

TEWKESBURY BOROUGH COUNCIL

Minutes of a Meeting of the Council held at the Council Offices, Gloucester Road, Tewkesbury on Tuesday, 18 February 2020 commencing at 6:00 pm

Present:

The Worshipful the Mayor
Deputy Mayor

Councillor G F Blackwell
Councillor A S Reece

and Councillors:

R A Bird, G J Bocking, C M Cody, K J Cromwell, M Dean, R D East, P A Godwin, M A Gore, D W Gray, D J Harwood, A Hollaway, M L Jordan, E J MacTiernan, J R Mason, H C McLain, P D McLain, H S Munro, J W Murphy, P W Ockelton, J K Smith, P E Smith, R J G Smith, C Softley, R J Stanley, P D Surman, M G Szymiak, S Thomson, R J E Vines and M J Williams

CL.69 APOLOGIES FOR ABSENCE

69.1 Apologies for absence were received from Councillors J H Evetts, L A Gerrard, C Reid and P N Workman.

CL.70 DECLARATIONS OF INTEREST

70.1 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.

70.2 The following declarations were made:

| Councillor | Application No./Item | Nature of Interest (where disclosed) | Declared Action in respect of Disclosure |
|-------------------|------------------------------|---|---|
| P W Ockelton | Item 7(a) – Budget 2020/21 | Declaration made in accordance with Section 106 of the Local Government Finance Act 1992. | Would not speak or vote and would leave the meeting for the consideration of this item. |
| P W Ockelton | Item 9 – Council Tax 2020/21 | Declaration made in accordance with Section 106 of the Local Government Finance Act 1992. | Would not speak or vote and would leave the meeting for the consideration of this item. |

70.3 There were no further declarations made on this occasion.

CL.71 MINUTES

71.1 The Minutes of the meeting held on 28 January 2020, copies of which had been circulated, were approved as a correct record and signed by the Mayor, subject to an amendment to Minute No. CL.58.4 to clarify that Councillor Ockelton's supplementary question had requested a detailed trajectory, full list of housing sites, number of properties and timescale for delivery for the next two years not the next five years.

CL.72 ANNOUNCEMENTS

72.1 The evacuation procedure, as noted on the Agenda, was advised to those present.

72.2 The Mayor welcomed the member of the public who was in attendance to ask a question, in accordance with the Council's public scheme of participation, at Agenda Item 5 – Items from Members of the Public.

CL.73 ITEMS FROM MEMBERS OF THE PUBLIC

73.1 A member of the public had used the Council's Scheme of Public Participation to ask a question of the relevant Lead Member. The Mayor invited the member of the public to address the Council and ask his questions and the Lead Member for Built Environment responded as follows:

Question

Does the Borough Council have a view on the recent Tewkesbury Town parking proposals made by the County Council's contracted consultants which will have a damaging effect on the viability of the Town Centre, and will the Council be making formal representations to the County in the light of the lack of clear and proper consultation and the overwhelming opposition of the majority of residents?

Answer

A key priority of our Tewkesbury Borough Council Plan is to support economic growth and to help improve prosperity for all our communities across the borough, including Tewkesbury Town Centre. We have instigated a number of actions to achieve this, in particular our successful bid for national funding to support Tewkesbury High Street, and we work with a variety of organisations to support the viability of the town centre.

Relevant Council officers have been kept fully informed of the progress of Gloucestershire County Council's on-street parking review, and we note its recent decision to suspend the consultation. As yet, Tewkesbury Borough Council has not determined a response to the consultation but will consider its position in light of Council policies should this consultation resume, or if new proposals are made.

The Borough Council currently has an off-street Parking Strategy Review Working Group to review its own strategy for the use of Borough Council run car parks, which provides an effective process to monitor and consider the ongoing situation and any future proposals made by the County Council

73.2 The Mayor thanked the member of the public for his participation and indicated that supplementary questions were not permitted but that he was welcome to watch the remainder of the meeting from the public gallery should he so wish.

CL.74 MEMBER QUESTIONS PROPERLY SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

74.1 The following questions had been received from Councillor Munro to the Lead Member for Built Environment. The answers were given by the Lead Member for Built Environment, Councillor Gore, but were taken as read without discussion.

Question 1:

The County Council was asked, at its full Council meeting on 12 February, why it had not shared with this Council the change in the formula to calculate school places arising from new housing and why it had not worked with the Borough Council to identify potentially suitable sites.

The County Council advised that the need for a new school site had been shared with this Council, and through its responses to the local plan, and that it had been working with Borough Council officers to identify a suitable location.

This is not the understanding that Councillor Stanley and I have. The Council is asked to clarify the approaches it has had from the County Council with regard to school provision in Bishop's Cleeve and to detail the work it has done with the County Council to identify a suitable location.

Answer 1:

In regard to the issue of a need for the provision of a new school at Bishop's Cleeve, Officers from the County Council education team first confirmed this in a meeting held with Tewkesbury Borough Council Officers in October 2019. At the time of this first meeting the County Council was exploring potential provision on land at Cleeve School on Kayte Lane. However, discussions took place about the potential for the former Nortonham allotments site (owned by Gloucester Diocese) to be an alternative location as it had recently become available and was being promoted to the Borough Plan for residential development. The County Council resolved to discuss this matter with the Diocese and it is understood that this is still ongoing. Officers from the Borough Council have had ongoing discussions with both the Dioceses and the County Council to try and facilitate this.

Subsequent to the discussion in October 2019, the County Council formally submitted representations to the Tewkesbury Borough Plan in November 2019. These representations stated that the Nortonham allotments site (proposed for residential development under site BIS3) should instead be allocated for a mixed use development of a new primary school and housing.

It should be noted that, through the same consultation, the Diocese, via their preferred developer, submitted representations promoting the site for just residential development.

Borough Council Officers are continuing discussions regarding the Nortonham allotments/BIS3 leading up to the examination of the Borough Plan to try and find a mutually acceptable position in the regard to the provision of a school on this site.

Question 2:

At the last Council meeting, we agreed a motion to require this Council to work with the County Council, and any other interested party, to find a solution that works for everyone. The Council is asked what has happened since this meeting in relation to the proposed new school in Bishop's Cleeve?

Answer 2:

As Q1 above, Officers are continuing discussions around the Nortonham allotment sites with both the County Council and the Diocese.

Question 3:

The County Council has said it has objected to the inclusion of the former allotment site in Bishop's Cleeve as housing land in the draft local plan and recommended that it is reallocated for a mix of education and residential development. Please can an explanation for the process for this to happen be provided.

Answer 3:

As Q1 above, it is confirmed that the County Council has put forward that the proposed BIS3 site should be allocated for a mixed use development comprising a primary school and housing.

The next step for the Borough Plan is to submit it for independent examination which will be undertaken by a government appointed Inspector. The Inspector will consider all responses made to the Pre-Submission version of the plan in determining whether it is sound and Officers will, along with any other significant issues, raise this matter with them for consideration. The Inspector will recommend making modifications to the plan, where necessary, before it is adopted.

However, Officers are working to resolve this in advance of the examination and to reach an agreed position with the County Council and the Diocese to present to an Inspector. For this to happen it would need to be agreed that the site is the preferred option for a school from the County Council and that the Diocese are willing to make the land available for this use. The County Council and the Diocese would also need to reach agreement over the transfer of land to deliver this. These discussions are ongoing.

74.2 The Mayor invited supplementary questions. The Member asked the following and the answers were provided by the Head of Development Services:

Question:

Have any options other than the allotment site been considered? It was understood that the possibility of a land swap between the Diocese and the County Council had been discussed – has the Lead Member done anything to progress that swap?

Answer:

Other sites had been discussed and the Council would do everything it could within its remit to progress conversations to find a solution that worked for Bishop's Cleeve. There had been discussions about a land swap but this was in the very early stages and was the kind of thing that took time; however, Members would be involved in the discussions.

Question:

Did the Council know the timetable for the examination process and would the public be involved; if so, would there be speaking or merely listening opportunities for them?

Answer:

Once the plan was submitted the timetable was not in the Council's control. It was anticipated the examination would be held this side of the summer but that was up to the Planning Inspectorate. The examination would be held in public and there would be an opportunity for members of the public to participate; particularly if they had engaged in the Borough Plan process. Members would be kept apprised of the process as Officers became aware of the timetable.

CL.75 RECOMMENDATIONS FROM EXECUTIVE COMMITTEE**Budget 2020/21**

- 75.1 At its meeting on 5 February 2020 the Executive Committee considered the 2020/21 budget and made a recommendation to Council.
- 75.2 The report which was considered by the Executive Committee had been circulated with the Agenda for the current meeting at Pages No. 14-28.
- 75.3 In proposing the recommendation, the Chair of the Executive Committee explained that this was the most important thing the Council did throughout the year and a lot of hard work went into putting together a balanced budget both from Officers and Members across the Council. The Lead Member for Finance and Asset Management seconded the recommendation from the Executive Committee and conveyed special thanks to the Head of Finance and Asset Management for the work he had put into ensuring the Council had a budget it considered acceptable.
- 75.4 During the brief discussion which ensued, a Member questioned what the £20,000 for the climate emergency would cover and he was advised that this was an ongoing commitment to help support work across the Borough. The Council was also considering putting in place a new post which would help it meet its climate emergency commitments; the £20,000 funding was meant to be a starting point in delivering this as a priority of the Council. Referring to the capital programme, and the provision of a new bridge in Ashchurch, a Member questioned whether any allowance had been made for cost overruns. In response, the Head of Finance and Asset Management advised that the project cost included a contingency of 12.5%; work was still ongoing but the consultants currently working on the project had indicated the funding available would be adequate.
- 75.5 The proposal was seconded and, in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, voting on the proposal was recorded as follows:

| For | Against | Abstain | Absent |
|---------------|----------------|----------------|---------------|
| R A Bird | | H S Munro | C L J Carter |
| G F Blackwell | | P E Smith | J H Evetts |
| G J Bocking | | M G Sztymiak | L A Gerrard |
| C M Cody | | | D J Harwood |
| K J Cromwell | | | P W Ockelton |
| M Dean | | | C Reid |
| R D East | | | V D Smith |
| P A Godwin | | | S A T Stevens |
| M A Gore | | | P N Workman |
| D W Gray | | | |
| A Hollaway | | | |
| M L Jordan | | | |

E J MacTiernan

J R Mason

H C McLain

P D McLain

J W Murphy

A S Reece

J K Smith

R J G Smith

C Softley

R J Stanley

P D Surman

S Thomson

R J E Vines

M J Williams

75.6 Accordingly, it was

- RESOLVED**
1. That a net budget of £8,956,607 for 2020/21 be **APPROVED**.
 2. That a Band D Council Tax of £124.36, an increase of £5.00 per annum, be **APPROVED**.
 3. That the use of New Homes Bonus, as proposed in Paragraph 3.5 of the report, be **AGREED**.
 4. That the addition of £183,965 to the capital programme to fund new ICT requirements, as outlined in Paragraph 9.5 of the report, be **AGREED**.
 5. That the Capital Programme, as proposed in Appendix A to the report, be **AGREED**.

CL.76 NOTICE OF MOTION - QUESTIONS FROM COUNCILLORS

76.1 The Worshipful the Mayor referred to the Notice of Motion set out on the Agenda and indicated that, in accordance with the Rules of Procedure, it was necessary for the Council firstly to decide whether it wished to debate and determine the Motion at this evening's meeting, or whether it wished to refer the Motion, without debate, to a Committee for consideration with authority either to make a decision on the matter or to bring a recommendation back to Council. Upon being put to the vote it was agreed that the Motion would be considered at the current meeting.

76.2 The Motion, as set out on the Agenda, was proposed and seconded:

‘That Council Procedure Rule No. 13.2 which currently reads:

A Councillor at a Council meeting may ask a written question of the Leader of the Council or relevant Lead Member. All questions must relate to a matter which concerns the Council’s powers or duties or affects the Borough.

The question must be submitted in writing to the Borough Solicitor by not later than 10.00am on the working day immediately preceding the date of the meeting.

The questions to be asked, and the replies to be given, will be printed and circulated to all Councillors at least 30 minutes before the start of the Council meeting. The Minutes of the meeting will incorporate the questions and answers and any supplementary questions and answers.

At the meeting, the Mayor will announce each question in turn.

The question and answer will be taken as read without discussion, but the questioner will be allowed to ask one supplementary question arising directly from the question or from the reply. A Councillor to whom a question has been put may, with the permission of the Mayor, ask someone else to answer it.’

be amended as follows:

‘A Councillor at a Council meeting may ask a written question of the Leader of the Council or relevant Lead Member. All questions must relate to a matter which concerns the Council’s powers or duties or affects the Borough.

The questions must be submitted in writing to the Borough Solicitor by no later than seven days clear working days prior to the date of the meeting.

The questions asked, and the replies to be given, will be emailed/printed and circulated to all Councillors at least twenty four hours before the start of the Council meeting. The Minutes of the meeting will incorporate the questions and answers and any supplementary questions and answers.

At the meeting, the Mayor will announce each question in turn.

The question and answer will be taken as read without discussion, but the questioner will be allowed to ask one supplementary question arising directly from the question or from the reply. A Councillor to whom a question has been put may, with the permission of the Mayor, ask someone else to answer it.

76.3 During the discussion which ensued, a Member advised that he fully supported questions being asked and answers being provided prior to the Council meeting and understood the sentiment that the answers should be available to Members twenty four hours prior to the Council meeting; however, he was of the view that it was unnecessary, and counter-productive, to ask Members to give seven clear working days’ notice of their question. He proposed an amendment to the Motion to change that to three clear working days’ notice as this meant the Agenda would have been published and Members would have time to consider their questions before the deadline for submission. The amendment was accepted by the proposer and seconder and accordingly the Mayor opened debate on the amended Motion.

76.4 A Member expressed the view that there was no need to change the Council’s longstanding practice in terms of questions from Councillors and that the Council’s Constitution should be amended in a properly considered way rather than in this ad-hoc manner. The proposer of the Motion indicated that, for reasons of openness, accountability and transparency, he felt Members needed time to fully prepare for questions to Council so that any supplementary questions were meaningful and well thought out and the Motion he had put forward would enable that.

76.5 Some Members expressed agreement that it would be helpful to have longer to consider the answers to questions and felt 24 hours would be a reasonable amount of time, whereas others felt the idea of formal questions to Council was outdated and unnecessary when Councillors could ask questions of Officers at any time. In summing up, the proposer of the Motion indicated that, whilst he agreed that the receipt of information from Officers was usually easy, the Questions to Council Rule of Procedure was the forum for asking questions that made Councillors accountable to the electorate, as such, he continued to believe it was a very important tool.

76.6 Upon the amended Motion being put to the vote, the Motion was lost and it was **RESOLVED** That the Motion not be agreed.

CL.77 COUNCIL TAX 2020/21

77.1 Having agreed the Council's 2020/21 budget earlier in the meeting, attention was drawn to a report, circulated separately, which asked Members to approve and set a Council Tax requirement for 2020/21.

77.2 The recommendation was proposed and seconded and, in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, voting was recorded as follows:

| For | Against | Abstain | Absent |
|----------------|----------------|----------------|---------------|
| R A Bird | | H S Munro | C L J Carter |
| G F Blackwell | | M G Sztymiak | J H Evetts |
| G J Bocking | | | L A Gerrard |
| C M Cody | | | P W Ockelton |
| K J Cromwell | | | C Reid |
| M Dean | | | V D Smith |
| R D East | | | S A T Stevens |
| P A Godwin | | | P N Workman |
| M A Gore | | | |
| D W Gray | | | |
| D J Harwood | | | |
| A Hollaway | | | |
| M L Jordan | | | |
| E J MacTiernan | | | |
| J R Mason | | | |
| H C McLain | | | |

P D McLain

J W Murphy

A S Reece

J K Smith

P E Smith

R J G Smith

C Softley

R J Stanley

P D Surman

S Thomson

R J E Vines

M J Williams

77.3 Accordingly, it was

- RESOLVED**
1. That it be **NOTED** that, on 1 December 2019, the Council calculated:
 - a) the Council Tax Base 2020/21 for the whole Council area as £35,340.88 (Item T in the formula in section 31B of the Local Government Finance Act 1992, as amended (the "Act")) and,
 - b) for dwellings in those parts of its area to which a Parish precept relates as attached to the report at Appendix C.
 2. That the Council Tax requirement calculated for the Council's own purposes for 2020/21 (excluding Parish precepts) is £4,394,992.
 3. That the following amounts be calculated for the year 2020/21 in accordance with Sections 30 to 36 of the Act:
 - a. £37,056,789 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils;
 - b. £30,516,559 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act;
 - c. £6,540,230 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year. (Item R in the formula in Section 31B of the Act);
 - d. £185.06 being the amount at 3(c) above (Item R), all divided by Item T(1(a) above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts);

- e. £2,145,238 being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act (as per Appendix C to the report);
- f. £124.36 being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by Item T(1(a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates;
- g. the amounts stated in Column 5 (Band D Parish/Town and Borough b)) of Appendix B to the report are given by adding to the amount at 3(f) above the amounts of special items relating to dwellings in those parts of the Council's area specified in Column 1 of Appendix B in accordance with Section 34(3) of the Act. For completeness the table shows all areas; and
- h. the amount set out in Appendix B to the report given by multiplying the amounts at 3(g) above by the number which, in proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular Valuation Band divided by the number which, in that proportion, is applicable to dwellings listed in Valuation Band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different Valuation Bands.
4. That it be **NOTED** that, for the year 2020/21, Gloucestershire County Council and the Office of the Police and Crime Commissioner for Gloucestershire have stated the following amounts in precepts issued to the Borough Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

| Valuation Bands | Gloucestershire County Council | | | Office of the Police and Crime Commissioner for Gloucestershire |
|-----------------|--------------------------------|----------|----------|---|
| | £ | | | £ |
| | ASC | General | Total | |
| A | 79.06 | 817.82 | 896.88 | 171.50 |
| B | 92.24 | 954.12 | 1,046.36 | 200.08 |
| C | 105.41 | 1,090.43 | 1,195.84 | 228.67 |
| D | 118.59 | 1,226.73 | 1,345.32 | 257.25 |
| E | 144.94 | 1,499.34 | 1,644.28 | 314.42 |
| F | 171.30 | 1,771.94 | 1,943.24 | 371.58 |
| G | 197.65 | 2,044.55 | 2,242.20 | 428.75 |
| H | 237.18 | 2,453.46 | 2,690.64 | 514.50 |

5. That, having calculated the aggregate in each case of the amounts at 3(h) and 4 above, the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the amounts, set out in Appendix B to the report, as the amounts of Council Tax for the year 2020/2021 for each of the categories of dwellings shown in Schedule 3.

6. The Council has determined that its relevant basic amount of Council Tax for 2020/21 is not excessive in accordance with principles approved under Section 52ZB of the Local Government Finance Act 1992. As the billing authority, the Council has not been notified by a major precepting authority that its relevant basic amount of Council Tax for 2020/21 is excessive and that the billing authority is not required to hold a referendum in accordance with Section 52ZK of the Local Government Finance Act 1992.

CL.78 CHANGES TO COMMITTEE MEMBERSHIP

78.1 The Mayor drew attention to the Agenda for the current meeting and, accordingly, it was

RESOLVED That, in accordance with Rule of Procedure 2.1, it was **NOTED** that the Borough Solicitor had exercised her delegated authority to approve the following changes to Committee Membership:

- Councillor P W Ockelton had resigned from the Overview and Scrutiny Committee and been replaced by Councillor S Thomson.
- Councillor S A T Stevens had resigned from the Planning Committee and been replaced by Councillor L A Gerrard.

CL.79 SEPARATE BUSINESS

79.1 The Mayor 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.

CL.80 SEPARATE MINUTES

80.1 The separate Minutes of the meeting held on 28 January 2020, copies of which had been circulated, were approved as a correct record and signed by the Mayor.

The meeting closed at 6:40 pm