

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Executive Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Wednesday, 14 March 2018 commencing at
2:00 pm**

Present:

Chair
Vice Chair

Councillor D J Waters
Councillor R A Bird

and Councillors:

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

also present:

Councillors P W Awford

EX.92 ANNOUNCEMENTS

92.1 The evacuation procedure, as noted on the Agenda, was taken as read.

EX.93 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

93.1 An apology for absence was received from Councillor R Furolo. There were no substitutions on this occasion.

EX.94 DECLARATIONS OF INTEREST

94.1 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.

94.2 There were no declarations of interest made on this occasion.

EX.95 MINUTES

95.1 The Minutes of the meeting held on 31 January 2018, copies of which had been circulated, were approved as a correct record and signed by the Chair.

EX.96 ITEMS FROM MEMBERS OF THE PUBLIC

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

EX.97 EXECUTIVE COMMITTEE FORWARD PLAN

- 97.1 Attention was drawn to the Committee's Forward Plan, circulated at Pages No. 15-16. Members were asked to consider the Plan.
- 97.2 A Member expressed concern about the number of items on the current Agenda which had not been on the Forward Plan and asked that the Plan be used more effectively in future. The Chief Executive undertook to try and improve the situation in conjunction with the Management Team.
- 97.3 Accordingly, it was

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

EX.98 REVENUES AND BENEFITS WRITE-OFF POLICY

- 98.1 The report of the Head of Corporate Services, circulated at Pages No. 17-25, asked Members to adopt, with effect from 1 April, the amended Revenues and Benefits Write-Off Policy which was attached to the report at Appendix 1.
- 98.2 The Committee was advised that the write-off of bad debts was a necessary function of any organisation which dealt with the collection of debt. The current policy had been in place since April 2016 and now needed to be refreshed and updated to ensure the policies and procedures in place were effective in enabling the management of debt in an ever changing local taxation environment, as well as to incorporate a number of staff changes which had taken place. The amended policy referenced how the Council treated credit balances and included more detailed information than the previous one. It also sought to introduce more robust management checks to ensure that, when writing balances off, the appropriate procedures had been followed.
- 98.3 Referring to a later Agenda item, a Member expressed concern that the Council had let a debt build up over quite a long period and questioned how this could happen. In response, the Revenues and Benefits Manager explained that the issue would be dealt with through a policy on the collection of debt rather than the Write-Off Policy. She was keen to improve the Council's collection rates and she would be bringing that policy before Members in due course. Another Member queried how small an amount would need to be before it was 'uneconomical to collect'. In response, the Committee was advised that the amount charged for a summons was £55 so, in theory, anything less than that would not be economical. In general the Council tried to collect all debts but, in reality, there was a need to focus resources; it therefore made sense not to specify an amount but to leave it to a judgement of the individual circumstances.
- 98.4 Accordingly, it was

RESOLVED: That the Revenues and Benefits Write-Off Policy, as attached at Appendix 1 to the report, be **ADOPTED** with effect from 1 April 2018.

EX.99 DISCRETIONARY HOUSING PAYMENTS POLICY 2018-19

- 99.1 The report of the Head of Corporate Services, circulated at Pages No. 26-37, asked Members to approve, with effect from 1 April 2018, the Discretionary Housing Payments Policy which was attached to the report at Appendix 1.
- 99.2 Members were advised that the Council had the power to award discretionary housing payments to provide additional financial assistance towards housing costs where claimants were in receipt of housing benefit or universal credit where housing costs were included. The amended policy sought to update the existing arrangements to incorporate the Council's responsibilities in respect of universal credit claimants, and to ensure consistent decisions were made, as well as to place greater emphasis on the actions that an applicant needed to follow to avoid long term reliance on discretionary housing payments. The amended policy was based on good practice guidance from the Department for Work and Pensions but also incorporated discussions with the Council's housing services team and so made quite significant changes in terms of how claimants would interact with the Council. Page No. 34 set out a criteria for applicants which included a requirement for applications to be in writing on an approved form; for applicants to engage with housing services to establish whether any issues could be resolved with landlords through negotiation without needing to apply for discretionary housing payments, or to facilitate a move to more affordable accommodation; to prove financial hardship or exceptional personal circumstances; to demonstrate the steps taken to achieve financial independence; and to demonstrate meaningful attempts to move to more suitable accommodation if financial hardship was as a result of the current property being unsuitable for the household's housing need.
- 99.3 Members expressed the view that the policy before the Committee was an excellent piece of work. It was certainly the case that there were many in the Borough that could only attain poorly paid jobs and this would offer them some support. A Member questioned how those 'harder to reach' residents would be helped by the policy. In response, the Revenues and Benefits Manager explained that there were some people that the Council found it hard to engage with but most people who were entitled to discretionary housing payments were referred by partner organisations which was helpful. It may be possible to consider the communications around the policy to try and reach more residents and it could also be considered as part of the financial inclusion partnership work. In terms of sharing data across partner organisations, this was something the Council tried to do to ensure it was not missing any vulnerable people; however, this would be made more difficult with the introduction of the General Data Protection Regulation so would need to be considered carefully. As the impact of universal credit was as yet unknown, a case was due to be submitted to the government for more funding for discretionary housing payments - it was not known at this stage how successful that would be.
- 99.4 Accordingly, it was

RESOLVED: That the Discretionary Housing Payments Policy, as attached to the report at Appendix 1, be **ADOPTED** with effect from 1 April 2018.

EX.100 PUBLIC SPACE PROTECTION ORDER (DOG FOULING)

- 100.1 The report of the Environmental Health Manager, circulated at Pages No. 38-47, sought to replace the current enforcement activity carried out under the Dogs (Fouling of Land) Act 1996 with a Public Spaces Protection Order which provided authorised officers with more effective enforcement methods to deal with dog fouling. Members were asked to consider the implementation of the Public Spaces Protection Order and to make a recommendation to Council that it be implemented along with the introduction of fixed penalty notice fines of £100 for all controls contained in the Order.
- 100.2 The Head of Community Services explained that the Anti-Social Behaviour, Crime and Policing Act 2014 provided local authorities with powers to create Public Spaces Protection Orders where they were satisfied that activities carried out in a public place had, or were likely to have, a detrimental effect on the quality of life of those in the locality; was, or was likely to be, persistent or continuing in nature; was, or was likely to be, unreasonable; or where they justified the restrictions imposed. The Council currently controlled dog fouling through the provisions of the Dogs (Fouling of Land) Act 1996 but that legislation had been repealed and the dog fouling provisions had become part of the Clean Neighbourhoods and Environment Act 2005 – this had since been replaced by Dog Control Orders. The main advantages of the proposed approach was that it allowed for the increase of fixed penalty fines from £50 to £100 and for the introduction of a second offence of “failing to have readily available a suitable means of picking up any faeces deposited by a dog under an individual’s control”. The introduction of the Public Spaces Protection Order had required a 12 week period of public consultation and Page No. 47 of the report set out a summary of the consultation responses. In addition, a copy of the Order was attached to the report at Page No. 43 and it was confirmed that it would cover all areas of public land in the Borough.
- 100.3 Members agreed that this was an extremely emotive issue and felt the Order was definitely a step in the right direction in terms of stopping dog fouling. In response to Member queries, the Head of Community Services confirmed that evidence from the public was helpful but Officers would also be actively making patrols and issuing fixed penalty notices. In terms of the delegation of the powers to other organisations, it may be possible to provide them to officers of Parish Councils rather than Members; however, he undertook to check this. In addition, the Chief Executive indicated that it could be difficult to delegate powers to Parishes as training was required to ensure enforcement action was taken in the correct way. There was also some reluctance for them to issue fines as it could give rise to issues between neighbours. Another Member noted that, whilst people did pick up after their dogs, it was often difficult to find a bin in which to dispose of it. In response, the Head of Community Services indicated that Ubico was engaged to empty dog bins and the frequency of this was currently being reviewed; however, the public were always encouraged to report bins which required emptying so those could be reported to Ubico in a timely manner. A Member suggested it may be helpful in the press release to tell people they could put dog waste in any bin as they often did not realise they could use litter bins as well as dog waste bins.

100.4 Accordingly, it was

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

1. That a Public Spaces Protection Order be implemented under S.59 of the Antisocial Behaviour, Crime and Policing Act 2014 as set out at Appendix A to the report.
2. That Fixed Penalty Notice fines of £100 be introduced for all controls contained in the Public Spaces Protection Order.

EX.101 SELF-BUILD AND CUSTOM HOUSEBUILDING REGISTER - LOCAL CONNECTION CRITERIA

101.1 The report of the Head of Development Services, circulated at Pages No. 48-53, sought approval to introduce a local connection criteria, under Regulation 5(2) of the Self-Build and Custom Housebuilding Regulations 2016, for entry onto the Council's Self-Build and Customer Housebuilding Register.

101.2 The Head of Development Services explained that the Self-Build and Custom Housebuilding Act 2015 placed a duty on the Council to prepare and maintain a register of individuals or groups who were interested in undertaking a self-build or custom housebuilding project. On 31 October 2016, the Self-Build and Custom Housebuilding (Register) Regulations 2016 came into force and this gave local authorities the power to introduce an additional 'local connection test' for anyone seeking to join the Register, as well as placing a duty on local authorities to grant planning permissions for enough serviced plots to meet the demand on the Register in any given year. The benefit of the local connection test was to give the Council the ability to ensure that the Register was truly reflective of the local demand for plots.

101.3 The Committee was referred to Page No. 50, Paragraph 2.1, which set out the criteria for the local connection test; only those applicants who met one of the elements would be eligible for inclusion on Part 1 of the Register. In the event that an application was from a group of individuals each of the households would be required to meet the criteria.

101.4 Accordingly, it was

RESOLVED:

1. That a local connection criteria be introduced for entry onto the Council's Self-Build and Custom Housebuilding Register.
2. That the local connection criteria, as set out at Paragraph 2.1 of the report, be **APPROVED**.

EX.102 ROSES THEATRE, COMMUNITY GRANT ALTERATION

102.1 The report of the Head of Development Services, circulated at Pages No. 53-57, set out a request from the Roses Theatre Trust to use a grant provided by the Borough Council for a different purpose than that for which it had been granted. Members were asked to consider the request and agree whether the amendments should be approved, subject to the Trust completing a lease of the Roses Theatre with the Council.

- 102.2 The Head of Development Services explained that, in September 2016, the Roses Theatre had been awarded a community grant of £19,950 towards the refurbishment of the Morecambe Room and a hearing loop for the café. However, in January 2018, the Roses Theatre had approached the Council to request a change to the application to upgrade the seating in the auditorium to bring it up to the standard expected for a Theatre; and for the refurbishment of the stage and backstage area to make it appropriate for the Theatre's needs and to meet the expectations of performers. In addition, there was a necessity to upgrade the technical equipment such as the hanging bars from which the lighting and drapes were suspended along with the sound and lighting equipment.
- 102.3 A Member questioned whether the grant allocated would be enough for the works under discussion. In response, the Committee was advised that the Theatre had also applied to the LEADER Programme and had previously been awarded a grant; however, that funding worked in a different way so, to change the purpose for the grant, the original application had to be withdrawn and a new one submitted. The Theatre was also working with the Council's Community Funding Officer to secure other match funding. A Member queried whether the Council could provide the grant for a specific part of the Theatre's improvements, i.e. the stage and backstage area, that way it could use the LEADER funding for the seating. Another Member questioned whether planning permission would be required for any of the works and whether a contribution was required from the private sector in order for the LEADER funding bid to be successful. In response, the Head of Development Services indicated that the Council was in contact with the Theatre about the improvement plan so if planning permission was required that would be advised in a timely manner. In terms of the LEADER funding, she would have to check the specifics of the application as there were different requirements for different elements.
- 102.4 Members agreed that they would like the Council's grant to be used specifically for the stage and backstage improvements. Accordingly, upon being put to the vote, it was

RESOLVED: That, subject to the Trust completing a lease of the Roses Theatre with the Council, the amendments to the grant for the Roses Theatre Trust be **AGREED** on the basis that the grant be used for the items specified in Paragraph 2.1B of the report.

EX.103 SEPARATE BUSINESS

- 103.1 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.104 REVIEW OF DEVELOPMENT SERVICES

(Exempt – Paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972 – Information which is likely to reveal the identity of an individual)

- 104.1 The Committee considered the outcomes from the review of Development Services and recommended the service restructure proposals and associated action plan to the Council for approval.

EX.105 USE OF THE DEPOT, LOWER LODGE LANE

(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))

- 105.1 The Committee considered a report on the use of the Lower Lodge Lane Depot and approved a future lease arrangement in respect of part of the site.

EX.106 IRRECOVERABLE DEBTS WRITE-OFF

(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))

- 106.1 Members considered and approved the write-off of irrecoverable debts as identified within the report.

The meeting closed at 4:15 pm