

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Executive Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Wednesday, 29 November 2023 commencing
at 2:00 pm**

Present:

Chair
Vice Chair

Councillor R J Stanley
Councillor S Hands

and Councillors:

C M Cody, C F Coleman, S R Dove, D W Gray, D J Harwood, A Hegenbarth, M L Jordan,
J R Mason and J K Smith

also present:

Councillor K Pervaiz

EX.52 ANNOUNCEMENTS

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

EX.53 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

53.1 Apologies for absence were received from Councillor M G Sztymiak. There were no substitutes for the meeting.

EX.54 DECLARATIONS OF INTEREST

54.1 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.

54.2 There were no declarations made on this occasion.

EX.55 MINUTES

55.1 The Minutes of the meeting held on 9 November 2023, copies of which had been circulated, were approved as a correct record and signed by the Chair.

EX.56 ITEMS FROM MEMBERS OF THE PUBLIC

56.1 There were no items from members of the public.

EX.57 FEEDBACK FROM CHAIR OF AUDIT AND GOVERNANCE COMMITTEE

57.1 In the absence of the Chair of the Audit and Governance Committee, the Director: Corporate Services provided feedback from the last meeting of the Audit and Governance Committee held on 22 November 2023.

57.2 The Director: Corporate Resources advised that a verbal update had been received from the Council's external auditors who had arranged a series of meetings with Officers in relation to the value for money work, the results of which were anticipated to be taken to the Audit and Governance Committee in March 2024. The Committee had also considered the corporate risk register and acknowledged that the Council's financial sustainability risk had been reduced following a review of the Medium Term Financial Strategy, which was due to be considered later on today's Agenda, and the Council's short term financial position. It was noted that a risk had been included around migration of people due to closure of the asylum seeker hotel on 11 December which may result in increased homeless cases presenting to the Council. The risk around the DEFRA consultation which proposed changes to waste services had been removed as the risk had been mitigated with no significant changes required. It was noted that the Internal Audit team had completed an audit of the Council's property portfolio and had found there was a substantial level of control in how the portfolio was managed.

57.3 Accordingly, it was

RESOLVED: That feedback from the Audit and Governance Committee on matters discussed at its last meeting be **NOTED**.

EX.58 FINANCIAL UPDATE - QUARTER TWO 2023/24

58.1 The report of the Associate Director: Finance, circulated at Pages No. 15-39, highlighted the Council's financial performance for the second quarter of 2023/24 which Members were asked to consider.

58.2 In introducing the report, the Lead Member for Finance and Asset Management advised that the overall revenue budget was a £257,000 positive position, as outlined in the table at Pages No.16-17, Paragraph 2.1 of the report; however, it was important to note this was showing the position for year end as opposed to the current actual situation and would no doubt change by the end of the year. Some areas were predicting an overspend against budget whilst there were some corresponding higher levels of income than expected. As reported in quarter one, along with the volatility of the economy generally, one of the biggest risks to performance against budget was the impending decision relating to the final pay award for staff which happily had now been resolved in line with the estimates used for building the budget. In terms of other key details to bring to Members' attention, services were £56,670 over budget - although employees was £529,000 under budget, £520,000 related to One Legal vacancies which was matched off by a reduction in third party income for their service; however, there was a target within the Council's corporate expenditure to save £209,000 from employment costs across the Council which reduced the predicted underspend to £315,000. Payments to third parties showed a £48,000 overspend which included an additional £233,000 against budget for the Materials Recovery Facility (MRF) gate fee due to a significant increase from £38 per tonne to £69 per tonne as a result of the declining value of materials and an increase in energy prices. Emergency homeless accommodation costs were £52,000 over budget and, due to the high costs of temporary accommodation, an additional £189,000 was lost in housing benefits subsidy. The cessation of the trade waste service would save money from 2024/25; this year it was anticipated to save £96,000 in expenditure but £197,000

income would be lost resulting in an overall loss of £101,000 which was reflected in quarter 2. Swindon Road depot running costs were expected to be £108,000 less than budgeted for the year. Corporate expenditure was underspent by £498,722 and there was an additional £235,000 treasury investment income compared to budget as a result of high interest rates. Borrowing costs included an allowance for temporary borrowing; however, the Council only had the fixed Public Works Loan Board (PWLB) loans at present and did not expect to borrow any more during the remainder of the year leading to a saving of £206,000 with business rates currently anticipated to bring in an additional £167,000. The capital budget and reserves position were set out at Appendices B and D to the report and showed that spending was in line within the approved budgets. Local Key Performance Indicators (KPIs) had been included at Appendix E to the report to add further context to the financial performance and a new requirement from the revised Chartered Institute of Public Finance and Accountancy (CIPFA) Prudential and Treasury Codes required the Council to report prudential indicators on a quarterly, rather than six-monthly, basis from this financial year which were included at Appendices C and F to the report.

- 58.3 A Member expressed the view that the report reflected that the Council's budgeting seemed to be working and there appeared to be good control over all types of expenditure, particularly treasury management which was generating a positive outcome; going forward it was likely that a lot would change but overall it was an encouraging position. It was subsequently proposed, seconded and

RESOLVED: That the financial performance information for the second quarter 2023/24 be **NOTED**.

EX.59 MEDIUM TERM FINANCIAL STRATEGY 2024/25 - 2028/29

- 59.1 The report of the Executive Director: Resources, circulated at Pages No. 40-62, attached the Medium Term Financial Strategy (MTFS) 2024/25-2028/29 which the Committee was asked to recommend to Council for adoption.
- 59.2 In presenting the report, the Lead Member for Finance and Asset Management advised that it was important to note the comment at Appendix 1, Paragraph 1.5 of the report which stated that the Council was not in immediate danger of a Section 114 notice being required and the next two budgets looked manageable provided that a range of sensible decisions were made. He recognised that, looking ahead, there were parts of the document which may be uncomfortable but that was why a five year strategy was necessary in order to feel confident with the authority's direction and to update it at appropriate times.
- 59.3 The Lead Member went on to explain that this was an update to the MTFS approved at Council in January 2023 and reflected the latest information and financial assumptions. The strategy had been brought forward to set the scene for Members ahead of the 2024/25 budget round which was about to begin in earnest. He stressed that it was merely a financial forecast and its approval did not bind the Council to anything, for example, setting Council Tax for the next five years or setting staffing budgets. Local government funding continued to remain uncertain with no assurance over any funding stream in the medium term and the MTFS focused on a 'likely' funding scenario based on previous government communication and consultations which resulted in a £3.5m funding 'cliff edge' in 2026/27. Given uncertainties, there were potentially many different scenarios – some worse but many better – and the MTFS illustrated some of those better funding scenarios which highlighted the, albeit remote, possibility of a £5m improvement in financial projections. Costs had been projected forward using latest estimates of inflation and reflecting known unavoidable cost increases such as external audit and the Materials Recovery Facility (MRF) gate fee and it was

noted that the cost of providing current Council services was set to increase by £3.2m over the next five years. A managed level of growth had been included to reflect the Council's aspirations. Bringing all of this together and reflecting the 'likely' funding scenario, the Council could face a deficit of over £6m over the next five years. The deficit reduction programme has been depleted and renewed focus was required on delivering efficiencies within services, generating additional income and considering the future of some service areas – even after that, it was unlikely the Council would find enough of those actions to fully close the gap, therefore, it would be reliant on the government finding a long term solution for local government finance to guarantee sustainability for the Council. Whilst the Council had a £3m reserve which could support the financial challenges faced, 2026/27 going into 2027/28 looked particularly challenging based on current funding projections. It was noted that a Member seminar was due to be held later that evening to discuss this in more detail prior to the report being taken to Council. The Lead Member felt it was worth noting that the Chancellor's Autumn Statement had indicated that no additional funding would be coming forward to help local government and an article in The Times on Monday had focused on the "Council crisis being faced in an election year" which made claims that the Local Government Association had written to the Chancellor sharing that 90% of Councils would need to dip into reserves to maintain statutory services; since 2010, Council budgets had been cut by an average of 27%; and a wave of local authorities were expected to declare in 2024 that they could not balance the books – Tewkesbury Borough Council was clearly not alone in facing this.

- 59.4 A Member sought clarification regarding the 'damping regime' referenced within the document and the Executive Director: Resources advised that damping was a term used to describe the mechanism used by the government to mitigate against changes to funding. The Council's projection for the 2026/27 cliff edge was based on the government giving some support in the short term to limit the damage - a £3.5m reduction in funding was projected with a £600,000 damping grant for one year which would give some breathing space but would not save the authority from the cliff edge entirely. Officers did not have the detail of the damping regime, or whether there would be one, but the projection was based on what had been done previously.
- 59.5 A Member recognised that a great deal of work went into producing the MTFS and, whilst it was sensible to have one, the current situation meant that the position beyond the next 12 months was based on considerable estimation. Tewkesbury Borough Council was a few steps behind other authorities in terms of the cliff edge and the question was how high it would be which was impossible to know at this stage. He could not imagine a scenario where what was predicted would actually happen as, if it happened to Tewkesbury Borough Council, it would be catastrophic for many other local authorities. He felt this needed to be carefully communicated to Members with a strong message that, whilst there was a degree of certainty for the next couple of years, beyond that was mainly conjecture. The Executive Director: Resources shared this sentiment and indicated that it was phrased in the document as the 'likely' scenario but, given the amount of uncertainty, the MTFS also tried to give an indication of what a better scenario would look like. Without government intervention the impact on the sector would be catastrophic but how the government would deal with that he was not sure. The biggest frustration for the Finance team was not being able to provide certainty for Officers, Members and residents. Several Members noted that the report was in the public domain and expressed the view that any communications around it needed to be handled carefully so as not to cause unnecessary panic and Members were assured there would be a robust communication plan in place. The Lead Member for Finance and Asset Management advised that the MTFS was based on what was known currently and whilst he suspected that the situation would change, it was important to be honest should that not be the case. Another Member indicated that this

information was nothing new and it was important to demonstrate awareness of the possibility of the situation and make clear it had been handled as best it could. A Member indicated that, equally, it was important not to make any knee jerk decisions which would be detrimental to the authority in the long run, should the worst case scenario not materialise, for instance, cutting services which then required reinstatement and reinvestment later down the line.

59.6 The Chair indicated that he had recently attended a meeting of Council Leaders across the South West and there had been cross-party lobbying of the new Secretary of State for Communities and Local Government around the lack of certainty for local authorities. Councils such as Tewkesbury Borough Council were continually facing the cliff edge despite being small and cautious in terms of spending. Furthermore, the absence of a strong Council Tax base due to decisions dating back to the 1990s continued to impact this Council – he had raised the point that District Councils did not have the autonomy to raise Council Tax to the level required to do the tasks required by residents despite Parish Councils being given that freedom. The Chancellor's Autumn Statement had been beyond disappointing, offering no comfort whatsoever, and what had been a worry for his predecessors would certainly remain for him.

59.7 It was proposed, seconded and

RESOLVED: That it be **RECOMMENDED TO COUNCIL** that the Medium Term Financial Strategy 2024/25-2028/29 be **ADOPTED**.

EX.60 TEWKESBURY GARDEN TOWN PROGRAMME DELEGATIONS

60.1 The report of the Executive Director: Place, circulated at Pages No. 63-66, asked the Committee to recommend to Council that authority be delegated to the Chief Executive to prepare bids for external revenue funding to support the delivery of the Garden Town programme; accept grants of external revenue funding and agree any terms and conditions associated with those awards; deploy the revenue resources in line with the funding bids and the Garden Town programme following the Council's normal procedures for procurement and the appointment of staff; ensure continued stakeholder engagement related to the programme takes place informed by production of a Tewkesbury Garden Town Charter for subsequent, specific approval by Council in February 2024; undertake activities to progress the Garden Town programme, including sourcing potential partner capital funding, whilst seeking specific Council approval for: acceptance of any partner grant for capital works and acting as lead for delivery of infrastructure elements of the programme where necessary; and provide quarterly update reports to Council on progress with the Garden Town programme.

60.2 The Leader of the Council indicated that, as Members would recall, the new governance structure for the Garden Town had recently been approved by Council and this report recommended a number of delegations necessary to move the programme forward. He advised that the Garden Town had recently been awarded £214,000 by Homes England which would continue to fund the project until March 2024 and, whilst this stood the authority in good stead for future funding, to ensure it was prepared for all outcomes he had requested that a report be brought to Members setting out the options post-March for debate at that point.

60.3 A Member queried whether delegating authority to the Chief Executive to accept grants of external revenue funding and agree any terms and conditions associated with those awards was normal and asked what happened if there was a condition which the Council did not agree with and whether that would be taken to Members. In response, the Chief Executive advised that it was normal; however, the governance arrangement with the Tewkesbury Garden Town Assurance Board provided a safeguard so that anything the Board was uncomfortable with would be

taken to Council. Another Member expressed the view that this should be reflected in the recommendation to Council and the Chief Executive indicated that he would be happy for grants of external revenue funding over £50,000 and any terms and conditions associated with those awards to be taken to Council for approval should Members so wish.

60.4 A Member welcomed the regular progress reports to Council which was proposed as part of the recommendation but questioned whether these should come from the Lead Member rather than the Chief Executive. In addition, he drew attention to Page No. 65, Paragraph 2.3 of the report and asked for further comment as to the risks and benefits. The Leader of the Council clarified that the latest funding received would cover the period to March 2024 hence the requirement for a further paper to be brought forward to Members setting out the options available. He indicated that the quarterly updates to Council would be in conjunction with the Leader of the Council and the Lead Member for Built Environment and that could be made explicit in that recommendation.

60.5 It was proposed, seconded and

RESOLVED:

That it be **RECOMMENDED TO COUNCIL** that authority be delegated to the Chief Executive to:

- i) prepare bids for external revenue funding to support the delivery of the Garden Town programme;
- ii) accept grants of external revenue funding of up to £50,000 and agree any terms and conditions associated with those awards;
- iii) seek specific Council approval for the acceptance of grants of external revenue funding of over £50,000 and any terms and conditions associated with those awards;
- iv) deploy the revenue resources in line with the funding bids and the Garden Town programme following the Council's normal procedures for procurement and the appointment of staff;
- v) ensure continued stakeholder engagement related to the programme takes place informed by production of a Tewkesbury Garden Town Charter for subsequent, specific approval by Council in February 2024;
- vi) undertake activities to progress the Garden Town programme, including sourcing potential partner capital funding, whilst seeking specific Council approval for:
 - acceptance of any partner grant for capital works; and
 - acting as lead for delivery of infrastructure elements of the programme where necessary; and
- vii) in consultation with the Leader of the Council and the Lead Member for Built Environment, provide quarterly update reports to Council on progress with the Garden Town programme.

EX.61 INFRASTRUCTURE FUNDING STATEMENT AND ANNUAL COMMUNITY INFRASTRUCTURE LEVY RATE SUMMARY STATEMENT

- 61.1 The report of the Community Infrastructure Levy Manager, circulated at Pages No. 67-117, asked Members to recommend to Council that publication of the Infrastructure Funding Statement (IFS) relating to the financial year ending 31 March 2023, by 31 December 2023, be approved and that the Annual Community Infrastructure Levy (CIL) Rate Summary Statement be published alongside the IFS by 31 December 2023.
- 61.2 In introducing the report, the Lead Member for Built Environment advised that the CIL regulations required both the IFS and the CIL Rate Summary Statement to be published by 31 December each year. The IFS contained three chapters: the CIL report, answering set questions on income and expenditure during the reported year; the Section 106 report answering questions set in the regulations on agreements entered into and undertakings made, contributions received and spent and non-financial obligations secured and delivered; and, an infrastructure list which was a statement of the infrastructure projects or types of infrastructure which the charging authority intended would be, or may be, wholly or partly funded by CIL. A summary of CIL and Section 106 income and expenditure was provided at Paragraph 2 of the report with further detail at Appendix 1. She stressed that the purpose of the report was not to forensically examine specific Section 106 income or projects, not the process or approach – any queries about specific Section 106 Agreements could be taken away from the meeting. An internal audit of the Section 106 processes had recently been undertaken and Officers were currently considering the draft findings which would be reported to the Audit and Governance Committee in early 2024. The infrastructure list included was not exhaustive or definitive; the projects listed had been compiled by Officers at Cheltenham Borough, Gloucester City and Tewkesbury Borough Councils and decisions around CIL spend would be made by the joint CIL Governance Committee which was in the process of being established and a separate report in relation to that would be considered by the Executive Committee and Council in early 2024. Finally, it was important to point out that the new Strategic and Local Plan (SLP) would be underpinned by a lot of detailed work on infrastructure planning and identify the long term infrastructure requirements to support planned development which would include working with communities to understand aspirations. CIL charges would also be reviewed to ensure that the Councils were maximising the planning gain that could be secured through new developments.
- 61.3 A Member drew attention to Page No. 110 of the report and noted there had been a change in terms of GL1 Leisure Centre and asked whether an amendment was required. With regard to projects not to be funded by CIL, she asked whether they could potentially be funded by CIL or if they specifically could not be. In response, the Community Infrastructure Levy Manager advised that this was the infrastructure list as it currently stood; legislation required that the list should include what the Council intended may be wholly or partially funded by CIL but was not a commitment and a separate report on that would be taken to each of the SLP authorities in the New Year. In terms of GL1 and Oxstalls Sports Park, their inclusion reflected the need for expenditure in relation to those facilities and was nothing to do with recent occurrences. With regard to projects not to be funded through CIL, the schemes listed included two joint highway projects which the County Council asked to be included alongside all education requirements because of the level of funding needed – CIL would not be able to cover the full cost of those schemes, for instance, M5 J10 was in the region of £260m whereas CIL collected between the three partners over four years amounted to £11m. Education was a complex issue in two-tier authority areas such as Tewkesbury Borough and the County Council was concerned it would be unable to secure sufficient Section 106 contributions if they were funded via CIL. It was not that

these schemes and requirements could not be funded via CIL as there was discretion to fund any infrastructure which supported development; however, from the Local Education Authority perspective, the only education contributions which should be sought were those which met the three tests in the CIL Regulations – whether it was necessary, related to the development from which it was being taken and reasonable.

- 61.4 A Member questioned whether inflation would have an impact in terms of what could be achieved and confirmation was provided that was the case. The CIL Regulations were very prescriptive in terms of the CIL Rate Summary Statement and essentially included an index taking into account inflation information published on 1 November each year. The Council then provided a statement as to whether there had been an increase or decrease - this year there was an increase of 7% and those rates had to be published as being applicable to the next calendar year between 4-31 December.
- 61.5 With regard to Page No. 70, Paragraph 2.2 of the report which related to the IFS Section 106 report, a Member raised concern that the figures provided for what had been received and spent during the year did not correspond with the opening and closing balances. The CIL Manager undertook to look into this following the meeting and to make amendments to clarify the figures if necessary. The Member indicated that whilst he accepted this was a statutory report, the overriding issue was that money was being accrued which ought to be being spent in communities. He understood that money was not available until developments were completed but felt it was important to be on the front foot in terms of ensuring the money was utilised in an expedient manner. The Lead Member for Built Environment provided assurance this was being looked into in detail and a report would be taken to Council for Members to debate.
- 61.6 It was proposed, seconded and

RESOLVED: That it be **RECOMMENDED TO COUNCIL** that:

1. Publication of the Infrastructure Funding Statement (IFS) relating to the financial year ending 31 March 2023 by 31 December 2023 be **APPROVED**, subject to appropriate amendments to the IFS if necessary to clarify what had been brought forward, received, spent and allocated for future maintenance thereby arriving at the closing balance.
2. The Annual Community Infrastructure Levy (CIL) Rate Summary Statement be published alongside the Infrastructure Funding Statement by 31 December 2023.

EX.62 REVIEW OF HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE LICENSING POLICY

- 62.1 The report of the Licensing Team Leader, circulated at Pages No. 118-221, asked the Committee to adopt the draft Hackney Carriage (Taxi) and Private Hire Licensing Policy attached at Appendix B to the report.
- 62.2 The Lead Member for Clean and Green Environment advised that, over the past two years, there had been several reviews to update the Council's licensing documentation with the Gloucestershire Common Standards, medical criteria and M1 vehicle standards to bring Tewkesbury Borough Council in line with the rest of the county. This most recent review set out to amend driver requirements that have not already been brought in line with the Gloucestershire Common Standards, to

introduce age and emissions policies, update operator conditions and revise the current plate exemption policy. On 15 June 2023, the Licensing Committee approved the draft policy which was then subject to a 12 week consultation during which 52 responses were received from key stakeholders and licence holders. Copies of the proposed amendments and responses were set out at Appendices A and C to the report. The final draft before Members today had been approved by the Licensing Committee in November 2023. The amendments proposed a change to the driver requirement that applicants must have held a Driver and Vehicle Licensing Authority (DVLA) driver's licence for 12 months rather than the previous requirement of three years, and that all new applicants must undertake a driver assessment. In terms of changes to the vehicle age and emissions policy, from 1 January 2024, all new and transfer vehicle licence applications must be Euro 6 compliant, including wheelchair accessible vehicles. All existing licence holders would be given two years to bring their vehicles in line with the new policy; all licences that expired after 31 December 2025 would need to comply with the new requirements and from January 2026 all vehicle licence renewal applications would be refused if the vehicle was not Euro 6 compliant. It was important when reviewing these changes to take into account the current climate and to do everything possible to support local business and it was recognised by both the Institute of Licensing and the Local Government Association that there was a shortage of good second hand vehicles. Bearing in mind the shortage of wheelchair accessible vehicles and the costs associated with sourcing them, following the consultation the policy had been further amended so that all renewal applications for these vehicles would be relicensed until they were 15 years of age. Finally it was proposed that compulsory garage inspections be introduced from June 2024 with these taking place annually for vehicles under five years and every six months for older vehicles.

- 62.3 A Member welcomed the proposed changes to the vehicle age and emissions policy given the climate change emergency; however, she was concerned about the potential shortage of wheelchair accessible vehicles (WAVs) and asked what was being done to encourage those type of vehicles. She also questioned why novelty vehicles were not subject to the same limits as WAVs. In response, the Licensing Team Leader advised that the emissions policy would be reviewed in two years in line with other local authorities in the county. The Department for Transport published best practice guidance on WAVs and Cheltenham Borough and Gloucester City Councils had recently changed their policies in line with that. With regard to novelty vehicles, which included limousines, the majority of their work, such as weddings and parties, was exempt from licensing law. The Member noted there had only been 52 responses to the consultation but Ward Councillors were listed in the report as having been consulted and she raised concern that she did not recall having seen it. The Licensing Team Leader confirmed that emails had been sent to all Members in June with separate emails also sent to Town and Parish Councils; she confirmed that a response had been received from Tewkesbury Town Council. Other Members indicated they had also not received the consultation email and it was stated that, if Councillors did not respond to consultations in relation to their Ward, there should be a mechanism to remind them.
- 62.4 A Member recognised that the change requiring drivers to hold a DVLA licence for 12 months as opposed to three years was best practice but he questioned why less driving experience was seen as a positive amendment. The Licensing Team Leader confirmed that this was in line with Department for Transport best practice and explained that all new drivers would undertake a driving assessment which was not currently required so this would introduce an additional test. If Members wished to retain the current policy requirement for drivers to hold a licence for three years that was within their gift. Another Member questioned how many drivers this would affect and was informed there were very few applications from drivers aged

18 with the majority of applicants tending to be from more mature people who undertook school contract work. A Member indicated that Tewkesbury Borough Council had historically been seen as a soft touch in terms of licensing and the revised policy had been a long time coming. The document before Members was reflective of those of the other local authorities across the county and he would be anxious of making an amendment which meant that it was once again out of line with what others were doing. In his view, driving experience was about the number of miles behind the steering wheel rather than the number of years holding a licence and he was satisfied that, under the new policy, applicants would have to undergo a driving assessment which was preferable in terms of assessing their fitness and propriety. He felt that this was something which could be reviewed in two years' time when statistical information would be available regarding the impact of the change. A Member queried whether Uber drivers were covered by the policy and was advised that Tewkesbury Borough Council had no licenced drivers with Uber; they could operate in the area but would hold a licence with another authority. A Member understood the concern raised regarding reducing the amount of time an applicant was required to hold a DVLA licence but he would not wish for there to be any unforeseen consequences as a result of having a different policy to others in the area; ultimately, the proposed changes would reduce the length of time a driver was required to have held a DVLA licence but there would be a higher requirement of testing which would be a fairer measure in his view.

62.5 In terms of the amount of consultation responses, a Member indicated that, in his experience, the licenced trade was very good at representing itself, particularly if it was unhappy with what was happening. He anticipated that the issue in terms of Ward Councillors was due to the consultation taking place in June which was shortly after the Borough Council elections rather than any lack of intent from Officers. As a Member of the Licensing Committee, this was the third time he had seen the policy which he felt would put the authority on an equal standing with others; however, he did wish to see the emissions policy reviewed along with the issue of compulsory CCTV in licensed vehicles which he was supportive of. The Lead Member for Clean and Green Environment confirmed that CCTV was being considered by the Gloucestershire Licensing Officers Group and provided assurance that emissions would be reviewed in two years as had been stated by the Licensing Team Leader.

62.6 It was proposed, seconded and

RESOLVED: That the draft Hackney Carriage (Taxi) and Private Hire Licensing Policy, attached at Appendix B to the report, be **ADOPTED**.

EX.63 REVIEW OF STREET TRADING LICENSING POLICY

63.1 The report of the Licensing Team Leader, circulated at Pages No. 222-253, asked the Committee to adopt the revised Street Trading Licensing Policy attached at Appendix A to the report.

63.2 The Lead Member for Clean and Green Environment advised that Tewkesbury Borough Council's Street Trading Policy was last reviewed four years ago in 2019. A revised draft policy was approved for consultation by the Licensing Committee in June 2023 and, following a 12 week period between July and September 2023, the final draft was approved by the Licensing Committee in November for presentation to the Executive Committee. Four main changes were proposed, the first being removal of the requirement for a Disclosure and Barring Service (DBS) check on the basis that Gloucestershire Police was a statutory consultee and undertook PNC checks on all applications. Removing the DBS requirement saved the

applicant the cost of the check and Council resource in terms of processing the applications. This change would bring Tewkesbury Borough Council in line with Cheltenham Borough, Cotswold District, Gloucester City and the Forest of Dean District Councils. The policy also proposed specified consents and durations of applications and standard applications for markets, which included a requirement for the applicant to provide valid insurance documents for each event, as well as inclusive mobility requirements which was an extremely important addition to ensure the authority remained inclusive and sensitive to all members of the community. There were currently 20 active consents and all of the license holders would be informed of the changes which, if approved, would come into effect on 1 January 2024.

- 63.3 A Member questioned how many consultation responses had been received and again indicated that she did not recall having seen it. The Licensing Team Leader advised that four consultation responses had been received including one from Tewkesbury Town Council. Other Members confirmed they had also not received the consultation email and it was stated that, if Councillors did not respond to consultations in relation to their Ward, there should be a mechanism to remind them. A Member questioned whether it was possible to amend the prohibited streets list and was advised this was subject to a designation process which would need to be undertaken separately outside of the meeting. A Member queried whether Ward Members could input into the prohibited streets list when that was considered and the Licensing Team Leader advised that the current list was quite old and amending it would require a further consultation exercise so it could be a lengthy process to obtain a new list; however, that was a piece of work which she intended to do in the future. A Member asked if there was a more specific timeframe for that and was advised that realistically it was likely to be towards the end of 2024. In response to a query regarding there only being one consent for a market, as stated at Page No. 223, Paragraph 1.5 of the report, the Licensing Team Leader advised that this was an annual consent for Tewkesbury market; one-off and time-limited consents were also issued in addition to that.

- 63.4 It was proposed, seconded and

RESOLVED: That the revised Street Trading Licensing Policy, as attached at Appendix A to the report, be **ADOPTED**.

EX.64 COUNCIL TAX, HOUSING BENEFIT AND COUNCIL TAX SUPPORT PENALTY AND PROSECUTION POLICY

- 64.1 The report of the Head of Service: Counter Fraud and Enforcement Unit, circulated at Pages No. 254-265, asked the Committee to adopt the updated Council Tax Support Penalty and Prosecution Policy and to delegate authority to the Executive Director: Resources, in consultation with the Head of Service: Revenues and Benefits and the Head of Service: Counter Fraud and Enforcement Unit, to approve future minor amendments to the policy.
- 64.2 The Head of Service: Counter Fraud and Enforcement Unit advised that the policy was due an update to ensure it was reflective of the approach across the six Councils within the Counter Fraud and Enforcement Unit partnership. There were no significant amendments to the policy other than to reflect changes to departmental names within the Councils and duties and responsibilities within the Department for Work and Pensions. It should be noted that the legislation outlined that, to incur a civil penalty for a housing benefit overpayment, the value of the overpayment needed to exceed £250; however, the policy detailed that, for decisions across the Counter Fraud and Enforcement Unit, that figure would be £500 based on current cost of living pressures.

64.3 Accordingly, it was proposed, seconded and

- RESOLVED:**
1. That the Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policy be **ADOPTED**.
 2. That authority be delegated to the Executive Director: Resources, in consultation with the Head of Service: Revenues and Benefits and the Head of Service: Counter Fraud and Enforcement Unit, to approve future minor amendments to the policy.

EX.65 EXECUTIVE COMMITTEE FORWARD PLAN

65.1 Attention was drawn to the Executive Committee's Forward Plan, circulated at Pages No. 266-277, which Members were asked to consider.

65.2 Accordingly, it was

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

EX.66 SEPARATE BUSINESS

66.1 The Chair proposed, and it was

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

EX.67 IRRECOVERABLE DEBTS WRITE-OFF REPORT

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

67.1 The Committee approved the write-off of a housing benefit overpayment.

The meeting closed at 3:45 pm