

TEWKESBURY BOROUGH COUNCIL

Minutes of a Meeting of the Council held at the Council Offices, Gloucester Road, Tewkesbury on Wednesday, 26 July 2017 commencing at 6:00 pm

Present:

The Worshipful the Mayor
Deputy Mayor

Councillor H A E Turbyfield
Councillor T A Spencer

and Councillors:

R E Allen, P W Awford, Mrs K J Berry, Mrs G F Blackwell, G J Bocking, K J Cromwell, D M M Davies, Mrs J E Day, M Dean, A J Evans, J H Evetts, D T Foyle, R Furolo, R E Garnham, Mrs P A Godwin, Mrs M A Gore, Mrs J Greening, Mrs R M Hatton, B C J Hesketh, Mrs S E Hillier-Richardson, Mrs A Hollaway, Mrs E J MacTiernan, Mrs H C McLain, A S Reece, V D Smith, Mrs P E Stokes, P D Surman, M G Sztymiak, R J E Vines, D J Waters and M J Williams

CL.31 APOLOGIES FOR ABSENCE

- 31.1 Apologies for absence were received from Councillors R A Bird, R D East, J R Mason and P N Workman.

CL.32 DECLARATIONS OF INTEREST

- 32.1 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.
- 32.2 The following declaration was made:

Councillor	Application No./Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
R E Garnham	Item 8(a) – Community Infrastructure Levy – Statement of Modifications.	Councillor had a pecuniary interest in a particular site within the Joint Core Strategy for which he had been engaged by the consortium that was taking development forward.	He would not speak or vote and would leave the Chamber for the consideration of the item.

- 32.3 There were no further declarations made on this occasion.

CL.33 MINUTES

- 33.1 The Minutes of the meeting held on 27 June 2017, copies of which had been circulated, were approved as a correct record and signed by the Mayor.

CL.34 ANNOUNCEMENTS

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

CL.35 ITEMS FROM MEMBERS OF THE PUBLIC

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

CL.36 MEMBER QUESTIONS PROPERLY SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

- 36.1 There were no Member questions on this occasion.

CL.37 LEAD MEMBER PRESENTATION

- 37.1 The Mayor invited Councillor Berry, Lead Member for Community, to make her presentation.

- 37.2 The presentation covered the following key points:

- Community Safety Review – Safer Gloucestershire – there is currently a Community Safety Partnership (CSP) for each District; however that means that each CSP works in isolation. The Office of the Police and Crime Commissioner had commissioned a review to look at how community safety was delivered across the County. A Steering Group had been established to look at how a consistent approach could be taken across Gloucestershire to ensure that intelligence was shared between all partners and that Countywide priorities were considered. It was also intended that good practice should be shared, particularly with regard to Domestic Homicide Reviews, but still recognising that individual Districts and Boroughs were responsible for delivering community safety individually within their areas.
- Community Safety Review – Safer Gloucestershire – Structure – the idea was that this would not take a hierarchical approach but there had been general agreement that there were too many small thematic groups so some would be merged (there were some which were statutory and as such those would remain in place). Our CSP had been suspended pending the outcome of the review and also due to a lack of strategic representatives to attend the meetings; there was now a need to consider how community safety was undertaken locally and work on that had already commenced. Safer Gloucestershire would feed into all of the other appropriate bodies and they would feedback through the Local Forums.
- Domestic Homicide Reviews – currently the reviews were overseen by the Borough Council but that caused problems when the crime was in one place, the victim in another and the police in another – it was considered a Countywide approach – led by the County Council – was needed. The Countywide strategic partnership would take over full responsibility for decision-making around establishing a Domestic Homicide Review, appointing a Chair/report author, monitoring the progress of the review and holding agencies to account for their recommendations and actions. Local CSPs would still have considerable input to the process. It would also improve information sharing and learning from Domestic Homicide Reviews in a more timely fashion.
- Emergency Planning – in the last year, key Officers had undertaken refresher

training, or training to a higher level, in emergency planning; a rest centre exercise had been held at Tewkesbury School in February 2017; a flood team leaders meeting chaired by the Chief Executive had been introduced; and the Business Continuity Management Plans had been reviewed, updated and finalised. In the next 12 months the Council would review the emergency response plan; review the Council's flood plan; carry out a Business Continuity Management exercise; and carry out a review of rest centres to ensure the correct level of capacity was available. There was a problem with finding venues to become rest centres and Officers were working on a plan to try and ensure there were enough available and that they were both flexible and reactive.

- Safeguarding Children and Vulnerable Adults – all staff had undertaken detailed safeguarding training and it had been incorporated into the induction of new staff. The Head of Community Services had taken over as the lead safeguarding officer for the Council and the management team received and considered quarterly safeguarding updates. In addition volunteers were being briefed on safeguarding issues and a safeguarding element was being introduced into all corporate reports. Elected Members needed to fully understand their responsibilities around safeguarding and a session for that was being prepared. The Lead Member emphasised that the Council had strengthened its procedures in this regard but she was of the view that more work needed to be done with Members and Parishes. With this in mind, the Head of Community Services would be developing a short training programme for Borough Members and an item would be placed on the Agenda for the next Town and Parish Council Seminar. She understood that the online training circulated recently had been difficult for Members to access but she was aware that ICT were working to fix the glitch so that all Members could complete it.
- Community Development – there were three Community Development Officers that covered the Borough which was split into the north-west, south and east areas. The aim was to help communities to help themselves. This was done by facilitating, supporting, engaging, empowering, enabling and encouraging as well as helping to unlock the potential, skills and enthusiasm within communities.
- Some Examples of Community Development – bringing key agencies together to learn from each other and share expertise i.e. the Voluntary and Community Sector Forum and Public Service Centre Locality Forum; community led planning e.g. identifying needs and support communities through the planning process / Section 106; getting closer to communities by basing Community Development Officers in Parish Council Offices/community buildings; place approach – understanding our communities better and identifying priorities for the future – this had been a great success so far and needed to carry on as well as feeding into the Community Safety Partnership; understanding local issues e.g. working with the Citizens' Advice Bureau to identify concerns; supporting local networking e.g. bringing key agencies and the Voluntary and Community Sector together; supporting young people e.g. allocating £50,000 in County Council grants and children and young people network; Community Right to Bid – listing assets of community value; supporting community groups e.g. governance, development, facility development; and addressing emerging issues e.g. financial inclusion. The Lead Member indicated that she could provide information on the community right to bid process if any Member needed it – she felt that people did not necessarily understand what it was for and that, if a right to bid was actioned, it suspended development for six months but the community had to find the funding to purchase the building upon which they had established the right to bid.
- Benefits – a better engaged community; a better place for residents to live;

organisations were encouraged to work better together and more efficiently; building resilience in communities; building a rapport with Parish and Town Councils; sharing good practice; getting communities ready to meet the growth agenda; addressing longstanding issues; gaining a positive reputation for the Council in the community; and giving the 'Better for Customers' message.

- Community Funding – since the Community Funding Officer had been appointed in July 2015, the Council had supported community groups in Tewkesbury Borough to obtain £760,093 in external grants and, in turn, this had helped lever in additional external funding for the Borough. External funding had been awarded from local and national trust funds, National Lottery and local funding sources – last year 349 community groups in the Borough had been supported with funding advice and the funding process. Organisations that had benefited included charities, community groups, sports groups, schools and churches. In June 2017, a successful funding fair had been held, which over 100 people had attended, and had been a chance for community groups in the Borough to talk face to face with funders. The event had received a lot of positive feedback. Funding support had provided positive media and supported the 'helping communities to help themselves' message.

37.3 During the discussion which ensued, a Member thanked the Lead Member for her informative presentation and noted that a number of excellent successes had been achieved; however, she expressed concern about the Community Safety Partnership and how it would work when there was no local organisation. She asked for reassurance that the local priorities would not get lost when the smaller Community Safety Partnerships worked with the larger Countywide group. In response, the Lead Member advised that there had been a problem keeping the Neighbourhood Coordination Groups going due to a lack of police manpower to attend meetings – this meant the discussions had not been as productive as they could be. People were still considering how to deal with it but the current thinking was that the Countywide Group – Safer Gloucestershire – would meet twice a year and that would provide the opportunity for the Neighbourhood Coordination Groups to input their ideas. In addition, the Head of Community Services explained that the priorities would be addressed Countywide but they were not all relevant to all areas so there would also be priorities specific to particular Districts.

37.4 In terms of safeguarding, this was currently an important issue in the County but the Deputy Chief Executive assured Members that the Council did have satisfactory policies and processes in place. There was, of course, always room for improvement and training would be provided as stated in the Lead Member's presentation. A recent audit of the Council's safeguarding arrangements had found them to be satisfactory, which in audit terms was fine, but Officers were considering how a rating of 'good' could be achieved. A Member indicated that both the County Council and Gloucestershire Constabulary had recently received 'hard hitting' reports about how they looked after children and he hoped that lessons were being learnt. The Lead Member went on to indicate that the Council had previously arranged two safeguarding sessions for Councillors but they had been cancelled due to poor attendance; as previously stated, further sessions would be arranged and she urged Members to attend if they could.

37.5 Referring to the emergency plan, a Member indicated that his Parish Council had an emergency plan and an emergency team but it did not cover flooding which seemed strange – he felt it was the responsibility of all Members to make

themselves aware of the measures which were in place for their own communities and ensure they knew the procedure and who to call in an emergency. The Lead Member agreed with this view and confirmed that Tewkesbury Borough's emergency plan covered everything - even a tsunami coming up the River Severn.

- 37.6 A Member questioned whether the Council undertook suicide reviews as well as domestic homicide reviews. In response, the Head of Community Services explained that there was no duty for the Council to carry out a review of suicides in the same way as homicides but it was good practice to look at cases to see if lessons could be learnt. This had been discussed by the domestic homicide review group, as had the need to review near miss cases. Whilst it would not be possible to look at every one in detail, as the reviews were very time consuming, a selection would be discussed with the results shared Countywide to see where improvements could be made. In terms of suicide, the Lead Member explained that this was a real problem nationally, particularly in younger men, usually under the age of 25 years. The funding had recently stopped but the Council used to get money from the Office of the Police and Crime Commissioner to fund suicide prevention schemes in Winchcombe and Bishop's Cleeve Schools. The scheme had worked with a number of vulnerable young people and she hoped it had been helpful to them.

- 37.7 Accordingly, it was

RESOLVED That the presentation from the Lead Member for Community be
NOTED.

CL.38 RECOMMENDATIONS FROM EXECUTIVE COMMITTEE

Community Infrastructure Levy - Statement of Modifications

- 38.1 At its meeting on 12 July 2017, the Executive Committee had considered a report which detailed the need for the Council to undertake public consultation on the proposed Community Infrastructure Levy (CIL) Statement of Modifications and asked for approval to compile and submit responses received to the CIL examiner. The Executive Committee had recommended to Council that the CIL proposed Statement of Modifications be approved for public consultation; that authority be delegated to the Deputy Chief Executive, in consultation with the Lead Member for Built Environment, to prepare any further statements of modification that may be required following the Joint Core Strategy (JCS) hearings and/or any further viability assessments undertaken; that the Deputy Chief Executive be authorised to agree the date of public consultation(s) with Cheltenham Borough and Gloucester City Councils; and that the Deputy Chief Executive, following the conclusion of the public consultation(s), be authorised to compile and submit responses received to the CIL examiner for examination.
- 38.2 The report which was considered by the Executive Committee had been circulated with the Agenda for the current meeting at Pages No. 6-21. Members had also asked for the CIL charges which had already been agreed to be circulated for information and those were attached to the Agenda at Pages No. 22-34.
- 38.3 The recommendation was proposed by the Chair of the Executive Committee and subsequently seconded. During the discussion which ensued, a Member referred to the resource implications section of the report and queried whether the past consultancy costs could be recovered. In response, the Deputy Chief Executive

indicated that the Council should be able to clawback the costs of the administration and collection of CIL as was set out within the report. In addition, the Head of Development Services advised that the original consultancy work which had been undertaken by Peter Brett Associates helped the Council to set up the charging schedule and, as such, could not be recovered. The Council was not being asked to approve those rates at this meeting as that had already been done in April 2016. The Head of Development Services explained that the rates would be examined through the CIL process but that was not the purpose of the current report. Members were being asked to look at the modifications which needed to be made and agree that they be the subject of public consultation.

- 38.4 A Member referred to the resource implications at Page No. 7 of the report and Paragraph 5.1 at Page No. 10. She was of the view that the two paragraphs contradicted each other regarding the funding of the post as the first paragraph indicated that Tewkesbury's contribution would be £30,000 for staffing costs and £30,000 for the IT System; whereas the second paragraph stated that two officers would be required at an estimated cost of £60,000 for each of the JCS authorities. She questioned whether this meant there were two Officers costing £60,000 with ICT costs on top of that. In response, the Head of Development Services explained that the approximate resource implications were £30,000 staffing costs and £30,000 ICT costs so Tewkesbury Borough Council's contribution of £60,000 in total, plus £60,000 from Cheltenham Borough and £60,000 from Gloucester City Councils, would most likely cover two Officers overall. In addition, the Member questioned what was meant by the statement, set out at the fifth bullet point on Page No. 13, that "where Tewkesbury Borough Council as a 'charging authority' has in this schedule applied a £0m² rate, based on viability evidence, therefore not levying a charge on that intended development due to its use, location or size". In response, the Head of Development Services explained that the Council only charged for residential/retail development so there were items that would not be chargeable and as such would be £0m². That would also be the case in areas where relief was applied for exceptional circumstances, like charities, or where viability evidence was provided.
- 38.5 Referring to Page No. 13 bullet point 3, a Member expressed the view that the wording seemed oddly woolly in the statement "where the development is of buildings into which people do not normally go, or which they go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery", and he questioned what this meant. In response, the Head of Development Services explained that this referred to things such as wind turbines, pylons or electricity sub-stations. In response to a view that the Council was premature in asking for CIL for the Twigworth Strategic Allocation, the Head of Development Services explained the importance of CIL reflecting all of the Strategic Allocations. Currently the Council's JCS did include Twigworth and therefore it was important that any development was able to gain vital infrastructure as necessary. The recommendations allowed for any changes to be delegated to the Deputy Chief Executive so, if any Strategic Allocations were put in or taken out, the necessary changes would be made but, in the meantime, it was important that everything that was currently included as a Strategic Allocation was covered by CIL.
- 38.6 A Member drew attention to Page No. 27 - Paragraph 1.7.2, bullet point eight – and indicated that concerns had been expressed by people that wanted to build a house for themselves on their own piece of land and whether or not they would be subject to CIL. The bullet point referred to seemed to imply that they would not and

he questioned whether this could be made clearer. In response, the Deputy Chief Executive explained that this was an exemption and could be publicised as part of the consultation; the relevant paragraph was “the CIL Regulations provide for certain types of development to be exempt from CIL, which include self-build housing, where a dwelling is built by the person who would normally be liable for the charge (including where built following a commission by that person) and occupied by that person as their sole or main residence”. Referring to the £35m² charge, a Member questioned whether this would change if a developer had a lot of land in their ownership. In response, the Head of Development Services explained that the Strategic Allocations were set out in the charging schedule at £35m² – there would be no ‘deals’ or rounding up or down. The CIL was not negotiable in the same way that Section 106 obligations were. Non-strategic sites were different and those charges were set out within the Charging Schedule. A Member indicated that the CIL had been delayed by the JCS and, as such, the Council had already missed out on a lot of funding and she felt that it was extremely important that Members approved the recommendation before them so that the CIL Charging Schedule could be put into place as soon as the JCS allowed.

38.7 Accordingly, it was

RESOLVED

1. That the Community Infrastructure Levy Proposed Statement of Modifications, as attached the report at Appendix 1, be **APPROVED** for public consultation.
2. That authority be delegated to the Deputy Chief Executive, in consultation with the Lead Member for Built Environment, to amend the proposed Statement of Modifications and prepare any further statements of modification that may be required following the JCS hearings and/or any further viability assessments undertaken.
3. That the Deputy Chief Executive be authorised to agree the date of public consultation(s) with Cheltenham Borough and Gloucester City Councils.
4. That the Deputy Chief Executive, following the conclusion of the public consultation(s), be authorised to compile the responses received and submit them to the CIL examiner for examination.

CL.39 LOCAL GOVERNMENT BOUNDARY COMMISSION FOR ENGLAND'S REVIEW OF THE BOROUGH WARD BOUNDARIES

39.1 The report of the Boundary Review Working Group, circulated at Pages No. 35-42, asked Members to agree the Council's response to the draft recommendations of the Local Government Boundary Commission for England on a revised pattern of warding for Tewkesbury Borough.

39.2 The Chair of the Boundary Review Working Group explained that, several months ago, the Boundary Review Working Group had commenced its review of the Borough Ward Boundaries so that the Council could submit a warding pattern for consideration by the Local Government Boundary Commission for England as part

of its consultation. The Council's proposals had been submitted and, with the exception of four minor variations, the Commission's draft recommendations reflected that initial submission made by the Council. The Boundary Review Working Group had met to consider the recommendations - specifically the proposed variations to the Council's Scheme - and had commented that it supported the Commission's recommendation that the Ward to include the Parishes of Uckington, Norton, Sandhurst, Boddington and Down Hatherley be named 'Severn Vale South'; that the boundary between Tewkesbury North and South Wards be amended to take account of an existing polling district boundary adjacent to the High Street, behind the houses and roads along Oldbury Road, and that the Tewkesbury North Ward be renamed 'Tewkesbury North and Twyning'. In addition, the Local Government Boundary Commission for England had suggested a change to the boundary of the Cleeve St Michael's and Cleeve West Wards of Bishop's Cleeve so that Huntsmans Close was included within the Cleeve St Michael's Ward to allow for better access. The Working Group was in support of the revised boundary but felt it created an anomaly by leaving six properties in Pecked Lane in the Cleeve West Ward whilst the remaining 65 properties were in the Cleeve St Michael's Ward already, or within the area that the Local Government Boundary Commission for England was proposing to move into Cleeve St Michael's - with this in mind the Working Group had proposed to Council that, in respect of Cleeve St Michael's and Cleeve West Wards, the proposed boundary be further amended to include all of the properties in Pecked Lane in the Cleeve St Michael's Ward.

- 39.3 On behalf of the Boundary Review Working Group, the Chair thanked the Officers who had supported the Working Group for the enormous amount of work they had put in to help the Group formulate its proposals. He felt the fact that the Local Government Boundary Commission for England had proposed only a few changes to the Council's submission was testament to the hard work put in. He proposed, and it was seconded, that the Council support the Local Government Boundary Commission for England's proposals on the revised Borough Wards but that, in respect of the Cleeve St Michael's and Cleeve West Wards, the proposed boundary be further amended to include all of the properties in Pecked Lane in the Cleeve St Michael's Ward.
- 39.4 During the discussion which ensued, a Member questioned whether the map attached to the Council papers in respect of Tewkesbury was correct as it did not seem to match the information on the Boundary Commission's website. In response, the Head of Democratic Services indicated that without access to the Boundary Commission maps she was unable to clarify; however, the proposals from the Boundary Commission were what was being considered so that was the information on which the Council's response was based. The Member indicated that he also had concerns about the criteria the Boundary Commission used to judge electoral equality as he felt the average used for electors per Councillor was wrong - in some cases one Member in a two-Member Wards would represent 4,000 residents whereas some single-Member Wards would represent only 2,000 - he was of the view that all Wards should be single-Member. In addition he felt that Tewkesbury North and Twyning should be two separate Wards as combining the areas was not helpful.
- 39.5 Another Member thanked the Officers and Members involved in the work to date and indicated that, whilst he understood the Member's concerns about Tewkesbury and Twyning, unfortunately the Local Government Boundary Commission for England had expressed the view that to separate the areas would result in bad

electoral equality; as such there would be no point in the Council recommending that as an amendment. Accordingly, it was

RESOLVED That the Council supports the draft recommendation put forward by the Local Government Boundary Commission for England in its consultation on a revised pattern of warding for Tewkesbury Borough but that, in respect of the Cleeve St Michael's and Cleeve West Wards, the proposed boundary be further amended to include all of the properties in Pecked Lane in the Cleeve St Michael's Ward.

The meeting closed at 7:20 pm