

**TO EACH MEMBER OF THE
COUNCIL**

05 December 2022

Dear Councillor

COUNCIL - TUESDAY 6 DECEMBER 2022

Further to the Agenda and papers for the above meeting, please find attached Member questions submitted in accordance with Council Procedure Rule 13.

The questions and answers will be taken as read without discussion but the questioners will be allowed to ask a supplementary question arising directly from the questions or from the replies.

Should you have any queries regarding the above please contact Democratic Services on
Tel: 01684 272021

Yours sincerely

**Lin O'Brien
Head of Democratic Services**



Agenda Item 6

The following questions have been received from Councillor Richard Stanley to the Lead Member for Finance and Asset Management, Councillor Robert Vines. The answers are given by the Lead Member for Finance and Asset Management, Robert Vines, but are taken as read without discussion.

Question:

What is the Council's current true useable reserve figure, please do not include funds held in reserves which are earmarked commitments or funds held by us to be used for specific purposes, just the true useable reserve that the Council has?

Answer:

The current level of uncommitted reserves held by the Council as at 1 April 2022 is £4,103,157. This consists of the MTFS reserve and the General Fund Working Balance.

Question:

What was the equivalent figure for the previous 3 years?

Answer:

- April 2021 - £3,443,099
- April 2020 - £800,000
- April 2019 - £1,800,000

The following questions have been received from Councillor Richard Stanley to the Lead Member for Built Environment, Councillor Mel Gore. The answers are given by the Lead Member for Built Environment, Councillor Mel Gore, but are taken as read without discussion.

Question:

How many planning applications are currently awaiting decision and what is the oldest case held by us awaiting a decision?

Answer:

The Council currently has 468 valid applications pending decision. The oldest application awaiting decision was validated in 2016. This application is for significant housing development at Northwest Cheltenham which requires the resolution of major transport matters before it can be determined.

Question:

When will the following planning applications be heard?

21/01173/FUL
22/00725/FUL
22/00726/FUL

Answer:

It would be inappropriate for the Local Planning Authority to discuss specific planning applications at a Council meeting. All three applications are the subject of active dialogue between the planning case officer and the agent/applicant. Once this has concluded, there will, in each case, be an officer report making an appropriate recommendation so that decisions can be made. Giving a precise timescale for the decisions is not possible given the current, ongoing engagement on the cases.

Question:

What FTE officer vacancies do we have in the planning department & how many officers do we currently have in total?

Answer:

10

29 (of which 7 are contractors)

Question:

When will long suffering residents of the Cleveland's estate receive an update from Tewkesbury Borough as to the progress on the community buildings. I note the latest update to Councillors but what, if anything, is Council willing to share with the residents affected after 4 years of waiting without communication?

Answer:

The Council is in active discussions with the Parish Council and the developer on plans for the new community building. A planning application for the new community building is expected to be submitted shortly.

Question:

How much has been spent on legal challenges since May 2019 related to planning? How many were successfully won and how many have been lost? How many ongoing?

Answer:

Since May 2019, the Council has been party to two challenges to Planning decisions made under Section 288 of the Town and Country Planning Act 1990. The first was a challenge made by the Council to an appeal decision for housing development at Gotherington which cost the Council £60,874. This challenge was unsuccessful.

The second is a challenge made by Ashchurch Rural Parish Council to the planning permission granted for Ashchurch Bridge over Rail. The Borough Council was successful in defending the High Court Challenge, but the Parish Council has appealed to the Court of Appeal against the High Court Judgment. The Court of Appeal Hearing is due to take place on either 13 or 14 December 2022 (date not yet fixed) and to date the defence to the challenge has cost the Council £65,306 in external legal fees. This does not include the officer costs which have not been calculated. The Council continues to incur costs associated with this ongoing case.

The following question has been received from Councillor Richard Stanley to the Lead Member for Organisational Development, Councillor Deborah Harwood. The answer is given by the Lead Member for Organisational Development, Councillor Deborah Harwood, but is taken as read without discussion.

Question:

How many FTE officer vacancies do we have across all departments within Council?

Answer:

There are 35.47 FTEs (including One Legal) Officer vacancies across all departments in the Council.

The following questions have been received from Councillor Helen Munro to the Lead Member for Built Environment, Councillor Mel Gore. The answers are given by the Lead Member for Built Environment, Councillor Mel Gore, but are taken as read without discussion.

Question:

It is understood that the officer who was updating the S106 database has left the Council's employment. Please can Council be assured that this post will be filled, that all data has continued to be entered following the post holder's departure and a date when the new post holder will start?

Answer:

Recruitment for the post of Section 106 Monitoring Officer is currently underway, the closing date for applications is 12 December with interviews scheduled to take place on 19 December.

There can be no guarantee that a suitably qualified person will apply and the start date, assuming that there is a successful recruitment, will depend upon individual circumstances/notice period. In the meantime, some cover is being provided in an endeavour to keep the database as up to date as possible.

Question:

It is further understood that there is a module available on the S106 system which will allow the public a view of the data but that this module is not yet deployed. Please can Council be updated with the plans to evaluate, cost and implement this module?

Answer:

Work has been undertaken on the module, which will be furthered once the Section 106 Monitoring Officer post is filled. This work will include evaluation, cost and implementation.

Question:

It is noted that there is c£9million in S106 monies held by the Council as at end March 2022. Please can Council be provided with the expected spend and on what of S106 monies in the year April 2022 to end March 2023 and the anticipated spend in 2023/4 FY?

Answer:

The S106 monies expenditure for the year April 2022 to March 2023 will be detailed in the Infrastructure Funding Statement December 2023.

It is not practicable at this stage to provide the anticipated spend for the 2023/24 financial year.

The majority of the S106 funds are allocated in accordance with the relevant S106 agreement and are specific to each planning application as they have to address the need which has arisen as a result of a new development taking place