

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Overview and Scrutiny Committee held at the
Council Offices, Gloucester Road, Tewkesbury on Tuesday, 11 January 2022
commencing at 4:30 pm**

Present:

Chair
Vice Chair

Councillor J W Murphy
Councillor K Berliner

and Councillors:

C L J Carter, P A Godwin, H C McLain, P D McLain, H S Munro, J K Smith, R J G Smith,
S Thomson, M J Williams and P N Workman

also present:

Councillor D J Harwood

OS.66 ANNOUNCEMENTS

- 66.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 66.2 Members were informed that an external trainer from Frontline Consulting was observing the meeting in order to inform the Overview and Scrutiny Committee training session which he would be delivering to the Committee on Wednesday 26 January 2022.

OS.67 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 67.1 Apologies for absence were received from Councillors G J Bocking and P D Surman. There were no substitutions for the meeting.

OS.68 DECLARATIONS OF INTEREST

- 68.1 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.
- 68.2 There were no declarations made on this occasion.

OS.69 MINUTES

- 69.1 The Minutes of the meeting held on 23 November 2021, copies of which had been circulated, were approved as a correct record and signed by the Chair.

OS.70 EXECUTIVE COMMITTEE FORWARD PLAN

- 70.1 Attention was drawn to the Executive Committee Forward Plan, circulated at Pages No.14-19. Members were asked to determine whether there were any questions for the relevant Lead Members and what support the Overview and Scrutiny Committee could give to the work contained within the plan.
- 70.2 A Member drew attention to the Agenda for the meeting on 2 March 2022 and asked whether the Tewkesbury Borough Council Domestic Waste and Recycling Collection Services Policy and Procedures would be considered by the Depot Services Working Group prior to that. In response, the Head of Community Services indicated that this was a new policy so had not previously been considered by the Working Group but it would make sense to take it to that Group before the Executive Committee meeting; however, he indicated that there may be a delay in the policy coming forward as Gloucestershire County Council had deferred its Resources and Waste Strategy pending the outcome of government consultation. The Member noted that the Spring Gardens Regeneration Phase 1a report had been in the pending items section of the Forward Plan since September 2019 and he asked whether this was still active or if it could be removed. In response, the Head of Finance and Asset Management explained that the Spring Gardens project had been put on hold for two years during budget setting in January 2021; however, Officers were starting to re-look at this in anticipation of restarting the project and discussions were taking place with the consultants around how to take it forward. A meeting of the Spring Gardens and Oldbury Road Regeneration Member Reference Group would be arranged for later in the year or early in 2023.
- 70.3 It was
RESOLVED That the Executive Committee Forward Plan be **NOTED**.

OS.71 OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME 2021/22 AND ACTION LIST

- 71.1 Attention was drawn to the Overview and Scrutiny Committee Work Programme 2021/22, circulated at Pages No. 20-47, which Members were asked to consider.
- 71.2 The Head of Corporate Services drew attention to the Agenda for the meeting on 8 February 2022 which included the annual Growth Hub report. He indicated that it was proposed to remove this item on the basis that an update on Growth Hub activities had been included within the Economic Development and Tourism Strategy report that had been considered at the last Overview and Scrutiny Committee meeting. At the recent workshop on maximising the value of the Overview and Scrutiny Committee, Members had expressed the view that a standalone annual report was no longer necessary, therefore, it was proposed to remove this item from future Work Programmes and only bring a report to the Committee if any particular issues arose. With regard to the Agenda for 8 February 2022, a Member noted that an Overview and Scrutiny Committee workshop had been due to be arranged in November 2021 in relation to the Housing Strategy and the Chair confirmed that the workshop had taken place.
- 71.3 In terms of the action list which covered the period 18 June 2019-12 October 2021, the Chair advised that, of the 52 actions, only 13 remained outstanding. A Member drew attention to Page No. 27, and the actions in relation to the Warm and Well Scheme Update which had been considered by the Committee in October 2019. Given the fuel crisis and rising energy costs, he expressed the view that it would be timely to hold the fuel poverty session which was due to be arranged. The Head of Community Services indicated that he would need to consider Officer resources and whether it would be appropriate to hold a training session in person under the current COVID guidelines; in any case, he would be happy to send the relevant information to Members by email. The Member suggested the training session could be delivered online, if necessary; he felt that now was the time to

make the information available in order to assist residents with reducing the cost of heating their homes and accessing grants and subsidies available. With regard to Page No. 41 and the item in relation to the Carbon Reduction Action Plan considered by the Committee on 13 July 2021, the Member asked whether the Carbon Reduction Programme Officer job description could be circulated following the meeting as this seemed a fairly simple action. The Head of Finance and Asset Management undertook to do this and confirmed that the Carbon Reduction Programme Officer had been appointed and would take up his post at the end of February.

71.4 It was

RESOLVED

1. That the Overview and Scrutiny Committee Work Programme 2021/22 and action list be **NOTED**.
2. That the Annual Growth Hub Report be removed from the Agenda on 8 February 2022, and from future Work Programmes, as a standalone annual report was no longer felt to be necessary.

OS.72 COUNCIL PLAN PERFORMANCE TRACKER AND COVID-19 RECOVERY TRACKER - QUARTER TWO 2021/22

72.1 The report of the Head of Corporate Services, circulated at Pages No. 48-11, attached the performance management and COVID-19 recovery information for quarter two of 2021/22. The Overview and Scrutiny Committee was asked to review and scrutinise the information and, where appropriate, identify any issues to refer to the Executive Committee for clarification or further action to be taken.

72.2 During the debate which ensued, the following queries and comments were made in relation to the Council Plan and Recovery Plan trackers:

Priority: Economic Growth

P70 – Objective 2 – Action c)
Publish the Infrastructure Funding Statement – A
Member noted that the target date had been revised to December 2021 and he asked whether this had been achieved.

The Head of Development Services confirmed that the Infrastructure Funding Statement had been published in accordance with the December 2021 deadline.

Priority: Housing and Communities

P75 – Objective 1 – Action a)
Work with partners to undertake the required review of the Joint Core Strategy – A
Member noted that Deloitte had now been appointed to help review the Joint Core Strategy timetable and he asked who had approved funding for that and what the budget was.

The Head of Development Services explained that Deloitte had been commissioned to assist with the Joint Core Strategy following the resignation of the Joint Core Strategy Manager in July. Deloitte's role was to act as the programme manager and to advise the Council on a common timetable for the three Joint Core Strategy authorities and the resources required to deliver it. She reminded Members that the Joint Core Strategy was adopted in December 2017 and had been due to be immediately reviewed so there were a number of technical issues which needed to be addressed. The three Joint Core Strategy

authorities had gone out to consultation on its issues and options document but, due to a number of factors including COVID-19, things had not progressed as quickly as hoped. There had been several planning policy changes since the original Joint Core Strategy was adopted, as well as enactment of the Environment Bill in November 2021; this represented a substantial material change in circumstances and meant that a more complete review would need to be undertaken to take account of the national changes to the planning policy framework and the new legislation. Deloitte had produced a draft programme which Officers were now considering to ensure it was robust and that it could be delivered within budget and this would be taken to the Joint Core Strategy Member Liaison Group at the end of January and the Planning Policy Reference Panel in February. In terms of funding, all three Joint Core Strategy authorities, plus Gloucestershire County Council, contributed to the Joint Core Strategy budget and approximately £87,000 had been approved for the work commissioned to Deloitte, some of which was via staff savings as two staff previously funded through the Joint Core Strategy budget were no longer in post. It had been agreed that if the funding set aside was insufficient, each Council would put forward the additional money required for the work to be undertaken.

In response to a query as to whether Members should be concerned about the delay in the review, the Head of Development Services advised that, whilst nobody wanted to see this delayed, it was intended to deliver a very detailed draft plan at the Regulation 18 stage - as opposed to a high level plan which was also an option at that stage - in order to shorten the timetable at the Regulation 19 stage the work was effectively being frontloaded in order to move more quickly going forward. It was to be borne in mind that there were a number of variables which could impact the timetable but she provided assurance there was a plan, resources were being put in place to deliver the review and there was a strong commitment from the three authorities to progress – with the expertise brought by Deloitte, which had experience of examinations around the country, she was confident there would be a robust strategy to move forward and hit all of the necessary requirements so Members

should not be worried.

P81 – Objective 3 – Action a) Work with partners, infrastructure providers and developers to progress the delivery of key sites – A Member noted that the update for Brockworth did not mention sports provision and he assumed that these facilities were coming forward on developments in other areas.

The Head of Development Services explained that this action did not go into that level of detail, rather it looked at the strategic allocations within the Joint Core Strategy and gave an update in relation to planning applications which had been submitted, approved etc. to give Members an idea of the overall trajectory. She indicated that she would be happy to discuss this with the Member further outside of the meeting.

P84 – KPI 14 – Total new affordable housing properties – A Member asked whether there were any sub-targets in terms of the affordable housing type as the number of social rented properties seemed low compared to the other categories.

The Head of Community Services confirmed that social rent had not been identified as a priority through the strategic housing assessment until last year when it had been found that 86% of affordable housing properties should be social rent. On that basis, there would be a much higher focus on that tenure between now and April with the intention to achieve 100% affordable rent developments where possible.

P85-88 – KPIs 16-22 – A Member noted there were several unhappy faces pertaining to the planning KPIs and, given there was now an action plan in place for the Development Management service, he asked when improvements would start to be reflected in the performance tracker.

The Head of Development Services explained that, unfortunately, there were no quick fixes as there were a range of issues to address. As Members were aware, there had been staffing issues within the Development Management team but consultancy support and agency planners had been contracted to assist with the backlog of planning applications where vacancies had arisen. Officers were looking into the various processes to ensure they were efficient but, as set out in the report to the Executive Committee in November, it would be 12-24 months before the service was turned around; notwithstanding this, she hoped the performance figures would start to improve within the next six months.

The Member was disappointed that it would take such a long period of time before any improvement would be seen given that the performance had been poor for a considerable time already. He was particularly concerned that the Planning Committee had recently been required to consider two applications which were subject to non-determination appeals as this put the Council on the backfoot which was a bad position to be in. The Head of Development Services reiterated that there were many different issues to be addressed, for instance, Members would be aware of the proposal to

amend the Planning Scheme of Delegation which had not been supported by Council. She felt it was important that the timescale for delivery of the action plan was realistic and she would not like to promise Members something which could not be delivered.

P87 – KPI 20 – Investigate category B* cases within five working days – A Member noted that enforcement investigations were slipping quite rapidly and she asked if that was due to staffing issues or whether it was a low priority.

The Head of Development Services provided assurance that enforcement was a high priority; however, the team did focus on category A and B cases as those caused the most harm. A member of the team had been appointed to a senior post leaving a vacancy which she was pleased to report had recently been recruited to with the new Officer starting later that week; she hoped there would be improvement moving forward with a fully established team.

Priority: Customer First

P99 – KPI 36 – Percentage of Freedom of Information requests answered on time – A Member noted that 127 requests had been received in quarter two, 106 of which had been responded to within the 20 working days deadline; this meant that around 17% had not been answered within that timescale and he asked if there was a common reason for this, whether every request would receive a response and if there was a final deadline for response.

The Head of Corporate Services confirmed that all Freedom of Information requests would receive a response; unfortunately, due to competing priorities, it was not always possible to meet the 20 working day deadline. The figures were reported to Management Team on a quarterly basis and Managers were made aware of any which had not been answered. Whilst there was no common reason for a delay in response, requests could be complex and, although it was possible to ask for an extension of time, that was not always done on a timely basis. He felt that 17% was not a concerning figure – the aim was certainly to achieve more but he reiterated that all requests would receive a response even if it was after the 20 working day target. The Member asked whether the customer was given an indication as to when a response could be expected if it was likely to be after the 20 working day target and the Head of Corporate Services confirmed that should be the case and a new timescale should be provided. He indicated that he would be happy to circulate a breakdown of the Freedom of Information requests received across each service area and those which had not been answered in time.

P99 – KPI 37 – Percentage of

The Head of Corporate Services agreed with

formal complaints answered on time – A Member was heartened to see the number of complaints had reduced over the year compared to the previous year which showed that the introduction of the Comments, Compliments and Concerns system was working.

this sentiment and indicated that the Comments, Compliments and Concerns system had been introduced under the new complaints framework and meant that customers were able to give feedback without making a formal complaint; provided services responded in a timely manner, this could prevent formal complaints from coming forward.

Priority: Sustainable Environment

P103 – Objective 1 – Action a) Deliver the Public Service Centre’s low carbon heating and solar PV systems – A Member asked when the solar canopy in the Council Offices rear car park would commence bearing in mind that the project was expected to be complete by May 2022.

The Head of Finance and Asset Management advised that Officers would shortly be going out to tender for a supplier and installation of the solar canopy and an application for planning permission had been submitted the previous week so it was hoped that work would commence on site in March. Whilst it was necessary to wait for the outcome of the tender before this could move forward, he was confident that the scheme would be delivered between March and May and would be a great contribution towards the Council’s carbon reduction ambitions.

P106 – Objective 3 – Action a) Take a robust approach towards fly-tipping and other enviro-crimes – A Member noted that the public consultation on the Public Space Protection Order had been due to go live in December and run until February 2022 but he did not remember receiving notification that it had commenced.

The Head of Community Services undertook to check with the Environmental Health Manager and send a link to Members if the consultation had commenced.

P109 – Objective 4 – Action c) Establish and publish a local list of non-designated heritage assets in the borough – A Member asked for clarification on the significance of any assets added to the local list; the criteria for being included; and who would comprise the panel that would approve the list.

The Head of Development Services advised that the Supplementary Planning Document set out the local listing criteria. The advantage of being included on the list was that the asset would be seen as important within the locality; however, in terms of planning applications, this did not carry the same statutory weight as a national listed building. The panel had not yet been established but she believed it would be Officer-led; she undertook to find out the details and update Members following the meeting.

A Member noted that the Heritage

Engagement Officer had been appointed on a temporary contract and he asked what happened if the Officer left before the end of that contract as the revised target date for this action was June. The Head of Development Services advised that the Officer had originally been contracted until March but that had been extended until June in order to take account of the work which needed to be done to achieve the publication of the local list which was not a quick or straightforward process. The consultation on the Supplementary Planning Document would finish at the end of January and she was confident that resources were in place to address any comments that were received and make any revisions by the end of March.

P109 – KPI 38 – Number of reported enviro-crimes – A Member noted that fly-tipping complaints had reduced by 30% and asked if there was any indication as to why that had happened.

The Head of Community Services welcomed the reduction but, unfortunately, there was no specific reason for it; he would like to think it could be attributed to the good work that had been done to publicise successful prosecutions.

A Member drew attention to Appendix 3 to the report which set out the quarter two budget report and she noted that item 3 stated that there had been a significant increase in fly-tipping which Ubico predicted would be £11,000 over budget which contradicted the KPI. In response, the Head of Community Services advised there had certainly been an increase in fly-tipping as that was one of the biggest concerns in the borough; however, he assumed there had been a reduction in some enviro-crimes, such as abandoned vehicles, which was offsetting that within the figures – this was something he would need to check following the meeting and he would update Members accordingly.

A Member felt it would be helpful to know the cost of clearing up the various enviro-crimes if that information could be easily broken down and the Head of Community Services undertook to provide this.

In connection with fly-tipping, a Member expressed the view that the requirement to book a slot online to visit the Household Recycling Centre at Wingmoor Farm was making it more difficult for people to dispose of their waste, for instance, it was not possible to make a same-day appointment. He recognised this may not deter those who were responsible for fly-tipping but he was aware that other local authority areas had removed the requirement for online bookings

so he presumed Gloucestershire could do the same. The Head of Community Services understood that Gloucestershire County Council was happy with the online booking system and this was supported by feedback from residents so he believed it was likely to be a permanent structure; nevertheless, he would be happy to pass these comments directly to the County Council. The Chief Executive felt it was unlikely that the people who were responsible for fly-tipping intended to dispose of their waste at one of the Household Recycling Centres in any case; fly-tipping often comprised commercial waste and/or rubbish which required payment for disposal so the perpetrators found it more convenient to fly-tip.

COVID-19 Recovery Tracker Priority: Economic Growth

P116 – Action – Recover b)
Develop a bid to host a Department of Work and Pensions Youth Hub within the Tewkesbury Growth Hub – A Member noted that the target date had been revised to December 2021 and he asked whether this had been achieved.

The Head of Development Services confirmed that a draft bid had been produced and was now being finalised.

P117 - Action – Rebuild b)
Develop and deliver the Welcome Back Fund action plan – A Member sought clarification as to how much money had been spent and what it had been spent on; there was little evidence in Bishop's Cleeve to demonstrate what the fund had achieved.

The Head of Development Services explained there were two tranches of money the first of which was approximately £84,000, some of which had been spent on campaigns to communicate with residents and businesses. Officers had been working with the three Parishes which were eligible for the second tranche of funding – Bishop's Cleeve Parish Council, Tewkesbury Town Council and Winchcombe Town Council – to put together a list of ideas as to how the money could be spent. It was her understanding that Officers were now in detailed discussion about which options to take forward and she undertook to ask the Economic and Community Development Manager to circulate an agreed list to Members.

In response to a query as to whether local Members could have any input as to where the money was spent, the Head of Development Services understood that Officers had met with relevant Ward Members in September/October to obtain their initial ideas as expenditure had to be approved under certain categories; however, she would need to check the details of this

and report back to Members following the meeting.

72.3 The Head of Corporate Services felt the report was positive and that was exemplified by the actions set out at Page No. 51 despite staff being involved in the continued COVID-19 response and recovery. In terms of the unhappy faces, the majority were out of the Council's control, for example, the Medium Term Financial Strategy in relation to the government settlement and the guidance awaited from the Business, Energy and Industrial Strategy (BEIS) on the next steps and timescales for delivering the Local Industrial Strategy. The COVID-19 corporate recovery tracker was also very positive, although things had moved on since the report had been published in December following the change in government advice and the new grants made available which had required additional resources to be put back into the Business Cell so that would be reflected in the next report.

72.4 Turning to the financial information, the Head of Finance and Asset Management advised that the budget summary for quarter two showed a projected surplus of £3,611,060 for the full year against the approved budget which included a £3.2m government grant for business rates relief which must be set aside for future deficits. With regard to Page No. 50, Paragraph 5.5. of the report, a Member questioned why the Council was paying business rates for the unoccupied office space within the Public Services Centre and the Head of Finance and Asset Management confirmed that, as well as collecting business rates, the Council also had to pay them; if a tenant was in place then they would be responsible for payment but if the premises remained vacant for over six months that responsibility lay with the Council as the landlord. Another Member noted that the vacant office space was being advertised but did not appear to be generating much interest and he asked whether consideration had been given to changing agents. The Head of Finance and Asset Management confirmed that option was being investigated currently and it was hoped new agents would be in place by the end of the month; the market was not particularly buoyant but a new approach may generate some interest. With regard to new funding from the government, Members were informed that, whilst there was money available for local government in general, there was nothing for Tewkesbury Borough Council and there would actually be a reduction in funding going forward. With regard to Appendix 4 of the report, a Member noted there was a capital budget of £695,000 and she sought clarification as to whether £369,691 was what had been spent. The Head of Finance and Asset Management confirmed that was correct and explained that the main underspend was in relation to the budget for the waste vehicles as the fleet did not require replacement at the current time. In response to a query as to whether the money could be spent on something else, he clarified that it would still be spent on vehicles and would remain in the reserves until it was allocated for that specific purpose; Ubico believed the main fleet replacement would be needed in 2024. A Member noted from Appendix 3 to the report that the Democratic Services section included a deficit of £15,455 under 'premises' which was attributed to rental charges for the Police and Crime Commissioner and Gloucestershire County Council elections and, as these were scheduled elections, he asked why that had not been included in the budget for the year. In response, Members were advised that these were external elections so no estimate was included as they would be paid for via an external budget and would have no impact on the Council's budget for the year. The Member also drew attention to the Community Services section and noted there was a £20,000 adverse variance as the pharmacy collection of NHS sharps for 2021/22 had been omitted from the budget. The Head of Community Services clarified that Ubico was contracted by the NHS to undertake this collection which was paid for by the NHS. At the start of the financial year Ubico had indicated it would not be doing this

anymore but had since re-started the collection which was why it had been omitted

from the budget. He provided assurance that a project was being worked on for 2022/23 to reduce the sum.

72.5 Having considered the information provided, it was

RESOLVED That the performance management information and COVID-19 recovery information for quarter one of 2021/22 be **NOTED**.

OS.73 SEPARATE BUSINESS

73.1 The Chair proposed and it was

RESOLVED That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely discussion of exempt information as defined in Part 1 of Schedule 12A of the Act.

OS.74 TRADE WASTE PROJECT UPDATE

(Exempt –Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 –Information relating to the financial or business affairs of any particular person (including the authority holding that information))

74.1 Members considered an update on the progress made in relation to the trade waste project and the next steps.

The meeting closed at 6:05 pm