

TEWKESBURY BOROUGH COUNCIL

Minutes of a Meeting of the Council held at the Council Offices, Gloucester Road, Tewkesbury on Tuesday, 20 September 2016 commencing at 6:00 pm

Present:

The Worshipful the Mayor
Deputy Mayor

Councillor Mrs G F Blackwell
Councillor H A E Turbyfield

and Councillors:

R E Allen, 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, D T Foyle, 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, Mrs P E Stokes, M G Szymiak, R J E Vines, D J Waters and P N Workman

CL.32 APOLOGIES FOR ABSENCE

- 32.1 The Mayor invited Members to join her in a minute's silence in honour of Honorary Alderman Pat Roberts who had sadly passed away on 12 September. The Council offered its best wishes to Pat's family at this difficult time.
- 32.2 Apologies for absence were received from Councillors J H Evetts, R Furolo, V D Smith and T A Spencer.

CL.33 DECLARATIONS OF INTEREST

- 33.1 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.
- 33.2 The following declarations were made:

Councillor	Application No./Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
D M M Davies	Item 10 – Authorisation for Neighbourhood Plans to go to Community Referendum.	Is a local Member for Highnam, which was one of the Neighbourhood Plans being considered for a referendum, but was not directly involved in the development of the Neighbourhood Plan.	Would speak and vote.
J R Mason	Item 10 –	Is Chair of	Would speak

<p>Authorisation for Neighbourhood Plans to go to Community Referendum.</p>	<p>Winchcombe Town Council which was one of the Neighbourhood Plans being considered for a referendum.</p>	<p>and vote.</p>
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33.3 There were no further declarations made on this occasion.

CL.34 MINUTES

34.1 The Minutes of the meeting held on 28 June 2016, copies of which had been circulated, were approved as a correct record and signed by the Mayor.

CL.35 ANNOUNCEMENTS

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

35.2 The Mayor indicated that, in accordance with Council Procedure Rule 25, she had accepted an urgent item of business relating to delegated authority for the purchase of property. The item was considered to be urgent in order that, should purchase be assessed to be the appropriate option, the process could be completed as quickly as possible. The item would be taken in separate business. In accordance with Council Procedure Rule 1.2, the Mayor had agreed to vary the order of business to allow the urgent item to be taken before item 15(a) on the Agenda so that the Lead Officer involved could leave the meeting prior to the discussion on the Management Restructure.

35.3 The Mayor welcomed Mr John Morrish to the meeting and indicated that he was in attendance to present the petition at Agenda Item 7.

CL.36 ITEMS FROM MEMBERS OF THE PUBLIC

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

CL.37 MEMBER QUESTIONS PROPERLY SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

37.1 There had been no Member questions submitted on this occasion.

CL.38 CONSIDERATION OF A PETITION REQUESTING THAT THE COUNCIL REFUSE ANY BUILDING ON GREEN BELT LAND TO THE SOUTH OF TWO HEDGES ROAD, WOODMANCOTE

38.1 Attention was drawn to the report of the Development Services Manager, circulated at Pages No. 23-36, which asked Members to request that Officers consider the issues raised within the petition as part of the Borough Plan process.

38.2 The Mayor invited John Morrish, speaking as the petition organiser, to make his presentation to the Council. Mr Morrish explained that he had raised the petition to refuse building on the Green Belt land to the south of Two Hedges Road in Woodmancote. The petition had had limited exposure and he had really only targeted the people that would be directly affected but, even so, the feeling was strongly against any proposal to build on the land in question. He felt that, if he went further and targeted the whole of Woodmancote and Bishop's Cleeve, he would have gained an even greater response. The main concerns in the area were about the Green Belt and particularly Cleeve Hill which was a huge tourist attraction for the area. The views from the Hill over Bishop's Cleeve and Woodmancote showed just how vast the building in the area already was; it was

his belief that Bishop's Cleeve would soon be larger than Tewkesbury and urban sprawl was a huge concern. In addition, the petitioner was concerned about the infrastructure in Bishop's Cleeve which was not really adequate for the size of the development that was taking place. There was also a worry about flooding which was a result of rain water coming off Cleeve Hill into the area; it was felt that further building at the base of the Hill would only serve to exacerbate the issue. Mr Morrish was of the view that, if development was allowed in that area, it would put a huge strain on Bishop's Cleeve and he therefore felt it appropriate to refuse any prospect of building.

- 38.3 The Mayor thanked Mr Morrish for the information provided and invited the Deputy Chief Executive to introduce the report of the Development Services Group Manager. The Deputy Chief Executive indicated that the area in question was within the Green Belt so it already had a high protection value for that reason. The area was part of the wider site option process for the new Borough Plan and, as the Plan was still emerging, it was looking at lots of sites to see where development may be allowed. The Borough Plan had to wait until the Joint Core Strategy (JCS) had a firm direction of travel and then further consultation would take place.
- 38.4 During the discussion which ensued, a Member questioned whether the area being referred to had been put forward as a potential site in the Borough Plan and whether the Council was legally allowed to protect sites in the Green Belt. In response, the Deputy Chief Executive explained that the site had been put forward with a range of others to meet the need within the community. The Borough Plan would allocate sites following consultation. At this stage the Plan was just identifying all land that may be considered for development. In addition, the Borough Solicitor indicated that Green Belt designation was a very strong protection against development as very special circumstances would have to be shown to justify permitting development.
- 38.5 In response to a query regarding the specific land referred to, Members were advised that the area was shown on a map which was contained within the JCS labelled as 'land to the south of Two Hedges Road' and Cavendish Homes had produced a report on it.
- 38.6 It was proposed and seconded that the issues raised by the petition be considered as part of the Borough Plan process. It was felt that the Green Belt was protecting the land in that area and this should offer the petitioner some reassurance. A Member expressed concern that the JCS Inspector had suggested a Green Belt review could be put into place as part of the Borough Plan process which would mean the Green Belt designation could be removed and she was concerned that the information provided this evening could lead the petitioner to believe the land was safe purely because it was in the Green Belt which seemed to her not to be true. In response, the Chief Executive explained that there was a process for the development of the Borough Plan and this allowed for the consideration of specific sites. Currently the Borough Plan was at an early stage and the recommendation on the report asked Members to put the issues raised within the petition into that process for consideration. Should Members decide to take that route the petitioner would be kept apprised of the process as it moved along. He would also ensure a detailed answer was provided to the petitioner following the meeting in respect of what the Green Belt designation meant and how it could be removed.
- 38.7 Accordingly, it was
- RESOLVED** That Officers consider the issues raised by the petition as part of the Borough Plan process.

CL.39 LEAD MEMBER PRESENTATION - BUILT ENVIRONMENT

39.1 The Mayor invited Councillor Davies, the Lead Member for Built Environment, to make his presentation to the Council.

39.2 The presentation covered the following key points:

- Focus – Establishing the Planning Policy context; delivering housing numbers; providing affordable housing; and the challenges faced.
- Joint Core Strategy – Progress to date – The examination had been running from May 2015 to July 2016. In November 2015 the Council had submitted its document for examination and in May 2016 the inspector's Interim Report had been received. Officers had been working on the Main Modifications and approval for the changes would be sought from all three JCS authorities in October. If approval was received, the Main Modifications would be consulted upon and the responses considered by the Inspector in early 2017 with further hearing sessions likely in February/March 2017. The Inspector's final report would be expected in spring/summer 2017.
- Tewkesbury Borough Plan – Consultation on the Borough Plan had been undertaken in February 2015 but further work had been delayed due to the timescales and resources needed for the JCS. Despite that delay, work on the evidence-base had been moving forward in preparation for the next draft – that work included the Strategic Assessment of Land Availability and the Employment Land Review. The Borough Plan also looked at other key areas including the Sports, Social and Open Space Study, the Housing Strategy 2017-22 and the A46/A438/M5 J9 Study – all of that evidence and the background studies were important in developing the sites and policies of the Borough Plan. It was expected that consultation on a further draft of the Plan would begin in Spring 2017.
- Neighbourhood Plans – Tewkesbury Borough had 13 designated Neighbourhood Areas covering 18 Parishes. All of the Plans were at different stages with the most advanced being Highnam and Winchcombe & Sudeley Combined. The newest Plans were The Leigh and Stoke Orchard & Tredington Combined.
- Delivering New Housing – There was a national drive to increase housing supply. The JCS identified nearly 10,000 homes in Tewkesbury Borough, most of which would be delivered through the strategic allocations. However, non-strategic sites would also contribute to that figure. There had been an unprecedented number of unplanned developments across Tewkesbury Borough many of which were complex. This was shown by the income from the planning fees: 2012/13 - £648,582; 2013/14 - £669,291; 2014/15 - £910,618; 2015/16 - £1,266,974; and 2016/7 - £1,030,000 (estimated).
- Total Market and Affordable Completions – Since the economic recovery new homes building in the Borough had been excellent. The Council Plan 2016-20 target was 150 new affordable homes per year and for the financial year 2016/17 the Council was set to achieve 149 new affordable homes in the

Borough. New homes had been delivered in the main areas of Bishop's Cleeve, Winchcombe, Brockworth and Longford. In addition there had been 24 new affordable homes on rural exception developments in Apperley, Gretton and Norton and there had been regeneration work by Severn Vale Housing and Rooftop Housing which had provided 46 new affordable homes.

- Providing Affordable Homes – The Challenges – In the fifteen years from 2000-15, average house prices had increased 2.96 times whilst incomes had only grown by 1.45 times. The growth in income levels had not kept pace with the increases in property values which meant that many people were priced out of owner occupation in the Borough and the need for affordable products was likely to continue.
- Starter Homes – This was an initiative being brought in via the Housing and Planning Act 2016 - a vision of discounting new homes by up to 20% had been out for consultation. However, that discount would be given by the developer and would not be in perpetuity on future sales. Home ownership was the government's driver in housing, believing more homes would be built, particularly starter homes, in the near future. If starter homes were to be considered affordable housing in the future, this would affect the Council's current position of what it could provide onsite on new developments. The affects would need to be fully assessed as part of the next strategic housing market assessment alongside other home ownership products.
- The Right Housing for the Right People at the Right Time – The Borough population was roughly 85,800 and, assuming current population trends continued, the population would reach 93,400 by 2025 and 100,400 by 2037. Age profiling showed that future housing solutions would need to meet the needs of an increasingly older population. Population changes would present a bigger challenge for the Borough in relation to additional pressure on health and social care and the need for more specialist accommodation. There was also evidence that a number of homes in both the social-rented and market sectors were currently under-occupied, particularly in rural areas. There continued to be an increase in one person households with the house type projected to overtake all others by 2033; while couples on their own and small families increased at a relatively steady rate and larger family growth remained small.
- Welfare Reform – Affording Rents – A number of welfare reforms had already been introduced which would make rented accommodation harder to afford for many tenants including those in social housing. It was thought that 534 low income households in the Borough may be affected by welfare reform. The main changes included: the benefit cap being reduced to £13,400 for single people without children; those with spare bedrooms in social housing being penalised through the 'bedroom tax'; the local housing allowance limiting the amount of housing benefit that could be received – this would affect some households in 'affordable rent' social housing where rents were higher than the Local Housing Allowance; the withdrawal of entitlement to child tax credit for families having a third child was to be introduced after April 2017; young people under 21 would lose housing benefit if not in work or training; the benefit cap limited the total benefit income most working-age households could receive to £20,000 per annum – this would affect families on benefits with three or more children within the area; and the Local Housing Allowance would also affect those under 35 on low incomes in self-contained accommodation as one bedroom Local Housing Allowance rates were lower than rents for one bed accommodation in social housing.
- Being Innovative to Meet the Needs of our Communities – It was recognised that, to meet the needs of its communities, the Council must look to do things

differently. The use of alternative construction methods may be able to unlock land to provide new homes and energy efficient properties. In addition, the Council was looking at how to raise finance for new affordable housing through negotiating financial contributions, known as commuted sums, and using the money to meet Council Plan and Housing Strategy targets such as homelessness prevention initiatives and rural exception developments.

- 39.3 During the discussion which ensued, a Member questioned whether the government would step in and impose a Development Plan on the Council if the JCS was not approved by March 2017. In response, the Deputy Chief Executive explained that the Council was a long way down the road with its Plan so, if it remained on course to be approved by summer 2017, she did not feel the government would step in. In terms of housing design, a Member questioned whether there was any way the Council could influence the process so that new homes were more aesthetically pleasing. He also questioned whether the Council could look at affordability to ensure that it really was affordable. Another Member asked that the presentation be circulated to all Members as it contained a number of interesting data sets; the Deputy Chief Executive indicated that this would be done following the meeting.
- 39.4 One Member advised that he had undertaken some market research in Bishop's Cleeve and he had been astonished at how quickly houses were selling even at £510,000 for a five bed property in Stoke Orchard and £568,000 for a five bed property in Bishop's Cleeve. In addition, he felt there were some really good schemes in affordable housing out there which Tewkesbury Borough ought to be looking at and he understood that some affordability could be held in perpetuity which was something he felt the Council should be considering. The Deputy Chief Executive advised that affordable housing had increased year on year and alternative models of delivery were being looked at; there was a real intention to keep increasing delivery to meet need.
- 39.5 Referring to the modifications to the JCS, a Member questioned whether those residents that would be particularly affected by the changes had been forewarned about the possible implications to ensure they had ample opportunity to make their feelings known to the Inspector. Members were advised that the modifications made to the JCS would be decided by the three JCS authorities and, following that, there would be a consultation period during which residents and developers etc. could make their feelings known. In reference to recent Ministerial Statements regarding the threshold for affordable housing, Members were advised that there had been some challenges to government policy recently and the current position was that Councils could not have a policy on affordable housing if the development was 10 or less but this did not affect the Council seeking a contribution for affordable housing. In terms of how that position developed the Council would have to keep an eye on the situation.
- 39.6 Accordingly, it was
- RESOLVED** That the presentation provided by the Lead Member for Built Environment be **NOTED**.

CL.40 RECOMMENDATIONS FROM EXECUTIVE COMMITTEE

Street Naming and Numbering

- 40.1 At its meeting on 31 August 2016 the Executive Committee had considered a report on the Street Naming and Numbering service which had been operated for Tewkesbury Borough by the shared Cheltenham and Tewkesbury Building Control Service since it was formed in November 2009. The Executive Committee had recommended to Council:
- a. that, after giving the requisite notice under Section 180 and Schedule 14 Paragraph 25 of the Local Government Act 1972, the provisions of Sections 17, 18 and 19 of the Public Health Act 1925 shall apply throughout the Borough; and
 - b. that, once Sections 17, 18 and 19 of the Public Health Act 1925 have been adopted, Section 64 of the Towns Improvement Clauses Act 1847 shall cease to have effect so far as it relates to street naming (although it would still apply to matters of house numbering).
- 40.2 The report that had been considered by the Executive Committee had been circulated with the Agenda for the current meeting at Pages No. 37-41.
- 40.3 The recommendation from the Executive Committee was proposed and seconded by the Chair and Vice-Chair of the Committee and Members were advised that the introduction of charges for street naming and numbering would bring the Council in line with the rest of the County which would be helpful.
- 40.4 Accordingly, it was
- RESOLVED**
- a. That, after giving the requisite notice under Section 180 and Schedule 14 Paragraph 25 of the Local Government Act 1972, the provisions of Sections 17, 18 and 19 of the Public Health Act 1925 shall apply throughout the Borough; and
 - b. that, once Sections 17, 18 and 19 of the Public Health Act 1925 have been adopted, Section 64 of the Towns Improvement Clauses Act 1847 shall cease to have effect so far as it relates to street naming (although it would still apply to matters of house numbering).

CL.41 AUTHORISATION FOR NEIGHBOURHOOD PLANS TO GO TO COMMUNITY REFERENDUM

- 41.1 The report of the Planning Policy Officer, circulated at Pages No. 42-235, asked Members to approve the submission of the 'Winchcombe and Sudeley Combined Neighbourhood Plan' and the 'Highnam Neighbourhood Plan', both incorporating modifications proposed through independent examination, to a community referendum; and to delegate authority to the Executive Committee to approve the submission of Neighbourhood Plans to community referendum with the Council retaining the final decision to adopt or make a Neighbourhood Development Plan following a successful referendum.
- 41.2 The Deputy Chief Executive explained that the concept of Neighbourhood Plans had been introduced in 2012 to enable communities to establish a plan to guide their own area. The Neighbourhood Plans sat within the wider Policy Framework of the Joint Core Strategy (JCS) and the Borough Plan. Tewkesbury Borough was quite active for Neighbourhood Plans with 13 Plans currently being prepared across 18 Parishes. Highnam and Winchcombe & Sudeley Combined were the furthest forward in terms of their development; both had already been considered by an independent examination and the Main Modifications had been agreed by the relevant Parish and Town Councils. Tewkesbury Borough Council now had a duty to support those neighbourhood development areas to put their Plans forward to the public for a local vote. The report explained the tests that the Council was required to follow and both areas had met the criteria which meant that they could go forward

to a community referendum. The report also suggested that, in future, the decision to submit a Neighbourhood Plan to a referendum should be delegated to the Executive Committee with the final decision to adopt or make a Neighbourhood Development Plan, following a successful referendum, remaining with the Council.

41.3 Referring to Page No. 95, Paragraph 3.2, a Member questioned whether, given the Borough Solicitor's advice earlier in the meeting, the Plans were allowed to include the policy wording 'where six or more homes were proposed, the development must include provision for affordable housing'. In response, the Borough Solicitor reminded Members that the Plans had been through an independent examination so that question could only really be answered when there was case law to follow in that regard. The policy wording may need to be reviewed when such evidence was available but at the current time its inclusion was acceptable. Another Member questioned whether, once the Neighbourhood Plans were adopted, they would have weight in planning terms even if the JCS was not in place and the Borough Plan could not prove a five year land supply. In response, the Borough Solicitor explained that, once the Plans were adopted they would have the weight that this afforded. A Member indicated his support for the recommendation but asked that the Plans be taken into account by Planning Officers when applications were put before the Planning Committee as it seemed that sometimes the two did not line up.

41.4 A Member expressed his thanks on behalf of the Council to the teams that had worked hard in putting the Neighbourhood Plans together. He advised that they were all volunteers within the Parishes and he felt that this was admirable. Accordingly, it was

RESOLVED

1. That the 'Winchcombe and Sudeley Combined Neighbourhood Plan' and the 'Highnam Neighbourhood Plan', both incorporating modifications proposed through independent examination, be submitted to community referendum.
2. That authority be delegated to the Executive Committee to approve the submission of Neighbourhood Plans to community referendum with the Council retaining the final decision to adopt or make a Neighbourhood Development Plan following a successful referendum.

CL.42 OUTSIDE BODY MEMBERSHIP

Gloucestershire Joint Waste Committee

42.1 It was

RESOLVED

That the Council's representatives on the Gloucestershire Joint Waste Committee would be the Lead and Support Members for Clean and Green Environment instead of the Lead Member and the Leader of the Council.

A46 Member Partnership

42.2 Upon being proposed and seconded, it was

RESOLVED

That Councillor Mrs E J MacTiernan be the Council's representative on the A46 Member Partnership.

CL.43 APPOINTMENT OF DEPUTY CHIEF EXECUTIVE

43.1 The report of the Chief Executive, circulated at Pages No. 236-238, asked Members to delegate authority to the Employee Appointments Committee to appoint to the post of Deputy Chief Executive; and that the Officer Employment Procedure Rules be varied to accommodate that change on this occasion. In addition, attention was drawn to an additional recommendation, circulated separately, which asked Members to resolve that, with immediate effect and for the temporary period pending the commencement in post of the new Deputy Chief Executive, the Council's nominated Director of Ubico Ltd. be the Chief Executive; and the nominated Shareholder role in Ubico Ltd. be fulfilled by the Borough Solicitor.

43.2 The Chief Executive explained that the Employee Appointments Committee had the authority to shortlist and interview the candidates for the post of Deputy Chief Executive but not to appoint. Since the next scheduled Council meeting was not until 6 December it was considered that a delegation to the Committee to appoint the successful candidate would be the most expedient way of making the new appointment. The Leader, Deputy Leader and Lead Member would all also be fully engaged in the process along with the Members of the Employee Appointments Committee. In addition, Members were advised that the Council had previously appointed the Deputy Chief Executive as the Council's nominated Director to the Board of Ubico and the Chief Executive as the Shareholder representative. It was therefore necessary, for a temporary period, to reconsider those nominations to ensure the interests of the Council were protected. It was felt that the Council's Borough Solicitor would be best placed to undertake the shareholder representative role and that the Chief Executive, on a temporary basis, should join Ubico Ltd. as a Director. It was proposed that, once the new Deputy Chief Executive was appointed, the roles would revert back to the current arrangement.

43.3 Members felt these suggestions were eminently sensible and, accordingly, it was

RESOLVED

1. That authority be delegated to the Employee Appointments Committee to appoint to the post of Deputy Chief Executive and that the Officer Employment Procedure Rules be varied to accommodate this change on this occasion.
2. That, with immediate effect and only for the temporary period pending the commencement in post of the new Deputy Chief Executive:
 - the Council's nominated Director of Ubico Ltd. be the Chief Executive; and
 - the Council's nominated Shareholder role in Ubico Ltd. be fulfilled by the Borough Solicitor.

CL.44 SEPARATE BUSINESS

44.1 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.45 SEPARATE MINUTES

- 45.1 The separate Minutes of the meeting held on 28 June 2016, copies of which had been circulated, were approved as a correct record and signed by the Mayor.

CL.46 PROPERTY PURCHASE

(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))

- 46.1 The Council considered a report which detailed a possible property purchase and agreed that a detailed business case be prepared for further consideration by the Council which would include independent valuation and the undertaking of due diligence with external professional advice being commissioned as necessary to inform that business case.

CL.47 SEPARATE RECOMMENDATIONS FROM EXECUTIVE COMMITTEE

Management Restructure

(Exempt –Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 – Information relating to any individual)

- 47.1 The Council considered a recommendation from the Executive Committee on proposals in respect of a management restructure. Members resolved, in line with the recommendation from the Executive Committee, that the proposals be agreed as set out within the report.

The meeting closed at 8:30 pm