

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Executive Committee held remotely on
Wednesday, 31 March 2021 commencing at 4:00 pm**

Present:

Chair
Vice Chair

Councillor R A Bird
Councillor J R Mason

and Councillors:

M Dean, M A Gore, D J Harwood, E J MacTiernan, C Softley, R J Stanley, M G Sztymiak and
R J E Vines

also present:

Councillors K J Cromwell

EX.101 ANNOUNCEMENTS

101.1 The Chair advised that the meeting was being held under the emergency provisions of the Coronavirus Act 2020 and, specifically, the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020. The meeting was being broadcast live via the internet, it was not being recorded by the Council but, under the usual transparency rules, it may be being recorded by others.

EX.102 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

102.1 Apologies for absence were received from Councillor G F Blackwell. There were no substitutions for the meeting.

EX.103 DECLARATIONS OF INTEREST

103.1 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.

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

EX.104 MINUTES

104.1 The Minutes of the meeting held on 3 March 2021, copies of which had been circulated, were approved as a correct record.

EX.105 ITEMS FROM MEMBERS OF THE PUBLIC

105.1 There were no items from members of the public.

EX.106 EXECUTIVE COMMITTEE FORWARD PLAN 2021/22

106.1 Attention was drawn to the Committee's Forward Plan 2021/22, circulated at Pages No.7-13. Members were asked to consider the Plan.

106.2 Accordingly, it was

RESOLVED: That the Committee's 2021/22 Forward Plan be **NOTED**.

EX.107 COUNCIL PLAN PERFORMANCE TRACKER AND COVID-19 RECOVERY TRACKER - QUARTER THREE 2020/21

107.1 The report of the Chair of the Overview and Scrutiny Committee, circulated at Pages No. 14-115, asked Members to review and, if appropriate, take action on the observations of the Overview and Scrutiny Committee following its review of the Quarter Three 2020/21 Council Plan performance tracker and COVID-19 recovery tracker information.

107.2 Attention was drawn to the observations made by the Overview and Scrutiny Committee, attached at Appendix 1 to the report, and the Council Plan performance tracker, attached to the report at Appendix 2. The COVID-19 corporate recovery plan performance tracker was attached to the report at Appendix 3 and the financial information for the quarter was attached at Appendices 4-7.

107.3 Members were advised that this was the Committee's third review of the new Council Plan 2020-2024 and the new COVID-19 recovery plan. Similar to the quarter two position, at the time of writing the report, the national picture regarding COVID-19 could change very quickly. At the time of writing the report, the country remained in a lockdown situation, however, at the time of presenting the report the government had announced its roadmap for the lockdown exit and the Head of Corporate Services had briefly explained to the Committee that management team would be focussing the Council's own recovery in alignment with the government's roadmap. In terms of Council services, this meant there was still a complex picture of services working across either response, recovery or business as usual mode or a combination of all three. Similar to previous reviews of performance and recovery information, the Overview and Scrutiny Committee recognised that certain pieces of work had to be deferred or were not progressing as expected due to the significant challenges the Council faced. That aside, the Chair advised that he had issued a clear instruction at the Committee pre-brief that this should not stop Members from asking questions irrespective of whether or not they thought COVID-19 was impacting delivery. Some key areas that were discussed included the Tewkesbury 2021 project - the Overview and Scrutiny Committee had felt this project highlighted how the national picture could change things - at the time of writing the report, the 2021 Committee had agreed that many of the planned events would not go ahead as a result of the pandemic. However, the roadmap out of lockdown now provided an opportunity to re-evaluate the programme of events to see what would be possible and it was expected the £25,000, approved by Executive Committee to support the project, would be fully committed. In terms of developing a work programme with landlords, the Committee had been concerned that this action - relating to ensuring residents had a supply of rental properties to meet their needs - had slipped its milestone dates on numerous occasions. The Head of Community Services had assured Members that a report would be brought to Overview and Scrutiny in June to update on this piece of work. In terms of the Community Infrastructure Levy, it was noted from the commentary in the tracker document that a seminar had been held with Parish Councils in October and Members were keen they were also fully updated on the Council's

arrangements - it had therefore been agreed that a session would be organised for all Members. In terms of online licensing, the Committee had been pleased to hear that improving the offering of the licensing service was to be made a priority of the Business Transformation Team for the forthcoming financial year. The Committee had noted the excellent work of the Team to date across various projects and agreed that a session would be held with the Business Transformation Team and Overview and Scrutiny Committee Members to provide more details of the team's work. In respect of recycling, the Committee was informed that contamination remained problematic and this appeared to be a national trend. Tonnages in waste streams had increased significantly during the period of the pandemic and this inevitably contributed to higher levels of contamination. Information for residents raising awareness on what could and could not be recycled was due to go out shortly with further work to be undertaken to reduce residual waste. There had been a question around planning performance and why it had dipped in quarter two, as quarter three performance figures were far more positive. The Development Manager had explained that there were often fluctuations from quarter to quarter as the different types of applications that came forward during the year, and also the number of appeals at a given time, could have an impact on performance. Capacity within the enforcement team was acknowledged as an ongoing issue and this was something that was being looked at as a priority. The Head of Corporate Services had stated that he expected one member of the Internal Audit team to be back undertaking some form of audit work with effect from April. The High Street project would gather momentum, particularly following the government's roadmap announcement with non-essential shops re-opening on 12 April. An overview of what was being put in place to meet this date would form part of a briefing for relevant local Members. This would include significant engagement with businesses by the Environmental Health team to ensure COVID safety and compliance. As ever, all actions arising from the discussions were recorded and monitored within an action list to ensure they were followed up. This action list was reported on a regular basis to the Chair and Vice-Chair of the Overview and Scrutiny Committee at their briefing and, when populated, was circulated to all Members of the Committee.

107.4 Referring to the housing needs assessments, a Member questioned why villages like Forthampton, Chaceley and Hasfield had been chosen above others. In response, the Head of Community Services explained that assessments had been undertaken across urban areas and the work was now concentrating on rural Parishes – the work was being done over a period of two years. The north east of the Borough had already been completed and the remaining areas were now being worked through. The north east area work was undertaken in 2019 and had been fed back to the Parishes at that time. There was a link to the report on the Council's website under housing needs surveys.

107.5 Accordingly, it was

RESOLVED: That the Overview and Scrutiny Committee's comments on the Council Plan Performance Tracker and COVID-19 Recovery Tracker for Quarter Three of 2020/21 be **NOTED**.

EX.108 CIVIL PENALTY, RENT REPAYMENT ORDER AND MINIMUM ENERGY EFFICIENCY STANDARDS IN PRIVATELY RENTED HOMES POLICIES

- 108.1 The report of the Interim Environmental Health Manager, circulated at Pages No. 116-148, sought approval for three new policies relating to enforcement in the private rented housing sector which was undertaken by the Environmental Health team.
- 108.2 Members were advised that the Environmental Health team had an important role in ensuring that properties in the private rented sector were fit for purpose and that landlords adhered to the relevant legislation to ensure their properties were safe for the tenants; the majority of powers available to the team were contained in the Housing Act 2004. Changes to legislation in recent years had added a number of tools to the enforcement toolbox available to the Environmental Health team; specifically the Housing and Planning Act 2016 had introduced amendments to the Housing Act 2004 to allow local authorities to impose a financial penalty for certain offences under the Housing Act as an alternative to criminal prosecution. The same legislation had also introduced the ability for Councils to issue Rent Repayment Orders which could be used in circumstances like when a landlord had failed to comply with a legal Notice from the Council to undertake certain works or where the landlord had carried out an illegal eviction or had harassed their tenants. The third change in recent years had been the introduction of the Energy Efficiency Regulations 2015 which came into effect on 1 April 2018 and introduced minimum standards of energy efficiency for private rented properties. The report recommended the adoption of the three policies which would be incorporated within the Council's Environmental Health Enforcement Policy 2017 and the Corporate Enforcement Policy.
- 108.3 It was also proposed that the Council included the option to impose financial penalties as an alternative to prosecution for the Regulation of Housing Standards and the licensing of Houses in Multiple Occupation. In that regard, it was common practice to offer discounts to encourage the prompt payment of penalties and those were set out at Paragraph 2.3 of the report. Payments by instalments of up to 10 monthly direct debits was possible and any income received from a financial penalty could be retained by the Council provided it was used to further the local housing authority's statutory functions in relation to its enforcement activities. However, income generation would never be a driving force for the use of enforcement powers as the most important thing was to raise standards in the private rented sector.
- 108.3 A Member questioned why the three case reviews had been included in the Financial Penalties for Housing Offences – Civil Penalty Policy without any information about them like whether they had gone through the Courts, whether fines had been issued etc. In response, the Interim Environmental Health Manager advised that the case reviews were examples rather than being actual cases which were being taken locally.
- 108.4 Accordingly, it was

RESOLVED:

1. That the three policies be **ADOPTED**:
 - Civil Penalty Policy.
 - Rent Repayment Order Policy.
 - Minimum Energy Efficiency Standards in Privately Rented Homes Policy.

2. That authority be delegated to the Head of Community Services, in consultation with the Borough Solicitor, to issue financial penalties as set out within the policies.

EX.109 TREASURY AND CAPITAL MANAGEMENT

- 109.1 The report of the Head of Finance and Asset Management, circulated at Pages No. 149-153, advised the Committee of a grant which had been awarded to the Council by the Department for Business, Energy and Industrial Strategy (BEIS) to deliver a replacement heating system. Members were asked to accept the grant award, as detailed within the report, and to delegate authority to the Head of Finance and Asset Management to enter into any necessary documentation in respect of the grant award.
- 109.2 The Head of Finance and Asset Management explained that the current heating system was past its best. Given the age and inefficiency of the current gas powered heating system at the Council Offices, the replacement of the system was given a high priority within the detailed Climate Change and Carbon Reduction Audit Action Plan and a target of replacement was set for 2022 - it was envisaged that the cost of replacement would be met by the Council's Asset Management Reserve. The application to BEIS had assessed a reduction in the carbon tonnage consumed by the Council Offices of over 92 tonnes per year which represented a reduction of 78% on the current annual gas consumption and, to enable those works, a bid for £304,200 had been made to the fund. Given the high profile of climate change neutrality in public sector organisations, the £1 billion scheme was heavily oversubscribed and the Council's initial application was frozen but, after further due diligence on the applications, BEIS had realigned some awards and the Council's application had now been earmarked for funding. Subject to a final feasibility report, it was anticipated that the Council would tender for a works contract in April with installation completed by early autumn. In addition to the Council's own Officers the project would be supported by project managers previously employed on the leisure centre construction and office refurbishment to ensure the project was delivered on time and within budget. Since writing the report, the initial consultant's report on the preferred heating system had been completed and an air source heat pump, rather than ground source, had been recommended. Officers were currently in consultation with BEIS to ensure it would continue to support the Council's project.
- 109.3 A number of Members expressed concern about the use of an air source heat pump; they had understood the preference had been for a ground source heat pump which, although more costly to install, cost less to run as they did not require as much maintenance as an air source heat pump. In response, they were advised that the feasibility study had shown that, taking account of the Council Offices building and its usage, an air source heat pump would be more efficient in this instance. The report was based on the actual location, rather than the previous desktop exercise, and the distance from the car park to the building meant there would be a lot of heat loss and therefore the overall efficiency would be less when the ground source heat pump was properly modelled. The BEIS funding was relevant to the carbon savings so a ground source heat pump would only be partially covered and the air source heat pump would be covered by the majority of the funding. A Member noted that the Climate Change and Flood Risk Management Group had recently received a presentation which had stated that a ground source heat pump would be preferred, and his own investigations had also shown them to be more efficient, so he questioned whether the Council would gain the same carbon savings with an air source heat pump. In response, the Asset Manager explained that in an ideal world the location of the pump would be near

the building and, in the early stages, it had been hoped this would be the case. However, the detailed feasibility study on the building, taking account of its heating needs, the layout of the building, losses of heat etc., meant the efficiency saving for an air source heat pump was far greater than the ground source heat pump in this particular situation with 84 tonnes of carbon savings. There would be cost and efficiency savings but, in addition, Officers were looking at the installation of more photovoltaics – whilst this was not a primary element for the Public Sector Decarbonisation Scheme funding it would be investigated as part of the business case for savings on energy costs. A Member indicated that 84 tonnes of carbon savings was good even though it was less than previously stated and he would be happy to propose that the grant should be accepted. He questioned whether some kind of time lapse video information would be possible to show how the pump was installed etc. In response, the Asset Manager undertook to speak to the communications team about how to document the process; he was of the view that a video would be difficult due to the way the system was installed but he felt sure there was something that could be done.

109.4 Another Member indicated that the heat pump would cost a considerable amount of money and he questioned what would happen if BEIS would not pay the grant for an air source heat pump. He also indicated that, when the report had initially been made to the Climate Change and Flood Risk Management Group, he had undertaken a lot of his own research and had noted that the British climate was difficult for air source heat pumps as it did not have the ideal temperatures needed and as such meant they were not usually as efficient. In response, the Head of Finance and Asset Management explained that the amount of rods needed for a ground source heat pump would mean the cost was too high for the grant funding being provided so the Council would have to use a lot of its Asset Management Reserve to make up the shortfall. The draft consultant report would be concluded shortly and Officers could then send that to Members for information. It was the case that ordinarily ground source heat pumps gave the best efficiency if they could be located near to a building but this was not the case in this instance. A ground source heat pump would give 60 tonnes of carbon savings and would run at a 26% reduction in carbon emissions; a water source heat pump would save 75 tonnes which was a 30% reduction and an air source heat pump would give 80 tonnes of carbon savings which was a 32% reduction. The company that had been commissioned to undertake the work had a great deal of information from a feasibility and information point of view – they had also looked at some hybrids of systems but had found they would not be cost efficient or provide the necessary carbon savings. In terms of the Asset Management Reserve, the amount was in excess of £400,000 – the BEIS grant would not cover the back up boiler system so some of the reserve would be required for that. Until the tenders were received, it was not known what the exact costs would be although it was estimated that around £60,000 may have to come from reserves.

109.5 Members continued to express their disappointment that the information provided now was different to that previously given to the Climate Change and Flood Risk Management Group and Officers confirmed that the information was now based on the actual location and use of the Council Offices rather than on a desktop study using the ideal scenario. It was also confirmed that BEIS required a great deal of information about the project moving forward to ensure the Council was getting value for money as well as making the carbon reductions that would be expected from the scheme, as such it was essential the Council made sure it was getting the best output from the system that was put in. It was for that reason that consultants with a wealth of experience in this field had been engaged. In response to an earlier comment about the temperature in the UK, the Asset Manager confirmed that air source heat pumps did become less efficient in colder weather but this had been taken into account within the feasibility study. One of the reasons that BEIS was being consulted about the use of the grant for an air source heat pump was

that it could be run in reverse to cool the building and this was something BEIS had expressed concerns about – there were ways the system could be stopped from doing that and those were being explored. If BEIS would not support the grant for an air source heat pump, the issue would have to be reconsidered by Officers and brought back to Members to agree a way forward. In terms of a query regarding whether the amount of electricity used, and the amount of carbon expended to produce that electricity, was taken into account in the calculations, the Asset Manager confirmed that the consultants had a sophisticated modelling system which was used to measure costs. Baseline data had been compiled using bills and current consumption levels and the modelling showed where the energy costs would be. Another Member queried whether an existing Officer would undertake the role of accountable officer to ensure compliance with the grant conditions and also why the air source heat pump could not be used to cool the building as she felt this was very much needed in the warmer months. In response, the Head of Finance and Asset Management confirmed that he would be the accountable officer. In terms of the air conditioning element of the system, this was not as efficient which was the reason BEIS may not be supportive; however, it may support the system with regulators to ensure it could not be run in that way and the Council would obviously have to consider that if it was the way to gain the funding.

109.6 It was proposed and seconded that the grant funding should be accepted and authority delegated to the Head of Finance and Asset Management to enter into any necessary documentation in respect of the grant award. Accordingly, it was

- RESOLVED:**
1. That the grant award, as detailed within the report, be accepted.
 2. That authority be delegated to the Head of Finance and Asset Management to enter into any necessary documentation in respect of the grant award.

EX.110 FORMAL COMPLAINTS POLICY

110.1 The report of the Head of Corporate Services, circulated at Pages No. 154-157, provided the Committee with details of the formal complaints review, the new 'Have your Say' approach and how the new digital platform would help the Council to ensure feedback from customers was responded to appropriately. The report and policy had been presented to the Overview and Scrutiny Committee which had endorsed the proposals and Members were asked to approve the 'Have your Say' approach and formal Complaints Policy.

110.2 The Corporate Services Manager advised that the current Complaints Policy had been introduced in 2016 and it was felt prudent to carry out a review at this stage. The Council received a low number of complaints each year which indicated that, on the whole, its customers were satisfied with how the Council ran its services; however, the complaints review now proposed new ways for customers to provide feedback to ensure all issues were being captured. The 'Have your Say' approach had been put forward following a discussion with Members of the Overview and Scrutiny Committee when it had been agreed that introducing more ways for customers to feed back to the Council would provide a clear picture of residents' satisfaction as well as preventing some issues which were currently logged as formal complaints being treated more as a service issue. One of the Overview and Scrutiny Committee Members had put forward the suggestion of introducing the four Cs – compliments, comments, concerns and complaints – which was successfully used within the NHS. The four Cs were described in the document attached at Appendix 1 to the report and would support the 'Have your Say' approach information on the Council's website. The only feedback channel that required a formal policy was complaints and the new policy was attached to the

report at Appendix 2. This was largely based on the previous policy but had been updated for the new digital platform and set out what people could expect from the process once a formal complaint was made.

110.3 Referring to the Council's new digital platform, the Corporate Services Manager explained that the flexibility offered within it would be extremely helpful to the Council. It would automate the complaint allocation process and allow access to a large number of reports about complaints so they could be properly analysed and information provided to Members more accurately about complaints within their Wards. She advised that the report had been presented to the Overview and Scrutiny Committee in February where Members had endorsed the four C's and welcomed the improvements that would come with the new digital platform. If the report was approved by the Executive Committee it would be implemented in May in line with the timescale for the new digital platform.

110.4 Members felt the new approach would be a great improvement, providing effective communication both for residents and Members. It was also noted that the digital platform would create a resource within the Customer Services team which would become available to help residents that did not wish to access online services. Accordingly, it was

RESOLVED: That the proposed 'Have your Say' approach and formal complaints policy be **APPROVED**.

EX.111 SEPARATE BUSINESS

111.1 The Chair proposed, and it was

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

EX.112 SEPARATE MINUTES

112.1 The separate Minutes of the meeting held on 3 March 2021, copies of which had been circulated, were approved as a correct record.

EX.113 TRADE / COMMERCIAL WASTE SERVICE BUSINESS CASE

(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))

113.1 The Committee considered the report and agreed the way forward for developing the trade/commercial waste service.

The meeting closed at 5:20 pm