

TEWKESBURY BOROUGH COUNCIL

Minutes of a Meeting of the Council held at the Council Offices, Gloucester Road, Tewkesbury on Tuesday, 22 September 2015 commencing at 6:00 pm

Present:

The Worshipful the Mayor
Deputy Mayor

Councillor R E Allen
Councillor Mrs G F Blackwell

and Councillors:

P W Awford, Mrs K J Berry, R A Bird, R Bishop, G J Bocking, K J Cromwell, D M M Davies, Mrs J E Day, M Dean, R D East, A J Evans, D T Foyle, 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, J R Mason, Mrs H C McLain, A S Reece, V D Smith, T A Spencer, Mrs P E Stokes, P D Surman, M G Sztymiak, H A E Turbyfield, R J E Vines, D J Waters and M J Williams

CL.20 APOLOGIES FOR ABSENCE

20.1 Apologies for absence were received from Councillors J H Evetts, R Furolo and P N Workman.

CL.21 DECLARATIONS OF INTEREST

21.1 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.

21.2 There were no declarations made on this occasion.

CL.22 MINUTES

22.1 The Minutes of the meetings held on 19 and 26 May 2015, copies of which had been circulated, were approved as a correct record and signed by the Mayor.

CL.23 ANNOUNCEMENTS

23.1 The evacuation procedure, as noted on the Agenda, was taken as read.

23.2 The Mayor indicated that on Friday he would be presenting prizes to sports clubs as part of the 'Sporting Legacy Scheme' being run by the Gloucestershire Echo and the Citizen. The event would be well attended by press and sports clubs from the Borough but all Members were welcome to come along and offer their support as well.

23.3 In drawing attention to the Agenda before Members, the Mayor advised that he had

used his discretion to accept two urgent items of business. The first related to a report which asked the Council whether it would like to amend its Scheme for Public Participation at Planning Committee and was urgent due to the need for a decision to be made prior to the consideration of an application at Planning Committee on 29 September; this would be taken at Item 10 on the Agenda. The second, which would be taken at the end of the Agenda under separate business, asked Members to consider whether to enter into committal proceedings in the High Court for the breach of an Injunction Order on land at Kayte Lane, Bishop's Cleeve.

CL.24 ITEMS FROM MEMBERS OF THE PUBLIC

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

CL.25 MEMBER QUESTIONS PROPERLY SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

25.1 There were no Member questions on this occasion.

CL.26 LEAD MEMBER PRESENTATION

26.1 The Mayor invited Councillor Dave Waters, Lead Member for Finance and Asset Management, to make his presentation on 'the challenges ahead'.

26.2 The Lead Member introduced his presentation and stressed that the comments made and views expressed were entirely his own and were not the policy of the Council. He intended to use the information as a place to start the conversations and to enable Members to think about the challenges ahead. The following key points were covered:

- Aim – To provide Members with an overview of the Council in the current climate, the transformation journey so far and the significant challenges faced as it moved forward.
- Where Are We – A relatively small Authority with a workforce which was below 200 with the fifth lowest Council Tax nationally. There were significant growth pressures, i.e. a Core Strategy that anticipated a need for 33,000 homes to be built by 2031, which meant new communities and increased service demands. The Borough did, however, have a strong economy. Over the past five years the Council, along with the Local Government community, had met significant financial challenges due to the cuts in revenue support grant which was part of the Government's austerity agenda. The Council had risen to that challenge with its transformation programme which looked at the issues with an open mind and tried to introduce different models to make sure that services offered to residents and businesses had been maintained to the best possible quality at an affordable cost.

- Business Transformation: The Journey So Far – The transform programme had been in place for a while now and was delivering changes. The transformation programme had delivered across four key areas:

- People and Culture – Management Restructure had resulted in significant cost savings but also a substantial reduction in management capacity. This had been important in changing the culture in the organisation with a flatter and potentially more responsive organisation. ‘Brilliant Tewkesbury’ offered a creative approach to helping staff think differently and work collaboratively across boundaries. Staff were supported in a new open plan office structure which was already providing benefits through improved internal communication and the introduction of flexible working.
- Partnership and Commissioning – As many Local Government Authorities had done there had been a sharing of services i.e. Building Control, One Legal and the Joint Core Strategy. The Local Authority company Ubico would bring the Council financial savings moving forward and the Council was contracting out operational management with additional capital investment in the new leisure centre.
- Buildings and Assets – The transfer of assets such as the leisure centre; and play areas to schools and Parish Councils was helpful. The Council was in the process of disposing assets that no longer had an operational use and this was helping to replenish the capital account. The Council was also looking to generate income from better use of its offices which not only provided a revenue stream but had also been an innovation in bringing different public bodies together in one building; now known as the Public Service Centre.
- Using Technology and Sustainable Improvement – Reduction of demand by doing more online i.e. Garden Waste Service payments and bulky waste bookings. Significant service changes similar to those in Revenues and Benefits which had seen great improvements in processing times following its service review; new claims processed in under 14.5 days and changes in circumstances processed in just over 7 days. Customer Services had been reviewed already and reviews were currently ongoing in Development Services and Environmental Health.
- The Challenges Ahead – The Government had signalled further reductions over the next four years and the Council already faced the financial challenge of finding £2.7million to meet its funding gap. The forthcoming comprehensive spending review further compounded the problems in financial planning. In his keynote speech ahead of the spending review on 11 September, the Prime Minister had stressed the need for difficult decisions to rebalance the economy and was making the case for a smarter state with better services and better value for money for the taxpayer. He covered three main areas: reform; devolution; and efficiency. In terms of reform, the Prime Minister seemed to be looking for more responsibility for Social Services and, whilst this would not have a direct impact on the Borough Council, it would have an impact on colleagues at the County Council. The message appeared to be that the Government was expecting Local Authorities to take on more responsibility. In respect of devolution, 38 local areas had put forward proposals for devolution (this included Gloucestershire) so competition for the first round was fierce. It was clear that the Government wanted to see major devolution of spending powers over transport, education and health among other areas, with the first wave of agreements being signed in the coming months. The Government would continue to streamline more services and legislation would be introduced to enable the Police and Fire Services to combine back office functions, IT and procurement to save money. Additionally, where there was local demand, Police and Crime Commissioners would be able to take control of Fire and Rescue Services. It looked like there would be £20billion worth of

cuts across the public sector.

- What Does This Mean – Further reductions in Government grants; a drive for Local Authorities to work differently and more collaboratively; and a take it or leave it approach to devolution.
- What Do We Do About It – There were a number of key things: more customer service was taking place online but there was more to do to reduce demand – known as ‘channel shift’; service improvements in Development Services and Environmental Health; further expansion of the One Legal Shared Service; more work on the Timewise System to support flexible working; and the introduction of photovoltaics on Council-owned buildings.
- What Else Was Needed to Bridge the Gaps – The Council had a commitment to keeping Council Tax as low as possible but was now the time for an increase?; better use of the few major assets that the Council had i.e. Spring Gardens site, rather than selling could a revenue stream be generated; the Council needed to think more as a business and adapt quicker to changing environments as well as considering the upside of risks and not being afraid to take a chance; thinking and working differently with improved and better use of technology – staff and Members would have to make further changes to adapt to the rapidly changing environment; Community Infrastructure Levy and Section 106 – what could be leveraged from the systems; welfare reform – what were the impacts and how would we manage them; commissioning – could/should the Council commission more services or could it do more internally and sell those services to others; what should the Council stop doing; what other partnerships could be encouraged; and devolution – the Council would have to embrace this as a way to leverage scarce resources across public sector colleagues.
- Conclusion – The Council may have to adjust its ‘sails’ to do its best to get to its desired destination. The challenges ahead will be significant and difficult but the Council should not lose sight of the enormous changes already made on its transformation journey. The Council had talented Managers and Members, and capable staff, and its collective brainpower would need to be used to work towards a common aim for the benefit of residents.

26.3 During the brief discussion which ensued, a Member questioned whether the Council had been radical in finding other sources of income e.g. buy land and then build offices and let them out so that it had a second income stream. In response, the Lead Member indicated that the Transform Working Group was happy to look at all options. The Council already had some commercial properties which it let but it would certainly be a possibility that this could be looked at again to see what else could be achieved. Members were invited to send any ideas that they had to him or the Finance and Asset Management Group Manager and they could then be put to the Transform Working Group for consideration.

26.4 The Mayor thanked the Lead Member for his informative presentation and accordingly it was

RESOLVED That the presentation from the Lead Member for Finance and Asset Management be **NOTED**.

CL.27 RECOMMENDATIONS FROM EXECUTIVE COMMITTEE

Gloucestershire Devolution Project

27.1 At its meeting on 2 September 2015 the Executive Committee had considered a report which detailed the latest position of the Gloucestershire Devolution Project

and had recommended to Council that it noted the progress undertaken by Leadership Gloucestershire in respect of the devolution agenda and that it supported, in principle, further devolution development work together with Leadership Gloucestershire partners.

- 27.2 The report that had been considered by the Executive Committee had been circulated with the Agenda for the current meeting at Pages No. 13-29.
- 27.3 The recommendation from the Executive Committee was proposed and seconded. During the discussion which ensued, a Member questioned whether the Council had received a reply from the Government to its submission. In response, the Chief Executive explained that no formal answer had yet been received. Information had been received from the Civil Servants that there was potentially some interest but at this stage that was the only feedback received. The Government was currently looking at the submissions and further work was likely to be needed on the bid from Gloucestershire in the next few weeks. The general response from the Government was that it would be focussing predominantly on city and urban areas at this stage but that a small number of Shire authorities would go forward. Overall it was felt that the initial feedback from Civil Servants was quite encouraging and, on that basis, the workstreams within the devolution project were continuing. Another Member questioned when the bid was likely to involve figures rather than just words and, in response, he was advised that this would be part of the detailed negotiation. Currently the bid stated that Gloucestershire was interested in devolution but, since the project team did not yet know what the Government was prepared to put forward, it was unable to really tie down any detailed figures.
- 27.4 In terms of the expression of interest document, a Member questioned who it was intended for and how it had been distributed. In response, the Chief Executive explained that it was a statement of intent that had been put forward to the Government in July. A second document had been circulated to Members and submitted to the Government since that time; both were publically available on the Council's website. In respect of the affordable homes figure, the Chief Executive advised that this was subject to change and was likely to be adjusted slightly following the Joint Core Strategy Examination. The Government would probably wish to see how the Council would adjust the tenure and housing mix so that the right type of housing was built at the right time. This would also be the case for infrastructure but this could only happen with support from the Government as it was not all within the gift or affordability of the Council.
- 27.5 A Member referred to the use of the word 'subsidiary' within the document and questioned whether the Borough Council would speak to the County Council to see what it would devolve to the Borough. In response, the Chief Executive explained that the principle of subsidiary had been accepted by Leadership Gloucestershire and, whilst there had been no detailed discussions as yet, the County Council was open to ideas. It might also be the case that the Borough Council may wish to consider further devolution to communities but this had not been explored in any detail at this stage.
- 27.6 A Member questioned whether there was any evidence that the New Homes Bonus funding would continue going forward as this may help fill the gap in the budget. In response, the Chief Executive explained that nothing was certain at this stage. The New Homes Bonus funding was a significant support to the budgets of many Councils but Tewkesbury Borough Council was looking to try and reduce its reliance on it going forward. In response to a query as to how devolution would affect the NHS, the Chief Executive advised that the funding for health within the devolution

project did not include hospital funding. The project included the commissioning budget for the clinical commissioning group and it was hoped that this would allow more flexibility within the community and achieve prevention rather than treatment.

27.7 In referring to the establishment of a Devolution Working Group, which had been agreed by the Executive Committee, the Leader of the Council advised that this would take the form of a Group of nine Members; seven Conservative Group Members, including the Leader and Deputy Leader of the Council; one Liberal Democrat; and one Independent. If either the Liberal Democrat Group or the Independent Group wished to give their place to the non-aligned Member this would be acceptable.

27.8 Having considered the information provided, it was

RESOLVED That the progress undertaken by Leadership Gloucestershire in respect of the devolution agenda be **NOTED** and that the Council supports, in principle, further development work together with Leadership Gloucestershire Partners.

Naming of New Leisure Facility

27.9 At its meeting on 2 September 2015 the Executive Committee had considered a report in respect of the name of the new leisure facility and had recommended to Council that the name for the new leisure facility at Gloucester Road, Tewkesbury be 'Tewkesbury Leisure Centre'.

27.10 The report that had been considered by the Executive Committee had been circulated with the Agenda for the current meeting at Pages No. 30-33.

27.11 The recommendation from the Executive Committee was proposed and seconded. During the discussion which ensued, a Member referred to the chosen operator for the new centre, Places for People (PfP), and questioned what its background was. In response, the Deputy Chief Executive advised that the company was originally an established Housing Association; a mature leisure company arm was then brought into it. The company now had a track record of being a landlord and a leisure operator and had been successful across the country.

27.12 Some Members expressed the view that whilst the name 'Tewkesbury Leisure Centre', did what it said, it was not exactly interesting or inspiring. It was suggested that, given the history of the Borough, there were probably other names that could be used to appeal to a wider audience. Some Members were also concerned that the name Tewkesbury Leisure Centre did not represent the whole Borough and they agreed that a name in line with the Borough's heritage would be more appropriate. It was suggested that the people of the Borough could be asked to provide some ideas as to what the facility should be named. Conversely, some Members indicated that people looking for a pool in Tewkesbury Borough needed to be able to find one easily and this meant that the name needed to include the location of the facility. They were aware that the operator needed a name for the centre so that it could begin marketing it ready for opening and they felt this was not something that could, or should, be put off. They felt that Places for People were the experts and therefore the Council should follow their advice and name the facility as soon as possible.

27.13 Having considered the information provided, it was

RESOLVED That the name for the new leisure facility at Gloucester Road, Tewkesbury be 'Tewkesbury Leisure Centre'.

CL.28 CHANGE TO OUTSIDE BODY REPRESENTATION

28.1 Members were advised that, at the Council meeting on 26 May 2015, it had been

agreed that Councillor Mrs Janet Day would be an observer to the Gloucestershire Hospitals NHS Foundation Trust. Since Councillor Day was also the Council's representative to the Gloucestershire Health and Care Overview and Scrutiny Committee she now felt unable to attend the meetings of the Gloucestershire Hospitals NHS Foundation Trust and had therefore asked that a new representative be appointed to replace her.

- 28.2 It was proposed and seconded that Councillor Graham Bocking be the replacement representative and accordingly it was

RESOLVED That Councillor Graham Bocking replace Councillor Mrs Janet Day as the Council's representative to act as an observer to the Gloucestershire Hospitals NHS Foundation Trust.

CL.29 AMENDMENT TO SCHEME FOR PUBLIC PARTICIPATION AT PLANNING COMMITTEE

- 29.1 Attention was drawn to the report which had been circulated separately as an item of urgent business. Members were asked to consider whether to make an amendment to the Scheme for Public Participation at Planning Committee in order to allow local Ward Members and Parish Council representatives from bordering Local Authorities, which had been consulted on planning applications in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015, an opportunity to register to speak at Planning Committee.

- 29.2 In introducing the report, the Borough Solicitor explained that the Council had previously agreed a Scheme of Public Participation at Planning Committee and this had come into effect with the term of the new Council in May 2015. It had also been agreed that the Scheme would be reviewed after it had been in operation for 12 months. The current Scheme allowed for representations from the Parish/Town Council; an objector; a supporter; and a local Ward Councillor which normally ensured all interested parties were catered for. However, when the most recent Planning Schedule of Applications had been published it included a site that shared borders with Cheltenham Borough Council and this had raised a potential omission from the Scheme. Under the Town and Country Planning (Development Management Procedure) (England) Order 2015, when considering applications which bordered different authorities, the Planning Authority had to serve notice and consult with any District or Parish Council if the development was likely to 'affect land' in the area of that Parish or District Council. As soon as the Planning Agenda was published the Council began receiving requests for public speaking and there had been queries raised about whether someone who was not in the particular Parish could speak. The Council's Scheme did not allow for any discretion from Officers in such matters so it was decided that the matter should be addressed by the Council to give Officers clarity to respond to people who raised queries. If the Council wished to amend its Scheme it could justifiably do so in line with the legislation. However, this was entirely the Council's decision; there was no recommendation at this stage.

- 29.3 A Member questioned whether the change would be solely for other Authorities to speak or whether the amendment could also include adjoining areas within the Borough. She explained that her Ward in Churchdown adjoined another and she often wished to speak on applications that affected her Ward although were not within it and this was not permitted by the Scheme. In response, the Borough Solicitor advised that the current report looked at those areas where another Authority was a statutory consultee; the issue of how an application affected adjoining Wards within the Borough was more subjective and would need to be

thought about carefully. She suggested that this could be considered as part of the 12 month review. The Member indicated that she was happy not to include it at this stage but that she would raise it within the review.

29.4 Referring to the Schemes used by other Authorities, a Member questioned whether any addressed this issue. In response, the Borough Solicitor indicated that she was not aware of any that included it within their Schemes but she understood that some offered flexibility even though it was not in their Scheme. This was not a route that Tewkesbury Borough would take as Officers did not exercise discretion within the Scheme. In respect of whether or not it would be reasonable to amend the Scheme, the Borough Solicitor expressed the view that, if Members wished to make an amendment, this would not be unreasonable. However, it was entirely up to the Council.

29.5 Members felt that an amendment in this regard was unnecessary and could cause confusion. They suggested that anyone that did not qualify for public speaking could write to the Planning Committee and any statutory consultees could respond in the usual way so that their representation was included within the Planning Schedule. Accordingly, it was

RESOLVED That no changes be made to the Council's Scheme of Public Participation at Planning Committee.

CL.30 SEPARATE BUSINESS

30.1 The Chairman 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.

CL.31 LAND AT KAYTE LANE, BISHOP'S CLEEVE (SOUTHAM PARISH)

(Exempt –Paragraph 5 of Part 1 of Schedule 12A of the Local Government Act 1972 –Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings)

31.1 Members considered and agreed the commencement of Committal proceedings in the High Court for the breach of an Injunction Order on land at Kayte Lane, Bishop's Cleeve.

The meeting closed at 7:50 pm