

26 November 2018

Committee	Council
Date	Tuesday, 4 December 2018
Time of Meeting	6:00 pm
Venue	Tewkesbury Borough Council Offices, Severn Room

ALL MEMBERS OF THE COUNCIL ARE REQUESTED TO ATTEND

Agenda

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST**

Pursuant to the adoption by the Council on 26 June 2012 of the Tewkesbury Borough Council Code of Conduct, effective from 1 July 2012, as set out in Minute No. CL.34, Members are invited to declare any interest they may have in the business set out on the Agenda to which the approved Code applies.

- 3. MINUTES**

1 - 18

To approve the Minutes of the meeting held on 26 September 2018 and the Extraordinary meeting held on 15 October 2018.



4. ANNOUNCEMENTS

1. When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the visitors' car park at the front of the building and await further instructions (during office hours staff should proceed to their usual assembly point; outside of office hours proceed to the visitors' car park). Please do not re-enter the building unless instructed to do so.

In the event of a fire any person with a disability should be assisted in leaving the building.

2. To receive any announcements from the Chair of the Meeting and/or the Chief Executive.

5. ITEMS FROM MEMBERS OF THE PUBLIC

- a) To receive any questions, deputations or petitions submitted under Council Rule of Procedure.12.

(The deadline for public participation submissions for this meeting is 28 November 2018).

- b) To receive any petitions submitted under the Council's Petitions Scheme.

6. MEMBER QUESTIONS PROPERLY SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

To receive any questions submitted under Rule of Procedure 13. Any items received will be circulated on 4 December 2018.

(Any questions must be submitted in writing to Democratic Services by, not later than, 10.00am on the working day immediately preceding the date of the meeting).

7. RECOMMENDATIONS FROM EXECUTIVE COMMITTEE

The Council is asked to consider and determine recommendations of a policy nature arising from the Executive Committee as follows:-

(a) Disposal and Purchase of a Council Vehicle 19 - 27

At its meeting on 21 November 2018 the Executive Committee considered the disposal and purchase of a vehicle and **RECOMMENDED TO COUNCIL** that the capital programme be amended to allow the purchase of the vehicle as set out in Option 3 of the business case attached to the report.

(b) Council Tax Reduction Scheme 2019/20 28 - 31

At its meeting on 21 November 2018 the Executive Committee considered the Council Tax Reduction Scheme 2019/20 and **RECOMMENDED TO COUNCIL** that the Council Tax Reduction Scheme for 2019/20 be **ADOPTED**.

Item	Page(s)
<p>8. GIFTS AND HOSPITALITY PROTOCOL FOR COUNCILLORS</p> <p>At its meeting on 24 September 2018 the Standards Committee considered amendments to the Gifts and Hospitality Protocol for Councillors and RECOMMENDED TO COUNCIL that the amended Gifts and Hospitality Protocol for Councillors be ADOPTED.</p>	<p>32 - 46</p>
<p>9. POLICE AND CRIME COMMISSIONER CONSULTATION - PROPOSAL IN RESPECT OF THE FIRE SERVICE</p> <p>To consider the Police and Crime Commissioner's consultation in respect of the Fire Service.</p>	<p>To Follow</p>

Recording of Meetings

In accordance with the Openness of Local Government Bodies Regulations 2014, please be aware that the proceedings of this meeting may be recorded and this may include recording of persons seated in the public gallery or speaking at the meeting. Please notify the Democratic Services Officer if you have any objections to this practice and the Mayor will take reasonable steps to ensure that any request not to be recorded is complied with.

Any recording must take place in such a way as to ensure that the view of Councillors, Officers, the public and press is not obstructed. The use of flash photography and/or additional lighting will not be allowed unless this has been discussed and agreed in advance of the meeting.

**Head of Democratic Services for
Borough Solicitor**

TEWKESBURY BOROUGH COUNCIL

Minutes of a Meeting of the Council held at the Council Offices, Gloucester Road, Tewkesbury on Wednesday, 26 September 2018 commencing at 6:00 pm

Present:

The Worshipful the Mayor
Deputy Mayor

Councillor R M Hatton
Councillor G F Blackwell

and Councillors:

R E Allen, P W Awford, K J Berry, R A Bird, R Bishop, G J Bocking, K J Cromwell, D M M Davies, M Dean, R D East, A J Evans, D T Foyle, R Furolo, R E Garnham, P A Godwin, M A Gore, J Greening, B C J Hesketh, S E Hillier-Richardson, A Hollaway, E J MacTiernan, J R Mason, H C McLain, V D Smith, P E Stokes, P D Surman, M G Sztymiak, H A E Turbyfield, D J Waters and P N Workman

CL.33 APOLOGIES FOR ABSENCE

33.1 Apologies for absence were received from Councillors J H Evetts, A S Reece, T A Spencer, R J E Vines and M J Williams.

CL.34 DECLARATIONS OF INTEREST

34.1 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.

34.2 The following declarations were made:

Councillor	Application No./Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
P W Awford	Item 10 – Preferred Options Tewkesbury Borough Plan Consultation.	Is a Gloucestershire County Councillor. Tewkesbury Borough Council representative on the Lower Severn Internal Drainage Board. Member of Severn and Wye Regional Flood and Coastal Committee. Member of Wessex Regional Flood and Coastal Committee.	Had received a dispensation to speak and vote on this item.

		Life Member of the National Flood Forum.	
R A Bird	Item 10 – Preferred Options Tewkesbury Borough Plan Consultation.	Is a Gloucestershire County Councillor.	Had received a dispensation to speak and vote on this item.
K J Cromwell	Item 10 – Preferred Options Tewkesbury Borough Plan Consultation.	Is a Gloucestershire County Councillor.	Had received a dispensation to speak and vote on this item.
R E Garnham	Item 10 – Preferred Options Tewkesbury Borough Plan Consultation.	Has a pecuniary interest through his business which is linked to development and planning.	Would not speak or vote and would leave the Chamber for the consideration of this item.
M A Gore	Item 10 – Preferred Options Tewkesbury Borough Plan Consultation.	The Member owned a small parcel of land which was within the Borough but was not within the preferred options version of the Borough Plan.	Had received a dispensation to speak and vote on this item.
A Hollaway	Item 10 – Preferred Options Tewkesbury Borough Plan Consultation.	A close family member owned land which was adjacent to land within the preferred options version of the Borough Plan but neither the Member or her family owned land within the Plan.	Had received a dispensation to speak and vote on this item.
V D Smith	Item 10 – Preferred Options Tewkesbury Borough Plan Consultation.	Is a Gloucestershire County Councillor.	Had received a dispensation to speak and vote on this item.
P D Surman	Item 10 – Preferred Options Tewkesbury Borough Plan Consultation.	A close friend owned land which was contained within the preferred options version of the Borough Plan.	Had received a dispensation to speak and vote on this item.

34.3 There were no further declarations made on this occasion.

CL.35 MINUTES

35.1 The Minutes of the meeting held on 24 July 2018, copies of which had been circulated, were approved as a correct record and signed by the Mayor.

CL.36 ANNOUNCEMENTS

36.1 The evacuation procedure was advised to those present.

CL.37 ITEMS FROM MEMBERS OF THE PUBLIC

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

CL.38 MEMBER QUESTIONS PROPERLY SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

38.1 There were no Member questions on this occasion.

CL.39 LEAD MEMBER PRESENTATION

39.1 The Mayor invited the Lead Member for Finance and Asset Management to make his presentation.

39.2 The presentation covered the following main points:

- The Finance and Asset Management Portfolio – covered a wide variety of services: Financial Strategy and Reporting; Investments; Procurement; Council Tax and Business Rates; Housing Benefit and Council Tax Reduction; Land and Property Asset Management; and Facilities Management.
- Who Provides the Services? – three teams: Finance Team with equivalent of 7.3 full-time staff; Asset Management Team with equivalent of 9.7 full-time staff including the Council's cleaning staff; Revenues and Benefits Team with equivalent of 21.3 full-time staff. The Operational Teams were supported by Head of Finance and Asset Management and Head of Corporate Services.
- What is the Core Service – Finance: collection of £5 million of sundry debt each year (includes trade waste, licences and rentals); payments to 4,500 creditors each year; investments of £162 million each year and allocation of £100 million income each year (includes £55 million of Council Tax and £36 million of Business Rates of which the Council retained £3.8 million of Council Tax and £2.2 million of Business Rates); 3,000 payroll payments made each year; production and management of £9 million net budget; and production of an 80 page Statement of Accounts each year. Asset Management: management of property valued at over £64 million (over £40 million was the Council's commercial portfolio); management of land totalling over 400 acres; management of 14 play areas and 10 car parks; management of tenants with an income of £2.8 million each year; management of the Public Services Centre with an average of 110,000 visitors per year (staff, tenants and visitors); and management of over 400,000 visitors to car parks each year. Revenues: collection of Council Tax from 41,040 dwellings; collection of £58.7 million in Council Tax; and collection of £35 million in Business Rates from 2,923 business premises

(known as hereditaments) with a total rateable value of £91.3 million. Benefits: administers housing benefit – caseload of 3,466 and Council Tax reduction – caseload of 4,303; processed claims for Discretionary Housing Payments – 299 awards in 2017/18 totalling £131,752; provision of personal budgeting support and assisted digital support to residents claiming Universal Credit; and investigation of cases of possible fraud and provision of single point of contact for the Department for Work and Pension's Single Fraud Investigation Service.

- Achievements – two retail units in Clevedon purchased in 2006 then 10 years later purchased G4S building near Junction 9 of the M5. Building on that success, Lambert Smith Hampton appointed to source and secure further properties for the commercial property portfolio - £39.5 million investment to date in property across the country. £2.37 million gross rent per year with a 6% yield on investment and £1.55 million net benefit to budget currently. Properties were managed in-house with support from Lambert Smith Hampton and rental income was now the third biggest financing stream behind Council Tax and New Homes Bonus. The Public Services Centre had been refurbished with substantial changes made to the working environment and decoration as well as the fabric of the building (including roof, wiring and ventilation). In 2014 the first floor, roof and windows had been refurbished at a cost of £1.6 million and in 2018 the reception area, Growth Hub and Civic Suite had been refurbished at a cost of £2.3 million. The Council now had tenants on the top floor which brought in £120,000 per year, leases had been renegotiated with existing tenants and negotiations were ongoing with the County Council about extending its current lease area. The new leisure centre had been completed in May 2016 – delivered on time and on budget at a cost of £7.5 million and, since then, the centre had received over 250,000 annual visits, over 2,000 members had joined, 1,200 children were on the swimming lesson programme and it had won a 'very good' Quest Award (an independent assessment of the standard of the facility and the service offered). As well as the community benefit of the centre, the contract with Places for People provided for a contract sum of £150,000 per year and a profit share at the end of year three which could be reinvested into the centre. Other notable achievements included the replacement of equipment at the Vineyards play area; the opening of the Riverside Walk; the introduction of a cashless system for parking charges; the demolition of the old Cascades building; the update of the Council's Tree Policy to manage its 5,500 trees; investment in a new system to plot the trees and record inspections; the roll-out of a system for play area inspections; the successful bid to be in the 100% retained business rates pilot; the installation of a new purchase ordering system and new PayPoint payment channel; introduction of a new process to comply with the Construction Industry Scheme and taxation requirements by performing a number of checks on the individual or company and either putting payments through payroll, where tax was deducted, or paying the consultancy direct; the introduction of a new Fees and Charges Strategy; closure of the accounts one month earlier than previously; annual production of a balanced Medium Term Financial Strategy and budget; support to corporate projects; continued excellent external audit opinion of the Council (including unqualified opinion on accounts, excellent working papers and sound value for money conclusions); introduction of barcodes on Council Tax bills to provide customers more payment options and to support the local economy; identification of additional income from renewable energy sites for business rates (this had previously not been claimed as it had gone under the radar); review of policies and processes in Revenues and Benefits (such as long term empty premium for Council Tax and approval of a Council Tax

Reduction Scheme); a service review resulting in £100,000 saving and no detrimental effects to service performance; improvements to the benefit subsidy reclaim of £100,000; close working with the Department for Work and Pensions to ensure smooth roll-out of Universal Credit in the Borough; and maintaining above average benefits performance despite reductions in the staffing establishment.

- Targets – Disposal of MAFF site - various potential uses explored over last 17 years but none found to be viable. Would be suitable for high density residential development so could sell to developer. The site has significant capital value and its disposal for residential development was agreed by the Executive Committee in July. The team was currently carrying out surveys on the site and an architect had been engaged to begin the process of an outline planning application. Sale to a residential developer could net the Council a gross capital receipt in the region of £1.5 million, produce around 60 additional housing units, including the appropriate quota of affordable housing, and also enable further gains through New Homes Bonus and Council Tax. Development of Spring Gardens in Tewkesbury town – despite best efforts market conditions, reduced funding and lack of resource had resulted in the project stalling so the Council had appointed development advisor specialists, Mace Ltd, to provide skills and capacity to recommend a way forward and drive the project to completion. Further commercial property investment would be made; there was still £6.6 million available from Council approved funds. The Council was targeting a purchase within the industrial and warehouse sector in order to keep the portfolio balance- it would be avoiding High Street retail. Interest rates remained high but yields had lowered in recent months. Completion of the final purchase would result in a £45 million commercial property portfolio and the Council would then assess its position and consider whether any further activity was appropriate. Other targets included development of long term planned asset maintenance programme; a new investment strategy (to include new government guidelines in terms of disclosure requirements); demolition and re-use of the depot; and more use of technology including procurement system, vehicle charging points and online direct debits.
- Targets – Revenues – maximise the development of digital delivery (including customer engagement through channels such as webchat) and introduction of paperless billing for Council Tax and Business Rates; improved Council Tax and Business Rates collection rates; maximised returns from New Homes Bonus through focused inspection regimes and development of relations with the Valuation Office Agency; and support to the successful delivery of the Growth Hub.
- Targets – Benefits – maintaining a comprehensive housing benefit and Council Tax reduction service to support those residents of Tewkesbury Borough on a low income; continuing to take a key role in the Financial Inclusion Partnership sharing Council and welfare reform developments with partners in the Borough; and continue to deliver personal budgeting support and assisted digital support to residents affected by Universal Credit.

39.3 The Mayor thanked the Lead Member for his informative presentation and invited Member questions. One Member questioned how the Council paid its invoices and the timescales for payment. In response, the Head of Finance and Asset Management advised that, around 94% of payments were made within the 30 day limit (many within four or five days) and the majority were paid electronically. In terms of the claims against renewable energy sites, and whether this could be done retrospectively, the Head of Finance and Asset Management confirmed that

the total amount due had been reclaimed and all sites within the Borough had been considered. Another Member referred to the fact that the Council maximised returns from New Homes Bonus through focussed inspections and improving the relationship with the National Valuation Office and he questioned how this was achieved. In response, he was advised that the Council told the Valuation Office about new properties being built and then the Valuation Office banded them for billing; the Council had to make a return which determined the level of New Homes Bonus gained so it needed a sharp inspection process in place to ensure the returns were maximised as quickly as possible.

39.4 Accordingly, it was

RESOLVED That the presentation provided by the Lead Member for Finance and Asset Management be **NOTED**.

CL.40 AUDIT COMMITTEE ANNUAL REPORT 2017/18

40.1 Attention was drawn to the report, circulated with the Agenda, at Pages No. 9-18 which Members were asked to consider and approve. The Mayor invited the Vice-Chair of the Audit Committee to present the Committee's 2017/18 annual report to the Council.

40.2 The presentation covered the following key points:

- The Role of the Audit Committee – very important role of assurance and to ensure the Council's internal control environment, including risk and governance, was operating effectively. Assurance mainly came from internal audit, external audit and the Finance Team. The Audit Committee was not a finance Committee as the bulk of the Work Programme was focused on governance.
- Not Just About Finances – the Committee had responsibility to approve the Council's Statement of Accounts but was also the catalyst for changes to the garden waste scheme which generated nearly £800,000 income and was a direct result of an internal audit report and the Audit Committee asking for improvements; Ubico client monitoring following an internal audit report that had required immediate improvements on how the Council monitored the contract; tree inspections had previously been paper-based but now had a cloud-based solution; and the complaints framework had been redesigned as the previous framework was not effective.
- Sources of Assurance – Internal Audit – this was a small but effective team which gave the Audit Committee an independent viewpoint. An external peer assessment of internal audit in 2017 had concluded it was compliant with Public Sector Internal Audit Standards. During the year, the Committee had received internal audit reports on a wide range of Council activity e.g. the Public Services Centre refurbishment, cemeteries, land charges, absence management etc. Overall, audit opinions issued during the year had been positive with 37 out of 39 opinions showing either 'good' or 'satisfactory' levels of control. 27 audit recommendations had been made during the year with only two categorised as 'high' and 10 audits having no recommendations.
- Sources of Assurance – External Audit – the Council's external auditors, Grant Thornton, gave the external opinion on how well the Council was performing. The external auditors had provided a positive conclusion on the Council's statement of accounts, finding them to have been produced in a true and accurate manner with no amendments required, it was satisfied with the improved arrangements for the monitoring of the Ubico contract and had concluded that the Council had proper arrangements in place to secure

economy, efficiency and effectiveness of resources.

- Annual Governance Statement – Audit Committee Effectiveness - the Council had a statutory requirement to produce an Annual Governance Statement which provided a high level overview of its overall governance arrangements and identified areas for improvement including risk management.
- Audit Committee Effectiveness – similar to the Overview and Scrutiny Committee, the Audit Committee sought to maximise its value and emerging ideas included: the introduction of a six-monthly newsletter; changes to the Committee’s Terms of Reference and its name; building on training already received; more challenge to Officers; and a formal review of effectiveness.

40.3 The Mayor thanked the Member for the presentation and asked for questions from Members. A Member expressed concern that the presentation had not mentioned the ‘except for’ conclusion that Grant Thornton had provided on the value for money work it had undertaken. In response, the Member explained that any issues in that respect were being closely monitored by the Committee.

40.4 Accordingly, it was

RESOLVED That the Audit Committee’s Annual Report for 2017/18 be **APPROVED**.

CL.41 OVERVIEW AND SCRUTINY REVIEW OF WATER OUTAGE

41.1 Attention was drawn to the Overview and Scrutiny Review of Water Outage report, circulated with the Agenda at Pages No. 19-64. Members were advised that, at its meeting on 4 September 2018, the Overview and Scrutiny Committee had recommended that the Council adopt the report and that the actions contained therein be reviewed in February with partners being invited to see how they were progressing. Members were also advised that, since the Overview and Scrutiny Committee meeting, the action sheet had been further updated and the revised copy was attached for the Council’s information.

41.2 In proposing the report, the Chair of the Overview and Scrutiny Committee explained that the water outage had significantly affected the Borough’s communities in December 2017 and the subsequent review was probably the highest profile undertaken by the Committee in recent years. The whole Committee had been involved as a Task and Finish Working Group and it was hoped that the content of the report showed the amount of work that the Committee and supporting Officers had put into the review. The review had sought to understand the impact on the community and local businesses, including agriculture, through consultation with businesses, the Citizens’ Panel and Parish and Town Councils and that information, together with obtaining a full picture of how the incident had occurred and the response from all relevant agencies in managing the incident, had enabled a detailed set of scrutiny questions to be put to partners at the public inquiry which had been held on 24 April 2018. The work had established a set of learning points which had been captured in the action plan at Appendix 3 of the report; that action plan would be taken back to the Committee early in the New Year to ascertain progress in implementing the actions. The actions related to key areas such as maintenance and infrastructure, water distribution, communications and impact on businesses. Overall, the Chair felt the review was an excellent piece of work and he thanked his fellow Committee Members and Officers for their contributions. He also thanked the representatives of Severn Trent Water, Gloucestershire Police, Gloucestershire Fire and Rescue Service and Gloucestershire Local Resilience Forum for their participation and the open and transparent manner in which they had responded to questions.

41.3 The proposal to adopt the report was seconded and the Mayor invited questions from Members. A Member thanked the Overview and Scrutiny Committee for the brilliant piece of scrutiny which had been undertaken. Referring to the review of the 2007 floods, he felt the resultant actions had not been followed-up effectively in all cases and he hoped partners would know that, if there were any actions left incomplete this time, the Committee would be going back to question them. In response, the Overview and Scrutiny Committee Chair confirmed that lessons had been learnt since 2007 and he completely understood the need to follow-up on action plans as did all of those involved in the review.

41.4 Accordingly, it was

RESOLVED That the Overview and Scrutiny Review of Water Outage Report be **ADOPTED**.

CL.42 PREFERRED OPTIONS TEWKESBURY BOROUGH PLAN CONSULTATION

42.1 The report of the Head of Development Services, circulated at Pages No. 65-283, sought Council approval to publish the Preferred Options version of the Tewkesbury Borough Plan for public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

42.2 In introducing the report, the Head of Development Services explained that the Tewkesbury Borough Plan was a second tier plan that sat under the Joint Core Strategy (JCS) which provided the higher level strategic plan. The Borough Plan set out more locally specific policies, and proposed smaller scale development. The policies in the Plan were required to ensure sustainable development in the Borough and covered a wide range of issues including employment, housing, retail and town centres and rural and urban areas. The Head of Development Services explained that the Plan was a planning framework to provide further growth aspirations and a positive plan for the future development of the area at the same time providing a wide and sufficient choice of housing and a prosperous and competitive rural and urban economy which helped to sustain vital urban areas. The full consultation process would be held through October and November with all representations being considered and, where appropriate, changes made. The pre-submission version of the Plan would be the final stage before submission to the Secretary of State for the examination in public.

42.3 The Chair of the Tewkesbury Borough Plan Working Group indicated that the Group had worked with Officers to oversee the development of the Plan and had undertaken detailed discussions as well as site visits. Members felt the Plan was the right way to ensure sustainable development throughout the Borough and, on behalf of the Working Group, he proposed that the Plan be approved for public consultation. The Lead Member for Built Environment seconded the proposal.

42.4 A Member indicated that there was no reference in the report to specific consultation with the 'un-housed generation' of 25-40 year olds and he felt this was of concern as a lot could be learnt from their view and what they expected the Council's future housing policy to be. In response, the Planning Policy Manager explained that this was a good point and one of the things the Borough Plan sought to do was provide a range of sites with anywhere from 10 to 110 dwellings at varying locations across the Borough but also provide flexibility for other areas to grow. Policies on housing mix were important in terms of the size of dwellings to meet future demographics. The consultation would be open to all and it was the intention that the message would be circulated as widely as possible, including to the younger generation to get their views. Another Member expressed concern that the document she had seen previously had contained numbers of dwellings attached to Service Centres and Villages and she questioned whether this would be attached to the background papers if not directly to the Borough Plan. In

response, the Planning Policy Manager advised that the table was contained in the background papers but there was also reference to it within the Plan itself and this would be published as part of the consultation. In terms of Bishop's Cleeve, the Member questioned why sites were still being put forward in the Borough Plan when it had already been identified as being over-prescribed. Additionally, in referring to the consultation, she questioned how many people were on the consultation database and whether there would be events in local areas so the public could see the plans and talk to Officers and Members in a similar way to the JCS consultation. In response, the Planning Policy Manager explained that the Plan had recognised the significant growth already in Bishop's Cleeve but it also identified all opportunities in the Borough and, where deemed sustainable, they had been included. Of the two sites identified in Bishop's Cleeve one already had permission and the other was for 35 dwellings so was seen as relatively modest. The key benefit was that having flexibility to meet the housing supply put the Council in a robust position so it could better defend against unwanted development. In respect of the consultation database, it currently contained around 250 people; however, anyone could sign up to it at any time. Whilst those were the people the Council would contact directly, there would be plenty of opportunities for people to get involved and it was intended that there would be events out in the Borough as well. Another Member requested reassurance that the Borough Plan was not looking for strategic-sized sites and, in response, the Planning Policy Manager confirmed that this was the case. It was not the role of the Borough Plan to meet the shortfall identified in the JCS as that would be done through the review of the JCS.

- 42.5 A Member proposed, and it was seconded, that an amendment be made to the wording on Page No. 101 of the Plan in respect of Table 1 – Policy RES1, Site Specific Development Principles, Shurdington Option A to read: 'As part of any access proposals from Badgeworth Lane, parking arrangements must be provided for Shurdington Primary School to ensure adequate and safe two-way traffic movements along Badgeworth Lane, particularly during school drop-off/pick-up times. Proposals must consider the provision of new school parking spaces on site **A as an integral** part of the development in the first instance'. Generally Members felt this was a sensible amendment which would help ensure the access to any development in the area of Shurdington Primary School would be adequate. Another Member proposed that the "need to ensure small settlements thrived" through Policy RES4 was firmed up to indicate that small scale was no greater than 5% of existing dwellings; however, that proposal was not seconded.

- 42.6 Upon being put to the vote, it was

RESOLVED

1. That the Preferred Options Tewkesbury Borough Plan be **APPROVED** for public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012, as set out in Appendix 1, subject to an amendment as follows:

Table 1 – Policy RES1, Site Specific Development Principles, Shurdington Option A to read: 'As part of any access proposals from Badgeworth Lane, parking arrangements must be provided for Shurdington Primary School to ensure adequate and safe two-way traffic movements along Badgeworth Lane, particularly during school drop-off/pick-up times. Proposals must consider the provision of new school parking spaces on site **A as an integral** part of the development in the first instance',

2. That authority be delegated to the Head of Development Services, in consultation with the Lead Member for Built Environment, for the correction of any minor errors such as spelling, grammar, typographical and formatting changes that do not affect the substantive content of the plan.

CL.43 SEPARATE BUSINESS

43.1 The Mayor 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.

CL.44 SEPARATE MINUTES

44.1 The separate Minutes of the meeting held on 24 July 2018, copies of which had been circulated, were approved as a correct record and signed by the Mayor.

The meeting closed at 7:35 pm

TEWKESBURY BOROUGH COUNCIL

**Minutes of an Extraordinary Meeting of the Council held at the Council Offices,
Gloucester Road, Tewkesbury on Monday, 15 October 2018 commencing at
6:00 pm**

Present:

The Worshipful the Mayor
Deputy Mayor

Councillor R M Hatton
Councillor G F Blackwell

and Councillors:

R E Allen, P W Awford, K J Berry, R A Bird, R Bishop, G J Bocking, K J Cromwell,
D M M Davies, M Dean, R D East, J H Evetts, R Furolo, P A Godwin, M A Gore,
S E Hillier-Richardson, A Hollaway, E J MacTiernan, J R Mason, H C McLain, A S Reece,
P E Stokes, M G Sztymiak, H A E Turbyfield, M J Williams and P N Workman

CL.45 APOLOGIES FOR ABSENCE

45.1 Apologies for absence were received from Councillors J E Day, A J Evans, D T Foyle, J Greening, V D Smith, T A Spencer, P D Surman, R J E Vines and D J Waters. Members were advised that Councillor R E Garnham was unable to attend due to pecuniary interests in the items of business being considered.

CL.46 DECLARATIONS OF INTEREST

46.1 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.

46.2 The following declarations were made:

Councillor	Application No./Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
P W Awford	Item 6 – Joint Core Strategy – Issues and Options Consultation.	Is a Gloucestershire County Councillor. Is a Tewkesbury Borough Council representative on the Lower Severn Internal Drainage Board. Is a Member of Severn and Wye Regional Flood and Coastal Committee.	Had received a dispensation to speak and vote on this item.

		Is a Member of Wessex Regional Flood and Coastal Committee.	
		Is a Life Member of the National Flood Forum.	
		Is a Newly appointed Trustee to Gloucestershire Rural Community Council.	
R A Bird	Item 6 – Joint Core Strategy – Issues and Options Consultation.	Is a Gloucestershire County Councillor.	Had received a dispensation to speak and vote on this item.
K J Cromwell	Item 6 – Joint Core Strategy – Issues and Options Consultation.	Is a Gloucestershire County Councillor.	Had received a dispensation to speak and vote on this item.
K J Cromwell	Item 7 – Community Infrastructure (CIL) Formal Adoption of Charging Schedule and Supporting Policies, Approval of Regulation 123 List for Publication and Setting of a Commencement Date for Charging.	Immediate family member owns land in Ashchurch.	Would not speak or vote and would leave the room for the consideration of this item.

46.3 There were no further declarations made on this occasion.

CL.47 ANNOUNCEMENTS

47.1 The evacuation procedure, as noted on the Agenda, was advised to those present.

CL.48 ITEMS FROM MEMBERS OF THE PUBLIC

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

CL.49 MEMBER QUESTIONS PROPERLY SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

49.1 There were no Member questions on this occasion.

CL.50 JOINT CORE STRATEGY: ISSUES AND OPTIONS CONSULTATION

- 50.1 The report of the Head of Development Services, circulated at Pages No. 1-93, attached the Joint Core Strategy (JCS) Issues and Options consultation document which Members were asked to approve. In addition, Members were asked to delegate authority to the Head of Development Services, in consultation with the Lead Member for Built Environment, to make any minor amendments to the text of the document and appropriate changes to the design prior to publication for consultation, and to endorse the broad vision for the Ashchurch concept masterplan for public consultation.
- 50.2 In introducing the report, the Head of Development Services explained that the Joint Core Strategy had been adopted in December 2017 and, at that time, the Council had committed to undertake an immediate review of both housing and retail; housing supply in terms of Gloucester and Tewkesbury and retail policies for the whole area. The Issues and Options consultation document was an early stage of the plan-making process and sought to review and generate feedback on the key issues that were affecting the area, as well as setting out some of the options that were available to address them. It was made clear that the current document did not propose a strategy, new sites or policies; this would all be for the later stages of the review. In addition, work had been ongoing in respect of a masterplan for Ashchurch; this was not a detailed blueprint but instead looked at how development in the area could come forward to help meet the housing needs and to test requirements for infrastructure and community benefits. In addition, it could help increase the rail provision at Ashchurch and make the improvements required at Junction 9 of the M5 motorway. The masterplan was a concept at this stage and would be consulted upon on that basis; the consultation would give the Council the opportunity to have conversations with stakeholders and the community in terms of both housing and employment land in the area. The concept masterplan did not put forward a transport plan but Officers were aware of the need to improve road links in the area - the challenges regarding the A46 were being considered and it was felt the masterplan offered a great opportunity to have all of those conversations and look for solutions.
- 50.3 It was proposed and seconded, that the JCS Review Issues and Options consultation document be approved for public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012; that authority be delegated to the Head of Development Services, in consultation with the Lead Member for Built Environment, to make any minor amendments to the text of the document and make appropriate changes to the design prior to its publication for consultation; and that the broad vision for growth, as set out in the concept masterplan for Ashchurch, be endorsed for public consultation.
- 50.4 The Mayor invited questions from Members. A Member sought assurance that the consultation would be full and comprehensive, that everyone would be properly engaged with their concerns addressed and responded to and that the consultation would be undertaken in accordance with institute guidelines. She also questioned how the consultation would take place. In response, the Head of Development Services confirmed that it was intended to engage with as many people as possible. The Issues and Options consultation was part of a statutory plan preparation process and the consultation would therefore accord with those regulations. The Ashchurch masterplan consultation would involve conversations with the parish and community groups, along with anyone else that may wish to be involved, but it was not in itself subject to a statutory process. Officers would take advice from the Parish Council on who to involve but it was most likely to include events held in the local area so that Officers would be on hand to answer queries as well as other forms of consultation; this had worked well previously and it was felt that residents appreciated that kind of personal approach. In response to a

query regarding where the 'roadshow' type events would be held, the Head of Development Services advised that it was the intention to engage with all of the areas that would be affected including Ashchurch, Tewkesbury Town, Northway, Winchcombe and with colleagues at Worcestershire County Council in relation to various issues. There would be public events and the consultation would run into the New Year so would be nearly nine weeks long. She felt it was also important that the consultation/engagement with communities did not end at the conclusion of the consultation period but would continue so that the Council had a 'sounding board' in respect of further details. It was intended that information about the consultation would not be placed only on the Council's website but would also be available through the Parish Councils and community organisations. The Member felt there should be more than one option given the document was entitled 'Issues and Options'. The Planning Policy Manager explained that the document was about the broad options for meeting development needs and Ashchurch was one of those; however, the Council needed to go through the process to know if there were other options available. Ashchurch had real potential but work needed to be done to understand this fully.

- 50.5 A Member noted that, when the JCS was under examination, one of the Inspector's demands was an immediate review of the Tewkesbury area and this was because of the loss of the Ministry of Defence (MoD) site. Currently, it was still not known whether the site would come forward within the plan period and the issue would then become how the Council moved forward in light of the fact that there could still be a shortfall in numbers. She understood the need to look at the longer term picture but she questioned why the Council was not seeking, in the first instance, to address just the actual shortfall faced in the current plan period. In response, the Head of Development Services advised that, the JCS Inspector had stated that the review should be informed by a concept masterplan for Ashchurch. It could just look at the shortfall; however, when looking at infrastructure benefits it was clear that they would be gained through a greater quantum of development than just the initial shortfall. It was felt there was a need to look beyond the plan period, at a greater amount of development, to enable the large infrastructure needed in the area. In addition, the Planning Policy Manager confirmed that the Council was now required to plan for at least a 15 year period – in accordance with the new National Planning Policy Framework – so it was considered that to look even further into the future was the most sensible way forward for the JCS review. The government had issued a new standard methodology for calculating housing needs and this could mean higher growth for Tewkesbury which was another reason for looking to a higher amount of development than only the identified shortfall from the current JCS. The Member indicated that the A46 Partnership was already looking at solutions to the congestion on the A46 from Junction 9 up to Coventry and she understood that Highways England's Road Investment Strategy 3 would contain funding for an offline solution to the A46. She questioned, therefore, how the Council could be sure the infrastructure would be in place so that the masterplan could go ahead and what infrastructure would be available when the first phase of 1,300 homes was built. In response, the Head of Development Services advised that, currently, the masterplan did not contain that level of detail; phasing was merely an indication at this stage and there was still a lot of work to do in terms of infrastructure and the quantum of development which would be required to pull additional funding into the area. In the short term, development would have to come forward in phases and any planning applications would have to contain a transport assessment. The masterplan was needed so those conversations could be held in the first instance; Officers did not have all the answers at this stage.

- 50.6 A Member questioned whether there was an Infrastructure Delivery Plan (IDP) in place as this would be required to answer question 15 of the Issues and Options consultation document. In response, the Planning Policy Manager explained that there was an existing plan attached to the JCS; however, that did not cover any additional development. Part of the reason for the Issues and Options consultation was that it would begin a discussion on the additional infrastructure needed and that would help inform the IDP. The IDP would be available on the Council's website and a weblink would be forwarded to all Members when it was available. Referring to the consultation dates, a Member expressed surprise that Officers were not able to provide the specific dates given that it was due to commence in November. In response, the Planning Policy Manager advised that Officers were still working on the dates and they would be contacting the Parish Councils in this regard shortly. He reassured Members that the Planning Policy Team was used to running consultation events and understood the need for people to be involved from the outset. In response to a query he explained that in terms of numbers, the Ashchurch concept masterplan had a potential capacity given the area looked at – it was neither a target nor a requirement – and the JCS review would be the process through which the housing requirement would be established. Another Member indicated that the concept plan for Ashchurch would be dependent on land availability and he questioned how much consultation had taken place with stakeholders in the area before it had been brought to the Council. In response, the Head of Development Services explained that some elements of the consultation would engage landowners and the community once the masterplan had been endorsed as a concept by the Council. A basic level of consultation had taken place already which had established whether some of the sites would be available.
- 50.7 Referring to the IDP, a Member questioned whether 'infrastructure needs' was just about Ashchurch or whether it referred to any new infrastructure. In response, the Head of Development Services confirmed that the IDP was being reviewed in conjunction with the review of the JCS so would look at all existing and new opportunities. The Member noted that the consultation did not ask any questions about existing infrastructure and, as such, he questioned how the IDP could be revised. In response, the Head of Development Services confirmed that, subject to advice from legal colleagues, she was happy to amend the consultation document to make this clear using the proposed delegation for her to make minor amendments as it was the intention that existing infrastructure needs would be included. Accordingly, question 15 could be amended to read 'Are there any infrastructure needs that the JCS Review needs to consider?'. The Legal Adviser confirmed that she was happy this would be something that could be done as a minor amendment under the proposed delegated authority.
- 50.8 In respect of available land, a Member questioned whether any of the sites were already contained in the Strategic Housing Land Availability Assessment (SHLAA) which was reviewed on an annual basis. In response, the Head of Development Services explained that many of the sites had come forward as part of the SHLAA process so the broad availability was known to Officers. There would also be a further call for sites as part of the consultation process which should bring forward additional sites which were not necessarily known to Officers. The Member noted that one of the sites was particularly controversial, and had previously been refused permission, and she questioned whether this would be affected by the concept masterplan. In response, the Head of Development Services explained that the development in question would require further interventions regarding highway safety so it would not be able to come forward merely because the concept masterplan had been approved - it should be noted that the masterplan was a broad ambition but still required infrastructure. The Planning Policy Manager reiterated the view that the concept masterplan allowed issues to be developed in more detail to better understand the infrastructure required.

50.9 During the discussion which ensued, a Member welcomed the consultation processes as a way to enable conversations to take place with the communities in order to begin shaping what would happen in their areas. He felt that, as far as the masterplan was concerned, there had been recognition of a whole range of issues and problems to be addressed and the consultation was intended to ask people what the solutions might be. Another Member expressed concern that residents were being asked for solutions when it was the Council that had the resources to employ consultants to identify the answers required not the residents of the area. In response, the Head of Development Services explained that, in that context, ultimately members of the public were not expected to provide alternative options; however, many would have ideas about what the Council could consider that it may not have considered previously. Other Members expressed the view that it was the right time to ask members of the public what they thought as that would be the responsible way to try and identify solutions to existing issues.

50.10 A Member suggested that the biggest problem with the concept masterplan was the road that would partly replace Aston Fields Lane to provide a new bridge over the railway line. The issue was, in looking at the masterplan and the engineering company AECOM proposals (Option 1), neither would resolve the problems on the A46, Shannon Way or at Junction 9 but rather would make all the current problems much worse as well as moving some of the congestion to other places.

50.11 Accordingly, the Motion as proposed and seconded was put to the vote, and it was

RESOLVED

1. That the JCS Review Issues and Options consultation document, as set out in Appendix 2 to the report, be **APPROVED** for public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012;
2. that authority be delegated to the Head of Development Services, in consultation with the Lead Member for Built Environment, to make any minor amendments to the text of the document and make appropriate changes to the design prior to its publication for consultation; and
3. that the broad vision for growth, as set out in the concept masterplan for Ashchurch, be **ENDORSED** for public consultation.

CL.51 COMMUNITY INFRASTRUCTURE LEVY (CIL) FORMAL ADOPTION OF CHARGING SCHEDULE AND SUPPORTING POLICIES, APPROVAL OF REGULATION 123 LIST FOR PUBLICATION AND SETTING OF A COMMENCEMENT DATE FOR CHARGING

51.1 The report of the Head of Development Services, circulated at Pages No. 94-142, sought adoption of a Community Infrastructure Levy (CIL) Charging Schedule and supporting policies, alongside approval of a list of infrastructure that may be funded from CIL (Regulation 123 List) for publication and to set a commencement date for charging of 1 January 2019.

51.2 The Head of Development Services explained that CIL had been under consideration for a while now and various draft documents had been submitted to Council. In principle, CIL would replace the Section 106 tariff approach for strategic allocations whereas site specific infrastructure, including affordable housing, would continue to be funded by Section 106. The Joint Core Strategy (JCS) authorities had commissioned specialist advisers to advise on the CIL to ensure sites remained viable. The draft charging schedule had been through an examination in public in May 2018 and the subsequent Examiner's report had been received in July. Further to the report being published with the Agenda for the current meeting,

Members had been provided with an amended version of the Charging Schedule to replace Appendix A as previously circulated. The Modified Charging Schedule showed amendments as follows: the affordable housing requirements had been removed from the table of charges at Table 1.1; the “11 dwellings and over” charging category for Generic Sites within Table 1.1 had been changed to “between 11 and 449 dwellings”; and an additional Paragraph 5.4 had been added which made reference to the policy maps. In respect of (i), affordable housing requirements had been included in consultation versions of the document, but should not have been included in the final version. As regards (ii), the correction was as the Examiner’s recommendations to reflect the insertion of additional category for 450 dwellings or over within Table 1.1. As regards (iii), policy maps identifying the location and boundaries of the strategic sites had been included within the papers previously issued as an Appendix B, but this would need to become an appendix of the Charging Schedule on adoption to satisfy regulatory requirements. Also attached was an amended version of the Payments by Instalments Policy, which replaced the previously issued Appendix D. The Reviewed Payment by Instalments was the document being recommended in recognition of concerns about developer cash-flow. In the reviewed policy, for CIL liability of £100,000 or less – 100% would now be due in one instalment within 18 months of commencement of development, rather than 50% within 60 days of commencement of development and 50% within 6 months of commencement of development; for CIL liability between £100,001 to £1,000,000 – 10% would now be due within 60 days of commencement of development and two further instalments of 45% would be due at six and 12 months from commencement of development, rather than 33% within 60 days, six months and 12 months of commencement of development; and for CIL liability of £1,000,001 and above – 10% would now be due within 60 days of development and three further instalments of 30% would be due at six, 12 and 24 months from commencement of development, rather than 25% within 60 days, six months, 12 months and 24 months of commencement of development.

- 51.3 In making a proposal, the Lead Member for Built Environment thanked Officers and Members for their work in putting together the CIL Charging Schedule and associated policies and proposed that the Council approve the adoption and publication of the Tewkesbury Borough Council Community Infrastructure Levy Charging Schedule modified in line with the recommendations of the Independent Examiner, as set out in the Modified Charging Schedule and Maps at Appendix B; the adoption of the supporting policies: Payment by Instalments (Regulation 69b), as set out in the Reviewed Payment by Instalments Policy; the Request for Review and Appeals (Part 10), as set out at Appendix E; and the Regulation 123 List for Tewkesbury Borough Council for publication, as set out at Appendix F; and the setting of a commencement date for charging of 1 January 2019, in line with Joint Core Strategy (JCS) partner authorities. The Motion was seconded.
- 51.4 A Member questioned why the CIL only replaced Section 106 in certain circumstances as set out at Paragraph 4.3 of the report. In response, the Head of Development Services explained that anything that was specifically required in respect of a site, like affordable housing, would remain under the Section 106 process; however, something like tariff contributions for cumulative education impacts would be covered by the CIL regime. Members thanked Officers for the clarification amendments which had been circulated separately and, upon being put to the vote, it was

RESOLVED

1. That the adoption and publication of the Tewkesbury Borough Council Community Infrastructure Levy Charging Schedule, modified in line with the recommendations of the Independent Examiner, as set out in the Modified Charging Schedule and Maps at Appendix B be **APPROVED**;

2. that the supporting policies be **ADOPTED** as follows:
Payment by Instalments (Regulation 69b), as set out in the Reviewed Payment by Instalments Policy; the Request for Review and Appeals (Part 10), as set out at Appendix E to the report;
3. that the Regulation 123 List for Tewkesbury Borough Council be **APPROVED** for publication, as set out at Appendix F to the report; and
4. that the commencement date for charging of the Community Infrastructure Levy be set as 1 January 2019, in line with Joint Core Strategy partner authorities.

The meeting closed at 7:30 pm

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	21 November 2018
Subject:	Disposal and Purchase of Council Vehicle
Report of:	Head of Community Services
Corporate Lead:	Deputy Chief Executive
Lead Member:	Lead Member for Clean and Green
Number of Appendices:	One

Executive Summary:

At a meeting of the Executive Committee in November 2016 the Committee agreed to a request from Ubico Ltd for the purchase of an additional waste vehicle to complete the fleet. The vehicle was a 7.5 tonne narrow access vehicle to ensure that waste and recycling collections could be made in the narrow lanes and roads particularly in rural areas.

The vehicle capacity has been found to be too small for the amount of waste collected and the vehicle needed to make additional trips to the landfill site or transfer station, this has resulted in rounds not being completed.

This report sets out the business case for the disposal of this vehicle and the sourcing of a new vehicle which is fit for purpose. Various other options have also been explored such as purchasing a second-hand vehicle and leasing, together with the preferred option of purchasing a new vehicle.

Finances are set aside as part of the Council's capital programme for vehicle replacement and this reserve currently stands at approximately £400,000 and is earmarked for use in 2021/22. If the decision is to purchase a new vehicle, rather than leasing it, the capital programme would need to be amended to allow the use of this capital fund for the purchase the current financial year.

Recommendation:

To RECOMMEND TO COUNCIL that the capital programme be amended to allow the purchase of the vehicle as set out as Option 3 of the Business Case attached to the report.

Reasons for Recommendation:

Ubico took delivery of the Council's new waste fleet in March 2017. The vehicle specified does not meet the needs of the service and therefore, in order to meet the needs of the service, a new vehicle needs to be procured.

The purchase of the 12 tonne split back narrow access vehicle as outlined is the best option for competing rounds in an efficient and effective manner.

Resource Implications:

The recommendation to purchase a new vehicle for £123,000 can be funded from the Vehicle Replacement Reserve which has been established and currently benefits from £400,000 annual contributions. The capital programme has established the likely first need of this reserve in 2021/22 and therefore Council are required to approve the re-profiling of expenditure in the capital programme as no budget is available within the current year.

The option to lease a vehicle has been discounted because of the significant negative impact upon the revenue budget at a time when the Council faces continuing annual deficits within its medium term financial projections.

The disposal value of the 7.5 tonne vehicle will be a capital receipt for the council and be placed into capital balances for future needs.

The option recommended also includes a small ongoing revenue saving which will support the Council's need to identify savings in order to balance the budget.

Legal Implications:

If the Council proceeds with the purchase of the vehicle referred to in this report then the Council will have to follow its Contract Procedure Rules and the Council's lease to Ubico of its vehicle fleet will require variation to incorporate the new vehicle.

If the Council proceeds with leasing the vehicle because the value over seven years exceeds the European Union threshold for procurement of goods the Council is obliged to formally tender in accordance with both its Contract Procedure Rules and the Public Contracts Regulations 2015 (which may include utilising a framework agreement).

Risk Management Implications:

The safe delivery of front-line services including refuse collection, recycling, street cleansing and grounds maintenance carry a degree of risk to the workforce, the public, property and vehicles. If the new service is audited or inspected by the HSE, it would be expected that all risk assessments are being adhered to and all HSE specific guidance, legislation and codes of practice are being followed in order for the Council to demonstrate due diligence and comply with its duty of care.

Performance Management Follow-up:

Performance is monitored and managed in conjunction with the Joint Waste Team through the Environmental Services Partnership Board, the Ubico Contract management meetings and the Overview and Scrutiny Committee.

Environmental Implications:

All vehicles are specified to meet the latest European emission standards and are Euro 6 compliant.

1.0 INTRODUCTION/BACKGROUND

- 1.1** At a meeting of the Executive Committee in November 2016 the Committee agreed to a request from Ubico Ltd for the purchase of an additional waste vehicle to complete the fleet. The vehicle was a 7.5 tonne narrow access vehicle to ensure that waste and recycling collections could be made in the narrow lanes and roads particularly in rural areas.

- 1.2 The vehicle capacity was found to be too small for the amount of waste collected and the vehicle was having to make additional trips to the landfill site or transfer station and which resulted in rounds not being completed.
- 1.3 In order to ensure that rounds were completed an alternative, larger capacity vehicle was sourced which could still access the narrow lanes and also ensure that rounds could be completed on the scheduled days.
- 1.4 A number of customers on these routes are also garden waste customers and as this waste is collected separately from residual waste the vehicle has to do the rounds twice in order to keep the waste streams separate.
- 1.5 Fortunately Stroud District Council (SDC) was in need of a small 7.5 tonne narrow access vehicle and due to the fact that SDC is also a Ubico client the TBC vehicle was moved to the SDC contract and the hire cost of the vehicle that TBC needed was off set against this.
- 1.5 This has meant that the hire costs of the larger capacity vehicle for the TBC contract has been at no additional cost to the Council.

2.0 ISSUES FOR CONSIDERATION

- 2.1 Stroud District Council has indicated that it would like to purchase TBCs 7.5 tonne narrow access vehicle.
- 2.2 Ubico has requested that TBC procure a vehicle that is fit for purpose for the collection of waste and recycling in the narrow lanes and roads in rural areas.
- 2.3 A suitable vehicle to fulfil TBC purposes is a 12 tonne split back narrow access vehicle which allows both garden and residual waste / recycling to be collected at the same time but remain separate in the back of the vehicle.
- 2.4 Two valuations for the TBC narrow access vehicle have been gained from independent vehicle dealers.
- 2.5 The purchase price of the vehicle in 2016/17 was circa £65,000.
- 2.6 The vehicle that Ubico is asking TBC to procure is not readily available on the second hand market as it is the type of vehicle that is bought for a specific purpose and Council's / Contractors tend to keep them for the life of the vehicle.
- 2.7 In its business case Ubico has outlined the potential of generating revenue income from the hiring out of the new vehicle of approximately £5,000 a year. This amount has not been deducted from the purchase or lease price of the vehicle as this target may not be achieved.

3.0 OPTIONS

- 3.1 Various options have been considered, as detailed in the Ubico Business Case attached at Appendix 1.
- 3.2 As outlined in paragraph 2.5 above the purchase of a second-hand vehicle is not a viable option open to us at present.

- 3.3** The value of the 7.5 tonne narrow access vehicle that SDC would like to purchase, taking into consideration depreciation, is approximately £47,000.
- 3.4** The purchase cost of a new vehicle (12 tonne split back narrow access) is approximately £123,000
- 3.5** Part of the purchase price for the new vehicle would be off-set by the sale of the 7.5 tonne narrow access vehicle, in effect, reducing the purchase cost to approximately £76,000.
- 3.6** The lease cost of a new vehicle (12 tonne split back narrow access) is £302,400 over its viable life (7 years). This equates to £43,200 cost per year, although there would be a saving on the maintenance of the vehicle if leased.
- 3.7** Options 4 and 5 of the business case are not considered to be cost effective options as the use of the vehicles on other contracts to cover the downtime of other Ubico partners is unproven and this income cannot be guaranteed.

4.0 OTHER OPTIONS CONSIDERED

- 4.1** As outlined in the attached business case.

5.0 CONSULTATION

- 5.1** The Council's S.151 Officer and the Lead Member for Clean and Green have been consulted.

6.0 RELEVANT COUNCIL POLICIES/STRATEGIES

- 6.1** The following council policies are relevant to this report:

- Managing Contractors Safety Policy.
- Health, Safety and Welfare Policy.
- Environment Policy 2010-2020.
- Council Plan 2016-2020.

7.0 RELEVANT GOVERNMENT POLICIES

- 7.1** The following government legislation and guidance is relevant to this report:

- Waste Regulations (England and Wales) Regulations 2011 (Amended 2012).
- Environmental Protection Act 1990.
- Health & Safety at Work etc., Act 1974.
- Health & Safety Executive Guidance Note "Waste and Recycling Vehicles in Street Collection" (Waste 04 (rev1)).

8.0 RESOURCE IMPLICATIONS (Human/Property)

- 8.1** No additional other than the financial implications set out in the body of the report.

- 9.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)**
- 9.1** All vehicles are specified to meet the latest European emission standards and are Euro 6 compliant.
- 10.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)**
- 10.1** Considered in the body of the report.
- 11.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS**
- 11.1** None arising directly from this report.

Background Papers: None.

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Appendices: 1- Ubico Business Case.

Narrow Access Vehicle Business Case

Purpose of report

In Tewkesbury there are 80 roads with a total of 645 properties with collections of Refuse and Recycling and approximately 157 properties with garden waste collections (subject to changes in subscription levels) with access only by narrow lanes. In the current Ubico operation there is a small, narrow access vehicle in the fleet to enable collections to be carried out in line with revised risk assessments for operational practices and national health and safety guidance when collecting from narrow lanes, this vehicle is small enough to enable it to be turned around in the majority of locations therefore negating the majority of long reverse manoeuvres. This vehicle is used on week 1 to collect residual waste and garden waste and week 2 for collecting recycling.

The capacity of the vehicle purchased has been found to be too small for the amount of waste scheduled to be collected as it was unable to compact the waste and therefore had to divert away from the round to go to the landfill site / transfer station to tip the waste in the middle of the day. This extra time incurred leads to the rounds not being able to be completed on the scheduled day.

As a short term measure this vehicle was able to be utilised by another Ubico contract (Stroud District Council (SDC)) which in return paid for a larger capacity vehicle to be hired by TBC to be able to complete the residual and recycling rounds.

A number of properties on the collection round also subscribe to the garden waste collection scheme. This waste was historically collected alongside the residual but since the new service was commenced in April 2017 now needs to be collected separately from the residual waste leading to the vehicle having to drive the route twice. It is not possible to complete this task within two of the scheduled days meaning that an additional vehicle and crew have been used to ensure collections are made, this leads to an additional cost over the agreed contract sum being incurred.

Options

There are five options considered in this report:

1. Continue with current practice, accepting the risks identified
2. Sell smaller capacity vehicle (SDC are looking to purchase a vehicle such as this) and purchase new vehicle, continue with current practice accepting the risks identified
 - i. Resource second-hand vehicle and continue option 2
 - ii. Resource leased vehicle and continue option 2
3. Sell smaller capacity vehicle and purchase new split bodied vehicle allowing two separate waste streams to be collected at same time.
 - i. Resource second-hand vehicle and continue option 3
 - ii. Resource leased vehicle and continue option 3
4. Keep the vehicle currently used by SDC and bring back to depot as a spare food waste collection vehicle and purchase new vehicle as option 2
 - i. Resource second hand vehicle
 - ii. Resource leased vehicle
5. Keep the vehicle currently used by SDC and bring back to depot as a spare food waste collection vehicle and purchase new vehicle as option 3
 - i. Resource second hand vehicle
 - ii. Resource leased vehicle

Implications / Risks

Option 1: Continue with current practice, accepting the risks identified.

SDC currently pay for a hire vehicle to replace the vehicle they are currently using, this has worked very well in the short term but leaves TBC open to either increased hire costs or service disruption based on SDC decision making. There is also an additional resource cost of the additional collection vehicle and crew.

Option 2: Sell smaller capacity vehicle (SDC are looking to purchase a vehicle such as this) and purchase new vehicle similar to one currently hired, continue with current practice accepting the risks identified.

i Resource second-hand vehicle and continue option 2

ii Resource leased vehicle and continue option 2

The current vehicle is able to access all the properties on the round but having to collect two types of waste every other week the length of the collection round means that all collections are unable to be completed on the scheduled day. At present an extra vehicle is hired from another Ubico contract and additional staff are used to make these collections at additional cost to the contract sum.

Option 3. Sell smaller capacity vehicle and purchase new split bodied vehicle allowing two separate waste streams to be collected at same time.

i. Resource second-hand vehicle and continue option 3

ii. Resource leased vehicle and continue option 3

A split backed vehicle would be able to collect two different types of waste at the same time but retain the ability of tipping them separately to ensure that contamination does not take place. Using this type of vehicle would ensure that the collection rounds were completed on the scheduled day in the most efficient method. The ability to collect two types of waste may also be beneficial in circumstances where roads are unable to be collected on schedule due to access issues, the split back vehicle could make one visit and collect, for example, food waste and residual waste in one visit reducing the required additional resources by half. (The purchase of a second hand vehicle will be extremely difficult due to the specialist nature of the vehicle leading to them not being readily available on the market).

Option 4: Keep vehicle currently used by SDC as a spare food waste collection vehicle and purchase vehicle for option 2

There is not a current spare food waste vehicle on the fleet so when vehicles are off the road for servicing etc a vehicle from another Ubico contract is hired to replace it. The availability of this vehicle cannot be guaranteed leading to potential financial and reputational risk to both TBC & Ubico. By keeping the vehicle currently used by SDC as a spare this risk is mitigated and also can be used for income generation by hiring it out when not required.

Option 5: Keep vehicle currently used by SDC as a spare food waste collection vehicle and purchase vehicle for option 3

There is not a current spare food waste vehicle on the fleet so when vehicles are off the road for servicing etc a vehicle from another Ubico contract is hired to replace it. The availability of this vehicle cannot be guaranteed leading to potential financial and reputational risk to both TBC & Ubico. By keeping the vehicle currently used by SDC as a spare this risk is mitigated and also can be used for income generation by hiring it out when not required.

Cross fleet hire opportunities and income generation

The collection round is currently scheduled on three days per week. On days it is not scheduled there may be an opportunity to hire the frontline vehicle to other contracts within Ubico.

Option 4 & 5 include the retention of the vehicle currently used by SDC, this vehicle could also be offered for hire on days it is not required for use by TBC.

Costs

	Capital	Revenue	Description
	Total	Total	
Option 1	£0.00	£31,472.00	Continue as is.
Option 2	£45,300.00	£25,752.00	Sell vehicle currently used by Stroud and acquire 12t refuse vehicle.
Option 2.1	£7,300.00	£25,752.00	
Option 2.2	-£47,074.00	£61,752.00	
Option 3	£72,300.00	-£1,320.00	Sell vehicle currently used by Stroud and acquire 12t split back refuse vehicle.
Option 3.1 #	£0.00	£0.00	
Option 3.2	-£47,074.00	£41,880.00	
Option 4	£98,000.00	£4,852.00	Retain vehicle currently used by Stroud and acquire 12t refuse vehicle.
Option 4.1	£60,000.00	£4,852.00	
Option 4.2	£0.00	£40,852.00	
Option 5	£125,000.00	-£22,220.00	Retain vehicle currently used by Stroud and acquire 12t split back refuse vehicle.
Option 5.1 #	£0.00	£0.00	
Option 5.2	£0.00	£20,980.00	

Second Hand Split back not available in current market

Preferred option

NB. Ubico are unable to comment on the difference between purchasing & leasing as this does not directly affect the service.

The use of a split back vehicle is the preferred option as it will enable the current collection rounds to be completed on the scheduled day by one collection crew; the vehicle will also provide a degree of resilience against non-collection caused by access issues. Therefore Options 3 & 5 are the preferred options.

Option 5 provides greater resilience for all services and also a greater potential for income generation through the hiring out of the vehicles when they are not required.

Appendix 1. Calculations.

Fig. 1 Frontline vehicle potential hire income.

Working Days p.a.	260
Scheduled collection days	156
Potential Hire days	104
Hire Charge per day	£110.00
Potential income (50%)	£5,720.00

Fig2. Food Waste Vehicle potential hire income.

Working Days p.a.	260
Scheduled servicing days	40
Potential Hire out days	220
Hire out Charge per day	£110.00
Potential income (50%)	£12,100.00

Fig 3. Potential hire in charge for servicing of Food Waste Vehicles

Scheduled servicing days	40
Hire in Charge per day	£110.00
Total Hire in Charge	£4,400.00

Fig 4. Vehicle prices. (Food Waste Vehicle (FWV) based on depreciation of 1.25% per month.)

Current	RCV			Split Back		
	New	2nd Hand	Lease / month	New	2nd Hand	Lease / month
£47,074.00	£98,000.00	£60,000.00	£3,000.00	£125,000.00	N/A	£3,600.00

Fig 5. Full costings

	Capital			Revenue per annum*				
	Sell	Buy	Total	Lease	Resource	Potential Income	FWV Hire	Total
Option 1	£0.00	£0.00	£0.00	£0.00	£27,072.00	£0.00	£4,400.00	£31,472.00
Option 2	-£47,074.00	£98,000.00	£50,926.00	£0.00	£27,072.00	£5,720.00	£4,400.00	£25,752.00
Option 2.1	-£47,074.00	£60,000.00	£12,926.00	£0.00	£27,072.00	£5,720.00	£4,400.00	£25,752.00
Option 2.2	-£47,074.00	£0.00	-£47,074.00	£36,000.00	£27,072.00	£5,720.00	£4,400.00	£61,752.00
Option 3	-£47,074.00	£125,000.00	£77,926.00	£0.00	£0.00	£5,720.00	£4,400.00	-£1,320.00
Option 3.1#	-£47,074.00	N/A	#VALUE!	£0.00	£0.00	£5,720.00	£4,400.00	-£1,320.00
Option 3.2	-£47,074.00	£0.00	-£47,074.00	£43,200.00	£0.00	£5,720.00	£4,400.00	£41,880.00
Option 4	£0.00	£98,000.00	£98,000.00	£0.00	£27,072.00	£17,820.00	-£4,400.00	£4,852.00
Option 4.1	£0.00	£60,000.00	£60,000.00	£0.00	£27,072.00	£17,820.00	-£4,400.00	£4,852.00
Option 4.2	£0.00	£0.00	£0.00	£36,000.00	£27,072.00	£17,820.00	-£4,400.00	£40,852.00
Option 5	£0.00	£125,000.00	£125,000.00	£0.00	£0.00	£17,820.00	-£4,400.00	-£22,220.00
Option 5.1#	£0.00	N/A	#VALUE!	£0.00	£0.00	£17,820.00	-£4,400.00	-£22,220.00
Option 5.2	£0.00	£0.00	£0.00	£43,200.00	£0.00	£17,820.00	-£4,400.00	£20,980.00

* Asset charges, fuel, tax, insurance, maintenance etc not included

Second Hand Split back not available in current market

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	21 November 2018
Subject:	Council Tax Reduction Scheme 2019/20
Report of:	Head of Corporate Services
Corporate Lead:	Deputy Chief Executive
Lead Member:	Lead Member for Finance and Asset Management
Number of Appendices:	None

Executive Summary:

There is a requirement to have a Council Tax Reduction Scheme to support residents who qualify for assistance in paying Council Tax. The Local Government Finance Act 1992 requires each billing authority in England to make a scheme specifying the reductions which are to apply to amounts of Council Tax payable by persons, or classes of person, whom the authority considers are in financial need (“a council tax reduction scheme”). The scheme must be agreed by 11 March 2019.

Recommendation:

To RECOMMEND TO THE COUNCIL the adoption of the Council Tax Reduction Scheme for 2019/20.

Reasons for Recommendation:

The report recommends that the Council continues with the default local Council Tax Reduction Scheme that was adopted in April 2013. To reduce costs to the Council, changes would have to be made to the level of support provided to working age claimants. Most local authorities have already incorporated a reduced level of support into their local schemes and it is something that should be considered and reviewed on an annual basis. It is recommended that due to the continued uncertainty surrounding the roll out of Universal Credit the scheme remains ‘as is’ for 2019/20, but a full review will be taken in 2019 and new proposals will be brought forward for consideration.

Resource Implications:

Since 2014/15 the amount of grant received from Government to pay for Council Tax Reduction (CTR) has been included in the Revenue Support Grant that the Council receives with the amount to support CTR schemes not specifically identified year on year. It is estimated, however, that the cost to the Council is £285,000 per annum.

Legal Implications:

The Welfare Reform Act 2012 abolished Council Tax Benefit and instead required each billing authority to design a scheme specifying the reductions which are to apply to amounts of Council Tax. The prescribed regulations set out the matters that must be included in such a scheme.

All authorities in England are required to have a scheme identifying the reductions payable by their constituents who are in financial need under Section 13A of the Local Government Finance Act 1992 (updated in 2012). Schedule 1A paragraph 5 of the Act states that for each financial year, Councils must consider whether to revise their scheme or replace it with another scheme and that such decisions need to be made by 11 March in the financial year preceding that for which the revision or replacement scheme is to take effect. If the Council does not make/revise its scheme by 11 March 2019, a default scheme will be imposed on the Council which will be effective from April 2019.

Risk Management Implications:

To reduce the cost to the Council, changes would have to be made to the level of support provided to working age claimants. Most local authorities have already incorporated a reduced level of support into their local schemes and it should be something that is reviewed and considered on an annual basis. There is a risk that the cost of maintaining the current local scheme will increase if the number of claimants rises due to the state of the local and national economy.

Performance Management Follow-up:

The impact of the Council Tax Reduction Scheme and its costs will be monitored on an on-going basis.

Environmental Implications:

None.

1.0 INTRODUCTION/BACKGROUND

- 1.1** The Welfare Reform Act 2012 abolished Council Tax Benefit. The Local Government Finance Act 1992 requires each billing authority in England to make a scheme specifying the reductions which are to apply to amounts of Council Tax payable by persons, or classes of person, whom the authority considers are in financial need (“a council tax reduction scheme”).

2.0 BACKGROUND

- 2.1** Prior to April 2013, Council Tax Payers who qualified for assistance could apply for Council Tax Benefit (CTB) to help pay their Council Tax. The Council Tax Benefit (CTB) scheme was administered by local authorities on behalf of the Department of Work and Pensions (DWP) and was assessed on a means tested basis. Under this national scheme Council Tax Payers could receive benefit of up to 100% of their Council Tax liability. Changes introduced by the Government abolished CTB from 1 April 2013 and made local authorities responsible for setting their own Council Tax Reduction (CTR) schemes for working age people. The Government also reduced the amount of funding given to Councils to pay for schemes in 2013/14 by 10%. The CTR scheme for pensioners is set by the Government and is not subject to funding cuts. In devising new CTR schemes most local authorities have largely adopted schemes that replicate the old CTB schemes and have then applied a minimum payment for working age customers to make up the funding difference.
- 2.2** Since 2014/15 the amount of grant received from Government to pay for CTR has been included in the Revenue Support Grant that the Council receives and the amount to support CTR schemes is not specifically identified year on year. It is estimated, however, that the cost of to the Council of the current scheme is £285,000.
- 2.3** The legislation confers an obligation on the Council to review its scheme on an annual basis. If there are amendments to be made to the scheme these must be done by 11 March 2019. It is proposed that the Council continues with the default Council Tax Reduction Scheme that was first adopted in April 2013.
- 2.4** It is proposed that the eligibility under the new local scheme mirrors what has already been set out in legislation relating to the old Council Tax Benefit scheme, other than the annual uprating of premiums, allowances, non-dependant deductions and any changes to the national pension age scheme that need to be reflected in the local working age scheme.
- 2.5** Universal Credit Full Service has been rolled out in the Borough with the final parts of the Borough covered by Evesham Job Centre going live on 14 November 2018. The impact of Universal Credit will be monitored with a view to introduce a “tolerance level” of income change which would mean we ignore changes of less than a certain percentage or amount. This will be incorporated into any proposals to amend the scheme in 2020/21.

3.0 OTHER OPTIONS CONSIDERED

- 3.1** To not agree a Council Tax Reduction Scheme for 2019/20. This would have financial implications for the Council and those residents affected by wider Welfare Reform.

4.0 CONSULTATION

- 4.1** The legislation requires consultation prior to making a change to the Council Tax Reduction scheme, but there is no such requirement when no change is being made. Accordingly, no public consultation has been undertaken in respect of the proposed Council Tax Reduction Scheme for 2019/20.

5.0 RELEVANT COUNCIL POLICIES/STRATEGIES

- 5.1** The Local Council Tax Reduction Scheme.

6.0 RELEVANT GOVERNMENT POLICIES

6.1 The Council is required to adopt a Council Tax Reduction Scheme on an annual basis.

7.0 RESOURCE IMPLICATIONS (Human/Property)

7.1 None directly associated with this report other than Officer time.

8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

8.1 None.

9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

9.1 An Equality Impact Assessment should be undertaken if there are any proposals to amend the scheme.

10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

10.1 None.

Background Papers: None

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Appendices: None.

TEWKESBURY BOROUGH COUNCIL

Report to:	Standards Committee
Date of Meeting:	24 September 2018
Subject:	Review of Gifts and Hospitality Protocol for Councillors
Report of:	Deputy Monitoring Officer
Corporate Lead:	Monitoring Officer
Number of Appendices:	One

<p>Executive Summary:</p> <p>The Gifts and Hospitality Protocol for Councillors has been reviewed in accordance with the Committee's agreed programme.</p>
<p>Recommendation:</p> <p>That it be RECOMMENDED TO COUNCIL that the amended Gifts and Hospitality Protocol for Councillors be ADOPTED.</p>
<p>Reasons for Recommendation:</p> <p>To ensure that the Gifts and Hospitality Protocol for Councillors is fit for purpose in the current conduct regime.</p>

<p>Resource Implications:</p> <p>None in relation to this report.</p>
<p>Legal Implications:</p> <p>None specifically in relation to this report.</p>
<p>Risk Management Implications:</p> <p>None in relation to this report.</p>
<p>Performance Management Follow-up:</p> <p>None if the Committee agrees in accordance with the recommendation. However, if the Committee decides that further amendments are required this will be factored into the Officers' Work Programme.</p>
<p>Environmental Implications:</p> <p>None.</p>

1.0 INTRODUCTION/BACKGROUND

1.1 At the meeting of the Standards Committee on 12 October 2015 Members adopted a programme for the review and revision of the Council's Protocols.

1.2 The Protocols reviewed to date are:

- The Licensing System, Protocol and Procedures;
- Protocol for Councillors and Officers Involved in the Planning Process; and
- Protocol for Member/Officer Relations.

1.3 The last Protocol for review was identified as the Gifts and Hospitality Protocol for Councillors.

2.0 GIFTS AND HOSPITALITY PROTOCOL FOR COUNCILLORS

2.1 At the Standards Committee meeting on 18 September 2017 it was suggested that the Protocol be reviewed by the whole Standards Committee as a Working Group. However, upon undertaking the initial work for the review, and investigating the protocols used in other authorities, it was found that the Council's current protocol is generally fit for purpose and in line with the comparative protocols which were looked at. However, there are some minor amendments that need to be made to bring it in line with the Council's adopted Code of Conduct:

2.1.1 The 'Gifts and Hospitality' provision in the Code of Conduct refers to the need to declare gifts or hospitality worth an estimated value of £50 or more. The current protocol requires declaration of gifts or hospitality worth an estimated value of £25 or more so this will be amended throughout.

2.1.2 Section 1 – General Introduction - the protocol sets out the requirement of the Code that Members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute; this was in the old Code but not in the most recent one so this wording will be removed from the protocol. The breach that does apply has also been strengthened in the adopted Code and now reads:

Members must not use or attempt to use their position as a Member improperly to confer on or secure, for themselves or any other person, an advantage or disadvantage, or seek to improperly influence a decision about any matter from which they are excluded from participating or voting as a result of the requirements of Part VI of the Code.

This wording is repeated at Section 2.1 of the protocol.

2.1.3 Section 1 – Legal Position – the protocol indicates that breach of the provisions of the Code can lead to disqualification from holding any public office for a period of up to five years. This is no longer a sanction available since the changes to the standards regime and as such will be removed from the protocol. In addition, the legislation has been updated to reflect the Bribery Act 2010.

2.1.4 The Code of Conduct adopted in 2012 includes general principles of conduct which Members are expected to observe and it is felt those should be included within the protocol.

2.2 The changes identified above are shown in the attached protocol as track changes. Members are asked to recommend to Council that those changes be accepted and the revised Gifts and Hospitality Protocol for Councillors be adopted.

3.0 OTHER OPTIONS CONSIDERED

3.1 None.

4.0 CONSULTATION

4.1 Protocols from other authorities were reviewed.

5.0 RELEVANT COUNCIL POLICIES/STRATEGIES

5.1 None.

6.0 RELEVANT GOVERNMENT POLICIES

6.1 None.

7.0 RESOURCE IMPLICATIONS (Human/Property)

7.1 None.

8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

8.1 None.

9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

9.1 None.

10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

10.1 Contained within the report.

Background Papers: None.

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Appendices: 1 – Amended Gifts and Hospitality Protocol for Councillors.

TEWKESBURY BOROUGH COUNCIL

GIFTS & HOSPITALITY

PROTOCOL FOR COUNCILLORS

Adopted ~~16-May-2006~~ by Council on 4 December 2018

1. GENERAL INTRODUCTION

Tewkesbury Borough Council's Code of Conduct, adopted on 26 June 2012, requires Members to notify the Monitoring Officer in writing of any gift or hospitality received in their official capacity of an estimated value of at least £5025. *This written notification is registered within the authority's Register of Members' Interests.* The Code also requires that Members must not ~~conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute, or to use or attempt to use their position as a Member improperly to confer on or secure, for *themselves* or any other person, an advantage or disadvantage, or seek to improperly influence a decision about any matter from which the Member is excluded from participating or voting as a result of the requirements of Part VI of the Code.~~

In accordance with the adopted Code of Conduct in carrying out their duties in exercising the functions of their Authority, or otherwise acting as a Councillor, Members will be expected to observe the general principles of conduct of:

- selflessness;
- integrity;
- objectivity;
- accountability;
- openness;
- honesty; and
- leadership.

This Protocol aims to assist Members in complying with the Council's Code of Conduct but it also goes beyond these basic provisions and seeks to provide wider guidance so Members can avoid any situation where their integrity may be brought into question as a result of the receipt of gifts and hospitality.

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The acceptance of gifts and hospitality reflects directly upon the public perception of Councillors and the authority. It is imperative, therefore, that Members only act in the public interest and not for personal advantage. Members should always consider whether the acceptance of any gifts or hospitality could be seen as being inappropriately linked to their official role.

The Code of Conduct does not apply to gifts and hospitality that are not related to a Councillors role, for example presents from friends and family.

Legal Position

The legal position on acceptance of gifts and hospitality is set out in the provisions of the Council's Code of Conduct and in the ~~Prevention of Corruption legislation~~ Bribery Act 2010.

The Bribery Act 2010 provides that it is a criminal offence for a Member (either personally or through a third party, whether for the Member's benefit or the benefit of another) to request, receive, agree to receive, promise, offer or give any gift or loan, fee or reward or advantage for doing or not doing anything or showing favour or disfavour to any person in that official capacity. It is for the Member to demonstrate that any such advantage has not been corruptly obtained. This Protocol should be read in conjunction with the Council's Anti-Fraud and Corruption Policy (which also covers bribery).

~~The relevant provisions of the Code of Conduct are set out above, breach of which can lead to disqualification from holding any public office for a period of up to 5 years.~~

~~The Public Bodies Corrupt Practices Act 1889 provides that it is an offence for any member to corruptly receive or agree to receive any gift, loan, fee, reward or advantage for doing or not doing something in connection with the work of the Council.~~

~~The Prevention of Corruption Act 1916 provides that where such a gift, loan etc. is received by a Member from a person seeking a contract with the Council then the gift or loan is deemed to have been received corruptly. This would put the giver and the receiver in the position of having to prove that they did not act dishonestly.~~

The penalty for corrupt acceptance of a gift or hospitality is a fine (unlimited), imprisonment (maximum ~~seven-ten~~ years), or both.

Remit of Protocol for Gifts & Hospitality

This Protocol sets out:-

- (a) the principles which you should apply whenever you have to decide whether it would be proper to accept any gift or hospitality;
- (b) a procedure for obtaining consent to accept a gift or hospitality, when you consider that it would be proper to accept it; and
- (c) a procedure for declaring any gift or hospitality which you receive and for accounting for any gift to the authority.

2. GENERAL PRINCIPLES

2.1 In deciding whether it is proper to accept any gift or hospitality, the following principles should be applied. Even if the gift or hospitality comes within one of the general consents set out in section 3 of this Protocol, it should not be accepted if to do so would be in breach of one or more of these principles:

1. Gifts or hospitality shall never be accepted as an inducement or reward for anything done as a Councillor.

Councillors must act in the public interest and must not be swayed in the discharge of their duties by the offer, prospect of an offer, or the non-offer of any inducement or reward for discharging those duties in a particular manner.

The Tewkesbury Borough Council Code of Conduct for Members provides that Councillors must act in the public interest, serving the authority and the whole community, rather than acting in the interests of any particular individual or section of the community. It is a breach of the Code *for a Member to use or attempt their position to improperly to confer on or secure for himself or any other person an advantage or disadvantage, or seek to improperly influence a decision about any matter from which the Member is excluded from participating or voting as a result of the requirements of Part VI of the Code.*

Any contravention of this principle is likely to contravene the Public Bodies (Corrupt Offences) Act 1889 of which further detail is given in section 1 above.

2. Gifts or hospitality should only be accepted if there is a commensurate benefit to the authority.

The only proper reason for accepting any gift or hospitality is that there is a commensurate benefit for the Council which would not have been available but for the acceptance of that gift or hospitality (e.g. an opportunity to progress the business of the authority expeditiously through a working lunch, or to canvass the interests of the authority and its area at a meeting). The acceptance of a gift is much less likely to confer such an advantage.

Unless the benefit to the authority is clear, and is commensurate with the value of the gift or hospitality, the presumption would be that the gift or hospitality is purely for the Councillor's personal benefit, which would be contrary to the provisions of the Council's Code of Conduct as set out in section 1.

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3. Gifts or hospitality shall not be accepted if acceptance might be open to misinterpretation

The appearance of impropriety can be just as damaging to Councillors and the Authority as actual impropriety. The Council's ability to govern rests upon its reputation for acting fairly and in the public interest.

Councillors must therefore consider whether the acceptance of the gift or hospitality is capable of being interpreted as a sign that either the Councillor or the Authority favours any particular person, company or section of the community or places the Councillor or the Authority under any improper obligation to any person or organisation. *If there is any possibility that it might be so interpreted the gift or hospitality should be refused.*

This principle is of critical importance where decisions and / or actions of the Council could be discredited or even legally challenged, examples of which include:

- (i) undertaking a competitive procurement / tendering process;
- (ii) regulatory decisions, such as determinations of licensing or planning applications, or setting planning policy; and
- (iii) determination of grants or other requests for funding.

Members should also consider whether the individual or organisation offering a gift or hospitality may have dealings within the Council of which the individual Councillor being offered the gift / hospitality is unaware.

(b) Gifts and hospitality must never be accepted which place a Councillor under an improper obligation

Members will recognise that some commercial organisations and private individuals see the provision of gifts and hospitality as a means of gaining influence.

Equally, if others note that a Councillor has been prepared to accept a gift or hospitality, they may feel that they will no longer be able to secure impartial consideration from the Authority.

(c) Gifts and hospitality should never be solicited

Councillors should never solicit or invite an offer of a gift or hospitality in connection with their position as a Councillor. Care should also be taken to avoid giving any indication that a Councillor might be open to such an improper offer.

3. CONSENT REGIME

There may be occasions where it may not be appropriate for a Member to refuse a gift or hospitality in the course of their duties as it would appear unusual, impolite, or be likely to cause offence. In such situations the following provisions shall apply:-

General Consent Provisions

- 3.1 Subject to the General Principles set out in section 2 of this Protocol, Members may accept gifts and hospitality in the following circumstances:-
 - 3.1.1 civic hospitality offered by another public authority.
 - 3.1.2 reasonable refreshment in connection with any meeting or visit in the ordinary course of a Councillor's duties, such as tea, coffee, soft drinks and biscuits.
 - 3.1.3 tickets for sporting, cultural and entertainment events which are sponsored by the Council.
 - 3.1.4 small gifts of low intrinsic value below ~~£5025~~, branded with the name of the company or organisation making the gift, such as pens, pencils, mouse pads, calendars and diaries.
 - 3.1.5 a modest working lunch provided to enable the parties to discuss business.
 - 3.1.6 modest souvenir gifts with a value below ~~£5025~~ from another public authority given on the occasion of a visit by, or to, the authority.
 - 3.1.7 reasonable hospitality provided at external visits, meetings or conferences provided that this is in line with that available to other delegates at the event.
- 3.2 Other unsolicited gifts may be accepted where it is impracticable to return them to the person or organisation making the gift. However, as soon as is practicable after receipt, the gift should be passed to Democratic Services together with a written statement containing the information set out in paragraph 3.4.1 below. Democratic Services will write to the person or organisation making the gift thanking them on the Councillor's behalf for the gift informing them that the gift will be donated to the Mayor's charity fund on whose behalf it will be raffled or otherwise disposed of in due course.
- 3.3 Where branded gifts are accepted in accordance with paragraph 3.1.4 above care should be taken not to display such items in a manner which might be taken as an indication of favour to a particular supplier or contractor.

3.4 Special Consent Provisions

3.4.1 Members who wish to accept any gift or hospitality which is in accordance with the General Principles set out in Section 2, but is not within any of the general consents set out in Section 3.1, must apply for specific consent, in writing to the Monitoring Officer, giving the following information:

- (i) the nature and your estimate of the market value of the gift or hospitality.
- (ii) by whom or on whose behalf the offer or invitation has been made.
- (iii) the connection which the Councillor has with the person or organisation making the offer or invitation.
- (iv) any work, permission, concession or facility of which the Councillor is aware and which is being sought, or likely to be sought, from the Council by the person or organisation making the offer or invitation.
- (v) any circumstances which lead the Councillor to believe that acceptance of the gift or hospitality would not be improper.

3.4.2 Any Councillor making an application in accordance with the provisions of Section 3.4.1 must not accept the gift or hospitality until consent has been received (in writing / by email) from the Monitoring Officer.

3.4.3 The Monitoring Officer will enter details of any consent given in a register which will be available for public inspection. This consent procedure does not remove the obligation of the Member to register the receipt of any gift or hospitality in accordance with Section 4 of this Protocol.

4. REGISTRATION OF GIFTS AND HOSPITALITY

- 4.1 Any Councillor who accepts any gift or hospitality with an estimated market value or cost of provision of *at least* ~~£5025~~, must, as soon as possible after receipt of the gift or hospitality (but in any event within 28 days of its receipt), make a declaration in writing to the Monitoring Officer setting out the information shown in Paragraphs 3.4.1 above. A form for this purpose is available from the Monitoring Officer, but the information can be sent by any other written means as is convenient to the Councillor.
- 4.2 The requirement to register the gift or hospitality in paragraph 4.1 above applies, regardless as to whether the gift / hospitality has been accepted in accordance with the General Consent Provisions or has been authorised by the Monitoring Officer in accordance with the Special Consent Provision. Any gift/hospitality offered but not accepted does not need to be declared.
- 4.3 The Monitoring Officer will retain a copy of any such declaration in *the Council's Register of Members' Interests* which *is* available for public inspection.
- 4.4 Councillors may voluntarily register the receipt of gifts and hospitality under ~~£5025~~ in value (or the offer of a gift or hospitality of any value which has been declined) if they are concerned that its acceptance (or offer) might be misinterpreted, particularly if it comes from or on behalf of a contractor, tenderer, or applicant / agent for a planning or licensing application.

5. GIFTS TO THE AUTHORITY

- 5.1 Gifts to the authority may take the form of the provision of land, goods or services, either to keep or to test with a view to future acquisition, an offer to carry out works or sponsorship of a function which is organised or supported by the Authority.
- 5.2 Councillors should not solicit any such gift on behalf of the Authority except where the Authority has formally identified the opportunity for participation by an external party and how that participation is to be secured.
- 5.3 Any Member receiving such an offer on behalf of the Authority, must first consider whether it is appropriate for the Authority to accept the offer (in terms of whether the acceptance of the gift might be seen as putting the authority under any improper obligation, or whether there is a real benefit to the authority which would outweigh any dis-benefits).
- 5.4 If the Councillor considers that the offer is of real benefit to the Authority the Councillor should report the offer directly to the Monitoring Officer who will then arrange for the appropriate Officer of the Council to write back to the person or organisation making the offer, to record the acceptance or non-acceptance of the gift, record the gift for audit purposes and ensure that the gift is properly applied for the benefit of the Authority.
- 5.5 If Members have any concerns about the motives of the person or organisation making the offer, or whether it would be proper for the authority to accept the gift, they should consult the Monitoring Officer.

6. DEFINITION OF GIFT AND HOSPITALITY

6.1 Gift of hospitality includes any:-

- (i) free gift of goods or services.
- (ii) money (or loan), gift voucher, lottery ticket, raffle ticket or anything else offering the chance of winning a prize.
- (iii) opportunity to acquire any goods or services at a discount or on terms which are more advantageous than those which are available to the general public.
- (iv) opportunity to obtain any goods or services which are not available to the general public
- (v) offer of food, drink, accommodation or entertainment, or the opportunity to attend any cultural, sporting or entertainment event.

6.2 References to the "value" or "cost" of any gift or hospitality are references to the higher of:-

- (a) the Councillor's estimate of the cost to the person or organisation of providing the gift or hospitality.
- (b) the open market price which a member of the public would have to pay for the gift or hospitality, if it were made available commercially to the public, less the cash sum of any contribution which the Councillor would be required to make toward that price to the person or organisation providing or offering the gift or hospitality.