

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Executive Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Wednesday, 7 July 2021 commencing at
2:00 pm**

Present:

Chair
Vice Chair

Councillor R A Bird
Councillor J R Mason

and Councillors:

G F Blackwell, M Dean, M A Gore, D J Harwood, E J MacTiernan, R J Stanley, M G Sztymiak
and R J E Vines

also present:

Councillor K J Cromwell

EX.14 ANNOUNCEMENTS

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

EX.15 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

15.1 Apologies for absence were received from Councillor C Softley. There were no substitutions for the meeting.

EX.16 DECLARATIONS OF INTEREST

16.1 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.

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

EX.17 MINUTES

17.1 The Minutes of the meeting held on 2 June 2021, copies of which had been circulated, were approved as a correct record and signed by the Chair.

EX.18 ITEMS FROM MEMBERS OF THE PUBLIC

18.1 There were no items from members of the public.

EX.19 EXECUTIVE COMMITTEE FORWARD PLAN

- 19.1 Attention was drawn to the Committee's Forward Plan, circulated at Pages No. 8-16. Members were asked to consider the Plan.
- 19.2 The Head of Corporate Services advised that the Plan was quite well populated as a result of the policies and strategies report that had recently been considered by the Overview and Scrutiny Committee.
- 19.3 Accordingly, it was

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

EX.20 COUNCIL PLAN PERFORMANCE TRACKER AND COVID-19 RECOVERY TRACKER - QUARTER FOUR 2020/21

- 20.1 The report of the Chair of the Overview and Scrutiny Committee, circulated at Pages No. 17-116, asked Members to review and, if appropriate, take action on the observations of the Overview and Scrutiny Committee following its review of the Quarter Four 2020/21 Council Plan performance tracker and COVID-19 recovery tracker information.
- 20.2 Attention was drawn to the observations made by the Overview and Scrutiny Committee, attached at Appendix 1 to the report, and the Council Plan performance tracker, attached to the report at Appendix 2. The COVID-19 corporate recovery plan performance tracker was attached to the report at Appendix 3.
- 20.3 The Chair of the Overview and Scrutiny Committee explained that this had been the Committee's final review of year one of the Council Plan 2020-2024 and the new COVID-19 recovery plan. Similar to the position in previous quarters, the national picture regarding COVID-19 could change very quickly. When presenting the report to the Overview and Scrutiny Committee, the Head of Corporate Services had demonstrated that, despite the ongoing response and recovery to COVID-19, there had been some notable successes during the quarter - those were highlighted within Paragraph 2.3 of the performance report and included: the new long term lease of Cleeve Hill Golf Club; the new in-house management of the five homeless properties; implementation of the new digital platform; and the new bulky waste service. Likewise, successful actions within the recovery plan included: the successful re-opening of Tewkesbury Leisure Centre and Tewkesbury Tourist Information Centre; the ongoing support to communities and businesses within the Borough; the development of a draft bid with the Department for Works and Pensions to offer a Youth Hub Service, hosted within the Growth Hub; and the implementation of a new Materials Recovery Facility (MRF) - those were detailed in Paragraph 4.2 of the report. The conclusion of the Committee had been generally positive with it being recognised there was still a significant challenge to recover from COVID-19 and that certain actions may not progress as quickly as possible or, as detailed in the report, some had been deferred. Importantly, it should not be forgotten that the core services, which residents depended upon, had been delivered from the outset of the pandemic and throughout. In terms of questions raised by the Committee, the key issues included: the planning service review; trade waste; 2021 celebrations; the Borough Plan; absence management; and enviro-crimes – particularly fly-tipping. There was particular concern about the planning service review and Members had been keen that, once an action plan had been developed and approved, the Overview and Scrutiny Committee should have an active role in monitoring its delivery. As Chair of the Overview and Scrutiny Committee, he was specifically asking the Executive Committee to

consider that request. The Committee had noted that other planning service reviews had not actually seen any outcomes and delivering improvement was now a critical issue as the key performance indicators relating to the processing of planning applications and the undertaking of enforcement investigations all showed a negative direction of travel compared to the previous year. In response, the Head of Development Services had advised that she was keen to engage with the Business Transformation Team to address the systems and processes. The Development Management Team had given a commitment to work with the Business Transformation Team which should be able to help with the addition of things like an application tracker - this would record when an application was received, when it was validated and who the case officer was – which should ensure applicants were kept up to date. The monitoring of the action plan would be delegated to the Overview and Scrutiny Committee and that would be dealt with in the report on the review to Executive Committee. In terms of the Borough Plan, clarification had been sought as to the steps that needed to be taken to reach the adoption stage of the plan. The Head of Development Services had advised the next step was receipt of the examination in public findings and a letter was expected from the Inspector shortly - this would set out whether the Council needed to do further work, for example if the plan needed to be modified in any way, and any modifications would have to be presented to the Council for approval for consultation. In respect of fly-tipping, the Head of Community Services had confirmed that, during the year, there had been a significant increase in the number of fly-tips - this was not due to increased awareness on how to report incidents but was a direct result of the increase in actual incidents. The capacity to proactively enforce those was impacted by a combination of resources being deployed to the COVID-19 response and the Courts being closed. A positive comment from one Member of the Committee was that, despite the numbers, in his experience the actual clearance of the fly-tipping was undertaken promptly.

20.4 A Member referred to the redevelopment of Spring Gardens and the fact that the project had been deferred “until resources were available”. There was now a derelict site where Cascades had been demolished and she felt like the centre of Tewkesbury was being left behind in comparison to the Garden Town. In response, the Head of Finance and Asset Management explained that the next step in the project was estimated to cost in the region of £450,000 which, when the budget was set, was not achievable for the Council. The original intention was for the project to be put on hold for two years to get past COVID-19 and into a time when there may be more commercial certainty going forward. At the moment, Officers were looking at the potential for a levelling up fund bid and, in the meantime, there were discussions ongoing with Mace Group Ltd so the work done to date was not lost - Officers would try and bring the project forward earlier if possible. The Member expressed fear that the project would be on the backburner for a number of years and Tewkesbury Town would suffer in the meantime. In terms of the money being spent on the Garden Town versus the money required for the Spring Gardens and Oldbury Road Regeneration project, the Chair advised that it was the intention of Members to ensure something productive was done but a number of elements had conspired to hold the project up. In terms of funding, the difference was that the Spring Gardens Project required funding by the Council; whereas, the Garden Town was funded by a government provision. The Head of Finance and Asset Management confirmed that Tewkesbury Borough Council was in tier three for the levelling-up funding so it would have to put some of its own funding in and Officers were working to see how that could be taken forward.

20.5 Referring to the review of the planning service, a Member advised that the need for new systems and processes was well known and some areas had already been identified. Meanwhile, the team of committed Officers had been battling through the COVID-19 pandemic, working from home, isolation and illness and she felt that needed to be made clear as the planning team had been working really hard.

Another Member welcomed the review and hoped Members could feed into it as many people had suggestions as well as frustrations to share. In response, the Head of Development Services advised the action plan and actions contained therein would ensure discussions could take place to identify anything that had been missed. She was fully aware of the issues faced by the public and Members so she hoped everything would be covered. The action plan would contain short, medium and long term actions and would be shared and consulted upon. In respect of timescales, it was not possible to provide any at this time but there would be targets within the action plan. In response to a query, the Committee was advised that the report from the planning service review would be considered by the Transform Working Group in due course but would not be made public, however, the action plan would be in the public domain and would be considered by Committee.

- 20.6 Referring to litter picking, a Member advised that the activity was not allowed to take place on roads with a speed limit higher than 30mph for safety reasons. The Overview and Scrutiny Committee Chair confirmed that the Committee had been made aware of that as well as being advised of the costs and processes needed to close a lane on a busy bypass. It had been suggested that people should be encouraged not to drop litter via a campaign and signs on the road.
- 20.7 A Member referred to an article he had read recently which had stated that people felt service levels within the service-led industries had deteriorated due to COVID-19 and he expressed the view that, from 19 July, the public would expect all services the Council offered to be 'back to normal' and the authority needed to be ready for that. Having considered the report and responses received, it was

RESOLVED: That the Council Plan Performance Tracker and COVID-19 Recovery Tracker - Quarter Four 2020/21 be **NOTED**.

EX.21 FINANCIAL OUTFURN REPORT (INCLUDING CAPITAL FINANCING AND EARMARKED RESERVES)

- 21.1 The report of the Head of Finance and Asset Management, circulated at Pages No. 117-142, had been amended following publication of the Agenda and the amended report had been circulated around the table. Members were asked to consider the report and note the General Fund outturn for 2020/21, the financing of the capital programme and the Annual Treasury Management Report and performance and to approve the transfers to and from earmarked reserves.
- 21.2 The Head of Finance and Asset Management explained that the accounting treatments had been wrong for some of the COVID-19 related funding and had therefore required amendment. In addition, the government compensation had changed which had also been amended. The government error had generated an additional £82,000 to put into the Medium Term Financial Strategy reserve. The outturn position would be a good boost to the Council's reserves but only in terms of the one-off position meaning those funding streams would not be there again going forward. In addition, a lot of the monies were grant related and therefore set aside for specific uses so there was very little scope to allocate funding. The Council still had financial challenges which were yet to be clarified by the government so it was proposed that the funding would be set aside to mitigate those risks; when the Council did gain clarity it may not be able to change that position but the reserves were proposed as prudent until clarity was gained. Members felt the Committee was kept well-informed via the Transform Working Group and he felt confident to propose the recommendation, as set out on the amended report, which was seconded. In response to a query regarding Member training for finance purposes, the Head of Finance and Asset Management explained that he had been looking for external trainers to support the session and

was aiming to set something up for early autumn.

21.3 Accordingly, it was

- RESOLVED:**
1. That the General Fund outturn for 2020/21, 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.22 CARBON REDUCTION ACTION PLAN

22.1 The report of the Head of Finance and Asset Management, circulated at Pages No. 143-161, asked Members to note the progress achieved in year one of the action plan; approve the recommended year two action plan; and recommend to Council the inclusion of a permanent Carbon Reduction Programme Officer post within the ongoing base budget of the Council at an estimated cost of £40,600 from April 2022.

22.2 In July 2020, the Council had approved an initial baseline report and associated action plan. In the last six months, a lot of good progress had been made in moving forward some of the actions – those were set out within the report with the targets. Appendix A to the report highlighted the achievements in the first year of the action plan which included: submitting an application and gaining agreement for external funding to support the feasibility study and delivery of a replacement heating system at the Council Offices; significant work to establish energy diaries for all Council operational buildings which provided a baseline of energy usage and carbon consumption and a means of monitoring those issues in the medium term; survey work at the Roses Theatre and the Council's domestic properties; consultation with Human Resources to approve a cycle salary sacrifice scheme; and a range of smaller achievements, including the appointment of a countywide Climate Change Coordinator and the works required in the car parks. In terms of monitoring, data had been gathered for the Offices which showed a saving in the last 12 months in carbon emissions due to Officers working from home; however, the amount of gas usage had increased as less heat had been generated by people. Overall, 26 tonnes of carbon had been saved during the period. Data was still being collected from other properties, the grey fleet and the Ubico fleet.

22.3 In terms of the second year of the programme, a balanced set of actions were proposed and had been grouped under four themes of: communications and engagement; technical implementation; scoping studies, policies and schemes; and budgets and external funding and included actions such as furthering the carbon reduction agenda and raising wider awareness; continuing to source further funding opportunities; update of policies; and delivery of projects to save carbon emissions. The Officer report included a recommendation for a post to support the project. The Council had appointed a part-time Low Carbon Consultant and his work had been supported to date by the Asset Manager and Head of Finance and Asset Management but the potential for the project was huge, as was the amount of work, so it was not sustainable for a part-time post. The Lead Member for Clean and Green Environment was supportive of the recommendation and he hoped the Committee would agree the recommendation to Council. The Lead Member advised that the achievements the Council had made so far were exceptional but it had to be recognised that the Head of Finance and Asset Management could not sustain the amount of work he had been doing and there was a need for a dedicated Officer to help drive the way forward to carbon neutrality. A Member agreed and advised that this had been an excellent report for the first year and that

to go forward into the second year, and meet the challenging action plan, an additional resource was required – this would also provide the opportunity to encourage public buy-in and behavioural changes.

22.4 In response to a query about the pool vehicles, the Head of Finance and Asset Management explained that, during the COVID-19 pandemic, the cars had not been required so all but two vehicles had been returned, one of those that remained was electric, as the Council continued its recovery more pool cars would be brought back in and it was possible that the whole fleet could be electrified in the near future. At the moment the Council did not offer a salary sacrifice scheme to help staff purchase all electric vehicles but this was something which was being discussed.

22.5 A Member thanked Officers for the phenomenal work that had been achieved and questioned whether it should be formally recognised that the Council was now aiming for more than agreed within the original motion. There followed a discussion about the original motion and it was generally felt that there were wider intentions in the motion even though the first focus was on the Council Offices building. The Head of Finance and Asset Management agreed that the focus was on the Offices but Officers were also looking at other buildings in the Council's ownership, as well as the leisure centre, and then the strategy would be revised with the wider Council activities included in the focus. Members agreed that the Council needed to lead by example with its own properties, including the installation of charging points within car parks, and it would then be able to ask the public to change their behaviour. Another Member expressed concern about the continued installation of gas central heating in properties. In response, she was advised that there was a law being introduced from 2025 which meant gas central heating could not be installed in new build properties. The Council would need to take a phased approach after that to look at changing old installations – this was not something that could be achieved overnight. Another Member indicated that current building regulations did not allow the Council to force builders not to install gas central heating; however, the Garden Town principles and Joint Core Strategy (JCS) review both had a 'green' agenda which was helpful to a certain extent.

22.6 A number of Members were keen that the Council should not declare a target of becoming zero carbon across the whole Borough until it knew it was achievable. The Head of Finance and Asset Management agreed with that view, particularly given that not all actions would be totally within the gift of the Council to achieve. He felt there would, in time, be a need to agree a new overall target but this was something Members needed to be fully informed about prior to making a decision. The Members agreed and felt there were some authorities who would require all homes to retrospectively be fitted with different heating systems in order to meet their targets and this did not seem possible.

22.7 Accordingly, it was

RESOLVED:

1. That the progress achieved in year one of the action plan be **NOTED**.
2. That the recommended year 2 action plan be **APPROVED**.
3. That it be **RECOMMENDED TO COUNCIL** that, from April 2022, a permanent Carbon Reduction Programme Officer post be included within the ongoing base budget of the Council at an estimated cost of £40,600.

- 23.1 The report of the Head of Development Services, circulated at Pages No. 162-167, provided an update on the A417 Missing Link Development Consent Order process which was being promoted by Highways England and would be submitted to the Secretary of State imminently for independent examination. As part of that process, the local planning authorities would be asked to enter into a Statement of Common Ground with Highways England - which would set out the areas of agreement and disagreement relating to a range of issues including technical and procedural - and a Local Impact Report which provided the opportunity for the relevant local authorities to give details of the likely impact of the proposed development on an authority's area. Members were asked to note the update on the A417 Missing Link Development Consent Order process and to delegate authority to the Head of Development Services, in consultation with the Leader of the Council and the Lead Member for Built Environment, to agree the Statement of Common Ground and Local Impact Report with Highways England.
- 23.2 The Head of Development Services explained that the Missing Link proposals had been ongoing for several years and Highways England had now submitted a scheme to the Planning Inspectorate for consideration. As part of the proposals fell within Tewkesbury Borough, as well as Cotswold District and Gloucestershire County Council, the Statement of Common Ground would be between each of those authorities. The extent of the Statement of Common Ground and the Local Impact Report would be updated regularly which was the reason a delegation to the Head of Development Services would be required. Atkins had been representing Tewkesbury Borough and Cotswold District Councils in the negotiations with Highways England and there had already been some agreement which was good news. The meetings were taking place regularly and the negotiations had been fairly positive.
- 23.3 A Member noted that part of the Missing Link fell within his Ward and had been an ongoing discussion since at least 1999; since then there had been a lot of plans, ideas and discussions and he hoped this time the proposals were closer to a resolution than ever before.
- 23.4 Upon being proposed and seconded, it was

RESOLVED:

1. That the update on the A417 Missing Link Development Consent Order process be **NOTED**.
2. That authority be delegated to the Head of Development Services, in consultation with the Leader of the Council and the Lead Member for Built Environment, to agree the Statement of Common Ground and the Local Impact Report for the scheme with Highways England.

EX.24 INITIAL PROPOSALS FOR NEW PARLIAMENTARY CONSTITUENCY BOUNDARIES IN THE SOUTH WEST REGION

- 24.1 The report of the Head of Democratic Services, circulated at Pages No. 168-179, advised Members of the Boundary Commission's initial proposals for new Parliamentary constituencies in the Gloucestershire and Wiltshire Sub-Region. The Committee was asked to consider what, if any, representation it may wish to make on the proposals.
- 24.2 The Borough Solicitor explained that the Boundary Commission for England was currently conducting a review of Parliamentary constituency boundaries on the basis of the rules most recently updated by Parliament in 2020. Those rules required that constituencies must have no fewer than 69,724 electors and no more than 77,062; however, the Commission may also take into account any special

geographical considerations including, in particular, the size, shape and accessibility of a constituency; local government boundaries which existed, or were prospective on 1 December 2020; boundaries of existing constituencies; any local ties which would be broken by changes in constituencies; and the inconveniences associated with such changes. The consultation on the changes was being undertaken over a period of eight weeks until 2 August 2021, the Commission was then required to publish all the responses received on the initial proposals which then marked the start of a six-week secondary consultation period planned to take place in early 2022. There would also be public hearings in each region where representations could be made directly to an Assistant Commissioner. The representations from each consultation period would be analysed and the Commission would decide whether changes should be made to the initial proposals. The final report would be submitted to the Speaker of the House of Commons by 1 July 2023. Gloucestershire's electorate of 483,442 resulted in a mathematical entitlement of 6.59 constituencies which was too large for six whole constituencies and too small for seven; the Commission therefore proposed a pairing with Wiltshire to create a sub-region.

- 24.3 Members were advised that the existing Tewkesbury constituency was above the permitted electorate range and the Commission's proposal for changes to the Cheltenham and Gloucester constituencies would further increase the electorate size for Tewkesbury by including one more Ward from Cheltenham and two additional Wards from Gloucester City. To bring the Tewkesbury constituency within the permitted electorate range, the Commission proposed the transfer of seven Tewkesbury Borough Wards from the existing Tewkesbury constituency, including: Winchcombe, Isbourne, Badgeworth, Brockworth East, Brockworth West, Churchdown Brookfield with Hucclecote and Shurdington to form the proposed Cotswolds constituency.
- 24.4 There were some thoughts from an Officer perspective contained within the report which Members could use to help frame the Council's response should they so wish, essentially, there were concerns about the complexity of the proposed Tewkesbury constituency in terms of administration which was also very confusing for the electorate to understand in terms of the reasons they were receiving voting paperwork from local authorities which they did not fall under for day-to-day services and the payment of Council Tax. It was also difficult to see how the proposals fit with the Council's growth agenda and would result in the Borough being represented by three different MPs. It was felt clear that the overriding factor from the government perspective was the size of the electorate as, in terms of connectivity and community identity, it was difficult to see any affinity between areas like Brockworth to the Cotswolds and areas such as Springbank to Tewkesbury.
- 24.5 During the discussion which ensued, a Member expressed the view that it was important for the Council to submit its views given the consequences for it as an authority. It had a duty to provide services for ordinary people and he felt simplicity was best in that regard and confusion was inevitable when boundaries were moved around, especially given the situation was already reasonably complex. He advised that the areas where Tewkesbury was negatively impacted were in terms of the management of elections, as mentioned in the report, as people were confused about why Tewkesbury Borough Council was contacting them when it was not their usual authority; Tewkesbury Borough's ability as a district to communicate effectively with government as it already had two MPs and the proposals added an additional MP; and the fact that it was a bureaucratic exercise in equalising all numbers in the different constituencies when ordinary people in their communities and where they related to should be the overriding consideration. In a few years there would need to be another equalisation of numbers due to the amount of growth planned for the Borough and the Member felt there should be an acknowledgement that Cheltenham and Gloucester needed

to be larger than other areas to stop the situation of passing different areas around within different boundaries.

24.6 Another Member agreed that common boundaries made the system much easier and the numbers game being played was not helpful to residents. He felt it would be no good to make changes to maps as every action would have a reaction so he agreed with the comments made in the report and those made by Members and felt they should form the Council's response. A Member agreed with that and also suggested that the proposed changes to constituencies could lead to voters being less engaged because they did not see how their area linked to their constituency i.e. Ashchurch in the Cotswolds constituency. Another Member advised that she could not understand how areas could be split between constituencies in the way suggested in Churchdown as that would cause an exceptionally complicated situation for residents.

24.7 Accordingly, it was proposed, seconded and

RESOLVED: That the Council's response to the Boundary Commission's proposals for the new Parliamentary constituencies in the Gloucestershire and Wiltshire Sub-Region be delegated to the Borough Solicitor based on the comments in Paragraph 5.1 of the report and the additional views expressed by the Committee.

EX.25 SEPARATE BUSINESS

25.1 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.26 SEPARATE MINUTES

26.1 The separate Minutes of the meeting held on 2 June 2021, copies of which had been circulated, were approved as a correct record and signed by the Chair.

The meeting closed at 3:50 pm