

# TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Executive Committee held at the Council Offices,  
Gloucester Road, Tewkesbury on Wednesday, 4 September 2019 commencing at  
2:00 pm**

## **Present:**

Chair	Councillor R A Bird
Vice Chair	Councillor J R Mason

## **and Councillors:**

M Dean, L A Gerrard, M A Gore, E J MacTiernan, C Softley, M G Sztymiak and R J E Vines

### **EX.22 ANNOUNCEMENTS**

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

### **EX.23 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

23.1 Apologies for absence were received from Councillors G F Blackwell and R J Stanley. There were no substitutions on this occasion.

### **EX.24 DECLARATIONS OF INTEREST**

24.1 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.

24.2 The following declaration was made:

<b>Councillor</b>	<b>Application No./Item</b>	<b>Nature of Interest (where disclosed)</b>	<b>Declared Action in respect of Disclosure</b>
C Softley	Item 8 – Review of Council Tax Reduction Scheme and Council Tax Discounts.	Interest declared in accordance with Section 106 of the Local Government Finance Act 1992.	Would not speak or vote but would remain in the room in accordance with that legislation.

24.3 There were no further declarations of interest made on this occasion.

**EX.25 MINUTES**

- 25.1 The Minutes of the meeting held on 17 July 2019, copies of which had been circulated, were approved as a correct record and signed by the Chair.

**EX.26 ITEMS FROM MEMBERS OF THE PUBLIC**

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

**EX.27 EXECUTIVE COMMITTEE FORWARD PLAN**

- 27.1 Attention was drawn to the Committee's Forward Plan, circulated at Pages No. 6-11. Members were asked to consider the Plan.

- 27.2 Accordingly, it was

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

**EX.28 FINANCIAL UPDATE - QUARTER ONE 2019/20**

- 28.1 The report of the Head of Finance and Asset Management, circulated at Pages No. 12-20, highlighted a quarter one deficit on the revenue budget and detailed the expenditure to date against both the capital programme and the approved reserves. Members were asked to consider the financial performance information for the first quarter of 2019/20.

- 28.2 Members were advised that the financial position for the first three months of the year was showing a deficit of £71,190; this was unusual at this stage and the variances were highlighted for Members' information at Paragraph 2.1. There was a surplus of £67,966 on vacant positions and of £5,839 on transport which was encouraging. However, in terms of the deficit, the depot costs had increased as a consequence of the depot review undertaken in 2017 which had seen Tewkesbury's usage increase due to the food waste collection service being delivered through separate vehicles; Officers had reviewed that cost apportionment and agreed it reflected the current usage of the site. Transfer payments for the benefit service were in deficit by £29,557 due to two significant overpayments which the Council was in the process of recouping; around 40% could be claimed in government subsidy but the Council was also able to recover 100% from the claimant so it was actually possible to recoup 140%. Finally, income was showing a small deficit at the end of quarter one with planning income being below target by £80,000 – although the Development Team had predicted it would recover and achieve the budgeted level of income by the end of the financial year. It was important to note that the way the financial position was reported meant that, whilst some expenditure was outside of the budget, there would be some income to recoup e.g. the European elections would be paid for by the government and, whilst Ubico was currently showing a £24,000 deficit which was largely in relation to grounds maintenance, there was a contingency to cover that spending should it remain in deficit at year-end. In terms of corporate codes, there was a significant budget deficit being shown on investment properties due to the Council not being able to secure another commercial property; this had meant income expected to be received in rent had not been achieved. The Council's advisors continued to search for suitable quality acquisitions.

- 28.3 The Head of Finance and Asset Management indicated that the reported deficit at this stage was disappointing; however, with service areas still expecting to deliver full year income levels, there was no corrective action suggested at this stage. The position would be kept under review by the management team and it may need to consider some action in the future. He felt that, having just benefited from a year of significant surplus, the revenue budget for the current year could not be allowed to return a deficit which would necessitate having to utilise the reserves set aside for specific projects and future financial sustainability. The reserves position was attached to the report at Appendix C which set out a summary of the current usage of available reserves but did not take account of those that had been committed but not yet paid; whilst the quarter one position showed a significant balance, the expectation was that this would be spent in the future.
- 28.4 Referring to the benefits overpayments, a Member questioned how likely it was that the Council would successfully get the money back from the claimant. In response, the Head of Finance and Asset Management advised that this would be difficult given the circumstances, and could take a long time, but the Council had made provision so if it was re-claimed that was a bonus. Over time the money may have to be written-off but at the outset the Council would do as much as it could to recover the money. Another Member questioned whether there had been anything in the Chancellor's recent speech for local authorities and, in response, he was advised that there had been one or two matters to give the Council some hope, e.g. 13% increase in budget for tackling homelessness and a statement that "all departments would see an increase in expenditure levels" but, unfortunately, at this stage, the detail was not clear.
- 28.5 Accordingly, it was

**RESOLVED:** That the financial performance information for the first quarter of 2019/20 be **NOTED**.

## **EX.29 REVIEW OF COUNCIL TAX REDUCTION SCHEME AND COUNCIL TAX DISCOUNTS**

- 29.1 The report of the Head of Corporate Services, circulated at Pages No. 21-33, asked the Committee to endorse public consultation on a Council Tax Reduction Scheme for 2020/21.
- 29.2 The Revenues and Benefits Manager explained that the Council Tax Reduction Scheme had replaced Council Tax Benefit from April 2013 and, since that time, Councils had been required to set their own scheme which related to working age claimants. In structuring a scheme, the Council had key duties around mobility and the protection of vulnerable residents. Possible options had been presented to Members at a meeting of the Transform Working Group and the preferred options for investigation were agreed as keeping the scheme as it was; introducing a scheme where all working age claimants paid a percentage of their Council Tax; and to consider an income banded scheme.
- 29.3 Members were advised that, by law, the Council was required to consult with the major precepting authorities along with anyone else it considered likely to have an interest in the operation of the scheme. The proposed consultation would ask a number of questions to seek views on a new scheme based on income bands, whether the Council should ask all working age claimants to pay something or if it should remain on the default scheme. A banded scheme would mean the level of Council Tax reduction awarded would only need to change if income went above or below the band threshold which consequently would reduce the number of revised Council Tax bills that were issued. The proposed consultation would be available on the Council's website for a six week period from 16 September to 25

October with a paper copy being available to anyone that required one. In addition, visitors to reception would be made aware of the consultation and a flyer would be issued with correspondence to Council Tax and Council Tax reduction customers. Once the results of the consultation had been analysed a report would be taken to the Executive Committee with recommendations on a revised scheme for 2020/21 along with detailed financial information.

29.4 During the discussion which ensued, a Member referred to consultation question 4 and indicated that, whilst the responses were not 'yes' or 'no' answers, the second part of the question referred to whether or not the respondent had answered 'yes'. The Revenues and Benefits Manager undertook to amend this to ensure the question was clearer. In terms of people who may not be able to look at the website, Members were advised that the consultation would also be promoted through the Financial Inclusion Partnership, at Parish Offices and at the Area Information Centres. The intention was to direct as much of the information as possible electronically, as well as to engage people as part of the day to day business of the Council, but it was accepted that this was not possible for all residents. In addition, an article had been included in the last edition of the Borough News to tell people to look out for the consultation.

29.5 Having considered the report, and information provided, it was

**RESOLVED:** That the proposed public consultation on a Council Tax Reduction Scheme for 2020/21 be undertaken during the period 16 September to 25 October 2019, as set out in Appendix 1 to the report, subject to the amendment of consultation question 4 which currently offers the responses 'strongly agree'; 'agree'; 'neutral'; 'disagree'; and 'strongly disagree' but then asks for further information if the respondent has answered 'yes'.

### **EX.30 ECONOMIC DEVELOPMENT AND TOURISM STRATEGY 2017-21**

30.1 The report of the Head of Development Services, circulated at Pages No. 34-58, outlined progress to date on the year two action plan in respect of the Economic Development and Tourism Strategy 2017-21, as well as outlining the actions for 2019/20. The progress and actions had been considered by the Overview and Scrutiny Committee on 18 June 2019 and that Committee had made a recommendation to the Executive Committee which Members were asked to consider.

30.2 The Economic and Community Development Manager advised that the Strategy had originally been written in 2017 and had been due to be reviewed in 2021 in line with the new Council Plan; however, there were some amendments that were required now and the Executive Committee was asked to authorise the Deputy Chief Executive and Head of Development Services, in consultation with the Lead Member for Economic Development/Promotion, to make such amendments.

30.3 The Economic Development and Tourism Strategy covered five key priorities: employment land planning; transport infrastructure improvement; business growth support; promoting Tewkesbury Borough; and employability, education and training. Under each of those headings were a number of objectives and annual actions were outlined under those objectives. Over the last 12 months, several key actions had been fulfilled including: the launch and operation of Tewkesbury Growth Hub; the launch of Hub surgery sessions for businesses with a planning champion; a successful bid to establish a Countywide Inward Investment Service with local authority partners and GFirst Local Enterprise Partnership (LEP); launch of the 'Uncover the Cotswolds' project to attract more visitors from European

markets; successful business engagement events; ongoing delivery of the Small Business Grant Scheme; LEADER funds allocated to businesses within Tewkesbury Borough; and the submission of the future High Streets fund expression of interest. The action plan for 2019/20 set out positive interventions to facilitate and encourage economic growth including: delivery of year two Growth Hub support; exploration of Growth Hub extension plans; delivery of annual business engagement, courses and training; delivery of the countywide Inward Investment Service working with key partners; establishing a J9 Business Group to support delivery of the masterplan and Garden Town; working with GFirst LEP to develop and shape the Local Industrial Strategy; and increasing the heritage offer of Tewkesbury Battlefield. In terms of amendments, the Committee was advised that, due to a focus on growth and a number of changes in the economic development field, the Strategy would benefit from updates in respect of initiatives and policies such as the Garden Town, the High Street Fund, potential airport growth and the Local Industrial Strategy.

30.4 During the brief discussion which ensued, a Member noted that tourism was vital for the Borough, as it supplied jobs and strengthened the economy, and he questioned what was being done in that regard as he did not see it mentioned within the Strategy. In response, the Economic and Community Development Manager offered reassurance that tourism was reflected throughout the Strategy. It was acknowledged that the way people accessed tourism had changed, for example, people rarely booked accommodation through the local Tourist Information Centres anymore. Officers had been researching digital options with the understanding that there was still a place for more traditional options as well. Officers were also looking at funding opportunities for people accessing information through electronic devices, such as consoles, in addition to all the existing access visitors could currently make through social media, apps and websites. The Member felt that planning for the future needed to commence now to ensure the Borough was not left behind and that tourist areas needed to be engaged and encouraged to invest in new technology.

30.5 A Member drew attention to Paragraph 2.1 of the report and felt that it needed to be acknowledged within the Strategy that the Cotswolds Area of Outstanding Natural Beauty (AONB) Board was involved/consulted. In response, the Economic and Community Development Manager confirmed that Cotswold Tourism included the AONB Board so the Council did work with the organisation and met with it regularly. The Member felt that a link needed to be included in the Strategy to the Cotswolds AONB website as it enabled people to download walks etc. meaning they did not need to pay for Ordnance Survey (OS) maps.

30.6 Accordingly, it was

**RESOLVED:** That authority be delegated to the Deputy Chief Executive and the Head of Development Services, in consultation with the Lead Member for Economic Development/Promotion, to make amendments to the Economic Development and Tourism Strategy 2017-21.

### **EX.31 WAIVER TO CONTRACT PROCEDURE RULES**

31.1 The report of the Head of Community Services, circulated at Pages No. 59-61, described a contract waiver in respect of the purchase of a 12 tonne narrow access vehicle which had been agreed in line with the Council's Contract Procedure Rules. The waiver had been agreed by the Head of Paid Service, in consultation with the Leader of the Council, and the Committee was asked to note the waiver.

31.2 The Head of Community Services explained that the report was for information only and was submitted in line with the Council's Contract Procedure Rules which required that the use of an urgent waiver must be reported to the Executive Committee. He advised that on 4 December 2018, the Council had agreed to the purchase of a 12 tonne narrow access refuse and recycling collection vehicle and Tewkesbury Borough Council Officers, along with the fleet teams at Ubico, had subsequently carried out the initial stages of a procurement exercise to identify a suitable replacement. From the date of ordering a new vehicle built to the Council's specification, it would normally take 45 weeks to build and deliver; however, Dennis Eagle had a vehicle which would be available within 17 weeks of ordering so placing an order with that company would significantly reduce the waiting time for the vehicle and therefore the associated costs of continuing to hire the current vehicle. It was on that basis that the contract waiver had been the preferred option.

31.3 Accordingly, it was

**RESOLVED:** That the use of a contract waiver in respect of the purchase of a 12 tonne narrow access vehicle be **NOTED**.

### **EX.32 GARDEN TOWN PROGRAMME**

32.1 The report of the Garden Town Programme Director, circulated at Pages No. 62-73, updated the Committee on the status of the Garden Town Programme and provided information about the recent success of the West Cheltenham Garden Village bid which had been made jointly with Cheltenham Borough Council. Members were asked to note the progress made on the Tewkesbury Garden Town Programme; to disband the J9 Area Member Reference Panel; to approve the creation of a new Tewkesbury Garden Town Member Reference Panel with the draft Terms of Reference as attached to the report; to note the progress made to date on the West Cheltenham (Cyber Central) programme, including the award of Garden Village status; and to delegate authority to the Chief Executive, in consultation with the Lead Members for Built Environment and Finance and Asset Management and the Head of Finance and Asset Management, to agree and enter into appropriate arrangements and other partnership documentation to progress the West Cheltenham Garden Village programme on terms approved by the Borough Solicitor.

32.2 The Garden Town Programme Director explained that the Tewkesbury Garden Town included approximately 10,195 homes and 100 hectares of employment land with delivery up to 2050. The opportunities from that would include consideration of technological advances/smart homes in terms of digital infrastructure and how that would benefit the wider Tewkesbury area. In terms of resources, the Garden Town Programme would have a Programme Director, a Programme Manager – with a focus on the Ashchurch bridge - a Community Officer and a Programme Assistant. The governance would include the new Garden Town Member Reference Panel and Officers would work with that group to define the programme and advisory groups etc. It was noted that, to date, a more ad-hoc arrangement had been in place, and a formal structure would be critical to the success of the programme.

32.3 Members received an update on the projects which were ongoing in the area including: J9/A46 – a Pre-Strategic Outline Business Case had been submitted for funding via the 'Large Local Majors' scheme through the Department for Transport (DfT) this was still in the early stages but it demonstrated to the DfT how important the scheme was; Rail – discussions had been held with franchisees - the Council could not drive the timetable changes but it was hopeful to get more stops - and the County Council in regard to the Gloucestershire Wide Rail Strategy; Masterplanning – BDP was completing phase 1 of its work and had been

commissioned to embed the Garden Town principles. In terms of communications, the programme had its own website with regular updates via electronic media, masterplanning engagement and community engagement – the ‘branding’ for the Garden Town would be implemented soon and would ensure the programme was separate from the Joint Core Strategy and Tewkesbury Borough Council. The team was considering how best to get formal engagement with the community through the governance structure. The Council had a good relationship with Homes England which would be critical to the success of the programme. In terms of the Ashchurch Bridge project, the grant funding agreement with Homes England included conditions which were split into two phases; design/planning permission/transport modelling drawdown - £466,000; and the construction phase which was scheduled to start at the end of 2020 with completion due in March 2022. The key risks which needed to be understood included: Homes England - had passed its risks onto the local authorities; land – there were ongoing discussions with Homes England as to the preferred option; overall cost – part of Atkins phase 1; National Rail support – opportunity to close the level crossing; delivery by March 2022 – discussions ongoing with Network Rail in respect of line access; recovery mechanism – any income from Community Infrastructure Levy (CIL) / Section 106 would be used to fund further housing delivery in the area; and wider project delivery - the homes actually being built. In terms of the West Cheltenham Cyber Central site, this included an allocation of 1,100 homes across 45 hectares; Cheltenham Borough Council had made a land acquisition of 107 acres; the project had received Garden Village status; a masterplanning/Supplementary Planning Document (SPD) had been commissioned; community engagement was scheduled for 11 / 19 September; and there were discussions ongoing with Homes England about how best to bring the safeguarded land forward. The Chair reminded Members that there was a special meeting of the Executive Committee on 4 November 2019 to approve that SPD for consultation.

- 32.4 In response to a query regarding the land acquisition made by Cheltenham Borough Council, the Garden Town Programme Director confirmed that this had been a sole purchase by that Council; there were still parcels of land owned by other individual landowners, but it was anticipated that Cheltenham Borough Council being in control of a large piece of the land would be able to bring the project forward in a timely manner. The Chief Executive confirmed that the land in Cheltenham Borough Council’s ownership was for the commercial element and was intended to ensure GCHQ could get on site with the cyber park as soon as possible. Much of the housing element of the area was likely to be within Tewkesbury Borough but this was still under discussion and was part of the masterplanning work. In addition, the safeguarded land to the west would most likely be predominantly housing but there was a lot of work ongoing to look at the options.
- 32.5 A Member noted that the consultation and discussions between Homes England and others in respect of the Ashchurch bridge had been ongoing for quite some time and she questioned whether Homes England was going to sign the agreement and whether National Rail was on board with the project. In response, the Garden Town Programme Director indicated that one of the conditions in the Homes England grant funding agreement was a written commitment from National Rail and that had been satisfied so nothing else was required from that organisation before the agreement was signed. The signatories were Tewkesbury Borough Council and Homes England. Work would continue with National Rail in respect of design and location etc. but Homes England wanted to complete the contracts by the end of September so the final terms etc. needed to be agreed prior to that deadline. The Member noted that Atkins had been doing the design work for the approach roads to the bridge via the County Council and she questioned whether Tewkesbury Borough Council now knew where the bridge

would be. She also questioned whether the Garden Town would have a Supplementary Planning Document (SPD) like the Garden Village at West Cheltenham. In response, the Garden Town Programme Director explained that the site needed to be allocated to have an SPD and this was not the case with the Garden Town; the team was looking to address that with the Joint Core Strategy (JCS) review. There was also a need to assess the policies involved and all of that would be considered through the next phase of the masterplan. The Council's consultants would be undertaking further work on the masterplan as, when BDP had been commissioned, the Garden Town had not been on the agenda so there was now a need to consider the wider area of development.

32.6 The Chief Executive explained that the current update was not intended to provide the detailed information. When the governance arrangements were established, the Garden Town Member Reference Panel would go through the details so Members were fully aware of the risks involved in the project etc. There was an extremely large work plan running at the moment and the current report was designed to give an overview of how it was working. In terms of the funding of infrastructure, the justification for the A46 offline solution was the development in the whole area. Through the Garden Town programme, there was an opportunity to look at the infrastructure needed to bring development forward in the right way; a long term vision meant the Council could argue for funding. In response to a query regarding the name of the new Garden Town, the Garden Town Programme Director advised that, one of the key points was the transformation of Tewkesbury, and the risk in renaming the Garden Town was that it would not have the backing of being an area that people knew and understood. In addition, the new development needed to integrate with Tewkesbury town to the benefit of both areas and it was felt this would be difficult if it had a different name.

32.7 In respect of the proposed Terms of Reference for the Garden Town Member Reference Panel, a Member suggested that the quorum should be a minimum of four or five and there was some discussion as to whether that should include one of the Ward Members. The Borough Solicitor agreed that this could be added to the Terms of Reference should the Committee so wish. There was also a discussion as to whether the Deputy Leader of the Council should be involved in the Panel, but Members agreed this was not necessary given the involvement of the relevant Lead Members and Ward Members.

32.8 Accordingly, it was

**RESOLVED:**

1. That the progress made to date on the Tewkesbury Garden Town Programme be **NOTED**.
2. That the Junction 9 Area Member Reference Panel be **DISBANDED**.
3. That the creation of a new Tewkesbury Garden Town Member Reference Panel, together with the Terms of Reference attached at Appendix 2 to the report, be **APPROVED**, subject to the following amendments to those Terms of Reference:
  - under 'Constitution and Powers' add the word 'Ward' to 'Members for Tewkesbury South';
  - the quorum of the Panel shall be five Members of which at least one will be a Ward Member.
4. That the progress to date on the West Cheltenham (Cyber Central) Programme, including the award of Garden Village status, be **NOTED**.

5. That authority be delegated to the Chief Executive, in consultation with the Lead Members for Built Environment and Finance and Asset Management and the Head of Finance and Asset Management, to agree and enter into appropriate arrangements and other partnership documentation to progress the West Cheltenham Garden Village Programme on terms approved by the Borough Solicitor.

**EX.33 SEPARATE BUSINESS**

33.1 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.34 SEPARATE MINUTES**

34.1 The separate Minutes of the meeting held on 17 July 2019, copies of which had been circulated, were approved as a correct record and signed by the Chair.

**EX.35 USE OF URGENCY POWERS - ROSES THEATRE**

*(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))*

35.1 The use of urgency powers taken in respect of the offer of financial assistance, and the amendment of the terms of a grant to the Roses Theatre, Tewkesbury was noted.

**EX.36 FUTURE COUNTYWIDE WASTE PARTNERSHIP - JOINT WASTE COMMITTEE AND JOINT WASTE TEAM**

*(Exempt – Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 – Information relating to any individual)*

36.1 The Committee considered the way forward in respect of the Joint Waste Committee and Joint Waste Team and, accordingly, made a recommendation to Council on the future of the Countywide Waste Partnership.

The meeting closed at 4:00 pm