

TEWKESBURY BOROUGH COUNCIL

Minutes of a Meeting of the Council held at the Council Offices, Gloucester Road, Tewkesbury on Tuesday, 21 February 2023 commencing at 6:00 pm

Present:

The Worshipful the Mayor
Deputy Mayor

Councillor J W Murphy
Councillor A S Reece

and Councillors:

R A Bird, G F Blackwell, G J Bocking, C L J Carter, C M Cody, K J Cromwell, M Dean, R D East, 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, C E Mills, J P Mills, H S Munro, C Reid, P E Smith, R J G Smith, V D Smith, P D Surman, M G Sztymiak, S Thomson, R J E Vines, M J Williams and P N Workman

CL.73 ANNOUNCEMENTS

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

CL.74 APOLOGIES FOR ABSENCE

74.1 Apologies for absence were received from Councillors K Berliner, J H Evetts, P W Ockelton, J K Smith, C Softley and R J Stanley.

CL.75 DECLARATIONS OF INTEREST

75.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 24 January 2023 and took effect from 1 February 2023.

75.2 There were no declarations made on this occasion.

CL.76 MINUTES

76.1 The Minutes of the meeting held on 24 January 2023, copies of which had been circulated, were approved as a correct record and signed by the Mayor.

CL.77 ITEMS FROM MEMBERS OF THE PUBLIC

77.1 There were no items from members of the public.

CL.78 MEMBER QUESTIONS PROPERLY SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

78.1 The following question was received from Councillor Cody to the Leader of the Council, Councillor Bird. The answer was given by the Leader of the Council and was taken as read without discussion.

Question 1

At the Tewkesbury Borough Full Council meeting on the 6 December 2022, I voted in favour of webcasting as I believe in transparency and think the public have a right to view what we discuss on their behalf, without having to travel into Tewkesbury at a specific time to watch the meeting in person.

The meeting minutes state that, "Following a lengthy discussion as to the merits of webcasting, as well as concerns about the costs of the system at the time of a national cost of living emergency...it was agreed that webcasting would not be implemented at this time."

Given their concerns, what has the Leader of the Council, who voted against webcasting, done to make sure that the specific amount of money saved has indeed been spent on the cost of living emergency? Please can the Leader of the Council confirm when this money was spent, (or ring-fenced) and provide information on who is deciding what the money is used for?

Answer 1

The pressures on our finances mean that we must make careful choices when faced with a variety of competing demands. It is not always possible to fund everything we would like to support, as evidenced by the budget proposal tonight, where, in order to deliver a sound and balanced budget, we have been unable to include nearly half a million pounds of funding requests. The budget proposal does however provide funding and investment to ensure our Council continues to provide vital services to our expanding communities for the forthcoming year.

78.2 The Mayor invited supplementary questions and the Member asked the following which the Leader of the Council answered:

Q1 - Is the truth really that Councillors, including our Leader, who voted against webcasting just didn't want the transparency it brings and so they 'conveniently' used the cost of living crisis as an excuse without any intention of the money actually helping our vulnerable residents instead?

A1 - No money was ringfenced. Various views were expressed during the debate both for and against webcasting for a variety of reasons. A majority of Councillors decided the implementation of webcasting was not a good use of Council tax payers' money at this time.

78.3 The following question was received from Councillor Stanley to the Leader of the Council, Councillor Bird. The answer was given by the Leader of the Council and was taken as read without discussion.

Question 2

Please may I have an updated figure of the costs to the Borough Council, since May 2019, of:

- i. all formal challenges to planning decisions where the challenge has been made by or against the Council including the (recently lost) Ashchurch Bridge.
- ii. costs incurred by the Council in defending lost planning appeals, including, but not limited to the lost appeal for 215 homes in Bishops Cleeve and 460 homes at Fiddington (as this case and other similar appeals were not included last time).

- iii. costs paid by the Council as a consequence of lost planning appeals.

Answer 2

The cost to the Council of formal challenges and lost appeals includes external costs for Counsel/Advocate's fees together with the costs of appointing consultants as required to give evidence on behalf of the Council (e.g. landscape evidence, planning evidence, arboricultural evidence). In addition, there are significant amounts of work carried out by the Council officers to prepare for challenges / appeals including, where required, attendance at Public Inquiries. Whilst those costs for which invoices are raised can be quantified, Council Officers do not routinely record their time against specific tasks/applications and it is therefore not practicably possible, over the period 2019 to date, to quantify the officer time spent on those matters.

- i. The total external costs to the Council of formal challenges is £227,130.
- ii. The total costs to the Council in defending lost planning appeals is £288,124.
- iii. The costs paid to date amount to £14,610, but there is one cost award against the Council yet to be settled.

78.4 The following question was received from Councillor Stanley to the Lead Member for Clean and Green Environment, Councillor Mason. The answer was given by the Lead Member for Clean and Green Environment and was taken as read without discussion.

Question 3

Please can Officers confirm the annual losses made by the Council's trade waste service in 2022-2023 and the projected loss for 2023-24? What plans/steps have been taken to stop these losses and ensure a profitable service is provided?

Answer 3

Please see the table below which shows the deficit in the years referred to in the question. We have had a project running for a number of years to attempt to get the service to a position where it is breaking even and possibly delivering a surplus, however the gap between the costs of delivering the service and income generated is widening. Therefore, the Head of Community Services is working on an alternative proposal which would reduce the deficit and he will present that proposal to the Executive Committee in March.

	22/23	23/24
Income	304,948	335,500
Expenditure:		
Ubico Contract	359,868	410,407
Employment Costs	52,205	56,276
Deficit	107,125	131,183

78.5 The following questions were received from Councillor Munro to the Lead Member for Built Environment, Councillor Gore. The answers were given by the Lead Member for Built Environment and were taken as read without discussion.

Question 4

At the meeting of Full Council in December 2022, it was reported that the amount of S106 monies held by Tewkesbury Borough Council was just under £9m as at the end of March 2022. As it is understood that since that meeting a S106 officer has been recruited and is in post, please can Councillors be given a summary of what infrastructure this considerable sum of money is to be used for or if this is not

possible, a date when a report will be available.

Answer 4

Allocation	Available
Affordable Housing - S106 Contribution	3,251,014.84
Burial Facilities - S106 Contribution	106,253.95
Community Centre - S106 Contribution	121,718.93
Community Facilities - S106 Contribution	648,514.11
Dog Bins & Signs - S106 Contribution	39,710.35
Gypsy and Traveller Sites - S106 Contribution	563,253.75
Healthcare Facility - S106 Contribution	226,482.86
Lighting - S106 Contribution	1,338.69
Pitches & Changing Rooms - S106 Contribution	2,415,247.64
Play Facilities - S106 Contributions	247,543.57
Police Vehicles - S106 Contribution	109,571.33
Public Open Space - Commuted Sum	550,890.37
Public Open Space - On Site Maintenance Sum - S106 Contribution	94,087.89
Public Open Space - S106 Contribution for Off Site	28,372.28
Public Open Space MUGA - S106 Provided On Site	55,422.69
Public Art - S106 Contribution	52,816.12
Public Recycling - S106 Contribution	91,975.95
Public Recycling - S106 Provided On Site	14,816.71
S106 Monitoring Fee	27,456.37
Special Area of Conservation (SAC)	56,250.00
Sports Facilities - S106 Provided On Site	114,349.86
Sports Facilities Off Site - S106 Contribution	1,012,023.50
Sports Hall - S106 Contribution	47,895.04
Trees and Hedgerows	6,017.00
Village Hall - S106 Contribution	32,494.98
Waste Disposal - S106 Contribution	10,762.10
Works Contribution	589.45
Total	9,926,870.33

Question 5

Please can Councillors be advised of the interest earned on S106 monies in 2021/22 (the balance given as at the start of April 2021 was c£9.6m and as above as at end March 2022) and the first six months of 2022/23 and be assured that this interest is being used for community infrastructure.

Answer 5

The balance of s106 monies is combined with the rest of the cashflow of the Council and managed through our treasury activities as a whole. It is therefore not possible to be specific as to how much that particular balance has earned in interest but, if we take the average balance held for s106 during the periods identified and apply the average combined interest rate received for all investments in the same period, the interest earned for s106 balances would be £120,615 and £85,536 respectively.

The treasury activities of the Council support the overall position of the Council's budget and therefore sums earned provide funding for all of our services including community infrastructure related activities such as the s106 officer, grounds maintenance and asset maintenance such as parks and watercourses.

Question 6

Please can Councillors be advised of any S106 trigger points due in 2023/24 and any S106 monies with a time limit which will run out in 2023/24. Please can Councillors be advised how these and any trigger points which are dependent on for example x houses being built are being monitored.

Answer 6

The majority of trigger points for S106 agreements are based on build out rates or for land to be transferred at a certain point as development is being built out. They are not all date triggers. Consequently, it is not possible to confirm all of the trigger points due in 2023/4.

Regarding any S106 monies with a time limit running out in 2023/4, the majority of the money is committed. Work is progressing on a specific project which it is anticipated will result in all monies being committed.

In terms of how trigger points are being monitored, there is, in most cases, an obligation placed on the developer to inform the Council when trigger points are being met. We also use existing monitoring of completions and contact is made directly with developers.

Question 7

It is understood that a sum in the order of c£64k was returned to developers in 2022/3 as the time period for the monies to be spent in expired. As a consequence, residents of Stoke Orchard did not get the upgrade to their MUGA that it is understood the money was for. Please can Councillors be advised what measures have been put in place to ensure that this does not happen again and what assistance the Council could provide to secure alternative funding for upgrades to the MUGA.

Answer 7

A corporate group has been set up to provide oversight of the process of spending and monitoring S106 monies.

The Parish Council has been offered pro-active support through the Community Funding Officer to identify and secure alternative funding.

78.6 The Mayor invited supplementary questions and the Member asked the following which the Lead Member for Built Environment advised would be answered in writing:

Q4 – Please can Councillors be told, for the £2.4m reserved for pitches and changing rooms, whether sites have been identified, is there a plan to spend the monies and, if so, where are the pitches and when will the monies be spent?

Q6 - Please can Councillors be told the details of S106 monies with a time limit running out in 2023/24, what is the money committed for and what is the specific project referred to that will result in all monies being committed?

Q7 - Please can all Councillors have the details of the membership of the corporate group set up to provide S106 oversight, who Chairs the group, are Members invited and when is the next meeting?

CL.79 RECOMMENDATIONS FROM EXECUTIVE COMMITTEE**Budget 2023/24**

- 79.1 At its meeting on 1 February 2023 the Executive Committee considered the 2023/24 budget and made a recommendation to Council.
- 79.2 The report which was considered by the Executive Committee had been circulated with the Agenda for the current meeting at Pages No. 16-43.
- 79.3 In proposing the recommendation, the Chair of the Executive Committee offered his thanks to everyone involved in the work to ensure the Council had a balanced budget to agree. The Lead Member for Finance and Asset Management seconded the recommendation from the Executive Committee.
- 79.4 A Member referred to staff pay awards and questioned what assumptions had been made given that last year the Council's budget had underestimated what would be needed. In response, the Head of Finance and Asset Management explained that £1,600 had been allowed for every scale point which would take the Council to the estimated position of the national living wage at the lowest scale point. In response to a query regarding Parish precepts, he explained that there were no limits so the Parishes could increase their precepts as they wished; however, any that raised their precept over £140,000 had to provide information for the Borough Council to publish with its Council Tax information.
- 79.5 The proposal was seconded and, in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, voting on the proposal was recorded as follows:

For	Against	Abstain	Absent
R A Bird		M L Jordan	K Berliner
G F Blackwell		H S Munro	J H Evetts
G J Bocking		P E Smith	P W Ockelton
C L J Carter		R J G Smith	J K Smith
C M Cody		S Thomson	C Softley
K J Cromwell			R J Stanley
M Dean			
R D East			
P A Godwin			
M A Gore			
D W Gray			
D J Harwood			
E J MacTiernan			
J R Mason			

H C McLain

P D McLain

C E Mills

J P Mills

J W Murphy

A S Reece

C Reid

V D Smith

P D Surman

M G Sztymiak

R J E Vines

M J Williams

P N Workman

79.6 Accordingly, it was

- RESOLVED**
1. That a net budget of £11,300,458 be **APPROVED**.
 2. That a Band D Council Tax of £139.36, an increase of £5.00 per annum, be **APPROVED**.
 4. That growth items be included within the budget for 2023/24, as proposed in Appendix A to the report.
 5. That the Capital Programme, as proposed in Appendix B to the report, be **AGREED**.

CL.80 PAY POLICY STATEMENT

80.1 The report of the Head of Corporate Services, circulated at Pages No. 44-55, asked Members to approve the Pay Policy Statement 2023/24.

80.2 The Lead Member for Organisational Development advised that the document had to be approved annually. It had been reviewed by the Council's HR and Finance Officers to ensure it was kept up to date and minor adjustments had been made from the previous year's statement, largely to update the statistics and to reflect the changes in management structure from 1 April 2023. The purpose of the Pay Policy Statement was to ensure transparency and accountability with regard to its approach to setting pay. This included the method by which salaries and severance payments were determined, the remuneration of senior managers and the remuneration of the lowest level of posts within the Council. Once approved, the statement would be shared on the transparency section of the Council's website. The systems, processes and policies which supported the statement were under continual review by the HR team.

80.3 Upon being proposed and seconded, it was

- RESOLVED** That the Pay Policy Statement be **APPROVED**.

CL.81 COUNCIL TAX SETTING 2023/24

- 81.1 Having agreed the Council's 2023/24 budget earlier in the meeting, attention was drawn to a report, circulated separately, which asked Members to approve and set a Council Tax requirement for 2023/24.
- 81.2 In proposing the Council Tax report, the Lead Member for Finance and Asset Management explained that, as the billing authority, the Council must formally approve the Council Tax for the forthcoming year including the Council Tax levels set by the County Council, the Police and Crime Commissioner for Gloucestershire and our Town and Parish Councils. For 2023/24, the average Band D Council Tax within the Borough would be £2,028.92 per annum which was an increase of £95.17 or 4.92%. This position was a combination of the following increases in Council tax: the Police and Crime Commissioner – 5.36% or £15.00; the County Council – 4.99% or £72.42; the average Town and Parish Council – 4.05% or £2.75; and Tewkesbury Borough Council – 3.72% or £5.00. As a result of the increases, the Borough Council's share of the overall Council Tax bill fell from 6.94% to 6.86%. The position was summarised in the table at Section 3.1 of the covering report with further detail provided in the appendices. The full Council Tax resolution, as required by the legislation, was contained within Appendix A and he asked the Council to formally approve it.
- 81.3 The recommendation was proposed and seconded and, in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, voting was recorded as follows:

For	Against	Abstain	Absent
R A Bird		M L Jordan	K Berliner
G F Blackwell		H S Munro	J H Evetts
G J Bocking		P E Smith	P W Ockelton
C L J Carter		R J G Smith	J K Smith
C M Cody		S Thomson	C Softley
K J Cromwell			R J Stanley
M Dean			
R D East			
P A Godwin			
M A Gore			
D W Gray			
D J Harwood			
E J MacTiernan			
J R Mason			
H C McLain			
P D McLain			

C E Mills

J P Mills

J W Murphy

A S Reece

C Reid

V D Smith

P D Surman

M G Sztymiak

R J E Vines

M J Williams

P N Workman

81.4 Accordingly, it was

RESOLVED 1. That it be **NOTED** that, on 1 December 2022, the Council calculated:

- a) the Council Tax Base 2023/24 for the whole Council area as £36,781.36 (Item T in the formula in section 31B of the Local Government Finance Act 1992, as amended (the "Act")); and,
 - b) for dwellings in those parts of its area to which a Parish precept relates as attached to the report at Appendix C.
2. That the Council Tax requirement calculated for the Council's own purposes for 2023/24 (excluding Parish precepts) is £5,125,850.
3. That the following amounts be calculated for the year 2023/24 in accordance with Sections 30 to 36 of the Act:
- a. £57,970,592 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils;
 - b. £50,244,300 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act;
 - c. £7,726,292 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year. (Item R in the formula in Section 31B of the Act);
 - d. £210.06 being the amount at 3(c) above (Item R), all divided by Item T(1(a) above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts).
 - e. £2,600,442 being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act (as per Appendix C to the report);

- f. £139.36 being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by Item T(1(a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates;
- g. the amounts stated in Column 5 (Band D Parish/Town and Borough b)) of Appendix B to the report are given by adding to the amount at 3(f) above the amounts of special items relating to dwellings in those parts of the Council's area specified in Column 1 of Appendix B in accordance with Section 34(3) of the Act. For completeness the table shows all areas; and
- h. the amount set out in Appendix B to the report given by multiplying the amounts at 3(g) above by the number which, in proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular Valuation Band divided by the number which, in that proportion, is applicable to dwellings listed in Valuation Band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different Valuation Bands.
4. That it be **NOTED** that, for the year 2023/24, Gloucestershire County Council and the Office of the Police and Crime Commissioner for Gloucestershire have stated the following amounts in precepts issued to the Borough Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

Valuation Bands	Gloucestershire County Council £			Office of the Police and Crime Commissioner for Gloucestershire £
	ASC	General	Total	
A	132.56	883.29	1,015.85	196.72
B	154.65	1,030.51	1,185.16	229.51
C	176.75	1,177.72	1,354.47	262.29
D	198.84	1,324.94	1,523.78	295.08
E	243.03	1,619.37	1,862.40	360.65
F	287.21	1,913.81	2,201.02	426.23
G	331.40	2,208.23	2,539.63	491.80
H	397.68	2,649.88	3,047.56	590.16

5. That, having calculated the aggregate in each case of the amounts at 3(h) and 4 above, the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the amounts, set out in Appendix B to the report, as the amounts of Council Tax for the year 2023/2024 for each of the categories of dwellings shown in Schedule 3.

6. The Council has determined that its relevant basic amount of Council Tax for 2023/24 is not excessive in accordance with principles approved under Section 52ZB of the Local Government Finance Act 1992. As the billing authority, the Council has not been notified by a major precepting authority that its relevant basic amount of Council Tax for 2023/24 is excessive and that the billing authority is not required to hold a referendum in accordance with Section 52ZK of the Local Government Finance Act 1992.

CL.82 SEPARATE BUSINESS

82.1 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.83 SEPARATE MINUTES

83.1 The separate Minutes of the meeting held on 24 January 2023, copies of which had been circulated, were approved as a correct record and signed by the Mayor.

The meeting closed at 6:25 pm