

TEWKESBURY BOROUGH COUNCIL

Minutes of a Meeting of the Council held at the Council Offices, Gloucester Road, Tewkesbury on Tuesday, 19 February 2019 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, J E Day, M Dean, R D East, A J Evans, J H Evetts, D T Foyle, R Furolo, R E Garnham, P A Godwin, M A Gore, J Greening, S E Hillier-Richardson, A Hollaway, E J MacTiernan, J R Mason, H C McLain, A S Reece, V D Smith, T A Spencer, P D Surman, H A E Turbyfield, R J E Vines and P N Workman

CL.72 APOLOGIES FOR ABSENCE

72.1 Apologies for absence were received from Councillors B C J Hesketh, P E Stokes, M G Sztymiak, D J Waters and M J Williams.

CL.73 DECLARATIONS OF INTEREST

73.1 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.

73.2 The following declarations were made:

Councillor	Application No./Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
K J Cromwell	Item 7(b) – Council Tax Discounts 2019/20.	Is a landlord in the Borough.	Would not speak or vote and would leave the room for consideration of the item.
J E Day	Item 7(b) – Council Tax Discounts 2019/20.	Is a landlord in the Borough.	Would not speak or vote and would leave the room for consideration of the item.

J H Evetts	Item 7(b) – Council Tax Discounts 2019/20.	Is a landlord in the Borough.	Would not speak or vote and would leave the room for consideration of the item.
R M Hatton	Item 7(b) – Council Tax Discounts 2019/20.	Is a landlord in the Borough.	Would not speak or vote and would leave the room for consideration of the item.
A Hollaway	Item 7(b) – Council Tax Discounts 2019/20.	Is a landlord in the Borough.	Would not speak or vote and would leave the room for consideration of the item.
H A E Turbyfield	Item 7(b) – Council Tax Discounts 2019/20.	Is a landlord in the Borough.	Would not speak or vote and would leave the room for consideration of the item.
P N Workman	Item 7(b) – Council Tax Discounts 2019/20.	Is a landlord in the Borough.	Would not speak or vote and would leave the room for consideration of the item.

73.3 There were no further declarations made on this occasion.

CL.74 MINUTES

74.1 The Minutes of the meeting held on 29 January 2019, copies of which had been circulated, were approved as a correct record and signed by the Mayor, subject to an amendment to show that Councillor A S Reece was in attendance at the meeting.

CL.75 ANNOUNCEMENTS

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

CL.76 ITEMS FROM MEMBERS OF THE PUBLIC

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

CL.77 MEMBER QUESTIONS PROPERLY SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

- 77.1 There were no Member questions on this occasion.

CL.78 RECOMMENDATIONS FROM EXECUTIVE COMMITTEE**Budget 2019/20**

- 78.1 At its meeting on 6 February 2019 the Executive Committee considered the 2019/20 budget and made a recommendation to Council.
- 78.2 The report which was considered by the Executive Committee had been circulated with the Agenda for the current meeting at Pages No. 5-19.
- 78.3 In proposing the recommendation, the Chair of the Executive Committee explained that, in line with the Medium Term Financial Strategy (MTFS), the budget for the coming year faced a deficit of around £700,000; this was as a result of a combination of factors including cost pressures; growth of service requirements; and further reductions in core government funding of over £200,000. In order to offset the deficit, a number of initiatives aimed at making the Council more self-sustainable had been delivered including: an increase in the garden waste customer base and the fee charged; diversification of treasury investments; rental of spare office capacity in the Public Services Centre; purchase of additional commercial properties; the introduction of Planning Performance Agreements; further use of digital and electronic technologies and channels; and the reorganisation of One Legal to provide an enhanced commercial outlook and additional fee earning capacity. To achieve that additional fee earning capacity, it had been necessary to make changes to the structure of the service. Phase 1 of the One Legal restructure was at management team level with two new posts being created and one deleted; the deleted post had given rise to a redundancy which had incurred a total severance cost of £165,308 – this was split between the three partner Councils of Cheltenham and Tewkesbury Boroughs and Gloucester City, and was made up of a redundancy payment of £34,642 and a pension strain payment to the Gloucestershire County Council Pension Fund of £130,666. Those costs would be met from reserves which were earmarked for the restructure. Although the cost to Tewkesbury Borough Council was £52,421, the total cost was at a level required by government guidance to be voted upon by the Council and it was for that reason an additional recommendation was proposed that the Council approve the severance cost of the Head of Law (Regulatory). In addition to the initiatives outlined, the Chair of the Executive Committee explained that the Borough continued to enjoy growth in both its residential and business sectors and, as a result, there was an increase in the contribution made by New Homes Bonus to support the Council's core services and an increase to the level of business rates retained by the authority; however, in order to balance the budget, it was, once again, necessary to increase the Council Tax by the maximum amount permissible by central government. The budget proposal, if approved, would require Council Tax to be set at £119.36 per year for a Band D property; however, it was important to note that, even with that increase of 4.37%, Tewkesbury would remain one of the lowest charging District Councils in England and, with the quality of the service it provided to communities, it was felt this was great value for money for residents.

78.4 During the brief discussion which ensued, a Member noted an annual increased cost of £195,000 on the Ubico budget, as well as an increase of £36,000 in the cost of disposal of recycled materials collected; she questioned why these increases were necessary. In addition, she drew attention to Paragraph 6.3 of the report, and questioned why £195,000 was placed in reserves to meet future asset management needs. In response, the Head of Finance and Asset Management explained that the Ubico contract had increased, mainly due to an increase in employee costs following the equal pay increase which meant some lower paid employees would have a 5/6% increase rather than 2% - many of those employees worked for Ubico so the increase in costs to the organisation was substantial. In terms of recycled materials, the cost increase reflected the increased tonnage collected but also the higher cost of disposal. In respect of the commercial property portfolio, the £195,000 would be set aside to meet future costs in terms of voids/refurbishments etc. for the Council's commercial property portfolio; this was a previous decision of the Council which was being implemented for the first time this year. In terms of Ubico, the Lead Member for Clean and Green Environment noted that, in addition to the pay review, there was also a shortage of drivers which meant Ubico inevitably had to rely on agency staff which was costly. Officers from the Council were working with Ubico to try and alleviate the costs of agency staff. A Member questioned how many agency drivers were used and what the annual cost of that usage was. In response, the Head of Finance and Asset Management undertook to try and get that information from Ubico to circulate to Members.

78.5 The proposal was seconded and, in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, voting on the proposal was recorded as follows:

For	Against	Abstain	Absent
R E Allen	A J Evans		B C J Hesketh
P W Awford	Mrs S E Hillier- Richardson		P E Stokes
K J Berry			M G Sztymiak
R A Bird			D J Waters
R Bishop			M J Williams
G F Blackwell			
G J Bocking			
K J Cromwell			
D M M Davies			
J E Day			
M Dean			
R D East			
J H Evetts			
D T Foyle			

R Furolo
 R E Garnham
 P A Godwin
 M A Gore
 J Greening
 R M Hatton
 A Hollaway
 E J MacTiernan
 J R Mason
 H C McLain
 A S Reece
 V D Smith
 T A Spencer
 P D Surman
 H A E Turbyfield
 R J E Vines
 P N Workman

78.6 Accordingly, it was

RESOLVED

1. That a net budget of £8,772,830 for 2019/20 be **APPROVED**.
2. That a Band D Council Tax of £119.36, an increase of £5.00 per annum, be **APPROVED**.
3. That the use of New Homes Bonus, as proposed in Paragraph 3.5 of the report, be **APPROVED**.
4. That the Capital Programme, as proposed in Appendix A to the report, be **APPROVED**.
5. That the severance payment for the One Legal redundancy be **APPROVED**.

Council Tax Discounts 2019/20

78.7 Having declared an interest as a landlord in the Borough, the Mayor left the meeting for the consideration of this item and the Deputy Mayor took the chair.

78.8 At its meeting on 6 February 2019 the Executive Committee considered the Council Tax Discounts for 2019/20 and recommended to Council that the following be effective from 1 April 2019: the Council Tax discount for unoccupied furnished properties (second homes) is zero; the discount for unoccupied and substantially

unfurnished properties is 100% for a period of one month then 25% for the following five months; the discount for dwellings which are vacant and undergoing major repair work to render them habitable will be 25% for a maximum period of 12 months; and an empty homes premium of an additional 100% is levied on properties that have remained unoccupied and substantially unfurnished for more than two years.

78.9 The report which was considered by the Executive Committee had been circulated with the Agenda for the current meeting at Pages No. 20-23.

78.10 The Chair of the Executive Committee proposed the recommendation which was seconded by the Lead Member for Finance and Asset Management.

78.11 A Member questioned what was meant by unfurnished and, in response, the Revenues and Benefits Manager explained that, unfortunately, there was no legislative definition of 'furnished' or 'substantially unfurnished'. In terms of second homes they were furnished to the extent that someone lived there some of the time but not as their main residence whereas unoccupied and unfurnished would usually have no bed, sofa etc. as someone would not be living there.

78.12 Accordingly, it was

RESOLVED

That the following Council Tax Discounts be effective from 1 April 2019:

- the Council Tax discount for unoccupied furnished properties (second homes) is zero;
- the discount for unoccupied and substantially unfurnished properties is 100% for a period of one month then 25% for the following five months;
- the discount for dwellings which are vacant and undergoing major repair work to render them habitable will be 25% for a maximum period of 12 months; and
- an empty homes premium of an additional 100% is levied on properties that have remained unoccupied and substantially unfurnished for more than two years.

Council Tax Discount for Care Leavers

78.13 At its meeting on 6 February 2019 the Executive Committee considered a Council Tax Discount Scheme for Care Leavers and recommended to Council that it be adopted effective from 1 April 2019.

78.14 The report which was considered by the Executive Committee had been circulated with the Agenda for the current meeting at Pages No. 24-31.

78.15 The Chair of the Executive Committee proposed the recommendation which was seconded by the Lead Member for Finance and Asset Management, and it was

RESOLVED

That the Council Tax Discount Scheme for Care Leavers be **ADOPTED** effective from 1 April 2019.

CL.79 COUNCIL CONSTITUTION REVIEW

79.1 The report of the Head of Democratic Services, circulated at Pages No. 32-479, sought to agree a revised Constitution which took account of Council decisions, new/revised legislation, operational changes, current Council practice and the simplification of wording. The report drew attention to the main changes as well as a number of additions to the Scheme of Delegation.

- 79.2 The Head of Democratic Services explained that the Council's Constitution was a very important document in terms of the way the Council conducted its business. All Constitutions were based on statutory guidance contained within the Local Government Act 2000 and the last major update of the Council's Constitution had been in 2009 so a review was needed. The Democratic Services Team had worked together to review the document page by page and there were several items highlighted within the report for amendment/deletion.
- 79.3 Particular attention was drawn to the Housing Allocation and Homelessness Review Committee which it was considered was no longer required. The Committee had been set up before the current statutory process was put into place and was now an unnecessary secondary review which was time consuming for both Members and Officers. The Standards Committee was likely to change in the future following the results of the recent consultation undertaken by the Committee for Standards in Public Life but, for now, it was suggested that the membership be amended to require one non-voting Parish representative rather than two. In terms of the Tree Panel, the current arrangements were not open and accountable and, since the Planning Scheme of Delegation had been amended and the Planning Committee no longer made the decisions on Tree Preservation Orders, it was felt that the appeal mechanism should rest with the Planning Committee rather than with a Tree Panel. In recent years, the Audit Committee had taken on more of a governance role and the name of the Committee and Terms of Reference had been amended to reflect the importance of that role – it was also suggested that an increase in the membership from seven to nine would be helpful. The Terms of Reference of the Employee Appointments Committee had been amended to take account of new legislation and it had been renamed the Employee Appointments/Disciplinary Committee.
- 79.4 There was a decision to be made in respect of the Petitions Scheme; as the legislation that had introduced it had now been abolished, and there was therefore no requirement for the Council to have one, it was suggested that the thresholds for requiring a Council debate or a Senior Officer giving evidence at a public meeting be increased from 100 to 800 and 400 respectively in line with the initial guidance. It was felt that the Petitions Scheme was a good tool for gaining peoples' views and, as such, it should remain in place but, as any petitions of under 800 signatories could still be submitted for consideration by Officers and put through the Committee cycle as appropriate, it was suggested that an increase in the threshold could be considered. In addition, the legislation which had introduced the 'Councillor Calls for Action' process had been abolished so there was no longer a requirement for the Council to have this cumbersome and unnecessary procedure in place. As there were far easier ways for Councillors to raise matters of concern, it was suggested the procedure be removed from the Constitution.
- 79.5 In terms of the Scheme of Delegation, the Contract Procedure Rules had been updated and an additional delegation was requested for the Borough Solicitor to be able to make any changes required as a result of the country's withdrawal from the European Union (EU). In addition, the Scheme had been restructured to make it clearer and to include an overall delegation for the Corporate Leadership Team to take on any delegations in place of the relevant Officers if necessary. There were also three additional delegations suggested for consideration: firstly, in respect of a possible amendment to planning safeguard 5ii to include applications submitted by Town and Parish Councils; secondly, whether to include a delegation to the Head of Finance and Asset Management to approve adverse possession claims where i) the area of land was less than 200sqm; and ii) there was no strong evidence rebutting the applicant's claim; and iii) the Head of Finance and Asset Management considered that the land was not of strategic importance to the Council; and thirdly, whether to amend the current delegation to the Head of Finance and Asset Management to allow write-offs and virements to be approved up to a maximum of £20,000 rather than £10,000. Members were also asked for their continued support

for a delegation to the Borough Solicitor to keep the Constitution under regular review with any amendments such as spelling, grammar, typographical and formatting changes that did not affect the substantive content, and any decisions made by the Council that would affect the Constitution, being made and notified to all Members. In addition, with such a fundamental change to the format of the Scheme of Delegation, together with legislative changes and previous Council decisions, it was possible that further changes may be necessary and, in those circumstances, it was proposed that they be implemented in consultation with the Lead Member for Corporate Governance; obviously any new delegations would be brought to Members in the normal way.

- 79.6 A Member referred to Page No. 157 and questioned why the delegation to 'decide future applications from staff to continue working beyond normal retirement age' had been deleted. In response, the Head of Democratic Services explained that employees now had the right to work beyond legal retirement age so there was no need for a formal delegation.
- 79.7 A Member proposed, and it was seconded, that the recommendations on the report be accepted including the petitions scheme threshold changing from 100 to 800 for a Council debate and to 400 for a Senior Officer giving evidence; and planning safeguard 5ii not being amended. During the discussion which ensued, a number of Members felt that the thresholds in the Petitions Scheme were correct at 100 and that they would not like to see them increased. It was considered that, for the smaller villages in the Borough, 100 signatories was actually quite hard to get so 800 would be impossible. Another Member agreed with that view and felt that, as the scheme had not been particularly onerous to date, it did not seem necessary to increase the numbers. The original proposer explained his reasoning for a higher threshold was that 100 was low and could be used frivolously by members of the public; he expressed the view that this was not the only way the public could raise issues with the Council and, as such, a higher threshold than 100 would provide a safeguard. It was suggested that, if the threshold remained at 100, it could be kept under review and if a large number of petitions were received the position could be reconsidered. Another Member expressed the view that the scheme was fine in its current form as it offered an excellent way for the public to engage with the Council and had not been used overwhelmingly to date. Having been proposed and seconded, the motion that the Petitions Scheme threshold be increased to 800 for a Council debate and 400 for a Senior Officer to give evidence was put to the vote and, with three votes for, was lost. Accordingly, the thresholds in the Petitions Scheme would remain at 100.
- 79.8 In respect of the possible amendment of planning safeguard 5ii to include Town and Parish Councils, a Member expressed the view that Town and Parish Councils should have an automatic right to have their applications debated by the Planning Committee. The Member who had already proposed that the amendment should not be made expressed the view that, currently, Town and Parish Councils had the choice when they made a planning application that it could either be delegated or decided by the Planning Committee whereas the amendment to the safeguard would mean it would have to be considered by the Committee; he was of the view that such applications should be delegated where appropriate just as applications from residents were. Having been proposed and seconded it was agreed that this amendment should not be made.
- 79.9 Referring to the remaining delegations at 3ii and 3iii of the recommendations contained within the report, a Member proposed that they should be included in the Scheme of Delegation.

79.10 Accordingly, it was

RESOLVED

1. That the Constitution be **ADOPTED**, as attached to the report at Appendix 1, including the changes suggested in Paragraphs 2.1-2.8 and 2.10-2.14.
2. That the number of signatories to a petition under the Council's Petitions Scheme remain at 100 for both a Council debate and a Senior Officer giving evidence at an Overview and Scrutiny Committee.
3. That authority be delegated to the Borough Solicitor to undertake further necessary changes to the Contract Procedure Rules as a result of the country's withdrawal from the European Union.
4. That authority be delegated to the Head of Finance and Asset Management to **APPROVE** adverse possession claims where:
 - i. the area of land is less than 200sqm; and
 - ii. there is no strong evidence rebutting the applicant's claim; and
 - iii. the Head of Finance and Asset Management considers that the land is not of strategic importance to the Council.
5. That authority be delegated to the Head of Finance and Asset Management to allow write-offs and virements to be approved up to a maximum of £20,000 rather than £10,000.
6. That the arrangement for ensuring the Constitution is kept up-to-date, as set out in Paragraph 3 of the report, be **APPROVED**.

CL.80 COUNCIL TAX 2019/20

80.1 Having agreed the Council's 2019/20 budget earlier in the meeting, attention was drawn to a report, circulated separately, which asked Members to approve and set a Council Tax requirement for 2019/20.

80.2 In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, voting was recorded as follows:

For	Against	Abstain	Absent
R E Allen		Mrs S E Hillier-Richardson	B C J Hesketh
P W Awford			P E Stokes
K J Berry			M G Sztymiak
R A Bird			D J Waters
R Bishop			M J Williams
G F Blackwell			
G J Bocking			

K J Cromwell

D M M Davies

J E Day

M Dean

R D East

A J Evans

J H Evetts

D T Foyle

R Furolo

R E Garnham

P A Godwin

M A Gore

J Greening

R M Hatton

A Hollaway

E J MacTiernan

J R Mason

H C McLain

A S Reece

V D Smith

T A Spencer

P D Surman

H A E Turbyfield

R J E Vines

P N Workman

80.3 Accordingly, it was

RESOLVED

1. That it be **NOTED** that, on 1 December 2018, the Council calculated:
 - a) the Council Tax Base 2019/20 for the whole Council area as £34,585.03 (Item T in the formula in section 31B of the Local Government Finance Act 1992, as amended (the "Act")) and,
 - b) for dwellings in those parts of its area to which a Parish precept relates as attached to the report at Appendix C.
2. That the Council Tax requirement calculated for the Council's own purposes for 2019/20 (excluding Parish precepts) is £4,128,069.
3. That the following amounts be calculated for the year 2019/20 in accordance with Sections 30 to 36 of the Act:
 - a. £35,753,442 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils;
 - b. £29,552,788 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act;
 - c. £6,200,653 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year. (Item R in the formula in Section 31B of the Act);
 - d. £179.29 being the amount at 3(c) above (Item R), all divided by Item T(1(a) above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts);
 - e. £2,072,585 being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act (as per Appendix C to the report);
 - f. £119.36 being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by Item T(1(a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates;
 - g. the amounts stated in Column 5 (Band D Parish/Town and Borough b)) of Appendix B to the report are given by adding to the amount at 3(f) above the amounts of special items relating to dwellings in those parts of the Council's area specified in Column 1 of Appendix B in accordance with Section 34(3) of the Act. For completeness the table shows all areas; and
 - h. the amount set out in Appendix B to the report given by multiplying the amounts at 3(g) above by the number which, in proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular Valuation Band divided by the number which, in that proportion, is applicable to dwellings listed in Valuation Band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different Valuation Bands.

4. That it be **NOTED** that, for the year 2019/20, Gloucestershire County Council and the Office of the Police and Crime Commissioner for Gloucestershire have stated the following amounts in precepts issued to the Borough Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

Valuation Bands	Gloucestershire County Council			Office of the Police and Crime Commissioner for Gloucestershire
	£			£
	ASC	General	Total	
A	61.81	800.66	862.47	166.99
B	72.12	934.09	1,006.21	194.83
C	82.42	1,067.54	1,149.96	222.66
D	92.72	1,200.98	1,293.70	250.49
E	113.32	1,467.87	1,581.19	306.15
F	133.93	1,734.75	1,868.68	361.82
G	154.53	2,001.64	2,156.17	417.48
H	185.44	2,401.96	2,587.40	500.98

5. That, having calculated the aggregate in each case of the amounts at 3(h) and 4 above, the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the amounts, set out in Appendix B to the report, as the amounts of Council Tax for the year 2019/2020 for each of the categories of dwellings shown in Schedule 3.
6. The Council has determined that its relevant basic amount of Council Tax for 2019/20 is not excessive in accordance with principles approved under Section 52ZB of the Local Government Finance Act 1992. As the billing authority, the Council has not been notified by a major precepting authority that its relevant basic amount of Council Tax for 2019/20 is excessive and that the billing authority is not required to hold a referendum in accordance with Section 52ZK of the Local Government Finance Act 1992.

The meeting closed at 7:15 pm