

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Executive Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Wednesday, 12 October 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:

Councillors P W Awford

EX.35 ANNOUNCEMENTS

- 35.1 The evacuation procedure, as set out on the Agenda, was taken as read.
- 35.2 The Chair welcomed Councillor P W Awford to the meeting. Councillor Awford was in attendance as Chair of the Overview and Scrutiny Committee for Agenda Item 7 – Performance Management Report – Quarter One 2016/17.

EX.36 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 36.1 There were no apologies for absence received on this occasion.

EX.37 DECLARATIONS OF INTEREST

- 37.1 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.
- 37.2 The following declaration was made:

Councillor	Application No./Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
D J Waters	Item 14 - Community Grant – Queens Road, Tewkesbury.	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.

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

EX.38 MINUTES

- 38.1 The Minutes of the meeting held on 31 August 2016, copies of which had been circulated, were approved as a correct record and signed by the Chair.

EX.39 ITEMS FROM MEMBERS OF THE PUBLIC

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

EX.40 EXECUTIVE COMMITTEE FORWARD PLAN

- 40.1 Attention was drawn to the Committee's Forward Plan, circulated at Pages No. 9-14. Members were asked to consider the Plan.

- 40.2 Accordingly, it was

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

EX.41 PERFORMANCE MANAGEMENT REPORT - QUARTER ONE 2016/17

- 41.1 The report of the Head of Corporate Services, circulated at Pages No. 15-51, asked Members to review and, if appropriate, take action on the observations of the Overview and Scrutiny Committee following its review of the 2016/17 quarter one performance management information.

- 41.2 Attention was drawn to the observations made by the Overview and Scrutiny Committee, attached to the report at Appendix 1, and the Council Plan Performance Tracker, attached at Appendix 2 to the report.

- 41.3 The Overview and Scrutiny Committee Chair explained that this was the first review of the new Council Plan. As such there had been quite a few questions from the Committee across the whole of the Plan. One good recommendation from Members, and to aid the robustness of the tracker document, was for a target date of implementation to be added to each action. There had been a lengthy discussion around the planning service as a result of the planning processing times which were presented to the Committee. Councillor Awford indicated that he understood planning was an emotive subject, and Members recognised the difficulties and challenges facing the Council's planning service, but felt that, ultimately, everyone wanted a good and customer focused service. It was pleasing that the Development Manager had been present to answer the Committee's questions and he had confirmed that there were still a number of posts to fill but generally the morale of the team was good with the new recruits bringing energy to the team. He was also confident that the target for major applications would be achieved. The Committee had received a presentation at a previous meeting on Phase 2 of the Planning Services review and the Chair thought that Officers probably needed the space to deliver the action plan before planning was subject to further scrutiny from Members. The Overview and Scrutiny Committee had also been informed that the service may need to consider a different business model and comparisons with One Legal had been mentioned.

- 41.4 With regards to commercialism, a Council Plan action was to undertake a review of the trade waste service. It had been explained to the Overview and Scrutiny Committee that this review was part of the overall commercial programme with an implementation date yet to be agreed. The Committee had been pleased to hear that the way forward regarding the letting out of the top floor was drawing to a conclusion and there was ongoing dialogue with Gloucestershire County Council with a number of options being considered. If these were viable a report to Executive Committee was expected by the end of the calendar year. To support

these proposals Members had been advised about an exciting project involving the Council's bid to the Local Enterprise Partnership Project to host a growth hub within the public services centre. In addition, linked to economic growth was the new Economic Development and Tourism Strategy which was being developed by an Overview and Scrutiny Working Group; Working Groups were an area where the Overview and Scrutiny Chair felt the Committee added real value. The Overview and Scrutiny Committee had also been informed of nearly £400,000 of grant monies that had been obtained to support improvement and development around Junction 9 of the M5. A large proportion of this was from a Tewkesbury Borough Council bid.

- 41.5 With regard to specific service performance, it was noted by Overview and Scrutiny Members that there had been a reduction in performance of Revenues and Benefits processing times. It was noted, however, that processing times were still in the top quartile nationally. The Committee had welcomed the views of the Head of Service who confirmed there had been periods of sickness absence coupled with a small increase in claims but that performance was now back on track. With regards to sickness absence, there had been an increase in the average number of sick days across the Council services. This was mainly through a combination of long term physical illnesses but there were some short term absence issues in certain services which were subject to change and assurance was given to Members that these were being closely monitored. The Chair explained that Overview and Scrutiny Committee Members who were Support Members had been keen to give a message to the Executive Committee that they would welcome closer working with Lead Members so that when they went to the Overview and Scrutiny Committee they were better informed. They would also welcome Lead Member attendance at Overview and Scrutiny Committee meetings as appropriate.
- 41.6 Referring to the sickness absence rate, a Member questioned whether it was possible to differentiate between the services; he thought this would be helpful information as it would show whether there was a correlation with what the staff were being asked to do. In response, the Chief Executive advised that he could provide more detailed information; however, the Overview and Scrutiny Committee Members did monitor this closely, as did Managers. It was generally found that sickness rates were not specifically related to the nature of the services, particularly now that the Council no longer had the depot service in-house but because the Council was a small organisation a small number of absences tended to make a significant difference. The other issue for the organisation was that changes within a service sometimes resulted in sickness absences – this was also monitored carefully. In terms of the information requested by the Member, the Chief Executive advised that he would ask Officers to look at the information available and how that could be provided to Members without individuals being identified.
- 41.7 In response to a query about the challenge made by his Members, the Overview and Scrutiny Committee Chair indicated that the Committee was now becoming more robust and focussed and was more challenging than it had been previously. He felt that pre-reading of reports was good and he was starting to look at new ways of doing things i.e. reports rather than lengthy presentations; he was of the view that these measures were making the Committee more effective. One of the Lead Members indicated that she had attended meetings of the Committee previously and she had not been very impressed with the Committee's questioning skills at that time. She felt that the pre-meetings were extremely useful but this had not translated into the actual Committee. She did agree though that less presentations and more challenge would be preferable. The Chief Executive indicated that scrutiny was really important but, generally speaking, was not a role that came naturally to most people; he did, however, feel the Committee was improving and there was a need to continue to build on that progress so Officers would keep working with Members to provide the tools they needed in this regard.

The Chair agreed with this and indicated that he was considering whether more training was required. In addition, the Head of Corporate Services advised that Anne Reader from Frontline Consulting had attended a meeting to offer a critique and her report would be shared with the Chair and Vice-Chair of the Committee as well as the appropriate Lead Member. That report contained some actions with regard to things like effective questioning and the Overview and Scrutiny Committee's role in relation to the Executive Committee.

- 41.8 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 One of 2016/17 be **NOTED**.

EX.42 BUSINESS TRANSFORMATION PROGRAMME

- 42.1 The report of the Head of Corporate Services, circulated at Pages No. 52-59, attached an updated Business Transformation Programme which Members were asked to approve.

- 42.2 In introducing the report, the Head of Corporate Services explained that, in the two years since the Transformation Programme had been introduced, it had delivered many projects including the new leisure centre, continued development of the public service centre, delivery of a new operating model for the depot services and the Revenues and Benefits Service Review. The programme now needed to be refreshed to reflect new emerging projects and, significantly, to introduce a fifth theme on commercialisation. The updated Programme was attached to the report at Appendix 1.

- 42.3 The Vice-Chair indicated that he was aware of a range of projects that were currently being considered and he intended to sit down with his Transform Working Group Vice-Chair and the Heads of Finance and Asset Management and Corporate Services to work through the list. He intended to identify them in a priority order so that the Council could concentrate on those which were most important but not lose those that were a lower priority.

- 42.4 Accordingly, it was

RESOLVED: That the updated Business Transformation Programme be **APPROVED**.

EX.43 REVIEW OF PROCUREMENT STRATEGY

- 43.1 The report of the Head of Finance and Asset Management, circulated at Pages No. 60-74, attached an updated Corporate Procurement Strategy which Members were asked to approve.

- 43.2 Members were advised that the current Procurement Strategy had last been approved by Members in October 2012. In a time of significant austerity there was even more focus on procurement to help the Council with the severe challenges it faced. The draft Corporate Procurement Strategy for 2016/20, attached to the report at Appendix A, continued the aim of ensuring procurement was carried out effectively and delivered value for money for the Council. In order for procurement practices to be efficient and consistent throughout the whole organisation, the main actions within it related to the development of the purchase ordering module within the Council's financial system, which would replace paper based manual practices, and the implementation of a new procurement system to automate the Council's procurement responsibilities and ensure effective interaction with suppliers.

43.3 Referring to Paragraph 2.1 of the report, a Member questioned whether the role of 'Procurement Advisor' was a post in its own right or whether it was a named individual. In response, he was advised that the Council had an Officer who was trained in procurement and spent one day per week in support of those activities. In terms of the use of contract finder, Members were advised that the service was free which was good. There was a South West Portal but this was expensive unless a number of authorities worked together at which point it was more cost effective.

43.4 Accordingly, it was

RESOLVED: That the updated Corporate Procurement Strategy be **APPROVED**.

EX.44 WHISTLEBLOWING POLICY

44.1 The report of the Head of Corporate Services, circulated at Pages No. 75-99, attached an updated Whistleblowing Policy which Members were asked to approve.

44.2 The Committee was advised that the Council had been working with the Counter Fraud Unit to review the Policy which had been developed in consultation with the four authorities in the GO Shared Service partnership; Cheltenham Borough Council, Cotswold District Council, West Oxfordshire District Council and the Forest of Dean District Council. The policy had been updated to reflect legislative requirements and employer responsibilities to ensure the Council protected staff who reported, or 'blew the whistle', about any areas of concern within the authority and to safeguard those against whom allegations were made. The Policy had been considered by the Audit Committee and that Committee had recommended it to the Executive Committee for approval. It was anticipated that training would be rolled out in November to ensure Officers knew how to deal with issues that arose.

44.3 During the brief discussion which ensued, a Member questioned whether employees and Members knew who they should report concerns to i.e. were there notices in each department which provided the name of the appropriate person like those which were displayed for first aiders. In response, it was clarified that when the Policy was published on the intranet everyone would be made aware of the appropriate points of contact. The Member advised that the County Council used to provide credit card sized information which contained such details and she wondered whether Tewkesbury Borough Council could do something similar. In response, the Head of Corporate Services explained that the Council used to display posters around the offices but he was happy to look at various means of communicating the information to staff. In terms of a suggestion that Members should receive a seminar on the Whistleblowing Policy, the Chief Executive indicated that it may be a good idea to combine this with information on data protection, safeguarding etc. to make it more worthwhile in time terms.

44.4 Accordingly, it was

RESOLVED: That, subject to any minor amendments as a result of consultation with the GO Shared Service Partnership, the updated Whistleblowing Policy be **APPROVED**.

EX.45 ANTI-FRAUD AND CORRUPTION POLICY

45.1 The report of the Head of Finance and Asset Management, circulated at Pages No.

100-119, attached an amended Anti-Fraud and Corruption Policy which Members were asked to approve.

45.2 Members were advised that the Policy had been developed and updated to confirm latest legislation and to reflect the changes brought about by the creation of the single fraud investigation service which was operated by the Department for Work and Pensions. The Policy had been developed in consultation with other Gloucestershire authorities and West Oxfordshire District Council in order to provide a platform for the operation of the Counter Fraud Unit. It had also been considered by the Audit Committee at its meeting in September and had been recommended to the Executive Committee for approval.

45.3 During the brief discussion which ensued, a Member drew attention to Paragraph 8.11 on Page No 118, which showed a list of the Officers that could be contacted and advised that this was the type of list that she would like to have seen included in the Whistleblowing Policy and also in the Anti-Bullying and Harassment Policy. Referring to online payments, a Member questioned whether the Council had found this resulted in a problem with money laundering. In response, he was advised that the Council did not have any information about money laundering specifically.

45.4 Accordingly, it was

RESOLVED: That the updated Anti-Fraud and Corruption Policy be **APPROVED.**

EX.46 ANTI-BULLYING AND HARASSMENT POLICY

46.1 The report of the Head of Corporate Services, circulated at Pages No. 120-143, attached an updated Anti-Bullying and Harassment Policy which Members were asked to approve.

46.2 The Committee was advised that the Policy was in place to give employees who believed they had been bullied or harassed at work a route to raise the issue, either informally or formally, and it was important that the policy was fit for purpose. There were legal liabilities that could arise from a failure to act and there could be serious consequences for the health and wellbeing of individuals. The Policy, as attached to the report, supported the right of all people to be treated with dignity and respect at work and provided procedures to deal with any issues of bullying or harassment in the Council.

46.3 A Member expressed the view that this was probably one of the most worrying subjects and it was sometimes difficult to identify who was responsible. In response, the Deputy Chief Executive explained that the Policy was one strand of how the Council approached a culture of being a positive, open, kind and effective workforce. Only that week Officers and Members had been attending 'Brilliant' workshops which were all about positive psychology and random acts of kindness and this was the culture that was expected within the organisation. In terms of exit interviews for staff, the Council tried to undertake those to get an idea of the reasons why people were changing jobs; it was usual for this to be for better job prospects/promotion and not due to bullying etc. The Chief Executive advised that the Council took bullying very seriously and understood that all allegations needed to be managed well through a thorough, sensitive and speedy investigation.

46.4 Accordingly, it was

RESOLVED: That the amendments to the current Anti-Bullying and

Harassment Policy be **AGREED** to take effect from 1 November 2016.

EX.47 REGULATION OF INVESTIGATORY POWERS ACT 2000

- 47.1 The report of the Borough Solicitor, circulated at Pages No. 144-173, attached the Regulation of Investigatory Powers Act (RIPA) Procedural Guide and the Social Media Policy which Members were asked to approve.
- 47.2 Members were advised that the documents attached to the report had been considered by the Audit Committee at its meeting in September and that Committee had recommended them to the Executive Committee for approval. The Regulation of Investigatory Powers Act had been brought into force in 2000 and had allowed Councils to carry out covert surveillance of alleged offenders for the prevention and detection of crime. The Act also allowed the Council to apply to mobile phone companies, and other telecommunications providers, for information about individuals who were suspected of committing crimes. Compliance with RIPA ensured the actions taken by the Council complied with the Human Rights Act 1998, in particular the right to privacy and to a fair trial when gathering evidence in preparation for a Court case.
- 47.3 In accordance with the guidance issued by the Home Office it was recommended that Councillors were involved in the annual review of RIPA policies and the report before the Committee was the annual report for 2016. The use of the Act had changed significantly since it had been introduced and it was now quite unusual for the RIPA procedure to be initiated. However, the Office of Surveillance Commissioners report in 2014 had made additional recommendations that the Council should consider implementing a Social Media Policy/Procedure due to the increasing internet traffic and the use of social networking sites by traders, companies and individuals that may result in criminal activity. The Council had not had any RIPA authorisations for the past five or six years but it needed to have a Policy in place in the event that it was required. It was anticipated that training on the use of RIPA powers would be provided by the end of November.
- 47.4 A Member raised concern about Paragraph 3.2.3, on Page No. 151, of the report and questioned whether she would be breaking the law if she saw something of concern in her Ward and took a picture of it to send to Officers. In response, the Chief Executive indicated that if this was a public place then that would be fine. However, the danger came if a Member was looking into private premises, even from a public vantage point, using a long distance device e.g. binoculars, this would constitute covert surveillance.
- 47.5 Referring to Page No. 163, Annex A, a Member indicated that this document was out of date as the job descriptions had now changed. He was advised that this had been notified to the Office of Surveillance Commissioners and Officers were aware that, once the vacant posts were filled, the names would need to be identified within the document as it needed to contain the details of named people rather than posts.
- 47.6 Accordingly, it was

RESOLVED: 1. That the Regulation of Investigatory Powers Act (RIPA) –

Procedural Guide, as attached to the report at Appendix 1, be **ENDORSED**.

2. That the Social Media Policy, as attached to the report at Appendix 2, be **APPROVED**.
3. That training be undertaken by Officers.

EX.48 COMMUNITY GRANT - QUEENS ROAD, TEWKESBURY

- 48.1 The report of the Deputy Chief Executive, circulated at Pages No. 174-177, provided details about a proposal that had been received from Severn Vale Housing Society to resolve the outstanding position in respect of a community grant previously awarded for conversion work at 101-105 Queens Road, Tewkesbury. Attention was drawn to a paper circulated around the table which detailed amended recommendations in respect of this issue. Members were asked to release the charge over Title Number GR342856 referred to in the report provided that Severn Vale Housing Society Ltd. first entered into a formal covenant with Tewkesbury Borough Council to pay to the Council the sum of £73,646.69 in equal annual instalments over a period of seven years from the date of the Deed; to delegate authority to the Head of Finance and Asset Management to settle the further terms of the Deed and to the Borough Solicitor to prepare such documents as she considered appropriate to reflect the terms agreed; and that the monies received from Severn Vale Housing Society Ltd. under the terms of the Deed be allocated for the benefit of Prior's Park Neighbourhood Project Ltd. or (should that company cease to exist) allocated for community support within the Prior's Park neighbourhood.
- 48.2 The Deputy Chief Executive indicated that, at its meeting in June 2016, the Committee had determined that Severn Vale Housing Society should be asked to repay the totality of the community grant previously awarded to the Prior's Park Neighbourhood Project in 2010 for conversion work at 101-105 Queens Road, which was placed as a charge on the property. During discussions with Severn Vale following that meeting a proposal had been received which it hoped would resolve the outstanding position. The proposal saw Severn Vale Housing Society accept the liability for the outstanding grant amount of £73,646.69 which was owed to the Borough Council and it also offered a commitment to support the community work carried out by the Neighbourhood Project in the Prior's Park area. With this in mind, Severn Vale had offered to repay the outstanding amount in the form of a £10,520 annual grant to Prior's Park Neighbourhood Project for seven years to aid the community development capacity of the Project. The first annual grant would be made within 2016/17 financial year as soon as the charge was lifted from the property and continued each year subsequently. It was proposed that that 'community grant' would be paid direct to the Borough Council for onward transmission to the community project and, within that time should the Neighbourhood Project cease to exist, the monies would remain ring-fenced for community support within the Prior's Park neighbourhood with any remaining balance being paid directly to the Borough Council to replenish the community grants pot for general support throughout the Borough. Severn Vale Housing Society would also offer an officer to sit on the Neighbourhood Project's Board to further support the community organisation in its sustainability and future planning.
- 48.3 The Deputy Chief Executive advised that she had consulted with the local Ward Members on the proposal and they were very supportive of it. There was vulnerability in the neighbourhood and the work the Project did to enhance the

area and achieve better outcomes for its residents was invaluable.

48.4 Having considered the information provided, and proposal made from Severn Vale Housing Society, it was

RESOLVED:

1. That the charge over Title Number GR342856, as referred to in the report, be released provided Severn Vale Housing Society Ltd. first enter into a formal covenant with Tewkesbury Borough Council to pay to the Council the sum of £73,646.69 in equal annual instalments over a period of seven years from the date of the Deed.
2. That authority be delegated to the Head of Finance and Asset Management to settle the further terms of the Deed and to the Borough Solicitor to prepare such documents as she considers appropriate to reflect the terms agreed.
3. That the moneys received from Severn Vale Housing Society Ltd to Tewkesbury Borough Council under the terms of the Deed be allocated for the benefit of Prior's Park Neighbourhood Project Ltd. or (should that company cease to exist) allocated for community support within the Prior's Park neighbourhood.

EX.49 CHRISTMAS CAR PARKING

49.1 The report of the Head of Development Services, circulated separately at Pages No. 1-4, set out an approach which had been made to the Council by retailers in Tewkesbury to change the current free parking offer from the last Saturday before Christmas (24 December) to the first Saturday in December (3 December) to coincide with Small Business Saturday in the UK. Members were asked to approve this as an amendment to the Parking Order for publication and consultation and to delegate authority to implement changes to the Parking Order to the Head of Development Services in consultation with the Lead Member for Economic Development/Promotion.

49.2 The Deputy Chief Executive explained that the retailers in the Town felt that this change could be used as a platform for promotion and to help attract Christmas shopping trade earlier in the month. Small Business Saturday was an established national event which highlighted small business success and encouraged consumers to 'shop local' and support small businesses in their communities. In Tewkesbury, the Federation of Small Businesses had been consulted and supported the change with the view that it was a good way to promote Small Business Saturday and to encourage people into the Town rather than going to Cheltenham and Gloucester. Businesses felt that the majority of Christmas shopping was usually completed by the last Saturday, which fell on Christmas Eve this year so would have little, if any, benefit to the local economy. The other free parking day in Tewkesbury would be retained for the switching on of the Christmas lights as set out in the current Car Parking Strategy. Consultation had also been undertaken with business groups and the Town Council in Winchcombe and they had indicated they would like to retain the free parking day on the last Saturday before Christmas, however, they would also like the other free parking day to be 3 December to coincide with Small Business Saturday; that request was in line with the current Car Parking Strategy as it fell under 'an equivalent Christmas event in Winchcombe' therefore no amendment was required to the Parking Order in that regard.

49.3 During the brief discussion which ensued, a Member questioned whether it would

cost a lot to offer every Saturday in December for free parking. In response, the Vice-Chair indicated that this issue had been considered as part of the review of the Car Parking Strategy but had been found to be prohibitively expensive.

49.4 Accordingly, it was

- RESOLVED:**
1. That the proposed amendment to the Parking Order be **APPROVED** for publication and consultation.
 2. That authority be delegated to the Head of Development Services, in consultation with the Lead Member for Economic Development/Promotion, to implement the changes to the Parking Order.

EX.50 SEPARATE BUSINESS

50.1 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.51 SEPARATE MINUTES

51.1 The separate Minutes of the meeting held on 31 August 2016, copies of which had been circulated, were approved as a correct record and signed by the Chair.

EX.52 THE HANGINGS, LAND ADJ RIVER AVON, NORTH OF QUAY STREET, TEWKESBURY

(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))

52.1 Having considered the report, the Committee agreed to transfer the Public Open Space land and the river wall known as The Hangings, adjacent to River Avon, North of Quay Street, Tewkesbury to Tewkesbury Town Council.

The meeting closed at 3:45 pm