

**TO EACH MEMBER OF THE
COUNCIL**

20 February 2023

Dear Councillor

COUNCIL - TUESDAY 21 FEBRUARY 2023

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 question has been received from Councillor Cate Cody to the Leader of the Council, Councillor Rob Bird. The answer is given by the Leader of the Council, Councillor Rob Bird, but is taken as read without discussion.

	Question
1.	<p>At the Tewkesbury Borough Full Council meeting on the 6 December 2022, I voted in favour of webcasting as I believe in transparency and think the public have a right to view what we discuss on their behalf, without having to travel into Tewkesbury at a specific time to watch the meeting in person.</p> <p>The meeting minutes state that, "Following a lengthy discussion as to the merits of webcasting, as well as concerns about the costs of the system at the time of a national cost of living emergency...it was agreed that webcasting would not be implemented at this time."</p> <p>Given their concerns, what has the Leader of the Council, who voted against webcasting, done to make sure that the specific amount of money saved has indeed been spent on the cost of living emergency? Please can the Leader of the Council confirm when this money was spent, (or ring-fenced) and provide information on who is deciding what the money is used for?</p>
	Answer
1.	<p>The pressures on our finances mean that we must make careful choices when faced with a variety of competing demands. It is not always possible to fund everything we would like to support, as evidenced by the budget proposal tonight, where, in order to deliver a sound and balanced budget, we have been unable to include nearly half a million pounds of funding requests. The budget proposal does however provide funding and investment to ensure our Council continues to provide vital services to our expanding communities for the forthcoming year.</p>

The following question has been received from Councillor Richard Stanley to the Leader of the Council, Councillor Rob Bird. The answer is given by the Leader of the Council, Councillor Rob Bird, but is taken as read without discussion.

	Question
2.	<p>Please may I have an updated figure of the costs to the Borough Council, since May 2019, of:</p> <ul style="list-style-type: none"> i. all formal challenges to planning decisions where the challenge has been made by or against the Council including the (recently lost) Ashchurch Bridge. ii. costs incurred by the Council in defending lost planning appeals, including, but not limited to the lost appeal for 215 homes in Bishops Cleeve and 460 homes at Fiddington (as this case and other similar appeals were not included last time). iii. costs paid by the Council as a consequence of lost planning appeals.
	Answer
2.	<p>The cost to the Council of formal challenges and lost appeals includes external costs for Counsel/Advocate's fees together with the costs of appointing consultants as required to give evidence on behalf of the Council (e.g. landscape evidence, planning evidence, arboricultural evidence). In addition, there are significant amounts of work carried out by the Council officers to prepare for challenges / appeals including, where required, attendance at Public Inquiries. Whilst those costs for which invoices are raised can be quantified, Council Officers do not routinely record their time against specific tasks/applications and it is therefore not practicably possible, over the period 2019 to date, to quantify the officer time spent on those matters.</p> <ul style="list-style-type: none"> i. The total external costs to the Council of formal challenges is £227,130. ii. The total costs to the Council in defending lost planning appeals is £288,124. iii. The costs paid to date amount to £14,610, but there is one cost award against the Council yet to be settled.

The following question has been received from Councillor Richard Stanley to the Lead Member for Clean and Green Environment, Councillor Jim Mason. The answer is given by the Lead Member for Clean and Green Environment, Councillor Jim Mason, but are taken as read without discussion.

Question																			
3.	Please can Officers confirm the annual losses made by the Council's trade waste service in 2022-2023 and the projected loss for 2023-24? What plans/steps have been taken to stop these losses and ensure a profitable service is provided?																		
Answer																			
3.	<p>Please see the table below which shows the deficit in the years referred to in the question. We have had a project running for a number of years to attempt to get the service to a position where it is breaking even and possibly delivering a surplus, however the gap between the costs of delivering the service and income generated is widening. Therefore, the Head of Community Services is working on an alternative proposal which would reduce the deficit and he will present that proposal to the Executive Committee in March.</p> <table border="1"> <thead> <tr> <th></th> <th>22/23</th> <th>23/24</th> </tr> </thead> <tbody> <tr> <td>Income</td> <td>304,948</td> <td>335,500</td> </tr> <tr> <td>Expenditure:</td> <td colspan="2"></td> </tr> <tr> <td>Ubico Contract</td> <td>359,868</td> <td>410,407</td> </tr> <tr> <td>Employment Costs</td> <td>52,205</td> <td>56,276</td> </tr> <tr> <td>Deficit</td> <td>107,125</td> <td>131,183</td> </tr> </tbody> </table>		22/23	23/24	Income	304,948	335,500	Expenditure:			Ubico Contract	359,868	410,407	Employment Costs	52,205	56,276	Deficit	107,125	131,183
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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
4.	At the meeting of Full Council in December 2022, it was reported that the amount of S106 monies held by Tewkesbury Borough Council was just under £9m as at the end of March 2022. As it is understood that since that meeting a S106 officer has been recruited and is in post, please can Councillors be given a summary of what infrastructure this considerable sum of money is to be used for or if this is not possible, a date when a report will be available.
	Answer
4.	Summary table attached.
	Question
5.	Please can Councillors be advised of the interest earned on S106 monies in 2021/22 (the balance given as at the start of April 2021 was c£9.6m and as above as at end March 2022) and the first six months of 2022/23 and be assured that this interest is being used for community infrastructure.
	Answer
5.	The balance of s106 monies is combined with the rest of the cashflow of the Council and managed through our treasury activities as a whole. It is therefore not possible to be specific as to how much that particular balance has earned in interest but, if we take the average balance held for s106 during the periods identified and apply the average combined interest rate received for all investments in the same period, the interest earned for s106 balances would be £120,615 and £85,536 respectively. The treasury activities of the Council support the overall position of the Council's budget and therefore sums earned provide funding for all of our services including community infrastructure related activities such as the s106 officer, grounds maintenance and asset maintenance such as parks and watercourses.
	Question
6.	Please can Councillors be advised of any S106 trigger points due in 2023/24 and any S106 monies with a time limit which will run out in 2023/24. Please can Councillors be advised how these and any trigger points which are dependent on for example x houses being built are being monitored.
	Answer
6.	The majority of trigger points for S106 agreements are based on build out rates or for land to be transferred at a certain point as development is being built out. They are not all date triggers. Consequently, it is not possible to confirm all of the trigger points due in 2023/4. Regarding any S106 monies with a time limit running out in 2023/4, the majority of the money is committed. Work is progressing on a specific project which it is anticipated will result in all monies being committed. In terms of how trigger points are being monitored, there is, in most cases, an obligation placed on the developer to inform the Council when trigger points are being met. We also use existing monitoring of completions and contact is made directly with developers.

	Question
7.	It is understood that a sum in the order of c£64k was returned to developers in 2022/3 as the time period for the monies to be spent in expired. As a consequence, residents of Stoke Orchard did not get the upgrade to their MUGA that it is understood the money was for. Please can Councillors be advised what measures have been put in place to ensure that this does not happen again and what assistance the Council could provide to secure alternative funding for upgrades to the MUGA.
	Answer
7.	A corporate group has been set up to provide oversight of the process of spending and monitoring S106 monies. The Parish Council has been offered pro-active support through the Community Funding Officer to identify and secure alternative funding.

Summary of S106 monies

Allocation	Available
Affordable Housing - S106 Contribution	3,251,014.84
Burial Facilities - S106 Contribution	106,253.95
Community Centre - S106 Contribution	121,718.93
Community Facilities - S106 Contribution	648,514.11
Dog Bins & Signs - S106 Contribution	39,710.35
Gypsy and Traveller Sites - S106 Contribution	563,253.75
Healthcare Facility - S106 Contribution	226,482.86
Lighting - S106 Contribution	1,338.69
Pitches & Changing Rooms - S106 Contribution	2,415,247.64
Play Facilities - S106 Contributions	247,543.57
Police Vehicles - S106 Contribution	109,571.33
Public Open Space - Commuted Sum	550,890.37
Public Open Space - On Site Maintenance Sum - S106 Contribution	94,087.89
Public Open Space - S106 Contribution for Off Site	28,372.28
Public Open Space MUGA - S106 Provided On Site	55,422.69
Public Art - S106 Contribution	52,816.12
Public Recycling - S106 Contribution	91,975.95
Public Recycling - S106 Provided On Site	14,816.71
S106 Monitoring Fee	27,456.37
Special Area of Conservation (SAC)	56,250.00
Sports Facilities - S106 Provided On Site	114,349.86
Sports Facilities Off Site - S106 Contribution	1,012,023.50
Sports Hall - S106 Contribution	47,895.04
Trees and Hedgerows	6,017.00
Village Hall - S106 Contribution	32,494.98
Waste Disposal - S106 Contribution	10,762.10
Works Contribution	589.45
Total	9,926,870.33