

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Executive Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Wednesday, 26 April 2017 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 Mrs G F Blackwell and T A Spencer

EX.85 ANNOUNCEMENTS

85.1 The evacuation procedure, as set out on the Agenda, was taken as read.

85.2 The Chair welcomed Councillors Mrs Gill Blackwell and Terry Spencer to the meeting. Councillor Blackwell was in attendance as Vice-Chair of the Overview and Scrutiny Committee for Agenda Item 7 – Performance Management Report Quarter Three 2016/17, and Councillor Spencer was present as an observer.

EX.86 DECLARATIONS OF INTEREST

86.1 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.

86.2 There were no declarations of interest made on this occasion.

EX.87 MINUTES

87.1 The Minutes of the meeting held on 1 February 2017, copies of which had been circulated, were approved as a correct record and signed by the Chair.

EX.88 ITEMS FROM MEMBERS OF THE PUBLIC

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

EX.89 EXECUTIVE COMMITTEE FORWARD PLAN

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

89.2 Accordingly, it was

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

EX.90 PERFORMANCE MANAGEMENT REPORT - QUARTER THREE 2016/17

90.1 The report of the Overview and Scrutiny Committee Chair, circulated at Pages No. 15-50, 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 three performance management information.

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

90.3 In the absence of the Chair, the Overview and Scrutiny Committee Vice-Chair explained that it had been reported to the Overview and Scrutiny Committee that progress on Council performance over the past quarter was generally good with some key areas of excellent performance including the successful launch of the Council's new website, which was receiving recognition nationally; a significant commercial property investment; and the approval of the main modifications to the Joint Core Strategy. In relation to the performance report, a Member had raised concern that there was no timeline for a review of the discretionary trade waste service. In response, the Head of Community Services had explained that there were two reviews being undertaken in relation to this issue, one by Ubico and one by the Council, and it was felt sensible to wait until Ubico had appointed consultants to start its work. This had now been done and a scoping report would be put together for the Council's review. Another Member had requested an update on the progress of the vision for the J9 area and, in response, the Chief Executive had advised that a consultant had been engaged to help produce and deliver the vision. A successful funding bid for £234,000 had been made to the Homes and Communities Agency with the potential for more following further discussions. A meeting of the J9 Area Member Reference Panel would take place shortly to consider an action plan to take that forward. In terms of key performance indicators, a Member had felt that officers spent a lot of time on the details of planning applications that were often still refused and they had asked for an explanation on this. In response, the Head of Development Services had explained that it was important to recognise the complexity of the planning process and the many different issues to be taken into consideration, even with small applications. Members were assured that if they had queries about specific applications she would be happy to look at them on an individual basis. Another Member had asked if it would be appropriate for the Committee to receive an update on the second phase of the planning systems review and the Head of Development Services had indicated that she was keen to look at performance and build on the improvements already made and, as such, this would be added to the Committee's work programme. There had been some discussion about enviro-crimes and whether the necessary equipment was available to help combat the problem. The Head of Community Services had explained that he would find out how many cameras were available and where they were located. He had also explained that he planned to discuss the employment of an Environmental Warden with Parish Councils; in addition, the team was looking at hotspots for dog fouling and the Public Protection Orders which would allow Fixed Penalty Notices to be issued. In

terms of sickness absence, a Member had highlighted that there was an increasing trend in short term sickness and asked for assurance that this was being monitored. The Head of Corporate Services had explained that there was often an increase in short term absences during the winter period due to colds and other viruses; he confirmed that it was being monitored and pointed out that a review of the Council's Absence Management Policy was a 'pending' item on the Overview and Scrutiny Committee's work programme. In addition, the internal audit team would be looking at absence management and ensuring the policy was being applied consistently.

- 90.4 Referring to the number of reported enviro-crimes, a Member indicated that the Community Safety Partnership had given the Borough Council a grant to change the position of CCTV cameras and she questioned whether this had been used. She was aware that some cameras could not be redeployed as they did not work so she was unsure of the current status in this regard. In response, the Overview and Scrutiny Committee Vice-Chair explained that, when the Committee had received a report at a recent meeting, the information provided had noted that the Borough had three CCTV cameras. She was unsure of their current status and indicated that she would investigate and advise the Member following the meeting. The Lead Member was aware that flytipping was a huge problem across the country and he understood that the government was looking to offer local authorities more powers to try and tackle the problem; he hoped that those powers would be implemented by the Council when it had the opportunity to do so.

- 90.5 Accordingly, it was

RESOLVED: That the Overview and Scrutiny Committee's comments on the Performance Management Report for Quarter Three of 2016/17 be **NOTED**.

EX.91 FLOOD RISK MANAGEMENT GROUP MONITORING REPORT AND ACTION PLAN

- 91.1 The report of the Head of Community Services, circulated at Pages No. 51-65, sought to review the Terms of Reference of the Flood Risk Management Group and associated Action Plan following consideration by the Overview and Scrutiny Committee. Members were asked to adopt the revised Terms of Reference and Action Plan; to agree that a review of the Terms of Reference take place within the first twelve months of the term of the new Council rather than on an annual basis; and to agree that progress against the Flood Risk Management Group Action Plan continue to be monitored by the Overview and Scrutiny Committee on an annual basis.

- 91.2 Members were advised that the Action Plan, circulated at Appendix 1 to the report, was based on land drainage projects and was monitored on a regular basis by the Flood Risk Management Group. The Action Plan was a 'living' document which was amended as necessary when funding and/or partnership opportunities arose. The Borough Council continued to be successful in drawing money in from various sources including the Lead Local Flood Authority (Gloucestershire County Council) as well as Flood Defence Grant in Aid monies to help fund further major capital projects. This meant the financial burden to the Council had been reduced considerably whilst still increasing the benefits of the maintenance undertaken. This had also been helped by the way the work was contracted. However, there was some work that could not be routinely contracted as it was reactionary - this would remain the case as there were always some emergencies but, in general, the system in place now seemed to be working extremely well.

- 91.3 Referring to Page No. 61 of the report, a Member questioned whether gabion

baskets collapsed on a regular basis. In response, it was confirmed that this was monitored and was not a regular occurrence. Officers were looking at less onerous, more low maintenance options for the future; there were some 'horizon' projects contained within the Action Plan which were things that currently posed no risk but would need to be addressed at some point. In response to a query regarding a recent planning application, Members were advised that funding was provided centrally and followed a prescriptive and detailed process using cost benefit ratios. A number of properties were protected by the scheme referred to which meant it attracted funding, even though the area where the works were taking place was not at risk of flooding, as there were properties further downstream that would be affected by it.

91.4 Members felt the suggestions regarding the monitoring of the Flood Risk Management Group Terms of Reference and Action Plan seemed sensible and, accordingly, it was

RESOLVED:

1. That the revised Terms of Reference and Flood Risk Management Group Action Plan be **ADOPTED**.
2. That a review of the Flood Risk Management Group Terms of Reference take place within the first 12 months of the term of the new Council.
3. That progress against the Flood Risk Management Group Action Plan continue to be monitored by the Overview and Scrutiny Committee on an annual basis.

EX.92 COUNCIL PLAN 2016/20 REFRESH - YEAR TWO

92.1 The report of the Head of Corporate Services, circulated at Pages No. 66-90, set out a refresh of the 2016-20 Council Plan. Members were asked to consider the Plan, and actions proposed for year two, and recommend it to the Council for adoption.

92.2 The Head of Corporate Services explained that the Council Plan was a key strategic document which established an overarching vision for the Borough and set out, in broad terms, the priorities, objectives and actions that the Council would focus upon to work towards its vision. The 2016-20 Plan had been approved by the Council in April 2016 and, as with the previous Council Plan, the actions under each priority theme were reviewed on an annual basis and refreshed where appropriate. In terms of the current refresh, it was proposed that the vision, values and priority themes remain unchanged. Each of the four themes: Finance and Resources; Economic Development; Housing; and Customer Focused Services were supported by a series of key objectives and actions to focus activity on delivery of the priorities and, whilst it was also proposed that the key objectives remain unchanged, the actions - which tended to be of an operational nature - would need to be updated where appropriate to reflect progress made during the year. All amendments and new actions were clearly shown on Pages No. 6-9 of the Plan and a summary was set out at Appendix 2 to the report. Examples of changes to current actions included the deletion of the action 'to develop and roll out a new website' as the project had been successfully completed in November 2016 and the inclusion of a new action to 'develop a new garden waste system' as this was a new project which was being set up.

92.3 Members welcomed the changes proposed and, accordingly, it was

RESOLVED: That it be **RECOMMENDED TO COUNCIL** that the Council Plan refresh be **ADOPTED**.

EX.93 2017/18 SERVICE PLANS

93.1 The report of the Head of Corporate Services, circulated at Pages No. 91-129, attached the 2017/18 service plans which Members were asked to consider and endorse.

93.2 The Head of Corporate Services explained that each service group within the Council had produced a service plan for 2017/18. The plans contained key, non-daily activities which were intended to be carried out during the year. The plans also provided an update on the 2016/17 actions to show how the service was progressing. It was intended that the plans would form part of the team meetings for each service and, where appropriate, 1:1 meetings and Lead Member briefings.

93.3 Members were of the view that the service plans seemed extremely comprehensive, although it was felt that there was a need to add 'the calling of snap elections' to the Democratic Services service plan under the heading 'factors that may affect future service delivery' given that the announcement of a general election in June was a considerable additional workload to that team.

93.4 Accordingly, it was

RESOLVED: That the 2017/18 Service Plans be **ENDORSED**.

EX.94 FEES AND CHARGES STRATEGY

94.1 The report of the Head of Finance and Asset Management, circulated at Pages No. 130-139, provided a Fees and Charges Strategy which Members were asked to approve.

94.2 The Head of Finance and Asset Management explained that the Council provided a wide range of services to the local community, businesses and visitors for which it was able to make a charge. For the services where the Council had discretion over the setting of fees it was important that it had a robust process in place for their review on an annual basis. The Fees and Charges Strategy sought to provide a framework from which Service Managers could consider their fees and charges and make proposals to ensure the costs of providing services were being recovered and that opportunities to expand income sources and the ability to act commercially were being considered. The Strategy also provided for a central point of coordination and a link to the budget setting process in order to ensure fees and charges were being considered and approved in good time.

94.3 During the discussion which ensued, a Member welcomed the Strategy and drew particular attention to Page No. 137 which discussed the adoption of a more commercial approach to fee setting. He felt the specialist knowledge possessed by the One Legal Team was something that could be sold to Parishes as they currently used solicitors that did not have particular specialisms in local government which could be a problem for those Parishes. Referring to Page No. 136, a Member expressed concern about the governance of the strategy; specifically the delegation of powers to officers. She was of the view that Members should have a say in the setting of charges, most particularly in terms of the garden waste service as the fees had risen considerably since its introduction a number of years ago. In response, the Head of Finance and Asset Management indicated that the Strategy reflected the current arrangements contained within the Council's Constitution so, if this was something Members wished to change, they would need to do so by amending the Constitution. In addition, the Chief Executive

advised that a considerable amount of discussion had taken place through the Transform Working Group on the charges for the garden waste service and Officers would continue to use that route as appropriate to ensure there was Member engagement with a number of the fees and charges which the Council implemented.

94.4 Members felt this was a sensible way forward and, accordingly, it was

RESOLVED: That the Fees and Charges Strategy, as attached at Appendix A to the report, be **APPROVED**.

EX.95 DESIGNATION OF A NEIGHBOURHOOD PLAN AREA FOR BISHOP'S CLEEVE

95.1 The report of the Planning Policy Officer, circulated at Pages No. 140-150, set out an application from Bishop's Cleeve parish for the designation of a new Neighbourhood Area. Members were asked to consider the application, which had been assessed against the requirements set out within the legislation, and approve the designation of a Neighbourhood Area covering the parish of Bishop's Cleeve.

95.2 The Head of Development Services explained that, as Members were aware, the local planning authority had a statutory duty to advise and assist communities in the preparation of Neighbourhood Development Plans. The Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012 (as amended) set out those responsibilities and the Council had to comply to that legislation. Members were reminded that a Neighbourhood Development Plan was a statutory community-led framework for guiding the future development and growth of an area. The plan could be detailed or general in nature but had to meet the needs of the wider area which, for Tewkesbury Borough, would be set out in the Joint Core Strategy and Tewkesbury Borough Plan. There were five stages to neighbourhood planning: defining the neighbourhood area; preparing the plan; independent examination; community referendum; and legal force.

95.3 An application had been received to designate Bishop's Cleeve parish as a Neighbourhood Area. That application had been considered and assessed as required and, as a result, it had been confirmed that the criteria had been met e.g. the parish of Bishop's Cleeve qualified as a relevant body which was eligible to make an application; the area proposed to be designated consisted of the whole parish; the area proposed for designation could not be described as being wholly or predominantly in business use and therefore it would be inappropriate to designate the area as a business area; and there were no other designated areas that overlapped with the proposed area. On that basis the recommendation was that the designation should be made.

95.4 It was

RESOLVED: That the designation of a Neighbourhood Plan Area covering the Parish of Bishop's Cleeve be **APPROVED**.

EX.96 GOTHERINGTON NEIGHBOURHOOD PLAN REFERENDUM

- 96.1 The report of the Planning Policy Officer, circulated at Pages No. 151-183, sought approval for the Gotherington Neighbourhood Plan to proceed to a community referendum.
- 96.2 Members were advised that, since the publication of the report before the Committee, an email had been received from Gotherington Parish Council which confirmed that it fully supported the amendments made to its Plan by the independent examiner and asked that the Plan was submitted for a referendum. The report had been written on the basis that this information had not been received from the Parish Council and, as such, the recommendation was that authority be delegated to the Head of Development Services, in consultation with the Lead and Ward Members, to approve the modifications made by the independent examiner and make the formal decision to progress the Plan to a community referendum. The recommendation within the report could now be amended as it would be possible for the Executive Committee to approve the amended Plan going to a community referendum; given the Parish Council had confirmed it was happy with it as amended.
- 96.3 The Head of Development Services explained that the Council had a duty to advise and assist communities in the development of their Neighbourhood Plans and the Gotherington Neighbourhood Development Plan was the third one within the Borough to get to the referendum stage. The Plan had been through the necessary consultation period as well as an independent examination, the report of which was attached as an appendix to the Committee report. The date of the referendum was likely to be 20 July which meant there was a tight timescale to get all of the necessary information in place to meet that deadline.
- 96.4 In response to a query regarding the examination process, the Head of Development Services explained that the independent examiners all worked under the same guidelines but they had different balanced views. This meant that, whilst the variations in comments on Plans should not be too dramatic, there would undoubtedly be differences. The Regulations had changed in February and there was now less scope for potential changes but a few more decisions would need to be published before it would be clear what effect those changes would have and the approach that examiners were taking. The parishes did not have to accept the changes proposed by the independent examiner and the advice provided to them from officers was given in good faith and should be consistent in terms of the need to take account of the Joint Core Strategy and the Borough Plan.
- 96.5 A Member questioned whether it would be possible to set up a process whereby referendums were held at particular points in the year rather than on an ad-hoc basis; she felt this would help Democratic Services in terms of planning its workload. In response, the Borough Solicitor indicated that some authorities had tried to do that initially but the difficulty was that the local planning authority only had a certain timescale within which the referendum had to be held once the independent examination had taken place; this made it hard to plan the dates of the referendum in advance. In response to a suggestion that Neighbourhood Development Plans could be discussed at a future Parish and Town Council seminar, the Head of Development Services advised that a process-based presentation had been provided fairly recently but she felt that more could be done in terms of explaining the role and purpose of Neighbourhood Plans; she undertook to investigate how that information could more effectively be disseminated to communities.

96.6 Accordingly, it was

RESOLVED: That the modifications made to the Gotherington Neighbourhood Development Plan be **APPROVED** and it be formally **AGREED** that the Plan be progressed to Community Referendum, ascribed by Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

EX.97 TEWKESBURY BOROUGH PLAN WORKING GROUP

- 97.1 The report of the Planning Policy Manager, circulated at Pages No. 184-188, asked the Executive Committee to approve the setting up of a Tewkesbury Borough Plan Working Group, in line with the Terms of Reference attached to the report at Appendix 1, and to nominate five Members to form that Working Group.
- 97.2 In introducing the report, the Head of Development Services explained that the Tewkesbury Borough Plan would form part of the statutory development plan for the Borough. It would sit underneath the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and would help to deliver the growth set out in the Joint Core Strategy by providing local planning policy guidance that was specific to the Borough, as well as making smaller scale allocations for development. The Borough Plan had previously been through an initial scoping consultation and a Regulation 18 Draft Plan consultation and Officers were now working on the development of a Regulation 18 Preferred Options Plan consultation. In order to progress that work it was essential that Officers worked closely with Members to deliver the most appropriate and sustainable strategy for future growth and this was the reason that a small Working Group was felt to be appropriate. The Group would provide a focussed review of Plan development and inform the approach to be taken as the Plan moved forward. The Preferred Options Borough Plan would ultimately still be reported back to Council to seek approval for it to be published for public consultation.
- 97.3 The Chair expressed the view that this was an essential Working Group to ensure the Borough Plan received the same Member engagement as had been achieved for the Joint Core Strategy through the Council's Planning Policy Reference Panel. He felt five Members would be the correct number and that it would be appropriate for one of those Members to be a non-Conservative group Member. He proposed, and it was seconded, that the membership be agreed as Councillors East, Foyle, Furolo, Gore and Stokes. Some Members questioned whether another Group was needed or whether the work could be undertaken by the already established Planning Policy Reference Panel. In response, the Chief Executive advised that the Planning Policy Reference Panel had a wider membership and a remit to consider the issues and delivery of the Joint Core Strategy. The Borough Plan also faced a number of wide ranging issues and was concerned with governance around planning at Member and officer levels so he felt a specific Working Group would be helpful in focussing on the Borough Plan in particular. It would need less of a Reference Group approach and more of a project driven approach.
- 97.4 There was a suggestion that nine Members, rather than five, on the Working Group may be more appropriate but others were of the view that the number of Members was of less concern than those that were nominated being proactive and passionate about the Borough Plan. One Member explained that the Planning Policy Reference Panel had primarily been set up as a link between the work done by officers and the Joint Core Strategy Member Steering Group as there had been a lot of confusion about the direction the Joint Core Strategy was taking. The Joint Core Strategy structure had been particularly difficult due to the nature of three different authorities working together and this was not the case for the Borough

Plan which was being developed by Tewkesbury Borough for its own use; for this reason he felt the structure and composition proposed for the Borough Plan Working Group was absolutely the best way forward.

97.5 Upon being proposed and seconded, it was

- RESOLVED:**
1. That the Tewkesbury Borough Plan Working Group be set up in line with the Terms of Reference attached at Appendix 1 to the report.
 2. That the Working Group be made up of five Members and that membership of that Group comprise Councillors R D East, D T Foyle, R Furolo, Mrs M A Gore and Mrs P E Stokes.

EX.98 'FIXING OUR BROKEN HOUSING MARKET' HOUSING WHITE PAPER CONSULTATION

98.1 The report of the Head of Development Services, circulated at Pages No. 189-217, set out a proposed joint response from the Joint Core Strategy authorities to the government's Housing White Paper: 'Fixing our Broken Housing Market'. Members were asked to consider the proposed response, as attached to the report at Appendix 1, and agree it on behalf of Tewkesbury Borough Council.

98.2 The Head of Development Services explained that, in February 2017, the government had published the White Paper which set out how it intended to boost the housing supply and, over the long term, create a more efficient housing market. The paper presented a series of proposals based around four key steps: planning for the right homes in the right places; building homes faster; diversifying the market; and helping people now. As part of the White Paper, the government was consulting on the changes that would result to planning policy and legislation and the deadline for responding to that consultation was 2 May 2017. In order to guide the consultation feedback, a series of questions around the proposals had been set out and the joint response to those was attached as an appendix to the report.

98.3 Referring particularly to the proposed response to question 10(b) – do you agree with the proposals to amend the National Planning Policy Framework to make clear that, where land is removed from the green belt, local policies should require compensatory improvements to the environmental quality or accessibility of remaining green belt land?, a Member felt it was inappropriate to include airports that existed in the green belt as an example of a place where housing could be developed. He felt this gave an indication that Gloucestershire's airport would be a good target for development and this was something that many Members were strongly against. Other Members agreed with this view and asked that this reference be removed. One Member particularly mentioned the Council's Economic Development Tourism Strategy which included a statement of support for the function of the airport and he felt the wording, as set out at Appendix 1, was not helpful to that Strategy.

98.4 Another Member referred to the affordable housing issues identified at Page No. 215, he felt the proposed response went right to the heart of the problems faced in respect of the varying rents, particularly in rural areas; however, he questioned whether the response in that regard could be made even more robust – he suggested that working out affordable rents at 80% of the market value often resulted in them being out of reach for many that wanted to remain in the rural areas in which they had grown up and this was not acceptable. In response, the Chief Executive suggested that there may be a way to strengthen the paragraph in order to offer local discretion where appropriate to increase the percentage discount; the best wording to achieve this aim would be considered by Officers and

the paragraph amended accordingly. Although the response was a joint one, if the other two authorities were not happy with the amendments made, they would be included as the view of Tewkesbury Borough Council alone.

98.5 Accordingly, it was

RESOLVED: That the proposed response to the 'Fixing our Broken Housing Market' White Paper, as set out at Appendix 1 to the report, be **APPROVED** as the Council's submission to the government's consultation, and to form part of a joint response of the Joint Core Strategy authorities, subject to the following amendments:

- Question 10 – reword the response to remove reference to the airport; and
- Question 31 – reword to strengthen the response in terms of affordable homes, particularly in rural areas, i.e. to note that, where appropriate, there could be local discretion in terms of the definition of affordable to increase the percentage discount.

EX.99 SEPARATE BUSINESS

99.1 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.100 SEPARATE MINUTES

100.1 The separate Minutes of the meeting held on 1 February 2016, copies of which had been circulated, were approved as a correct record and signed by the Chair.

EX.101 DISPOSAL OF GARAGE SITE

(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))

101.1 Members considered the report which detailed the potential disposal of a garage site and agreed that the Head of Finance and Asset Management should be authorised to secure the sale at best consideration.

EX.102 OPTIONS APPRAISAL - LAND OFF POST OFFICE LANE, 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))

- 102.1 The Committee considered a report which set out the options appraisal for land off Post Office Lane, Tewkesbury. Members agreed that the Head of Finance and Asset Management be authorised to take such steps as he considered reasonably necessary to secure the sale of the land at best consideration.

The meeting closed at 3:55 pm