

TEWKESBURY BOROUGH COUNCIL

Minutes of a Meeting of the Council held at the Council Offices, Gloucester Road, Tewkesbury on Tuesday, 19 April 2016 commencing at 6:00 pm

Present:

The Worshipful the Mayor
Deputy Mayor

Councillor R E Allen
Councillor Mrs G F Blackwell

and Councillors:

P W Awford, Mrs K J Berry, R A Bird, R Bishop, G J Bocking, K J Cromwell, D M M Davies, Mrs J E Day, M Dean, R D East, A J Evans, J H Evetts, D T Foyle, R Furolo, R E Garnham, Mrs P A Godwin, Mrs M A Gore, Mrs J Greening, Mrs R M Hatton, B C J Hesketh, Mrs S E Hillier-Richardson, Mrs A Hollaway, Mrs E J MacTiernan, J R Mason, Mrs H C McLain, A S Reece, T A Spencer, Mrs P E Stokes, P D Surman, M G Sztymiak, H A E Turbyfield, R J E Vines, D J Waters, M J Williams and P N Workman

CL.72 APOLOGIES FOR ABSENCE

72.1 An apology for absence was received from Councillor V D Smith.

CL.73 DECLARATIONS OF INTEREST

73.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.

73.2 The following declarations were made:

Councillor	Application No./Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
R E Garnham	Item 11 – Community Infrastructure Levy: Draft Charging Schedule.	The Councillor had undertaken the paperwork for the landowners of a development site which was mentioned in the report.	Would not speak or vote and would leave the Chamber for the consideration of this item.
M G Sztymiak	Item 13(b) – Tewkesbury Town Regeneration.	Member of Tewkesbury Town Council but was not affected by the particular matter under discussion.	Would speak and vote.
P N Workman	Item 13(b) –	Member of	Would speak

Tewkesbury Town
Regeneration.

Tewkesbury Town
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and vote.

73.3 There were no further declarations made on this occasion.

CL.74 MINUTES

74.1 The Minutes of the meeting held on 18 February 2016, copies of which had been circulated, were approved as a correct record and signed by the Mayor.

CL.75 ANNOUNCEMENTS

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

CL.76 ITEMS FROM MEMBERS OF THE PUBLIC

76.1 There were no items from members of the public on this occasion.

CL.77 MEMBER QUESTIONS PROPERLY SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

77.1 There were no Member questions on this occasion.

CL.78 LEADER OF THE COUNCIL - STATE OF THE BOROUGH PRESENTATION

78.1 The Mayor invited the Leader of the Council, Councillor R J E Vines, to present his 'State of the Borough' report.

78.2 The presentation covered the following key points:

- Introduction – 2016 had been a successful and challenging year and had marked the end of the Council Plan. Against a backdrop of challenges, the Council had made significant savings whilst still delivering services that cost less but provided the same level of support for customers. The Council had also become more agile and flexible; successfully working together with partners, staff and Councillors following its ethos to be better for customers, better for business.
- The Council Plan 2012-16 – The current Council Plan had included significant achievements including a successful peer review; the establishment of the public services centre; the near completion of the leisure centre; the introduction of the place programme; a management restructure; and a number of successful service reviews. It was felt that the Council should be proud of its achievements with performance remaining impressive.
- Year Four Refresh – Use Resources Effectively and Efficiently – 2015/16 had seen the Council face further financial challenges with a grant reduction of 15.6%; despite this it froze the Council Tax for the fifth year in a row. The

Transform Working Group had helped the Council to manage its budget proposals and transform the way it did things with successful projects including the Council Offices refurbishment, the new leisure centre and various service reviews. In addition, a new Customer Care Strategy and Standards had been introduced which clearly set out what its customers could expect if they contacted the Council. The new complaints system had been introduced in April and had made it much clearer and easier for its customers to advise when it had not performed as it should have done. It also meant that monitoring and learning from customer feedback would be improved.

- Year Four Refresh – Promote Economic Development – The Government had given approval for the Council to spend the remaining £220,000 of flood grant funding to support business marketing which had resulted in the launch of the new ‘Discover Tewkesbury’ branding. There had also been the launch of a new £1.4million scheme called LEADER which was aimed at boosting the rural economy across the Forest of Dean and Tewkesbury Borough; this would support rural jobs and growth. The Council’s economic development team had been working with partners to support around 500 businesses through start-ups, training and mentoring, seminars, networking events and enterprise clubs. There was currently an Overview and Scrutiny Working Group in place which was reviewing the Economic Development and Tourism Strategy and looking at various key areas that would inform the new Strategy, including liaising with representatives from the Local Enterprise Partnership and ensuring the new Strategy linked into the new Council Plan. In addition, the Tewkesbury Regeneration Partnership continued to oversee various projects to enhance the regeneration of the town and, in July, had secured the ‘missing link’ on the east side of the river Avon in Tewkesbury Town.
- Year Four Refresh – Improve Recycling and Care for the Environment – The Council’s recycling rate remained in the top quartile at a healthy 52% with recycling campaigns having included a ‘no food waste’ sticker which had increased recycling by 20%. The volunteer litter picking scheme now had 185 volunteer litter pickers who remained enthusiastic and committed – the Council supported them through annual events, newsletters and the provision of equipment. The Council had seen a 40% increase of customers using its online self-service for garden waste renewals with nearly 15,000 customers now using the scheme. In addition, in terms of flooding, a lot of projects had been completed during 2015/16 including the clearance of blockages, felling of trees and desilting. The completion of a substantial surface water bund in Tirley was one of the largest schemes the Council had ever carried out.
- Year Four Refresh – Customer Focussed Community Support – The public services centre at the Council Offices continued to grow with three more partners having joined this year; that brought the total number of organisations to seven. A new Community Funding Officer had been appointed and within the first six months she had already spoken with over 90 community groups to help signpost them to external funding. Support to the Citizens’ Advice Bureau continued with a £53,000 grant which had helped to support over 1,000 residents within the first nine months. Year two of the Council’s Health and Wellbeing Strategy had been successful with one good example being the launch of social prescribing which linked people with activities which benefited them rather than using medication. The Council continued to support neighbourhood planning with 11 designated areas across 15 different Parishes. Following a successful pilot in the east area of the Borough the place programme was approved for

Borough-wide roll-out in January.

- Year Four Refresh – Develop Housing Relevant to Local Needs – A lot of work had been carried out on the Joint Core Strategy and the Tewkesbury Borough Plan. The Joint Core Strategy was now at examination stage with the hearing sessions having started in May 2015. The Council was on track to deliver an estimated 205 affordable homes in 2015/16 which was the largest number delivered since 2007/08. The Overview and Scrutiny Committee had recently concluded its review of disabled facilities grants with recommendations being made around work processes and time improvements and the need to be more customer friendly. This year, the Council had helped deliver more than 80 disabled facilities grants which had amounted to nearly £395,000. In addition, St Mungo's Broadway had been appointed to provide an outreach service for people sleeping rough and this year more than 120 homelessness prevention cases were carried out.
- Moving Forward – The Council had an exciting and challenging four years ahead as it introduced its new Council Plan which set out its priorities for 2016-2020. An increase in Council Tax of £5 for a Band D property had been agreed for next year and yet the Council remained the fifth lowest in the country; it had been felt that freezing Council Tax would have been impossible without affecting services. The new leisure centre would open on 30 May with the former Olympian gold medallist, Sharon Davies 'cutting the ribbon'. The Council had launched a new Digital Strategy to help provide its customers with online services. One of the priority actions within the Strategy was to map out the Council's current digital offers and work with services to improve them. It was anticipated that this Council Plan period would see the adoption of the Joint Core Strategy and the Borough Plan as well as the commencement of a project to refurbish the Spring Gardens area in Tewkesbury Town which would look at commercial options including mixed used development within the site. The Council would face further financial challenges with a £2.9million deficit faced which could increase if there were further government changes to income streams. In addition, there would be a focus on transforming how the Council delivered its services and looked to be more commercially minded as well as ways that it could maximise the use of its assets.

78.3 A Member felt that the presentation had provided an uplifting report and review of what the Council had achieved to make the Borough a better place to live. He explained that, at the centre of the Council Plan were four key priorities, one of which was economic development and through that the Council had done a number of things very successfully to promote the Borough. Even though the Economic Development team was a small one it was very quick and flexible to responding to opportunities that arose. He also advised that there was a Working Group which was looking at the Economic Development and Tourism Strategy which would underpin elements of the Council Plan; there had been a slight delay in its work in getting to grips with certain matters but it would be reporting later in the year. In terms of the LEADER funding, the Member appealed to Councillors for help in raising its profile. He explained that, whilst the Council's team was promoting the funding through business leaders etc., the best way was by word of mouth and so, if Members knew of any businesses/organisations that could use the money, he urged them to pass the details onto the Economic Development Team.

78.4 The Leader encouraged Members to take the presentation to their respective Parish Council meetings as a way of reporting the Borough Council's work over the year. The Mayor thanked the Leader for his informative presentation and, with no further questions, it was

RESOLVED That the 'State of the Borough' presentation provided by the Leader of the Council be **NOTED**.

CL.79 OVERVIEW AND SCRUTINY COMMITTEE ANNUAL REPORT 2015/16

- 79.1 Attention was drawn to the report, circulated at Pages No. 10-39, which set out the draft Annual Overview and Scrutiny Report 2015/16. Members were asked to consider and adopt the report.
- 79.2 The Chair of the Overview and Scrutiny Committee, Councillor P W Awford, was pleased to present the 2015/16 Overview and Scrutiny Annual Report. He explained that this was the first year of the Committee following the elections in May 2015 and, thanks to the able and committed group of Councillors involved, he felt the Committee had been at the heart of the Council's decision-making process and had successfully acted as a 'critical friend' to the Executive Committee. He explained that, not only was it a requirement of the Council's Constitution to report the activities of the Committee on an annual basis, but it was also good practice. This year's annual report demonstrated the broad coverage of activities that the Committee had scrutinised and reviewed during the year. That coverage had been undertaken through a combination of progress reports from Officers on the delivery of key strategies and policies; quarterly performance management reporting; Working Groups which reviewed specific areas of interest; presentations from Officers and external organisations; and scrutiny review of new strategies and policies. Looking ahead there were opportunities for the Committee to continue supporting the Council through its future challenges and alongside a new Council Plan. It was also intended that the Committee would have more external bodies attending its meetings such as the Fire and Rescue Service and Healthwatch Gloucestershire. The Committee's 2016/17 work plan was contained within the annual report and the Chair highlighted that this was a 'live' document that was subject to change throughout the year. As the Council moved forward into the new Council Plan period further scrutiny works would be carried out and further items would be added to the work plan such as the review of financial inclusion; an update report on enviro-crimes; and information on Ubico related activities all of which would be added following the last meeting of the Committee. The Chair thanked his Committee Members, and particularly his Vice-Chair, Councillor Mrs Gill Blackwell, for their contributions and the support they had given him in his first year as Chair of the Committee. He also thanked those Members who reported to the Committee from Outside Bodies such as the Gloucestershire Police and Crime Panel and the Health and Care Overview and Scrutiny Committee.
- 79.3 The Leader of the Council offered his thanks to the Overview and Scrutiny Committee and its Chair and indicated that he appreciated the work undertaken by Members of that Committee.
- 79.4 Accordingly, it was
- RESOLVED** That Overview and Scrutiny Committee's 2015/16 Annual Report be **ADOPTED**.

CL.80 RECOMMENDATIONS FROM EXECUTIVE COMMITTEE

Council Plan

- 80.1 At its meeting on 6 April 2016 the Executive Committee had considered the 2016-2020 Council Plan and had recommended it to the Council for adoption.

- 80.2 The report that had been considered by the Executive Committee had been circulated with the Agenda for the current meeting at Pages No.40-58.
- 80.3 The recommendation from the Executive Committee was proposed and seconded by the Chair and Vice-Chair of the Committee.
- 80.4 A Member indicated that, at the Council Plan workshop which had been held for Members, he had raised concerns that the Plan did not give sufficient prominence to the environment with it seeming to bring the economy to the fore at the expense of environmental issues. He felt that climate change was of particular importance to everyone and, in his view, the new Council Plan did not do anything to address the issues surrounding this extremely important issue. He proposed, and it was seconded, that a statement be included in the Council Plan that the Council would 'deliver houses that are carbon neutral'. The Member indicated that a third of carbon emissions came from housing stock and, in order to address this situation, the Council had to start with new dwellings being carbon neutral. In response to a query as to the Member's definition of 'carbon neutral' he indicated that there had been many definitions through the years, however, a starting point was the level six sustainable homes definition. There were other definitions about developments offsetting carbon and he was happy to accommodate those in his proposal if Members so wished. A number of Members felt that this was not really something for the Council Plan as it was a national issue. It was suggested that, whilst carbon neutral homes would be a nice aspiration, it was not something that could be insisted upon. Another Member felt that the Council Plan as drafted was an excellent document and he endorsed the focus on economic development. He also drew attention to the fact that the document referred to the building of 'sustainable communities' which he considered covered the point made previously.
- 80.5 The proposer of the amendment indicated that one of the biggest mistakes made was in thinking that the economy and the environment were exclusive which, in his opinion, they were not. He felt that the Borough should not have homes which would result in high energy prices for occupants and it had been demonstrated by Cardiff University that the costs to developers in building carbon neutral homes did not have to be higher than the cost of normal affordable properties. Upon being put to the vote the amendment was lost. Accordingly, the recommendation from the Executive Committee, which had been duly proposed and seconded, was voted upon and it was

RESOLVED That the Council Plan be **ADOPTED**.

CL.81 REVIEW OF PROTOCOL FOR MEMBER/OFFICER RELATIONS

- 81.1 The report of the Monitoring Officer, circulated at Pages No. 59-73, attached a revised Protocol for Member/Officer Relations which Members were asked to consider and approve.
- 81.2 The Chair of the Standards Committee explained that, at its meeting on 12 October 2015, his Committee had considered a report which detailed a proposed work programme for the Committee for 2015/16. At that time it had been agreed that the Member/Officer Relations Protocol would be reviewed and, in order to complete that task, it was decided that the whole Committee would meet as a Working Group and seek the views of Members and senior Officers on the effectiveness of the Protocol and what, if any, changes would improve it. The Working Group had developed the revised Protocol over a number of meetings and, having spoken to a range of

Members and Officers, at its meeting on 21 March 2016 the Committee had recommended a revised Protocol to the Council for approval. The Chair thanked those who had been involved in the review and had taken the time to provide their views and, accordingly, he proposed, and it was seconded, that the revised Protocol be approved.

81.3 Accordingly, it was

RESOLVED That the revised Protocol for Member/Officer Relations, as attached at Appendix 1 to the report, be **APPROVED**.

CL.82 COMMUNITY INFRASTRUCTURE LEVY: DRAFT CHARGING SCHEDULE

- 82.1 The report of the Development Services Group Manager, circulated at Pages No. 74-95, sought to draw together all of the relevant threads of information which informed the revisions to the Community Infrastructure Levy Draft Charging Schedule, taking account of consultation responses received to the Preliminary Draft Charging Schedule along with further detailed viability assessment work. Members were asked to approve the undertaking of public consultation on the Tewkesbury Borough Community Infrastructure Levy Draft Charging Schedule prior to independent examination.
- 82.2 The Deputy Chief Executive indicated that approximately one year ago, the Council had approved the Community Infrastructure Levy Preliminary Draft Charging Schedule for public consultation. The Community Infrastructure Levy was a relatively new model which would be used to capture developer contributions for infrastructure and it was different to the traditional Section 106 contribution model. The Community Infrastructure Levy was not a negotiation it was instead a fixed charge which would be payable on any development regardless of its size and was the mechanism for gaining developer contributions which was favoured by the government. In order to set a charge there was a need to gather a high level of evidence on viability in the area as the charge must be neutral i.e. the charge could not encourage or discourage economic development in the Borough and had to be affordable to developers. As such a lot of work had been undertaken to understand the different typologies of development in the area and the viability of development.
- 82.3 The first stage of consultation on the Preliminary Draft Charging Schedule had taken place in the summer of 2015 and the results of which had been fed into the additional viability work undertaken. Much of the work to date had been undertaken with the other Joint Core Strategy Authorities; the reason for this was that, although the charge would be individual to each Council, it would be aligned with growth across the Joint Core Strategy area and to reduce the Council's costs. The report before Members represented the culmination of the work undertaken which had resulted in an evidence-based and defensible Draft Charging Schedule. Following the consultation period, the Schedule would go through the process of an independent examination; this would not be of the scale of the Joint Core Strategy examination but was likely to be either paper-based or involve a one day hearing at most.
- 82.4 The charges for residential, non-residential and Joint Core Strategy strategic sites (residential only) were set out at Paragraph 3.2 of the report and accounted for affordable housing requirements as well as mitigation measures on large sites. The charges demonstrated that development for the Borough would remain viable and affordable housing levels would remain sustainable with 40% affordable housing outside of the large strategic allocations and 35% on the strategic sites. Throughout the process to date Officers had worked closely with Members, consultants, Town and Parish Councils and Parish Clerks. In addition, due to the technical nature of

the work to develop the Charging Schedule, developers had been consulted for their views. If the report was supported by Members it was expected that a charge would be in place by the end of the calendar year; although this would be dependent on the examination process.

82.5 The recommendation contained within the report was proposed and seconded. During the discussion which ensued a Member questioned the reason for the seemingly large difference in cost for a 1,000 to 2,000 sq. ft. home. In response, the Deputy Chief Executive explained that this was due to the different requirements for affordable housing between developments of 1-10 units and 11+ units. Another Member questioned whether the Council was proposing to charge a Community Infrastructure Levy for retirement villages/blocks of flats; especially given the large growth being seen in that sector. In response, the Deputy Chief Executive advised that this had been raised previously but she understood that the modelling had shown that they were not currently viable to take a charge. Section 106 could still be used for any mitigation measures around a development but not outside of the site. In terms of the differences between the three authority areas, the Deputy Chief Executive confirmed that the charges were based on land value and, whilst the land values in Cheltenham and Tewkesbury were adequate to pay for the Community Infrastructure Levy charge, Gloucester City was not in the same position. A Member remained concerned that she did not have enough information to make a fully informed decision on the matter; she felt that the Council needed to know which sites would gain a Section 106 contribution; when the strategic sites were likely to come to fruition; and why the levy charge was so high for some sites when the strategic development definition was a minimum of 500 houses. In response, the Member was advised that there had been a long, slow and complicated process to get to this point and Officers had had a huge amount of support to carry out the technical work that had been needed. Consultants had attended the Council to help provide Members with a full understanding of the work undertaken and it was felt that the Council now needed to move forward with its Community Infrastructure Levy Charging Schedule so that it could capture those contributions that it would not otherwise obtain; at the moment it was missing out.

82.6 A Member noted that the consultation to take place would be the second round of consultation and he questioned what developers had thought the first time. In response, the Deputy Chief Executive indicated that the responses had been extremely interesting with 39 comments received. Officers had also run workshops for developers to try and tease out the information from them which had been helpful. It was anticipated that similar responses would be received through the next round of consultation. Another Member indicated that the Community Infrastructure Levy Charging Schedule would be key to developer contributions moving forward and she hoped the Council would agree with the recommendation before it. She explained that Parish/Town Councils with an adopted Neighbourhood Plan would receive 25% of any Community Infrastructure Levy contributions and those without an adopted Plan would get 15% with a ceiling of £100 per house. This meant the Charging Schedule was really important to Parishes. In addition, the Council was currently receiving applications that developers were submitting in order to avoid the Community Infrastructure Levy as the Council did not have one; this made it even more important that the Council move forward as quickly as possible.

82.7 Accordingly, it was

RESOLVED

1. That the Community Infrastructure Levy Draft Charging Schedule be **APPROVED** for public consultation.
2. That authority be delegated to the Deputy Chief Executive, in consultation with the relevant Lead Member, to prepare the final consultation documents as required based on the information contained in Appendix 1 to the report.

3. That the Deputy Chief Executive be authorised to agree the date of public consultation on the Draft Charging Schedule with Cheltenham Borough and Gloucester City Councils.
4. That, following the conclusion of the public consultation, the Deputy Chief Executive be authorised to compile and submit responses received, along with the Draft Charging Schedule, to the Planning Inspectorate for Examination.

CL.83 SEPARATE BUSINESS

83.1 The Chairman 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.84 SEPARATE RECOMMENDATIONS FROM EXECUTIVE COMMITTEE

Funding for Collapsed Bank Repairs - The Grange, Bishop's Cleeve

(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))

84.1 The Council considered a recommendation from the Executive Committee on the use of capital funds for collapsed bank repairs at the Grange, Bishop's Cleeve. Members resolved in line with the recommendation from the Executive Committee that the funding as requested be approved and that the work shown in option two of the report be pursued.

Tewkesbury Town Regeneration

(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))

84.2 The Council considered a recommendation from the Executive Committee on proposals for the way forward in respect of Tewkesbury Town Regeneration. Members resolved in line with the recommendation from the Executive Committee that the broad regeneration proposal, and the financing of the capital expenditure, be approved as set out within the report.

The meeting closed at 7:30 pm