

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Executive Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Wednesday, 21 November 2018 commencing
at 2:00 pm**

Present:

Chair
Vice Chair

Councillor R A Bird
Councillor J R Mason

and Councillors:

K J Berry, G F Blackwell, M Dean, R Furolo, M A Gore, J Greening and E J MacTiernan

also present:

Councillor P W Awford

EX.36 ANNOUNCEMENTS

- 36.1 The evacuation procedure, as noted on the Agenda, was taken as read.
- 36.2 The Chair welcomed the Chair of the Overview and Scrutiny Committee to the meeting and advised that he was in attendance for Item 7 on the Agenda – Performance Management Report – Quarter One 2018/19.

EX.37 DECLARATIONS OF INTEREST

- 37.1 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.
- 37.2 The following declarations were made:

Councillor	Application No./Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
G F Blackwell	Item 13 – Community Grants.	Is a Member of Churchdown Parish Council which had been a recipient of a community grant.	Would speak and vote.

J Greening	Item 13 – Community Grants.	Is the Council's representative on the Prior's Park Neighbourhood Project (PPNP) which had been a recipient of a community grant.	Would speak and vote.
J R Mason	Item 13 – Community Grants.	Is the Chair of Winchcombe Town Council which had been a recipient of a community grant.	Would speak and vote.

37.3 There were no further declarations made on this occasion.

EX.38 MINUTES

38.1 The Minutes of the meeting held on 29 August 2018, copies of which had been circulated, were approved as a correct record and signed by the Chair.

EX.39 ITEMS FROM MEMBERS OF THE PUBLIC

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

EX.40 EXECUTIVE COMMITTEE FORWARD PLAN

40.1 Attention was drawn to the Committee's Forward Plan, circulated at Pages No. 6-10. Members were asked to consider the Plan.

40.2 Accordingly, it was

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

EX.41 PERFORMANCE MANAGEMENT REPORT - QUARTER ONE 2018/19

41.1 The report of the Chair of the Overview and Scrutiny Committee, circulated at Pages No. 11-55, asked Members to review and, if appropriate, take action on the observations of the Overview and Scrutiny Committee following its review of the 2018/19 quarter one performance management information.

41.2 Attention was drawn to the observations made by the Overview and Scrutiny Committee, attached at Appendix 1 to the report, to the Council Plan Performance Tracker, attached to the report at Appendix 2, and to the financial information circulated at Appendices 3-5.

41.3 The Chair of the Overview and Scrutiny Committee explained that a number of actions within the Plan were refreshed as part of the annual review of the Council Plan. As this was a review of the quarter one performance it was still early days for a number of actions within the Plan to come to fruition. The actions which had not progressed in accordance with agreed timescales had been challenged before and two had been programmed into the Overview and Scrutiny Committee work programme for further review (Healings Mill and trade waste) so Members had a full understanding of the issues. During discussions on the performance tracker, Overview and Scrutiny Committee Members had been keen to ensure that actions

had feasible target dates against them. They were concerned that there were a number where dates had moved four or five times, and it was felt that the target dates did not reflect the complexity of those actions. Officers had agreed to look at this and ensure target dates were realistic moving forward. Overall the Chair felt that scrutiny review was positive and the progress of actions summarised in the main body of the report had been noted; including approval to move forward with the disposal of the MAFF site; fundamental completion of the Public Services Centre refurbishment; appointment of a development advisor for the Spring Gardens project; and appointment of a Business Transformation Manager and Technical Planning Manager to take forward the Development Services improvement plan. The Chair explained that, at its last meeting, the Overview and Scrutiny Committee had received the first monitoring report in relation to that improvement plan and, similar to the performance tracker, Members had expressed a strong desire that target dates were realistic. A Member of the Committee had calculated that the target dates of 22 of the actions within the plan had been changed. The Head of Development Services had explained that the initial target dates had been over-ambitious and confirmed the new dates were achievable. The Overview and Scrutiny Committee Chair also passed on the thanks of his Committee to the Lead Member for Clean and Green Environment who, at the September meeting of the Committee, had given a very informative presentation on Ubico and its work. This was in direct response to Ubico related issues which had been picked up by the Overview and Scrutiny Committee and had been very well received. Following that presentation, seven Members had visited the Swindon Road Depot for a tour and, at that time, had flagged up a possible concern going forward about the size of the site and the potential risks due to the constraints and the amount of vehicle movements required; particularly given the expected growth of the Borough. It was inevitable that there would need to be investment in the site to create space for more vehicles, or to look at an alternative depot location, and this would need to be borne in mind going forward.

41.4 A Member questioned whether there was an update available on the discretionary trade waste service and, in response, the Head of Community Services advised that the meeting which had been planned for 20 September had unfortunately not taken place but was due to be held the following day. He intended to provide an update to the Overview and Scrutiny Committee in the New Year. In response to a concern about the increase in the number of abandoned cars in the Borough, the Head of Community Services advised that he was in the process of putting together the six-monthly environmental review for Overview and Scrutiny Committee so he would provide that information to the Member following the meeting. The price of scrap metal had an effect on the number of abandoned cars so it tended to be an issue at some times and not at others.

41.5 The Chair thanked the Overview and Scrutiny Committee Chair for his update and, accordingly, it was

RESOLVED: That the Overview and Scrutiny Committee's comments on the Performance Management Report for Quarter One of 2018/19 be **NOTED**.

EX.42 DISPOSAL AND PURCHASE OF COUNCIL VEHICLE

- 42.1 The report of the Head of Community Services, circulated at Pages No. 56-64, provided an explanation about the need for an alternative vehicle which was required to access the narrow roads and lanes in rural areas; it also set out the business case for the disposal of the current vehicle and the sourcing of a new vehicle which was fit for purpose. Members were asked to consider the information provided and recommend to Council that the capital programme be amended to allow the purchase of a vehicle as set out as option three of the business case attached to the report.
- 42.2 The Head of Community Services explained that, at its meeting in November 2016, the Executive Committee had agreed to a request from Ubico for the purchase of an additional vehicle to complete the waste fleet. That vehicle was a 7.5 tonne narrow access vehicle which had been intended to ensure that waste and recycling collections could be made in narrow roads and lanes in rural areas. However, the capacity of the vehicle had been found to be too small for the amount of waste and it had to make additional trips to the landfill site, or transfer station, which had resulted in rounds not being completed. To address that issue, an alternative larger capacity vehicle had been sourced which could still access the narrow lanes but would also ensure that rounds could be completed on scheduled days. At the same time, Stroud District Council had required a 7.5 tonne narrow access vehicle and, as Stroud was also a Ubico client, Tewkesbury Borough Council's vehicle was moved to that contract which had off-set the hire cost of Tewkesbury's vehicle and resulted in no additional cost. Stroud District Council had now indicated that it would like to purchase the vehicle to complete its fleet which meant Tewkesbury Borough needed to decide if it wished to purchase the replacement vehicle that it needed, i.e. a split back narrow access which could collect a two way waste stream at the same time, and the business case was set out at Appendix 1 to the report. Officers had considered the option of continuing to lease the vehicle required but this was more expensive than purchase which was why the preferred option was option three – to sell the smaller capacity vehicle and purchase a new split bodied vehicle which allowed two separate waste streams to be collected at the same time.
- 42.3 Accordingly, it was

RESOLVED: That it be **RECOMMENDED TO COUNCIL** that the capital programme be amended to allow the purchase of the vehicle as set out in Option 3 of the business case attached to the report.

EX.43 JOINT CORE STRATEGY - PREFERRED REGISTERED PROVIDERS

- 43.1 The report of the Strategic Housing and Enabling Officer, circulated at Pages No. 65-75, provided information about the Affordable Housing Partnership which was made up of the three Joint Core Strategy (JCS) local housing authorities and had been formed to oversee the delivery, allocation and management of affordable housing in the JCS strategic allocations along with the preferred registered provider list used for those allocations. Members were asked to delegate authority to the Head of Community Services to evaluate and select additional preferred registered providers for the delivery and/or management of new affordable housing in the strategic allocation sites; and to delegate authority for the Head of Community Services, in consultation with the Lead Member for Built Environment, to make further operational decisions within the affordable housing partnership.

- 43.2 Members were advised that, in 2015, the JCS authorities had set up the affordable housing partnership to deliver and manage properties and had agreed ten registered providers for the list. Those providers had been assessed under criteria about how they brought properties through and how they managed the tenants in those properties. It had not considered how new providers could be added to the list so a procedure for that needed to be put into place. The current registered providers had accepted that, rather than reviewing the whole list, only new providers should be assessed and it was felt that a process was needed to ensure decisions on this could be made without being referred to Committee each time.
- 43.3 Members felt this was a sensible way forward; however, one query was expressed as to why the entire list was reviewed every five years rather than four yearly in line with the term of the Council. In response, the Borough Solicitor advised that, as the arrangement also involved the other two JCS authorities, it would not be possible for the review to coincide with each of the Council terms. In addition, the Head of Development Services, indicated that five years was in line with the JCS plan period and the housing land supply.
- 43.4 In response to a query regarding the fact that Cheltenham Borough Council had its own housing provider, the Strategic Housing and Enabling Officer explained that the list was maintained by the Strategic Housing Partnership but it was up to the developers, and the registered providers which providers were used in which areas. The idea of the list was that the Partnership could work with those providers to try and ensure they were being developed and managed as the Councils would like.
- 43.5 Accordingly, it was

RESOLVED:

1. That authority be delegated to the Head of Community Services to evaluate and select additional preferred registered providers for the delivery and/or management of new affordable housing on the strategic allocation sites.
2. That authority be delegated to the Head of Community Services, in consultation with the Lead Member for Built Environment, to make further operational decisions within the Affordable Housing Partnership.

EX.44 TEWKESBURY TOWN SUPPLEMENTARY PLANNING DOCUMENT

- 44.1 The report of the Head of Development Services, circulated at Pages No. 76-115, set out a draft Supplementary Planning Document for the regeneration of Tewkesbury town which Members were asked to approve for public consultation. In addition, the Committee was asked to delegate authority to the Head of Development Services to make the necessary minor amendments to the draft document as considered appropriate prior to its publication for consultation.
- 44.2 The Head of Development Services explained that the Council had adopted a Tewkesbury town centre masterplan strategic framework document in July 2012 which had now been reviewed by the Tewkesbury Town Regeneration Partnership. In undertaking the review, the Partnership had considered that the key planning elements of the masterplan should be incorporated into a Supplementary Planning Document and the draft document had therefore been prepared taking into account the latest national and local guidance and bringing it up to date with the planning guidance for the town centre. The Supplementary Planning Document was intended to provide a user-friendly guide which would assist applicants in making better planning applications; aid infrastructure delivery; and help the general public and other stakeholders to gain a better understanding of the Council's commitment

to regenerating the town centre. Tewkesbury Town Council had considered the draft document and agreed that it should go out for consultation with both the Borough and Town Council logos on it. A meeting had been held with the local Borough Councillors which had resulted in a few minor tweaks that would fall within the delegation to the Head of Development Services, as such, Members were asked to approve the document before them for consultation.

44.3 It was intended that, if approved, the consultation would commence on 3 December 2018 and run for a six-week period with various events planned including a session on 13 December at the Town Hall before the civic carol service. On receipt of the responses they would be reviewed and any changes considered for inclusion in the final document which would then be submitted for recommendation to Council. If approved the Supplementary Planning Document would become a material planning consideration.

44.4 Accordingly, it was

RESOLVED:

1. That the draft Tewkesbury Town Regeneration Supplementary Planning Document, as set out at Appendix 1 to the report, be approved for public consultation.
2. That authority be delegated to the Head of Development Services to make any necessary minor amendments to the draft document, as considered appropriate, prior to its publication for consultation.

EX.45 FINANCIAL UPDATE - QUARTER TWO 2018/19

45.1 The report of the Head of Finance and Asset Management, circulated at Pages No. 116-135, provided the financial performance information for the second quarter of 2018/19 which Members were asked to consider.

45.2 The Head of Finance and Asset Management explained that the report highlighted a significant surplus of £572,086 on the revenue budget and detailed the expenditure to date against both the capital programme and the approved reserves. Employee cost savings were generated mainly through staff vacancies, particularly in One Legal and Development Services, by services managing vacancies during the period by utilising current staff to cover work in the short term and limiting the use of agency staff. Democratic Services had a vacant post which was maintained to offset overtime and other pressures during an election period but, with no significant elections this year, savings had been made against the post. The surplus on income was from the garden waste scheme bringing in income above target, as a result of the implementation of the new sticker system and the fixed renewal date of 1 April, as well as additional grant income for the benefits team which had been received from central government to help with any cost of transition of claimants to Universal Credit. The positive position on income was being offset by planning application income being lower than expected with a deficit of £133,602 against the target. The service remained confident of delivering the total projected income for the year with the applications expected to be submitted.

- 45.3 In terms of business rates retention of £334,901, the main reason was the significant growth and receipt of further compensation from the government in respect of the multiplier cap; in the past the amount provided to local government had been calculated incorrectly so further compensation had been provided. Additional windfall figures were still being calculated and would be reported to Members in due course. In addition, Page No. 124 showed an underspend in relation to the commercial property investment programme, but Members were advised that a new unit was actively being sourced to complete the portfolio so it was expected that the money would be spent; and Page No. 135 showed expenditure of nearly £200,000 against the asset management reserve, the vast majority of which was due to be spent on the Public Services Centre and an allocation on the holding account which would be allocated at the end of the year.
- 45.4 The mid-year treasury report was circulated at Pages No. 126-135 and provided a lot of detail on treasury performance; the main headlines were an investment return of 1.39% that equalled £157,000 which was over £40,000 above the estimate and had been aided by the additional monies put into the fund. Borrowing had been slightly increased but, overall, there was a treasury management surplus of nearly £38,000 in the first half of the year.
- 45.5 Referring to the commercial property investments, a Member noted that one of the purchases was a Marks and Spencer store and she questioned whether this was sensible given the current problems in the retail sector. In response, the Head of Finance and Asset Management explained that the Council was looking for a balance in its portfolio between industrial, retail and office but it was staying away from High Street retail; the Marks and Spencer unit referred to was an out of town store and a sound purchase. There remained £6.7 million in the fund and the Council was looking for an industrial unit to cover that. The Member also referred to the recent case whereby shops with cash machines outside had been told they no longer had to pay business rates on those machines and may be reimbursed; she questioned how this would affect the Council. In response, the Head of Finance and Asset Management explained that this only applied to standalone units and an initial assessment had shown this would not affect the Council particularly but he would bring the information back to Members once the impacts had been properly assessed. In terms of the grant for Universal Credit, the Revenues and Benefits Manager advised that this was a one-off income and, if it was not spent, there was no requirement to pay it back; however, it had to be used for the purpose for which it had been intended. The Member also referred to Disabled Facilities Grant funding received from the government and questioned how it was calculated. In response, the Head of Finance and Asset Management advised that he did not know how it was calculated but had assumed it to be an assessment of need versus population; he undertook to research this and advise Members accordingly.
- 45.6 Having considered the information provided, it was

RESOLVED: That the financial performance information for the second quarter of 2018/19 be **NOTED**.

EX.46 COUNCIL TAX REDUCTION SCHEME 2019/20

- 46.1 The report of the Head of Corporate Services, circulated at Pages No. 136-139, recommended that the Council continued with the default local Council Tax Reduction Scheme which had been adopted in April 2013 and Members were asked to make a recommendation to Council to that effect.
- 46.2 The Revenues and Benefits Manager explained that the Council was required, on an annual basis, to approve a scheme to help residents who required assistance in paying their Council Tax. Councils had an element of discretion about what that looked like; the report before Members recommended that the Council stayed with the default scheme for 2019/20, due to the uncertainty around Universal Credit, but with the understanding that Officers would begin looking at other options for Council Tax reduction schemes going forward.
- 46.3 Members agreed that this was a sensible way forward and, accordingly, it was

RESOLVED: That it be **RECOMMENDED TO COUNCIL** that the Council Tax Reduction Scheme for 2019/20 be **ADOPTED**.

EX.47 COMMUNITY GRANTS

- 47.1 The report of the Head of Finance and Asset Management, circulated at Pages No. 140-149, provided information on outstanding community grants and asked Members to consider the information and agree its approach to the ongoing management of each grant.
- 47.2 The Head of Finance and Asset Management explained that the Council's grants scheme had been eliminated due to financial pressures and the Grants Working Group had been disbanded. A number of the grants remained outstanding and it was felt appropriate to bring an update to Members and get a steer on how they should be managed going forward.
- 47.3 Attention was drawn to the appendices, circulated with the report, which set out the current status of each grant. Members were advised that, in terms of the grant for community parking provision in Prior's Park, the majority had been spent on parking but a balance of £25,000 remained. A discussion had taken place with local Members and three sites had been identified for further parking provision to relieve issues in the area; it was therefore suggested that the remaining balance be held for six months to allow completion of that work. In terms of Wormington Village Hall, the Head of Finance and Asset Management explained that a grant of £57,700 had been awarded in March 2013 and none of the grant had yet been drawn down. The Village Hall Society had suffered some issues with its status, as well as there being a problem with the position of the village hall in that the land was owned by Dumbleton Parish Council and the transfer lease had not yet been completed. A number of attempts had been made to bring the two parties together but this had not been possible to date. Wormington Village Hall Society was now looking to get the lease 'dated' to enable them to move the project forward and Officers felt it may be acceptable to permit an extension of six months to allow the Parties to resolve the issues. The majority of the grant to Churchdown Parish Council for its 'Fitness for All' project had been spent and it was recommended that the last few invoices be settled as they were received. GL3 Hub had a small outstanding balance of £1,100 from its environmental improvements grant which it was suggested should be returned to capital balances. In terms of the Winchcombe skate park grant, the project had seen some delays in respect of planning and it was suggested that a 12 month extension be granted to allow the works to be completed.

- 47.4 A Member expressed the strong view that the grant for Wormington Village Hall should not be extended again. The Parties involved did not seem to be able to move the project forward and the grant had been outstanding for many years which she felt was unacceptable. There had also been questions raised as to whether Wormington actually needed a village hall which was of concern to her. Another Member agreed that there had been a lot of extensions, although he was of the view that a final deadline should be given. The Head of Finance and Asset Management felt the withdrawal of the grant at this point could be difficult reputationally for the Council. The Borough Solicitor agreed that there could be potential jeopardy to the applicants if the grant funding was withdrawn while they were in court proceedings so a 12 month extension seemed reasonable as long as they showed a real intent during that time i.e. the land issues were addressed and some works had commenced. Any extension granted would have to include terms about any pending court action so that, if the case did not succeed, and/or the lease was not negotiated, the grant funding would be given back to the Council. Another Member expressed the view that village halls were important community facilities, especially in rural locations, and the Council should do what it could to help the party. In response to a query regarding what would happen if the money came back to the Council, the Head of Finance and Asset Management confirmed that it would be returned to capital balances. In terms of the Prior's Park community parking provision, a Member questioned whether a 12 month extension would be more suitable than the suggested six months. In response, he was advised that this may be helpful, even though the project would be moved forward as quickly as possible.
- 47.5 A Member suggested that, if an extension was given to Wormington Village Hall Society, it should be a firm date which must be adhered to and it was agreed that 12 months from the date of this meeting would be acceptable and that stringent conditions in terms of the commencement of development should be included. With regard to money put back into capital balances, a Member expressed concern that it should be reallocated to community projects. In response, the Head of Finance and Asset Management indicated that this was a reasonable request and undertook to include a specific recommendation in the budget report to address this. Accordingly, it was

RESOLVED: That the ongoing management of the 'live' grants be **AGREED** as follows:

- Prior's Park Community Parking Provision – 12-month extension to grant agreement to allow the investigatory work on further parking provision to be undertaken.
- Wormington Village Hall – 12-month extension to grant agreement with stringent conditions applied in terms of the commencement of development.
- Churchdown Parish Council Fitness for All – final invoices to be submitted and paid in line with grant agreement.
- GL3 Hub Environmental Improvements – unspent balance to be returned to Council funds.
- Winchcombe Skate Park – 12-month extension to grant agreement to allow completion of works.

EX.48 COMMERCIALISATION STRATEGY

- 48.1 The report of the Deputy Chief Executive, circulated at Pages No. 150-158, set out the Council's statement of intent, and provided the basis for identifying, exploring and, where a sound business case existed, focussing upon implementing practices that could generate income. Members were asked to approve the Commercialisation Strategy; note the governance arrangements which would be undertaken as part of the Transform Working Group; and to note that the Transform Working Group would support Officers in the development of a detailed 12-month action plan.
- 48.2 The Deputy Chief Executive explained that the report set out the Council's current overarching agenda in respect of commercialisation. The proposals within the report sought to use the governance arrangements which were already in place and to maximise the detail around the fifth strand of the business transformation strategy; commercialisation. The report also discussed the creation of alternative income streams to fund the gap in the Council's budget and to replace the funding which had been lost from the local governance finance settlement. The idea of the 'plan on a page' was that it provided a framework in which to address commercialisation; it set out the Council's approach; the challenges and opportunities; the focus; the key priorities and how success would be measured. It was hoped that Officers would feel able to put their thoughts forward on how their service could be more commercial and this could then be worked up into a business case for consideration by the management team.
- 48.3 Having considered the report, it was

RESOLVED:

1. That the Commercialisation Strategy be **APPROVED**.
2. That it be **NOTED** that the governance arrangements, previously agreed as part of the Business Transformation (Transform) Strategy and Working Group, are adopted to oversee projects developed as part of the Strategy.
3. That it be **NOTED** that the Transform Working Group will support Officers in the development of a detailed 12-month action plan.

EX.49 SEPARATE BUSINESS

- 49.1 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.50 IRRECOVERABLE DEBTS WRITE-OFF REPORT

(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))

- 50.1 The Committee considered the write-off of irrecoverable debts for the quarter and agreed to write-off the debt as described in the appendix to the report.

The meeting closed at 4:00 pm