

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Executive Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Wednesday, 12 July 2023 commencing
at 2:00 pm**

Present:

Chair
Vice Chair

Councillor R J Stanley
Councillor S Hands

and Councillors:

C M Cody, C F Coleman, D J Harwood, A Hegenbarth, M L Jordan, J R Mason, K Pervaiz (Substitute for S R Dove), M G Sztymiak, R J E Vines (Substitute for D W Gray) and M J Williams (Substitute for J K Smith)

also present:

Councillors C L J Carter and M Dimond-Brown

EX.12 ANNOUNCEMENTS

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

EX.13 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

13.1 Apologies for absence were received from Councillors S R Dove, D W Gray and J K Smith. Councillors K Pervaiz, R J E Vines and M J Williams would be substitutes for the meeting.

EX.14 DECLARATIONS OF INTEREST

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

14.2 The following declarations were made:

Councillor	Application No./Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
C M Cody	Item 14 – Garden Town Gateway Review Findings and Next Steps.	Had been employed in a professional capacity by Cratus.	Would speak and vote.

14.3 There were no further declarations made on this occasion,

EX.15 MINUTES

- 15.1 The Minutes of the meeting held on 7 June 2023, copies of which had been circulated, were approved as a correct record and signed by the Chair.

EX.16 ITEMS FROM MEMBERS OF THE PUBLIC

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

EX.17 LOCAL DEVELOPMENT SCHEME

- 17.1 The report of the Interim Planning Policy Manager, circulated at Pages No. 7-15, asked Members to recommend to Council that the Local Development Scheme for Tewkesbury Borough, attached at Appendix 1 to the report, be adopted and take immediate effect; and that authority be delegated to the Associate Director: Planning, in consultation with the Lead Member for Built Environment, to prepare the Local Development Scheme for publication, correcting any minor errors such as spelling, grammar, typographical and formatting changes that do not affect its substantive content.
- 17.2 In proposing the report recommendation, the Lead Member for Built Environment advised that all local planning authorities were required to prepare and keep up to date a Local Development Scheme (LDS). The LDS set out what development plan documents the Council was intending to prepare in the coming three year period and the proposed timetable for doing so. It was, therefore, an important way for communities and developers to keep track of progress on plan-making. As Members would be aware, local plans were vital in setting a vision for growth, co-ordinating infrastructure and protecting the environment and there were real consequences of not having an up-to-date plan under the National Planning Policy Framework. It was vitally important that the Council update, or replace, the Joint Core Strategy (JCS) as quickly as possible given that it was already overdue. She advised that Tewkesbury Borough Council already had an LDS which was adopted around 15 months ago and set out a commitment to prepare a Joint Strategic Plan with Cheltenham Borough and Gloucester City Councils to replace the Joint Core Strategy which was adopted in 2017; however, it had been recognised for some time that it was necessary to re-think the approach and resources required to replace the Joint Core Strategy – discussions over many months had recognised that the cycle of preparing strategic plans followed by district local plans, each of which was subject to independent examination by the government, was both costly and time-consuming. On that basis, the report was proposing a revised LDS setting out a new way of approaching the task with the three councils moving to collaboratively preparing a single plan containing both strategic and non-strategic policies. This would have several advantages, as set out in the report; principally, it was the most effective way of discharging the statutory duty to co-operate as well as saving time and money in terms of being able to hold a single public examination. The Lead Member indicated that she was instinctively cautious about the approach and she was sure Members would agree it was vital that policies governing approaches to development in Tewkesbury town and the borough's beautiful villages and rural areas should remain the discretion of Tewkesbury Borough Council and not get lost amongst a wider more general plan; however, that same principle was also important to Cheltenham Borough and Gloucester City Councils and she was reassured that Tewkesbury Borough Council's "sovereignty" to draw up district or locality based policies could be underwritten through a formal partnership agreement. Although it would technically be a single plan, the three authorities would only come together to reach joint agreement on strategic matters where it was necessary to do so, primarily on housing and

economic growth strategies. There was a clear understanding that no Council would seek to fetter the work of the other authorities and, for all practical purposes, there would be three plans with one examination; Tewkesbury Borough Council would also retain complete discretion for preparing any Supplementary Planning Documents and other local guidance thought necessary, as would Parish Councils with respect to preparing Neighbourhood Development Plans. The proposed LDS at Appendix 1 to the report, taken together with the next item on the Agenda concerning resources, set out a realistic and ambitious project programme for preparing a plan and it was proposed that, following confirmation of the approach, initial public consultation on growth and policy options should take place in the autumn of 2023, as set out in the document. The Lead Member was mindful of the huge uncertainties around the government's various proposed reforms to the planning system, and plan-making in particular; however, she felt that Tewkesbury Borough Council could not afford to wait and must press on without delay. She was pleased to report that the Planning Advisory Service had agreed to offer advice and support to the three councils and act as a conduit with the Department for Levelling Up, Housing and Communities as they navigated the coming months; she felt this was recognition from afar of how important joined-up planning was to the Gloucestershire area and beyond.

- 17.3 The proposal was seconded and the Chair invited questions. A Member sought clarification as to whether Cheltenham Borough and Gloucester City Councils were able to demonstrate a five year housing land supply and the Interim Planning Policy Manager advised that Cheltenham Borough Council did not and he was unsure as to Gloucester City Council's position as it was currently in the process of updating its figures; notwithstanding this, the question around housing land supply was a separate issue in terms of the report before Members. Another Member drew attention to Page No. 9, Paragraph 2.4 of the report which stated that the Strategic Local Plan (SLP) would include locally specific policies which would be locality-based policies intended to address important area/community specific issues of concern only to individual councils and he asked how that would be achieved in practice, for instance, in terms of consultation. The Interim Planning Policy Manager explained that any plan prepared would be subject to statutory consultation; if there were particular local issues that Tewkesbury Borough Council wanted included in the plan which required targeted consultation with community groups in a particular locality, it was entirely open to the authority to undertake this alongside general consultation on strategic issues – if the Council felt it was necessary to supplement the consultation for its own purposes, it would retain full discretion for doing so. The Chair indicated that, although he had previously been a Member of the Executive Committee, he had known little about the joint advisory group until he had become Leader and he had asked for broader communication going forward. He was confident this was the right approach but recognised the importance of knowledge amongst the wider Membership.
- 17.4 During the debate which ensued, a Member recognised the need for the LDS and understood the case being put forward but he remained concerned about working with Cheltenham Borough and Gloucester City Councils based on the outcome of the Joint Core Strategy in terms of Tewkesbury Borough Council's inability to maintain a five year housing land supply. He felt Tewkesbury Borough was the poor relation, despite providing the land for the other authorities, with residents continually asking why the Council did not have a five year housing land supply and the authority being unable to defend appeals resulting in housing being "dumped" on it. He could not see how this would be any better than the JCS. The Lead Member for Built Environment shared the concerns relating to the five year housing land supply but felt that the longer a decision was delayed, the worse things would get. In her view, it was vital to learn lessons from the past and she provided assurance that nobody was going into the process blind or not thinking about how to improve on the previous situation. The Chair indicated that he had

raised similar points himself and shared the view that Tewkesbury Borough had not fared well from the JCS, albeit that it had been well-intentioned at the time, taking the vast majority of development. He had spoken to Cheltenham Borough and Gloucester City Council at length to set out how Tewkesbury Borough Council wanted it to work and all three authorities needed to be satisfied with what was in the plan in order for it to go ahead; he stressed it was not the case that Tewkesbury Borough would meet the five year housing land supply for them and it came down to the duty to co-operate which would be required with or without a joint plan. In terms of a joint approach, other areas, including Stroud and Cotswold District Councils, also had a duty to co-operate with Tewkesbury Borough Council, and, as set out in the report, there were a lot of other merits. Members were right to have concerns, and they were legitimate; however, he felt the briefings that had been held so far had given an opportunity for them to put forward their concerns which had been listened to by Officers and taken on board during the process. The Member indicated that his view was very much 'Tewkesbury first' and whilst there was a duty to co-operate, there was not a duty to agree so he felt it was a question of who was able to secure the housing land supply first – all three authorities wanted to have one but Tewkesbury Borough needed its fair share. He questioned whether Tewkesbury Borough Council would stick to the timeline if the other two authorities failed to agree. The Chair indicated that the broad principle was that, by working together, the Council was able to insist on some things as part of the agreement in a way that it could not otherwise do. The Interim Planning Policy Manager confirmed that the Member was correct in saying that the duty to co-operate was not a duty to agree but, in presenting a plan, it was necessary to demonstrate to the Planning Inspectorate that there were no other options which could have been put forward to meet any unmet needs of other authorities. There were questions which Officers and Members would need to grapple with but it was better to work with the authorities with which Tewkesbury Borough was inextricably linked in terms of housing and functionality – people may live in Tewkesbury Borough but work or shop in Gloucester or Cheltenham, or vice-versa. In his view this was by far the best approach in terms of resolving difficult questions as the plan could only proceed if all three parties agreed – there was no situation whereby one of the authorities could be outvoted.

- 17.5 A Member was happy to support the proposal, primarily because he could see no alternative given the geography of the borough and the way its residents lived their lives in terms of using services etc. Notwithstanding this, his support was based on the assurance that Tewkesbury Borough Council would be an equal partner as he shared the view expressed by another Member that, historically, it had been a poor relation and he wanted all Members to be regularly updated as to how the plan was proceeding. In response, the Chief Executive advised that he was the Senior Responsible Officer for the programme which sat with Tewkesbury Borough Council and the fact that the borough had more land resource put it in a strong position. The Planning Advisory Service had suggested that, in terms of the amount of growth in the borough and management of further growth, it would be necessary to look at other options, for instance, brownfilling, rather than solely strategic allocations bolted onto existing developments. In terms of Member involvement, he indicated that, subject to the decision in relation to the next Agenda Item, the Council would be resourced to deliver a better functioning programme.
- 17.6 A Member indicated that the reality was that Tewkesbury Borough had more land, albeit a significant amount flooded, and it had a legal obligation to co-operate with other authorities. She felt that strong relationships with Cheltenham Borough and Gloucester City Councils were paramount and that it was necessary to be more creative to ensure they were using every inch of land within their own boundaries. She agreed with the points raised regarding the need for greater communication, both to Members and residents, particularly in terms of the duty to co-operate

which was often not understood. She pointed out that the Planning Policy Reference Panel meetings could be attended by any Member but this opportunity had rarely been taken up in the past. The Lead Member for Built Environment indicated that she was acutely aware of the need for good communications and pointed out that Regulation 18 would be delivered in October, should this approach be approved, which would require consultation with communities on options for a variety of sites – it would be up to Members to ensure that was carried out thoroughly. The Chair reminded Members there was a statutory requirement for the Council to have a development plan; Tewkesbury Borough Council's had been out of date since 2017 so it was vital to address this as soon as possible. A Member assumed that, once adopted, it would supersede the Tewkesbury Borough Plan which covered the period to 2031 and he raised concern that a lot of work had been done by the Planning Policy Reference Panel to ensure important policies were included, for instance, policies which ensured that the villages within the borough would remain vibrant, so he asked if those would be re-looked at and potentially removed with new ones created. The Chair indicated that his understanding was that there would be an overarching strategic plan with the Tewkesbury Borough Plan beneath it. The Interim Planning Policy Manager advised that there was an opportunity in moving to a single plan to include or update any policies which required modernisation. The Tewkesbury Borough Plan would not automatically expire but it would be up to the Council to replace the policies with new ones in order for them to continue to have materiality and weight, provided they were consistent with the National Planning Policy Framework. The Chief Executive confirmed that any discussion on local policies would be for Tewkesbury Borough Council – the SLP would be supported by three “pillars” i.e. the local plans for each authority, provided that they conformed with national policy. Similarly, in terms of the hierarchy, any Neighbourhood Development Plans would need to conform with local and national policies. The Chair pointed out that Cheltenham Borough and Gloucester City Councils may want something different to Tewkesbury Borough Council and this would give all three authorities the flexibility to be able to achieve that. The Lead Member for Built Environment explained that an agreement had been reached with Officers that, once the basic foundations had been agreed at the Council meeting later in the month, the Planning Policy Reference Panel would be resumed and that would be the correct way for Members to feed into the process, if they so wished.

17.7 Upon being put to the vote, it was

RESOLVED: That it be **RECOMMENDED TO COUNCIL** that:

- i) the Local Development Scheme for Tewkesbury Borough (Appendix 1) be **ADOPTED** and takes immediate effect; and
- ii) authority be delegated to the Associate Director for Planning, in consultation with the Lead Member for the Built Environment, to prepare the Local Development Scheme for publication correcting any minor errors such as spelling, grammar, typographical and formatting changes that do not affect its substantive content.

EX.18 PLANNING PARTNERSHIP CONTRIBUTION

- 18.1 The report of the Planning Policy Manager and Associate Director: Finance, circulated at Pages No. 16-19, asked Members to agree an increased financial contribution to the new Planning Partnership in order to ensure sufficient resources were available to prepare a sound development plan for the borough. Members were asked to recommend to Council that a virement of £120,000 from the local pay review budget to the Planning Partnership base budget be approved and that the new Planning Policy Officer post (included in the 2023/24 budget as a growth item) be moved to the Planning Partnership budget (ca. £40,000).
- 18.2 In proposing the report recommendation, the Lead Member for Built Environment advised that the Planning Partnership between Gloucester City, Cheltenham Borough and Tewkesbury Borough Councils had existed since 2008/09 and, since that date, all partner councils had contributed £60,000 per annum. This had been regularly topped-up with one-off amounts due to the true cost of delivering the Joint Core Strategy. As such, this report intended to ensure accurate budgeting for the full cost of preparing a development plan for the borough. As she had mentioned in the previous Agenda Item, it was vital that plans were kept up-to-date; however, this was not easy and the replacement of the Joint Core Strategy was already overdue. In particular, all local plans were tested by a government inspector to assess whether the duty to co-operate had been complied with, especially where housing needs arising in tightly constrained urban areas needed to be met in part in adjoining rural areas; to ensure the plan was based on robust evidence including assessment of alternative strategy options; and that the plan had been subject to statutory stages of public consultation. Following a review in 2022 looking at the resources needed to produce the next joint and local plan, Deloitte LLP worked out that each district council would need to contribute £220,000 per annum going forwards. Cheltenham Borough and Gloucester City Councils had already agreed the increased budgetary contribution and Tewkesbury Borough Council needed to do the same in order to ensure the partnership continued in the future. The additional £160,000 per annum would be comprised of two parts; the new Planning Policy Officer post agreed in the 2023/24 budget would now transfer to the Joint Core Strategy budget, and the remaining £120,000 would be taken from the budget set aside to meet the outcomes of the local pay review – this review was complete and the balance of £126,425 was no longer required to fund further pay increases. Making provision for sufficient funding at this early stage in the process would ensure the programme was fully resourced and fit for purpose.
- 18.3 The proposal was seconded and the Chair invited questions. A Member queried whether consideration was given to population when determining the appropriate contribution for each authority as Tewkesbury Borough had a lower population than the other two authority areas. In response, the Chair indicated that certain elements of the preparation of the plan had a fixed cost regardless of the size of the borough, for instance, the Inspector's cost. The Chief Executive advised that a lot of the work Tewkesbury Borough Council would be jointly funding came at a reduced cost; if it was producing its own separate plan that would be more costly for geographical reasons such as the Area of Outstanding Natural Beauty, flood zones etc. – the cost of an urban plan was generally less than a rural one. There would be savings associated with a single examination as opposed to four separate ones and the cost benefit to Tewkesbury Borough Council was likely to be greater than for the other authorities regardless of population. The Executive Director: Resources and S151 explained, in terms of the discussions about the contribution, the Planning Partnership would be a true partnership with equal partners and the duty to co-operate meant that the financial contribution should be equal. The partnership had been in place for 15 years and, during that time, there had been pushback from partners about the size of Tewkesbury Borough Council's contribution with a view that it should be paying more on the basis of the Council

Tax and New Homes Bonus funding which had generally benefitted Tewkesbury Borough; however, Tewkesbury Borough Council was required to cover the considerable cost of services to those new properties so Officers had pushed back and all partners had agreed that equal funding was the best way forward.

- 18.4 A Member queried why this had been included as a separate Agenda Item given that it was intrinsically linked to the previous item and the Lead Member for Built Environment indicated that this was a different issue relating purely to the funding of the plan which should be kept separate so Members were clear what they were voting on. The Chief Executive advised that it was a discrete requirement for the Council to have a Local Development Scheme (LDS) whereas this report was about how that would be funded and the two issues needed to be considered separately, albeit they could have appeared in a different order on the Agenda. All three authorities were referring the same LDS paper to their respective Committees and all needed to reach the same agreement; had Tewkesbury Borough Council produced one report inclusive of financial resources, it could have resulted in a different decision to the other two authorities and prevented a single LDS from progressing.
- 18.5 As no Member wished to debate, the motion was taken to the vote and

RESOLVED: That it be **RECOMMENDED TO COUNCIL:**

- i. that a virement of £120,000 from the local pay review budget to the Planning Partnership base budget is approved; and
- ii. the new Planning Policy Officer post (included in the 2023-24 budget as a growth item) be moved to the Planning Partnership budget (ca. £40,000).

EX.19 COUNCIL PLAN PERFORMANCE TRACKER - QUARTER FOUR 2022/23

- 19.1 The report of the Chair of the Overview and Scrutiny Committee, circulated at Pages No. 20-82, asked Members to review and respond to the findings of the Overview and Scrutiny Committee's review of the quarter four 2022/23 performance management information.
- 19.2 The Chair of the Overview and Scrutiny Committee introduced himself and the Vice-Chair of the Committee and gave a short presentation during which he explained that the Committee's ambition was to be an effective and intelligent mirror for the Borough Council and to act as a critical friend. The Committee also recognised the breadth and depth of work faced by the Council and wished to support the Executive Committee in any way it could. The Committee also recognised the requirement for constant learning and would be working with the Director: Corporate Resources and Democratic Services to create a programme of development to assist Members in carrying out their scrutiny role. He made reference to the number of environment-associated issues which Members had picked up from the performance tracker such as the waste vehicle fleet, reduction in the recycling rate, grass cutting, the Grange Field and 'greening' in relation to the High Street Heritage Action Zone. The Committee had also noted there was very little within the Executive Committee Forward Plan to reflect the Council's recent motion declaring a climate and ecological emergency. He went on to explain that, going forward, the Committee intended to be more selective in calling for briefings on particular topics as, historically, many of the presentations would

have been relevant to the whole Membership. On that basis, some of those which had been included within the Overview and Scrutiny Committee Work Programme for 2023/24 had been removed and referred to the Director: Corporate Resources who was compiling a programme of briefings for all Members.

- 19.3 Moving to the performance tracker, the Chair of the Overview and Scrutiny Committee advised that the Committee had noted and applauded a number of positive outcomes including the solar canopy, supermarket vouchers, planning application tracker, national recognition, affordable housing, planning enforcement, freedom of information, High Street Heritage Action Zone payments, improvements to the Licensing service, visitor numbers to Tewkesbury and Winchcombe Tourist Information Centres, use of the Growth Hub and work with the Voluntary and Community Sector. In terms of finance and resources, Members had been keen to continue to monitor the Trade Waste project, particularly in terms of the timeframe for exiting the service and how it was being communicated as there were a number of associated risks which needed to be monitored. With regard to economic growth, the Committee looked forward to scrutinising the Economic Development and Tourism Strategy in September and he welcomed the Lead Member for Economic Development/Promotion attending the meeting for that item. Members had discussed the business grants scheme and, in recognition of the fact that £100,000 which had been put aside was no longer needed and had been returned to the pot, had questioned the Executive Director: Resources and S151 about uncommitted resources and the extent that money could be spent to support businesses in the borough. The Committee had also been keen to see work to attract future Tour of Britain cycle races and similar events to the borough. In terms of housing and communities, Members had raised concern about the slippage in the Joint Core Strategy timetable which had been discussed during the previous two items at today's meeting, they had also identified the need for community interaction via the Gloucestershire Rural Community Council in relation to the housing needs assessment and how that was conducted to ensure the correct information was captured – they hoped to see work between the Head of Service: Housing and the Lead Member for Housing, Health and Wellbeing to improve that. The Committee had recognised the need for relevant Members to be updated in relation to North West Cheltenham and West Cheltenham projects in particular and hoped that additional briefings could be arranged. Despite the considerable work that had been done within the Planning department over the last year to improve its processes, Members continued to have concerns that determination of non-major applications was still some way off meeting its target. It was noted that the Committee had scrutinised the Annual Workforce Strategy at its meeting the previous day and, at the same meeting, there had been a very comprehensive review of the Ubico Annual Report where Members had questioned the reasons for the disappointing outturns in relation to the amount of waste reused, recycled and composted – no historical or comparative data from other authorities had been provided but the Committee had felt it was important to flag these concerns to the Executive Committee. The Chair of the Overview and Scrutiny Committee indicated that the Committee was keen to undertake work on behalf of the Executive Committee, and the wider Council, and he asked what the Executive Committee would like from the Overview and Scrutiny Committee in terms of facilitating that. He pointed out that the Chair had historically attended the Executive Committee on a quarterly basis but he felt that may not be often enough in terms of the value which the Executive Committee was getting from the Overview and Scrutiny Committee.
- 19.4 The Chair of the Executive Committee thanked the Chair and Vice-Chair of the Overview and Scrutiny Committee for their attendance and undertook to respond in due course with the Executive Committee's thoughts in terms of its direction for the Committee. A Member indicated that he was impressed by what he had heard; he felt it was always an interesting exercise to balance overview with scrutiny and

questioned whether it was necessary to have a number of scrutiny committees as opposed to a series of ad hoc working groups. The Chair of the Overview and Scrutiny Committee welcomed the question and indicated that he was trying to get to grips with governance across the Council in terms of the number of Committees and Working Groups and how they interacted so he would take this point away to work with Officers as to whether there was a need for more than one scrutiny committee. The Chair of the Executive Committee indicated that an alternative option may be to meet more frequently and he suggested that could also be explored. Another Member asked what the Lead Members could do to assist the Overview and Scrutiny Committee and indicated that he was happy to be scrutinised by the Committee regarding his portfolio. The Chair of the Overview and Scrutiny Committee welcomed this comment and indicated that the Committee was on hand to assist when Lead Members were tackling difficult problems or needed alternative views from Members. He encouraged Lead Members to attend Overview and Scrutiny Committee meetings if there was a relevant topic on the Agenda.

- 19.5 In terms of the points raised by the Overview and Scrutiny Committee in its consideration of the performance tracker, a Member drew attention to Page No. 42 of the report and the action to deliver projects as part of the High Street Heritage Action Zone. She noted there were 48 live premises applications but only two completed grants and a further two in progress and she questioned whether there was a risk in terms of a cut off time for projects. As Lead Member for Economic Development/Promotion, the Chair acknowledged the concern that people who had applied may not obtain funding; however, he provided assurance that point had not yet been reached. The scheme was still open to new applicants and he had confidence in Officers to manage the process carefully. With regard to the Tour of Britain, as a local Ward Councillor, the Member expressed the view that an opportunity had been missed when the race had last come to the borough – a stage of the women's race had started in Tewkesbury Town and she felt a lot more could have been done in terms of promotion so she hoped lessons would be learnt from that when it returned. The Director: Corporate Resources indicated that the Lead Member for Economic Development/Promotion would pick this up with the relevant Officer to ensure lessons learnt were deployed, if and when Tewkesbury Borough was selected to hold the next race. The Member went on to note the comment regarding the need to update relevant Members on the position with North West Cheltenham and North Cheltenham and expressed the view that this was relevant to all Members. In respect of waste services, she would like to see the Overview and Scrutiny Committee undertake a deep-dive into waste collection to establish why the figures for KPI 40 – Percentage of waste reused, recycled or composted were reducing. In relation to this, another Member queried the extent to which the Overview and Scrutiny Committee was able to question the assumptions behind each Key Performance Indicator (KPI) and pointed out that KPI 40 gave a single percentage for three entirely distinct categories which would each have their own figures. He would like the Council to review how the KPIs were defined in order for Members to gain a better understanding of what was really happening within services. In terms of the decision to cease the trade waste service, he felt this was a missed opportunity for the local authority and would like to see it revisited as a project. A Member explained that, whilst it may have worked for other authorities, provision of a trade waste service had been thoroughly explored by Tewkesbury Borough Council and did not stack up financially. Another Member questioned whether the service included recycling and the Executive Director: Resources and S151 advised that a recycling service was one of the options that had been investigated through the project. The Member pointed out that a lot of businesses did not recycle, despite wanting to, so she felt there was an opportunity which should be looked at. The Chief Executive explained that, when he had taken up his post with the authority, his recommendation had been that there was no market failure in the borough, so it would not be good use of public

money for the Council to undercut a private service – he was not saying there were no opportunities in waste but the approach the authority had been taking could not be considered as good use of public money. The Member explained that any material recycled would not be incinerated, therefore, providing that service would help businesses to reduce their carbon emissions. The Chair advised that the Member should take up this matter with the Lead Member for Clean and Green Environment outside of the meeting.

19.6 In terms of his comment regarding KPI 40, a Member proposed that, going forward, this be broken down into three separate figures for material recycled, reused and composted as Members needed to know what was happening in terms of the service being provided to residents. In response, the Chief Executive explained that there was wider involvement outside of the authority in terms of obtaining these figures - he was unsure how the reuse figure in particular would be calculated – so this would need to be considered and a report brought back to the Lead Member for Clean and Green Environment in terms of what the KPI could be. Another Member expressed the view that the KPIs used catch-all phrases rather than tangible things that could be measured and tracked and he recommended that all KPIs be revisited as part of the process of reviewing the Council Plan. The Chief Executive confirmed that he was discussing with the Leader and Deputy Leader what meaningful performance would look like for the Council, and the outcomes that it would strive to achieve through the new Council Plan, and deliverable KPIs would form an important part of that.

19.7 The Chair thanked the Chair of the Overview and Scrutiny Committee for his presentation and hoped he would feel the comments put forward had been well discussed by the Executive Committee. Accordingly, it was

RESOLVED: That the findings of the Overview and Scrutiny Committee's review of the quarter four 2022/23 performance management information be **NOTED**.

EX.20 FINANCIAL OUTTURN REPORT

20.1 The report of the Executive Director: Resources, circulated at Pages No. 83-107, highlighted the Council's financial performance for the previous year, setting out the General Fund and capital outturn positions. Members were asked to consider the General Fund outturn for 2022/23, the financing of the capital programme and the annual treasury management report and performance and to approve the transfers to and from earmarked reserves.

20.2 In introducing the report, the Associate Director: Finance advised that the final revenue outturn position for the financial year 2022/23 showed a £1m surplus. In terms of service expenditure, employee costs were £389,343 underspent, largely as a result of high staff turnover and vacancies in a number of departments. Payments to third parties included £138,000 on various planning appeals as well as additional provisions being made for planning appeals that were currently being challenged which amounted to £330,000; in addition, £140,000 of planning appeals had been funded from reserves, therefore, the total cost of planning appeals for 2022/23 was £608,000. Additional income had been generated, particularly within planning and licensing, and external grant funding was also received through the year as well as a £300,000 planning software grant to be used in the coming financial year. The treasury outturn for 2022/23 was positive due to rising interest rates and assurance was provided that the Prudential indicators were monitored regularly with no deviations during the year. In terms of the Council's commercial premises, a gross rental income of £3.19m had been produced, a yield of 5%. This was approximately £178,000 less than budget due to a vacant unit; however, all units were now fully tenanted. Business rates showed a £448,000 surplus against

budget and Tewkesbury Borough Council benefited from being in the Gloucestershire Business Rates Pool which had generated a further £380,000. A full explanation of all variances exceeding £25,000 at group subjective level was attached at Appendix A to the report which also contained an explanation of the variance on the corporate codes. A breakdown of the Council's reserves as at 31 March 2023 was attached at Appendix B to the report which included a breakdown of the previous year's reserves. Total revenue reserves stood at £28.42m which included earmarked reserves, planning obligations and the general fund working balance. Whilst the Council's planned capital programme for 2022/23 was £3.03m, £2.6m had been spent on capital projects during the year utilising £162,000 of capital reserves, £1.9m of capital grants and £587,000 from revenue. Following the allocation of capital receipts, the balance on capital reserves had increased to £2.1m as at 31 March 2023. In terms of treasury management, this was governed by the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice which the Council had adopted and included a requirement for Members to receive an annual review report after the financial year end, accordingly, a detailed treasury report was attached at Appendix D and included a summary of activity and the Key Performance Indicators (KPIs) the Council was required to report on. Table 1 summarised the Council's Capital Financing Requirement (CFR) and the usable reserves and working capital available for investment; Table 2 set out the Council's treasury management position as at 31 March 2023 and the change during the year; Tables 3a and 6 provided details of borrowing; Table 4 showed the treasury investment position; and Table 5 set out in-house performance against external funds which, at 3.46%, was slightly less than the local authority average but external funds had performed well with an average total income return of 4.19%. The Council also held £59.3m in investment properties and had generated £3.05m of investment income for the authority.

20.3 It was proposed, seconded and

RESOLVED:

1. That the General Fund outturn for 2022/23, the financing of the capital programme and the annual treasury management report and performance be **NOTED**.
2. That the transfers to and from earmarked reserves be **APPROVED**.

EX.21 USE OF MOBILE SURVEILLANCE EQUIPMENT FOR FLY-TIPPING INVESTIGATION

21.1 The report of the Head of Service: Environmental Health, circulated at Pages No. 108-112, summarised the results of the trial of mobile surveillance equipment to assist with fly-tipping enforcement and the recommendation from the Overview and Scrutiny Committee regarding its future use. Members were asked to adopt the use of mobile surveillance as a long term measure to support fly-tipping investigations and enforcement and to consider the request from the Overview and Scrutiny Committee to increase the number of cameras in use.

21.2 In proposing the report recommendation, the Lead Member for Clean and Green Environment advised that, in October 2021, the Overview and Scrutiny Committee had approved the trial of two CCTV cameras to assist with fly-tipping enforcement. This had been agreed on the basis that the Court fines the Council had been able to obtain using traditional investigative methods had been disappointing - several local authorities had achieved much higher fines, and custodial sentences, as a result of the high quality evidence produced by CCTV surveillance. The trial of two rapid deployment CCTV cameras had commenced in autumn 2022 with the

cameras installed at two locations known to be “hotspots” for fly-tipping. In accordance with legal requirements, the presence of the cameras at each location was advertised by signage. This had acted as a deterrent and resulted in a dramatic decrease in reported fly-tips in the six months following installation with one incident at location one, compared to 11 in the 12 months prior to installation, and no incidents at location two compared to three in the 12 months prior. The camera at location one had also obtained clear footage of a fly-tip incident that had taken place and was currently being investigated. The results of the trial suggested that the presence of camera and signage represented an effective deterrent to fly-tippers; furthermore, the trial demonstrated that the cameras were capable of capturing high quality evidence of fly-tipping incidents. The cameras used were overt rapid deployment cameras powered by a lithium battery; they were easy to install and could be deployed or moved at short notice. Each camera connected to a secure server hosted by Vodafone and footage could be reviewed remotely by Officers via an app. The benefit of these cameras compared to covert surveillance was that footage could be reviewed remotely without the need to be retrieved and downloaded regularly from the cameras; no material was stored on the cameras thus mitigating the data protection risk to the Council should they be lost or stolen; and there was no requirement to apply to the Court for covert surveillance approval under the Regulation of Investigatory Powers Act 2000 (RIPA). A privacy impact assessment had been completed and approved for the cameras. In March 2023, the Overview and Scrutiny Committee recommended to the Executive Committee that the Council adopt the use of mobile surveillance equipment as a long-term measure to support fly-tipping investigations and enforcement; and that consideration be given to increasing the number of cameras in use. The cost of two further cameras, hardware and data subscriptions was £6,985 which could be accommodated within the current budget.

- 21.3 The proposal was seconded and the Chair invited questions. A Member drew attention to Page No. 111, Paragraph 2.6 of the report which referred to one of the cameras being stolen during a fly-tipping incident and she asked whether it had been recovered and if it was insured. The Head of Service: Environmental Health advised that the camera had been stolen on the first night it had been installed and had not been recovered. It had not been insured at the time but the cameras were now included on the Council’s insurance schedule. It was noted that the camera had captured good evidence of the perpetrator which should assist with prosecution. The Member felt this was a good example of a quick lesson learnt and she asked how much would be saved by using the cameras in terms of the cost of clearing fly-tips. The Head of Service: Environmental Health indicated that he would need to request that information from Ubico but it was likely to be several thousand pounds each year, particularly if the fly-tips contained material such as asbestos which required specialist contractors for removal. Another Member felt it was important to also acknowledge the non-financial benefits of investing in the cameras in relation to removing the blight of fly-tips from the countryside. In his view, the more that could be done to eradicate the problem, the better. The Lead Member for Clean and Green Environment indicated that, in terms of financial savings, the fact that the cameras could capture useable evidence would mean the Council could pursue prosecution in the most cost-effective way and would be better able to secure substantial fines. A Member asked if there was any evidence of increased fly-tipping in other areas as a result of cameras and signage being erected in certain locations. The Head of Service: Environmental Health advised there was no evidence currently that fly-tips were being displaced; however, that was a risk which needed to be monitored. A Member queried if there were trackers on the cameras and the Head of Service: Environmental Health confirmed that was something which could be investigated.

21.4 Upon being put to the vote, it was

- RESOLVED:**
1. That use of mobile surveillance equipment be **ADOPTED** as a long-term measure to support fly-tipping investigations and enforcement.
 2. That the request from the Overview and Scrutiny Committee to increase the number of cameras in use be **APPROVED**.

EX.22 EXECUTIVE COMMITTEE FORWARD PLAN

22.1 Attention was drawn to the Committee's Forward Plan, circulated at Pages No. 113-124, which Members were asked to consider.

22.2 A Member indicated that she had asked, at the last meeting, for the Council's declaration of a climate and ecological emergency to be reflected in the forthcoming work of the Committee and the Chair recognised that various items had been requested for inclusion on the Forward Plan, specifically in relation to the Council motion, and he advised that an update on the carbon reduction action plan would be brought to the meeting in September. The Director: Corporate Resources explained that Members had put forward several suggestions on how the Executive Committee Forward Plan could be shaped and, following the meeting, he had looked at a number of forward plans used by other authorities concluding that they were much the same in terms of style. A column for 'Lead Member' had been added to the Forward Plan included with today's Agenda in order for Members to identify which items came within their own portfolios and it was intended to make further changes to the document prior to the September meeting of the Committee to provide a more detailed overview of each item, for the benefits of Members and residents, and to add links to background papers, where possible, as well as identifying where each item sat within the Council hierarchy, for instance, if it was within the Council Plan, a service plan or a governance issue. The Chair thanked Officers for their work to date and appreciated that Member requests were being promptly responded to.

22.3 Accordingly, it was

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

EX.23 SEPARATE BUSINESS

23.1 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.24 SEPARATE MINUTES

24.1 The separate Minutes of the meeting held on 7 June 2023, copies of which had been circulated, were approved as a correct record and signed by the Chair.

EX.25 GARDEN TOWN GATEWAY REVIEW FINDINGS AND NEXT STEPS

(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)

- 25.1 Members considered the findings of the gateway review of the Garden Town programme, and the proposed next steps for a refreshed approach, and recommended to Council that the 17 recommendations from the gateway review report form the basis of a new approach, with greater focus on engagement with communities and robust programme management; and that the new approach be brought back to Executive Committee for approval in September, including details on how the programme would be monitored.

The meeting closed at 4:55 pm