee's comments on the Performance Management Report for Quarter One of 2017/18 be **NOTED**.

EX.50 REVIEW OF TEWKESBURY BOROUGH NEWS

- 50.1 The report of the Chair of the Tewkesbury Borough News Review Working Group, circulated at Pages No. 54-73, set out the final recommendations of the Working Group following its review of the Borough News. Members were advised that the report had been considered by the Overview and Scrutiny Committee and the Executive Committee was now asked to agree the recommendations from that meeting.
- 50.2 The Overview and Scrutiny Committee Chair explained that, in 2016, a Member workshop had been held to gain feedback on corporate communications. As part of that workshop, the Tewkesbury Borough News had been discussed in detail including its cost, quality, regularity of production and format; however, no formal conclusions had been reached. Given the extent of the discussion, and the high profile nature of the newspaper, it was agreed that a formal review of the newspaper was needed and that an Overview and Scrutiny Committee Working Group could undertake that work. The Terms of Reference of the Group were set out at Appendix 1 to the report and during June and July it had met over three sessions, the details of which were attached to the report at Appendix 2. The report and final recommendations of the Working Group had been presented to the Overview and Scrutiny Committee in September and that Committee had recommended to Executive Committee that it approve the findings as set out at Page No. 54 of the report.
- 50.3 During the discussion which ensued, a Member expressed the view that the Borough News was a fantastic tool for relaying waste and recycling matters to residents. There was a constant need to re-educate and the Borough News offered a way to do this which was relatively inexpensive to the Council. For this reason, he would not like to see it reduced to less than two editions per year. In response, the Chair of the Working Group advised that, in the new format, he felt it would be used by more people as it would have more value as a publication. Increasingly residents were looking for information online and the new publication would be in a more prominent position on the Council's website to make it more user-friendly. Another Member expressed concern about changing the current format of the Borough News as it was something that many residents liked very much. He could not see that any fundamental benefits had been identified to support a change from a newspaper distributed three times a year to a bi-annual magazine and he felt the original objective to save money had not really been achieved. He was of the view that, to change the current well regarded brand would not be sensible and he felt that regularity of communication was key to ensuring residents knew what the Council was doing on their behalf within the Borough. In offering an alternative view, a Member felt the advantage of a magazine format was that people would be more likely to retain it which would also have the hidden benefit of residents not needing to contact Customer Services for information. In addition, she was of the view that it would look more professional in a magazine format which, in terms of reputation, would be great for the Council.

50.4 The Working Group Chair reassured Members that his Group had fully considered all matters and he thanked those Members for their dedication in attending the meetings. Particular consideration had been given to whether it was better to have two or three editions per year but it had been agreed that the third edition was largely redundant anyway. The Notes of those meetings were available should Members wish to see them and they showed the detailed financial information which had been discussed and which had helped the Group reach its recommendations. In terms of the pros and cons of a newspaper format vs a magazine format, a Member drew attention to Page No. 64 which set those out in detail. It was felt that, as the recommendation was for a 12 month trial period, there would be scope to review the new arrangements prior to making any permanent decisions and, accordingly, it was

RESOLVED:

1. That two magazine editions of Tewkesbury Borough News be published per year with a one-flick PDF online version placed in a prominent position on the Council's website.
2. That the Head of Corporate Services be authorised:
 - a. to enter into a contract with Wychavon District Council for a 12 month trial period and to waive the Council's Contract Procedure Rules accordingly;
 - b. to engage with Parish Councils which do not currently submit news articles; and
 - c. to seek to work to maximise advertising income.

EX.51 LOCAL DEVELOPMENT SCHEME

51.1 The report of the Head of Development Services, circulated at Pages No. 74-80, outlined the revised timetable for preparing the Borough's statutory development plan documents. Members were asked to adopt the updated Local Development Scheme to take effect immediately.

51.2 Members were advised that the purpose of the Local Development Scheme was to outline the documents which would be prepared by Tewkesbury Borough Council to comprise the Local Plan. It also gave details as to what the documents would contain and their production schedule. The Head of Development Services advised that it was important that the plans for the Borough were produced in a timely and efficient manner as, if they were not, development that was necessary for the Borough's continued growth and prosperity may be delayed or abandoned.

51.3 Having considered the report before them, it was

RESOLVED:

That the updated Local Development Scheme for Tewkesbury Borough, as attached at Appendix 1 to the report, be **ADOPTED** with immediate effect.

EX.52 TEWKESBURY BOROUGH PLAN WORKING GROUP TERMS OF REFERENCE

- 52.1 The report of the Tewkesbury Borough Plan Working Group, circulated at Pages No. 81-84, requested that the Terms of Reference of the Working Group be amended to include the Lead Members for Built Environment and Economic Development/Promotion in its membership.
- 52.2 The Head of Development Services explained that the Tewkesbury Borough Plan Working Group had been set up to oversee the production of the Tewkesbury Borough Plan and, initially, the Terms of Reference had been agreed by the Executive Committee on 26 April 2017. Following the first two meetings of the Working Group it was suggested that the Terms of Reference needed amendment to include within the membership the Lead Members for Built Environment and Economic Development/Promotion. The changes put forward by the Working Group needed to be agreed by the Executive Committee.
- 52.3 Accordingly, it was

RESOLVED: That the Tewkesbury Borough Plan Working Group Terms of Reference be amended so that membership comprises seven Members including the Lead Members for Built Environment and Economic Development/Promotion.

EX.53 FIXED PENALTY POLICY AND FINE LEVELS FOR ENVIRONMENTAL OFFENCES

- 53.1 The report of the Principal Environmental Health Officer, circulated at Pages No. 85-99, attached the Fixed Penalty Policy and proposed fine levels for environmental offences which Members were asked to approve.
- 53.2 The Head of Community Services explained that Fixed Penalty Notices were available as a tool for the Council to use in connection with a variety of environmental offences including fly-tipping, dog fouling and abandoned vehicles. The use of such a Notice provided the Council with an efficient and proportionate means for the disposal of low level environmental offences without recourse to court action. The statutes governing environmental offences prescribed a maximum fine level, minimum fine level and minimum discounted level. For some offences the Council had discretion to set the fine levels within a statutory minimum and maximum level; as well as having discretion over several operational and procedural elements relating to Fixed Penalty Notices such as the minimum age of persons on whom Notices would be served, payment options and the offering of a non-statutory appeals process.
- 53.3 Page No. 87 of the report set out the statutory default fine level, together with the minimum, maximum and discount fine levels which were prescribed for the range of environmental offences. The Head of Community Services felt that the proposed policy, and fine levels, offered Officers a better way to tackle enviro-crimes and would also be useful in reducing Officer time. The burden of proof was the same as that needed to take an offender to Court but, if the offender admitted the crime, there was no need to go through the lengthy and more costly Court process.
- 53.4 A Member noted that the Policy recommended a fine of £400 for fly-tipping but a

discount for early payment which would bring that down to £200. She was of the view that the Council should be aiming to maximise the fine and, accordingly, its impact on people that committed the offence. The Head of Community Services indicated that he was happy to be guided by Members in that regard; Officers had felt the discount to be fair but if Members did not share that view he welcomed their comments. The maximum fine level for fly-tipping was £400 - so the Council could not go above that limit – but the suggested early payment discount was discretionary so Members could reduce/remove that as they wished. Members agreed that the early payment discount for fly-tipping offences was not appropriate and that it should therefore be removed. The Deputy Chief Executive explained that the Council needed a robust process for following up on the Notices which were issued and this was included in the Policy. In terms of early payment, there was government guidance which suggested discounts for early payment of fines was a model that local authorities should offer as there was some evidence to show that it got people to pay fines; however, this was entirely within the gift of individual local authorities.

- 53.5 In response to a query regarding the transfer of waste, Members were advised that if someone was not a registered carrier they could not transfer waste. It was possible to fine one person twice, e.g. if they failed to produce a waste transfer note and were caught fly-tipping, but it was not possible to issue a Fixed Penalty Notice to someone that was suspected of fly-tipping if there was no evidence. The Council had the power to seize vehicles if appropriate and Officers were currently looking into how that worked. In terms of fly-posting, a Member questioned whose responsibility it was to remove planning site notices as she was concerned the Council could be seen to be fly-posting itself. In response, the Member was advised that the people putting up notices had to seek the landowner's permission. Where people posted in public areas, such as telephone boxes etc., a Fixed Penalty Notice could be issued. In terms of planning site notices, the Head of Development Services explained that generally the practice was that the applicant would take the notices down as it would otherwise be quite resource intensive for the Council. However, if planning officers saw any when they were out around the Borough they would obviously remove them as appropriate. Members felt that this should be made clear to applicants as they often did not seem to realise it was their responsibility. In terms of enforcement action against enviro-crimes, the Deputy Chief Executive explained that the Council did not have a dedicated team but the Head of Community Services was looking to implement a multi-skilled approach to enviro-crimes so that Officers across the Council could assist as appropriate with serving Fixed Penalty Notices etc. A Member questioned whether the Council had adopted the Clean Neighbourhoods and Environment Act. In response, the Head of Community Services advised that he understood it was an Act that the Council could use rather than having to adopt the provisions but he undertook to look into the issue.
- 53.6 A Member thanked the Community Services Team for the report; he expressed the view that dog fouling and fly-tipping were a blight on the Borough and the more tools the Council had to combat it the better. Accordingly, it was

RESOLVED: That, subject to there being no discount offered for the payment of fines for fly-tipping, the fixed penalty fine levels for environmental offences and the Fixed Penalty Policy be **APPROVED** as set out within the report.

EX.54 100% BUSINESS RATES RETENTION PILOTS

- 54.1 Attention was drawn to the urgent report of the Head of Finance and Asset Management which had been circulated separately at Pages No. 1-5. Members were advised that the item had been accepted as urgent due to the fact that, as a group of authorities, Gloucestershire was actively investigating the potential to bid to become a 100% retained business rate pilot for 2018/19. This bid needed to be submitted before the end of October and the report before the Committee requested delegation to the Chief Executive and the S151 Officer to complete the assessment process and to formally enter a bid on behalf of the Council before that deadline expired.
- 54.2 The Head of Finance and Asset Management explained that the government had issued a 100% business rates retention pilot prospectus and an invitation for bid applications. The pilot would provide an opportunity for both the government and local authorities to explore how 100% retention could operate across different economic and geographic areas and with different types of local authority. The government was particularly keen to gain a better understanding of how this could work in a two-tier local authority area such as Gloucestershire. The prospectus indicated that the 2018/19 pilots would last for one year only and that they would need to incorporate all local authorities within the natural geographical/economical area; for Gloucestershire, that would mean Tewkesbury would need to be included within any bid even though it was not currently a member of the Gloucestershire business rates pool. Under the pilot, local authorities would be expected to forego revenue support grant and rural services delivery grant as well as other grant funding streams. The Chief Finance Officers in Gloucestershire were working with Pixel (external advisors) on estimating the likely additional amount of funding that would be retained within Gloucestershire under the 100% pilot but initial estimates had suggested approximately £17.4 million. The modelling would take into account the current level of business rates income but would also assess the financial risk from appeals, losses and changes in reliefs. A key difference for the new pilots was that the government had asked authorities to include details of how they would work together to manage risk in line with their pooling arrangements in the event that the 2018/19 pilots programme did not include a 'no detriment' clause. Applicants would have to make it clear whether or not they would be willing to become a 100% business rates retention pilot if the 2018/19 pilots were expected to operate without the benefit of 'no detriment'. This was an important issue to consider as proceeding without the clause introduced additional financial risks to pilot members. In offering reassurance to the Committee, the Head of Finance and Asset Management explained that the report before it was merely to gain approval to be part of the bid should the financial assessments prove to be acceptable; if the bid was successful, and Gloucestershire was chosen as a pilot, the Council would need to consider whether or not to join.

54.3 Members were generally happy that the bid should be submitted and accordingly it was

RESOLVED: That authority be delegated to the Chief Executive, in consultation with the Head of Finance and Asset Management, to agree Tewkesbury Borough Council's involvement in the submission of a Countywide bid to become a 100% Business Rates Retention Pilot in 2018/19 subject to:

1. the satisfactory assessment, in the opinion of the Head of Finance and Asset Management, of the benefits and risks of the pilot bid prior to making an application; and
2. a further report to Council for full consideration of the pilot if the bid is successful and before formal acceptance of the pilot takes place.

The meeting closed at 3:15 pm