

9 May 2016

Committee	Council – Resumption
Date	Tuesday, 17 May 2016 - reconvened from Thursday 12 May 2016
Time of Meeting	6:00 pm
Venue	Council Chamber

ALL MEMBERS OF THE COUNCIL ARE REQUESTED TO ATTEND



**for Sara J Freckleton
Borough Solicitor**

Agenda

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST**

Pursuant to the adoption by the Council on 26 June 2012 of the Tewkesbury Borough Council Code of Conduct, effective from 1 July 2012, as set out in Minute No. CL.34, Members are invited to declare any interest they may have in the business set out on the Agenda to which the approved Code applies.



3. MINUTES

1 - 9

To approve the Minutes of the meeting held on 19 April 2016.

4. ANNOUNCEMENTS

1. When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the visitors' car park at the front of the building and await further instructions (staff should proceed to their usual assembly point). Please do not re-enter the building unless instructed to do so.

In the event of a fire any person with a disability should be assisted in leaving the building.

2. To receive any announcements from the Chairman of the Meeting and/or the Chief Executive.

5. ITEMS FROM MEMBERS OF THE PUBLIC

- a) To receive any questions, deputations or petitions submitted under Council Rule of Procedure.12.

(The deadline for public participation submissions for this meeting is 11 May 2016).

- b) To receive any petitions submitted under the Council's Petitions Scheme.

6. MEMBER QUESTIONS PROPERLY SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

To receive any questions submitted under Rule of Procedure 13. Any items received will be circulated on 17 May 2016.

(Any questions must be submitted in writing to Democratic Services by, not later than, 10.00am on the working day immediately preceding the date of the meeting).

7. CONSIDERATION OF A PETITION REQUESTING THAT INDUSTRIAL-SCALE FARMING DEVELOPMENT IMMEDIATELY BE RESTRICTED WITHIN RURAL VILLAGE LOCATIONS

10 - 22

The Council has received a Petition under its Petitions Scheme. With over 100 signatures the Petition qualifies for a Council debate. Members are therefore asked to request Officers to consider the issues raised as part of the Borough Plan process.

8. ELECTION OF LEADER OF THE COUNCIL

To elect the Leader of the Council (who will also be the Chair of the Executive Committee) for the ensuing Municipal Year.

9. ELECTION OF DEPUTY LEADER OF THE COUNCIL

To elect the Deputy Leader of the Council (who will also be the Vice-Chair of the Executive Committee) for the ensuing Municipal Year.

10. MEMBERSHIP OF COMMITTEES, LEAD MEMBERS AND APPOINTMENT TO OUTSIDE BODIES

23 - 27

Any papers available prior to the meeting will be circulated to all Members.

1. To determine the Membership of the:
 - Executive Committee
 - Overview and Scrutiny Committee
 - Audit Committee
 - Planning Committee
 - Licensing Committee
 - Standards Committee
 - Ad-hoc Committees
 - Employee Appeals Committee
 - Employee Appointments Committee
 - Housing Allocations and Homelessness Review Committee
2. In accordance with the Constitution, to receive a report from the Leader of the Council and take any action necessary.
3. To determine:
 - a. the Outside Bodies to which the Council should make appointments and the representation on those Bodies.
 - b. the Council's appointments to the Gloucestershire Police and Crime Panel, the shared Legal Services Joint Monitoring and Liaison Group and the Shared Building Control Joint Monitoring and Liaison Group.
4. The Council will at this stage adjourn for a brief period to allow each Committee, as set out below, to hold a formal meeting to conduct the business set out in the enclosed Agenda:
 1. Overview and Scrutiny Committee
 2. Audit Committee
 3. Planning Committee
 4. Licensing Committee
 5. Standards Committee

11. MAYOR OF TEWKESBURY'S APPEAL FUND

To appoint three Members of the Council as Trustees of the Mayor of Tewkesbury's Appeal Fund for the ensuing Municipal Year. The Trustees for 2015/16 were:

Councillors P W Awford, J R Mason and D J Waters.

The Mayor and Chief Executive are automatically Trustees and as such Councillor Blackwell cannot be one of the named Trustees for this year.

NB: The Fund is officially called the Mayor of Tewkesbury's Appeal Fund but this does of course refer to Tewkesbury Borough.

12. REVIEW OF SCHEME FOR PUBLIC PARTICIPATION AT PLANNING COMMITTEE 28 - 55

To confirm the Scheme for Public Participation at Planning Committee as a permanent arrangement.

Any comments made by the Planning Committee at its meeting on 10 May 2016 will be provided to Members prior to the Council meeting.

13. SEPARATE BUSINESS

The Chairman will move the adoption of the following resolution:

That under Section 100(A)(4) Local Government Act 1972, the public be excluded for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

14. SEPARATE MINUTES 56 - 58

To approve the separate Minutes of the meeting of the meeting held on 19 April 2016.

Recording of Meetings

Please be aware that the proceedings of this meeting may be recorded and this may include recording of persons seated in the public gallery or speaking at the meeting. Please notify the Democratic Services Officer if you have any objections to this practice and the Mayor will take reasonable steps to ensure that any request not to be recorded is complied with.

Any recording must take place in such a way as to ensure that the view of Councillors, Officers, the public and press is not obstructed. The use of flash photography and/or additional lighting will not be allowed unless this has been discussed and agreed in advance of the meeting.

TEWKESBURY BOROUGH COUNCIL

Minutes of a Meeting of the Council held at the Council Offices, Gloucester Road, Tewkesbury on Tuesday, 19 April 2016 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, J H Evetts, D T Foyle, R Furolo, 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, T A Spencer, Mrs P E Stokes, P D Surman, M G Sztymiak, H A E Turbyfield, R J E Vines, D J Waters, M J Williams and P N Workman

CL.72 APOLOGIES FOR ABSENCE

72.1 An apology for absence was received from Councillor V D Smith.

CL.73 DECLARATIONS OF INTEREST

73.1 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.

73.2 The following declarations were made:

Councillor	Application No./Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
R E Garnham	Item 11 – Community Infrastructure Levy: Draft Charging Schedule.	The Councillor had undertaken the paperwork for the landowners of a development site which was mentioned in the report.	Would not speak or vote and would leave the Chamber for the consideration of this item.
M G Sztymiak	Item 13(b) – Tewkesbury Town Regeneration.	Member of Tewkesbury Town Council but was not affected by the particular matter under discussion.	Would speak and vote.

P N Workman	Item 13(b) – Tewkesbury Town Regeneration.	Member of Tewkesbury Town Council but was not affected by the particular matter under discussion.	Would speak and vote.
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73.3 There were no further declarations made on this occasion.

CL.74 MINUTES

74.1 The Minutes of the meeting held on 18 February 2016, copies of which had been circulated, were approved as a correct record and signed by the Mayor.

CL.75 ANNOUNCEMENTS

75.1 The evacuation procedure, as noted on the Agenda, was advised to those present.

CL.76 ITEMS FROM MEMBERS OF THE PUBLIC

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

CL.77 MEMBER QUESTIONS PROPERLY SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

77.1 There were no Member questions on this occasion.

CL.78 LEADER OF THE COUNCIL - STATE OF THE BOROUGH PRESENTATION

78.1 The Mayor invited the Leader of the Council, Councillor R J E Vines, to present his 'State of the Borough' report.

78.2 The presentation covered the following key points:

- Introduction – 2016 had been a successful and challenging year and had marked the end of the Council Plan. Against a backdrop of challenges, the Council had made significant savings whilst still delivering services that cost less but provided the same level of support for customers. The Council had also become more agile and flexible; successfully working together with partners, staff and Councillors following its ethos to be better for customers, better for business.
- The Council Plan 2012-16 – The current Council Plan had included significant achievements including a successful peer review; the establishment of the public services centre; the near completion of the leisure centre; the introduction of the place programme; a management restructure; and a number of successful service reviews. It was felt that the Council should be proud of its achievements with performance remaining impressive.

- Year Four Refresh – Use Resources Effectively and Efficiently – 2015/16 had seen the Council face further financial challenges with a grant reduction of 15.6%; despite this it froze the Council Tax for the fifth year in a row. The Transform Working Group had helped the Council to manage its budget proposals and transform the way it did things with successful projects including the Council Offices refurbishment, the new leisure centre and various service reviews. In addition, a new Customer Care Strategy and Standards had been introduced which clearly set out what its customers could expect if they contacted the Council. The new complaints system had been introduced in April and had made it much clearer and easier for its customers to advise when it had not performed as it should have done. It also meant that monitoring and learning from customer feedback would be improved.
- Year Four Refresh – Promote Economic Development – The Government had given approval for the Council to spend the remaining £220,000 of flood grant funding to support business marketing which had resulted in the launch of the new 'Discover Tewkesbury' branding. There had also been the launch of a new £1.4million scheme called LEADER which was aimed at boosting the rural economy across the Forest of Dean and Tewkesbury Borough; this would support rural jobs and growth. The Council's economic development team had been working with partners to support around 500 businesses through start-ups, training and mentoring, seminars, networking events and enterprise clubs. There was currently an Overview and Scrutiny Working Group in place which was reviewing the Economic Development and Tourism Strategy and looking at various key areas that would inform the new Strategy, including liaising with representatives from the Local Enterprise Partnership and ensuring the new Strategy linked into the new Council Plan. In addition, the Tewkesbury Regeneration Partnership continued to oversee various projects to enhance the regeneration of the town and, in July, had secured the 'missing link' on the east side of the river Avon in Tewkesbury Town.
- Year Four Refresh – Improve Recycling and Care for the Environment – The Council's recycling rate remained in the top quartile at a healthy 52% with recycling campaigns having included a 'no food waste' sticker which had increased recycling by 20%. The volunteer litter picking scheme now had 185 volunteer litter pickers who remained enthusiastic and committed – the Council supported them through annual events, newsletters and the provision of equipment. The Council had seen a 40% increase of customers using its online self-service for garden waste renewals with nearly 15,000 customers now using the scheme. In addition, in terms of flooding, a lot of projects had been completed during 2015/16 including the clearance of blockages, felling of trees and desilting. The completion of a substantial surface water bund in Tirley was one of the largest schemes the Council had ever carried out.
- Year Four Refresh – Customer Focused Community Support – The public services centre at the Council Offices continued to grow with three more partners having joined this year; that brought the total number of organisations to seven. A new Community Funding Officer had been appointed and within the first six months she had already spoken with over 90 community groups to help signpost them to external funding. Support to the Citizens' Advice Bureau continued with a £53,000 grant which had helped to support over 1,000 residents within the first nine months. Year two of the Council's Health and Wellbeing Strategy had been successful with one good example being the launch of social prescribing which linked

people with activities which benefited them rather than using medication. The Council continued to support neighbourhood planning with 11 designated areas across 15 different Parishes. Following a successful pilot in the east area of the Borough the place programme was approved for Borough-wide roll-out in January.

- Year Four Refresh – Develop Housing Relevant to Local Needs – A lot of work had been carried out on the Joint Core Strategy and the Tewkesbury Borough Plan. The Joint Core Strategy was now at examination stage with the hearing sessions having started in May 2015. The Council was on track to deliver an estimated 205 affordable homes in 2015/16 which was the largest number delivered since 2007/08. The Overview and Scrutiny Committee had recently concluded its review of disabled facilities grants with recommendations being made around work processes and time improvements and the need to be more customer friendly. This year, the Council had helped deliver more than 80 disabled facilities grants which had amounted to nearly £395,000. In addition, St Mungo's Broadway had been appointed to provide an outreach service for people sleeping rough and this year more than 120 homelessness prevention cases were carried out.
- Moving Forward – The Council had an exciting and challenging four years ahead as it introduced its new Council Plan which set out its priorities for 2016-2020. An increase in Council Tax of £5 for a Band D property had been agreed for next year and yet the Council remained the fifth lowest in the country; it had been felt that freezing Council Tax would have been impossible without affecting services. The new leisure centre would open on 30 May with the former Olympian gold medallist, Sharon Davies 'cutting the ribbon'. The Council had launched a new Digital Strategy to help provide its customers with online services. One of the priority actions within the Strategy was to map out the Council's current digital offers and work with services to improve them. It was anticipated that this Council Plan period would see the adoption of the Joint Core Strategy and the Borough Plan as well as the commencement of a project to refurbish the Spring Gardens area in Tewkesbury Town which would look at commercial options including mixed used development within the site. The Council would face further financial challenges with a £2.9million deficit faced which could increase if there were further government changes to income streams. In addition, there would be a focus on transforming how the Council delivered its services and looked to be more commercially minded as well as ways that it could maximise the use of its assets.

78.3 A Member felt that the presentation had provided an uplifting report and review of what the Council had achieved to make the Borough a better place to live. He explained that, at the centre of the Council Plan were four key priorities, one of which was economic development and through that the Council had done a number of things very successfully to promote the Borough. Even though the Economic Development team was a small one it was very quick and flexible to responding to opportunities that arose. He also advised that there was a Working Group which was looking at the Economic Development and Tourism Strategy which would underpin elements of the Council Plan; there had been a slight delay in its work in getting to grips with certain matters but it would be reporting later in the year. In terms of the LEADER funding, the Member appealed to Councillors for help in raising its profile. He explained that, whilst the Council's team was promoting the funding through business leaders etc., the best way was by word of mouth and so, if Members knew of any businesses/organisations that could use the money, he urged them to pass the details onto the Economic Development Team.

78.4 The Leader encouraged Members to take the presentation to their respective Parish Council meetings as a way of reporting the Borough Council's work over the year. The Mayor thanked the Leader for his informative presentation and, with no further questions, it was

RESOLVED That the 'State of the Borough' presentation provided by the Leader of the Council be **NOTED**.

CL.79 OVERVIEW AND SCRUTINY COMMITTEE ANNUAL REPORT 2015/16

79.1 Attention was drawn to the report, circulated at Pages No. 10-39, which set out the draft Annual Overview and Scrutiny Report 2015/16. Members were asked to consider and adopt the report.

79.2 The Chair of the Overview and Scrutiny Committee, Councillor P W Awford, was pleased to present the 2015/16 Overview and Scrutiny Annual Report. He explained that this was the first year of the Committee following the elections in May 2015 and, thanks to the able and committed group of Councillors involved, he felt the Committee had been at the heart of the Council's decision-making process and had successfully acted as a 'critical friend' to the Executive Committee. He explained that, not only was it a requirement of the Council's Constitution to report the activities of the Committee on an annual basis, but it was also good practice. This year's annual report demonstrated the broad coverage of activities that the Committee had scrutinised and reviewed during the year. That coverage had been undertaken through a combination of progress reports from Officers on the delivery of key strategies and policies; quarterly performance management reporting; Working Groups which reviewed specific areas of interest; presentations from Officers and external organisations; and scrutiny review of new strategies and policies. Looking ahead there were opportunities for the Committee to continue supporting the Council through its future challenges and alongside a new Council Plan. It was also intended that the Committee would have more external bodies attending its meetings such as the Fire and Rescue Service and Healthwatch Gloucestershire. The Committee's 2016/17 work plan was contained within the annual report and the Chair highlighted that this was a 'live' document that was subject to change throughout the year. As the Council moved forward into the new Council Plan period further scrutiny works would be carried out and further items would be added to the work plan such as the review of financial inclusion; an update report on enviro-crimes; and information on Ubico related activities all of which would be added following the last meeting of the Committee. The Chair thanked his Committee Members, and particularly his Vice-Chair, Councillor Mrs Gill Blackwell, for their contributions and the support they had given him in his first year as Chair of the Committee. He also thanked those Members who reported to the Committee from Outside Bodies such as the Gloucestershire Police and Crime Panel and the Health and Care Overview and Scrutiny Committee.

79.3 The Leader of the Council offered his thanks to the Overview and Scrutiny Committee and its Chair and indicated that he appreciated the work undertaken by Members of that Committee.

79.4 Accordingly, it was

RESOLVED That Overview and Scrutiny Committee's 2015/16 Annual Report be **ADOPTED**.

CL.80 RECOMMENDATIONS FROM EXECUTIVE COMMITTEE**Council Plan**

- 80.1 At its meeting on 6 April 2016 the Executive Committee had considered the 2016-2020 Council Plan and had recommended it to the Council for adoption.
- 80.2 The report that had been considered by the Executive Committee had been circulated with the Agenda for the current meeting at Pages No.40-58.
- 80.3 The recommendation from the Executive Committee was proposed and seconded by the Chair and Vice-Chair of the Committee.
- 80.4 A Member indicated that, at the Council Plan workshop which had been held for Members, he had raised concerns that the Plan did not give sufficient prominence to the environment with it seeming to bring the economy to the fore at the expense of environmental issues. He felt that climate change was of particular importance to everyone and, in his view, the new Council Plan did not do anything to address the issues surrounding this extremely important issue. He proposed, and it was seconded, that a statement be included in the Council Plan that the Council would 'deliver houses that are carbon neutral'. The Member indicated that a third of carbon emissions came from housing stock and, in order to address this situation, the Council had to start with new dwellings being carbon neutral. In response to a query as to the Member's definition of 'carbon neutral' he indicated that there had been many definitions through the years, however, a starting point was the level six sustainable homes definition. There were other definitions about developments offsetting carbon and he was happy to accommodate those in his proposal if Members so wished. A number of Members felt that this was not really something for the Council Plan as it was a national issue. It was suggested that, whilst carbon neutral homes would be a nice aspiration, it was not something that could be insisted upon. Another Member felt that the Council Plan as drafted was an excellent document and he endorsed the focus on economic development. He also drew attention to the fact that the document referred to the building of 'sustainable communities' which he considered covered the point made previously.
- 80.5 The proposer of the amendment indicated that one of the biggest mistakes made was in thinking that the economy and the environment were exclusive which, in his opinion, they were not. He felt that the Borough should not have homes which would result in high energy prices for occupants and it had been demonstrated by Cardiff University that the costs to developers in building carbon neutral homes did not have to be higher than the cost of normal affordable properties. Upon being put to the vote the amendment was lost. Accordingly, the recommendation from the Executive Committee, which had been duly proposed and seconded, was voted upon and it was

RESOLVED That the Council Plan be **ADOPTED**.

CL.81 REVIEW OF PROTOCOL FOR MEMBER/OFFICER RELATIONS

- 81.1 The report of the Monitoring Officer, circulated at Pages No. 59-73, attached a revised Protocol for Member/Officer Relations which Members were asked to consider and approve.

81.2 The Chair of the Standards Committee explained that, at its meeting on 12 October 2015, his Committee had considered a report which detailed a proposed work programme for the Committee for 2015/16. At that time it had been agreed that the Member/Officer Relations Protocol would be reviewed and, in order to complete that task, it was decided that the whole Committee would meet as a Working Group and seek the views of Members and senior Officers on the effectiveness of the Protocol and what, if any, changes would improve it. The Working Group had developed the revised Protocol over a number of meetings and, having spoken to a range of Members and Officers, at its meeting on 21 March 2016 the Committee had recommended a revised Protocol to the Council for approval. The Chair thanked those who had been involved in the review and had taken the time to provide their views and, accordingly, he proposed, and it was seconded, that the revised Protocol be approved.

81.3 Accordingly, it was

RESOLVED That the revised Protocol for Member/Officer Relations, as attached at Appendix 1 to the report, be **APPROVED**.

CL.82 COMMUNITY INFRASTRUCTURE LEVY: DRAFT CHARGING SCHEDULE

82.1 The report of the Development Services Group Manager, circulated at Pages No. 74-95, sought to draw together all of the relevant threads of information which informed the revisions to the Community Infrastructure Levy Draft Charging Schedule, taking account of consultation responses received to the Preliminary Draft Charging Schedule along with further detailed viability assessment work. Members were asked to approve the undertaking of public consultation on the Tewkesbury Borough Community Infrastructure Levy Draft Charging Schedule prior to independent examination.

82.2 The Deputy Chief Executive indicated that approximately one year ago, the Council had approved the Community Infrastructure Levy Preliminary Draft Charging Schedule for public consultation. The Community Infrastructure Levy was a relatively new model which would be used to capture developer contributions for infrastructure and it was different to the traditional Section 106 contribution model. The Community Infrastructure Levy was not a negotiation it was instead a fixed charge which would be payable on any development regardless of its size and was the mechanism for gaining developer contributions which was favoured by the government. In order to set a charge there was a need to gather a high level of evidence on viability in the area as the charge must be neutral i.e. the charge could not encourage or discourage economic development in the Borough and had to be affordable to developers. As such a lot of work had been undertaken to understand the different typologies of development in the area and the viability of development.

82.3 The first stage of consultation on the Preliminary Draft Charging Schedule had taken place in the summer of 2015 and the results of which had been fed into the additional viability work undertaken. Much of the work to date had been undertaken with the other Joint Core Strategy Authorities; the reason for this was that, although the charge would be individual to each Council, it would be aligned with growth across the Joint Core Strategy area and to reduce the Council's costs. The report before Members represented the culmination of the work undertaken which had resulted in an evidence-based and defensible Draft Charging Schedule. Following the consultation period, the Schedule would go through the process of an independent examination; this would not be of the scale of the Joint Core Strategy examination but was likely to be either paper-based or involve a one day hearing at most.

- 82.4 The charges for residential, non-residential and Joint Core Strategy strategic sites (residential only) were set out at Paragraph 3.2 of the report and accounted for affordable housing requirements as well as mitigation measures on large sites. The charges demonstrated that development for the Borough would remain viable and affordable housing levels would remain sustainable with 40% affordable housing outside of the large strategic allocations and 35% on the strategic sites. Throughout the process to date Officers had worked closely with Members, consultants, Town and Parish Councils and Parish Clerks. In addition, due to the technical nature of the work to develop the Charging Schedule, developers had been consulted for their views. If the report was supported by Members it was expected that a charge would be in place by the end of the calendar year; although this would be dependent on the examination process.
- 82.5 The recommendation contained within the report was proposed and seconded. During the discussion which ensued a Member questioned the reason for the seemingly large difference in cost for a 1,000 to 2,000 sq. ft. home. In response, the Deputy Chief Executive explained that this was due to the different requirements for affordable housing between developments of 1-10 units and 11+ units. Another Member questioned whether the Council was proposing to charge a Community Infrastructure Levy for retirement villages/blocks of flats; especially given the large growth being seen in that sector. In response, the Deputy Chief Executive advised that this had been raised previously but she understood that the modelling had shown that they were not currently viable to take a charge. Section 106 could still be used for any mitigation measures around a development but not outside of the site. In terms of the differences between the three authority areas, the Deputy Chief Executive confirmed that the charges were based on land value and, whilst the land values in Cheltenham and Tewkesbury were adequate to pay for the Community Infrastructure Levy charge, Gloucester City was not in the same position. A Member remained concerned that she did not have enough information to make a fully informed decision on the matter; she felt that the Council needed to know which sites would gain a Section 106 contribution; when the strategic sites were likely to come to fruition; and why the levy charge was so high for some sites when the strategic development definition was a minimum of 500 houses. In response, the Member was advised that there had been a long, slow and complicated process to get to this point and Officers had had a huge amount of support to carry out the technical work that had been needed. Consultants had attended the Council to help provide Members with a full understanding of the work undertaken and it was felt that the Council now needed to move forward with its Community Infrastructure Levy Charging Schedule so that it could capture those contributions that it would not otherwise obtain; at the moment it was missing out.
- 82.6 A Member noted that the consultation to take place would be the second round of consultation and he questioned what developers had thought the first time. In response, the Deputy Chief Executive indicated that the responses had been extremely interesting with 39 comments received. Officers had also run workshops for developers to try and tease out the information from them which had been helpful. It was anticipated that similar responses would be received through the next round of consultation. Another Member indicated that the Community Infrastructure Levy Charging Schedule would be key to developer contributions moving forward and she hoped the Council would agree with the recommendation before it. She explained that Parish/Town Councils with an adopted Neighbourhood Plan would receive 25% of any Community Infrastructure Levy contributions and those without an adopted Plan would get 15% with a ceiling of £100 per house. This meant the Charging Schedule was really important to Parishes. In addition, the Council was currently receiving applications that developers were submitting in order to avoid the Community Infrastructure Levy as the Council did not have one; this made it even

more important that the Council move forward as quickly as possible.

82.7 Accordingly, it was

- RESOLVED**
1. That the Community Infrastructure Levy Draft Charging Schedule be **APPROVED** for public consultation.
 2. That authority be delegated to the Deputy Chief Executive, in consultation with the relevant Lead Member, to prepare the final consultation documents as required based on the information contained in Appendix 1 to the report.
 3. That the Deputy Chief Executive be authorised to agree the date of public consultation on the Draft Charging Schedule with Cheltenham Borough and Gloucester City Councils.
 4. That, following the conclusion of the public consultation, the Deputy Chief Executive be authorised to compile and submit responses received, along with the Draft Charging Schedule, to the Planning Inspectorate for Examination.

CL.83 SEPARATE BUSINESS

83.1 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.84 SEPARATE RECOMMENDATIONS FROM EXECUTIVE COMMITTEE

Funding for Collapsed Bank Repairs - The Grange, Bishop's Cleeve

(Exempt –Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 –Information relating to the financial or business affairs of any particular person (including the authority holding that information))

84.1 The Council considered a recommendation from the Executive Committee on the use of capital funds for collapsed bank repairs at the Grange, Bishop's Cleeve. Members resolved in line with the recommendation from the Executive Committee that the funding as requested be approved and that the work shown in option two of the report be pursued.

Tewkesbury Town Regeneration

(Exempt –Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 –Information relating to the financial or business affairs of any particular person (including the authority holding that information))

84.2 The Council considered a recommendation from the Executive Committee on proposals for the way forward in respect of Tewkesbury Town Regeneration. Members resolved in line with the recommendation from the Executive Committee that the broad regeneration proposal, and the financing of the capital expenditure, be approved as set out within the report.

The meeting closed at 7:30 pm

TEWKESBURY BOROUGH COUNCIL

Report to:	Council
Date of Meeting:	17 May 2016
Subject:	Consideration of a Petition Requesting that Industrial-Scale Farming Development Immediately be Restricted within Rural Village Locations
Report of:	Julie Wood, Development Services Group Manager
Corporate Lead:	Rachel North, Deputy Chief Executive
Lead Member:	Councillor D M M Davies
Number of Appendices:	One

Executive Summary:

An electronic petition (e-petition) was received by the Council on 4 April 2016. The e-petition requests that the Council provide a policy response to safeguard local amenities within rural villages from industrial scale farming development and to prohibit any new developments within 400m of residential properties, to protect the health, wellbeing and safety of all residents. The exact wording of the e-petition is set out in Paragraph 2.1.

The Council has an agreed process for dealing with petitions, the detail of which is set out in Paragraph 1.3 of the Petition Scheme, which is attached as Appendix 1. This report has been produced to enable Members to consider the request of the petitioners.

The Council, within its planning framework, is able to develop policies, which are then tested through public consultation and wider stakeholder engagement through public examination. This level of local policymaking would be part of the Tewkesbury Borough Plan. Any future planning application would also be considered by the Council's Planning Committee. It is also noted that the subject of this e-petition also falls within the Environmental Permitting Regulations which are dealt with by the Environment Agency.

Recommendation:

That Council requests Officers to consider the issues raised by the Petition as part of the Borough Plan process.

Reasons for Recommendation:

To determine an appropriate course of action as required by the Petition Scheme.

Resource Implications:

Officer time in considering the issues raised as part of the Borough Plan process.

Legal Implications:

The Petition must be considered in accordance with the Council's Petition Scheme. The Scheme sets out a number of options for the Council following consideration of the Petitioner's request.

Planning applications must be determined by the Planning Committee in accordance with all the material planning considerations including the impact of a proposal on the amenities of local residents.

Risk Management Implications:

Any risks associated with land use designations will be recorded and recorded during the development of the Tewkesbury Borough Plan.

Performance Management Follow-up:

Consideration of policy options will be considered by the Council.

Environmental Implications:

None directly related to the report other than the planning policy issues raised.

1.0 INTRODUCTION/BACKGROUND

1.1 The Council's Petition Scheme; approved on 28 September 2010 (based on the national model scheme) is designed to allow the public to have easy access to information about how to petition their local authority and to know what to expect from their local authority in response. Included within the Scheme is the requirement to have a full Council debate should a certain number of signatures be achieved. Tewkesbury borough Council has set that threshold at 100 signatures. The current e-petition qualifies for a Council debate.

1.2 The legislation also recommends a 15 minute maximum period for the debate and recognises that the issue may be referred to another Committee where the matter is not one reserved for Council. The purpose of the requirement for Council debate therefore, is not to ensure that the final decision relating to the Petition is made at that Council meeting but to increase the transparency of the decision-making process, ensuring that debates on significant Petitions are publicised with sufficient notice to enable the Petition organiser and public to attend. It also ensures that local people know their views have been listened to and they have an opportunity to hear their local representative debate their concerns. The outcome of debates will depend on the subject of the petition.

2.0 THE PETITION

2.1 The electronic petition (e-petition) was received on 4 April 2016 from Mr J Rees. It had 130 signatures, which is in excess of the 100 signatures required to trigger a Council debate. The wording of the petition is set out below:-

'We the undersigned petition the council to provide a policy response to safeguard local amenity within rural villages from industrial-scale farming developments, and to prohibit any new developments within 400m of residential properties, to protect the health, well-being and safety of all residents.'

2.2 The Council is therefore required to debate the Petition in accordance with the Petitions Scheme. The process for dealing with Petitions, agreed by Tewkesbury Borough Council is attached at Appendix 1. Paragraph 5.1 of the Petitions Scheme states that the Petition organiser will be given five minutes to present the Petition at the meeting and the Petition will then be discussed by Councillors for a maximum of 15 minutes. The Council's response to a Petition will depend on what a Petition asks for and how many people have signed it, but may include one or more of the following:-

- taking the action requested in the Petition;
- considering the Petition at a Council meeting;
- holding an enquiry into the matter;
- undertaking research into the matter;
- holding a public meeting;
- holding a consultation;
- holding a meeting with petitioners;
- referring the Petition for consideration by the Council's Overview and Scrutiny Committee;
- calling a referendum; or
- writing to the Petition organiser setting out the Council's views about the request in the Petition.

3.0 BACKGROUND INFORMATION TO THE SUBJECT OF THE PETITION

3.1 The petition has been submitted as a reaction to proposals within the Borough for poultry units including a current application at Leigh Court at The Leigh and an anticipated application at Hasfield. This follows other permissions for poultry units which have been permitted at Starveall Farm, Pamington and Walton Fields Farm, Curse Lane, Elmstone Hardwicke.

3.2 The planning framework for the Borough does currently provide policies which cover some of the issues raised in this Petition.

3.3 The adopted Tewkesbury Borough Local Plan to 2011, through saved policy AGR5, provides guidance on employment sites in rural areas. Policy AGR5 of the Tewkesbury Borough Local Plan to 2011 - March 2006 sets out that proposals for the erection of agricultural buildings will be permitted provided that the proposed development is well sited in relation to existing buildings, ancillary structures and works and landscape features in order to minimise adverse impact on the visual amenity of the locality. Proposed development must also be sympathetically designed in terms of height, mass materials, colour and landscaping where appropriate. Adequate operational access should also be made available.

3.4 Policy AGR4 of the Local Plan deals with agricultural diversification which may also be relevant to proposals related to the Petition. Policy AGR4 sets out that diversification will be supported where the scale and use are appropriate to a rural environment, are in keeping with and/or enhance the character of the surroundings, and maximise the use of existing buildings and structures. Where new buildings/structures are proposed these should be well related to existing structures and essential to the new use.

3.4 The emerging Joint Core Strategy (Submission version November 2014), through Policy SD15, provides guidance on health and environmental quality. The policy states that development should not create or exacerbate conditions that could impact on human health or cause health inequality. As part of this the policy also sets out that new development must cause no unacceptable harm to local amenity including the amenity of neighbouring occupants.

3.5 The justification for the Petition sets out that:

'As both the political and economic situation within rural Gloucestershire continues to transition, there is an evidenced increase in planning applications for industrial-scale farming developments infringing on local villages within the borough e.g. such as those currently proposed in The Leigh and Hasfield.

We believe that to ensure the adequate protection of the rural environment and equality for all parties living within it, further policy needs to be developed at a local level to clearly define and enforce appropriate boundaries between industrial farming and village life, forming a baseline for this type of development.'

4.0 CONSIDERATION OF THE PETITION IN THE CONTEXT OF THE LOCAL PLAN/LDF AND OTHER REGULATIONS

4.1 Local planning policies and the strategy for development in the Borough will be established through the emerging Tewkesbury Borough Plan. Any future policies on issues such as farming development would need to be considered and established through the plan-making process.

4.2 As part of the local plan for the area, the Borough Plan is subject to the Town and Country Planning (Local Planning) (England) Regulations 2012. These Regulations set out the process that the Borough Council must follow in creating local plans. They require local authorities to go through several stages of development and formal consultation and ultimately submit the Plan to the Secretary of State for independent examination. These Regulations must be followed in order for the Borough Council to adopt a legally compliant and sound local plan and policies. Planning policies cannot be brought into effect without following this due process.

4.3 Local plans must also be in conformity with National Planning Policy Framework which sets out that for a plan to be sound it must be positively prepared, justified, effective and consistent with national policy. As part of this, plans should be based on a proportionate evidence base which needs to support and underpin plan policies, providing the justification as to why they are sound. In developing policies on farming development, the Borough Council would need to be able to justify the approach it is taking and provide evidence to support it.

4.4 The emerging Borough Plan is at an early stage of its development with an initial draft plan consulted on in February and March 2015. Therefore, there remains scope to develop the strategy and policies around new development further. This will enable the local community to put their views forward on the approach to be taken in the plan, including issues raised in this Petition.

4.5 It should also be noted that certain large scale agricultural developments will be covered by the Environmental Permitting Regulations. These Regulations are managed by the Environment Agency and it is often the case that developers will secure an Environmental Permit for a site in advance of applying for planning permission. This was the case with the above-mentioned sites at Pamington (which now has planning permission and is operational) and The Leigh (for which a current planning application is pending).

4.6 Government policy is very clear that Local Planning Authorities should not duplicate controls managed under separate regimes. The National Planning Policy Framework (paragraph 122) states:

“...local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.”

5.0 OTHER OPTIONS CONSIDERED

5.1 None.

6.0 CONSULTATION

6.1 None.

7.0 RELEVANT COUNCIL POLICIES/STRATEGIES

7.1 As set out in section 4 above.

8.0 RELEVANT GOVERNMENT POLICIES

8.1 As set out in section 4 above.

9.0 RESOURCE IMPLICATIONS (Human/Property)

9.1 Officer time in considering the issues raised as part of the Borough Plan process.

10.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

10.1 Any proposal for a policy as suggested in the petition will need to be considered in light of the NPPF and other relevant policies/guidance/legislation through the Borough Plan process.

11.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

11.1 None at this stage. The Borough Plan will include an Equality Impact Assessment and will be required to have full regard to the Human Rights Act 2000.

12.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

12.1 As set out in section 4 above.

Background Papers: None.

Contact Officer: Julie Wood, Development Services Group Manager Tel: 01684 272095
Email: julie.wood@teWKesbury.gov.uk

Appendices: One – Petitions Scheme.



TEWKESBURY BOROUGH COUNCIL PETITIONS SCHEME

1. PETITIONS

- 1.1** Tewkesbury Borough Council welcomes petitions and recognises that petitions are one way in which people can let the Council know their concerns. All petitions sent, or presented, to the Council will receive an acknowledgement from the Council within 10 working days of receipt. This acknowledgement will set out what the Council plans to do with the petition. The Council will treat something as a petition if it is identified as being a petition, or if it seems to the Council that it is intended to be a petition.
- 1.2** Paper petitions can be sent to Democratic Services, The Council Offices, Gloucester Road, Tewkesbury, Glos, GL20 5TT.
- 1.3** Petitions can also be presented to a meeting of the Council or Executive Committee. Scheduled meetings of the Council take place 8 times a year and the Executive Committee meets on a monthly basis, the dates and times can be found at <http://www.tewkesbury.gov.uk/index.cfm?articleid=1625>. If you would like to present a petition to the Council, or would like your Councillor, or someone else, to present it on your behalf, please contact Democratic Services on 01684 272021, at least 10 working days before the meeting, for an explanation of the process. If the petition has received 100 signatures or more it will also be scheduled for a Council debate [http://www.tewkesbury.gov.uk/media/word/k/0/Part_4 -
Section 1 \(Part 1\) -
Meetings and Proceedings of Council \(2\).doc](http://www.tewkesbury.gov.uk/media/word/k/0/Part_4_-_Section_1_(Part_1)_-_Meetings_and_Proceedings_of_Council_(2).doc). Should this be the case, the petition organiser will be advised as to whether this will happen at the same meeting, or a later meeting, of the Council.

2.0 WHAT ARE THE GUIDELINES FOR SUBMITTING A PETITION?

2.1 Petitions submitted to the Council must include:

- A clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take.
- The name and address and signature of any person supporting the petition.

2.2 Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person that Democratic Services will contact to explain how the Council will respond to the petition. The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, Democratic Services will contact signatories to the petition to agree who should act as the petition organiser.

2.3 Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum it may be necessary to deal with petitions differently – if this is the case Democratic Services will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In this case, Democratic Services will write to the petition organiser to explain the reasons.

3.0 WHAT WILL THE COUNCIL DO WHEN IT RECEIVES MY PETITION?

3.1 An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let the organiser know what the Council plans to do with the petition and when the organiser can expect to hear from the Council again. It will also be published on Tewkesbury Borough Council's website.

3.2 If the Council can do what the petition asks for, the acknowledgement may confirm that the action requested has been taken and the petition will be closed. If the petition has enough signatures to trigger a Council debate, or a Senior Officer giving evidence, then the acknowledgement will confirm this and tell the organiser when and where the meeting will take place. If the petition needs more investigation, the organiser will be advised of the planned steps.

3.3 If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an Elected Mayor), or is on a matter where there is already an existing right of appeal, such as Council Tax banding and non-domestic rates, other procedures apply and this scheme will not be relevant.

3.4 The Council will not take action on any petition which it considers to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in the acknowledgement of the petition.

3.5 To ensure that people know what the Council is doing in response to the petitions received, the details of all petitions submitted to the Council will be published on Tewkesbury Borough Council's website, except in cases where this would be inappropriate. Whenever possible the Council will also publish all correspondence relating to the petition (all personal details will be removed)

4.0 HOW WILL THE COUNCIL RESPOND TO PETITIONS?

4.1 The Council's response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a Council Meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by the Council's Overview & Scrutiny Committee *
- calling a referendum
- writing to the petition organiser setting out the Council's views about the request in the petition

* Overview & Scrutiny Committees are Committees of Councillors who are responsible for scrutinising the work of the Council – in other words the Overview & Scrutiny Committee has the power to hold the Council's decision-makers to account. Tewkesbury Borough Council's Overview & Scrutiny Committee consists of 15 Members of the Council who are tasked with scrutinising the work of the Executive Committee and holding the Members of that Committee to account.

4.2 In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted in a petition. The table below gives some examples:

Petition Subject	Appropriate Steps
Alcohol related crime & disorder	If your petition is about crime or disorder linked to alcohol consumption, the Council may, among other measures, consider the case for placing restrictions on public drinking in the area by establishing a Designated Public Place Order or, as a last resort, imposing an Alcohol Disorder Zone. When an Alcohol Disorder Zone is established the licensed premises in the area where alcohol related trouble is being caused is required to contribute to the costs of extra policing in that area. The Council's response to your petition will set out the steps it intends to take and the reasons for taking this approach.
Anti-Social Behaviour (ASB)	As the elected representatives of the local area, and the Licensing Authority, the Council has a significant role to play in tackling anti-social behaviour. The Council, in conjunction with its partners in the local Community Safety Partnership, has set out minimum service standards for responding to issues of anti-social behaviour. When responding to petitions on ASB, the Council may consider, in consultation with its local partners, all the options available including the powers and mechanisms to intervene as part of its role as Licensing Authority. For example, the Council will work with the Neighbourhood Policing Team in the affected area to identify what action might be taken, including what role CCTV might play, consider identifying a dedicated contact within the Council to liaise with the community and neighbourhood partners on issues of ASB in the area in question and, where appropriate, the Council will alert the Community Safety Partnership and Overview & Scrutiny Committee to the issues highlighted in the petition.

Under Performing Health Services	The Council may work with local health partners to consider the matter raised in the petition including, where appropriate, exploring what role the Local Involvement Network (LINK) might have in reviewing and feeding back on the issue (the LINK is run by local individuals and community groups and independently supported – their role is to find out what people want in terms of local health services, monitor those services and to use their powers to hold them to account). The County Council Health Community & Care Overview & Scrutiny Committee will also be alerted to the petition and, where the matter is sufficiently or potentially serious, the issue will be referred to that Committee for consideration.
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4.3 If the petition is about something over which the Council has no direct control (for example, the local railway or hospital) the Council will consider making representations on behalf of the community to the relevant body. The Council works with a large number of local partners and, where possible, will work with these partners to respond to the petition. If the Council is not able to do this for any reason (for example, if what the petition calls for conflicts with Council Policy), then the petition organiser will be advised accordingly. More information on the services for which the Council is responsible can be found on the Council’s website at www.tewkesbury.gov.uk.

4.4 If the petition is about something that a different Council is responsible for, consideration will be given to what the best method is for responding to it. This might consist of simply forwarding the petition to the other Council, but could involve other steps. In any event the petition organiser will be notified of what action has been taken.

5.0 FULL COUNCIL DEBATES

5.1 If a petition contains more than 100 signatures it will be debated by the Council unless it is a petition asking for a Senior Council Officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by Councillors for a maximum of fifteen minutes. The Council will decide how to respond to the petition at this meeting. The Council may decide to take the

action that the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant Committee. Where the issue is one on which the Council's Executive Committee is required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on the Council's website.

6. OFFICER EVIDENCE

6.1 A petition may ask for a Senior Council Officer to give evidence at a public meeting about something for which the Officer is responsible as part of their job. For example, the petition may ask a Senior Council Officer to explain progress on an issue, or to explain the advice given to Members to enable them to make a particular decision.

6.2 If your petition contains at least 100 signatures, the relevant Senior Officer will give evidence at a public meeting of the Council's Overview & Scrutiny Committee. Members of the Council's Corporate Management Team may be called to give evidence in this respect. The organiser should be aware that the Overview & Scrutiny Committee may decide that it would be more appropriate for another Officer to give evidence instead of any Officer named in the petition – for instance if the named Officer has changed jobs. The Committee may also decide to call the relevant Lead Member to attend the meeting. Members of the Overview & Scrutiny Committee will ask the questions at this meeting, but the petition organiser will be able to suggest questions to the Chairman of the Committee by contacting Democratic Services no later than three working days before the meeting.

7. WHAT CAN I DO IF I FEEL MY PETITION HAS NOT BEEN DEALT WITH PROPERLY?

7.1 Should the petition organiser feel that the Council has not dealt with the petition properly, the petition organiser has the right to request that the Council's Overview & Scrutiny Committee reviews the steps that the Council has taken in response to the petition. It is helpful to everyone, and can improve the prospects for a review, if the petition organiser gives a short explanation of the reasons why the Council's response is not considered to be adequate.

7.2 The Overview & Scrutiny Committee will endeavour to consider the request at its next meeting, although, on some occasions, this may not be possible and consideration will take place at the following meeting. Should the Committee determine that the Council has not dealt with the petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Executive Committee and arranging for the matter to be considered at a meeting of the Council.

7.3 Once the appeal has been considered, the petition organiser will be informed of the results within five working days. The results of the review will also be published on the Council's website.

8.0 E-PETITIONS

8.1 The Council welcomes e-petitions which are created and submitted through the website www.tewkesbury.gov.uk . E-petitions must follow the same guidelines as paper petitions. The petition organiser will need to provide the Council with their name, postal address and email address.

8.2 Once registered, the organiser will be asked for the title of the petition. The system will automatically search to see if there is already a petition in operation that deals with the same issues. If there is, the organiser will be asked to review that petition or to decide if their petition covers a new area. After this has been ascertained, the organiser of the petition will be asked to provide further details, including the options for signatories i.e. agree, agree/disagree or agree/disagree/don't know. The organiser will also need to decide how long the petition should be open for signatures. The system will default to allow for a period of 2 months but this can be overridden and extended for up to 12 months in line with the requirements of the organiser.

8.3 When an e-petition is created, it will take up to five working days before it is published online as the suitability of the content must be checked before it is made available for signature.

8.4 If for some reason the Council is unable to publish the petition, the organiser will be contacted within the 5 day period.

8.5 When an e-petition has closed for signature, it will automatically be submitted to Democratic Services. In the same way as a paper petition, an acknowledgement will be sent within 10 working days.

HOW DO I 'SIGN' AN E-PETITION?

- 8.6**
- Go to the Council's website at www.tewkesbury.gov.uk.
 - Click on Council and Democracy
 - Click on Committee Agenda, Minutes and Reports and then e-petitions
 - A list of the e-petitions that are currently active will be displayed
 - Click on the appropriate petition and then "sign a petition".
 - Contact details will need to be provided (name, address and email address) but only the name will be displayed on the website.
- 8.7** A petition may gather names and addresses both in electronic and paper form, although repeat names will be removed. Both petitions must run for the same period of time and must be submitted together.
- 8.8** The Council accepts no liability for the petitions published on the website and the views expressed in the petitions do not necessarily reflect those of the Council.
- 8.9** For further information, help and advice on how to submit an e-petition, contact Democratic Services on 01684 272021 or email democraticservices@tewkesbury.gov.uk.



9 May 2016

Committee	Overview and Scrutiny
Date	Tuesday, 17 May 2016
Time of Meeting	Not before 6:15 pm
Venue	Council Chamber

ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND

for Sara J Freckleton
Borough Solicitor

Agenda

1. ELECTION OF CHAIR

To elect a Chair for the ensuing Municipal Year.

2. APPOINTMENT OF VICE-CHAIR

To appoint a Vice-Chair for the ensuing Municipal Year.

3. NOMINATION TO COUNTY COUNCIL HEALTH AND CARE OVERVIEW AND SCRUTINY COMMITTEE

To appoint one representative and one reserve to sit on the County Council's Health and Care Overview and Scrutiny Committee for the ensuing Municipal Year.

4. NOMINATION TO GLOUCESTERSHIRE ECONOMIC GROWTH SCRUTINY COMMITTEE

To appoint one representative and one reserve to sit on the Gloucestershire Economic Growth Scrutiny Committee for the ensuing Municipal Year.



9 May 2016

Committee	Audit
Date	Tuesday, 17 May 2016
Time of Meeting	Not before 6:15 pm
Venue	Council Chamber

ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND



**for Sara J Freckleton
Borough Solicitor**

Agenda

1. ELECTION OF CHAIR

To elect a Chair for the ensuing Municipal Year.

2. APPOINTMENT OF VICE-CHAIR

To appoint a Vice-Chair for the ensuing Municipal Year.

9 May 2016

Committee	Planning
Date	Tuesday, 17 May 2016
Time of Meeting	Not before 6:15 pm
Venue	Council Chamber

ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND



**for Sara J Freckleton
Borough Solicitor**

Agenda

1. ELECTION OF CHAIR

To elect a Chair for ensuing Municipal Year.


2. APPOINTMENT OF VICE-CHAIR

To appoint a Vice-Chair for the ensuing Municipal Year.

9 May 2016

Committee	Licensing
Date	Tuesday, 17 May 2016
Time of Meeting	Not before 6:15 pm
Venue	Council Chamber

ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND



**for Sara J Freckleton
Borough Solicitor**

Agenda

1. ELECTION OF CHAIR

To elect a Chair for the ensuing Municipal Year.


2. APPOINTMENT OF VICE-CHAIR

To appoint a Vice-Chair for the ensuing Municipal Year.

9 May 2016

Committee	Standards Committee
Date	Tuesday, 17 May 2016
Time of Meeting	6:15 pm
Venue	Council Chamber

ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND



**for Sara J Freckleton
Borough Solicitor**

Agenda

1. ELECTION OF CHAIR

To elect a Chair for the ensuing Municipal Year.

2. APPOINTMENT OF VICE-CHAIR

To appoint a Vice-Chair for the ensuing Municipal Year.

TEWKESBURY BOROUGH COUNCIL

Report to:	Council
Date of Meeting:	19 April 2016
Subject:	Review of Scheme for Public Participation at Planning Committee
Report of:	Overview and Scrutiny Committee
Corporate Lead:	Sara Freckleton, Borough Solicitor
Lead Members:	Councillor R D East, Chair of the Overview and Scrutiny Committee Working Group Councillor P W Awford, Chair of Overview and Scrutiny Committee
Number of Appendices:	5

<p>Executive Summary:</p> <p>At its meeting on 14 April 2015, the Council resolved that a Scheme for Public Participation at Planning Committee be introduced for a one year trial period starting with the new term of the Council in May 2015 and so commenced with the Planning Committee in June. The Overview and Scrutiny Committee, at its meeting on 23 February 2016, established a Working Group of seven Members to review the Scheme for Public Participation at Planning Committee and approved the Terms of Reference attached at Appendix 1. This report details the outcome of the Group's work, which was adopted by the Overview and Scrutiny Committee, and enables the Council to make a decision on the continuation of the scheme based on the findings of the Working Group.</p>
<p>Recommendation:</p> <p>That the Scheme for Public Participation at Planning Committee be confirmed as a permanent arrangement with minor adjustments as set out at Paragraph 5.</p>
<p>Reasons for Recommendation:</p> <p>To ensure that the Council has the opportunity to consider whether or not to confirm the arrangements for Public Participation at Planning Committee before the expiry of the trial period in June.</p>

<p>Resource Implications:</p> <p>None additional to those already in place.</p>
<p>Legal Implications:</p> <p>None arising directly from this report.</p>

Risk Management Implications:

Should the Council determine not to proceed with a scheme, there could be a reputational risk that will require careful management.

Performance Management Follow-up:

Should the Council determine to introduce the scheme on a permanent basis, monitoring will continue and any issues/concerns will be reported to Members.

Environmental Implications:

None.

1.0 INTRODUCTION/BACKGROUND

- 1.1** At its meeting on 14 April 2015, the Council resolved that a Scheme for Public Participation at Planning Committee be introduced for a one year trial period starting with the new term of the Council in May 2015 and this commenced at Planning Committee in June.
- 1.2** As the one year trial period comes to an end, the Overview and Scrutiny Committee determined to undertake an assessment of how the Scheme for Public Participation at Planning Committee had worked since its introduction in order to inform the Council as to whether the scheme should continue and, if so, whether any amendments should be recommended.
- 1.3** Accordingly a Working Group comprising the following seven Members was established to work with Officers to review the scheme in accordance with the Terms of Reference attached at Appendix 1:
- Councillors: Mrs G F Blackwell, R D East (Chair), D T Foyle, Mrs M A Gore, T A Spencer, Mrs P E Stokes and P D Surman.

2.0 BASIC PRINCIPLES OF THE SCHEME

- 2.1** Anyone wishing to speak on a particular planning application could register once the Agenda for the Planning Committee meeting at which it was due to be considered had been published. The only way to register a request to speak was by telephoning the Democratic Services department by 10.00am on the day before the meeting. There were four speaking slots: one for Parish/Town Councils, one for a representative on behalf of the objectors, one for a representative on behalf of the supporters (including the applicant or their agent) and one for Ward Councillors. Only one speaker was allowed in each slot (with the exception of Ward Councillors) and registration was on a first come, first served basis. Within each speaking slot, a maximum of three minutes per speaker was allowed. The existing scheme is set out in full at Appendix 2.

3.0 WORK OF THE GROUP

- 3.1** Letters were sent to those who had used the scheme or had an interest in the scheme inviting views/comments either in writing or in person to the Working Group.
- 3.2** At the first two meetings of the Working Group, Members heard from a variety of stakeholders including agents, members of the public, Parish Councillors and Officers involved with the administration of the scheme. 14 written representations were also received and considered by the Working Group.

- 3.3** At the third meeting of the Group, other schemes operating in the county and across the country were considered, together with a summary of all the representations which had been received.
- 3.4** At the fourth and final meeting of the Group, Members considered their report to be presented to the Overview and Scrutiny Committee and, subsequently, the Council. In addition, the Group received the information leaflet, which gave guidance to the public on how the scheme operated, proposing minor changes to aid clarity.

4.0 FINDINGS OF THE GROUP

4.1 Comments from users of the scheme

- 4.1.1** The vast majority of the representations received were supportive and very complimentary of the Council's scheme, including its administration both before the Planning Committee meetings and the organisation during the meetings.
- 4.1.2** Many of those making representations highlighted the value of the scheme and were strongly in favour of its continuance. Some suggestions/comments were made advocating changes to the scheme and are set out at Appendix 3, together with the response of the Working Group.
- 4.1.3** Appendix 4 provides a summary of the comments received where no response was required.

4.2 Officer comments

- 4.2.1** In terms of the Officer comments, again, it was generally felt that the scheme had worked, well. The following instances were highlighted where problems had occurred:
- A Parish Councillor was not allowed to speak in a situation where they had failed to register as required. The requirement is clear in the scheme but there is perhaps a need to remind Parish/Town Councillors of the registration requirements.
 - A Parish Councillor attended the Committee but with the intention of presenting their own views rather than those of the Parish Council. Registration had taken place as required but, in the circumstances, the Parish Councillor was not heard by the Committee. The scheme is absolutely clear, but on this occasion, the Parish Councillor was not familiar with its provisions and had assumed that a designated slot presented an opportunity for any Parish/Town Councillor to give their views on an application within their Parish. In an endeavour to prevent recurrence of such instances, the Member Services Officer has now introduced a screening system whereby any Parish/Town Councillor registering to speak is now asked to confirm that they will be attending to speak to the Parish Council's formal view on the application and not on any personal/contrary view.

The Group felt that additional publicity in the Borough News would be beneficial to assist with these misunderstandings. It was also felt that Parish Councils should be reminded that it is their responsibility to ensure that their representative puts forward the views of the Parish Council and it is highly recommended that Parish Councils put in place a process to ensure that this happens. The responsibility cannot rest with the Borough Council, although it would do what it could to help.

4.2.2 The scheme/leaflet had, so far, been interpreted that any Ward Councillors (that are not Planning Committee Members) wishing to speak, have to register in the same way as any other speakers, though this isn't explicitly set out as it is for Parish/Town Councillors; the introduction in the leaflet refers to supporters, objectors and Parish/Town Councils. So far no Ward Members have challenged this but they could possibly draw on Rule 48 in Section 1, Part II of the Constitution:

"48. Councillors Attending Committees

Council Procedure Rules 13 and 14 apply (Items/Motions from Councillors).

A Councillor who is not a Member of the Committee may speak at a meeting of the Committee (but not vote, move or second Motions):

- 1. during the consideration of any item of Motion brought by the Councillor direct to the Committee or referred by the Council in accordance with Council Procedure Rules 13 and 14*
- 2. with the agreement of the Chairman of the meeting; or*
- 3. during the consideration of any matter specifically affecting that Councillor's Ward."*

The Group felt that it was important for Ward Councillors to register in the same way as all other speakers as this greatly assisted with the management of the meeting. It was agreed that the provision in the Constitution should be clarified on this basis whilst recognising that Ward Councillors have a democratic entitlement to represent the views of their electorate. It was also agreed that the scheme should be reworded to clarify this point.

4.2.3 The deadline for registration is 10.00am on the day before the meeting. In the scheme adopted on 14 April 2015, the wording is "the day" before the meeting, whereas the information leaflet refers to "working day" – the latter should be inserted into the scheme also (in the past some meetings have fallen immediately after a Bank Holiday so the deadline for registration would then be the Friday and not the Monday).

The Working Group was of the view that the scheme should be amended to make it clear that it is "working day".

4.2.4 In general, the introduction of the scheme had increased the workload of Democratic Services which initially had been significant but had now settled down to a manageable level based on the scheme currently in place.

4.2.5 The Officer comments and the response of the Working Group are set out in full at Appendix 5.

4.3 Reviewing other Schemes

In reviewing other schemes both across the county and the country the following main differences were identified as set out below, together with the response of the Working Group:

4.3.1 Difference - Prior registration by Parish Councils not required

Comment - This would provide for unfairness, impact upon the efficient management of the meeting and potentially be open to greater abuse with personal views, rather than those of the Parish Council, being put forward as identified above.

4.3.2 Difference – Speakers are not required to await the publication of the relevant Agenda before they can register their wish to speak on a particular application. This means that it could be months before the application is brought before Committee, or it may not even go to Committee. In these circumstances, there is normally a dedicated Planning Committee Co-ordinator who keeps the record and checks when the application is listed for Planning Committee.

Comment – This was not raised as an issue by any of the consultees and, apart from one instance where a prospective speaker wished to register in advance due to being on holiday on the publication date, this had not caused any problems at Tewkesbury Borough Council. This system would be too administratively burdensome for the Council to operate within its current Member Services resource and would put the onus and responsibility on the Council when it should properly rest with those who have an interest in the application.

4.3.3 Difference – Speakers are given a limit of five minutes to present their views.

Comment – The majority of consultees felt that three minutes was adequate to get across the salient points without losing emphasis and becoming repetitive. It was not felt that the extra two minutes would add to the process and could even disadvantage a speaker. There had been a few large, complex applications considered during the trial period where three minutes had proved more than adequate. The visual timing aid was also particularly helpful as speakers were aware of how much time remained without the need to be interrupted. Three minutes tended to focus the minds of speakers to write down the most important points that they wished to convey.

4.3.4 Difference – Councillors are permitted to question speakers and enter into an exchange of dialogue with them, almost akin to a minor hearing within the Planning Committee, on each application subject to public speaking.

Comment – Members of the Planning Committee receive a considerable amount of information prior to the meeting. The aim of the Scheme for Public Participation at Planning Committee is to provide the opportunity to get over the important points that the speakers want Members to have uppermost in their minds when drawing together all the information received and coming to a decision. A mini-hearing would, in the view of the Working Group, detract from this and be a barrier to the efficient and effective decision-making process of the Committee taking account of all the relevant information that had previously been provided. In the view of the Group, the process could significantly lengthen the meetings without providing any benefit to the decision-making process.

5.0 CONCLUSIONS OF THE WORKING GROUP

5.1 The opportunity to speak at Planning Committee is valued, it supports open, transparent and accountable local government and the scheme should be introduced on a permanent basis, largely unchanged other than to:

- i) clarify that the deadline for registration is 10.00am on the working day before the meeting;
- ii) clarify the requirements for Ward Councillors wishing to speak at the Committee;
- iii) amend the scheme to allow a Parish Clerk to read a statement setting out the views of the Parish Council in the circumstance where no Parish Councillor is available to attend the meeting of the Planning Committee, subject to the required registration procedure being complied with (see Appendix 3); and
- iv) grant authority to the Borough Solicitor to review the wording of the scheme to ensure clarity without changing the fundamental elements of the scheme.

- 5.2** The following matters should be addressed by Officers, taking account of the view expressed by the Working Group to enhance the administration of the scheme:
- i) review of information leaflet on the Scheme for Public Participation at Planning Committee, taking account of the suggestions put forward by the Working Group;
 - ii) review of information on the website about the scheme to ensure that it is helpful and consistent, including that supported by the Planning section which was currently being revised as a result of the Planning systems thinking review;
 - iii) the layout of the meeting room be configured slightly differently to ensure that no Members have their backs to the speakers, whilst ensuring that everyone is able to see the electronic clock, and a trial be undertaken of the Councillors' name labels being set out in advance of the meeting;
 - iv) the Constitution be re-worded to make it more compatible with the scheme for Ward Members to register in advance to speak at meetings of the Planning Committee;
 - v) the scheme to be more widely publicised, including an article in the Borough News;
 - vi) training to be provided for appropriate Officers to ensure that they are fully conversant with the scheme and its operation; and
 - vii) Parish Councils to be reminded that it is their responsibility to ensure that their representative puts forward the views of the Parish Council.

6.0 OTHER OPTIONS CONSIDERED

6.1 None

7.0 CONSULTATION

7.1 The review has involved extensive consultation with stakeholders and this report has been submitted to the Planning Committee for comments with the views of that Committee being reported verbally to Council.

8.0 RELEVANT COUNCIL POLICIES/STRATEGIES

8.1 Scheme for Public Participation at Planning Committee

9.0 RELEVANT GOVERNMENT POLICIES

9.1 The scheme supports the government's agenda for open, transparent and accountable local government.

10.0 RESOURCE IMPLICATIONS (Human/Property)

10.1 Included within the report.

11.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

11.1 None

12.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

12.1 None directly arising from this report.

13.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

13.1 Council – 14 April 2015

Overview and Scrutiny – 23 February 2016

Background Papers: Scheme of Public Participation at Planning Committee

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Appendices: Appendix 1 – Working Group Terms of Reference
Appendix 2 – Existing Scheme for Public Participation at Planning Committee
Appendix 3 – Representations received and comments of Working Group
Appendix 4 – Representations where no comment was required
Appendix 5 – Officer representations and comments of Working Group

**Scheme for Public Participation at Planning Committee Review –
Terms of Reference**

Introduction

An Overview and Scrutiny Working Group comprising seven Members will be asked to work with Officers to review the Scheme for Public Participation at Planning Committee following the Council's decision to introduce a scheme for a one year trial period commencing in May 2015.

Purpose of the Review

- To undertake an assessment of how the Scheme for Public Participation at Planning Committee has worked since its introduction at the Planning Committee meeting in June 2015.
- To inform the Council as to whether the scheme should continue and, if so, whether any amendments need to be made.

Consultees

- a) Users of the scheme
 - i) Parish/Town Councils;
 - ii) members of the public speaking in support or objection of applications; and
 - iii) Ward Councillors who are not Members of the Planning Committee.
- b) Officers involved in the administration of the scheme
 - i) Planning
 - ii) One Legal
 - iii) Democratic Services
- c) Members of the Planning Committee

Process

- To receive and consider representations from the consultees listed above.
- To review other schemes, identify best practice and undertake a comparison with the Council's scheme.

Timetable

Working Group Meeting 1	Tuesday 1 March PM
Working Group Meeting 2	Monday 7 March PM
Working Group Meeting 3	Thursday 17 March 2.00pm
Working Group Meeting 4	Thursday 31 March 2.00pm
Overview and Scrutiny Committee	Tuesday 12 April 2016 4.30pm
Planning Committee	Tuesday 10 May 2016 9.00am
Council	Tuesday 17 May 2016 6.00pm

Outcome

A full review of the Scheme for Public Participation at Planning Committee and a report to Council recommending whether or not the scheme should continue and, if so, whether any amendments to the scheme should be made.

Scheme for Public Participation at Planning Committee Meetings

Members of the public have the right to attend most Committees arranged by the Council. In addition there is a Public Participation Scheme in place which allows the public to make submissions to meetings of the Council or its Executive Committee.

The majority of planning applications received by the Council are determined by Officers under the Council's delegation scheme; however, major or contentious proposals are dealt with by the Council's Planning Committee. The Committee usually meets every four weeks on a Tuesday morning at 9.00am in the Council Chamber at Tewkesbury Borough Council Offices and the Agenda is published on the Monday of the week prior to the meeting. It is a non-political meeting and all decisions are made strictly on planning grounds.

Everyone has the right to make written representations about a planning application and all are carefully considered before a decision is made. In addition to this provision, the public speaking facility was introduced in May 2015. It allows individuals to speak at the Planning Committee to state their views on specific proposals.

When is public speaking allowed?

Public speaking is allowed on any application contained within the Planning Schedule of applications considered by the Planning Committee. Public speaking is not allowed on items contained within the Agenda such as potential enforcement action, tree preservation orders etc.

If public speaking has taken place on an application and it is then deferred, for example, to enable Members to visit the site or to allow further negotiations, further public speaking will be permitted when the application is reconsidered by the Committee; the original speakers will be automatically re-registered unless notification is received to the contrary.

Who is allowed to speak?

The following individuals can speak and will be called in the following order:

1. A representative of the Town or Parish Council or Parish Meeting(s) within which the application is located – to put forward considered views of that Council/Meeting rather than their own independent views.
2. A representative on behalf of the objectors.
3. A representative on behalf of the supporters (this includes the applicant or their agent).
4. Ward Councillors.

No one is required to speak; it is an entirely voluntary opportunity.

Members of the Committee who have a Code of Conduct interest in an application within the Agenda which prevents them from participating in the debate will be able to speak for three minutes prior to leaving the meeting.¹

¹ Town and Parish Councillors are reminded of their responsibilities under the agreed Code of Conduct.

Procedure for Applying to Speak at Planning Committee Meetings

It is the responsibility of the person wishing to speak to check that an item is on the Schedule of Planning applications for the meeting. This can be done by calling the Planning Case Officer or the Democratic Services section. The Agenda for the meeting, including a copy of the Schedule, is published five clear working days before the meeting; this is usually the Monday of the week before the meeting. The Agenda and Schedule can be viewed at the Council Offices or on the Council's website www.tewkesbury.gov.uk

Members of the public wishing to speak at Planning Committee meetings will need to telephone Democratic Services on 01684 272021 – this is the only way to register a request to speak. The deadline for registration is 10.00am on the day before the meeting.

Registering to speak will not guarantee the opportunity to speak at the Committee. This is because there may be many requests to speak on certain applications. The Chairman of the Committee will only allow one speaker “for” and one speaker “against”. The onus is entirely on the parties concerned to communicate with each other and agree who should act as the spokesperson. If no agreement is reached the speaking slot will be given to the first registered speaker.

Public speakers are requested to submit a copy of their representations, either by email to democraticservices@tewkesbury.gov.uk in advance of the meeting or by handing a copy to the Committee Administrator at the meeting.

How long are public speakers allowed to speak?

Within each speaking slot, a maximum of three minutes per speaker per application will be allowed in which to speak. This time must be strictly adhered to and speakers are encouraged to practice their presentation in order to use the time constructively.

What is the procedure for consideration of applications at Planning Committee?

The Chairman will introduce the application and the Planning Officer may then provide a short presentation.

Speakers will be asked by the Chairman of the Committee to move to a designated seating area before they speak. The three minute limit will be strictly applied by the Chairman and speakers will be asked to return to their seats in the public area after that time.

When there are no further speakers, the Chairman will start the debate. Finally the Committee will be asked to take a decision on the application.

What are speakers allowed to say?

Speaking slots will be purely provided to enable views to be expressed. Speakers will not be permitted to enter into debate with Members or Officers, nor with each other, and the Chairman will not allow cross-examination of either the applicant or the objector by either party.

No new written material, documents, plans, photographs or other visual aids may be presented on the day of the meeting.

Planning Committee meetings are held in public and comments of a personal, slanderous, defamatory or otherwise offensive or abusive nature must not be made. The Chairman of the Committee has the right and duty to stop anyone speaking if such comments are made and the speaker may then forfeit their opportunity to continue to speak.

Advice for Public Speakers

- Keep observations brief and relevant.
- Speak clearly using the microphone.
- Please limit your views to relevant planning issues, for example:
 - impact of the development on the character of the area;
 - external design, appearance and layout;
 - impact of development on neighbouring properties;
 - highway safety; and
 - government guidance.
- Avoid referring to non-planning matters as these cannot be taken into account when the Committee determine the application e.g.:
 - “trade” objections such as competition issues;
 - boundary or property disputes;
 - the developer’s motives;
 - “moral” arguments;
 - matters covered by other laws;
 - loss of “view”;
 - personality issues; and
 - reduction in property values.
- Please remember that you are addressing Members of the Planning Committee and not the public gallery.

Key Points Raised	Working Group Comments (if any)
<ul style="list-style-type: none"> • Follows good practice and had worked satisfactorily for him as an objector. • Had found it a handicap that he had not been permitted to show any data directly to the Committee e.g. table of data, map, photograph – the ability to project a Word or Powerpoint slide would match the facility given to applicants whose plans and documents were published in the Agenda documents. • Is there a way for the Parish Council to accredit a non-Member to speak on its behalf? It can be a difficult for smaller Parish Councils to find an available Member at short notice. • Smaller Parish Councils and the general public are unaware of the existence of the scheme – need something similar to the useful information on the website about making written representations embedded in the “tree” that leads to the detailed application. 	<p>The Working Group recognised that exercising discretion left the Council open to arguments of unfairness and would add significantly to the amount of additional information they had to take into consideration if every speaker was able to introduce new material at the meeting. It was noted that there was an opportunity for additional representations to be submitted up until 5.00pm on the day before the meeting which provides the Officers with the opportunity to consider all new material and advise the Committee on any implications.</p> <p>In terms of accrediting a non-Member of a Parish Council to speak on its behalf, the Working Group felt that this would be extremely difficult to police. However, it was suggested that the Scheme could be amended to allow the Parish Council Clerk to attend on behalf of the Parish Council and read an agreed statement setting out the views of the Parish Council.</p> <p>With regard to the “tree” on the website, it was noted that the Planning department was currently revising its procedures as a result of the systems thinking review and appropriate advertising of the scheme was something which could be addressed as part of that.</p>
<ul style="list-style-type: none"> • In favour of being able to speak. • Would have been helpful if Members had been able to question her. • Would be helpful to have formal statement of the motion passed as she left the meeting with a different understanding to what was published in the Minutes. 	<p>More than one of the consultees had suggested that they would like Members to have the opportunity to ask questions of the speakers. The general feeling amongst the Working Group was that there would be no real benefit and that it could considerably extend the length of meetings. (See also Paragraph 4.3.4 of the report).</p> <p>Members did not feel that it would be appropriate to issue a formal statement of the motion which had been passed and it was noted that the Minutes of the meeting were the definitive record.</p>

Key Points Raised	Working Group Comments (if any)
<ul style="list-style-type: none"> • Fully agrees with the initiative to invite members of the public to speak at Planning Committee and hopes it will become permanent. • 3 minute period is not long enough, suggest extending to 5 minutes. • No contribution from Committee Members made it seem as if the decision had already been made and the Members were condescendingly going through the motions of listening to the speakers but not taking on board what was being said. • If time slots are extended, it should allow time for Members to question the speaker. • A firm Chair is necessary to control proceedings. 	<p>A Member indicated that some high profile applications had been determined at the Planning Committee meeting earlier that week and 3 minutes had been more than adequate for the speakers to get their points across.</p>
<ul style="list-style-type: none"> • Opportunity to speak at Planning Committee is positive. • Chance to get their voice heard, present a counter argument and allay fears about the application. • The position of the public speaker needs to be relocated – currently there are Members with their backs to the speaker which gives the impression that they are not really listening. • 3 minute slots are long enough. • Well looked after when attending the meeting. • If they had not been invited to attend the meeting would not have known about the scheme. • Information contained within the leaflet was sufficient. 	<p>It was noted that the Working Group had considered alternative room layouts following the Planning Committee meeting on 15 March. In future the room would be set out in a slightly different configuration to ensure that there were no Members with their backs to the speakers whilst ensuring that everyone was able to see the electronic clock. It was also agreed that it would be beneficial for the Councillors' name labels to be set out in advance and this would be trialled at the next meeting.</p>

Key Points Raised	Working Group Comments (if any)
<ul style="list-style-type: none"> • Background in estate management, 33 years of experience in planning and development. • Whole process needs to be as clear and transparent as possible. • Needs to be an appropriate balance between expediency and propriety and the opportunity for a full discussion and open debate on planning issues. • Information leaflet is very clear, concise and informative. Comments as follows: <ul style="list-style-type: none"> - Who is allowed to speak at Planning Committee? Refers to a need to register in advance, first come-first served basis. There should be a degree of flexibility for higher profile, strategic applications where there are a variety of views. - 3 minute slots – should be the ‘norm’ but not necessarily long enough in every instance so there should be a degree of discretion. - Guidance on use of visual aids is confusing – states that no new written materials are permitted but it mentions that you can submit them by 5pm on the day before the meeting. Question mark over what is ‘new’ material. He would suggest that discretion be applied in terms of use of visual aids e.g. Powerpoint, photographs. - What speakers are allowed to say – long list of examples, he did not necessarily agree with what should and should not be taken into account. 	<p>The Working Group had considered the information leaflet and made suggestions for minor revisions.</p>

Appendix 3 – Representations and Comments of Working Group

43

Key Points Raised	Working Group Comments (if any)
<ul style="list-style-type: none"> When a Parish Councillor attends the Planning Committee on behalf of a Parish Council they should be reminded before they are allowed to speak that they should only give the formal view of the Parish Council and that no other view should be stated. 	<p>Whilst speakers were advised when registering that the Parish Council slot was to represent the formal view of the Parish Council, Members agreed that the onus should not be on Member Services to determine whether the representation correctly reflected the Parish Council's consultation response.</p>
<ul style="list-style-type: none"> Welcomed the opportunity to present representations. The time restriction of 3 minutes dominated the process to a point where time management was more critical than what residents had to say. Suggestion to offer an additional 3 minutes to the objector if the applicant does not turn up to the meeting. Imagined that the Committee would have time to read through the presentation as it was delivered to the meeting. Concern that the remit for consideration of a planning application is not met if there is no debate or questioning. To restrict the Parish Council in this process is patronising and discriminatory and they deserve a better hearing than the opportunity offered by this process. For any input to influence the decision-making process, surely it would have to be registered and considered prior to the meeting or it would be classed as 'too late' i.e. beyond the closing date for objections. With the appropriate objective, remit, shared purpose and commitment from participants to manage it professionally, it must be a positive addition to the planning process – a good but timely decision will always be better than a quick decision. 	<p>3 minutes was generally considered sufficient by the majority of participants (see also Paragraph 4.3.3 of the report). If additional time was allowed for the objector this would create unfairness and bias.</p> <p>It was not the intention of, or relevant to, a scheme for public speaking. Written materials would detract from the points being made by the speaker.</p> <p>A scheme of public speaking was not a requirement for the consideration of a planning application with or without questioning.</p> <p>The Parish Council was a statutory consultee and as such has other opportunities to make representations on an application.</p> <p>Not relevant to the scheme – the planning process involved extensive consultation.</p> <p>The scheme was the last part of a long consultative and consideration process; it was the final opportunity to summarise the important points before a decision was made.</p>

Appendix 4 – Representations received where no comment was needed

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| <ul style="list-style-type: none">• Scheme is very good – archaic not to have one.• All other Councils within Gloucestershire allow public speaking and some even webcast their meetings – this facilitates important engagement from local residents and can only be positive for the Council’s reputation.• Committee Members had discussed his points after he had spoken.• The process had helped him to gain information on reasons for decisions and allowed some items of the application to be improved via planning conditions. |
| <ul style="list-style-type: none">• Opportunity to speak is a good one – process can be sterile without it.• Allows balanced and diverse review of potential planning conditions.• Similar schemes have been implemented in other authorities across the county – Tewkesbury Borough could be seen to be refusing to engage with the community if the scheme was removed.• Administration of the scheme has been effective. |
| <ul style="list-style-type: none">• Although a representative of the Parish Council has been unable to attend the meetings, the Parish Council is supportive of the scheme. |
| <ul style="list-style-type: none">• Scheme worked well and gave interested parties the opportunity to have direct impact into the planning process.• Wish the scheme to remain in place. |
| <ul style="list-style-type: none">• Firmly believes in allowing public speaking at Planning Committee.• Experience as a Councillor who introduced public speaking to Cheltenham Borough Council as Planning Committee Chairman and from a business involved in making presentations to Planning Committees.• For many residents the consideration of a planning application may be the only interaction they have ever had with the Council and it is essential they have the opportunity to address the Committee rather than be limited to writing a letter – it is their “one day in court”.• Reputation of the Council – very few Councils do not allow public speaking at Planning Committee.• Listening to an individual, as opposed to reading letters, helps to concentrate the mind.• Allows a final opportunity to provide last minute clarification and confirmation of points raised since the publication of the Committee papers.• Provides a balance to the Committee - without public speaking the only voice heard and physical presence is the Case Officer. |

Appendix 4 – Representations received where no comment was needed

<ul style="list-style-type: none">• Has not participated in the scheme but support it and will make use of it when the need arises.• Supports any measure to enhance the democratic accountability of the Borough Council.
<ul style="list-style-type: none">• Chairman has observed one Planning Committee meeting.• Felt that public participation worked well.• System operates successfully elsewhere and contributes to transparency and the idea that all parties get a fair hearing.• In favour of the scheme continuing.
<ul style="list-style-type: none">• Administration side was straightforward – communications from Democratic Services about what would happen on the day were to a high standard and very helpful.• Ability to have one last say to the people whose decision would have an important impact on the local community was critical – gave true democratic participation in a complicated process.• Hopes that the practice of allowing the public to speak will continue.
<ul style="list-style-type: none">• Background – planning consultant for 8 years, Planning Officer at Cotswold District and Cheltenham Borough Councils.• Organisation of public speaking is very good and letters go out in good time.• Display with 3 minute countdown clock is preferable to alternatives such as Officer interrupting the speaker to advise when 1 minute is left.• Different from Cotswold District Council where it appears the speakers are not being listened to as no debate or comment comes from the item after they have spoken.• 3 minutes is long enough for each speaker and is consistent with other schemes across Gloucestershire.• Some London authorities have a scheme where people can just turn up on the day but the applicant can only speak if there is an objector speaking which is incredibly unfair.• Has been waiting for Tewkesbury Borough Council to bring in a scheme for a very long time.• Useful in situations where there may be something missing from the Officer report.• Before the scheme was brought in the only way to get additional points across was by putting them in writing – would expect that correspondence to Members has reduced as a result of the scheme.

Appendix 4 – Representations received where no comment was needed

46

<ul style="list-style-type: none">• Main objective was to ensure a fair hearing and it was important from his point of view to ensure all relevant facts were presented to the Committee.• With the best will in the world he would not expect Members to take in all the details of every application on the schedule, particularly smaller applications which were not in their Wards.• All of the attention is focused on the speaker for that 3 minute period.• In his case, once he had spoken he felt that all of the relevant facts had been presented to the Committee and was confident that the final decision would be fair and democratic.• Very pleased that the scheme was brought in and hopes that it will continue.• 3 minute slots are long enough.
<ul style="list-style-type: none">• The opportunity to show how they felt and to point out factual inaccuracies in the Officer report was extremely valuable.• They had also been able to suggest conditions for incorporation into the planning permission.• Councillors had listened to their views and were sympathetic to their requests.• 3 minutes is quite a short amount of time but not inconsistent with what they wanted to do.• Vital that members of the public are able to continue to come and speak at Planning Committee.
<ul style="list-style-type: none">• Had not attended a Planning Committee meeting or used the scheme but certainly would if it was felt necessary.• Any involvement in the planning process was to be welcomed.• Parish Councillors were aware of the scheme and if they wanted to speak they would go to him as the Chair.
<ul style="list-style-type: none">• Winchcombe Town Council had used the scheme on a number of occasions and felt it was working well.• The scheme introduced democracy to the planning process and it was important that it continued.• 3 minutes was plenty of time for each speaker.

Appendix 4 – Representations received where no comment was needed

- Critical that public speaking was introduced – there had always been an expectation that there would be an opportunity to speak at Committee.
- Even if the result is not what they were hoping, speakers feel they have had a fair hearing.
- 3 minutes is the optimum time for speaking, any less and speakers would not be able to get their points across, any more and they risked losing the audience. If the slots were for 5 minutes people would feel they needed to speak for the full amount of time.
- Electronic clock works well and the beep is necessary to let speakers know when there is only one minute left.
- Sitting at eye level with Members and Officers is important – does not have the same effect when sat at the back of the room or in the gallery.
- Does not feel there is a problem with the current position of the speaker; although a couple of Members were sat with their backs to the speaker, they gestured to show that they were listening.
- A strong Chair is vital. If people are allowed to speak beyond 3 minutes there could be a perception that the process is unfair.
- Other authorities have an opportunity for Members to ask questions of the speakers but he recognised that it would be easy to lose control of the meeting if this was introduced.

- Had never attended a Planning Committee meeting and favoured written comments but understood others did like the opportunity to speak at meetings.
- Comments about information leaflet:
 - Who is allowed to speak? Reference to 'Ward' Councillor could be confusing, would suggest using 'Borough' Councillor.
 - 3 minutes per speaker – this should be at the discretion of the Committee as there would be certain cases where more time was required.
 - Saw potential difficulties with the first come –first served registration process. If someone had more knowledge and would do a better job, they should be the one to speak.
 - Whilst he realised that a 'Councillor' and a 'Member' were the same thing, other people might not so he suggested that this should be consistent throughout the document.
 - How are Parish/Town Councils involved? Not all Parish/Town Councils had offices where plans could be viewed.

Appendix 4 – Representations received where no comment was needed

- Had used the planning process around 6 times in the last 4 years; once with the scheme in place.
 - Very much in favour of being able to speak for 3 minutes.
 - Opportunity to rectify any errors in the Officer's report and focus Members' minds on a particular application which is especially important when schedules are so large.
 - Makes Planning Officers more accountable.
 - Hopes that the scheme continues.
 - 3 minute slot was long enough to be able to get his points across.
-
- Has served on Planning Committee for a total of 12 years in two different authorities both of which had public participation.
 - Found the involvement of Parish Councils invaluable.
 - Only Stratford-Upon-Avon allowed Members to ask questions of speakers. Slots were 3 minutes and were allocated to the Parish Council, an opponent and a supporter. Ward Members who were not Members of the Committee could also speak.
 - Ability to ask questions of speakers was extremely useful in terms of gaining clarification on points.
 - Members need to be warned not to ask leading questions and the Chair may need to intervene to stop this – believes that the benefit far outweighs the risk.
 - Public participation should lead to decisions on the best information available. May not be in line with the central government's wish for quick decisions but the interests of the residents and their communities demand the best information and the best decisions for the long term that can be achieved.

Consultee	Key Points Raised	Working Group Comments (if any)
<p>Borough Solicitor</p>	<ul style="list-style-type: none"> • Scheme appears to be working well – speakers keep to their time, keep to planning issues and don't try to become part of the debate. • Visual timing aid has enabled efficient time-keeping. • Appears to have been generally welcomed by Parish Councils and most have registered in advance as required. • Transparent forum for Parish Council to make verbal representations to the Committee. • Instances where problems occurred: <ul style="list-style-type: none"> - Parish Councillor not allowed to speak when they had failed to register as required – need to remind Parish/Town Councillors of the requirements? - Parish Councillor attended with the intention of presenting their own views, rather than those of the Parish Council. Registration had taken place as required but the Parish Councillor had assumed that the designated slot was an opportunity for any Parish/Town Councillor to give their views on an application within their Parish. In the circumstances, the Parish Councillor was not heard by the Committee. • Possible areas of clarification: <ul style="list-style-type: none"> - Public speaking scheme/leaflet has been interpreted that any Ward Councillors (that are not Planning Committee Members) wishing to speak have to register in the same way as any other speakers. So far this has not been challenged but they could possibly draw on Rule 48 in Section 1 Part I of Part 4 of the Constitution. - Deadline for registration is 10.00am on the day before the 	<p>Members felt that Ward Councillors that were not Planning Committee Members should be required to register to speak in the same way as other speakers. It was noted that the Constitution set out that a Councillor who was not a Member of the Committee may speak at a meeting of the Committee during the consideration of any item or Motion brought by the Councillor direct to the Committee or referred by the Council in accordance with Council Procedure Rules 13 and 14; with the agreement of the Chair of the meeting; or during the consideration of any matter specifically affecting that Councillor's Ward. Whilst this right could not be withdrawn completely, it could be reworded to make the Constitution more compatible with the scheme.</p> <p>It was considered that the issue in relation to the Parish Councillor not being allowed to speak could be avoided in future by ensuring that the scheme was more widely publicised.</p> <p>It was agreed that the scheme itself should be amended to refer to the deadline for registration being 10.00am on the "working day" before the meeting.</p> <p>It was noted that a number of people had commented on how well managed the Committee meetings had been and Members felt that this was largely due to the relevant information being available in advance so that a detailed briefing note could be produced for the Chair and Vice-Chair. This would not be possible if Tewkesbury Borough Council adopted the same procedure as Malvern District Council whereby the Parish Council did not have to register in advance.</p> <p>The Working Group felt that it would be considerably</p>

Consultee	Key Points Raised	Working Group Comments (if any)
	<p>meeting – the scheme refers to “the day” before the meeting whereas the information leaflet refers to “working day” – the latter should be inserted into the scheme also.</p> <ul style="list-style-type: none"> • Differences in known schemes operating in the area: <ul style="list-style-type: none"> - Malvern District Council – does not require any registration by Parish Councils. - Cheltenham Borough Council – does not require speakers to await the publication of the relevant Agenda before they can register their wish to speak on a particular application. They do have a dedicated Planning Committee Co-ordinator. Potentially too administratively burdensome for TBC to operate within its current Member Services resource. To date there have been no issues regarding this element of the procedure at TBC, apart from one instance when a prospective speaker had wished to register in advance due to being on holiday. - Locum Planning Solicitor experience elsewhere is that some authorities have a limit of 5 minutes speaking. This would potentially lengthen the process significantly without any obvious benefit to the decision making process or experience of the participants. • If more than one speaker wishes to register in a slot, we try to avoid encouraging sharing the slot, i.e. 1.5 minutes each, but if they cannot come to an agreement about one person taking on the views we would have difficulty refusing. If the situation arose we would manage it by having the speakers sat side by side with one immediately carrying on from the other once 1.5 minutes had passed. 	<p>more onerous for Member Services if registration could take place at any time, as was the case at Cheltenham Borough Council, and additional resources would be required if an amendment was made along those lines. It was noted that the onus was currently on the individual themselves to ensure that they registered to speak at the appropriate time and that was not something which Members wished to change.</p> <p>The issue of sharing slots had not arisen to date but sharing slots was not something which would be encouraged and no reference was made to it within the current scheme.</p>

Appendix 5 – Officer comments and Working Group response

Consultee	Key Points Raised	Working Group Comments (if any)
Development Manager	<ul style="list-style-type: none"> • Officers had originally been wary of the introduction of public speaking from an operational perspective but it had actually worked very well in practice. • A strong Chair is essential for the scheme to work properly. • Does raise a question about Parish/Town Council attendance on the Committee Site Visits but that would be considered under a separate review. • 3 minute slots are long enough. • Public speaking had not noticeably slowed the Planning Committee process. • Adds to the sense of openness and transparency. • Being able to engage in the planning process is particularly important to Parish/Town Councils. • Has led to a noticeable reduction in the amount of late paperwork received. • General feedback is that people are happy with the process and grateful for the opportunity. • No adverse comments from Planning Officers. 	<p>A separate review of the Protocol for Councillors and Officers Involved in the Planning Process, which included the Committee Site Visit procedure, would be undertaken in due course.</p>

Consultee	Key Points Raised	Working Group Comments (if any)
<p>Support Services Team Leader</p>	<ul style="list-style-type: none"> • Involved in the process from a customer point of view – advising that public speaking is available for use, explaining the process and pointing them in the direction of Democratic Services to register. • Scheme is promoted at the point of receipt of an application – applicants/agents are informed that if the application goes to Committee they will have a chance to register to speak. When the Schedule is published online, a letter is sent to the applicant/agent advising that it will be going to Committee and pointing them to the information leaflet on the website. • If someone sends in a letter of support or objection they would be advised that there was an opportunity to register to speak if the application went to Committee. • Very positive reaction - had previously been an expectation that TBC should have a scheme in place. • Good idea to advertise the scheme more widely e.g. in the Borough News. • Planning had recently gone through a systems review and part of that had involved changes to the acknowledgement letters for applicants/agents. Bullet points were being introduced to show the next steps of the application process and the scheme was something which could be included within that. • Some confusion over deadlines – deadline for registering to speak is 10.00am on the day before the meeting whereas the deadline for written representations is 5.00pm on the day before the meeting. 	<p>With regard to the confusion over the different deadlines for registering to speak and the submission of additional representations, it was noted that, as a matter of law, anything which was received before the start Planning Committee meeting needed to be put to Members; any representations received after 5.00pm on the day before the meeting were reported verbally at the meeting. Consideration was given as to whether the deadline for additional representations should be aligned with the deadline for registering to speak, however, there was currently some benefit in being able to advise people who had missed the deadline for registering to speak that there was still an opportunity to submit written representations. Extending the deadline for registering to speak beyond 10.00am would have an impact on the ability of Member Services to produce an up-to-date briefing note for the Chair in time for the meeting. Members understood the points which had been raised and felt that the deadlines should remain the same but that the distinction between the two needed to be made clearer.</p>

Appendix 5 – Officer comments and Working Group response

53

Consultee	Key Points Raised	Working Group Comments (if any)
Senior Planning Officer	<ul style="list-style-type: none"> • Public speaking does lengthen Committee meetings but not significantly. • Most people are well-prepared. • It had not resulted in unfair criticism of Officers which was a concern before the scheme was introduced. • 3 minutes is long enough for each speaker to get their points across, does not need to be longer, • Useful for speakers to raise any salient points arising from the Committee reports and not worry about them being lost amongst the late papers. • The fact that there are usually a number of speakers at each Committee suggests that the scheme is of value but it was not something which he was often asked about by applicants/agents. • There were sometimes situations where there were 2/3 applications for the same site and he did not see the value in speakers repeating the same points for each application. • Training for Officers would be useful. Not everyone understood the scheme in place or how it was administered. 	<p>Members felt that some training for Planning Officers would be beneficial. The key point was for Officers to recognise that the only way to register was by telephoning Democratic Services.</p> <p>In terms of having separate speaking slots for applications on the same site, it was recognised that there might be a legal issue if speakers were allowed for one site but not the other. It was possible that there could be a scenario where the applications had different recommendations or where there the salient points for each application were different.</p>

Appendix 5 – Officer comments and Working Group response

Consultee	Key Points Raised	Working Group Comments (if any)
<p>Member Services Officer</p>	<ul style="list-style-type: none"> • A few teething problems but now working well. • Speakers arrive in advance of the meeting and are ticked in and shown where to sit etc. If people are late and the meeting has commenced this can be a problem, particularly when the schedule is large as some people are unwilling to sit through the whole meeting if their item is towards the end. • Registration only starts once the Agenda for the meeting has been published and is by telephone call to Democratic Services only – we considered email but that could be a problem if it is not picked up e.g. if someone is on holiday or an email is received over the weekend etc. • Only one slot for Parish/Town Councils, one for objectors and one for supporters. If a second person calls to register in a slot which is already taken we would look to put them in touch with the registered speaker to see if they would incorporate the points the second person wished to make into their speech. This has not happened to date – tend to find that local residents have already spoken about it and nominated a speaker. • Have to obtain consent to pass on telephone numbers and that speakers are happy to be recorded at meetings. A few people have expressed concern about this but it is not something which we can control. • Once the deadline for registration has passed a briefing note is prepared for the Chair setting out the speakers for each application. 	<p>There was discussion as to whether it would be appropriate for Ward Councillors who were not Members of Planning Committee to be timed by the electronic clock. Rule of Procedure 16.7 states that, other than the mover of a motion or amendment, all other speeches may not exceed three minutes. However, the Rules of Procedure also allow the Chair a discretion to allow the speaker to continue for a specified time. Therefore, whilst it would not be inappropriate to sue the electronic clock as an aid to the Members, there would be an opportunity for a Member to be allowed to continue beyond this time.</p>

Appendix 5 – Officer comments and Working Group response

Consultee	Key Points Raised	Working Group Comments (if any)
	<ul style="list-style-type: none"> • The administration of the scheme has created additional work (approximately 1hr extra from point of publication of the Agenda and the meeting and an additional 30mins on the day of the meeting). In addition, full Minutes are now written for every application. • It would be significantly more work if we allowed people to register on any application as soon as it was valid, rather than waiting for the Agenda to be published. • It is helpful to know in advance if any Ward Councillors who are not Members of the Planning Committee would like to speak so they can be included on the Chair’s briefing note. • Concern that Planning Officers do not know the process for registration. 	

Agenda Item 14

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