


22 August 2016

Committee	Executive
Date	Wednesday, 31 August 2016
Time of Meeting	2:00 pm
Venue	Committee Room 1

ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND



**for Sara J Freckleton
Borough Solicitor**

Agenda

1. ANNOUNCEMENTS

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. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

To receive apologies for absence and advise of any substitutions.



	Item	Page(s)
3.	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.	
4.	MINUTES	1 - 7
	To approve the Minutes of the meeting held on 13 July 2016.	
5.	ITEMS FROM MEMBERS OF THE PUBLIC	
	To receive any questions, deputations or petitions submitted under Rule of Procedure 12.	
	<i>(The deadline for public participation submissions for this meeting is 24 August 2016).</i>	
6.	EXECUTIVE COMMITTEE FORWARD PLAN	8 - 12
	To consider the Committee's Forward Plan.	
7.	FINANCIAL UPDATE - QUARTER ONE PERFORMANCE	13 - 20
	To consider and scrutinise the Council's financial performance information for the first quarter of 2016/17.	
8.	CEMETERY PROVISION IN TEWKESBURY TOWN	21 - 25
	To agree a solution for the provision of cemetery facilities within Tewkesbury town.	
9.	DESIGNATION OF NEIGHBOURHOOD PLAN AREAS: THE LEIGH AND STOKE ORCHARD & TREDINGTON	26 - 32
	To consider the designation of two Neighbourhood Plan Areas covering the Parishes of The Leigh; and Stoke Orchard and Tredington combined.	
10.	STREET NAMING AND NUMBERING	To Follow
	To consider aligning the Street Naming and Numbering charging system between Tewkesbury and Cheltenham Borough Councils and to make recommendations to Council to achieve this.	
11.	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.	

Item	Page(s)
12. SEPARATE MINUTES	33 - 35
To approve the separate Minutes of the meeting of the Committee held on 13 July 2016.	
13. SENIOR MANAGEMENT REVIEW	36 - 56
<i>(Exempt –Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 – Information relating to any individual)</i>	
To consider and make a recommendation to Council on the proposals for a senior management restructure.	

DATE OF NEXT MEETING
WEDNESDAY, 12 OCTOBER 2016
COUNCILLORS CONSTITUTING COMMITTEE
 Councillors: R E Allen, Mrs K J Berry, R A Bird, D M M Davies, M Dean, Mrs E J MacTiernan, J R Mason, R J E Vines (Chair) and D J Waters (Vice-Chair)

Substitution Arrangements

The Council has a substitution procedure and any substitutions will be announced at the beginning of the meeting.

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 Chairman 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 Executive Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Wednesday, 13 July 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 P W Awford

EX.13 ANNOUNCEMENTS

- 13.1 The evacuation procedure, as set out on the Agenda, was taken as read.
- 13.2 The Chair welcomed Councillor P W Awford to the meeting and advised that he was in attendance as Chair of the Overview and Scrutiny Committee for Item 7 – Performance Management Report – Quarter Four 2015/16.

EX.14 DECLARATIONS OF INTEREST

- 14.1 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.
- 14.2 There were no declarations of interest made on this occasion.

EX.15 MINUTES

- 15.1 The Minutes of the meeting held on 8 June 2016, copies of which had been circulated, were approved as a correct record and signed by the Chair.

EX.16 ITEMS FROM MEMBERS OF THE PUBLIC

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

EX.17 EXECUTIVE COMMITTEE FORWARD PLAN

- 17.1 Attention was drawn to the Committee's Forward Plan, circulated at Pages No. 8-11. Members were asked to consider the Plan.

17.2 Referring to the Respect at Work Policy which was due to be considered at the next meeting, a Member questioned whether this could be extended to include Members. In response, she was advised that employment policies generally covered the workforce rather than Members. There were other Protocols that covered Member behaviour such as the Code of Conduct and the Protocol for Member/Officer Relations.

17.3 Accordingly, it was

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

EX.18 PERFORMANCE MANAGEMENT REPORT - QUARTER FOUR 2015/16

18.1 The report of the Corporate Services Group Manager, circulated at Pages No. 12-64, asked Members to review and, if appropriate, take action on the observations of the Overview and Scrutiny Committee following its review of the 2015/16 quarter four performance management information.

18.2 Attention was drawn to the observations made by the Overview and Scrutiny Committee, attached to the report at Appendix 1; the Council Plan Performance Tracker, attached at Appendix 2; the Key Performance Indicator Set, attached at Appendix 3; the Revenue and Budget Summary Statement, attached at Appendix 4; the Capital Monitoring Statement, attached at Appendix 5; and the Revenues Position Summary which was attached to the report at Appendix 6.

18.3 The Overview and Scrutiny Committee Chair explained that this had been the last monitoring report of the Council Plan 2012-2016 and it had shown significant achievements over the last four years. Assurance had been given to Members that, although a number of the actions within the old Council Plan did not feature within the new Plan, they would still be monitored by Members in some form. Regarding the monitoring of the new Council Plan, the Overview and Scrutiny Committee had been assured that Officers were working on the new Performance Tracker. The Chair indicated that his Committee had found the Performance Tracker to be a useful tool in understanding the breadth of actions being delivered within the Plan and then to provide challenge where necessary. In terms of information specific to quarter four, Members had noted the actions that had progressed well such as those that would be of benefit to customers like the new Customer Care Strategy, the new complaints framework, approval of the Digital Strategy, handover of the leisure centre, agreement of project work for Tewkesbury Town regeneration, approval of the Community Infrastructure Levy draft charging schedule and the impact of the new Community Funding Officer. The Overview and Scrutiny Committee had been realistic and understood that, given the complexity and range of services, some actions may not progress as quickly as expected and the performance report presented had provided exceptions analysis of those. The majority had been reported and explained previously, i.e. rental of top floor, progression of Joint Core Strategy and Tewkesbury Borough Plan, recycling rate and Workforce Development Strategy. Members had noted that the roll out of the Place Programme had yet to be fully established but the Chair understood that the dates of the meetings had now been set. Members of the Overview and Scrutiny Committee who sat in the east area had spoken positively about their experience which was good news. In terms of planning performance, this had only briefly been discussed as the Committee was scheduled to have a presentation at its next meeting on the planning service review. Members had, however, acknowledged the pressures that the planning team was currently working under. With regards to the financial information presented, the Chair explained that this would now be reported to the Executive Committee directly.

This would ensure Members had the financial data promptly so as to aid the decision-making process but the Overview and Scrutiny Committee would still retain authority to scrutinise the information if the need arose. The Chair indicated that Ann Reeder, Frontline Consulting, had attended the last meeting of the Overview and Scrutiny Committee and had provided critique on its effectiveness. She was very diplomatic in her feedback and had identified some good strengths of the Committee as well as some weaknesses; her final report was awaited which would include her recommended areas for improvement. As Chair of Overview and Scrutiny, he had been encouraged by the attendance of Executive Members at the meeting; Councillor Allen had attended to support the item on Health and Wellbeing and Councillor MacTiernan because she oversaw scrutiny as part of her portfolio responsibilities. She had been impressed with the coverage of work of the Overview and Scrutiny Committee. The Chair looked forward to the future development of the Committee and he knew Officers had more training in the pipeline which would ensure it continued to add value. As the role of Overview and Scrutiny was to scrutinise and act as a 'critical friend' to the Executive Committee, he intended to reduce the lengthy presentations that the Committee had received to date and to focus more on questioning; as Chair he used his Agenda briefings to ensure this remained the case.

- 18.4 A Member expressed some concern that the Overview and Scrutiny Committee had not commented on flytipping which was an increasing problem within the Borough. She was of the view that a question should be raised about the possibility of stopping the charge that was currently placed on vans to use the recycling centre. The Member understood that a lot of people took their waste home and burned it as they did not want to pay the gate fee but there were others who would be less responsible and just left it on the side of roads etc. She questioned how cost effective the gate fee was in comparison to what the Council had to pay to clear up fly tipped waste, not to mention the reputational issues suffered from residents' poor perception of the Council. The Member suggested that a pilot of not charging for vans to use the recycling centres could be a good way forward. In response, the Overview and Scrutiny Chair reassured Members that flytipping, and enviro-crimes in general, did feature heavily at the Committee; in fact it was receiving a report at its next meeting on the subject. The Deputy Chief Executive indicated that flytipping was a problem in the Borough but it was also a national trend and work was being done to try and address it. She felt that the suspension of the gate fee could be a good experiment; however, the recycling centre was a County Council service so it was not within the Borough Council's gift to change the fees. Officers were looking at a project with the County Council to try and address the issues faced and the idea of an amnesty on gate fees for tradespeople could be explored as part of that project. In addition, the Lead Member explained that the recycling centres looked to recycle as much as they could and to do that they had a workforce which they needed to pay for. He also noted that flytipping was a national blight on the landscape which cost local authorities a considerable amount of money. He did, therefore, concede that funding needed to be gained from somewhere in order to make the service work. In terms of the Borough, Sandhurst was a blackspot and Officers were working to try and address this. The Lead Member was of the view that convictions would be the best deterrent; however, it took time to assemble the evidence needed to take legal action. In terms of costs, a Member noted that the report which was to be considered by the Overview and Scrutiny Committee at its next meeting stated that the clear up costs for flytipping had been around £30,000 per year for the last three years. In respect of the solution to the problem, she was unsure what would be most effective but she did feel the approach of prosecuting offenders seemed like it could work well. Some Members expressed the view that it was illogical and nonsensical that a householder could take their rubbish for disposal for free whilst a tradesperson, taking the same rubbish, would have to pay. The Deputy Chief Executive indicated that there was a cost to the disposal of waste and many tradespeople would build

that cost into their charges and then dispose of it appropriately; if the service was free to everyone this could lead to an increase in the amount of waste being brought to the site therefore increasing the costs to the County Council. The Lead Member indicated that he was happy to take Members' comments to the next meeting of the Joint Waste Committee, however it needed to be understood that, whatever solution was agreed, there had to be a balance between stopping flytipping and finding an economic way forward.

- 18.5 Referring to Page No. 24 of the report, a Member expressed concern that the Council was not achieving its savings targets. Referring to the increased number of claimant errors in terms of revenues and benefits, the Deputy Chief Executive explained that the non-achievement of the target was about claimant error and there was a national push to make improvements in this regard. The current system was not designed to accommodate the degree of change in the employment circumstances of claimants that was currently seen. Officers were doing their best to address this but the labour market was very fluid so claims had to be updated very frequently. The time it took to process new claims was much improved, the problem came when the claim was live and it was up to the claimant to inform the Council of changes. Members felt that it was important to recognise the continued improvements in the revenues and benefits section and the Chair advised that the Overview and Scrutiny Committee had continued to do this.
- 18.6 In terms of Page No. 31, (d) Work with the newly formed Tewkesbury Regeneration Partnership to progress the regeneration of Tewkesbury Town, a Member asked that as much information as possible be fed through from the Borough Council to that meeting. He felt that an open and transparent way of working meant there was much less suspicion between the Town and Borough Councils allowing them to work together much more easily. The Member was assured that as much information as possible was shared but there were times when commercial sensitivities had to be taken into account. Communication was the key and it was understood by all involved that this needed to be handled carefully.
- 18.7 The Executive Committee Chair thanked the Overview and Scrutiny Committee for its work and, accordingly, it was

RESOLVED: That the Overview and Scrutiny Committee's comments on the Performance Management Report for Quarter Four of 2015/16 be **NOTED**.

EX.19 FINANCIAL OUTTURN REPORT INCLUDING CAPITAL FINANCING AND EARMARKED RESERVES 2015/16

- 19.1 The report of the Finance and Asset Management Group Manager, circulated at Pages No. 65-90, highlighted the Council's financial performance for the previous year and asked Members to consider the general fund outturn for 2015/16, the financing of the capital programme and the annual treasury management report and performance as well as to approve the transfers to and from earmarked reserves.
- 19.2 The Finance and Asset Management Group Manager explained that the report represented the final financial position for 2015/16 and included five parts: the general fund and revenue outturn; the Council reserves; the capital programme; treasury management; and performance indicators.

- 19.3 The general fund showed a substantial surplus of just over £1.5 million, the main reasons for which were: the employees' full year budget being overspent - largely as a result of bringing in additional staff to meet service needs and to fulfil the requirements of grant funding received, however, the overspend was offset by additional income from the sale of services and grant funding; premises being underspent for the year as a result of the release of a provision relating to leased assets – the provision had previously been set aside to meet expected requirements but had not been needed during the year and had now been released; supplies and services being overspent in relation to the expenditure associated with central government grants received – this was unbudgeted but corresponding additional income had been received to finance the expenditure. Extra expenditure had been incurred in service areas such as burial services where additional income was generated; transfer payments relating to the Council's activities with regards to the administration of housing benefit on behalf of central government; income targets exceeding expectations during the year – the primary area of additional income was development management where total income exceeded the target by over £1.58 million. This position had been boosted by the receipt of external grant funding totalling £0.918 million but strong income in planning fees, both plan submissions and pre-planning advice had supported the outturn position. Alongside that other income targets had exceeded expectation, in particular trade waste, garden waste and licensing – the overall position for income had been reduced to a £976,000 surplus by the need to reclaim less from central government for housing benefit expenditure incurred. Members were advised that the full detail was available at Appendix A to the report and was set out on a group by group basis with explanations for significant variances and the contact details of the lead Officers should Members have any specific questions/queries.
- 19.4 Referring to the losses reported in respect of the retained business rates scheme, Members were advised that this had resulted in the need for safety net payments, largely due to the Virgin Media appeals, but there had also been a number of other appeals and valuation adjustments that had reduced the Council's rates retention. Along with this, there had been an increase in the amount of void properties during the year and it had also been necessary to write-off a number of historic debts. As a result of the ongoing risk associated with Virgin Media, the Council had withdrawn from the Gloucestershire Pool for 2016/17; this would protect Gloucestershire residents from the costs of further losses. It was noted that, overall, the Council had benefited from a healthy financial performance in 2015/16 with costs being controlled, significant extra income from fees and charges and additional one-off grants from various bodies being received. The setting of the 2016/17 budget had included an increase in income targets to the levels seen in 2015/16 in order to assist the Council with the deficit in financing it faced. This meant the Council would again require strong income streams and control over expenditure in order to meet the set budget.
- 19.5 Members were advised that a breakdown of the Council's reserves as at 31 March 2016 was shown at Appendix B to the report. There had been a net movement in year of around £32,000 and the Appendix showed the significant movements along with explanations. The reserves were grouped under strategic headings so as to provide a better understanding of the actual intended use of the monies set aside. The total revenue reserves of the Council stood at £9.84 million at the end of March and included earmarked reserves, planning obligations and the general fund working balance. Despite gross expenditure totalling £1.29 million during 2015/16, the reserve balances had seen a net decrease of only £732,000 during the year; there were a number of reasons for this including the surplus on the general fund and the unspent new homes bonus monies being carried forward. In terms of the capital programme, Appendix C summarised the programme together with the sources of finance used. Members were advised that the Council had committed to

a substantial capital programme in the last few years and this was highlighted in the level of capital expenditure incurred in 2015/16 on items including the new leisure centre and maintenance and improvements to the Council's asset portfolio. The balance on the capital reserve had reduced to £5.68 million as at 31 March 2016 with commitments totalling £11.9 million over the next three years. The Council's investment programme, which included the purchase of a vehicle fleet, the regeneration of Tewkesbury Town and the purchase of an investment property, would require the Council to borrow monies from both internal and external sources.

- 19.6 In terms of treasury management, Members were referred to Appendix D which set out the treasury report. This was a requirement of the CIPFA Code of Practice on Treasury Management in Public Services which the Council had previously adopted. One of the requirements of that Code was the receipt by Members of an annual review report after the end of the financial year. The prudential indicators had been monitored regularly and there were no material departures from the indicators arising during the year. The in-year performance of investments resulted in an average return of 0.82% and total income of £116,500; this was £71,500 below target for the year and reflected the reduced investment portfolio which was available to the Council following the refunds issued to Virgin Media. This was expected and an earmarked reserve had been included in the accounts to equalise the investment returns budget; that reserve had not been required in full which represented a good performance from Treasury Officers under the circumstances. In respect of performance indicators, the Financial Services Section had two: percentage of creditor payments paid within 30 days of receipt; and outstanding sundry debt in excess of 12 months old. The Finance and Asset Management Group Manager advised that he was pleased to report a further performance improvement in the speed of invoice payments which appeared to reflect the service improvements made and the efficient working of the staff involved. The sundry debt position had fallen by over £5,000 across the financial year, although it was disappointing that the position had worsened during the second half of the year. The situation with outstanding sundry debt was the result of one individual debtor who had now paid off the majority of the arrears and had a payment plan in place for the balance.
- 19.7 Referring to Paragraph 2.11 of the report, a Member offered his congratulations to the teams that had produced a surplus through their income streams. Another Member indicated that the Council seemed to live in hope of the interest rates rising and he felt it might now be time to forget about interest rates and concentrate on what it did have available. In response, the Finance and Asset Management Group Manager explained that, as the Council's balances were now quite minimal, its investment balances were limited to its income. Officers did try to maximise this but it was considered more important to ensure the Council's liquidity going forward. In terms of the possibility of the interest rates going down, this would have a minimal impact on the Council due to the fact that its balances were low. A Member questioned whether Officers had any early indications about the usage of the new leisure centre and, in response, the Finance and Asset Management Group Manager advised that he did not have exact figures at this stage but the feedback was that the centre was going well and the membership numbers had exceeded the expectations of the operator in the first couple of months. Another Member advised that this was in line with the feedback that she had received which indicated that the target for the number of new members for September had been increased and Places for People felt this would be achievable. In terms of the income received from the centre by the Council, the Finance and Asset Management Group Manager indicated that the annual contract sum was index linked and, in addition, the Council got 45% of the profit share so, if the centre did well, so did the Council.

19.8 In response to a query about the financing of the Neighbourhood Plan process, Members were advised that government money was available to help fund the process. Accordingly, it was

- RESOLVED:**
1. That the general fund outturn for 2015/16, the financing of the capital programme and the annual treasury management report and performance be **NOTED**.
 2. That the transfers to and from earmarked reserves be **APPROVED**.

EX.20 SEPARATE BUSINESS

20.1 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.21 SALE OF LAND AT EVESHAM ROAD, 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))

21.1 Members considered a report which discussed the sale of land at Evesham Road, Bishop's Cleeve. The Committee delegated authority to the Finance and Asset Management Group Manager, in consultation with local Bishop's Cleeve Members and the Lead Member for Finance and Asset Management, to negotiate that disposal.

The meeting closed at 3:35 pm

EXECUTIVE COMMITTEE FORWARD PLAN

AUGUST 2016 TO FEBRUARY 2017 (No meeting in September or December)

REGULAR ITEM:

- **Forward Plan – to note the forthcoming items.**

Addition to 31 August 2016

- Designation of Neighbourhood Plan Areas: The Leigh and Stoke Orchard & Tredington.
- Street Naming and Numbering.

Committee Date: 12 October 2016

Agenda Item	Overview of Agenda Item	Lead Officer	Has agenda item previously been deferred? Details and date of deferment required
Medium Term Financial Strategy (MTFS) (Annual).	To recommend to Council the adoption of the five year MTFS which describes the financial environment the Council is operating in and the pressures it will face in delivering its services and a balanced budget over the period.	Simon Dix, Finance and Asset Management Group Manager.	No.
Performance Management Report – Quarter 1 2016/17 (Annual).	To receive and respond to the findings of the Overview and Scrutiny Committee's review of the quarter one performance management information.	Graeme Simpson, Corporate Services Group Manager.	No.
Policy for the Localism Agenda on Revenues and Benefits.	To consider a new discretionary relief for business rates under the Localism Agenda.	Richard Horton, Revenues and Benefits Group Manager.	Yes – Deferred until further information is received from the Government.

∞

Agenda Item 6

Committee Date: 12 October 2016			
Agenda Item	Overview of Agenda Item	Lead Officer	Has agenda item previously been deferred? Details and date of deferment required
Review of Procurement Strategy.	To approve the Procurement Strategy.	Simon Dix, Finance and Asset Management Group Manager.	No.
Whistleblowing Policy.	To approve the Council's Whistleblowing Policy.	Graeme Simpson, Corporate Services Group Manager.	No.
Recruitment of Environmental Warden.	To consider the recruitment of an Environmental Warden.	Richard Kirk, Interim Environmental and Housing Services Group Manager.	Yes – Brought forward from November.
Anti-Fraud and Corruption Policy.	To approve the Anti-Fraud and Corruption Policy.	Simon Dix, Finance and Asset Management Group Manager.	No.
Respect at Work.	To agree the amendments to the current Anti-Bullying and Harassment Policy (renamed to Respect at Work Policy) to take effect from 1 September 2016.	Graeme Simpson, Corporate Services Group Manager.	Yes – Deferred from August to allow time for further work to be undertaken.
Free Christmas Parking	To approve a change to the free Christmas parking from the last Saturday in the month to the first to coincide with 'Small Business Saturday'.	Julie Wood, Development Services Group Manager.	No.

6

Committee Date: 23 November 2016

Agenda Item	Overview of Agenda Item	Lead Officer	Has agenda item previously been deferred? Details and date of deferment required
Financial Update – Quarter 2 Performance (Annual).	To consider the quarterly budget position.	Simon Dix, Finance and Asset Management Group Manager.	No.
Recruitment of Environmental Warden.	To consider the recruitment of an Environmental Warden.	Richard Kirk, Interim Environmental and Housing Services Group Manager.	Yes – taken to October meeting instead.
Review of Safeguarding Children Policy.	To consider and review the Safeguarding Policy.	Richard Kirk, Interim Environmental and Housing Services Group Manager.	No.
Homeless Strategy.	To consider the draft Homeless Strategy 2016–21. This Strategy will be progressed in advance of the overarching Housing Strategy to comply with statutory obligations.	Richard Kirk, Interim Environmental and Housing Services Group Manager.	Removed from the Forward Plan – will be considered as part of the Housing Strategy and will go to Council in January 2017.
Fee Charging Strategy.	To consider and agree a Fee Charging Strategy for the Council.	Simon Dix, Finance and Asset Management Group Manager.	No.

10

Committee Date: 4 January 2017			
Agenda Item	Overview of Agenda Item	Lead Officer	Has agenda item previously been deferred? Details and date of deferment required
Performance Management Report – Quarter 2 2016/17 (Annual).	To receive and respond to the findings of the Overview and Scrutiny Committee's review of the quarter one performance management information.	Graeme Simpson, Corporate Services Group Manager.	No.
Housing Strategy.	To approve the Housing Strategy.	Richard Kirk, Interim Environmental and Housing Services Group Manager.	Removed from the Forward Plan – will be considered by Council in January 2017.
Tree Management Policy.	To approve the Tree Management Policy.	Andy Noble, Asset Manager.	No.

11

Committee Date: 1 February 2017			
Agenda Item	Overview of Agenda Item	Lead Officer	Has agenda item previously been deferred? Details and date of deferment required
Budget 2017/18 (Annual).	To recommend a budget for 2017/18 to Council.	Simon Dix, Finance and Asset Management Group Manager.	No.
Treasury Management Strategy (Annual).	To approve the Treasury Management Strategy.	Simon Dix, Finance and Asset Management Group Manager.	No.
Financial Update – Quarter 3 Performance (Annual).	To consider the quarterly budget position.	Simon Dix, Finance and Asset Management Group Manager.	No.

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	31 August 2016
Subject:	Financial Update – Quarter One Performance
Report of:	Simon Dix, Finance and Asset Management Group Manager
Corporate Lead:	Rachel North, Deputy Chief Executive
Lead Member:	Councillor D J Waters
Number of Appendices:	Three

Executive Summary:

The budget for 2016/17 was approved by Council in February 2016 with the reserves being approved at Executive Committee in July 2016. This report is the first quarterly monitoring report of the Council's financial performance for the financial year.

The report highlights a quarter 1 surplus of £58,653 on the revenue budget and details the expenditure to date against both the capital programme and the approved reserves.

Recommendation:

That the Executive Committee scrutinises the financial performance information for the first quarter 2016/17.

Reasons for Recommendation:

The Executive Committee is responsible for recommending the budget to Council and for the management and delivery of the approved budget during the financial year.

The quarterly financial report is to notify Members of any known significant variations to budgets for the current financial year, highlight any key issues and to inform Members of any corrective action to be taken if required.

Resource Implications:

As detailed within the report. No additional resource implications identified as a result of the reported budget position as at the end of June 2016.

Legal Implications:

None associated with the report.

Risk Management Implications:

The financial performance of the Council is monitored on a monthly basis and reported to Members quarterly.

Performance Management Follow-up:

Budgets will continue to be monitored on a regular basis by budget holders supported by finance. Further finance reports will update the Committee on a quarterly basis, with the outturn position reported to the Committee in July of the following year.

Environmental Implications:

None.

1.0 INTRODUCTION/BACKGROUND

1.1 This report provides the first monitoring position statement for the financial year 2016/17. The purpose of this report is to notify Members of any known significant variations to budgets for the current financial year, highlight any key issues and to inform Members of any action to be taken if required.

2.0 REVENUE BUDGET POSITION

2.1 The Financial Budget Summary for Q1 shows a £58,653 saving against the profiled budget. Below is a summary of the expenditure position for the Council split out between the main expenditure types.

2.2	Full Year Budget	Q1 Budget Position	Q1 Actual Position	Savings / (Deficit)	Budget Variance %
Group budget Summary					
Employees	8,187,961	1,975,861	1,913,647	62,213	3.1
Premises	533,016	296,568	276,923	19,645	6.6
Transport	145,429	36,497	27,635	8,862	24.3
Supplies & Services	2,031,861	524,679	520,329	4,350	0.8
Payments to Third Parties	4,885,970	1,060,146	1,074,995	(14,849)	(1.4)
Transfer Payments	18,989,000	5,810,633	5,815,066	(4,433)	(0.1)
Income	(25,154,349)	(6,299,956)	(6,338,200)	38,244	(0.6)
Support Services	0	0	0	0	0.0
Capital Charges	470,506	0	0	0	0.0
Treasury Mg Activity	(120,000)	0	4	(4)	100.0
	9,969,394	3,404,428	3,290,400	114,028	3.35
Corporate budgets					
Salary & Procurement savings	(80,500)	(20,125)	0	(20,125)	100.0
New Homes Bonus	47,407	0	0	0	0.0
Retained Business Rates	(260,000)	(65,000)	(29,750)	(35,250)	54.2
	9,676,301	3,319,303	3,260,650	58,653	1.77

Note: With regards to savings and deficits, items in brackets are overspends

2.3 Looking at the budget position of all the Group Managers there is an underspend of £114,000 shown.

This is being achieved through underspends of:

- £62,000 on Employees. These costs savings have been achieved through vacant posts, rather than through reduction in staff numbers.
- £38,000 of additional income above budget projection, with additional income from planning applications contributing the majority of this. Other sources of income include trade waste and licensing income.

At present overspends are not significant in terms of the overall budget.

2.4 Attached on Appendix 1 is a summary of the position for each Group Manager, which shows the current variance against their budget. Where the main types of expenditure headings within the Group Manager's responsibility have a variance over £10,000, a short explanation of the reason for the variance has been provided by the Group Manager.

2.5 Although the Group Manager's position appears to be significantly underspent, the budget report also recognises the need to achieve savings from the base budget in terms of salaries and procurement savings. These savings targets are currently held on the corporate budget codes on the ledger. No savings are recognised against these plans as they accumulate through the year within service groupings.

2.6 Also detailed under corporate budgets is the retained income from the Business Rates Scheme. This is showing a deficit of £32,000. The budget projection was that a surplus above the business rates income target would contribute £260,000 to the budget. Whilst the position is down against target at the end of Q1, it does represent a marked improvement on the position of the last two years. However, there remains a substantial number of appeals and claims yet to be decided by the Valuation Office Agency. Whilst provision has been made for the likely outcome of the appeals, the final position could be in excess of the provision and impact on the retained rates position.

2.7 The Committee should note that, whilst the current Q1 position is positive, in 2016/17 the overall budget position is reliant on strong income streams, control of expenditure and the delivering a variety of savings plans. It is important that these savings plans are delivered in order to provide recurring reductions in budget in future years.

3.0 CAPITAL BUDGET POSITION

3.1 Appendix 2 shows the capital budget position as at Q1. This is currently showing an underspend against the profiled budget of £90,000. This is principally due to underspends on funding housing grant requests as a result of not paying out as much in Q1 as originally estimated. This position could change during the year depending on level of need.

3.2 The leisure centre is being shown as over budget, but this is due to capital items being purchased as part of the project, but which are due to be funded from revenue resources, as agreed at the commencement of the project. This financing will take place at the year end. Overall, the leisure centre is now complete and came in under budget.

4.0 RESERVES POSITION

4.1 Appendix 3 provides a summary of the current usage of available reserves.

4.2 Reserves have been set aside from previous years to fund known future costs and the strategic planning of the authorities operation. The information in the Appendix does not take account of reserves which have been committed, but not yet paid.

4.3 Whilst the Q1 position shows that there remains a significant balance on the reserves, the expectation is that the remaining balance will be spent in the future.

5.0 CONSULTATION

5.1 Budget holders have been consulted about the budget outturn for their service areas. The feedback has been incorporated in the report to explain differences between budgets and actual income and expenditure.

6.0 RELEVANT COUNCIL POLICIES/STRATEGIES

6.1 Budget monitoring is on the approved budget for 2016/17 which has been prepared in line with the Medium Term Financial Strategy.

7.0 RELEVANT GOVERNMENT POLICIES

7.1 None.

8.0 RESOURCE IMPLICATIONS (Human/Property)

8.1 None.

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

9.1 None.

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

10.1 None.

11.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

11.1 None.

Background Papers: None.

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Appendices: Appendix A – Quarter 1 Revenue Position by Group.
Appendix B – Quarter 1 Capital Position.
Appendix C – Quarter 1 Earmarked Reserves Update.

Appendix 1 - Analysis of Budget by Group Manager Unit

	Full Year Budget	Q1 Budget Position	Q1 Actual Position	Budget Under / (over) spend	Budget Variance %	Notes
Chief Executive	0	45,858	59,089	(13,231)	(29)	
Employees	233,545	58,326	58,312	14	0.0	
Premises	0	0	0	0	0.0	
Transport	2,099	527	383	144	27.3	
Supplies & Services	4,680	628	393	235	37.3	
Payments to Third Parties	2,000	0	0	0	0.0	
Support Services	(187,864)	0	0	0	0.0	
Income	(54,460)	(13,623)	0	(13,623)	0.0	1

1) A Savings plan target of £54k included in the income budget has not yet been realised. Opportunities to deliver this savings plan continues to be investigated, including discussions with partners.

Corporate Services	622,122	338,133	325,001	13,132	4	
Employees	857,265	214,341	204,200	10,141	4.7	2
Premises	0	0	0	0	0.0	
Transport	5,827	1,464	1,043	421	28.7	
Supplies & Services	402,803	114,627	111,774	2,853	2.5	
Payments to Third Parties	81,154	7,701	8,483	(782)	(10.2)	
Support Services	(764,144)	0	0	0	0.0	
Depreciation	43,717	0	0	0	0.0	
Income	(4,500)	0	(500)	500	100.0	

2) The variance on employee costs is in respect of vacant posts within ICT, which have since been filled. Also there are savings from maternity leave within policy and communications team.

Democratic Services	1,613,572	186,681	161,918	24,763	13	
Employees	231,677	57,902	41,389	16,513	28.5	3
Premises	0	0	0	0	0.0	
Transport	17,752	4,443	3,180	1,263	28.4	
Supplies & Services	442,121	117,445	114,231	3,214	2.7	
Payments to Third Parties	36,700	7,017	3,141	3,876	55.2	
Support Services	884,354	0	0	0	0.0	
Depreciation	1,468	0	0	0	0.0	
Income	(500)	(126)	(22)	(104)	82.5	

3) Vacant post has not been filled on a permanent basis. Temporary staff have been utilised and overtime worked during elections and annual canvass in order to make the most flexible and efficient use of the budget available during peak workloads.

Deputy Chief Executive	0	28,875	29,885	(1,010)	(3)	
Employees	112,217	28,076	27,966	110	0.4	
Premises	0	0	0	0	0.0	
Transport	2,012	506	528	(22)	(4.3)	
Supplies & Services	2,750	293	1,391	(1,098)	(374.7)	
Support Services	(116,979)	0	0	0	0.0	
Income	0	0	0	0	0.0	

Development Services	1,265,901	124,511	44,179	80,332	65	
Employees	1,488,347	372,032	334,997	37,035	2.7	4
Premises	41,470	5,986	7,583	(1,597)	(8.9)	
Transport	46,735	11,701	8,449	3,252	16.7	
Supplies & Services	320,359	58,799	56,334	2,465	(6.4)	
Payments to Third Parties	301,850	8,810	14,198	(5,388)	10.9	
Support Services	406,220	0	0	0	0.0	
Depreciation	37,761	0	0	0	0.0	
Income	(1,376,841)	(332,817)	(377,381)	44,564	(0.6)	5

4) Employee Costs are showing an underspend due to staff turnover and changes in employment patterns in the quarter

5) Planning income is significantly above the budgeted income for the quarter

Environmental and Housing	3,897,379	551,194	580,041	(28,847)	(5)	
Employees	914,515	228,808	256,166	(27,358)	(12.0)	6
Premises	3,500	637	0	637	100.0	
Transport	29,432	7,366	5,682	1,684	22.9	
Supplies & Services	138,823	72,046	73,088	(1,042)	(1.4)	
Payments to Third Parties	3,946,671	966,834	983,388	(16,554)	(1.7)	7
Support Services	503,327	0	0	0	0.0	
Depreciation	95,481	0	0	0	0.0	
Income	(1,734,370)	(724,497)	(738,283)	13,786	(1.9)	8

6) Employee costs relate to the use of agency contractor cover during the period that operationally critical staff have been on long-term sick. Recently there has been positive moments with some returning to work albeit on a managed return.

7) Payments to Third Parties mostly relates to additional costs incurred in the hire of an additional vehicle and extra crew to help deal with new bin deliveries and collection of bulky waste.

8) Income is up on private hire licensing and also incentive grants for recycling from Gloucestershire CC.

Finance and Asset	1,553,930	616,161	568,958	47,203	8	
Employees	2,361,371	518,602	496,702	21,900	4.2	9
Premises	488,046	289,945	269,341	20,604	7.1	10
Transport	9,237	2,363	2,517	(154)	(6.5)	
Supplies & Services	491,408	133,717	135,022	(1,305)	(1.0)	
Payments to Third Parties	480,185	67,087	62,096	4,991	7.4	
Support Services	(868,022)	0	0	0	0.0	
Depreciation	282,832	0	0	0	0.0	
Income	(1,571,127)	(395,553)	(396,724)	1,171	(0.3)	
Treasury Mg Activity	(120,000)	0	4	(4)	100.0	

9) Savings have been made on the staffing requirement of Cascades prior to their transfer to the Tewkesbury Leisure Centre. In addition, savings have also been made against vacant posts and maternity cover in finance and property services. These posts have now been filled on a permanent basis.

10) Savings have been made on utilities across the property portfolio in the first quarter. In addition, successful business rate appeals in respect of car parks and the public offices have reduced the council's liability in this area.

One Legal	0	258,780	278,504	(19,725)	(8)	
Employees	1,185,751	296,796	295,273	1,522	0.5	
Premises	0	0	0	0	0.0	
Transport	22,368	5,634	3,440	2,194	38.9	
Supplies & Services	94,511	6,985	5,363	1,622	23.2	
Payments to Third Parties	10,660	2,615	1,011	1,604	61.3	
Support Services	(270,237)	0	0	0	0.0	
Income	(1,043,053)	(53,250)	(26,583)	(26,667)	50.1	11

11) Income currently below budget for the quarter, however expectation is that additional income generating activity through the remainder of the year will result in achieving the full income target.

Revenues and Benefits	1,016,490	1,254,235	1,242,824	11,411	1	
Employees	803,273	200,978	198,641	2,337	1.2	
Transport	9,967	2,493	2,413	80	3.2	
Supplies & Services	134,406	20,139	22,733	(2,594)	(12.9)	
Payments to Third Parties	26,750	82	2,678	(2,596)	(3,165.3)	
Transfer Payments - Benefits Service	18,989,000	5,810,633	5,815,066	(4,433)	(0.1)	
Support Services	413,345	0	0	0	0.0	
Depreciation	9,247	0	0	0	0.0	
Income	(19,369,498)	(4,780,090)	(4,798,707)	18,617	(0.4)	12

12) The service has benefited from additional government grants and other income which were not in the budget. The collection rates on certain income is currently also showing to be slightly ahead of budget.

Appendix 2 - Analysis of Capital Budget

	Q1 Budget Position	Q1 Actual Position	(Over) / Under spend to Q1	% Slippage	Comments
Council Land & Buildings	235,591	362,399	(126,808)	(54)	The overspend is in relation to completion of the Leisure centre project. Whilst the items are capital in nature they are not directly part of the original capital scheme. These items are being funded from a revenue budget contribution which was set aside before the start of the project and will be applied at the yearend.
Equipment	91,000	46,000	45,000	49	The underspend is in relation to a savings from the purchase of the a new lawn mower against a budget of £61k. Also there is currently an underspend on purchase of new bins at the Q1 positon
Capital Investment Fund	0	600	(600)	100	
Community Grants	51,869	40,583	11,286	22	Payment of capital grants money is in line with expectation, with a small amount of slippage in the programme against the budget profile
Housing & Business Grants	262,498	101,260	161,238	61	A total budget of £1.049k is available for housing related grants such as disabled facilities. It is difficult to predict when requests for these grants will be received. Currently expenditure is below the budget profile. However this can change during the year as new grant requests are made.
	640,958	550,842	90,116	14	

Appendix 3 - Revenue Reserves for 16/17

Reserve	Balance 31st March 2016	Spent on Reserve Quarter 1	Reserve Remaining	Note
Asset Management Reserve	£335,459	£2,257	£333,203	
Borough Regeneration Reserve	£10,588	£0	£10,588	
Business Rates Reserve	£4,097,967	£0	£4,097,967	
Business Support Reserve	£107,031	£5,308	£101,723	
Business Transformation Reserve	£231,202	£3,849	£227,352	
Community Support Reserve	£117,844	£25,995	£91,849	1
Development Management Reserve	£466,596	£33,806	£432,790	2
Development Policy Reserve	£317,391	£2,881	£314,511	
Elections Reserve	£64,160	£0	£64,160	
Flood Support and Protection Reserve	£255,330	£47,439	£207,891	3
Health & Leisure Development Reserve	£33,802	£3,503	£30,300	
Housing & Homeless Reserve	£40,026	£3,585	£36,442	
MTFS Equalisation Reserve	£746,496	£0	£746,496	
Organisational Development Reserve	£27,259	£678	£26,581	
Risk Management Reserve	£26,310	£18,363	£7,947	4
Waste & Recycling development Reserve	£21,451	£1,451	£20,000	
Totals	£6,898,913	£149,112	£6,749,800	

Notes to Reserves

1 Expenditure against balance of community grants brought forward

2 Costs resulting from planning appeals and temporary staff to support major planning studies (externally funded)

3 Expenditure of external funding to support recovery following floods in Winter 2014 and specific flood alleviation schemes

4 Legal costs associated with health and safety prosecution

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	31 August 2016
Subject:	Cemetery Provision in Tewkesbury Town
Report of:	Simon Dix, Finance and Asset Management Group Manager
Corporate Lead:	Rachel North, Deputy Chief Executive
Lead Member:	Councillor D J Waters
Number of Appendices:	None

Executive Summary:

The purpose of this report is to inform Members of the limited capacity at Tewkesbury Town Cemetery which is estimated to be full within three years if no action is taken. It includes future obligations, how these could be met and any opportunities that could be investigated to attract additional income to ensure sufficient resources for the future management of the cemeteries.

Recommendation:

That the Executive Committee RESOLVES to:

- 1. agree to the permanent suspension of the presale of burial plots at Tewkesbury Cemetery;**
- 2. agree that the provision of burials at Tewkesbury Cemetery be transferred to Bishop's Cleeve Cemetery as an alternative when Tewkesbury Cemetery is full; and**
- 3. delegate authority to the Finance and Asset Management Group Manager, in consultation with the Lead Member for Finance and Asset Management, to:**
 - agree areas within Tewkesbury Cemetery for additional burials that have no impact on previous burials, tree roots or footpaths; and**
 - agree future sundry items such as columbarium's where a business case is prudent and all necessary permissions are sought.**

Reasons for Recommendation:

Tewkesbury Cemetery has limited capacity with an estimated three years remaining for the interment of bodies. Therefore the recommendation extends the space available and provides an alternative option for future burials within Tewkesbury Borough.

The recommendation also allows Officers to investigate securing long term opportunities that generate income for the long term benefit of the site.

Resource Implications:

Income generated from Tewkesbury Cemetery will dramatically reduce once all burial plots are full although there will be an ongoing requirement for the maintenance of the site. Therefore, a review of the operational requirements at this site will need to be undertaken to ensure the facility can be maintained at a cost neutral position.

Legal Implications:

Contained within the report at Paragraph 2.1.

Risk Management Implications:

Failure to proactively manage the reducing capacity and plan for future maintenance costs could damage the operational capability of the service as well as causing a reputational issue.

Performance Management Follow-up:

The number of available spaces at the Cemetery will be monitored on a regular basis.

Environmental Implications:

None.

1.0 INTRODUCTION/BACKGROUND

- 1.1** The Borough Council is the freeholder owner of two Cemeteries within the Borough, Bishop's Cleeve Cemetery which opened in 1991 and Tewkesbury Cemetery which opened in 1857. These are managed and operated by one full-time Sexton and one part-time Property Officer of the Council with Ubico cutting and maintaining the grounds in partnership with the full-time Sexton.
- 1.2** The cemeteries have a back office function and a full-time Sexton who works across both sites. The Sexton manages the day to day management, onsite enquires and maintenance including directing interments. The back office function maintains the records and processes applications for interments, permits for memorials and general items for the cemeteries.
- 1.3** The Cemetery provision currently operates at a zero cost to the authority with the current cost being covered by the income generated through the sale of burial plots, interments and memorials.
- 1.4** The cemeteries have an average of 35 interments of bodies across the two sites per annum plus interments of ashes with various general items for example memorial trees and benches. In addition to the interment of bodies we offer additional services including memorial gardens where loved ones can have a plaque installed and their ashes interred or scattered, memorial benches and trees.
- 1.5** Tewkesbury Cemetery was originally 1.84ha and was extended in 1880 to the south with an additional area of 1.56ha and a further extension was made to the south in 1932 bringing the total area to 3.81ha. The primary buildings of the Cemetery are two Gothic Revival style chapels, linked by a porte-cochere, dating from 1856. One chapel is currently used by the Sexton as a site office with staff welfare and storage of grounds maintenance and grave digging equipment. Whilst the second chapel can be used for funeral services but has only been used twice in the past two years.

2.0 LEGAL OBLIGATION

- 2.1 The principal legislation governing burials and cremations is contained in Section 214 of the Local Government Act 1972, which gives certain authorities (including Tewkesbury Borough Council) the power, but not the obligation, to provide cemeteries and crematoria. The Local Authorities' Cemeteries Order 1977 sets out more detailed provisions regarding the authorities' powers and duties in respect of such cemeteries. There are currently no plans for the government to make the provision of burial grounds an obligation. Section 25 of the Burials Act 1875 restricts removal of bodies from places of burial (i.e. exhumations) without a faculty from the Church authorities (where the ground is consecrated) or the Secretary of State (where the land is un-consecrated).
- 2.2 Whilst there is currently no statutory obligation for Local Authorities to provide burial grounds any proposal to remove the direct provision for burials within the Borough would have reputational implications for the authority.

3.0 CURRENT PROVISION

- 3.1 Bishop's Cleeve and Tewkesbury cemeteries currently provide the interment of both ashes and bodies with a number of sundry items such as memorial trees, benches and plaques. Bishop's Cleeve Cemetery has in excess of 500 plots remaining for interments of bodies. Tewkesbury Cemetery has approximately 25 plots remaining. All plots are sold on a 100 year lease and whilst the income covers the immediate cost and elements of the future maintenance, this income does not cover the cost for the term of the lease.
- 3.2 Tewkesbury Cemetery layout has designated areas for Roman Catholic, children's, military and pauper graves. Bishop's Cleeve Cemetery currently has no designated areas although children tend to be buried within an area at the front of the cemetery.
- 3.3 Interment plots are currently sold to all members of the community although anybody residing outside the Borough upon death or purchase of the grave plot is required to pay double fees. Fees were set by Members following a review into the service a number of years ago. The review aimed to bring the service to break even over a three year period, which it has achieved, with inflationary increases being applied following break even.
- 3.4 Both cemeteries offer the opportunity to pre purchase plots for future burials. Due to the limited space in Tewkesbury Cemetery, in June 2016 Officers in consultation with the Lead Member for Finance and Asset Management, suspended the service of pre-purchasing plots.

There are currently 109 graves that have been pre-purchased prior to June 2016 that have currently not been used for burials. There could be a number of years before these are used although Tewkesbury Borough will need to ensure it meets the obligation for these pre-purchased burial sites.

- 3.5 A summary of activity across the two sites for the previous 12 months is shown below:

	Tewkesbury	Bishop's Cleeve
Ashes	25	28
Trees	6	10
Plaques	15	7
Burials	24	22
Purchase of plots	16	13
Memorials	29	33

4.0 FUTURE OPPORTUNITIES

- 4.1** The following opportunities have been investigated by Officers regarding the future opportunities and options for burials.
- 4.2** The Association for Public Service Excellence (APSE) was commissioned in July 2016 to investigate the need for a crematorium within the Tewkesbury area. From the initial findings it appears there would not currently be a demand to support a crematorium based in Tewkesbury itself. The review demonstrates that, to enable a crematorium to be commercially viable, there must be a throughput in the region of 650 to 700 cases per annum. There are currently 635 cremations per annum from Tewkesbury Borough, although due to the proximity of Cheltenham and Gloucester a number of these would continue to use Cheltenham and Gloucester crematorium, and a small number would be gained from Worcestershire and Herefordshire. The potential growth from the Joint Core Strategy could make the option marginally viable although there is no allowance for the capital costs of the new build and purchase of land. The detail of the review will be shared with the Transform Working Group.
- 4.3** Due to the lack of capacity at Tewkesbury Cemetery, Officers have investigated the possibility of reburial on sections of Tewkesbury Cemetery and did identify an area where a majority of the exclusive burial rights and leases had exceeded 100 years and had expired. Under Section 25 of the Burial Act 1857 burial authorities require a licence from the Secretary of State for reburial. In July 2012 the junior Justice Minister had ruled that, whilst there is a limited circumstance for reburial within London authorities, a view was taken that it was not critical to introduce a policy for reusing graves for the rest of the country. Experience within the London authorities who have been given consent have found that the process from initial inception to first reuse of the ground takes an average of 10 years. Therefore there is not an option to rebury on parts of the Tewkesbury site.
- 4.4** Further investigations have been made into the possibility of burials in various small areas around the cemetery between trees and along the edge of roads and pathways. This exercise has identified approximately 40 additional graves and would give approximately an additional two to three years of burials, therefore extending the current capacity to approximately 2022.
- 4.5** Officers have also considered the option of purchasing a new site for burials within the close proximity of Tewkesbury Cemetery. Land within Tewkesbury town that isn't susceptible to flooding or of historic interest is at a premium, therefore the capital cost of the land and the likely cost of plots wouldn't make the option to purchase viable. In addition to the land and cost implications there are additional environmental restrictions including burials near to water courses and within the water table, further restricting the opportunities for finding a suitable parcel of land.
- 4.6** When Tewkesbury Cemetery is full, currently estimated at 2022, Tewkesbury Borough Council will be able to offer interments of bodies at Bishop's Cleeve Cemetery as an alternative whilst still allowing the interment and scattering of ashes at Tewkesbury along with the previous obligations of interments in pre-purchased plots. Whilst Officers could attempt to source alternative land supplies, these are likely to be some distance from the current provision in Tewkesbury town and given the supply of land at the facility in Bishop's Cleeve it would not seem to make financial or operational sense to invest in a third facility.

4.7 Officers have made initial enquires into opportunities of other interment options and sundry items for example above ground interments of ashes within columbarium. These can be sited along fence lines and under trees and can be sold in ten year leases therefore securing a long term income for the future maintenance of the site. Further work is required for the suitability and demand for this option.

5.0 ONGOING COSTS

5.1 Once the Cemetery is full there will continue to be an ongoing obligation for the repair and maintenance of the buildings and grounds. This includes the fortnightly grass cutting from March until October and the annual winter works of cutting hedges, trees and overgrown vegetation.

5.2 In the fourth quarter of 2016/17 the Property Team will be reviewing the process and procedures of the cemetery provision to ensure the efficient operation whilst maintaining the current high standards. It will investigate any digital opportunities, processing of applications for interments, memorial permits, general items and the requirements of a full time Sexton and part-time back office function.

5.3 A commercial review of the service will also take place in the second half of the year to understand if there are other potential opportunities within the service provision.

6.0 CONSULTATION

6.1 Consultation will be required should the Council agree to bring in other service activities or offers where a fee is charged.

7.0 RELEVANT COUNCIL POLICIES/STRATEGIES

7.1 None.

8.0 RELEVANT GOVERNMENT POLICIES

8.1 None.

9.0 RESOURCE IMPLICATIONS (Human/Property)

9.1 None.

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

10.1 None.

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

11.1 None.

12.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

12.1 None.

Background Papers: None.

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Appendices: None.

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive
Date of Meeting:	31 August 2016
Subject:	Designation of Two Neighbourhood Plan Areas for: <ul style="list-style-type: none"> • The Leigh Parish; and • Stoke Orchard Parish and Tredington Parish
Report of:	Paul Hardiman, Planning Policy Officer
Group Manager:	Julie Wood, Development Services Group Manager
Lead Member:	Councillor D M M Davies
Number of Appendices:	None

Executive Summary

Local Planning Authorities have a statutory duty to advise or assist communities in the preparation of Neighbourhood Development Plans, often referred to as 'Neighbourhood Plans'. The Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012 (as amended) set out the Local Planning Authority's responsibilities including designating "Neighbourhood Areas" for the purpose of preparing a Neighbourhood Development Plan.

Applications to designate two new Neighbourhood Areas have been received from the following Parishes:

- The Leigh; and
- Stoke Orchard and Tredington combined.

The applications have been assessed against the requirements set out in the legislation and are considered to meet the requirements to enable the designation of the two Neighbourhood Areas.

Recommendation

To APPROVE the designation of two Neighbourhood Areas covering the Parishes of:

- 1. The Leigh; and**
- 2. Stoke Orchard and Tredington combined.**

Reasons for Recommendation

To enable the above Parishes to prepare a Neighbourhood Development Plan for the area covered by the designation.

Resource Implications

Additional financial contributions are available from the Department of Communities and Local Government to support Neighbourhood Planning.

There will be human resource implications due to requirement to: advise and assist communities in the preparation of a Neighbourhood Development Plan; check that a submitted plan meets the legal requirements; arrange for the independent examination of the plan; determine whether the neighbourhood plan meets the basic conditions and other legal requirements; arrange a referendum; and, subject to the results of the referendum, bringing the plan into force. The resource implications are corporate including Development Services, Community Development, Financial Services, Democratic Services and One Legal.

Legal Implications

We have a duty to undertake this work under the Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012 as amended (2015).

Risk Management Implications

The designation of Neighbourhood Areas is a statutory requirement on Local Planning Authorities.

Performance Management Follow-up

There are further statutory stages in neighbourhood planning; however these are dependent on the timescales of the relevant Parish, in their role as the Qualifying Body for the preparation of a Neighbourhood Development Plan.

Environmental Implications

The implications for biodiversity, habitats, energy usage, waste and recycling or protected species will be considered by the Qualifying Body as required by the Environmental Assessment of Plans and Programmes Regulations 2004 and the Conservation of Habitats and Species Regulations 2010.

1.0 INTRODUCTION/BACKGROUND

1.1 The planning system helps decide what gets built, where and when. It is essential for supporting economic growth, improving people's quality of life, and protecting the natural environment. The government's intention is to give local communities a greater say in planning decisions that affect them by providing the opportunity to prepare a Neighbourhood Development Plan (NDP) if they wish. Neighbourhood planning was introduced in the Localism Act 2011 with specific legislation (the Neighbourhood Planning (General) Regulations 2012) coming into effect in April 2012.

1.2 An NDP is a statutory community-led framework for guiding the future development and growth of an area. NDPs relate to the use and development of land and associated social, economic and environmental issues. An NDP can establish general planning policies for the development and use of land in a designated "Neighbourhood Area", for example where new homes and offices should be built and what they should look like. The plan can be detailed or general, depending what local people want. However, NDPs still need to meet the needs of the wider area, which for Tewkesbury Borough will in future be set out in the Joint Core Strategy and Tewkesbury Borough Plan, once adopted.

1.3 NDPs will be subject to full public engagement, examination and a public referendum. Once adopted an NDP will form part of the statutory development plan (eventually along with the Joint Core Strategy and Tewkesbury Borough Plan), which is used for guiding decisions on planning applications. In Tewkesbury Borough it is the Town or Parish Councils that are the qualifying bodies for leading the preparation of an NDP.

1.4 There are 5 key stages to neighbourhood planning:

Stage 1: Defining the Neighbourhood Area.

The first formal stage in the NDP preparation process is for local people to decide how they want to work together and then for the body that wishes to prepare the plan to apply to the Local Planning Authority (LPA) for their area to be designated. The Local Authority then checks that the suggested boundaries for different Neighbourhood Areas make sense and fit together. The LPA could say no if, for example, two proposed Neighbourhood Areas overlap.

Stage 2: Preparing the Plan.

Local people will need to prioritise their early ideas, and draw up their plans following some ground rules:

- they must generally be in line with local and national planning policies;
- they must be in line with other laws;
- if the LPA says that an area needs to grow, then communities cannot use neighbourhood planning to block the building of new homes and businesses; they can, however, use neighbourhood planning to influence the type, design, location and mix of new development;
- neighbourhood plans must contribute to achieving sustainable development; and
- the NDP must also be subject to public consultation.

Stage 3: Independent Examination.

Once an NDP has been prepared, an independent examiner will check that it meets the required basic standards. If the plan does not meet these standards the examiner will recommend changes. The LPA will then need to consider the examiner's views and decide whether to make those changes. If the examiner recommends significant changes, then the Parish/Town Council or neighbourhood forum may decide to consult the local community again before proceeding.

Stage 4: Community Referendum.

The Borough Council must organise a referendum on any plan or order that meets the basic standards. This ensures that the community has the final say on whether a Neighbourhood Plan or Order comes into force. People living in the Neighbourhood Area who are registered to vote in local elections will be entitled to vote in the referendum. If more than 50% of people voting in the referendum support the plan or order, then the LPA must bring it into force.

Stage 5: Legal Force.

Once an NDP is in force, following a successful referendum, it carries real legal weight. Decision makers are obliged to consider proposals for development in the Neighbourhood Area against the Neighbourhood Plan.

1.5 LPAs have a statutory duty to advise or assist communities in the preparation of NDPs and to take plans through a process of independent examination. The Localism Act 2011 sets out the LPA's responsibilities:

- designating the area of the NDP;
- advising or assisting communities in the preparation of a Neighbourhood Plan;
- checking a submitted plan meets the legal requirements;
- arranging for the independent examination of the plan;
- determining whether the neighbourhood plan meets the basic conditions and other legal requirements;
- arranging a referendum to ensure that the local community has the final say on whether an NDP comes into force in their area; and
- subject to the results of the referendum, bringing the plan into force.

2.0 PROCESS FOR DESIGNATION OF A NEIGHBOURHOOD AREA

2.1 On receiving an application for designation of a Neighbourhood Area, the LPA must determine the application having regard to the following matters:

- 1) Is the organisation making the application a relevant body (as prescribed by the Localism Act 2011 this must be a 'Parish' Council in Tewkesbury Borough);
- 2) Is the area identified for designation as a Neighbourhood Area considered appropriate (where the applicant is a Parish Council, the area identified could include the whole or any part of the Parish);
- 3) Would the area more appropriately be designated as a business area i.e. the area is wholly or predominantly in business use;
- 4) Does the area overlap with another designated area (of relevance to areas without Parishes where a Neighbourhood Forum is established and the Neighbourhood Area defined specifically for this purpose); and
- 5) Any comments received during the public consultation.

2.2 On applying for designation of a Neighbourhood Area the Regulations (2012), Part 2 (5)(1), specify that the following must be submitted by the relevant body (in the case of Tewkesbury Borough this could be either an individual Parish Council or a group of Parish Councils):

- a map identifying the proposed Neighbourhood Area;
- a statement explaining why the area is appropriate to be designated as a Neighbourhood Area; and
- a statement explaining that the body making the area application is capable of being a Qualifying Body (in the case of Tewkesbury Borough this must be a Parish / Town Council).

2.3 On accepting that an application for designation meets the requirements as set out in 2.1 and 2.2 above, the Borough Council is required to publish the application for a period of not less than six weeks to invite representations on the proposal. The requirements are that the application should be publicised on the Borough Council's website and "in any other such manner as is considered likely to bring the application to the attention of people who live, work or carry out business in the area to which the application relates". The Council resolved to adopt the statutory six week minimum period at a Council meeting on 29 January 2013 and also resolved that authority be delegated to the Executive Committee to agree designated Neighbourhood Area proposals.

3.0 THE LEIGH APPLICATION TO DESIGNATE A NEIGHBOURHOOD AREA

3.1 An application to designate The Leigh parish as a Neighbourhood Area was validated on 22 March 2016 and the six week consultation period ended on 24 June 2016. The application was published on the Council's website (<http://tewkesbury.gov.uk/index.aspx?articleid=2405>) on 9 May 2016 and was publicised in the local press.

3.2 The application has been considered and assessed against the matters set out in 2.1 above and as a result it is confirmed that:

- 1) the Parish of The Leigh qualifies as a relevant body eligible to make an application;
- 2) the area proposed to be designated consists of the whole Parish;
- 3) the area proposed for designation cannot be described as being wholly or predominantly in business use and, therefore, it would be inappropriate to designate the area as a business area;
- 4) there are no other designated areas that overlap with the proposed area; and
- 5) no representations were received in response to the consultation. It is therefore not considered that there are any grounds to warrant refusal of the application to designate The Leigh Parish as a Neighbourhood Area.

4.0 STOKE ORCHARD AND TREDINGTON APPLICATION TO DESIGNATE A COMBINED NEIGHBOURHOOD AREA

4.1 An application to designate Stoke Orchard and Tredington Parishes as a combined Neighbourhood Area was validated on 8 June 2016 and the six week consultation period ended on 5 August 2016. The application was publicised on the Council's website (<http://tewkesbury.gov.uk/index.aspx?articleid=2405>) on 27 June 2016 and was publicised in the local press.

4.2 The application has been considered and assessed against the matters set out in 2.1 above and as a result it is confirmed that:

- 1) the Parishes of Stoke Orchard and Tredington qualify as relevant bodies eligible to make an application;
- 2) the area proposed to be designated consists of two 'Parished' areas and the Parish Councils state in their application that Stoke Orchard and Tredington are interlinked both economically and socially;
- 3) the area proposed for designation cannot be described as being wholly or predominantly in business use and, therefore, it would be inappropriate to designate the area as a business area;
- 4) there are no other designated areas that overlap with the proposed area; and

- 5) no representations were received in response to the consultation. It is therefore not considered that there are any grounds to warrant refusal of the application to designate the Parishes of Stoke Orchard and Tredington as a combined Neighbourhood Area.

5.0 OTHER OPTIONS CONSIDERED

- 5.1 No other options have been considered as an application to designate a Neighbourhood Area is a statutory process.

6.0 CONSULTATION

- 6.1 The consultation has been undertaken in order to legally comply with the requirements of the Neighbourhood Planning (General) Regulations 2012 (as amended).

7.0 RELEVANT COUNCIL POLICIES/STRATEGIES

7.1 Tewkesbury Borough Council Plan 2012 – 16

Priority: Provide customer focused community support

Objective 3 – Work with Town and Parish Councils to deliver the localism agenda

Action b) Provide appropriate support for Neighbourhood Planning.

8.0 RELEVANT GOVERNMENT POLICIES

- 8.1 The National Planning Policy Framework (2012) Paragraphs 183 – 185.

9.0 RESOURCE IMPLICATIONS (Human/Property)

- 9.1 See above.

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

- 10.1 Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need. Parishes and neighbourhood forums can use neighbourhood planning to set planning policies to ensure that communities get the right types of development for their area within the overarching framework set by the Local Plan.

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

- 11.1 Neighbourhood plan process requires evidence of involvement by hard to reach groups. This is a matter for the relevant, qualifying body preparing the plan to address.

12.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

12.1 At Council on 29 January 2013 it was resolved to delegate power to designate Neighbourhood Plan areas to Executive Committee.

Background Papers: None.

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Appendices: None.

Agenda Item 12

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Agenda Item 13

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