TEWKESBURY BOROUGH COUNCIL

Minutes of a Meeting of the Executive Committee held at the Council Offices, Gloucester Road, Tewkesbury on Wednesday, 12 July 2017 commencing at 2:00 pm

Present:

Vice Chair in the chair Councillor R A Bird

and Councillors:

Mrs K J Berry, Mrs G F Blackwell, M Dean, R Furolo, Mrs J Greening, Mrs E J MacTiernan and J R Mason

also present:

Councillors P W Awford

EX.17 ANNOUNCEMENTS

17.1 The evacuation procedure, as set out on the Agenda, was taken as read.

17.2 The Vice-Chair in the chair welcomed Councillor P W Awford, as Chair of the Overview and Scrutiny Committee, who was in attendance for Item 7 – Performance Management Report – Quarter Four 2016/17.

EX.18 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

18.1 An apology for absence was received from Councillor D J Waters (Chair). There were no substitutions for the meeting.

EX.19 DECLARATIONS OF INTEREST

19.1 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.

19.2 The following declaration was made:

Councillor	Application No./Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
J R Mason	Item 11 – Disposal of Garage Site at Back Lane, Winchcombe.	Is Chair of Winchcombe Town Council but was not aware of any discussions having taken place about this issue.	Would speak and vote.

19.3 There were no further declarations made on this occasion.

EX.20 MINUTES

20.1 The Minutes of the meeting held on 7 June 2017, copies of which had been circulated, were approved as a correct record and signed by the Chair.

EX.21 ITEMS FROM MEMBERS OF THE PUBLIC

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

EX.22 EXECUTIVE COMMITTEE FORWARD PLAN

22.1 Attention was drawn to the Committee's Forward Plan, circulated at Pages No. 13-17. Members were asked to consider the Plan.

22.2 Accordingly, it was

RESOLVED: That the Committee's Forward Plan be **NOTED**.

EX.23 PERFORMANCE MANAGEMENT REPORT - QUARTER FOUR 2016/17

23.1 The report of the Overview and Scrutiny Committee Chair, circulated at Pages No. 18-55, asked Members to review and, if appropriate, take action on the observations of the Overview and Scrutiny Committee following its review of the 2016/17 quarter four performance management information.

23.2 Attention was drawn to the observations made by the Overview and Scrutiny Committee, attached to the report at Appendix 1, and to the Council Plan Performance Tracker, attached at Appendix 2 to the report.

23.3 The Overview and Scrutiny Committee Chair explained that progress on Council performance during the fourth and final quarter of the year was generally good with some key areas of excellent performance. Of particular note were the launch of a new Economic Development and Tourism Strategy; a five year extension to Gloucestershire County Council's leases in the Public Services Centre; and the procurement of a new £3.5 million waste and recycling vehicle fleet. Members were also made aware of areas that had not progressed as planned which included rolling out a programme of customer services training for staff across the Council; undertaking a discretionary trade waste service review to ensure it was operating on a viable commercial level; and delivering phase 2 of the planning and environmental health service review. He felt Members had done an excellent job of scrutinising the report and, as a result, there had been a wide range of questions asked; the full list of those questions, and the subsequent responses from Officers, had been attached as an Appendix to the current report. A Member had asked what was happening with the J9 area as well as what pieces of work were being commissioned and, in response, the Head of Development Services had advised that Officers were trying to understand the future potential of the area; especially given the Ministry of Defence plans for the Ashchurch camp had changed. It had been explained that there were currently three pieces of work being carried out which included looking at what interventions could be used; undertaking a visioning exercise looking at the aspirations of the area; and looking at what could be achieved through masterplanning. Those three pieces of work would help to ensure the whole site was properly planned which was important for the entire Borough as well as the growth zone itself. A Member had asked what was meant by a 'change in direction' for the regeneration of Spring Gardens and, in response, the Head of Finance and Asset Management had explained that, originally, the Council had intended to develop the site itself but this was no longer a viable option; a report would be submitted to the Executive Committee to ask Members to confirm the position they wished to take going forward. Another Member had

questioned how many members of staff were undertaking NVQ qualifications and whether they were internally or externally assessed. The Communications and Policy Manager had explained that all staff undertaking NVQs were externally assessed. Whilst not all Customer Services staff had signed up to do the NVQ, those that had done had achieved the qualification. In addition, Members were advised that customer services training would be provided for all frontline staff across the Council over the coming months. In terms of Key Performance Indicators, a Member had asked whether the downturn in performance for the number of days to process new benefit claims was a consequence of the restructure of the team. The Head of Revenues and Benefits advised that, while performance had not been as good as the previous year, it remained in the top quartile nationally and the Council remained the envy of other local Councils in the country. The restructure of the team would have an impact but the changes were being made with Universal Credit in mind, which would take away a lot of the work the team currently did – there would most likely be a reduction of 50% of claims overall. In terms of planning and the percentage of minor applications determined within eight weeks, a Member noted that performance had slightly improved but was still over the target due to the turnover of staff and the Member had questioned if there was an underlying reason for the high staff turnover. The Head of Development Services explained that there was a lot of work being carried out to fully staff the team, and they were considering ways that recruitment could be improved. The Chief Executive advised that Councils had been in competition with the private sector for some time; however, the Council had been doing reasonably well in retaining and attracting new staff recently which was encouraging. A Member questioned why short-term absence had worsened and whether this was the reason she found it hard to speak to members of staff in the building. The Head of Corporate Services had explained that there were a number of things being considered to address this, including a review of the Absence Management Policy and the introduction of a new HR system which would more effectively record absence. In terms of not being able to speak to staff within the building, the Chief Executive said this should not be an ongoing issue and, if Members had any specific examples, he would be pleased to hear them after the meeting as this would enable him to establish whether there was a wider problem.

23.4 As this was the final quarter performance report for 2016/17, the Overview and Scrutiny Committee Chair took the opportunity to recognise the hard work of his Committee throughout the year. A wide range of excellent work had been undertaken, as identified in the annual report which had been approved by Council on 16 May, and he looked forward to another exciting year of scrutiny ahead in 2017/18. Another Member agreed with this view and felt that the thorough questioning of the Overview and Scrutiny Committee was a great help to the Executive Committee.

23.5 During the discussion which ensued, a Member explained that, at a previous meeting, the Council's new Economic Development and Tourism Strategy had been adopted. The Member indicated that there had been a very successful launch

of the strategy the previous evening at Porsche in Tewkesbury. He felt the event had allowed the Council to successfully engage with local businesses and he had been pleasantly surprised at the attendance level. The main issue which businesses had fed back was the lack of available employment land in the area. The Tewkesbury: Better Connected for Business video had been shown and the Member felt it had worked really well and was a professional way of putting the Council's strategy into context. The Head of Development Services agreed and advised that Officers had picked up quite a lot of leads in terms of contacts and areas they could follow-up to enable them to support businesses to grow and remain within Tewkesbury Borough.

23.6 Referring to affordable housing, a Member expressed concern at the growth of 'affordable rents' in comparison to other affordable tenures such as social rent, shared ownership and discounted sale. He felt there were areas where affordable rents were just too high and he questioned whether this was going to be the Council's preferred tenure moving forward. In response, the Strategic Housing and Enabling Officer explained that Section 106 Agreements secured the affordable rent value for a development and Officers tried to ensure that was set within benefit levels. In terms of the level of affordable rents she advised that they tended to include a service charge whereas social rent levels were lower but the service charge was paid separately. The Member questioned whether residents were getting value for money where service charges were concerned and, in response, it was explained that it was up to the individual tenants to ensure this was the case. The schedule of works could be requested by the tenant so they could see what they were paying for and make certain they were receiving value for money. In response to other queries regarding service charges, the Strategic Housing and Enabling Officer advised that they tended to be charged on a site-wide basis. Sometimes the Registered Social Landlord was responsible for the charges and sometimes it was the management company. At the moment the charge was around £150 per year but this varied from place to place and was negotiated on a site by site basis. No service charges could be set without being agreed by the Council and Officers looked at everything to try and ensure it was fair. Service charges were usually for things like un-adopted roads, security gates, communal areas, play areas, public open spaces etc. – the tenants themselves were responsible for their own gardens. Service charges had existed for quite a long time and the Strategic Housing and Enabling Officer had worked out that social rent plus a service charge tended to be around £5.00 more a week than affordable rents, particularly where this was capped at the Local Housing Allowance rate. Bungalows could be a real problem in terms of affordability as rents tended to be expensive due to the large footprint that they covered – in those cases the Strategic Housing and Enabling Officer tried to work with partners to bring the rents down to a level where they would be affordable. The government was pushing authorities to move from social rent to affordable rent and any voids tended to be put forward for affordable rent so this was becoming a popular approach.

23.7 Accordingly, it was

RESOLVED: That the Overview and Scrutiny Committee's comments on the Performance Management Report for Quarter Four of 2016/17 be **NOTED**.

EX.24 COMMUNITY INFRASTRUCTURE LEVY - STATEMENT OF MODIFICATIONS

24.1 The report of the Head of Development Services, circulated at Pages No. 56-71, attached a Community Infrastructure Levy (CIL) Proposed Statement of Modifications and asked Members to recommend to Council that it be approved for

public consultation. In addition, the report recommended that authority be delegated to the Deputy Chief Executive, in consultation with the Lead Member for Built Environment, to amend the Statement and prepare any further statements of modification following the JCS hearings and/or any further viability assessments undertaken; that authority be delegated to the Deputy Chief Executive to agree the date of public consultation with Cheltenham Borough and Gloucester City Councils; and, following the conclusion of the consultation, that the Deputy Chief Executive be authorised to compile all responses received and submit them to the CIL Examiner for examination.

24.2 In introducing the report, the Deputy Chief Executive explained that the Joint Core Strategy (JCS) authorities (Tewkesbury Borough, Cheltenham Borough and Gloucester City Councils) had been working towards adopting a CIL alongside the JCS. The CIL would allow the Councils to raise funds from developers undertaking new developments for a wide range of infrastructure that was needed to support them e.g. road improvements and schools. CIL would replace the majority of Section 106 planning obligations; however, Section 106 would still be used to deliver affordable housing provision and site specific mitigation measures for strategic allocations. The majority of required infrastructure would continue to be funded through the Section 106 planning obligations process. The proposed CIL rates were set out within the draft CIL Charging Schedule which had been submitted to the Planning Inspectorate for Examination on 29 July 2016. The CIL charges were set out within each authority's CIL Draft Charging Schedule which provided details on the CIL charges for different types of development. The independent Planning Inspector who was dealing with the JCS had also been appointed to preside over the Examination into the CIL Charging Schedule and the CIL Hearings would take place sometime after the JCS Hearings had been completed.

24.3 The variations made to date on the JCS had seen three sites taken out that had originally been included and three sites that were not originally included being put in. With this in mind, the CIL now needed modification before its examination could take place. The JCS authorities had received legal advice setting out the most appropriate way forward which was to produce a 'Statement of Modifications' to each draft Charging Schedule before the examination and to consult on those statements for a period of four weeks; the Statement, attached to the report at Appendix 1, included modifications to add/delete the strategic allocations as recommended by the JCS inspector; included maps showing the boundaries of the strategic allocations; and included a section setting out how the CIL charge would be calculated. Once the three Councils had each approved the Statement of Modifications for their respective Draft Charging Schedules and, assuming all went to plan, it was anticipated that the examination would be held in October 2017 and adoption would be in January 2018. The recommendation before Members would offer flexibility to enable the CIL to be adopted as quickly as possible and ensure the appropriate resources were available. In terms of resources, the JCS authorities would be required to implement a system for collection and administration of CIL, to include the recruitment of two Officers to manage CIL and Section 106 planning obligations; the financial costs of those posts were estimated to be £60,000 for each authority. The CIL Regulation allowed Councils to clawback reasonable costs in preparing and implementing CIL by allowing them to reclaim 5% of the total CIL revenue for the first three years that it was levied. In addition, the CIL Regulations made provision for Councils to use up to 5% of each year's CIL revenue to offset the administrative costs. The projections for the JCS authorities for CIL income was in the region of £13 million in the first three years and therefore the additional cost of a new system and staff resources should be retrieved during that period.

24.4 A Member questioned whether Tewkesbury Borough Council would have its own CIL or whether it would have a joint one with Cheltenham Borough and Gloucester

City Councils. She also questioned whether the CIL would be adopted even if the JCS was not. In response, the Head of Development Services explained that the Council's charging figure was slightly different to that of Cheltenham and Gloucester as it was based on technical house prices, viability etc; however, the CIL on the cross boundary sites within the JCS would need to be worked out through the planning application process. CIL was subject to its own examination process so it could still go forward without the JCS; however, the process would be cleaner if they were adopted alongside each other since one was a large part of the other. In terms of charges, this would be £35 per square metre for strategic allocations with the figure for the rest of the Borough being significantly higher. In addition, the Deputy Chief Executive advised that the documents before the Committee only presented the changes as the rest of the process, i.e. the charges etc., had already been agreed by the Council. Members felt that it would have been helpful to have received the approved CIL charges as part of the Agenda pack to serve as a reminder and they asked that this information be included with the papers when the report was considered by the Council.

24.5 A Member expressed concern at the amount of CIL that would be lost whilst it remained un-adopted. In response, the Head of Development Services explained that the Council was currently still receiving Section 106 monies and some of that would not come forward when CIL was implemented; this meant that the Council was not losing out completely but it was understood that CIL needed to be adopted as soon as possible. In terms of costs, the wording of the Regulation was 'reasonable costs' and Members were offered reassurance that the Council would be gaining all that it could in that regard. In terms of the timing of the CIL adoption, it was hoped the Inspector would not require substantial modifications to the JCS as that would mean further consultation but, on the basis that no further consultation was required, it was hoped the JCS could be adopted by the end of 2017 and the CIL adoption could run concurrently. If there were substantial changes to the JCS then the CIL timetable may have to be reconsidered. The delegations recommended within the current report would allow the Council to move quite quickly with the adoption of the CIL at the conclusion of the consultation period if necessary.

24.6 Accordingly, it was

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

1. That the Community Infrastructure Levy Proposed Statement of Modifications, as attached to the report at Appendix 1, be **APPROVED** for public consultation.
2. That authority be delegated to the Deputy Chief Executive, in consultation with the Lead Member for Built Environment, to amend the proposed Statement of Modifications and prepare any further statements of modification that may be required following the JCS hearings and/or any further viability assessments undertaken.
3. That the Deputy Chief Executive be authorised to agree the date of public consultation(s) with Cheltenham Borough and Gloucester City Councils.
4. That the Deputy Chief Executive, following the conclusion of the public consultation(s), be authorised to compile and submit responses received to the CIL examiner for examination.

EX.25 SEPARATE BUSINESS

25.1 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 12(A) of the Act.

EX.26 DISPOSAL OF LAND AT LINCOLN GREEN LANE, TEWKESBURY

(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))

26.1 The Committee was asked to consider the disposal of open space at Lincoln Green Lane, Tewkesbury. Following a lengthy discussion it was agreed that the site be offered for disposal but that some of the receipt be used for community facilities. It was also felt that any agreement should include a restriction in terms of access points to the site.

EX.27 DISPOSAL OF GARAGE SITE AT BACK LANE, WINCHCOMBE

(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))

27.1 Members considered the disposal of a garage site at Back Lane, Winchcombe but agreed that the item be deferred to enable a full options appraisal to be undertaken and the results reported to Members for a decision.

The meeting closed at 4:25 pm