

MINUTES
of a meeting of the Full Council
held at the Tewkesbury Town Hall on 13th March 2023 at 6.00pm

Present: Cllrs S Raywood (Chair), P Aldridge, H Bowman, P Brookes, C Cody, C Danter, P Jones, J Raywood, C Robertson, M Sztymiak.

In attendance: D Hill (Town Clerk), J King (Assistant Town Clerk) and two members of the public.

22/23 - 174 To receive apologies for absence
Apologies received from Cllr Hayes (personal), Cllr Brennan (health), Cllr Langdon (work) & Cllr Smith (personal)

22/23 - 175 To receive declarations of interest
Cllrs Sztymiak & Cody – Tewkesbury Borough Councillors
Cllr Cody – Gloucestershire County Councillor

22/23 - 176 To consider requests for dispensation
None required.

Cllr Danter joined the meeting.

22/23 - 177 To receive written questions from members of the public
The following correspondence was received from a member of the public.
'I note agenda item 18: "To adopt the updated code of members' conduct as recommended by GAPTC and Tewkesbury Borough Council". I think changes should also be made to the policies covering officer conduct.
The 1972 Local Government Act 117.1 states:
"If it comes to the knowledge of an officer employed, whether under this Act or any other enactment, by a local authority that a contract in which he has any pecuniary interest, whether direct or indirect (not being a contract to which he is himself a party), has been, or is proposed to be, entered into by the authority or any committee thereof, he shall as soon as practicable give notice in writing to the authority of the fact that he is interested therein.
For the purposes of this section an officer shall be treated as having indirectly a pecuniary interest in a contract or proposed contract if he would have been so treated by virtue of section 95 above had he been a member of the authority."
Note this covers contracts with both suppliers and customers of the Council.
Have any officers of Tewkesbury Town Council provided such notice to the Council as required by the 1972 Act? If yes, which councillors are aware of this notice? As a result of such notice, what risk analysis has been carried out on the contracts involved? What changes or actions have been made as a result of this risk analysis?
I have looked at the Council's Employee Handbook and I can't find any section that covers this legal obligation on officers. Although the law is clear in the 1972 Act, do councillors believe that additional policies are required in the Employee Handbook to plug this gap to ensure that employees fully understand their responsibilities?
Tewkesbury Borough Council does have policies covering this area within a Code of Conduct document; here are some key sections:
"Employees involved in the tendering process and dealing with contractors must be clear on the separation of client and contractor roles within the council. You must

declare any financial interest to your Head of Service, whether direct or indirect, that you or your partner may have in any contract or proposed contract with the council." "You should also consider declaring non-financial interests, for example, where you do voluntary work for an organisation in receipt of a grant from the council. If you are in any doubt then you should make a declaration."

"If a conflict occurs between your private interests and public duties you must resolve the conflict in favour of your public duties. You must advise your manager in writing of any personal or immediate family private interests that may give rise to a conflict of interest with your official duties, particularly if you are involved in making decisions affecting contracting, tendering or regulatory functions."

TBC also asks officers to complete forms covering these obligations:

1) officers are required to give details of employment/businesses/consultancies/advisory roles/interest in any company (e.g. director or company secretary)

2) officers are required to provide details of any member of your household that have any connections to organisations which have received grants or are aware of any other organisation which have been supported by the council

3) officers are required to provide details if they, or any member of your household, have any connections to companies, businesses or organisations not listed above which received funds or traded with the Council

Do councillors believe they should adopt similar forms for Town Council officers? If not, why are councillors confident that the risks mitigated by such officer declarations are not required for Tewkesbury Town Council? For example, risks of influencing a tendering exercise (either deliberately or unconsciously), or using delegated powers to place contracts with suppliers prior to authorisation by councillors.

I would like a written response to each of the points I have raised.'

Action: The Town Clerk will respond.

22/23 - 178 Public Participation

A member of the public stated that they were interested to see that the new code of conduct alongside standing orders and financial regulations. They were disappointed about the latest George Watson Trustee meeting and that previous meetings were not held as a trust and this goes against the Charities Commission advice. They stated that they hoped all councillors had seen the correspondence from the external auditor as this should be circulated as soon as available.

22/23 - 179 Correspondence

Update on the A435 Cheltenham – Bishops Cleeve cycle track has been received and will be circulated to all Councillors.

Press release from Tewkesbury Borough Council regarding the shop front restoration grants – one of which was awarded for the Town Hall. Work has already started to restore the stone façade on the front of the building.

22/23 - 180 To receive a presentation from Tewkesbury Borough Council regarding flooding and hydrology reports

Sandra Ford (Head of Development Services at Tewkesbury Borough Council) and Ian Owen (Planning Policy Manager at Tewkesbury Borough Council) kindly attended the meeting to provide an overview of how flood risk is dealt with by Tewkesbury

Borough Council (TBC). The Joint Core Strategy (JCS) was adopted in 2017. TBC together with Gloucester and Cheltenham Councils, are working together to undertake a full review of the plan and are also looking at allocating sites for development up to 2041. There are a number of houses and infrastructure that the area has to accommodate, and a strategic flood risk assessment (SFA) is carried out for these.

There is a statutory land use planning system, which ensures that people and properties are safeguarded for the future from flooding. National Planning Policies are clear that flood risk; and climate change more widely, are one of the most important things that the planning process should address. There is a systematic set of policies through which developer and individual applications have to comply.

The National Planning Policy Framework and related practice guidance is clear that people and property need to be protected for the lifetime of the property and to reduce flood risk where it already exists. Therefore, building should avoid places that flood in the first place. There are two tests that look at this, the sequential test and the exceptions test.

The sequential test identifies the various flood zones (1, 2, 3a and 3b) and looks at fluvial (river) and surface water.

Zone 1 is the lowest flood probability. Risk of a flood event is less than 1 in 1000 years.

Zone 2 is medium probability. Risk of a flood event is greater than 1 in 100 years, but less than 1 in 1000 years.

Zone 3a high probability. Risk of a flood event is less than 1 in 100 years.

Zone 3b is a functional floodplain.

Whenever a planning application is lodged, the onus is on the proposer to demonstrate why that development could not take place in a lower flood zone. For development allocations within the local plan, TBC have to justify any growth zones that are in anything other than the lowest flood risk area.

The Environment Agency also publish flood risk maps, however they do not differentiate between zones 3a and 3b.

A level one strategic flood risk assessment looks at the sources of flood risk and where flood risk defences are, as well as examining the functional floodplain. TBC are acutely aware of the prominence of this issue for Tewkesbury Town and there are good practice guidelines that are provided to local authorities. The upcoming review will include consultation with local town and parish councils.

The exceptions test – even if a particular type of development can demonstrate there is no reasonable alternative, it still may not be the case that it would be appropriate for planning permission to be granted. It would need to show that there is a public interest in allowing the development to be built and proof positive that that development won't be at flood risk and won't lead to flood risk elsewhere downstream.

TBC have a very comprehensive and systematic approach to dealing with future growth. TBC want to provide reassurance that they will be informed by up-to-date evidence on current flood risk and how it will impact the Borough. This is why the review will revisit the level one areas, with consideration to the latest climate change predictions. It is important that there are areas of safeguarded land for flood

risk management and that future plans for large scale projects reduce flood risk by means of sustainable drainage, which is designed into the project from the outset.

Councillors thanked the officers for their summary of the current position and then asked a number of questions:

Q: Tewkesbury Town Council have recently responded to the levelling up bill consultation which states that the supplementary planning document on flooding will come to an end in 2027 and there will be a national strategy for flood management. Will TBC make it a priority to have a supplementary document to cover that? Could it cover things like permeable driveways and ensuring that they are not subsequently removed?

A: TBC have also responded to the consultation and are seeking clarity on many issues. No decision will be made on supplementary documents until that is received. Flooding is a major issue for the Borough as a whole and the priority is to get started on the review, to ensure that future plans are robust and have the necessary level of detail. With regard to the permeability of driveways, the national policies are required first so that it is then known what to supplement it with.

Q: Newtown is shown as a zone 2 but some areas are more like 3b. TBC need to listen to local people and the issues they have, there are gardens that repeatedly flood now that never used to.

A: TBC will be doing a strategic risk assessment and are currently commissioning consultants to do this work. There will be an opportunity for people to engage with this and the local knowledge is very valuable. The Government have increased the standards required and expectations around flood risk management and TBC have this very much in mind with the level one review. This will be looking at a catchment wide picture on how the water moves around and works, rather than just jumping into small sub areas of the Borough.

Q: Is there a way to push back on more housing and growth which the Government sees as essential in certain areas? What size area are developers supposed to have looked at in terms of alternatives?

A: In response to the size of area, it is a judgement on what is in front of you, rather than an exact area. The overall test would be the reasonable extent to which the need is being met through the development, there is unfortunately no short answer to this one.

With respect to pushing back on housing and growth which the Government sees as essential, conceivably this could be a reason to push back, but it is also ambiguous given the planning reforms and it is not yet completely known what the policy will say. The Government target of 300,000 new homes still remains and these targets are handed down to local authorities. It is a fine balance and although the figures are 'advisory', there is an expectation that you will accommodate them within the Borough and look at other areas if one is not suitable.

A Councillor noted that there is a TBC Planning Committee that make the decisions and it is just the officers who are here this evening. They make recommendations, but ultimate the decisions are made by the Planning Committee. There is no land available for building in Gloucester or Cheltenham so there is a duty of co-operation on TBC. It is further complicated in the Borough by AONB and green belt land.

Q: Do TBC have the full information to make decisions about building and flooding? Do they know how many dwelling in TTC have floor levels which are below the flood levels? Has a budget been allocated for the flood risk assessment?

A: Information will be gathered as part of the JCS review. It is about evidence gathering and not just a flood risk assessment. This will then help to identify where the local growth should go. Once specific sites are identified then there is a requirement for a site level flood risk assessment, and this is not diminished by the JCS review. It is important this this is about how to manage the future generation growth. Budget has been allocated for the JCS review and the input of local town councils and residents will be encouraged in order to share local knowledge.

Q: Could the officers outline what is known as viability in planning?

A: In short this is when it is decided by a developer that the site is no longer viable to develop. A developer will expect to make a certain amount of profit from a site and this will depend on how much they paid for the site, how many dwellings they will build, the mitigations required and the amount of s.106 costs required for that size of development. There is a tipping point for each developer where a site become unviable.

A councillor advised that Town and Parish Councils can really help with distributing information and getting feedback, so please use us and involve us in the process.

The Mayor thanked the officers from TBC for attending the meeting.

22/23 - 181 To note the Mayor's Announcements

Thank you to everyone who attended the Civic Service, it was great to see so many of you there. £203.10 was raised for the Mayor's Charity account.

ClIrr Gurney has stepped down and we would like to thank him for his support and efforts over the past years. This vacancy will be filled at the upcoming elections.

For those Councillors wishing to stand again, nomination packs are now available.

The Mayor thanked councillors and staff for their efforts over the last four years.

22/23 - 182 To approve the minutes of the meetings held on 13th February 2023

It was RESOLVED to approve the minutes of the meeting held on 13th February 2023. Proposed by ClIrr Aldridge, seconded by ClIrr Danter.

22/23 - 183 Matter arising

21/22-147 **Cycle storage and Riverside Walk signs** – ongoing as part of the High Street Action Zone work.

22/23-95 **Accessibility of Town Hall.** Investigating streaming options. First quotation has come in at a cost of £23,000 per annum. An alternative has been found using the 'Owl' technology. Item to return to full council in the next financial year.

22/23-141 **Appointing a hydrology expert** – Tewkesbury Borough Council have spoken this evening about their flooding approach. The motion has been deferred to a future meeting. Further information from ClIrr Sztymiak in response to the additional questions raised by Councillors is required.

22/23-160 **Public participation** – The member of the public who was asked by the Town Clerk to email in their questions so that they could be responded to has not submitted any questions.

22/23-173 **Correspondence** – Photo ID information has been displayed in all of the noticeboards.

22/23 - 184 To note the following Committee Minutes: Buildings & Moorings – 28th January 2023, Severn Ham – 19th January 2023, Planning – 11th & 25th January 2023, Finance – 5th January 2023, Environment & Amenities – 3rd January 2023.
The above minutes were noted.

22/23 - 185 To receive the budget report for January 2023 and the earmarked reserves report
The reports were received.
The Town Clerk drew attention to a couple of areas.
There is committed moorings expenditure of £8,754 which is the purchase order for the upright posts for the new railings at Prior's Court and St Mary's Lane. This money will be 100% funded by the public realm works, but the Town Council has to pay in advance of the grant funding being received.

Income for the moorings and Watson Hall (hall rental) is expected to exceed budgeted figures. Town Hall income is expected to be less than expected (currently £15,703, against a budget figure of £20,000)

Bus shelter expenditure shows an overspend of £,2488, but 50% of the work will be funded through matched funding from GCC.

There is an anomaly on the Severn Ham net income over expenditure figure.

Action: Town Clerk to investigate.

22/23 - 186 To receive the payments reports for January 2023

The payments report was received.

A question was asked about why two payments were made to Countrywide in January. The Town Clerk advised that it can depend on when invoices are received.

Action: Town Clerk to check.

A couple of payments state 'Purchase ledger DDR payment' in their description.

Why does it say this? **Action:** Town Clerk to check with Finance Officer.

22/23 - 187 To agree the following response to the objections raised by the unaudited AGAR as follows:

- i. Confirmation that Tewkesbury Town Council acts as sole managing trustee for the Anglo American Garden of Remembrance & Riverside Walk and the George Watson Memorial Hall
- ii. Copies of the agendas and meeting minutes of the two charities during 2021/22 have been provided
- iii. Copies of the 2021 Charity Commission Annual Returns for each trust have been provided to the external auditor and the objector
- iv. Confirmation that the reason for the restatement of the 2020/21 figures on the 2021/22 AGAR was to remove all charity transactions and balances from the accounts in line with the External Auditor's 2020/21 reporting matter
- v. Confirmation that neither trust has its own bank account (there are no financial transactions in respect of the Anglo American Garden of Remembrance & Riverside Walk)
- vi. Copies of any memoranda of understanding between the charities and the council (evidenced via minutes)

- vii. **Confirmation that at a meeting of the George Watson Memorial Hall held on 20th February 2023, a decision was taken in principle that action will be taken to end the George Watson Memorial Hall charity; with the express understanding that the existing safeguards ensuring the building is for the use and benefit of the inhabitants of Tewkesbury Town should be written into the new documentation and approved by Councillors**

The Council is required to respond by 31st March 2023.

It was RESOLVED to agree the above response to the objections raised by the unaudited AGAR. Proposed by Cllr Aldridge, seconded by Cllr J Raywood.

Cllr Stzymiak voted against the motion.

22/23 - 188 To approve a request from Cllr Hayes to join the Planning Committee

It was RESOLVED that Cllr Hayes joins the Planning Committee.

Proposed by Cllr J Raywood, seconded by Cllr Bowman.

22/23 - 189 To authorise the Town Clerk to take legal advice and assistance in order to apply to the Land Charges Department or registration of a class A land charge and to the Land Registry for a caution against first registration of the Town Hall, as required under condition 3.7 of the offer of grant from the Tewkesbury High Street Heritage Action Zones scheme for Tewkesbury.

The details of the registration are attached as an addendum to the minutes.

It was RESOLVED to authorise the Town Clerk to take the actions stated above.

Proposed by Cllr Aldridge, seconded by Cllr Danter.

22/23 - 190 To agree to match fund the grant funding for works to the Town Hall façade at an amount of £6,875, representing 25% of the cost of the eligible work estimated at £27,500

This will be funded from the Town Hall projects expenditure code.

It was RESOLVED to match fund the grant funding for work to the Town Hall façade at a cost of £6,875.

Proposed by Cllr Aldridge, seconded by Cllr Cody.

22/23 - 191 To adopt the updated code of members' conduct as recommended by GAPTC and Tewkesbury Borough Council

This code of conduct has been adopted across all principal authorities and is now being rolled out to Parish and Town Councils.

It was RESOLVED to adopt the update code of members' conduct.

Proposed by Cllr Cody, seconded by Cllr Aldridge.

22/23 - 192 To receive reports from members representing the Town Council on outside bodies

Cllr Aldridge gave an update on the wheelchair bus. The lunch club is moving from Salvation Army to Priors Park Church. The organisation are seeking a new treasurer and chairman.

22/23 - 193 To resolve that the press and public are excluded due to the confidential nature of the business under the Public Bodies (Admissions to Meetings Act) 1960 s.1 ss2
It was RESOLVED to exclude the press and the public.
Proposed by Cllr Jones, seconded by Cllr J Raywood.

22/23 - 194 To discuss and agree the nominations for the Tewkesbury Town Civic Awards
The Civic Awards were discussed and nominations agreed.
Presentation of the awards will be made at Mayor Making in May.

There being no further business, the meeting closed at 8.05pm.

Signature of Chairman upon approval of the minutes 22nd May 2023

DRAFT