

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Executive Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Wednesday, 1 March 2023 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, M L Jordan, E J MacTiernan, R J Stanley and M G Sztymiak

EX.91 ANNOUNCEMENTS

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

EX.92 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

92.1 Apologies for absence were received from Councillors D J Harwood and R J E Vines.

EX.93 DECLARATIONS OF INTEREST

93.1 The Committee's attention was drawn to the Tewkesbury Borough Code of Conduct which was adopted by the Council on 24 January 2023 and took effect on 1 February 2023.

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

EX.94 MINUTES

94.1 The Minutes of the meeting held on 1 February 2023, copies of which had been circulated, were approved as a correct record and signed by the Chair.

EX.95 ITEMS FROM MEMBERS OF THE PUBLIC

95.1 There were no items from members of the public.

EX.96 EXECUTIVE COMMITTEE FORWARD PLAN

96.1 Attention was drawn to the Committee's Forward Plan, circulated at Pages No.6-14. Members were asked to consider the Plan.

96.2 Accordingly, it was

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

EX.97 FINANCIAL UPDATE - QUARTER THREE 2022/23

- 97.1 The report of the Head of Finance and Asset Management, circulated at Pages No. 15-28, set out the third quarterly monitoring report of the Council's financial performance for 2022/23. Members were asked to consider the information.
- 97.2 The Head of Finance and Asset Management explained that the report highlighted a projected outturn surplus based on the quarter three position of £1.18m on the revenue budget and detailed the expenditure to date against both the capital programme and the approved reserves – the pay award had now been finalised and paid during quarter 3 which was fully funded from reserves. The significant increase in surplus projection was due to the costs of both the pay line review phase 1 and the excess cost of the national pay award having been taken from the reserves which were set aside to fund those costs – the total cost of those were £353,000; increased business rates retention of £249,000; increase in planning fees – quarter 2 income was greater than expected by £90,000 and the Council forward projected a further £200,000 due to one large application; the receipt of the UK Shared Prosperity Fund grant of £128,000 which was not expected to be spent by year-end; investment interest received was £100,000 more than expected; the Material Recovery Facility (MRF) gate fee had reduced by a further £35,000; and Ubico's forecast deficit had reduced since Q2 by £100,000 mainly within diesel and employment costs.
- 97.3 The main element of surplus expenditure was employees and the full-year projection for employees highlighted a potential gross surplus of £640,830 - although it should be noted that within the Council's corporate expenditure was a target to save £100,000 from employment costs around the Council – the net position was therefore a surplus against target of £540,830. There were employee savings being accrued across most service areas but the majority of the overall surplus was in One Legal – those savings would be shared by all of the partners in One Legal. The national pay award was agreed in November and had resulted in an uplift of £1,925 on every scale point – the Council had budgeted for 2% increase in salaries and, as a result, the excess cost calculated at £215,111 had now been charged to the pay award revenue reserve. Similarly, the first phase of the local pay line review had now been calculated at a cost of £138,503 and this had been charged against the Medium Term Financial Strategy.
- 97.4 The projected outturn for supplies and services highlighted a potential underspend of £133,418 – computer annual renewals was expected to be £34,000 below budget across many service areas, this was due to a large majority of licenses remaining with current contracts or being renegotiated at current levels. It was anticipated that bank charges would deliver a saving of £29,000; IT equipment would be £52,000 under budget, as some equipment had been purchased at a lower cost than expected and some would not be purchased until the next financial year. Payments to third parties highlighted a projected overspend of £187,994 – the Ubico contract was forecast to be overspent, mainly driven by the annual pay award which equalled £152,000. Due to the increased cost of fuel, Ubico estimated an overspend of £99,500 on diesel – other areas of additional spend within the contract included vehicle hire, which had been partly funded from reserves, for the additional food round. In addition, at the start of the year, and after the budget was set, the Council was informed by Cheltenham Borough Council of additional running costs in relation to the Swindon Road Depot estimated in the region of £150,000 per year. The MRF gate fee was expected to be £244,000 lower than budget which was due to be a significant reduction in the gate fee per tonne being paid.
- 97.5 Income in several services was doing well with many income streams projected to deliver income more than budget including planning fees and licensing; however, there were also a few areas which were projecting lower income than budget as a

reduced management fee had been agreed. In addition, the vacant commercial unit in the Council offices meant rental income was predicted to be £60,000 down on budget and One Legal income was below target – although this was offset against savings within employee costs and was again shared with One Legal partners. The income position was boosted by the receipt of external ringfenced funding for the UK Shared Prosperity Fund of £128,000. This was to be carried over at year-end into reserves as expenditure was not anticipated until the next financial year. The expenditure associated with corporate activities, as well as the financing of the Council, highlighted an estimated surplus of £648,964 for the financial year largely driven by treasury activities. The commercial property portfolio was currently predicting a deficit in the year as a result of the expected temporary void at one office unit – whilst the unit had now been let, inducements of six months rent free would mean only limited income on the unit in the current year; similarly, another unit had been let using inducements meaning income would be restricted in this financial year – it had not been included in next year's budget so any income received was additional to expectations. The overall projected position on retained business rates was currently exceeding budget expectations due to awarding more reliefs than anticipated which resulted in more S31 grants income. At year-end the Council would also have the windfall benefit of the Gloucestershire business rates pool which was estimated at around £400,000.

- 97.6 Appendix B to the report provided the capital position which was currently showing an underspend of £2.4million against the profiled budget of £4.1million – the capital programme estimated total expenditure for the year to be approximately £5.17million – the main elements of this year's forecast included Ashchurch Bridge; solar canopy; and Disabled Facilities Grant. There were currently unavoidable delays with the delivery of the Ashchurch bridge project and that accounted for the majority of the reported underspend on land and buildings. The solar canopy project was completed in quarter 2 with a final cost of £599,000. An overspend was reported for vehicle replacement as the new sweeper, which was expected in quarter 4 of 2021/22, had been delayed to the new financial year. Appendix C set out a summary of the current usage of available reserves and supporting notes were provided for reserves where expenditure was high. As at 1 April 2022, those reserves stood at £18.13million which was an increase of £1.93million on the previous year. The increase reflected the 2021/22 budget surplus and included significant external funding for a range of projects.
- 97.7 The inclusion of Key Performance Indicators reflected requirements of the Chartered Institute of Public Finance and Accountancy (CIPFA) Financial Management Code which was designed to support good practice in financial management and to assist local authorities in demonstrating their financial sustainability. An area which was closely monitored was the Council's aged sundry debt – service areas received monthly reports to make them aware of aged debt and focus attention on collecting those debts where possible. Appendix D to the report showed the level of bad debt for each service area and the percentage that was greater than one year. In addition, the Appendix included some statistics on the treasury management position with investments at quarter three being £42.6million and the return averaging at 2.88% with a total year-end forecast return of £952,000.
- 97.8 A Member questioned what the UK Shared Prosperity Fund (UKSPF) was earmarked for and was advised that this was a three year fund from the government of just over £1million in total for a range of projects supporting the economy / climate ambitions. It was unlikely to be spent in year one due to the lateness of the award from government so all authorities had been allowed to carry it over to year two – the funding would be used to help provide electric charging points, for retrofitting to make low carbon communities, economic development support and growing skills around the Borough. Referring to the commercial portfolio, the Member queried whether profits would be shown eventually after the

incentives provided at the beginning of the contracts. In response, the Head of Finance and Asset Management explained that, overall, the portfolio produced a healthy return – there were two units which had been vacant for a short time, those had now been filled and as part of that inducements had been offered – going forward inducements would cease and income targets should be hit. The Member noted that 15% of total staff levels were vacant and she questioned whether some would not be replaced or were all being filled. In response, she was advised that the Council was trying to fill the majority but there were one or two areas which were being reviewed to understand why they were not being filled / how the posts could be used going forward. In respect of the Garden Town funding, the Head of Finance and Asset Management confirmed that, with the exception of the Garden Town Communications Officer, the funding associated with the Garden Town came from Homes England.

97.9 Accordingly, it was

RESOLVED: That the financial performance information for the third quarter of 2022/23 be **NOTED**.

EX.98 UBICO FLEET REPLACEMENT

98.1 The report of the Waste Contracts Manager, circulated at Pages No. 29-50, considered the options available to the Council, taking into account budgetary constraints, for the most appropriate way forward for the fleet replacement. The report set out five options and it was proposed that a hybrid of those options be progressed. Members were asked to endorse the procurement approach and to delegate authority to the Head of Community Services, in consultation with the Head of Finance and Asset Management, the Director of One Legal and the Lead Member for Clean and Green Environment to proceed with the procurement for fleet replacement.

98.2 The Head of Community Services explained that the waste vehicle fleet was due to be replaced by April 2024. The government was currently looking to introduce legislation in three areas which would impact local authority waste collections. The official position was that the large scale changes being considered would be mandatory, funded where necessary from national new burdens funding and would need to be in place for 2024; however, timescales were likely to slip as the detailed consultation responses for two of the elements had not yet been published by the Department for Environment, Food and Rural Affairs (DEFRA). In addition, due to changes in government, and a move towards cost saving, it was not clear if the anticipated level of funding would still be available for new burdens or if elements of the proposals would be watered down. The three areas were Extended Producer Responsibility – this looked to move all life cycle costs for handling and reprocessing packaging to the producer of the packaging; Deposit Return Scheme – an additional charge levied on individual drinks cans and bottles to be refunded to the consumer when those containers were returned; and Consistency of Collections – proposed several mandatory changes such as separate food waste collections for all households, source segregated recycling and free garden waste collections for all households. Unfortunately, this meant the Council was not purchasing its fleet at the best time so it was proposed that the purchase of six recycling vehicles be held back until 2025 when there was more clarity. The biggest risk was a mandatory change of service to a source separated collection – if imposed this may require a twin stream system such as keeping paper and card separate from the remaining recycling rather than full separation but this was yet to be decided and was the reason it made sense to delay the purchase of the recycling vehicles for a year.

- 98.3 The main procurement exercise would be led by Ubico's fleet team and overseen by the Head of Fleet Operations as they had the detailed expertise on vehicle specifications required. There was a wish to replace like for like with the inclusion of euro six engines; inclusion of bin lifts and use of HV oil which was better for the environment. A full electric fleet was not an option as the technology was not quite ready and the costs were prohibitive. The hybrid approach had been sense checked by the Association for Public Service Excellence (APSE). In seven years' time (when the fleet would need replacement) it was anticipated that technology would have moved on and the Council should be considering hydrogen for its vehicles. A Member questioned whether it was possible to have built-in migratory stages as money became available – being conscious of the climate emergency he felt it would be beneficial to see progress as soon as possible. He also questioned whether investigations had been made into the use of Section 106 monies to improve the vehicle fleet. In response, the Head of Community Services advised that Officers were trying to smooth out the fleet purchase for a better balance of gaining best value for vehicles versus running them until the end of their lifespan or changing them earlier if the technology became available. In respect of S106 monies, they could be used for waste but a link to the development would have to be demonstrated e.g. x number of houses related to a vehicle – there needed to be an evidence base in place to enable that going forward. The evidence base was a piece of work which would be completed in the next month or two. In terms of Community Infrastructure Levy (CIL), this had been raised in respect of a new waste depot as a key piece of infrastructure – the CIL rates were currently being reviewed and there was potential to include waste but consideration needed to be given to it as a priority as CIL had to remain viable.
- 98.4 A Member expressed the view that with the government uncertainty on recycling collections going forward meant it may be better to do nothing until those matters were decided. The Head of Community Services indicated that it was only the recycling service which was affected by new legislation and as the vehicles got older they became unreliable meaning greater hire costs and reputational issues – therefore it would be better to replace all but the recycling vehicles in the fleet as planned. A Member suggested that type and sizes of vehicles needed to be considered carefully due to the way developments were planned. The Head of Community Services agreed there was a need to consider the specification of developments – estates should be designed in a manner which meant vehicles did not need to reverse but size and manoeuvrability of vehicles would remain important. A Member noted that one of the issues discussed at a recent meeting was the size of new estates; interestingly, some roads were wide enough but people parked in the wrong places – it was possible that the planning stage may need to consider where 'no parking' signs would be required.
- 98.5 In terms of Ubico, a Member felt that it would have better purchasing power if it purchased the fleet for all districts than if the individual districts purchased their own fleet. The Head of Community Services explained this was one of a number of projects being worked on with Ubico. A Member agreed that the technology was not currently viable but he felt the importance of the fleet in terms of carbon emissions did need to be stated and this should be a focus which needed to be invested in. Another Member understood the concerns raised but indicated that he would not want the Council to waste money on buying electric vehicles that did not meet the Council's requirements. The distances across the Borough meant electric vehicles would not work in many areas and the current depot did not have the infrastructure to cope.

98.6 It was proposed, seconded and

RESOLVED:

1. That the procurement approach outlined in the report be **ENDORSED**.
2. That authority be delegated to the Head of Community Services, in consultation with the Head of Finance and Asset Management, the Director: One Legal and the Lead Member for Clean and Green Environment, to proceed with the procurement for fleet replacement as outlined within the report.

EX.99 RESPONSE TO THE LEVELLING UP AND REGENERATION BILL: REFORMS TO NATIONAL PLANNING POLICY DECEMBER 2022

99.1 The report of the Interim Planning Policy Manager, circulated at Pages No. 51-69, set out a proposed response to the government consultation on the Levelling Up and Regeneration Bill: Reforms to National Planning Policy December 2022 which Members were asked to consider.

99.2 The Interim Planning Policy Manager explained that Member briefings on the subject had been held and there was now a need to confirm the Council's response to the consultation prior to Thursday 2 March. Unlike the White Paper consultation in 2020, this did not represent a comprehensive view of all changes which might be proposed. There were several things which would be introduced in time but were not within the remit of the current consultation i.e. the levy to replace Community Infrastructure Levy (CIL) and Section 106, changes to the duty to cooperate and policy around custom and self-build. There were some clear proposals within the consultation in important areas. Overall, the purpose of the consultation was to recognise that the government remained committed to seeing 300,000 dwellings built each year but ensuring they had closer links with existing communities; provided effective infrastructure and achieved beautiful places and development. The consultation was set out over 15 chapters in a prospectus style with 58 specific questions. Officers had concerns about some of the content which seemed to be lengthy, vague and worded in a way which was difficult to understand, although there were some welcome suggestions within the reforms and these were set out in the report - not least the changes to the housing supply calculation and aligning to the needs of an ageing population. The key concerns were included within the proposed response which was attached at Appendix 1 to the report.

99.3 A Member referred to question 13 and the requirement for a 35% uplift in the largest 20 cities and towns and questioned whether any of them were near Tewkesbury. He was advised that the nearest were Bristol and Birmingham. The Member queried whether that uplift would reduce the pressure on places like Tewkesbury Borough Council. In response the Interim Planning Policy Manager advised that this was related to the government formula – at one time changes were proposed which could have resulted in significantly higher numbers for places like Tewkesbury Borough Council but that was withdrawn and, if the new proposal was not implemented, it may mean that other areas would have to take higher growth - the proposed response to the question was framed around the issue that urban uplift may not be possible.

99.4 Members thanked the Officers for their work in putting together the response, taking into account the comments made by Members prior to the meeting.

99.5 Accordingly, it was

RESOLVED:

1. That the proposed responses to the Levelling Up and Regeneration Bill: Reforms to National Planning Policy December 2022, as set out in Paragraphs 3.4-3.6 and at Appendix 1 to the report, be **APPROVED** and formally submitted as Tewkesbury Borough Council's response to the consultation.
2. That authority be delegated to the Head of Development Services, in consultation with the Lead Member for Built Environment, to make any necessary minor amendment to the response prior to submission.

EX.100 THE WOODMANCOTE NEIGHBOURHOOD DEVELOPMENT PLAN REFERENDUM

- 100.1 The report of the Interim Planning Policy Manager, circulated at Pages No. 70-197, provided the Committee with the report of the examination into the Woodmancote Neighbourhood Development Plan; the schedule of the examiner's recommended modifications; and the submission draft of the Woodmancote Neighbourhood Development Plan. Members were asked to consider the information provided and approve the Plan to progress to a community referendum as prescribed by the Neighbourhood Planning (General) Regulations 2012.
- 100.2 The Interim Planning Policy Manager explained that Neighbourhood Plans formed an important part of the Development Plan Framework and the local planning authority had a legal duty to support Parish Councils and other qualifying bodies. The examination process was a lighter touch for neighbourhood planning than for the Council's local plan and usually involved written representations for the public examination. The Neighbourhood Plan had been submitted to Tewkesbury Borough Council in September 2021 and the public examination had taken place from February to August 2022. The Plan covered landscape, the Green Belt, housing and settlement boundaries; flood risk and drainage; and design. The Inspector had found the Plan to be sound subject to certain modifications and the next step was to send it to public referendum and, with a simple majority voting in favour, it would be 'made'. The examiner's key findings were summarised within the report and related to 10 key policies the most significant of which was policy one which covered the Cotswolds Area of Outstanding Natural Beauty. The examiner had wanted the policy deleted in its entirety; however, the Parish Council still felt there was merit in retaining some kind of policy and One Legal had agreed that, whilst clauses 1B and C should be deleted, 1A could be amended in order to remove any ambiguity and/or policy conflict. It was within the Council's discretion to retain a policy if it felt it would not prejudice any other parties.
- 100.3 A Member expressed the view that it was fantastic that Woodmancote had a Neighbourhood Development Plan and that it was lovely to read the history of Woodmancote. The Interim Planning Policy Manager advised that the Plan did include an allocation for residential development. Paragraph 14 of the NPPF related to the Plan setting out to meet housing requirements which this Plan did not do so, in his view, in the case of tilted balance Paragraph 14 would not be relevant.

100.4 Upon being proposed and seconded, it was

RESOLVED:

1. That the Woodmancote Neighbourhood Development Plan, modified according to the recommended modifications set out within Appendix 2, be formally approved to progress to Community Referendum, prescribed by Regulation 18 of the Neighbourhood Planning (General) Regulations 2012, as amended.
2. That authority be delegated to the Head of Development Services, in consultation with the Lead Member for Built Environment, to make any necessary minor amendments prior to referendum.

EX.101 HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE LICENSING POLICY

101.1 The report of the Licensing Operations and Development Team Leader, circulated at Pages No. 198-257, asked Members to consider an amendment to the current Hackney Carriage (Taxi) and Private Hire Licensing Policy in relation to vehicle requirements to specify that all converted vehicles which had not been re-categorised on the V5 (vehicle logbook) provided documentation to demonstrate the vehicle was safe and to adopt the updated vehicle requirements for Hackney Carriage (Taxi) and Private Hire Vehicle Policy agreed by the Licensing Committee at its meeting on 16 February 2023.

101.2 The Licensing Operations and Development Team Leader explained that in 2021, 53 vehicles had been identified as being category N on the logbook (goods vehicle converted to passenger vehicle) and those should have gone through the relevant tests – those owners had been written to and advised to get their logbooks updated; however, the DVLA would not update the logbooks so the Council had indicated it would be satisfied if those vehicles were taken to a DVLA test station and declared to be safe for the use of carrying passengers. This had been undertaken and the Council was satisfied that all historic vehicles were safe.

101.3 During the 12 week consultation with all licence holders, one representation had been received, which was contained within the appendices to the report along with the response from the Licensing Operations and Development Team Leader. Further to the consultation, and approval by the Licensing Committee, it was proposed to include a requirement in the Hackney Carriage (Taxi) and Private Hire Licensing Policy regarding accessible vehicle conversions and this was set out at Paragraph 2.3 of the report.

101.4 Accordingly, it was

RESOLVED:

1. That the amendment to the Hackney Carriage (Taxi) and Private Hire Licensing Policy, as set out at Paragraph 2.3 of the report, in relation to vehicle requirements be **ADOPTED**.
2. That the revised Hackney Carriage (Taxi) and Private Hire Licensing Policy, attached at Appendix C to the report, incorporating the revised wording which the Licensing Committee agreed at its meeting on 16 February 2023, be **ADOPTED**.

EX.102 COUNCIL TAX SUPPORT FUND POLICY

- 102.1 The report of the Revenues and Benefits Manager, circulated at Pages No. 258-269, attached a Council Tax Support Fund 2023/24 policy which Members were asked to approve. It was also recommended that a delegation be given to the Revenues and Benefits Manager, in consultation with the Head of Corporate Services and Lead Member for Finance and Asset Management, to make minor and non-consequential adjustments to the scheme and to approve that any remaining balance be used in line with the Council Tax Discretionary Hardship Fund.
- 102.2 The Revenues and Benefits Manager explained that funding had been allocated to each local authority and there was a proposal to award all eligible local Council Tax Support claimants a one-off amount of £25 against their Council Tax liability for 2023/24 to be shown on their annual Council tax bills. The number of households in the Borough in receipt of Council Tax support as at 1 February 2023 was approximately 4,787. 3,500 claimants were in receipt of maximum Council Tax Reduction and would not be eligible for Council Tax support payments – figures showed an approximate spend of £42,000. The government's guidance stated that a local authority could use the government funding as it saw fit to support vulnerable households with Council Tax bills and it was therefore proposed that the remaining balance of approximately £83,000 be used for Council Tax Hardship during 2023/24.
- 102.3 Accordingly, it was proposed, seconded and

RESOLVED:

1. That the Council Tax Support Fund 2023/24 Policy, as attached to the report at Appendix A, be **APPROVED**.
2. That authority be delegated to the Revenues and Benefits Manager to make minor and non-consequential adjustments to the Scheme, in consultation with the Head of Corporate Services and the Lead Member for Finance and Asset Management.
3. That any remaining balance be used in line with the Council Tax Discretionary Hardship Fund in accordance with the guidance that stated Councils could use their remaining allocation as they saw fit to support vulnerable households with their Council Tax bills.

EX.103 SEPARATE BUSINESS

- 103.1 The Chair proposed, and it was

RESOLVED

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

EX.104 TEWKESBURY LEISURE CENTRE MANAGEMENT FEE

(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))

- 104.1 The Committee considered a request from Tewkesbury Leisure Centre and approved a reduced management fee.

EX.105 TRADE WASTE SERVICE

(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))

- 105.1 The Committee considered and agreed the way forward for the Trade Waste service.

The meeting closed at 3:55 pm