

TEWKESBURY BOROUGH COUNCIL

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

Present:

The Worshipful the Mayor
Deputy Mayor

Councillor R M Hatton
Councillor G F Blackwell

and Councillors:

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

CL.33 APOLOGIES FOR ABSENCE

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

CL.34 DECLARATIONS OF INTEREST

- 34.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.
- 34.2 The following declarations were made:

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

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

34.3 There were no further declarations made on this occasion.

CL.35 MINUTES

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

CL.36 ANNOUNCEMENTS

36.1 The evacuation procedure was advised to those present.

CL.37 ITEMS FROM MEMBERS OF THE PUBLIC

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

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

38.1 There were no Member questions on this occasion.

CL.39 LEAD MEMBER PRESENTATION

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

39.2 The presentation covered the following main points:

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

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

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

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

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

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

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

39.4 Accordingly, it was

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

CL.40 AUDIT COMMITTEE ANNUAL REPORT 2017/18

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

40.2 The presentation covered the following key points:

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

economy, efficiency and effectiveness of resources.

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

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

40.4 Accordingly, it was

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

CL.41 OVERVIEW AND SCRUTINY REVIEW OF WATER OUTAGE

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

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

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

41.4 Accordingly, it was

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

CL.42 PREFERRED OPTIONS TEWKESBURY BOROUGH PLAN CONSULTATION

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

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

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

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

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

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

- 42.6 Upon being put to the vote, it was

RESOLVED

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

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

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

CL.43 SEPARATE BUSINESS

43.1 The Mayor proposed, and it was

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

CL.44 SEPARATE MINUTES

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

The meeting closed at 7:35 pm