

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Executive Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Wednesday, 7 June 2023
commencing at 2:00 pm**

Present:

Chair	Councillor R J Stanley
Vice Chair	Councillor S Hands

and Councillors:

C M Cody, C F Coleman, S R Dove, D W Gray, D J Harwood, A Hegenbarth, M L Jordan,
J R Mason, J K Smith and M G Sztymiak

also present:

Councillors P W Ockelton, K Pervaiz and G M Porter

EX.1 ANNOUNCEMENTS

- 1.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 1.2 The Chair advised of his intention to change the order of the Agenda so Item 9 – Response to the Technical Consultation on the Infrastructure Levy 2023 would be taken after Agenda Item 6 – Executive Committee Forward Plan.

EX.2 DECLARATIONS OF INTEREST

- 2.1 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.

2.2 The following declarations were made:

Councillor	Application No./Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
D W Gray	Item 11 – Future of Winchcombe Tourist Information Centre	Is a Member of Winchcombe Town Council and attended meetings of the Winchcombe Museum Trust Board as an observer.	Would speak and vote.
J R Mason	Item 11 – Future of Winchcombe Tourist Information Centre	Is Chair of Winchcombe Town Council.	Would speak and vote.

2.3 There were no further declarations made on this occasion.

J R M

EX.3 MINUTES

3.1 The Minutes of the meeting held on 1 March 2023, copies of which had been circulated, were approved as a correct record and signed by the Chair.

EX.4 ITEMS FROM MEMBERS OF THE PUBLIC

4.1 There were no items from members of the public.

EX.5 EXECUTIVE COMMITTEE FORWARD PLAN

5.1 Attention was drawn to the Committee's Forward Plan, circulated at Pages No. 11-18, which Members were asked to consider.

5.2 A Member raised concern that the Forward Plan made no reference to the Garden Town; he was surprised it was not included, given its importance, and the he asked what the timeframe would be in terms of bringing an update to Members. In response, the Chief Executive explained that the Garden Town programme had been paused whilst a review was undertaken. The review had been commissioned and a draft report was expected this week. Depending on its findings, he anticipated that he would share this with the Leader and Deputy Leader before bringing it to Executive Committee and the wider Council. It was noted that Garden Communities Development Briefing was being held the following evening as part of the Member Induction Programme to bring Members up to speed.

5.3 A Member noted that the Forward Plan was a standing item on every Agenda and suggested it might be more appropriate to move it to the end of the Agenda so that any issues arising from the meeting could be discussed. In terms of the Taxi and Private Hire Licensing Policy, due to be considered at the meeting on 29 November 2023, he noted this was being taken to the Licensing Committee meeting on 15 June 2023 so he asked why it could not be brought to the Executive Committee any sooner. He went on to question whether something should have

been included on the Forward Plan to deal with the issues that had been raised at the last meeting in relation to the potential large scale changes to waste and recycling. The Member also pointed out that the Forward Plan made no reference to the climate change motion which had been approved at the annual Council meeting. As a new Member, he was still getting to grips with the work in progress and understanding the position of Lead Members as well as the Committee as a whole and felt it would be beneficial to discuss this further in order to identify opportunities to influence the direction of the authority. With regard to the Taxi and Private Hire Licensing Policy, the Director: Communities explained that the Licensing Committee was being asked to approve the draft revised policy for public consultation and it would need to go back to the Licensing Committee following consultation before being brought to the Executive Committee for ratification. He advised that the Lead Member for Clean and Green Environment had been briefed in relation to the government proposals regarding waste but he would be happy to bring something to a future meeting to explore the impacts of that. The Chief Executive confirmed the Forward Plan would be reviewed in light of the Council motion and updated accordingly in terms of the work of the Executive Committee; he explained that the Forward Plan was a living document and there was policy being developed in areas aligned to what the new Council wanted to achieve so that would become evident in due course.

- 5.4 A Member questioned whether it would be appropriate to apply a RAG (red, amber, green) rating to the Forward Plan in order to show how certain sections were performing to flag areas of improvement, both for the Executive Committee and the Overview and Scrutiny Committee. In response, the Director: Corporate Resources recognised that new Members would have new ideas and he was happy to take away these comments and consider how they could be practically adopted. He pointed out that the Council Plan Performance Tracker used a RAG style rating system and was considered by the Overview and Scrutiny Committee on a quarterly basis. Another Member pointed out that the First Floor Refurbishment Project had been moved from January 2023 to September 2023 and he suggested that, if the document was electronic, it would be possible to include a link to where the decision had been made in order for new Members to gauge the importance of the project and whether the slippage was cause for concern. The Chief Executive confirmed this would be part of the overall improvement as the authority moved towards becoming a high performing Council; however, there was a process for delivering change. In terms of the first floor refurbishment project specifically, the delay was due to a resourcing issue.
- 5.5 Having considered the Forward Plan, it was

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

EX.6 RESPONSE TO THE TECHNICAL CONSULTATION ON THE INFRASTRUCTURE LEVY 2023

- 6.1 The report of the CIL Manager and Planning Policy Manager, circulated at Pages No. 49-67, asked Members to approve the proposed responses to the Technical Consultation on the Infrastructure Levy, as set out at Paragraph 3.3 and Appendix 1 to the report, and to delegate authority to the Head of Development Services, in consultation with the Lead Member for Built Environment, to make any necessary minor amendments to the response prior to submission.
- 6.2 In proposing the recommendation, the Lead Member for Built Environment explained that consultation on the introduction of a National Infrastructure Levy was part of the Levelling Up and Regeneration Bill and followed the Ministerial Statement on a new National Planning Policy Framework. The objective was to

make the system more streamlined to provide more clarity and offer transparency. The technical consultation invited local authorities to respond to 45 specific questions and a policy research report was provided alongside it which was based on working with six local authorities using hypothetical models to inform how the changes might work in practice. It was hoped to speed up the process by doing away with negotiations and Page No. 52, Paragraph 2.2. of the report stated clearly that it was difficult to gain an understanding of how it would work in practice without further information as it was presented as a set of ideas for comment rather than a detailed proposal for imminent reform. Officers had worked on the Council's response and had highlighted that it raised serious concerns about the authority's financial position due to the changes to the way infrastructure levy could be claimed. The recommendation was to approve the proposals, as set out at Paragraph 3.3. and Appendix 1 to the report, in order to comply with the deadline for response which was Thursday 8 June 2023.

6.3 The proposal was duly seconded and it was

RESOLVED:

1. That the proposed responses to the Technical Consultation on the Infrastructure Levy, set out in Paragraph 3.3 and at Appendix 1 to the report, be **APPROVED** to be formally submitted as Tewkesbury Borough Council's response to the consultation.
2. That authority is delegated to the Head of Development Services, in consultation with the Lead Member for Built Environment, to make any necessary minor amendments to the response prior to submission.

EX.7 HEALTH, SAFETY & WELFARE POLICY REVIEW

7.1 The report of the Environmental Services Officer, circulated at Pages No. 19-33, attached, at Appendix 1, a revised Health, Safety and Welfare Policy. Members were asked to approve the policy and to delegate authority to the Director: Communities, in consultation with the Lead Member for Organisational Development, to make minor changes to the policy including changes to management structure and minor typographical changes etc.

7.2 The Director: Communities explained that all employers of the Council's size had a legal duty to have a written Health and Safety policy in place which needed to be kept up to date. The policy required revision to reflect the new management structure which was implemented on 1 April 2023; the rest of the policy remained unchanged.

7.3 A Member drew attention to Page No. 28 of the report and asked whether people who were not employees but were in the office were covered by the policy and the Director: Communities confirmed they were covered but possibly to a slightly different degree. Another Member indicated that Page No. 32, Paragraph 3.5 of the report stated that the Executive Committee comprised 11 Members and the Chairman and Vice-Chairman were Leader and Deputy Leader of the Council respectively; this was inaccurate as there were now 12 Members of the Committee and she asked that it be reworded in recognition of that and to use 'Chair' and 'Vice-Chair'.

7.4 Upon being proposed and seconded, it was

RESOLVED:

1. That the revised Health, Safety and Welfare Policy be **APPROVED**.
2. That authority be delegated to the Director of Communities, in consultation with the Lead Member for Organisational Development, to make minor changes to the policy including change to management structure and minor typographical changes etc.

EX.8 DATA PROTECTION POLICY REVIEW

- 8.1 Attention was drawn to the report of the Director: Corporate Resources, circulated at Pages No. 34-47, which asked Members to approved the revised Data Protection Policy.
- 8.2 The Director: Corporate Resources explained that the Council regularly reviewed its key policies and the Data Protection Policy had been adopted in 2018 therefore it required review to ensure it remained consistent with legal requirements, reflected best practice and continued to be fit for purpose. It was noted that only minor amendments were required, as set out at Page No. 36, Paragraph 3.1 of the report. The revised policy was attached at Appendix 1 to the report and had been endorsed by the Audit and Governance Committee at its meeting on 23 March 2023. Members were advised it was a living document and work around data protection was ongoing.
- 8.3 A Member drew attention to Page No. 44, Paragraph 6.15, which stated that electronic records must be removed permanently and she asked for further clarification on this in terms of whether deleted documents could be recovered. In terms of Page No. 45, Paragraph 6.19, which stated that in certain circumstances the Council may charge a reasonable fee or refuse a data subject request where it was manifestly unfounded, excessive or repetitive, she asked how this was defined. In response, the Director: Corporate Resources advised that there was a Member Induction session in relation to the General Data Protection Regulation on Monday 3 July where Members could raise questions about how the policy was applied in practice and he stressed there would be ongoing training regarding data protection going forward. The Head of Audit and Governance advised that it was very rare to charge a fee to respond to a data request but the Council would follow guidance from the Information Commissioner's Office as to what was considered reasonable and how much that would be. She explained that the Digital Bill would provide greater clarity. The Member suggested that a sentence be added to the end of the paragraph to reflect that the fee would be in line with what was recommended by the Information Commissioner's Office. With regard to Page No. 47, the Member expressed the view that there was an urgent need for Members to have a case work system and she asked if that was something being worked on. She indicated that she was contacted by residents in numerous ways, including speaking to people in the street, via email, WhatsApp, Facebook, answerphone messages and telephone calls, and she was very concerned about ensuring that data was secure. The Director: Corporate Services indicated that he could not commit to delivering a casework system but he would take this away for discussion – it could potentially be a project for the Business Transformation Team but would need to be weighed against other priorities in terms of when it could be delivered. Another Member suggested it would be beneficial to have an annex to the policy which provided guidance for Members where things could be put more simply and kept updated without the need for whole policy change. The Director: Corporate Services indicated that he would take that onboard and look to add a Frequently

Asked Questions section or something similar.

8.4 Upon being proposed and seconded, it was

RESOLVED: That the revised Data Protection Policy be **APPROVED**.

EX.9 SEPARATE BUSINESS

9.1 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 12A of the Act.

EX.10 SEPARATE MINUTES

10.1 The separate Minutes of the meeting held on 1 March 2023, copies of which had been circulated, were approved as a correct record and signed by the Chair.

EX.11 FUTURE OF WINCHCOMBE TOURIST INFORMATION CENTRE

(Exempt – Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 – Information relating to any individual)

11.1 The Committee agreed that, subject to the outcome of consultation with staff, the Director of Community Services, in consultation with the Lead Member for Economic Development and Promotion, be authorised to take any necessary steps to close the Winchcombe Tourist Information Centre with timing of the closure for the end of the summer season.

The meeting closed at 3:00 pm