

TEWKESBURY BOROUGH COUNCIL

Minutes of a Meeting of the Council held at the Council Offices, Gloucester Road, Tewkesbury on Tuesday, 27 September 2022 commencing at 6:00 pm

Present:

The Worshipful the Mayor
Deputy Mayor

Councillor J W Murphy
Councillor A S Reece

and Councillors:

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

CL.31 ANNOUNCEMENTS

- 31.1 The meeting commenced with a minute's silence in memory of her late Majesty Queen Elizabeth II.
- 31.2 The evacuation procedure, as set out on the Agenda, was noted.

CL.32 APOLOGIES FOR ABSENCE

- 32.1 Apologies for absence were received from Councillors R D East, H C McLain, P D McLain, H S Munro, P W Ockelton, A S Reece (Deputy Mayor), R J G Smith and S Thomson.

CL.33 DECLARATIONS OF INTEREST

- 33.1 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.
- 33.2 There were no declarations of interest made on this occasion.

CL.34 MINUTES

- 34.1 The Minutes of the meeting held on 26 July 2022, copies of which had been circulated, were approved as a correct record and signed by the Mayor.

CL.35 ITEMS FROM MEMBERS OF THE PUBLIC

- 35.1 There were no items from members of the public.

CL.36 MEMBER QUESTIONS PROPERLY SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

36.1 There were no Member questions on this occasion.

CL.37 CUSTOMER SATISFACTION SURVEY - HEADLINE PRESENTATION FROM LEADER OF THE COUNCIL

37.1 The Leader of the Council explained that the customer satisfaction survey had been undertaken in October/November 2021 and the detailed outcome had been provided to Members at the end of the previous week. As a customer service organisation, the Council had many ways of understanding what customers wanted and how it was doing against those, and the survey was one way to do that. He felt it should be kept in mind that surveys could say different things depending on what was asked. The last survey had been undertaken in 2014 and it had been brought up in the peer review in 2020 that the Council needed to undertake a customer satisfaction survey but the COVID pandemic meant that had been delayed. The Council had engaged Stratford Upon Avon District Council's consultation team to undertake the survey work and had used the Local Government Association template which was amended to suit the Council. The results from the current survey would be used to help inform the next one. 5,000 residents had been invited to undertake the survey with the option to complete it in hard copy or online. Ideally the response rate would have been 20% but, with a response rate of 17%, the Council's results were still statistically valid.

37.2 Broadly, the survey was used to understand if the Council was doing what it needed to do; if there were things it was not doing that it should do; and whether there were things it was not doing well which needed to be addressed. Overall, the impression was that people in the Borough had a strong sense of place and were largely satisfied with the services they received from the Borough Council. Nearly 90% of the respondents were satisfied with the place and when asked about their reasons for liking the place those included the waste collection service, particularly the comingled recycling service. 82% were satisfied with the garden waste service and it was felt the authority should take pride in that. Nearly three quarters of respondents were satisfied with the Council in general including the health services, the low level of crime, the cleanliness of streets and the strong sense of community. There was also a strong sense of satisfaction with the way the Council had responded to the COVID pandemic.

37.3 Looking at what could be improved, there had been significant concerns raised about litter, fly tipping, rural crime and dog fouling. There were specific areas for improvement which were safe roads and pavements, traffic congestion, flood protection and dog fouling. Things such as the state of the roads were not directly the responsibility of the Borough Council but it could influence through working with partners and making development plans. It was felt to be disappointing at the low level of awareness in respect of the two garden communities. Concerns about the planning service were not a surprise as that was the reason for the in-depth review of the service. The specific issues raised in the survey would be addressed through the normal work processes and Stratford Upon Avon would be carrying out a benchmarking survey against other authorities. The amount paid to Stratford Upon Avon District Council by the Borough Council had been approximately £8,000.

37.4 A Member questioned whether there was a breakdown of the survey results by Ward so Councillors could identify what their residents were concerned about. In response, the Head of Corporate Services advised that this was a Boroughwide survey and therefore there was no ward specific feedback. Stratford Upon Avon District Council had undertaken the survey using its expert consultation team with

every Parish having a chance to respond. It was clear from the number of paper forms received that the demographic of respondents was the older generation. It was intended that the survey would be undertaken every two years – he would like to have undertaken it in-house but it involved a lot of resource and costs so it was possible a ‘lighter’ survey could be undertaken in-house – it was important to understand how to engage younger people.

- 37.5 It was suggested that a lot of residents did not seem to know the difference between the different tiers of local government and a Member felt it would be helpful to include some information in the next edition of the Borough News. In response, the Head of Corporate Services confirmed that this was already underway with an article planned for the next Borough News to include a simple chart detailing the responsibilities of different tiers of local government. Another Member questioned whether there were parallels in the responses compared to 2014 results. She also felt there were some areas where statistics could be interpreted how a person wished but, overall, given the resources available Officers needed to be congratulated – there was definitely a need for further education for residents in order to make Officer’s jobs easier. She was concerned that many did not seem to know about the Garden Town and that was probably an area which needed to be addressed along with the fact that many residents did not appear to receive a copy of the Tewkesbury Borough News. She also noted that the length of the survey may have put some people off from completing it and could be the reason that many of the respondents were of retirement age. In response to a query regarding the reason it had taken 12 months for the survey results to be reported to Members, the Head of Corporate Services indicated that resource pressures had meant turnaround had taken longer than initially anticipated and the results had then been sense checked – he expected the turnaround would be quicker next time. The Leader of the Council suggested it was easy to forget where the country was this time last year with the Council still operating under some COVID restrictions which would have been part of the reasons for the time taken. In response to a query regarding planning customer surveys, the Head of Development Services indicated that they were still sent out and she understood that the responses did need to be reported back.

- 37.6 Accordingly it was

RESOLVED That the presentation outlining the outcome of the recent customer satisfaction survey be **NOTED**.

CL.38 RECOMMENDATIONS FROM EXECUTIVE COMMITTEE

Public Space Protection Order - Dog Control

- 38.1 At its meeting on 31 August 2022, the Executive Committee had considered the Public Space Protection Order relating to dog control and recommended that it be implemented under Section 59 of the Antisocial Behaviour, Crime and Policing Act 2014.
- 38.2 The report which was considered by the Executive Committee had been circulated with the Agenda for the current meeting at Pages No. 4-15.
- 38.3 The Chair of the Executive Committee proposed the recommendation of the Executive Committee and it was seconded by the Lead Member for Clean and Green Environment. The seconder explained that dog fouling was a blight throughout the whole country and the repercussions it could have on the health and wellbeing of humans and farm livestock were huge so he hoped Members could support it.

- 38.4 A Member understood the Council was trying to strengthen what it had in place already but he questioned whether the Council was planning to get a Dog Warden; he also questioned whether improvements had been seen in response to what had already been done. In response, the Environmental Health Manager explained that the Council's stray dogs service was contracted out to Worcestershire Regulatory Services whereas dog fouling was undertaken in-house by the Environmental Health team. Complaints had been fairly consistent but in relatively low numbers; it was felt this may be due to the informal approach taken so far and there may be a need to revisit some of the publicity and social media campaigns to encourage residents to report dog fouling. Referring to Paragraph 2.6, a Member indicated that most open land was agricultural much of which was in private ownership crossed by public footpaths; there had been a sharp increase in people walking with their dogs etc. since the COVID pandemic which had caused some issues – he questioned whether all Parishes would be informed of the Public Space Protection Order and whether signage would be displayed on footpaths. In response, the Environmental Health Manager explained that the Order would apply to public footpaths but not to land in private ownership – the only enforcement that could apply to private land was if someone was not carrying a receptacle to collect faeces. The details of the new Order would be communicated with Parishes and the Council already provided dog fouling signs to them so if more were required they should contact him directly. The Member suggested that part of the signage should include the four provisions of: dog fouling; failing to produce a receptacle for picking up dog faeces; dog exclusion; and failure to provide details.
- 38.5 In response to a query about the number of Officers in the Environmental Protection team, the Environmental Health Manager advised that there were seven Officers and two Environmental Health Assistants – they spent time in the Borough anyway enforcing enviro-crimes – more Officers from the Community team could be brought in where necessary to help with targeted campaigns and hot spot areas. It was also possible for Parishes which were suffering particular problems to get assistance and advice directly from the Environmental Health team should they need it. One of the reasons people were reluctant to make complaints was that they were asked to make a witness statement and he was keen to offer them reassurance. Members welcomed the legislation but believed the only way to really make a difference was by prosecuting perpetrators - a Member noted that there had previously been discussions about the employment of a Dog Warden who was shared by Parishes across the Borough and she questioned if this was something that could be reconsidered. The Environmental Health Manager confirmed that the employment of an Environmental Warden had been discussed previously and he would speak to the Head of Community Services to understand if it was something which could be progressed. He would also ensure that any convictions were notified to the Communications team and Councillors so the word could spread across the Borough that the Council took such matters extremely seriously and was ready to prosecute if needed.
- 38.6 The Lead Member for Clean and Green Environment indicated that the Order was not perfect and Officers could only go to the limits of their powers but it was a tool in the Council's arsenal and, in the right scenario, was a major step forward. Upon being put to the vote, it was

RESOLVED That the Public Space Protection Order relating to dog control be implemented under Section 59 of the Antisocial Behaviour, Crime and Policing Act 2014.

CL.39 ASHCHURCH RURAL NEIGHBOURHOOD PLAN TO BE MADE PART OF THE DEVELOPMENT PLAN FOR TEWKESBURY

- 39.1 Attention was drawn to the report of the Senior Planning Officer, circulated at Pages No. 16-78, which provided the Ashchurch Rural Neighbourhood Plan and asked Members that it be 'made' part of the Development Plan for Tewkesbury.
- 39.2 In proposing that the Neighbourhood Plan be 'made', the Lead Member for Built Environment explained that Neighbourhood Planning was a powerful tool which empowered communities to prepare a development plan for their own area. When adopted (or 'made') by the Local Planning Authority, a neighbourhood plan formed part of the overall development plan and held weight in planning decisions within the relevant neighbourhood area. In the case of Ashchurch Rural, the parish area was formally designated as a neighbourhood plan area in January 2014. Since that time, the Parish Council had progressed its Neighbourhood Plan through the statutory stages, including undertaking public consultation and commissioning relevant surveys /studies to ensure the proposed policies were underpinned by local aspirations and were evidence-based. The Borough Council had supported the Parish in that difficult process. The Parish Council had submitted its Draft Plan to the Borough Council in July 2021, together with a Strategic Environmental Assessment report and a statement to demonstrate how the plan had met minimum technical requirements known as the "basic conditions". Following submission of the plan, the Borough Council undertook its own consultation in relation to whether the basic conditions had been met. An examiner was appointed, with the agreement of the Parish Council, to conduct an independent examination. Having considered the draft documents, evidence and responses, she completed her examination, issuing her final report in April 2022. The examiner concluded that, subject to a number of recommended modifications, the plan met the basic conditions and could proceed to referendum - the referendum area being the neighbourhood area as designated. Most of the examiner's recommendations related to minor re-wording with the most significant recommendation being to delete a draft policy which sought to allocate a major site that already had the benefit of planning permission (Fiddington 1). The examiner concluded that, in making a 'strategic' allocation, it would conflict with the strategic policies of the Joint Core Strategy. Accordingly, at a meeting of the Executive Committee on 1 June 2022, it was resolved that the Ashchurch Rural NDP, amended according to the Examiner's recommended modifications, be approved to proceed to a community referendum, where a simple majority in favour of the plan would be needed. The Referendum was widely publicised by both the Parish Council and the Borough Council and the Parish Council also held a number of drop in sessions in the weeks prior to the vote. A turnout of 14.45% of the Ashchurch Rural electorate was achieved with 155 voting in favour (88.57%) and 20 voting against (11.43%). Planning legislation set out that, following a positive referendum result, a neighbourhood plan had full legal effect but still required the decision of the Local Planning Authority to be formally 'made'. The only circumstance where the Council might not decide to make the Neighbourhood Plan would be where it was believed that the plan would breach, or be otherwise incompatible with, retained EU legislation or human rights obligations. As this was not the case in this instance, there should be no good reason to decline to formally 'make' the Plan. It was therefore recommended that the Ashchurch Rural Neighbourhood Development Plan was made part of the Development Plan for Tewkesbury Borough; and that authority be delegated to the Head of Development Services, in consultation with the Lead Member for the Built Environment, and in agreement with the Qualifying Body (Parish Council), to correct any minor errors such as spelling, grammar, typographical or formatting errors that did not materially affect the substantive content of the plan.
- 39.3 Referring to Page No. 45, paragraph 110, a Member noted that the reference to the

Severn Ham Site of Special Scientific Interest (SSSI) should read Tewkesbury and Severn Ham SSSI and also felt the sentence regarding the wildlife site did not make sense and needed to be reworded. The Lead Member for Built Environment thanked the Parish Council for the enormous amount of work that went into developing the Neighbourhood Development Plan – this area had been particularly difficult due to the Garden Town. Having been proposed and seconded, it was

RESOLVED

1. That the Ashchurch Rural Neighbourhood Development Plan be made part of the Development Plan for Tewkesbury Borough.
2. That authority be delegated to the Head of Development Services, in consultation with the Lead Member for Built Environment, and in agreement with the Qualifying Body (Parish Council) to correct any minor errors such as spelling, grammar, typographical or formatting errors that do not materially affect the substantive content of the Plan.

CL.40 THE LEIGH NEIGHBOURHOOD PLAN TO BE MADE PART OF THE DEVELOPMENT PLAN FOR TEWKESBURY

40.1 Attention was drawn to the report of the Senior Planning Officer, circulated at Pages No. 79-147, which provided the Leigh Neighbourhood Plan and asked Members to agree that it be 'made' part of the Development Plan for Tewkesbury.

40.2 In proposing that the Neighbourhood Plan be 'made', the Lead Member for Built Environment explained that, in the case of the Leigh, the Parish area had been formally designated as a neighbourhood plan area in August 2016 and the Parish Council submitted its Draft Plan to the Borough Council in July 2021, together with environmental reports and a basic conditions statement. Following the Borough Council's consultation on the submitted plan, an examiner was appointed in agreement with the Parish Council. The examiner issued his final examination report in April 2022, concluding that, subject to a number of recommended modifications, the plan met the basic conditions and could proceed to referendum – the referendum area being the neighbourhood area as designated. The Examiner's conclusions and recommendations were considered at a meeting of the Executive Committee on 1 June 2022. It was resolved that The Leigh Neighbourhood Development Plan, amended according to all of the Examiner's recommended modifications, be approved to proceed to referendum. The referendum had a turnout of 24.35% with 60 voting in favour (90.9%) and 6 voting against (9.1%). It was proposed that The Leigh Neighbourhood Development Plan was made part of the Development Plan for Tewkesbury Borough; and that authority be delegated to the Head of Development Services, in consultation with the Lead Member for the Built Environment, and in agreement with the Qualifying Body (Parish Council), to correct any minor errors such as spelling, grammar, typographical or formatting errors that did not materially affect the substantive content of the plan.

40.3 A Member indicated that Neighbourhood Development Plans were great for community engagement and Parishes that had them in place gained more Community Infrastructure Levy (CIL) so it was worth ensuring communities were aware of that. The Lead Member for Built Environment confirmed that the Council had to take Plans into account when assessing planning applications.

40.4 Having been proposed and seconded, it was

RESOLVED

1. That the Leigh Neighbourhood Development Plan be made part of the Development Plan for Tewkesbury Borough.
2. That authority be delegated to the Head of Development Services, in consultation with the Lead Member for Built

Environment, and in agreement with the Qualifying Body (Parish Council) to correct any minor errors such as spelling, grammar, typographical or formatting errors that do not materially affect the substantive content of the Plan.

CL.41 CHANGES TO COMMITTEE MEMBERSHIP

41.1 It was

RESOLVED That it be **NOTED** that Councillor Richard Smith had resigned from the Overview and Scrutiny Committee and been replaced by Councillor Clare Softley; and that Councillor Clare Softley had resigned as Lead Member for Community and been replaced by Councillor Mary Jordan who would also serve on the Executive Committee, Tewkesbury Garden Town Member Reference Panel, Transform Working Group and the Tewkesbury Community Safety Partnership as part of that Portfolio.

CL.42 SEPARATE BUSINESS

42.1 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.43 STAFF RETENTION AND RECRUITMENT PROPOSAL

(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 and 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))

43.1 Members were advised of the current local and national challenges in recruiting and retaining staff, together with proposals to review the pay and grading structure as part of a phased programme with the aim of addressing those challenges. Phase 1 of the review was focused on the specialist roles as this was the area where the greatest recruitment difficulties were experienced and where the Council was having to fill gaps with agency/locum staff which was expensive. Accordingly, the Council approved the use of £146,500 from the Medium Term Financial Reserve to fund the implementation of Phase 1 of the review.

The meeting closed at 7:55 pm