

3 July 2018

<b>Committee</b>	Executive
<b>Date</b>	Wednesday, 11 July 2018
<b>Time of Meeting</b>	2:00 pm
<b>Venue</b>	Committee Room 1

ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND



**for Sara J Freckleton  
Borough Solicitor**

<b>Agenda</b>
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**1. ANNOUNCEMENTS**

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. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

To receive apologies for absence and advise of any substitutions.



Item	Page(s)
<b>3. DECLARATIONS OF INTEREST</b>	
<p>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.</p>	
<b>4. MINUTES</b>	1 - 8
<p>To approve the Minutes of the meeting held on 6 June 2018.</p>	
<b>5. ITEMS FROM MEMBERS OF THE PUBLIC</b>	
<p>To receive any questions, deputations or petitions submitted under Rule of Procedure 12.</p> <p><i>(The deadline for public participation submissions for this meeting is 5 July 2018).</i></p>	
<b>6. EXECUTIVE COMMITTEE FORWARD PLAN</b>	9 - 14
<p>To consider the Committee's Forward Plan.</p>	
<b>7. PERFORMANCE MANAGEMENT REPORT - QUARTER FOUR 2017/18</b>	15 - 60
<p>To receive and respond to the findings of the Overview and Scrutiny Committee's review of the quarter four performance management information.</p>	
<b>8. PLANNING ENFORCEMENT PLAN</b>	61 - 82
<p>To approve the Planning Enforcement Plan.</p>	
<b>9. SECTION 106 - ALLOCATION OF FUNDS FOR COMMUNITY INFRASTRUCTURE</b>	83 - 88
<p>To consider the adoption of the process, set out in Paragraph 3 of the report, for the distribution of S106 funds where the S106 agreement does not explicitly specify where the funding should be directed.</p>	
<b>10. SEPARATE BUSINESS</b>	
<p>The Chairman will move the adoption of the following resolution:</p> <p>That under Section 100(A)(4) Local Government Act 1972, the public be excluded for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.</p>	
<b>11. SEPARATE MINUTES</b>	89 - 90
<p>To approve the separate Minutes of the meeting of the Committee held on 6 June 2018.</p>	

Item	Page(s)
<p><b>12. DISPOSAL OF MAFF SITE</b></p> <p><i>(Exempt –Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 –Information relating to the financial or business affairs of any particular person (including the authority holding that information))</i></p> <p>To consider the way forward regarding the disposal of the MAFF Site in line with the Council's priorities.</p>	91 - 98
<p><b>13. REVIEW OF COMMUNITY SERVICES</b></p> <p><i>(Exempt –Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 – Information relating to any individual)</i></p> <p>To consider the outcomes of the review of Community Services and make a recommendation to Council as to the way forward.</p>	99 - 138

**DATE OF NEXT MEETING**

**WEDNESDAY, 29 AUGUST 2018**

**COUNCILLORS CONSTITUTING COMMITTEE**

Councillors: K J Berry, R A Bird (Chair), G F Blackwell, M Dean, R Furolo, M A Gore, J Greening, E J MacTiernan and J R Mason (Vice-Chair)

**Substitution Arrangements**

The Council has a substitution procedure and any substitutions will be announced at the beginning of the meeting.

**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 Chairman 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.

## TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Executive Committee held at the Council Offices,  
Gloucester Road, Tewkesbury on Wednesday, 6 June 2018 commencing at  
2:00 pm**

**Present:**

Chair

Councillor R A Bird

**and Councillors:**

K J Berry, G F Blackwell, R Furolo, M A Gore, J Greening, E J MacTiernan and M J Williams  
(Substitute for J R Mason)

**also present:**

Councillors R E Allen and R E Garnham

**EX.1 ANNOUNCEMENTS**

1.1 The evacuation procedure, as noted on the Agenda, was taken as read.

**EX.2 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

2.1 An apology for absence was received from Councillor J R Mason.  
Councillor M J Williams would be acting as a substitute for the meeting.

**EX.3 DECLARATIONS OF INTEREST**

3.1 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.

3.2 There were no declarations of interest made on this occasion.

**EX.4 MINUTES**

4.1 The Minutes of the meeting held on 25 April 2018, copies of which had been circulated, were approved as a correct record and signed by the Chair.

**EX.5 ITEMS FROM MEMBERS OF THE PUBLIC**

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

**EX.6 EXECUTIVE COMMITTEE FORWARD PLAN**

6.1 Attention was drawn to the Committee's Forward Plan, circulated at Pages No. 10-17. Members were asked to consider the Plan.

6.2 Accordingly, it was

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

**EX.7 APPOINTMENT OF PORTFOLIO HOLDERS AND SUPPORT MEMBERS**

7.1 Attention was drawn to the document, attached to the Agenda at Page No. 18, which showed the Portfolio Holders and their Support Members for the forthcoming Municipal Year. Members were asked to confirm their appointment.

7.2 Accordingly, it was

**RESOLVED:** That the following Portfolio Holders and their Support Members be **CONFIRMED**:

- Leader of the Council/ Economic Development/Promotion Portfolio Holder – Councillor Rob Bird.
- Economic Development/Promotion Portfolio Support Member – Councillor Philip Surman.
- Finance and Asset Management Portfolio Holder – Councillor Ron Furolo.
- Finance and Asset Management Portfolio Support Member – Councillor Andrew Reece.
- Corporate Portfolio Holder – Councillor Elaine MacTiernan.
- Corporate Portfolio Support Member – Councillor Ron Allen.
- Customer Focus Portfolio Holder – Councillor Mike Dean.
- Customer Focus Portfolio Support Member – Councillor Heather McLain.
- Organisational Development Portfolio Holder – Councillor Gill Blackwell.
- Organisational Development Portfolio Support Member – Councillor Pauline Godwin.
- Built Environment Portfolio Holder – Councillor Mel Gore.
- Built Environment Portfolio Support Member – Councillor Ruth Hatton.
- Deputy Leader of the Council / Clean and Green Environment Portfolio Holder – Councillor Jim Mason.

- Clean and Green Environment Portfolio Support Member – Councillor Mark Williams.
- Community Portfolio Holder – Councillor Kay Berry.
- Community Portfolio Support Member – Councillor Pearl Stokes.
- Health and Wellbeing Portfolio Holder – Councillor Julie Greening.
- Health and Wellbeing Portfolio Support Member – Councillor Janet Day.

## **EX.8 FINANCIAL OUTTURN REPORT**

- 8.1 The report of the Head of Finance and Asset Management, circulated at Pages No. 19-41, highlighted the Council's financial performance for 2017/18 and set out both the general fund and capital outturn positions. Members were asked to note the general fund outturn for 2017/18, the financing of the capital programme and the annual treasury management report and performance; and to approve the transfers to and from earmarked reserves.
- 8.2 The Head of Finance and Asset Management explained that the report detailed the final outturn position for the 2017/18 financial year, as well as addressing the movement on reserves, and requested Member approval for the creation of newly requested reserves or additions to existing reserves that fell outside of the previously approved sum. The report also sought to confirm the full year progress against the capital programme, and the sources of finance used in delivering that programme, as well as to report the performance of the treasury management function in 2017/18 in line with the requirements of the code of practice.
- 8.3 Attention was drawn to Table 1, Page No. 21, which showed the general fund outturn position. The position for direct service expenditure showed a positive variance of £1,080,281 which was mainly attributable to the major items such as: an underspend on the employees full year budget as a result of staff turnover and vacancies in most service groupings; an underspend on premises as a result of savings on utilities and business rates paid; savings on transport across all service areas from reduced car allowance scheme costs and reduced business mileage; and additional levels of income of £894,361 over the budgeted provision. The majority of 'fees and charges' budgets, with the exception of planning fees, had been delivered on budget during the year. The large variance was therefore as a result of substantial external grant income being received during the year. The Head of Finance and Asset Management explained that the Council had received a number of new burdens grants from the government but had also attracted significant service specific grants, particularly in relation to the delivery of the requirements for infrastructure and the Joint Core Strategy. In addition, the Council had taken on accountable body status for the Gloucestershire wide 'Places of Safety' funding so had received a transfer of funding totalling £449,000.
- 8.4 Members were advised that a breakdown of Council reserves was shown at Appendix B to the report and was grouped under strategic headings so as to provide a better understanding of the intended use of monies set aside. Total revenue reserves stood at £10.61 million as at the end of March 2018 and included earmarked reserves, planning obligations and the general fund working balance; the increase in overall revenue reserves totalled £2.56 million and was as a result of a number of factors including in-year surplus within the general fund; and developer contributions, expenditure against contributions already received and expenditure on existing reserves of £1.01 million. In addition, the Head of Finance

and Asset Management referred to the capital programme which had been substantial in the last few years. This had been highlighted in the level of capital expenditure incurred in 2017/18 which had totalled £15.93 million; to date the bulk of expenditure had been on the purchase of further investment properties and the refurbishment of the Public Services Centre. The summarised capital programme was shown at Appendix C to the report together with the sources of finance used. In terms of treasury management, a detailed report was attached to the Agenda at Appendix D; it set out the economic environment, a number of changes introduced into the sector, local performance and a number of prudential indicators. Attention was drawn to the fact that the in-year performance of treasury investments had resulted in an average return of 0.98% and total income of £192,000 which was £165,000 above the budget for the year and reflected the range of investments made. In order to part fund the investment in commercial property, significant borrowing of £21 million had been undertaken; however, the Council's strategy had kept borrowing costs within £60,000 for the year which was £24,000 below target. In terms of the financial performance indicators, the Head of Finance and Asset Management was pleased to report continued high performance in the speed of payment of invoices; the outturn performance of 94.56% had again exceeded target. In addition, the sundry debt position had fallen by approximately £6,000 across the financial year taking the amount outstanding to the lowest year end position for a number of years.

8.5 Referring to the capital programme, a Member noted that there was an underspend of £170,113 against the remaining capital balances from the community grants programme. She was aware that the Council no longer had a Community Grants Working Group and, as such, she asked that the Executive Committee receive an update on the committed grants so Members could see what was happening with them. The Head of Finance and Asset Management confirmed that he would provide that at a future meeting. Another Member noted that the employees' budget was underspent and that there were vacancies in most service groups; she was of the view that the Council had great commitment from its staff but there was a need for more staff in many areas and she questioned what was being done about this. In response, the Head of Finance and Asset Management advised that, depending on the level of Officer being appointed there was a notice period which could be from one to three months and, unfortunately, this often left a gap. Managers tried to advertise and appoint as quickly as possible to ensure capacity was retained but sometimes this was not possible. In addition, the Chief Executive explained that other options were sometimes considered rather than replacement of staff, i.e. changes in structure/job descriptions, but whatever the way forward Managers tried to ensure it was actioned as quickly as possible.

8.6 Accordingly, it was

**RESOLVED:**

1. That the General Fund outturn for 2017/18, the financing of the capital programme and the annual treasury management report and performance be **NOTED**.
2. That the transfers to and from earmarked reserves be **APPROVED**.

**EX.9 GRASS CUTTING**

- 9.1 Attention was drawn to the report of the Head of Community Services, circulated separately at Pages No. 1-8. Members had requested the report which provided an update on the current issues being experienced with grass cutting across the Borough. The Committee was asked to approve an improvement action plan; approve the allocation of £10,000 from the uncommitted contingency reserve to deal with remedial grass cutting works; and recommend that the Overview and Scrutiny Committee monitor the delivery of the improvement action plan.
- 9.2 The Chair advised that the report had been provided following a request by Members that the issues be considered. Unfortunately, the relevant Lead Member was not able to attend the current meeting but he was fully in favour of the report and had attended a number of meetings in the last week to help structure it.
- 9.3 In summary, the Head of Community Services explained that Ubico was the Council's contractor for undertaking grounds maintenance across the Borough. Tewkesbury Borough Council was responsible for the cutting of grass on its own land and had a contract arrangement with Gloucestershire County Highways and Parish Councils to cut various areas of grass across the Borough. County Highways currently contracted Amey for highway verges - in Tewkesbury Borough those were mainly verges and roundabouts along lanes and major trunk roads. The majority of the grass that Ubico cut for the Borough Council on behalf of County Highways was within developments such as the Wheatpieces estate, Newtown, Bishop's Cleeve, Winchcombe, Longford, Ashleworth and Gotherington. Tewkesbury Borough Officers had provided comprehensive maps to Ubico which detailed all of the land required to be maintained and the relevant land ownerships.
- 9.4 The Committee was advised that the grass cutting season started in March and continued throughout the year; however, this was not all Ubico did in terms of grounds maintenance. Unfortunately the grass cutting season had been impacted by the high winds, storms and snow over the winter so the works had not been completed as early in the year as usual. Normally the number of people that undertook the grass cutting was sufficient, however, this year the cold temperatures in March, followed shortly thereafter by much higher temperatures, had meant the grass cutting season had not started as early but then the grass had immediately started grow at a much faster rate than normal. It had quickly become clear to Tewkesbury Borough Officers and Ubico that there was a problem with resources and extra staff had been brought in to deal with the backlog; unfortunately, due to the height of the grass, the quality of the first cut had not been acceptable which had led to a lot of complaints. Another three operatives and an additional contractor had now been brought in and it was hoped that those additional resources would soon start to show a benefit. There was also a 'squad' which was being deployed to address areas of particular complaint as quickly as possible. Attached at Appendix 1 to the report was an action plan to which Ubico had agreed. The action plan covered a number of shorter and longer term actions to improve working practices and it was anticipated that the Council would not be in the same position next year.
- 9.5 During the discussion which ensued, a Member indicated that, whilst she accepted there had been unusual weather conditions which had been an issue, this did not seem to have been a problem for other contractors. She questioned whether Ubico was responsible for grass cutting in other Districts and, if so, whether the same number of complaints had been received. She was extremely concerned about the damage that had been done to the Council's reputation. The Head of Community Services shared those reputational concerns and indicated that this was the reason the matter was being taken extremely seriously. In respect of Ubico, he explained that it did cut the grass in other areas but it was difficult to compare one



area to another. The temporary contractor which had been engaged was the same one that was used by the Council for watercourse clearance; they were extremely good and were able to provide a number of additional resources.

- 9.6 Some Members were concerned about the additional money which the report requested and whether this was something that the Council should be expected to pay given that Ubico had not fulfilled its contract satisfactorily. In response, the Head of Community Services explained that the Council had gone through the budgets with Ubico and an additional amount had been allocated for grounds maintenance during that process; however, sometimes additional funding was required for matters that were outside of everyone's control – in this case the problems needed to be resolved quickly and as such extra funding was required. In terms of the timeframe expected, he advised that the work was being undertaken as quickly as possible. He understood the concerns which had been raised about dead grass being left behind but indicated that the 'double cutting' which was taking place would deal with this so improvements would be seen as the works progressed. He confirmed that he had already received a number of positive comments from members of the public which was good news. The Asset Manager advised that, earlier in the day, three additional staff had been mobilised and the temporary contractor had started to cut in Northway; the previous week they had been in Bishop's Cleeve and later this week they would be in Tewkesbury and Newtown. All areas would continue to be cut until a position was reached whereby Ubico was able to meet its responsibilities going forward. If areas were left in an untidy state following a double, or even triple, cut then resources were being sent out to pick up the grass in those areas on a site by site basis.
- 9.7 A Member expressed the view that every year concerns were raised about grass cutting and now the Council was at crisis point with a lot of Officer time being taken up to deal with the problems. She questioned why the mapping had only just been done, why there were inconsistencies with the frequency that some areas were being cut and what assurances Members would receive going forward. In response, the Head of Community Services explained that the Property Team had been working on the mapping for the past six months; they had mapped the whole Borough to ensure absolute accuracy which had been a massive job. Those maps had been provided to Ubico and, in turn, to the operatives but there had been problems with them not always following them exactly. In terms of the frequency of cuts, the differences could be down to the land being in different ownerships – this issue was referred to in the action plan. Officers had met with Ubico and agreed all of the actions in the plan which included a full review of grounds maintenance; it was hoped this offered the reassurance which Members needed. Historically, the way the rounds were set up was quite illogical, as they were dotted all across the Borough; this was not a good use of resources so it needed to be mapped out much more sensibly.
- 9.8 There was concern expressed about why winter maintenance had been undertaken as a higher priority than grass cutting. In response, the Asset Manager advised that it was not that the winter works had been considered a higher priority but there were generally some works which were more important than others, i.e. a dangerous tree had to be a priority as it could result in damage to property or loss of life in exceptional circumstances. In Bishop's Cleeve there were a number of trees that had to come down after the snow and high winds over the winter and it had taken two crews three weeks to clear them out which was a huge resource that had not been planned for. The Council and Ubico had both committed to making changes and, as a result, there were already a number of new team members in place. In addition, Officers were investigating those areas that had been cut historically but which were not actually in the Council's ownership as there were obvious liability and resource issues attached to that practice. There were definitely some areas where Ubico was on top of the grass cutting - particularly the larger areas where a gang mower could be used as they could

cover a wide area very quickly - but the mapping which had been done should improve that further as it meant everyone knew exactly what needed to be cut and what machinery was required; this should make the service much more efficient moving forward. Referring particularly to open space in Bishop's Cleeve, a Member questioned when it would be cut as currently it was in a terrible state. He understood that Members would be told when the teams were coming to their areas but he felt it would be helpful for a schedule of works to be provided along with a standard as to how the grass should be cut. Another Member agreed with this view and expressed concern about a green space in Gretton which was unsightly and impossible for children to play on. The Head of Community Services asked that if Members had concerns about specific areas, they should raise those with him following the meeting so he could ensure they were addressed quickly. He agreed that a schedule and standards would be helpful but that needed to be thoroughly discussed with Ubico; he undertook to keep Members updated on those discussions and to consider their expectations for the service. He also asked that it be borne in mind that if a schedule of works was released, it would have to be indicative as if, for example, it rained for three weeks no grass would be cut.

9.9 In terms of the way Ubico was set up, Members were reminded that essentially the service still belonged to the Council. Any surplus that Ubico made was returned to each partner authority and, in respect of Tewkesbury Borough, that went back into the Council's reserves. A Member questioned if that was earmarked for grounds maintenance and, in response, the Head of Finance and Asset Management explained that there was a waste and recycling development reserve and included in that was the surplus from this year so that money was set aside for Ubico if it was needed. The current contract with Ubico ran until 2022. A Member noted that, in Northway, the Parish Council's contractors cut the areas within their responsibility every week and she wondered what Ubico's cycle was. In response, the Asset Manager advised that, in a normal year, the cycle was once every three weeks but this year the baseline needed to be achieved before the normal cycle could begin. Grass grew very differently in different areas so some estates needed to be cut weekly whereas others did not. County Highways cut all its grass twice a year.

9.10 In respect of communications, the Head of Community Services advised that, following the current meeting, press statements would be made to update the general public and to show that the Council was taking decisive action to address the issues. It would also be made clear that the Executive Committee had considered the matter in accordance with requests from Members following complaints received. Member Updates would be released regularly as stated in the action plan and, although the action plan would be monitored by the Overview and Scrutiny Committee, updates could be provided to the Executive Committee's informal meetings as appropriate. The Chief Executive thanked Members for bringing this significant issue up; he understood the frustrations and it was hoped the proposals within the report would address the problems now and improve the situation for the future. A Member expressed the view that the £10,000 funding requested should come from the waste and recycling development reserve rather than the uncommitted contingency fund and she made a proposal accordingly, that proposal was seconded and, upon being put to the vote, it was

**RESOLVED:**

1. That the improvement action plan be **APPROVED**.
2. That £10,000 be allocated from the waste and recycling development reserve as a contingency sum to deal with remedial grass cutting works if required.
3. That the Overview and Scrutiny Committee monitor the delivery of the action plan.

**EX.10 SEPARATE BUSINESS**

10.1 The Chair proposed, and it was

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

**EX.11 DISPOSAL OF LAND ADJACENT TO KAYTE LANE CEMETERY, BISHOP'S CLEEVE**

*(Exempt – Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 – Information relating to the financial or business affairs of any particular person (including the authority holding that information))*

11.1 Members considered the disposal of land adjacent to Kayte Lane cemetery, Bishop's Cleeve and agreed that, subject to appropriate terms and the necessary legal documentation, the sale be secured, at best consideration, to Bishop's Cleeve Parish Council.

The meeting closed at 3:40 pm

**EXECUTIVE COMMITTEE FORWARD PLAN 2018/19**

**REGULAR ITEM:**

- **Forward Plan – To note the forthcoming items.**

<p><b><u>Addition to 11 July 2018</u></b></p> <ul style="list-style-type: none"> <li>• Section 106 - Allocation of Funds for Community Infrastructure.</li> <li>• Confidential Item: Disposal of the MAFF Site.</li> <li>• Confidential Item: Review of Community Services.</li> </ul>
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<b>Committee Date: 29 August 2018</b>			
<b>Agenda Item</b>	<b>Overview of Agenda Item</b>	<b>Lead Officer</b>	<b>Has agenda item previously been deferred? Details and date of deferment required</b>
Financial Update – Quarter One 2018/19.	To consider the quarterly budget position.	Simon Dix, Head of Finance and Asset Management.	No.
Risk Management Strategy.	To approve the Risk Management Strategy.	Graeme Simpson, Head of Corporate Services.	Yes – from 6 June to allow consideration by the Audit Committee first,
Data Protection Policy.	To approve the Council’s Data Protection Policy.	Shirin Wotherspoon, Principal Solicitor.	Yes – from 6 June to allow consideration by the Audit Committee first,
<b>Community Grants Update.</b>	<b>To receive a breakdown of community grants commitments to enable monitoring of their progress.</b>	<b>Simon Dix, Head of Finance and Asset Management.</b>	<b>No.</b>
<b>Affordable Housing Partnership.</b>	<b>To consider whether to extend the partnership prior to the agreed five year review.</b>	<b>Paula Baker, Housing Services Manager.</b>	<b>No.</b>

**Agenda Item 6**

<b>Committee Date: 29 August 2018</b>			
<b>Agenda Item</b>	<b>Overview of Agenda Item</b>	<b>Lead Officer</b>	<b>Has agenda item previously been deferred? Details and date of deferment required</b>
Confidential Item: Irrecoverable Debts Write-Off Report (Quarterly).	To consider the write-off of irrecoverable debts.	Graeme Simpson, Head of Corporate Services.	No.
(To be considered in private because of the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 – Information relating to the financial or business affairs of any particular person (including the authority holding that information)).			

<b>Committee Date: 10 October 2018</b>			
<b>Agenda Item</b>	<b>Overview of Agenda Item</b>	<b>Lead Officer</b>	<b>Has agenda item previously been deferred? Details and date of deferment required</b>
Performance Management Report – Quarter One 2018/19.	To receive and respond to the findings of the Overview and Scrutiny Committee's review of the quarter one performance management information.	Graeme Simpson, Head of Corporate Services.	No.

**Committee Date: 21 November 2018**

<b>Agenda Item</b>	<b>Overview of Agenda Item</b>	<b>Lead Officer</b>	<b>Has agenda item previously been deferred? Details and date of deferment required</b>
Financial Update – Quarter Two 2018/19.	To consider the quarterly budget position.	Simon Dix, Head of Finance and Asset Management.	No.
Medium Term Financial Strategy (Annual).	To recommend to Council the adoption of the five year MTFs which describes the financial environment the Council is operating in and the pressures it will face in delivering its services and a balanced budget over the period.	Simon Dix, Head of Finance and Asset Management.	No.
Housing Strategy Monitoring Report (Year 3) (Annual).	To approve the Housing Strategy Monitoring Report for Year Three.	Paula Baker, Housing Services Manager.	No.
Confidential Item: Irrecoverable Debts Write-Off Report (Quarterly).	To consider the write-off of irrecoverable debts.	Graeme Simpson, Head of Corporate Services.	No.

(To be considered in private because of the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 – Information relating to the financial or business affairs of any particular person (including the authority holding that information)).

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<b>Committee Date: 2 January 2019</b>			
<b>Agenda Item</b>	<b>Overview of Agenda Item</b>	<b>Lead Officer</b>	<b>Has agenda item previously been deferred? Details and date of deferment required</b>
Performance Management Report – Quarter Two 2018/19.	To receive and respond to the findings of the Overview and Scrutiny Committee’s review of the quarter two performance management information.	Graeme Simpson, Head of Corporate Services.	No.
ICT Strategy.	To approve the ICT Strategy,	Graeme Simpson, Head pf Corporate Services.	Yes – from 6 June 2018 to align with the action within the Corporate Services action plan.

<b>Committee Date: 6 February 2019</b>			
<b>Agenda Item</b>	<b>Overview of Agenda Item</b>	<b>Lead Officer</b>	<b>Has agenda item previously been deferred? Details and date of deferment required</b>
Budget 2019/20 (Annual).	To recommend a budget for 2019/20 to the Council.	Simon Dix, Head of Finance and Asset Management.	No.
Financial Update - Quarter Three 2018/19.	To consider the quarterly budget position.	Simon Dix, Head of Finance and Asset Management.	No.
Confidential Item: Irrecoverable Debts Write-Off Report (Quarterly).	To consider the write-off of irrecoverable debts.	Graeme Simpson, Head of Corporate Services.	No.
(To be considered in private because of the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 – Information relating to the financial or business affairs of any particular person (including the authority holding that information)).			

<b>Committee Date: 6 March 2019</b>			
<b>Agenda Item</b>	<b>Overview of Agenda Item</b>	<b>Lead Officer</b>	<b>Has agenda item previously been deferred? Details and date of deferment required</b>



<b>Committee Date: 3 April 2019</b>			
<b>Agenda Item</b>	<b>Overview of Agenda Item</b>	<b>Lead Officer</b>	<b>Has agenda item previously been deferred? Details and date of deferment required</b>
Performance Management Report – Quarter Three 2018/19.	To receive and respond to the findings of the Overview and Scrutiny Committee’s review of the quarter three performance management information.	Graeme Simpson, Head of Corporate Services.	No.
Council Plan 2016/20 Refresh (Annual).	To consider the Council Plan and make a recommendation to Council.	Graeme Simpson, Head of Corporate Services.	No.
High Level Service Plan Summaries (Annual).	To consider the key activities of each service grouping during 2017/18.	Graeme Simpson, Head of Corporate Services.	No.

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#### **PENDING ITEMS**

<b>Agenda Item</b>	<b>Overview of Agenda Item</b>
Confidential Item: Spring Gardens/Oldbury Road Regeneration.	To consider the information provided and agree a way forward.
Workforce Development Strategy.	To approve the Council’s Workforce Development Strategy.

## TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Executive Committee
<b>Date of Meeting:</b>	11 July 2018
<b>Subject:</b>	Performance Management – Quarter 4 2017/18
<b>Report of:</b>	Councillor Phil Awford, Chair of Overview and Scrutiny Committee
<b>Corporate Lead:</b>	Mike Dawson, Chief Executive
<b>Lead Members:</b>	Lead Member for Organisational Development
<b>Number of Appendices:</b>	Five

<p><b>Executive Summary:</b></p> <p>New Council Plan priorities (2016-20) were approved by Council on 19 April 2016. Supporting the priorities is a set of objectives and actions. Progress in delivering the objectives and actions are reported through a Council Plan Performance Tracker. The tracker is a combined document which also includes a key set of performance indicators. The report also includes the Revenue Budget Summary Statement, the Capital Monitoring Statement and the Reserves Position Summary.</p> <p>At Overview and Scrutiny Committee on 12 June 2018, consideration was given to the 2017/18 quarter four performance management information. The observations made by the Committee can be found in Appendix 1. The performance management documents presented at Overview and Scrutiny Committee can be found in Appendices 2-5.</p>
<p><b>Recommendation:</b></p> <p><b>To scrutinise the performance management information and, where appropriate, require action or response from the Executive Committee.</b></p>
<p><b>Reasons for Recommendation:</b></p> <p>The Overview and Scrutiny Committee examines the work of the Executive Committee and holds it to account in order to help the Council achieve its priorities.</p>

<p><b>Resource Implications:</b></p> <p>None directly associated with this report.</p>
<p><b>Legal Implications:</b></p> <p>None directly associated with this report.</p>
<p><b>Risk Management Implications:</b></p> <p>If delivery of the Council's priorities is not effectively monitored then the Council cannot identify where it is performing strongly or where improvement in performance is necessary.</p>

**Performance Management Follow-up:**

Performance management information is reported to Overview and Scrutiny Committee on a quarterly basis. The outcome of each quarterly review is then reported to Executive Committee.

**Environmental Implications:**

None directly associated with this report.

**1.0 INTRODUCTION/BACKGROUND**

- 1.1** New Council Plan priorities (2016-20) were approved by Council on 19 April 2016. Supporting the priorities is a set of objectives and actions. Progress in delivering the objectives and actions are reported through a Council Plan Performance Tracker. The tracker is a combined document which also includes a key set of performance indicators. Also reported is financial performance, and this is reported through the Revenue Budget Summary Statement, the Capital Monitoring Statement, and the Reserves Position Summary.
- 1.2** At Overview and Scrutiny Committee on 12 June 2018, consideration was given to the 2017/18 quarter four performance management information. The observations made by the Committee can be found in Appendix 1. The performance management documents presented at Overview and Scrutiny Committee can be found in Appendices 2-5.

**2.0 COUNCIL PLAN PERFORMANCE TRACKER**

- 2.1** The Council Plan (2016-20) has four priorities which contribute to the overall Council Plan vision "*Tewkesbury Borough, a place where a good quality of life is open to all*". The priorities are:
- Finance and Resources.
  - Economic Development.
  - Housing.
  - Customer Focused Services.

Each of the four priorities is supported by a number of objectives and actions which will focus activity on delivery of the priorities. The tracker has been developed and contains a set of key performance measures to monitor delivery of each Council Plan action. The actions are reviewed and, where appropriate, refreshed on an annual basis.

- 2.2** For monitoring the progress of the Council Plan actions the following symbols are used:

😊 – action progressing well.

😐 – the action has some issues or delay by there is no significant slippage in the delivery of the action.

😞 – significant risk to not achieving the action or there has been significant slippage in the timetable or performance is below target.

Grey – project has not yet commenced.

✓ – action complete or annual target achieved.

For monitoring of key performance indicators the following symbols are used:

↑ - PI is showing improved performance on previous year.

↔ - PI is on par with previous year performance.

↓ - PI is showing performance is not as good as previous year.

**2.3** The majority of actions are progressing well and key activities to bring to Members' attention since the last performance report include:

- The Council's commercial property portfolio is now worth £31.09m and generates £1.15m worth of net income to support the Council budget in 2018/19.
- The tender specification detail is currently being drafted for the appointment of specialist advisors to support the Council through the project to regenerate Spring Gardens.
- A Growth and Enterprise Manager has been appointed in readiness for the introduction of the growth hub within the Public Service Centre.
- The bid for forward funding from the Housing Infrastructure Fund for an all ways M5 junction 10 has been successful at stage one and is now moving towards further evaluation.
- 233 affordable homes were delivered in 2017/18, above the annual target of 150.
- With 227 homeless prevention cases more households have been assisted to avoid homelessness than ever recorded.
- 89.58% of all 'major' planning applications were determined within 13 weeks exceeding both last years out-turn and this year's target.
- A key aspect of the enviro-crimes action plan is the adoption by Council of the Public Space Protection Order.
- Customer service training is currently taking place for front line staff with over 50 employees scheduled to receive the training.
- The garden waste project is entering its final stages with nearly 16,500 sticker licences sold generating in excess of £742k (against a budget of £697k)



2.4 Due to the complex nature of the actions being delivered, inevitably some may not progress as smoothly or quickly as envisaged. Actions with either a 😞 or 😊 are highlighted below:

Action	Status and reason for status
Undertake a discretionary trade waste service review to ensure it is operating on a viable commercial level.	😊 Final report now received and findings of the report are being considered. The project is now being discussed with the Joint Waste Team.
Develop and launch a business growth hub in the Public Services Centre	😞 Original target date of Spring 2018 has been amended to July 2018. The build is in process and workshops have been held with Heads of Service and Operational Managers.
Produce a vision for the J9 area.	😞 amended date of September 2018 to allow for finalisation of the vision.
Develop a regeneration plan for Tewkesbury Town.	😞 Original target date of April 2018 has been amended to September 2018. The Tewkesbury Town Regeneration Partnership has been re-launched and a draft masterplan has been produced.
Deliver a programme with partners to progress Healings Mill and other key sites to support the regeneration of Tewkesbury.	😞 A programme of action is being drawn up and discussions continue to progress with relevant parties to seek to secure development.
Explore with partners - including the Battlefield Society - the potential to increase the heritage offer at the Battlefield site.	😞 A feasibility assessment is in progress and the original target date has been revised to September 2018 to conclude this work.
To let out the top floor of the Public Services Centre.	😞 No tenants have come forward from the market. New agents have been appointed in quarter one of 2018-19.

### 3.0 KEY PERFORMANCE INDICATORS (KPIs)

3.1 The set of Key Performance Indicators (KPIs) are a combination of contextual indicators and target related indicators. The set of KPIs must remain flexible to ensure they meet our needs. The data reported is the position at end of March 2018.

3.2 Of the 15 indicators with targets, their status as at the end of quarter 3 is :

 (target not achieved)	 (target achieved)
4	11

In terms of the direction of travel i.e. performance compared to last year, for all indicators (not all indicators have a target e.g. crime) the status is:

<b>↑ (better performance than last year)</b>	<b>↓ (not as good as last year)</b>	<b>↔ (on par with previous year performance)</b>
12	5	3

3.3 Key indicators of interest include:

- KPI 2 – Outstanding sundry debt in excess of 12 months old – A lot of work has been done to clear old debt which has brought the figure down to under £30k.
- KPI 7 – Number of visitors to Tewkesbury Tourist Information Centre (TIC) – Visitor numbers have dropped to 29,034 below target and last year’s outturn.
- KPI 9 – Total number of homeless applications presented – The number of households presenting as homeless has fallen and is lower than last year’s total.
- KPI 13 – Percentage of ‘major’ applications determined within 13 weeks or alternative period agreed with the applicant – Both the target and last year’s outturn have been exceeded with 89.58% of applications being determined in the agreed timescale.
- KPI 19 – Number of reported enviro-crimes – There has been a significant reduction in enviro-crimes from the previous year.
- KPI 28 – Average number of sick days per full time equivalent – 10.5 sick days have been lost per full time employee for the year to date which exceeds last year’s outturn and the 7 day target set for 2017/18.
- KPI 30 & 31 – Residual household waste collected per property in kilograms – Figures are positive with less residual waste being collected than last year and the recycling rate of 54.55% up from the previous year of 53.29%.

#### 4.0 FINANCIAL SUMMARY - REVENUE POSITION

4.1 In February 2018, the quarter three outturn position was reported to Executive Committee. The report confirmed a surplus of £590,640 for this period which represented a positive variance of 8% on budget.

4.2 The final General Fund revenue outturn position for the full year can now be reported as a £1.5m surplus. This is a significant increase against the quarter three position and can be primarily attributed to strong performance in treasury and commercial activities, additional business rates retention and substantial external grant funding being received. The following paragraphs highlight this position.

4.3 The table below summarises the service performance which has generated the reported deficit. In addition, the table highlights the non-service related activity and other aspects of the overall budget to provide a whole view of the Council's general fund. The table concludes with the budgeted transfer to reserves of £57,383 and the actual transfer totalling £1,555,899.

#### 4.4 General Fund outturn summary

	Full Year Budget £	Outturn Position £	Savings /(deficit) £	Budget Variance %
Employees	8,644,124	8,510,111	134,013	-1.55
Premises	521,412	486,991	34,421	-6.60
Transport	169,250	136,240	33,010	-19.50
Supplies & Services	1,820,664	1,796,943	23,721	-1.30
Payments to Third Parties	4,971,332	4,971,102	230	0.00
Transfer Payments	47,963	87,439	-39,476	82.30
Income	-6,326,381	-7,220,742	894,361	14.14
<b>Service Total</b>	<b>9,848,364</b>	<b>8,768,083</b>	<b>1,080,281</b>	<b>-10.97</b>
Treasury activity	57,085	-133,274	190,359	-333.47
Commercial activity	-1,197,421	-1,392,464	195,043	16.29
Corporate Savings Targets	-60,000	0	-60,000	-100.00
New Homes Bonus	47,300	0	47,300	-100.00
Business Rates Income	-1,724,138	-2,360,653	636,515	36.92
Other adjustments	-7,028,573	-6,437,591	-590,982	-8.41
<b>Council Total</b>	<b>-57,383</b>	<b>-1,555,899</b>	<b>1,498,516</b>	<b>2,611.43</b>

4.5 The outturn position for direct service expenditure shows a positive variance of £1,080,281 and is mainly attributable to the major items outlined below:

- the employees full year budget is underspent largely as a result of staff turnover and vacancies in most service groupings;
- premises is underspent as a result of savings on utilities, particularly electricity, plus savings on business rates paid; and
- savings on transport have been generated across all service areas and result from reduced car allowance scheme costs plus reduced business mileage.

Council income is showing additional income levels of £894,361 over the budgeted provision. The majority of fees and charges budgets, with the exception of planning fees, have been delivered on budget during the year. The large variance is therefore as a result of substantial external grant income being received during the year. The Council has received a number of new burdens grants from the government but has also attracted significant service specific grants particularly in relation to the delivery of the requirements for infrastructure and the Joint Core Strategy. In addition, the Council has taken on accountable body status for the Gloucestershire-wide Places of Safety funding and has therefore received a transfer of funding totalling £449,000.

- 4.6** A full explanation of all variances exceeding £40,000 at a group subjective level is contained at Appendix 3. The appendix also contains an explanation of the variance on the corporate codes with a more detailed explanation within the paragraphs below.
- 4.7** Treasury performance has been strong in 2017-18 with both investment and borrowing decisions contributing towards an overall surplus of £190,359. Of the surplus, circa £165,000 has been generated from investments. Whilst an increase in the portfolio balance, and a slight increase in market rates, has benefited the portfolio, the main reason for the surplus is the investment in the CCLA pooled property fund in May 2017 which is currently generating income returns of 4.67%. Short term borrowing rates have remained low and as a result of maintaining all borrowing requirements on a short term structure the Council has delivered a saving of £24,000 on this particular aspect of treasury activity.
- 4.8** The Council acquired a further three commercial investment properties in the second half of the year which has resulted in increased rental generation against budget of £195,043. The three properties have a combined yield in excess of the targeted yield and were purchased sooner than envisaged. The three new properties, combined with the existing units, will make a significant contribution to the Council's core budget in the coming years.
- 4.9** For the first time in four years, the Council is able to report a positive position on the retained business rates scheme. The Council has seen little impact on its position as a result of successful appeals in year partly as a result of a number of unsuccessful appeals but also because of the provisions it has made against successful appeals. Against this backdrop, additional income has been generated as a result of:
- Underlying growth.
  - The identification of renewable energy installations where the business rates are retained locally.

Payment of additional grant from the government in respect of amendments to the business rate multiplier cap.

- 4.10** The final row in the table picks up all of the remaining items within the base budget to reconcile back to the budgeted transfer to reserves. This row mainly contains the precepts on the tax payer for both the Borough Council and Parish Councils but also contains other items such as the Minimum Revenue Provision. A reduced cost of £278,000 has been posted against the MRP requirement as a result of a change to historic accounting treatments. In addition, the row also contains the required payment of business rates to the Government in relation to adjustments for the 2016-17 year. These payments are made in the 2017-18 financial year and are covered by a cash backed reserve.
- 4.11** Overall, the Council is able, largely as a result of external funding, to transfer to reserves a gross total of £1,555,899.



## **5.0 CAPITAL BUDGET POSITION**

- 5.1** The Council has committed to a substantial capital programme in the last few years and this is highlighted in the level of capital expenditure incurred in 2017/18, totalling £15.93m. The bulk of the expenditure has been on the purchase of further investment properties and the refurbishment of the Public Service Centre (£1.09m).
- 5.2** The capital programme saw over the purchase of three investment property in 2017 totalling £13.64m. This was less than the budgeted amount of £16.78m; hence a reported slippage on the land and buildings programme, but the balance of £3.14m has been added to a further allocation from Council of £12m giving a total of £15.14m to be invested during 2018.
- 5.3** An underspend of £170,113 (86%) is reported against the remaining capital balances from the community grants programme. The variance is outside of the Council's control as the draw-down of awarded capital grants is subject to applicant progressing the agreed scheme.
- 5.4** The summarised capital programme is shown at Appendix 4 together with the sources of finance used. In summary, the Council expended £15.93m on capital projects in 2017/18 utilising £1.70m of capital reserves, £0.51m of capital grants, £0.09m of revenue contributions and £13.64 from borrowing. Following the allocation of capital receipts, primarily from right-to-buy receipts but also including some small asset sales, the balance on capital reserves, both receipts and grants, has reduced to £1.98m as at 31 March 2018 with commitments totalling £23.28m over the next three years. The commercial property investment programme and the regeneration of Tewkesbury Town will require the Council to borrow monies from external sources with the cost of borrowing being financed from new income streams associated with the capital investments. Capital grants are expected to continue to cover the annual cost of the Disabled Facility Grant programme.

## **6.0 RESERVES POSITION**

- 6.1** A breakdown of the reserves of the Council as at 31 March 2018 is shown at Appendix 5. The reserves are grouped under strategic headings so as to provide Members with a better understanding of the actual intended use of the monies set aside. Also included is a breakdown of the previous year's reserves, under the same strategic headings, so as to inform Members about the movement on those reserves in the last two years.
- 6.2** Total revenue reserves of the Council stand at £10.61m as at the end of March 2018 and include earmarked reserves, planning obligations and the general fund working balance. The increase in overall revenue reserves totals £2.56m and is as a result of a number of factors:
- In year surplus within the general fund including external grant funding as highlighted in section 2.
  - Developer contributions, expenditure against contributions already received and expenditure on existing reserves of £1.01m.
- 6.3** Where significant movements have occurred during the year, a note in Appendix 5 has been included, to explain the reason for the movement. Members are asked to approve the balances on the reserves for the new financial year.

## **7.0 OTHER OPTIONS CONSIDERED**

- 7.1** None.

## **8.0 CONSULTATION**

- 8.1** None.

**9.0 RELEVANT COUNCIL POLICIES/STRATEGIES**

9.1 Council Plan 2016-20.

**10.0 RELEVANT GOVERNMENT POLICIES**

10.1 None directly.

**11.0 RESOURCE IMPLICATIONS (Human/Property)**

11.1 None directly.

**12.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)**

12.1 Linked to individual Council Plan actions.

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

13.1 Linked to individual Council Plan actions.

**14.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS**

14.1 Council Plan 2012-16 approved by Council 19 April 2016.

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**Background Papers:** None

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**Appendices:** Appendix 1 – Overview and Scrutiny Committee review.  
Appendix 2 – Council Plan Performance Tracker Qtr 4 2017/18.  
Appendix 3 - Revenue Budget.  
Appendix 4 - Capital Budget.  
Appendix 5 – Reserves.




**Questions raised by Overview and Scrutiny Committee at meeting held on  
12 June 2018**

Questions raised by Overview and Scrutiny	Response from officers
<b>Performance Tracker - Priority: Finance and Resources</b>	
<p>P56 – Objective 3 – Action b) – Undertake a review of the discretionary trade waste service to ensure that it is operating on a viable commercial level – A Member raised concern that this action had been delayed and he questioned why it was not being prioritised given that this had been highlighted as a potential opportunity to generate money for the Council. He also questioned why the results of the marketing exercise had not been brought to Members so they could at least see what had been done to date.</p>	<p>The Head of Community Services explained that, whilst waiting for the final Association for Public Service Excellence (APSE) report that had been commissioned by the Council, it had been intended to do some initial marketing to try to uplift the amount of trade waste contractors; unfortunately, this had been delayed by an Officer going on maternity leave, which obviously could not be planned for. Notwithstanding this, a different report had been commissioned by Ubico on behalf of the Joint Waste Team and it was felt that it may be advantageous to see if there were opportunities for joint working. One of the partners was looking at the potential for a county-wide service and conversations were taking place with them to establish if this would be more beneficial than Tewkesbury Borough Council running its own service. He advised that the garden waste project was now in its final stages so there would be additional resources available for the trade waste project and he confirmed that the results would be brought back to Members by December 2018.</p>
<p>P57 – Objective 4 – Action b) Deliver the Council's asset plan – A Member noted that the MAFF and Prior's Park garage sites were included in the list of items within the plan but neither had been delivered and therefore he did not feel a happy face was justified.</p>	<p>The Head of Finance and Asset Management explained that, overall, delivery of the asset plan was on track. A report on the MAFF site would be considered by the Executive Committee in July and there was ongoing engagement and discussion with Severn Vale Housing Society in relation to the Prior's Park garage sites which could be brought back to Members as it developed.</p>
<b>Performance Tracker – Priority: Economic Development</b>	
<p>Page No. 62 – Objective 4 – Action a) Develop a regeneration plan for Tewkesbury Town – A Member noted that the target date had been amended and questioned the significance of the new September date.</p>	<p>The Head of Development Services advised that this was in line with the Tewkesbury Town Regeneration Partnership meeting. She explained that there was a draft plan which had been shared with the Partnership but it was important to ensure it was right before it was made public.</p>


<p>Page No. 62 – Objective 4 – Action b)          Deliver a programme with partners to progress Healings Mill and other key sites to support the regeneration of Tewkesbury – A Member raised concern that it was taking some time to draw up a programme of action and sought clarification as to why.</p>	<p>The Head of Development Services explained that the action plan was constantly moving and a number of conversations were taking place with various parties including the owner, Homes England, the Environment Agency and Historic England etc. The Council’s new Conservation Officer had been tasked with looking at the conservation and heritage aspect of the programme. Unfortunately, a lot of things were out of the Council’s control but she provided assurance that Officers would continue to drive the project forwards.</p>
<p><b>Performance Tracker – Priority: Housing</b></p>	
<p>P67 – Objective 3 – Action b) Work with partners, infrastructure providers and developers to progress the delivery of key sites – A Member questioned why there was a happy face against the progress when the comments section stated that the JCS transport strategy (May 2017) had identified requirements for strategic allocations but funding had not been secured for the A38/A40 link road which was a key piece of infrastructure.</p>	<p>The Head of Development Services advised that this action was multi-faceted and covered several different sites. There had been positive discussions in respect of other sites which was the reason it was considered to be performing well and Officers continued to look at other opportunities for funding across the board. The Member was of the view that the happy face was not appropriate given that the link road was a major piece of infrastructure which would affect three of the strategic allocations. The Deputy Chief Executive took this point and indicated that the action could be split up and he undertook to ensure this was reflected in future reports.</p>
<p>P68 – Objective 4 – Action b) Deliver 150 affordable homes each year – Whilst it was commendable that 233 affordable homes had been delivered, a Member questioned whether the target had been set too low.</p>	<p>The Head of Community Services advised that the target that had been set was a realistic one based on what it was thought could be delivered. Officers were reviewing the target to reflect what the Council could deliver with its partners. The Chief Executive indicated that this was something which had also been picked up by the Executive Committee. It was accepted that the target needed to be refined to split up the different housing types and tenures so that it was more meaningful for Members.</p>

<b>Performance Tracker – Priority: Customer-focused services</b>	
<p>P74 – Objective 1 – Action c) Review garden waste arrangements to improve the renewal and payment process – A Member noted that the new garden waste project had generated over £722,000 and she questioned how much it had cost to implement.</p>	<p>The Head of Community Services indicated that he did not have that information to hand but he would update Members following the meeting.</p>
<b>Key Performance Indicators for Priority: Customer Focused Services</b>	
<p>P84 – KPI 29 – Percentage of waste recycled or composted – A Member noted that progress was being made with the construction of the ‘Energy from Waste’ plant at Javelin Park and he queried how this would affect the Council’s performance.</p> <p>Another Member indicated that supermarkets had made a commitment to reduce the amount of packaging used by 40% by 2020 and, although the percentage was less than the previous year, the amount of waste which could be recycled was also less so the fact the target for the year had been exceeded was very positive.</p>	<p>The Head of Community Services advised that there had been a reduction in recycling rates where ‘Energy from Waste’ plants had been set up in other parts of the country. Nevertheless, the Council would continue to promote and encourage recycling. He reminded Members that recycling was only one part of the waste hierarchy – the first option was to either not use or re-use; therefore, in an ideal situation there would be no waste to recycle or take to landfill. It was noted that ‘Energy from Waste’ would reduce landfill to zero.</p>

## Council Plan Performance Tracker and Key Performance Indicators 2017-18 Progress Report (Quarter 4)

Council Plan tracker actions/ KPI progress key:		KPI direction of travel key:	
	Action progressing well/ PI on or above target	↑	PI is showing improved performance on previous year
	Action has some issues/delay but not significant slippage/ PI below target but likely to achieve end of year target	↔	PI is on par with previous year performance
	Significant risk to not achieving the action or there has been significant slippage in the timetable, or performance is below target/ PI significantly below target and unlikely to achieve target	↓	PI is showing performance is not as good as previous year
	Project has not yet commenced/ date not available or required to report		
✓	Tracker action is complete or annual target achieved		

### PRIORITY: FINANCE AND RESOURCES

Actions	Target date	Responsible Officer/Group	Progress to date	Comment
<b>Objective 1. Start on the path to being financially independent of the government's core grants.</b>				
a) Deliver the council's transformation programme.	Target date: March 2018	Corporate Leadership Team (CLT) Gill Blackwell Lead Member for Organisational Development		Delivery is monitored by the Transform Working Group. There are a number of projects across the key themes of the programme which all have different delivery dates. Significant projects in progress include the refurbishment of the Public Service Centre (incl. Growth Hub), Spring Gardens/Oldbury Road regeneration, review of garden waste, new on-line forms and review of the planning service. The progress in delivering these individual projects may vary but overall the transformation programme is delivering its objectives.
b) Implement a Fees and Charges Strategy to maximise return in the medium term.	Target date: February 2018	Head of Finance & Asset Management Ron Furolo Lead Member for Finance and Asset Management	✓	Strategy approved by Executive in April 2017. Timetable for ensuring fees and charges are reviewed and considered by each service on an annual basis aligns with the budget cycle and allows for publicity and communication with customers prior to their implementation on 1 April.

**PRIORITY: FINANCE AND RESOURCES**



Actions	Target date	Responsible Officer/Group	Progress to date	Comment
<b>Objective 1. Start on the path to being financially independent of the government's core grants.</b>				
c) Produce a balanced budget in light of elimination of the revenues support grant.	Target date: February 2018	Head of Finance and Asset Management  Ron Furolo Lead Member for Finance and Asset Management	✓	Budget proposal was approved at Council on 20 February. The proposal is balanced despite the £1.6m deficit.
<b>Objective 2. Maintain a low council tax.</b>				
28 Produce a medium term strategy which ensures that council tax remains in the lowest quartile nationally.	Target date: December 2017	Head of Finance & Asset Management  Ron Furolo Lead Member for Finance and Asset Management	✓	Annual Medium Term Financial Strategy was approved at Council in December 2017. This contained an example council tax strategy which, while proposing increases on an annual basis, resulted in the council tax remaining within the lowest national quartile.  The council tax set for 2018/19 was at a level of £114.36. Whilst this was a £5 (4.57%) increase, the level set remained as the fifth lowest in England for a Shire District, is £44 below the lowest quartile threshold and is £70 below the Shire District national average.

**PRIORITY: FINANCE AND RESOURCES**

Actions	Target date	Responsible Officer/Group	Progress to date	Comment
<b>Objective 3. Investigate and take appropriate commercial opportunities.</b>				
<p>a) Deliver the aims and objectives of the commercial property investment strategy.</p> <p>29</p>	<p>Target date: March 2018</p>	<p>Corporate Leadership Team (CLT) Gill Blackwell Lead Member for Organisational Development and Ron Furolo Lead Member for Finance and Asset management</p>	<p>✓</p>	<p>The council has been successful in acquiring an additional three properties to add to the portfolio at a cost of circa £13.6m with an average net initial yield of 5.99%. Portfolio is now worth £31.09m and generates over £1.9m gross income. A net return, after deducting financing costs, of £1.15m is available to support the council budget in 2018/19.</p> <p>A balance of £15m is available for further investment and the Council continues to work with its advisors to identify and secure appropriate acquisitions.</p>
<p>b) Undertake a review of the discretionary trade waste service to ensure it is operating on a viable commercial level.</p>	<p>Target date: <del>April 2017</del> July 2017 <del>August 2017</del> April 2018 December 2018 (revised date)</p>	<p>Head of Community Services  Jim Mason Lead Member for Clean and Green Environment</p>	<p>☹</p>	<p>The final report has been received. Officers are now considering the outputs, implications and any subsequent actions. A light touch marketing exercise has been commenced but is being delayed by maternity leave.</p> <p>This project is now being discussed with the joint waste team to ascertain if there is any benefits in working together.</p>



**PRIORITY: FINANCE AND RESOURCES**

Actions	Target date	Responsible Officer/Group	Progress to date	Comment
<b>Objective 4. Use our assets to provide maximum financial return.</b>				
a) Put in place a plan to regenerate Spring Gardens          30	Target date: <del>December 2017</del> September 2018 (revised date – reported to O&S 20 March)	Head of Finance and Asset Management  Ron Furolo Lead Member for Finance and Asset Management		Tender specification detail currently being drafted for the appointment of specialist advisors to support the council through this project. Appointment of a development partner to follow thereafter.
b) Deliver the council's asset plan.	Target date: March 2018	Head of Finance & Asset Management  Ron Furolo Lead Member for Finance and Asset Management		Delivery of plan in final quarter has included: <ul style="list-style-type: none"> <li>• Completion of PSC top floor refurbishment</li> <li>• Agreement of scope of works and undertaking of first phase of PSC ground floor refurbishment</li> <li>• Architects engagement on a number of sites including MAFF and Priors Park garage site</li> <li>• Landlord inspection schedule established</li> <li>• Planned asset maintenance programme review initiated</li> <li>• Tenant secured for partial use of Lower Lode Depot</li> <li>• Digitisation of burial records</li> </ul>

### Key performance indicators for priority: Finance and resources

KPI no.	KPI description	Outturn 2016-17	Target 2017-18	Outturn Q1 2017-18	Outturn Q2 2017-18	Outturn Q3 2017-18	Outturn Q4 2017-18	Direction of travel	Traffic light icon	Comment	Portfolio Lead / Head of service
1	Percentage of creditor payments paid within 30 days of receipt.	94.74%	94.00%	95.18%	94.70%	94.55%	94.56%	↔	☺	The percentage has remained stable over the year and is above target for the year.	Lead Member Finance and Asset Management/ Simon Dix
2	Outstanding sundry debt in excess of 12 months old.	£33,566	£50,000	£38,317	£43,351	£47,956	£27,659	↑	☺	A lot of work has been done in Finance to clear old debts bringing the figure down to under £30k for the first time this year.	Lead Member Finance and Asset Management/ Simon Dix

### PRIORITY: ECONOMIC DEVELOPMENT

Actions	Target date	Reporting Officer/Group	Progress to date	Comment
<b>Objective 1. Be the primary growth engine of Gloucestershire's economy.</b>				
a) Seek approval and implement year one of the Economic Development and Tourism Strategy	Target date: June 2018	Head of Development Services  Rob Bird Lead Member for Economic Development/ Promotion	☺	The Economic Development and Tourism Strategy was approved at Executive committee in June 2017.  Implementation of annual delivery plan – activities this quarter include: <ul style="list-style-type: none"> <li>• Growth Hub development (see action below)</li> <li>• New Growth and Enterprise Manager appointed</li> <li>• LEADER funding continuing to be allocated</li> <li>• Presentation at business breakfast at Theoc House</li> <li>• New Battle Trail leaflet produced</li> </ul>

				<ul style="list-style-type: none"> <li>• New Winchcombe Marketing Plan produced and adopted by Winchcombe Town Council</li> <li>• Funding bid submitted to Discover England to develop new itineraries across Cotswolds</li> </ul>
b) Develop and launch a business growth hub in the Public Services Centre	Target date: <del>Spring 2018</del> July 2018 (revised date)	Head of Development Services  Rob Bird Lead Member for Economic Development/ Promotion	☹	<ul style="list-style-type: none"> <li>• Build in progress</li> <li>• Workshop with Heads of Service and Operational Managers held</li> <li>• Governance structure in place</li> <li>• Ongoing meetings with other Hub providers</li> <li>• Soft opening in June/July with official launch in September</li> </ul>

**PRIORITY: ECONOMIC DEVELOPMENT**

Actions	Target date	Reporting Officer/Group	Progress to date	Comment
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**Objective 2. Identify and deliver employment land within the borough.**




a) Allocate and deliver employment land through the JCS and Tewkesbury Borough Plan.	JCS target date: Winter 2017	Head of Development Services	☺	<p>The JCS was adopted on 11<sup>th</sup> December 2017. This sets out a requirement to deliver a minimum of 192ha of B class employment land and 39,500 jobs over the plan period to 2031.</p> <p>The JCS identifies strategic allocations which include a significant amount of employment land (112ha). The plan also sets out general policies to manage the development of employment land in the Borough</p>
	<del>Borough plan target date: Winter 2017</del> Spring/ Summer 2019 (previously reported to O&S)	Elaine MacTiernan Lead Member for the Built Environment	☺	<p>The Tewkesbury Borough Plan will identify further employment sites which will be informed by the Employment Land Review. As part of the development of the next stage of the Borough Plan the potential employment sites are now being assessed to see if they would make sustainable allocations. Much of this work has been undertaken by officers, but further evidence base studies (Green Belt, flood risk, landscape) have been commissioned to provide further information to develop a set of preferred options.</p>

				Slight delays on the Preferred Options plan, containing employment allocations, being presented to Council. This is due to additional work being carried out with the member working group. It is anticipated to go to Council in July 2018.
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**PRIORITY: ECONOMIC DEVELOPMENT**

Actions	Target date	Reporting Officer/Group	Progress to date	Comment
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**Objective 3. Maximise the growth potential of the M5 junctions within the borough.**

33	a) Produce a vision for the J9 area.	Target date: <del>March 2017</del> <del>March 2018</del> <del>June 2018</del> September 2018 (revised date)	Head of Development Services Rob Bird Lead Member for Economic Development/Promotion		Following the Thinking Places consultation. Building Design Partnership (BDP) have completed their first stage report setting out opportunities for future development at the area which will lead to a masterplan for the area to underpin the work of the JCS. The publication is scheduled for this Autumn.
	b) Work with our partners, including the JCS partners and the LEP, to promote the M5 Growth Zone.	Target date: Ongoing as part of County Strategic Economic Plan (ends 2022)	Head of Development Services Rob Bird Lead Member for Economic Development/Promotion		Thinking Places has completed their consultation and work in regard to creating a vision for J9 and the wider area and have reported their initial findings to the J9 Members Working Group.  Along with partners, a response to the DfT Road Investment Strategy (RIS 2) has been sent to highlight the importance of the M5 junctions in TBC area and Gloucestershire as a whole.
	c) Work with partners to build a case for an all-ways M5 junction 10.	Target date: 2021 (approved business case)	Head of Development Services Rob Bird Lead Member for Economic Development/Promotion		A bid for Forward Funding from the Housing Infrastructure Fund was submitted in September for funding to create an all ways M5 junction 10 with associated improvements. This bid has been successful at stage 1 and is now moving towards further evaluation.

**PRIORITY: ECONOMIC DEVELOPMENT**

Actions	Target date	Reporting Officer/Group	Progress to date	Comment
<b>Objective 4. Deliver regeneration for Tewkesbury town.</b>				
a) Develop a regeneration plan for Tewkesbury Town.	Target date: <del>April 2018</del> September 2018 (revised date)	Head of Development Services  Elaine MacTierman Lead Member for Built Environment	☹	The Tewkesbury Town Regeneration Partnership has been re-launched (incorporating the Riverside Partnership) with revised terms of reference and new membership.  A draft masterplan has been produced and shared with the Partnership. The proposal is that this would become supplementary planning document, alongside a shop front guide.
34 b) Deliver a programme with partners to progress Healings Mill and other key sites to support the regeneration of Tewkesbury.	Target date: <del>September 2017</del> <del>January 2018</del> <del>March 2018</del> September 2018 (revised date)	Head of Development Services  Rob Bird Lead Member for Economic Development/Promotion	☹	Officers continue to progress discussions with relevant parties to seek to secure development. Officers have also met with the Environment Agency and Historic England on site to look at the constraints in environmental and flooding terms. A programme of action is being drawn up. A heritage based strategy for the site is being looked at to help deliver the development.
c) Explore the potential for the formation of a retail group to support the vitality and regeneration of the town.	Target date: September 2017	Head of Development Services  Rob Bird Lead Member for Economic Development/Promotion	✓	A Tewkesbury Town Traders retail group was formed in Spring 2017 in Tewkesbury and is led by local businesses. The Economic Development Officer regularly attends meetings to represent the Council but also to understand the retailer's aspirations.

d) Explore with partners – including the Battlefield Society – the potential to increase the heritage offer at the Battlefield site.	Target date: Complete feasibility - <del>December 2017</del> April 2018 September 2018 (revised date)	Head of Development Services Rob Bird Lead Member for Economic Development/Promotion	☹️	The council is working in partnership with University of Gloucestershire to take this piece of work forward, particularly using their experience in digital media.  A feasibility assessment is in progress investigating the potential heritage offer. The original target date has been extended to conclude this work.
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### Key performance indicators for priority: Economic development

KPI no.	KPI description	Outturn 2016-17	Target 2017-18	Outturn Q1 2017-18	Outturn Q2 2017-18	Outturn Q3 2017-18	Outturn Q4 2017-18	Direction of travel	Traffic light icon	Comment	Portfolio Lead / Head of service
35 3	Employment rate 16-64 year olds.	83.7%		74.3%						74.3% relates to 40,800 people within the borough. This is just above the national rate of 74.2%.  (Source: ONS April 2016 – Mar 2017. Current figures)	Leader Member Economic Development/ Annette Roberts
4	Claimant unemployment rate.	1.0%		0.9%	0.9%	0.8%	0.9%			0.9% relates to 475 people within the borough. This rate is below the county rate of 1.0%  (Source: ONS)	Leader Member Economic Development/ Annette Roberts
5	Number of business births.	460 (2015 figure)				480 (2016 figure)					Leader Member Economic Development/ Annette Roberts
6	Number of business deaths	335 (2015 figure)				515 (2016 figure)					

7	Number of visitors to Tewkesbury Tourist Information Centre (TIC)	32,270	31,000	9,751	11,808 (Q1 & Q2: 21,559)	4,180 (Q1 - Q3: 25,739)	3,295 (Q1 - Q4 29,034)	↓	☹	Due to a wet and snowy quarter figures were slightly down on the previous year	Leader Member Economic Development/ Annette Roberts
8	Number of visitors to Winchcombe Tourist Information Centre (TIC)	10,316	10,000	4,002	4,233 (Q1 & Q2: 8,235)	1,172 (Q1 - Q3: 9,407)	506 (Q1 - Q4 9,913)	↓	☹	Due to a wet and snowy quarter, figures were slightly down on the previous year	Leader Member Economic Development/ Annette Roberts

## PRIORITY: HOUSING

Actions	Target date	Reporting Officer/Group	Progress to date	Comment
<b>Objective 1. Increase the supply of suitable housing across the borough to support growth and meet the needs of our communities.</b>				
a) Continue working with our partner councils to ensure the Joint Core Strategy is adopted.	Target date: Winter 2017	Head of Development Services Elaine MacTiernan Lead Member for the Built Environment	✓	All three councils adopted the JCS with Cheltenham Borough Council being the final council, on 11 December 2017.
b) Develop the Tewkesbury Borough Plan.	Target date: <del>Winter 2018</del> Spring/ Summer 2019 (previously reported to O&S)	Head of Development Services Elaine MacTiernan Lead Member for the Built	☺	The timetable for the Tewkesbury Borough Plan (TBP) has been inextricably linked to the JCS. Focus has been on progressing the JCS and this has had the knock-on impact of delaying progress of the plan. A number of Neighbourhood Plans are also being progressed which require significant resource from the team.  It is anticipated that Council approval for the Preferred Options Borough Plan will take place in July 2018.

		Environment		<p>Estimated timetable for the TBP to adoption is:</p> <ul style="list-style-type: none"> <li>• Preferred Options Consultation- Summer 2018</li> <li>• Pre-Submission Consultation- Autumn 2018</li> <li>• Submission to Secretary of State- Winter 2018</li> <li>• Examination in Public- Winter/Spring 2018/19</li> <li>• Adoption- Spring/ Summer 2019</li> </ul>
37	c) Support Neighbourhood Development Plans (NDP) across the borough where communities bring them forward.	Target date: March 2018	<p>Head of Development Services</p> <p>Elaine MacTiernan Lead Member for the Built Environment</p>	<p style="text-align: center;">✓</p> <p>A total of 14 neighbourhood areas have now been designated across 16 parishes.</p> <p>The Gotherington NDP was subject to examination in April 2017 and was successfully voted through at its referendum on 20 July 2017. The NDP has now been formally 'made' by the Council.</p> <p>Twynning NDP was also successfully voted through at its referendum on 1 March 2018 and has now been formally 'made by the Council.</p> <p>Alderton NDP has now been successful at examination and the Executive Committee have approved to send the plan to referendum in Summer 2018.</p> <p>A number of other plans are also advancing and officers have been working with, Ashchurch Rural, Churchdown and Innsworth, Down Hatherley, Norton and Twigworth, and neighbourhood plan groups.</p>



**PRIORITY: HOUSING**

Actions	Target date	Reporting Officer/Group	Progress to date	Comment
<b>Objective 2. Achieve a five year supply of land.</b>				
a) Ensure adequate land is allocated within the Joint Core Strategy and Tewkesbury Borough Plan to meet housing needs.	Target date: Winter 2017 (JCS) Spring/ summer 2019 (TBP)	Head of Development Services  Elaine MacTiernan Lead Member for the Built Environment	☺	The JCS was adopted on 11 <sup>th</sup> December 2017. Where adequate land was allocated to meet the housing needs.  It is anticipated that Council approval for the Preferred Options Borough Plan will take place in July 2018 before going out to public consultation.  The most recently published Housing Land Supply Statement (June 2017) sets out that the Borough currently has at least a 5.3 year supply of housing land.
b) Continue to promote sustainable development throughout the borough.	Target date: Winter 2017 (JCS) Spring/ Summer 2019 (TBP)	Head of Development Services  Elaine MacTiernan Lead Member for the Built Environment	☺	The JCS was adopted in December 2017 and achieved its Winter 2017 target. However, the TBP will now follow the JCS and is being developed to reach adoption in Spring/Summer 2019. Therefore there has been a need to change the target date against this objective.

**PRIORITY: HOUSING**

Actions	Target date	Reporting Officer/Group	Progress to date	Comment
<b>Objective 3. Deliver the homes and necessary infrastructure to create new sustainable communities in key locations.</b>				
a) Monitor annually the delivery of homes within the borough.	Target date: March 2018	Head of Development Services Elaine MacTiernan Lead Member for the Built Environment	✓	The 2016/17 monitoring has now been completed and the report was published onto the council's website in June 2017. This report provides information on how many homes have been delivered within this year.  Monitoring for the 2017/18 year is underway and the next report will be published in June 2018.
39 b) Work with partners, infrastructure providers and developers to progress the delivery of key sites.	Target date: March 2018	Head of Development Services Elaine MacTiernan Lead Member for the Built Environment	😊	JCS transport strategy (May 2017) identified key transport infrastructure requirements for strategic allocations.  Government Growth Deal Funding has been received to fund two programmes; infrastructure for a new Cyber Business Park in West Cheltenham and improvements to traffic flow and release of land for housing at Longford. The total amount of funding received is £26.53m. Both projects are progressing with the input of officers.  M5 J9/Ashchurch visioning (thinking place) and master planning project (BDP) will be published shortly. This will be important piece of work in determining development potential in the area that will feed into the JCS review.  There is an active Junction 9 working group considering the options for the delivery of the project.

**PRIORITY: HOUSING**

Actions	Target date	Reporting Officer/Group	Progress to date	Comment
<b>Objective 4. Deliver affordable homes to meet local need.</b>				
<p>a) Implement year one of the Housing and Homelessness Strategy</p> <p>40</p>	<p>Target date: 31 March 2018</p>	<p>Head of Community Services</p> <p>Julie Greening Lead Member for Health and Wellbeing</p>	<p>✓</p>	<p>The first year of the Homeless strategy Action Plan has now concluded. Year two action plan has agreed by the Executive committee. The new action plan is a 15 month plan to realign the plan to the municipal year rather than the calendar year.</p> <p>Successful activity this quarter includes:</p> <ul style="list-style-type: none"> <li>• An application for Challenge 1 of the Gold Standard was submitted in December 2017 and the authority received a Bronze award and will continue working towards the Gold Standard.</li> <li>• Lead authority on Places of Safety contract</li> <li>• The county housing first service for chaotic entrenched rough sleepers is now taking referrals in year one of the three year project.</li> <li>• Colleague training and a new database has been introduced in preparation for the new Homelessness Reduction Act (HRA) which takes effect in April 2018.</li> <li>• Best practice has been discussed with the Preferred Providers for the JCS developments – allocations + enforcement</li> </ul>
<p>b) Deliver 150 affordable homes each year.</p>	<p>Target date: 31 March 2018</p>	<p>Head of Community Services</p> <p>Elaine MacTiernan Lead Member for the Built Environment</p>	<p>✓</p>	<p>There have been 55 properties delivered in Q4 comprising of 31 Shared Ownership (SO), 20 Affordable Rented (AR) and four Social Rented. They have been in Highnam, Brockworth, Bishops Cleeve, Twynning, Longford, Wheatpieces, and Tewkesbury.</p> <p>We have also been notified of 6 SO (Q2, Bishops Cleeve), 19 SO (Q3, Brockworth) and three AR (Q3, Highnam) that providers had not informed us of previously. The total for 2017-18 is therefore 233.</p>

c) Work in partnership to prevent residents becoming homeless.	Target date: 31 March 2018	Head of Community Services  Julie Greening Lead Member for Health and Wellbeing	✓	Housing services is actively participating in partnerships with other local districts, other public agencies such as the Police Crime Commissioner, Glos County, and the Glos Clinical Commissioning Group for:  Domestic abuse services, target hardening and sanctuary work, and the housing first model.  We continue to work closely within internal partners such as Revenues and Benefits and Environmental Health to make best use of the Discretionary Housing Payments funds and ensure that properties are suitable for our residents.
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### Key performance indicators for priority: Housing

KPI no.	KPI description	Outturn 2016-17	Target 2017-18	Outturn Q1 2017-18	Outturn Q2 2017-18	Outturn Q3 2017-18	Outturn Q4 2017-18	Direction of travel	Traffic light icon	Comment	Portfolio Lead / Head of service
41 9	Total number of homeless applications presented	119		28	23 (Q1 & Q2: 51)	33 (Q1,Q2 & Q3: 84)	23 (Q1-Q4: 107)	↑		The number of households presenting as homeless during the fourth quarter has fallen slightly – and the year's total is lower than 2016/17. This is probably linked to the rise in successful homeless preventions.	Lead Member Health and Wellbeing/ Peter Tonge
10	Total number of homeless applications accepted	61		16	10 (Q1 & Q2: 26)	24 (Q1,Q2 & Q3: 50)	11 (Q1-Q4: 61)	↔		The number of accepted homeless applications has remained the same as 16/17	Lead Member Health and Wellbeing/ Peter Tonge

11	Total number of active applications on the housing register	<b>2196</b> 1196 – 1 bed 668 – 2 bed 231 – 3 bed 83 – 4 bed 15 – 5 bed 3 – 6 bed+		<b>2367</b> 1283 – 1 bed 725 – 2 bed 245 – 3 bed 96 – 4 bed 15 – 5 bed 3 – 6 bed	<b>2017</b> 1066 – 1 bed 632 – 2 bed 226 – 3 bed 76 – 4 bed 15 – 5 bed 2 – 6 bed	<b>1886</b> 979 – 1 bed 599 – 2 bed 222 – 3 bed 70 – 4 bed 15 -5 bed 1 – 6 bed	<b>1939</b> 1012 – 1 bed 614 2 bed 227 – 3 bed 71 – 4 bed 14 – 5 bed 1 - 6 bed			The breakdown of bands is: Gold – 120 Silver – 562 Bronze – 1210 Emergency - 39 The numbers registered with Choice Based Lettings have risen slightly on last quarter but remain lower than the end of last year following the review and removal of dormant applications.	Lead Member Health and Wellbeing/ Peter Tonge
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**Key performance indicators for priority: Housing**

KPI no.	KPI description	Outturn 2016-17	Target 2017-18	Outturn Q1 2017-18	Outturn Q2 2017-18	Outturn Q3 2017-18	Outturn Q4 2017-18	Direction of travel	Traffic light icon	Comment	Portfolio Lead / Head of service
12	Total number of homeless prevention cases	187		62	45 (Q1 & Q2: 107)	57 (Q1,Q2 & Q3: 164)	63 (Q1-Q4: 227)	↑		This has been another successful quarter for preventing both homeless applications and homeless acceptances through positive interventions. We have assisted more households to avoid homelessness than previously recorded.	Lead Member Health and Wellbeing/ Peter Tonge

13	Percentage of 'major' applications determined within 13 weeks or alternative period agreed with the applicant.	82.50%	80%	90.90%	80%	88.51%	89.58%	↑	😊	<p>Excellent performance throughout the year with both target and last year's out-turn being exceeded. Reflects a real focus on major application workload and good relationships with customers.</p> <p>During this year a total of 48 'major' applications have been determined of which 42 were determined within 13 weeks or the agreed timescale with the applicant.</p>	Lead Member Built Environment/ Annette Roberts
43 14	Percentage of 'minor' applications determined within 8 weeks or alternative period agreed with the applicant.	70.55%	90%	66.04%	68.29%	73.89%	78.42%	↑	😞	<p>Continued and significant improvement throughout the year, far exceeding last years out-turn.</p> <p>During this year a total of 241 'minor' applications have been determined of which 189 were determined within 8 weeks or the agreed timescale with the applicant.</p>	Lead Member Built Environment/ Annette Roberts
15	Percentage of 'other' applications determined within 8 weeks or alternative period agreed with the applicant.	88.66%	90%	90.19%	90.15%	91.11%	91.32%		😊	<p>Consistently excellent performance over the course of the year, exceeding target and improving on last year's out-turn. Speed of decisions has been positively impacted by</p>	Lead Member Built Environment/ Annette Roberts

										<p>the new technical officer posts which provides support to officers and carries out the validation of applications.</p> <p>During this year a total of 599 'other' applications have been determined of which 547 were determined within 8 weeks or the agreed timescale with the applicant.</p>	
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**PRIORITY: CUSTOMER FOCUSED SERVICES**

Actions	Target date	Reporting Line	Progress to date	Comment
<b>Objective 1. Maintain and improve our culture of continuous service improvement.</b>				
a) Deliver improvements through a review of the Revenues and Benefits service	Target date: January 2018	Head of Revenues and Benefits Gill Blackwell Lead Member for Organisational Development	✓	<p>The main phase of the Revenues and Benefits team restructure is complete. A new management structure is in place supported with an overall reduction in the number of FTE within the benefits team. As routine business, the team structure will remain under review to ensure it is fit for purpose and responsive to changes resulting from legislative changes and customer requirements.</p> <p>Improvements to processes are taking place, including improved staff engagement, policy reviews and customer focus activities such as e-billing, pilot of webchat and online forms are in the pipeline.</p>

<p>b) Deliver the enviro-crimes action plan, with a particular focus on fly-tipping and dog fouling</p>	<p>Target date: March 2018</p>	<p>Head of Community Services  Jim Mason Lead Member for the Clean and Green Environment</p>	<p>😊</p>	<p>The requirements of the enviro crime strategy continue to be implemented. The majority of actions within the plan relate to establishing the mechanisms, procedures and joint working protocols which allow the Council to target those responsible for Enviro-Crime. These mechanisms, procedures and joint working protocols have been implemented and will now be refined based on officers experience and feedback from strategic partners.</p> <ul style="list-style-type: none"> <li>• Officers continue to successfully issue fixed penalty notices, 24 were issued in 2017/2018</li> <li>• There were six prosecutions taken in 2017/18 resulting in a total of £5052 in fines.</li> <li>• In March 2018 a Public Space Protection Order was approved by Executive and Full Council in April 2018. The Order requires those in control of dogs to pick up after them and be able to produce on request a means of picking up after their dog. Officers are in the process of designing a specific campaign to educate the public on the new powers.</li> <li>• Preliminary discussions have been held with the Police, EA and NFU regarding joint initiatives for 2018/19. Further discussions and more detailed planning will take place in April 2018</li> </ul>
<p>c) Review garden waste arrangements to improve the renewal and payment process</p>	<p>Target date: March 2018</p>	<p>Head of Corporate Services  Jim Mason Lead Member for the Clean and Green Environment</p>	<p>✓</p>	<p>To date, over 16,300 sticker licences have been purchased generating income in excess of £722k. 70% of renewals have been completed on-line. Annual renewals continue to be received on a daily basis.</p>



**PRIORITY: CUSTOMER FOCUSED SERVICES**




Actions	Target date	Reporting Line	Progress to date	Comment
<b>Objective 2. Develop our customer service ethos to ensure that we deliver to the needs of residents.</b>				
a) Improve the quality of our website self-serve forms	Target date: March 2018	Head of Corporate Services Mike Dean Lead Member for Customer Focus		A number of self-serve forms have been updated during the year, for example; <ul style="list-style-type: none"> <li>• Missed bins</li> <li>• Business grant application</li> <li>• Job application</li> <li>• Community support request</li> <li>• Food business application</li> </ul> The overall effectiveness of the website continues to be reviewed.
b) Roll out a programme of customer services training for staff across the council, including an appraisal of our complaint system.	Target date: <del>March 2017</del> <del>September 2017</del> May 2018 (reported to O&S 20 March)	Head of Corporate Services Mike Dean Lead Member for Customer Focus		Customer service training is now programmed for front line staff – over 50 staff will be attending training late May/early June. In addition, complaints handling training took place during 2017 for operational managers. The complaints system is well signposted and provides accurate performance monitoring and reporting information for both management team and O&S committee. This will be subject to an annual review to ensure the internal processes continue to operate effectively.

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**Objective 3. Further expansion of the Public Services Centre (bring in other partners).**

<p>a) Deliver the Public Services Centre refurbishment project.</p>	<p>Target date: <del>March 2018</del> June 2018 August 2018 (reported to O&amp;S 20 March)</p>	<p>Head of Finance &amp; Asset Management  Ron Furolo Lead Member for Finance and Asset Management</p>	<p>😊</p>	<p>Refurbishment works to top floor has now been completed. Works to the ground floor and entrance to offices now agreed within the allocated finances. Works commenced 1<sup>st</sup> February with an estimated programme of 29 weeks. Reception areas and business hub to be completed by the middle of June with civic suite and externals completed by the end of August.</p>
<p>b) To let out the top floor of the Public Services Centre.</p>	<p>Target date: <del>March 2018</del> December 2018 (revised date)</p>	<p>Head of Finance and Asset Management  Ron Furolo Lead Member for Finance and Asset Management</p>	<p>☹️</p>	<p>No tenants have come forward from the market to occupy the remaining two units of top floor. New agents to be appointed in the first quarter 2018-19.  Refurbished top floor space being used as civic suite through ground floor refurbishment works therefore space unavailable for new tenants to occupy the area until September.</p>

## PRIORITY: CUSTOMER FOCUSED SERVICES

Actions	Target date	Reporting Line	Progress to date	Comment
<b>Objective 4. Improve and expand our partnership both public and private sector and explore opportunities to do this.</b>				
4 a) Look at collaborative options for the planning and environmental health services	Target date: Environmental health – <del>December 2017</del> <del>April 2018</del> July 2018 (reported to O&S 20 March)  Planning - <del>December 2017</del> April 2018	Head of Development Services and Head of Community Services  Elaine MacTierman Lead Member for Built Environment and Jim Mason Lead Member for Clean and Green	          	The structure of the Environmental Health team is under review.          Development services review has been approved and is being implemented with posts being appointed to in relation to the Planning Partnership with Gloucester. The Growth & Enterprise Manager has been appointed. Various options for collaboration between Environmental Health and planning are being explored particularly with reference to growth hub delivery.
b) Work with partners to improve digital links between public services to make life simpler for customers.	Target date: March 2018	Head of Corporate Services  Mike Dean Lead Member for Customer Focus		Initiatives delivered during the year include ; <ul style="list-style-type: none"> <li>New online forms developed to improve the way the council works with Ubico, as well as making it easier for customers to report, apply and pay for services.</li> <li>The introduction of PayPoint to enable face-to-face customers to pay for things such as council tax or garden waste in their local communities.</li> <li>Interim work has started on a new building control website</li> <li>The property services help desk is accessible to all PSC customers.</li> </ul>

**PRIORITY: CUSTOMER FOCUSED SERVICES**

Actions	Target date	Reporting Line	Progress to date	Comment
<b>Objective 5. To improve customer access to our services and service delivery through digital methods.</b>				
a) Deliver a Digital Strategy.	Target date: March 2018	Head of Corporate Services  Mike Dean Lead Member for Customer Focus	☺	The Digital Strategy was approved at Executive Committee on 6 April 2016. As part of this strategy, the digital team is in the process of inviting a number of suppliers in to demonstrate what might be possible in terms of digital platforms for Tewkesbury Borough Council.  In addition, the digital team has produced a digital story and accompanying info-graphic, which tells the story of how far the council has come in terms of digital changes. This has been circulated to councillors, staff and neighbouring districts.
b) Improve and increase the range of digital payment channels available for our customers	Target date: March 2018	Head of Finance and Asset Management  Mike Dean Lead Member for Customer Focus	✓	Implementation of Paypoint channel is now complete and payments are being received. New income system for allocating all payments has also gone live and used for the bulk of garden waste renewals.
c) To improve business continuity, migrate to cloud based Office 365	Target date: December 2017	Head of Corporate Services  Mike Dean Lead Member for Customer Focus	✓	This constitutes phase one of the 365 project and all staff and members email have been moved onto 365.

**Key performance indicators for priority: Customer focused services**

KPI no.	KPI description	Outturn 2016-17	Target 2017-18	Outturn Q1 2017-18	Outturn Q2 2017-18	Outturn Q3 2017-18	Outturn Q4 2017-18	Direction of travel	Traffic light icon	Comment	Portfolio Lead / Head of service
16	Total enquiries logged by the Area Information Centre (AIC).	1595		338	132 (Q1 & Q2 470)	224 (Q1- Q3 694)	214 (Q1- Q4 908)			<p><b>Q1, Q2, Q3, Q4</b>                      Bishops Cleeve 72,24,64, 11                      Brockworth 147, 53,101, 102                      Churchdown 53, 24, 19, 43                      Winchcombe 66, 31, 40, 58</p> <hr/> Total 338, 132, 224, 214	Lead Member Customer Focus/ Graeme Simpson
17	Total number of people assisted within the borough by Citizens Advice Bureau (CAB).	1372		383	735	1,114	1,521			<p>3,002 issues raised compared to 2,885 for the same period last year Q1-Q3). With 75% being about:</p> <p>Benefits 27%                      Debt 20%                      Employment 11%                      Relationships 9%                      Housing 8%</p> <p>Of the 1,521 clients seen this year the heaviest demand was again in Brockworth at 207 (13.5%).</p> <p>The following five wards represent 706 (46%) of all clients seen:                      Brockworth 207                      Tewkesbury Priors Park 145</p>	Lead Member Economic Development/Promotion / Annette Roberts

Cleeve St Michael 135  
Northway 110  
Churchdown St Johns 109

**Key performance indicators for priority: Customer focused services**

KPI no.	KPI description	Outturn 2016-17	Target 2017-18	Outturn Q1 2017-18	Outturn Q2 2017-18	Outturn Q3 2017-18	Outturn Q4 2017-18	Direction of travel	Traffic light icon	Comment	Portfolio Lead / Head of service
18	Financial gain to clients resulting from CAB advice	£390,717		£77,593	£139,391	£198,524	£281,178			During the quarter, clients have benefitted from £82,654 of financial gains (£281,178 across the year)	Lead Member Economic Development/Promotion / Annette Roberts
19	Number of reported enviro crimes	1359	1000	353	176 (Q1 & Q2 529)	181 (Q1 & Q2 & Q3 710)	257 (Q1- Q4 967)	↑	☺	<p>Enviro-Crime figures for Q4:</p> <ul style="list-style-type: none"> <li>fly tips- 133 (75)</li> <li>littering- 4 (1)</li> <li>dog fouling- 51 (38)</li> <li>abandoned vehicles- 35 (28)</li> <li>noise- 34 (39)</li> </ul> <p>There is a noticeable increase in fly tips for the fourth quarter compared with the previous two quarters, however this is still significantly less than in the first quarter.</p> <p>Overall there has been a significant reduction from the previous year.</p>	Lead Member Clean and Green Environment/ Peter Tonge

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**Key performance indicators for priority: Customer focused services**

KPI no.	KPI description	Outturn 2016-17	Target 2017-18	Outturn Q1 2017-18	Outturn Q2 2017-18	Outturn Q3 2017-18	Outturn Q4 2017-18	Direction of travel	Traffic light icon	Comment	Portfolio Lead / Head of service
20	Community groups assisted with funding advice	349		46	32 (Q1 & Q2: 78)	30 (Q1- Q3: 108)	45 (Q1-Q4 153)			<p>Since July 2015 community groups have been supported by the borough to receive £1,127,074 in grants from external funders.</p> <p>In quarter 4 of 2017-2018 the council supported groups to raise £126,400 in external grants.</p>	Lead Member Economic Development/Promotion / Annette Roberts
21	Benefits caseload: a) Housing Benefit b) Council Tax Support	3,974 4,552		3,971 4,536	4,000 4,461	4,008 4,441	3,812 4,368			The number of council tax support claimants has remained consistent. The Housing Benefit caseload is reducing following the move to Universal Credit but not significantly.	Lead Member Finance and Asset Management/ Graeme Simpson
22	Average number of days to process new benefit claims	16.19	16.19	13.22	15.67	14.0	15.47	↑	😊	The benefits team continue to perform above the national average of 21 days.	Lead Member Finance and Asset Management/ Graeme Simpson

**Key performance indicators for priority: Customer focused services**

KPI no.	KPI description	Outturn 2016-17	Target 2017-18	Outturn Q1 2017-18	Outturn Q2 2017-18	Outturn Q3 2017-18	Outturn Q4 2017-18	Direction of travel	Traffic light icon	Comment	Portfolio Lead / Head of service
23	Average number of days to process change in circumstances	5.30	5.30	4.27	3.46	6.0	4.43	↑	☺	Performance remains good, the national average is 9 days.	Lead Member Finance and Asset Management/ Graeme Simpson
24	Percentage of council tax collected	98.24%	98%	29.63%	57.5%	85.6%	97.97%	↓	☺	This has been a year of transition with a new management team in place. There have been long term absences in the team which have impacted on performance. The number of dwellings in the Borough subject to council tax also increased by 1.78% which equates to an additional 716 properties in 2017-18 which has increased the workload of the team.	Lead Member Finance and Asset Management / Graeme Simpson
25	Percentage of NNDR collected	98.97%	98%	33.85%	59.4%	84.8%	98.56%	↔	☺	NNDR (Business Rates) collection is above target and more or less on par with 2016/17.	Lead Member Finance and Asset Management / Graeme Simpson



26	Number of anti-social behaviour incidents	2443		615	600 (Q1- Q2: 1215)	501 (Q1- Q3: 1716)	412 (Q1- Q4:2128)	↑		Over a rolling 12 mth period there has been a decrease in incidents of 8.6%  ..... Some of the decrease can be attributed to proactive interventions by The Anti-social Behaviour Group. Also note that anti-social behaviour figures have decreased nationally.	Lead Member Community/ Peter Tonge
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**Key performance indicators for priority: Customer focused services**

KPI no.	KPI description	Outturn 2016-17	Target 2017-18	Outturn Q1 2017-18	Outturn Q2 2017-18	Outturn Q3 2017-18	Outturn Q4 2017-18	Direction of travel	Traffic light icon	Comment	Portfolio Lead / Head of service
54											
27	Number of overall crime incidents	3070		851	893 (Q1- Q2 1744)	793 (Q1- Q3: 2537)	777 (Q1- Q4 3314)	↓		Over a 12 mth rolling period there has been an increase of 7.3%  ..... Important points for interpreting figures  An increase in the number of crimes recorded by the police does not necessarily mean the level of crime has increased. A change in the way burglaries have been recorded nationally may have contributed to the rise in the figures.  Crime figures nationally remain relatively stable	Lead Member Community/ Peter Tonge

28	Average number of sick days per full time equivalent	7.79	7.0	1.31	2.57 (Q1-Q2 3.88)	3.39 (Q1- Q3: 7.4)	2.73 (Q1-Q4 10.5)	↓	☹️	Total sick days to Qtr 4 = 1838 (1323). Comprising long term 1048.2 (484.1) and short term 789.8 (839.4) – previous year's figures in brackets. Long term sickness equates to av 6.02 days and short term 4.48 days.	Lead Member Organisational Development/ Graeme Simpson
29	Percentage of waste recycled or composted	53.29%	52%	56%	57.48%	55.95%	54.55%	↑	😊	Whilst there has been a slight decrease in recycling this quarter and the corresponding increase in residual waste collected this is likely attributed to the poor weather at the start of the year. Whilst this is the case figures are still positive compared to the previous year and are above target	Lead Member Clean and Green Environment/ Peter Tonge
55 30	Residual household waste collected per property in kgs	411kg	430kg	95kg	94kg (Q1-Q2 189KG)	94kg (Q1- Q3: 283KG)	97.3kg (Q1-4) 380kg	↑	😊		Lead Member Clean and Green Environment/ Peter Tonge
31	Food establishments hygiene ratings	Not measured previously	5% baseline	4.82	4.36	4.30	4.83			There are 629 food hygiene rated premises. Of this 29 are below a food hygiene rating of three meaning improvement is necessary.	Lead Member Clean and Green Environment/ Peter Tonge

# General Fund Outturn by Group 2017/2018

	Budget	Actual	Savings / (Deficit)	Variance	Notes
<b>Chief Executive</b>					
Employees	£241,157	£241,156	£1	0.00%	
Premises	£0	£0	£0	-	
Transport	£2,898	£2,356	£542	-18.70%	
Supplies & Services	£4,132	£4,066	£66	-1.59%	
Payments to Third Parties	£2,000	£0	£2,000	-100.00%	
Income	£0	£0	£0	-	
<b>TOTAL</b>	<b>£250,187</b>	<b>£247,579</b>	<b>£2,608</b>	<b>-1.04%</b>	

	Budget	Actual	Savings / (Deficit)	Variance	
<b>Community</b>					
Employees	£1,013,123	£1,004,252	£8,871	-0.88%	
Premises	£2,500	£663	£1,837	-73.48%	
Transport	£35,284	£30,944	£4,340	-12.30%	
Supplies & Services	£155,744	£129,389	£26,355	-16.92%	
Payments to Third Parties	£4,197,547	£4,312,787	<b>-£115,240</b>	2.75%	1
Income	<b>-£1,824,800</b>	<b>-£2,350,247</b>	£525,447	28.79%	2
<b>TOTAL</b>	<b>£3,579,398</b>	<b>£3,127,788</b>	<b>£451,610</b>	<b>-12.62%</b>	

1. Provision made in respect of on-going court proceedings
2. External grants for homelessness prevention in addition to the Places of Safety funding for Gloucestershire for which Tewkesbury is the accountable body

	Budget	Actual	Savings / (Deficit)	Variance	
<b>Corporate Services</b>					
Employees	£1,665,669	£1,740,290	<b>-£74,621</b>	4.48%	3
Premises	£0	£0	£0	-	
Transport	£16,951	£14,727	£2,224	-13.12%	
Supplies & Services	£479,695	£461,700	£17,995	-3.75%	
Payments to Third Parties	£111,720	£79,467	£32,253	-28.87%	
Transfer Payments - Benefits Service	£47,963	£87,439	<b>-£39,476</b>	82.30%	
Income	<b>-£489,268</b>	<b>-£541,838</b>	£52,570	10.74%	4
<b>TOTAL</b>	<b>£1,832,730</b>	<b>£1,841,783</b>	<b>-£9,053</b>	<b>0.49%</b>	

3. Overspend is in relation to requirement to backfill individuals on sick leave plus reduced savings associated with the Revenues and Benefits review as a result of limited impact of the transfer to Universal Credit
4. New Burdens grant received in year

	Budget	Actual	Savings / (Deficit)	Variance	
<b>Democratic Services</b>					
Employees	£247,331	£190,440	£56,891	-23.00%	5
Premises	£0	£0	£0	-	
Transport	£17,888	£15,012	£2,876	-16.08%	
Supplies & Services	£449,510	£408,418	£41,092	-9.14%	6
Payments to Third Parties	£36,700	£34,329	£2,371	-6.46%	
Income	<b>-£500</b>	<b>-£16,954</b>	£16,454	3290.80%	
<b>TOTAL</b>	<b>£750,929</b>	<b>£631,244</b>	<b>£119,685</b>	<b>-15.94%</b>	

5. Savings associated with vacant post
6. Savings on a variety of items such as computer licences

	Budget	Actual	Savings / (Deficit)	Variance
<b>Deputy Chief Executive</b>				

Employees	£106,036	£105,937	£99	-0.09%
Premises	£0	£0	£0	-
Transport	£3,440	£1,840	£1,600	-46.50%
Supplies & Services	£4,350	£4,479	-£129	2.96%
Payments to Third Parties	£0	£0	£0	-
Income	£0	£0	£0	-
<b>TOTAL</b>	<b>£113,826</b>	<b>£112,256</b>	<b>£1,570</b>	<b>-1.38%</b>

<b>Development Services</b>	<b>Budget</b>	<b>Actual</b>	<b>Savings / (Deficit)</b>	<b>Variance</b>	
Employees	£1,637,208	£1,586,129	£51,079	-3.12%	7
Premises	£43,230	£41,800	£1,430	-3.31%	
Transport	£56,072	£44,606	£11,466	-20.45%	
Supplies & Services	£169,530	£193,011	-£23,481	13.85%	
Payments to Third Parties	£213,325	£147,027	£66,298	-31.08%	8
Income	-£1,472,081	-£1,675,572	£203,491	13.82%	9
<b>TOTAL</b>	<b>£647,284</b>	<b>£337,000</b>	<b>£310,284</b>	<b>-47.94%</b>	

7. Savings from a variety of posts, particularly within Development Services.

8. Savings made on estimated planning appeals cost plus a surplus gained on the Building Control shared service

9. Substantial external grant funding received but reduced by significant deficit, £369,000, on planning income

<b>Finance and Asset Management</b>	<b>Budget</b>	<b>Actual</b>	<b>Savings / (Deficit)</b>	<b>Variance</b>	
Employees	£2,382,270	£2,333,166	£49,104	-2.06%	10
Premises	£475,682	£444,528	£31,154	-6.55%	
Transport	£15,142	£11,621	£3,521	-23.25%	
Supplies & Services	£474,561	£523,840	-£49,279	10.38%	11
Payments to Third Parties	£244,580	£220,974	£23,606	-9.65%	
Income	-£1,280,395	-£1,321,247	£40,852	3.19%	12
<b>TOTAL</b>	<b>£2,311,840</b>	<b>£2,212,882</b>	<b>£98,958</b>	<b>-4.28%</b>	

10. Savings accrued from a variety of vacant posts during the year

11. Increased expenditure against a variety of cost headings including electronic payment charges as a result of channel shift, increased cost of insurance premiums and cost of capital financing for replacement financial systems

12. Additional income generated in a variety of areas including burials, service charge and rentals

<b>One Legal</b>	<b>Budget</b>	<b>Actual</b>	<b>Savings / (Deficit)</b>	<b>Variance</b>	
Employees	£1,351,330	£1,308,742	£42,588	-3.15%	13
Premises	£0	£0	£0	-	
Transport	£21,575	£15,134	£6,441	-29.86%	
Supplies & Services	£83,142	£72,041	£11,101	-13.35%	
Payments to Third Parties	£165,460	£176,518	-£11,058	6.68%	
Income	-£1,259,337	-£1,314,883	£55,546	4.41%	14
<b>TOTAL</b>	<b>£362,170</b>	<b>£257,551</b>	<b>£104,619</b>	<b>-28.89%</b>	

13. Savings generated through the year from internal vacancies

14. Increased third party income generated

<b>Service Summary</b>	<b>Budget</b>	<b>Actual</b>	<b>Savings / (Deficit)</b>	<b>Variance</b>
Employees	£8,644,124	£8,510,111	£134,013	-1.55%
Premises	£521,412	£486,991	£34,421	-6.60%
Transport	£169,250	£136,240	£33,010	-19.50%
Supplies & Services	£1,820,664	£1,796,943	£23,721	-1.30%
Payments to Third Parties	£4,971,332	£4,971,102	£230	0.00%
Transfer Payments - Benefits Service	£47,963	£87,439	-£39,476	82.30%

Income	<b>-£6,326,381</b>	<b>-£7,220,742</b>	£894,361	14.14%
	<b>£9,848,364</b>	<b>£8,768,083</b>	<b>£1,080,281</b>	<b>-10.97%</b>

### Corporate Codes

Treasury activity	£57,085	<b>-£133,274</b>	£190,359	-333.47%	15
Commercial activity	<b>-£1,197,421</b>	<b>-£1,392,464</b>	£195,043	16.29%	16
Corporate Savings Targets	<b>-£60,000</b>	£0	<b>-£60,000</b>	-100.00%	17
New Homes Bonus	£47,300	£0	£47,300	-100.00%	18
Business Rates Income	<b>-£1,724,138</b>	<b>-£2,360,653</b>	£636,515	36.92%	19
Other adjustments	<b>-£7,028,573</b>	<b>-£6,437,591</b>	<b>-£590,982</b>	-8.41%	20
	<b>-£9,905,747</b>	<b>-£10,323,981</b>	<b>£418,234</b>	<b>4.22%</b>	

15. Additional income (£165k) from treasury investments plus savings on borrowing requirement

16. Additional income generated from securing new properties earlier than anticipated and at a higher yield

17. Actual savings on procurement and salaries will be shown in service expenditure

18. Monies held for business transformation activities in 2018-19

19. Income generated during the year from growth and renewable energy installations plus additional government grant in respect of business rates multiplier cap assessment

20. £278k savings on Minimum Revenue Provision in year, offset by the cost of 2016-17 business rate payments to the Government paid in 2017-18. This cost is covered within the accounts.

<b>Net total</b>	<b>-£57,383</b>	<b>-£1,555,899</b>	<b>£1,498,516</b>	<b>2611.43%</b>
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## Capital Outturn 2017/18

	Budget profile for 2017/18	Capital Outturn 2017/18	(Over)/ Under spend	% Slippage	Financed from Capital Reserves	Financed from Capital Grants	Financed from Borrowing	Financed from Revenue
Council Land & Buildings	£19,758,825.00	£14,749,903.97	£5,008,921.03	25.35%	£1,111,910.60	£0.00	£13,637,993.37	£0.00
Vehicles & Equipment	£727,299.48	£650,773.03	£76,526.45	10.52%	£560,040.94	£0.00	£0.00	£90,732.09
Community Grants	£197,760.06	£27,646.85	£170,113.21	86.02%	£27,646.85	£0.00	£0.00	£0.00
Housing & Business Grants	£700,000.00	£505,450.77	£194,549.23	27.79%	£0.00	£505,450.77	£0.00	£0.00
<b>Total</b>	<b>£21,383,884.54</b>	<b>£15,933,774.62</b>	<b>£5,450,109.92</b>	<b>25.49%</b>	<b>£1,699,598.39</b>	<b>£505,450.77</b>	<b>£13,637,993.37</b>	<b>£90,732.09</b>

## Council Revenue Reserves for 18/19

Reserve	Balance 31st March 2016	Net Movement 2016/17	Balance 31st March 2017	Net Movement 2017/18	Balance 31st March 2018	Note
Asset Management Reserve	335,459.21	186,432.69	521,891.90	437,390.08	959,281.98	1
Borough Regeneration Reserve	10,588.02	-3,654.37	6,933.65	197,520.40	204,454.05	2
Business Rates Reserve	4,097,967.26	-2,606,666.69	1,491,300.57	-853,929.66	637,370.91	3
Business Support Reserve	107,031.21	125,267.89	232,299.10	-22,159.59	210,139.51	
Business Transformation Reserve	231,201.77	90,868.01	322,069.78	33,812.69	355,882.47	
Community Safety Reserve	0.00	0.00	0.00	10,885.96	10,885.96	
Community Support Reserve	117,843.69	9,518.31	127,362.00	-13,970.41	113,391.59	
Development Management Reserve	466,595.87	-362,795.87	103,800.00	134,201.55	238,001.55	4
Development Policy Reserve	317,391.36	-20,507.12	296,884.24	228,543.66	525,427.90	5
Elections Reserve	64,160.23	-1,160.23	63,000.00	5,500.00	68,500.00	
Flood Support and Protection Reserve	255,329.95	-211,598.87	43,731.08	-30,049.22	13,681.86	
Health & Leisure Development Reserve	33,802.35	-5,756.32	28,046.03	-26,057.00	1,989.03	
Housing & Homeless Reserve	40,026.15	-21,865.89	18,160.26	412,574.24	430,734.50	6
Information Technology Reserve	0.00	14,726.00	14,726.00	3,505.00	18,231.00	
Interest Equalisation Reserve	0.00	0.00	0.00	0.00	0.00	
MTFS Equalisation Reserve	746,496.02	421,120.98	1,167,617.00	-301,613.00	866,004.00	7
Organisational Development Reserve	27,259.00	-12,800.80	14,458.20	116,913.80	131,372.00	
Risk Management Reserve	26,309.90	-18,606.48	7,703.42	-2,703.42	5,000.00	
Transport Initiatives Reserves	0.00	342,046.00	342,046.00	178,345.46	520,391.46	8
Waste & Recycling development Reserve	21,450.70	7,299.30	28,750.00	506,891.00	535,641.00	9
Uncommitted contingency reserve	0.00	0.00	0.00	46,769.39	46,769.39	10
Horsford Reserve	38,973.57	8,777.03	47,750.60	4,848.00	52,598.60	
Mayors Charity Reserve	6,913.79	738.93	7,652.72	-1,396.28	6,256.44	
Planning Obligations Reserve	2,441,100.55	266,920.84	2,708,021.39	1,399,499.30	4,107,520.69	11
General Fund Working Balance	450,000.00	0.00	450,000.00	100,000.00	550,000.00	
<b>Totals</b>	<b>9,835,900.60</b>	<b>-1,791,696.66</b>	<b>8,044,203.94</b>	<b>2,565,321.95</b>	<b>10,609,525.89</b>	

### Notes to Reserves

- 1 Reserve now includes monies set aside for future management of commercial portfolio
- 2 Spring Gardens regeneration project monies reallocated from the asset management reserve
- 3 Reduction in amount required to be paid to the Government, relating to 2017/18, through the new financial year
- 4 Additional monies set aside for business improvement and appeals
- 5 Further external funding received for the delivery of the JCS
- 6 External funding received for homelessness and refuge activities
- 7 2017/18 set aside released
- 8 Additional external funding received for J9 plus allocation of monies for the development of the A40 business case
- 9 First year accumulation of vehicle replacement fund
- 10 Monies set aside for future business and community needs
- 11 Substantial new funds received in year from developers

## TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Executive Committee
<b>Date of Meeting:</b>	11 July 2018
<b>Subject:</b>	Planning Enforcement Plan
<b>Report of:</b>	Annette Roberts, Head of Development Services
<b>Corporate Lead:</b>	Robert Weaver, Deputy Chief Executive
<b>Lead Member:</b>	Lead Member for Built Environment
<b>Number of Appendices:</b>	One

<p><b>Executive Summary:</b></p> <p>Paragraph 207 of the National Planning Policy Framework (NPPF) states that local planning authorities should consider publishing a Local Enforcement Plan setting out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.</p> <p>During the past nine months a full review of the Council’s Planning Enforcement Service has been undertaken and a number of operational changes are now being, or are about to be, implemented. As part of this, a Planning Enforcement Plan has been drafted and consulted on setting out the Council’s approach to delivering the service. This is a customer facing document providing clear and succinct ‘plain English’ information about planning enforcement, and setting out the level of service that customers can expect to receive.</p> <p>This document is attached as an appendix to this report.</p>
<p><b>Recommendation:</b></p> <p><b>To APPROVE the Planning Enforcement Plan.</b></p>
<p><b>Reasons for Recommendation:</b></p> <p>To ensure the Planning Enforcement Plan is adopted for use.</p>

<p><b>Resource Implications:</b></p> <p>The Plan will be implemented within existing resources. Resource implications to progress to this point have been officer time to conduct the consultation, review responses and making amendments as appropriate.</p>
<p><b>Legal Implications:</b></p> <p>The preparation and adoption of a Planning Enforcement Plan is not a statutory requirement, but is guidance issued by the government in the NPPF, considered as a material consideration in planning decisions.</p>



**Risk Management Implications:**

While there is no statutory requirement to prepare a Planning Enforcement Plan it is considered good practice, and provides justification and support for enforcement decisions. These decisions often have significant implications for the subject of enforcement, or those persons or communities affected by it, and therefore are often open to considerable scrutiny. The Planning Enforcement Plan provides a framework to justify decisions made and defend against challenges against the Council.

**Performance Management Follow-up:**

Following adoption of the final version of the Planning Enforcement Plan it will be reported on a regular basis as appropriate.

**Environmental Implications:**

There are no direct environmental implications of this plan although, from an operational viewpoint, there will be benefits in moving from a paper-based to an electronic document management system.

**1.0 INTRODUCTION/BACKGROUND**

- 1.1** In May 2017 a newly created Senior Planning and Enforcement Officer post was recruited, to provide additional support to the Planning Enforcement team, beginning with a review of the Council's Planning Enforcement service.
- 1.2** The Planning Enforcement service tends to pick up the position at the end of the development process when expectations can be high, and sometimes achieving desirable outcomes very difficult. This can be in terms of what has been built not being consistent with the Planning Permission or unauthorised development which has been undertaken without the necessary permission.
- 1.3** A number of areas for improvement or refinement were identified during this process, which can be summed up follows:
1. The need for a structured framework within which all decisions are made.
  2. Greater use of accessible IT to enable interested parties to find out more about the service or individual cases.
  3. Need for greater reporting and publicity for the work (and achievements) of the service.
  4. Better record keeping.
  5. Better and more use of formal and legal powers available.
  6. Additional support for Enforcement Officers to achieve all of the above the above.
- 1.4** These issues have, or are being, addressed by a number of operational changes to the service which are principally identified within a Plan drawn up by, and for, Planning Enforcement Officers.

**1.5** The plan also sets out the process in relation to the team's interaction with complainants, those the subject of complaints, or other interested parties. As well as being the team's service standard document, the Planning Enforcement Plan also sets out in 'plain English' to the general public the role others can play in helping the team fulfil its service promises.

## **2.0 CONSULTATION**

**2.1** The draft Planning Enforcement Plan was approved for consultation by the Council's Executive Committee on 31 January 2018, subject to a number of alterations to the Plan, which were subsequently made.

**2.2** The draft Plan was then posted to the Council's website, and a paper copy made available for inspection. The Planning Enforcement team has worked closely with the Council's Communications team to publicise the draft Plan to a wide audience. The Council issued a press release to all local media contacts, as well as posting the article to the Council's website, promoting on social media websites, and sending to the Council's Citizen Panel. In addition, it was sent to all Parishes, Members, and all those Officers within the Council and external agencies who work with, or have an interest in, the enforcement of planning regulations.

**2.3** The consultation period ran for four weeks up to the closing date of Monday 16 April 2018. 21 responses were been received, 13 from members of the public, seven from Parish Councils and one from a partner organisation. All those making representations have received a personal response, thanking them for their consideration, and updating them on next steps.

**2.4** The Plan, its purpose and aims, appear to be widely welcomed albeit with further explanation, changes or additions suggested. In terms of its format, there appear to be divergent views regarding the document being an easily understandable, referenced and plain English document to one where it is regarded as being difficult to read. The remaining comments may be summarised as follows:

- Brief explanation of County Council planning enforcement role should be provided in section 2, to signpost people to the correct authority.
- Concern regarding availability of resources to fully implement this Plan.
- Concerns that the Council's discretion over taking enforcement action (expediency) makes it too easy to take no action.
- Need to enforce building regulations breaches.
- More transparency and reporting of enforcement decisions.

**2.5** In response to the comments received, changes have been made to the Plan, and an Executive Summary has been produced to provide a short explanation to those preferring brevity. An updated copy of both has been posted on the Council's planning webpages. An 'all Member' seminar explaining these changes was held in June prior to the Plan being finalised and presented to the Executive for approval.

## **3.0 RELEVANT COUNCIL POLICIES/STRATEGIES**

**3.1** Planning Enforcement Plan.

#### **4.0 RELEVANT GOVERNMENT POLICIES**

- 4.1 National Planning Policy Framework – Paragraph 207.  
National Planning Practice Guidance.

#### **5.0 RESOURCE IMPLICATIONS (Human/Property)**

- 5.1 Resource implication on officer time to conduct the consultation, review responses and make an amendments as appropriate and implement the Plan.

#### **6.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)**

- 6.1 There are no direct environmental implications of this Plan although, from an operational viewpoint, there will be benefits in moving from a paper based to an electronic document management system.

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

- 7.1 The provisions of the Plan promote better value for money by remodelling the service to one that is more responsive, focused and operationally efficient. This also better defends the Council against cost awards by providing a demonstrable justification for its decisions.
- 7.2 The Plan identifies a commitment to open government, treating all fairly, and making its decisions transparent and accessible through improvements in the use of IT, and better reporting of the work of the Service.

#### **8.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS**

- 8.1 None.

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**Background Papers:** None.

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**Appendices:** 1 – Planning Enforcement Plan.

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# Planning Enforcement Plan

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## Consultation

July 2018

## **Executive summary**

Without effective enforcement, confidence in the Council's ability to protect public amenity and the built and natural environment is quickly undermined.

The purpose of this Plan is to explain how the Council carries out its planning enforcement activities. It sets out what those making enquiries, or the subject of these enquiries, should expect and outlines how the Council undertakes planning investigations. A simple flowchart has been appended to this document to give a visual guide as to how enforcement cases are handled and how formal action is taken, and should be read in conjunction with the Enforcement Plan.

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## Introduction

The planning system is designed to regulate development and use of land and buildings in the public interest. Enforcing breaches of planning control is an important and necessary part of the planning system. Without effective enforcement, confidence in the council's ability to protect public amenity and the built and natural environment is quickly undermined.

This commitment to planning enforcement is set out in the Government's National Planning Policy Framework, by paragraph 207:

"Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so."

The government has published further advice on planning enforcement within its National Planning Policy Guidance:

<https://www.gov.uk/guidance/ensuring-effective-enforcement>

The council recognises the importance of planning enforcement within the borough to protect amenity, safeguard its built and natural environment, and uphold local planning policy in the quickest and most effective way.

In doing so, the council aims to provide a consistent and comprehensive approach to planning enforcement based on legislative requirements, government guidance, legal judgements and good practice, which through their collective interpretation shape how decisions are made.

This service is provided within the council's Development Services Team, and consists of two planning enforcement officers, with support from the council's senior planning and enforcement officer. The Planning Enforcement team works with a number of other officers within the council or other public agencies.

The most frequent breaches reported relate to residential properties, although the council can investigate breaches relating to all types of development and uses of land.

As well as responding to unauthorised development, the Planning Enforcement Team also enforces against other related breaches under separate controls, including unauthorised advertisements, works affecting listed buildings and other heritage assets, protected trees and untidy land or buildings. Within this document these are collectively referred to as breaches, and unless otherwise stated, this term refers to the wider enforcement role of the team.

The council has published further guidance on its planning function, including some of the options outlined in this Plan, at the following link:  
<https://www.tewkesbury.gov.uk/planning/>

When receiving an enquiry, the council will have regard to the most effective and timely powers available to investigate and where necessary pursue further actions to achieve its desired outcome. The council has other powers of enforcement in relation to other services

such as environmental health, licensing and building control. Our investigations are often co-ordinated with other services so that enquiries can be referred and action carried out under the most appropriate legislation.

The purpose of this plan is to explain how the council carries out its planning enforcement activities. It sets out what those making enquiries, or the subject of these enquiries, should expect and outlines how the council undertakes planning investigations. A simple flowchart has been appended to this document to give a visual guide as to how enforcement cases are handled and how formal action is taken, and should be read in conjunction with the Enforcement Plan. Please note that it is important to remember that this document should be used as a guide only, and may apply differently according to the particular characteristics and location of the development undertaken or proposed. You should always consider seeking independent advice.

Definitions of some of the technical planning terms used in this document are provided in the following glossary:

<https://www.planningportal.co.uk/directory/4/glossary/category/7/categoryInfo/3>

## What is a breach of planning control?

Development carried out without planning permission is often referred to as a breach of planning control. A breach of planning control is defined in the Town and Country Planning Act 1990 as 'the carrying out of a development without the required planning permission, or failure to comply with any condition or limitation subject to which planning permission has been granted'.

Development is defined in the Town and Country Planning Act 1990 as "the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land"

The following are examples of breaches that would be investigated by the Planning Enforcement Team.

- The unauthorised erection of a building/structure (including outbuildings, fences, satellite dishes)
- A 'material' change of in the use of a property/land.
- Development starting before a 'pre-commencement' condition has been complied with, particularly one relating to the submission of further details for consideration by planning officers.
- Development not in accordance with the approved plans of planning permissions.
- Failure to comply fully with the conditions attached to a planning permission, which could sometimes render the whole permission invalid and therefore works unauthorised. Carrying out works to a listed building without listed building consent.
- Unauthorised demolition in a conservation area.
- Engineering operations, such as raising ground levels or earth bunds
- Unauthorised works to trees protected by a Tree Preservation Order (TPO) or in a conservation area.
- Failure to properly maintain land or buildings so that it affects the amenity of the area.
- Displaying a sign or advertisement without advertisement consent.

The following are not usually breaches that the Planning Enforcement team would investigate or have powers to address:



- Operating a business from home where the residential use remains the primary use and there is no adverse impact on residential amenity.
- Boundary, land ownership or trespass disputes, including those issues relating to party walls.
- Breaches of restrictions imposed by deeds and covenants (civil matter).
- Obstruction of a highway or right of way.
- Clearing land of undergrowth, bushes and trees provided they are not subject to planning protection.
- Parking of a caravan within the curtilage of a residential property as long as it is incidental to the enjoyment of the property, and is not being lived in permanently and separately from the main house.
- Temporary structures/fencing associated with building works
- Where planning permission or other consents are not required (see section 4 below)

In addition, some breaches of planning control are dealt with by Gloucestershire County Council's Planning Enforcement team, as they relate to the specific powers and functions of this Council. These include:

- Waste and mineral developments, including failure to comply with any operational or other conditions imposed on an approved site.
- 'Regulation 3' breaches – those relating to and on land used for County Council functions, for example schools and libraries.
- The depositing of waste materials not in connection with other development (eg works to create an access to a property would normally be dealt with by a District Council). This would also depend on the nature and volume of the deposits (eg household fly tipping dealt with District Council Environmental Health teams)

## When is permission required?

Planning permission and/or other consents are not always required for certain works or uses for reasons including:

- They are not considered to be 'development' - as defined by s55 of the Town and Country Planning Act 1990, as amended
- Some works are considered 'de minimus' where they are of insignificant size or scale.
- Some works and uses are 'permitted development' as defined by the Town and Country Planning (General Permitted Development) Order 2015, as amended. Please note that some permitted development rights may be removed by a condition placed on a planning permission e.g. no fences to the front of the house to retain an open aspect to an estate development.
- Some signs are not considered by advertisements, as defined by the Town and Country Planning (Control of Advertisements) (England) Regulations, as amended.
- Some advertisements have 'deemed consent', as defined by the Town and Country Planning (Control of Advertisements) (England) Regulations, as amended.
- Some changes of use are not considered 'material', having no significant impact on amenity.
- Some breaches are deemed to be lawful if no action is taken after a specified passage of time, being four years for substantial completion of building works, four years for change of use of a building to a single dwelling house, or 10 years for other breaches. However, if there has been a deliberate attempt to conceal a breach of planning control, the council may still be able to take enforcement action beyond the specified period by obtaining an order from the Magistrates Court.

Development is lawful where planning permission has been given, but only where the works or use have been undertaken in accordance with that permission, including all conditions attached to that consent. Failure to comply with a condition may render the whole permission invalid.

The above examples depend on a large number of factors including type of operation, size, height and uses and the rules often vary according to the different location and individual circumstances. A number of useful guides are available at through the government's planning portal:

[https://www.planningportal.co.uk/info/200130/common\\_projects](https://www.planningportal.co.uk/info/200130/common_projects)

[https://www.planningportal.co.uk/info/200130/common\\_projects/9/change\\_of\\_use](https://www.planningportal.co.uk/info/200130/common_projects/9/change_of_use)

The council will provide advice as appropriate, however because of its enforcing role in these matters, it must remain impartial. You are therefore advised to seek independent advice should you require further information relating to your own particular case, in order to avoiding committing a breach of planning or other regulations, and being subject to enforcement action.

Should you wish to have a legal determination as whether any use or operations, actual or proposed, are lawful then you can apply to the council for a Certificate of Lawfulness

[https://www.planningportal.co.uk/info/200126/applications/60/consent\\_types/9](https://www.planningportal.co.uk/info/200126/applications/60/consent_types/9)

If works are classed as 'permitted development' or otherwise lawful, and therefore do not need planning permission, the council would always advise that property owners consult with their neighbours and other interested parties to let them know what you are planning to do.

## How do I report a suspected breach?

The assistance of the general public and Parish Councils is crucial to planning enforcement. Due to the amount of development, both authorised and unauthorised, it is extremely difficult for the council to identify all possible breaches of planning control. The council relies on the general public and parishes' vigilance in identifying potential breaches of planning control. Many enforcement investigations commence following an enquiry from the general public or Parish Council.

The council will respond to all suspected breaches of planning control, except anonymous reports, unless they are of a particularly serious nature, requiring immediate attention.

Enquiries can be made by completing our on-line "Planning infringement or unauthorised development report form":

[https://tewkesbury-self.achieveservice.com/service/Planning\\_infringement\\_or\\_unauthorised\\_development](https://tewkesbury-self.achieveservice.com/service/Planning_infringement_or_unauthorised_development)

The more you can help us the easier it will be for us to respond more quickly. When making an enquiry, please provide us with the following information, so the council can obtain a full picture of the situation:

- A clear description of the alleged breach
- Why you think this is a breach of planning
- A description of the 'harm' being caused e.g. noise, traffic, smells.
- The date the activity started, is it happening now, is it getting worse?
- A specific site address (if it is a field, describe the surrounding area to help identify the exact site).
- The name and contact details of the site owner/occupier/builder/agent, where known

- Your name and contact details.
- Any other information you think would be helpful

All enquiries are dealt with in the strictest confidence and details of those making enquiries will not be made known without their agreement. However, the substance of the enquiries themselves is not confidential. In some cases it may be necessary to rely on evidence from those making enquiries in order to take action and you will need to consider whether you are willing to actively assist the council by collecting evidence and acting as a witness at a planning appeal or in court. Please be aware that the council cannot prevent someone correctly guessing who made the enquiry.

## What you can expect from us when you make an enquiry

The council will endeavour to provide the following service to you:

- The council will assign relative priority to all enquiries, as set out in this section of the Enforcement Plan, in order to focus on most urgent matters first, and make best use of resources. The council aims to investigate, resolve or otherwise conclude all enforcement enquiries as soon as it possibly can.
- Where the enquiry does not relate to planning, either wholly or in part, the council will refer the matter to the relevant council department, with your details, and ask them to keep you updated. Where the matter should be dealt with by another organisation than the council, we will advise you. The council will retain and investigate any part of the enquiry relating to planning, working together with colleagues as appropriate.
- The council aims to acknowledge all enquiries within 48 hours of receipt, naming the assigned

officer undertaking the investigation, and their contact details.

- Where existing investigations require monitoring outside of normal working hours (e.g. breach of condition relating to weekend construction works), officers will endeavour to work flexible hours.
- Where an allegation involves activities on land, you should not undertake surveillance on the occupier, but might update the council on any continuing breaches as you notice them.
- The council will inform all parties of the outcome of any investigation, with reasons within 5 days of the outcome being decided.

## What are the council's priorities for action?

It is not possible to investigate every enquiry with equal priority and intensity. Our resource is directed to breaches that cause the greatest harm to the environment or to residential amenity. To allow quicker and more effective focus on the most serious matters, particularly during peak demand on the service, the council will prioritise its planning enforcement work as follows:

**CATEGORY A - Development causing, or likely to cause, irreparable harm or damage. Investigation to take place as soon as possible, and within 24 hours.**

**This will include:**

- o Development causing or likely to cause serious harm to the public, e.g. involving hazardous substances.
- o Works to listed buildings (demolition/alteration/disrepair)
- o Works affecting sites of (likely) archaeological importance.

- o Demolition in a conservation area
- o Works causing immediate/irreparable harm to protected ecology, including trees covered by a Tree Preservation Order or in a conservation area.

**CATEGORY B - Unless prompt action is taken, there is a material risk of further harm being caused which could be reduced or prevented by early intervention. Investigation to commence within 5 working days. This will include:**

- o Allegations of significant and ongoing harm to amenity
- o Development which would be immune from enforcement within six months.
- o Unreasonable noise and disturbance caused by failure to comply with conditions controlling the operation of development sites
- o Unauthorised works under way but not substantially complete
- o Breaches of condition or non-compliance with approved plans that are integral to the acceptability of the scheme and permission given

**CATEGORY C - Unless action is taken, there is a risk of material harm to the environment or undue harm to residential amenity. Investigation to commence within 10 working days. This will include:**

- o Building works likely to be contrary to that set out in the development plan or other material planning guidance.
- o Developments which are contrary to established countryside constraint policies
- o Other unauthorised activities and use of land causing harm to residential amenity
- o Flyposting

**CATEGORY D - Breaches of planning control causing limited material disturbance to local residents or harm to the environment, which do not come within any of the higher categories, and where a delay would not prejudice the council's ability to resolve the matter. Investigation to take place as soon as resources allow, but The council aim to commence within 15 working days. This will include:**

- o Small scale structures, including sheds and other outbuildings, fences and satellite dishes
- o Unauthorised signs and advertisements
- o Untidy land and buildings
- o High hedges
- o Unauthorised shopfronts
- o Breaches of condition/non-compliance with approved plans causing no serious harm to amenity.

## **What you can expect when you are the subject of an enquiry**

- The council recognises the anxiety that is caused by finding out someone has made an enquiry about alleged development or activity on your land or property. Accordingly the council will treat you fairly, not pre-judge any allegation made against you, and give you the opportunity to respond and explain.
- The council will advise you as soon as possible whether or not it considers a breach has occurred, and if so, what the breach is and what your options are.
- If you dispute that a breach has or is taking place, you have the right to apply for a Lawful Development Certificate to determine the matter.

- Any unauthorised works you undertake are at your own risk, and may be subject to demolition or alteration, including those taken after you have been notified of any breach.
- Where a breach has been identified, The council will seek to work with you and any other responsible person(s) to negotiate an outcome suitable to all parties. The council may decide not to require action be taken to remedy the whole of a breach of planning control. This is known as “under enforcement”. The matter will only be deemed concluded once any works or changes to activity agreed as part of negotiations with the council have been carried out
- Negotiations will not be allowed to delay the consideration of enforcement action where the breach of control causes serious harm to amenity.
- You have the right to make a retrospective planning application to ‘regularise’ the development, however, the council will advise you if it thinks consent is unlikely to be given. This option is strictly without prejudice to any decision on an application. Please note that, where deliberate or intentional unauthorised development has taken place, including following the council making the applicant aware of the breach, it may count against the application.
- The council may decline to determine a planning application where an enforcement notice has already been served and proposals relate to the identified breach.
- Where retrospective applications are made, the council will keep the enforcement matter under review until a decision has been made, any (where approved) applicable conditions are complied with, or (where refused) any remedial actions are undertaken.
- It is the responsibility of the landowner/developer to ensure all other requisite consents are in place.
- The council will clearly identify its requirements and give reasonable time and opportunity for them to be undertaken. Should you not respond, decide not to work with the council, provide us with misleading information, or unreasonably and unnecessarily delay any agreed or requisite actions then the council will have no option but to consider the use of formal powers.
- The council will inform all interested parties of the outcome of any investigation, with reasons, within five days of the outcome being decided.

### What does a planning investigation involve?

#### Determining the facts

The priority in any enforcement case is to ascertain the facts of the matter, including the nature and degree of any alleged breach. The council will investigate enquiries objectively and with an open mind, and all claims will remain unfounded until such time a breach is witnessed and evidenced. The council has the following powers to seek further information, if necessary:

- Interview under formal caution – Where it is suspected that an offence has taken place
- s330 Notice – to establish ownership and other interests in the land and property
- Planning Contravention Notice – requiring further information about activities and/or works on land or buildings.

There is no right of appeal against these Notices, and failure to respond fully and accurately, or provide misleading information, is a criminal offence.

## Site visit

Planning enforcement officers have a legal Right of Entry to land, without the owner's permission, where a breach of planning control is suspected. The exception is for the inside of domestic properties, where 24 hours prior notice must be given. It will be considered an offence if anyone wilfully obstructs any officer trying to freely enter the land. Visits may be undertaken without prior notice, particularly where the enquiry relates to the use of land.

The council is committed to ensuring that its officers are able to carry out their work safely and without fear or obstruction. Where appropriate, the council will take legal action to prevent and respond to abuse, harassment or assaults on its officers, by members of the public, and animals within their control. Officers whereabouts are known at all times and emergency contact arrangements are in place for immediate response should any danger present itself.

## Assessment

From the established facts the council will determine whether or not a breach has occurred, the degree of harm caused, and what outcome the council seeks as a proportionate response, in the public interest. Each case will be considered on its own merits, and required outcomes or actions may differ in any two cases even if it appears that the same or very similar breach has occurred.

Where powers other than planning are available and more effective, then the matter may be referred to or approached jointly with other council departments or agencies.

## Expediency

The council's planning enforcement powers are discretionary and action will not be taken simply because there has been a breach of planning control.

Enforcement action should only be taken where the council is satisfied that it is 'expedient' to do so when it has carefully considered all relevant planning considerations, including national and local policies. There is no right of appeal against a decision not to take planning enforcement action.

The term expediency in planning enforcement terms means an assessment by the council as to whether the harm caused by a breach of planning control unacceptably affects the public interest. In making this assessment, the council will gather information regarding the nature and scale of the breach and will then determine whether it unacceptably affects public amenity and / or the built or historic environment. Examples of why it would not be 'expedient' to take enforcement action might include:-

- Planning permission would be likely to be given if applied for
- The breach is a minor or technical and causes no harm to public amenity

Enforcement action should be commensurate with the breach of control to which it relates; this is known as the 'proportionality' test.

## Outcome of the investigation

There are various possible outcomes of a planning enforcement investigation:

### **No breach of planning control has been identified:**

The works or use of the land may be demonstrably lawful, or no robust evidence of a planning breach has been established following thorough investigation.

**Certificate of Lawfulness issued:** Following a successful application to the council, in respect of the works or use under investigation



**Retrospective planning application to regularise the breach:** Where the subject of a planning breach has exercised their right to make an application, that application has been approved, and all conditions complied with, the breach is deemed to have been regularised.

**There is a breach of control but it is not expedient and proportionate to pursue:** Section 8 of this Plan identifies some of the circumstances when the council might not at that time take enforcement action against an identified breach of control. The council will, however, make the land owner aware of the breach and give them the opportunity to rectify the matter. Any outstanding breach will be recorded as a 'contravention', and may be viewable on any future land search, including when the land or property is being sold. We will advise those making the enquiry, why, in these particular circumstances, the council considered that it was not 'expedient' to take further action.

**Compliance with the council's requirements:** Actions required to remedy the breach of control, or other agreed alternative actions, are carried out in full and to the satisfaction of the council, including in certain circumstances, by the council itself.

**Formal enforcement action:** If the matter cannot be resolved to the council's satisfaction, or there is a likelihood of further breaches of control, the council has the powers to take formal enforcement action. The nature of the breach will dictate what enforcement action the council considers expedient and proportionate to pursue.

## Formal enforcement action and powers

Where a breach is proven, the degree of damage or

harm caused is demonstrably unacceptable, and it is expedient and possible to do so, then the council is committed to taking a firm line to make those responsible accountable for their actions and for 'making good' any damage or harm caused.

Formal powers will also be considered to best avoid a breach taking place, where it is imminently suspected.

Under planning legislation, the council has the power to issue a number of Notices, usually on all interests in the land, and not just those directly responsible for committing a breach. Failure to comply fully with a Notice or Order could be considered a criminal offence.

**Enforcement/Listed Building Notice** - An Enforcement Notice will specify the reason(s) why it has been served, the steps required to remedy the breach, and the time period for compliance. The Notice carries a right of appeal. Compliance with an Enforcement Notice will not discharge it; its provisions will remain in force and will be valid should the unauthorised use or specified development re-occur. Enforcement Notices will appear on the council's Planning Enforcement Register, and Local Land Charges Register, until such time as its requirements are met.

**Temporary Stop Notice** - Where a breach of planning control is causing serious harm to public amenity and/or the built, natural or heritage environment, and where immediate action is required to stop this harm, the council will issue a Temporary Stop Notice. It will identify what works are to cease, and lasts for 28 days. This Notice will normally be accompanied by an Enforcement Notice, which comes into effect when the Temporary Stop Notice expires. Notices will appear on the council's Planning Enforcement Register, and Local Land Charges Register, until such time as its requirements are met

**Breach of Condition Notice** - Where the breach of planning control relates to non-compliance with a condition(s) or limitation(s) on a planning permission, including where permitted development limitations have been exceeded, the council can issue a Breach of Condition Notice. The Notice will specify the steps required to comply with the condition(s) or limitation(s), and the time period for compliance. There is no right of appeal against this Notice. Notices will appear on the council's Planning Enforcement Register, and Local Land Charges Register, until such time as its requirements are met.

**Section 215 Notice (Untidy Land Notice)** - Where the appearance or condition of land and buildings is adversely affecting the amenity of the neighbourhood, the council can issue a s215 Notice. The notice will specify the steps required to remedy the condition of the land or buildings and the time period for compliance. The right of appeal against a s215 Notice is directly to the Magistrates Court. The Notice may be revealed on a land search.

**Enforcement Order** - Where the local planning authority believes there has been a 'concealed' breach that would otherwise be immune from enforcement action due to the passage of time, it may apply for an Enforcement Order. The order will set out the steps required to remedy the breach, and the timescale in which to do so. Orders will appear on the council's Planning Enforcement Register, and Local Land Charges Register, until such time as its requirements are met.

**S225 (Display of advertisement Notices)** - The display of posters and placards, including for the purposes of 'flyposting' are deemed a criminal offence and must be removed within 48 hours of the local planning authority requiring you to do so. Other signs and advertisements are addressed by a series of notices (depending on the nature of the sign/advertisement) collectively known as s225 notices. Notices will specify

the steps required to comply with its requirements and the time period to do so.

**Hedgerow Replacement Notice** - Where it appears that a protected hedgerow has been removed in contravention of The Hedgerow Regulations 1997, the council may serve a Hedgerow Replacement Notice including specific instructions for the replanting of a hedgerow, with timescales. The flora specified in the noticed is required to be maintained for a period of up to 30 years after the notice has been served. Hedgerow Replacement Notices are effective immediately on service, and usually include a compliance date requiring specified actions to be undertaken before the end of the next available planting season. The right of appeal against a Hedgerow Replacement Notice is directly to the Secretary of State.

**Tree Replacement Notice** - A landowner has a duty to replace a tree which is removed or caused to die, in contravention of a Tree Protection Order (TPO). Where the duty is not complied with, local authorities have powers under section 207 of the Town and Country Act 1990, to issue Tree Replacement Notices (TRNs). These powers are also exercised in a conservation area in contravention of section 211 of the 1990 Act (i.e. without giving the council six weeks' notice) and in circumstances when a condition to plant a replacement tree, on a consent to fell a tree under a TPO, is not complied with. The right of appeal against a Tree Replacement Notice is to The Planning Inspectorate. Serving a TRN does not preclude the council from taking legal action on those responsible for removing or causing a protected tree to die.

**Direct Action (Works in Default)** - Where a Notice has not been complied with, the council has powers to itself undertake the works required by that notice. The council also has powers to undertake action in other circumstances, without a notice being served. The cost of doing so, including a fee for officer and project



management time, would be placed as a charge against the land until such time as fully paid. The council would give the owner of the land an opportunity to undertake works themselves before exercising this option.

Removing the breach does not preclude the council from prosecuting those responsible, where it is appropriate to do so. Further, the council will consider continuing proceedings even when a matter has been resolved prior to court attendance.

**Injunction** – The council may apply to the High or County Court for an injunction to restrain any actual or expected breach of control. This sanction is immediate, and is aimed at avoiding serious breaches before any (further) harm is done, and/or addressing those breaches of control where other powers have not been effective, or where persistent breaches arise. Failure to comply with the requirements of an Injunction will be considered as a contempt of Court, and may result in a custodial sentence.

**Prosecution** – Unauthorised development itself is not usually an offence, however the following breaches of control might be considered to be:

- Failure to comply with the requirements of any notice identified in this plan
- Damage to listed buildings or other heritage assets
- Removal of or damage to trees covered by a Tree Protection Order, all trees within a conservation area, or other protected environmental assets
- The unauthorised display of some signs and advertisements
- Wilful obstruction of, or other offences against, a council officer or appointed representative in the course of his/her duties.
- False or misleading information provided by the recipient of a s330 Notice or a Planning Contravention Notice

For some offences, the council may offer a 'simple

caution' to the responsible parti(es), however should the caution not be accepted the council reserves the right to prosecute. Proceedings may continue even if the breach is latterly resolved, although this would be recognised. The council will apply for costs from the defendant in all successful court proceedings. Where the council suspects that any information provided to the Court by the defendant is false or misleading, including completed means test forms, it will refer the matter to the County Fraud Investigation team for further consideration.

**Proceeds of Crime Act** - Where significant financial gain has or is being accrued as a result of a breach of planning regulations, an application may also be made to the Court for recovery of assets, alongside prosecution. The council would work with a Financial Investigator to identify assets and use powers available to recover these, under the provisions of the Proceeds of Crime Act 2002.

## Information management

The council will request, manage and share its information responsibly, and at all times in line with current and emerging General Data Protection Regulations. Requests for information relating to planning enforcement work will be considered in line with these regulations, including any exemptions laid down under other legislation such as the Data Protection Act.

The council keeps a register of all Enforcement, Breach of Condition, Stop Notices, and Enforcement Orders, providing basic key details, which can be found at the following link: <https://www.tewkesbury.gov.uk/planning>

A copy of all these notices can also be found on line through the Planning Portal, at the following link:

<http://publicaccess.tewkesbury.gov.uk/online-applications/>. Alternatively, a copy can be made available at the council Offices, on prior request. The portal also provides summary details of other enforcement investigations.

The council will work with appropriate media to publicise its work and positive outcomes, to highlight the consequences of failing to comply with planning regulations, to deter others from knowingly doing so.

A report will be presented to Tewkesbury Borough council Planning Committee every month identifying those matters where formal enforcement action has been taken, with an update on progress, as well as outlining general performance and raising any other issues of interest. Officers may also from time to time present reports to committee seeking resolution on particular matters where direction is required. These reports can be found within the planning committee agenda and papers, at the following link: <http://minutes.tewkesbury.gov.uk/mgCommitteeDetails.aspx?ID=249>

## Fairness and equality

The council is committed to ensuring that:

- All persons are treated equally
- Communications with all those involved are in a fair, clear and courteous manner.
- Communications will be in plain English or in the appropriate language or method.
- Any special needs of those involved are met as far as possible, (for example by providing translation services where necessary).
- Help, information and advice will be given where needed.
- Where there are rights of appeal against formal action, advice on the appeal mechanism will be provided.

In carrying out its enforcement activity the council will take into account the interests of all customers, including the general public, business owners, employees and will endeavour to support economic development wherever possible, except where there is significant harm to amenity.

## Conclusion

The latest version of this Enforcement Plan can be found at the following location -

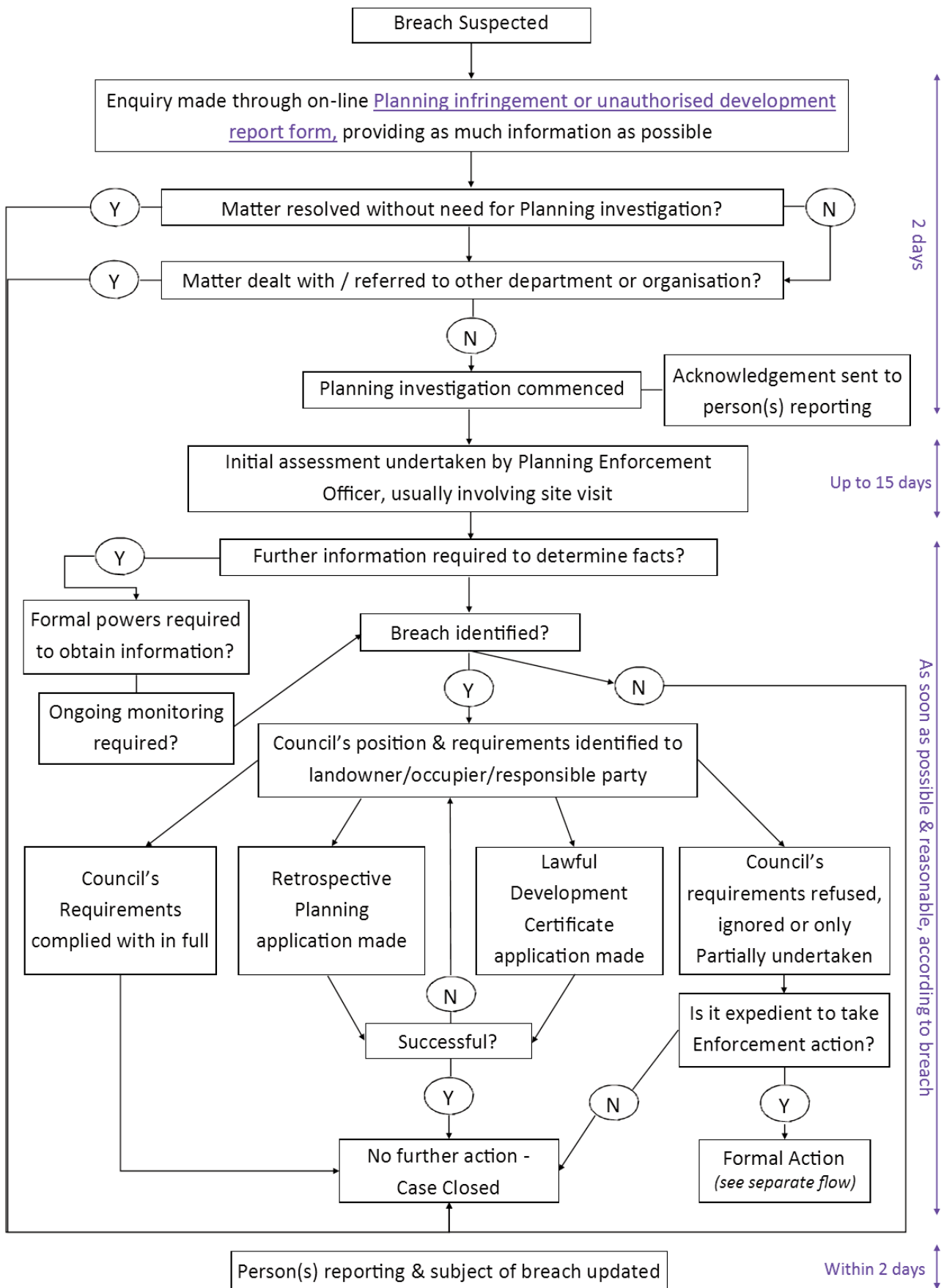
<https://www.tewkesbury.gov.uk/planning> - the plan will be reviewed as and when necessary, either due to changes in the law or any other circumstances which may affect its contents.

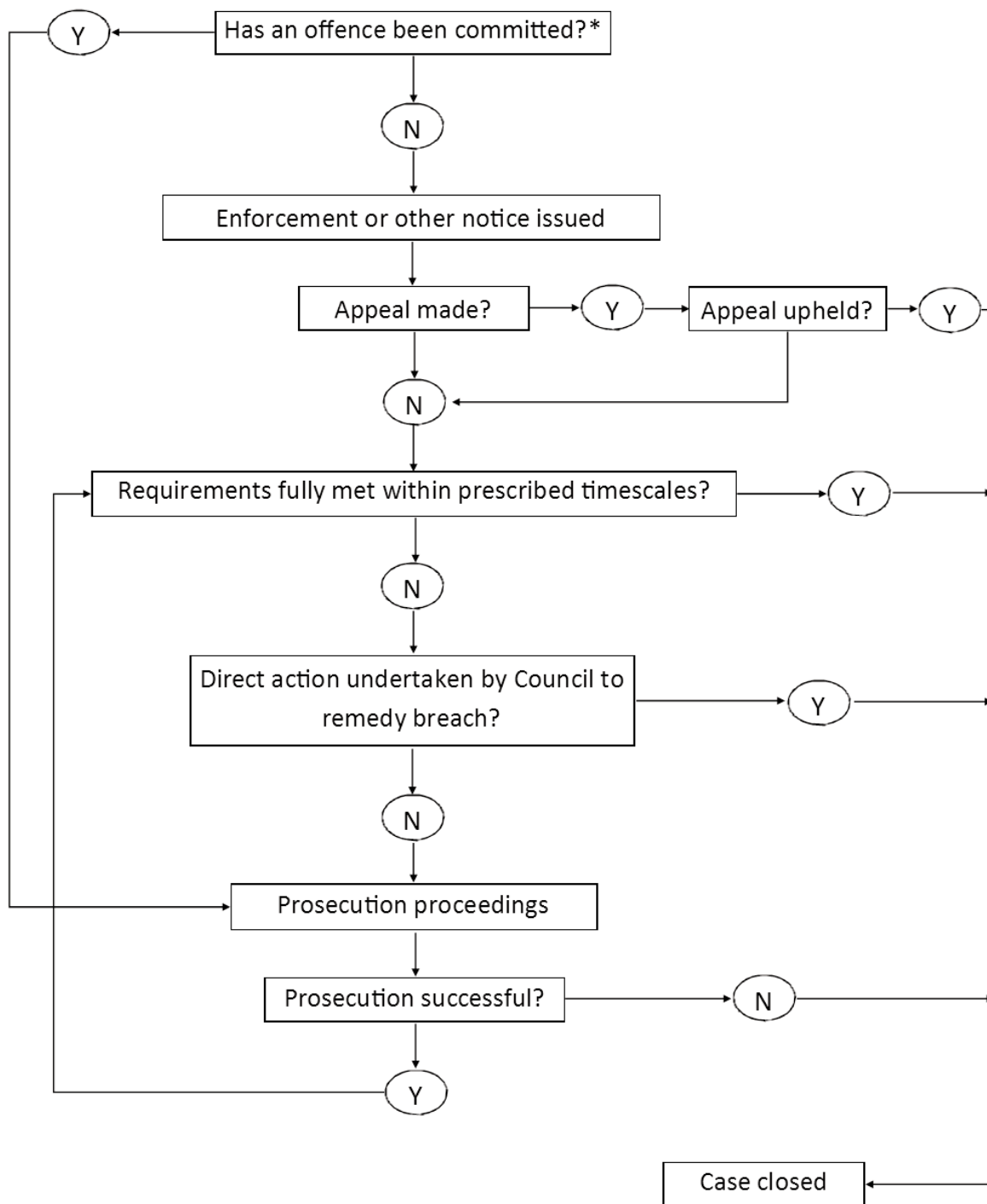
The plan sets out the standards that the council aspires to in responding to reports of breaches of planning and other related controls. The time taken to determine each case will vary depending on the site, the type of breach, and any actions necessary to reach the desired outcome. It also relies in some cases on professional advice and support from other colleagues, including outside of the council. Decisions are made in the context of regularly changing legislation, guidance, and case law. An enforcement investigation can be a lengthy and complex process. However, the council is committed to reaching a conclusion/outcome as soon as reasonably possible.

The council welcomes feedback on our performance, and an opportunity to comment is available by contacting [enforcement@tewkesbury.gov.uk](mailto:enforcement@tewkesbury.gov.uk)

The council are committed to providing an effective and efficient planning enforcement service. However, should you not be satisfied with the handling of your enquiry, in the first instance please contact the council's development manager. If you remain dissatisfied, the council has a formal complaints procedure which can be found on the council's website at:

<http://tewkesbury.gov.uk/index.aspx?articleid=1897>





\* A breach of planning control is not a criminal offence, however failure to comply with an Enforcement Notice is. Some actions, eg damage to a listed building are criminal offences without need to serve a Notice—see Section 10 of the Planning Enforcement Plan

Tewkesbury Borough Council  
Tel: 01684 295010



## TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Executive Committee
<b>Date of Meeting:</b>	11 July 2018
<b>Subject:</b>	Section 106 - Allocation of Funds for Community Infrastructure
<b>Report of:</b>	Andy Sanders, Community and Economic Development Manager
<b>Corporate Lead:</b>	Annette Roberts, Head of Development Services
<b>Lead Member:</b>	Lead Member for Built Environment
<b>Number of Appendices:</b>	One

**Executive Summary:**

There are a number of agreements made pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) (S106) that require the payment of financial contributions towards a range of facilities, including community infrastructure. For a range of reasons, in some instances, the terms upon which these financial contributions can be subsequently spent are not sufficiently specific. Consequently, the allocation of certain S106 funds can be subject to prolonged discussions.

This report proposes a clear decision making mechanism in these scenarios to ensure the funds are allocated appropriately. The introduction of such a process will provide a clear and transparent process for applications for funds (from Parish and Town Councils and the voluntary and community sector) to be allocated for purposes which are in accordance with the S106, with an appropriate level of Member input.

**Recommendation:**

**That the process set out in Paragraph 3 be ADOPTED for the distribution of S106 funds where the S106 Agreement does not explicitly specify where the funding should be directed.**

**Reasons for Recommendation:**

- To provide a clear and transparent process for the allocation of S106 funds.
- To ensure that the allocation of S106 funds are in accordance with the necessary legal tests and are allocated in a timely manner to properly contribute towards meeting the needs of the new populations and growing communities.

**Resource Implications:**

As outlined within the report. The Council will hold and administer the S106 funds once received from the developer/landowner.

**Legal Implications:**

Ensuring compliance with S106 Town and Country Planning Act 1990 (as amended) and CIL Regulations.

**Risk Management Implications:**

This process will help ensure that S106 funds are spent within the claw back period.

**Performance Management Follow-up:**

Financial management is reported through the quarterly performance tracker.

**Environmental Implications:**

S106 funds can be negotiated to provide for environmental improvements within the community.

## 1.0 INTRODUCTION/BACKGROUND

- 1.1 Through the Development Management process, planning obligations are entered into by virtue of Section 106 of the Town and Country Planning Act 1990 (as amended), These obligations are usually in the form of a legal agreement with or a unilateral undertaking in favour of the local planning authority and are commonly referred to as S106 Agreements. A planning obligation can only do one of four things as follows: -
- (a) restrict the development or use of land in any specified way;
  - (b) require specific operations or activities to be carried out in, on, under or over the land;
  - (c) require the land to be used in any specified way; or
  - (d) require a sum or sums to be paid to a local planning authority on a specified date or dates or periodically.

Planning obligations bind the land itself, rather than the person or organisation that develops the land, and are key considerations that will have to be taken into account by any future owner because, if the S106 is not complied with, it is enforceable against the person that entered into the obligation and any subsequent owner.

- 1.2 The general premise of the use of planning obligations is to make acceptable development which would otherwise be unacceptable in planning terms. The common uses of planning obligations are to secure affordable housing, and to specify the type and timing of this housing; and to secure financial contributions to provide infrastructure. They are focused on site specific mitigation regarding the impact of development.

S106 Agreements which contain financial payments are often referred to as 'developer contributions'. This report relates solely to developer contributions for the provision of community facilities. Such facilities can be provided on the development site itself; or off-site for the new population to utilise. Examples include; open space, playing pitches, sports facilities, village halls, dog bins, play areas and the public realm.

**1.3** The legal tests for when a S106 can be used are set out in Regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 as amended. The tests are that they are:

- A. necessary to make the development acceptable in planning terms;
- B. directly related to the development; and
- C. fairly and reasonably related in scale and kind.

**1.4** Specific beneficiaries and the financial amounts within the S106 Agreement are evidenced in a number of ways, for example:

- Council Planning Policy.
- Sport England Facility Calculator.
- Emerging Sports, Social and Open Spaces Study/Playing Pitch Policy.
- Fields in Trust Guidance.
- Neighbourhood Development Plans.
- Joint Core Strategy Infrastructure Development Plan.

The Borough Council is the accountable body for allocating the spending of S106 monies that relate to: public open space; sport and recreational facilities; and the public realm.

## **2.0 CURRENT SITUATION**

**2.1** Presently, within the Constitution, the Head of Development Services has responsibility for discharging S106 obligations.

**2.2** The majority of pre-existing S106 Agreements are very specific as to the purpose to which developer contributions for community infrastructure must be allocated. For example “a Community Facilities Contribution in the sum of £100,000 should be provided towards improvements at xxx Village Hall on the occupation of the 100th dwelling.” Here, the S106 is clear what the sum is, who the beneficiary is and the purpose the money must be used for. Consequently, when a decision must be taken to allocate the monies, because the S106 is clear, there is no difficulty.

**2.3** However, there are a limited number of pre-existing S106 Agreements which are not explicit as to who the beneficiary must be or where the funding should be directed. The initial flexibility would have been built into the S106 to enable the community’s changing needs to have been met over a period of time. As a consequence, this can cause difficulties when a decision to allocate monies must be made as the generic nature of the purpose to which the S106 monies can be used can cause confusion within the local community. Where these scenarios have previously occurred either they have been brought to Committee for discussion, or the local Member(s) have been involved and the Parish/Town Council put forward proposals. However, this has been on an ad-hoc basis as there is no clear process set down to deliver this.

**2.4** There are currently a number of live examples where initiating a clear process would benefit decision making and avoid ambiguity. An example of an indistinct clause would be ‘£100k towards improvements in community provision in the Parish of xxx on occupation of the 100<sup>th</sup> dwelling’. In this situation the definition of community provision is not clearly laid out so the funds could be directed towards a village hall, play area, local sports club or community centre.



### **3.0 PROCESS OF ALLOCATING S106 MONIES WHERE THE AGREEMENT / UNILATERAL UNDERTAKING IS VERY GENERIC**

**3.1** To support the decision-making process, the consultation procedure outlined below is proposed. This will help in providing possible organisations who may have a proposal for the use of S106 monies such as Parish and Town Councils, as well as the voluntary and community sector, with a clear and transparent process as to how to apply for the allocation of such monies. Essentially this process, if agreed, will involve the Head of Development Services consulting with key local/Lead Members before a decision to allocate funds in these specific circumstances is made based on information provided. The proposed process will only relate to allocation of S106 funds where there is no clear beneficiary. Where clauses are clear the decision-making process will remain unchanged and the Head of Development Services will continue to work directly with the beneficiary to spend the funds in line with the S106 Agreement/unilateral undertaking.

**3.2** The proposed process will involve three stages:

1. Prior to the S106 trigger point the Council will make the local Parish and community aware of the sums involved and what the funds are specified for. A deadline will be provided for the Council to receive the relevant information for bids.
2. The community group and/or Parish/Town Council submit details of how the funds will be spent. This submission will outline the proposal generally and will also be required to include details on the following matters:
  - How the CIL tests will be met.
  - Business Case (referencing original planning report, original consultation and S106 Agreement).
  - Evidence of need for the new population, including any consultation.
  - Subject to financial checks and the relevant policies.
  - Whether any other funds have been secured.
  - Deliverability/costings.
  - How the community will be involved in agreeing the use of the funds e.g. involving children and young people in the design of play areas.
3. Within the Constitution, the authority to discharge S106 obligations rests with the Head of Development Services. Once the Council is satisfied that all relevant information has been submitted, it is proposed that the Head of Development Services will discharge this responsibility in consultation with a panel of local/Lead Members. This panel will include:

Lead Member for Community.

Lead Member for Built Environment.

Lead Member for Finance and Asset Management.

Lead Member for Health and Wellbeing.

The local Member(s).

A member of the Finance team, One Legal and the Community Development Team would be present to advise the panel.

Where a member of the panel has a connection to the applicant (e.g. sit on the Board, or Parish Council that is making an application), they will be required to declare this and not be able to sit on the panel for that decision. This may be a virtual panel with information circulated via email.

**3.3** To assist the community, guidance notes will be drawn up and the Community Funding Officer's expertise in funding processes will be utilised. It will be made clear that this is not a grant process. Not all S106 Agreements contain these non-specific clauses and therefore it is not anticipated that the panel would need to meet more than quarterly. All decisions will be advertised on the Council's website.

**3.4** Therefore, it is requested that the Committee endorse this process to support the effective decision-making process for allocating S106 funds in these very specific circumstances.

#### **4.0 OTHER OPTIONS CONSIDERED**

**4.1** An alternative option would be to refer all such scenarios to Executive Committee, but this is likely to lengthen the process.

This process does not include contributions relating to affordable housing.

#### **5.0 CONSULTATION**

**5.1** Through the S106 process, the relevant Parish and Town Council is consulted. There has been no consultation on this process.

#### **6.0 RELEVANT COUNCIL POLICIES/STRATEGIES**

**6.1** JCS Infrastructure Development Plan.

Sports, Social and Open Spaces Study (yet to be adopted).

#### **7.0 RELEVANT GOVERNMENT POLICIES**

**7.1** Localism Act.

#### **8.0 RESOURCE IMPLICATIONS (Human/Property)**

**8.1** Adminstrating the application and decision-making process. It is anticipated that this will be through the Place and Community Development Team.

#### **9.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)**

**9.1** S106 funds provide for community infrastructure that is vital for the new community in encouraging health and wellbeing, social interaction and a sense of place.

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

**10.1** The process wil provide a clear and transparent process for the best use of S106 funds.

#### **11.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS**

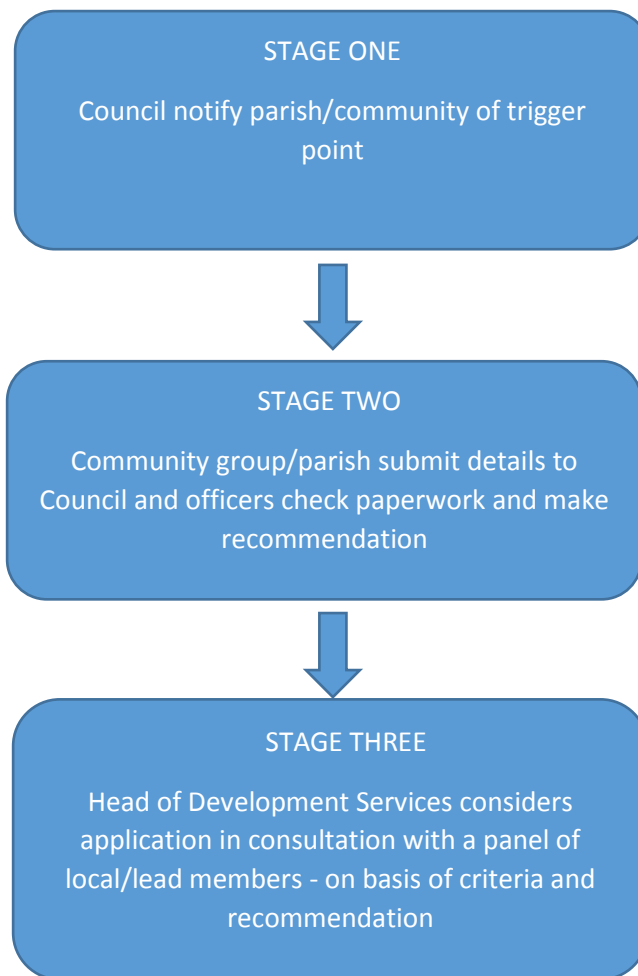
**11.1** None.

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**Background Papers:** None.

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Tel: 01684 272094 Email: [andy.sanders@tewkesbury.gov.uk](mailto:andy.sanders@tewkesbury.gov.uk)

**Appendices:** 1 – Flowchart.



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