

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Executive Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Wednesday, 6 June 2018 commencing at
2:00 pm**

Present:

Chair

Councillor R A Bird

and Councillors:

K J Berry, G F Blackwell, R Furolo, M A Gore, J Greening, E J MacTiernan and M J Williams
(Substitute for J R Mason)

also present:

Councillors R E Allen and R E Garnham

EX.1 ANNOUNCEMENTS

1.1 The evacuation procedure, as noted on the Agenda, was taken as read.

EX.2 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

2.1 An apology for absence was received from Councillor J R Mason.
Councillor M J Williams would be acting as a substitute for the meeting.

EX.3 DECLARATIONS OF INTEREST

3.1 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.

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

EX.4 MINUTES

4.1 The Minutes of the meeting held on 25 April 2018, copies of which had been circulated, were approved as a correct record and signed by the Chair.

EX.5 ITEMS FROM MEMBERS OF THE PUBLIC

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

EX.6 EXECUTIVE COMMITTEE FORWARD PLAN

6.1 Attention was drawn to the Committee's Forward Plan, circulated at Pages No. 10-17. Members were asked to consider the Plan.

6.2 Accordingly, it was

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

EX.7 APPOINTMENT OF PORTFOLIO HOLDERS AND SUPPORT MEMBERS

7.1 Attention was drawn to the document, attached to the Agenda at Page No. 18, which showed the Portfolio Holders and their Support Members for the forthcoming Municipal Year. Members were asked to confirm their appointment.

7.2 Accordingly, it was

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

- Leader of the Council/ Economic Development/Promotion Portfolio Holder – Councillor Rob Bird.
- Economic Development/Promotion Portfolio Support Member – Councillor Philip Surman.
- Finance and Asset Management Portfolio Holder – Councillor Ron Furolo.
- Finance and Asset Management Portfolio Support Member – Councillor Andrew Reece.
- Corporate Portfolio Holder – Councillor Elaine MacTiernan.
- Corporate Portfolio Support Member – Councillor Ron Allen.
- Customer Focus Portfolio Holder – Councillor Mike Dean.
- Customer Focus Portfolio Support Member – Councillor Heather McLain.
- Organisational Development Portfolio Holder – Councillor Gill Blackwell.
- Organisational Development Portfolio Support Member – Councillor Pauline Godwin.
- Built Environment Portfolio Holder – Councillor Mel Gore.
- Built Environment Portfolio Support Member – Councillor Ruth Hatton.
- Deputy Leader of the Council / Clean and Green Environment Portfolio Holder – Councillor Jim Mason.

- Clean and Green Environment Portfolio Support Member – Councillor Mark Williams.
- Community Portfolio Holder – Councillor Kay Berry.
- Community Portfolio Support Member – Councillor Pearl Stokes.
- Health and Wellbeing Portfolio Holder – Councillor Julie Greening.
- Health and Wellbeing Portfolio Support Member – Councillor Janet Day.

EX.8 FINANCIAL OUTTURN REPORT

- 8.1 The report of the Head of Finance and Asset Management, circulated at Pages No. 19-41, highlighted the Council's financial performance for 2017/18 and set out both the general fund and capital outturn positions. Members were asked to note the general fund outturn for 2017/18, the financing of the capital programme and the annual treasury management report and performance; and to approve the transfers to and from earmarked reserves.
- 8.2 The Head of Finance and Asset Management explained that the report detailed the final outturn position for the 2017/18 financial year, as well as addressing the movement on reserves, and requested Member approval for the creation of newly requested reserves or additions to existing reserves that fell outside of the previously approved sum. The report also sought to confirm the full year progress against the capital programme, and the sources of finance used in delivering that programme, as well as to report the performance of the treasury management function in 2017/18 in line with the requirements of the code of practice.
- 8.3 Attention was drawn to Table 1, Page No. 21, which showed the general fund outturn position. The position for direct service expenditure showed a positive variance of £1,080,281 which was mainly attributable to the major items such as: an underspend on the employees full year budget as a result of staff turnover and vacancies in most service groupings; an underspend on premises as a result of savings on utilities and business rates paid; savings on transport across all service areas from reduced car allowance scheme costs and reduced business mileage; and additional levels of income of £894,361 over the budgeted provision. The majority of 'fees and charges' budgets, with the exception of planning fees, had been delivered on budget during the year. The large variance was therefore as a result of substantial external grant income being received during the year. The Head of Finance and Asset Management explained that the Council had received a number of new burdens grants from the government but had also attracted significant service specific grants, particularly in relation to the delivery of the requirements for infrastructure and the Joint Core Strategy. In addition, the Council had taken on accountable body status for the Gloucestershire wide 'Places of Safety' funding so had received a transfer of funding totalling £449,000.
- 8.4 Members were advised that a breakdown of Council reserves was shown at Appendix B to the report and was grouped under strategic headings so as to provide a better understanding of the intended use of monies set aside. Total revenue reserves stood at £10.61 million as at the end of March 2018 and included earmarked reserves, planning obligations and the general fund working balance; the increase in overall revenue reserves totalled £2.56 million and was as a result of a number of factors including in-year surplus within the general fund; and developer contributions, expenditure against contributions already received and expenditure on existing reserves of £1.01 million. In addition, the Head of Finance

and Asset Management referred to the capital programme which had been substantial in the last few years. This had been highlighted in the level of capital expenditure incurred in 2017/18 which had totalled £15.93 million; to date the bulk of expenditure had been on the purchase of further investment properties and the refurbishment of the Public Services Centre. The summarised capital programme was shown at Appendix C to the report together with the sources of finance used. In terms of treasury management, a detailed report was attached to the Agenda at Appendix D; it set out the economic environment, a number of changes introduced into the sector, local performance and a number of prudential indicators. Attention was drawn to the fact that the in-year performance of treasury investments had resulted in an average return of 0.98% and total income of £192,000 which was £165,000 above the budget for the year and reflected the range of investments made. In order to part fund the investment in commercial property, significant borrowing of £21 million had been undertaken; however, the Council's strategy had kept borrowing costs within £60,000 for the year which was £24,000 below target. In terms of the financial performance indicators, the Head of Finance and Asset Management was pleased to report continued high performance in the speed of payment of invoices; the outturn performance of 94.56% had again exceeded target. In addition, the sundry debt position had fallen by approximately £6,000 across the financial year taking the amount outstanding to the lowest year end position for a number of years.

8.5 Referring to the capital programme, a Member noted that there was an underspend of £170,113 against the remaining capital balances from the community grants programme. She was aware that the Council no longer had a Community Grants Working Group and, as such, she asked that the Executive Committee receive an update on the committed grants so Members could see what was happening with them. The Head of Finance and Asset Management confirmed that he would provide that at a future meeting. Another Member noted that the employees' budget was underspent and that there were vacancies in most service groups; she was of the view that the Council had great commitment from its staff but there was a need for more staff in many areas and she questioned what was being done about this. In response, the Head of Finance and Asset Management advised that, depending on the level of Officer being appointed there was a notice period which could be from one to three months and, unfortunately, this often left a gap. Managers tried to advertise and appoint as quickly as possible to ensure capacity was retained but sometimes this was not possible. In addition, the Chief Executive explained that other options were sometimes considered rather than replacement of staff, i.e. changes in structure/job descriptions, but whatever the way forward Managers tried to ensure it was actioned as quickly as possible.

8.6 Accordingly, it was

RESOLVED:

1. That the General Fund outturn for 2017/18, 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.9 GRASS CUTTING

- 9.1 Attention was drawn to the report of the Head of Community Services, circulated separately at Pages No. 1-8. Members had requested the report which provided an update on the current issues being experienced with grass cutting across the Borough. The Committee was asked to approve an improvement action plan; approve the allocation of £10,000 from the uncommitted contingency reserve to deal with remedial grass cutting works; and recommend that the Overview and Scrutiny Committee monitor the delivery of the improvement action plan.
- 9.2 The Chair advised that the report had been provided following a request by Members that the issues be considered. Unfortunately, the relevant Lead Member was not able to attend the current meeting but he was fully in favour of the report and had attended a number of meetings in the last week to help structure it.
- 9.3 In summary, the Head of Community Services explained that Ubico was the Council's contractor for undertaking grounds maintenance across the Borough. Tewkesbury Borough Council was responsible for the cutting of grass on its own land and had a contract arrangement with Gloucestershire County Highways and Parish Councils to cut various areas of grass across the Borough. County Highways currently contracted Amey for highway verges - in Tewkesbury Borough those were mainly verges and roundabouts along lanes and major trunk roads. The majority of the grass that Ubico cut for the Borough Council on behalf of County Highways was within developments such as the Wheatpieces estate, Newtown, Bishop's Cleeve, Winchcombe, Longford, Ashleworth and Gotherington. Tewkesbury Borough Officers had provided comprehensive maps to Ubico which detailed all of the land required to be maintained and the relevant land ownerships.
- 9.4 The Committee was advised that the grass cutting season started in March and continued throughout the year; however, this was not all Ubico did in terms of grounds maintenance. Unfortunately the grass cutting season had been impacted by the high winds, storms and snow over the winter so the works had not been completed as early in the year as usual. Normally the number of people that undertook the grass cutting was sufficient, however, this year the cold temperatures in March, followed shortly thereafter by much higher temperatures, had meant the grass cutting season had not started as early but then the grass had immediately started grow at a much faster rate than normal. It had quickly become clear to Tewkesbury Borough Officers and Ubico that there was a problem with resources and extra staff had been brought in to deal with the backlog; unfortunately, due to the height of the grass, the quality of the first cut had not been acceptable which had led to a lot of complaints. Another three operatives and an additional contractor had now been brought in and it was hoped that those additional resources would soon start to show a benefit. There was also a 'squad' which was being deployed to address areas of particular complaint as quickly as possible. Attached at Appendix 1 to the report was an action plan to which Ubico had agreed. The action plan covered a number of shorter and longer term actions to improve working practices and it was anticipated that the Council would not be in the same position next year.
- 9.5 During the discussion which ensued, a Member indicated that, whilst she accepted there had been unusual weather conditions which had been an issue, this did not seem to have been a problem for other contractors. She questioned whether Ubico was responsible for grass cutting in other Districts and, if so, whether the same number of complaints had been received. She was extremely concerned about the damage that had been done to the Council's reputation. The Head of Community Services shared those reputational concerns and indicated that this was the reason the matter was being taken extremely seriously. In respect of Ubico, he explained that it did cut the grass in other areas but it was difficult to compare one

area to another. The temporary contractor which had been engaged was the same one that was used by the Council for watercourse clearance; they were extremely good and were able to provide a number of additional resources.

- 9.6 Some Members were concerned about the additional money which the report requested and whether this was something that the Council should be expected to pay given that Ubico had not fulfilled its contract satisfactorily. In response, the Head of Community Services explained that the Council had gone through the budgets with Ubico and an additional amount had been allocated for grounds maintenance during that process; however, sometimes additional funding was required for matters that were outside of everyone's control – in this case the problems needed to be resolved quickly and as such extra funding was required. In terms of the timeframe expected, he advised that the work was being undertaken as quickly as possible. He understood the concerns which had been raised about dead grass being left behind but indicated that the 'double cutting' which was taking place would deal with this so improvements would be seen as the works progressed. He confirmed that he had already received a number of positive comments from members of the public which was good news. The Asset Manager advised that, earlier in the day, three additional staff had been mobilised and the temporary contractor had started to cut in Northway; the previous week they had been in Bishop's Cleeve and later this week they would be in Tewkesbury and Newtown. All areas would continue to be cut until a position was reached whereby Ubico was able to meet its responsibilities going forward. If areas were left in an untidy state following a double, or even triple, cut then resources were being sent out to pick up the grass in those areas on a site by site basis.
- 9.7 A Member expressed the view that every year concerns were raised about grass cutting and now the Council was at crisis point with a lot of Officer time being taken up to deal with the problems. She questioned why the mapping had only just been done, why there were inconsistencies with the frequency that some areas were being cut and what assurances Members would receive going forward. In response, the Head of Community Services explained that the Property Team had been working on the mapping for the past six months; they had mapped the whole Borough to ensure absolute accuracy which had been a massive job. Those maps had been provided to Ubico and, in turn, to the operatives but there had been problems with them not always following them exactly. In terms of the frequency of cuts, the differences could be down to the land being in different ownerships – this issue was referred to in the action plan. Officers had met with Ubico and agreed all of the actions in the plan which included a full review of grounds maintenance; it was hoped this offered the reassurance which Members needed. Historically, the way the rounds were set up was quite illogical, as they were dotted all across the Borough; this was not a good use of resources so it needed to be mapped out much more sensibly.
- 9.8 There was concern expressed about why winter maintenance had been undertaken as a higher priority than grass cutting. In response, the Asset Manager advised that it was not that the winter works had been considered a higher priority but there were generally some works which were more important than others, i.e. a dangerous tree had to be a priority as it could result in damage to property or loss of life in exceptional circumstances. In Bishop's Cleeve there were a number of trees that had to come down after the snow and high winds over the winter and it had taken two crews three weeks to clear them out which was a huge resource that had not been planned for. The Council and Ubico had both committed to making changes and, as a result, there were already a number of new team members in place. In addition, Officers were investigating those areas that had been cut historically but which were not actually in the Council's ownership as there were obvious liability and resource issues attached to that practice. There were definitely some areas where Ubico was on top of the grass cutting - particularly the larger areas where a gang mower could be used as they could

cover a wide area very quickly - but the mapping which had been done should improve that further as it meant everyone knew exactly what needed to be cut and what machinery was required; this should make the service much more efficient moving forward. Referring particularly to open space in Bishop's Cleeve, a Member questioned when it would be cut as currently it was in a terrible state. He understood that Members would be told when the teams were coming to their areas but he felt it would be helpful for a schedule of works to be provided along with a standard as to how the grass should be cut. Another Member agreed with this view and expressed concern about a green space in Gretton which was unsightly and impossible for children to play on. The Head of Community Services asked that if Members had concerns about specific areas, they should raise those with him following the meeting so he could ensure they were addressed quickly. He agreed that a schedule and standards would be helpful but that needed to be thoroughly discussed with Ubico; he undertook to keep Members updated on those discussions and to consider their expectations for the service. He also asked that it be borne in mind that if a schedule of works was released, it would have to be indicative as if, for example, it rained for three weeks no grass would be cut.

9.9 In terms of the way Ubico was set up, Members were reminded that essentially the service still belonged to the Council. Any surplus that Ubico made was returned to each partner authority and, in respect of Tewkesbury Borough, that went back into the Council's reserves. A Member questioned if that was earmarked for grounds maintenance and, in response, the Head of Finance and Asset Management explained that there was a waste and recycling development reserve and included in that was the surplus from this year so that money was set aside for Ubico if it was needed. The current contract with Ubico ran until 2022. A Member noted that, in Northway, the Parish Council's contractors cut the areas within their responsibility every week and she wondered what Ubico's cycle was. In response, the Asset Manager advised that, in a normal year, the cycle was once every three weeks but this year the baseline needed to be achieved before the normal cycle could begin. Grass grew very differently in different areas so some estates needed to be cut weekly whereas others did not. County Highways cut all its grass twice a year.

9.10 In respect of communications, the Head of Community Services advised that, following the current meeting, press statements would be made to update the general public and to show that the Council was taking decisive action to address the issues. It would also be made clear that the Executive Committee had considered the matter in accordance with requests from Members following complaints received. Member Updates would be released regularly as stated in the action plan and, although the action plan would be monitored by the Overview and Scrutiny Committee, updates could be provided to the Executive Committee's informal meetings as appropriate. The Chief Executive thanked Members for bringing this significant issue up; he understood the frustrations and it was hoped the proposals within the report would address the problems now and improve the situation for the future. A Member expressed the view that the £10,000 funding requested should come from the waste and recycling development reserve rather than the uncommitted contingency fund and she made a proposal accordingly, that proposal was seconded and, upon being put to the vote, it was

RESOLVED:

1. That the improvement action plan be **APPROVED**.
2. That £10,000 be allocated from the waste and recycling development reserve as a contingency sum to deal with remedial grass cutting works if required.
3. That the Overview and Scrutiny Committee monitor the delivery of the action plan.

EX.10 SEPARATE BUSINESS

10.1 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 12(A) of the Act.

EX.11 DISPOSAL OF LAND ADJACENT TO KAYTE LANE CEMETERY, 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))

11.1 Members considered the disposal of land adjacent to Kayte Lane cemetery, Bishop's Cleeve and agreed that, subject to appropriate terms and the necessary legal documentation, the sale be secured, at best consideration, to Bishop's Cleeve Parish Council.

The meeting closed at 3:40 pm