

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Executive Committee held remotely on
Wednesday, 6 January 2021 commencing at 4:00 pm**

Present:

Chair
Vice Chair

Councillor R A Bird
Councillor J R Mason

and Councillors:

G F Blackwell, R D East (Substitute for M Dean), M A Gore, D J Harwood, E J MacTiernan,
C Softley, R J Stanley, M G Sztymiak and R J E Vines

also present:

Councillors C M Cody and K J Cromwell

EX.63 ANNOUNCEMENTS

- 63.1 The Chair advised that the meeting was being held under the emergency provisions of the Coronavirus Act 2020 and, specifically, The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020. The meeting was being broadcast live via the internet, it was not being recorded by the Council but, under the usual transparency rules, it may be being recorded by others.
- 63.2 The Chair welcomed Councillors Cody and Cromwell who were in attendance for Agenda Item 8 – Notice of Motion: Support for Local Electricity Bill.

EX.64 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 64.1 Apologies for absence were received from Councillor M Dean. Councillor R D East would be acting as a substitute for the meeting.

EX.65 DECLARATIONS OF INTEREST

- 65.1 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.
- 65.2 There were no declarations of interest made on this occasion.

EX.66 MINUTES

- 66.1 The Minutes of the meeting held on 18 November 2020, copies of which had been circulated, were approved as a correct record.

EX.67 ITEMS FROM MEMBERS OF THE PUBLIC

- 67.1 There were no items from members of the public.

EX.68 EXECUTIVE COMMITTEE FORWARD PLAN

- 68.1 Attention was drawn to the Committee's Forward Plan, circulated at Pages No. 13-17. Members were asked to consider the Plan.
- 68.2 Accordingly, it was

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

EX.69 MEDIUM TERM FINANCIAL STRATEGY

- 69.1 The report of the Head of Finance and Asset Management, circulated at Pages No. 18-41, attached the Medium Term Financial Strategy for the period 2021/22 to 2025/26 which Members were asked to recommend to Council for adoption.
- 69.2 The Head of Finance and Asset Management advised that this year the Medium Term Financial Strategy continued to incorporate great uncertainty, not only because of the long term uncertainty of local government finance but now also due to issues including the impact of Coronavirus; potential economic impacts from leaving the European Union; a one year spending review period; a one year delay to the fair funding review and to the introduction of a scheme for the 75% retention of business rates; the future of business rates and the value within the scheme; and clarity on what the New Homes Bonus scheme would be replaced with following its withdrawal. In addition to the national impacts, the Council had its own corporate and service-related financial pressures including salary growth pressure of 2% per year; growing costs of waste collection; increasing demand for additional resources to meet a range of service requirements and pressures; and growth within its services and Council Plan ambitions. It was felt that central government had begun to realise the potentially catastrophic implications of cuts to local government finance but it was not known how/if this would be addressed so the Council would still have some exceptionally difficult decisions to make going forward to match its budget and expenditure.
- 69.3 In response to a query regarding the consultation undertaken, the Head of Finance and Asset Management advised that the provisional settlement had come out on 19 December and the government welcomed responses from Councils for about a month before it released the actual settlement. In terms of the opportunity to hold a Council Tax referendum, he advised that he had known of a handful of Councils across the country that had taken that route but they had not been successful. Clearly there would need to be a very good argument to go above the Council Tax threshold and get the public to vote in a referendum to agree to that increase. There would be a need to consider all options going forward but he saw this as one of the options near the end of the list which would only be used if absolutely necessary and after the Council had been consulted to see if there was a will to take such action.
- 69.4 A Member referred to the revenue reserves and questioned whether any of it could be transferred to working balances to help balance the budget. In response, the Head of Finance and Asset Management confirmed that there would be some reserves that could support working balances but some was already being used to support risk elements in the budget such as voids in the Council's rental properties. The level of reserves held now left the Council in a much better position than it had been previously but if those funds were used to balance the budget this could only be done once so it was better to find ways to produce ongoing income/savings where possible. There would be a need for Members and Officers to look closely at the Council's priorities and objectives going forward and prioritise the level of its ambitions and this would have to commence sooner rather than later if the Council was to remain financially viable. The Chief Executive reiterated this view and

indicated that there would be some extremely challenging questions and difficult solutions over the forthcoming year and that work would have to commence as soon as the 2021/22 budget was agreed.

69.5 Accordingly, it was

RESOLVED: That it be **RECOMMENDED TO COUNCIL** that the Medium Term Financial Strategy 2021/22-2025/26 be **ADOPTED**.

EX.70 NOTICE OF MOTION: SUPPORT FOR LOCAL ELECTRICITY BILL

70.1 The report of the Overview and Scrutiny Committee, circulated at Pages No. 42-58, provided a recommendation from that Committee to the Executive Committee as required by the Council at its meeting on 29 September 2020. The Executive Committee was asked to consider the Motion, and the recommendation of the Overview and Scrutiny Committee, and determine the response to the Motion.

70.2 The proposer of the original Motion was invited to introduce it. She advised that the Motion had asked the Council to sign up to the campaign to support the Local Electricity Bill and she had found the recommendation from the Overview and Scrutiny Committee highly disappointing, expressing the view that some Members seemed unable, or unwilling, to grasp the meaning of the Motion. She indicated that the report to the Overview and Scrutiny Committee had been factually incorrect in its suggestion that, by supporting the Bill, the Council would be committing itself to anything. In fact, other local authority failures highlighted the exact problems that the Bill aimed to fix as it would mean any Councils that wished to set up their own energy companies would face moderate rather than the extreme risk, that had led to Nottingham and others losing so much money. However, there would be absolutely no cost to Tewkesbury Borough Council if it was to show its support for the Local Electricity Bill and the Bill did not advocate any local authority to do anything. Rather, the Bill required the Office of Gas and Electricity Markets (OFGEM) to publish a right to local supply and, as part of that, to ensure that costs faced by local energy generators wishing to sell directly to local customers were proportionate, which they were not at the moment due to energy market regulations. She welcomed the solar panels that were on the Council Offices building to generate electricity but advised that, if passed, the Bill would allow the residents of the Borough to benefit as well; although, it was important to emphasise that the Bill did not advocate becoming a local energy supplier. She reminded the Committee that when a Bill was first presented it did not necessarily contain the final wording, for example, the Climate Change Act started as a draft of five pages but three years later when it became law it was 125 pages; the core principle however had remained the same. The organisations which already supported the Bill were doing so in principle and not necessarily in its exact wording, as the Power for the People's website made clear, the wording of the Bill may change as the campaign progressed. Nevertheless, the Bill was now supported by 234 MPs including Tewkesbury Borough Council's own MP, as well as 65 County and local authorities, Tewkesbury Town Council and the regional distributor, Western Power Distribution. The Tewkesbury Constituency MP had recently sent a statement to the proposer of the Motion which indicated that he welcomed and fully supported the campaign and stated that 'as the UK emerges from the lockdown there is a need to rebuild local communities and local economies for the benefit of local people and local businesses and, in doing so, to meet head-on the challenge of climate change. The Bill would establish a right to the local supply of electricity, which would for the first time become financially viable. However, it would not only help to combat climate change, but also create local jobs and add significant value to local economies. There would also be a knock-on benefit of greater public support for the transition to sustainable energy –

improved air quality, a sustainable energy supply that is not dependent on imports and being able to sell to local customers would reduce the need for renewable subsidies. He is a keen supporter of any measure to advance sustainability in the UK and will continue to support the Bill in Parliament'. In summing up, the proposer of the Motion advised that the whole reason for campaigning for the Bill was to make the risks and burdens involved in supplying local clean energy directly to local customers proportionate. Regarding the Bill, passing a Motion supporting it in no way committed the Council to doing anything or spending any money and she felt Councillors should be keen on it in general as it was about creating a new market for local clean energy providers and required no government subsidies – it simply created a level playing field. She felt that if Members did not like the Motion in its current form they could simply pass one that said 'we support the Local Electricity Bill because it will help local, clean energy generators to sell their energy directly to local customers'.

- 70.3 The Executive Committee Chair invited the Chair of the Overview and Scrutiny Committee to advise on his Committee's recommendation. In doing so, he explained that on 29 September 2020, the Council had decided to refer the Motion on support for the Local Electricity Bill to the Overview and Scrutiny Committee for consideration and recommendation to the Executive Committee for a final decision to be made. In considering the Motion at its meeting on 24 November, the Overview and Scrutiny Committee had received a verbal presentation from the proposer of the Motion, a written report from the Deputy Chief Executive and information from the Council's consultant on climate change matters. A very full and detailed discussion had taken place and, whilst Members were appreciative that the Motion recognised the Council's work to date on climate change, there was concern amongst the majority of Members that insufficient information was available for the Council to support the Bill. The important role that locally produced electricity could provide if properly integrated was recognised but Members had serious concerns on a number of points including infrastructure, security, cost and the potential financial and reputational damage implications for the Council; particularly if it joined a protest group. For that reason it was the recommendation of the Overview and Scrutiny Committee that the Motion be rejected.
- 70.4 The recommendation from the Overview and Scrutiny Committee to reject the Motion was proposed. The Member felt that the Overview and Scrutiny Committee had received a lot of information following in depth research by the Deputy Chief Executive and the climate change consultant which was the intention of the Council's decision to refer the Motion to that Committee so he was happy to propose its subsequent recommendation.
- 70.5 During the discussion which ensued, there was concern by some Members that the MP covering the Borough had felt able to support the Bill when many Borough Councillors could not appear to take the same view. In response to concerns, the Chair of the Overview and Scrutiny Committee indicated that his understanding was the MP had supported the Bill in principle but that he would need to see the detailed information before he could support it into law. In response to a query regarding how support for the Bill would result in costs to the Council, the Chair of the Overview and Scrutiny Committee indicated that a lot of Officer time had already been spent on the matter and it was felt the Council did not have the resources available to continue to research the implications of the Bill at this stage. In response to the view of the local MP, a Member felt it was important to note that Tewkesbury Borough Councillors had a responsibility to do what they felt was best for the Council notwithstanding what the views of other local figures might be. He was of the view that, ultimately, the issue firmly sat with Parliament. With that in mind, whether or not the Council 'signed up' to support the Bill would make no difference at this stage. He was concerned about the local authorities that had ended up in huge debt following the collapse of their local energy companies and

also that a report from Grant Thornton had advised that this was not how local authorities should look after large amounts of public money.

70.6 A Member proposed that the initial Motion put forward to Council be supported. She felt the Local Electricity Bill was a great idea and offering its support was something the Council could do to represent the people of the Borough. She was of the view that offering support to it would not cost much in Officer time but could be a great way to help avoid an energy crisis as well as showing the residents of the Borough that Councillors from across the Council could work together. The Chair thanked the proposer and indicated that, in line with advice from the Borough Solicitor he would take the proposal to agree the recommendation from the Overview and Scrutiny Committee first as it was the first proposal made. If that fell he would take the second proposal that the Local Electricity Bill be supported in line with the original Motion to Council.

70.7 A Member offered his support to the original Motion to Council. He felt the country would require more and more electricity and that would have to be generated from somewhere; the Local Electricity Bill would provide opportunities to generate local electricity for local needs and this should be supported with the aim of not stifling entrepreneurial skills. He felt the reasons for supporting or not supporting the Bill into law would be debated in Parliament but, in the meantime, there would be no reason for the Council not to offer its support at this stage. In offering an alternative view, a Member indicated that the Overview and Scrutiny Committee had considered the Motion, as requested by the Council, and in doing so had made a recommendation to the Executive Committee. Members were not saying they were against the Bill but merely that more information was required before the Council could sign-up to it. She felt that, as the Overview and Scrutiny Committee had undertaken the work to scrutinise the issue, the Executive Committee should follow its recommendation. The Chair of the Executive Committee agreed with that view and suggested that the Bill would be decided in Parliament which was the appropriate forum for it. The report that Officers had produced for the Overview and Scrutiny Committee had raised a number of significant concerns about Tewkesbury Borough Council's involvement and the view of the Council's climate change consultant was also provided in the Minutes of the Overview and Scrutiny Committee as attached to the report. He indicated that the Overview and Scrutiny Committee had scrutinised the issues in some detail and whilst having no great opposition to the Bill did have concerns about the Council's support of it at this stage.

70.8 It was proposed and seconded that the recommendation of the Overview and Scrutiny Committee be accepted. Accordingly, it was

RESOLVED: That, while we are appreciative that the motion recognises this Council's climate change work, and we also recognise the important role locally produced electricity can provide if properly integrated, we do find the motion, at this current time, lacking in information on how it could work and it raises serious concerns over the infrastructure to deliver it, security of power supply delivery, cost and the potential financial and reputational damage implications for this Council. Consequently the motion is rejected.

70.9 Councillors Harwood, Stanley and Sztymiak asked that their votes against the decision be recorded.

EX.71 COMMUNITY FUNDING SCHEME / S106 PANEL

- 71.1 The report of the Head of Development Services, circulated at Pages No. 59-62, outlined a new community funding grants scheme as a way forward to allocate funds of £57,700 for future community projects and proposed refining the composition of the Section 106 Panel. Members were asked to approve the creation of the scheme; delegate development of the scheme to the Heads of Development Services and Finance and Asset Management, including the formation of criteria and the consultation process to be undertaken to allocate the grants; and to approve an amendment to the composition of the Section 106 Panel and the consultation process.
- 71.2 The Community and Economic Development Manager explained that there were two elements to the report; firstly, a new time-limited community grants scheme for capital projects as a way of allocating the £57,700 which was available as a consequence of the withdrawal of the grant offer to Wormington Village Society, and secondly, to refine the composition of the Section 106 Panel to add a Member and to ask for representations from local affected Members in advance of meetings of the Panel rather than having them attend the Panel.
- 71.3 During the discussion which ensued, a Member expressed the view that the current Section 106 Panel worked well as it was and she did not see the need for an additional permanent Member. In response, the Community and Economic Development Manager explained that the recommendation to increase the number of Panel Members to five was about there being an odd number which was more usual for the Membership of Committees and Working Groups but also the suggestion that the additional Member should be the Leader of the Council made sense as he was also the Lead Member for Economic Development/Promotion. Another Member indicated that this was a relatively small amount of money for community grants and she questioned what the time limit for spending the funds was. She also understood the role of the Section 106 Panel was to consider disputed Section 106 applications for funding and she questioned how many of those were outstanding. In response, the Community and Economic Development Manager explained the intention that the Section 106 Panel be used for the decisions on the community grant funding as well as for Section 106 applications. The community funding would be promoted through Parishes and community groups and local media for a period of approximately 10 weeks to try and encourage applications – it was anticipated the funding would be allocated in one meeting of the Panel but if not a second meeting would be called. In terms of outstanding Section 106 funds, to his knowledge there were currently none outstanding. At the present time, the Section 106 Panel met three or four times a year and usually had around four or five applications to make a decision on; it was not possible to predict when they would come through as it depended on trigger points etc. The Lead Member for Built Environment indicated that it was her that had raised the increase in numbers of the Panel as there had been some instances where only two or three Members of the Panel could participate in the meetings and she felt an additional Member would mean there would more likely be at least four Members available for the meetings. She had also suggested an addition to the local Members being consulted to those where the funding crossed borders as well as those where the Section 106 funds had been derived; this would ensure everyone applicable had the opportunity to provide their views. When the Panel had been set up it had been thought there would be very few issues where it would be needed but this had proven not to be the case. Going forward, Section 106 Agreements were being specified more accurately to avoid this problem but, in the meantime, the Panel would still be required.

- 71.4 The Head of Development Services explained that no one wanted to be in a position whereby generic Section 106 monies were going into a pot so there was a need to be more specific in the details. However, one of the issues was smaller developments with no onsite community open space/facilities and those needed to be looked at to try and ensure they were as specific as possible. Section 106 Agreements were complex and often the triggers in them decided when the money came forward so the whole issue did need to be addressed. There was a lot of work ongoing to ensure the money was advertised and going to the communities that needed it.
- 71.5 A Member noted that the pot of £57,700 for community grants was not very much against the large number of community organisations that were likely to bid for it and he questioned whether it could be used instead for carbon neutral works for the Council's buildings to help it meet its stated climate change / carbon reduction commitment. In response, the Head of Finance and Asset Management explained that the Council had submitted a bid to a government fund for the replacement of the heating system within the Council Offices but unfortunately that had not been approved. This would result in a lot of money for the Council to find for that particular project but also for the Council's other assets to achieve carbon neutrality and any additional funding that could be identified for that would certainly be helpful. The money in question was from capital reserves and, if the Council wished to reallocate it to another project such as climate change / carbon reduction, a recommendation would need to be made to Council to change the capital programme as it was currently included for community funding. Other Members felt the funding should be used for community projects rather than for a Council project given that it had come from money which had originally been earmarked for a community project which had unfortunately not come to fruition. However, another Member agreed with the suggestion that putting the money into the Council's climate change commitment would effectively still be putting the money back into the community. A Member suggested that it could be possible to specify that applications from communities that would have environmental benefits could be prioritised / looked upon more favourably as a way of addressing both points of view and the Community and Economic Development Manager agreed that this could be included as part of the criteria for applications – the report suggested the applications were linked to the Council's objectives and the green agenda was one of those.
- 71.6 It was proposed and seconded that the recommendation as set out in the report be agreed. A Member suggested that point three in the report be removed and treated separately – that suggestion was proposed and seconded – and the original proposer and seconder agreed that items one and two would be taken separately from point three. A Member expressed concern about the addition of a permanent Member to the composition of the Section 106 Panel as she felt it would compromise the Panel, making its recommendations political decisions rather than about the communities. She indicated that her comments were in no way personal, she objected to any change in the Panel Membership which would result in a three to two split between two political parties.
- 71.7 The Head of Development Services explained that the criteria for allocating the money needed to be developed but she felt that, as the initial funding had been allocated for a number of years, she would want it to be reallocated to communities as soon as possible but definitely within the next six to eight months. The idea was that applications would be invited, then the Panel would discuss all the applications and make a recommendation to her for decision. It was anticipated that the projects which came forward for funding should be 'oven ready' as that would provide the opportunity for the money to be spent in a timely way. In offering further clarification, the Chief Executive explained that if the Committee only voted

on points one and two at the current meeting and did not do anything with point three then the decisions on the community funding scheme and allocation of the funds would have to be undertaken by the Panel as it was currently comprised. However, if the Panel was changed at the current meeting then it would be the new Panel which would be undertaking that work. The Head of Development Services would develop the criteria in consultation with the Panel and aim to allocate the funds over one or two meetings but it was impossible to say how it would be allocated until the criteria was developed. In addition, the Community and Economic Development Manager confirmed that the Council's Community Funding Officer was already working with a number of community groups that would like to come forward for funding which Members were reminded would be allocated for capital projects only.

71.8 Points one and two of the report were proposed, seconded and voted upon as set out in the report.

71.9 A Member felt that, in order to have the correct balance of people on the Panel, a minimum of four attendees was required and she believed that an additional permanent Member on the Panel would assist that aim. Accordingly, she proposed, and it was seconded, that the composition of the Section 106 Panel be amended to add the Leader of the Council as the fifth Member. Another Member proposed, and it was seconded, that the Panel Membership remain at four but that substitutions should be allowed in the event that a Member was unable to attend a meeting. The proposer of the original motion agreed that she would be happy for the Membership to remain at four with a substitute from the Membership of the Executive Committee, as necessary, to be nominated by the Panel Member. She also accepted that local Members should still be able to attend the Panel meetings as long as that covered local Members from the Ward where the money was derived as well as the Wards that were affected if there was a cross boundary issue. Upon being put to the vote, it was

RESOLVED:

1. That the creation of a Community Grants Scheme be **APPROVED**.
2. That the development of the scheme be delegated to the Head of Development Services and the Head of Finance and Asset Management, including the formation of criteria and the consultation process to be undertaken to allocate the grants.
3. That the S106 Panel comprise:
 - The Lead Member for Community.
 - The Lead Member for Built Environment.
 - The Lead Member for Finance and Asset Management.
 - The Lead Member for Health and Wellbeing.
 - Local Member(s) for where the S106 derived as well as from the Ward the funding crosses into (where applicable).

Any Lead Member who cannot attend the meeting can nominate a substitute from the Membership of the Executive Committee.

EX.72 LOCAL DEVELOPMENT SCHEME UPDATE

72.1 The report of the Head of Development Services, circulated at Pages No. 63-69, attached an amended Local Development Scheme for Tewkesbury Borough which Members were asked to adopt with immediate effect.

72.2 The Committee was advised that the Local Development Scheme outlined the timetable for preparing statutory development plan documents in the Borough. The published version required revision as it was out of date and an up to date Local Development Scheme was required as part of the Local Plan Examination for the Tewkesbury Borough Plan. The revised Scheme contained the latest timetable for the production of the Joint Core Strategy and the Tewkesbury Borough Plan which noted the key stages as: examination in summer 2023 and adoption in winter 2023 for the Joint Core Strategy; and examination in spring 2021 and adoption in autumn/winter 2021 for the Tewkesbury Borough Plan. The Local Development Scheme had to be adopted and in place prior to the Local Plan Examination commencing in February.

72.3 It was proposed, seconded and

RESOLVED: That the updated Local Development Scheme for Tewkesbury Borough, as attached to the report at Appendix 1, be **ADOPTED** to take effect immediately.

EX.73 SEPARATE BUSINESS

73.1 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.74 SEPARATE MINUTES

74.1 The separate Minutes of the meeting held on 18 November 2020, copies of which had been circulated, were approved as a correct record.

EX.75 EXTENSION TO THE COUNCIL'S CONTRACT WITH UBICO LTD

(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))

75.1 Members considered an extension of the current contract with Ubico Ltd and made a recommendation to Council.

The meeting closed at 7:00 pm