

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Executive Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Wednesday, 30 March 2022 commencing at
2:00 pm**

Present:

Chair
Vice Chair

Councillor R A Bird
Councillor J R Mason

and Councillors:

M Dean, M A Gore, D J Harwood, M L Jordan (Substitute for C Softley), E J MacTiernan,
R J Stanley and R J E Vines

EX.99 ANNOUNCEMENTS

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

EX.100 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

100.1 Apologies for absence were received from Councillors G F Blackwell, C Softley and M G Sztymiak. Councillor M L Jordan would be acting as a substitute for the meeting.

EX.101 DECLARATIONS OF INTEREST

101.1 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.

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

EX.102 MINUTES

102.1 The Minutes of the meeting held on 2 March 2022, copies of which had been circulated, were approved as a correct record and signed by the Chair.

EX.103 ITEMS FROM MEMBERS OF THE PUBLIC

103.1 There were no items from members of the public.

EX.104 EXECUTIVE COMMITTEE FORWARD PLAN

104.1 Attention was drawn to the Committee's Forward Plan, circulated at Pages No. 11-17. Members were asked to consider the Plan.

104.2 Accordingly, it was

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

EX.105 COUNCIL PLAN PERFORMANCE TRACKER AND COVID-19 RECOVERY TRACKER - QUARTER THREE 2021/22

- 105.1 The report of the Chair of the Overview and Scrutiny Committee, circulated at Pages No. 18-109, 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 2021/22 Council Plan performance tracker and COVID-19 recovery tracker information.
- 105.2 In the absence of the Chair of Overview and Scrutiny Committee, the Head of Corporate Services explained that the Committee had noted the performance management report, including areas where actions or key performance indicators were not progressing as smoothly or quickly as envisioned. Questions raised by the Committee could be found in Paragraph 2.1 of the report. Similar to quarter two, there was not one real area of focus but a range of questions across all the actions within the Council Plan and recovery plan. The key questions/observations to bring to the attention of Executive Committee were: the trade waste project - the March 2022 date within the tracker was a date by which the project plan would be up and running with the project lead appointed. The project was progressing well and the action would be carried forward into 2022/23 - the Overview and Scrutiny Committee received six monthly progress reports; the Joint Core Strategy timetable – as verbally reported to Overview and Scrutiny Committee, a revised timetable was being presented to the Executive Committee as part of the Local Development Scheme item; planning applications – speed of processing - the Interim Development Manager explained that Officers were working hard to address the backlog of applications and it was hoped that an upturn would be reflected in the figures over the next two months – he had provided assurance that new applications were being dealt with in a timely manner; review of licensing service – the continued shift of implementation dates was questioned, particularly as the date had now been moved to December 2022, and it was explained that the original action was in relation to moving certain aspects of the service to an online option, however, the scope had significantly widened since the initial action was introduced with a whole review of the service now being undertaken - the project contained four workstreams IT, governance, HR and the team structure, and finance with support for each element being provided by the relevant services; response to complaints - a Member had noted there was a downward trend with 80% of formal complaints answered in time during quarter one, 68% in quarter two and 65% in quarter three which was 73% overall against a target of 90% and it was explained that complaints could be complex and services were under pressure. The downturn had been discussed by Management Team and improvement was anticipated during quarter four. Top tips for dealing with complaints were communicated to staff, for instance, agreeing an extension of time with the complainant at an early stage if the complaint could not be resolved quickly. Although the demand on services was recognised, it was important that complaints were being dealt with in a timely manner. Overall, the picture was positive despite the ongoing challenge to recover from the pandemic. Early in quarter three, the Business Cell was re-mobilised to administer the Omicron related business grants. In addition to this, the Council Tax Energy Rebate Scheme had been announced which was a significant scheme and a dedicated team had been established to address that. The Overview and Scrutiny Committee was also advised that both the Council Plan and recovery plan were currently being refreshed. Recognising the success of the recovery plan, it was the intention to integrate this back into one Council Plan strategic document. This would be presented to Executive Committee in June.
- 105.3 A Member indicated that he had a number of questions from a Member of the Overview and Scrutiny Committee and he would send them to the Head of Corporate Services following the meeting to ensure they had been picked up as actions from the Overview and Scrutiny Committee meeting.
- 105.4 Accordingly, it was

RESOLVED: That the findings of the Overview and Scrutiny Committee's review of the quarter three performance management and recovery information be **NOTED**.

EX.106 DISCRETIONARY RATE RELIEF POLICY

106.1 The report of the Head of Corporate Services, circulated at Pages No. 110-126, sought approval for an updated Discretionary Rate Relief Policy which considered the current eligibility criteria for discretionary rate relief. Members were asked to adopt the updated policy and delegate authority to the Head of Finance and Asset Management, in consultation with the Lead Member for Finance and Asset Management, to implement any further business rate reliefs introduced by the government.

106.2 The Revenues and Benefits Manager explained that the revised policy was the same as the existing with the exception of a couple of changes to incorporate legislation which had been introduced over the last three years in respect of the addition of rural rate relief and relief for local newspapers. A Member questioned how rural was defined in terms of rural rate relief and was advised that this was included at Paragraph 7.4 of the policy which defined it as "designated settlements in a rural area which had a population of 3,000 or less".

106.3 Accordingly, it was

- RESOLVED:**
1. That the Discretionary Rate Relief Policy, as attached at Appendix A to the report, be **ADOPTED**.
 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 implement any further business rate reliefs introduced by government.

EX.107 DISCRETIONARY HOUSING PAYMENTS POLICY

107.1 The report of the Head of Corporate Services, circulated at Pages No. 127-139, proposed an updated policy to incorporate internal audit recommendations and to ensure consistent decisions were made. Members were asked to adopt the Discretionary Housing Payments Policy with effect from 1 April 2022.

107.2 The Revenues and Benefits Manager explained that discretionary housing payments were short term awards the Council could administer to help residents with housing costs where they were in receipt of housing benefit or the housing element of Universal Credit. The policy had been due for review in 2021 but had been delayed due to COVID-19. The new policy incorporated recommendations from Internal Audit, following its review, along with updated guidance provided by the Department for Work and Pensions. It also placed greater emphasis on the actions the applicant needed to take to avoid long term reliance on discretionary housing payments.

107.3 A Member noted that the government allocated funding and then it was at the discretion of the Council whether it would top up the fund and questioned whether there was an expectation that a large top up would be made and, if so, how that was incorporated into the budget. In response, the Revenues and Benefits Manager explained that the Council had an allocation and there were opportunities in the financial year to submit an initial estimate and a mid-year estimate to the Department for Work and Pensions and the funding was then adjusted on that basis. The Council could top up from its own resources but that was unlikely to be

required this year.

107.4 Accordingly, it was

RESOLVED: That the Discretionary Housing Payments Policy, as attached at Appendix A to the report, be **ADOPTED** with effect from 1 April 2022.

EX.108 STATEMENT OF COMMUNITY INVOLVEMENT

108.1 The report of the Interim Planning Policy Manager, circulated at Pages No. 140-187, asked the Executive Committee to recommend to Council that the revised Statement of Community Involvement be adopted.

108.2 Members were advised that the Statement of Community Involvement set out how Tewkesbury Borough Council would engage with the local communities and stakeholders in the development of planning policy documents and the determination of planning applications within the Borough. The requirement to prepare a Statement of Community Involvement was introduced in the Planning and Compulsory Purchase Act 2004 and there was now a requirement for the document to be reviewed every five years and to set out how the Council would support communities undertaking neighbourhood planning. There was no legal requirement to consult on the review of the Statement of Community Involvement; however, the views of Members and Parish Councils had been sought as part of the preparation of the document – the main changes were summarised as: the inclusion of important principles for community involvement; greater reference to the role and use of digital consultation and engagement; the inclusion of guidance relating to how the Statement of Community Involvement procedures would need to change in response to any possible future emergency/pandemic situations which impacted business as usual; reference to the approach to community involvement for the Joint Core Strategy review, including reference to the Garden Town; the inclusion of the Council's policy for providing support for neighbourhood planning; and updates to development management consultation requirements, particularly a move to using neighbour notification letters instead of just green site notices.

108.3 During the discussion which ensued, a Member expressed the view that the proposed neighbour notification letters were very welcome. However, another Member stated that the proposition but did not sit well with her. She was of the view that it was presumptuous of the Council to assume people had access to the internet and it was risky to abolish the use of the green notices as they were very visible to people in the area of an application. In response, the Head of Development Services advised that some applications would still have site notices as well as neighbour notification letters – some people had indicated that they had not seen site notices in the past and therefore had not been notified so the new system was designed to be more inclusive. She felt there was never an answer which suited everyone but the Council tried to engage as best it could. Neighbour notification letters were intended to ensure people directly adjoining the area were notified. In terms of neighbouring properties, the Head of Development Services advised that the number of people who received the letters depended on the type of application e.g. a larger development would have a greater impact on more residents so each case would be different. It was agreed by several Members that it felt safer to write to neighbours than to rely on them to see a site notice but they also felt there was some onus on Councillors to get the message out to the wider area if necessary. Parishes could put up a local notice about an application if they wished to draw additional attention to it but the Borough Council could not ask Parishes to undertake a role which was its responsibility so it would not be possible

to ask Parishes to put up the formal green notices.

108.4 A Member questioned who made the decision as to what went to Committee and how the objections of Parish Councils were taken into account. In response, the Head of Democratic Services advised that the Planning Scheme of Delegation contained within the Council's Constitution set out whether an application could be determined by Planning Officers or whether a Committee decision was required. The scheme included applications that a Parish Council had raised objection to being submitted for Committee determination subject to the objection raising substantive planning issues.

108.5 Accordingly, it was

RESOLVED: That it be **RECOMMENDED TO COUNCIL** that the revised Statement of Community Involvement be **ADOPTED**.

EX.109 LOCAL DEVELOPMENT SCHEME

109.1 The report of the Interim Planning Policy Manager, circulated at Pages No. 188-199, attached an updated Local Development Scheme which Members were asked to recommend to Council for adoption.

109.2 Members were advised that the Local Development Scheme outlined the timetable for preparation of statutory development plan documents in the Borough. The existing published version, which had been adopted by the Council in January 2021, required revision as the timetable was now out of date and an up to date Local Development Scheme was required as part of the preparation of the Gloucester, Cheltenham and Tewkesbury Joint Strategic Plan (formerly the Joint Core Strategy). The amended key dates for the Joint Strategic Plan and Tewkesbury Borough Plan were contained within the Local Development Scheme. Neighbourhood Development Plans also formed part of the Development Plan for Tewkesbury Borough and a number of plans had been 'made' or were currently in production. Although eventually adopted by the Borough Council, Neighbourhood Development Plans were developed by local communities. Therefore those plans were not directly progressed by the Borough Council and their timetable for development was largely dependent on local communities. As such, the Local Development Scheme did not contain detail on the timetables for any emerging Neighbourhood Development Plans.

109.3 Accordingly, it was

RESOLVED: That it be **RECOMMENDED TO COUNCIL** that the updated Local Development Scheme for Tewkesbury Borough, as attached at Appendix 1 to the report, be **ADOPTED**.

EX.110 MANAGING CONTRACTORS SAFELY POLICY REVIEW

110.1 The report of the Environmental Health Manager, circulated at Pages No. 200-216, asked Members to approve the revised Managing Contractors Safely Policy.

110.2 The Environmental Health Manager explained that the Council had a documented policy in place which provided Officers with guidance on the safe management of contractors. Following consultation with managers, the policy had been reviewed to ensure it was fit for purpose and reflected current best practice. The review had resulted in additional guidance on the role and responsibilities of the Council's client officer and the pre-contract checks that should be made prior to selecting and engaging a contractor. The main policy changes were outlined within the report at Paragraph 2.0 and included clarification of responsibilities for carrying out

background checks on a contractor such as identification, right to work, qualifications, Disclosure and Barring Service (DBS) clearance and character references; a requirement on behalf of the client officer to make reasonable checks to verify the competence of a contractor, compliance history and membership of trade accreditation schemes; minor amendments to wording with the addition of sub-contractors alongside references to contractors; and consideration of COVID-19 where relevant. During the brief discussion which ensued, a Member questioned whether there should be reference made to the accident policy and working conditions in terms of checking workers were not being forced to have zero-hour contracts etc. In response, the Environmental Health Manager confirmed that the Council had such policies in place but not within the contractor's policy – he undertook to find out if those factors needed to be considered within the current policy. In addition, a Member questioned whether the Council would consider engaging a smaller contractor to undertake work and whether the Council asked equality and diversity questions. In response, the Environmental Health Manager explained that the Council would consider smaller contractors as well as larger ones as long as they met the checks necessary. Sub-contractors would be checked and verified though the trade chain and the contractors would do their own reasonable checks. Equality and diversity were covered under the procurement process and the procurement team had been involved in drafting the policy.

110.3 Accordingly, it was

RESOLVED: That the revised Managing Contractors Safely Policy be **APPROVED.**

EX.111 SOLAR CAR PARK CANOPY

111.1 The report of the Head of Finance and Asset Management, circulated separately at Pages No. 1-5, provided an update on the solar car park canopy which the Council would like to install, and Members were asked to approve the use of up to £447,200 from the asset management and carbon reduction earmarked reserves to enable its delivery. A typographical error was pointed out in the executive summary of the revised report which meant that the total cost should read £663,200 rather than £633,200.

111.2 The Head of Finance and Asset Management explained that the report mirrored the information he had recently reported to Members informally; however, a new paper had been issued because the lowest bidder had pulled out of the process and next lowest bidder meant an extra cost so £447,200 of reserves would be required instead of the previously suggested £317,000. Of the grant funding available, the Public Sector Decarbonisation Scheme had so far agreed to release £216,000 to support the delivery of the project and the project team was confident that figure could be increased and was hopeful of securing the full grant of £284,200 - this meant a funding shortfall of between £379,000 and £447,200 would need to be met by the Council to deliver the project. Despite the significant capital cost increase there remained a strong business case for investment – even at the current cost of energy an annual return of £45,222 against a maximum capital outlay of £447,200 allowed for a return on investment of 9.9 years; however, should the full external grant be available, the return on investment would drop to 8.4 years. The solar car park canopy would be a highly visible demonstration of the Council's commitment to carbon neutrality, would deliver an annual saving of approximately 76 tonnes of carbon dioxide emissions and would take the Council a long way towards the target for carbon neutrality of the offices. The scheme was even more important given the disappointing news that the Council's second bid for funding towards the replacement of the heating system had been unsuccessful

despite passing all of the assessment criteria. Investigations were ongoing to find alternative grant funding opportunities. The modular nature of the design for the solar canopy meant that, in future, it could be extended to help meet the remaining offsetting needs of delivering carbon neutrality against other aspects of service delivery such as the collection of waste and recycling and the leisure centre provision.

- 111.3 The Lead Member for Clean and Green Environment explained that the increases in prices were to be expected as the same had happened with the heating system – the problem was that costs were increasing all the time and if Members chose to wait to offer their support, they would find the canopy was even more expensive in a few months' time. Several Members agreed that it would be very short-sighted of the Council not to agree to the proposals. In terms of rising costs on all projects, a Member questioned whether the Ashchurch Bridge project costs would rise and if that would impact on Tewkesbury Borough Council. In response, the Head of Finance and Asset Management indicated that inflation impacted the Council in all sorts of ways both through projects but also the base budget. In terms of the Ashchurch bridge, he was currently in discussions with the Tewkesbury Garden Town Programme Director to get clarification on the costs. With regard to funding, there was a cap on the funding stream but he hoped there would be room for discussion and negotiation with Homes England as things had changed a lot in the three years since the bid had been submitted.

- 111.4 Accordingly, it was

RESOLVED: That the use of up to £447,200 from the asset management and carbon reduction earmarked reserves be **APPROVED** to enable the delivery of a solar car park canopy.

EX.112 SEPARATE BUSINESS

- 112.1 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.113 SEPARATE MINUTES

- 113.1 The separate Minutes of the meeting held on 2 March 2022, copies of which had been circulated, were approved as a correct record and signed by the Chair.

The meeting closed at 3:15 pm