

# TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Executive Committee held at the Council Offices,  
Gloucester Road, Tewkesbury on Wednesday, 7 June 2017 commencing at  
2:00 pm**

## **Present:**

Chair  
Vice Chair

Councillor D J Waters  
Councillor R A Bird

## **and Councillors:**

Mrs K J Berry, M Dean, Mrs P A Godwin (Substitute for Mrs G F Blackwell), Mrs J Greening,  
Mrs E J MacTiernan, A S Reece (Substitute for R Furolo) and M J Williams  
(Substitute for J R Mason)

## **also present:**

Councillors P W Awford

## **EX.1 ANNOUNCEMENTS**

- 1.1 The evacuation procedure, as set out on the Agenda, was taken as read.
- 1.2 The Chair welcomed Councillor P W Awford, as Chair of the Overview and Scrutiny Committee, who was in attendance to observe the meeting.

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

- 2.1 Apologies for absence were received from Councillors Mrs G F Blackwell, R Furolo and J R Mason. Councillors Mrs P A Godwin, A S Reece and M J Williams would be acting as substitutes 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 26 April 2017, 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. 12-

16. Members were asked to consider the Plan.

6.2 A Member questioned what was happening regarding the Spring Gardens/Oldbury Road regeneration and, in response, the Head of Finance and Asset Management indicated that this would be considered at the Executive Committee meeting in August; currently discussions were ongoing with a number of parties and the next phase of activity would be to put together a planning brief to take forward to the market which would set out what the Council wanted to do in the area - this was not underway at the moment.

6.3 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. 17, 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/Corporate Portfolio –

Councillor D J Waters.

Corporate Portfolio Support Member –

Councillor K J Cromwell.

Customer Focus Portfolio –

Councillor M Dean.

Customer Focus Support Member –

Councillor Mrs H C McLain.

Organisational Development Portfolio Holder –

Councillor Mrs G F Blackwell.

Organisational Development Support Member –

Councillor Mrs P A Godwin.

Finance and Asset Management Portfolio –

Councillor R Furolo.

Finance and Asset Management Support Member –

Councillor A S Reece.

Built Environment Portfolio Holder –

Councillor Mrs E J MacTiernan.

Built Environment Support Member –

Councillor Mrs R M Hatton.

Clean and Green Environment Portfolio Holder –

Councillor J R Mason.

Clean and Green Environment Support Member –

Councillor M J Williams.

Community Portfolio Holder –

Councillor Mrs K J Berry.  
 Community Support Member –  
 Councillor Mrs P E Stokes.  
 Economic Development/Promotion Portfolio Holder –  
 Councillor R A Bird.  
 Economic Development/Promotion Support Member –  
 Councillor P D Surman.  
 Health and Wellbeing Portfolio Holder –  
 Councillor Mrs J Greening.  
 Health and Wellbeing Support Member –  
 Councillor Mrs J E Day.

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

- 8.1 The report of the Head of Finance and Asset Management, circulated at Pages No. 18-40, highlighted the Council's financial performance for the previous year and asked Members to consider the general fund outturn for 2016/17, the financing of the capital programme and the treasury management report and performance, as well as to approve the transfers to and from earmarked reserves.
- 8.2 The Head of Finance and Asset Management explained that the report before Members represented the financial position for 2016/17 and included five parts: the general fund and revenue outturn; the Council reserves; the capital programme; treasury management; and performance indicators.
- 8.3 In terms of the general fund outturn position for the full year, there was a deficit of £86,520 which represented a negative variance of 0.93% against the full year budget. Although no deficit was a satisfactory outcome, the Head of Finance and Asset Management was pleased to report a significantly reduced deficit and a close to break-even position for the Council for the whole financial year. He felt that this was particularly encouraging given the challenging financial position of local government and a number of significant external factors which had adversely affected the Council's budget position such as losses on retained business rates. Table one at Page No. 20 of the report set out the overall position which showed that, if the business rates element was removed, the Council would have been in a surplus position. However, one of the other main reasons for the overspend was employees which was largely as a result of the requirement to bring in interim staff to cover vacancies and sickness. Additional staff had also been employed to meet service requirements and to fulfil the requirements of grant funding received. In addition, provision had been made to meet redundancy and pension payments which had been agreed as part of the management restructure. The overspend in supplies and services was in relation to the expenditure associated with running elections and referendum on behalf of the government; the financing rules meant that this had to be shown as an overspend because it was unbudgeted at the start of the year even though corresponding additional income had been received to finance the expenditure. There was a similar position in relation to One Legal as it recovered all money from clients – that overspend was shown under 'payments to third parties'. Transfer payments related to the administration of housing benefit on behalf of central government – the outturn position showed a small increase in the quantum of housing benefit paid out during the year to claimants across the Borough but was offset by additional income through the housing benefit subsidy. In terms of income, targets had far exceeded expectation throughout the year – external income had boosted the overall position but this had also been helped by solid income streams in a number of areas with improved recovery of housing benefit subsidy having had a major impact. Commercial and treasury income had

been boosted in the last quarter by the net income following the acquisition of a commercial investment property in Tewkesbury. Appendix A set out the position by service grouping and included notes about significant variances of over £30,000. In terms of business rates, the Head of Finance and Asset Management explained that the Council remained in a safety net position and as such would still not be re-joining the Gloucestershire business rates pool. The revaluation of doctors surgeries and subsequent backdating of refunds to 2010 had had the biggest single impact on the Council in the year; although there had been many more successful appeals that had contributed to its losses.

- 8.4 Appendix B to the report set out a breakdown of the Council's reserves as at 31 March 2017. The reserves were grouped under strategic headings so as to provide Members with a better understanding of the actual intended use of the monies set aside. It also included a breakdown of the previous year's reserves for comparison purposes. The total revenue reserves of the Council were £8.04 million as at the end of March 2017 which included earmarked reserves, planning obligations and the general fund working balance. The reductions in overall revenue reserves totalled £1.79 million and could largely be attributed to the movement on the business rates reserve which was a technical reserve held for timing differences between the collection of business rates and payments of the central share to government.
- 8.5 In terms of the Council's capital programme, the Head of Finance and Asset Management indicated that this had been substantial in the last few years and this was highlighted in the level of capital expenditure which had been incurred in 2016/17. The bulk of the expenditure had been on the purchase of an investment property and the new waste vehicle fleet. The capital programme had included over £15.5 million which had been invested in the Council's land and buildings with the final instalments on the new leisure centre and the purchase of an investment property. As the purchase had only been carried out in the autumn a large variance was reported against the original budget for the capital programme which had been projected before the start of the year. An underspend of £478,000 was reported against vehicles and equipment which reflected the timing of payments made for the new fleet; final payments would be recorded in the new financial year. Appendix C to the report set out a summary of the capital programme together with the sources of finance which had been used.
- 8.6 The Treasury Report was attached to the Committee report at Appendix D and the Prudential Indicators were attached at Appendix E. In terms of the Prudential Indicators, the Head of Finance and Asset Management explained that they had been monitored regularly and there were no material departures arising from the year on investments. There had been a breach of the limits set at the beginning of the year for borrowing levels following the purchase of an investment property but the Indicators had been revised as part of the investment proposal report to ensure compliance with the targets throughout the year. The in-year performance of investments had resulted in an average return of 0.75% and total income of £115,000; this was £5,000 below the budget for the year and reflected the reducing market rates experienced during the course of the year. The Council had undertaken £15 million of borrowing by the year end in order to fund its commercial property investments and a short term rate of 0.4% had been secured for that.
- 8.7 During the discussion which ensued, a Member questioned whether the overspend amount in the supplies and services section on Page No. 20 of the report was the actual amount it cost to run an election. In response, the Head of Finance and Asset Management advised that £245,763 was the amount across the whole

Council and the cost of the elections was within that; it was expensive to run an election but the Council gained as much as it could from the government wherever possible. When the Council ran its own Borough and Parish elections the cost was around £120,000. Referring to Page No. 26, a Member questioned why the Council had paid Cheltenham Borough Council for a cross boundary planning application. In response, the Head of Finance and Asset Management explained that this was the North West Cheltenham site for which planning income had been received and then shared with Cheltenham Borough Council as the site was within both Boroughs. Referring to planning appeals, a Member questioned what the cost of defending them was and the number of appeals etc. In response, the Head of Development Services advised that she was doing some investigatory work on this as part of the service review so she could update the Member at her Lead Member briefing. Also referring to Page No. 26, a Member questioned how the Council's contract with Ubico was going as she noted there had been a small overspend on the contract for the year. The Member was advised that there would be a seminar for all Members on Ubico next month and this would cover issues including the amount spent by the Council and other partners and the amount received from them in profit from Ubico, comparison of the main Performance Indicators between Ubico and when the service was run in-house etc.

8.8 Accordingly, it was

**RESOLVED:**

1. That the General Fund outturn for 2016/17, 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 PREPARATION FOR THE GENERAL DATA PROTECTION REGULATION**

9.1 The report of the Chief Executive, circulated at Pages No. 41-54, summarised the impact on the Council of the new General Data Protection Regulation, which would come into force on 25 May 2018, and the associated risks of non-compliance. Members were asked to note the action plan, attached at Appendix 1 to the report; to approve the establishment of the post of Business Administration Manager; and to recommend to Council that the ongoing funding for that post be included in the base budget for 2018/19 and future years.

9.2 The Chief Executive explained that the General Data Protection Regulation would come into force across the European Union (EU) on 25 May 2018 and would replace existing data protection laws. The Council had been advised that this would be in place as long as the UK formally remained within the EU but the government had also indicated that the Regulation would remain in place after the UK's exit from the EU. The new Regulation would increase the rights of individuals over their personal data and tighten the obligations of all organisations to comply with the new rules concerning the management of personal information. The new Regulations would significantly increase the data protection obligations on the Council and, although existing data protection procedures were in place, those required extensive review and revision in order to achieve compliance with the General Data Protection Regulation framework. The most significant addition was the new 'accountability' requirement whereby organisations would need to be able to demonstrate compliance with the General Data Protection Regulation principles by, for example, maintaining documentation on decisions about why personal information was being processed. Another important change was the vastly increased fines for those organisations that failed to comply or permitted data breaches; for serious breaches organisations could be fined up to €20 million and

for less serious breaches, or for failing to keep records, the fine could be up to €10 million.

9.3 Members were advised that, to demonstrate compliance, the Council must implement technical and organisational measures including data protection policies, staff and Member training and internal data processing audits; maintain relevant documentation on processing activities; appoint a Data Protection Officer which was a new statutory role; implement measures that met the principles of data protection by design including data minimisation, use of artificial identifiers and transparency; and implement data protection privacy impact assessments. The requirements of the General Data Protection Regulation were extensive and complex and, as such, it was felt that a dedicated resource was needed to lead and coordinate the associated activities. As the cost of the proposed Business Administration Manager post was outside of the budget its funding needed to be a recommendation to Council.

9.4 During the discussion which ensued, a Member noted that the maximum annual cost of the new post would be £50,970 including on-costs and she questioned whether this could be achieved for any less. In response, the Chief Executive advised that the cost identified was the maximum cost for the grade, however the post had not yet been evaluated so could come down. The postholder would be responsible for managing protocols and ensuring all services across the Council complied with the new Regulations so, as could be seen from the draft job description circulated with the report, it was a significant and important role.

9.5 Accordingly, it was

**RESOLVED:**

1. That the action plan, which would achieve compliance with the General Data Protection Legislation, attached to the report at Appendix 1, be **NOTED**.
2. That, subject to (3) below, a Business Administration Manager's post be established in accordance with Section 4 of the report.
3. That it be **RECOMMENDED TO COUNCIL** that ongoing funding for the Business Administration Manager post be included in the base budget for 2018/19 and future years.

**EX.10 ECONOMIC DEVELOPMENT AND TOURISM STRATEGY**

10.1 The report of the Community and Economic Development Manager, circulated at Pages No. 55-73, outlined the progress of the Economic Development and Tourism Strategy Working Group in developing the new Strategy. Members were asked to adopt the Strategy and approve the proposed amendments to the Business Grant Scheme as outlined within the report.

10.2 The Chair of the Economic Development and Tourism Strategy Review Working Group explained that economic development was one of the key priorities in the Council Plan and was essential to the support of business growth within the Borough. It did, however, also need to be understood that the Council's resources in that area were limited and he felt the Council achieved far more than should be expected with the resources it had. The Working Group, along with Officers, had put in a lot of hard work to create the new Strategy which he felt was something to be proud of and he thanked everyone who had been involved. The Head of Development Services explained that the report before Members highlighted the progress made and asked the Executive Committee to adopt the new Strategy.

10.3 It was explained that the previous Strategy had reached the end of its life so a

Working Group had been initiated to review it. The work had included the Council's key partners and the employment land review, economic assessment and business survey had been the basis for the Strategy. The document before the Executive Committee had been considered by the Overview and Scrutiny Committee and subsequently recommended to the Executive Committee for approval. Particular attention was drawn to the fact that one of the meetings of the Working Group had focused on business grants and the Overview and Scrutiny Committee had been keen to ensure this was detailed within the report to Committee and included in the resolution made by the Executive Committee as appropriate. Members were then provided with a brief presentation which showed that, in terms of the economy in Tewkesbury Borough, there were 43,000 jobs; unemployment was at 1%; the value of goods and services produced £2.23 billion per year; and there were 3,915 enterprises, including 3,445 micro-businesses. The Borough had a strong business survival rate and an annual tourism related spend of £125 million with 1.8 million day visits. The Borough was in a good location with excellent transport links and a high demand for employment land. There was also a diverse economy and an established centre for high quality manufacturing and world class high-tech aero engineering. It was felt that there was still an opportunity for more growth as there were a number of business which were known to want to locate themselves in the Borough which was great news. There were also a number of major tourism attractions including Tewkesbury Abbey, Sudeley Castle, the Great Western Railway, FlyUp417 and the Jet Age Museum. In terms of the new Strategy, it aimed to provide practical support for businesses in the Borough; promote the area to attract investment and visitors; deliver effective strategic planning to facilitate economic growth; and be proactive in seeking external funding for the area. The Strategy would be a four year document to 2021 with five priorities each of which had a number of objectives within the annual delivery plan.

- 10.4 Members were advised that there were a number of objectives contained with the Strategy including delivering sufficient employment land to meet the needs of the strategic plan; supporting Gloucestershire Airport business expansion and highway access improvements; stimulating business start-ups and enterprise growth rates incorporating the development of a growth hub; promoting Tewkesbury Borough to visitors, working with Cotswold Tourism and other partners; and promoting initiatives to improve education and training relevant to local employment. Members were shown a video which would be used as a marketing tool for the Tewkesbury/J9 area and were advised that Officers were considering making another one which looked Borough-wide. Members would be circulated the weblink to the video following the meeting.
- 10.5 A Member expressed a hope that the Council would work closely with the Cotswold AONB Board as it offered a really good resource in the area. In response, the Community and Economic Development Manager advised that the Council was a member of a partnership called Cotswold Tourism and this provided an excellent link to a number of such organisations within the Gloucestershire/Cotswolds area. Another Member questioned how the Strategy would be monitored and the Community and Economic Development Manager explained that the Council's Performance Tracker would monitor progress as well as an additional annual review by the Overview and Scrutiny Committee; in addition, the action plan would be refreshed as and when necessary. In terms of the marketing video this could be sent out to local agents and through campaign work both on a local and national scale. For the purposes of social media, the video could be split into six smaller videos which meant it could be circulated through 'tweets' etc. The official launch of the video would be in July but the specific date was still to be confirmed. A Member felt it was a shame that the Council was trying to promote education yet the 'Launchpad' in Tewkesbury was due to close soon. The Chief Executive shared the frustration in that regard; as he

understood it the Launchpad was owned by Gloucestershire College and the college was raising capital through the sale. He had expressed the view that the loss of the educational facility was a real shame and he knew Tewkesbury School had made similar comments.

10.6 Having considered the Strategy and comments made, it was

- RESOLVED:**
1. That the Economic Development and Tourism Strategy be **ADOPTED**.
  2. That the amendments to the Business Grants Scheme, as outlined in Paragraphs 3.3 to 3.5 of the report, be **APPROVED**.

## **EX.11 COMMUNICATIONS STRATEGY 2017 TO 2019**

11.1 The report of the Head of Corporate Services, circulated at Pages No. 74-86, attached a Communications Strategy and action plan which Members were asked to approve.

11.2 Members were advised that communications had a vital role to play in helping the Council deliver its vision, priorities and objectives to local people. It was responsible for a wide range of complex services so it needed a clear framework to communicate effectively. The Strategy and action plan was designed to be a simple, easy read document that looked at how the Council could grow its communications to meet its future aims until 2019 – it looked at digital communications but also took into account that some people did not want to engage in that way and still needed face-to-face and telephone options. The Communications Strategy identified key communication principles; what had been achieved so far; what people thought of the Council; what the Council wanted to achieve; and how it would achieve those objectives. It was suggested that the Strategy and action plan would be a ‘live’ document and would be reported to the Overview and Scrutiny Committee on an annual basis.

11.3 In response to a query regarding the Borough News being available online, Members were advised that the newspaper was already published on the Council’s website. However, there was currently a Tewksbury Borough News Review Working Group in operation and, from the first meeting of that group, it was understood that it needed to be more prominent. A Member referred to one of the actions to ‘increase video output where appropriate e.g. to encourage recruitment’ and she questioned what this meant. In response, she was advised that this was popular with many organisations and involved putting a short video on their websites to give a flavour of what it was like to work in a place so people could see what the environment was like.

11.4 Having considered the Strategy and action plan, it was

- RESOLVED:** That the Communications Strategy and action plan be **APPROVED**.

## **EX.12 MANAGEMENT OF OCCUPATIONAL ROAD RISK**

12.1 The report of the Head of Finance and Asset Management, circulated at Pages No. 87-97, sought to extend the current arrangements for the checking of business travel and formalised the approach so that the Council was able to demonstrate it was discharging its duties. Members were asked to approve the Management of Occupational Road Risk Policy and Guidelines and to delegate authority to the



Head of Finance and Asset Management to make minor amendments to the Policy, if necessary, following Union consultation.

- 12.2 The Head of Finance and Asset Management explained that the Policy, as attached to the report at Appendix A, would apply to all officers and Members of the Council, Council volunteers and a number of additional roles. The framework would organise the Council's current approach to the administration of business travel and provide consistency across the organisation. The Policy was designed to be comprehensive and effective yet simple and quick for management and employees to instigate. In summary, the Policy required annual checks against car insurance, driving licence, MOT certification and road tax. Individuals would be required to provide hard copy information for certain elements whereas in other areas the government's website and central database could be used. Managers would be expected to sign a declaration once they had checked the documents and that would be passed to Human Resources for recording on personnel files. Should an employee not have the correct insurance and/or documentation for themselves or their vehicle they would be suspended from undertaking business travel until the issue was resolved.
- 12.3 During the discussion which ensued, a Member questioned how many of the Council's business users were under 25 years old and whether any of them were required to use a telematics box (also known as a black box) for insurance purposes as this could make it cheaper. In response, the Head of Finance and Asset Management explained that, in terms of age, he could not be absolutely sure but he would imagine the vast majority of such users would be over the age of 25. The cost of an individual's insurance was none of the Council's business as it was the individual employee who paid for the insurance so it was up to them whether or not they had a box fitted. In terms of the number of claims made against the Council none had been received in the past five years but the Council's new insurance provider had still requested that the arrangements be made to ensure the Council was in the best position possible.
- 12.4 There followed a brief discussion about why the Policy applied to Members. In response, the Borough Solicitor indicated that, if a Member was involved in an accident, but for some reason was inadequately insured, the Council could be pursued as being vicariously liable as the Councillor was travelling in order to conduct Council business. The Council was trying to protect its insurance provision by ensuring all checks were carried out and that no employees or Members were driving without valid insurance, MOT, road tax etc. Whilst everyone had individual responsibilities it was the case that an injured party would often see the Council, rather than the individual, as the better chance for financial recompense. A Member expressed the view that, because Councillors were not salaried, they were not classed as business users but instead were commuters; she felt the Policy was intrusive and unnecessary for Members in particular. However, upon being put to the vote, it was

**RESOLVED:**

1. That the Management of Occupational Road Risk Policy and guidelines be **APPROVED**.
2. That authority be delegated to the Head of Finance and Asset Management to make minor amendments to the policy, if necessary, following Union consultation.

**EX.13 CHURCHDOWN PLAY AREAS TRANSFER**

- 13.1 The report of the Head of Finance and Asset Management, circulated at Pages No. 98-101, advised the Committee of the current situation regarding the transfer of play areas to Churchdown Parish Council. Members were asked to agree to withdraw the current offer to transfer Oakhurst and Shamrock play areas in Churchdown at nil cost along with the grant of £20,000 to maintain them.
- 13.2 The Head of Finance and Asset Management explained that, in April 2010, the Executive Committee had agreed to transfer, at nil value, three play areas in Churchdown in order to rationalise the Council's asset holdings and bring them in line with resource and capacity availability. In the seven years since that decision, one play area had been transferred to Churchdown Parish Council leaving the other two in Borough Council ownership. In that time, the Borough Council had managed and maintained the play areas. Given the lapse in time from that original decision, the current management arrangements, the current maintenance programme and the future anticipated expenditure on the sites, it was felt that the original terms of transfer on offer, including a grant of £10,000 per play area, did not represent the most efficient solution for the Borough Council. With this in mind reduced terms had been offered to the Parish Council but it had declined; it was therefore recommended that the offer to transfer the play areas be withdrawn.
- 13.3 A Member indicated that the play area in Shamrock Close, which was located at the rear of Coriander Drive in Churchdown, was quite large and in an appalling state - even surrounded by razor wire - and it really needed a lot of attention to bring it up to standard. She was aware that Churchdown Parish Council had already taken on other play areas from the Borough Council and they were all maintained to a very high standard. She felt it was a real shame that, in comparison, the play areas in the Borough Council's ownership did not appear to be maintained at all. In terms of the Shamrock Close play area, she felt, given its location in an area of deprivation in the Borough, it was unacceptable that it should be left in such an awful state. She understood there was an issue in that no sooner had the play area been checked than the equipment was broken again but she was of the view that this was even more reason to transfer it to the Parish Council, with the original grant of £10,000 per area, as it would be able to look after it more effectively. A number of Members agreed that it would be a mistake for the Council to hold onto the play areas given the high costs which were involved in maintaining them. Accordingly, it was proposed and seconded that the play areas at Oakhurst and Shamrock Close be transferred to Churchdown Parish Council with a grant of £20,000 to maintain them. The Head of Finance and Asset Management advised that the Shamrock Close play area had a number of issues with litter and flytipping. The equipment, whilst old, was monitored on a weekly basis and was up to the Royal Society for the Prevention of Accidents (RoSPA) standards. He felt that, if Members were minded to transfer the area, they may wish to include a timescale within which the transfer should take place.
- 13.4 A Member questioned the reason for the delay on the part of the Parish Council and, in response, the Head of Finance and Asset Management explained that there appeared to be delays in communication between the Parish Council's solicitors and the Borough Council. The process had been extremely frustrating for Officers and it was felt that it needed to be drawn to a conclusion one way or the other.
- 13.5 Having considered the information provided, and the subsequent discussion, it was

**RESOLVED:** That Officers continue negotiations with a view to transferring the play areas at Oakhurst and Shamrock Close, Churchdown to Churchdown Parish Council on the basis of the original offer made in 2010 with the proviso that negotiations be concluded by the end of December 2017.

**EX.14 USE OF URGENCY POWERS - PROVISION OF WORKSHOP EQUIPMENT FOR MAINTAINING COUNCIL VEHICLE FLEET**

- 14.1 The report of Head of Community Services, circulated at Pages No. 102-106, advised the Committee of an urgent decision made by the Chief Executive, in line with the powers delegated to him within the Council's Constitution, in respect of the purchase of workshop equipment for maintaining the Council's new vehicle fleet. Members were asked to note the information provided in respect of the decision.
- 14.2 The Head of Community Services explained that the Council had recently purchased a new fleet for the collection of waste and recycling etc. Unfortunately, during that procurement process, there had been no consideration or budgetary provision made for the replacement of the workshop. The decision of the Chief Executive had been made on an urgent basis as the equipment needed to be procured and installed prior to the arrival and operation of the new vehicle fleet.
- 14.3 During the discussion which ensued, Members raised some concerns with the way the contract the Council had with Ubico worked. In response, the Chief Executive explained that the Council paid for a service from Ubico and therefore it would always be meeting the costs of the collection of bins and grounds maintenance etc. This was confusing due to the fact that the Council was constantly increasing the number of houses it serviced due to development which in turn increased its costs to Ubico. He indicated that Members were due to have a seminar about Ubico during July and this would aim to cover a lot of the concerns that Councillors had expressed including the costs paid to Ubico; the differences in fleet sizes of the Member authorities; those decisions which were delegated and those that were not; and when, and on what basis, other partner authorities had joined Ubico. In terms of the report currently before the Committee, Members were asked to note the action that had been taken under the Council's urgency procedures; the Council had a large vehicle fleet and had to provide the tools and space needed to service those vehicles.
- 14.4 In response to a query regarding decisions on the waste collection service, the Chief Executive advised that many of those decisions were made by the Council rather than being delegated to Officers in consultation with Lead Members i.e. the contract with Ubico, the vehicle purchase and the additional funding for the purchase had all been Council decisions. In addition, performance was monitored by the Overview and Scrutiny Committee so there was a lot of Member oversight which he felt was helpful. In terms of the charges for the waste service, i.e. garden waste, those had been discussed at length with the Transform Working Group and the final decisions were made by the Council as part of the budget process. In respect of the role the Council played in Ubico, the Chief Executive explained that the Council had a seat on the Board which was fulfilled by the Deputy Chief Executive and the Chief Executive was a shareholder. The Borough Council's role was slightly different to the other partner authorities because it did not have a Cabinet and therefore the Lead Members could not have delegated authority to make decisions on behalf of the Council. This was the role that the Chief Executive took – he did, however, do this in consultation with the Leader and Deputy Leader of the Council to ensure he had a mandate from the Council when he was at shareholder meetings.

14.5 Having considered the report and issues raised, it was

**RESOLVED:** That it be **NOTED** that the Chief Executive, in consultation with the Lead Members for Clean and Green Environment and Finance and Asset Management, used his urgency powers as allowed under the Constitution for the purposes of expending £44,420.60 for the purchase of workshop equipment.

**EX.15 SEPARATE BUSINESS**

15.1 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.16 SEPARATE MINUTES**

16.1 The separate Minutes of the meeting held on 26 April 2017, copies of which had been circulated, were approved as a correct record and signed by the Chair.

The meeting closed at 4:00 pm