

# TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Executive Committee held at the Council Offices,  
Gloucester Road, Tewkesbury on Wednesday, 8 June 2016 commencing at  
2:00 pm**

## **Present:**

Chair  
Vice Chair

Councillor R J E Vines  
Councillor D J Waters

## **and Councillors:**

R E Allen, Mrs K J Berry, R A Bird, D M M Davies, M Dean, Mrs E J MacTiernan and J R Mason

## **also present:**

Councillor T A Spencer

### **EX.1 ANNOUNCEMENTS**

- 1.1 The evacuation procedure, as set out on the Agenda, was taken as read.
- 1.2 The Chair welcomed Councillor T A Spencer to the meeting and advised that he was in attendance as an observer.

### **EX.2 DECLARATIONS OF INTEREST**

- 2.1 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.
- 2.2 The following declaration was made:

<b>Councillor</b>	<b>Application No./Item</b>	<b>Nature of Interest (where disclosed)</b>	<b>Declared Action in respect of Disclosure</b>
D J Waters	Item 10 – Request for Write-Off – Community Grant.	Is the Council's representative on the Board of Severn Vale Housing Society.	Would not speak or vote and would leave the meeting for the consideration of this item.

- 2.3 There were no further declarations made on this occasion.

### **EX.3 MINUTES**

- 3.1 The Minutes of the meeting held on 6 April 2016, copies of which had been circulated, were approved as a correct record and signed by the Chair.

**EX.4 ITEMS FROM MEMBERS OF THE PUBLIC**

4.1 There were no items from the public on this occasion.

**EX.5 EXECUTIVE COMMITTEE FORWARD PLAN**

5.1 Attention was drawn to the Committee's Forward Plan, circulated at Pages No. 11-14. Members were asked to consider the Plan.

5.2 Accordingly, it was

**RESOLVED:** That the Committee's Forward Plan be **NOTED**.

**EX.6 APPOINTMENT OF PORTFOLIO HOLDERS AND SUPPORT MEMBERS**

6.1 Attention was drawn to the document, attached to the Agenda at Page No. 15, which showed the Portfolio Holders and their Support Members for the forthcoming Municipal Year. Members were asked to confirm their appointment.

6.2 Accordingly, it was

**RESOLVED:** That the following Portfolio Holders and their Support Members be **CONFIRMED**:

Leader of the Council/Corporate Portfolio –  
Councillor R J E Vines.

Corporate Portfolio Support Member –  
Councillor Mrs G F Blackwell.

Customer Focus Portfolio –  
Councillor M Dean.

Customer Focus Support Member –  
Councillor Mrs H C McLain.

Organisational Development Portfolio Holder –  
Councillor Mrs E J MacTiernan.

Organisational Development Support Member –  
Councillor Mrs J Greening.

Finance and Asset Management Portfolio –  
Councillor D J Waters.

Finance and Asset Management Support Member –  
Councillor R Furolo.

Built Environment Portfolio Holder –  
Councillor D M M Davies.

Built Environment Support Member –  
Councillor R D East.

Clean and Green Environment Portfolio Holder –  
Councillor J R Mason.

Clean and Green Environment Support Member –  
Councillor M J Williams.

Community Portfolio Holder –  
Councillor Mrs K J Berry.

Community Support Member –  
 Councillor Mrs P E Stokes.  
 Economic Development/Promotion Portfolio Holder –  
 Councillor R A Bird.  
 Economic Development/Promotion Support Member –  
 Councillor P D Surman.  
 Health and Wellbeing Portfolio Holder –  
 Councillor R E Allen.  
 Health and Wellbeing Support Member –  
 Councillor T A Spencer.

**EX.7 FLOOD RISK MANAGEMENT GROUP TERMS OF REFERENCE AND ACTION PLAN**

- 7.1 The report of the Interim Environmental and Housing Services Group Manager, circulated at Pages No. 16-36, sought to review the Terms of Reference of the Flood Risk Management Group and the associated Action Plan. Members were asked to adopt the Terms of Reference and the Flood Risk Management Action Plan and to agree that the Action Plan be monitored by the Overview and Scrutiny Committee on an annual, rather than quarterly, basis.
- 7.2 The Deputy Chief Executive advised that the Overview and Scrutiny Committee had been monitoring the progress of the work of the Flood Risk Management Group and had considered the Terms of Reference, and associated Action Plan, at its meeting on 12 April 2016. The information considered by that Committee was now before the Executive Committee for authorisation. It was felt that the Flood Risk Management Group was a well-established Group that had been very successful during the time that it had been in operation.
- 7.3 At its meeting on 15 March 2016, the Flood Risk Management Group had made a recommendation to the Overview and Scrutiny Committee that it consider its Action Plan on an annual rather than quarterly basis as at present. Members of the Group felt that the current arrangement was inefficient as it met quarterly which meant that each of its meetings formed the basis of a report to the Overview and Scrutiny Committee; this issue was highlighted in the draft Terms of Reference and, if adopted, would be brought into force. The draft Terms of Reference also contained three small changes to clarify terminology and those were highlighted in bold.
- 7.4 During the brief discussion which ensued, a Member advised that he was happy with the amendments proposed but questioned whether the Group would also report by exception as necessary. The Deputy Chief Executive confirmed that this would be the case. Another Member referred to a problem with blocked drains in Winchcombe and he questioned whether this would be something that could be raised through the Group with the County Council. In response, the Chair of the Flood Risk Management Group indicated that this was the responsibility of County Highways and was not something that the Flood Risk Management Group would address. Officers would, however, be able to raise the concerns through the Council's Flood Risk Management Engineer and via a letter from herself as Chair of the Group.

7.5 Accordingly, it was

- RESOLVED:**
1. That the Terms of Reference and Flood Risk Management Group Action Plan be **ADOPTED** for the next 12 months.
  2. That the Flood Risk Management Group Action Plan progress be **MONITORED** by the Overview and Scrutiny Committee on an annual basis.

**EX.8 SPRING GARDENS AND OLDBURY ROAD REGENERATION MEMBER REFERENCE GROUP - TERMS OF REFERENCE**

8.1 The report of the Finance and Asset Management Group Manager, circulated at Pages No. 37-40, asked Members to approve the revised Terms of Reference of the Spring Gardens and Oldbury Road Regeneration Member Reference Group following comments made by Council at its meeting on 19 April 2016 and in accordance with the wishes of the Group.

8.2 Members were advised that, at the meeting of the Executive Committee on 6 April 2016, the establishment of a Member Reference Group to oversee the regeneration of the Spring Gardens and Oldbury Road area had been approved. This had included the approval of the suggested Terms of Reference and composition of the Group. Further discussion on the matter had been undertaken at Council on 19 April and some amendments, including increasing the Membership of the Group, had been suggested. As agreed at Council, those matters had been discussed at the first meeting of the Member Reference Group and subsequently the amendments were now proposed to the Executive Committee for approval.

8.3 The changes recommended were that the Membership of the Group be increased from seven Members to 10 Members; and that point 3(b) of the Terms of Reference be amended to read 'to act as a critical friend and sounding board for issues emerging'. Members felt that the suggestions seemed sensible and accordingly, it was

- RESOLVED:** That the revised Terms of Reference for the Spring Gardens and Oldbury Road Regeneration Member Reference Group be **APPROVED** as contained in Appendix A to the report.

**EX.9 REQUEST FOR WRITE-OFF - COMMUNITY GRANT**

9.1 The report of the Deputy Chief Executive, circulated at Pages No. 41-45, set out the details of a community grant previously provided to the Prior's Park Neighbourhood Project to convert 101-105 Queen's Road, Tewkesbury into a community centre within which to deliver a range of community facilities. The freeholder of the property was Severn Vale Housing Society and at the time of the grant award a full charge had been levied on the property for the grant, thus making Severn Vale Housing Society responsible for any repayment. Subsequent events had meant that Severn Vale Housing Society had asked the Prior's Park Neighbourhood Project to leave the property and there was thus a need for the grant to be repaid. Since the grant award Members had made two amendments to grant the conditions applicable to community grants which affected the repayment amounts; those reduced the length of time a grant would need to be repaid over and allowed for a reasonable depreciation to be taken into account. The grant for 101-105 Queens Road was not subject to those amended conditions. Members were asked to consider applying those changes to the sum owed and to agree to write-off a sum, not exceeding £34,931, which was due under the legal charge by

Severn Vale Housing Society on the property. This would be conditional upon the sum of £38,715.69 being first received; and subject to receipt of the sum of £38,715.69, to authorise the Borough Solicitor to release the legal charge upon 101-105 Queen's Road, Tewkesbury.

- 9.2 The Deputy Chief Executive explained that, in April 2010, the Borough Council's capital grant programme had awarded a grant of £106,356 to Prior's Park Neighbourhood Project for works to 101-105 Queen's Road which included conversion of an existing retail unit into a suitable space for community use. Clear objectives had been placed on the award of the grant which included the provision of community and family based information facilities; accommodation for training programmes for 16-25 year olds; facilities for meetings of a residents' panel; and facilities for children's clubs and groups. Only £73,646.69 of the award was utilised to carry out the necessary alterations and the four key outcomes had been delivered to support enhanced community facilities in the neighbourhood. As the property in question was only leased by the Prior's Park Neighbourhood Project, the Council, in accordance with its grant procedures, had placed a charge for the full amount of the grant onto the lease. In 2015, Severn Vale Housing Society had reviewed its assets and, as part of that review, had ceased its arrangement with Prior's Park Neighbourhood Project and agreed to work with them to move the services provided to another building which was owned by Prior's Park Neighbourhood Project; Severn Vale Housing Society, as the freeholder, was therefore required to repay the unused grant. The Council's cooperation was required in order for Severn Vale Housing Society to be able to clear the charge from the Society's freehold title.
- 9.3 In 2011, the Council had carried out a review of the conditions applied under the community grants scheme and had introduced a number of changes in the process of clawing back allocated grants. Prior to that, the capital grant conditions did not allow for any tapering of the clawback over time and calculated the repayment in full of any grant for the whole 21 years subsequent to an award. Members determined that those conditions were unreasonable and amended them to better account for the true cost of the works and the extent of community benefit. In 2015, Members had also agreed to reduce the term over which repayment was required and had reduced the overall period from 21 to 10 years.
- 9.4 In conclusion, Members were advised that the award of the capital grant in 2010 had been effectively utilised to provide much needed community space to support local activities which had benefited the lives of people living in Prior's Park. Five years after the award of the grant, unforeseen circumstances had meant the property had been returned to the owner and another local community space was being used to maintain the work. As such a proportion of the original grant was due to be repaid to the Borough Council and, taking into account the subsequent review of grant conditions, it was recommended that depreciation and the new length of repayment amendments were applied to the debt. Members were asked if they wished to determine if they wanted to apply those conditions retrospectively.
- 9.5 During the discussion which ensued, a Member questioned who the grant had been given to originally and, in response, the Deputy Chief Executive confirmed that the grant had been given to Prior's Park Neighbourhood Project but Severn Vale Housing Society had signed the charge on the grant on the basis that it was the freeholder of the building. This meant there were no implications for Prior's Park Neighbourhood Project; there seemed to have been a lack of understanding about the issue on the part of Severn Vale Housing Society for which some apology had been made but the management team did not understand the situation. The Borough Solicitor confirmed that the Council was entitled to ask for the return of the full amount but the report recognised that there had been a change in grant conditions and asked Members to use their discretion to approve that. In addition, the Deputy Chief Executive advised that, until the charge was

released, Severn Vale Housing Society was unable to let the property due to the charge and, as they had a willing tenant, there was a need to resolve the situation.

- 9.6 Generally Members were of the view that, as the money which was due would go back into the grants pot, it should be reclaimed so that it could be used for the benefit of the community as there were undoubtedly plenty of projects within the Borough that could use it. They were concerned about writing off such a large sum of taxpayers' money without a good reason. It was also felt that there was a wider discussion to be had about affordable housing within the Borough and it was suggested that this should be an Agenda item for a future meeting.
- 9.7 The Chief Executive indicated that, for a number of months, the new management team at Severn Vale had been trying to change the way they did things and part of that was changing the way they dealt with the Borough Council. Officers had indicated that they would like to have a more constructive relationship with them and it was hoped that this would continue to develop; it was felt that, in this instance, there was a balance to weigh up between the importance of partnership working and of reclaiming funding. Members expressed the view that they wanted to maintain a positive and constructive relationship with Severn Vale Housing Society.
- 9.8 A Member proposed, and it was seconded, that the Committee did not accept the recommendation from Officers and instead enforced the original agreement. Upon being put to the vote the motion was carried and, accordingly, it was

**RESOLVED:** That no remission be made in respect of the sum due under the legal charge on the property at 101-105 Queens Road, Tewkesbury.

#### **EX.10 REVISIONS TO THE REDUNDANCY AND REDEPLOYMENT POLICY**

- 10.1 The report of the Corporate Services Group Manager, circulated at Pages No. 46-65, asked Members to agree changes to the Council's Redundancy and Redeployment Policy to reduce the multiplier from 2.2 to 1 whilst continuing to calculate the redundancy payment on an employee's actual pay.
- 10.2 In introducing the report, the Corporate Services Group Manager explained that local authorities had the discretion to make certain payments over and above the statutory redundancy payment scheme. However, in light of the current economic climate and the Council's budget, the discretionary elements of the Redundancy and Redeployment Scheme had been reviewed. The Council currently paid an enhanced payment to employees which was calculated on actual pay with a multiplier of 2.2 using the statutory redundancy table based on age and length of service; this provided for a maximum of 66 weeks' pay. The proposal was to remove the multiplier and to provide for a maximum of 30 weeks' pay. Members were advised that the proposed policy had been formulated to ensure fairness and consistency in the treatment of employees regardless of age whilst at the same time facilitating the changes required by the authority.
- 10.3 The Committee was advised that the Trade Unions had been consulted on the proposed changes to the Policy and their response was set out at Paragraph 9.1 of the report. They accepted that the change was necessary but wanted a phased implementation of the changes; this was not felt to be equitable.
- 10.4 In response to a query, the Corporate Services Group Manager provided the

example that a Group Manager at 60 years old could receive £14,730 via the statutory scheme; £61,692 with the 2.2 multiplier; and £28,473 under the amended policy with a multiplier of 1. It was also confirmed that, if approved, the changes would be introduced from 1 July 2016. A Member indicated that the Council would soon be undertaking a staffing review and she questioned whether there were Officers that would need to use the Policy during that review. In response, the Chief Executive explained that eligibility for redundancy would depend on circumstances; if someone resigned but their post remained then they would not be eligible for redundancy as it was the post that was made redundant. It had been three years since the last major review of the Council's staffing structure and the next review would most likely be a minor one. One Member expressed the view that to offer a maximum of 20 years redundancy could be seen as ageism as there were members of staff that would be entitled to far more than 20 years. In response, the Human Resources Adviser explained that the statutory table was based on age and years service but could only be applied to a maximum of 20 years service; there was, therefore, nothing that the Council could do to change its calculation in that regard.

10.5 Having considered the information provided, it was

**RESOLVED:** That the amendments to the Redundancy and Redeployment Policy be **APPROVED**, with effect from 1 July 2016, with payments continuing to be calculated on an employee's actual weekly pay and the multiplier being reduced from 2.2 to 1.

#### **EX.11 SEPARATE BUSINESS**

11.1 The Chair proposed, and it was

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

#### **EX.12 SEPARATE MINUTES**

12.1 The separate Minutes of the meeting held on 6 April 2016, copies of which had been circulated, were approved as a correct record and signed by the Chair.

The meeting closed at 3:20 pm