

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Executive Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Wednesday, 10 January 2024 commencing at
2:00 pm**

Present:

Chair
Vice Chair

Councillor R J Stanley
Councillor S Hands

and Councillors:

C M Cody, S R Dove, D J Harwood, M L Jordan, J R Mason, J K Smith and P N Workman
(Substitute for M G Sztymiak)

also present:

Councillor M Dimond-Brown

EX.68 ANNOUNCEMENTS

- 68.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 68.2 The Chair welcomed Councillor M Dimond-Brown to the meeting and advised that he was in attendance as Chair of the Overview and Scrutiny Committee for Agenda Item 6 – Council Plan Performance Tracker – Quarter Two 2023/24.
- 68.3 In accordance with Procedure Rule 1.2 of the Council’s Constitution, the Chair indicated that he had exercised his discretion to vary the order of business so that Agenda Item 7 – Treasury and Capital Management would be taken after Agenda Item 9 – Gloucestershire Statement of Common Ground.

EX.69 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 69.1 Apologies for absence were received from Councillors C F Coleman, D W Gray and M G Sztymiak. Councillor P N Workman would be a substitute for the meeting.

EX.70 DECLARATIONS OF INTEREST

- 70.1 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.
- 70.2 There were no further declarations made on this occasion.

EX.71 MINUTES

71.1 The Minutes of the meeting held on 29 November 2023, copies of which had been circulated, were approved as a correct record, subject to the following amendments, and signed by the Chair:

Minute No. EX.62.3 – Additional sentence to be added to the end of the paragraph as follows: ***Other Members indicated they had also not received the consultation email and it was stated that, if Councillors did not respond to consultations in relation to their Ward, there should be a mechanism to remind them.***

Minute No. EX.63.3 – Additional sentence to be added as follows: A Member questioned how many consultation responses had been received and again indicated that she did not recall having seen it. The Licensing Team Leader advised that four consultation responses had been received including one from Tewkesbury Town Council. ***Other Members confirmed they had also not received the consultation email and it was stated that, if Councillors did not respond to consultations in relation to their Ward, there should be a mechanism to remind them.***

EX.72 ITEMS FROM MEMBERS OF THE PUBLIC

72.1 There were no items from members of the public.

EX.73 COUNCIL PLAN PERFORMANCE TRACKER - QUARTER TWO 2023/24

73.1 The report of the Chair of the Overview and Scrutiny Committee, circulated separately, asked Members to review and respond to the findings of the Overview and Scrutiny Committee's review of the quarter two 2023/24 performance management information.

73.2 The Chair of the Overview and Scrutiny Committee advised that the Committee was generally happy with the second quarter performance of the Council; however, as set out at Paragraph 4c of his report, it remained concerned about the performance under the heading 'Housing and Communities', firstly, in terms of the housing services information within the tracker which made it difficult to draw meaningful conclusions about the performance of that service and, secondly, in relation to planning and the narrative around the level of appeals, cost of appeals and housing land supply issues which had coincided with the press reporting that Tewkesbury Borough Council was 310th out of 324 authorities across England in terms of determining non-major planning applications. It was noted that a Member briefing was due to take place the following week to update on the progress of the Development Management Improvement Programme and the Overview and Scrutiny Committee would be listening with interest.

73.3 The Lead Member for Built Environment indicated that, whilst the Overview and Scrutiny Committee was right to have concerns, it would be beneficial for the Chair of the Overview and Scrutiny Committee to speak with herself or the Associate Director: Planning to get an up-to-date stance on what improvements had been made and the effects they were having; she had attended a Development Management meeting that morning and the improvement was very encouraging. The Chair of the Overview and Scrutiny Committee welcomed those comments and recognised that his report reflected scrutiny of the second quarter of the year as opposed to the latest statistics so he was sure there would be improvement when the Committee considered quarter three performance next month.

73.4 The Chair offered to put in place a series of regular meetings for himself and the Chair of the Overview and Scrutiny Committee in order to discuss points outside of the meeting regarding closer working between the two Committees. The Chair of the Overview and Scrutiny Committee agreed that a regular meeting would be beneficial and pointed out that other items, such as the Communications Strategy, had been discussed at the Overview and Scrutiny Committee meeting which he would be writing to the Chair of the Executive Committee separately about.

73.5 The Chair of the Executive Committee advised that the Overview and Scrutiny Committee would like to encourage Lead Members to attend meetings of the Committee if there was a relevant report on the Agenda. A Member recognised that the Agenda for the meetings could be accessed online but felt it would be beneficial if Lead Members could be notified in advance of that as to when their reports were due to be taken to the Committee.

73.6 It was

RESOLVED: That the findings of the Overview and Scrutiny Committee's review of the quarter two 2023/24 performance management information be **NOTED**.

EX.74 CHELTENHAM, GLOUCESTER AND TEWKESBURY COMMUNITY INFRASTRUCTURE LEVY (CIL) JOINT COMMITTEE

74.1 The report of the Community Infrastructure Levy (CIL) Manager, circulated at Pages No. 51-72, set out the proposed governance arrangements for the allocation of CIL infrastructure funding. Members were asked to recommend to Council that establishment of a CIL Joint Committee with Terms of Reference as set out at Appendix 1 to the report, including the pooling of strategic CIL monies by Cheltenham Borough, Gloucester City and Tewkesbury Borough Councils, be approved; that the amended Infrastructure List, set out at Appendix 2 to the report, be approved for publication; and that engagement with a wide range of infrastructure providers e.g. NHS, emergency services, Environment Agency be endorsed in order to identify any wider infrastructure priorities to be considered by the CIL Joint Committee.

74.2 In proposing the report recommendation, the Lead Member for Built Environment advised that the Executive Committee's support was being sought to establish a CIL Joint Committee to provide governance for the allocation of the strategic infrastructure part of CIL receipts collected by the three partner councils and recommended approval of the Terms of Reference for the Joint Committee; to pool strategic CIL Infrastructure funding by the three partner councils; to publish an amended Infrastructure List; and to engage with a wider range of infrastructure providers to identify other priorities for consideration by the Joint Committee for inclusion on the Infrastructure List. The Terms of Reference, attached at Appendix 1 to the report, included an agreement to pool funding, subject to a periodic review, and required consensus of all three partner councils for proposed allocations with decisions and reviews to be reported to Executive Committee and the Cabinets of the partner authorities. Gloucestershire County Council would be entitled to attend meetings but would have no voting rights and would not be able to scrutinise bids for funding. The second part of the recommendation was around publication of an amended joint Infrastructure List, last published as part of the Infrastructure Funding Statement in December 2023, and it was recognised that a full reassessment of the Infrastructure Delivery Plan, upon which the Infrastructure List approved for publication in the December Infrastructure Funding Statement 2020 was based, was required and would take place alongside the preparation of the Strategic and Local Plan (SLP). Members would recall that when CIL funding was received it went into three pots - up to 5% may be used for administrative costs;

either 15% or 25%, depending on whether a Neighbourhood Development Plan was in place, must be passed to the Parish in which the development took place; and the remaining 70% to 80% must be spent in accordance with Regulation 59 of the CIL Regulations 2010 on the “provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area”. It was the third pot that was proposed to be pooled. The amended Infrastructure List, attached at Appendix 2 to the report, was the Infrastructure List approved for publication in December 2023 with an amendment made at the request of the County Council to the pipeline of projects requiring more work to identify costs. The title of the final section ‘Projects not to be funded from CIL’ had been removed, pulling the three projects that had been identified into the group of shared projects. The Infrastructure List included only local authority priorities, therefore, a wider targeted exercise was proposed with key stakeholders such as the NHS, emergency services, utilities, Environment Agency, Sport England and others to identify other priorities for consideration by the CIL Joint Committee.

- 74.3 In seconding the proposal, the Chair explained that a joint approach was particularly important in terms of things such as a joint waste depot. It was important to bear in mind that the Infrastructure List was ongoing and was not a final list. The recommendation included a commitment to work with partner agencies and he was especially keen to work with the Environment Agency in order to secure appropriate flood infrastructure which was vital to facilitate development in the area; issues within Tewkesbury Borough impacted the other local authority areas so this was in their joint interest and that was the point he would be making at the meetings of the CIL Joint Committee, if approved by Council.
- 74.4 In view of what the Chair had said in relation to the importance of flooding infrastructure, a Member asked why that could not be included in the Infrastructure List today and was advised that, as it currently stood, it was still necessary to identify what works needed to be done. Furthermore, the three partner authorities were working collaboratively with decisions being made by consensus, therefore it would be inappropriate for Tewkesbury Borough Council to recommend amendments without the agreement of the other councils. Once the work had been done, he could not see why the other partners would have concerns as it was a common problem facing them all. The Lead Member for Built Environment reminded Members that the recommendation sought to gain agreement to work collectively with Cheltenham Borough and Gloucester City Councils, as well as Gloucestershire County Council, and it was important not to get bogged down in the detail of the Infrastructure List itself as that was not exhaustive and was open for discussion going forward. In response to a query, the Chair pointed out that a number of items on the list were not necessarily strategic and, bearing in mind the amount of money in the pot and the cost of strategic infrastructure projects, CIL in and of itself would not be the magic solution to fix all of the challenges faced.
- 74.5 A Member sought clarification as to when Ward Members would have been notified and had input into the Infrastructure List. The Chair gave assurance there would be a process for wider Member involvement but explained there would be a lot of things Members might like to see within their Wards which could be delivered via other means such as Section 106. The Chief Executive advised that CIL legislation had been introduced in 2010 and this process should have been put in place many years ago. There were two main components of CIL with 15-25% going to the local community for locally strategic infrastructure and the remainder for delivery of strategic infrastructure required to deal with the totality of growth coming into the area. A number of things included in the Infrastructure List were matters of local, rather than wider strategic significance and the CIL Joint Committee would need a process to look at how the projects aligned with delivering the strategic infrastructure required to enable growth, for example, a new depot would be for the majority of the Cheltenham Borough, Gloucester City and

Tewkesbury Borough area due to the amount of additional houses that had been built and therefore was strategic. There were inevitably more requirements than the amount of funding available so a lot of work was needed by Officers in terms of how they could be prioritised. The purpose of the report was to ensure the correct governance was in place and the CIL Joint Committee proposal would be based on consensus to ensure that all three authorities were satisfied with the projects that would go forward. The Member indicated that she wanted to ensure Ward Members were kept up-to-date with regard to CIL projects in their areas which had not necessarily happened in the past and the Chief Executive confirmed he was happy to commit to that. The Chair advised there would be an opportunity for Members to be involved in the place making of the communities they represented, via the place making agenda he had instructed Officers to put together.

74.6 A Member asked who had compiled the Infrastructure List and was informed the initial list had been put together by Officers. The Member raised concern there was no reference to Brockworth GP surgery and was advised that GP surgeries were included under 'shared' at Page No. 70 of the report. The Member explained that the lack of healthcare facilities had been an issue in Brockworth for several years and needed to be urgently addressed given the amount of residential development in the area. The Chief Executive explained that CIL was just one part of the jigsaw in terms of funding the items in the plan. Officers had updated the list as an interim piece of work and, subject to approval by Council, once the CIL Joint Committee was established, they would look to do that in more detail. The Lead Member for Built Environment indicated that, whilst she respected what the Member was saying and understood those concerns, Members were not being asked to make decisions today on what the money was spent on and supporting the report would not preclude something from being included on the Infrastructure List going forward. In response to a concern regarding Tewkesbury Borough Council potentially being outvoted by the other partner authorities, the Chair stressed that decisions would be made by consensus so all three partners had to agree; it was about cross-boundary working to mutually benefit all residents in the area. A Member queried whether schools were funded by Section 106 money and was advised they could be funded in many ways which could include Section 106 contributions; CIL had been used in the past to fund schools, albeit not within Tewkesbury Borough, and the County Council had pointed out that the money within the CIL pot was not a huge amount in the context of delivering infrastructure such as schools, new motorway junctions, road infrastructure etc. so it would be important to consider how it could be put to best use.

74.7 The Associate Director: Planning explained that the changes to the Infrastructure List attached at Appendix 2 to the report had effectively been made to protect the County Council's position so it would have the ability to potentially make requests from the CIL pot towards education or strategic transport improvements, notwithstanding that the strong preference would be to secure this via Section 106. Under the proposals within the report, it would be for Cheltenham Borough, Gloucester City and Tewkesbury Borough Councils to determine how they wanted to spend any CIL which was secured as that decision was not made at the point of granting planning consent.

74.8 Upon being put to the vote, it was

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

1. That establishment of a Community Infrastructure Levy Joint Committee with the Terms of Reference as set out at Appendix 1 to the report, including the pooling of strategic Community Infrastructure Levy monies by Cheltenham Borough, Gloucester City and Tewkesbury Borough Councils be **APPROVED**.
2. That the amended Infrastructure List, as set out at Appendix 2 to the report, be **APPROVED** for publication.
3. That engagement with a wide range of infrastructure providers e.g. NHS, emergency services, Environment Agency be **ENDORSED** in order to identify any wider infrastructure priorities to be considered by the Community Infrastructure Levy Joint Committee.

EX.75 GLOUCESTERSHIRE STATEMENT OF COMMON GROUND

- 75.1 The report of the Director: Communities, circulated at Pages No. 73-109, asked the Executive Committee to recommend to Council that the revised version of the Gloucestershire Statement of Common Ground be approved with the dashes in the “agreements” section removed and the removal of Appendix 3 to the previously approved version and that authority be delegated to the Executive Director: Place, in consultation with the Lead Member for Built Environment, to make those amendments along with any necessary minor amendments, corrections and additions in respect of any spelling, grammatical, cross-referencing, typographical errors and/or factual updates prior to signing by the Leader or Chief Executive.
- 75.2 In proposing the report, the Lead Member for Built Environment advised that the Gloucestershire Statement of Common Ground had been prepared by the six local planning authorities in Gloucestershire, Gloucestershire County Council and the GFirst Local Enterprise Partnership (LEP). It was a non-statutory document which had been approved by Council in January 2023. The Gloucestershire Statement of Common Ground included a series of 37 high level agreements dealing with a broad range of environmental issues and land use matters including addressing the climate and ecological emergencies, housing and economic needs, Green Belt, transport provision, natural environment and green infrastructure. At that time, Tewkesbury Borough Council approved a version of the Gloucestershire Statement of Common Ground with a number of caveats to the agreements. This report was asking the Council to fully sign up to all of the agreements within the Gloucestershire Statement of Common Ground and remove any caveats to bring Tewkesbury Borough Council into alignment with partners across the county. In seconding the proposal, the Chair indicated that he had not been comfortable with the opt-outs previously agreed by the Council and he was grateful to Officers for the work they had done to bring this back to Committee.
- 75.3 A Member expressed their support for the revised document and another Member indicated that, from their perspective as a new Borough Councillor, they could not understand why the opt-outs had been agreed in the first place. Upon being taken to the vote, it was

- RESOLVED:** That it be **RECOMMENDED TO COUNCIL** that:
- i) the revised version of the Gloucestershire Statement of Common Ground be **APPROVED** with the dashes in the “agreements” section removed and the removal of Appendix 3 to the previously approved version; and
 - ii) authority be delegated to the Executive Director: Place, in consultation with the Lead Member for Built Environment, to make those amendments along with any necessary minor amendments, corrections and additions to in respect of any spelling, grammatical, cross-referencing, typographical errors and/or factual updates prior to signing by the Leader or Chief Executive.

EX.76 TREASURY AND CAPITAL MANAGEMENT

- 76.1 The report of the Associate Director: Finance, circulated at Pages No. 17-50 and the amendment circulated separately, asked the Committee to recommend to Council adoption of the Capital Strategy 2024/25; the Investment Strategy 2024/25; the Minimum Revenue Provision Statement 2024/25; and the Treasury Management Strategy 2024/25.
- 76.2 In proposing the report recommendation, the Lead Member for Finance and Asset Management advised that the report included four key documents which were developed to offer assurance to Members, the local community and wider stakeholders that the Council’s finances were being managed in an appropriate and sustainable way across the next year and beyond. By having these strategies in place, it ensured the authority was in line with the expectations of the Chartered Institute of Public Finance and Accountancy (CIPFA) Prudential Code. The documents were updated on an annual basis and the strategies before Members were based on those agreed last year with no major amendments. He pointed out that a supplementary paper had been circulated separately in relation to the Capital Strategy which updated the incorrect figures in Table 11 of Appendix A at Page No. 26 of the report. Members would be aware that quarterly financial reports were taken to the Executive Committee which included an update on the Prudential Indicators in line with CIPFA expectations, as such, the actual figures and financial position could be scrutinised on a regular basis throughout the financial year.
- 76.3 The proposal was seconded and, upon being put to the vote, it was

- RESOLVED:** That it be **RECOMMENDED TO COUNCIL** that the following be **ADOPTED**:
- Capital Strategy 2024/25, subject to the replacement of Table 11 as set out at Appendix A, Page No. 26, with the updated table, circulated separately;
 - Investment Strategy 2024/25;
 - Minimum Revenue Provision Statement 2024/25; and
 - Treasury Management Strategy 2024/25.

EX.77 EXECUTIVE COMMITTEE FORWARD PLAN

77.1 Attention was drawn to the Executive Committee's Forward Plan, circulated at Pages No. 111-120, which Members were asked to consider.

77.2 Accordingly, it was

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

EX.78 SEPARATE BUSINESS

78.1 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.79 SEPARATE MINUTES

79.1 The separate Minutes of the meeting held on 29 November 2023, copies of which had been circulated, were approved as a correct record and signed by the Chair.

The meeting closed at 2:50 pm