

18 September 2023

Committee	Council
Date	Tuesday, 26 September 2023
Time of Meeting	6:00 pm
Venue	Tewkesbury Borough Council Offices, Severn Room

ALL MEMBERS OF THE COUNCIL ARE REQUESTED TO ATTEND

Agenda

1. ANNOUNCEMENTS

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

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

2. To receive any announcements from the Chair of the Meeting and/or the Chief Executive.

2. APOLOGIES FOR ABSENCE

3. DECLARATIONS OF INTEREST

Pursuant to the adoption by the Council on 24 January 2023 of the Tewkesbury Borough Council Code of Conduct, effective from 1 February 2023, as set out in Minute No. CL.72, Members are invited to declare any interest they may have in the business set out on the Agenda to which the approved Code applies.

4. MINUTES

1 - 16

To approve the Minutes of the meeting held on 25 July 2023.

5. ITEMS FROM MEMBERS OF THE PUBLIC

- a) To receive any questions, deputations or petitions submitted under Council Rule of Procedure.12.

(The deadline for public participation submissions for this meeting is Wednesday 20 September 2023).

- b) To receive any petitions submitted under the Council's Petitions Scheme.

6. MEMBER QUESTIONS PROPERLY SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

To receive any questions submitted under Rule of Procedure 13. Any items received will be circulated by 5:00pm on Monday 25 September 2023.

(Any questions must be submitted in writing to Democratic Services by, not later than, Monday 18 September 2023 at 10:00am).

7. RECOMMENDATIONS FROM EXECUTIVE COMMITTEE

The Council is asked to consider and determine recommendations of a policy nature arising from the Executive Committee as follows:-

(a) Tewkesbury Garden Town Review - Progress Update

17 - 36

To consider the progress made against the 17 recommendations from the gateway review report, in particular the new approaches to engagement with communities and robust programme management; to approve the new governance arrangements, including revised programme monitoring and reporting designed to improve visibility and transparency; and to agree that the Council, as promoter, explores opportunities with developers and landowners within the Garden Town area to align their proposals for development with the developing vision and aspirations for Tewkesbury Garden Town.

8. STATUTORY APPOINTMENTS - RETURNING OFFICER AND ELECTORAL REGISTRATION OFFICER

37 - 40

To ratify the appointment of the Chief Executive as the Returning Officer for Borough Council elections; to appoint the Chief Executive as the Returning Officer for Parish and Town Council elections within the Tewkesbury Borough area; to ratify the decision taken under urgency powers to appoint the Chief Executive as the Council's Electoral Registration Officer; and to appoint the Executive Director: Resources, Director: Corporate Resources and Head of Service: Democratic and Electoral Services as Deputy Electoral Registration Officers.

9. NOTICE OF MOTION: FOSTERING

Councillor Hegenbarth will propose and Councillor Stanley will second:

That the Council notes:

- There are over 800 children in the care of the County Council, and approximately 250 in-house foster carers in Gloucestershire - but many more carers are needed to meet growing demand.
- Nationally and locally, recruiting and retaining sufficient foster carers is an enormous challenge.
- That all elected Members, as representatives of our communities, should be encouraged to help promote fostering and support potential carers to come forward so that we can create a resilient, diverse, and caring foster parent network that can meet the needs of all children in our care.
- That, whilst the responsibility for recruiting and retaining foster carers sits with the County Council, Tewkesbury Borough Council can assist by signposting prospective carers to where they can find relevant information, including a dedicated page on the Borough Council's website.

That the Council supports:

- Borough Councillors in promoting fostering and encouraging them to begin sharing information on foster carer recruitment across all networks so that we can ensure the message gets out boroughwide across a variety of platforms. This can include:
 - o Sharing information about foster recruitment on social media.
 - o Adding a link to <https://www.gloucestershire.gov.uk/fostering/> onto email signatures.
 - o Adding a section on foster recruitment to our local newsletters/ updates if this is appropriate, and not attached to any party-political messaging.
 - o Sharing information on foster recruitment with Parish and Town councils, local schools and community organisations so that these groups can also help to disseminate information.

Additional information:

[GCC 2786 Fostering Generic A4 Poster AW.pdf \(govdelivery.com\)](#)

10. SEPARATE BUSINESS

The Chair will move the adoption of the following resolution:

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

11. SEPARATE MINUTES

41 - 44

To approve the separate Minutes of the meeting on 25 July 2023.

Recording of Meetings

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

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

Executive Director: Resources

TEWKESBURY BOROUGH COUNCIL

Minutes of a Meeting of the Council held at the Council Offices, Gloucester Road, Tewkesbury on Tuesday, 25 July 2023 commencing at 6:00 pm

Present:

The Worshipful the Mayor
Deputy Mayor

Councillor I Yates
Councillor P N Workman

and Councillors:

H J Bowman, T J Budge, C L J Carter, C M Cody, C F Coleman, M Dimond-Brown, S R Dove, P A Godwin, M A Gore, D W Gray, S Hands, M L Jordan, E J MacTiernan, G C Madle, J R Mason, H C McLain, P D McLain, K Pervaiz, G M Porter, E C Skelt, J K Smith, P E Smith, R J G Smith, R J Stanley, M R Stewart, H Sundarajoo, M G Sztymiak and R J E Vines

CL.37 ANNOUNCEMENTS

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

CL.38 APOLOGIES FOR ABSENCE

38.1 Apologies for absence were received from Councillors N D Adcock, L C Agg, D J Harwood, A Hegenbarth, C E Mills, J P Mills, P W Ockelton and M J Williams.

CL.39 DECLARATIONS OF INTEREST

39.1 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.

39.2 The following declarations were made:

Councillor	Application No./Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
C M Cody	Item 7(c) – Garden Town Gateway Review Findings and Next Steps.	Had been employed in a professional capacity by Cratus.	Would speak and vote.

39.3 There were no further declarations made on this occasion.

CL.40 MINUTES

40.1 The Minutes of the meeting held on 20 June 2023, copies of which had been circulated, were approved as a correct record and signed by the Mayor.

CL.41 ITEMS FROM MEMBERS OF THE PUBLIC

41.1 There were no items from members of the public.

CL.42 MEMBER QUESTIONS PROPERLY SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

42.1 There were no Member questions.

CL.43 RECOMMENDATIONS FROM EXECUTIVE COMMITTEE**Local Development Scheme**

- 43.1 At its meeting on 12 July 2023, the Executive Committee considered the Local Development Scheme for Tewkesbury Borough and recommended to Council that it be adopted and take immediate effect; and that authority be delegated to the Associate Director: Planning, in consultation with the Lead Member for Built Environment, to prepare the Local Development Scheme for publication, correcting any minor errors such as spelling, grammar, typographical and formatting changes that do not affect its substantive content.
- 43.2 The report which was considered by the Executive Committee had been circulated with the Agenda for the current meeting at Pages No.10-18.
- 43.3 The Lead Member for Built Environment proposed the recommendation of the Executive Committee and it was seconded by the Leader of the Council as Chair of the Executive Committee. The Lead Member for Built Environment advised that all local planning authorities were required to prepare and keep up to date a Local Development Scheme (LDS). The LDS set out what development plan documents the Council was intending to prepare in the coming three year period and the proposed timetable for doing so. It was therefore an important way for communities and developers to keep track of progress on plan-making. As Members would be aware, local plans were vital in setting a vision for growth, co-ordinating infrastructure and protecting the environment and there were real consequences of not having an up-to-date plan under the National Planning Policy Framework. It was vitally important that the Council update, or replace, the Joint Core Strategy as quickly as possible given that it was already overdue. She indicated that Tewkesbury Borough Council already had an LDS which was adopted around 15 months ago and set out a commitment to prepare a Joint Strategic Plan with Cheltenham Borough and Gloucester City Councils to replace the Joint Core Strategy which was adopted in 2017; however, it had been recognised for some time that it was necessary to re-think the approach and resources required to replace the Joint Core Strategy – discussions over many months had recognised that the cycle of preparing strategic plans followed by district local plans, each of which was subject to independent examination by the government, was both costly and time-consuming. On that basis, the report was proposing a revised LDS setting out a new way of approaching the task with the three councils moving to collaboratively preparing a single plan containing both strategic and non-strategic policies. This would have several advantages, as set out in the report - principally, it was the most effective way of discharging the statutory duty to co-operate as well as saving time and money in terms of being able to hold a single public examination in front of the Planning Inspectorate. The Lead Member indicated that she was instinctively cautious about the approach and she was sure Members would agree it was vital that policies governing approaches to development in Tewkesbury town, the beautiful villages and rural areas should remain the discretion of Tewkesbury Borough Council and not get lost amongst a wider more general plan; however, that principle was also important to Cheltenham Borough and Gloucester City Councils

and she was reassured that Tewkesbury Borough Council's "sovereignty" to draw up district or locality based policies could be underwritten through a formal partnership agreement. Although it would technically be a single plan, the three authorities would only come together to reach joint agreement on strategic matters where it was necessary to do so, principally on housing and economic growth strategies. There was a clear understanding that no Council would seek to fetter the work of the other councils and, for all practical purposes, there would be three plans with one examination; Tewkesbury Borough Council would also retain complete discretion for preparing any Supplementary Planning Documents and other local guidance thought necessary, as would Parish Councils with respect to preparing Neighbourhood Plans. The proposed LDS at Appendix 1 to the report, taken together with the next item on the Agenda concerning resources, set out a realistic and ambitious project programme for preparing a plan and it was proposed that, following confirmation of the approach, initial public consultation on growth and policy options should take place in the autumn of 2023, as set out in the document. The Lead Member was mindful of the huge uncertainties around the government's various proposed reforms to the planning system, and plan-making in particular; however, she felt that Tewkesbury Borough Council could not afford to wait and must press on without delay. She was pleased to report that the Planning Advisory Service had agreed to offer advice and support to the three councils and act as a conduit with the Department for Levelling Up, Housing and Communities (DLUHC) as they navigated the coming months; she felt this was recognition from afar of just how important joined-up planning was to the Gloucestershire area and beyond. The Chair of the Executive Committee recognised the need for a new plan and, for the many reasons raised by the Lead Member, he believed a joint approach was the right one – it would be the best way for the Council to fulfil the duty to co-operate whilst taking advantage of efficiencies and having the ability to influence neighbouring authorities. He realised Members would be wary due to the previous joint approach which had not benefited Tewkesbury Borough Council but assured them that lessons had been learned from that way of working and the proposal before Members would ensure that the three authorities could reach a consensus.

- 43.4 A Member noted that the previous joint plan had left Tewkesbury Borough Council in a position where it did not have a five year housing land supply and he asked what would make the new joint scheme different. In response, the Lead Member for Built Environment expressed the view that it would be foolish to ignore what had happened in the past and she explained that the next Agenda Item made a recommendation regarding resources for preparation of a development plan for the borough and the Chief Executive would be chair of the board overseeing the LDS. She pointed out that the timescale for delivery was tight so it was important to make a decision on the approach and she felt this was by far the best way forward. Another Member expressed the view that Tewkesbury Borough Council had historically been the 'poor relation' and, whilst she noted the Chief Executive would be chairing the board, she sought clarification as to who else would be on the board and whether membership was equal across the three authorities. In response, the Chief Executive explained that the board comprised the Leaders and Chief Executives of the three district authorities and the County Council. As well as chairing the board, he was the Senior Responsible Officer for the programme. There would be a dedicated team to deliver the LDS which would include staff from all three districts as well as contractors, such as the Interim Planning Policy Manager, who would be working on the programme and recruiting into the team. When the LDS was adopted and in place, there would be a development management process of early engagement with developers to bring sites forward to ensure the housing land supply could be maintained. In the past there had been a disparate team, with a focus on individual plans to the detriment of the strategic plan, and it was crucial to ensure there was strategic capacity to produce and manage in the new plan. The Member indicated that the issues with recruitment and retention to planning posts within Tewkesbury Borough Council were well

documented and she assumed this was also a problem for Cheltenham Borough and Gloucester City Councils so asked what would be done to recruit to the team and if they would be siloed or working within the existing planning team. The Chief Executive advised that, subject to Council approval, there was a commitment by all three authorities to provide funding for a new resource to deliver the LDS. The Planning Advisory Service was also giving its support with DLUHC behind them. A joint LDS offered a more exciting challenge, working over a larger more diverse geographical area in comparison to a district plan, which would be more attractive in terms of recruitment. Whilst there would be cross-overs with the planning team, it would be a dedicated resource so Officers would not be called away to carry out other tasks. He recognised this was a bold approach - Tewkesbury Borough had experienced a lot of growth so there was now an opportunity to challenge the growth assumptions and focus the plan around the climate change agenda, health and wellbeing etc. rather than purely delivering housing numbers in order to achieve a better outcome, subject to the right resources being in place and the three authorities working together. He stressed that there must be consensus among authorities and there would be no ability to impose; when the Tewkesbury Borough Plan was refreshed, the policies would be directed by this authority alone. In his view, this was the best opportunity to secure an outcome which would protect and enhance the borough.

- 43.5 A Member noted that the Regulation 18 consultation would be between October and March and she asked whether consideration was being given to a hierarchy for smaller villages; when the small, non-strategic sites would be consulted upon, and how much work had been done so far; and whether the spatial options for October 2023 would include the Garden Town area. In response, the Interim Planning Policy Manager explained that focus was on autumn consultation and the first Regulation 18 was a broad question about the type of locations that should be considered for large scale growth; it would not be as specific as looking at the existing hierarchy of rural villages; the smaller, non-strategic sites were informed by a call for sites process. Officers were almost at the point of engaging with the Planning Policy Reference Panel, and the wider Membership, in relation to Regulation 18 and two of the initial questions that would be addressed were around the appropriate level of growth for the whole of the Cheltenham, Gloucester and Tewkesbury area, its economic ambitions and the implications of that, as well as the sort of locations which ought to accommodate the growth. In terms of the potential options available, one was the emerging concept for the Garden Town in Tewkesbury which would very much feature in the Regulation 18 consultation. The Member indicated that, when the last Regulation 18 was done for the Joint Core Strategy one of the criticisms from residents was that the questions had been too technical and she asked if that could be addressed in the forthcoming consultation. In response, the Interim Planning Policy Manager confirmed it would be taken into consideration; every consultation included developers and professionals in order for them to have their say as to how the plan should shape up but, equally, it was also for residents and Parish Councils who had an interest in growth and it was for Officers to ensure the information was understandable to those who were not well-versed in planning. It was difficult considering the subject matter was guided by statutory procedures and technical information but it was incumbent upon the authorities to make the consultation as transparent and engaging as possible and they would certainly endeavour to do that. Another Member echoed the comments regarding the confusing subject matter and felt that lessons could be learnt from the Garden Town to ensure there was appropriate communication and engagement with those who lived and worked in the borough and would be fearful of Tewkesbury Borough being the 'poor relation' once again. The Leader of the Council agreed that communication was vital and Members had an important part to play in bridging the gap between the technical planning detail and residents.

- 43.6 A Member pointed out that there were other district authorities within Gloucestershire and he questioned why Tewkesbury Borough Council was working with Cheltenham Borough and Gloucester City Councils as opposed to any of the others and if other ideas had been explored in that regard. He also asked how Cheltenham Borough and Gloucester City Councils were co-operating with other districts. In response, the Leader of the Council explained that people may live in Tewkesbury Borough but often worked and shopped in other places, and vice-versa, so it was necessary to look at the area in a holistic way. Conversations had taken place with both Cheltenham Borough and Gloucester City Councils regarding what could be done to meet their housing needs and Cheltenham Borough Council was looking at the brownfield sites within its area; however, it would still be necessary to look beyond their boundaries to meet their needs. Stroud, Cotswold and Forest of Dean District Councils also had a duty to co-operate so they would need to co-operate with Cheltenham, Gloucester and Tewkesbury Borough Councils as well – he stressed that working jointly did not mean doing everything for other authorities and it would be an opportunity to hold them to account to undertake things they may not otherwise do, for example, urban capacity studies were not a requirement but, as part of the joint agreement, Cheltenham Borough and Gloucester City Councils would have to update them. He confirmed that the duty to co-operate was not just between Cheltenham Borough, Gloucester City and Tewkesbury Borough Councils so the three authorities also needed to co-operate with other district authorities – the duty to co-operate was not unique to Gloucestershire and was a requirement of all local authorities across the country and would be something the Inspector would be expecting to see in the plan.
- 43.7 During the debate which ensued, a Member felt it was right to be wary given the history with the Joint Core Strategy and the policies within that and advice had been given that Tewkesbury Borough Council could not go it alone; however, Cheltenham Borough and Gloucester City Councils were looking at massive urban extensions into Tewkesbury Borough's greenfields. He was pleased to hear that Cheltenham Borough Council was committed to identifying brownfield sites but made reference to the North Place/Portland Street project which had received £3m government funding yet Cheltenham Borough Council had not gone ahead and the brownfield site remained empty. There were significant concerns regarding joint working and, in his view, it could greenlight urban extensions which would be to the detriment of Tewkesbury Borough. Another Member indicated that one of the main issues was the lack of a five year housing land supply. As they would be working as a consensus of three Councils, as opposed to three all working for their individual benefits as in the Joint Core Strategy previously, she questioned whether the housing requirements were combined. Currently, Tewkesbury Borough had available land which would benefit Cheltenham Borough and Gloucester City Councils so, unfortunately, it would be Tewkesbury Borough that shouldered the burden. A Member understood the financial case for a joint approach but he was concerned in terms of getting the right outcomes for Tewkesbury Borough residents. Tewkesbury Borough was the fastest growing region in the southwest and the Joint Core Strategy had left it with a 2.5/3 year housing land supply. The point had been made that Tewkesbury Borough Council had the most land, which put it in a strong position, and his view was that it should have a plan of its own. The Lead Member for Built Environment understood the concerns raised and recognised the importance of securing and maintaining a five year housing land supply; in her view, this was the best opportunity to achieve that and, if it remained on track, it would be completed by 2025 which would be the best outcome for residents. As such, she strongly recommended that Members vote in favour of the proposal.

43.8 Upon being put to the vote, it was

RESOLVED

1. That the Local Development Scheme for Tewkesbury Borough (Appendix 1) be **ADOPTED** and take immediate effect.
2. That authority be delegated to the Associate Director for Planning, in consultation with the Lead Member for the Built Environment, to prepare the Local Development Scheme for publication, correcting any minor errors such as spelling, grammar, typographical and formatting changes that did not affect its substantive content.

Planning Partnership Contribution

43.9 At its meeting on 12 July 2023, the Executive Committee considered a report in relation to resourcing the preparation of a development plan for the borough and agreed to recommend to Council that a virement of £120,000 from the local pay review budget to the Planning Partnership base budget be approved and that the new Planning Policy Officer post (included in the 2023/24 budget as a growth item) be moved to the Planning Partnership budget (ca. £40,000).

43.10 The report which was considered by the Executive Committee had been circulated with the Agenda for the current meeting at Pages No. 19-22.

43.11 The Lead Member for Built Environment proposed the recommendation of the Executive Committee and it was seconded by the Leader of the Council as Chair of the Executive Committee. The Lead Member for Built Environment advised that the Planning Partnership between Gloucester City, Cheltenham Borough and Tewkesbury Borough Councils had existed since 2008/09 and, since that date, all partner councils had contributed £60,000 per annum. This had been regularly topped-up with one-off amounts due to the true cost of delivering the Joint Core Strategy. As such, this report intended to ensure accurate budgeting for the full cost of preparing a development plan for the borough. As she had mentioned in the previous Agenda Item, it was vital that plans were kept up-to-date; however, that was not easy and the replacement of the Joint Core Strategy was already overdue. In particular, all local plans were tested by a government inspector to assess whether the duty to co-operate had been complied with, especially where housing needs arising in tightly constrained urban areas needed to be met in part in adjoining rural areas; the plan was based on robust evidence including assessment of alternative strategy options; and the plan had been subject to statutory stages of public consultation. Following a review in 2022 looking at the resources needed to produce the next joint and local plan, Deloitte LLP worked out that each district council would need to contribute £220,000 per annum going forwards. Cheltenham Borough and Gloucester City Council had already agreed the increased budgetary contribution and Tewkesbury Borough Council needed to do the same in order to ensure the partnership continued in the future. The additional £160,000 per annum would be comprised of two parts; the new Planning Policy Officer agreed in the 2023/24 budget would now transfer to the Joint Core Strategy budget, and the remaining £120,000 would be taken from the budget set aside to meet the outcomes of the local pay review – this review was complete and the balance of £126,425 was no longer required to fund further pay increases. Making provision for sufficient funding at this early stage in the process would ensure the programme was fully resourced and fit for purpose.

43.12 A Member noted that £120,000 needed to be found for this financial year and questioned how many more financial years needed to be funded and where that money would come from. In response, the Executive Director: Resources advised that £120,000 would be coming out of the 2023/24 budget and would be set aside to deal with recruitment and other relevant issues so there would be no requirement to find more money. It was an ongoing cost and the current programme looked at the next four years, which covered the length of the Medium Term Financial Plan, but there was a question about what happened after that and whether more money would be needed. A Member sought clarification as to whether Gloucestershire County Council was contributing and confirmation was provided that the County Council contribution would be £60,000 per year.

43.13 Upon being put to the vote, it was

RESOLVED

1. That a virement of £120,000 from the local pay review budget to the Planning Partnership base budget be **APPROVED**.
2. That the new Planning Policy Officer post (included in the 2023-24 budget as a growth item) be moved to the Planning Partnership budget (ca. £40,000).

Garden Town Gateway Review Findings and Next Steps

43.14 At its meeting on 12 July 2023, the Executive Committee considered a report in relation to the findings of the gateway review of the Garden Town programme and the proposed next steps for a refreshed approach and agreed to recommend to Council that the 17 recommendations from the gateway review report form the basis of a new approach, with greater focus on engagement with communities and robust programme management, and that the new approach be brought back to the Executive Committee for approval in September, including details on how the programme would be monitored.

43.15 A report had been circulated with the Agenda for the current meeting at Pages No. 23-46.

43.16 As Chair of the Executive Committee, the Leader of the Council proposed the recommendation of the Executive Committee and it was seconded by the Lead Member for Built Environment. The Leader of the Council advised that, as set out in the summary of the report, a number of concerns had been raised by Members in relation to the approach of the Garden Town programme which had suffered a number of setbacks with various sites lost at appeal, the loss of the Ministry of Defence site and the Court's decision to overturn the planning permission to develop a road bridge over the railway in Ashchurch and Northway. The growing strength of opposition from local Parish Councils and campaigners pointed to a feeling from the community that the Garden Town was being done "to" them, rather than "with" and "for" them. The Liberal Democrat Group had raised concerns, as other Members had also done, and had received assurance from the Chief Executive that an objective review of the Garden Town programme would be carried out ahead of potential change of administration and he had given a commitment to undertaking an independent gateway review. The review was carried out by Cratus, a well-established provider of consultancy services to local government, able to provide strategic advice and expertise as well as the capacity needed to undertake a thorough and comprehensive review. The review had found no fundamental concerns with the aims or the principles of the Garden Town programme but had made 17 clear and hard-hitting recommendations that he believed would have a fundamentally positive impact on the programme's delivery, particularly in relation to meaningful engagement and working with local communities, partners and developers. The report set out there was a significant risk of developers bringing

forward sites within the Garden Town area without the required infrastructure and community benefits and without adherence to Garden Town principles. The report recognised that important steps had been taken to address the issue of there being no policy base for the Garden Town including the development of a programme for the new Joint Strategic Plan (JSP) which had been committed to and appropriately resourced; however, the report also pointed out that it would not be possible for the new JSP to be delivered in time to inform the Garden Town programme and applications that developers would bring forward. In line with this, the report highlighted the positive steps the Council had taken to developing a strategic framework plan and set out how crucial it was to engage positively with developers. Along with the Lead Member for Built Environment and the Chief Executive, he had met with the developer consortium – something which had happened only once previously – and had written to the neighbouring Parish Councils to arrange to meet with their representatives. The recommendation from the Executive Committee was for the Council to continue to drive the programme forward but with a fundamentally different approach, using the report's recommendations to deliver a work programme that would bring a greater focus on engagement with communities and programme management, and that the new approach be brought back to the Executive Committee in September 2023.

- 43.17 A Member asked when they would see how each of the 17 recommendations were being tracked and the Leader of the Council advised that steps were already being put in place. The Chief Executive explained that the intention was to develop a programme over the summer, with an opportunity to challenge this at a Member seminar, and a report would then be brought back to Executive Committee in September. Another Member asked why it was necessary to wait until September, given there was limited time for engagement with residents prior to the Regulation 18 consultation in October 2023 and suggested a special Meeting could be held in August. She also asked if meetings with Parish Councils had been booked and whether the local Ward Members could be involved. In response, the Leader of the Council confirmed that the intention of engagement with Parish Councils was for representatives to meet with himself and the Chief Executive and he had no issues with local Ward Members attending those meetings provided the Parish Councils were amenable to that. The Chief Executive advised that, given the timescales for publishing papers for the Executive Committee and allowing enough time for Officers to put a programme together, it would be unrealistic to schedule an earlier meeting; the intention was to give the Executive Committee confidence in the high-level programme with the detail of each workstream to follow.
- 43.18 A Member indicated that she had welcomed the Cratus review and had been involved in a one to one interview with the team. When the concept of a Garden Town had first been brought to Members they had been very positive, particularly as they had been told there would be no cost to the Council as the funding would come from Homes England; however, given the appeal decision regarding the bridge, she asked if any of the money which had already been spent would need to be paid back and, if there was no funding from central government, how much it would cost Tewkesbury Borough Council going forward. The Chief Executive explained that the overall funding had not been lost and the money spent would be recovered to a large extent; at the time of asking, there was a small amount that was not accounted for due to bills which had been received after the request had been submitted, and that would come out of the funding set aside for the project. The Council was committed to the Garden Town programme and had initiated the gateway review due to concerns with progress; whilst those concerns had been reflected by Homes England and other agencies, they were now finding more confidence in the authority and recent discussions between Homes England and the Executive Director: Resources had been positive. In terms of how it would be funded going forward, it would be necessary to look to sources including Homes England and DLUHC - if the programme was to continue and the Council had undertaken consultation and

engaged with the development industry there was no reason developers could not also fund some of the work. The review and the strong recommendations coming out of it, along with the Council's commitment to turning it around at pace, had renewed confidence and there would be more capacity to attract funding moving forward. The Member asked if it could be categorically stated that there would be no financial cost to Tewkesbury Borough Council moving forward; if there was a cost, she asked whether the Council had that money within its budget. In response, the Chief Executive advised that he could not categorically state it would not cost the Council any money going forward. The Executive Director: Resources advised that the authority's current commitment was employee costs of £300,000 per year and the gateway review had highlighted other things that needed to be picked up resulting in expenditure of £500,000 based on continuing with the programme in its current form; that would be an addition to the Council's budget and, given the current economic climate and the uncertainties within the budget, that would be very difficult to accommodate. In his opinion, it would be necessary to have conversations with partners and stakeholders to maximise funding opportunities in order to obtain the reserves needed to move forward as for the Council to take it on fully would probably be unaffordable. The Member pointed out that the government defined a Garden Town as more than 10,000 homes; however, she did not feel that number could now be provided given that some of the site was already being built out due to planning permissions being granted or won on appeal, therefore, she questioned whether it would still qualify as a Garden Town or if it would now be considered as a Garden Village. In addition, she did not believe the JSP would come forward earlier than 2027 so she asked, based on the current situation with the lack of a five year housing land supply, what would stop developers coming forward with developments that bore no resemblance to the Garden Town principles. The Leader of the Council agreed there would be considerable pressure on the area from developers; however, it was important to remember that not going ahead with the Garden Town would not prevent development of the area and the Cratus report had set out that proceeding would be the best chance of securing positive outcomes for the area. The lack of a five year housing land supply would mean there was a greater chance of applications being refused and won on appeal resulting in unwanted piecemeal development. The Chief Executive indicated that there were limits on what could come forward due to the capacity of the road junctions but if the Council failed to proceed positively it would not have a case to defend against unwanted applications. The Member was correct in saying that developers who had purchased land, or had options on the land, were not working to the Garden Town principles so it was necessary to get them around the table to talk to them about those aspirations and engage them to work with the authority to deliver quality developments and foster a supportive environment for applications. If the Council opted not to support the Garden Town programme, the consortium was likely to continue to call it a Garden Town due to the marketing opportunity it presented. He provided assurance that developers in the first phase wanted to build developments to higher standards and two of the three developers were committed to that; the strategic framework would come from planning and there was more work to do in that regard. The Council was not currently in a position where it could control development but, if it continued with the Garden Town programme, it could manage in better quality development rather than the land being developed on a first-come first-served basis until National Highways and County Highways said there could be no more. The figure of 10,000 houses had been submitted by the Council at the outset but it was a case of managing the different variables to secure a good scheme; the consortium for the first phase was working on a figure of 4,000 plus dwellings. At the moment, the limiting factor was the highway network and the County Council was looking at the improvements to Junction 9 and the A46 which were necessary for the Garden Town programme and the masterplan to support that work. It was not possible to give absolute housing numbers at this stage as it would depend on what development came forward but, as there was a requirement

to have a highway solution to accommodate growth, there was time for the Council and the highway authorities to get ahead in terms of planning policy. It was vital to move forward with the programme at pace until such time as the necessary policies were in place which could include working on a masterplan with the consortium which aligned with the Garden Town principles. In summary, 10,000 houses was a figure which had initially been put forward but whether the geography of the site could accommodate that amount was unclear; if planning policy was in place then limits would be set.

- 43.19 In response to a query regarding employment land in the Garden Town area and the Regulation 18 options, the Interim Planning Policy Manager explained that the Council was involved in two processes – as a promoter of the Garden Town concept and as a local planning authority which had responsibility for Regulation 18 which focused more broadly on growth in Tewkesbury Borough and beyond; one of the strategic site options for meeting long-term need may be the Garden Town area. The Regulation 18 would not be specific in terms of areas or splits of land use – the focus would be on the principles that ought to be embedded if they were to appear in the local plan. The more strategic questions which the Regulation 18 would be cited on would be alongside the finer grain masterplan work which the strategic framework plan would be doing in parallel. A Member sought confirmation as to when the last consultation with members of the public on the principle of the project had taken place; in terms of highway infrastructure, it had been suggested that the Garden Town would itself bring a solution and he asked what that was, the timescales for delivering it and whether assurances could be given there would be no building or development until it was in place; and how developers could be compelled to build in accordance with the Garden Town principles, specifically building to the highest environmental standards and to deliver the infrastructure that both the existing and future communities would need. The Leader of the Council advised that the gateway review had made clear there had not been enough consultation with the public and that needed to be an ongoing process. As Members had heard and seen from the report, the structures to force developers to deliver to a certain standard were not in place so he understood the scepticism in that regard; however, there was a consortium which had written to Members to express support for the review and working to the Garden Town principles, some due to local connections with the area and others who saw the financial benefits of doing so. The Chief Executive had not intended to suggest that highways would prevent any development but there was only so much headroom for further development in that locality so it was a case of waiting to see if appropriate developments came forward to use up that capacity and put in the relevant highway infrastructure to benefit the wider community. His concern was that developers that were not part of the consortium, or adhering to Garden Town principles, were submitting planning applications for housing schemes. It was not yet clear what the highway infrastructure solution would look like - the Council was working with Gloucestershire County Council and the Department for Transport and a scheme for Junction 9 had now been supported to go to the next stage partly on the basis that the Garden Town was still being supported by this authority. He undertook to provide a written response following the meeting in respect of when the last consultation with the public had taken place but reiterated that the report recognised the need for greater engagement with the community and to work with them. In terms of competing developers and applications being submitted before the planning policy was in place, applications which came from a consortium of developers who were engaged with the Garden Town, and supportive of the local community and the local planning authority because they had worked with them to deliver quality schemes, were likely to be looked upon more favourably than those which did not support the principles. The Interim Planning Policy Manager agreed and indicated that, as had been discussed, there was always a risk of individual developers seeking to do what they wanted and it was their right to make an application and the Council's duty to consider it. In the interest of the community, if

it could get to a stage when the larger and leading partners in the consortium made at least a draft commitment to deliver in that area in the emerging local plan, if there was not a fully developed policy there would be far less risk to them when putting in a planning application. In terms of the number of houses, a Member sought confirmation as to the current headroom based on the highway situation and asked how many houses were envisaged for the site – Members had been told that the numbers would be substantially below 10,000 but Cratus had also referred to it as a project of national significance and it could not be both. With reference to the review finding no concerns with the principles/aims of the Garden Town, he indicated that he could find no proper assessment of that nor a record of when a full set of principles had last been reviewed. If the Garden Town was so positive, he questioned why it was not being rolled out across the borough. In response, the Leader of the Council appreciated that Members wanted to know a set number of houses but he could not give that answer today; the criteria for a Garden Town started at 10,000 houses but planning applications were already coming forward so it was necessary to have a report to show what the area could support. He advised that the gateway review had included an in-depth assessment of the principles and the reasons behind them and reiterated that it was not a choice of no development or development, it was a choice between allowing development to go ahead in a piecemeal way without the roads and infrastructure required to support it, or trying to shape development, albeit with one hand tied. The Member asked if the Cratus report into the principles would be made publicly available and the Leader of the Council advised that the report was currently in draft therefore could not be released and it had not been feasible to wait. Another Member sought reassurance that, going forward, consultation would be meaningful as had been suggested rather than just lip service for good PR. In terms of corporate parenting responsibilities, she asked whether care leavers would be incorporated into the space as there would be ambitious young people who she hoped would be involved. In response, the Leader of the Council indicated that residents would be well-aware if the consultation was simply a PR exercise - it was important to him to meet regularly with Parish Councils and residents and he gave his personal assurance that he would do that. He agreed that it was possible to be more ambitious in terms of getting young people on board with the project; he had discussed the option of introducing a youth council and suggested it may also be beneficial to hold a session to explain the planning process to younger residents.

- 43.20 A Member expressed the view that, in terms of road infrastructure, it was not just a case of waiting for Junction 9A or an offline solution for the A46 to establish the threshold for development on the site; houses had already been built and others had received planning permission, or had been won on appeal, and were likely to total several thousand which would not be included in the Garden Town figures. She asked whether any transport modelling had been done by the County Council and when a new masterplan would be available, given that the current concept plan included the Ministry of Defence site and the site south of the A46, and who would be responsible for producing it. She welcomed the Leader of the Council and the Chief Executive meeting with the Parish Councils as one of the main issues to date had been that two of the most impacted had never been listened to. The Chief Executive indicated that a number of matters that had been identified by Members were the reasons for the review being instigated. Just as there had been a commitment to undertake the gateway review, there was now a commitment to deliver the programme in a timely fashion for examination by Members. In his view, the masterplan had not been developed as it should given the removal of the Ministry of Defence site and the other changes made in terms of sites coming forward on appeal; however, it was now a choice between abandoning the Garden Town or refreshing the approach and engaging positively to drive forward at pace in order to get on the front foot so that developers had to deliver in line with the Garden Town approach. The headroom would be tested by the applications being submitted and the responses from County Highways and National Highways in

terms of whether the proposals could be accepted by the highway network. The Garden Town principles were focused on design, zero carbon and sustainability and would be teased out in the strategic framework which would be used to engage with Parish Councils and communities and set out what a Garden Town in Tewkesbury Borough would look like. Whilst the Council was not on the front foot as it stood, the report recommendations set out the current position and it was proposed to put a programme in place in order to move forward and work with developers to deliver the Garden Town, the alternative was that developers came forward with applications on a piecemeal basis until one of the statutory consultees raised an objection. In terms of transport modelling work, the model was currently being built around the JSP and there was funding from partners to do that. It was necessary to be able to model what was proposed in terms of where development would be, quantum etc. and it was an iterative process. There were already applications coming forward and applicants would be doing their own modelling so it was important to get ahead and understand what the masterplan was, working with communities and developers to bring that forward. It would not be the local planning authority doing the work but the Council, as promoter, would be engaged in the process along with developers. He was not suggesting this was the way things should be done but there was an accelerated local planning process to get to Regulation 19 by early 2025 in order for the plan to start to carry weight so it was a case of doing as much as possible to drive the programme forward rather than allowing developers to do that.

- 43.21 A Member asked which developers currently made up the consortium for the first phase and the Chair of the Executive Committee indicated that a letter from the consortium had been circulated around the table. Whilst it was not possible to know for certain that the developers were completely on board, the letter expressed strong support for working to Garden Town principles and that needed to be taken at face value. The challenge would be other landowners in the area that may not be on board – if the Council walked away from the Garden Town now, the message to the consortium and other landowners would be that the principles did not matter.
- 43.22 A Member pointed out that one of the guiding principles of the Garden Town was that it would be a fantastic place to live, work and play and, whilst there was a lot in the report about the number of houses, there was nothing about the work element so he sought assurance that 10,000 houses would not be built without employment land. The Leader of the Council indicated that one of the review recommendations was around an identity for the area. To date, the vision for the Garden Town had not been successfully finalised but there had been a lot of positive conversations and he felt that Tewkesbury had a lot to offer in terms of employment, particularly in the technology sector and green jobs of the future. He was not able to tell Members today what the Garden Town would look like but following the recommendations of the review would allow them to create a positive vision and identity.
- 43.23 During the debate which ensued, a Member noted that the Cratus review had been commissioned in March and work was undertaken in April/May, essentially pausing the Garden Town to take stock, which had given the impression there was some doubt about its future. The Leader of the Council had spoken passionately in favour of the LDS and the reinvigoration of the commitment to the Garden Town along with the need for it to go forward to avoid a free for all for developers. The Chief Executive had also said that further delay would effectively declare open season for developers, a comment he had made two months ago. The Cratus report and its recommendations were very welcome; they were now reaching the end of the pause and, if Members voted in favour of the motion tonight, that would be a green light for the Garden Town which he believed would be a positive step for the borough. Another Member felt there was an expectation that, once on pause, consideration would have been given to some of the concerns regarding the Garden Town project and the approach that had been taken, one of the fundamental things being the lack of consultation. He had been involved in a number of strategic

development plan reviews and, in all of those processes, there had always been a phase when the public had been consulted about what happened next but there had been no consultation on the Garden Town, a development of 10,000 houses. He believed that the Council had broken the faith of residents in its failure to consult on how development should be taking place in the borough. The Garden Town had been a disruption for the Council for the last four years when it should have been focusing on the JSP and a review of the JCS which had left the authority without a five year housing land supply. Even without a Garden Town, he felt there was an opportunity to shape development in the borough and the principle of sustainable development with zero carbon quality housing was something they should be striving to achieve regardless of where that development took place. He felt the Garden Town should be abolished and the focus should be on development for the whole borough.

- 43.24 A Member indicated that he had spoken and voted against the recommendation when the report had been considered by the Executive Committee; in his view, the Garden Town should have stopped at that point and he now felt it should stop tonight. Local residents had believed the gateway review would be a proper review of the Garden Town and it was reasonable to think that the principles would be reviewed as part of that; however, the review had actually been about the vehicle for the delivery of the project. It was quite clear to him that it was already broken and the report was the most damning indictment of a project he had ever read which demonstrated that nothing of any tangible benefit had been done over the last four years. He was surprised so many Members were enthusiastic about the position they found themselves in as he considered it embarrassing - nothing would be lost if the project was stopped tonight as nothing had been gained in the last four years. He felt this was the wrong location for a scheme of this nature and he did not believe that had been properly consulted upon; it did not have the highways infrastructure, was at risk of flooding, there was already pressure upon the primary school and local residents could not get a GP appointment. The review suggested that all that needed to be done was to change the name of the project which he found laughable. In his view, Members should put an end to the project and consider the entirety of the borough which would be a far better position for the Council to talk to residents about.
- 43.25 A Member wished to put on record his thanks to the previous Lead Member for Built Environment for instigating the review and the current Leader of the Council for having the courage to say that, although sceptical, he recognised the many positives that would come from going ahead with the project. He believed Members were right to be enthusiastic given the protection and opportunities the Garden Town would provide – by going ahead it would be possible to deliver the infrastructure needed in terms of schools and transport and the social and health requirements which had been identified. Another Member indicated that she had very mixed views and a great deal of scepticism as the Council was being asked to make a decision on something for which they did not have all of the answers. She knew that local residents and Parish Councillors would like the project to stop but she also knew that the developer with an option on the land to the north would build good quality houses in line with the Garden Town principles; however, if the road and bridge over it from east to west was built, it would have the most devastating effect on current residents of Northway as the road would need to go down The Park which was already a pinch point and had seen two fatalities due to overuse. She did not have great faith in going forward with the project and would be doing a disservice to residents if she voted for it so she could not support the motion. A Member indicated that her personal view was that a proper review should have been undertaken when the Ministry of Defence site was removed. She had been extremely disappointed with the Tewkesbury Garden Town Member Reference Panel meetings that had taken place over the last four years, albeit there had been glimpses of potential when discussing a true Garden Town based on absolute

principles. She had also welcomed the gateway review and felt the report was reflective of the programme management and community engagement; those were two things which had not happened correctly and would now be addressed going forward. In her opinion, it was important to look at the bigger picture and whilst her heart told her there should be no more building, the reality was that the country did not have enough houses. She felt that more should already have been done regarding solar energy, grey water and active travel etc. and those things would not be achieved without the Garden Town. Some of the developments currently being built in the area were a disgrace and she asked Members to focus on the benefits to residents that would come with building a true Garden Town.

43.26 In terms of the criticism of the report itself, the Leader of the Council indicated that it was a comprehensive report from an independent, respected agency and to downplay its validity was unfair. A number of Members from all parties had been interviewed as part of the review and the outcome was a very hard-hitting, warts and all report – it should not be criticised because Members were unhappy with its recommendation that the Garden Town continue. The fundamental issues with the approach to date had been identified and stemmed from lack of consultation at the start of the process and, whilst it was not possible to turn back the clock and ask residents whether they wanted the development, or their preferred location, what could now be offered was meaningful consultation on the reality which was either planned and supported development and infrastructure or a free for all which nobody wanted. He was happy to meet with residents and the community to have those discussions but the conversations needed to be about what could realistically be achieved.

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

For	Against	Abstain	Absent
H J Bowman	C F Coleman	G C Madle	N D Adcock
T J Budge	P A Godwin		L C Agg
C L J Carter	E J MacTiernan		D J Harwood
C M Cody	M G Sztymiak		A Hegenbarth
E M Dimond-Brown	P N Workman		C E Mills
S R Dove			J P Mills
M A Gore			P W Ockelton
D W Gray			M J Williams
S J Hands			
M L Jordan			
J R Mason			
H C McLain			
P D McLain			
K Pervaiz			

G M Porter

E C Skelt

J K Smith

P E Smith

R J G Smith

R J Stanley

M R Stewart

H Sundarajoo

R J E Vines

G I Yates

43.28 Accordingly, it was

RESOLVED

1. That the 17 recommendations from the gateway review report will form the basis of a new approach, with greater focus on engagement with our communities and robust programme management.
2. That the new approach will be brought back to Executive Committee for approval in September 2023, including details on how the programme will be monitored.

CL.44 CONSTITUTION REVIEW WORKING GROUP

44.1 The report of the Monitoring Officer, circulated at Pages No. 47-49, asked Members to agree to the formation of a Constitution Review Working Group with the Terms of Reference attached at Appendix 1 to the report.

44.2 In proposing the report recommendation, the Lead Member for Corporate Governance explained that he wanted to achieve a Constitution which best reflected the needs of all Members of the Council, which maximised public involvement in Council activities and was as easy as possible for members of the public to access and understand. As such, it was proposed that a Constitution Review Working Group be established which would meet as soon as possible according to the Terms of Reference set out at Appendix 1 to the report. The proposal was seconded by the Support Member for Corporate Governance.

44.3 A Member noted that the proposed Terms of Reference stated that substitution arrangements would not apply and asked why that was the case. The Monitoring Officer explained that it was the Council's current practice not to have substitutes on Working Groups but that could be changed if Members so wished. On that basis, the Lead Member for Corporate Governance indicated that he would like to amend his proposal to accommodate a change to the Terms of Reference to reword paragraph 2 (iv) of Appendix 1 in order for substitutions to apply. This was supported by the seconder of the motion. A Member asked if there would be scope for the Working Group to review the public's right to raise questions and the Lead Member confirmed that was something he would be requesting.

44.4 Upon being put to the vote, it was

RESOLVED That it be **AGREED** that a Constitution Working Group be established with the Terms of Reference attached at Appendix 1 subject to an amendment to paragraph 2 (iv) in order for substitution arrangements to apply.

CL.45 CHANGES TO COMMITTEE MEMBERSHIP

45.1 The Mayor advised that, in accordance with Rule of Procedure 2.1, the Monitoring Officer had exercised his delegated authority to approve the following changes to Committee Membership:

Councillor Thomas Budge has resigned from the Planning Committee and had been replaced by Councillor George Porter.

Councillor Paul Ockelton had resigned from the Planning Committee and the Licensing Committee and had been replaced by Councillor Ian Yates and Councillor George Porter respectively.

CL.46 SEPARATE BUSINESS

46.1 The 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.47 SEPARATE MINUTES

47.1 The separate Minutes of the meeting held on 20 June 2023, copies of which had been circulated, were approved as a correct record and signed by the Mayor.

CL.48 PUBLIC SERVICE CENTRE AIR SOURCE HEAT PUMP

(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))

48.1 The Council approved installation of an air source heat pump in the Public Services Centre and the funding to deliver the scheme.

The meeting closed at 9:08 pm

TEWKESBURY BOROUGH COUNCIL

Report to:	Council
Date of Meeting:	26 September 2023
Subject:	Tewkesbury Garden Town Review – Progress Update
Report of:	Interim Executive Director: Place
Head of Service/Director:	Chief Executive
Lead Member:	Leader of the Council / Lead Member for Built Environment
Number of Appendices:	Five

Executive Summary:

In May this year, the Council undertook a gateway review of its Garden Town programme. The review created a pause and a chance to reflect on progress to date; it resulted in 17 recommendations on how the Council could do things differently to make a positive impact on programme delivery and stakeholder engagement; these recommendations were reported to Council on 25 July 2023. This report provides an update on progress made in implementing the recommendations, in particular refreshing the Garden Town’s work programme and the commitment made to establish meaningful engagement with stakeholders. It also seeks approval for new governance arrangements to be implemented and for the Council as promoter, to explore opportunities with developers/landowners within the Garden Town to align their development proposals with the developing Garden Town vision and aspirations. This report was presented to Executive Committee as a confidential paper on Wednesday 6 September 2023. The Committee made minor amendments to the governance proposal, which have been incorporated and highlighted within this report. Since the Executive Committee meeting, and reflecting the Council’s commitment to improved stakeholder engagement, workshops on the contents of this report took place with all Members and local Parish Councils and their feedback has been incorporated.

Recommendation:

1. **To CONSIDER progress made against the 17 recommendations from the gateway review report, in particular the new approaches to engagement with communities and robust programme management.**
2. **To APPROVE the new governance arrangements, including revised programme monitoring and reporting designed to improve visibility and transparency.**
3. **That AGREE that the Council, as promoter, explores opportunities with developers and landowners within the Garden Town area to align their proposals for development with the developing vision and aspirations for Tewkesbury Garden Town.**

Financial Implications:

Given the anticipated medium term budgetary deficit and the uncertainty around funding streams it is unlikely that the Council will be able to absorb the full annual cost of the project within its base budget. The Council will need to continue to seek and use capacity funding from Homes England and central government departments as well as securing funds through Planning Performance Agreements with developers.

At this point in the new programme's development, we cannot be specific regarding the cost of the programme and what contributions will be forthcoming from various funding sources, as it depends on further negotiations as to what aspects of the programme the Council leads on; however, should the recommendations to Council be approved, the costs associated with the Council's future role in the Garden Town programme will be the subject of a further report to Council.

Legal Implications:

The legal implications arising from the implementation of the recommendations and the new programme are addressed in the appropriate sections of this report.

Environmental and Sustainability Implications:

Environmental and sustainability implications associated with the development of the Garden Town proposal will be managed within the programme with environmental improvements, flooding infrastructure and biodiversity net gain being emphasised as key deliverables.

Resource Implications (including impact on equalities):

Implications arising from the implementation of the recommendations and the new programme are addressed in the relevant sections of this report.

Safeguarding Implications:

There are no safeguarding implications resulting directly from this report.

Impact on the Customer:

A key recommendation from the review was to create an integrated stakeholder community engagement plan. This is underway and will ensure all stakeholders including residents, business and communities, particularly those impacted by the programme, are given the opportunity to be effectively engaged.

1.0 INTRODUCTION

- 1.1** Tewkesbury Garden Town was identified within the government's Garden Communities programme in March 2019. A Garden Town is defined as a 'holistically planned development, which enhances the natural environment, tackles climate change and provides high quality housing locally and accessible jobs in beautiful, healthy and sociable communities.'
- 1.2** A priority for the Council in respect of the Garden Town is to ensure that development is promoted by the Council, rather than developer-led. The Council is committed to ensuring development is well planned and delivers the expected social, economic and environmental benefits. It also helps to ensure that the best interests of the new and existing local communities are considered side-by-side, with appropriate infrastructure improvements.

- 1.3** Given the complexity and profile of the Garden Town programme, and following significant concerns raised by Members, the Chief Executive commissioned a gateway review of the programme. The 17 recommendations arising from the gateway review were reported to Council at its meeting on 25 July 2023. An update on progress made since July 2023 is shown at Appendix 1.
- 1.4** The gateway review placed particular emphasis on the importance of recommendations 1 (Planning Policy) and 5 (Work Programme) because they form the foundations for most of the other recommendations. Given their significance, they are covered in greater detail within this report at Paragraphs 3 and 4 respectively. Further detail is also provided on the recommendations relating to engagement (recommendations 10 to 17) at Paragraph 5.

2.0 GOVERNANCE

- 2.1** A strong governance structure provides a solid framework for the delivery of the Garden Town programme. The new governance structure set out at Appendix 2 seeks to:

- (i) deliver a structure that assists in aligning stakeholder expectations by having boards with clearly defined roles and responsibilities for the garden town programme;
- (ii) support timely decision making by ensuring information is shared at the appropriate level at the appropriate time;
- (iii) enable the Garden Town programme to maintain pace in a controlled environment;
- (iv) provide a framework which can be consistently applied throughout the life of the garden town programme; and
- (v) ensure programme oversight is provided to all stakeholders, particularly local Parish Council representatives.

The new governance structure does not introduce any new decision-making powers or bodies and decision making will remain with the Council (subject to any delegations made) but does follow recognised programme management principles.

- 2.2** Following a discussion on Garden Town governance at the Executive Committee, the following amendments were agreed and are reflected in the attached governance structure in Appendix 2.
- Page No. 135, Paragraph 4.1 - Membership of the Tewkesbury Garden Town Assurance Board to be updated to include three Members from the Members Engagement Forum.
 - Page No. 136, Paragraph 4.3.1 – Reference to the Programme Board to be changed to the Project Board.
 - Page No. 136, Paragraph 4.6.1 – Members Engagement Forum to meet once a month for the first six months following which meeting frequency would be reviewed by the Tewkesbury Garden Town Assurance Board.

3.0 KEY RECOMMENDATION 1: PLANNING POLICY

- 3.1** Delivery of the Garden Town depends heavily on having robust policy in place to shape high quality development not just in the garden town area but across the borough. In July 2023, the Council agreed funding for a new joint Strategic and Local Plan (SLP) and approved a timetable for the production of the plan, which was set out in the Local Development Scheme.

4.0 KEY RECOMMENDATION 5: WORK PROGRAMME

- 4.1** The gateway review identified areas for improvement in Council's running of the Garden Town programme. There was clear slippage in the timeline and a lack of tangible milestones and outputs. There was a lack of clarity over roles and responsibilities and no clear 'golden thread' for the programme.
- 4.2** Since the review, work has been undertaken to pull all project information together into one project management system. The key benefit of taking this step is that all information is held in one place, in a common format, and capable of being interrogated for different purposes.
- 4.3** The golden thread (critical path for Garden Town delivery) is evolving as the overall programme detail is entered into the new programme management software. Project updates will subsequently be reported through the new governance structure at future meetings.
- 4.4** Based upon the size/geography of the Garden Town development proposal, the area should be split into character areas (see maps at Appendix 5).
- 4.5** The proposed character areas of the Garden Town include:
- Area to the north of the A46 'Aston Fields' - which covers the area around the rail station and St Nicolas Church.
 - 'Fiddington Fields' - which includes the consented sites for both employment and housing growth.
 - Land to the southeast: 'Seven Bends' and 'Oxenton Borders' which includes the strategic employment opportunity.
- 4.6** Reflecting the importance of creating strong connections between the Garden Town and Tewkesbury Town Centre, the High Street Heritage Action Zone project has been aligned with the Garden Town programme.

5.0 KEY RECOMMENDATIONS 10 TO 15: ENGAGEMENT STRATEGY

- 5.1** The Council has engaged Cratus to devise and consult on a new integrated stakeholder engagement strategy. This will address recommendations 10 to 15 in the gateway review.
- 5.2** The integrated stakeholder engagement strategy will ensure the Council has a plan and an approach to involve and work closely with the people and groups who are interested in and affected by the Garden Town programme, both now and in the future. It will cover ways to listen, communicate, and involve communities and stakeholders in the programme. It will also have a focus on transparency – reflecting the Council's commitment to being open and honest about the garden town, including its challenges.
- 5.3** As part of developing its strategy, Cratus will be facilitating a range of engagement workshops over the period of 10 weeks from October. These sessions will support the refresh of the existing vision and narrative for the Garden Town, as well as asking for input into an emerging 'charter' document.

5.4 The emerging charter has been developed to stimulate discussion on the expectations for the delivery of the Garden Town. Structured around the existing nine Garden Town principles, it will offer some broad concepts to help inspire ideas and discussions. Once the charter has been developed, it will set the Council's and communities' expectations as to what developers will need to deliver to ensure the principles of the Garden Town programme are met.

5.5 This work has commenced but is at an early stage, and the high-level programme is shown within Appendix 3.

6.0 ENGAGEMENT WITH COUNCILLORS AND PARISH COUNCILS

6.1 As part of its commitment to more meaningful engagement, the Council also met with Borough Councillors and impacted Parish Councils on the content of this report during September 2023.

6.2 The Parish Council session was critical in understanding the extent to which affected communities have lost trust in the Council due to its previous approach to delivering the Garden Town, and it was recognised that this trust will need to be rebuilt over time and through a genuine commitment to working with these Parish Councils to deliver the programme.

6.3 In addition, the Parish Councils requested that the governance structure is reviewed as the programme progresses to ensure each governance board is represented by the appropriate Members and that it continues to serve the purpose of giving true oversight of the programme to all stakeholders.

6.4 Parish Councils also expressed concerns with decisions relating to the name of the Garden Town and areas within it seemingly being taken by developers and the Council, with no engagement with local communities affected.

6.5 During the Parish Council session, it was clear there is considerable resentment and anger within the communities. Whilst the parishes agreed to continue to engage with the programme, it is clear they need to see the Council has fundamentally changed its approach, supported by the delivery of a genuinely robust and transparent process.

7.0 CONSULTATION

7.1 As described in section 6.

8.0 ASSOCIATED RISKS

8.1 Recommendation 1 - The risk is that recommendations are not implemented. This report and the proposal to enhance governance will help to mitigate risk.

Recommendation 2 - The governance arrangements have been designed to reduce risk. The risk registers will be reviewed on a regular basis through these new arrangements.

Recommendation 3 - Developers and landowners within the Garden Town decline the opportunity to engage or their proposals do not align with the aspirations of the Garden Town.

9.0 MONITORING

9.1 The revised governance arrangements include a number of review and check points to ensure full oversight and monitoring of the Garden Town programme. Most importantly, it schedules a regular review of risks associated with the programme so that, wherever possible, mitigation can be implemented.

10.0 RELEVANT COUNCIL PLAN PRIORITIES/COUNCIL POLICIES/STRATEGIES

10.1 The delivery of the Garden Town programme is a priority within the current Council Plan.

Background Papers: None

Contact Officer: Interim Executive Director: Place
Brendon.Walsh@teWKesbury.gov.uk

Appendices: Appendix 1 – Gateway Review – Progress Against Recommendations
Appendix 2 – New Garden Town Governance Structure
Appendix 3 – Engagement Strategy – Progress Report from Cratus
Appendix 4 – Cratus engagement timetable
Appendix 5 – Opportunity and constraints plan and a plan of character areas

All recommendations are taken verbatim from the original Cratus report and are shown in Italics below.

Recommendation 1

Publish (internally and externally) a clear and tangible timeline for the development of the new JCS. Ensure that the JCS is delivered in line with this timeline, and any exceptions communicated to stakeholders internally and externally. In the meantime, ensure that the Strategic Framework is progressed quickly and is communicated internally and externally.

Progress

Detailed project plan has now been produced via a project management software.

Recommendation 2

Fill vacant positions of Executive Director, Head of Planning and Planning Policy Manager as quickly as possible, using interim skills if necessary. Consider using interim skills to fill vacant positions if permanent solutions cannot be found quickly.

Progress

Achieved – Executive Director recruited with interim cover in place. Interim cover for the Planning Policy Manager post has been extended to allow more time for recruitment.

Recommendation 3

Take a 'back to basics' approach to the business case for the Development Corporation, ensuring that it fully aligns with the development of the local plan, is funded through the resource available for that work and properly programme managed in line with the overall project plan.

Progress

Considered too early to progress – keep under review.

<p>Recommendation 4</p> <p>Progress</p>	<p><i>Allocate core funding for the garden town team. Review all external funding received for the garden town team, how it has been spent, whether it has fulfilled funding conditions and whether this funding is at risk</i></p> <p>Documentation associated with the award of the £1.4m of capacity funding received to date has been reviewed and no risks have been identified. Funding has been delivered as a Section 31 grant with no conditions attached to the award. The funding simply needs to be used in the lawful activities of the Council.</p> <p>The Council will need to consider whether it can fund all or part of the garden town team's annual activity as part of the forthcoming and future budget rounds in order to provide certainty to the programme. Given that anticipated annual expenditure for current and new activities could be circa £400,000 per annum and acknowledging the Council's projected financial deficits within its Medium Term Financial Plan, it is unlikely that the Council will be able to fully fund the programme to the level required. It will therefore be necessary to continue to seek further capacity funding from the Department of Levelling Up, Housing and Communities/Homes England as well as financial support from key stakeholders,</p> <p>Ongoing certainty of funding is unlikely to be achieved and therefore the Council will need to consider setting aside a specific reserve to 'cash flow' the funding of the programme.</p>
<p>Recommendation 5</p> <p>Progress</p>	<p><i>Establish a work programme that is appropriate to supporting the Council's strategic objectives for the garden town. This is likely to require investment in specific programme management</i></p> <p>The programme plan golden thread /critical path is embedded within the programme management software.</p>
<p>Recommendation 6</p> <p>Progress</p>	<p><i>Appoint or recruit an individual, or engage a dedicated project management provider, to establish an appropriate work programme (recommendation 5)</i></p> <p>Project management software has been introduced as an interim measure, pending funding being available for dedicated resource.</p>

<p>Recommendation 7</p> <p>Progress</p>	<p><i>Integrate the garden town team back into the core functionality of the Council by implementing the new chief executive's plan to recruit an Executive Director of Place. In addition, consideration should be given to the creation of executive boards and/or steering groups with robust governance and terms reference.</i></p> <p>Achieved – Garden town team now reports to new Executive Director – Place post. See governance paper at Appendix 2</p>
<p>Recommendation 8</p> <p>Progress</p>	<p><i>Implement an ongoing review process to ensure that planning policy (JCS) (recommendation 1) and work programme (recommendation 5) remain linked and consistent.</i></p> <p>It is solely for the Council as Promoter of the garden town programme to ensure that this programme is aligned to the timeline for the development of the new Joint Strategic Plan. This alignment will be monitored through the programme's governance structure.</p>
<p>Recommendation 9</p> <p>Progress</p>	<p><i>Once a work programme has been established (recommendation 5), create personalised work programmes and performance management plans for all staff working on the garden town, linked to the key milestones</i></p> <p>Work in Progress, to be reported on a regular basis</p>
<p>Recommendation 10</p> <p>Progress</p>	<p><i>Use the work programme (recommendation 5) and associated milestone plan to develop an internal communications plan for all Council officers and members to foster a shared sense of purpose about the garden town.</i></p> <p>An internal communications plan has been produced to support a response to the review and will be developed and informed as the work programme evolve.</p>

<p>Recommendation 11</p> <p>Progress</p>	<p><i>Use the work programme (recommendation 5) and internal communications plan (recommendation 10) to invite contributions to the programme.</i></p> <p><i>Use workshops to build an understanding of the work programme and the expertise required to deliver it and invite officers and members to contribute to the programme and make improvement suggestions. This will create awareness and a sense of ownership of the programme throughout the Council.</i></p> <p>As per recommendation 10 and the Cratus engagement plan at appendix 3., this will take place over the next 10 weeks.</p>
<p>Recommendation 12</p> <p>Progress</p>	<p><i>Include a regular drumbeat of workshops and updates with all members in the internal communications plan (recommendation 10). Even if there are no updates this should be communicated with them</i></p> <p>As per recommendation 10 and the Cratus engagement plan at appendix 3, this will be developed over the next 10 weeks</p>
<p>Recommendation 13</p> <p>Progress</p>	<p><i>Adopt a 'back to basics' approach to external communications, starting with the creation of an identity for the garden town, rather than treating it as an extension of Tewkesbury. The naming of the new garden town could form the basis of a re-engagement programme with the community, and could include naming competitions with local schools.</i></p> <p>Best practice from other developments should be examined as part of this approach</p> <p>Cratus appointed to work with Council Officers to implement the engagement strategy – see plan and update – see appendix 3.</p>

<p>Recommendation 14</p> <p>Progress</p>	<p><i>Develop a clear external communication strategy for the garden town that is owned by the Council. This should contain both strategic objectives and deliverable plans, which are aligned to the work programme (recommendation 5) internal communications (recommendation 10) and community engagement strategy (see section 4.4.3)</i></p> <p>Cratus appointed to work with Council Officers to implement the engagement strategy – see plan and update in appendix 3. The external communication strategy will be informed by the engagement work and the work programme.</p>
<p>Recommendation 15</p> <p>Progress</p>	<p><i>Create an integrated stakeholder and community engagement plan, outlining both statutory and non-statutory engagement. This should be informed by the work programme (recommendation 5) and aligned with the internal and external communications plans (recommendations 10 and 14). It should include stakeholder maps and a tool (eg a RACI matrix) to ensure stakeholders are appropriately engaged. Use the new identity (recommendation 13) as an engagement hook to create real interest in the development and its benefits.</i></p> <p>Cratus appointed to work with council officers to implement the engagement strategy – see plan and update in appendix 3.</p>
<p>Recommendation 16</p> <p>Progress</p>	<p><i>Share the integrated stakeholder and community engagement strategy (recommendation 15) with developers and landowners who are bringing forward sites, parish Councils, community leaders and members.</i></p> <p>Cratus appointed to work with council officers to implement the engagement strategy – see plan and update</p>
<p>Recommendation 17</p> <p>Progress</p>	<p><i>Once the new identity for the garden town has been created (recommendation 13) create a new storybook that brings together the benefits and outcomes of engagement in one place and is aligned with the delivery programme (recommendation 5). This can be used as the basis of the next round of stakeholder and community engagement.</i></p> <p>The charter, as described in the covering report, will cover this recommendation.</p>

Appendix 2

NEW GARDEN TOWN GOVERNANCE STRUCTURE

1. Introduction - Underpinning governance principles

1.1 The Council has three distinct roles in relation to the delivery of the Tewkesbury Garden Town (TGT): Promoter, Facilitator and as a Statutory Body (Planning Authority) (shown at Annex A). It is critical that that these different and defined roles are not only recognised but that arrangements are put in place to ensure that there is clear separation between these roles.

1.2 The proposed new governance structure relates to the Council's role as Promoter but members are asked to note that work that is being undertaken to ensure that there is a robust information barrier in place between the roles of Promoter and Statutory Body. The separation of responsibilities will also be reinforced through the development of a suite of governance templates which will be embedded during the initiation and implementation of the new governance structure.

2. New Governance Structure

2.1 The proposed new governance structure for the TGT is shown diagrammatically at Annex B. The updated governance structure seeks to implement best practice as well as addressing recommendations 3 and 7 in the Cratus Garden Town Gateway Review Report.

The structure will provide a robust framework to progress the Garden Town programme and adds clarity to the responsibility and accountability at every level. This structure should be considered to be the initial stage structure and that is considered to be robust for the stage at which the Garden Town programme is at as of the date of this report and provides a solid foundation which can be built upon. The structure will be regularly reviewed and amended to ensure that it remains fit for purpose as the TGT proposals develops.

3. Decision making

3.1 All decision-making powers remain with full Council subject to suitable delegations being given to the Executive Committee and/or the Senior Responsible Officer (SRO) to ensure that where necessary decisions are made in a timely manner and where changing circumstances required decisions these decisions can be taken expeditiously within pre-agreed parameters.

4. Project Management and Assurance

4.1 TGT Assurance Board

The structure will introduce the TGT Assurance Board which will ensure that the vision for the Garden Town is delivered effectively and efficiently. The Senior Responsible Owner (SRO) is responsible for providing approvals and decisions affecting the programme's progress and delivery throughout the programme. The board has a specific remit to set the direction for the programme, make recommendations to the Council and within delegations, provide authorisation to the Programme Lead to make the necessary decisions to effectively manage the programme on a day-to-day basis and oversee the overall progress of the programme. The SRO provides the Programme Lead with a set of necessary decisions. They determine how the project will proceed and overcome its challenges and take advantage of

opportunities. The Board will also be responsible for programme's risk register and business, user and technical assurance.

The Membership of this board will be comprised of:

- The Leader of the Council
- The Deputy Leader of the Council
- The Lead Member for Built Environment
- The Lead Member for Community
- 3 representatives from the Member Engagement Forum (to be nominated by the Member Engagement Forum)
- The Chief Executive (SRO)
- The Executive Director for Resources and s151
- The Exec Director for Place (Programme Lead)

4.1.1 Other experts or technical specialists may be invited to attend the board to provide input to support the board in making recommendations to Council or decisions in areas of delegated responsibility.

4.1.2 Reporting into this board will be the: the Strategic Stakeholder Board and the Garden Town Project Board. The board will also attend and receive input from the Oversight Board, particularly in relation to User Assurance, this will ensure that the board can fulfil its remit.

4.2 Strategic Stakeholder Board

4.2.1 The Strategic Stakeholder Board will take its membership from bodies that have a strategic, financial or legal interest in the delivery of the TGT. Initially the following bodies will be invited to provide representatives to join the board: Department for Levelling Up, Housing and Communities, Homes England, Department for Transport and Gloucestershire County Council. This Board will be chaired by the Executive Director of Place. The Board will also provide an interface between the TGT proposals and other major projects which will influence and be influenced by the TGT, for example the West Cheltenham Garden Village, the M5 Junction 9 and A46 (Ashchurch) Transport Scheme and the M5 Junction 10 Improvements Scheme, the Board will invite other experts or technical specialists to attend meetings from the bodies responsible for the delivery of these projects, as required.

4.3 TGT Project Board

4.3.1 The TGT Project Board will be responsible for managing the project plan and fulfilling the Promoter role on behalf of the council. It will have no decision-making powers unless these are subsequently delegated to the board by the SRO. The board will be chaired by the Project Lead Officer who will be supported by Project Manager and the board will be comprised of technical officer leads from finance, communications and legal and others as required as the project progresses. There will be effective information barriers put in place between officers on the TGT Project Board and those representing the Local Planning Authority function of the Council.

4.4 Liaison Groups

4.4.1 The new governance structure also benefits from the creation of five new liaison groups which will allow the sharing of information from the TGT Project team/Board

and provide a forum for engaging with representatives from the various stakeholders. Discussions with these liaison groups will not replace consultation which will be undertaken in accordance with the Stakeholder Consultation Strategy. Representatives (chairs) from these liaison groups will also be members of the Oversight Board.

4.5 Programme Oversight Board

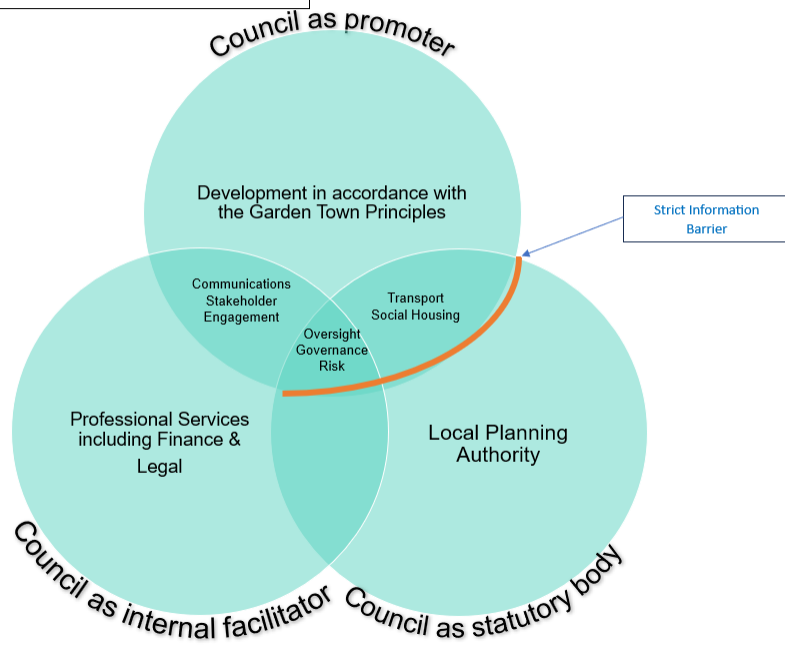
- 4.5.1 The board will provide the forum for all stakeholders, especially customer, user and suppliers to gain an overview of the programme, be informed of progress, propose next steps and highlight any foreseeable problems with the programme. The board will provide oversight of the overall direction of the programme and discuss the proposed next steps in the various workstreams. It will provide a forum for direct liaison between customers, users and suppliers, offering a feedback loop to give valuable insight for the TGT Assurance Board. The board will have an active role in overseeing stakeholder engagement and consultation as well as having a strategic role in influencing the future direction and approach of the programme.

4.6 Member Engagement Forum

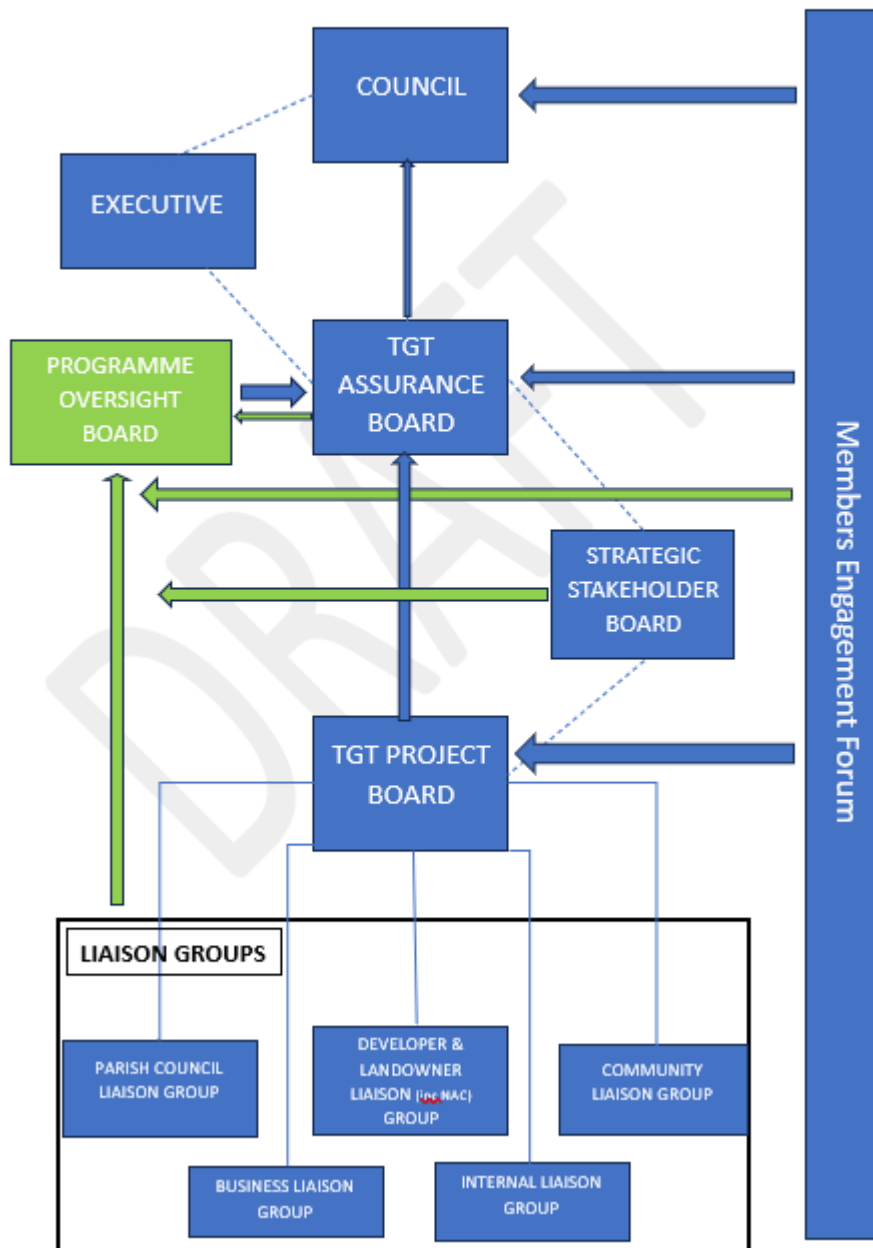
- 4.6.1** To ensure that all members are able to understand the objectives and status of the TGT Project there will be a Member Engagement Forum. This will provide all members with the opportunity to be updated on the progress of the TGT, understand the benefits that the TGT will deliver to Tewkesbury Borough and act as a sounding board for wider community engagement. The membership will be open to all elected members and will be convened at least once a month until March 2024 and then at a frequency as the TGT Assurance Board directs.

ANNEX A
Council's roles and responsibilities in relation to TGT Programme

1



ANNEX B - PROPOSED NEW GOVERNANCE STRUCTURE



Cratus engagement strategy - progress report

Cratus was appointed in August to work in partnership with the council on the delivery of an engagement course, development of an ongoing community engagement strategy and framework. This work has commenced, a comprehensive stakeholder list has been established identifying key parish councils and community groups as well as businesses and developers.

The work Cratus is undertaking is split into four phases.

1. Establish a definitive background to engagement work already undertaken for the Tewkesbury garden town.
2. Deliver a series of workshops to agree an updated vision, identity and narrative, supported and co-created by all current stakeholders.
3. Devise and agree a stakeholder framework for delivery of the garden town.
4. Produce an integrated stakeholder and community engagement strategy for Tewkesbury Borough Council for the delivery of the garden town.

The programme of work can be found below. The actions highlighted in bold are still outstanding or being progressed:

Week	Programme
One w/c 07/08/23	<ul style="list-style-type: none"> • Create comprehensive stakeholder list • Use stakeholder list to develop list of invitees to take part in workshops, segmenting as appropriate • Request all the historical proposals and strategies • Assist with preparation for parish Council meetings • Attend face to face inception meeting in Tewkesbury
Two w/c 14/08/23	<ul style="list-style-type: none"> • Review all the historical proposals and strategies and feed into knowledge matrix – in progress
Three w/c 21/08/23	<ul style="list-style-type: none"> • Complete knowledge matrix from historical documents • Begin drafting stakeholder framework, structure and governance – in progress
Four w/c 28/08/23	<ul style="list-style-type: none"> • Continue creating stakeholder framework, structure and governance – in progress
Five w/c 04/09/23	<ul style="list-style-type: none"> • Develop materials for use during the vision workshops, including draft framework • The Executive meeting 06/04/23 • Continue creating stakeholder framework, structure and governance – in progress • Secure locations for workshops
Six w/c 11/09/23	<ul style="list-style-type: none"> • Issue workshop invitations

Seven w/c 18/09/23	<ul style="list-style-type: none"> • Complete draft stakeholder framework, structure and governance. Circulate. • Finalise workshop format, including those who will be presenting, running order and narrative
Eight w/c 25/09/23	<ul style="list-style-type: none"> • Full Council meeting 26/09/23
Nine w/c 2/10/23	<ul style="list-style-type: none"> • Conduct vision workshops with members (as the first engagement) followed by stakeholders • Create draft vision and narrative based on outputs from workshops • Draft integrated stakeholder and community engagement strategy documents • Use feedback from development delivery partners' Reg 18 consultations to feed into strategy
Ten Dates to be confirmed	<ul style="list-style-type: none"> • Seek final feedback from development delivery partners on integrated stakeholder and community engagement strategy documents
Eleven Dates to be confirmed	<ul style="list-style-type: none"> • Incorporate feedback from development delivery partners into strategy • Circulate refreshed vision and narrative, along with integrated stakeholder and community engagement strategy
Twelve Dates to be confirmed	<ul style="list-style-type: none"> • Collate information from vision workshops • Presented to new garden town governance structure

The engagement on the vision for the garden town has been updated to take place in two phases. The first phase will be engagement with the following groups:

- Members - Executive, garden town ward members, wider members
- Internal Tewkesbury Borough Council officers
- Relevant Town and Parish Councils

Following this phase two will see engagement with community stakeholders in Tewkesbury and the garden town area. This will include community groups, businesses, developers and members of the public.

Phase three and four have not been started yet and will do so once the first two phases have been completed.

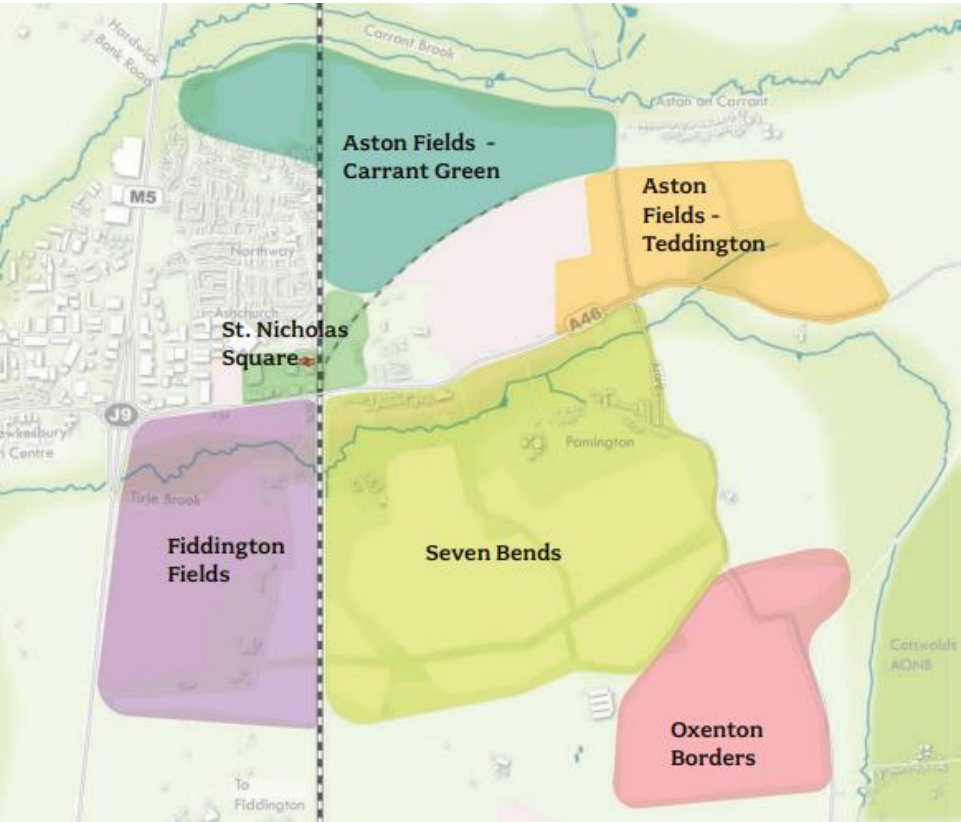
Cratus engagement timetable

	Audience	Date
Workshop 1	Tewkesbury Councillors	Thursday 5th October 6pm - 8pm
Workshop 2	Tewkesbury Council Officers	Friday 6th October 10am-12pm
Workshop 3	Parish Councils	Wednesday 11th October 6-8pm
Door to door (4 Hours)	Businesses	Sunday 22nd October 11am - 3pm
Business Breakfast	Business	Date to be confirmed with venue
Workshop 5	Community Groups	Thursday 12th October 2-8pm
Workshop 6	Developers	Wednesday 12th October 2-4pm (to be confirmed)
Workshop 7	Schools	To be confirmed
Pop up (4 Hours)	General Public	Sunday 22nd October

Plans of the opportunity and constraints



Plan of character areas



TEWKESBURY BOROUGH COUNCIL

Report to:	Council
Date of Meeting:	26 September 2023
Subject:	Statutory Appointments - Returning Officer and Electoral Registration Officer
Report of:	Executive Director: Resources
Head of Service/Director:	Executive Director: Resources
Lead Member:	Leader of the Council
Number of Appendices:	None

Executive Summary:

To ratify appointments previously made to the statutory roles of Returning Officer and Electoral Registration Officer and to make appointments to the roles of: (i) Returning Officer for Parish and Town Council elections within the Tewkesbury Borough area and (ii) Deputy Electoral Registration Officer.

Recommendation:

- 1. To RATIFY the appointment of the Chief Executive as the Returning Officer for Borough Council elections, as previously agreed as part of the report taken in closed session at the Council meeting on 24 January 2023 but not specifically included within the public Minutes of such meeting.**
- 2. To APPOINT the Chief Executive as the Returning Officer for Parish and Town Council elections within the Tewkesbury Borough area.**
- 3. To RATIFY the decision taken under urgency powers by the Executive Director: Resources, following consultation with (and with the support of) the Leader and Deputy Leader of the Council, to appoint the Chief Executive as the Council's Electoral Registration Officer.**
- 4. To APPOINT the following posts as Deputy Electoral Registration Officers:**
 - Executive Director: Resources**
 - Director: Corporate Resources**
 - Head of Service: Democratic and Electoral Services**

Financial Implications:

There are no specific on-going payments associated with the Returning Officer or Electoral Registration Officer roles. Returning Officer (or equivalent) fees are payable for any election or referendum held, determined by relevant Fees Orders in respect of Parliamentary elections; and by a scale agreed by the Gloucestershire authorities in respect of County, District/Borough, and Parish/Town elections (albeit based on the Parliamentary scale). Referendum payments have regard to the Fees Orders of the time and the local scheme.

However, the only Returning Officer fees that fall to be met by the Borough Council relate to Borough Council elections/by-elections; the scheduled, four-yearly, Parish/Town Council elections; and local executive arrangements/council tax referendums. These, and all other costs arising from such elections/referendums are met from the Elections Fund.

Legal Implications:

The Council is required to appoint a number of statutory officers, including a Returning Officer and an Electoral Registration Officer.

Environmental and Sustainability Implications:

None directly from this report.

Resource Implications (including impact on equalities):

None directly from this report.

Safeguarding Implications:

None directly from this report.

Impact on the Customer:

None directly from this report.

1.0 INTRODUCTION

1.1 The Council is required by law to appoint a Returning Officer and an Electoral Registration Officer. Both appointees must be officers (or an officer) of the Council. However, each appointee has personal liabilities and responsibilities, and is required to act in accordance with the relevant legislative requirements independent of the Council, rather than under the direction of the Council.

2.0 BACKGROUND

2.1 As part of the Council decision on 24 January 2023 to approve a proposal from the Head of Paid Service for a revised senior management structure (taken in closed session), the Chief Executive was appointed as the successor Returning Officer for Borough Council elections; however the public minutes of that item did not include that appointment decision and the report did not deal with the appointment of a successor Returning Officer for Parish and Town Council elections in the borough, or a successor Electoral Registration Officer (and deputy/deputies).

3.0 RETURNING OFFICER

3.1 In addition to being used to bring into the public domain and record the previous appointment of the Chief Executive as the successor Returning Officer for Borough Council elections, this report also deals with the Returning Officer appointment for Parish/Town Council elections within the borough area and, for completeness, sets out the other designations afforded to the Returning Officer.

3.2 There is no requirement that the same officer be appointed as Returning Officer for both Borough Council and Parish/Town Council elections, but it is likely that significant administrative issues would be caused were that not to be the case, along with confusion for candidates and others involved in the elections process. It is therefore recommended that the Returning Officer for Borough Council elections be also appointed as the Returning Officer for Parish/Town Council elections within the borough area. This replicates the arrangement in place prior to the retirement of the previous incumbent of these roles.

3.3 The Council's Returning Officer will also assume/be automatically appointed to the following roles:

- Local Returning Officer for the borough area at Police and Crime Commissioner elections.
- Local Counting Officer for the borough area at national referendums.
- Counting Officer for any local referendum relating to local authority executive arrangements; council tax levels; neighbourhood planning; and parish polls.

The Returning Officer will also be appointed as a Deputy Returning Officer at County Council elections (by the County Council Returning Officer).

3.4 Legislation allows Returning Officers to appoint deputies to discharge any or all of the duties placed upon them. Deputies may be delegated full powers or, alternatively, limited powers (where they have authority and responsibility for certain aspects of an election, e.g. postal vote opening, adjudication of doubtful ballot papers, etc.).

3.5 It is best practice that deputies are appointed, and accept their appointment, in writing. While appointments are likely to vary across the differing election types, the Returning Officer has indicated his intention to appoint the Executive Director: Resources as a 'permanent deputy' with full powers across all election types.

4.0 ELECTORAL REGISTRATION OFFICER

4.1 There is no requirement that the Returning Officer must also be the Electoral Registration Officer; however, there may be administrative issues if different officers are appointed, not least as the Electoral Registration Officer has the legal duty to act as Acting Returning Officer at UK Parliamentary elections.

4.2 It is the position in most, if not all, authorities for the Returning Officer and Electoral Registration Officer to be held by the same officer, given the synergies between the roles. Indeed, this was the case at Tewkesbury Borough Council before the retirement of the previous incumbent. It is therefore logical that the Chief Executive be also appointed as the Council's Electoral Registration Officer (in addition to his Returning Officer appointment).

4.3 This report was to deal with such appointment; however, given that the Council was to embark on its Annual Canvass in early September, conducted in the name and designation of the Electoral Registration Officer, the view was taken that it would be advantageous for the Electoral Registration Officer appointment to be made at the earliest opportunity to protect the Council legally, albeit that the risk of any challenge was considered to be minor.

- 4.4 Accordingly, using the urgency powers available under Part 3 of the Council's Constitution, the Executive Director: Resources, following consultation with (and with the support of) the Leader and Deputy Leader of the Council, took the decision to appoint the Chief Executive as the Council's Electoral Registration Officer. Any action taken using urgency powers must be reported to the next available meeting of the appropriate Committee or Council for information.
- 4.5 Unlike Returning Officers, Electoral Registration Officers are not entitled to appoint their own deputy or deputies; this duty falls to the Council. Any appointed deputy or deputies will have the same duties and responsibilities of the Electoral Registration Officer.
- 4.6 There is no restriction on the number of deputies that may be appointed. When considering who to appoint as a deputy, the Council needs to consider how to best maintain the independence of the role. For example, the deputy may need to conduct a hearing into a registration application, but care needs to be exercised that they do not do so where they have been personally involved - so, although there is much merit in the Electoral Services Manager (or equivalent) being appointed as a deputy, if they had been personally involved in the processing of the original application, they should not then oversee a registration hearing on that application.
- 4.7 It is therefore recommended that the holders of the following posts be appointed as Deputy Electoral Registration Officers to afford the Council increased flexibility:
- Executive Director: Resources
 - Director: Corporate Resources
 - Head of Service: Democratic and Electoral Services

5.0 CONSULTATION

- 5.1 The Leader and Deputy Leader were consulted in respect of the proposed urgent decision relating to the Electoral Registration Officer appointment.

6.0 ASSOCIATED RISKS

- 6.1 The recommendations in this report mitigate any risks associated with the statutory roles of Returning Officer and Electoral Registration Officer (and deputies as applicable).

7.0 MONITORING

- 7.1 The decisions to be taken by the Council will satisfy the legal requirements relating to the appointments to the statutory roles of Returning Officer and Electoral Registration Officer (including Deputy Electoral Registration Officers). The appointments will need to be reflected in the Council's Constitution. The appointments will be reviewed at the time of any changes to the posts involved, either in terms of structure or staff departures. Further reports will be presented to the Council as and when necessary.

8.0 RELEVANT COUNCIL PLAN PRIORITIES/COUNCIL POLICIES/STRATEGIES

- 8.1 None.

Background Papers: None

Contact Officer: Executive Director: Resources
01684 272005 simon.dix@teWKesbury.gov.uk

Appendices: None

Document is Restricted