

TEWKESBURY BOROUGH COUNCIL

Minutes of a Meeting of the Overview and Scrutiny Committee held at the Council Offices, Gloucester Road, Tewkesbury on Tuesday, 13 February 2024 commencing at 4:30 pm

Present:

Chair	Councillor M Dimond-Brown
Vice Chair	Councillor C L J Carter

and Councillors:

H J Bowman, P A Godwin, G C Madle, H C McLain, C E Mills, G M Porter, E C Skelt, M J Williams and I Yates

also present:

Councillor R J Stanley

OS.63 ANNOUNCEMENTS

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

OS.64 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

64.1 Apologies for absence were received from Councillors N D Adcock, C Agg, T J Budge, C L J Carter and P N Workman. There were no substitutes for the meeting.

OS.65 DECLARATIONS OF INTEREST

65.1 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.

65.2 There were no declarations made on this occasion.

OS.66 MINUTES

66.1 The Minutes of the meeting held on 16 January 2024, copies of which had been circulated, were approved as a correct record and signed by the Chair.

OS.67 EXECUTIVE COMMITTEE FORWARD PLAN

67.1 Attention was drawn to the Executive Committee Forward Plan, circulated at Pages No. 15-24. 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.

67.2 The Director: Corporate Resources advised that the ICT Strategy, due to be considered by the Executive Committee at its meeting on 20 March 2024, would be deferred until an appointment had been made to replace the Associate Director:

ICT. In terms of the pending items, following the departure of the Associate Director: People, Culture and Performance from the authority, the Director: Corporate Resources would be taking ownership of the Equalities and Diversity Policy and would bring that forward as soon as possible; Officers were considering whether the Volunteering Policy was still relevant and aligned to corporate policies; and the Economic Development and Tourism Strategy would be brought to the June meeting of the Overview and Scrutiny Committee before being considered by the Executive Committee in September.

67.3 In terms of the Community Infrastructure Levy (CIL) Charging Schedule, currently in the pending items section, the Chair indicated there had been a number of conversations at Council and Planning Committee meetings in relation to CIL and its efficacy and he asked if there was an intention to look at how this could be improved for the benefit of Tewkesbury Borough. The Associate Director: Planning explained that, in reviewing the charging schedule, the Council would need to consider how well things were working and the relationship between CIL and Section 106 etc. He reminded Members that it was a joint charging schedule so would need to be done in connection with Cheltenham Borough and Gloucester City Councils as part of the development plan review as this was inextricably linked to infrastructure required to support sites within the plan.

67.4 The Chief Executive advised that the letter from the government in relation to the final local government settlement which had confirmed the uplift of Core Spending Power to 4% also included a requirement to produce productivity plans setting out how to improve service performance and reduce wasteful expenditure. Whilst the full details were not yet available, there were four main areas and a specific consideration around whether expenditure on discredited equality and diversity inclusion programmes met that objective. The Chair indicated that the new administration may have a different view on the potential benefits of having a proper Equalities and Diversity Policy which encouraged people to be themselves and fulfil their potential. The Chief Executive confirmed that Officers would unpick the nuances and report the findings to Members in due course.

67.5 It was

RESOLVED That the Executive Committee Forward Plan be **NOTED**.

OS.68 OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME 2023/24

68.1 Attention was drawn to the Overview and Scrutiny Committee Work Programme, circulated at Pages No. 25-28. Members were asked to consider the Work Programme.

68.2 The Chair indicated that he would be writing to the Lead Members for Housing, Health and Wellbeing, Customer Focus and Clean and Green Environment to invite them to attend the next meeting of the Overview and Scrutiny Committee in view of the items on the Agenda. In terms of the pending items section of the report, he would be meeting with the Leader and the Lead Member for Communities to discuss the cost of living crisis item and how best that could be taken forward. The Director: Corporate Resources advised that, as he had mentioned in relation to the Executive Committee Forward Plan, the Economic Development and Tourism Strategy would be brought to the Overview and Scrutiny Committee meeting in June prior to the Executive Committee in September.

68.3 It was

RESOLVED That the Overview and Scrutiny Committee Work Programme be **NOTED**.

OS.69 COUNCIL PLAN PERFORMANCE TRACKER - QUARTER THREE 2023/24

- 69.1 The report of the Director: Corporate Resources, circulated at Pages No. 29-82, attached the performance management information for quarter three of 2023/24. 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.
- 69.2 Members were informed this was the third quarterly monitoring report for 2023/24 and represented the latest information in terms of the status of the actions set out in the Council Plan. Progress against delivering the objectives and actions for each of the six Council Plan priorities was reported through the performance tracker, attached at Appendix 1 to the report, which was a combined document that also included a set of Key Performance Indicators (KPIs). Key financial information was usually reported alongside the tracker documents but, given the complexities of the year end closedown, this was not yet available and would be reported to the Committee next month.
- 69.3 Key actions for the quarter were highlighted at Paragraph 2.3 of the report and included approval of the Medium Term Financial Strategy by Council on 12 December 2023; support to the Voluntary and Community Sector (VCS) with one to one advice; commencement of phase two of the in-cab technology project for street cleansing and recycling following the successful roll-out of phase one; procurement of a new customer contact system; and near completion of the Council's new air source heating system. Members were reminded that, due to the complex nature of the actions being delivered, it was inevitable that some would not progress as smoothly or as quickly as envisaged and the details of those actions were set out at Paragraph 2.4 of the report. In terms of KPIs, the status of each indicator was set out at Paragraph 3.2 of the report. KPIs where direction of travel was down and/or not on target, were set out at Paragraph 3.3 of the report, with KPIs that were performing well highlighted at Paragraph 3.4 of the report. Particular reference was made to KPIs 17 and 18 in relation to the percentage of major and minor planning applications being determined in time which had both improved to 85% and 90% respectively.
- 69.4 The Chair drew attention to Pages No. 29 and 33 of the report, which highlighted the positive actions achieved during the period, and invited Members to comment. With regard to Page No. 29, Paragraph 2.3 of the report, a Member noted that the next round of public consultation on the Tewkesbury Town Centre Masterplan and Design Code was being prepared for February and, given that it was already February, she asked if the target date was the end of the month. In response, the Head of Service: Community and Economic Development advised that the Masterplan Steering Group comprising representatives of local groups as well as internal representatives had met twice to date with a third meeting scheduled for the following week to consider the content of draft document based on comments arising from the consultation. The work had to be completed within the current financial year when the Heritage Action Zone payments would finish. The Member asked if there would be any general public consultation and was informed that, as well as the steering group, a map was being developed for consultation and there would be an additional consultation process when it became a Supplementary Planning Document so there would be ample opportunity for the public to have an input; he undertook to share the dates of the consultations following the meeting. A Member indicated that, as Chair of Licensing Committee, he was confident the review of the Licensing service was progressing well despite the Business Transformation Team being engaged on other matters; he was very proud of the positive work being done. With regard to KPIs 17 and 18 in relation to the percentage of major and minor planning applications being determined, a Member acknowledged the very helpful and informative briefing which Members had recently

received from the Planning team and asked the reasons for the improvement to establish if that would continue. In response, the Associate Director: Planning advised that the impact of the additional resource the Council had been able to put toward the Planning department was beginning to be seen; however, a lot of that resource had been focused on tackling the backlog of planning applications so it would not necessarily translate to performance going forward unless the substantive vacancies could be filled. Improvements were being made to the back office side in terms of streamlining processes in order to meet deadlines for decision dates etc. Another Member drew attention to Page No. 67, KPI 38 in relation to the percentage of formal complaints answered on time which demonstrated that, despite having more complaints, they were being dealt with in a timely manner which suggested that Officers were better at responding to complaints.

69.5 During the debate which ensued, the following queries and comments were made in relation to the Council Plan Performance Tracker:

Priority: Finance and Resources

Page No. 37 – Objective 4 – Action a) Implement and deliver a project plan for closure of the trade waste service – A Member asked why closing down the final accounts had taken longer than expected.

The Head of Service: Waste and Recycling advised there were around 50 businesses who owed money to the authority and approximately 25 which the Council owed money to so Officers were working through that process. In terms of the bins collected, these were originally due to be disposed of; however, through partnership working with Ubico it had been possible to sell some to Cheltenham Borough Council which was why that element had taken longer than anticipated.

A Member asked whether all community centres now knew where they stood in terms of their entitlement to a free waste collection service and the Head of Service: Waste and Recycling confirmed that was the case.

Key performance indicators for priority: Economic Growth

Pages No. 42 - KPI 1 – Employment rate for 16-24 year olds – A Member questioned whether there was a particular issue with youth unemployment in the borough.

The Head of Service: Community and Economic Development advised that young people had been affected through COVID and the number in education had fallen which impacted on their ability to get jobs and start careers. Work on the new Economic Development and Tourism Strategy included looking at barriers to unemployment for all groups, particularly young people, and what could be done to address them.

Page No. 43 – KPIs 3 and 4 – Number of business births and deaths – A Member noted that both births and deaths were decreasing and she asked what was causing this.

The Head of Service: Community and Economic Development advised that these were clear trends across Gloucestershire and nationally and Officers were looking into the reasons.

The Director: Corporate Resources advised that KPIs 1-4 were contextual indicators which had been requested by the previous

administration to establish how these were changing over time; the time to challenge would be when the Economic Development and Tourism Strategy came forward in June.

Priority: Housing and Communities

Page No. 48 – Objective 3 – Action a) Work with partners, infrastructure providers and developers to progress the delivery of key sites – A Member raised concern it was unclear from the commentary whether the Council was supporting infrastructure and facilities delivery and therefore delivering against this objective. He also asked how the dwellings being built were helping to address Tewkesbury Borough Council's housing land supply target.

The Associate Director: Planning indicated these were two separate issues. The commentary was setting out the progress of the sites through the planning process as opposed to what infrastructure or facilities had been agreed or secured as part of them.

In terms of the housing land supply calculation, this would include some, if not all, of these sites; however, it would probably not be picked up within the bimonthly reporting on the housing land supply as the position did not change that quickly and he had talked at previous meetings in relation to that. Consideration was being given to what KPIs should be included in relation to housing land supply going forward but he was able to say that all of these sites would be contributing.

The Chief Executive indicated that, at other authorities, he was used to seeing reporting on the annual number of homes built and the percentage of affordable housing and that was something which could be adopted for the new Council Plan.

Key performance indicators for priority: Housing and Communities

Pages No. 52-53 – KPIs 10, 11, 12 and 13 in relation to homeless applications and cases – A Member questioned how the Council was responding to homelessness as it was not possible to tell from the figures provided.

The Head of Service: Housing advised that advice was being sought in terms of how to benchmark with other districts in order to produce a different set of figures which would provide that information. Migration cases had peaked in quarter three which had impacted numbers and there had been a high number of cases in temporary accommodation which, coupled with the period of severe weather, had resulted in some becoming homelessness cases.

A Member asked if there was capacity within the service to deal with the additional cases and whether all of the homelessness cases had been dealt with. The Head of Service: Housing explained that those cases were across more than one reporting figure so it he did not have a response now but it was something which could be built into future reporting.

Page No. 55 – KPI 19 – Percentage of major planning applications overturned at appeal – A Member indicated that he would like an understanding of the cost of appeals and asked if there was a trigger point for government intervention in terms of the number of appeals lost.

The Associate Director: Planning advised that there were different levels of costs, for instance, if someone appealed against refusal of planning permission, costs may be awarded against the Council if it was considered it had acted unreasonably; that was distinct from losing an appeal and incurring the costs of defending an appeal. Some of the costs would be fairly easy to identify and collate whereas Officer time would be more difficult – all that could be said in that regard was that there would be a proportion of time over the course of the year which would take Officers away from their caseload of applications. He undertook to work with Finance to extract the information which could be provided going forward.

In terms of the impact of the figures, the government set performance targets for the determination of major and minor applications and the percentage of appeals overturned. In terms of the latter, the target was 10% - which Tewkesbury Borough Council was dangerously close to – however, this was over a rolling two year time period with a volatile start and end date. As such, although the authority could make its own internal estimations as to its standing, that was not to say this would align with the government as it was not clear which reporting period it might choose. Whilst the Council could not change the number of appeals allowed once they had been lost, it could influence the percentage of decisions overall and therefore had the ability to dilute the impact of the appeals being lost – this highlighted why performance was so important. In terms of the sanctions, in theory the Council was at risk of designation under performance measures for planning permissions and, whilst it was unlikely, there was a possibility that Tewkesbury Borough Council could lose its planning fee income but still be required to do the work to support applications. The Associate Director: Planning was working closely with the Lead Member for Built Environment in relation to this and the most important thing was to ensure that the good performance in relation to applications in the pipeline was followed-up as this was the only part of the equation which the authority could directly influence. The Leader of the Council echoed these comments and indicated that, whilst it was possible to calculate the costs of appeals and the Council had spent around £0.5m over the

previous year, those cases had been defended in good faith albeit this was not a tenable position. The Council could not demonstrate a five year housing land supply and was working to put in place a new policy position via the Strategic and Local Plan (SLP) but all of those things would take time to deliver.

A Member noted that the commentary within the report referenced non-determination appeals where the Planning Committee had been minded to refuse and she asked if any statistics were available in relation to whether the appeals overturned were those where the Planning Committee had made a resolution which was against the Officer recommendation in order to identify potential training needs. The Associate Director: Planning confirmed that information could be collated but it should be borne in mind that decisions which had been made until recently were in the context of believing the Council could demonstrate a five year housing land supply; had the conclusion been reached earlier that was not the case, some of the applications being recommended by Officers for refusal may have been recommended for permission, albeit Members may have had an alternative view.

Pages No. 57-58 – KPIs 21, 22, 23 and 24 in relation to investigation of enforcement cases – A Member noted that the direction of travel for these KPIs was down and he asked what the underlying reason was for this and what was being done to address it.

The Associate Director: Planning advised that, with regard to category A and B cases, the percentage was volatile as it was related to the number of cases. There had been some internal issues in terms of the transition between the Planning Support Administration team and the action being followed-up by the Enforcement Officer so it was about how to triage and prioritise enforcement cases - once they reached the Enforcement Officers they were generally turned around quickly. This was something for Officers to manage and had been picked up with the Planning Support Administration team. His perception was that the Enforcement section at Tewkesbury Borough Council was excellent and there was a very proactive team of Officers but it was important to ensure that internal processes were not making it harder for professional Officers to do their jobs.

Priority: Customer First

Page No. 60 – Objective 1 – Action b) Carry out a full review of the Licensing service – A Member noted that this action, and others including the action in relation to the litter pickers scheme, had been delayed due to resource not being available within the Business Transformation Team. He assumed the actions in relation to licensing and adoption of a revised charging schedule for Community Infrastructure Levy (CIL) had unique reasons as to why they were delayed but he asked whether any lessons could be learnt in terms of being more realistic about what could be delivered and setting appropriate timeframes.

The Business Transformation Manager confirmed there were unique reasons for the delays with the specific actions referenced but these were now under control so he expected progress to be made.

With regard to CIL, the Associate Director: Planning advised that it was a joint charging schedule and Cheltenham Borough Council in particular had recognised that there was no capacity to deliver this at the same time as the Strategic and Local Plan (SLP).

The Director: Resources explained that demand for the Business Transformation Team had increased significantly since its implementation three or four years ago and the team's strategic priorities were now governed by the Chief Officer Group (COG). A presentation had recently been given to the Transform Working Group on what the team was doing this year which he undertook to share with Members.

Priority: Sustainable Environment

Page No. 75 – Objective 2 – Action c) Carry out a review of our litter pickers' scheme – A Member noted this had been delayed considerably. She was aware that the litter picker events which had previously been held were no longer happening and she asked whether the Council was engaging with existing litter pickers and if new volunteers were enrolling.

The Head of Service: Environmental Health advised that this action was taking longer than Officers would like due to the need for the circa. 400 litter pickers to sign a new GDPR disclaimer giving their consent to being registered and agreeing to the Council's privacy notice. He confirmed that new litter pickers were continuing to register and, once the database was up to date, Officers would be happy to arrange an event. He also undertook to speak to the Communications team to see if advertisement of the scheme could be improved on the Council's website.

Key performance indicators for priority: Sustainable Environment

Page No. 79 – KPI 39 – Number of reported environmental crimes – A Member noted that fly-tipping was increasing and, whilst he recognised it was a difficult problem to address, he asked if there was a reason for the negative direction of travel.

The Head of Service: Environmental Health advised that it was difficult to pinpoint the exact reason which could be due to a number of factors including impact of the pandemic, increased waste being generated over Christmas and the increased cost of living meaning small traders and businesses tried to avoid paying disposal fees. The Member indicated that, if it was a trend at this

particular time of year, it would be helpful to know whether the Council had a response to that. The Director: Communities undertook to carry out an analysis of the type of materials being fly-tipped and the locations and report back to Members.

69.6 Having considered the report, it was

RESOLVED That the performance management information for quarter three 2023/24 be **NOTED**.

OS.70 GLOUCESTERSHIRE POLICE AND CRIME PANEL UPDATE

70.1 Attention was drawn to the report from the Council's representative on the Gloucestershire Police and Crime Panel, circulated separately, which gave an update on matters discussed at the last meeting held on 6 February 2024.

70.2 The Council's representative on the Gloucestershire Police and Crime Panel indicated that he did not intend to go through the whole report but wished to highlight that visible policing was incredibly important to the community and was by far the biggest area they wished to see investment in. He had been somewhat disappointed by the Police and Crime Commissioner and Chief Constable's collective response that they would like to do more neighbourhood policing and to be more visible but did not have the resources to do so; in his view, the increases in the budget this year would keep things going rather than improving them which was frustrating. In terms of the Perception of Crime Survey, this made interesting reading and he encouraged Members to look at the breakdown by district. Notably, only 32% of people thought the Police were fundamental in the community - although 89% thought they were doing a good job - and the Council's representative indicated that, personally, he had grave concerns about the state of policing in the country, and specifically in the county.

70.3 A Member asked if the 180 new Police Officers being recruited were specials and was informed they were paid frontline Police Officers and would be full time equivalents. The Member asked how Gloucestershire was tackling the issue of highly paid frontline Officers working in office roles for long periods of time because of health issues and the Council's representative undertook to ask the question and report back to Members. Another Member asked if the Police would be doing anything differently as a result of the Perception of Crime Survey and was advised that it did not have a direct effect but he suspected it would inform future budget requests and resource allocation.

70.4 A Member asked whether the response time for 101 calls had been discussed at the meeting as, when he had attended the Member briefing at the end of January, the Police and Crime Commissioner had implied the waiting time was down to two minutes but she was aware that local Police Community Support Officers (PCSOs) did not think that was accurate. The Council's representative advised that one of the main concerns identified in the review in 2023 was that the police control room was not sufficiently staffed and the Police control room improvement plans included the introduction of a replacement intelligence and crime system (NICHE) which would come into effect in May 2025. Call handlers were a precious resource with one or two being lost each month but the recruitment process had improved and approximately 20 staff were now being recruited en bloc per month. The Member indicated that she was unclear whether the two minute wait time was aspirational and the Council's representative undertook to come back with a definitive answer.

70.5

It was

RESOLVED That the Gloucestershire Police and Crime Panel Update be
NOTED.

The meeting closed at 5:52 pm

Overview and Scrutiny Committee Action List – 13 February 2024

AGENDA ITEM	TITLE	ACTION	COMMENTS	CONTACT OFFICER	ACTION COMPLETE Yes / No (IF NO MUST INCLUDE TARGET DATE)
5.	Executive Committee Forward Plan	<ul style="list-style-type: none"> 20 March 2024 – ICT Strategy to be moved to pending items awaiting recruitment of new manager. Economic Development and Tourism Strategy – move from pending to September 2024. 	Forward Plan updated.	Head of Service: Democratic and Electoral Services	Yes
		<ul style="list-style-type: none"> Equalities and Diversity Policy – Findings in relation to the productivity plan actions, required by the government, around wasteful expenditure on equality and diversity improvement programmes to be reported to Members. 		Director: Corporate Resources	
6.	Overview and Scrutiny Committee Work Programme 2023/24	Economic Development and Tourism Strategy – moved from pending to June 2024.	Added to Work Programme for 2024/25.	Head of Service: Democratic and Electoral Services	Yes
		Quarter Three 2023/24 Finance Update to be added to Agenda for 26 March 2024.	Added to Work Programme.	Head of Service: Democratic and Electoral Services	Yes

Overview and Scrutiny Committee Action List – 13 February 2024

AGENDA ITEM	TITLE	ACTION	COMMENTS	CONTACT OFFICER	ACTION COMPLETE Yes / No (IF NO MUST INCLUDE TARGET DATE)
		Chair to write to Lead Members for Housing, Health and Wellbeing, Customer Focus and Clean and Green Environment to invite them to attend the next meeting of the Overview and Scrutiny Committee in view of the items on the Agenda		Chair of Overview and Scrutiny Committee	
7.	Council Plan Performance Tracker Quarter Three 2023/24	Page No. 29, Paragraph 2.3 – Members to be informed of the dates for consultation in relation to the Tewkesbury Town Centre Masterplan and Design Code.		Head of Service: Community and Economic Development	
Page No. 43 – KPIs 3 and 4 – Number of business births and deaths – Members to be advised as to the reasons for both of these declining.			Head of Service: Community and Economic Development		
Page No. 48 – Objective 3 – Action a) Work with partners, infrastructure providers and developers to progress the delivery of key sites – Consideration to be given as to what KPIs should be included in the new Council Plan in relation to housing			Associate Director: Planning		

Overview and Scrutiny Committee Action List – 13 February 2024

AGENDA ITEM	TITLE	ACTION	COMMENTS	CONTACT OFFICER	ACTION COMPLETE Yes / No (IF NO MUST INCLUDE TARGET DATE)
		land supply which could include the annual number of homes built and percentage of affordable housing.			
		Pages No. 52-53 – KPIs 10, 11, 12 and 13 in relation to homeless applications and cases – Homelessness cases to be addressed differently in reporting figures going forward.	Not currently possible to tell whether all homelessness cases have been dealt with successfully as spread across several reporting figures.	Head of Service: Housing	
		Page No. 55 – KPI 19 – Percentage of major planning applications overturned at appeal – Members to be provided with details on the cost of appeals to the authority and information on whether the appeals being lost were those where the Planning Committee had gone against the Officer recommendation in order to identify potential training needs.		Associate Director: Planning	

Overview and Scrutiny Committee Action List – 13 February 2024

AGENDA ITEM	TITLE	ACTION	COMMENTS	CONTACT OFFICER	ACTION COMPLETE Yes / No (IF NO MUST INCLUDE TARGET DATE)
		Page No. 75 – Objective 2 – Action c) Carry out a review of our litter pickers' scheme – <ul style="list-style-type: none"> • Event for litter pickers to be arranged once the database is up to date. 		Head of Service: Environmental Health	
		<ul style="list-style-type: none"> • Website to be reviewed to see if it is possible to better advertise the scheme. 		Head of Service: Environmental Health	
		Page No. 79 – KPI 39 – Number of reported enviro-crimes – Analysis of the type of materials being fly-tipped and their locations to be carried out to establish if there was any particular reason for the increase in fly-tipping during the quarter.		Director: Communities	
		Presentation given by the Business Transformation Team to Transform Working Group on the work it is doing in year to be circulated to Members.	Concern raised by the Chair that several actions were delayed due to Business Transformation Team resources.	Director: Corporate Governance	

Overview and Scrutiny Committee Action List – 13 February 2024

AGENDA ITEM	TITLE	ACTION	COMMENTS	CONTACT OFFICER	ACTION COMPLETE Yes / No (IF NO MUST INCLUDE TARGET DATE)
8.	Gloucestershire Police and Crime Panel Update	Members to be informed of what was being done in Gloucestershire to tackle the issue of highly paid frontline officers working in office roles for extended periods of time because of health issues.	Raised by Councillor Mills.	Councillor Porter	
		Members to be advised whether the two minute response time for 101 calls was being achieved or if it was aspirational.	Raised by Councillor Bowman.	Councillor Porter	