

# TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Council held at the Council Offices, Gloucester Road, Tewkesbury on Wednesday, 20 October 2021 commencing at 6:00 pm**

## **Present:**

The Worshipful the Mayor  
Deputy Mayor

Councillor A S Reece  
Councillor J W Murphy

## **and Councillors:**

K Berliner, R A Bird, G F Blackwell, C L J Carter, C M Cody, K J Cromwell, M Dean, R D East, J H Evetts, P A Godwin, M A Gore, D W Gray, D J Harwood, M L Jordan, E J MacTiernan, J R Mason, H C McLain, P D McLain, P W Ockelton, C Reid, J K Smith, R J G Smith, R J Stanley, P D Surman, M G Sztymiak, S Thomson, R J E Vines, M J Williams and P N Workman

## **CL.28 ANNOUNCEMENTS**

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

## **CL.29 APOLOGIES FOR ABSENCE**

29.1 Apologies for absence were received from Councillors G J Bocking, H S Munro, P E Smith, V D Smith and C Softley.

## **CL.30 DECLARATIONS OF INTEREST**

30.1 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.

30.2 The following declarations were made:

<b>Councillor</b>	<b>Application No./Item</b>	<b>Nature of Interest (where disclosed)</b>	<b>Declared Action in respect of Disclosure</b>
M A Gore	Agenda Item 8 – Main Modifications to Tewkesbury Borough Plan.	A family member owns land affected by the Borough Plan.	Would not speak or vote and would leave the meeting for this item.

P W Ockelton	Agenda Item 7c – Homeseeker Plus Sub-Regional Choice Based Lettings Allocation Policy.	Councillor may choose, in the future, to use the choice based letting system and felt it might be construed by the public that it would be wrong for him to take part in the debate on this item.	Would not speak or vote and would leave the meeting for this item.
P D Surman	Agenda Item 8 – Main Modifications to Tewkesbury Borough Plan.	Is a landowner affected by the Borough Plan.	Would not speak or vote and would leave the meeting for this item.
R J E Vines	Agenda Item 8 – Main Modifications to Tewkesbury Borough Plan.	Had previously declared an interest as a landowner of land potentially considered for inclusion in the Borough Plan and, as the Plan was only part way through the process, he would continue to declare the interest until the Borough Plan reached adoption.	Would not speak or vote and would leave the meeting for this item.

30.3 There were no further declarations made on this occasion.

### **CL.31 MINUTES**

31.1 The Minutes of the meeting held on 22 June 2021, copies of which had been circulated, were approved as a correct record and signed by the Mayor.

### **CL.32 ITEMS FROM MEMBERS OF THE PUBLIC**

32.1 There were no items from members of the public.

**CL.33 MEMBER QUESTIONS PROPERLY SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULES**

33.1 The following questions had been received from Councillor Ockelton to the Leader of the Council. The answers were given by the Leader of the Council, Councillor Bird, but were taken as read without discussion.

With the decision from Mr Justice Dove on 18 October 2021. Would the Leader of the Council please inform Council:

Q1. As to the total cost to the Borough taxpayers of the Gotherington High Court appeal.

A1. The Secretary of State has been awarded their costs in the sum of £23,310 and the Council has incurred costs (excluding costs in respect of costs submissions to the Court which have yet to be calculated) of £37,564 which covers both costs of its Counsel and internal legal support.

Q2. In light of the Highnam appeal, given by the same Justice, Mr Justice Dove, would the Leader of the Council give his justification for this expenditure to the public purse.

A2. Though the Council had received permission to challenge the Highnam appeal decision, Mr Justice Dove had ultimately declined to make a substantive judgment as the planning appeal in respect of Highnam had been dismissed. Instead, he indicated that the Council's interpretation of planning policy on housing requirements and five-year housing land supply was a matter which could be properly considered in a subsequent appeal and that if, contrary to the Council's view, past over delivery was discounted and a decision adverse to a Council arose, then the Council would have at that stage the right to ask the Court to intervene. The Council felt that Gotherington was such a case and a matter important to this Council.

33.2 The Mayor invited the Member to ask a supplementary question. The Member asked that as soon as the excluded costs were known please could Members be advised. The Lead Member confirmed that the information would be provided when it was available.

33.3 The following question had been received from Councillor Ockelton to the Lead Member for Built Environment. The answer was given by the Lead Member for Built Environment, Councillor Gore, but was taken as read without discussion.

Q3. Would the Lead Member for Built Environment, in light of Mr Justice Dove's ruling please lay before Council the full implications of that ruling.

A3. The Council only received the judgment in respect of Gotherington on Monday and though Mr Justice Dove did not quash the Gotherington appeal decision itself, he made it clear, contrary to some who have said that past over supply must never be included in five year housing land supply calculations, that it would be a matter of judgment for the decision maker and that in at least most cases the question of oversupply will need to be considered in assessing housing needs and requirements.

Having clarification from the Court that past oversupply is a matter that will usually need to be considered, along with the two decisions from planning Inspectors following public inquiries much more recent than the Gotherington one, gives us a strong argument against those developers who are continuing to argue that we have a supply of two years or less.

- 33.4 The Mayor invited the Member to ask a supplementary question. The Member asked that the Statement of Common Ground which went before Justice Dove be provided to Members. The Lead Member confirmed that the information would be provided outside of the meeting.

#### **CL.34 RECOMMENDATIONS FROM EXECUTIVE COMMITTEE**

##### **Carbon Reduction Action Plan**

- 34.1 At its meeting on 7 July 2021, the Executive Committee had considered the Climate Change Strategy Annual Report and recommended to Council that, from April 2022, a permanent Carbon Reduction Programme Officer post be included within the ongoing base budget of the Council at an estimated cost of £40,600.
- 34.2 The report which was considered by the Executive Committee had been circulated with the Agenda for the current meeting at Pages No. 12-30.
- 34.3 The Chair of the Executive Committee proposed the recommendation and the Vice-Chair seconded it.
- 34.4 A Member indicated that he was happy to support the report but noted it talked about changing the heating system and he questioned the current status of that project. In response, the Head of Finance and Asset Management explained that, unfortunately, the price of replacing the heating system had risen following the tender process and the external funding had subsequently been withdrawn. The Council had now received confirmation that the funding provider would be happy to support the development of a solar canopy in the car park but, in addition, the Council had also put in a different funding bid to support the replacement of the heating system for the higher cost. A Member felt it was sad that progress on the new heating system had stalled and he hoped Officers could find a way to overcome the issues as soon as possible. In terms of the Countywide Carbon Reduction Programme Officer, the Head of Finance and Asset Management confirmed that was a shared post for Gloucestershire. That Officer had been appointed in the summer and was now drawing together all the plans in the county with the aim of helping to deliver them.
- 34.5 Accordingly, it was
- RESOLVED** That, from April 2022, a permanent Carbon Reduction Programme Officer post be included within the ongoing base budget of the Council at an estimated cost of £40,600.

##### **Council Plan 2020-2024 (Year 2) Refresh and COVID-19 Corporate Recovery Plan Refresh**

- 34.6 At its meeting on 1 September 2021, the Executive Committee had considered the Council Plan 2020-2024 (Year 2) refresh and COVID-19 Corporate Recovery Plan refresh and recommended to Council that the documents be adopted.
- 34.7 The report which was considered by the Executive Committee had been circulated with the Agenda for the current meeting at Pages No. 31-69.
- 34.8 The Chair of the Executive Committee proposed the recommendation and the Vice-Chair seconded it. In proposing the report, the Executive Committee Chair felt it was important to note the way the Council had responded to the challenges of the COVID-19 pandemic and he took the opportunity to thank Officers for the extraordinary work undertaken which had included putting into place a framework for the Council to deal with the crisis whilst continuing to provide essential services. He had been in meetings at the time whereby it was clear that other Councils were struggling to cope and it seemed that Tewkesbury Borough Council was often

'ahead of the game' compared to others for which he was extremely grateful and proud.

34.9 A Member felt there were things within the plans which had been crossed out but should in fact be ongoing e.g. 'seek to reduce waste' and 'improving bio-diversity'. In response, the Head of Corporate Services explained that the actions within the plans needed to be proportionate to what the Council could deliver as well as being measurable for the Overview and Scrutiny Committee to monitor which was the reason some had been amended/deleted.

34.10 Accordingly, it was

**RESOLVED** That the Council Plan refresh and COVID-19 Recovery Plan refresh be **ADOPTED**.

### **Homeseeker Plus Sub-Regional Choice Based Lettings Allocation Policy**

34.11 At its meeting on 6 October 2021, the Executive Committee had considered the Homeseeker Plus Sub-Regional Choice Based Lettings Allocation Policy and recommended to Council that the refreshed Homeseeker Plus Policy be adopted in early 2022 at the management board's discretion (of which Tewkesbury Borough Council was a member).

34.12 The report which was considered by the Executive Committee had been circulated with the Agenda for the current meeting at Pages No. 70-128.

34.13 The Chair of the Executive Committee proposed the recommendation and the Vice-Chair seconded it.

34.14 Accordingly, it was

**RESOLVED** That the refreshed Homeseeker Plus Policy be adopted in early 2022 at the management board's discretion (of which Tewkesbury Borough Council was a member).

### **Council Tax Reduction Scheme and Council Tax Discounts**

34.15 At its meeting on 6 October 2021, the Executive Committee had considered the Council Tax Reduction Scheme and Council Tax Discounts and recommended to Council that the default Council Tax Reduction Scheme be adopted with effect from 1 April 2022, with a minor revision to the national working age regulations to allow for a de minimis tolerance for income changes of £10 or less per week; that authority be delegated to the Head of Finance and Asset Management, in consultation with the Lead Member for Finance and Asset Management, to agree the uprating of the working age regulations incorporated into the local Council Tax Reduction Scheme in line with those announced by the Department for Work and Pensions; that options for the working age Council Tax Reduction Scheme for 2023/24 are formally reviewed during the 2022/23 financial year; and that the following Council Tax discounts be adopted effective from 1 April 2022: the discount for unoccupied and substantially unfurnished properties is 25% for a maximum period of six months; the discount for properties which are vacant and require major repair work to render them habitable is 25% for a maximum period of 12 months; the discount for unoccupied furnished properties (second homes) is zero; an empty homes premium of an additional 100% is levied on properties that have remained unoccupied and substantially unfurnished for at least two years, but less than five years; an empty homes premium of an additional 200% is levied on properties that have remained unoccupied and substantially unfurnished for at least five years, but less than ten years; and an empty homes premium of an additional 300% is levied on properties that have remained unoccupied and substantially unfurnished for at least ten years.

34.16 The report which was considered by the Executive Committee had been circulated

with the Agenda for the current meeting at Pages No. 129-133.

34.17 The Chair of the Executive Committee proposed the recommendation and the Vice-Chair seconded it.

34.18 A Member referred to paragraph 4 of the report, properties which were vacant but required major repair work to make them habitable, and questioned how that would be policed. In response, the Revenues and Benefits Manager explained that this was driven by case law. There was no definition as such but essentially it would be a property that someone could not live in. Every property received a visit from an inspector and there was a rigorous process to follow when determining properties that met that criteria. Another Member questioned what was being done to bring empty properties back into use and the Housing Services Manager indicated that this was something that would come forward through the review of the Housing Strategy; this would involve working with other services such as Council Tax, Housing and Environmental Health to look at identifying properties and how they could be brought back into use.

34.19 Accordingly, it was

**RESOLVED**

1. That the default Council Tax Reduction Scheme be **ADOPTED** with effect from 1 April 2022, with a minor revision to the national working age regulations to allow for a de minimis tolerance for income changes of £10 or less per week.
2. That authority be delegated to the Head of Finance and Asset Management, in consultation with the Lead Member for Finance and Asset Management, to agree the uprating of the working age regulations incorporated into the local Council Tax Reduction Scheme in line with those announced by the Department for Work and Pensions.
3. That options for the working age Council Tax Reduction Scheme for 2023/24 are formally reviewed during the 2022/23 financial year.
4. That the following Council Tax discounts be **ADOPTED** effective from 1 April 2022:
  - The discount for unoccupied and substantially unfurnished properties is 25% for a maximum period of six months.
  - The discount for properties which are vacant and require major repair work to render them habitable is 25% for a maximum period of 12 months.
  - The discount for unoccupied furnished properties (second homes) is zero.
  - An empty homes premium of an additional 100% is levied on properties that have remained unoccupied and substantially unfurnished for at least two years, but less than five years.
  - An empty homes premium of an additional 200% is levied on properties that have remained unoccupied and substantially unfurnished for at least five years, but less

than ten years.

- An empty homes premium of an additional 300% is levied on properties that have remained unoccupied and substantially unfurnished for at least ten years.

### **CL.35 MAIN MODIFICATIONS TEWKESBURY BOROUGH PLAN**

35.1 The report of the Planning Policy Manager, circulated at Pages No. 134-259, set out the schedule of Main Modifications to the Tewkesbury Borough Plan following its Examination and sought approval of the plan for public consultation.

35.2 In introducing the report, the Planning Policy Manager explained that, following the Examination in Public, the Council had received the Inspector's report which set out a number of recommended Main Modifications for consultation. The Council's Borough Plan had been prepared over the last number of years and had been submitted to the Secretary of State in May 2020. It was the second tier plan of the Joint Core Strategy (JCS) with the JCS being the strategic plan. The Examination had taken place in February/March 2021 and a letter received from the Inspector in June had endorsed a lot of what the Council had put forward but included some modifications to make the plan sound. The next stage was to undertake a public consultation on the Main Modifications and, once complete, any representations made would be sent to the Inspector for consideration; the Inspector would then issue the final report which was the point at which the Plan could be recommended for adoption.

35.3 The Chair of the Tewkesbury Borough Plan Working Group proposed the recommendations in the report and thanked all of the Officers and Members involved for their hard work in putting the Plan together. The proposal was seconded and the thanks reiterated.

35.4 Referring to Page No. 164, a Member felt that the allocation in the Plan known as MM8 could be a real problem in the Mitton area with traffic congestion and flooding concerns and he would like to remove those 500 dwellings from the list. In response, the Borough Solicitor confirmed that, if amendments were made to the Plan at this stage, the Council would have to go back to an earlier stage in the planning process. Concerns like this could be raised during the consultation and they could then be considered by the Inspector as part of the process. The Member was strongly of the view that the 500 dwellings should be removed and the shortfall absorbed into the Garden Town project rather than adding a site in an area which was, in his view, unsustainable. The Head of Development Services explained that the Plan had been through the Examination and the Main Modifications proposed were needed to make the plan sound. Any changes made now would mean the Plan would no longer be sound and the Council would have to work through again from an earlier stage in the process to make it sound. In addition, the Garden Town was a strategic allocation in the JCS and therefore not included in the Borough Plan and it was not possible to substitute one for the other. The Member nevertheless proposed the deletion of the Mitton site from the Borough Plan and that proposal was seconded. In response, the Chief Executive confirmed that Councillors and members of the public could make comments on the Plan through the consultation process and that would be the best way of putting any changes forward; he strongly advised the Council not to amend the Plan at this stage. Upon being put to the vote, the proposal to remove the Mitton site of 500 dwellings was lost.

35.5 Accordingly, it was proposed, seconded and

#### **RESOLVED**

1. That the Main Modifications Tewkesbury Borough Plan be approved for public consultation, as set out in Appendix 2 to the report (including the proposed modifications to the polices map), alongside the schedule of Additional

Modifications and Sustainability Appraisal/Habitat Regulations Assessment.

2. That authority be delegated to the Head of Development Services, in consultation with the Lead Member for Built Environment, to correct any minor errors such as spelling, grammar, typographical and formatting changes that did not affect the substantive content of the Plan.

**CL.36 AUDIT AND GOVERNANCE COMMITTEE ANNUAL REPORT 2020/21**

- 36.1 Attention was drawn to the report of the Chief Audit Executive (Head of Corporate Services), circulated at Pages No. 260-273, and Members were asked to note the Audit and Governance Committee Annual Report 2020/21.
- 36.2 In the absence of the Chair of the Committee, the Vice-Chair explained that until fairly recently, as with other Committees, the Audit and Governance Committee had operated in a virtual world and she offered her thanks to the Democratic Services and ICT teams for ensuring the meetings had run as smoothly as possible. In terms of the annual report, it could be seen from its content that the Committee did not only deal with financial matters; it received a variety of reports from different sources to give assurance that the Council's systems, procedures and policies were operating as they should be. It had been noted within the report that assurance had been somewhat diluted over the last year, mainly due to the Internal Audit team being redeployed to the COVID-19 business cell to work on the administration of business grants but this was now returning to some normality which would be helpful going forward. As a Committee, it had been updated on the work of the business cell and, at the time of considering the report, over £30m had been paid out to the business community in the Borough which had been a phenomenal effort from staff across Finance, Internal Audit, Revenues and Benefits and the Growth Hub. A key outcome to update from the Committee's meeting in September was that the Council's external auditors had signed off the Statement of Accounts without any significant issues arising and had been very complimentary of the Finance team; the Committee had recognised this had been achieved with the team working virtually, with resources also deployed into the business cell and with the added complexity of continually monitoring the budget and completing various government returns as a result of the pandemic which was a major achievement.
- 36.3 Accordingly, it was
- RESOLVED** That the Audit and Governance Committee's Annual Report 2020/21 be **NOTED**.

**CL.37 CHANGES TO COMMITTEE MEMBERSHIP**

- 37.1 The Mayor advised that, in accordance with Rule of Procedure 2.1, the Borough Solicitor had exercised her delegated authority to approve the following changes to Committee Membership:
- Councillor K J Cromwell has resigned from the Overview and Scrutiny Committee and has been replaced by Councillor K Berliner.
- Councillor J K Smith has resigned from the Licensing Committee and has been replaced by Councillor K Berliner.

**CL.38 SEPARATE BUSINESS**

- 38.1 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.39 SEPARATE MINUTES**

39.1 The separate Minutes of the meeting held on 22 June 2021, copies of which had been circulated, were approved as a correct record and signed by the Mayor.

The meeting closed at 7:00 pm