

9 November 2021

Committee	Executive
Date	Wednesday, 17 November 2021
Time of Meeting	2:00 pm
Venue	Tewkesbury Borough Council Offices, Severn Room

ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND

Agenda

1. ANNOUNCEMENTS

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the visitors' car park at the front of the building and await further instructions (during office hours staff should proceed to their usual assembly point; outside of office hours proceed to the visitors' car park). Please do not re-enter the building unless instructed to do so.

In the event of a fire any person with a disability should be assisted in leaving the building.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

To receive apologies for absence and advise of any substitutions.

3. DECLARATIONS OF INTEREST

Pursuant to the adoption by the Council on 26 June 2012 of the Tewkesbury Borough Council Code of Conduct, effective from 1 July 2012, as set out in Minute No. CL.34, Members are invited to declare any interest they may have in the business set out on the Agenda to which the approved Code applies.



	Item	Page(s)
4.	MINUTES To approve the Minutes of the meeting held on 6 October 2021.	1 - 7
5.	ITEMS FROM MEMBERS OF THE PUBLIC To receive any questions, deputations or petitions submitted under Rule of Procedure 12. <i>(The deadline for public participation submissions for this meeting is 11 November 2021).</i>	
6.	EXECUTIVE COMMITTEE FORWARD PLAN To consider the Committee's Forward Plan.	8 - 12
7.	DEVELOPMENT MANAGEMENT REVIEW To endorse the Council's response to the recent Development Management review; approve the high level action plan, attached at Appendix 1 to the report; and agree that the Transform Working Group will monitor delivery of the action plan.	13 - 34
8.	FINANCIAL UPDATE - QUARTER TWO 2021/22 To consider the quarterly budget position.	35 - 59
9.	REVIEW OF TREE SAFETY MANAGEMENT POLICY To approve the updated Tree Safety Management Policy.	60 - 69
10.	ENVIRONMENTAL HEALTH ENFORCEMENT POLICY AND FIXED PENALTY SCHEME To approve the updated and refreshed Environmental Health Enforcement Policy, and the Appendix setting out the use of Fixed Penalty Notices, and to authorise the Head of Community Services to approve future minor amendments in consultation with One Legal and the Lead Member for Clean and Green Environment.	70 - 95
11.	ANNUAL INFRASTRUCTURE FUNDING STATEMENT (IFS) AND COMMUNITY INFRASTRUCTURE LEVY (CIL) RATE SUMMARY STATEMENT REQUIREMENTS To approve the publication of the Infrastructure Funding Statement and to note that the annual Community Infrastructure Levy Rate Summary Statement would be published alongside it.	96 - 124
12.	LOCAL HERITAGE LIST SELECTION CRITERIA FOR TEWKESBURY BOROUGH SUPPLEMENTARY PLANNING DOCUMENT (SPD) To approve the draft Supplementary Planning Document (SPD) for consultation: Local Heritage List Selection Criteria for Tewkesbury Borough and delegate authority to the Head of Development Services, to make any necessary minor amendments to the draft document as considered appropriate prior to consultation.	125 - 138

13. PENSION DISCRETIONS POLICY

139 - 158

To consider and approve the revised policy; to delegate authority to the Borough Solicitor to make amendments to the Scheme of Delegation to increase the financial limit from £10,000 to £20,000 (or where the expenditure cannot be found within existing budgets) before it would be referred to Executive Committee; and to agree that the policy is reviewed annually but only brought back to Executive Committee for review every three years or when a change is required (whichever is sooner).

DATE OF NEXT MEETING**WEDNESDAY, 5 JANUARY 2022****COUNCILLORS CONSTITUTING COMMITTEE**

Councillors: R A Bird (Chair), G F Blackwell, M Dean, M A Gore, D J Harwood, M L Jordan, E J MacTiernan, J R Mason (Vice-Chair), R J Stanley, M G Sztymiak and R J E Vines

Substitution Arrangements

The Council has a substitution procedure and any substitutions will be announced at the beginning of the meeting.

Recording of Meetings

In accordance with the Openness of Local Government Bodies Regulations 2014, please be aware that the proceedings of this meeting may be recorded and this may include recording of persons seated in the public gallery or speaking at the meeting. Please notify the Democratic Services Officer if you have any objections to this practice and the Chairman will take reasonable steps to ensure that any request not to be recorded is complied with.

Any recording must take place in such a way as to ensure that the view of Councillors, Officers, the public and press is not obstructed. The use of flash photography and/or additional lighting will not be allowed unless this has been discussed and agreed in advance of the meeting.

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Executive Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Wednesday, 6 October 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, M L Jordan (Substitute for C Softley),
E J MacTiernan, R J Stanley, M G Sztymiak and R J E Vines

EX.39 ANNOUNCEMENTS

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

EX.40 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

40.1 Apologies for absence were received from Councillor C Softley. Councillor M L Jordan would be acting as a substitute for the meeting.

EX.41 DECLARATIONS OF INTEREST

41.1 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.

41.2 There were no declarations of interest on this occasion.

EX.42 MINUTES

42.1 The Minutes of the meeting held on 1 September 2021, copies of which had been circulated, were approved as a correct record and signed by the Chair.

EX.43 ITEMS FROM MEMBERS OF THE PUBLIC

43.1 There were no items from members of the public.

EX.44 EXECUTIVE COMMITTEE FORWARD PLAN

44.1 Attention was drawn to the Committee's Forward Plan, circulated at Pages No. 9-15. Members were asked to consider the Plan. Accordingly, it was

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

EX.45 COUNCIL PLAN PERFORMANCE TRACKER AND COVID-19 RECOVERY TRACKER - QUARTER ONE 2021/22

45.1 The report of the Chair of the Overview and Scrutiny Committee, circulated at Pages No. 16-100, asked Members to review and, if appropriate, take action on

the observations of the Overview and Scrutiny Committee following its review of the Quarter One 2021/22 Council Plan performance tracker and COVID-19 recovery tracker information.

45.2 The Head of Corporate Services explained that the review of the performance information at the Overview and Scrutiny Committee meeting had been succinct as the report was quite positive with the key successful activities being set out at Page No. 25 of the report which included: the agreement of new leases for various properties within the commercial property portfolio; the Growth Hub had delivered 13 events to date and was on target to meet the 50 workshops/events target; Gloucestershire County Council had announced its preferred design for the proposed upgrade to the M5 all-ways Junction 10; the first promotion event under the Tewkesbury High Street Heritage Action Zone had taken place; work on the new Housing Strategy had commenced; capital grants of £107,000 had been awarded to help improve community facilities; the new bulky waste service had been successfully implemented; new recruitment microsite and an automated recruitment tracker system had been implemented; the preferred development partner had been selected to assist with the Golden Valley Garden community; the specification for the new heating system had been developed and was out to tender; year two of the Carbon Reduction action plan was approved by Executive Committee; and a small Waste Electrical and Electronic Equipment (WEEE) scheme had been implemented.

45.3 In terms of the Key Performance Indicators (KPIs) this was only quarter one so it was likely that real performance would be shown in the next quarter report. Pages No. 25 and 26, showed a number of un-smiley faces around the Joint Core Strategy (JCS) timetable; the Overview and Scrutiny Committee had raised this issue and asked for a report on the JCS so Members could get an idea of the current position and the future roadmap – it had been agreed that Members generally needed to gain a greater understanding of the JCS process and the recent all-Member seminar had been held to address that instead of a report to the Overview and Scrutiny Committee. There had also been queries about the Planning Performance Indicators as the direction of travel was not very good and Members had been advised that the planning service review was being undertaken and the Committee was awaiting the action plan to see how the new monitoring would take place. The outcome of the review would go to the Transform Working Group the following week. Linked to that, there had been a conversation about planning enforcement and the feeling that there was a lack of communications to Members and Parishes– it had been discussed that the planning enforcement team did a lot of good work but it often did not get out into the public domain and it had been agreed that the team would meet to see how the communications of the service could be improved. There was currently a vacancy in the team and the Head of Development Services explained that this was going out to advert but, in terms of the point of contact for Parishes, that remained the Senior Enforcement Officer.

45.4 Accordingly, it was

RESOLVED: That the findings of the Overview and Scrutiny Committee’s review of the quarter one performance management and recovery information be **NOTED**.

EX.46 HOME OFFICE CONSULTATION - EXTENDING THE POLICE AND CRIME COMMISSIONERS POWER OF COMPETENCE

46.1 The report of the Head of Community Services, circulated at Pages No. 101-116, set out the Home Office consultation on extending the Police and Crime Commissioner’s Power of Competence. Members were asked to agree the

response to the consultation and to delegate authority to the Head of Community Services, in consultation with the Leader of the Council, to make the response.

- 46.2 The Head of Community Services explained that this had been quite a complex report to write. Essentially, the options that the business case explored were: no change/status quo to keep the powers as they were at the moment; a wider functional power of competence to respond that the Council supports giving the Police and Crime Commissioner wider powers similar to those held by the Fire and Rescue Service; and a general power of competence which would give the Police and Crime Commissioner far wider powers similar to the general powers that were currently held by local authorities. It was the feeling of Officers that the Police and Crime Commissioner currently worked to the very edge of their functional power of competence meaning they could be open to challenge in their work in areas such as crime prevention/youth justice because that was not directly related to policing even though the Police and Crime Commissioner office funded crime prevention. However, a general power of competence would be too distracting so it was considered that, if there was to be any change, it should be merely to slightly broaden the role but not be significantly changed.
- 46.3 During the discussion which ensued, Members felt the Police and Crime Commissioner's remit needed to remain as it was to ensure the focus of the role was where it should be. In response to some concerns, the Head of Community Services confirmed there was no intention to extend the powers of the Police and Crime Commissioner into the Fire and Rescue Service.
- 46.4 Having considered the report, it was felt by Members that the powers of competence of the Police and Crime Commissioner should not be extended beyond the existing. Accordingly, it was

RESOLVED:

- a. That authority be delegated to the Head of Community Services, in consultation with the Leader of the Council, to respond to the Home Office consultation on extending the Police and Crime Commissioners' Power of Competence.
- b. That the response indicate that there should be no extension to the existing powers of the Police and Crime Commissioner.

EX.47 TEWKESBURY GARDEN TOWN - EVOLUTION OF THE CONCEPT PLAN

- 47.1 The report of the Tewkesbury Garden Town Programme Director, circulated at Pages No. 117-193, set out the Evolution of the Concept Plan for Tewkesbury Garden Town. Members were asked to note the progress and changes made to the Plan.
- 47.2 The Tewkesbury Garden Town Programme Director explained that the original Concept Masterplan document dated 2018 had been consulted upon as part of the Joint Core Strategy issues and options consultation; however, a number of changes had been made over the years so it was important to update the plan. There were some quite major changes but a lot of that work had been done with the Tewkesbury Garden Town Member Reference Panel and the update tried to bring forward the outcomes and conclusions from those meetings including the details of nine development principles for the Garden Town sustainable development; the decision by the Ministry of Defence to maintain the majority of the base for operational purposes and release land at the eastern end of the base for development; inclusion of the Garden Community (Town) status; incorporation of extant planning permissions, including that of the Fiddington development of 850 homes; inclusion of employment land provisionally located south of the A46/east of

the B4079; general updates to the plan including a review of the baseline analysis, engagement that had taken place, and a draft Garden Town vision; inclusion, as appropriate, of responses from the Joint Core Strategy issues and options public consultation; and a name change from the Tewkesbury Area Draft Concept Masterplan to Concept Plan which more accurately reflected the evolutionary status of the document which was the basis for further detailed discussion with stakeholders. The change of name had been discussed with Members and was meant to show it was a concept of what could happen rather than an allocation.

47.3 In terms of the next steps, the Tewkesbury Garden Town Programme Director indicated that it had been difficult for the last year or so to get the opportunity to continue discussing the plan with stakeholders, the community and landowners and to take on board any other changes/recommendations as they came forward. It was not intended to undertake formal consultation but stakeholders would be engaged in the best manner.

47.4 During the discussion which ensued, a Member expressed the view that no progress had been made. There was less land available now that the Ministry of Defence was not leaving; development had started in various parts of the Garden Town area which bore no resemblance to the principles of the Garden Town and that would continue until the Council adopted a Supplementary Planning Document (SPD). In terms of the branding for the Garden Town documents, she noted that the Member Reference Panel had indicated it would like it to be changed but nothing had happened to date. In response, the Head of Development Services advised that the Concept Plan was not a planning document so could not be referred to in planning applications. In terms of the quality of development being built, Officers were trying to negotiate with the developers to achieve some of the Garden Town principles. The amended National Planning Policy Framework (NPPF) gave greater power to local authorities in respect of the National Design Code so the Council did have tools to use at a national level but, until the Council had a strategic allocation, it would be difficult to refuse applications and it could not stop speculative applications coming forward. The document did however set out principles which were helpful. In terms of the National Design Code, the Member questioned whether it offered any powers to the Council to stop development that was unacceptable. In response, the Head of Development Services advised that the Design Code was new and had not been tested in the Courts but, if a scheme was not meeting the quality standards set out by the government, then they should be refused. In terms of the comments about branding, the Tewkesbury Garden Town Programme Director indicated that they had been noted and it had been agreed previously with the Member Reference Panel that, for the time being, the branding would continue as it was but that it would be brought back to the Member Reference Panel for consideration in due course.

47.5 Another Member raised concerns about the removal of the word “masterplan” as it suggested a level of conformity so, in his view, omitting that phrase watered down the document. Whilst he did not think it was right to remove the word masterplan, he had concerns about the document itself and the consequences of it on flooding in the area. In terms of infrastructure, particularly in relation to the A46 and the Ashchurch bridge over the railway, he felt the masterplan did not resolve the issues and that those needed to be addressed before moving forward. He also felt that the public should be engaged properly and the document should go out to formal public consultation. The Head of Development Services advised that when the word masterplan was used people expected to have certainty; however, the document before Members was not a planning document which was the reason it was felt having a concept plan which set out clear principles was the best way forward. Any issues in the area, including flooding, highways etc., would have to be addressed and supported fully through the JCS review.

47.6 Accordingly, it was

RESOLVED: That the progress and changes made to the Tewkesbury Area Draft Concept Masterplan, which are now included in the Tewkesbury Garden Town 'Evolution of the Concept Plan' (July 2021 attached at Appendix 1 to the report), be **NOTED**.

EX.48 HOMESEAKER PLUS SUB-REGIONAL CHOICE BASED LETTINGS ALLOCATION POLICY

- 48.1 The report of the Head of Community Services, circulated at Pages No. 194-252, set out a Homeseeker Plus Sub-Regional Choice Based Lettings Allocation Policy. The policy explained who was eligible and qualified to apply on Homeseeker Plus and set out how applications would be assessed based on housing need. The Committee was asked to recommend the policy to Council for adoption early in 2022 at the management board's discretion.
- 48.2 The Head of Community Services explained that the policy that was previously approved by Executive Committee was opened to public consultation in early 2021; the Forest of Dean District Council had coordinated the consultation on behalf of the partnership. The consultation had run from 1 February 2021 for a period of eight weeks ending on 29 March 2021. In total, 232 responses had been received. The overall responses to the suggested changes had been positive with respondents agreeing or strongly agreeing. The proposed major changes to the policy were approved by the Executive Committee in October 2019 prior to consultation - two further changes were set out at Paragraph 3.2 of the report and there were a number of other minor changes to address spelling, punctuation and grammar or in relation to presentation - the final policy wording with those changes could be found in Appendix 1 to the report with some formatting updates still being required.
- 48.3 Referring to the amendments proposed in Paragraph 3.2 of the report, a Member expressed the view that the addition of the word 'urgent' in point 4.35 could narrow the definition of people that could apply for accommodation. Following a discussion and debate, it was understood that, in effect, the word 'urgent' had always been in the policy, as shown in the table of Page No. 219 of the report; however, it also needed to be added to the text of the policy to ensure consistency.
- 48.4 In response to a query, it was advised that the policy was common to all seven Gloucestershire authorities so if any changes were made they would have to be agreed by all authorities. Accordingly, it was

RESOLVED: That it be **RECOMMENDED TO COUNCIL** that the refreshed Homeseeker Plus Policy be **ADOPTED** in early 2022 at the management board's discretion (of which Tewkesbury Borough Council is a member).

EX.49 COUNCIL TAX REDUCTION SCHEME AND COUNCIL TAX DISCOUNTS

- 49.1 The report of the Head of Corporate Services, circulated at Pages No. 253-257, provided the Council Tax Reduction Scheme including an update on the annual review of Council Tax discounts and sought approval for their adoption effective from 1 April 2022. Members were asked to consider the report and make a recommendation to the Council.
- 49.2 The Revenues and Benefits Manager explained that the report recommended keeping the current Council Tax Reduction Scheme for 2022/23 primarily due to the continued uncertainty of the impact of the COVID-19 pandemic on vulnerable residents; however, the recommendation was also that the scheme be reviewed during the 2022/23 financial year. The report illustrated the cost to the Council of the working age Council Tax Reduction Scheme in lost income as well as providing the detail around the cost of the Council Tax discounts – they seemed to be working effectively in terms of the ability to collect and, as the property market was relatively fluid at the moment, it was recommended that those discounts remain the same for the 2022/23 year.
- 49.3 A Member expressed interest in the fact the number of empty properties was quite low and questioned what the Council did to contact owners about bringing their properties back into use. In response, the Revenues and Benefits Manager explained that, from a Council Tax perspective, there was clear legislation to incentivise bringing properties back into use. The Head of Community Services explained that, from an empty homes perspective, the Council had aspirations/powers to bring them back into use and this could also be incentivised which would be reflected in the housing strategy briefing being made to Members the following day.
- 49.4 Accordingly, it was

RESOLVED:That it be **RECOMMENDED TO COUNCIL:**

1. That the default Council Tax Reduction Scheme be **ADOPTED** with effect from 1 April 2022, with a minor revision to the national working age regulations to allow for a de minimis tolerance for income changes of £10 or less per week.
2. That authority be delegated to the Head of Finance and Asset Management, in consultation with the Lead Member for Finance and Asset Management, to agree the uprating of the working age regulations incorporated into the local Council Tax Reduction Scheme in line with those announced by the Department for Work and Pensions.
3. That options for the working age Council Tax Reduction Scheme for 2023/24 are formally reviewed during the 2022/23 financial year.
4. That the following Council Tax discounts be **ADOPTED** effective from 1 April 2022:
 - The discount for unoccupied and substantially unfurnished properties is 25% for a maximum period of six months.

- The discount for properties which are vacant and require major repair work to render them habitable is 25% for a maximum period of 12 months.
- The discount for unoccupied furnished properties (second homes) is zero.
- An empty homes premium of an additional 100% is levied on properties that have remained unoccupied and substantially unfurnished for at least two years, but less than five years.
- An empty homes premium of an additional 200% is levied on properties that have remained unoccupied and substantially unfurnished for at least five years, but less than ten years.
- An empty homes premium of an additional 300% is levied on properties that have remained unoccupied and substantially unfurnished for at least ten years.

The meeting closed at 3:45 pm

EXECUTIVE COMMITTEE FORWARD PLAN 2021/22

REGULAR ITEM:

- **Forward Plan – To note the forthcoming items.**

Additions to 17 November 2021

- Local Heritage List Selection Criteria Supplementary Planning Document.
- Pensions Discretions Policy.

Committee Date: 5 January 2022

Agenda Item	Overview of Agenda Item	Lead Officer	Has agenda item previously been deferred? Details and date of deferment required
Housing Strategy Monitoring Report (Annual).	To approve the Housing Strategy Monitoring Report.	Housing Services Manager.	No.
Treasury and Capital Management (Annual) (Policies including Capital Strategy, Investment Strategy, Minimum Revenue Provisions and Flexible use of Capital receipts).	To approve and recommend approval to Council, a range of statutorily required policies and strategies relating to treasury and capital management.	Head of Finance and Asset Management.	No.
Social Media Policy and Guidelines.	To approve the Social Media Policy and Guidelines.	Head of Corporate Services.	No.
Discretionary Rate Relief Policy.	To consider the Discretionary Rate Relief Policy.	Head of Corporate Services.	No.
Procurement Strategy.	To approve the Procurement Strategy.	Head of Finance and Asset Management.	No.
Sandbag Policy.	To approve the Sandbag Policy.	Head of Community Services.	No.

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Agenda Item 6

Committee Date: 5 January 2022			
Agenda Item	Overview of Agenda Item	Lead Officer	Has agenda item previously been deferred? Details and date of deferment required
Absence Management Policy.	To approve the Absence Management Policy.	Head of Corporate Services.	Yes, deferred from November 2021.

Committee Date: 2 February 2022			
Agenda Item	Overview of Agenda Item	Lead Officer	Has agenda item previously been deferred? Details and date of deferment required
Budget 2022/23 (Annual).	To recommend a budget for 2022/23 to the Council.	Head of Finance and Asset Management.	No.
Council Plan Performance Tracker and COVID-19 Recovery Tracker – Quarter Two 2021/22.	To receive and respond to the findings of the Overview and Scrutiny Committee's review of the quarter two performance management and recovery information.	Head of Corporate Services.	No.
Redundancy and Redeployment policy	To approve the Policy.	Head of Corporate Services.	Yes, deferred from November 2021.
HR Allocations Policy	To approve the Policy.	Head of Corporate Services.	Yes, deferred from November 2021.
Confidential Item: Irrecoverable Debts Write-Off Report (Quarterly).	To consider the write-off of irrecoverable debts.	Head of Corporate Services.	No.

(To be considered in private because of the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 – Information relating to the financial or business affairs of any particular person (including the authority holding that information)).

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Committee Date: 2 March 2022			
Agenda Item	Overview of Agenda Item	Lead Officer	Has agenda item previously been deferred? Details and date of deferment required
Financial Update - Quarter Three 2021/22.	To consider the quarterly budget position.	Head of Finance and Asset Management.	Yes, from February to enable figures to be collated.
Digital Strategy.	To approve the Digital Strategy.	Head of Corporate Services.	No.
Asset Management Strategy.	To approve the Asset Management Strategy.	Head of Finance and Asset Management.	No.
Housing Strategy.	To recommend the Housing Strategy to Council for approval.	Head of Community Services.	No.
Action for Affordable Warmth 2013-18.	To consider and approve.	Head of Community Services.	No. Deleted as not a matter for Executive Committee.
Tewkesbury Borough Council domestic waste and recycling collection services policy and procedures.	To consider and approve.	Head of Community Services.	No.
Equalities and Diversity Policy.	To approve the Equalities and Diversity Policy.	Head of Corporate Services.	Moved from September meeting to enable a bid for consultant funding to undertake work on equalities.
Medium Term Financial Strategy (Annual).	To recommend to Council the adoption of the five-year MTFs which describes the financial environment the Council is operating in and the pressures it will face in delivering its services and a balanced budget over the period.	Head of Finance and Asset Management.	Yes – deferred from January to allow the necessary information from the government.

Committee Date: 2 March 2022			
Agenda Item	Overview of Agenda Item	Lead Officer	Has agenda item previously been deferred? Details and date of deferment required
Community Infrastructure Levy Review – New Draft Charging Schedule.	To recommend to Council approval for consultation.	Head of Development Services.	Yes, deferred from November 2021 due to slippage in the timetable.

Committee Date: 30 March 2022			
Agenda Item	Overview of Agenda Item	Lead Officer	Has agenda item previously been deferred? Details and date of deferment required
Council Plan Performance Tracker and COVID-19 Recovery Tracker – Quarter Three 2021/22.	To receive and respond to the findings of the Overview and Scrutiny Committee’s review of the quarter three performance management and recovery information.	Head of Corporate Services.	No.
Council Plan 2020/24 Refresh (Annual).	To consider the Council Plan and make a recommendation to Council.	Head of Corporate Services.	No.
High Level Service Plan Summaries (Annual).	To consider the key activities of each service grouping during 2021/22.	Head of Corporate Services.	No.
Car Parking Strategy.	To approve the Car Parking Strategy.	Head of Development Services.	No.
Economic Development and Tourism Strategy.	To approve the Strategy.	Head of Development Services.	No.

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ITEMS FOR 2022/23

Agenda Item	Overview of Agenda Item	Lead Officer	Has agenda item previously been deferred? Details and date of deferment required
Community Infrastructure Levy Review – New Draft Charging Schedule.	To recommend to Council for approval.	Head of Development Services.	No.

PENDING ITEMS

Agenda Item	Overview of Agenda Item	Date Item Added to Pending
Spring Gardens Regeneration Phase 1a report.	To agree the recommendation of the preferred option for the regeneration of Spring Gardens.	4 September 2019
Council Plan 2020/24 Refresh (Annual).	To consider the Council Plan and make a recommendation to Council.	3 February 2021
Managing Contractors Safely Policy.	To approve the Policy.	26 July 2021

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TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	17 November 2021
Subject:	Development Management Review
Report of:	Head of Development Services
Corporate Lead:	Chief Executive
Lead Member:	Lead Member for Built Environment.
Number of Appendices:	One

Executive Summary:

POS Enterprises - the operational arm of the Planning Officers' Society - was appointed by Tewkesbury Borough Council to undertake a review of its Development Management service.

The review took place between April and July 2021 and the final report was received in late September. The team which carried out the review presented its findings to the Council's Management Team and Transform Working Group in October.

This report outlines how the Council plans to respond to the findings of the report. It is focused on the delivery of a high-level action plan, which encompasses the recommendations from the final review report.

The high-level action plan is supported by a vision, principles and five detailed workstreams to ensure there is clarity in terms of what we want to deliver through this piece of work – and these have been outlined as part of this report.

Recommendation:

- 1. To ENDORSE the Council's response to the review and approve the high-level action plan attached to the report at Appendix 1.**
- 2. To APPROVE that Transform Working Group monitors delivery of the action plan.**

Reasons for Recommendation:

The review carried out by POS Enterprises was undertaken at a high-level focusing on what changes are necessary or desirable to make the development management service fully fit for purpose over the next three years. The Council's response to the review introduces five detailed workstreams, which will ensure that the review's recommendations – including improvements in performance management, customer care and the management of our processes - are embedded within the development management service.

Resource Implications:

The development management service currently has a number of vacancies and so resource is stretched. A recruitment drive is planned to fill these vacancies.

In addition, a reserve of £80,000 has been set aside for this project and this is anticipated to be directed towards a temporary Development Management Improvement Manager post to support the delivery of the improvements set out in the high-level action plan.

Further resource requirements will be outlined in the project's individual streams, which will be approved through our internal project management framework process.

Legal Implications:

None arising directly from this report.

Risk Management Implications:

Failure to address the issues arising from the review will have an impact on performance in determining planning applications and could result in a negative experience for users of the service.

Performance Management Follow-up:

Monitoring of the action plans for the five workstreams will be delivered through regular reporting to Transform Working Group.

Monitoring of the development management KPIs to be delivered through reporting via the Performance Tracker scrutinised by Overview and Scrutiny Committee on a quarterly basis.

Environmental Implications:

None arising directly from this report.

1.0 INTRODUCTION

1.1 POS Enterprises - the operational arm of the Planning Officers Society - was appointed by Tewkesbury Borough Council to undertake a review of its Development Management service. The review was commissioned by the Head of Development Services and the Development Manager, both of whom acknowledged the need for change and improvement and recognised external review as the catalyst to initiate the necessary action.

1.2 The purpose of the review was to review issues across the service, including:

- Performance.
- Structure and resources.
- Procedures and processes.
- Pre apps engagement.
- Use of extensions of time.
- Reporting to the Planning Committee and its effectiveness.
- Use of conditions and monitoring.
- Customer satisfaction.

1.3 The final report from the review team was received in September, and since then, an

officer project board has been set up to oversee the Council's response.

2.0 FINDINGS OF THE REVIEW

2.1 The review identified a number of areas which, in the opinion of the review team, should be the focus for the Council, and following consideration of the report, the review team recommended that the Council should prepare an action plan with clear priorities and timescales, in consultation with the staff.

2.2 It is important to point out that a characteristic of the review process is that there is an emphasis on the negatives as these are where the service is not performing to the levels that could be expected. This is always the case and does not indicate a failing service - more that there is scope for improvement.

2.3 The report identified that the current development management service has a number of strengths, and these were found as:

- Many well motivated and committed staff.
- General corporate support for planning.
- Availability of Uniform/Enterprise system.
- Availability of statistical/monitoring information.
- Public speaking provisions at Committee generally good.
- Informed debate at Committee.
- Lockdown systems and processes introduced promptly and working well.

2.4 In respect of areas for improvement, the review team identified these as:

- Performance against Government criteria.
- Awareness of performance issues.
- Use of Extensions of Time – need for clear guidance and control.
- Risk averse approach.
- Approach to management generally.
- Scheme of Delegation should be reviewed.
- Customer care (time taken to determine applications, delays in responses, lack of availability of officers, double/treble handling of phone calls/emails).
- Split between professional planners and support services, and role of technicians.
- Support for new starters.
- Length of Committee reports.

3.0 OUR RESPONSE

3.1 Reflecting the recommendations in the review team's final report, a cross-service project board has been created to drive change and deliver improvement in the Development Management Team.

The team is made up of officers from within the Development Management Team and – recognising the importance of the Development Management Team working alongside the Council's corporate objectives – there are also officers from teams outside of Development Management.

Sitting on the project board is:

Head of Development Services (Project sponsor).

Corporate Services Manager (Project lead).

Development Management Manager.

Planning Team Leader x 2.

Planning Transformation Manager.

Planning Transformation Officer.

Organisational and Development Manager.

Planning Administration Team Leader.

3.2 The project board has developed the following vision for the project, which is currently out for consultation with the Development Management teams:

"To create a resilient, high-performing and customer-focused planning service where the internal culture fosters positivity, innovation, mentoring and empowerment."

3.3 Our principles

The following principles have been identified as being critical to this project's success – these are the things that will run throughout our approach to improving development services and they reflect the values within our Council Plan.

- Customer focus – our development management service will be shaped around the needs of its customer and will deliver an enjoyable customer experience.
- Culture – our culture will be one that is friendly, helpful, where staff feel empowered and where high performance is expected and achieved.
- Transformation – wherever possible we will review our business processes to ensure they are digital by default, streamlined and improve the customer experience.

3.4 Our priorities:

The priorities below are a reflection of the priorities identified by the review team, and each of these has been picked up as part of the project board's high level action plan.

1. Improve our processes by introducing and implementing performance management and monitoring including setting clear ambitious but achievable targets over a three-year-period.
2. Set up a cross-cutting team to review how the service treats the customer in all aspects of its work and prepare an action plan for improvement.
3. Change the emphasis of the role of the DM manager/team leaders away from detailed intervention in individual applications to managing the application process – allowing planners to be empowered to make recommendations without constantly referring them to managers.
4. Institute a review of the Planning Committee structure to ensure it is efficient and effective.
5. Review the Scheme of Delegation to reduce the number of minor planning application being considered by the Planning Committee.
6. The empowerment of our staff.
7. To continue to challenge and question ourselves to ensure continuous improvement.

4.0 **HIGH LEVEL ACTION PLAN**

4.1 In line with the review team's overarching recommendation to develop a plan with timescales, the project board has developed a high-level action plan (found at Appendix 1) to respond to the findings of the review. Actions within the plan have been given an indicative timescale of short-term (up to six months), medium-term (up to 12 months) and long-term (up to three years).

4.2 Given the complexity and number of actions, the action plan has been developed as a programme of works and split it into the following streams:

- Corporate ambition – setting the foundations of the preferred direction for our Development Management service
- Performance management - ensuring our performance management is meaningful, with effective monitoring and management put in place.
- Processes and transformation - reviewing the way we work across the service to ensure a customer focus and looking to adopt a 'digital by default' approach to processes.
- Planning Committee – reviewing all aspects of the Planning Committee, including the Scheme of Delegation and training.
- People and culture – reviewing the organisation of the service, the empowerment of staff and the culture of the teams.

5.0 **MONITORING PROGRESS OF ACTION PLAN**

5.1 Each stream of the action plan will have a project lead, who sits within the overall project team. Members of the development management teams, as well as teams outside of the service, will be encouraged to get involved in projects within this review.

5.2 Detailed project plans for each stream - with dates, responsible officers and detail for each action - will be established. Each of these will be reported to Programme Board to ensure they receive corporate oversight, challenge and input from cross-Council services.

5.3 Given the review's transformational nature, it is proposed through this report that each stream's project plan is also reported to Transform Working Group. This will ensure the review's actions have Member input and examination.

6.0 OTHER OPTIONS CONSIDERED

6.1 None.

7.0 CONSULTATION

7.1 The proposed response approach described in this report was presented to the Lead Member and Transform Working Group in October.

The proposed vision for the response has been consulted on with members of the Development Management teams between September and November.

8.0 RELEVANT COUNCIL POLICIES/STRATEGIES

8.1 Council Plan 2020 to 2024.

Customer Care Strategy.

9.0 RELEVANT GOVERNMENT POLICIES

9.1 National Planning Policy Framework.

10.0 RESOURCE IMPLICATIONS (Human/Property)

10.1 The resources identified to date to oversee and implement the high-level action plan are set out in Paragraph 3.1 of the report. It is acknowledged that additional resources will be required to support the implementation of the action plan and monies have been set aside to support this.

11.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

11.1 The Council Plan seeks to ensure economic, social and environmental sustainability.

12.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

12.1 Our response to the review seeks to ensure value for money and equitable service provision.

13.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

13.1 Council Plan (2020-2024)- approved by Council 28 January 2020.

Background Papers: None.

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Appendices: 1. High level action plan.

Review recommendations – template for responses

This high-level action plan will be supported by detailed action plans for each stream.

Each action is supported by a response from the project team with a projected timeframe split into:

- Short term (within six months)
- Medium term (within 12 to 18 months)
- Long term (within three years)

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Stream: Corporate ambition				
Reference	Improvement action	Timeframe	Our response	RAG
AP1	Establish objectives / standards for the development management service – to be agreed corporately and by members, which will form the basis for the performance management framework.	Short	Overall objectives/ standards for the service need to be agreed at corporate level with leadership team and members. Must be realistic and reviewed on a regular basis. Links to AP8.	
AP2	Develop a plan for engagement with all staff and other stakeholders as necessary	Short	A communications and engagement plan has been drafted to support this project.	
AP3	Work with staff and stakeholders to develop a coherent and compelling vision for the development management service.	Short	This has been completed and is currently out for consultation with the DM teams.	

AP4	Review the shortcomings of the existing GIS system as a matter of urgency and seek to resolve inconsistencies and omissions.	Short	<p>No current internal skillset and our set up is not fit for purpose.</p> <p>This needs to consider if Enterprise/Uniform offer the best solution.</p> <p>Opportunity to explore a corporate GIS system/resource. This will be a corporate project.</p>	
AP5	Work with staff and stakeholders to identify and improve the customer experience across the planning process including system changes and customer care training.	Medium	<p>While work has already started on this and the number of calls being resolved at the first point of contact (customer services has increased), a detailed project plan will be drawn up to focus on improving customer care.</p> <p>This is a medium-term project due to the requirement for other more fundamental changes needed to ensure customer care is treated as a priority.</p>	

Stream: Performance management

Reference	Improvement action	Timeframe	Our response	RAG
AP6	Take immediate steps to review the longstanding applications and remove those that are no longer 'active'.	Short	<p>Work to remove outstanding pre-applications has already started.</p> <p>Process to continue with planning applications.</p>	
AP7	In the short-term, implement specific and managed actions to reduce the backlog of applications, which may include overtime working and/or using consultants.	Short	<p>Team leaders to initiate more regular 121s with officers to address backlog.</p> <p>Develop better use of Access reports and Enterprise Tasks to improve performance management.</p> <p>Currently in the process of trying to secure a contractor for three months to cover the backlog within existing budget. Explore potential for this to be extended.</p> <p>Explore the use of overtime to assist with backlog clearance.</p> <p>Identify the wider issues at the heart of the backlog.</p>	

Stream: Performance management				
Reference	Improvement action	Timeframe	Our response	RAG
AP8	<p>Set performance management criteria to align the MHCLG national criteria for designating underperforming authorities. To also include:</p> <ul style="list-style-type: none"> Establishing local targets for planning applications and enforcement, which are ambitious but realistic, with the intention to reach the upper quartile within three years 	Short	Explore other authorities and their performance management criteria – particularly the best performing ones.	
AP9	Establish monthly reporting on planning application and enforcement performance to the service management team and quarterly reporting to the corporate management team.	Short	Meetings will be set up and relevant performance data shared and analysed.	
AP10	Ensure that performance monitoring reports are cascaded to all staff.	Short	<p>Weekly performance management reports to be cascaded to DM officers.</p> <p>Overall performance against MHCLG and local KPIs to be included on agenda of monthly DM Team Meeting - cascade to all DM staff.</p> <p>Make this information more readily available via Enterprise/Access reports.</p>	

Stream: Performance management				
Reference	Improvement action	Timeframe	Our response	RAG
AP11	Report on enforcement activity annually to the Planning Committee	Medium	Reporting process will be introduced.	
AP12	Institute enforcement management reports for the enforcement team on at least a quarterly basis.	Medium	Work has started on producing enforcement management reports.	
AP13	Set up a procurement framework to draw upon planning consultants for PPAs, planning appeals and significant major applications.	Medium/long	Initial advice has been received from procurement and One Legal. The brief will need to be carefully constructed so that suppliers are clear about requirements.	
AP14	Review the timescales advertised for pre-application engagement by officers to ensure they are realistic. Team leaders to work proactively with case officers to ensure a consistent approach is taken throughout the process.	Short	Timescales are currently being reviewed. Links to AP7.	
AP15	Introduce monthly performance meetings of relevant officers to: <ul style="list-style-type: none"> a) Monitor progress on major applications. b) Monitor performance against established targets. 	Short	Currently, meetings on performance are happening on a fortnightly basis and these will move to monthly when appropriate. Policy officer will be invited as required.	

Stream: Performance management				
Reference	Improvement action	Timeframe	Our response	RAG
	<p>A policy officer should attend the major applications meeting on a regular basis.</p> <p>A case officer should be nominated as liaison with the garden town team.</p>			
AP16	Stop the senior meetings in their current form.	Short	Review the effectiveness of senior meetings and possible alternative support through senior officers.	
AP17	Review the DM team structure to establish clarity and transparency of lines of responsibility and equalisation of workload.	Medium	A full review of the team structure will be required to ensure it is fit for purpose.	
AP18	Make all teams aware, on a weekly basis, of performance targets and how delays at the beginning of the process can exacerbate performance issues.	Medium	This will be reviewed alongside AP10. This may be combined into the same action once reviewed.	

Stream: People and Culture				
Reference	Improvement action	Timeframe	Our response	
AP19	Redefine the roles of development manager and area team leader to emphasise the responsibility for performance management with agreed targets, managing down their caseloads.	Short	Current roles to be reviewed.	
AP20	Clarify the role of team leaders and senior planners as providers of advice on individual applications to case officers.	Short	This piece of work will incorporate the proposal to delegate sign-off on delegated applications to team leaders and senior planners, and to case officers for discharge of conditions. Senior officers and planning officers will be empowered to sign off planning conditions.	
AP21	*Review responsibilities and skills expected at different levels of development management, including within support staff, to create clarity in relation to tasks but also to create clear career development pathways.	Medium/long	Will be drafted in consultation with the DM management team.	
AP22	Explore fully the options for appointing a Senior Enforcement Officer.	Short	Completed. We are now recruiting for an enforcement officer.	✓

Stream: People and Culture

Reference	Improvement action	Timeframe	Our response	
AP23	Clarify interim management arrangements pending appointment of Senior Enforcement Office	Short	The senior enforcement officer post has been recruited to.	✓
AP24	<p>Training opportunities:</p> <ul style="list-style-type: none"> • For the enforcement team, which would assist them to deal with presenting evidence at what can sometimes be high profile and/or criminal cases. • Identify training and skills gaps and propose solutions, including considering mentoring, action learning sets, buddying as well as formal training. • To enable support services team members to check PD rights for application sites via the Uniform system before duty officer appointments are made. • Review levels of understanding and usage of Uniform throughout the development management team and provide detailed training where required, particularly for new starters. 	Medium	<p>High priority and will link with the AP39 procedure guide work.</p> <p>Explore use of 15-minute briefing sessions and videos for training</p> <p>Will link to People and Culture training and development plans.</p>	

Stream: People and Culture				
Reference	Improvement action	Timeframe	Our response	
AP25	Introduce a standard procedure for the use of Extensions of Time	Short	Depending on the agreed procedure, this could be implemented in the short term.	

Stream: Business transformation and processes				
Reference	Improvement action	Timeframe	Our response	
AP26	Find an effective way to involve elected members in pre-application work for large-scale major applications with clear protocols in place and extensive training provided for all those likely to be involved.	Medium/long	<p>Workshop required with members to explore options.</p> <p>Link with planning advisory service guidance on pre-applications.</p> <p>Training to be provided to prepare elected members for their future involvement in pre-application discussions.</p>	
AP27	Introduce a clear and consistent policy for redaction – having regard to the recently published national guidance on redaction from the PAS.	Short	Draft policy on redaction for planning and updated privacy notice reflecting PAS guidance have been completed and signed off by data protection officer.	

Stream: Business transformation and processes

Reference	Improvement action	Timeframe	Our response	
			Training for support staff completed, DM case officers to be trained prior to implementation by end of November 2021.	
AP28	Automatically review and scan in the most important documents, whenever a file is retrieved from the offsite storage facility.	Short	This has started and a procedure note has been prepared and circulated.	✓
AP29	Expedite back scanning of all hard copy files as soon as practicable.	Medium/long	High priority will need additional resource. This is a corporate project on hold currently due to potential link with land charge migration project. This will require the existing Project Initiation Form and project plan to be updated.	
AP30	Introduce a new local validation checklist, and provide training to the DM team, to reinforce a consistent departmental approach to validation requirements.	Medium	Priority and timescale will depend on the review of validation, which will be carried out by the performance management stream.	

Stream: Business transformation and processes

Reference	Improvement action	Timeframe	Our response	
AP31	Agree the standard set of conditions as an urgent priority and upload to Uniform.	Short	Completed Web-based alongside procedures: next step.	✓
AP32	Pursue the issue of separate local planning authority and county S106 agreements with the other Gloucestershire authorities.	Medium/long	Countywide issue - technical planning and legal input will be required.	
AP33	Consider the measures that need to be put in place to set up a S106 monitoring system.	Short	S106 monitoring officer recently appointed – set to look at policies and procedures.	
AP34	The temp post of S106 monitoring officer should be part of the DM team and explore funding for a permanent post to be added to the existing establishment.	Short	Temporary post recruited to policy team – set to consider moving to DM team.	

Stream: Business transformation and processes

Reference	Improvement action	Timeframe	Our response
AP35	<p>Review current systems in place for the issuing of planning decision notices to avoid last-minute decisions and ensure there is adequate officer cover to issue the decision notices during opening hours.</p> <p>This review will ensure our systems are working in a more effective and efficient way.</p>	Short	<p>Cover is now in place to issue decision notices.</p> <p>Signing off officers need to be informed as early as possible when an urgent decision is required.</p>
AP36 A	Explore the full capability of the Uniform/Enterprise Enforcement module	Short	<p>High priority. Significant work has been completed in relation to the use of uniform for enforcement. Planning enforcement tasks have been completed and are now being used.</p>
AP36 B	Ensure staff at all levels are involved in defining tasks and setting standard deadlines on the Enterprise system.	Medium	<p>Planning case officers have been involved in defining planning application Enterprise tasks. Work is underway to prepare those tasks. More complex tasks will be prepared after required Idox training in January 2022.</p> <p>Look at best practice for use of Enterprise.</p>

Stream: Business transformation and processes

Reference	Improvement action	Timeframe	Our response	
AP37	Introduce a clearer 'triage' process for customer queries, where customer services and support services are trained in establishing clearly the nature of the enquiry, and who, where, and when, the answer can be found and how best to access it.	Medium	<p>Work has already started on this.</p> <p>FAQs have been introduced to the planning, landscape, and planning enforcement website pages to improve customer opportunities to self-serve.</p> <p>Training has been provided for customer services and support services - further training will be organised.</p> <p>This links to AP5.</p>	
AP38	Prepare a web-based procedure manual for all internal development management procedures.	Medium	<p>This is a high priority action.</p> <p>Work has commenced. Intranet platform established.</p>	
AP39	*Introduce a call monitoring portal	Long	This option can be picked up as part of the corporate phone system review, set to take place in 2022/23.	

Stream: Business transformation and processes

Reference	Improvement action	Timeframe	Our response	
AP40	*Breach of planning – digital end-to-end process	Medium	A digital form could reduce the number of complaints that are not related to planning enforcement, as well as automatic communications to the customer. APIs to Uniform could enable auto-population to the back-office system.	
AP41	*Develop the planning area of the website as part of the corporate website review to improve customer opportunities to self-serve.	Medium	Some work already completed, see AP38.	
AP42	*Planning application tracker – enable customers to track progress on applications.	Long	Supporting improvements for the customer experience, this could include the option to sign up for ‘push’ notifications for specific events.	

Stream: Planning committee

Reference	Improvement action	Timeframe	Our response	
AP43	Consider reducing the size of the committee to 11 -13 in line with national best practice advice.	Medium	If required, this may need to be done in combination with AP45.	
AP44	Review the Scheme of Delegation to reduce the number of minor applications which go to committee.	Short - Medium	This is a high priority action to ensure the effectiveness and efficiency of the committee.	
AP45	Advise committee members that they should clarify issues on applications with officers prior to meetings, wherever possible.	Short	A clear message will be circulated to all members to clarify any issues prior to planning committee where possible.	
AP46	Examine options for reducing the length of committee reports.	Short	Training to be organised.	
AP47	*Explore what paperwork goes to planning committee.	Medium	A review of current practice will be undertaken, including consultation with planning committee members.	
AP48	Consider introducing a procedure where members are considering granting an application against officer advice (overturns), to ensure	Medium	This will be explored.	

Stream: Planning committee

Reference	Improvement action	Timeframe	Our response	
	appropriate conditions are fully explored prior to determination.			
AP49	Arrange for regular training for the committee, together with specialist sessions/discussions on specific issues.	Short/ medium	Need to identify a programme of training/specialist sessions - updated every 12 months. In consultation with lead member/chair/vice-chair.	

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	17 November 2021
Subject:	Financial Update – Quarter Two Performance Report
Report of:	Head of Finance and Asset Management
Corporate Lead:	Head of Finance and Asset Management
Lead Member:	Lead Member for Finance and Asset Management
Number of Appendices:	Four

Executive Summary:

The budget for 2021/22 was approved by Council in February 2021 with the reserves being approved at Executive Committee in July 2021. This report is the second quarterly monitoring report of the Council’s financial performance for the year.

The report highlights a projected outturn surplus, based on the quarter two position, of £3,611,060 on the revenue budget and details the expenditure to date against both the capital programme and the approved reserves.

It should be noted that the reported £3.6m surplus includes £3.6m of s31 business rates grants that are required to be set aside to meet a business rates collection fund deficit in 2022/23. Therefore, the balance of the budget forecast at the end of the second quarter is cost neutral and on target to deliver an outturn in line with the original estimates for 2021/22.

Recommendation:

To consider the financial performance information for the first half 2021/22.

Reasons for Recommendation:

The Executive Committee is responsible for recommending the budget to Council and for the management and delivery of the approved budget during the financial year.

The quarterly financial report is to notify Members of any known significant variations to budgets for the current financial year, highlight any key issues, and to inform Members of any corrective action to be taken if required.

Resource Implications:

As detailed within the report.

If the budget is in deficit at year-end then the Council will have to use reserves to fund the overspend, meaning that these resources are not available to fund other activities or future financial management of the Council’s projected medium term budgets. The Council currently has a £800,000 General Fund balance but significant earmarked reserves.

Legal Implications:

None associated with the report.

Risk Management Implications:

A financial deficit will result in the utilisation of the limited financial reserves held by the Council. The financial performance of the Council is monitored on a monthly basis and reported to

Members quarterly. Active management of the budget takes place to reduce the projected deficit whilst maintaining delivery of services.

Performance Management Follow-up:

Budgets will continue to be monitored on a regular basis by budget holders supported by finance. Quarterly monitoring reports will be presented to Members with the outturn position reported to the Committee in July 2022.

Environmental Implications:

None arising from this report.

1.0 INTRODUCTION/BACKGROUND

1.1 This report provides the quarter two (Q2) monitoring position statement for the financial year 2021/22. The purpose of this report is to notify Members of any known significant variations to budgets for the current financial year, highlight any key issues, and to inform Members of any action to be taken if required.

1.2 There continues to be significant disruption to the base budget of the Council as a result of the pandemic. COVID-19 expenditure, income reductions and grant funding are reflected in the general fund position and supplemented by the increased level of expenditure going through reserves, much of which is COVID-19 related. These added factors to financial position continue to be shown and are highlighted within this report.

2.0 REVENUE BUDGET POSITION

2.1 The financial budget summary for Q2 shows a projected surplus of £3,611,060 for the full year against the approved budget. This includes a £3.62m government grant for business rate reliefs which must be set aside to meet future deficits – see Paragraph 2.12. The net forecast position of the rest of the budget is therefore in line with estimates for the year.

Whilst there are early indications that income streams are improving and there is potential for increased government support, given the report is based on performance in only the first half of the year, a prudent position is taken with regards to full-year estimates.

The following table highlights the forecast outturn position for service provision, the net position on corporate income and expenditure and the resulting surplus.

	Budget	Full Year Projection	Full Year Variance
<u>Services expenditure</u>			
Employees	£11,032,559	£10,599,947	£432,612
Premises	£590,411	£622,196	-£31,785
Transport	£55,270	£38,163	£17,107
Supplies & Services	£2,131,818	£2,175,149	-£43,331
Payments to Third Parties	£6,462,630	£6,559,306	-£96,676
Transfer Payments - Benefits Service	£13,544,132	£13,529,942	£14,190
Central Recharges	£29,929	£29,929	£0
COVID-19 Costs	£0	£350,983	-£350,983
COVID-19 Recovery	£0	£100,000	-£100,000
Projects Funded Externally	30	-£247,252	£247,252
Income	-£21,429,831	-£21,424,688	-£5,143
Services Sub Total	£12,416,918	£12,333,674	£83,244
<u>Corporate expenditure</u>			
Treasury – Interest Received	-£345,000	-£400,000	£55,000
Treasury – Borrowing Costs	£480,000	£460,000	£20,000
Investment Properties	-£3,176,343	-£3,046,104	-£130,239
Corporate Savings Targets	-£155,000	£0	-£155,000
Core Government funding	-£1,013,409	-£1,618,563	£605,154
New Homes Bonus	-£2,508,861	-£2,508,861	£0
Business Rates	-£1,976,280	-£1,243,714	-£732,566
Business Rates – deficit from 20/21	£4,649,150	£4,639,263	£9,887
Business Rates – new s31 grants set aside for 22/23	£0	-£3,619,320	£3,619,320
Council Tax Surplus	-£24,833	-£24,833	£0
Council Tax precept	-£4,579,735	-£4,579,735	£0
Use of reserves & MRP	-£3,766,607	-£4,002,867	£236,260
Corporate Sub Total	-£5,595,281	-£9,123,097	£3,527,816
Surplus / (deficit)			£3,611,060

2.2 Service Expenditure

The quarter two full year projection highlights a full year cost of service provision totalling £12.334m, resulting in a surplus against the approved budget of £83,244. The following paragraphs highlight the main reasons for this projected surplus. In addition, Appendix A provides detail at a service level with notes on variances over £10,000.

- 2.3** The full year projection for employees highlights a potential gross surplus of £432,612. It should however be noted that within the Council's corporate expenditure is a target to save £155,000 from employment costs across the Council. The net position is therefore a surplus against target of £277,612. Savings have accrued across a number of service areas including One Legal, Development, Democratic and Community but also with senior management following the decision in June to delete the post of Deputy Chief Executive. This saving is offset to some degree this year by the cost of recruitment to a new Director of One Legal. The figures do not include a pay award which is still being negotiated between Unions and Employers. A reserve of £200,000 is set aside to meet an agreed pay award which would equate to a 2% increase. Any agreed pay award in excess of this would need to be met by current employee savings.

- 2.4** Premises costs highlights a projected overspend of £31,785. This includes the rental charges that relate to the May 2021 Police Crime Commissioner election, which are fully reclaimable. Due to the vacant office space within the public service centre the business rates due have been charged to the Council and therefore are showing an overspend against budget.
- 2.5** The projected outturn for Supplies and Services highlights a potential overspend of £43,331. This includes the election fees from the May 2021 Police Crime Commissioner election, which are fully reclaimable. Card terminal bank charges are 30% lower than budget which is a combination of changing the merchant provider and a prudent budget.
- 2.6** Payments to third parties highlights a projected overspend of £96,676. This includes additional costs relating to the cost of a Domestic Abuse Review which is fully funded by the Domestic Abuse grant. There has been an increase in demand for emergency accommodation in the first half of this year. We have been prudent with our forecast by forward projecting at the same rate as Q1 and Q2; any overspends will be funded from the homelessness grant.

There is a projected overspend on the Ubico contract sum in relation to extra payment being made in order to attract and retain drivers for our services. A national shortage of drivers, estimated to be around 70,000, has resulted in an impact on many forms of business with local authority waste collection services not immune to this impact. There have been a growing number of examples where authorities have had to suspend collections as a result of driver shortages. To help mitigate the problem on the Tewkesbury contract, an increased market supplement has been agreed, whilst driver training for loaders continues. The rest of the contract sum is on target.

We have seen a significant saving in our MRF gate contract since changing provider, we expect this to continue for the foreseeable.

- 2.7** Tewkesbury services continue to see a financial impact from the COVID-19 pandemic with a full-year cost estimated at £450,983. The costs include the continued work of the business cell, additional costs for the provision of our waste and recycling services and the continued support to Tewkesbury Leisure Centre. These costs will be met from the additional COVID-19 grant funding provided by the government and new burdens funding for the business cell work – see Paragraph 2.11.
- 2.8** Income in many areas of Council activity has recovered well from the impact of coronavirus with a number of income streams either back on budget or delivering a small surplus. Some areas however continue to be affected by the COVID-19 pandemic with reductions in income levels in our car parks during the first quarter, an expectation that the Tewkesbury Leisure Centre contract fee would not be provided during the year and current vacancies for our office units within the Council Offices. In addition, One Legal income remains below target although this is offset to an extent by the savings on employee costs.

2.9 Corporate Expenditure

The expenditure associated with corporate activities as well as the financing of the Council is shown in the second section and highlights an estimated surplus of £3,527,816 for the financial year.

2.10 Treasury activities are expected to deliver small savings in borrowing costs and an increase in interest received from investing. Our commercial property portfolio is currently predicting a deficit on the year as a result of the expected temporary void at one office unit, a tenant exercising a mid-year break clause at an industrial unit and the inducements offered to secure leases at our Clevedon units. Should the commercial property account remain in deficit for the full-year, the Council will utilise the commercial property reserve to cover the void and lease costs resulting in no impact on the base budget position - see Paragraph 2.13.

2.11 Core government funding is showing a significant surplus as a result of the additional COVID-19 general fund grant of £424,927. In addition to this, the Council will also receive additional new burdens funding for its continuing administration of business grants and it is also able to claim compensation for losses on its sales, fee and charges (SFC) as a result of COVID-19 for the first quarter of the year. The level of new burdens funding is not yet known although clarity is likely to be provided in November. A prudent estimate of £100,000 for new burdens has been included within the projection. The loss on SFC for the first quarter has been calculated at £49,000 and is included within the estimate, although it is yet to be certified by DLUHC.

2.12 Our anticipated retention of business rates income shows a net surplus of approximately £2.9m from the original budget, compiled in December 2020. The major component of this surplus is the £3.62m s31 grant paid by the government to provide further relief from business rates for businesses in certain sectors. These businesses will receive the relief in the current year and therefore pay reduced business rates. For the Council, the impact of this reduced business rates is a deficit on the collection fund which impacts in 2022/23. The government compensates the local authority by paying the s31 grant and, as they have made payment upfront, the sum needs to be set aside at year-end to meet the deficit in 2022/23. This element of the surplus is therefore not a usable surplus and is only as a result of timings within the business rates system.

The underlying position of business rates in the current year shows a small amount of growth and an improving position against the prudent estimates made in the budget. The level of empty business premises across the Borough continues to be much lower than forecast and bad debts are not materialising to the levels originally envisaged. In addition to this, the government announced that Material Change in Circumstance (MCC) business rate appeals will not be dealt with as appeals but will be subject to a separate grants system. With this announcement, the Council is able to remove the provision for these type of appeals from within its retention calculation. As a result of these factors the levels of retention for 21/22 are likely to be much higher for Tewkesbury with a net gain of over £1.4m currently being forecast. However, this gain will only be released at the end of 2022/23 and therefore is not available to the Council until April 2023.

In contrast to the £1.4m gain, the additional levy now payable by Tewkesbury – all gain is subject to a 50% levy – is due in the current year. As a result, the net position for the in-year business rates retention is a deficit of £732,566.

2.13 The income line 'Use of Reserves & MRP' highlights the intended level of reserves being brought into the general fund during the year less the cost of the repayment of borrowing – the Minimum Revenue Provision. Outside of the budgeted transfer from reserves, expenditure being financed by reserves is usually allocated directly to reserves and shown separately in section 4 of the report. However, some expenditure is recorded in the general fund and so additional funding is brought in to match off that expenditure. In this case, the additional reserve use relates to new burdens funding already received for business grant administration and the use of the commercial property reserve to cover any deficit on that account.

2.14 Overall, the first half projection for the full financial year shows an anticipated surplus of £3.6m. This surplus is effectively the s31 business rates grant mentioned in 2.12 and means that the remainder of the base budget is on target to be delivered in line with original estimates.

3.0 CAPITAL BUDGET POSITION

3.1 Appendix B shows the capital budget position as at Q2. This is currently showing an underspend of £325,309 against the profiled budget of £695,000.

The capital programme estimates total expenditure for the year to be circa £3.9m. This is much reduced on previous years as a result of the end of the acquisition phase of the commercial investment property strategy. The main elements of this year's forecast include:

- Ashchurch Bridge.
- Vehicle replacement.
- The replacement of the heating system at the Council Offices.
- Disabled Facilities Grants (DFG).

3.2 As can be seen in Appendix B, the previously reported deficit on Disabled Facilities Grants has now been reversed into a surplus whilst an underspend on vehicles for both grounds maintenance and food waste is currently being reported.

3.3 The expected replacement of the Council Offices heating system will not now take place in the second half of the year as a result of a significant increase in prices. However, grant funding will now be used to support the delivery of a solar canopy above a number of car parking spaces in the rear car park of the offices. This work is expected to be completed in the final quarter.

4.0 RESERVES POSITION

4.1 Appendix C provides a summary of the current usage of available reserves. Supporting notes are provided for reserves where expenditure is high or the expenditure is of note.

4.2 Reserves have been set aside from previous years to fund known future costs and the strategic planning of the authority's operation. This year's reserves have been boosted by both grant funding related to COVID-19 and also the release of provisions from the retained business rates scheme. The information in the Appendix does not take account of reserves which have been committed, but not yet paid.

4.3 Whilst the Q2 position shows that there remains a significant balance on the reserves, the expectation is that the balances will be spent in the future. Finance has asked for updates from all departments about their plans to ensure that earmarked reserves are either used for their intended purpose or released back to the general fund.

5.0 SEMI ANNUAL TREASURY REPORT

5.1 At the half year point of the financial year, treasury investment activities have resulted in an average return of 1.60% on its investments which, at the end of September, totalled £30,200,000. This performance and level of return has generated interest of £225,000 in the first half of the year against the budget estimate of £172,500 resulting in a surplus of £52,500. This is considered to be an excellent return given the continued low interest rates and represents a return of 1.52% in excess of the benchmark rate. It is also more than double the average return of 129 other local authorities who are members of our benchmarking club.

- 5.2** The Council's investment performance has been boosted by its investment in a number of pooled funds. The funds, which hold investments in equity, multi-asset and property classes, total £9.2m of the Council's investments and continue to return income of 4.71%. In addition, there has been a gain of 9.14% on the capital value of these investments in the first six months which moves the Council close to pre-pandemic capital values.

The Council further diversified its investment portfolio in the first half of the year with £1/2m being invested in a social housing real estate investment trust (REIT). The Fundamentum social housing REIT provides accommodation across the country for vulnerable adults with specialist needs. The investment provides a good level of return at around 2.25% whilst boosting our environmental, social and governance investment objectives.

- 5.3** Borrowing costs in the first half of the year stand at £236,000 which is £4,000 below the budget forecast. This is as a result of the lower borrowing costs and the repayment of £5m of previous borrowing.
- 5.4** Overall, the Council's treasury management activities in the first half of the year have been efficiently managed given the extreme circumstances and have resulted in a surplus of £56,500 on budget with a full year forecast of a £75,000 surplus. Full details of the mid-year treasury management position are contained in Appendix D.

6.0 CONSULTATION

- 6.1** Budget holders have been consulted about the budget outturn for their service areas. The feedback has been incorporated in the report to explain differences between budgets and actual income and expenditure.

7.0 RELEVANT COUNCIL POLICIES/STRATEGIES

- 7.1** Budget monitoring is on the approved annual revenue and capital budget for 2021/22 which has been prepared in line with the Medium-Term Financial Strategy

8.0 RELEVANT GOVERNMENT POLICIES

- 8.1** None.

9.0 RESOURCE IMPLICATIONS (Human/Property)

- 9.1** None.

10.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

- 10.1** None.

11.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

11.1 None.

12.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

12.1 None.

Background Papers: None.

Contact Officer: Head of Finance and Asset Management

Appendices:

- A – Revenue position by service.
- B – Capital position.
- C – Earmarked reserves update.
- D – Semi-annual treasury report.

Appendix A - Quarter 2 budget report

Chief Executive

	Full Year Budget	Projected Outturn	Savings / (Deficit)	
	£	£	£	
Employees	262,751	254,865	7,886	1
Premises	0	0	0	
Transport	0	0	0	
Supplies & Services	8,160	17,656	(9,496)	
Payments to Third Parties	0	0	0	
COVID-19 Costs	0	0	0	
Income	0	0	0	
TOTAL	270,911	272,521	(1,610)	

1) The saving on Employee costs is as a result of the Chief Executive no longer paying into the pension scheme.

Community Services

	Full Year Budget	Projected Outturn	Savings / (Deficit)	
	£	£	£	
Employees	1,358,594	1,340,380	18,214	2
Transport	900	103	797	
Supplies & Services	142,479	145,942	(3,463)	
Payments to Third Parties	5,500,704	5,615,294	(114,590)	3
COVID-19 Costs	0	75,303	(75,303)	4
COVID-19 Recovery	0	100,000	(100,000)	5
Ringfenced Projects and Funding	0	0	0	
Income	(2,328,096)	(2,690,235)	362,139	6
TOTAL	4,674,581	4,586,787	87,794	

2) The favourable variance of £18k includes the following:

£30k saving due to the Planning Liason/Contaminated Land Officer vacancy, this post will remain vacant for the majority of the year, we have been using Bromsgrove DC for Planning advice, these costs are included in Payments to Third Parties.

The Community Safety/ASB Coordinator post was vacant for part of the year equating to £14k

£16k favourable variance as various posts in Environmental Health are part time but are budgeted as FTE

£12k favourable variance as the Licensing & Systems Officer reduced his contracted hours

Environmental Health Manager post is £12k over budget as the role has been backfilled through an agency

£11k adverse variance as the Ubico Contract Manager role was temporarily backfilled through an agency during the recruitment process

3) The adverse variance of £115k is due to the following:

Ubico informed us that due to the national driver shortage, from September they will need to increase the drivers hourly rate by a market supplement, this equates to £68k this financial year.

Ubico are no longer the provider of the Bulky Waste Collection service, currently there is a cost for the extra resource of £30k which needs to be redeployed. We are currently working closely with Ubico to reduce this cost and utilise the extra resource within other service streams.

There has been a significant increase in flytipping which Ubico predict will be £11k over budget.

Ubico are also projecting an additional £15k to the Trade Waste Service.

£35k to be spent on Domestic Abuse which is offset against the £35k grant we have received, which is included in income.

We have seen a reduction in the MRF gate fee which we expect for the foreseeable, this is due to transferring the MRF gate contract to the new provider and a reduction in waste rejection, which in turn has reduced costs by £108k. We also received a £20k credit note from Suez relating to 20/21, which was unforeseen.

£25k adverse variance due to obtaining planning advice from Bromsgrove District Council as we currently do not have the resource in house as the Planning Liason & Contaminated Land Officer post is vacant.

We have seen a large increase in demand of emergency accommodation which we project to be £32k over budget, this overspend will have to be funded by the homelessness grant.

£20k adverse variance as the pharmacy collection of NHS sharps for 21/22 was omitted from the budget.

4) Breakdown of COVID expenditure:

Ubico costs for extra PPE, staffing, sick pay, cleaning materials etc..expected to be £50k by the end of the financial year

£20k - Environmental Health Manager's resource on COVID related matters.

5) Breakdown of COVID recovery expenditure:

We have £100k to spend by 31st March 22 on COVID related matters.

6) Breakdown of £362k favourable variance:

£216k homelessness grant received

Due to a decrease in residual waste we are expected to receive £40k more in recycling credits this year.

The bulky waste service is expected to generate an additional £27k by the end of the year.

Domestic Abuse grant of £35k not within base budget

Income received from the garden waste service is currently £11k greater than budget

We have generated an additional £19k from the trade waste service.

Corporate Services

	Full Year Budget	Projected Outturn	Savings / (Deficit)	
	£	£	£	
Employees	2,147,308	2,138,323	8,985	
Transport	0	0	0	
Supplies & Services	642,093	621,048	21,045	7
Payments to Third Parties	172,800	161,623	11,178	8
Transfer Payments - Benefits Service	13,544,132	13,529,942	14,190	9
COVID-19 Costs	0	160,957	(160,957)	10
Income	(14,032,426)	(14,143,686)	111,260	11
TOTAL	2,473,907	2,468,206	5,701	

7) The projected underspend of £21k mainly comprises; procurement of new broadband contract (£4k), reduction in printer usage (£3k) and procurement of new landline configuration (£11k).

8) The bulk of the £11k underspend is in relation to council tax and business rates court fees totalling just under £9k.

9) Budget is performing well with minor variances in housing benefit overpayment recovery.

10) Relates to the service's response to the pandemic including £150k staff costs (additional hours and agency) and £13k additional equipment eg ICT related.

11) Additional £34k relates to the recovery of summons/court costs as a result of council tax recovery being re-instigated. £44k is receipt of government grant through new burdens funding and £16k payment relating to a legacy fraud case.

Democratic Services

	Full Year Budget	Projected Outturn	Savings / (Deficit)	
	£	£	£	
Employees	278,230	254,130	24,100	12
Premises	0	15,455	(15,455)	13
Transport	9,600	9,249	351	
Supplies & Services	452,785	536,786	(84,001)	14
Payments to Third Parties	37,100	49,891	(12,791)	15
COVID-19 Costs	0	0	0	
Income	(3,000)	(178,264)	175,264	16
TOTAL	774,715	687,247	87,468	

12) A full time vacant post gives a saving of £43k. This is offset against some overtime to cover maternity leave.

13) Rental charges for Police and County Elections. These election costs are fully reclaimable and there is grant income to offset.

14) Other election fees that are fully reclaimable and income is shown above.

15) Other election fees that are fully reclaimable and income is shown above.

16) Grant income - mostly relating to Police and County Election - May 2021

Deputy Chief Executive

	Full Year Budget	Projected Outturn	Savings / (Deficit)	
	£	£	£	
Employees	125,845	0	125,845	17
Transport	200	0	200	
Supplies & Services	2,400	0	2,400	
Payments to Third Parties	0	150	(150)	
TOTAL	128,445	150	128,295	

17) Deputy Chief Exec post has been vacant all financial year and post is to be removed from establishment from 2022/23

Development Services

	Full Year Budget	Projected Outturn	Savings / (Deficit)	
	£	£	£	
Employees	2,049,431	1,995,155	54,276	18
Premises	43,320	40,977	2,343	
Transport	0	2587.9	(2,588)	
Supplies & Services	204,885	197,571	7,314	
Payments to Third Parties	311,795	292,812	18,983	19
COVID-19 Costs	0	0	0	
Income	(1,391,122)	(1,501,903)	110,781	20
TOTAL	1,218,309	1,027,200	191,109	

18) The employee variance of £54k relates to savings across the Development group. The Planning Department has recently experienced a number of internal moves, resulting in new posts being made vacant. These have gone out for recruitment. Planning policy have a vacant senior Policy Officer, this is also currently being recruited. Moreover, the policy manager is contracted to work 7 hours less a week than budgeted for. The remaining salary savings within Development is the Tourism post. The remaining savings are to be allocated to the Development Service review. However, nothing is yet committed so the saving is being shown.

19) Planning Appeal costs already total almost £100k at Q2. Some expenditure has been reallocated to provisions. Any other expenditure should now be allocated to the earmarked reserve, where we have £140k. The Tourist Information centres would usually purchase tickets for resale. Due to COVID, large events have still not gone ahead. As a result, there is an anticipated saving of £29k where these tickets have not been purchased. This does also give a negative variance on the income budget where we've not sold them on. £10k of this saving is being reduced by a predicted overspend in agency planning advice and support. The overspend in this area aligns with the number of planning applications received this financial year. It's also reflected in the planning income surplus.

20) Planning income is expected to be above target by year end. A £250k application was received from the MOD in Q1. This was not included in the original income forecast for the year and therefore is a gain. At this point in the year there are no plans to commit the planning income surplus to other projects. This is because the remaining applications, expected to be submitted, are not guaranteed. Moreover, pre-app income is down on budget. This is difficult to predict so, to be prudent, we've assumed the trend will continue. This would result in an overall estimated shortfall of £20k. There is also a high court decision due on speculative development sites. This is having an impact on the amount of pre-planning applications being submitted. Finally, the Tourist Information Centres will have a likely shortfall of £40k against budget, due to closure in their busiest period.

Finance and Asset Management

	Full Year Budget	Projected Outturn	Savings / (Deficit)	
	£	£	£	
Employees	2,408,348	2,399,856	8,492	
Premises	547,091	565,764	(18,673)	21
Transport	35,870	25,333	10,537	22
Supplies & Services	563,688	549,556	14,132	23
Payments to Third Parties	399,511	399,062	449	
Drainage Board Levy	6,500	7,172	(672)	
COVID-19 Costs	0	114,723	(114,723)	24
Income	(1,410,435)	(1,135,093)	(275,342)	25
TOTAL	2,550,573	2,926,372	(375,799)	

21) Rates for the public offices is greater than budget due to us paying the rates for the vacant offices.

22) Surplus expected due to less pool car use than budgeted for

23) Savings due to £34k on bank charges and expected £8k on postage. These are reduced by additional audit costs of £12k, possible £6k higher insurance costs (mainly on cyber cover), and £7k of additional treasury brokerage fees for future dated borrowing deal.

24) Leisure centre costs based on latest Places for People report, we are committed to supporting the contractor financially during COVID restrictions.

25) Expected losses of £55k on car parks income due to lockdown restrictions in Q1. Car Park excess charges due to be at least £6k down too. The rent at the Council Offices is also due to be £62k down on budget due to a number of vacant offices. At present we expect no income from the leisure centre so a £160k loss. There are some gains expected on Car Park Permits and cemeteries, with cemeteries nearly reaching their full year target. However, it is expected that income will be considerably lower in the second half of the year.

One Legal

	Full Year Budget	Projected Outturn	Savings / (Deficit)	
	£	£	£	
Employees	2,276,597	1,843,581	433,016	26
Transport	8,700	891	7,809	
Supplies & Services	115,313	105,489	9,824	
Payments to Third Parties	34,220	26,620	7,600	
Central Recharges	29,929	29,929	0	
Income	(2,221,101)	(1,753,672)	(467,429)	27
TOTAL	243,658	252,838	(9,180)	

26) The £433k employee variance relates to various vacant posts across One Legal. Agency staff being utilised where possible to meet the work requirements.

27) Limited resources available to undertake additional work have had an impact on the ability to achieve the income targets and as a result, the actual income for Q2 is below the budget.

In addition, year end projection is based on the current performance and some historical data to reflect income fluctuations. Historically, income figures increased significantly towards the end of financial year.

Borough Solicitor

	Full Year Budget	Projected Outturn	Savings / (Deficit)	
	£	£	£	
Employees	125,455	134,174	(8,719)	
Supplies & Services	15	15	0	
Income	(43,651)	(21,834)	(21,817)	28
TOTAL	81,819	112,355	(30,536)	

28) On the 1st of October, the Borough Solicitor stepped down from her role of the Monitoring Officer (MO) for Cheltenham Borough Council (CBC). As a result, CBC will not contribute £21.8k towards the total cost of the MO in quarter 3 and 4

Appendix B - Analysis of capital budget 2021/22

	Q2 Budget Position £	Q2 Actual Position £	(Over) / Under spend £	% Slippage	Comments
Council Land & Buildings	0	0	0	0	No expenditure expected in Q2
Vehicles	330,000	34,428	295,572	90	Additional food waste vehicle expected within this year and replacement of the grounds maintenance fleet.
Equipment	95,000	94,788	212	0	
Capital Investment Fund	0	0	0	0	No budget in 2021/22
Community Grants	20,000	20,350	(350)	(2)	
Housing & Business Grants	250,000	220,125	29,875	12	Fewer Disabled Facilities Grants paid out in Q2 than expected.
	695,000	369,691	325,309	47	

Appendix C - Revenue reserves for 2021/22

Reserve	Balance 31st March 2021	Spent in Reserve Q2	Reserve Remaining	Note
Service Reserves				
Asset Management Reserve	1,322,371	10,019	1,312,353	
Borough Growth Reserve	628,291		628,291	
Borough Regeneration Reserve	81,659		81,659	
Business Rates Reserve	500,000		500,000	
Business Support Reserve	1,004,328	15,433	988,894	
Business Transformation Reserve	999,111	138,816	860,295	3
Climate Change Reserve	404,200	33,667	370,533	
Community Support Reserve	883,575	154,406	729,169	4
Council Tax Reserve	251,391		251,391	1
Development Management Reserve	485,150	14,311	470,839	
Development Policy Reserve	910,867	- 25,625	936,492	2
Elections Reserve	190,848		190,848	
Flood Support and Protection Reserve	9,646		9,646	
Garden Communitis Reserve	1,202,358	115,181	1,087,177	6
Health & Leisure development reserve	100,543		100,543	
Housing & Homeless Reserve	542,799	32,285	510,514	
Insurance Reserve	60,000		60,000	
Investment Reserve	350,000		350,000	
IT Reserve	231,403	15,493	215,910	
MTFS Equalisation Reserve	2,781,207		2,781,207	
Open Space & watercourse Reserve	737,574	- 12	737,585	2
Organisational Development Reserve	103,590	110	103,480	
Risk Management Reserve	260,000		260,000	
Waste & Recycling development Reserve	2,152,808	12,308	2,140,500	5
	16,193,719	516,394	15,677,325	

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Notes

- 1 Council Tax reserve relates to residual hardship monies and compensation of losses. Both are central Government support for COVID.
- 2 Negative amounts relate to accruals from 20/21 still awaiting invoices.
- 3 Expenditure against a combination of specific reserves including the One legal service review, the Digitalisation team and the appointment of a business rates intelligence officer
- 4 Predominantly Covid compliance but also includes Tewkesbury 2021 grant
- 5 Installation of WEEE cages on recycling vehicles
- 6 Salary costs of Garden Town team

Treasury Management Semi Annual Outturn Report 2021/22

Introduction

In February 2012 the Authority adopted the Chartered Institute of Public Finance and Accountancy's *Treasury Management in the Public Services: Code of Practice* (the CIPFA Code) which requires the Authority to approve treasury management semi-annual and annual reports. This quarterly report provides an additional update.

The Authority's treasury management strategy for 2021/22 was approved at a meeting on 3rd March, 2021. The Authority has borrowed and invested substantial sums of money and is therefore exposed to financial risks including the loss of invested funds and the revenue effect of changing interest rates. The successful identification, monitoring and control of risk remains central to the Authority's treasury management strategy.

The 2017 Prudential Code includes a requirement for local authorities to provide a Capital Strategy, a summary document approved by full Council covering capital expenditure and financing, treasury management and non-treasury investments. The Authority's Capital Strategy, complying with CIPFA's requirement, was approved by full Council on 3rd March 2021.

External Context

Economic background: The economic recovery from coronavirus pandemic continued to dominate the first half of the financial year. By the end of the period over 48 million people in the UK had received their first dose of a COVID-19 vaccine and almost 45 million their second dose.

The Bank of England (BoE) held Bank Rate at 0.1% throughout the period and maintained its Quantitative Easing programme at £895 billion, unchanged since the November 2020 meeting. In its September 2021 policy announcement, the BoE noted it now expected the UK economy to grow at a slower pace than was predicted in August, as the pace of the global recovery had shown signs of slowing and there were concerns inflationary pressures may be more persistent. Within the announcement, Bank expectations for GDP growth for the third (calendar) quarter were revised down to 2.1% (from 2.9%), in part reflecting tighter supply conditions. The path of CPI inflation is now expected to rise slightly above 4% in the last three months of 2021, due to higher energy prices and core goods inflation. While the Monetary Policy Committee meeting ended with policy rates unchanged, the tone was more hawkish.

Government initiatives continued to support the economy over the quarter but came to an end on 30th September 2021, with businesses required to either take back the 1.6 million workers on the furlough scheme or make them redundant.

The latest labour market data showed that in the three months to July 2021 the unemployment rate fell to 4.6%. The employment rate increased, and economic activity rates decreased, suggesting an improving labour market picture. Latest data showed growth in average total pay (including bonuses) and regular pay (excluding bonuses) among employees was 8.3% and 6.3% respectively over the period. However, part of the robust growth figures is due to a base effect from a decline in average pay in the spring of last year associated with the furlough scheme.

Annual CPI inflation rose to 3.2% in August, exceeding expectations for 2.9%, with the largest upward contribution coming from restaurants and hotels. The Bank of England now expects inflation to exceed 4% by the end of the calendar year owing largely to developments in energy and goods prices. The Office of National Statistics' (ONS') preferred measure of CPIH which includes owner-occupied housing was 3.0% year/year, marginally higher than expectations for 2.7%.

The easing of restrictions boosted activity in the second quarter of calendar year, helping push GDP up by 5.5% q/q (final estimate vs 4.8% q/q initial estimate). Household consumption was the largest contributor. Within the sector breakdown production contributed 1.0% q/q, construction 3.8% q/q and services 6.5% q/q, taking all of these close to their pre-pandemic levels.

The US economy grew by 6.3% in Q1 2021 (Jan-Mar) and then by an even stronger 6.6% in Q2 as the recovery continued. The Federal Reserve maintained its main interest rate at between 0% and 0.25% over the period but in its most recent meeting made suggestion that monetary policy may start to be tightened soon.

The European Central Bank maintained its base rate at 0%, deposit rate at -0.5%, and asset purchase scheme at €1.85 trillion.

Financial markets: Monetary and fiscal stimulus together with rising economic growth and the ongoing vaccine rollout programmes continued to support equity markets over most of the period, albeit with a bumpy ride towards the end. The Dow Jones hit another record high while the UK-focused FTSE 250 index continued making gains over pre-pandemic levels. The more internationally focused FTSE 100 saw more modest gains over the period and remains below its pre-crisis peak.

Inflation worries continued during the period. Declines in bond yields in the first quarter of the financial year suggested bond markets were expecting any general price increases to be less severe, or more transitory, that was previously thought. However, an increase in gas prices in the UK and EU, supply shortages and a dearth of HGV and lorry drivers with companies willing to pay more to secure their services, has caused problems for a range of industries and, in some instance, lead to higher prices.

The 5-year UK benchmark gilt yield began the financial year at 0.36% before declining to 0.33% by the end of June 2021 and then climbing to 0.64% on 30th September. Over the same period the 10-year gilt yield fell from 0.80% to 0.71% before rising to 1.03% and the 20-year yield declined from 1.31% to 1.21% and then increased to 1.37%.

The Sterling Overnight Rate (SONIA) averaged 0.05% over the quarter.

Credit review: Credit default swap spreads were flat over most of period and are broadly in line with their pre-pandemic levels. In late September spreads rose by a few basis points due to concerns around Chinese property developer Evergrande defaulting but are now falling back. The gap in spreads between UK ringfenced and non-ringfenced entities continued to narrow, but Santander UK remained an outlier compared to the other ringfenced/retail banks. At the end of the period Santander UK was trading the highest at 53bps and Lloyds Banks Plc the lowest at 32bps. The other ringfenced banks were trading between 37-39bps and Nationwide Building Society was 39bps.

Over the period Fitch and Moody's upwardly revised to stable the outlook on a number of UK banks and building societies on our counterparty list, recognising their improved capital positions compared to last year and better economic growth prospects in the UK.

Fitch also revised the outlooks for Nordea, Svenska Handelsbanken and Handelsbanken plc to stable from negative. The rating agency considered the improved economic prospects in the Nordic region to have reduced the baseline downside risks it previously assigned to the lenders.

The successful vaccine rollout programme is credit positive for the financial services sector in general and the improved economic outlook has meant some institutions have been able to reduce provisions for bad loans. While there is still uncertainty around the full extent of the losses banks and building societies will suffer due to the pandemic-related economic slowdown, the sector is in a generally better position now compared to earlier this year and 2020.

At the end of the period Arlingclose had completed its full review of its credit advice on unsecured deposits. The outcome of this review included the addition of NatWest Markets plc to the counterparty list together with the removal of the suspension of Handelsbanken plc. In addition, the maximum duration for all recommended counterparties was extended to 100 days.

As ever, the institutions and durations on the Authority's counterparty list recommended by treasury management advisors Arlingclose remain under constant review.

Local Context

On 31st March 2021, the Authority had net borrowing of £20.07m arising from its revenue and capital income and expenditure. The underlying need to borrow for capital purposes is measured by the Capital Financing Requirement (CFR), while usable reserves and working capital are the underlying resources available for investment. These factors are summarised in Table 1 below.

Table 1: Balance Sheet Summary

	31.3.21 Actual £m
General Fund CFR	55.25
Less other debt liabilities	0.0
Total CFR	55.25
External borrowing	39.60
Internal borrowing	15.65
Less: Usable reserves	-36.70
Less: Working capital	0.98
Net Borrowing	20.07

Lower official interest rates have lowered the cost of short-term, temporary loans and investment returns from cash assets that can be used in lieu of borrowing. The Authority pursued its strategy of keeping borrowing and investments below their underlying levels, sometimes known as internal borrowing, in order to reduce risk.

The treasury management position on 30th September 2021 and the change over the six months is shown in Table 2 below.

Table 2: Treasury Management Summary

	31.3.21 Balance £m	Movement £m	30.9.21 Balance £m	30.9.21 Rate %
Long-term borrowing	21.40	-0.27	21.13	2.00
Short-term borrowing	18.00	-5.00	13.00	0.11
Total borrowing	39.40	-5.27	34.13	1.42
Long-term investments	8.45	2.75	10.20	4.21%
Short-term investments	5.00	1.00	6.00	1.41%
Cash and cash equivalents	5.00	9.00	14.00	0.01%
Total investments	18.45	11.75	30.20	1.60%
Net borrowing	20.95	-17.02	3.93	

Borrowing Update

Local authorities can borrow from the PWLB provided they can confirm they are not planning to purchase ‘investment assets primarily for yield’ in the current or next two financial years, with confirmation of the purpose of capital expenditure from the Section 151 Officer. Authorities that are purchasing or intending to purchase investment assets primarily for yield will not be able to access the PWLB except to refinance existing loans or externalise internal borrowing.

Acceptable use of PWLB borrowing includes service delivery, housing, regeneration, preventative action, refinancing and treasury management.

Competitive market alternatives may be available for authorities with or without access to the PWLB. However, the financial strength of the individual authority and borrowing purpose will be scrutinised by commercial lenders. Further changes to the CIPFA Prudential Code expected in December 2021 are likely to prohibit borrowing for the primary purpose of commercial return even where the source of borrowing is not the PWLB.

The Authority is not planning to purchase any investment assets primarily for yield within the next three years and so is able fully access the PWLB

Revised PWLB Guidance

HM Treasury published further guidance on PWLB borrowing in August 2021 providing additional detail and clarifications predominantly around the definition of an ‘investment asset primarily for yield’. The principal aspects of the new guidance are:

- Capital expenditure incurred or committed to before 26th November 2020 is allowable even for an ‘investment asset primarily for yield’.
- Capital plans should be submitted by local authorities via a DELTA return. These open for the new financial year on 1st March and remain open all year. Returns must be updated if there is a change of more than 10%.
- An asset held primarily to generate yield that serves no direct policy purpose should not be categorised as service delivery.
- Further detail on how local authorities purchasing investment assets primarily for yield can access the PWLB for the purposes of refinancing existing loans or externalising internal borrowing.

- Additional detail on the sanctions which can be imposed for inappropriate use of the PWLB loan. These can include a request to cancel projects, restrictions to accessing the PLWB and requests for information on further plans.

Changes to PWLB Terms and Conditions from 8th September 2021

The settlement time for a PWLB loan has been extended from two working days (T+2) to five working days (T+5). In a move to protect the PWLB against negative interest rates, the minimum interest rate for PWLB loans has also been set at 0.01% and the interest charged on late repayments will be the higher of Bank of England Base Rate or 0.1%.

Municipal Bonds Agency (MBA): The MBA is working to deliver a new short-term loan solution, available in the first instance to principal local authorities in England, allowing them access to short-dated, low rate, flexible debt. The minimum loan size is expected to be £25 million. Importantly, local authorities will borrow in their own name and will not cross guarantee any other authorities.

If the Authority intends future borrowing through the MBA, it will first ensure that it has thoroughly scrutinised the legal terms and conditions of the arrangement and is satisfied with them.

UK Infrastructure Bank: £4bn has been earmarked for of lending to local authorities by the UK Infrastructure Bank which is wholly owned and backed by HM Treasury. The availability of this lending to local authorities, for which there will be a bidding process, is yet to commence. Loans will be available for qualifying projects at gilt yields plus 0.6%, which is 0.2% lower than the PWLB certainty rate.

Borrowing Strategy during the period

At 30th September 2021 the Authority held £34.13m of loans, a decrease of £5.27m since 31st March 2021, as part of its strategy for funding previous years’ capital programmes. Outstanding loans on 30th September are summarised in Table 3 below.

Table 3: Borrowing Position

	31.3.21 Balance £m	Net Movement £m	30.9.21 Balance £m
Public Works Loan Board	21.40	-0.27	21.13
Banks (LOBO)	0.00	0.00	0.00
Banks (fixed-term)	0.00	0.00	0.00
Local authorities (long-term)	0.00	0.00	0.00
Local authorities (short-term)	18.00	-5.00	13.00
Total borrowing	39.40	-5.27	34.13

The Authority’s chief objective when borrowing has been to strike an appropriately low risk balance between securing low interest costs and achieving cost certainty over the period for which funds are required, with flexibility to renegotiate loans should the Authority’s long-term plans change being a secondary objective.

In keeping with these objectives, no new borrowing was undertaken , while £5m of existing loans allowed to mature without replacement. This strategy enabled the Authority to reduce net borrowing costs (despite foregone investment income) and reduce overall treasury risk.

The Authority's borrowing decisions are not predicated on any one outcome for interest rates and a balanced portfolio of short- and long-term borrowing was maintained.

PWLB funding margins have lurched quite substantially and there remains a strong argument for diversifying funding sources, particularly if rates can be achieved on alternatives which are below gilt yields plus 0.80%. The Authority will evaluate and pursue these lower cost solutions and opportunities with its advisor Arlingclose.

Treasury Investment Activity

Throughout 2020/21 and in to 2021/22 the Authority has received central government funding to support small and medium businesses during the coronavirus pandemic through grant schemes. £34.97m was received, temporarily invested in short-dated, liquid instruments such as call accounts and Money Market Funds. £30.77 was disbursed by the end of September.

The Authority holds significant invested funds, representing income received in advance of expenditure plus balances and reserves held. During the year, the Authority's investment balances ranged between £27.30 and £31.70 million due to timing differences between income and expenditure. The investment position is shown in table 4 below.

Table 4: Treasury Investment Position

Both the CIPFA Code and government guidance require the Authority to invest its funds prudently, and to have regard to the security and liquidity of its treasury investments before seeking the optimum rate of return, or yield. The Authority's objective when investing money is to strike an appropriate balance between risk and return, minimising the risk of incurring losses from defaults and the risk of receiving unsuitably low investment income.

Ultra low short-dated cash rates which have been a feature since March 2020 when Bank Rate was cut to 0.1% have resulted in the return on sterling low volatility net asset value money market funds (LVNAV MMFs) being close to zero even after some managers have temporarily waived or lowered their fees. At this stage net negative returns are not the central case of most MMF managers over the short-term, and fee cuts or waivers should result in MMF net yields having a floor of zero, but the possibility cannot be ruled out.

Deposit rates with the Debt Management Account Deposit Facility (DMADF) are also largely around zero.

Given the continuing risk and low returns from short-term unsecured bank investments, the Authority has further diversified into more secure and/or higher yielding asset classes as shown in table 4 above. £0.5m that is available for longer-term investment was moved from bank and building society deposits into the Fundamentum Real Estate Investment Trust.

Table 4: Treasury Investment Position

	31.3.21 Balance £m	Net Movement £m	30.9.21 Balance £m	30.9.21 Income Return %
Banks & building societies (unsecured)	2.00	6.00	8.00	0.03%
Government (incl. local authorities)	2.00	-2.00	0.00	0.00%
Money Market Funds	3.00	7.00	10.00	0.01%
Registered Providers	3.00	0.00	3.00	1.50%
Real Estate Investment Trusts	0.00	0.50	0.50	2.25%
Other Pooled Funds	8.99	0.00	8.99	4.72%
Total investments	18.993	11.5	30.49	1.60%

The progression of risk and return metrics are shown in the extracts from Arlingclose’s quarterly investment benchmarking in Table 5 below.

Table 5: Investment Benchmarking - Treasury investments managed in-house

	Credit Score	Credit Rating	Bail-in Exposure	Weighted Average Maturity (days)	Rate of Return
31.03.2021	5.04	A+	28%	94	1.79%
30.09.2021	5.02	A+	67%	48	1.60%
Similar LAs	4.66	A+	69%	32	1.20%
All LAs	4.69	A+	69%	10	0.78%

Externally Managed Pooled Funds: £9.2m of the Authority’s investments are held in externally managed strategic pooled equity, multi-asset and property funds where short-term security and liquidity are lesser considerations, and the objectives instead are regular revenue income and long-term price stability. These funds generated an average total return of £464k, comprising a £214k income return which is used to support services in year, and £250k of capital growth.

The Authority is invested in equity, multi-asset and property funds. The improved market sentiment in the past 6 months is reflected in equity, property and multi-asset fund valuations and, in turn, in the capital values of the Authority’s equity and multi-asset income funds in the Authority’s portfolio. The prospect of higher inflation and rising bond yields resulted in muted bond fund performance. The change in capital values and income earned is shown in Table 4.

Because these funds have no defined maturity date, but are available for withdrawal after a notice period, their performance and continued suitability in meeting the Authority’s medium- to long-term investment objectives are regularly reviewed. Strategic fund investments are made in the knowledge that capital values will move both up and down on months, quarters and even years; but with the confidence that over a three- to five-year period total returns will exceed cash interest rates.

Non-Treasury Investments

The definition of investments in CIPFA’s revised Treasury Management Code now covers all the financial assets of the Authority as well as other non-financial assets which the Authority holds primarily for financial return. This is replicated in the Investment Guidance issued by Ministry of Housing, Communities and Local Government’s (MHCLG) and Welsh Government, in which the definition of investments is further broadened to also include all such assets held partially for financial return.

The Authority also held £56m of such investments in directly owned property as shown in the table below:

Property	Purchase date	Purchase Price (Total Investment)	Sector
Challenge House, Tewkesbury	Dec-16	£9,083,736	Office
Challenge House, Tewkesbury	Dec-16	£6,055,824	Industrial
Retail units, Clevedon	Jul-06	£2,299,110	Retail
The Chase, Hertford	Nov-17	£3,937,861	Office
SPL House, Ellesmere Port	Nov-17	£3,770,482	Industrial
Wickes, Trowbridge	Dec-17	£5,929,910	Retail
Edmund House, Leamington	Aug-18	£3,862,877	Office
M&S, Walton on the Naze	Oct-18	£4,653,141	Retail
Vaughan Park, Tipton	May-20	£9,688,943	Industrial
Volvo, Crawley	Dec-20	£10,051,365	Alternatives
Total		£59,333,248	

These investments generated £1.55m of investment income for the Authority after taking account of direct costs, representing a rate of return of 5.22%.

Treasury Performance

The Authority measures the financial performance of its treasury management activities both in terms of its impact on the revenue budget and its relationship to benchmark interest rates, as shown in table 6 below.

Table 6: Performance

	Actual £	Budget £	Over/ Under £	Actual %	Benchmark %	Over/ under
Treasury Investments	£225,000	£172,500	£52,500	1.60%	0.08%	1.52%
Borrowing	£236,000	£240,000	£4,000	1.42%	N/A	N/A
GRAND TOTAL	-11,000	-67,500	£56,500	N/A	N/A	N/A

Compliance

The Head of Finance and Asset Management reports that all treasury management activities undertaken during the quarter complied fully with the CIPFA Code of Practice and the Authority's approved Treasury Management Strategy. Compliance with specific investment limits is demonstrated in table 7 below.

Compliance with the authorised limit and operational boundary for external debt is demonstrated in table 7 below.

Table 7: Debt Limits

	2021/22 Maximum	30.9.21 Actual	2021/22 Operational Boundary	2021/22 Authorised Limit	Complied? Yes/No
Borrowing	£41.40m	£34.13m	£55.00m	£60.00m	Yes

Since the operational boundary is a management tool for in-year monitoring it is not significant if the operational boundary is breached on occasions due to variations in cash flow, and this is not counted as a compliance failure.

Table 8: Investment counterparties and limits

	2021/22 Maximum	30.9.21 Actual	2021/22 Limit	Complied? Yes/No
Local authorities & other government entities	£2.0m	£0.0m	£2.0m	Yes
Secured investments	£0.0m	£0.0m	£2.0m	Yes
Banks (unsecured)	£2.0m	£2.0m	£2.0m	Yes
Building societies (unsecured)	£0.0m	£0.0m	£1.0m	Yes
Registered providers (unsecured)	£2.0m	£2.0m	£2.0m	Yes
Money market funds	£2.0m	£2.0m	£2.0m	Yes
Strategic pooled funds	£3.93m	£3.93m	£4.0m	Yes
Real estate investment trusts	£0.5m	£0.5m	£2.0m	Yes
Any group of pooled funds under the same management (limits per manager)	£3.93m	£3.93m	£5.0m	Yes
Negotiable instruments held in a broker's nominee account (limits per broker)	£0.0m	£0.0m	£5.0m	Yes
Foreign countries (limits per country)	£2.0m	£2.0m	£2.0m	Yes

Treasury Management Indicators

The Authority measures and manages its exposures to treasury management risks using the following indicators.

Security: The Authority has adopted a voluntary measure of its exposure to credit risk by monitoring the value-weighted average credit rating of its investment portfolio. This is calculated by applying a score to each investment (AAA=1, AA+=2, etc.) and taking the arithmetic average, weighted by the size of each investment. Unrated investments are assigned a score based on their perceived risk.

	30.9.21 Actual	2021/22 Target	Complied?
Portfolio average credit rating	A+	A	Yes

Maturity Structure of Borrowing: This indicator is set to control the Authority's exposure to refinancing risk. The upper and lower limits on the maturity structure of all borrowing were:

	30.9.21 Actual	Upper Limit	Lower Limit	Complied?
Under 12 months	38.09%	100%	0%	Yes
12 months and within 24 months	0%	100%	0%	Yes
24 months and within 5 years	0%	100%	0%	Yes
5 years and within 10 years	0%	100%	0%	Yes
10 years and above	61.19%	100%	0%	Yes

Time periods start on the first day of each financial year. The maturity date of borrowing is the earliest date on which the lender can demand repayment.

Principal Sums Invested for Periods Longer than a year: The purpose of this indicator is to control the Authority's exposure to the risk of incurring losses by seeking early repayment of its investments. The limits on the long-term principal sum invested to final maturities beyond the period end were:

	2021/22	2022/23	2023/24
Actual principal invested beyond year end	£1.0m	£1.0m	£0.0m
Limit on principal invested beyond year end	£6m	£5m	£4m
Complied?	Yes	Yes	Yes

Revisions to CIPFA Codes

In February 2021 CIPFA launched two consultations on changes to its Prudential Code and Treasury Management Code of Practice. These followed the Public Accounts Committee's recommendation that the prudential framework should be further tightened following continued borrowing by some authorities for investment purposes. In June, CIPFA provided feedback from this consultation.

In September CIPFA issued the revised Codes and Guidance Notes in draft form and opened the latest consultation process on their proposed changes. The changes include:

- Clarification that (a) local authorities must not borrow to invest primarily for financial return (b) it is not prudent for authorities to make any investment or spending decision that will increase the Capital Financing Requirement, and so may lead to new borrowing, unless directly and primarily related to the functions of the authority.
- Categorising investments as those (a) for treasury management purposes, (b) for service purposes and (c) for commercial purposes.
- Defining acceptable reasons to borrow money: (i) financing capital expenditure primarily related to delivering a local authority's functions, (ii) temporary management of cash flow within the context of a balanced budget, (iii) securing affordability by removing exposure to future interest rate rises and (iv) refinancing current borrowing, including replacing internal borrowing.
- For service and commercial investments, in addition to assessments of affordability and prudence, an assessment of proportionality in respect of the authority's overall financial capacity (i.e. whether plausible losses could be absorbed in budgets or reserves without unmanageable detriment to local services).
- Prudential Indicators
 - New indicator for net income from commercial and service investments to the budgeted net revenue stream.
 - Inclusion of the liability benchmark as a mandatory treasury management prudential indicator. CIPFA recommends this is presented as a chart of four balances - existing loan debt outstanding; loans CFR, net loans requirement, liability benchmark - over at least 10 years and ideally cover the authority's full debt maturity profile.
 - Excluding investment income from the definition of financing costs.
- Incorporating ESG issues as a consideration within TMP 1 Risk Management.
- Additional focus on the knowledge and skills of officers and elected members involved in decision making

MHCLG Improvements to the Capital Finance Framework: MHCLG published a brief policy paper in July outlining the ways it feels that the current framework is failing and potential changes that could be made. The paper found that "while many authorities are compliant with the framework, there remain some authorities that continue to engage in practices that push the bounds of compliance and expose themselves to excessive risk".

The actions announced include greater scrutiny of local authorities and particularly those engaged in commercial practices; an assessment of governance and training; a consideration of statutory caps on borrowing; further regulations around Minimum Revenue Provision (MRP) and ensuring that MHCLG regulations enforce guidance from CIPFA and the new PWLB lending arrangements.

A further consultation on these matters is expected soon.

Arlingclose’s Economic Outlook for the remainder of 2021/22 (based on the October 2021 interest rate forecast)

	Dec-21	Mar-22	Jun-22	Sep-22	Dec-22	Mar-23	Jun-23	Sep-23	Dec-23	Mar-24	Jun-24	Sep-24	Dec-24
Official Bank Rate													
Upside risk	0.00	0.15	0.00	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.25
Arlingclose Central Case	0.10	0.10	0.25	0.25	0.25	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50
Downside risk	0.00	0.00	0.15	0.15	0.15	0.40	0.40	0.40	0.40	0.40	0.40	0.40	0.40

Arlingclose expects Bank Rate to rise in Q2 2022. We believe this is driven as much by the Bank of England’s desire to move from emergency levels as by fears of inflationary pressure.

Investors have priced in multiple rises in Bank Rate to 1% by 2024. While Arlingclose believes Bank Rate will rise, it is by a lesser extent than expected by markets.

The global economy continues to recover from the pandemic but has entered a more challenging phase. The resurgence of demand has led to the expected rise in inflationary pressure, but disrupted factors of supply are amplifying the effects, increasing the likelihood of lower growth rates ahead. This is particularly apparent in the UK due to the impact of Brexit.

While Q2 UK GDP expanded more quickly than initially thought, the ‘pingdemic’ and more latterly supply disruption will leave Q3 GDP broadly stagnant. The outlook also appears weaker. Household spending, the driver of the recovery to date, is under pressure from a combination of retail energy price rises, the end of government support programmes and soon, tax rises. Government spending, the other driver of recovery, will slow considerably as the economy is taken off life support.

Inflation rose to 3.2% in August. A combination of factors will drive this to over 4% in the near term. While the transitory factors affecting inflation, including the low base effect of 2020, are expected to unwind over time, the MPC has recently communicated fears that these transitory factors will feed longer-term inflation expectations that require tighter monetary policy to control. This has driven interest rate expectations substantially higher.

The supply imbalances are apparent in the labour market. While wage growth is currently elevated due to compositional and base factors, stories abound of higher wages for certain sectors, driving inflation expectations. It is uncertain whether a broad-based increased in wages is possible given the pressures on businesses.

Government bond yields increased sharply following the September FOMC and MPC minutes, in which both central banks communicated a lower tolerance for higher inflation than previously thought. The MPC in particular has doubled down on these signals in spite of softer economic data. Bond investors expect higher near-term interest rates but are also clearly uncertain about central bank policy.

The MPC appears to be playing both sides, but has made clear its intentions to tighten policy, possibly driven by a desire to move away from emergency levels. While the economic outlook will be challenging, the signals from policymakers suggest Bank Rate will rise unless data indicates a more severe slowdown.

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	17 November 2021
Subject:	Review of Tree Safety Management Policy
Report of:	Asset Manager
Corporate Lead:	Head of Finance and Asset Management
Lead Member:	Lead Member for Finance and Asset Management
Number of Appendices:	One

Executive Summary:

The Corporate Tree Safety Management Policy was last updated in November 2016 and is now due for review. This policy has been updated in line with the best practice and ‘Common Sense Risk Management of Trees’ approach laid out in the National Tree Safety Group publication for the safe management of trees owned by an authority and guidance from our insurers. The strategy highlights the benefits of trees as part of an ecosystem and mitigation of climate change. It is an integral part of the safe management of trees in protecting people and property from harm and details the risk management of the trees by maturity, location and likelihood of risk to people or property.

Recommendation:

To APPROVE the updated Tree Safety Management Policy.

Reasons for Recommendation:

The Council has over 5,000 trees on land in its ownership and is required to have a tree safety management plan and inspection regime to ensure the risk of falling trees and branches is managed to reduce the risk of injury or damage to property.

Resource Implications:

The authority uses a software system for the management and recording of tree inspections that is currently contracted to Ubico and overseen by the Environmental Officer and Property Team along with an officer working group the Tree Risk Action Group (TRAG). TRAG consists of officers from Property, Environmental Services Officers, Planning Tree Officer and the Insurance Officer. This is constantly under review to ensure inspections are completed efficiently.

Legal Implications:

As an owner of land on which trees stand, the Council owes a duty of care to those people who might be affected by trees on its land. The duty is to take such care as is reasonable in the circumstances for the safety of those who come within the target area of a tree. Having a risk management plan in place and working in accordance with that plan will ensure reasonable steps are taken to minimise risk.

Risk Management Implications:

The policy is a management plan ‘framework’ that enables the authority to meet its legal

obligations and reduce the possibility of litigation claims.

Performance Management Follow-up:

The inspections are contracted to Ubico with defined areas of inspection to be completed within specific time scales. The scheduling and monitoring of inspections are completed by the Environmental Services Officer and Property Team primarily during the winter period using the Public Sector Software system (PSS).

Environmental Implications:

None.

1.0 INTRODUCTION/BACKGROUND

- 1.1 The 2016 Tree Safety Management Policy (TSMP) was reviewed and updated to ensure the authority met its obligation under a 'duty of care' to ensure the risk of falling trees and branches were managed to minimise the risk.
- 1.2 The current TSMP was last fully approved by Members in November 2016.
- 1.3 The authority has over 5,000 trees upon land that it owns and leases. The responsibility is with the authority to ensure these trees are managed to reduce the risk to properties and the public.
- 1.4 The policy takes into account guidance from the Health and Safety Executive and the National Tree Safety Group and the authority's insurers.

2.0 REVISED TREE SAFETY MANAGEMENT PLAN

- 2.1 Minimal changes have been made to the current tree policy as it is integral part of the safe management of trees owned by the authority, which is continually scrutinised by insurance and loss adjusters through insurance claims against the authority. The comprehensive risk management approach of both the periodic inspections and the remedial works is considered best practice therefore minimal revisions have been made
- 2.2 The draft Tree Safety Management Plan for 2021 onwards is detailed at Appendix A.
- 2.3 Since November 2016 the Council has built a comprehensive record of inspections within the software system which have been used to successfully defend insurance claims by demonstrating the inspections of the trees in line with the policy.

- 2.4** The revised TSMP for completeness includes the ethos of the management of trees to ensure the trees are not unnecessarily crowned, pollarded or felled through public personal choice for the claim of light, tv signals or simply because they are opposed to trees.

As far as possible, Council-owned trees are allowed to grow to their natural form and size, in keeping with the original ideals behind tree planting in and across the Borough. Therefore, the pollarding of trees is not undertaken as a matter of course.

Any necessary pruning works are prioritised by risk and availability of resources, then these works will be undertaken. However, the council does not usually prune trees to allow light, enhance views or to remove seasonal nuisances such as fallen leaves and fruit etc.

- 2.5** The revised TSMP continues to use the scoring matrix to zone all the trees taking into account their maturity and location. Mature trees located next to occupied buildings or high pedestrian/traffic areas are considered higher risk than those located within a wooded area with no access.

The scoring matrix scores the trees within five zones, with zone 1 requiring inspection every five years and zone 5 requiring inspection every year.

3.0 OTHER OPTIONS CONSIDERED

- 3.1** None.

4.0 CONSULTATION

- 4.1** The Tree Risk Advisory Group were consulted about the revised policy.

5.0 RELEVANT COUNCIL POLICIES/STRATEGIES

- 5.1** Current Tree Management Plan 2016.

6.0 RELEVANT GOVERNMENT POLICIES

- 6.1** None.

7.0 RESOURCE IMPLICATIONS (Human/Property)

- 7.1** None.

8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

- 8.1** Whilst the TSMP is a safety policy and not a tree planting strategy it recognises the importance of trees as part of biodiversity in urban areas and aims to protect trees from being felled and commits to replacing trees that are felled.

9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

9.1 The Tree Safety Management Plan was drafted around current resources whilst ensuring the authority meets its 'duty of care' obligation for the health and safety of its residents.

10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

10.1 None.

Background Papers: None.

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Appendices: A – Tree Management Plan.

Appendix A

Tewkesbury Borough Council

Tree Safety Management policy



Updated

November 2021

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Policy Statement

Tewkesbury Borough Council ('the council'), as a tree owner, has a responsibility to ensure that its trees do not pose a danger to the public or property. The council has a statutory duty of care to members of the public and staff who must not be put at unnecessary risk because of any failure by the council to take all reasonable precautions to ensure their safety. In the National Tree Safety Group publication, "Common Sense Risk Management of Trees", statistics show that there is about a one in 10 million chance of an individual being killed by a falling tree or part of a tree in any given year.

Like all living organisms, trees are subject to decline and collapse and they can be damaged physically or invaded by pathogenic organisms. As trees deteriorate, they are increasingly likely to shed limbs or fall in strong winds and the potential to cause harm increases.

Ancient, Veteran, decaying and standing/lying dead trees are often beautiful and uniquely valuable as habitat for wildlife and even though the tree may have poor physiological condition, the structural integrity of the tree may be good. Tree works may be necessary where there is a clearly perceptible risk to life or property. The resolution of conflicts can be achieved by tree work, but we will also consider other measures such as modifying the use or management of the surrounding land.

This Tree Safety Management Policy address the risk and responsibilities on the authority for the management of falling trees, branches and limbs which is managed by ensuring that:

- the risk to life and property, as a result of tree deterioration, is kept to a minimum as is reasonably practicable;
- a system of tree inspections is in operation in relation to the above risk;
- a record of trees and inspections is retained;
- staff who carry out inspections are competent to do so;
- work identified through the inspection programme to be undertaken by suitably qualified staff or contractors and where practically possible to be completed in accordance with BS3998:2010G

Trees are dynamic and are continually self-optimising organisms. In general, trees develop in balance with their environment both above and below ground. As far as possible trees are allowed to grow to their full potential-in keeping with the original ideals behind tree planting across the Borough. Therefore, tree works are not undertaken as a matter of course but only carried out if essential. This approach reduces unnecessary wounding which could be detrimental to the tree's health in the long term.

Any tree works that have been identified from the inspection assessment are prioritised by risk factor. Recommended works will be undertaken by a suitable qualified person when it is practical to do so. Unless tree works are required as an emergency, works will form part of a planned management programme. Tree works will be programmed to take into consideration such factors as bird nesting season and to carry out pruning at the correct time of year which will be dependant on tree species. These works will be subject to available resources at that time and as per the inspection assessment. However, the council does not usually prune trees to allow light or to enhance views. With regards to seasonal nuisances such as fallen leaves, seeds and fruit, liability to remove these rests with the individual. Whilst falling leaves, seeds and fruit etc are annoying, they are not legally a 'nuisance', which has a very specific meaning.

Introduction

The council recognises that trees are an important asset and are essential for people, wildlife and the environment.

Owners of trees have a legal duty of care and are obliged to take all reasonable care to ensure that any foreseeable hazards can be identified and made safe. Although it is not possible to completely eliminate the risk of a tree falling, there are often indications that a tree may be in decline, have physical faults or be suffering from decay or pests and diseases. Many of these signs can be recognised during periodic inspections by a competent person who can then instigate further works by qualified arboriculturist.

The safe and appropriate management of its trees is important to the council who want to ensure that a balance is maintained between public safety and sustaining a healthy tree population with the benefits it provides. Trees are integral to most natural land-based ecosystems, providing a wide range of ecosystem services to humankind, including mitigating the harmful effects of climate change as well as assisting with climate adaptation. Trees are an important part of the economy providing timber and non-timber forest products. They also bring communities together, playing a part in their cultural and spiritual values and aesthetic appreciation.

Their importance is recognised in international, national and local government policies, and many non-governmental organisations have policies dedicated to conserving trees and their biodiversity.

This policy seeks to manage the risks associated with trees using a risk-based approach which both identifies with the risk presented to the public and buildings by their location and size and then through periodic inspections of the trees to assess whether they represent any additional risk to life or property as a result of structural faults or suffering from decay or pests and diseases, and to take remedial action as appropriate.

Periodic inspections programme

Periodically no longer than every 5 years the council will review the ongoing inspection frequency for all trees within the council's ownership. The following matrix is designed to take account of the probability and severity to give a risk value which in turn establishes the inspection frequency. The severity is determined through the maturity of the tree whilst the probability is determined by the location to buildings, vehicles and pedestrians.

The above review was undertaken as a combination of a desk-top exercise and site visits. All Council owned trees must be identified and scored within the matrix which establishes a periodic inspection programme. The periodic inspector will identify trees that have defects (findings) record them, assign a hazard rating and report their findings within the council tree management system.

PERIODIC INSPECTION MATRIX	Severity by size of tree	Small tree less than 3m	Small Tree estimated size 3m to 9 m	Medium tree estimated size 9m to 15m	Large tree estimated to be in excess of 15m	Large tree on unstable land i.e. on steep slopes high wind area
Probability population and usage		1	2	3	4	5
No access i.e. in wooded area with very little or no access no buildings in the area	1	Score 1 very low	Score 2 very Low	Score 3 very low	Score 4 low	Score 5 low

Light foot and vehicle traffic, no buildings within fall parameter of the tree	2	Score 2 very low	Score 4 low	Score 6 low	Score 8 medium	Score 10 medium
Medium foot and vehicle traffic unoccupied building within fall parameter of the tree i.e. bus shelter and scout hut	3	Score 3 very low	Score 6 low	Score 9 Medium	Score 12 medium	Score 15 high
high volume foot and vehicle or occupied building within fall parameter of the tree i.e. located on route to a large school or factory	4	Score 4 low	Score 8 medium	Score 12 Medium	Score 16 high	Score 20 high
Extremely High volume foot and vehicle traffic or occupied building within fall perimeters of the tree i.e. on major trunk road or on route to multiply commercial units or large town location	5	Score 5 low	Score 10 medium	Score 15 high	Score 20 high	Score 25 very high

Score 1 to 3	Very low risk zone 1	To be inspected every 5 years
Score 4 to 7	Low risk zone 2	To be inspected every 4 years
Score 8 to 12	Medium risk zone 3	To be inspected every 3 years
Score 13 to 20	High risk zone 4	To be inspected every 2 years
Score 21 to 25	Very high risk zone 5	To be inspected every year

Periodic Inspectors qualifications

Periodic inspections must be carried out by a competent person, experienced in tree inspections including and not limited to visual signs of serious ill health or significant structural problems, such as substantial fractured branches or rocking root plate, record them, assign a hazard rating and report their findings within the council management system.

The council officer commissioning these inspections must be satisfied that the person carrying out these inspections is suitably qualified, experienced and has the necessary professional indemnity insurance

Findings and remedial works through inspections

All trees will be inspected according to the frequency determined by the risk zones table above using the council tree management system. All inspection must be recorded on the tree management system along with any findings.

Future inspections of trees with no findings (defects) will be inspected in line with the periodic inspection programme.

Where a tree with defects is identified as being potentially hazardous the finding must be recorded on the tree management system and the risk assessed. This risk score will determine when the remedial works or next inspection should take place by recording a task within the system; this will override the periodic inspection programme.

Trees must be recorded as assets within the tree management system and where there a number of trees within a location with the same periodic inspection score these can be inspected on mass and recorded as inspected although any defects (findings) must be recorded as individual trees within the asset register.

Tewkesbury Borough Council will commission suitably qualified contractors to carry out the remedial works who will be required to update the tree management system when they complete the remedial works or inspections are completed.

The inspector must risk score the finding in line with the matrix below to ensure TBC commission the complete the remedial works within a timely manner to reduce the risk of injury.

FINDINGS MATRIX	Probability by finding	Highly unlikely	Unlikely	Possible	Likely	Highly likely
Severity by zone		1	2	3	4	5
Tree within risk zone 1	1	Score 1 very low	Score 2 very very Low	Score 3 very very low	Score 4 low	Score 5 low
Tree within risk zone 2	2	Score 2 very low	Score 4 low	Score 6 low	Score 8 medium	Score 10 medium
Tree within risk zone 3	3	Score 3 very low	Score 6 low	Score 9 Medium	Score 12 medium	Score 15 high
Tree within risk zone 4	4	Score 4 low	Score 8 medium	Score 12 Medium	Score 16 high	Score 20 high
Tree within risk zone 5	5	Score 5 low	Score 10 medium	Score 15 high	Score 20 high	Score 25 very high

Score 1 to 3	Very low risk	No task assigned return to periodic inspection programme
Score 4 to 9	Low risk	Task to be completed within 1 year
Score 10 to 15	Medium risk	Task to be completed within 3 months
Score 16 to 20	High risk	Task to be completed within 1 month
Score 25	Very high risk	Task to be completed immediately

Please note: - Trees will be inspected in accordance with the periodic tree inspection programme; only trees that have findings identified and tasks will be inspected in accordance with the above matrix until the defect has been rectified.

Tree findings reported by the general public

All tree findings reported via the council reporting system will initially be checked for ownership and responsibility. Once ownership is established the finding will be recorded on the tree management system and risk scored in line with the findings matrix. The remedial works will then be commissioned with a suitably qualified contractor who will be required to update the tree management system when they complete the remedial works or inspections are completed.

Tree Replacements

Any tree that is felled as result of the tree inspection programme and where particularly possible must be replaced with a tree of an appropriate species and with the necessary tree guards and stakes. Any newly replanted trees that fail will be replaced for as long as necessary. If possible, the replacement tree should be the same species as the tree removed or an alternative species chosen in consultation with the Tree Risk Advisory Group. TRAG. TRAG is made up of officers within the council that represent the various aspects of tree management within the council, This includes the tree officer within planning, Insurance Officer, Property officers and the Environmental Officer.

Monitoring

In order to ensure adherence to the Tree Safety Management policy, adequate tree inspection records must be kept for a minimum of 10 years and systems demonstrating compliance with the policy must be in place

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	17 November 2021
Subject:	Environmental Health Enforcement Policy and Fixed Penalty Scheme
Report of:	Interim Environmental Health Manager
Corporate Lead:	Head of Community Services
Lead Members:	Lead Member for Clean and Green Environment
Number of Appendices:	One

Executive Summary:

The Environmental Health (EH) Enforcement Policy is the overarching policy to ensure that the actions taken by officers are proportionate and for the benefit of securing the health, safety and welfare of our community. The policy is subject to periodic review. Having been adopted by the Council in August 2017 it is considered this is an appropriate time to review the policy to ensure it remains fit for purpose. The principles set out within the policy are reflected in the Council's overarching Corporate Enforcement Policy which was adopted in 2020. The draft policy with proposed changes highlighted is attached at Appendix 1. Councillors will note that there are no material changes other than updating legislation and house-keeping changes.

Fixed penalty notices are available to the Council in connection with a variety of environmental offences including fly tipping, dog fouling and abandoned vehicles. The use of fixed penalty notices provides the Council with an efficient and proportionate means for the disposal of low-level environmental offences without recourse to Court action.

The statutes governing environmental offences prescribe a maximum fine level, minimum fine level and minimum discounted level. For some offences the Council has discretion to set the fine levels within the statutory maximum and minimum levels. The Council also has discretion over several operational and procedural elements relating to fixed penalty notices, such as the minimum age of persons on whom notices will be served, payment options, and the offering of a non-statutory appeals process. The Committee is also asked to approve the Fixed Penalty Notice Scheme which will form part of the EH Enforcement Policy and be added as an Appendix to the policy.

This Committee also approved the Council's approach to Civil Penalty, Rent Repayment Order and Minimum Energy Efficiency Standards in Privately Rented Homes in March 2021 and this scheme will also be added to the EH Enforcement Policy as an Appendix. No change is proposed to this element of the policy.

Recommendation:

- 1. That the updated and refreshed Environmental Health Enforcement Policy, and Appendix 1 setting out the use of Fixed Penalty Notices, be APPROVED**
- 2. That the Head of Community Services be authorised to approve future minor amendments in consultation with One Legal and the Lead Member for Clean and Green Environment.**

Reasons for Recommendation:

The Environmental Health Team is committed to ensuring the health, safety and welfare of our

community and to doing so in a sustainable and proportionate manner.

Tackling environmental crime within the Policy adopted in 2017 has evidenced the appropriate use in many cases as an alternative to prosecution.

The publication of the revised fixed penalty scheme will consolidate the Council's approach to the use of fixed penalty notices. This will ensure consistency amongst Enforcement Officers and provide clear information to members of the public regarding the offences for which the Council will use fixed penalty notices and the resulting penalty fine levels.

Resource Implications:

None.

Legal Implications:

The implementation of the amended policy complies with the individual legislative requirements of the relevant legislation as set out in Section 10 of the Fixed Penalty Notice Scheme attached and therefore fixed penalty notices can be issued in lieu of Prosecution for the relevant offences.

Risk Management Implications:

The Council has an action plan to address the problem of environmental crime within Tewkesbury Borough. Progress with the plan is reported to the Overview and Scrutiny Committee. Failure to make progress with this plan or effectively use the statutory remedies available to combat environmental offences may represent a reputational risk to the Council.

Performance Management Follow-up:

Regular updates on enforcement are shared with the Lead Member for Clean & Green Environment at monthly meetings and progress on dealing with enviro-crimes in particular are regularly report to the Overview and Scrutiny Committee. At officer level progress with the plan and use of fixed penalty notices is reviewed at monthly team meetings under the direction of the Head of Community Services.

Environmental Implications:

A commitment to the use of fixed penalty notices for environmental offences may over the long term reduce the prevalence of these offences within Tewkesbury Borough and therefore improve environmental quality.

1.0 INTRODUCTION/BACKGROUND

- 1.1** The Environmental Health (EH) Enforcement Policy underpins the way the service operates to ensure sustainable and proportionate actions are taken to ensure the health and safety of residents and to ensure that business operates in a safe way. The Policy seeks to ensure that business supports and operates in a manner to protect our residents and officers will work with business giving advice and guidance.

- 1.2** Fixed penalty notices are available as an enforcement option for the full range of environmental offences which are investigated by the Council's Environmental Health Section. Payment of a fixed penalty does not result in a criminal record and discharges the offender of criminal liability in connection with the offence. Fixed penalty notices provide the council with a cost-effective and proportionate means of disposing of low-level environmental offences without recourse to resource intensive prosecutions and court proceedings. This should benefit the Council by allowing officers more time to devote to the most serious cases.
- 1.3** There are no significant changes to the policy other than adding legislation, house-keeping changes and consolidating a number of documents into a single policy document.

2.0 CIVIL PENALTIES

- 2.1** Civil penalties are an alternative to prosecution and that policy was approved by this Committee in March 2021 and will be added to the EH Enforcement Policy as an Appendix.
- 2.2** No change is proposed to this element of the element of the policy.

3.0 FIXED PENALTY POLICY

- 3.1** A proposed updated Fixed Penalty Scheme for the Council is provided in the appendix to this report. The scheme forms part of the policy and outlines the Council's approach to the use of fixed penalty notices and clarifies the Council's position on several key operational matters relating to the use of fixed penalty notices.
- 3.2** Operational considerations for the Council to consider in relation to fixed penalty notices include the minimum age of persons on whom notices will be served, whether or not to offer a non-statutory appeal option against a notice, and whether a person in receipt of a notice can pay by instalments.

MINIMUM AGE FOR RECEIPT OF A FIXED PENALTY NOTICE

- 3.3** The statutory minimum age for receipt of a fixed penalty notice is 10 years old. However, should a Local Authority wish to serve a fixed penalty notice on a young person then specific policies must be in place governing this. The Environmental Health Section is not aware that littering in the vicinity of schools represents a particular problem within Tewkesbury Borough. Therefore, the draft fixed penalty policy states that the minimum age of a person on whom the Council will serve a fixed penalty notice will be 16 years old.

FIXED PENALTY NOTICE APPEAL OPTIONS

- 3.4** There is no automatic statutory right of appeal for fixed penalty notices and the Council has discretion to decide whether or not to offer a non-statutory appeal process. The draft fixed penalty policy states that an appeal facility will not be available for fixed penalty notices. If a recipient of a fixed penalty wishes to challenge the fixed penalty notice this can be done through the Magistrates Court.

TIME PERIOD IN WHICH TO PAY A FIXED PENALTY NOTICE

- 3.5** The time period for payment of a fixed penalty notice must be at least 14 days. The Council has discretion to extend the length of the payment period beyond this point. The Council also has discretion to set the time period in which a fixed penalty must be paid in order for an offender to benefit from the specified discount. The draft fixed penalty scheme states that the full penalty must be paid within 21 days from receipt of the notice, and within 10 days in order for the recipient to benefit from the discount.

FIXED PENALTY PAYMENT OPTIONS

- 3.6** Fixed penalty notices are usually paid in full by a single payment. The Council does have discretion to allow alternative payment options such as deferred payment or payment by instalments. Some of the offences for which the Council serves fixed penalty notices are summary offences and must be tried at a Magistrates Court within 6 months from the date of the offence. The provision of deferred payments may therefore compromise the Council's ability to prosecute the original offence should it wish to do so.
- 3.7** Furthermore, the processing of sundry debtors in connection with installed payments may result in administrative costs to the Council which exceed the cost of the fixed penalty. Therefore, the draft policy states that the Council will not accept deferred payment or payment by instalments for fixed penalty notices. In the event that an offender suggests that they are unable to pay a fixed penalty notice then this matter may still be referred to One Legal for consideration.
- 3.8** The Council will be introducing new customer payment methods as part of its current digital strategy. This will include the facility to make payments at pay-points located in shops and post offices located throughout the borough. It is expected that the new payment options that will be introduced as part of the digital strategy will be available for payment of fixed penalty notices. Monitoring of progress with the payment of fixed penalty notices will be the responsibility of the Environmental Health Section. Instruction and training on the processing, monitoring and recording of fixed penalty notices will be provided to all relevant staff.

4.0 CONSULTATION

- 4.1** None.

5.0 OTHER OPTIONS CONSIDERED

- 5.1** None.

6.0 RELEVANT COUNCIL POLICIES/STRATEGIES

- 6.1** Tewkesbury Borough Council: Corporate Enforcement Policy.

7.0 RELEVANT GOVERNMENT POLICIES

- 7.1** Fixed Penalty Notices: Issuing and Enforcement by Councils.

<https://www.gov.uk/guidance/fixed-penalty-notices-issuing-and-enforcement-by-councils>

8.0 RESOURCE IMPLICATIONS (Human/Property)

- 8.1** None.

9.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

9.1 A commitment to the use of fixed penalty notices for environmental offences may over the long term reduce the prevalence of these offences within Tewkesbury Borough and therefore improve environmental quality.

10.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

10.1 None.

11.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

11.1 None.

Background Papers:	Report to Executive Committee 30 August 2017 – Environmental Health Enforcement Policy.
Contact Officer:	Interim Environmental Health Manager Kath.stent@tewkesbury.gov.uk
Appendices:	1 - Draft Fixed Penalty Notice Scheme. 2 - Civil Penalty Policy approved March 2021.

Appendix 1

TEWKESBURY BOROUGH COUNCIL ENVIRONMENTAL HEALTH ENFORCEMENT POLICY

1. Background

A clear Enforcement Policy which is monitored, regularly reviewed and updated is required to ensure that all those who work and live in Tewkesbury Borough have a clear understanding of the Environmental Health Services enforcement standards.

2. Introduction

Tewkesbury Borough Council's Environmental Health Services delivers a range of services including:

- food safety,
- health & safety at work,
- water supplies,
- infectious disease control,
- animal welfare;
- statutory nuisance;
- industrial installation pollution
- contaminated land
- air quality,
- housing conditions in the private sector
- statutory nuisances
- licensing of taxis, premises and personal licences, gambling and lotteries and other licensing administration.
- Anti social behaviour and safeguarding

2.1 Enforcement includes council officers giving advice, carrying out compliance visits and inspections, responding to complaints and service requests, assisting consumers

and businesses to comply with statutory duties & licensing requirements and taking formal enforcement action where warranted against those who breach the law.

2.2 The primary aim is to protect the health and safety of the public.

2.3 The enforcement policy outlines how the Environmental Health Service carries out its enforcement role when delivering the various services outlined above and sets out what businesses and others can expect from Enforcement Officers.

2.4 The policy will be reviewed and updated regularly to take into account new legislative requirements, guidance from central government, respective national bodies and best practice.

3. Objectives of the Enforcement Policy

3.1 To ensure protection of the public from unsafe food, residential and non-residential premises, work practices, products, unscrupulous and illegal traders, noise and atmospheric or land pollution.

3.2 To stop, control and prevent any untoward practices prejudicial to the health of the public, thereby promoting the health of, and safeguarding the public and protecting the welfare of animals in animal licenced establishments.

3.3 To achieve compliance through informal action and through an enabling and supportive relationship with businesses and the public. Formal enforcement procedures, including prosecution, will only be used where in the opinion of the Council or its officers there is a serious or imminent risk of injury to health or personal injury, or a blatant disregard for the law, deliberate intent or negligence, or a history of non-compliance with informal action.

3.4 To ensure a consistent approach with regard to openness, helpfulness and proportionality to the risk posed.

3.5 To promote and maintain a consultative and participatory relationship with businesses, consumers and service users.

3.6 To have a better informed community and thus reduce the need to rely on regulatory intervention for compliance with legislation.

3.7 Environmental Health is committed to implement policies and procedures that subscribe to principles of good enforcement. In forming this policy due consideration has been paid to the Department for Business Innovation & Skills Better Regulation Delivery Office, Regulators' Code which came into effect April 2014 (This code replaced the previously voluntary adopted Enforcement Concordat and Department for Business Enterprise & Regulatory Reform (BERR) Statutory Code of Practice for Regulators published 17 December 2007).

4. The Key Aspects of the Policy

4.1 All enforcement actions and investigations work whether formal or informal will be undertaken in accordance with and are based on applicable legislation and guidance including:

- Relevant Acts of Parliament
- Regulations and Codes of Practice made under the key relevant acts for each enforcement area
- Central & National Guidance from the Food Standards Agency (FSA) and Local Government Regulation (LGR), The Health & Safety Executive, The Local Authority Unit (LAU), The Department of Environment, Food & Rural Affairs (DEFRA), The Environment Agency (EA), The Chartered Institute of Environmental Health (CIEH) and The Better Regulation Delivery Office (BRDO)
- Benchmarking exercises, Best Practice arising from liaison groups and Best Value Reviews. The Regulator's Code. Guidance to help local councils adapt to new rules after EU Exit.

5. Prevention and Promotion



The Council recognises that most businesses, licensees and individuals want to comply with the law and actively seeks to promote awareness about the standards it applies through: -

- routine inspections of premises and practices
- investigatory visits in response to complaints
- persuasion, advice, information and training
- where applicable providing translation where English is not the principal language of communication
- taking firm action against blatant breaches of the law

6. Enforcement Actions

In the event of non-compliance with statutory requirements, a range of enforcement actions are available, these include: -

6.1 Informal Action

Enforcement procedures such as verbal & written advice, providing information leaflets and warning letters.

6.2 Formal Action

6.2.1 Statutory notices, requiring compliance immediately or within a specified time, and prosecutions will normally be confined to serious breaches of the law. For breaches posing a nuisance or considerable risk to the health of the public or specific individuals the Council will serve either an improvement or abatement notice requiring compliance immediately or within a specified time. Where there is imminent risk of serious personal injury, prohibition powers in form of prohibition notices/orders will be used to stop the activity or close down the premises. These powers may involve seizure and detention of the offending equipment where necessary. In addition the proprietor, landlord, business operator or individual responsible can be prosecuted in the Magistrates Court for non-compliance with a notice or other such offence.

6.2.2 Simple Caution where an offence is admitted: -

This procedure is an alternative to taking action in the Courts. Should a further offence be committed, it may be cited in any subsequent Court proceedings. A Simple Caution is a serious matter and it is recorded by the Council and where applicable on the Police National Computer. Cautioning is recognised as an increasingly important way of keeping offenders out of Court and in many circumstances reducing the risk that they will re-offend. In considering and issuing simple cautions we will have regard to the Ministry of Justice Guidance April 2013 – Simple Cautions for Adult Offenders. The caution will be administered by a Senior Officer who has been designated a ‘Cautioning Officer’ (e.g. the Head of Community Services).

6.3 Fixed Penalty Notices / Penalty Charge Notices

Where provided for in legislation (Antisocial Behaviour, Crime and Policing Act 2014) in circumstances where it is appropriate to do so the Council may deal with some offences by way of fixed penalty notices. The Fixed Penalty Scheme is appended to this Policy.

6.4 Prosecutions

The decision to prosecute does not preclude the issue of legal notices as well. Prosecutions have a preventative role in drawing attention to the need for compliance and the maintenance of good standards.

We will apply the principles of “Criminal Procedures & Investigations Act 1996” and “Crown Prosecutors” statutory Code of Practice as well as Home Office Guidance, when making decisions on the course of action to be taken in any particular case.

6.4.1 As an alternative to prosecution, the Housing and Planning Act 2016 introduced Civil Penalties for certain Housing Act 2004 and related regulations. The Civil Penalty Policy is appended to this policy.

6.4.2 In deciding whether to prosecute or issue a Civil Penalty, or not, we will ensure action is in the public interest and an evidential test; and consider the following matters:

-

6.4.1.1 The gravity of the offence/s, for example whether: -

- there has been blatant disregard for the law, deliberate intent or negligence
- there are persistent poor standards and malpractice
- there has been an injury or a case of ill health as a result of a substantial legal contravention
- a particular contravention has caused serious public alarm
- those affected are particularly vulnerable

6.4.1.2 The general record and approach of the offender, for example: -

- repeated breaches of legal requirements or license conditions or various breaches of a multiple concern and, where it appears that an individual or a company is neither willing nor able to deal adequately with these
- failure to comply with statutory notices where matters of significant concern are persistent rather than transitory
- previous convictions or cautions which are relevant to the offence

6.5 Referral of a matter to the Council's Licensing or Regulatory Committee.

Where such a matter warrants referral to one of the above Committees a panel of Councillors will hear the case and take a decisions based on this policy (and in the case of licensing the Council's Licensing Policy) and issue such sanctions as are available to them including no action, warnings, suspension or revocation of a licence.

7. Our Standards

7.1 Consistency: We will: -

- carry out our duties in an efficient, fair, courteous and consistent manner

- have in place in-house procedures and arrangements which are reviewed and updated regularly to promote and monitor consistency in the way we deliver the service
- have in place effective arrangements for liaison with other Local Authorities and enforcement bodies such as LGR, Food Standards Agency, Health & Safety Executive, Fire Authority, Police Authority, Environment Agency, etc., particularly where there is a shared enforcement role.
- draw up yearly activities, priorities and targets, setting out the level of service and performance the public and businesses can expect to receive through our Annual Service Plans
- publish our performance against the plans annually

7.2 Openness: We will: -

- provide information and advice in plain language on the rules we apply
- be open about how we set about our work, including the charges that we set
- discuss general issues and specific compliance failings or problems with anyone experiencing difficulties
- provide an opportunity to discuss the circumstances of a case and, if possible, resolve points of difference before enforcement action is taken (unless immediate action is required)
- give an explanation of why immediate action is required
- give advice on the rights of appeal against formal action

7.3 Helpfulness: We will: -

- actively work with individuals, businesses, especially small and medium sized businesses, to advise on and assist with compliance
- provide a courteous and efficient service and our staff will identify themselves by name
- provide a contact point and telephone number for further dealings with us and we will encourage individuals and businesses to seek advice/information from us
- deal with applications for licences, registrations and consents in accordance with service standards
- ensure that wherever practicable our enforcement services are effectively coordinated to minimise unnecessary overlaps and time delays
- have provision to visit a business out of normal office hours at times when the business is available, where it is not otherwise feasible to visit during normal office hours.

7.4 Proportionality: We will: -

- minimise the costs of compliance for individuals and businesses by ensuring that any action reflects the risks involved
- as far as the law allows, take account of the circumstances of the case and the attitude/actions of the individual or organisation when considering action
- take particular care to work with individuals, small businesses, voluntary and community organisations so that they can meet their legal obligations without unnecessary expense
- ensure that information given to a business, landlord or individual, whether written or verbal, will clearly identify those requirements which are mandatory and those which are advisory or are recommendations of best practice

8. Publicity

8.1 The Council will publicise cases of businesses, licensees and individuals it successfully prosecutes for environmental health and related offences as well as those it rewards for implementing very high standards. Names of companies and individuals convicted of environmental health offences may be published on the Council's website. Cases subject to appeal will not be published, to account for the appeals process a period of 10 weeks will be allowed to elapse following conviction before a case is added. Where the Council is notified of an appeal outside this time period, the case will be removed from the site.

9. Consultation With Customers: We will: -

- endeavour to make residents and those who run a business in Tewkesbury Borough aware of our enforcement standards and policy, and assist them to comply with the law.
- consult businesses, residents and service users for feedback on our service and policies

We want to provide the best service possible. Help us to achieve this by telling us when you are satisfied with our service and when you are not. We welcome any suggestions as to how the service may be improved.

10. Complaints and Appeals

We subscribe to the Council's Corporate Complaints and Appeals Procedure. In addition, the majority of legislation enforced by officers of the Environmental Health Service has an in built appeals procedure prescribed within.

In addition to the Council's complaints procedure there are a number of other independent panel's which can consider appeals such as the Health & Safety Executive Independent Challenge Panel and the Residential Property Tribunal,

although generally complaints should be directed through the local authority in the first instance.

If you feel we have given an unsatisfactory service contrary to these criteria, **you can complain direct via our report it function on our website.**

This Enforcement Policy supersedes and replaces all earlier enforcement policies relating to Tewkesbury Borough Council Environmental Health Services.

November 2021

Appendix 1.



Fixed Penalty Notice Scheme Tewkesbury Borough Council

Community Services
V2 October 2021

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12.0	Schedule of fixed penalty offences and fine levels

1 Introduction

- 1.1 The use of fixed penalty notices is an enforcement option which is available to the council in connection with a range of environmental offences. A fixed penalty notice can be issued by an authorised officer of the Council and can provide a quick and effective way of dealing with low level environmental crimes by offering the offender an opportunity to pay a penalty fine as an alternative to prosecution.
- 1.2 Payment of a fixed penalty notice discharges an offender's liability for the offence and does not create a criminal record. The use of fixed penalty notices provides the Council with a means of dealing with low level offences in a proportionate and cost effective manner.
- 1.3 Separately, the council may impose a civil penalty for the following offences. Civil Penalties procedures are detailed in the Civil Penalty Policy. Civil Penalties can be imposed up to £30,000 per offence.

Offences

Housing Act 2004

Section 30 failure to comply with an Improvement Notice.

Section 72 and Section 95 failure to licence an HMO and non-compliance with conditions attached to a licence.

Section 139(7) contravention of an Overcrowding Notice.

Section 234 failure to comply with management regulations in respect of HMOs.

The Electrical Safety Standards Regulations 2020

section 3 failure to obtain electrical safety certificates for private rented properties

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

- 1.4 Section 4 failure to comply with a remedial notice

Additionally legislation may be imposed temporarily such as in relation to the Covid Pandemic whereby fixed penalties for specific offences may be

imposed under existing legislation. Any such penalties imposed will follow this procedure.

2 Aim

2.1 The aim of this scheme is to outline the Council's approach to the use of fixed penalty notices and ensure that use of the notices is proportionate, transparent and consistent with both the Council's Corporate Enforcement Policy and guidance issued by central government. The policy also aims to establish the specific offences for which the Council may issue a fixed penalty notice together with the associated fine level. Furthermore this policy will assist the Council with the targeting of enforcement activity and support the Council's wider corporate commitment to tackle environmental crime within Tewkesbury Borough.

3 Objectives

3.1 The objectives of this scheme are as follows.

- To establish the specific offences for which the Council may serve fixed penalty notices.
- To establish the fixed penalty fine level which will be imposed by the Council in respect of each offence.
- To outline the circumstances in which use of a fixed penalty notice is considered to be appropriate.

4 Fixed penalty notice offences and fine levels

4.1 The power to issue fixed penalty notices is conferred on the Council by the legislation which governs each specific offence. The Council will issue fixed penalty notices for all environmental offences where it has a statutory option to do so. This includes offences relating to dog fouling, dog control, littering, fly tipping and abandoned vehicles.

- 4.2 The fixed penalty fine level is specified by the specific legislation governing the offence. This may include a specified discount penalty for early payment.
- 4.3 A full schedule of the offences for which the Council may serve a fixed penalty notice, together with the fixed penalty fine level, is provided in the appendix to this policy.

5 Appropriate use of fixed penalty notices

- 5.1 A fixed penalty notice may only be issued by a Council Officer who has been provided with delegated authority to issue notices for the specific offence in question.
- 5.2 The decision to serve a fixed penalty notice will be taken on a case by case basis and a notice shall only be served in circumstances where sufficient evidence exists to provide a realistic prospect of conviction. The evidence to support the service of a fixed penalty notice may come from direct observation of the offence by the officer or from reliable witness testimony.
- 5.3 The Council will only issue fixed penalty notices for offences which are considered suitable to be discharged by way of a fixed penalty fine. This will generally be one off incidents of relatively low level environmental crime. The Council will not consider fixed penalty notices to be appropriate in cases where serious criminal activity, organisation and intent are indicated.
- 5.4 The Council will use fixed penalty notices in cases where it is considered to be in the public interest to pursue offenders in the courts for non-payment. The Council will not serve fixed penalty notices for offences

which are deemed to be so minor or trivial that they could be effectively be dealt with by other means. For example verbal advice or a written warning.

5.3 Fixed penalty notices will not be used for repeat offenders or for individuals who have previously received a fixed penalty notice for a similar matter. In these circumstances an alternative enforcement option will be considered such as direct prosecution.

5.4 Fixed penalty notices may not be served in cases where individuals are uncooperative, hostile or aggressive. In these circumstances assistance from the Police may be sought and direct prosecution considered.

5.5 Fixed penalty notices will only be served in cases where the officer is satisfied that the offender has provided accurate identity and address details. Failure to provide accurate name and address details to an authorised officer represents an offence.

In circumstances where an offender fails to provide accurate identity details then advice will be sought from the police and alternative enforcement options considered.

5.6 Fixed penalty notices will not be served on individuals under the age of 16.

5.7 The Council will take all reasonable steps to avoid serving fixed penalty notices on persons who are considered to be vulnerable. In this context vulnerable is defined as someone perceived to have a chaotic lifestyle, such as homelessness, or those that suffer from a mental impediment.

5.8 Fixed penalty notices served by the Council will include the following information.

- Details of the alleged offence.
- Where and when the offence took place.

- How the fixed penalty is issued (in person or by post)
- Details of the fine imposed and any discount available for paying early.
- When the fine must be paid by (this must be at least 14 days) and the time limit for the discount period.
- How the fine can be paid.

6.0 Service of fixed penalty notices

6.1 The Council may serve fixed penalty notices on offenders either by mail or on the spot using carbon copy fixed penalty notices.

6.2 Where the legislation allows fixed penalty notices will not be served on anyone under the age of 16. For juveniles between 16 to 17 the name and address of a parent or legal guardian will be sought.

7.0 Payment of fixed penalty notices.

7.1 Full payment of the fixed penalty notice must be paid within 21 days from the date the notice was issued. In circumstances where a discount is available then this must be paid within 10 days from the date of issue.

7.2 The Council only accepts fixed penalty notice payments in full and does not accept either deferred payments or payment by instalments.

7.3 The fixed penalty notice will quote a unique reference number and will provide details of the payment methods accepted by the Council.

8 Non-payment of fixed penalty notices

8.1 The Council is committed to prosecute offenders for non-payment or partial payment of a fixed penalty notice.

8.2 Should payment not be received within the timeframe stated on the notice then a warning letter will be sent stating a further time period in which payment is expected. Should payment still not be received following the warning letter then the matter may be referred to the Council's Legal Department for consideration.

9 Challenging a fixed penalty notice

9.1 A statutory appeal process does not exist for fixed penalty notices and the Council does not offer a non-statutory appeals process. Should an alleged offender wish to challenge a fixed penalty notice then the prosecution proceedings at the magistrate's court, in connection with non-payment, would be the appropriate forum for this challenge.

10 Relevant legislation

- 10.1 Clean Neighbourhoods and Environment Act 2005 (CNEA), Section 3,4 & 6 (Nuisance Parking); Section 10 (Abandoned Vehicles); Section 19,22 & 24 (Litter & Refuse); Section 28 – 30 (Graffiti & fly Posting); Sections 38,45,48 & 52 (Transport of Waste) Sections 46 & 47 (Receptacles for Household and Commercial Waste); Section 73 -76 (Audible Intruder Alarms); Sections 82 – 85 (Noise from Premises); Sections 96 to 98 (Use of Fixed Penalty Receipts)
- 10.2 Environmental Protection Act 1990: Sections 34(A)(2), 46A-D, 47Z A and B, 88(1), 94(A), and Schedule 3A Paragraph 7.
- 10.3 Refuse Disposal Amenity Act 1978, Section 2(A).
- 10.4 Control of Pollution Amendment Act 1989, Section 5B
- 10.5 Noise Act 1996, Section 8
- 10.6 Health Act 2006, Section 9
- 10.7 The Environmental Offences (Fixed Penalties (Miscellaneous Provisions) Regulations 2006 & 2007
- 10.8 The Environmental Offences (Use of Fixed Penalty Receipts) Regulations 2006 & 2007
- 10.9 The Environmental Offences (Fixed Penalties)(Miscellaneous Provisions) (Amendment) Regulations 2012
- 10.10 Deregulation Act 2015, Section 58 and schedule 12
- 10.11 Littering From Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018

11 Relevant Guidance

- 11.1 Fixed penalty notices: issuing and enforcement by councils
- 11.2 Corporate Enforcement Policy: Tewkesbury Borough Council

12.0 Fixed Penalty Offences and Fine Levels

Offence	Penalty if paid within 14 days	Full Penalty
Depositing litter	£50	£75
Dog fouling	£50	£50
Unauthorised deposit of waste (fly tipping)	£200	£400
Failure to furnish waste transfer notes	£180	£300
Failure to produce waste carriers licence	£180	£300
Fly-posting	£50	£75
Graffiti	£50	£75
Abandoning a vehicle	£120	£200
Nuisance parking	£60	£100
Non-compliance with notice requiring receptacles for household waste.	£40	£60
Non-compliance with notice requiring receptacles for commercial waste.	£60	£100
Alarm noise: Failure to nominate key holder or notify local authority of key holder's details.	£50	£75
Smoking in a public place	£30	£50
Failure to display no smoking signs	£150	£200

Noise exceeding permitted level – domestic premises	£60	£100
Noise exceeding permitted levels – licensed premises	£500	£500
Failure to comply with a Community Protection Notice	£60	£100
Breach of a Public Space Protection Order	£60	£100
Littering from Vehicles	£50	£100

Appendix 2

Civil Penalties Scheme

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TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	17 November 2021
Subject:	Annual Infrastructure Funding Statement (IFS) and Community Infrastructure Levy (CIL) Rate Summary Statement Requirements
Report of:	CIL Manager for the JCS Authorities
Corporate Lead:	Head of Development Services
Lead Member:	Lead Member for Built Environment
Number of Appendices:	Two

Executive Summary:

This report provides an update on the preparation of the Infrastructure Funding Statement (IFS) for 2021 (Appendix 1) and this year's CIL Rates Summary Statement (Appendix 2).

Recommendations:

- 1. To approve the publication of the Infrastructure Funding Statement (IFS) relating to the financial year ending 31 March 2021 by 31 December 2021; and**
- 2. To note that the Annual CIL Rate Summary Statement will be published alongside it.**

Reasons for Recommendations:

1. Regulation 121A¹ requires us, as a 'contribution receiving authority' to publish an IFS annually "no later than the 31 December" that sets out details about 'planning obligation'² and 'CIL' income and expenditure, actual and anticipated, and an 'Infrastructure List'³; and
2. Regulation 121C(1) requires an Annual CIL Rate Summary Statement⁴ to be published "no earlier than 2 December and no later than 31 December" each year.

Resource Implications:

None – work undertaken within existing capacity.

¹ Introduced in the Community Infrastructure Levy (Amendment) (England) Regulations 2019

² Section 106 Agreements

³ "a statement of the infrastructure projects or types of infrastructure which the charging authority intends will be, or may be, wholly or partly funded by CIL"

⁴ which applies the Royal Institute of Chartered Surveyors (RICS) CIL index, published on the 01 November each year, to the existing Charging Schedule to produce a new Charging Schedule for the following calendar year

Legal Implications:

Statutory obligation as a result of the Community Infrastructure Levy (Amendment) (England) Regulations 2019.

Risk Management Implications:

1. Failure to publish the required statements would be a breach of Regulations.
2. The IFS provides clarity and transparency for communities and developers on the funding that has been raised and spent and on the infrastructure that has been and is expected to be delivered.
3. For CIL, not having a clear prioritisation of infrastructure projects may risk receipts not being targeted towards the most critical infrastructure needed to deliver development.

Performance Management Follow-up:

1. Statutory obligation to produce an annual IFS requires detailed accounts of income and expenditure for both CIL and S106 to be maintained to ensure that the flow of 'income-purpose-expenditure' is transparent.
2. The 'Infrastructure List' has been reviewed and an update, with comments on progress and review is included in the IFS. However, the list will undergo further review in 2022 as a result of work being undertaken to review the CIL Charging Schedules of the Borough Council and JCS partners.

Environmental Implications:

None as a result of meeting our statutory reporting obligations, though the effective use of CIL receipts themselves has the potential to have a positive impact on all three dimensions of sustainable development through the provision of infrastructure, including environmental infrastructure, necessary to facilitate growth.

1.0 INTRODUCTION/BACKGROUND

- 1.1 The Borough Council's second annual IFS has been prepared ready for submission⁵ and publication on its website by 31 December 2021⁶.
- 1.2 The IFS (included at Appendix 1) must include reports on the previous financial year, ending on 31 March, for both CIL and S106 Planning Contributions.
- 1.3 An Annual CIL Rate Summary Statement (included at Appendix 2), applying the national CIL index⁷ and setting out the charges for the following calendar year, must also be published in December⁸.
- 1.4 A statement of the infrastructure projects or types of infrastructure which the charging authority intends will be, or may be, wholly or partly funded by CIL (The 'Infrastructure List') was approved for publication by the Executive in December last year (2020). Whilst the list, made up of projects identified as 'critical' in the JCS IDP remains, comments on funding, deliverability and progress as a result of this year's review are now incorporated.

⁵ Department for Levelling Up Housing and Communities (DLUHC), formerly Ministry of Housing, Communities and Local Government (MHCLG)

⁶ Community Infrastructure Levy Regulations 2010 (as amended) Regulation 121A

⁷ Published by the Royal Institute of Chartered Surveyors (RICS) on 1 November each year

⁸ Regulation 121C(1) requires it to be published "no earlier than 2 December and no later than 31 December"

- 1.5** Work is being undertaken to review the CIL Charging Schedules of the Borough Council and its JCS partners. The CIL Review includes an 'Infrastructure Needs Assessment (INA)' on the delivery of the JCS and Borough Plan through the remaining half of the plan period, to 2031. The INA will provide an update to the Infrastructure Delivery Plans (IDPs) of the JCS and District Level Plans. The updated IDPs will then feed into a further review of the Infrastructure List next year after which a new list will be submitted for approval, with a view to publication as part of the IFS 2022.

2.0 INFRASTRUCTURE FUNDING STATEMENT (Appendix 1)

IFS - CIL Report

- 2.1** In the 'reporting year' (1 April 2020 to 31 March 2021):

- CIL Receipts = £1,314,039.37.
- CIL Expenditure = £65,701.97⁹.

- 2.2** At the end of the 'reporting year' (31 March 2021):

- CIL Receipts Retained = £1,203,766.88; made up of –
 - £166,362.53 Neighbourhood Funding¹⁰ collected by the Borough Council between the 1st October and the 31st March of the reported year to be paid to Parish Councils on the 28th April of the next reported year (2021); and
 - £1,037,404.35 'Infrastructure Funding' for infrastructure required to deliver planned development.

IFS – S106 Report

- 2.3** At the start of April 2020 there was a balance of £8,633,111.02. During the 'reporting year' we received £1,841,993.39 and spent £962,407.08. At the end of March 2021 there was a closing balance of £10,388,879.46.

- 2.4** The S106 report also provides details of the £161,510.25 off-site financial contributions and the 116 affordable homes secured in agreements entered into during the reporting year.

IFS – Infrastructure List

- 2.5** An 'Infrastructure List' identifying projects considered critical to the delivery of the Joint Core Strategy (JCS).

- 2.6** This list is currently being reviewed as part of a wider CIL review by the JCS authorities and therefore, the list remains unchanged from that approved by Council in December 2020. Updates on funding, deliverability and progress have therefore been incorporated into the original list in this year's IFS.

3.0 ANNUAL CIL RATES SUMMARY STATEMENT

- 3.1** The Annual CIL Rates Summary Statement (included at Appendix 2) is based on the Royal Institute of Chartered Surveyor's (RICS) CIL Index, published in November each year.

⁹ Regulation 61 5% Administration

¹⁰ Regulation 59A Neighbourhood

4.0 NEXT STEPS

4.1 Publication of both reports on the Borough Council's website and submission and notification of the location of data to DLUHC in December 2021.

5.0 OTHER OPTIONS CONSIDERED

5.1 None as a result of meeting our statutory reporting obligations.

6.0 RELEVANT COUNCIL POLICIES/STRATEGIES

6.1 Joint Core Strategy 2011 to 2031(December 2017).

6.2 Joint Core Strategy 2011 to 2031 Infrastructure Delivery Plan (2014) and Addendum (2017).

7.0 RELEVANT GOVERNMENT POLICIES

7.1 The Community Infrastructure Levy Regulations 2010 (as amended).

7.2 The Community Infrastructure Levy (Amendment) (England) Regulations 2019.

8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

8.1 None as a result of meeting our statutory reporting obligations, though targeting funding to the delivery of strategic infrastructure in the Infrastructure List will support planned growth in and for the Borough.

9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

9.1 None as a result of meeting our statutory reporting obligations, though the effective use of CIL receipts themselves has the potential to have a positive impact on all three dimensions of sustainable development through the provision of infrastructure, including environmental infrastructure, necessary to facilitate growth.

10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

10.1 October 2018 Adoption of CIL Charging Schedule and supporting policies.

Contact Officer: CIL Manager Tel: 01684 272261

Email: paul.hardiman@teWKesbury.gov.uk

Appendices: 1 DRAFT Borough Council Infrastructure Funding Statement 2021.
2 DRAFT Borough Council Annual CIL Rates Summary Statement 2021.

Tewkesbury Borough Council

Annual Infrastructure Funding Statement

For

Community Infrastructure Levy and
Section 106 Contributions

Reporting Period:

From 01 April 2020 to 31 March 2021

Introduction

Infrastructure Funding Statements are a legal requirement which Councils, such as Tewkesbury, who charge Community Infrastructure Levy (CIL) and/or secure developer contributions by way of Section 106 (S106) agreement are required to produce annually.

CIL and S106 (collectively known as 'planning obligations' or 'developer contributions') income is used to help mitigate the impact on, and fund the provision of, infrastructure required as a result of development.

This is Tewkesbury Borough Council's annual report for the year 1 April 2020 to 31 March 2021.

The infrastructure funding statement should, as a minimum, include the information set out in Regulation 121A, Schedule 2, Section 1 to the Community Infrastructure Levy Regulations 2010 (as inserted by the 2019 Amendment Regulations).

Schedule 2 sets out the requirements in three sections: The CIL Report; the Section 106 Report; and the Infrastructure List.

The CIL Report

This sets out the income and expenditure relating to the CIL for the reported year.

The Section 106 Report

This sets out progress on completing agreements, the provision of infrastructure and the collecting and spending of S106 funding over the reported year.

In this statement the questions posed by Schedule 2 are highlighted using blue text.

The Infrastructure List

The Infrastructure List, adopted by all three JCS partner authorities in December 2020, has been updated alongside the preparation of this Infrastructure Funding Statement and is included as the third chapter to this report.

Infrastructure Funding Statement - Community Infrastructure Levy (CIL Report)

Tewkesbury Borough Council's Community Infrastructure Levy (CIL) charges took effect on planning permissions granted on or after the 1 January 2019 and the Council is both a CIL Charging and a CIL Collecting Authority.

The first CIL payments were received in the reporting period from 01 April 2019 to 31 March 2020: £37,165.55

CIL payments received in the reporting period from 01 April 2020 to 31 March 2021 rose to: £1,314,039.37

Scheduled Instalments in the reporting period from 01 April 2021 to 31 March 2022 are currently standing at: £2,621,617.41

121A. — Annual infrastructure funding statements

(1) Subject to paragraph (2), no later than 31st December in each calendar year a contribution receiving authority must publish a document ("the annual infrastructure funding statement") which comprises the following—

(b) a report about CIL, in relation to the previous financial year ("the reported year"), which includes the matters specified in paragraph 1 of Schedule 2 ("CIL report")

"SCHEDULE 2

Matters to be included in the annual infrastructure funding statement

Regulation 121A

CIL Report – Tewkesbury Borough Council

1.

The matters to be included in the CIL report are—

(a) the total value of CIL set out in all demand notices issued in the reported year

The total value of demand notices issued in the reported period is **£2,704,397.17**. This value is of demand notices issued within the reported period that have not been suspended or superseded by new demand notices outside of the reported period. It should be noted that as a result of the Council's adopted Instalments Policy not all of the income identified on Demand Notices issued in a reported year will be received during that year.

(b) the total amount of CIL receipts for the reported year

The total amount of CIL collected within the reported period totals **£1,314,039.37**.

(c) the total amount of CIL receipts, collected by the authority, or by another person on its behalf, before the reported year but which have not been allocated

The amount of CIL collected prior to the reported period totals **£37,165.55**. Of this total the following amount remains unallocated: **£27,117.27**

(d) the total amount of CIL receipts, collected by the authority, or by another person on its behalf, before the reported year and which have been allocated in the reported year

The total amount of CIL collected before the reported year but allocated in the reported year is **£8,190.00**. This was for:

Regulation 59A Parish Neighbourhood Funding: **£8,190.00** paid to Down Hatherley Parish Council on 28 April 2020 from a payment made prior to the reported year on 08 October 2019.

(e) the total amount of CIL expenditure for the reported year

- Regulation 59A Neighbourhood **£44,570.52**
- Regulation 61 Administration **£65,701.97**
- Regulation 59(1) Infrastructure **£0.00**
- Regulation 59F Neighbourhood **£0.00**

(f) the total amount of CIL receipts, whenever collected, which were allocated but not spent during the reported year

The total amount of CIL allocated but not spent during the reported year is **£49,423.32**. This is for Regulation 59A Parish Neighbourhood Funding paid on the 28 April and the 28 October 2020.

(g) in relation to CIL expenditure for the reported year, summary details of—

(i) the items of infrastructure on which CIL (including land payments) has been spent, and the amount of CIL spent on each item

None (with the exception of administrative costs under Regulation 61 and payments to Parish Councils made under Regulation 59A, income up to 31 March 2021 has been rolled forward in to the 2021/22 financial year)

(ii) the amount of CIL spent on repaying money borrowed, including any interest, with details of the items of infrastructure which that money was used to provide (wholly or in part)

£0.00

(iii) the amount of CIL spent on administrative expenses pursuant to regulation 61, and that amount expressed as a percentage of CIL collected in that year in accordance with that regulation

Regulation 61 Administration **£65,701.97** (5%)

(h) in relation to CIL receipts, whenever collected, which were allocated but not spent during the reported year, summary details of the items of infrastructure on which CIL (including land payments) has been allocated, and the amount of CIL allocated to each item

Regulation 59(1): None

(i) the amount of CIL passed to—

(i) any parish council under regulation 59A or 59B

Parish	Amount	Date	Development	Expenditure	Supplier	Date	Balance C/F
Down Hatherley	£8,190.00	28/04/20	18/00361/FUL	£0.00	None	None	£8,190.00
Wheatpieces	£5,710.80	28/10/20	19/00627/APP	£0.00	None	None	£5,710.80

Bishops Cleeve	£27,287.39	28/10/20	18/01146/FUL	£0.00	None	None	£27,287.39
Twyning	£5,434.00	28/10/20	19/00045/FUL	£0.00	None	None	£5,434.00
Gotherington	£3,538.33	28/10/20	19/00476/FUL	£3,337.20	Eurolink	09/11/20	£201.13
Winchcombe	£2,600.00	28/10/20	19/00138/FUL	£0.00	None	None	£2,600.00
TOTALS	£52,760.52			£3,337.20			£49,423.32

(ii) any person under regulation 59(4);

£0.00

(j) summary details of the receipt and expenditure of CIL to which regulation 59E or 59F applied during the reported year including—

(i) the total CIL receipts that regulations 59E and 59F applied to

£0.00

(ii) the items of infrastructure to which the CIL receipts to which regulations 59E and 59F applied have been allocated or spent, and the amount of expenditure allocated or spent on each item

Description: **None**

£0.00

(k) summary details of any notices served in accordance with regulation 59E, including—

(i) the total value of CIL receipts requested from each parish council

£0.00

(ii) any funds not yet recovered from each parish council at the end of the reported year

£0.00

(l) the total amount of—

(i) CIL receipts for the reported year retained at the end of the reported year other than those to which regulation 59E or 59F applied

The amount CIL collected that had not been passed to local councils under Regulation 59A, spent under Regulations 59E and F or Regulation 61 during the reported year was **£1,203,766.88**

(ii) CIL receipts from previous years retained at the end of the reported year other than those to which regulation 59E or 59F applied

The amount of CIL collected in previous years, other than those to which Regulations 59E and 59F apply, that have not been allocated or spent is **£27,117.27**

(iii) CIL receipts for the reported year to which regulation 59E or 59F applied retained at the end of the reported year

The amount of CIL collected in the reported year under Regulations 59E and 59F that has not been spent is **None as Tewkesbury Borough has Parish Councils in all areas.**

(iv) CIL receipts from previous years to which regulation 59E or 59F applied retained at the end of the reported year

The amount of CIL collected in previous years under Regulations 59E and 59F that has not been spent is **None as Tewkesbury Borough has Parish Councils in all areas.**

2.

For the purposes of paragraph 1—

(a) CIL collected by an authority includes land payments made in respect of CIL charged by that authority;

(b) CIL collected by way of a land payment has not been spent if at the end of the reported year—

(i) development (within the meaning in TCPA 1990) consistent with a relevant purpose has not commenced on the acquired land; or

(ii) the acquired land (in whole or in part) has been used or disposed of for a purpose other than a relevant purpose; and the amount deemed to be CIL by virtue of regulation 73(9) has not been spent;

(c) CIL collected by an authority includes infrastructure payments made in respect of CIL charged by that authority;

(d) CIL collected by way of an infrastructure payment has not been spent if at the end of the reported year the infrastructure to be provided has not been provided;

(e) the value of acquired land is the value stated in the agreement made with the charging authority in respect of that land in accordance with regulation 73(6)(d);

(f) the value of a part of acquired land must be determined by applying the formula in regulation 73(10) as if references to N in that provision were references to the area of the part of the acquired land whose value is being determined;

(g) the value of an infrastructure payment is the CIL cash amount stated in the agreement made with the charging authority in respect of the infrastructure in accordance with regulation 73A(7)(e).

121A. — Annual infrastructure funding statements

(1) Subject to paragraph (2), no later than 31st December in each calendar year a contribution receiving authority must publish a document ("the annual infrastructure funding statement") which comprises the following—

(c) a report about planning obligations, in relation to the reported year, which includes the matters specified in paragraph 3 of Schedule 2 and may include the matters specified in paragraph 4 of that Schedule ("section 106 report")

"SCHEDULE 2

Matters to be included in the annual infrastructure funding statement

Regulation 121A

Section 106 Report – Tewkesbury Borough Council

3.

The matters to be included in the section 106 report for each reported year are—

(a) the total amount of money to be provided under any planning obligations which were entered into during the reported year:

Planning Reference	Location	Date	Amount
19/00772/FUL	Land Parcel 0088, Willow Bank Road, Alderton	10/12/2020	£27,942.25
19/01071/OUT	Land Off Ashmead Drive, Cobblers Close, Gothington	10/12/2020	£4,900.00
19/00367/FUL	Walnut Farm, Tewkesbury Road, Norton	02/11/2020	£1,511.00
17/01041/FUL	Parcel 5736, Land South Of B4077, Newtown, Toddington	25/08/2020	£127,157.00
TOTAL			£161,510.25

(b) the total amount of money under any planning obligations which was received during the reported year

£1,841,993.39

(c) the total amount of money under any planning obligations which was received before the reported year which has not been allocated by the authority

£8,633,111.02

(d) summary details of any non-monetary contributions to be provided under planning obligations which were entered into during the reported year, including details of—

(i) in relation to affordable housing, the total number of units which will be provided:

Planning Reference	Location	Date	Number (Dw)
19/00090/FUL	Land Adjacent To Rosedale , Boddington Road, Boddington	16/03/2021	3
19/00772/FUL	Land Parcel 0088, Willow Bank Road, Alderton	10/12/2020	10
19/01071/OUT	Land Off Ashmead Drive, Cobblers Close, Gotherington	10/12/2020	20
18/01239/FUL	Land Adjacent To Hucclecote Road And Golf Club Lane	18/11/2020	66
19/00367/FUL	Walnut Farm, Tewkesbury Road, Norton	02/11/2020	3
17/01041/FUL	Parcel 5736, Land South Of B4077, Newtown, Toddington	25/08/2020	14
TOTAL			116

(ii) in relation to educational facilities, the number of school places for pupils which will be provided, and the category of school at which they will be provided

As a two –tier authority area Gloucestershire County Council will be publishing an Infrastructure Funding Statement and will include details of planning obligations it has secured by way of S106, as well as S278 in it’s areas of competence.

(e) the total amount of money (received under any planning obligations) which was allocated but not spent during the reported year for funding infrastructure

£0.00

(f) the total amount of money (received under any planning obligations) which was spent by the authority (including transferring it to another person to spend)

£962,406.60

(g) in relation to money (received under planning obligations) which was allocated by the authority but not spent during the reported year, summary details of the items of infrastructure on which the money has been allocated, and the amount of money allocated to each item

ALLOCATED BUT NOT SPENT

Title	Description	Allocation	Reference	Received
				£0.00
TOTAL				£0.00

(h) in relation to money (received under planning obligations) which was spent by the authority during the reported year (including transferring it to another person to spend), summary details of—

(i) the items of infrastructure on which that money (received under planning obligations) was spent, and the amount spent on each item

SPENT

Title	Description	Parish/Supplier	Amount	From
Community Facilities	Roof repairs	Woodmancote Parish Council	£352.94	02/11057/1066/FUL
Community Facilities	Village Hall Works	Badgeworth Parish Council	£500.00	04/2868/1421/OUT
Playing Pitches	Fencing	FC Lakeside	£25,827.81	04/2868/1421/OUT
Playing Pitches	Fencing	FC Lakeside	£9,348.35	04/2868/1421/OUT
Playing Pitches	Fencing	FC Lakeside	£10,783.84	04/2868/1421/OUT
Litter Bins	Recode Litter bins to relevant planning obligations for 2020/21	Hartnell N B Construction, DJ Willems and Wybone	£1,000.00	05/00883/OUT
Community Facilities	Improvements / Maintenance at the Community Barn Project (Parish Council Offices)	Bishops Cleeve Parish Council	£11,546.34	07/00448/OUT
Play & Playing Pitches	Warrior Pod, Teqball Table and Surfacing at Sportsfield Installation of new swings at Sunrise Ave Park	Bishops Cleeve Parish Council	£32,742.70	07/00448/OUT
Community Safety	CCTV	Brockworth Parish Council	£10,000.00	08/01461/FUL
Litter Bins	Recode Litter bins to relevant planning obligations for 2020/21	Hartnell N B Construction, DJ Willems and Wybone	£200.00	10/00576/APP
Community Safety	Towards the cost of two police cars	Police & Crime Commissioner for Glos	£26,848.37	10/01005/OUT
Community Safety	Mobile data equipment (handheld networked technology)	Police & Crime Commissioner for Glos	£3,221.80	10/01005/OUT
Litter Bins	Recode Litter bins to relevant planning obligations for 2020/21	Hartnell N B Construction, DJ Willems and Wybone	£614.38	10/01216/OUT
Playing Pitches	Improvements to the sports facilities and grounds in Northway Equipment for maintaining pitch condition	Northway Parish Council	£9,321.50	11/00622/FUL
Sports Hall	New flooring within the leisure centre	Willmott Dixon Construction Limited	£2,431.48	12/00464/OUT
Playing Pitches	Contribution towards construction of sports hall Astroturf Improvement / maintenance to 3G pitch	Winchcombe Sports Hub Ltd	£7,080.72	12/00464/OUT
Community Facilities	improvements to local infrastructure within the town of Winchcombe	Winchcombe Walkers are Welcome	£3,179.00	12/00464/OUT

Sports Hall	New flooring within the leisure centre	Willmott Dixon Construction Limited	£34.05	12/01051/FUL
Community Facilities	Works on the community library building	Brockworth Link	£3,965.00	12/01256/OUT
Community Facilities	Revenue expenditure for salaries	Brockworth Link	£33,000.00	12/01256/OUT
Playing Pitches	Brockworth Sports Foundation Architect's fees	Brockworth Rugby Football Club	£1,875.00	12/01256/OUT
Community Facilities	Brockworth Link Architect's fees	Roberts Limbrick	£7,560.00	12/01256/OUT
Health Care	Devereux Centre Contribution	NHS Gloucestershire CCG	£26,147.78	13/000978/FUL
Community Facilities & Sports Equipment	Football nets	Twyning Parish Council	£429.99	13/000978/FUL
Litter Bins	Recode Litter bins to relevant planning obligations for 2020/21	Hartnell N B Construction, DJ Willems and Wybone	£525.67	13/000978/FUL
Playing Pitches	Improvements to the playing pitch at Alderton Playing Field, Pitch, Equipment and Storage and Construction materials for mower shed	Alderton Parish Council	£3,777.86	13/00114/FUL
Playing Pitches	Purchase of mower £8,932.92 with additional £644.94 contribution from POB167	Alderton Parish Council	£5,800.00	13/00114/FUL
Community Facilities	Works at the Village Hall	Witcombe & Bentham Village Hall	£1,227.20	13/00794/FUL
Community Facilities & Sports Equipment	Village hall gates with £185.88 from POB253	Twyning Parish Council	£2,950.00	13/01205/FUL
Community Facilities & Community Safety	CCTV, associated electrical work and storage unit extension to the community village hall	Stoke Orchard & Tredington Parish Council	£737.20	14/00074/OUT
Play	Maintenance at Skate Park, maze at Trafalgar Road and MUGA at Melrose Walk, Mitton, Tewkesbury	Hartell N B Construction	£7,282.00	14/00211/OUT
Monitoring	S106 monitoring officer	Monitoring Fee	£1,244.71	14/00211/OUT
Health Care	Devereux Centre Contribution	NHS Gloucestershire CCG	£700.40	14/00211/OUT
Health Care	Devereux Centre Contribution	NHS Gloucestershire CCG	£15,466.24	14/00211/OUT
Playing Pitches	Towards AstroTurf at Winchcombe Sports Centre	Winchcombe Sports Hub Ltd	£1,465.32	14/00414/FUL

Community Facilities & Playing Pitches	Sports, community and recreational facilities and improvements to Gotherington Parish Village Hall	Gotherington Parish Council and DJ Willems t/a Onecall Construction Services	£549.00	14/00432/FUL
Community Facilities	Improvements / Maintenance to Highnam Community Centre building, IT Equipment and Parish Plan Project	Highnam Parish Council	£2,998.08	14/00583/OUT
Monitoring	S106 monitoring officer	Monitoring Fee	£1,244.71	14/00583/OUT
Monitoring	S106 monitoring officer	Monitoring Fee	£1,244.71	14/00583/OUT
Monitoring	S106 monitoring officer	Monitoring Fee	£2,184.75	14/00583/OUT
Litter Bins	Recode Litter bins to relevant planning obligations for 2020/21	Hartnell N B Construction, DJ Willems and Wybone	£300.00	14/00583/OUT
Play & Playing Pitches	Improvements / Maintenance of Burrows Playing Fields	Cheltenham Borough Council	£25,042.93	14/00838/FUL
Community Facilities	Improvements to Shurdington Social Centre	Shurdington Social Centre	£104,018.73	14/00838/FUL
Litter Bins	Recode Litter bins to relevant planning obligations for 2020/21 (£689.33) Install mixed waste bin at Crippetts Lane, Shurdington (£110)	Hartnell N B Construction, DJ Willems and Wybone	£1,235.50	14/00838/FUL
Litter Bins	Recode Litter bins to relevant planning obligations for 2020/21	Hartnell N B Construction, DJ Willems and Wybone	£1,384.00	14/00972/OUT
Play	Playground refurb adjacent to the community building	Stoke Orchard & Tredington Parish Council	£41,317.17	14/01053/FUL
Sports Hall	New flooring within the leisure centre	Willmott Dixon Construction Limited	£6,534.47	14/01053/FUL
Play	Refurbishment of MUGA	Maisemore Village Hall	£14,209.20	15/00131/OUT
Litter Bins	Recode Litter bins to relevant planning obligations for 2020/21	Hartnell N B Construction, DJ Willems and Wybone	£150.00	15/00131/OUT
Professional Fees	Deed of Variation for land at Newtown - (Toddington Village Hall)	Thrings Solicitors	£2,412.00	15/00394/OUT
Playing Pitches	Building works associated to Toddington Village Hall / Annex / Community and Sport related work	Toddington Village Hall	£37,788.56	15/00394/OUT
Litter Bins	Recode Litter bins to relevant planning obligations for 2020/21	Hartnell N B Construction, DJ Willems and Wybone	£545.05	15/00394/OUT

Community Facilities & Public Open Space	Storage unit extension to the community village hall	Stoke Orchard & Tredington Parish Council	£18,143.51	16/000345/FUL
Playing Pitches	Construction materials for mower storage shed was £951.21 then minus £644.94 (from POB167)	Alderton Parish Council	£306.27	16/00403/FUL
Community Facilities	Renovation / Maintenance work to the Old Chapel	The Old Chapel Community Project	£23,469.99	16/00965/OUT
Litter Bins	Recode Litter bins to relevant planning obligations for 2020/21	Hartnell N B Construction, DJ Willems and Wybone	£640.49	16/00965/OUT
Health Care	Devereux Centre Contribution	NHS Gloucestershire CCG	£9,391.30	17/00347/FUL
Litter Bins	Recode Litter bins to relevant planning obligations for 2020/21	Hartnell N B Construction, DJ Willems and Wybone	£1,120.29	17/00347/FUL
Community Facilities	Wheatpieces Community Building Extension 3rd stage payment	Wheatpieces Parish Council / Kilbury Construction	£243,382.40	17/00347/FUL
Reconciliation	Overspend on obligation posted to Income & Expenditure statement	Internal Transfer	-£928.17	
Reconciliation	Purchase of household litter and recycling bins	Ubico	£15,926.01	
Commutated Sums	Maintenance	Source Accounts on Ledger	£138,608.00	
			£962,406.60	

(ii) the amount of money (received under planning obligations) spent on repaying money borrowed, including any interest, with details of the items of infrastructure which that money was used to provide (wholly or in part)

£0

(iii) the amount of money (received under planning obligations) spent in respect of monitoring (including reporting under regulation 121A) in relation to the delivery of planning obligations

£0

(i) the total amount of money (received under any planning obligations) during any year which was retained at the end of the reported year, and where any of the retained money has been allocated for the purposes of longer term maintenance ("commuted sums"), also identify separately the total amount of commuted sums held

Rolled Forward TOTAL £10,388,879.46

Of which Commuted Sums TOTAL £737,573.65

4.

The matters which may be included in the section 106 report for each reported year are—

(a) summary details of any funding or provision of infrastructure which is to be provided through a highway agreement under section 278 of the Highways Act 1980 which was entered into during the reported year,

(b) summary details of any funding or provision of infrastructure under a highway agreement which was provided during the reported year.

As a two –tier authority area Gloucestershire County Council will be publishing an Infrastructure Funding Statement and will include details of planning obligations secured in it’s areas of competence as Local Highways and Passenger Transport Authority.

5.

For the purposes of paragraph 3—

(a) where the amount of money to be provided under any planning obligations is not known, an authority must provide an estimate;

(b) a non-monetary contribution includes any land or item of infrastructure provided pursuant to a planning obligation;

(c) where the amount of money spent in respect of monitoring in relation to delivery of planning obligations is not known, an authority must provide an estimate."

Joint Core Strategy (JCS) Authorities of Gloucester City Council, Tewkesbury Borough Council and Cheltenham Borough Council Community Infrastructure Levy (CIL) **Infrastructure List** – Updated December 2021

121A. — Annual infrastructure funding statements

(1) Subject to paragraph (2), no later than 31st December in each calendar year a contribution receiving authority must publish a document ("the annual infrastructure funding statement") which comprises the following—

(a) a statement of the infrastructure projects or types of infrastructure which the charging authority intends will be, or may be, wholly or partly funded by CIL (other than CIL to which regulation 59E or 59F applies) ("the infrastructure list");

This document is produced in accordance with the Community Infrastructure Levy (CIL) Regulations (2010) (as amended). It specifies the projects and/or types of infrastructure which the JCS Authorities intend will be, or **'may'** be, **'wholly or partly'** funded by CIL to support the delivery of the Tewkesbury, Gloucester and Tewkesbury Joint Core Strategy (JCS) 2011 to 2031 and the adopted and emerging District Level Plans which (together with the Minerals and Waste Local Plan and made Neighbourhood Development Plans) form the Local Plan(s) for the three Authorities.

The removal of the Regulation 123 'pooling restriction', by the 2019 Amendment Regulation, was intended to make it easier to deliver major infrastructure projectsⁱ. It allows local authorities to combine CIL and 106 revenues towards the same infrastructure project or item.

The inclusion of a project within the Infrastructure List does not represent a commitment that the Councils will necessarily spend CIL monies on that item and for clarity, there is no priority implied by the order in which infrastructure projects/types appear in the List.

The Infrastructure List was first approved for publication by the three JCS partner authorities in December 2020 with projects, identified as 'critical', selected from those in the JCS Infrastructure Delivery Plan (IDP) 2014 as updated in the 2017 Addendum and the most up to date information from the annual review.

As set out at CIL Regulation 122, planning obligations such as a section 106 agreements, will continue to be sought alongside the CIL to secure all infrastructure which is "necessary to make the development acceptable in planning terms, "is directly related to the development and is "fairly and reasonably related in scale and kind to the development".

The JCS Councils will continue to review this list and provide updates on at least an annual basis, alongside the preparation of their Infrastructure Funding Statement(s). Updates from this year's review have been added in **blue** text and where a scheme, through consultation with GCC Highways (October 2021), is no longer considered to require CIL funding their entry row is shaded in **grey**. Of the 25 'projects' identified in the Infrastructure List adopted in December 2020, 17 projects remain that 'may', 'wholly or partly' need CIL funding.

Scheme	Description	Purpose	Stage	Cost Est.	Secured	Sought S106/S278	Sought CIL	Funding & Progress Check
A40(T) Innsworth Gateway Project Roundabout	New signalised junction on A40 between Longford and Elmbridge Court roundabouts	To facilitate development in SA1 Innsworth & Twigworth	Under Construction	£3,000,000	£3,000,000	Yes	No	CIL not thought to be required: Fully funded by Developer
A4019/ B4634 Old Gloucester Rd	Revised A4019 traffic signals at site access junction (by Sainsburys) identified in the draft LTP3	To facilitate development in SA4 NW Cheltenham	Feasibility	£200,000 to £5,000,000 (LTP 2020 – 2041)	£0.00	TBC	TBC	CIL funding may be needed - Potential Shortfall of up to £5,000,000
New junction on A38	New priority junction on A38 giving priority to new highway link accessing to new junction on A40 (scheme 17)	To facilitate development in SA1 Innsworth & Twigworth	TBC	£3,000,000	£0.00	TBC	TBC	CIL funding may be needed - Potential Shortfall of up to £11,500,000 “A38 – A40 Link Road” included in LTP 2020–41, STP Table (a) as a ‘Long-term ambition’
A38-A40 highway link	New 50 mph highway link, joining upgraded junctions on A40 and A38 through development site	To facilitate development in SA1 Innsworth & Twigworth	TBC	£7,500,000	£0.00	TBC	TBC	“Highway Authority had no objections to no-through road from A40 to A38” at Public Inquiry (Hitchins) - Raises Question of Need & Deliverability New 50 mph highway link is an alternative scheme and would not be delivered as well
A38 Tewkesbury Road	A38 Tewkesbury Road to be downgraded between A40/A38 Longford signalised crossroads and new	Reducing forecast congestion - Demand reduction to ensure efficient	Feasibility	£1,000,000	£0.00	TBC	£1,000,000	CIL funding may be needed - Potential Shortfall of £1,000,000 estimated. The scheme on the A38 is still required as Highway widening in to increase

	A38/Twigworth junction to 20mph, and encourage as a sustainable travel corridor. Access from A38 north is restricted to one lane entry to crossroads, A40 west to A38 north - right hand turn banned with alternative route via A40 / A38 Link Road.	operation of the highway network and encourage more sustainable modes of travel						capacity between Longford and Over Roundabouts and to include cycle access improvements (projects CSV9 and CSV71) The promotion of sustainable modes of travel to encourage a modal shift away from the private car to reduce the demand for increased highway capacity and enable the efficient operation of the highway network will remain along with the consideration of the incorporation of such schemes and measures into all projects
A38 Tewkesbury Road	Upgrade A38 Tewkesbury Rd / Down Hatherley Lane junction, to include a dedicated right turn from A38 south.	Reducing forecast congestion - Capacity increase to ensure the efficient operation of the highway network	Feasibility	£1,000,000	£0.00	TBC	£1,000,000	CIL funding may be needed - Potential Shortfall of £1,000,000 estimated. Works likely to be required even in absence of A38-A40 highway link scheme. Existing traffic flows challenging for right hand turning
A417 Brockworth Bypass	Signalising the westbound and eastbound 'Off-slips'.	Reducing forecast congestion – Flow management to ensure the efficient operation of	Feasibility	£1,000,000	£0.00	TBC	£1,000,000	CIL funding may be needed - Potential Shortfall of £1,000,000 estimated. May form part of National Highways A417 Missing Link Project

		the highway network						
A38 / A4173 St. Barnabas roundabout	Remove roundabout and signalising junction (with removal of Reservoir Rd approach arm) Part-funded by Gfirst LEP	Reducing forecast congestion – Flow management to ensure the efficient operation of the highway network	Feasibility	£5,000,000 - £20,000,000 (LTP 2020-2041)	£1,000,000	TBC	£19,000,000	CIL funding may be needed - Potential Shortfall of up to £19,000,000 Solution will be different to that described with changes including alternative highway works, cycling and walking improvements (Scheme CSV 15 in LTP 2020-41)
A430/A417 Castlemeads	Upgrade signals to MOVA or SCOOT operation to optimise signal timings	Reducing forecast congestion – Flow management to ensure the efficient operation of the highway network	Feasibility	£200,000 to £5,000,000 in LTP 2020-2041	£0.00	TBC	£5,000,000	CIL funding may be needed - Potential Shortfall of up to £5,000,000 – an increase as LTP identifies a range of costs rather than the £1,000,000 originally included. May not be a capital funding scheme, may be delivered as a maintenance/refurbishment scheme
A38 Coombe Hill	Optimise signals	Reducing forecast congestion – Flow management to ensure the efficient operation of the highway network	Design Stage	£1,000,000	£1,000,000	TBC	No	CIL not thought to be required: Developer Contributions and Part of GCC CSV1 Junction 10 M5 Scheme. Also to include cycle infrastructure

New junction west of M5 J10	New 50 mph dual carriageway two-lane link road, providing free-flow access from A4019 / M5J10 to West of Cheltenham site only.	To facilitate development in SA7 West Cheltenham	Design Stage	£22,500,000 as part of £250,000,000	Part of Homes England Housing Infrastructure Funding of £253,000,000	TBC	No	Consultation on design stage underway
West of M5 J10	Major/Minor Priority Junction on new 50 mph dual carriageway two-lane link road, with Minor junction arm for West of Cheltenham residential site access only.	To facilitate development in SA7 West Cheltenham and Reducing forecast congestion - Capacity increase to ensure the efficient operation of the highway network	Design Stage	£3,000,000	Part of Homes England Housing Infrastructure Funding of £253,000,000	TBC	No	Consultation on design stage underway
West of M5 J10	Change to highway priorities west of M5J10, with a new Major/Minor Priority Junction, with A4019 (West) as Minor junction arm.	Reducing forecast congestion – Flow management to ensure the efficient operation of the highway network	Feasibility	£7,500,000	Part of Homes England Housing Infrastructure Funding of £253,000,000	TBC	No	Consultation on design stage underway
A4019 / A4013 Kingsditch	A4019 / A4013 Kingsditch (Centrum Park) Roundabout –	Reducing forecast congestion – Flow	Design Stage	Est. £5,000,000 (GCC Highways Consultation, October 2021)	£5,000,000	Yes – S278 works	No	CIL not thought to be required: Developer delivery through NW Cheltenham

	replacing existing roundabout with traffic signals,	management to ensure the efficient operation of the highway network						s278 works. Fully funded by Developer
West of B4634 Old Gloucester Road	New A4019 traffic signals site access junction, west of B4634 Old Gloucester Rd	Flow management to ensure the efficient operation of the highway network and facilitate development in JCS SA4 North West Cheltenham	Feasibility	£3,000,000	£0.00	Potentially s278 works	£3,000,000	CIL funding may be needed - Potential Shortfall of £3,000,000 estimated. New junction arm to the west, should ideally be delivered by Developer as provides main access to NW Cheltenham
A4019 / B4634 Gallagher Retail Park	Revised A4019 traffic signals site access junction at B4634 Old Gloucester Rd / Gallagher Retail Park	To facilitate development in JCS SA4 North West Cheltenham	Feasibility	£3,000,000	£3,000,000	Yes – S278 works	No	Funded as part of J10 works and NW Cheltenham s278. Duplicate of the Old Gloucester Road improvement.
A4019 Tewkesbury Road	Upgrade signals to SCOOT operation to optimise signal timings with bus priority along A4019 corridor junctions including: B4634 Old Gloucester Rd/A4019 Junction Hayden	Reducing forecast congestion - Demand reduction to ensure efficient operation of the highway network and encourage more	Feasibility	£7,500,000	£0.00	TBC	£7,500,000	CIL funding may be needed - Potential Shortfall of £7,500,000 estimated.

	Road/A4019/Manor Road Junction A4019 / Elm Street Junction B4633 Gloucester Rd / A4019 /Townsend Street	sustainable modes of travel						
Withybridge Lane	Close access onto A4019	Reducing forecast congestion – Flow management to ensure the efficient operation of the highway network	Design Stage	£1,000,000	£1,000,000	No	No	CIL not thought to be required: Part of GCC CSV1 Junction 10 M5 Scheme. Fully funded however it remains the possibility that this is not closed (converting to left in/left out due to presence of A4019 central reserve)
A435 / Hyde Lane / Southam Lane Signalised Junction	Signalised Junction -Upgraded to provide additional straight ahead lanes on all junction approaches	Reducing forecast congestion - Capacity increase to ensure the efficient operation of the highway network	Procurement	£1,600,000 (GCC Highways Consultation, October 2021)	£1,600,000	Yes	No	CIL not thought to be required: GCC Capital Programme including future proofing for cycle route (active travel bid in for segregated cycle route from Racecourse)
A435/ Stoke Road and A435 / Finlay Way Roundabouts	Capacity Improvements by approach arm widening	Reducing forecast congestion - Capacity increase to ensure the efficient operation of	Feasibility	£1,000,000	£1,000,000	Yes – s278	No	CIL not thought to be required: Funded and being delivered through s278 agreements

		the highway network						
A435/GE Aviation Roundabout	Capacity Improvements by increasing the number of circulatory lanes to 2, and the A435 south bound exit to two lanes	Reducing forecast congestion - Capacity increase to ensure the efficient operation of the highway network	Pre-design Stage	Est. £200,000 to £5,000,000 in LTP 2020-2041	£0.00	TBC	£5,000,000	CIL funding may be needed - Potential Shortfall of up to £5,000,000 – an increase as LTP identifies a range of costs rather than the £3,000,000 originally included. Unlikely to occur in form described as lower cost improvements sought. Cycle improvements proposed as part of £9m LCWIP scheme.
A435 / Racecourse Roundabout	Capacity Improvements by approach arm widening	Reducing forecast congestion - Capacity increase to ensure the efficient operation of the highway network	Feasibility	£1,000,000	£0.00	TBC	£1,000,000	CIL funding may be needed - Potential Shortfall of £1,000,000 estimated. Should also include reference to cycle improvements.
Leckhampton Lane	Upgrade A46 / Leckhampton Lane priority junction, to include a dedicated right turn from A46 south into Leckhampton Lane.	Reducing forecast congestion - Capacity increase to ensure the efficient operation of the highway network	Feasibility	£3,000,000	£0.00	TBC	£3,000,000	CIL funding may be needed - Potential Shortfall of £3,000,000 estimated. Likely to be higher cost and linked to Leckhampton development. Not enough highway land available for full scheme.

A46 / Moorend Park Road	A46 Shurdington Road northbound approach to Moorend Park Road – additional highway space for right turning traffic by providing a longer stacking lane.	Reducing forecast congestion - Capacity increase to ensure the efficient operation of the highway network	Feasibility	£3,000,000	£3,000,000	Yes - Secured as part of Farm Lane scheme.	No	CIL funding not thought to be required: committed scheme as part of Redrow scheme at Farm Lane. Potentially delivered via s278
London Road / Denmark Road Junction improvement	Project within the Countywide revenue highway project delivery priorities (2015- 2031) for Bus Priority measures.	To facilitate development in Gloucester City Plan including SA03: Former Prospect House, 67-69 London Road, SA04: Former Wessex House, Great Western Road and SA08: King's Quarter	Feasibility	Est. £200,000 to £5,000,000 in LTP 2020-2041	£0.00	TBC	£5,000,000	CIL funding may be needed - Potential Shortfall of up to £5,000,000 as LTP identifies a range of costs
				Estimate	Secured			Shortfall
Projects (IFS20)	25		Total	£350,100,000.00	£272,600,000.00			£77,500,000.00
Funding Still Sought (IFS21)	17		Funding Still Sought	£68,000,000.00	£1,000,000.00			£67,000,000.00

The Gloucestershire Economic Growth Capital Investment Pipeline (CIP) is shared across GFirst LEP, Gloucestershire County Council and the 6 District Councils in Gloucestershire, to maintain a viable pipeline of capital projects that have the potential to support significant economic growth, and are seeking public funding, where ever it may come from.

[GECIP Interactive Map](#)

Tewkesbury Borough Council's 'Annual CIL Rate Summary Statement'

December 2021

Introduction

The Community Infrastructure Levy (CIL) Regulations 2010 (as amended) require CIL Charging Authorities to:

"Each calendar year, no earlier than 2nd December and no later than 31st December ... publish a statement ("Annual CIL Rate Summary") in relation to the next calendar year".

Regulation 121C(1)

This 'Annual CIL Rate Summary' Statement sets out how 'indexation' will affect CIL charges within Tewkesbury Borough from 1st January 2022 to 31st December 2022.

Indexation

Indexation allows the rates we charge to be adjusted to take account of inflation.

Whilst the most common index is the Retail Prices Index (RPI), published by the Office for National Statistics, the CIL Regulations require us to use an index published by the Royal Institute of Chartered Surveyors (RICS).

The CIL Regulations require RICS to publish the CIL Index for 1st November each year, starting in 2019 and updated annually thereafter and for all Charging Authorities to apply this index.

Calculating CIL

CIL is calculated by multiplying the net increase in gross internal area (GIA)¹ by the relevant CIL rate (£/m²). The CIL rates must be index linked from the year that CIL was introduced to the year that a planning permission is granted.

Background

Prior to changes in the CIL Regulations in 2019 we were required to use the national 'All-In Tender Price Index', published by RICS' Build Cost Information Service (BCIS). Changes to the CIL Regulations that came into force on the 1st September 2019 now require us, from the Calendar year 2020, to use a new RICS 'CIL Index'.

Along with the other JCS Authorities Gloucester City Council began charging CIL on planning permissions granted after the 1st January 2019. As required at the time the Authorities applied the 'All-In Tender Price Index' published on the 1st November 2018 for the first calendar year of charging.

The index is now applied annually on the 1st January each year based on the RICS 'CIL Index' published on the 1st November in the previous year.

New Charges

From the 1st January 2022 to the 31st December 2022 rates have been adjusted in line with the RICS CIL Index published for the 1st November 2020 (25th October 2021).

The table below shows:

- The original charges in Year 1 (2019) when we began charging and the index was 322;
- the increased charges in Year 2 (2020) as the index rose by 3.73% to 334;
- the reduced charges in Year 3 (2021) as the index fell by 0.3% to 333; and
- the charges in Year 4 (2022) as the index fell by 0.3% to 332.

¹ The definition of gross internal area is not specified in the regulations; however, the generally accepted method of calculation is the RICS Code of Measuring Practice (6th edition, 2015)

Charging Schedule

Development Category	All-in TPI 01/11/18	Year 1 (2019)	CIL Index 01/11/19	Year 2 (2020)	CIL Index 01/11/20	Year 3 (2021)	CIL Index 01/11/21	Year 4 (2022)
Tewkesbury Borough Council								
10 dwellings and under including extensions and annexes greater than 100 m ²	322	£104 per m ²	334	£107.88 per m ²	333	£107.56 per m ²	332	£107.23 per m ²
Between 11 and 449 dwellings	322	£200 per m ²	334	£207.46 per m ²	333	£206.83 per m ²	332	£206.21 per m ²
450 dwellings and over	322	£35 per m ²	334	£36.31 per m ²	333	£36.20 per m ²	332	£36.09 per m ²
JCS Strategic Allocations A5 and B1	322	£35 per m ²	334	£36.31 per m ²	333	£36.20 per m ²	332	£36.09 per m ²

Publication

Regulation 121C(3) requires us to “publish each annual CIL rate summary” on our “website”. This statement will therefore be published on-line, alongside Tewkesbury Borough Council’s Infrastructure Funding Statement (IFS) no later than the 31st December 2021.

Contingency

If the RICS CIL Index is discontinued, we will revert to using the BCIS Index and, in the event that both are discontinued, we will use the Retail Price Index.

Further information and all CIL forms are available on the Planning Portal website at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

If you have any questions regarding CIL please contact us at:

Tewkesbury – cil@tewkesbury.gov.uk

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	17 November 2021
Subject:	Local Heritage List Selection Criteria for Tewkesbury Borough Supplementary Planning Document (SPD)
Report of:	Planning Policy Manager
Corporate Lead:	Head of Development Services
Lead Member:	Lead Member for Built Environment
Number of Appendices:	One

Executive Summary:

This report recommends approval of a draft supplementary planning document (SPD) for Local Heritage List Selection Criteria for Tewkesbury Borough. A Local Heritage List consists of a list of undesignated heritage assets, which have special local architectural, archaeological or historic interest and contribute to the character of a place. A Local Heritage List provides information on the location of these assets and what it is about them that is significant. The Local Heritage List Selection Criteria SPD provides the basis for deciding which nominated heritage assets identified are adopted onto the Local Heritage List. The purpose of this Local Heritage List Selection Criteria SPD is to identify and utilise a robust and standardised procedure for nominating assets onto a Local Heritage List. The publication of the SPD runs in tandem with the creation of a Local Heritage List for Tewkesbury Borough.

Recommendation:

- 1. To APPROVE the draft Supplementary Planning Document (SPD) for consultation: Local Heritage List Selection Criteria for Tewkesbury Borough.**
- 2. To delegate authority to the Head of Development Services, to make any necessary minor amendments to the draft document as considered appropriate prior to consultation.**

Reasons for Recommendation:

To consult on the draft SPD in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.

Resource Implications:

Resource implication on officer time to conduct the consultation, review responses and make amendments as appropriate.

Legal Implications:

The preparation of an SPD is not a statutory requirement, but a decision for each local planning authority based upon demands for further information to assist in the delivery of sustainable development and to provide further guidance on policies within the Development Plan. An SPD cannot in itself establish planning policy; it must be consistent with national and local planning policies. Before a local planning authority can adopt an SPD, it must carry out formal public consultation, followed by the provision of a Consultation Statement setting out who was consulted in the preparation of the SPD; a summary of the issues raised; and how those issues have been addressed. This must then be consulted on along with the amended SPD. The SPD can then be put forward for adoption. Once adopted the SPD would be a material consideration in the determination of planning applications.

The recommendations conform with the requirements of the NPPF and its supporting advice, and are modelled on guidance prepared by Historic England.

Risk Management Implications:

There is no statutory requirement to prepare SPDs. However, it is considered important that Tewkesbury Borough Council has appropriate planning guidance for Local Heritage List Selection Criteria. This coincides with the MHCLG funding to develop a Local Heritage List as supported by Historic England. The scheme has enabled the recruitment of an officer to set up and test the procedures for the development and maintenance of Local Heritage List Selection Criteria and produce a Local Heritage List. It is therefore important to maximise the additional resources available to develop a Local Heritage List and an SPD to support this.

Performance Management Follow-up:

Subject to the adoption of the SPD, the effectiveness of the SPD and the policies and guidance contained within will be monitored by the Heritage Engagement Officer and in turn the Conservation Specialist.

Environmental Implications:

The SPD contains further detail and advice in relation to the adopted JCS and emerging Tewkesbury Borough Plan policies on design and quality of the environment. The specific objective of the SPD is to provide a standardised and robust procedure for the local listing of unlisted heritage assets of local importance for Tewkesbury Borough.

1.0 INTRODUCTION/BACKGROUND

1.1 A Local Heritage List consists of a list of undesignated heritage assets, which have special local architectural, archaeological or historic interest and contribute to the character of a place. A Local Heritage List provides information on the location of these assets and what it is about them that is significant. In 2019, the Ministry of Housing Communities and Local Government (MHCLG) announced it would support the development of local heritage lists across the country. This national campaign has provided £1.5million to 22 counties to develop Local Heritage Lists. In Gloucestershire, Gloucester City Council and Tewkesbury Borough Council have been selected as part of this campaign to involve local communities in listing non-designated buildings, green spaces, and other non-designated heritage assets as part of the planning process.

1.2 The Local Heritage List Selection Criteria SPD provides the basis for deciding which nominated heritage assets identified are adopted onto the Local Heritage List. The

purpose of this Local Heritage List Selection Criteria SPD is to identify and utilise a robust and standardised procedure for nominating assets onto a Local Heritage List. The SPD therefore includes guidance on identifying the historic, archaeological, or architectural value of a non-designated heritage asset. It also outlines nomination categories and the general principles of selection such as:

- Aesthetic merits.
- Age and rarity.
- Designed Landscape Merit.

1.3 Once adopted, the SPD will ensure the consideration of important non-designated heritage assets as material considerations in planning processes. The NPPF provides:

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.”

1.4 The creation of a Local Heritage List Section Criteria SPD is considered best practice by Historic England and the Department for Levelling Up, Housing and Communities for local planning authorities. Tewkesbury Borough Council’s Draft Heritage Strategy identifies the production of a Local Heritage List within its Action Plan. Policy HER5 of the emerging Tewkesbury Borough Plan which concerns Locally Important Heritage Assets also stipulates the importance of a Local Heritage List. The selection criteria SPD highlights the relevant statutory and local policies pertaining to the creation of a Local Heritage List.

1.5 The publication of the SPD runs in tandem with the creation of a Local Heritage List for Tewkesbury Borough. Thus, the Local Heritage List Selection Criteria SPD enables Tewkesbury Borough Council to test the nomination process and provides evidence for the robustness of the selection process.

2.0 NEXT STEPS

2.1 Further to Member approval, the draft SPD will be published for a 6-7-week consultation period over winter 2021/2022. Following the consultation, responses will be collated, and any appropriate amendments made to the SPD. As required by Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012, a Consultation Statement will be produced setting out who was consulted, the main issues raised and how those issues have been responded to. This will then be consulted on, along with the final SPD. The SPD will then be put forward to the Council for adoption.

3.0 RELEVANT COUNCIL POLICIES/STRATEGIES

3.1 Joint Core Strategy Policy SD8 - Historic Environment.

Draft Tewkesbury Borough Plan (2011-2031) Policy HER5 - Locally Important Heritage Assets.

Tewkesbury Borough Council Draft Heritage Strategy August 2021.

4.0 RELEVANT GOVERNMENT POLICIES

4.1 National Planning Policy Framework.

5.0 RESOURCE IMPLICATIONS (Human/Property)

5.1 Resource implication on officer time to conduct the consultation, review responses and make amendments as appropriate.

6.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

6.1 The preparation of the Local Heritage List Selection Criteria for Tewkesbury Borough SPD provides a rare opportunity to develop a standardised method of assessing non-designated heritage assets of local importance. In turn, the selection criteria will provide Officers, historic societies, and members of the public the means to register non-designated heritage assets of local importance. This will increase awareness of locally important heritage assets in the built environment with regards to planning and development. It is also an opportunity for local people and institutions to celebrate what makes Tewkesbury Borough special and locally distinctive.

6.2 A SEA is unlikely to be required where a supplementary planning document deals only with a small area at a local level (see [regulation 5\(6\) of the Environmental Assessment of Plans and Programmes Regulations 2004](#)), unless it is considered that there are likely to be significant environmental effects.

6.3 Tewkesbury Borough Council has undertaken an SEA screening process and concluded that the Local Heritage List Selection Criteria SPD does not require a Strategic Environmental Assessment or an 'Appropriate Assessment' under the Habitat Regulations.

6.4 However, it will be necessary to obtain advice from consultation bodies (Historic England, Natural England, and the Environment Agency) and local bodies (Lead Local Flood Authority, County Highways, County Ecologist, County Archaeology) before a definitive conclusion can be made. This guidance will be addressed during the consultation on the SPD.

7.0 IMPACT UPON (Value for Money/Equalities/E-Government/Human Rights/Health and Safety)

7.1 None.

8.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

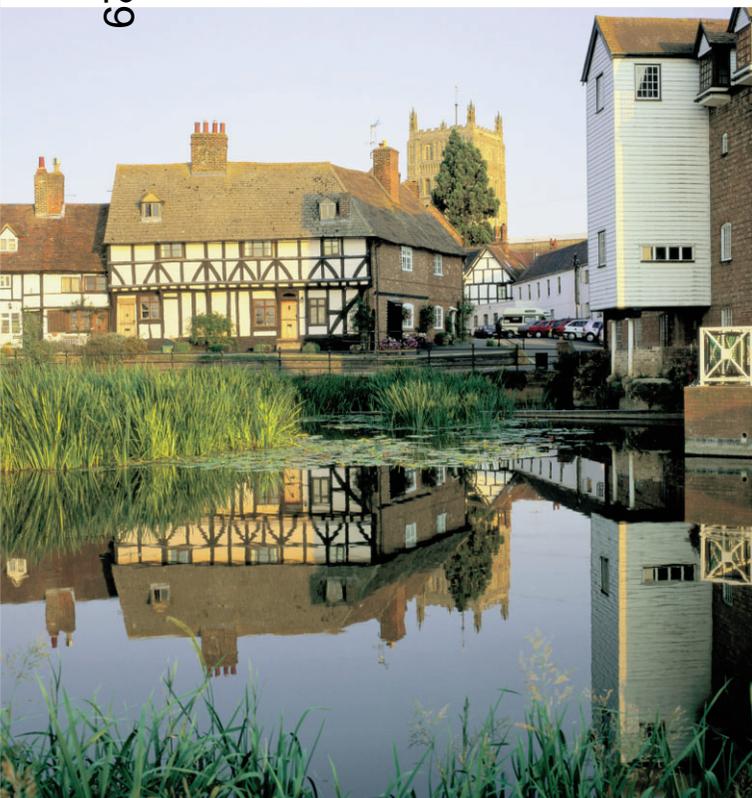
8.1 None.

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Appendices: 1 – Local Heritage List Selection Criteria SPD.



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Local Heritage List

Selection Criteria for Tewkesbury Borough

Supplementary Planning Document

October 2021



Local Heritage List Selection Criteria

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Heritage Asset: A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing). (NPPF, MHCLG, 2021)

Local Heritage List Selection Criteria

Introduction

Tewkesbury Borough has a unique and rich heritage formed by historic buildings, street patterns, archaeological remains, landscape and other physical remnants of its past. It spans parts of the Cotswolds and the Severn Vale including the historic abbey towns of Tewkesbury and Winchcombe. Its strength is the diversity of built heritage and landscapes, and its history involves everything from the Neolithic burial site, Belas Knap, on Cleeve Hill to the battle of Tewkesbury 1471. Its cultural heritage defines much of what is locally distinctive about Tewkesbury Borough and provides a sense of place for local people, while also attracting visitors far and wide. This has wide reaching implications on the image of the borough, its economy, tourism, health and wellbeing.

Tewkesbury borough has a rich legacy of designated heritage assets including Listed Buildings, Conservation Areas, Scheduled Monuments, Registered Parks and Gardens and a Registered Battlefield. However, not all heritage assets are recognised or protected. Many such heritage assets will be of local interest but may not fulfil the principles of selection to become designated heritage assets of national importance. As such Tewkesbury Borough Council is establishing a Local Heritage List. This document sets out the criteria by which the Council will assess whether heritage assets of local interest should be included on the Local Heritage List. Recognition on the list will mean

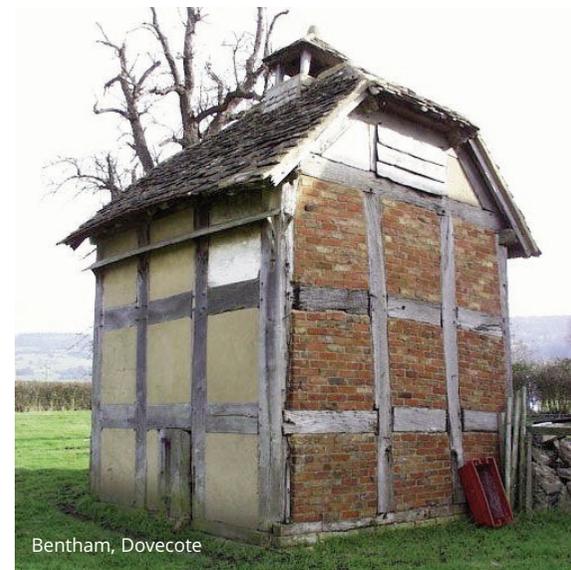
that as a non- designated heritage asset, the asset's conservation will be a material consideration of planning proposals that affect them.

Why are Tewkesbury Borough Council creating a Local Heritage List?

The Local Heritage List provides an opportunity for a community and a local authority to jointly identify heritage assets that are valued as a distinctive element of the local historic environment, contributing to its character and appearance and local interest but are not otherwise recognised or protected.

It provides clarity on the location and significance of the assets so that the desirability of their conservation and enhancement can be taken into account.

The Local Heritage List also aims to provide the basis for a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats.





Local Heritage List Selection Criteria

What is a Local Heritage List?

The Local Heritage List identifies those undesignated heritage assets, which have special local architectural or historic interest and contribute to the character of Tewkesbury Borough. A Local Heritage List provides information on the location of these assets and what it is about them that is significant.

The National Planning Policy Framework (NPPF) states that local planning authorities should give consideration to undesignated heritage assets:

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”. (Para 203, NPPF, MHCLG, 2021)

It also goes on to identify that this provides an opportunity to discover unidentified heritage assets in the process, which may form part of the historic environment record.

The significance of a heritage asset can be wider than the traditional focus on historic, architectural interest, character and appearance.

Assets may also gain their significance from economic, social and environmental factors, which may include culture, social history, patterns of settlement and local figures.

Local heritage assets are not included in the national list of buildings of special architectural or historic interest and therefore are not protected by statutory designations. Buildings, structures and archaeological sites or parks and gardens included in the Local Heritage List will be given special consideration in the planning process, when decisions are made on development proposals, which affect them.

Development Plan Policies

The adopted Joint Core Strategy 2017 has been produced in partnership between Tewkesbury Borough Council, Cheltenham Borough Council and Gloucester City Council and sets out the strategic policies for all three areas. Policy SD8 in the Joint Core Strategy concerns the historic environment: The Local Plan for Tewkesbury Borough Council sits beneath the Joint Core Strategy and provides smaller site allocations and development management policies. The emerging Tewkesbury Borough Plan is currently in examination, and adoption is expected in Spring 2022. Local Plan Policy HER5 concerns Locally Important Heritage Assets.

Policy SD8 - Historic Environment

1 The built, natural and cultural heritage of Tewkesbury Borough, Cheltenham Town, Gloucester City, smaller historic settlements and the wider countryside will continue to be valued and promoted for their important

contribution to local identity, quality of life and the economy.

- 2 Development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment.
- 3 Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place. Consideration will also be given to the contribution made by heritage assets to supporting sustainable communities and the local economy. Development should aim to sustain and enhance the significance of heritage assets and put them to viable uses consistent with their conservation whilst improving accessibility where appropriate.
- 4 Proposals that will secure the future conservation and maintenance of heritage assets and their settings that are at risk through neglect, decay or other threats will be encouraged. Proposals that will bring vacant or derelict heritage assets back into appropriate use will also be encouraged.
- 5 Development proposals at Strategic Allocations must have regard to the findings and recommendations of the JCS Historic Environment Assessment (or any subsequent



Local Heritage List Selection Criteria

revision) demonstrating that the potential impacts on heritage assets and appropriate mitigation measures have been assessed.

Draft Local Plan Policy HER5: Locally Important Heritage Assets

Locally Important Heritage Assets will be conserved having regard to the significance of the asset and its contribution to the historic character of the area. Proposals affecting a Locally Important Heritage Asset and/or its setting will be expected to sustain or enhance the character, appearance and significance of the asset. Proposals that seek the preservation and/or enhancement of these assets will be encouraged.

Historically important groups of farm buildings will be protected from proposals for destructive development or demolition.

Creating a Local Heritage List

The Local Heritage List is a means for a community and a local authority to jointly identify heritage assets that are valued as distinctive elements of the local historic environment.

The appointed Heritage Engagement Officer will initially work with Tewkesbury Borough Council's Conservation Specialist, community groups and societies as well as residents in the Tewkesbury Borough area to invite nominations for the Local Heritage List.

The decision on whether to include an asset in the Local List will be assessed by Tewkesbury Borough Council, based on the selection criteria set out in this SPD and the recommendations of a panel. This panel will comprise of attendees such as, the Lead Council Member for the Built Environment, local heritage bodies, Tewkesbury's Conservation Specialist, and other professional advisors.

Following initial adoption of entries on the Local Heritage List, further submissions to the list can still be made for review at a later date. Additions to the list will be reviewed on an annual basis. This may include the assets nominated by local communities or ad hoc findings by the Conservation Specialist during these periods.

Selection Criteria and Principles

'Local Heritage Listing: Historic England Advice Note 7' (Second Edition) 2021 by Historic England sets out what to consider when developing local selection criteria.

The following proposed selection criteria are based upon the criteria identified in Historic England's guide and are organised under the general headings of **historic interest**, **architectural interest** and **archaeological interest**.

Architectural Interest

Heritage assets which are locally important for the interest of their architectural design, decoration, materials or craftsmanship. These include locally important examples of particular asset types, which demonstrate good design qualities including form, proportions, attention to detail, innovation and articulation. The building or structure should be a well-executed example of a particular architectural style and contribute to Tewkesbury Borough's local character.



Cottage, Ashleworth

Local Heritage List Selection Criteria

Historical Interest

Heritage assets which illustrate important aspects of Tewkesbury Borough's social, economic, cultural, industrial, religious, or military history. These include buildings and other structures, which have a close historical association with locally important people, families or events. These assets may be representative of a particular phase of Tewkesbury Borough's history; including those with communal, spiritual, cultural or artistic importance.



Wheelwright's furnace, Bishops Cleeve

Archaeological Interest

Heritage assets of archaeological interest can take the form of structural remains, earthwork monuments, archaeological features or deposits. These may be remains that help explain Tewkesbury Borough's past or contribute to a sense of place. These may date from very early prehistory through to relatively recent sites, for example structures associated with World War Two.



Roman Villa, Great Witcombe

For inclusion on the Local List, heritage assets must be of architectural, historical or archaeological interest. It is possible that heritage assets may meet more than one of these criteria.

General Principles of Selection:

- Aesthetic merits
- Age and rarity
- Designed landscape merit

- Evidential value
- Group value
- Intactness (state of originality)
- Landmark qualities
- Social and communal value

The following guidance defines the selection criteria and principles used to review the Tewkesbury Borough (Council) Local Heritage List, using local examples to illustrate each criterion.

General Principles of Selection

Aesthetic Merits

The appearance of an asset is an important consideration in the selection process. This includes assets which reflect local traditions of design, craftsmanship and materials. The asset may be highly decorative, or of plain form and detailing, but should have aesthetic appeal. Selection may consider the wider contribution of the building, structure or group to the local townscape, as well as parks and gardens.



Stanway Cricket Pavilion

Local Heritage List Selection Criteria

Age and Rarity

The older an asset is and the fewer surviving examples of its type, the more likely it is to have local interest. Most buildings or assets in original or largely unaltered condition which date from before 1840 are included on the national list. The newer the heritage asset is, the greater the need to justify its inclusion, although there is no age-related cut-off date. The rarer the heritage asset, the more valuable it is.



Shakespeare-Hart Gravestone (1831), Tewkesbury

Design and Landscape Merit

This refers to gardens, parks or landscaped grounds, which have been designed and create a special environment for the enjoyment of outdoor spaces. They often contain key buildings or structures, which form focal points within the landscape.



View from Cleeve Hill

Evidential Merit

Historic buildings, landscapes and archaeological sites all have the potential for further investigation and research. The evidence they contain has the potential to advance our understanding of the past at a local, regional or national level.



Military defences, Wignoor Farm, Stoke Orchard

Group Value

Certain buildings or structures are part of a larger group of similarly designed buildings or structures, which together create a distinctive local environment. Examples include houses in a terrace, different buildings in an estate designed by the same architect which share common design features, a range of buildings in a similar architectural style, and buildings which use the same palette of locally distinctive materials



Terraced Housing, Tewkesbury

Local Heritage List Selection Criteria

Intactness

(State of Originality) A building's architectural and historic interest may have been devalued via cumulative intervention and inappropriate repairs. The more intact and 'complete' a building is the greater likelihood it is to be considered for local listing.



Alms Houses, Oldbury Road, Tewkesbury

Landmark Qualities

Assets which, due to their scale or location, stand out positively in their surroundings or contribute to the visual amenity locally. They create visual interest and contribute to the local townscape due to their scale and location. Their position might be on a corner plot where they act as a focal point in the street scene or on a site where they can be seen in longer views.



Alderton War Memorial

Social and Communal Value

Buildings, sites or spaces, which have associations with local social or economic activities, events, traditions, practices or wider history. They are often perceived as a source of local identity, distinctiveness, social interaction or coherence. Such properties may be based on intangible aspects of heritage such as the 'collective memory' of a place.



Metal Bridge, Tewkesbury

Local Heritage List Selection Criteria

Nomination Categories

The following nomination categories include a wide range of heritage assets, which might be considered for local listing:

- Agricultural buildings, including farmhouses and barns.
- Archaeological sites and monuments.
- Civic and other public buildings, including libraries, police stations and banks.
- Commercial and industrial buildings, including offices, shopping parades, shopfronts, pubs, hotels and industrial premises, including workshops.
- Community centres and meeting rooms, including church halls.
- Cultural and entertainment, including cinemas and theatres.
- Domestic/residential, including detached, semi-detached and terraced houses and flatted development. Includes both private and public housing.
- Educational buildings, including schools and colleges.
- Graveyard, cemetery and funerary structures, including monuments, statues, tombstones and mausolea.
- Health and welfare buildings, including clinics and hospitals.
- Industrial features and structures
- Leisure/sports/recreational buildings, including swimming pools, sports pavilions, and clubhouses.
- Military structures, including war memorials and wartime defences

- Municipal Park buildings and structures, including seating and shelters.
- National utilities and communications structures, including those associated with gas, electricity and water.
- Places of worship, including churches and chapels, synagogues, temples and mosques.
- Public art, including sculpture.
- Public parks, gardens and other open spaces.
- Street furniture, including distance markers, drinking fountains, horse and cattle troughs, pillar boxes, phone boxes, walls, railings, gates and paving
- Transport-related structures including bus, rail station



The Need for Evidence

It is important to ensure that the inclusion of an asset in the Local Heritage List is based on robust evidence demonstrating its significance. The information gathered on each asset will provide key baseline data on the location and significance.

Photographs taken during the survey will provide a record of each item for future reference and support the illustration of the document.

All surveys undertaken should be fully completed as the information gathered and recorded will be used to support the case for inclusion in the local list.

Local Heritage Listing: Historic England Advice Note 7 (Second Edition, 2021) [Local Heritage Listing: Identifying and Conserving Local Heritage \(historicengland.org.uk\)](https://www.historicengland.org.uk)

Contact

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TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	17 November 2021
Subject:	Pensions Discretions Policy
Report of:	HR and OD Manager and Finance Manager
Corporate Lead:	Head of Corporate Services
Number of Appendices:	One

Executive Summary:

The Council has a Pensions Discretions Policy which we have published on our website, available to our employees. We keep this policy under review however, this is an opportunity to streamline and simplify our policy statement.

It also seems an appropriate time to review the limits set out in the Constitution at which individual pension requests need to be considered by Members and to clarify the arrangements for review.

Recommendation:

- 1) To **APPROVE** the revised policy.
- 2) To **delegate authority to the Borough Solicitor to make amendments to the Scheme of Delegation to increase the financial limit from £10,000 to £20,000 (or where the expenditure cannot be found within existing budgets) before it would be referred to Executive Committee. Requests below this level of expenditure to be delegated to roles clarified as Head of Paid Service and S151 Officer in consultation with the Lead Member for Finance and Asset Management.**
- 3) To **AGREE** that the policy is reviewed annually but only brought back to Executive Committee for review every three years or when a change is required (whichever is sooner).

Reasons for Recommendation:

To ensure that our Pensions Discretions Policy is clear, fair and to make best use of Member and Officer time when dealing with individual requests.

Resource Implications:

There are no direct implications from this report as every decision will be evaluated by a business case on a case by case basis.

Legal Implications:

The authority is responsible under the Regulations to ensure that it has a fair and robust procedure in place to deal with its responsibilities when employees apply to access pension benefits.

Risk Management Implications:

In applying discretions there is a risk of inconsistency – the clarity of this policy reduces that

risk.

There is a risk to finances which is managed within the policy by clear parameters indicating the financial limit at which decisions should be referred to Executive Committee and to Council.

Performance Management Follow-up:

1. Amendment to the values outlined in the Scheme of Delegation in the Constitution.
2. Revised Pensions Discretions Policy published by HR & OD Manager on the intranet and sent to unions for information and the Pensions Team at Gloucestershire County Council.

Environmental Implications:

There are none in this report.

1.0 INTRODUCTION/BACKGROUND

- 1.1 Almost all officers of the Council are eligible to be a member of the Local Government Pension Scheme (LGPS). The Council is required to have a Pensions Discretions Policy which is published so that staff can easily access it and review it regularly.
- 1.2 Employer decisions on the application of discretions can give rise to strain costs being payable by the employer to the fund. Strain costs are the capitalised financial value of the impact on the fund when a member draws their pension benefits before their Normal or State Pension Age.
- 1.3 Generally, where a strain cost arises due to an employer decision, such as waiving actuarial reductions or sharing the cost of buying additional pension, the strain costs will be met by the employer and not the Pension Fund.
- 1.4 The HR & OD and Finance Manager have reviewed the Pensions Discretions Policy and although the core of the policy remains unchanged, some revisions have been suggested.

2.0 KEY CHANGES

- 2.1 The streamlining of Section 6 which previously detailed internal processes not needed in this policy document.
- 2.2 The boundary for what needs to be referred to Members for approval is already in the Constitution, so the monetary value has been removed from this policy, instead referring back to the Constitution to ensure this document is always in line with the Constitution requirements. It does however add explicitly that any total severage package over £100,000 must be approved by Council, as required by government guidance.
- 2.3 The policy clarifies that for requests which fall above the limits set in the Constitution and/or where the expenditure cannot be found from within existing budgets, requests will need to be approved by the Executive Committee, whilst those which fall under the limit can be approved by the Head of Paid Service and S151 Officer in consultation with the Lead Member for Finance and Asset Management.

2.4 A review timeframe has been added for clarity, whereby the policy will be reviewed every three years, with changes to come to Executive Committee for approval.

3.0 FURTHER RECOMMENDATION

3.1 The Constitution currently sets the level at which individual pension requests need to come to Members for consideration at £10,000. This figure has not been changed for a number of years, and should be reviewed to keep in line with the change in salaries and inflation. It is recommended that a figure of £20,000 (or any figure where the expenditure cannot be found from existing budgets) is now a more appropriate limit to be set within the Constitution.

4.0 DECISION REQUESTED

4.1 The Executive Committee is asked to approve the revised draft Pensions Discretions Policy attached to the report at Appendix 1.

4.2 The Executive Committee is asked to approve an amendment to the Scheme of Delegation in the Constitution to raise the limit at which individual pension requests need to come to Executive Committee for approval to £20,000, including clarifying the officer roles authorised to approve expenditure below £20,000 and within existing budgets. The Borough Solicitor will have authority to make these amendments.

4.3 The Executive Committee is asked to approve the proposed triennial review schedule for this policy.

5.0 RELEVANT COUNCIL POLICIES/STRATEGIES

5.1 Pay Policy Statement.
Tewkesbury Borough Council Constitution.

6.0 RELEVANT GOVERNMENT POLICIES

6.1 None.

7.0 RESOURCE IMPLICATIONS (Human/Property)

7.1 None.

8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

8.1 None.

9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

9.1 All decisions with a financial impact under the discretions allowed under this policy will be subject to a business case demonstrating that it is in the interests of the council to approve. Financial impact beyond the limits set in the Constitution will be referred for an Executive Committee decision.

10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

10.1 None.

Background Papers: Current [Pensions Discretions Policy](#)

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Appendices: 1. Draft Pensions Discretions Policy.



Appendix 1

Local Government Pension Scheme 2014

Statement of Policy on discretions for:

****Employer Name: Tewkesbury Borough Council**

****Applicable/Operative Date: 1st October 2021**

****Completed/Authorised By: Mike Dawson**

****Position: Chief Executive**

****Date Completed: November 2021**

Signed:.....

**** PLEASE ENTER ABOVE DETAILS, which will be replicated onto each page of the document when it is printed, and complete the declaration below. Once completed and printed, please ensure the Policy is signed by a person suitably authorised to do so ****

The Local Government Pension Scheme Regulations require an Employer to prepare and keep under review, a written statement of its policy in relation to the exercise of its discretion under a number of provisions of the Regulations.

Similarly, there are a number of discretions under the Regulations which although not specifically requiring a written policy, would benefit from employers doing so, thereby demonstrating and ensuring a fair and consistent approach amongst its scheme members.

Statement of Policy about exercise of discretionary functions in relation to the Local Government Pension Scheme

Employer Name: Tewkesbury Borough Council

Applicable/Operative Date: 1st October 2021

Completed/Authorised By: Mike Dawson

Position: Chief Executive

General Information

In formulating its policies, a scheme employer should have regard to the extent to which the exercise of the discretions could lead to a serious loss of confidence in the public service;

A Scheme employer **must** send a copy of its policy statement to the administering authority (Gloucestershire County Council) and **must** ensure that a copy is published and easily accessible to all of its eligible Scheme employees.

A Scheme employer **must** keep its statement of policy under review and make such revisions as are appropriate following a change of its policy. Where a revision to the statement is made, a Scheme employer **must** send a copy of its revised statement to the administering authority before the expiry of one month beginning with the date that any such revision is made and **must** ensure that a copy is published and easily accessible to all of its eligible Scheme employees.

Tewkesbury Borough Council will review its policy every three years (or when a change is required), and bring the policy back to Executive Committee for approval if a change is required.

Notes regarding this document

Together with the description of each required policy, the relevant Regulation is provided, as per the key below.

- The Local Government Pension Scheme Regulations 2013 **(R)**
- The Local Government Pension Scheme (Transitional Provisions and Savings) Regulations 2014 **(TP)**
- The Local Government Pension Scheme Regulations (Benefits, Membership and Contributions) Regulations 2007 (as amended) **(B)**
- The Local Government Pension Scheme Regulations 1997 (as amended) **(L97)**
- The Local Government Pension Scheme Regulations 1995 (as amended) **(L95)**

Statement of Policy about exercise of discretionary functions in relation to the Local Government Pension Scheme

Employer Name: Tewkesbury Borough Council

Applicable/Operative Date: 1st October 2021

Completed/Authorised By: Mike Dawson

Position: Chief Executive

LGPS Discretions Policy (Feb 2021)GCC May 2014

Date Completed: November 2021

PART A – Formulation of COMPULSORY policies in accordance with the 2014 Local Government Pension Scheme Regulations

1. Award of Additional Pension (Regulation 31 (R))

Whether to award (*at full cost to the employer*)

(a) an active member, or

(b) a member who was an active member but dismissed by reason of redundancy, or business efficiency, or whose employment was terminated by mutual consent on grounds of business efficiency,

additional annual pension of, in total (*including any additional pension purchased by the Scheme employer under Regulation 16*) not more than the additional pension limit of £6,500 (*value of limit @ 1st April 2014*).

In the case of a member falling within sub-paragraph (b) above, the resolution to award additional pension must be made within 6 months of the date that the member's employment ended.

The council will not apply this discretion

2. Additional Pension Contributions (Regulation 16 (R))

Whether to fund in whole or in part, any arrangement entered into by an active scheme member to pay additional pension contributions by way of regular contributions in accordance with Regulation 16(2)(e), or by way of a lump sum in accordance with Regulation 16(4)(d).

The council will not apply this discretion

Statement of Policy about exercise of discretionary functions in relation to the Local Government Pension Scheme

Employer Name: Tewkesbury Borough Council

Applicable/Operative Date: 1st October 2021

Completed/Authorised By: Mike Dawson

Position: Chief Executive

3. Flexible Retirement (Regulations 30(6) & 30(8) **(R) and 11(2) **(TP)**)**

Whether to permit an active member who has attained the age of 55, to reduce their working hours, or grade and subsequently:

- (i) ****whether to consent to flexible retirement and the immediate payment of all or part of the retirement pension to which the member would be entitled in respect of that employment and**
- (ii) **whether to waive, in whole or part and at the employers own cost, any actuarial reduction which would otherwise be applied to the benefits taken on flexible retirement before Normal Pension Age (NPA)**

*** there may be direct costs to the employer where consent is given to the early payment of benefits before the members NPA*

A reduction in hours must be at least 20% and/or a reduction in grade of at least one grade below. Full details can be found in the Flexible Retirement Policy.

Tewkesbury Borough Council will consider each request on its merits and a request will only be agreed if it is in the Council's economic and/or operational interests to do so, as detailed in a business case. Dependent on the cost of the request and whether the expenditure can be found from within existing budgets, it will either need to be approved by the Head of Paid Service and S151 Officer in consultation with the Finance Lead Member OR, for higher cost requests and/or where the expenditure cannot be found from within existing budgets, may need to be approved by the Executive Committee (and must be approved by full Council if the total severance package totals more than £100k). The current approval limits are set out in the Council's constitution.

Statement of Policy about exercise of discretionary functions in relation to the Local Government Pension Scheme

Employer Name: Tewkesbury Borough Council

Applicable/Operative Date: 1st October 2021

Completed/Authorised By: Mike Dawson

Position: Chief Executive

4. Switching on the “Rule of 85” rule (Schedule 2 – paragraph 2(2) (TP))

** Whether, as the “Rule of 85” does not (other than on flexible retirement) automatically apply to members who would otherwise be subject to it and who choose to voluntarily draw their benefits between age 55 and 60, to switch the “Rule of 85” back on for such members.

*** there will be direct costs to the employer where the “Rule of 85” is switched back on for such members.*

Tewkesbury Borough Council will consider each request to ‘switch on’ the 85 rule on its merits and a request will only be agreed if it is in the Council’s economic and/or operational interests to do so, as detailed in a business case. Dependent on the cost of the request and whether the expenditure can be found from within existing budgets, it will either need to be approved by the Head of Paid Service and S151 Officer in consultation with the Finance Lead Member OR, for higher cost requests and/or where the expenditure cannot be found from within existing budgets, may need to be approved by the Executive Committee (and must be approved by full Council if the total severance package totals more than £100k). The current approval limits are set out in the Council’s constitution.

Statement of Policy about exercise of discretionary functions in relation to the Local Government Pension Scheme

Employer Name: Tewkesbury Borough Council

Applicable/Operative Date: 1st October 2021

Completed/Authorised By: Mike Dawson

Position: Chief Executive

5. Waiving actuarial reduction for members retiring on or after age 55 and before Normal Pension Age (other than on Flexible Retirement) (Regulation 30(8) (P) and Schedule 2 – paragraph 2(3) (TP)

** For active members voluntarily retiring on or after age 55 and before Normal Pension Age, who elect under regulation 30(5) of the LGPS Regulations 2013 to immediately draw benefits, and for deferred members and suspended tier 3 ill health pensioners who elect under regulation 30(5) of the LGPS Regulations 2013 to draw benefits (other than on ill health grounds) on or after age 55 and before Normal Pension Age, and who were:

not members of the LGPS before 1 October 2006 [Group 4 members], whether to:

- waive on compassionate grounds, any actuarial reduction that would otherwise be applied to benefits, if any, accrued before 1 April 2014, and/or
- waive, in whole or in part (on any grounds), any actuarial reduction that would otherwise be applied to benefits accrued after 31 March 2014

members of the LGPS before 1 October 2006 and will be 60 or more on 31 March 2016 [Group 1 members], whether to:

- waive on compassionate grounds, any actuarial reduction that would otherwise be applied to benefits accrued before 1 April 2016, and / or
- waive, in whole or in part (on any grounds), any actuarial reduction that would otherwise be applied to benefits accrued after 31 March 2016

members of the LGPS before 1 October 2006 and will not be 60 or more on 31 March 2016 and will not attain age 60 between 1 April 2016 and 31 March 2020 [Group 3 members], whether to:

- waive on compassionate grounds, any actuarial reduction that would otherwise be applied to benefits accrued before 1 April 2014, and / or
- waive, in whole or in part (on any grounds), any actuarial reduction that would otherwise be applied to benefits accrued after 31 March 2014

members of the LGPS before 1 October 2006 and will not be 60 or more on 31 March 2016 but will attain age 60 between 1 April 2016 and 31 March 2020 [Group 2 members], whether to

- waive on compassionate grounds, any actuarial reduction that would otherwise be applied to benefits accrued before 1 April 2020, and / or
- waive, in whole or in part (on any grounds), any actuarial reduction that would otherwise be applied to benefits accrued after 31 March 2020

** *there will be direct costs to the employer where actuarial reductions are waived*

Statement of Policy about exercise of discretionary functions in relation to the Local Government Pension Scheme

Employer Name: Tewkesbury Borough Council

Applicable/Operative Date: 1st October 2021

Completed/Authorised By: Mike Dawson

Position: Chief Executive

Tewkesbury Borough Council will consider each request to waive actuarial reduction for those retiring between 55 and Normal Pension Age on its merits and a request will only be agreed if it is in the Council's economic and/or operational interests to do so, as detailed in a business case. Requests will not normally succeed due to the associated cost.

Dependent on the cost of the request and whether the expenditure can be found from within existing budgets, it will either need to be approved by the Head of Paid Service and S151 Officer in consultation with the Finance Lead Member OR, for higher cost requests and/or where the expenditure cannot be found from within existing budgets, may need to be approved by the Executive Committee (and must be approved by full Council if the total severance package totals more than £100k). The current approval limits are set out in the Council's constitution.

Statement of Policy about exercise of discretionary functions in relation to the Local Government Pension Scheme

Employer Name: Tewkesbury Borough Council

Applicable/Operative Date: 1st October 2021

Completed/Authorised By: Mike Dawson

Position: Chief Executive

PART B – Formulation of RECOMMENDED policy in accordance with the Local Government Pension Scheme Regulations 2013

6. Contribution Banding (Regulations 9(1) & 9(3) (R))

** How the pension contribution band to which an employee is to be allocated on joining the Scheme, and at each subsequent April, will be determined and the circumstances in which the employer will, in addition to the review each April, review the pension contribution band to which an employee has been allocated following a material change which affects the member's pensionable pay in the course of a Scheme year (1 April to 31 March).

** *Where a scheme member is "rebanding", the Scheme employer must inform the member of the revised contribution rate and the date from which it is to be applied.*

Employees who are active scheme members of the LGPS will be assigned each April to the relevant contribution band based on the pensionable pay that they earned in the previous 12 months and any increment awarded on 1 April.

Those employees who join the LGPS during the scheme year will be assigned to the relevant LGPS contribution band based upon their starting annual salary. If an employee does not have an annual salary rate and has not been working for the whole of the previous year (for example those working under a casual contract) they will initially be assigned to the lowest LGPS contribution band.

Tewkesbury Borough Council may review and change the appropriate contribution band and rate on any material change in pay during the scheme year. Contribution bands can be found here: [LGPS member site](#)

7. Additional Voluntary Contributions (Regulation 17(1) (R))

Whether, how much, and in what circumstances to contribute to a Shared-Cost Additional Voluntary Contribution (SCAVC) arrangement entered into on or after 1 April 2014 and whether, how much, and in what circumstances to continue to contribute to any shared cost Additional Voluntary Contribution (SCAVC) arrangement entered into before 1 April 2014.

The council will not apply this discretion.

Statement of Policy about exercise of discretionary functions in relation to the Local Government Pension Scheme

Employer Name: Tewkesbury Borough Council

Applicable/Operative Date: 1st October 2021

Completed/Authorised By: Mike Dawson

Position: Chief Executive

8. Merging of Deferred Member Pension Accounts with Active Member Pension Accounts (Regulation 22(7)(b) & 22(8)(b) (R))

Whether to extend the 12 month time limit within which a Scheme member who has a deferred LGPS benefit in England or Wales following the cessation of employment (or cessation of a concurrent employment) may elect not to have the deferred benefits aggregated with their new LGPS employment (or ongoing concurrent LGPS employment) if the member has not made an election to retain separate benefits within 12 months of commencing membership of the LGPS in the new employment (or within 12 months of ceasing the concurrent membership)

The council considers that the statutory 12 month window within which a scheme member can elect to aggregate previous deferred LGPS benefits into their current employment is adequate time and will not extend the 12 month deadline.

9. Inward Transfers of Pension Rights (Regulation 100(6) (R))

Whether, with the agreement of the Pension Fund administering authority, to permit a Scheme member to elect to transfer other pension rights into the LGPS if he / she has not made such an election within 12 months of joining the LGPS.

The council considers that the statutory 12 month window within which a scheme member can elect to aggregate previous deferred LGPS benefits into their current employment is adequate time and will not extend the 12 month deadline.

Statement of Policy about exercise of discretionary functions in relation to the Local Government Pension Scheme

Employer Name: Tewkesbury Borough Council

Applicable/Operative Date: 1st October 2021

Completed/Authorised By: Mike Dawson

Position: Chief Executive

10. Assumed Pensionable Pay (Regulation 21(5) (R))

Whether or not, when calculating assumed pensionable pay when a member is:

- on reduced contractual pay or no pay on due to sickness or injury, or
 - absent during ordinary maternity, paternity or adoption leave or during paid additional maternity, paternity or adoption leave, or
 - absent on reserve forces service leave, or
 - retires with a Tier 1 or Tier 2 ill health pension, or
 - dies in service
 -
- to include in the calculation the amount of any 'regular lump sum payment' received by the member in the 12 months preceding the date the absence began or the ill health retirement or death occurred

The council confirms, should this need arise, this regulation will be dealt with on a case by case basis.

Statement of Policy about exercise of discretionary functions in relation to the Local Government Pension Scheme

Employer Name: Tewkesbury Borough Council

Applicable/Operative Date: 1st October 2021

Completed/Authorised By: Mike Dawson

Position: Chief Executive

THE FOLLOWING ARE ‘OLD’ PROVISIONS RELATING TO “NON ACTIVE” SCHEME MEMBERS (I,E WHO HAVE ALREADY LEFT YOUR EMPLOYMENT AND ARE ENTITLED TO DEFERRED BENEFITS UNDER PREVIOUS REGULATIONS).

PART C – Formulation of COMPULSORY policy in accordance with Regulation 66 of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007

11. Choice of early payment of pension (where left employment between 01/04/2008 and 31/03/2014) (Regulation 30(2) & (5) (B))

- (i.) ** Whether to grant applications from deferred members who left between 01/04/2008 and 31/03/2014, the early payment of deferred pension benefits on or after age 55 and before age 60
- (ii.) \$\$ Whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to deferred benefits which are paid before age 65

*** there may be direct costs to the employer where consent is given to the early payment of benefits before age 60*

\$\$ there will be direct costs to the employer where actuarial reductions are waived

(i) Tewkesbury Borough Council will consider each request on its merits and a request will only be agreed if it is in the Council’s economic and/or operational interests to do so, as detailed in a business case. Requests will not normally succeed due to the associated cost.

Dependent on the cost of the request and whether the expenditure can be found from within existing budgets, it will either need to be approved by the Head of Paid Service and S151 Officer in consultation with the Finance Lead Member OR, for higher cost requests and/or where the expenditure cannot be found from within existing budgets, may need to be approved by the Executive Committee (and must be approved by full Council if the total severance package totals more than £100k). The current approval limits are set out in the Council’s constitution.

(ii) Tewkesbury Borough Council will consider each request on its merits and a request will only be agreed if it is in the Council’s economic and/or operational interests to do so, as detailed in a business case. Requests will not normally succeed due to the associated cost.

Dependent on the cost of the request and whether the expenditure can be found from within existing budgets, it will either need to be approved by the Head of Paid Service and S151 Officer in consultation with the Finance Lead Member OR, for higher cost requests and/or where the expenditure cannot be found from within existing budgets, may need to be approved by the Executive Committee (and must

Statement of Policy about exercise of discretionary functions in relation to the Local Government Pension Scheme

Employer Name: Tewkesbury Borough Council

Applicable/Operative Date: 1st October 2021

Completed/Authorised By: Mike Dawson

Position: Chief Executive

be approved by full Council if the total severance package totals more than £100k). The current approval limits are set out in the Council's constitution.

12. Choice of early payment of pension (where left employment between 01/04/2008 and 31/03/2014) for a suspended tier 3 ill health pensioner (Regulation 30A(3) & (5) (B))

- (i) ** Whether to grant applications from a suspended Tier 3 Ill Health member who left between 01/04/2008 and 31/03/2014, the early payment of deferred pension benefits on or after age 55 and before age 60
- (ii) \$\$ Whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to a previously suspended Tier 3 Ill Health member, which are paid before age 65

*** there may be direct costs to the employer where consent is given to the early payment of benefits before age 60*

\$\$ there will be direct costs to the employer where actuarial reductions are waived

(i) Tewkesbury Borough Council will consider each request on whether to grant applications from a suspended Tier 3 Ill Health member who left between 01/04/2008 and 31/03/2014, on its merits and a request will only be agreed if it is in the Council's economic and/or operational interests to do so, as detailed in a business case. Requests will not normally succeed due to the associated cost.

Dependent on the cost of the request and whether the expenditure can be found from within existing budgets, it will either need to be approved by the Head of Paid Service and S151 Officer in consultation with the Finance Lead Member OR, for higher cost requests and/or where the expenditure cannot be found from within existing budgets, may need to be approved by the Executive Committee (and must be approved by full Council if the total severance package totals more than £100k). The current approval limits are set out in the Council's constitution.

(ii) Tewkesbury Borough Council will consider each request on waiving any actuarial reduction in exceptional circumstances on compassionate grounds. A request will only be agreed if it is in the Council's economic and/or operational interests to do so, as detailed in a business case. Requests will not normally succeed due to the associated cost.

Dependent on the cost of the request and whether the expenditure can be found from within existing budgets, it will either need to be approved by the Head of Paid Service and S151 Officer in

Statement of Policy about exercise of discretionary functions in relation to the Local Government Pension Scheme

Employer Name: Tewkesbury Borough Council

Applicable/Operative Date: 1st October 2021

Completed/Authorised By: Mike Dawson

Position: Chief Executive

consultation with the Finance Lead Member OR, for higher cost requests and/or where the expenditure cannot be found from within existing budgets, may need to be approved by the Executive Committee (and must be approved by full Council if the total severance package totals more than £100k). The current approval limits are set out in the Council's constitution.

Statement of Policy about exercise of discretionary functions in relation to the Local Government Pension Scheme

Employer Name: Tewkesbury Borough Council

Applicable/Operative Date: 1st October 2021

Completed/Authorised By: Mike Dawson

Position: Chief Executive

PART D– Formulation of COMPULSORY policy under the Local Government Pension Scheme Regulations 1997

13. Early payment of Deferred Benefits (where the member left employment between 01/04/1998 and 31/03/2008) (Regulation 31 (2) & (5) (L97))

- (i.) ** Whether to grant applications from deferred members who left between 01/04/1998 and 31/03/2008, the early payment of deferred pension benefits on or after age 50^(see note below) and before age 60
- (ii.) \$\$ Whether, on compassionate grounds, to waive any actuarial reduction that would normally be applied to deferred benefits which are paid before age 65

*** there may be direct costs to the employer where consent is given to the early payment of benefits before age 60*

\$\$ there will be direct costs to the employer where actuarial reductions are waived

NOTE

Benefits paid on after 50 and before age 55 will be subject to an HMRC unauthorised payments charge under the Finance Act 2004 and, where applicable, an unauthorised payments surcharge under that Act, and a Scheme sanction charge on any benefits built up after 5th April 2006

(i) Tewkesbury Borough Council will consider each request from deferred members on its merits. A request will only be agreed if it is in the Council's economic and/or operational interests to do so, as detailed in a business case. Requests will not normally succeed due to the associated cost.

Dependent on the cost of the request and whether the expenditure can be found from within existing budgets, it will either need to be approved by the Head of Paid Service and S151 Officer in consultation with the Finance Lead Member OR, for higher cost requests and/or where the expenditure cannot be found from within existing budgets, may need to be approved by the Executive Committee (and must be approved by full Council if the total severance package totals more than £100k). The current approval limits are set out in the Council's constitution.

(ii) Tewkesbury Borough Council will consider each request on waiving any actuarial reduction in exceptional circumstances on compassionate grounds. A request will only be agreed if it is in the

Statement of Policy about exercise of discretionary functions in relation to the Local Government Pension Scheme

Employer Name: Tewkesbury Borough Council

Applicable/Operative Date: 1st October 2021

Completed/Authorised By: Mike Dawson

Position: Chief Executive

Council's economic and/or operational interests to do so, as detailed in a business case. Requests will not normally succeed due to the associated cost.

Dependent on the cost of the request and whether the expenditure can be found from within existing budgets, it will either need to be approved by the Head of Paid Service and S151 Officer in consultation with the Finance Lead Member OR, for higher cost requests and/or where the expenditure cannot be found from within existing budgets, may need to be approved by the Executive Committee (and must be approved by full Council if the total severance package totals more than £100k). The current approval limits are set out in the Council's constitution.

Statement of Policy about exercise of discretionary functions in relation to the Local Government Pension Scheme

Employer Name: Tewkesbury Borough Council

Applicable/Operative Date: 1st October 2021

Completed/Authorised By: Mike Dawson

Position: Chief Executive

PART E – Formulation of COMPULSORY policy under the Local Government Pension Scheme Regulations 1995

14. Early payment of Deferred Benefits on Compassionate grounds (where the member left employment before 01/04/1998) (Regulation D11 2(c) (L95))

** Whether to grant applications from deferred members who left before 01/04/1998, the early payment of deferred pension benefits on compassionate grounds (without actuarial reduction) on or after age 50^(see note below) and before age 65

** *there may be direct costs to the employer where consent is given to the early payment of benefits before age 65*

NOTE

Benefits paid on after 50 and before age 55 will be subject to an HMRC unauthorised payments charge under the Finance Act 2004 and, where applicable, an unauthorised payments surcharge under that Act, but there will be no Scheme sanction charge

Tewkesbury Borough Council will consider each request from deferred members on its own merits. Requests are not normally likely to succeed due to the associated cost.

Dependent on the cost of the request and whether the expenditure can be found from within existing budgets, it will either need to be approved by the Head of Paid Service and S151 Officer in consultation with the Finance Lead Member OR, for higher cost requests and/or where the expenditure cannot be found from within existing budgets, may need to be approved by the Executive Committee (and must be approved by full Council if the total severance package totals more than £100k). The current approval limits are set out in the Council's constitution.