

TEWKESBURY BOROUGH COUNCIL

Minutes of a Meeting of the Council held at the Council Offices, Gloucester Road, Tewkesbury on Tuesday, 16 April 2024 commencing at 6:30 pm

Present:

The Worshipful the Mayor
Deputy Mayor

Councillor I Yates
Councillor P N Workman

and Councillors:

N D Adcock, C Agg, H J Bowman, C L J Carter, C M Cody, M Dimond-Brown, S R Dove, D W Gray, S Hands, D J Harwood, A Hegenbarth, M L Jordan, E J MacTiernan, G C Madle, J R Mason, H C McLain, P D McLain, C E Mills, J P Mills, P W Ockelton, K Pervaiz, E C Skelt, J K Smith, P E Smith, R J Stanley, H Sundarajoo, M G Sztymiak, R J E Vines and M J Williams

CL.99 ANNOUNCEMENTS

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

CL.100 APOLOGIES FOR ABSENCE

100.1 Apologies for absence were received from Councillors T J Budge, C F Coleman, P A Godwin, M A Gore, G M Porter, R J G Smith and M R Stewart.

CL.101 DECLARATIONS OF INTEREST

101.1 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.

101.2 The following declarations were made:

Councillor	Application No./Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
A Hegenbarth	Item 9b - Notice of Motion – Call for Funding for Children's Hospices.	Is employed as a Fundraising Manager for a children's hospice in Oxford.	Would speak and vote.
R J Stanley	Item 9b – Notice of Motion – Call for Funding for Children's Hospices.	Had recently met with the James Hopkins Trust.	Would speak and vote.

101.3 There were no further declarations made on this occasion.

CL.102 MINUTES

- 102.1 The Minutes of the meeting held on 27 February 2024, copies of which had been circulated, were approved as a correct record, subject to an amendment to correct a typographical error at Minute No. CL.95.20 to change 'gain the system' to 'game the system', and signed by the Mayor.

CL.103 ITEMS FROM MEMBERS OF THE PUBLIC

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

CL.104 MEMBER QUESTIONS PROPERLY SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

- 104.1 The following question was received from Councillor Cody to the Lead Member for Finance and Asset Management, Councillor Stewart Dove. The answer was given by the Lead Member for Finance and Asset Management and was taken as read without discussion.

Question

I have repeatedly asked why we are still purchasing single-use cups for visitors, staff and Members. They are fully biodegradable; however, the reality is that they are not biodegrading and instead are being incinerated. We are supposed to be a single-use plastics-free Council, yet the aforementioned cups arrive in tubes wrapped in plastic.

Many staff and Members do use washable cups and / or have their own water bottles, but some are still using these cups as well as visitors who aren't currently given a choice.

Please could some cups be purchased (or consider asking for donations of surplus cups - I'm sure Members and staff would be happy to donate and save the Council any expense).

It would be good to find an alternative to the non-recyclable, single-use coffee sachets sometimes used as well.

Answer

Property Services have identified, and are in the process of purchasing, cups that are fully recyclable rather than being incinerated. It has also been confirmed that the packaging is fully recyclable. This approach has been quality assured by Suez, where all of the Public Services Centre recycling material is handled. These cups will be used for the water coolers, located in the reception area and the civic suite. The cups will also be provided with the refreshment boxes which are requested when booking a meeting room.

All other water dispensers used by Council staff and Members are serviced by china mugs and/or glasses.

With regards to procuring recyclable drink sachets, this is currently being investigated by the Property Services Team who will respond to Councillor Cody accordingly.

- 104.2 The Mayor invited a supplementary question and the Member asked the following:
Given that it is not just about recycling but eliminating single-use, in terms of anyone booking the Civic Suite, can they have the responsibility of making sure all used cups were put onto a tray, or, could the cleaners' contracts be updated to include that responsibility.

104.3 The Lead Member for Finance and Asset Management advised that a written response would be provided outside of the meeting.

CL.105 CONSTITUTION REVIEW WORKING GROUP REPORT - AMENDMENT TO FINANCIAL PROCEDURE RULES

105.1 The report of the Monitoring Officer, circulated at Pages No. 23-59, asked Members to approve the amendments to the Financial Procedure Rules as set out at Appendix 1 to the report.

105.2 In proposing the report recommendation, the Lead Member for Finance and Asset Management advised that, as Members would recall, a Working Group had been established last year to review the Council's Constitution which included elements in relation to how the authority managed its finances. The Financial Procedures Rules had been reviewed by the Constitution Review Working Group and a number of amendments were proposed, as highlighted by track changes. Several changes were required as a result of the introduction of related policies and procedures, due to sector bodies changing their names and to update Officer titles, and he drew attention to five key changes: the change to the process for the approval for grant bids to enable Executive Directors to sign off up to £50,000 rather than requiring sign-off by the Section 151 Officer; amending the budget transfer process, known as virements, so that low level transfers could be approved in a less bureaucratic way; making the purchase order process more robust; removing reference to cash/cheques being received; and to reflect new processes for payment and procurement cards. In his view, these were all minor changes which would better enable Officers to more efficiently conduct daily business related to the management of the Council's finances. He understood that key Officers would be leading briefing sessions with their colleagues to ensure they were updated on the changes, and that training was provided as appropriate.

105.3 A Member drew attention to Page No. 41 of the report and the amendment which stated that a report on the details of all debts written off under delegated authority would be prepared and formally presented to the Section 151 Officer and asked if Members had any oversight of bad debts as, in his experience, this was an area where fraud was often encountered. He suggested it was something which the Overview and Scrutiny Committee may wish to consider to ensure transparency. In response, the Associate Director: Finance agreed that Members needed an overview of bad debt and how this was being managed and advised that the Audit and Governance Committee would be receiving an annual report in relation to that with the first one due to be taken to its meeting in June. Another Member expressed the view that aged debt should also be considered by Members and clarification was provided that the report would cover all debts over one year old which, by nature, were considered to be bad debt, so both bad debt and aged debt would be captured within that. A Member drew attention to Page No. 55 of the report, and the second bullet point under the section on inventories, and asked whether the amended value was £1,000 or £100 as the track changes made this difficult to interpret. In response, the Associate Director: Finance confirmed the figure had been reduced from £500 to £100 for insurance purposes.

105.4 The proposal was seconded and, upon being put to the vote, it was

RESOLVED That the amendments to the Financial Procedure Rules be **APPROVED** as set out at Appendix 1 to the report.

CL.106 OVERVIEW AND SCRUTINY COMMITTEE ANNUAL REPORT 2023/24

- 106.1 Attention was drawn to the Overview and Scrutiny Committee Annual Report 2023/24, circulated at Pages No. 61-75, which Members were asked to consider.
- 106.2 In proposing the report, the Chair of the Overview and Scrutiny Committee advised that the Overview and Scrutiny Committee was critical to ensuring that the Council delivered high-quality statutory functions and met the broader promises to the electorate. The annual report reflected the hard work carried out by the Overview and Scrutiny Committee over the past 12 months, including the excellent support from Officers across the Council. The Committee was particularly pleased with its work in scrutinising the Council Plan inherited from the previous administration which had required Members to quickly get up to speed with the breadth and depth of the Council's work and had involved hours of extra training. The Committee had always been careful to reflect on the excellent work done by Members and Officers, but had also been robust where things needed further attention, details of which were set out in the report. One area that demanded immediate attention was the measurement of the Council's work. The current plan fell short and the Committee was eager to assist Lead Members and Officers in ensuring that delivery of the new Council Plan measures not only reflected the Council's ambitions and desired impact but also facilitated scrutiny by the Overview and Scrutiny Committee and other stakeholders. The Committee was particularly enthusiastic about the Council's adoption of a high-performing organisation mantra which it believed would benefit all Members and Officers in addressing this issue. The Committee would work with Lead Members, Group Leaders and Officers over the coming months to ensure it was scrutinising the right things in the right way and in line with the new, exciting, ambitious Council Plan.
- 106.3 A Member drew attention to Page No. 75, Appendix A of the Overview and Scrutiny Committee Annual Report, which provided a flowchart on how to select a potential scrutiny review and raised concern there seemed to be a lot of hurdles to get through in order to qualify; in his view, the Overview and Scrutiny Committee should be free to choose whatever it wished to scrutinise and he felt that the first two questions in particular were restrictive. In response, the Chair of the Overview and Scrutiny Committee explained that the flowchart was not a prescriptive way of operating and was intended to be used as a guide. It was not a process which had been followed over the last 12 months as the Committee had inherited its work programme from the previous administration. The Committee was now starting to populate the programme for the forthcoming year and beyond and the flowchart was a tool which could help it to make decisions on what to take forward. The Leader of the Council thanked the Chair of the Overview and Scrutiny Committee for the report and the Committee's hard work during the last year.
- 106.4 Accordingly, it was
RESOLVED That the Overview and Scrutiny Committee Annual Report 2023/24 be **NOTED**.

CL.107 NOTICES OF MOTION**Cotswolds National Landscape Management Plan**

- 108.1 The Mayor referred to the Notice of Motion, as set out on the Agenda, and indicated that, in accordance with the Rules of Procedure, it was necessary for the Council firstly to decide whether it wished to debate and determine the Motion at this evening's meeting, or whether it wished to refer the Motion, without debate, to a Committee for consideration with authority either to make a decision on the matter or bring a recommendation back to Council.

108.2 Upon being proposed and seconded, it was

RESOLVED That the Motion would be discussed at this evening's meeting.

108.3 The Motion, as set out on the Agenda, was proposed and seconded. The proposer of the Motion advised that Cotswolds National Landscape was a name change and a reflection on the value of protected landscapes - some Members may know these areas as Areas of Outstanding Natural Beauty (AONBs) of which, locally, the Cotswolds was one. The AONB was recognisable and noticeable from many locations as it was the backdrop to much of the borough. He understood it was easy for people to become too familiar and comfortable with these areas and perhaps may no longer recognise their beauty or the need for conservation and protection. The natural landscape, the agricultural landscape and cultural, community and economic aspects of the Cotswolds were recognised globally as an important landscape area and therefore merited being properly looked after. The borough's area within the AONB, being predominantly Oolitic Limestone, would have a significant part to play in species movement in response to climate change. The Cotswolds National Landscape Board accepted that endorsement did not represent full alignment with the management plan - that would not be practical or desirable given there were 15 authorities within the Cotswolds National Landscape area, each with different characteristics even within the AONB. Tewkesbury Borough Council was one of the local authorities which had the special landscape area within its borders but was one of the few left to endorse the Management Plan. The Cotswolds National Landscape area was the third largest such area in the country outside of National Parks. Each landscape area had a range of special qualities that were worth conserving and enhancing and were distinctive at a national scale. There were three overarching headings within the plan - Climate Emergency, Nature's Decline and the Ecological Crisis, Health and Societal Change - and three broad themes - tackling twenty-first century issues through progressive partnerships, conserving and enhancing natural beauty and increasing understanding and engagement. Desired outcomes were detailed in the plan under the headings of: climate action, natural and cultural capital, working together, landscape, local distinctiveness, tranquillity, dark skies, historic environment and cultural heritage, biodiversity and nature recovery, rural land management, development and transport, health and wellbeing, access and recreation and sustainable tourism. One of the areas which the management plan policies related to was in the policy-making and decision-taking of local planning authorities. For example, it was hoped that local planning authorities would have regard to the management plan policies when reviewing and developing their own policies, including those within their development plans. The management plan policies were aspirational and, as such, might go further than current policies in individual development plans – it was intended that these aspirational policies would aid in helping to develop and evidence new local plan policies. The management plan should be a material consideration in planning decisions; however, it was recognised that planning law required that applications for planning permission be determined in accordance with the local planning authority's development plan, unless material considerations indicated otherwise. The management plan ran for two years rather than the usual five because the Cotswolds National Landscape Board anticipated significant national and local policy development for protected landscapes during this period, particularly with reference to climate action. During the two-year span of the interim plan, the Cotswolds National Landscape Board intended to further develop the evidence and data so it could build meaningful targets towards net zero into its next plan. As such, this interim plan would run from 2023 to 2025 with a steer towards 2030 and, although interim, it echoed and strengthened the Council's aims in terms of communities, wellbeing, planning and infrastructure.

- 108.4 The seconder of the Motion welcomed attention being drawn to the Cotswolds National Landscape Management Plan. She could see that a lot of hard work had gone into the development of the document which set a positive vision for how the protected landscape should be managed over the next few years. She was particularly encouraged to see the emphasis placed upon tackling the climate and ecological emergencies and how the document could help guide and inform thinking on the development of the new Strategic and Local Plan (SLP). She recognised the importance of the protected landscape and its contribution to the quality of the natural environment and was very happy to endorse and support the Motion.
- 108.5 A Member sought clarification as to the meaning of 'endorse' and clarity in terms of what the Council was being asked to vote on, for example, in supporting the Motion, would the Cotswolds National Landscape Management Plan inform policy and become part of planning procedures. In response, the proposer of the Motion explained that the Council would be acknowledging the plan, signifying that it accepted and understood it and would have regard to it when making policy. The seconder of the Motion reiterated her earlier comments in terms of using the plan to guide and inform thinking in development of the new SLP. The Executive Director: Place understood the concern in relation to specificity and explained that, in accepting the Motion, the Council would be acknowledging the existence of the document and noting it in relation to its business and he felt the wording of the Motion reflected that. Another Member drew attention to Page No. 65 of the Cotswold National Landscape Management Plan and asked whether the last two bullet points under 'stakeholder delivery' offered more clarity. The proposer and seconder of the Motion confirmed they were happy for that wording to be incorporated into the Motion and this became part of the substantive Motion as follows: *That the Council endorse the Cotswold National Landscape Management Plan by having regard to the Plan including its vision, outcomes and, perhaps most importantly, its policies; and incorporating the Plan's vision, outcomes and policies into the Council's own plans, policies, proposals, work programmes and decisions, where appropriate.* The Chief Executive reminded Members that the AONB had statutory planning weight under the Countryside Rights of Way Act irrespective of what the Council chose to do in relation to the Cotswold National Landscape Management Plan.
- 108.6 A Member indicated that changing the AONB to a National Park was something which had been discussed for a number of years and she queried whether this was an interim measure paving the way for that. The proposer of the Motion confirmed this had been talked about but was not on the table as it stood. The interim management plan had come about as a way to bridge the gap and look at the various changes which were coming forward over the next couple of years - the next plan would cover the period 2025-30.
- 108.7 Accordingly, the substantive Motion was proposed and seconded and it was
- RESOLVED** That the Council endorse the Cotswold National Landscape Management Plan by having regard to the Plan including its vision, outcomes and, perhaps most importantly, its policies; and incorporating the Plan's vision, outcomes and policies into the Council's own plans, policies, proposals, work programmes and decisions, where appropriate.

Call for Funding for Children's Hospices

- 108.8 The Mayor referred to the Notice of Motion, as set out on the Agenda and indicated that, in accordance with the Rules of Procedure, it was necessary for the Council firstly to decide whether it wished to debate and determine the Motion at this evening's meeting, or whether it wished to refer the Motion, without debate, to a Committee for consideration with authority either to make a decision on the matter or bring a recommendation back to Council.
- 108.9 Upon being proposed and seconded, it was
RESOLVED That the Motion would be discussed at this evening's Council meeting.
- 108.10 The Motion, as set out on the Agenda, was proposed and seconded. The proposer of the Motion indicated that children's hospices were doing amazing work across the whole country in supporting children with life-limiting illnesses in difficult financial circumstances. The Leader of the Council's recent charity fundraiser for James Hopkins Trust highlighted the need for hospices to fundraise to ensure they could deliver their essential work. According to 'Together for Short Lives', the UK's leading health charity for children, 99,000 babies, children and young people in the UK were living with health conditions that were life-limiting or life-threatening and that number was rising. Many of these children had complex conditions that needed specialist care 24 hours a day, seven days a week. 'Together for Short Lives' was campaigning for consistent funding nationally and this Motion would add the Council's voice in support of the campaign by calling on the Leader of the Council to write to the Minister of State for Social Care to confirm, as a matter of urgency, how much of the £25M each children's hospice in Gloucestershire would receive in 2024/25 and when they would receive it; and, that they would do what they could to remove the inequality in local funding for children's palliative care so that every family caring for a seriously ill child could access the support and care they needed when and where they needed it.
- 108.11 The seconder of the motion stated that, as with many public services, funding cuts and uncertainty had contributed to the current inequality in children's hospices. The work of children's hospices was so important for many reasons, not least to give parents and other family members respite from the pressures and demands of having a child with additional needs. Aside from the physical and financial pressures of a parent, guardian or sibling of a child who needed 24 hour care, their mental wellbeing was also severely affected. Having somewhere that a parent felt they could safely access advice, support and respite for their child was vital. The residents of Gloucestershire deserved transparency and certainty in how their public services were funded.
- 108.12 A Member welcomed the Motion, having previously expressed concern about supporting young children with additional needs. She was aware that children undergoing cancer care currently had to travel to Bristol and Birmingham as there were no facilities within Gloucestershire and she hoped some of the funding could go towards helping children to receive care for cancer treatment. A Member proposed an amendment to the Motion in order to refer this matter to the Gloucestershire Health Overview and Scrutiny Committee. He felt there were many questions which needed to be asked of the Gloucestershire Integrated Care Board and clinicians and he raised concern that Members were being asked to make a decision based on limited information, for instance, there was no mention of the actual number of children with life-limiting illnesses within the Gloucestershire Integrated Care Board, what the definitions were and where responsibility lay for those moving to the county, for example, those at National Star who were considered to have long-term, life-limiting illnesses, furthermore, there was no information about how paediatric teams took decisions about putting young people

onto clinical trials rather than moving them to palliative care and how that sat within the National Institute for Health and Care Excellence (NICE) guidelines. He also questioned what support was available for respite care, including short breaks, and pointed out that this was multi-agency. The Council's representative would be able to raise all these matters at the Gloucestershire Health Overview and Scrutiny Committee where they could ask the questions directly of the Gloucestershire Integrated Care Board and clinicians and report back to the Overview and Scrutiny Committee and Council accordingly. Individual Integrated Care Boards had a duty to determine the level of NHS funded hospice care required locally and to ensure the provision of palliative and end of life care services to meet local need. To hold Integrated Care Boards to account, NHS England was including palliative and end of life care in the list of topics for regular performance discussions at national and regional level and all of that information should be available to the Gloucestershire Health Overview and Scrutiny Committee. His suggestion would be to ask the Gloucestershire Health Overview and Scrutiny Committee to do a deep-dive and call expert witnesses who would be able to give the evidence; the Department of Health and Social Care had already issued a statement in relation to this in January 2024 and he was confident that would be the response to a letter sent by the Leader of the Council. He hoped the proposer and seconder would consider amending the motion on that basis and stressed that he did not intend to denigrate the losses felt by parents but felt the Gloucestershire Health Overview and Scrutiny Committee should do the hard work and report back via the Council's representative to Overview and Scrutiny Committee and Council. The Leader of the Council welcomed the amendment which he felt strengthened the Motion but he would like to write to the Minister of State for Social Care in addition to that. The proposer and seconder of the Motion confirmed they were happy with that approach and this subsequently became part of the substantive Motion.

- 108.13 A Member explained that he worked as a Fundraising Manager for a children's hospice in Oxford which was the first in the world when it was established in 1982 so these facilities had only been around for just over 40 years. It was often the case that the things people did not want to think about were the last to be introduced and, as with many statutory services, charities were taking the burden. It was a catch 22 situation insofar as the NHS looked at its budget and saw it did not spend a lot on children's hospice care and therefore did not need to in the future so that cost was being absorbed by charities which were also subject to cost of living strain. He welcomed the amendment and agreed that the Gloucestershire Health Overview and Scrutiny Committee would be best placed in terms of access to information to ensure that the county received its fair share so that children were able to access the care they needed; however, he felt it was important to get this message across wherever possible and agreed that the Leader of the Council should also write to the Minister of State for Social Care - the Council should be doing all it could to ensure that families at their lowest point were receiving the funding they needed and were entitled to.
- 108.14 A Member questioned how many children's hospices there were in Gloucestershire and the UK in total as this would make a difference in terms of the level of grant the county may be entitled to. Whilst Norfolk and Waveney may have spent the highest amount per child of any Integrated Care Board, averaging £511 per child with a life-limiting condition compared to £58 per child in Gloucestershire, she felt it was necessary to know the numbers behind that as it could be there were less children with life-limiting conditions in the county. She felt it was an important Motion and agreed the Council should do everything it could - she was glad to hear the additional questions and the suggestion to take it to the Gloucestershire Health Overview and Scrutiny Committee and felt it would be beneficial to write to the Minister of State for Social Care as well. The Council's representative on the Gloucestershire Health Overview and Scrutiny Committee indicated that she fully supported the Motion and would be happy to take it to that Committee. She had

additional queries about how many children were counted within the financial calculation as there was quite a lot of variation and it was not clear if the same metrics were being used. A Freedom of Information request had suggested there were 75 children in hospice care in Gloucestershire but the Integrated Care Board did not fund hospices in Gloucestershire, they funded a group of hospices shared across Worcestershire and other regions so that was another query which should be raised.

108.15 Accordingly, the substantive Motion was proposed and seconded and it was

RESOLVED

- 1.To refer the matter to the Gloucestershire Health Overview and Scrutiny Committee.
- 2.That the Leader of the Council write to the Minister of State for Social Care:
 - i) to confirm as a matter of urgency how much of the £25million each children's hospice in Gloucestershire will receive in 2024/25 and when they will receive it; and
 - ii) to do what they can to remove the inequality in local funding for children's palliative care so that every family caring for a seriously ill child can access the support and care they need – when and where they need it.

The meeting closed at 7:30 pm