

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Executive Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Wednesday, 7 February 2024
commencing at 2:00 pm**

Present:

Chair
Vice Chair

Councillor R J Stanley
Councillor S Hands

and Councillors:

C M Cody, C F Coleman, D W Gray, D J Harwood, A Hegenbarth, M L Jordan, J R Mason and
M G Szymiak

EX.80 ANNOUNCEMENTS

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

EX.81 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

81.1 Apologies for absence were received from Councillors S R Dove and J K Smith.
There were no substitutes for the meeting.

EX.82 DECLARATIONS OF INTEREST

82.1 The Committee's attention was drawn to the Tewkesbury Borough Code of Conduct which was adopted by the Council on 24 January 2023 and took effect on 1 February 2023.

82.2 The following declaration was made:

Councillor	Application No./Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
C Cody	Item 11 – Council Tax Premiums.	Is a Gloucestershire County Councillor.	Would speak and vote.
D W Gray	Item 11 – Council Tax Premiums.	Is a Gloucestershire County Councillor.	Would speak and vote.
R J Stanley	Agenda Item 10 – Council Tax Discount Scheme for Care Leavers.	Is a foster carer.	Would speak and vote.

82.3 There were no further declarations made on this occasion.

EX.83 MINUTES

- 83.1 The Minutes of the meeting held on 10 January 2024, copies of which had been circulated, were approved as a correct record.

EX.84 ITEMS FROM MEMBERS OF THE PUBLIC

- 84.1 There were no items from members of the public.

EX.85 FEEDBACK FROM THE CHAIR OF OVERVIEW AND SCRUTINY COMMITTEE

- 85.1 There were no matters arising from the last Overview and Scrutiny Committee which required reporting to the Executive Committee.

EX.86 FEEDBACK FROM CHAIR OF AUDIT AND GOVERNANCE COMMITTEE

- 86.1 In the absence of the Chair of the Audit and Governance Committee, the Director: Corporate Services provided feedback from the last meeting of the Audit and Governance Committee held on 31 January 2024.
- 86.2 The Director: Corporate Resources advised that, at the Special meeting of the Audit and Governance Committee held the previous week, Members had received two audit reports around the Council's new heating system and budgetary controls and Section 106 processes. In terms of the latter, the audit opinion was that there was no assurance around the reconciliation of Section 106 processes and only limited assurance in terms of the ownership around Section 106 and the lack of procedures. It had been made clear to the Committee this was a legacy issue and concerns had been raised by Members previously regarding the Section 106 process. It was recognised that the audit should be a catalyst for improvement and, whilst there had been verbal assurance the recommendations of the audit would be implemented, the Audit and Governance Committee would receive an action plan for a complete review of the Section 106 process at its next meeting on 27 March 2024.
- 86.3 It was
- RESOLVED** That the feedback from the Audit and Governance Committee be **NOTED.**

EX.87 BUDGET 2024/25

- 87.1 The report of the Associate Director: Finance, circulated at Pages No. 13-40, set out the proposed budget for 2024/25. Members were asked to recommend to Council the approval of a net budget of £12,463,511; a Band D Council Tax of £144.36, an increase of £5.00 per annum; the inclusion of growth items within the budget for 2024/25 as proposed in Appendix A to the report; and the capital programme as proposed in Appendix B to the report. It was noted that the net budget being proposed represented a slight increase from the net budget of £12,357,208 set out in the report recommendation.
- 87.2 The Executive Director: Resources explained that the government had made a further £600m funding available nationally in its final local government settlement with the lion's share going to upper tier authorities. All councils would see an increase in Core Spending Power from 3% to 4% and a further £15m had been made available for the Rural Services Delivery Grant. In addition, the Secretary of State had confirmed there would be no change to Council Tax referendum principle proposals and every authority would be required to submit productivity

plans in time for the summer recess. In terms of what that meant for Tewkesbury Borough Council, there would be additional funding of £106,303 to support the 2024/25 budget; however, rather than allocating it at this point, the sum would be set aside for draw down in the new financial year to meet the requirements of the Council Plan or the High Performing Organisation (HPO) workstream. The draw down would require a separate report and approval by the Executive Committee to enable the virement of funds. The recommendation had been amended to include the additional funding but the report would need to be rewritten ahead of Council to include the impact of the final local government settlement.

- 87.3 A Member sought clarification as to what would be covered by the HPO workstream and was advised that it spanned a whole range of areas in terms of the Council's operation and performance and how the authority could move forward with delivery of services. The Member indicated that she was concerned about Planning as the service was currently undergoing a real transformation but she understood two posts which were being advertised currently were also being advertised by neighbouring authorities at a much higher pay grade which clearly impacted on Tewkesbury Borough Council's ability to recruit – she did not know how effective the improvements being implemented within the service would be without additional funding. The Chair indicated that he was sure these points were valid; however, all Members would be able to quickly think of ways to allocate the additional funding which was the reason for not rushing to make that decision today. Another Member welcomed the additional funding and felt that it must be spent on things the Council was doing rather than what it thought it should be doing - it would be nice to be able to communicate how the money had actually improved service delivery for residents. In response, the Chief Executive advised that the HPO work was around where the Council needed to be in terms of managing processes and improving access to services which would have a direct benefit on residents and businesses. A lot of the things currently being monitored by the authority in terms of performance were outputs rather than outcomes so that was something which needed to be addressed. He stressed the importance of not making the HPO work into an industry and that it must be part of the day job delivered by existing staff. Another Member indicated that, had the Council known about the additional funding two or three weeks earlier, it could have been allocated in a considered manner; however, that was not the case so he felt what was being proposed was the right approach to give adequate time to determine how it would be best spent.
- 87.4 With regard to the Band D Council Tax figure of £144.36, a Member expressed the view that it should be made clear this was an annual figure and would not be the figure in the Council Tax bills which would be landing on residents' doormats. He also felt the authority should be clearer about the make-up of the Council Tax bill and asked for clarification as to Tewkesbury Borough Council's proportion. In his view the report was wrong to state there would be no impact on the customer. The Executive Director: Resources undertook to amend the customer impact section of the report prior to Council to reflect that the proposals would result in an additional charge of £5 per annum for a Band D Council Tax property which was for Tewkesbury Borough Council services only and to include the percentage in order to make that clear to residents.

87.5 It was proposed, seconded and

RESOLVED: That, subject to the inclusion of the additional government funding in the final budget report, the following be **RECOMMENDED TO COUNCIL:**

- i. a net budget of £12,463,511;
- ii. a Band D Council Tax of £144.36 per annum for Tewkesbury Borough Council – an increase of £5.00 per annum;
- iii. the inclusion of growth items within the budget for 2024/25 as set out at Appendix A to the report; and
- iv. the capital programme as set out at Appendix B to the report.

EX.88 COUNCIL TAX REDUCTION SCHEME

88.1 The report of the Head of Service: Revenues and Benefits, circulated at Pages No. 41-44, set out the proposed Council Tax Reduction Scheme for 2024/25. Members were asked to recommend to Council that the default Council Tax Reduction Scheme be adopted with effect from 1 April 2024 with a minor revision to the national working age regulations to allow for a de minimus tolerance for income charges; and, that authority be delegated to the Director: Corporate Resources, in consultation with the Lead Member for Finance and Asset Management, to agree the uprating of the working age regulations incorporated into the local Council Tax Reduction Scheme in line with those announced by the Department for Work and Pensions.

88.2 The Director: Corporate Resources advised that this was a standard report which was taken to Executive Committee and Council annually to approve a scheme to provide Council Tax discounts for the most vulnerable residents. The recommendation for 2024/25 was to adopt the current scheme which was first adopted in 2020/21 i.e. the default national scheme with a tolerance level of income changes of £10 or less per week. It was intended that, for next year, the Revenues and Benefits team would look at the various options for a new scheme and to work with Members to fully understand the scheme ahead of approval. It was noted there was a typographical error at Paragraph 1.3 of the report where 'charges' should read 'changes'.

88.3 It was proposed, seconded and

RESOLVED: That it be **RECOMMENDED TO COUNCIL** that:

- i. the default Council Tax Reduction Scheme be **ADOPTED** with effect from 1 April 2024 with a minor revision to the national working age regulations to allow for a de minimus tolerance for income changes; and
- ii. that authority be delegated to the Director: Corporate Services, in consultation with the Lead Member for Finance and Asset Management, to agree the uprating of the working age regulations incorporated into the local Council Tax Reduction Scheme in line with those announced by the Department for Work and Pensions.

EX.89 COUNCIL TAX DISCOUNT SCHEME FOR CARE LEAVERS

- 89.1 The report of the Head of Service: Revenues and Benefits, circulated at Pages No. 45-52, proposed a change to the Council Tax Discount Scheme for Care Leavers. Members were asked to recommend to Council that the definition of a Care Leaver be amended to a young person between the ages of 18 and 24 years for the purposes of Section 13A(1)(c) of the Local Government Finance Act 1992; and that the Council Tax Discount Scheme for Care Leavers attached at Appendix 1 to the report be adopted with effect from 1 April 2024.
- 89.2 The Director: Corporate Resources advised that this was a countywide approach which was supported by all of the local district authorities in the county and would widen the definition of a Care Leaver in order to offer support up to the age of 25 years and would be open to Care Leavers who were formerly in the care of Gloucestershire County Council, or other local authorities in England who had subsequently moved to the area. As set out in the report, in 2022/23, Tewkesbury Borough Council had awarded a discount to 11 Care Leavers aged between 18 and 21 years. The Revenues and Benefits team had contacted the County Council to establish the impact of increasing the age bracket to 24 years and it was found that seven Care Leavers would be eligible so the impact would be minimal.
- 89.3 A Member asked what happened to Care Leavers aged 16 and 17 who left home but would not be eligible to claim this discount until they were 18 and was advised that 16 and 17 year olds were not required to pay Council Tax. Another Member indicated that he fully supported the scheme but, prior to the Council meeting, he would like to understand the rationale for excluding Houses of Multiple Occupancy (HMOs) from the scheme as, presumably, even those renting would be paying Council Tax.
- 89.4 It was proposed by the Chair and subsequently

RESOLVED: That it be **RECOMMENDED TO COUNCIL** that:

- i. the definition of a Care Leaver be amended to a young person between the ages of 18 and 24 years for the purposes of Section 13A(1)(c) of the Local Government Finance Act 1992; and,
- ii. the Council Tax Discount Scheme for Care Leavers, attached at Appendix 1 to the report, be adopted with effect from 1 April 2024.

EX.90 COUNCIL TAX PREMIUMS

- 90.1 The report of the Head of Service: Revenues and Benefits, circulated at Pages No. 53-59, set out a proposal to encourage the owners of second properties to bring them back into full time use and occupation through the imposition of premiums. Members were asked to recommend to Council that Council Tax be increased for all properties deemed second homes, which were occupied periodically, by 100% from 1 April 2025, subject to any exemptions set out in subsequent Regulations and for implementation to be in accordance with those Regulations and guidance; the Council Tax Empty Homes Premium be increased to 100% for properties empty for between one and five years (currently between two and five years), from 1 April 2025, subject to any exemptions set out in subsequent Regulations and guidance; and, that authority be delegated to the Executive Director: Resources, in consultation with the Lead Member for Finance and Asset Management, to amend the Council's policy relating to premiums in line with legislative or government requirements and changes.

- 90.2 The Chair indicated that he had reflected on the report and felt that the additional revenue raised through this proposal would be significant for Gloucestershire County Council but it would make little difference to Tewkesbury Borough Council which would effectively be policing it so he felt it would be worth speaking to partners to suggest that additional resources may be required by the authority which warranted a financial contribution. The Executive Director: Resources explained that it was possible to speak to district colleagues to establish if they had similar thoughts and to raise this with the County Council at a meeting later that month; however, it would need to be agreed on a negotiation basis so, whilst Tewkesbury Borough Council would look to gain the maximum amount, the partner authorities may or may not be in favour. A Member asked what would happen if the County Council said no and the Chair indicated that these negotiations could take place separately and did not prevent Members from voting on the recommendation before them today – the plan was to carry out the work within existing resources and, if Members were in support of the proposals, it would be a case of seeing how things went and if the cost of administering them exceeded the amount which the authority received, the Council could decide not to continue. The Executive Director: Resources advised that Tewkesbury Borough Council had a duty to collect Council Tax and at the moment there was no suggestion that additional resources would be required; however, current resources were limited so it was possible further resource may be needed to ensure the Council received the total amount due to it. He pointed out that the proposal was also about bringing empty properties back into the housing sector so that needed to be considered if Members were minded not to have the premiums in place.
- 90.3 A Member questioned whether information was already available in terms of the amount of empty homes and second homes and was informed that, whilst there would be a further requirement that any information was robust and completely accurate, the information was collected and available within the Council systems currently. The Member indicated that he could see the logic of bringing empty houses back into use more quickly but asked if there was a legal definition of a second home as it was not uncommon for people to live in one location over the weekend and in another location for three or four days per week in order to be closer to their place of work. The Chair indicated that he did not have an absolute definition but drew attention to Page No. 57, Paragraph 2.5 of the report which included a section on job-related dwellings, as well as one in relation to properties that were not regularly lived in, which would not be classed as second homes.
- 90.4 A Member raised concern that the Council had not been formally notified of the exemptions and the bullet points at Page No. 57 of the report were examples of the likely types of situations which may be excluded. As such, he questioned whether it was appropriate to debate what was essentially a proposal rather than facts. In response, the Executive Director: Resources indicated that, unfortunately, final guidance was awaited from the government so the report was based on what was expected but it had not been confirmed. The Member asked if it was possible to defer consideration of the report and was advised that, administratively, it would be preferable to vote on this before 1 April 2024 in order to include it within the main Council Tax billing; whilst it was possible to reissue Council Tax bills later in the year, that would not be ideal.
- 90.5 With reference to Page No. 55, Paragraph 1.7 of the report which related to properties available to let for more than 20 weeks in a calendar year being rated as Business Rates by the Valuation Office Agency (VOA), a Member asked who checked this and what mechanism was in place for that. In response, the Associate Director: Finance, advised that this would involve requesting accounts and income and expenditure statements which would prove how much the property had been let for. The Executive Director: Resources pointed out that the decision to rate a property as Business Rates was down to the VOA, not the Council.

- 90.6 The Chair indicated that the purpose of the proposal was to bring properties back into use for permanent occupancy – second homes were never intended to be permanently occupied and would have been granted planning permission on that basis. A Member felt that the need to police this would involve looking into the personal circumstances of a person or family which was concerning to him and, whilst he understood the good intentions behind it, he felt that the introduction of these premiums would be opening a can of worms and exposing the Council to reputational damage. Another Member noted that the proposal was for those with second homes to pay double the amount of Council Tax and he questioned where the Council would stand on human rights grounds if challenged by someone who was paying the required amount of Council Tax currently. The Monitoring Officer advised that this was government legislation and such a challenge was unlikely to be successful given it was intended as a way to bring more properties back into use by local residents and would be defended on that basis. The Member expressed the view that if someone could afford a second home they could probably afford to pay double the amount of Council Tax but he could not see this helping to bring any properties back into use. A Member indicated that there was a requirement and expectation that benefit claims would be investigated if there was an indication the claimant was not entitled and she felt that policing this scheme would be no different to that in terms of public perception.
- 90.7 A Member questioned whether it was possible for the Council to approve the proposal in April and debate the nuances when the government provided the detailed guidance. The Executive Director: Resources advised that although the preferred option was to approve the scheme in time for it to be included in the Council Tax bills for 1 April 2024, and there were certain issues if that was not achieved, these were not insurmountable should Members wish to defer a decision and the scheme could be implemented part year following the required 12 month notice period. A Member felt it was a shame this report had not been brought to an earlier meeting of the Committee so Members had adequate time to discuss it; it now felt they were being pushed into a decision. As the scheme was based on the government's detailed guidelines which were not yet available, he questioned what guarantees were in place, particularly given the looming general election. The Chair indicated that there seemed to be agreement on a lot of elements contained within the report, such as the empty properties section, and he asked if there was any way Members could vote on that part of the scheme and defer a decision on second homes. Another Member questioned whether the Council could approve the scheme for implementation on 1 April 2025 but decide not to go ahead if the exemptions were unsatisfactory when they were eventually provided by the government. The Executive Director: Place advised he was aware of a local authority which had approved the scheme 12 months ago but had not implemented it due to the absence of the government guidance; all Members would be doing was giving notice to be able to implement the scheme, should the Council choose to in 12 months time.
- 90.8 A Member questioned whether an amendment was needed in order to secure funding from the County Council for administering the scheme in accordance with the earlier debate and was advised that, if an amendment was made to increase the premiums subject to the County Council agreeing a proportionate sum, if the County Council said no the whole scheme would fall and the opportunity to bring empty homes back into use would be lost. Several Members expressed the view that was the likely outcome. The Executive Director: Resources advised that there was a good relationship at Chief Finance Officer level with Gloucestershire County Council, the other district authorities and the Police so there was hope but it would be down to negotiation and discussion about the benefits – if it was a demand then it would almost certainly be refused but he felt there was a reasonable chance of getting at least some funding if approached in the right way. A Member indicated that, based on his experience as a County Councillor, it would need a full Council

decision so it would be a long process. The Executive Director: Resources clarified that Tewkesbury Borough Council was not asking for additional resource at this stage. There were 125 empty properties, of which 70/80 were already paying a premium, and the current proposal was to extend the current premium to second homes which could be done within existing resources. Officers could speak to the County Council about improving resources, and therefore recovery rates, not only on this scheme but Council Tax in general, but at this stage no additional resources were required and there was no need to make an amendment to the recommendation on that basis.

- 90.9 It was proposed and seconded that it be recommended to Council that Council Tax be increased for all properties deemed second homes, which were occupied periodically, by 100% from 1 April 2025, subject to any exemptions set out in subsequent Regulations and for implementation to be in accordance with those Regulations and guidance; that the Council Tax Empty Homes Premium be increased to 100% for properties empty for between one and five years (currently between two and five years), from 1 April 2025, subject to any exemptions set out in subsequent Regulations and guidance; and, that authority be delegated to the Executive Director: Resources, in consultation with the Lead Member for Finance and Asset Management, to amend the Council's policy relating to premiums in line with legislative or government requirements and changes. A Member expressed the view that it would be remiss to defer a decision, not least due to the additional cost of issuing two sets of Council Tax bills, and she felt that the principle should be supported. Another Member asked if the other district authorities in Gloucestershire were adopting this approach and the Executive Director: Resources confirmed that all five were planning on doing it and taking it to their respective decision-making processes in the same time frame. The Director: Corporate Resources indicated that there were approximately 250 second homes so the administrative cost of rebilling would not be significant and there would be a nine months period to contact those impacted so the resource could be spread across that time with an opportunity to address any nuances.

- 90.10 Upon being put to the vote, it was

RESOLVED:

That it be **RECOMMENDED TO COUNCIL** that:

- i. Council Tax be increased for all properties deemed second homes, which are occupied periodically by 100% from 1 April 2025, subject to any exemptions set out in subsequent Regulations and for implementation to be in accordance with those Regulations and guidance;
- ii. the Council Tax Empty Homes Premium be increased to 100% for properties empty for between one and five years (currently between two and five years), from 1 April 2025, subject to any exemptions set out in subsequent Regulations and guidance; and,
- iii. authority be delegated to the Executive Director: Resources, in consultation with the Lead Member for Finance and Asset Management, to amend the Council's policy relating to premiums in line with legislative or government requirements and changes.

EX.91 EXECUTIVE COMMITTEE FORWARD PLAN

91.1 Attention was drawn to the Executive Committee Forward Plan, circulated at Pages No. 61-70, which Members were asked to consider.

91.2 With regard to the Parking Strategy Review which was due to come forward in 2024/25, a Member asked for an update on the rollout of electric vehicle charging points in Council-owned car parks. The Executive Director: Resources advised that the Electric Vehicle Charging Strategy had been approved last year, tenders had gone out and bids submitted with a contractor due to be appointed in the next couple of months.

91.3 It was

RESOLVED: That the Executive Committee Forward Plan be **NOTED**.

EX.92 TIMING OF EXECUTIVE COMMITTEE MEETINGS

92.1 The Chair indicated that the current timing of the meeting did not work particularly well in terms of working Members and those with childcare responsibilities so the suggestion was that the meetings be moved to 9:30am. It was open to the Committee to determine its start time and he asked if anyone had any strong feelings against changing the time.

92.2 Several Members indicated they were happy with the suggestion and it was proposed, seconded and

RESOLVED: That the time of Executive Committee meetings be changed from 2:00pm to 9:30am with immediate effect.

The meeting closed at 3:40 pm