

# TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Council held at the Council Offices, Gloucester Road, Tewkesbury on Tuesday, 24 January 2023 commencing at 6:00 pm**

## **Present:**

Deputy Mayor

Councillor A S Reece

## **and Councillors:**

K Berliner, R A Bird, G F Blackwell, G J Bocking, C L J Carter, C M Cody, K J Cromwell, M Dean, P A Godwin, M A Gore, D W Gray, D J Harwood, M L Jordan, E J MacTiernan, J R Mason, C E Mills, J P Mills, H S Munro, A S Reece, C Reid, J K Smith, P E Smith, R J G Smith, V D Smith, C Softley, P D Surman, M G Sztymiak, M J Williams and P N Workman

## **CL.59 ANNOUNCEMENTS**

- 59.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 59.2 The Deputy Mayor welcomed members of the Independent Remuneration Panel to the meeting.

## **CL.60 APOLOGIES FOR ABSENCE**

- 60.1 Apologies for absence were received from Councillors R D East, J H Evetts, J W Murphy (Mayor), P W Ockelton, R J Stanley, S Thomson and R J E Vines.

## **CL.61 DECLARATIONS OF INTEREST**

- 61.1 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.
- 61.2 There were no declarations of interest made on this occasion.

## **CL.62 MINUTES**

- 62.1 It was proposed and seconded that the Minutes of the Council meeting held on 6 December 2022, copies of which had been circulated, be amended at Minute No. CL.57.1 to remove the wording 'at the time of a national cost of living emergency' on the basis that this simplified and distorted the debate which had taken place under separate business.
- 62.2 The Corporate Director confirmed this was a simple amendment which could be made if Members were so minded; when summarising, it was often difficult to give a flavour of the debate without disclosing the confidential nature and the deletion of those words would be acceptable should Members feel it was appropriate. A Member stated that he had mentioned the national cost of living emergency in the comments he had made during the debate so it was appropriate that be reflected in the Minutes. In response, the Corporate Director explained that what had been said was not under question; however, as this was a summary to let the public know what decision had been made, what was missing was the further context. In her

view, the wording that was proposed to be omitted would not make a material difference in that respect as this was recorded in the full Minute under Separate Business. Another Member expressed the view that the wording of the open Minute should remain unchanged as this was the main influence on the discussion that had taken place. The proposer of the amendment felt that the open Minute in its current form was not balanced.

62.3 Upon being put to the vote, the motion to amend the Minutes fell. It was subsequently proposed, seconded and

**RESOLVED** That the Minutes of the meeting held on 6 December 2022 be **APPROVED** as a correct record and signed by the Deputy Mayor.

### **CL.63 ITEMS FROM MEMBERS OF THE PUBLIC**

63.1 There were no items from members of the public.

### **CL.64 MEMBER QUESTIONS PROPERLY SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULES**

64.1 There were no Member questions.

### **CL.65 MEMBER ALLOWANCES SCHEME 2023/24**

65.1 The report of the Head of Democratic Services, circulated at Pages No. 12-21, asked Members to determine the Scheme of Allowances to take effect on 1 April 2023 until 31 March 2024 having regard to the recommendations of the Independent Remuneration Panel as set out in its report at Appendix 1.

65.2 The Deputy Mayor invited the Chair of the Independent Remuneration Panel to address the Council. The Chair introduced the rest of the Panel members and thanked the Council for inviting them to present their report. Over the years, the Panel had interviewed over half of the Council with 10 interviews taking place in October 2022. The Panel had found those meetings very helpful in terms of gaining a better understanding of what Members did. It was important to note that, Tewkesbury Borough Council's Basic Allowances had historically been one of the highest, both locally and across the country; this had meant that, in recent years the Panel had been unable to recommend an increase. Whilst Tewkesbury Borough Council's Basic Allowance remained amongst the highest in the country, the Panel had recognised the impact of inflation and felt it was appropriate to recommend an increase of 4%, or £300, effective from 1 April 2023. It was also recommended that the Special Responsibility Allowances increase by the same amount i.e. 4%. The Dependant Carers' Allowance had been increased in 2022/23 and a further increase was recommended for 2023/24 from £9.50 to £10.42 in line with the National Living Wage. The Chair of the Panel thanked the Head of Democratic Services and the Democratic Services Officer for their assistance throughout the process and hoped that Members would feel able to adopt the recommendations of the Panel.

65.3 In proposing the recommendation in the report, the Leader of the Council indicated that he was very grateful to the Independent Remuneration Panel for the hard work which it carried out year on year with regard to this matter. It was a complex and demanding task and he thanked the Panel on behalf of the Council. In seconding the proposal, a Member indicated that he had been privileged enough to be interviewed by the Panel and commended the diligence of the process.

65.4 A Member noted that Tewkesbury Borough Council's Basic Allowance was above average and he asked if that was still the case - the report appeared to suggest the gap was reducing but the Council remained in the top tier in terms of allowances

paid. In response, the Chair of the Panel confirmed Tewkesbury Borough Council's Basic Allowance remained one of the highest but a substantial number of other Councils were now creeping up so, whilst the gap remained, it was smaller than it once was. The Panel had been keen to acknowledge the impact of inflation and although it could not recommend an increase in line with that, a modest increase was felt to be appropriate. In response to a query as to the demographics of the Members that had been interviewed, the Chair of the Panel explained that the Panel had been keen to see Members who had not been interviewed before. Given the Borough Council elections in May, the Panel would be open to talking to any Councillors who were willing to be involved in the process during the next review.

65.5 During the discussion which ensued, a Member indicated that she was under the impression that some of the Lead Member Portfolios were more demanding than others and yet the Special Responsibility Allowance remained the same for all Lead Members so she asked if it was possible to receive an annual report in order for Members to understand exactly what was required for each Portfolio. The Deputy Mayor noted that Lead Members all brought a report to Council but at different stages over the course of the four-year term. The Leader of the Council confirmed that was the system which had been in place for a long time but had unfortunately been interrupted by the pandemic.

65.6 A Member felt it was important to be mindful of members of the public and he felt that increasing Members' allowances might not be viewed in the best light given the cost of living crisis. His personal view was that the existing allowances were adequate and that an increase was unnecessary so he would like to see that money put to better use. Another Member accepted this point but indicated that one of the main purposes of Member Allowance Schemes was to provide some financial provision for Councillors to undertake their duties. His fear was that not increasing the Member Allowances would discourage people with young families and those in full-time employment, who may need to take unpaid leave to fulfil some of their Council duties, from standing as Councillors which would limit the diversity of the Council and restrict the role to a privileged few. He considered the Independent Remuneration Panel's review to be very fair and he would be supporting the proposal. This view was shared by another Member who had a young family and believed that it was important to make it appealing to others in similar situations who wanted to represent their communities. The Member who had suggested that the allowances should remain unchanged recognised the need to support people who wanted to become Councillors, and he was not saying that the allowances should not be increased in future, but given the current cost of living crisis, he felt it was the wrong time to make changes, particularly when the Basic Allowance remained one of the highest in the country. In response, a Member pointed out that it was an election year so it was an optimum time to make the role more appealing and encourage people to run for election. Another Member indicated that she had been a Councillor since 2011 and there had been no significant increase to the Members' Allowances during that time. Councillors were not exempt from the cost of living crisis and she reminded Members that, if they felt strongly about it, there was an option to re-pay a portion of their allowance so individual Councillors could choose not to accept an increase should they so wish.

65.7 Accordingly, it was

**RESOLVED**

1. That the Basic Allowance be increased from £7,350 to £7,650 for 2023/24.
2. That the Special Responsibility Allowances be payable as follows:
 

Leader of the Council	£9,150
Deputy Leader of the Council	£6,860
Other Lead Members	£4,575
Support Members	£180
Committee Chairs	£2,290
Mayor	£2,290
Deputy Mayor	£1,400
3. That the Dependent Carers' Allowance be increased from £9.50 per hour to £10.42 per hour.
4. That the Scheme run for a period of 12 months commencing on 1 April 2023 and ending on 31 March 2024.
5. That all other provisions within the existing 2022/23 Member Allowances Scheme be unchanged and remain in place for 2023/24.

**CL.66 APPOINTMENT OF CIVIC HEADS FOR THE MUNICIPAL YEAR**

**Mayor**

66.1 Upon being proposed and seconded, it was

**RESOLVED**

That Councillor Andrew Reece, be appointed Mayor for the ensuing Municipal Year.

**Deputy Mayor**

66.2 Upon being proposed and seconded, it was

**RESOLVED**

That Councillor Jill Smith be appointed as Deputy Mayor for the ensuing Municipal Year.

**CL.67 RECOMMENDATIONS FROM EXECUTIVE COMMITTEE**

**Medium Term Financial Strategy**

67.1 At its meeting on 4 January 2023, the Executive Committee had considered the Medium Term Financial Strategy and recommended to Council that the Medium Term Financial Strategy 2023/24-2027/28 be adopted.

67.2 The report which was considered by the Executive Committee had been circulated with the Agenda for the current meeting at Pages No. 22-38.

67.3 The Chair of the Executive Committee proposed the recommendation and it was duly seconded. Accordingly, it was

**RESOLVED**

That the Medium Term Financial Strategy 2023/24-2027/28 be **ADOPTED.**

## Treasury and Capital Management

- 67.4 At its meeting on 4 January 2023, the Executive Committee had considered a suite of treasury and capital management documents and recommended to Council that the following be adopted: Capital Strategy 2023/24; Investment Strategy 2023/24; Minimum Revenue Provisions Statement 2023/24; and Treasury Management Strategy 2023/24.
- 67.5 The report which was considered by the Executive Committee had been circulated with the Agenda for the current meeting at Pages No. 39-72.
- 67.6 The Chair of the Executive Committee proposed the recommendation and the Vice-Chair seconded it.
- 67.7 In response to a query as to whether there was anything which Members should be made particularly aware of, the Head of Finance and Asset Management advised that the papers outlined the Council's approach which was managed by the Finance Manager and her team and there was nothing which gave him any concern.
- 67.8 Accordingly, it was
- RESOLVED** That the following strategies and statements be **ADOPTED**:
- Capital Strategy 2023/24
  - Investment Strategy 2023/24
  - Minimum Revenue Provision Statement 2023/24
  - Treasury Management Strategy 2023/24

## CL.68 CODE OF MEMBERS' CONDUCT

- 68.1 The report of the Monitoring Officer, circulated at Pages No. 73-96, recommended a revised Code of Members' Conduct following consideration by the Standards Committee and consultation with all Members. The Council was asked to adopt the Code of Members' Conduct, attached at Appendix 2 to the report, with effect from 1 February 2023.
- 68.2 In proposing the recommendation in the report, the Chair of the Standards Committee was pleased to be recommending to the Council a revised Code of Members' Conduct for adoption with effect from 1 February 2023. Members would see from the report that the current Code of Conduct had been in effect since July 2012 and he was glad to say, that, having served on the Standards Committee for 10 years and been Chair for the past five years, it had served them well - Members were clear about what was required and there had been very few complaints of non-compliance by Borough Councillors. Following a review of ethical standards in Local Government, the Committee on Standards in Public Life observed that the freedom of Councils to devise their own individual Codes of Conduct, rather than a national model, was potentially confusing for the public, particularly where substantially different Codes were adopted by authorities in the same geographic area. Therefore, the Monitoring Officers for all Gloucestershire authorities had recognised the benefit of introducing a common Code of Conduct for use across all tiers of local government in Gloucestershire. The Code attached at Appendix 2 to the report, which the Standards Committee was recommending for adoption, was the Code which the Monitoring Officers supported, with limited variation to reflect each Council's governance arrangements. It was very similar in content and style to the Council's existing Code, but had been updated and took into account the model Code produced by the Local Government Association (LGA). Gloucestershire County Council and Cheltenham Borough Council had recently adopted a version of this Code. Following approval by the Standards Committee, all Councillors were

consulted on the draft Code of Conduct and no concerns or suggested amendments were raised. He therefore had no hesitation in recommending the Code for adoption. Members would also note from the report that, following approval of the Code, the Monitoring Officer would be recommending adoption of a suitably amended draft to the Town and Parish Councils in the Borough. The proposal was seconded by the Vice-Chair of the Standards Committee who echoed these sentiments.

68.3 A Member questioned who decided whether a Member was in breach of the Code of Conduct and what happened if the Members disagreed with the claim. In response, the Monitoring Officer advised that this came under the procedure which had been adopted for complaints, much of which had been delegated to her as the Monitoring Officer. She had the benefit of being able to consult two independent persons who were completely impartial in their view, and it would be a matter of judgement, taking into account the facts and circumstances of the case. If something was disputed, it would be investigated and potentially determined by the Standards Committee.

68.4 Accordingly, it was

**RESOLVED** That the Code of Members' Conduct, as attached at Appendix 2 to the report, be **ADOPTED** with effect from 1 February 2023.

## **CL.69 GLOUCESTERSHIRE STATEMENT OF COMMON GROUND**

69.1 The report of the Head of Development Services, circulated at Pages No. 97-134, asked Members to approve the Gloucestershire Statement of Common Ground as set out at Appendix 1 to the report.

69.2 In proposing the recommendation in the report, the Lead Member for Built Environment explained that the main purpose of the Gloucestershire Statement of Common Ground was to record the six District Councils' agreement on matters which required a degree of co-ordination in local plan-making across the county. The County Council and GFirst Local Enterprise Partnership (LEP) were also signatories to the Statement as they too had important roles in promoting growth and sustainable development. The formal background to the Statement was the legislation which imposed a duty to co-operate upon local planning authorities and other key parties to maximise the effectiveness of activities in plan-making and any other supporting work where they could be considered to be strategic matters i.e. issues which may have a significant impact on at least two planning areas. Being able to show the authorities had discussed, co-ordinated and collaborated with each other was a key legal requirement in submitting local plans for examination by the Planning Inspectorate, and one which Inspectors rigorously investigated. The Statement of Common Ground was not itself a statutory document and did not itself set policies or bind the parties to specific courses of action; it was intended to be a living document which could be updated as necessary when circumstances and priorities changed over time. It also set the framework for individual agreements between neighbouring plan-making authorities on specific matters such as cross-boundary development sites and set out a commitment for an action plan on key areas of common interest – to be co-ordinated by the County Council – which would help draw together an overall picture of strategic planning for the county as a whole. A draft Statement of Common Ground was first prepared by a Strategic Planning Co-ordinator in May 2020 on behalf of the Gloucestershire Economic Growth Joint Committee. Since that time, discussion had been ongoing at the Leaders' Board which consisted of all District Council Leaders, the Leader of the County Council and representatives from the LEP. The Statement included a series of 37 high level agreements dealing with a broad range of matters including addressing the climate and ecological emergencies, housing and economic needs, the Green Belt, transport, natural environment, health and social infrastructure, infrastructure

delivery and minerals and waste. Tewkesbury Borough Council had been active in those discussions and many actions which it had identified as important had been included or amended, for example, meeting housing needs; being careful to take into account potential impacts on communities; transport infrastructure and recognising the differences between urban and rural areas; and flood risk. Appendix 3 of the Statement set out a list of areas that were not agreed by Tewkesbury Borough Council in the discussions. On balance, these were identified, not because they were not important issues, but because they were felt to be matters which could, and therefore should, be addressed through the Joint Core Strategy/Joint Strategic Plan review, or in district local plan reviews. It should be noted that all other local authorities had now signed the Statement and Tewkesbury Borough Council was not able to suggest further amendments at this stage as this would require the agreement of wording with any other parties. The proposal was duly seconded by the Leader of the Council.

- 69.3 A Member questioned who had made the decisions regarding the list of 'agreements' not agreed by Tewkesbury Borough Council, as set out at Appendix 3 of the Statement, and was advised this was the Leader of the Council and the Lead Members for Built Environment and Clean and Green Environment. A Member indicated that she wished to propose an amendment to exclude Appendix 3 from the Statement and the Deputy Mayor sought clarification as to whether that was possible given that the proposer of the motion had stated that any further amendments would require the agreement of wording with any other parties. The Corporate Director advised that an amendment on that basis would be acceptable as Appendix 3 of the Statement was, to a degree, freestanding as it was something which Tewkesbury Borough Council was proposing be added and would not impact the decisions of any of the other district authorities. No other amendments would be possible at this stage. On that basis, the Member proposed an amendment to remove Appendix 3 and this was duly seconded. The proposer of the amendment emphasised that she was pleased to see the document coming to Council as it was long overdue and she appreciated the hard work that had gone into producing it; however, she was concerned it had not been taken to the Executive or Overview and Scrutiny Committees for consideration. She considered that the exceptions in Appendix 3 undermined what Tewkesbury Borough Council stood for and its position on climate change. A number of the comments alongside the exclusions stated that they were considered by Tewkesbury Borough Council to be "too restrictive" but she understood the document was about co-operation and sharing good practice to drive the best possible outcome. In her view, Appendix 3 raised questions about the authority's commitment to addressing the climate emergency and should be removed from the Statement. The seconder of the amendment indicated that she was disappointed with Appendix 3 as the Council often talked about leading the change and being at the forefront of environmental practices, and she believed Officers did a great job with regard to that, but it lacked political will as demonstrated by Tewkesbury Borough Council being the last authority to approve the document and trying to remove some of the most important elements which was not reflective of the view of the whole Council. She felt the document should have been taken to the Executive or Overview and Scrutiny Committee prior to Council. Tewkesbury Borough Council had approved a motion to declare a climate change emergency and this was embedded in policy, furthermore, Tewkesbury Borough was not the only rural Council in Gloucestershire and yet the rural nature of the borough had been used as a reason for the exclusions in Appendix 3.
- 69.4 A Member was under the impression that the Statement could not be altered at this stage and the proposed amendment would be changing the document so he did not see how it could stand. In response, the Corporate Director advised that, as Appendix 3 set out a list of exclusions which Tewkesbury Borough Council would not agree to, it was within the Council's gift to decide whether to accept that or to delete the appendix thereby falling in line with the remaining authorities who had

approved the Statement. There was no scope to change anything which the other Councils had signed.

- 69.5 A Member asked what harm there would be in reverting to the original document and taking each case on its own merits. In response, the Lead Member for Built Environment explained that, when the document had first been presented to them there was little in relation to rural areas and the three Members had recommended 19 changes to the wording of the document, most of which had been duly altered following discussion, for example, Item 25 in relation to flooding. In terms of the proposed exemptions, there were some things which they could not accept albeit they were important issues, for instance, cycling would become mass transit which, in her view, was not realistic today for Tewkesbury Borough Council and she was not prepared to sign something on that basis. The document needed to be workable and protect Tewkesbury Borough Council reputationally. Where changes to the wording had not been accepted, these had been included in the exclusions along with reasons why they were not agreed and all areas would be covered within the review of the Joint Core Strategy/Joint Strategic Plan. Whilst she could understand some of the reasoning for the exclusions, the Member was concerned how it would look to members of the public that some of the things which were important to them were being taken out. The Leader of the Council clarified that it was not the case that they were being taken out. A Statement of Common Ground had a fairly limited purpose and it was not about decisions around policies and commitments which were taken by the Council, rather, it was about setting out the areas where Tewkesbury Borough Council would work with other authorities which was why the wording was critical. The commentary in Appendix 3 explained why it was not appropriate to accept that wording - Tewkesbury Borough Council had not debated those things as an authority and they had not gone through the proper process which was a consultation exercise as opposed to making decisions on the hoof. As a planning authority, Tewkesbury Borough Council was quite different from the other District Councils with differing needs and issues so it was important not to tie its hands before going through the planning process. The Member expressed the view that there was nothing in the Statement which could tie the authority's hands and she suggested that, going forward, more than three Portfolio Holders should be responsible for deciding what went into the document. The Leader of the Council agreed that it would have been preferable for all Members to be involved in the process but that had not been presented as an option. He pointed out that there had been more Member involvement than at other authorities.
- 69.6 The proposer of the amendment felt that some of the items which had been picked up for exclusion were pedantic and she indicated that mass transit within cycling was a description which was used in the Tewkesbury Borough Plan under transport and accessibility. Paragraph 10.16 of the plan stated that "*Tewkesbury Borough Council will, in conjunction with Gloucestershire County Council, seek to identify and extend existing cycle routes and to introduce new and improved networks in line with the Local Transport Plan*" – it was contradictory to promote this within the Borough Plan but object to it in another document. The seconder of the amendment questioned why Tewkesbury Borough Council was always the last to sign documents and pointed out that she considered Cotswold, Forest of Dean and Stroud District Councils to be rural districts. It was commendable that a lot of amendments had been suggested and she noted that many had been agreed but she felt it would be embarrassing to Tewkesbury Borough Council, the other District Councils and residents of Gloucestershire to include Appendix 3 within the Statement. The Leader of the Council acknowledged the paragraph from the Local Plan and confirmed it was something which the Council supported but it was not the same as talking about cycling as a form of mass transit. Words were important when documents went to examination and care needed to be taken to ensure policies, or things which looked like policies, were not being made outside of the plan-making process. In his view, the Statement of Common Ground should be a

very simple document about the commitment Tewkesbury Borough Council was making to working with other authorities; partners wanted a more lengthy statement but they had not seen the need for that as the two most important issues were the spatial planning issues of housing, and land for economic development. The Council was looking after the interests of residents and the other local authorities and taking its responsibilities as a local planning authority very seriously which he thought was something to be proud of.

69.7 A Member questioned whether the document was time sensitive as there had been a lot of concern around it not being brought to the wider Council for consideration and she asked what the repercussions would be if the document was not approved tonight so it could be considered by all Members. In response, the Interim Planning Policy Manager advised that the intention was for the Statement to be subject to ongoing review and, strictly speaking, was not time sensitive. Notwithstanding this, other authorities such as Stroud District Council were about to go into plan examination and it was extremely important to be able to show the county had come to an agreement for the purpose of that. The duty to co-operate was an important policy in the National Planning Policy Framework and was a legal requirement. It was also a reputational matter as it was ideal for the Statement to be in place when all authorities were going through their respective plans. Whilst it was not critical for Tewkesbury Borough Council, the nature of the document set out general intentions so it would be optimal to have it in place as soon as possible. The Member understood that Stroud was going through the local plan process but that was not the case for Tewkesbury Borough Council so she did not think it was critical that it be approved tonight as her concern was that the document did not seem to have the support of the majority of the Council. She questioned how much weight an Inspector would place on the Statement and whether that was different from the duty to co-operate. The Interim Planning Policy Manager confirmed they were one and the same as the Statement of Common Ground was a vehicle to demonstrate the duty to co-operate. In the case of Stroud District Council, whilst that did not directly affect Tewkesbury Borough Council, the authority had a separate undertaking with Stroud in terms of future development needs under the emerging Joint Strategic Plan - one of the options to meet Tewkesbury Borough Council's housing needs may well be in Stroud. Ultimately, all Councils had a common interest to some degree and it was unclear what the Inspector would do if not all authorities were signed up to the Statement; however, his advice would be that it was very important to have a Statement of Common Ground so the Inspector could move on to more significant technical matters being considered. The Member indicated that it was not necessarily the case that the Council would not sign the Statement, she was asking if it was imperative it was signed now or whether it would be possible to do this in a few months time once it had been considered by the Executive or Overview and Scrutiny Committees. The Interim Planning Policy Manager indicated that the only thing he could say was that it had been in train since 2020 so, from his perspective, the sooner it was in place the better. The Chief Executive reiterated that the document itself had been agreed by every other district authority and Gloucestershire County Council so, from his perspective, it would be problematic to get agreement from the other Councils to wait for Tewkesbury Borough Council's Committee cycle.

69.8 A Member asked why a decision had been made to bring the Statement straight to Council; if the work had started in 2020 there would have been time to take the document to Executive or Overview and Scrutiny Committees. It seemed to her that Members were being asked to approve a finished document which they were not allowed to change and she questioned why the decision was made not to involve the wider Council. The Leader of the Council explained that Members had been involved on the basis of their respective portfolios. He believed the confusion may come from the fact that it had been instigated by the Gloucestershire Economic Growth Joint Committee which was a countywide body which, like a number of other

countywide groups, involved representatives from other authorities and discussed policy matters in a non-binding way. The Member indicated that she was surprised the Council was being asked to approve a document which it was not allowed to amend in any way. Another Member shared the concerns raised about the document having been in train since 2020 but not being considered by a Committee. He recognised that the decisions regarding the Statement had been made by three Members, one of whom was a keen cyclist themselves, and commentary alongside the removal of the transport provision agreement stated this was due to the nature of the Tewkesbury Borough area and the inclusion and assertion that cycling would become mass transit could not be supported by the Council as it was not achievable or realistic given the rural nature of the borough; however, he indicated that the borough was a very flat area which would be good for cycling so he would like to know who had written those particular words. In response, the Lead Member for Clean and Green Environment indicated that cycling could be a lovely pastime but the reality was that the majority of people would not have cycled to the meeting tonight because it was cold and dark and the roads were icy and dangerous. The County Council was so committed to cycling it was seeking to impose conditions for cycle storage on every planning application for residential development but his view was that developers' money would be better spent on providing safe cycle routes if they wanted to encourage people to cycle. Ultimately, people could not be forced to cycle and the statement set out in Appendix 3 reflected that.

69.9 A Member expressed the view that Tewkesbury Borough was diverse, with high and low density areas, and he was concerned that, by removing the transport provision agreement, this could reduce the amount of benefit that high density areas stood to gain in terms of being more connected via a quality cycling network so he did not understand why the Council wanted to remove it. In response, the Leader of the Council clarified that these were not policies, they were statements of areas the Council agreed to work with other authorities upon. Another Member drew attention to Page No. 111 of the original Statement and the comments on the Green Belt which set out that the parties agreed that changes to the Green Belt boundary would be considered through the local plan making process, particularly the Joint Core Strategy review. Page No. 127, Paragraph 3.19 of the Statement went on to state *"If avoiding development in the Green Belt means that development will have to go elsewhere, then alternative locations must still need to contribute toward the overall spatial strategy and sustainable development objectives. For plans to withstand scrutiny the reasons for rejecting alternatives must be clearly given"* - he felt that removing this from the document would give Tewkesbury Borough more protection over the Green Belt if it was the case that alternative locations could be offered. In terms of the final document, he asked whether it was binding or if it could be changed going forward; if it could be changed going forward then he felt it was appropriate to include the stipulations set out at Appendix 3 at this time and he would like to see Paragraph 3.19 added to that. In response, the Interim Planning Policy Manager explained that the intention was that it be a living document which could, and should, be amended as time went on to reflect its status as a Statement of Common Ground as opposed to a policy document.

69.10 A Member noted from Appendix 3 that climate change agreements 3-6 had been excluded as Tewkesbury Borough Council had not declared an ecological emergency; however, neither had all of the other authorities and yet they had still been willing to approve the Statement. Cotswold, Forest of Dean and Stroud District Councils were all fairly rural and those authorities had signed up to the transport provision agreement so she questioned why Tewkesbury Borough Council should not do the same. She felt that, by its nature, a Statement of Common Ground would be weakened if one of the partners was requesting a number of exclusions that the others were not – effectively they had a Statement of Common Ground but Tewkesbury Borough Council did not. The Leader of the Council

disagreed with this view and felt it was not about how the Council looked, it was about how it behaved and what it achieved – in his opinion it was strong, not weak, not to sign up for something just because others were doing so. He reiterated that Tewkesbury Borough Council was a local planning authority with a very specific set of circumstances and worked hard for its residents. It was considered that what had been put forward in the Statement of Common Ground was trying to make detailed policy analysis and agreement and there were many different factors to take into consideration when it should be a simple exercise. He provided assurance that Tewkesbury Borough Council would work with the other local authorities to explore certain areas which it could agree would feature in its plan but not to the exclusion of everything else in the plan-making process. The other District Councils would be able to say that Tewkesbury Borough Council had agreed to work with them on certain things.

- 69.11 The proposer of the motion to amend the proposal felt it was being inferred by the Leader that this was not the right place to discuss the document and, in response to the Lead Member for Clean and Green Environment, she pointed out that the transport provision agreements would be a way to address the air pollution issue. She felt it was realistic to get people cycling instead of driving as demonstrated by the investment in the new cycle route between Gloucester and Churchdown. The Lead Member for Clean and Green Environment continued to be of the view that people could not be forced to cycle but making cycling safer would encourage people to take it up. He recognised that cycle routes were being introduced between Gloucester and Churchdown and Cheltenham and Bishop's Cleeve but he asked why Winchcombe was not being considered as it was a quiet road – there were many initiatives the County Council could introduce without requiring developers to provide cycle storage.
- 69.12 A Member noted that the Statement was intended to be a fluid document and asked who would decide to change it and how long it should stand before it needed to be reviewed. In response, the Interim Planning Policy Manager advised that, as it was non-statutory and informal, it did not have a shelf life. He was unclear as to who would be responsible for changing it so it may be for others to comment on that; however, the general principle was that any need to change it would emerge through the group which had sponsored it which included the County Council, GFirst LEP and the six District Council teams. The Member raised concern that the LEP would potentially not be in existence for much longer based on the national conversation so he questioned what would happen if one of the parties changed. Another Member asked whether it would be possible for the Statement of Common Ground to be reviewed by the Overview and Scrutiny Committee going forward. In terms of the Gloucester-Churchdown cycle route, his opinion was that it was larger than it needed to be and he felt there was justification for retaining Appendix 3 as this would ensure that future schemes would be the right size for the borough. The Chief Executive advised that a process could be set up to review the Statement but he did not think the Overview and Scrutiny Committee would be the right place for that; however, the problem was that all other parties were content to sign up to the document and were planning work to take forward those things to form a strategic framework so Tewkesbury Borough Council would be out of the scope of that. He could see no appetite among the County Council and other District Councils to participate in any of the review work given they had signed up to the Statement - the point in time for debating this had now passed and the only opportunity for Tewkesbury Borough Council to make changes was via Appendix 3. The purpose of the review, when it reached that stage, was to ensure it reflected the reality of the partnership, national policies and other things which could be made out of date. The existence or otherwise of the LEP would not impact the validity of the document. In summary, whilst the Council could set up a review process, it would have no authority to influence the Statement and Tewkesbury Borough Council would be further unaligned with partner Councils to the point it could become out of

step and there would be areas which an Inspector could see as a disagreement in approach.

69.13 A Member pointed out that two fundamental documents had been considered earlier in today's meeting and had been approved with no debate or questions which was testament to Members being kept fully informed; had that happened with this document she suspected it would also have been supported by Members. The Lead Member for Built Environment advised that she did not sit on the board which had originally considered the Statement; however, a paper had been taken to the Executive Committee in 2019 which had given the Council the appropriate authority to work in partnership with the five other district authorities. The Leader apologised if he had given the impression that the Statement should not be debated but he had intended to demonstrate that the comments being made and the way it talked about detailed policies was illustrative of what should take place in the plan-making process which was why he considered the proposed amendment to remove Appendix 3 to be ill-advised and inappropriate. Without the Appendix, there was a danger of committing to certain things which would be looked at in the examination process that had not been properly explored but would have an impact on Tewkesbury Borough. The proposer of the amendment respected this opinion but did not agree and she emphasised her position which was that it would be better for Tewkesbury Borough Council to remove the exemptions. In terms of the comments about the Churchdown cycleway, whilst it was very large, it was planning for the future so it would be safe for use by parents and children etc. It doubled the width of the pedestrian walkway so it had the option to be used by everyone in the village, other than those travelling by bus or car. She felt that, in the Lead Member for Clean and Green Environment's comments on cycling he had made a perfect case for the exclusions to be kept in the Statement. She noted that the Executive Committee had given a delegation to the three Members to consider the Statement in 2019 but a lot of what had happened since that time had not filtered down to the broader Member base. She felt that the Council should be looking outward but the document reflected a very inward facing attitude. The seconder of the proposed amendment indicated that she would like the Council to approve the Statement of Common Ground but she did not agree with some of the most important points being taken out; if Appendix 3 was removed, she would be happy to approve the Statement. A Member shared this view and considered that putting in a list of exclusions would be seen as a blocker by partner Councils. Another Member indicated that he supported the inclusion of Appendix 3 which made the Statement fit for purpose for Tewkesbury Borough. The Lead Member for Built Environment reiterated that the Statement was not policy and Appendix 3 highlighted areas Tewkesbury Borough Council would like to cover in the Joint Strategic Plan process. In terms of climate change, a climate change emergency had been declared by the Council and a Working Group was in place to address that with measures being introduced such as the solar canopy in the car park. All authorities were committed to the Joint Strategic Plan-making process and the Tewkesbury Borough Plan included all of the comments as set out in Item 18 of the Statement, albeit not mass transit.

69.14 Having been proposed and seconded, a recorded vote was requested and, upon receiving the appropriate level of support, voting on the amendment was recorded as follows:

<b>For</b>	<b>Against</b>	<b>Abstain</b>	<b>Absent</b>
C L J CARTER	K J BERLINER		R D EAST
C M CODY	R A BIRD		J H EVETTS
D W GRAY	G F BLACKWELL		H C MCLAIN
D J HARWOOD	G J BOCKING		P D MCLAIN
M L JORDAN	K J CROMWELL		J W MURPHY
E J MACTIERNAN	M DEAN		P W OCKELTON
C E MILLS	P A GODWIN		R J STANLEY
J P MILLS	M A GORE		S THOMSON
H S MUNRO	J R MASON		R J E VINES
P E SMITH	A S REECE		
R J G SMITH	C REID		
C SOFTLEY	J K SMITH		
M G SZTYMIAK	V D SMITH		
P N WORKMAN	P D SURMAN		
	M J WILLIAMS		

- 69.15 With 14 votes in favour and 15 against, the amendment was lost.
- 69.16 In debating the original motion to approve the Gloucestershire Statement of Common Ground, as set out at Appendix 1 to the report, a Member accepted that a huge amount of work had gone into producing the Statement and it was regrettable that it had not been possible to reach a common ground but he did see it as an aspirational document, therefore, even with the exceptions included at Appendix 3, it would be better to approve the document than lose control of it. Another Member felt there would have been unanimous support for the document had Appendix 3 been removed. Whilst he shared the view this was an aspirational document, he could not support it as it now stood as he felt the exclusions were an embarrassment. A Member indicated that she was very disappointed not to be able to vote for the document but she was in complete agreement with the previous speaker.
- 69.17 Having been proposed and seconded, a recorded vote was requested and, upon receiving the appropriate level of support, voting was recorded as follows:

<b>For</b>	<b>Against</b>	<b>Abstain</b>	<b>Absent</b>
K J BERLINER	C L J CARTER		R D EAST
R A BIRD	C M CODY		J H EVETTS
G F BLACKWELL	D J HARWOOD		H C MCLAIN
G J BOCKING	M L JORDAN		P D MCLAIN
K J CROMWELL	C E MILLS		J W MURPHY
M DEAN	J P MILLS		P W OCKELTON
P A GODWIN	H S MUNRO		R J STANLEY
M A GORE	P E SMITH		S THOMSON
D W GRAY	R J G SMITH		R J E VINES
E J MACTIERNAN	C SOFTLEY		
J R MASON	M G SZTYMIAK		
A S REECE	P N WORKMAN		
C REID			
J K SMITH			
V D SMITH			
P D SURMAN			
M J WILLIAMS			

69.18 With 17 votes in favour and 12 against, it was

**RESOLVED** That the Gloucestershire Statement of Common Ground be **APPROVED** as set out at Appendix 1 to the report.

#### **CL.70 SEPARATE BUSINESS**

70.1 The Deputy Mayor 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.

#### **CL.71 SEPARATE MINUTES**

71.1 The separate Minutes of the meeting held on 6 December 2022, copies of which had been circulated, were approved as a correct record and signed by the Deputy Mayor.

**CL.72 HEAD OF PAID SERVICE REPORT**

*(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))*

- 72.1 The Council approved a proposal from the Head of Paid service in accordance with the recommendation set out in the report.

The meeting closed at 9:00 pm