

# NON-CONFIDENTIAL



## **Borough of Tamworth**

20 March 2012

Dear Councillor

You are hereby summoned to attend a **meeting of the Council of this Borough** to be held on **TUESDAY, 27TH MARCH, 2012** at 6.00 pm in the **COUNCIL CHAMBER - MARMION HOUSE**, for the transaction of the following business:-

### **AGENDA**

#### **NON CONFIDENTIAL**

- 1 Apologies for Absence**
- 2 To receive the Minutes of the previous meetings held on 28 February 2012 and 7 March 2012 (Pages 1 - 18)**
- 3 Declarations of Interest**

*To receive any declarations of Members' interests (personal and/or personal and prejudicial) in any matters which are to be considered at this meeting.*

*When Members are declaring a personal interest or personal and prejudicial interest in respect of which they have dispensation, they should specify the nature of such interest. Members should leave the room if they have a personal and prejudicial interest in respect of which they do not have a dispensation.*

- 4 To receive any announcements from the Mayor, Leader, Members of the Cabinet or the Chief Executive**
- 5 Question Time:**

- (i) To answer questions from members of the public pursuant to Procedure Rule No. 10.
- (ii) To answer questions from members of the Council pursuant to Procedure Rule No. 11

**6 Audit & Governance Annual Report** (Pages 19 - 24)  
(Report of the Chair of Audit & Governance Committee)

**7 Scrutiny Chairs' Reports** (To Follow)  
(Report of the Chair of Community & Wellbeing Scrutiny Committee)  
(Report of the Chair of Corporate Scrutiny Committee)

**8 Petition - Outcome of Fluoridation Petition** (To Follow)  
(Report of the Chair of Community & Wellbeing Scrutiny Committee)

**Restricted**

**NOT FOR PUBLICATION** because the report could involve the disclosure of exempt information as defined in Paragraphs 1, 3 and 9 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended)

**9 Localism Act Pay Policy** (Pages 25 - 44)  
(Report of the Leader of the Council)

Yours faithfully



**CHIEF EXECUTIVE**

*People who have a disability and who would like to attend the meeting should contact Democratic Services on 01827 709264 or e-mail [committees@tamworth.gov.uk](mailto:committees@tamworth.gov.uk) preferably 24 hours prior to the meeting. We can then endeavour to ensure that any particular requirements you may have are catered for.*

Marmion House  
Lichfield Street  
Tamworth



**MINUTES OF A MEETING OF THE  
COUNCIL  
HELD ON 28th FEBRUARY 2012**

**PRESENT:** Councillor J Oates (Chair), Councillors T Clements, L Bates, B Beale, S Claymore, D Cook, C Cooke, S Doyle, J Faulkner, D Foster, K Gant, M Gant, J Garner, M Greatorex, A James, A Lees, R McDermid, K Norchi, G Pinner, R Pritchard, S Pritchard, E Rowe, P Seekings and M Thurgood

The following officers were present: Anthony E Goodwin (Chief Executive), John Wheatley (Deputy Chief Executive and Corporate Director (Resources)), Jane Hackett (Solicitor to the Council and Monitoring Officer), Stefan Garner (Deputy Director (Finance Exchequer and Revenues)) and Mary Gallagher (Legal and Democratic Services Manager)

**62 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors R Cook, A Lunn, M Oates, N Oates and S People.

**63 TO RECEIVE THE MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 9 February 2012 were approved and signed as a correct record.

*(Moved by Councillor D Cook and seconded by Councillor R Pritchard)*

**64 DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

**65 TO RECEIVE ANY ANNOUNCEMENTS FROM THE MAYOR, LEADER, MEMBERS OF THE CABINET OR THE CHIEF EXECUTIVE**

Councillor R Pritchard informed members that construction of the grant funded Community Play BMX track should begin in about two weeks. A lot of work has gone into this and he extended his thanks to The Belgrave Residents Association, Tamworth BMX Club, Staffordshire County Council, the Highways Agency and many local residents for making this happen. Finally he gave special thanks to

Andrew Barratt, and said he is a credit to this council and has been a great help getting this project to its end.

**66 QUESTION TIME:**

**QUESTIONS FROM MEMBERS OF THE PUBLIC NO. 1**

**Under Procedure Rule No 10, Mr M Feeley, 52 Brendon, Wilnecote, Tamworth asked the Chair of Community & Wellbeing Scrutiny Committee, the following question:-**

"We heard at the Fluoride Scrutiny last Monday that this chemical was responsible for low levels of tooth decay in Tamworth children (usually aged 5). Will you ask your Scrutiny committee then to please examine why there are so many dentists in Tamworth? Where are the cost savings?"

**The Leader of the Council gave the following reply:**

(The question was answered by Cllr Danny Cook as it was more appropriate for him to answer as Cllr K Gant is involved in Scrutiny)

Thank you for your question.

I am not an expert Mr Feeley, but I can give you what I know. It would be highly unfair of me to refuse to answer a question from a tax-payer. Therefore, I will give you what I can.

A precise answer to your question can be obtained by directing it to the Strategic Health Authority. If you wish we can provide you with details of who to contact.

This is because on the cost of providing Dentist provision in Tamworth, I have genuinely no idea. I have genuinely never thought to ask. I try not to interfere in the budget setting process of the Health Service as I am nowhere near an expert of the costings or demands on such services. I simply strive to ensure I understand that these services are delivered to the people who elected the 30 members to this chamber.

Shortages of NHS dental care exist in some places but NHS services are growing steadily under the Coalition government and there is a continued NHS commitment to improving access.

Independent patient survey figures published by the Department of Health in December 2010 show that, nationally, 59% of adults tried to get an NHS dental appointment in the last two years, and of these 93% were successful. The success rate was higher for shorter periods: 96% for 3 or 6 months; and 95% for 12 months.

I find it interesting though, that only 4 years ago in my own ward of Stonydelph residents were telling me that finding an NHS dentist place was near impossible. Now there is a better provision, I have absolutely no intention of rocking this boat.

Let us also keep in mind the range of services offered by Dentists. While fluoride helps teeth, many other issues can occur, for example:

Bridges  
Crowns  
Fillings  
Root canal treatment  
Scale and polish  
Braces  
Implants  
Dentures or false teeth  
Broken or knocked out tooth  
Teeth whitening  
Dental veneers

However if you feel you do need a detailed answer, or exact strategic positioning of dental surgeries, please speak to the Strategic Health Authority, this would be more expedient for you and negate the time and expense of using scrutiny resources of this Council that are already tied up in the current review of Fluoride. I am happy to provide more details if you request.

Thank you Mr Mayor

## **QUESTIONS FROM MEMBERS OF THE PUBLIC**

## **NO. 2**

**Under Procedure Rule No 10, Mr M Feeley, 52 Brendon, Wilnecote, Tamworth asked the Leader of the Council Councillor Danny Cook, the following question:-**

"If Tamworth council has no authority over the water providing companies and the wider health authorities, who have without consent put fluoride into our water, then what is the point of having an elected representative such as councilors if they only have the power of protest in this matter?"

**The Leader of the Council gave the following reply:**

Thank you for your questions.

Tamworth Borough Council like all local authorities is a statutory body with powers and duties in areas specified in legislation eg., Housing; Planning; Waste Management; Licensing. There are other areas of provision in Sports and Leisure

Elected Members have legislative powers to set policy relating to those areas specified in legislation., such as the Localism Act 2011, Local Government Act 1972, 1985, 1986, 1987, 1992, 1999, 2000, 2003, 2010; Bribery Act 2010, Childrens Act 2004, Equality Act 2010, Regulation of Investigatory Powers Act 2000, Local Government Finance Act 1988, Employment Act 2002, 2008; Health and Safety at Work Act 1974, Local Democracy Economic Development and Construction Act 2009.

As you will be aware this does not extend to water management or strategic health therefore, the governance of water authorities and strategic health authorities is a matter for them.

The bodies with Statutory Responsibility for water fluoridation are the NHS Strategic Health Authorities. The scheme serving this area was approved in the early 1980's It is not a new scheme. In the early 1980's the legislation would be the Water Act 1973 which was substantially replaced by the Water Act 1989 and has been further consolidated by the Water Act 2003. There are also regulations imposing controls on the responsible authorities such as the Fluoridation of Water Supplies Regulations 2005. NB this is my understanding of the Water legislation I will check position for complete accuracy with John Morris and advise if I am incorrect.

Let us not forget that this Council's involvement in this matter stems from it responding to a petition. Maybe the petition could and should be directed to those responsible for the governance and decision making at the relevant water and strategic health authority.

I have made this point more times than I care to remember to Cllr Chris Cooke. But a petition was presented to the Full Council of Tamworth Borough and thus we have addressed it. Please be aware that the policy of this council on public petitions. The policy was approved by Council on 15 June 2010. The regulations requiring the Council to set up a petition are The Local Authorities (Petitions) (England) Order 2010. The petitions policy was championed by my deputy leader Cllr Robert Pritchard, The recommendation by government to trigger a petition to be put to a full Council was a figure representative of 5% of the local population as estimated by the Office of National Statistics should be answered by a debate of Full Council. Cllr Pritchard, as with many of us, is driven by open and accountable ideologies of governing, thus he reduced this figure to 1,000. He believes in the public voice and we all supported this stance.

Thus Cllr Chris Cooke was able, with help, to put together a petition of 1000 signatures to present to this council on the subject of Fluoride. But, as I have stated Mr Mayor, this does not change my fundamental opinion that the petition has arrived with the wrong public body, is being addressed by a public body that does not carry the correct expertise to address the questions and can only recommend to the correct public bodies an opinion.

I will personally be incredibly disappointed if public opinion on Fluoride is now directed at this Council. We have, as mentioned, set remits and areas of true influence on the matters and issues pertaining to Tamworth.

As I have previously stated in this council chamber there are major issues that are my priorities at present. Health inequality, adult vocational learning, GCSE attainment in our schools, clean streets, healthier lifestyles, quality housing, sound financial planning of current Council services.

In Glascote alone, we have telling evidence of high rates of teenage pregnancies, low levels of adult vocational learning, higher crime rates inc, domestic violence. Glascote is a priority area for our Community Safety Partnership. With two smaller areas within Glascote recording an increase in crime from 2009/10 to 20010/11

despite general reductions in Glascote and the rest of the town. The proportion of violent crime in Tamworth that was profiled as domestic also increased in 2009/10 by 32%.

A quarter of all violent crime in Glascote was profiled as being alcohol related. Glascote is in the 10% most deprived wards nationally. In relation to Teenage pregnancy Tamworth has a rate of 48.9 per 1000 females aged between 15-17 years (2007-09 figures), but the Staffordshire rate is 40 per 1000 with Glascote as an identified area for high rates of teenage conceptions.

In terms of educational attainment Tamworth has the lowest levels of attainment in A\* to C GCSEs (42% in 2010) with Glascote once again performing poorly. There are also issues with young people progressing into higher education with 19% progressing in Tamworth against a county average of 26%. Likewise worklessness is an issue with a 12.5% rate of worklessness identified in Glascote in March 2011 the rate for Staffordshire at the same period was 10.9%. These are where my and my Cabinets efforts currently sit.

But, the petition did come to this Council and was correctly presented, using our own policy, thus we are addressing the issue as best we can. Community and Wellbeing Scrutiny is examining the issue. They have already had 3 pre-meeting and a full enquiry day.

On the point of having elected representatives. The question depends on what you elected them to do. I was elected (twice) to be a Councillor on the statutory body Tamworth Borough Council. This body has many statutory services and then others we as Councillors choose to deliver in the local interest. We are therefore members of public, elected by the public to manage the public purse in the name of the public. We are your representatives.

The representatives form an independent ruling body (for an election period) is charged with the responsibility of acting in the people's interest, but *not* as their proxy representatives nor necessarily always according to their wishes, but with enough [authority](#) to exercise swift and resolute initiative in the face of changing circumstances. Moreover, democracies in the modern and contemporary world as so called since the representatives are voted for by the people. Such a method makes them solely accountable to the people within the controls of the office they are elected to undertake. It is often contrasted with [direct democracy](#), where representatives are absent or are limited in power as proxy representatives. [Edmund Burke](#) was an early proponent of these principles: He wrote -

...it ought to be the happiness and glory of a representative to live in the strictest union, the closest correspondence, and the most unreserved communication with constituents. Their wishes ought to have great weight with him; their opinion, high respect; their business, unremitting attention. It is his duty to sacrifice his repose, his pleasures, his satisfactions, to theirs; and above all, ever, and in all cases, to prefer their interest to his own. But his unbiased opinion, his mature judgment, his enlightened conscience, he ought not to sacrifice to you, to any man, or to any set of men living. These he does not derive from your pleasure; no, nor from the law and the constitution. They are a trust from Providence, for the abuse of which he is deeply answerable. **Your representative owes you, not his industry only,**

**but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion**

There is no necessity that individual liberties be respected in a representative democracy: it is about serving the interests of an entire population with the information and evidence available to enact positive change.

On the issue of who put Fluoride in the water supply without consent. The nature of elected government is they take choices for the population they represent on our behalf. We have the right to challenge these decisions through lobbying our local elected representatives or at the ballot box.

Did Thatcher seek public consent to go to the Falklands in 1982, or Blair to invade Iraq in 2003? Did post war governments have public consent to abandon the British Empire? Did Bevan have public consent to create the NHS in 1947? If every government decision was by public consent in a form of opinion polls or referendum, then this country would grind to a disastrous halt. We elect people to deliver the services and changes we need in our society using all available evidence at the time of the decision. Hindsight can be wonderful at times, but we must also look for why the decision was taken.

But if evidence arises of the need to challenge the direction and decisions of government, these options are within the grasp of the British people. We just need to ask the right question of the right people.

Mr Feeley, can I refer you back to your original question? "If Tamworth Council has no authority over the water providing companies and the wider health authorities, who have without consent put fluoride into our water, then what is the point of having an elected representative such as councillors if they only have the power to protest in this matter?"

Excellent question and some may argue that there is **no** point of having elected councillors if they can not challenge the water suppliers and the health service. However Mr Feeley, and with understanding of your question, maybe we should be running Councils, cleaning streets, emptying bins, providing Leisure options, ensuring housing is available to the less privileged? The services we were elected to be involved with.

The public requested we look at the risks and benefits of Fluoride. We are looking at the risks and benefits of Fluoride, but I still fear we are the wrong people to look.

But we will do our very best. Thank you Mr Mayor.

### **Supplementary Question**

If that is your role why did you not consult with the people of Tamworth to see what their opinion is with regard to the Scrutiny Committee?

**The Leader of the Council gave the following reply:**



This Council did receive a 1000 signature petition. As a result the Council is looking at and answering public opinion.

## QUESTIONS FROM MEMBERS OF THE PUBLIC **NO. 3**

**Under Procedure Rule No 10, Mrs S Feeley, 52 Brendon, Wilnecote, Tamworth will ask the Leader of the Council Councillor Danny Cook, the following question:-**

"Fluoride is an unlicensed medicine, which with other products such as toothpaste we have a choice whether or not to ingest it, but with water we don't have such freewill. The legality of doing this to our water supplies seems to be in doubt in both UK and European legal judgments. Does Tamworth Council's insurance cover them from claims for compensation if they fail to recommend removal of this poison from our water?"

**The Leader of the Council gave the following reply:**

Thank you for your question.

The wording of your question is an example of the variations in view on this matter:

At the beginning to refer to it as AN UNLICENSED MEDICINE and at the end you refer to it as POISON!

I question if it is appropriate to respond beyond the assuring you that the Council has the requisite insurance in place commensurate with its statutory duties and functions.

It would be inappropriate to speak further on this question as it relates to a matter yet to be considered/decided upon and clearly includes a view that may influence consideration/decision of the Scrutiny committee. Also, it is not my place as Leader of this Council to direct Scrutiny to position on a topic. In fact it is quite wrong to do so. Council at its meeting on 12 July 2011 referred the petition to Community and Well Being Scrutiny Committee for their consideration. This is in keeping with the petitions policy previously referred to and accordingly the matter is now within the remit of the said Scrutiny Committee and subject to Article 6 and the Overview and Scrutiny Rules set out in Part 4 of the Constitution. The Committee is appointed in terms of Section 21 and 21A of the Local Government Act 2000 and regulations issued under Section 32 of the same Act. A member of the Executive such as myself cannot be a member of Scrutiny Committee and in fact is expressly excluded by statute from being so (Section 21(9)). The CWBS Committee will report their findings back to full Council and in turn Council will consider their report.

Therefore I will not go into details of our liability coverage, nor a personal opinion on fluoride. But on the issue of our liability in the matter, as I am sure you are aware, campaigners in Southampton had attempted to stop South Central Strategic Health Authority (SCSHA) from fluoridating the supplies of 195,000 people, [arguing it was ignoring local opinion](#).

However, on hearing the case, Mr. Justice Holman ruled in favour of the health authority, saying that "our democratic Parliament decided long ago that water can, in certain circumstances, be fluoridated".

He added: "This SHA have not acted unlawfully and no court can interfere with their decision."

The British Dental Association (BDA) welcomed the decision.

Prof Damien Walmsley, its scientific adviser, said: "It is likely to encourage consultation on similar schemes in other parts of the country where fluoride could help address the poor dental health of the population."

He added: "A recent European summary of the latest scientific evidence reiterated the view that water fluoridation is a safe and effective method of reducing oral health inequalities."

So, we have a court ruling stating that lawfully Fluoride in water is legal, thus how can we be guilty of anything. Although this does not and possibly should not stop debate on the matter in future

However, as an additional consideration, we also need to remember, as I have stated in previous answers to questions this evening. Tamworth Borough Council does not put Fluoride in water. FACT! Nor did we support apartheid in South Africa, nor did we sink the Titanic, nor did we invade Poland in 1939. I am certainly sure we can not be held responsible for decisions by others bodies outside our own legal remit.

However, we had a petition asking us to review Fluoride, thus we are. But at no point are we as a Council responsible for the issue. But as elected representatives we are trying to answer the public we serve in the questions they ask.

I am more than comfortable that whatever the final decision on recommendations of the Scrutiny process that this council is still within its required legal framework of operational and legal duties. It is my job to know.

It is not for me at this point to agree or disagree with anyone's opinion or evidence on the effects of Fluoride; I eagerly await the report of the Scrutiny committee and have full confidence in the work they do.

Thank you Mr Mayor.

## **QUESTIONS FROM MEMBERS OF THE PUBLIC**

## **NO. 4**

**Under Procedure Rule No 10, Mrs S Feeley, 52 Brendon, Wilnecote, Tamworth will ask the Leader of the Council Councillor Danny Cook, the following question:-**

"Do you think the public should have the freewill choice, based on full and informed consent, as to whether fluoride chemicals are added to Tamworth's water?"

**The Leader of the Council gave the following reply:**

I believe you have the right to raise your concerns with those with the power to respond to those concerns. Please ensure you ask them and I am more than happy again to provide these details.

**Shall we look at Free will?** It is the ability of individuals or groups to make [choices](#) free from certain kinds of constraints. The existence of free will and its exact nature and definition have long been debated in [philosophy](#). Historically, the constraint of dominant concern has been the [metaphysical](#) constraint of [determinism](#). Two prominent opposing positions within that debate are [metaphysical libertarianism](#), the claim that determinism is false and thus that free will exists (or is at least possible); and [hard determinism](#), the claim that determinism is true and thus that free will does not exist.

Both of these positions, which agree that causal determination is the relevant factor in the question of free will, are classed as [incompatibilists](#). Those who deny that determinism is relevant are classified as [compatibilists](#), and offer various alternative explanations of what constraints are relevant, such as physical constraints (e.g. chains or imprisonment), social constraints (e.g. threat of punishment or censure), or psychological constraints (e.g. compulsions or phobias).

The principle of free will has [religious](#), [ethical](#), and [scientific](#) implications. For example, in the religious realm, free will implies that individual [will](#) and [choices](#) can coexist with an [omnipotent divinity](#). In ethics, it may hold implications for whether individuals can be held [morally accountable](#) for their actions. In science, [neuroscientific findings regarding free will](#) may suggest different ways of predicting human behavior.

Basically, in decisions that only affect your personal existence, you have complete free will to determine choices. In matters that affect entire populations free will is difficult as it requires decisions taken by governing powers that require the behaviour of the entire populations to be analysed and judged upon. We as elected members must decide on many competing factors and angle our policies towards the benefits of the many, while striving not to alienate the few.

On the question you raise, “based on full and informed consent, as to whether fluoride chemicals are added to Tamworth’s water?” You do indeed have the right to ask this informed question, but be sure who you ask. And be sure you understand the nature of a consulted democracy.

For example, if 60% of the people want Fluoride and the rest don’t. How does the correct public body ensure the right water is going to the right house?

I genuinely have no idea, but if the correct public body was asked, you may get an answer you can work with.

Some say Fluoride has never been consulted on, as I see it we are constantly consulting on fluoride within Britain currently. All over England the debate rages. This may not be driven by Health authorities, but they are responding to the voice of the public they serve. Consultation works both ways and as long as it is there

and understood it matters not who began the process. This is the beautiful thing about British democracy.

Thank you Mr Mayor.

### **Supplementary Question**

Apart from the petition how can Tamworth Borough Council know what people want?

#### **The Leader of the Council gave the following reply:**

Tamworth Borough Council are constantly carrying out public consultation, and Tamworth Listens. All of this information is put into a report for the State of Tamworth Debate. On the matter of fluoridation we have not consulted with Tamworth public because we don't put fluoride in the water.

### **QUESTIONS FROM MEMBERS OF THE COUNCIL NO.1**

**Under Procedure Rule No 11, Councillor C Cooke asked the Portfolio Holder for Environment & Waste Management, the following question:-**

"Tamworth Council undertakes regular air quality testing at various heavy traffic locations in Tamworth. This is not currently done regularly at Ventura Park. In view of the increase in traffic around Ventura Park, and the traffic congestion occurring there, will the portfolio holder assure me that regular checks will be undertaken to ensure permitted emissions, particularly of the Nitrous Oxide pollutant, are detected before they exceed legal maximums and threaten the health of Ventura Park visitors?"

#### **The Portfolio Holder for Environment & Waste Management gave the following reply:**

Tamworth Borough Council is required to assess the quality of air against national standards under Part IV of the Environment Act 1995. If the report identifies the risk of exceedence of an Air Quality Objective, a Detailed Assessment may be necessary, which could result in the declaration of an Air Quality Management Area (AQMA).

The Council currently routinely monitors nitrogen dioxide concentrations using diffusion tubes at 12 sites and these are all submitted on a monthly basis to Staffordshire County Council Scientific Services. These results actively participate in Quality Assurance and Quality Control Schemes operated by the Government.

There is a monitoring point close to Ventura Park, (at Highbroom Court) which covers the area of interest in the question.

The Annual Permitted Mean concentration is 40 micrograms per cubic metre in any location, and it is the annual average readings that are always compared against this figure.

From monthly recordings available from 2007 until the 2011, there have been 14 times (out of 60, 23%) when the levels have been greater than that permitted, however on an annual basis the average levels have always been below that permitted, and within the annual permitted mean concentration level.

There is no evidence to suggest an increasing trend year on year.

No detailed assessments have occurred at any locations in the Borough and thus, Tamworth Borough Council has not needed to declare any Air Quality Management Areas.

Defra's view is that Nitrous Oxide is a naturally occurring gas produced from human sources and fertilisers burning fossil fuels. It is measured in agricultural areas and spreading in farms has overall decreased since 1990.

### **Supplementary Question**

I note that a point nearby has testing on the park itself where the emissions are heaviest. Can the Portfolio Holder assure me that he will review the flexibility of this policy so that emissions at Ventura Park are tested in future?

**The Portfolio Holder for Environmental & Waste Management gave the following reply:**

If it was necessary the County Council would have asked us to go there but they haven't. I have a suggestion to the Councillor as a car user, he stops using his car and cuts fuel emissions.

## **QUESTIONS FROM MEMBERS OF THE COUNCIL NO.2**

**Under Procedure Rule No 11, Councillor C Cooke will ask the Chair of Community & Wellbeing Scrutiny Committee, the following question:-**

"Will Cllr Gant describe how successful he feels was Tamworth Council's all-day Fluoridation Scrutiny last Monday?"

**The Chair of Community & Wellbeing Scrutiny Committee gave the following reply:**

As usual Councillor Cooke has relied on his narrow interpretation of the Council procedure rules to raise this innocuous question at a full Council meeting which could easily have been answered by a simple telephone call to me or for that matter any other colleague who is a member of the Community and Wellbeing Scrutiny Committee. But then again that would not afford Councillor Cooke to have his pet topic raised yet again in a public forum.

However in my role as Chair of the Community and Wellbeing Committee I am delighted to be given the opportunity to confirm how successful the arrangements and organisation for that meeting went.

Firstly I wish to thank the Officers who despite having other important roles to fulfil and a day job to complete worked tirelessly to ensure that arrangements for the Inquiry day were completely organised for all of those taking part including the speakers for the petitioners, the speakers for the partners, those members of the public, the members of the Committee and of the Council who wished to attend. They provided professional support to members and it was prepared down to the last minute detail. This as all of you in this Chamber are aware was the first meeting of its kind to be facilitated at Tamworth Borough Council. I can say for myself and all other members of the Community and Wellbeing Committee that we were excited by the prospect of proceeding with such an important event within the Borough. It shows that we are a forward looking organisation involving the public in our decision making process in an open transparent and accountable manner. We are supporting the big society and localism agendas. It was an innovative approach to Scrutiny in Tamworth which I consider was worthwhile and rewarding.

The decision to hold an Inquiry day was taken despite the current austerity measures as it was invaluable to invest time and effort in the matter.

Secondly I wish to thank the facilitator Brenda Cook from the Centre for Public Scrutiny for her role in the process. This ensured that the day went ahead with a professional person assisting the Committee and the speakers which was a fair and publicly accountable manner with which to deal with the meeting.

Thirdly I wish to thank the members of the Committee some of which had taken a day off work to attend the Inquiry day for their support and assistance. It was essential to the process. Each member contributed in a completely positive manner to the speakers and asked pertinent questions for clarification and to enhance their understanding of fluoridation and enable them to make an informed decision.

Fourthly I must congratulate all of the speakers, each one gave an informed and enlightening presentation on fluoridation. It was very much apparent how each of them was an expert in their chosen area, each had a passion for their chosen area of expertise. If you added each speakers research work together there must have been over a 100 years experience with fluoride in that room, a fantastic achievement.

Finally last but not least I must thank those in the public gallery who had also given their time to attend the event. Their interest was appreciated and welcome.

All in all I can advise Councillor Cooke YES I consider that the all day Fluoridation scrutiny was extremely successful.

### **Supplementary Question**

I welcome the success of this scrutiny so far as it goes. The Local Government Association has said that key to public health reform is ensuring local authorities are fully accountable to the people they serve. The LGA say this includes full, frank and informed consultation with residents and others, as well as with health professionals. Before scrutiny reaches its conclusions, can you tell me when this

Scrutiny intends to have these full, frank and informed consultations, with local residents in particular - for are these not the people we serve?

**The Chair of Community & wellbeing Scrutiny gave the following reply:**

No decision will be taken until we have the report from Brenda Cook. It is not our remit to ask the public, they should go to South Staffordshire Health Authority.

**67 CORPORATE VISION, PRIORITIES PLAN, BUDGET & MEDIUM TERM FINANCIAL STRATEGY INCLUDING TREASURY MANAGEMENT STRATEGY STATEMENT, MINIMUM REVENUE PROVISION POLICY STATEMENT AND ANNUAL INVESTMENT STATEMENT 2012/13**

Councillor D Cook moved to suspend Rule 14.5. This was seconded by Councillor R Pritchard.

The motion was **carried**.

The Report of the Leader of the Council was considered.

<b>RESOLVED:</b>		That:
	1	The Single Corporate Vision & Strategic Priorities for 2012/13 (Appendix A) be approved, and;
	2	the proposed revisions to Service Revenue Budgets (Appendix C) be approved, and;
	3	the sum of £26,262 be applied from Collection Fund surpluses in reducing the Council Tax demand in 2012/13 (Appendix E) be approved, and;
	4	it be noted that on 23 <sup>rd</sup> November 2011, the Council calculated the Council Tax Base 2012/13 for the whole Council area as 23,378 [Item T in the formula in Section 31B(3) of the Local Government Finance Act 1992, as amended (the "Act")], and;
	5	the calculation for Council Tax requirement for the Council's own purposes for 2012/13 is £3,496,180 (Appendix E), and;
	6	the following amounts as calculated for the year 2012/13 in accordance with Sections 31 to 36 of the Act be approved, and; <ul style="list-style-type: none"> <li>a. £48,551,140 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act (Outgoings excluding internal GF recharges);</li> <li>b. £45,054,960 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act (Income excluding internal GF recharges);</li> <li>c. £3,496,180 being the amount by which the</li> </ul>

		<p>aggregate at 6(a) above exceeds the aggregate at 6(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year (Item R in the formula in Section 31A(4) of the Act);</p> <p>d. £149.55 being the amount at 6(c) above (Item R), all divided by Item T (2 above), calculated by the Council, in accordance with Section 31B(1) of the Act, as the basic amount of its Council Tax for the year;</p>
	7	a freeze in the Council Tax level for Tamworth Borough Council for 2012/13 at £149.55 (the same level as in 2011/12) at Band D with compensatory funding from the Government for 2012/13 only be approved, and;
	8	an aggregate Council Tax (comprising the respective demands of Tamworth Borough Council, Staffordshire County Council, Staffordshire Police Authority and Stoke-on-Trent and Staffordshire Fire and Rescue Authority) of £1,423.61 at Band D for 2012/13 be noted (Appendix H), be approved, and;
	9	the Council Tax levels at each band for 2012/13 (Appendix H) be approved, and;
	10	the sum of £770,420 be transferred from General Fund Revenue Balances in 2012/13 (Appendix E), and;
	11	the Summary General Fund Revenue Budget for 2012/13 (Appendix E) be approved, and;
	12	the Provisional Budgets for 2013/14 to 2015/16, summarised at Appendix G, as the basis for future planning be approved, and;
	13	the minimum level for balances of £500k to be held for each of the General Fund, Housing Revenue Account, General Capital Fund & Housing Capital Fund be approved, and;
	14	Cabinet be authorised to release funding from the General Contingency budget and that the release of funding for Specific Contingency items be delegated to the Corporate Management Team in consultation with the Leader of the Council, and;
	15	the proposed HRA Expenditure level of £14,130,530 for 2012/13 (Appendix D) be approved, and;
	16	rents for Council House Tenants in 2012/13 be increased by an average of £5.17 per week (7.1%), in line with the Governments Rent Restructuring rules, and;
	17	the HRA deficit of £1,119,710 be financed through a transfer from Housing Revenue Account Balances in 2012/13 (Appendix D), and;
	18	the proposed 4 year General Fund Capital Programme as detailed in Appendix I to the report be approved, and;



	19	the proposed 4 year Housing Capital Programme as detailed in Appendix J to the report be approved, and;
	20	Authority be delegated to Cabinet to approve/add new capital schemes to the capital programme where grant funding is received or there is no net additional cost to the Council, and;
	21	the Treasury Management Strategy Statement, the Treasury Management Policy Statement, Minimum Revenue Provision Strategy and Annual Investment Statement 2012/13 (as detailed at Appendix N) be approved, and;
	22	the Prudential and Treasury Indicators and Limits for 2012/13 to 2014/15 contained within Appendix N be approved, and;
	23	the adoption of the Treasury Management Practices contained within ANNEX 7 be approved, and;
	24	the detailed criteria of the Investment Strategy 2012/13 contained in the Treasury Management Strategy within ANNEX 3 be approved.
<i>(Moved by Councillor D Cook and seconded by Councillor R Pritchard)</i>		

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The Mayor

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**MINUTES OF A MEETING OF THE  
COUNCIL  
HELD ON 7th MARCH 2012**

**PRESENT:** Councillor J Oates (Chair), Councillors T Clements, L Bates, B Beale, S Claymore, R Cook, C Cooke, J Faulkner, J Garner, M Greatorex, A James, A Lunn, R McDermid, K Norchi, M Oates, S Peale, R Pritchard, E Rowe, P Seekings and M Thurgood  
County Councillor B Adams

The following officers were present: John Wheatley (Deputy Chief Executive and Corporate Director (Resources)), Mary Gallagher (Legal and Democratic Services Manager) and Lara Allman (Democratic & Election Services Officer)

**68 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors D Cook, S Doyle, K Gant, M Gant, A Lees, N Oates, G Pinner and S Pritchard and A Goodwin (Chief Executive).

**69 DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

**70 ANNOUNCEMENTS**

Councillor K Norchi apologised to everyone for his stupidity that has been reported in the Tamworth Herald. He is not proud of what he has done, he made a stupid mistake and feels he should have known better. He wants to be honest and truthful with everyone and is not a man to keep secrets. He was given good advice why he shouldn't speak to the Herald and good advice why he should but felt he wanted others to be aware of the scam. He asked people to go and speak to him regarding this issue rather than talking about it to others and apologised unreservedly to each and everyone.

Council R Pritchard presented to each member a London 2012 badge. These are extremely limited availability. These badges come with a responsibility to act as an ambassador for the games generally and specifically to promote Tamworth's leg of the Torch Relay on 30<sup>th</sup> June 2012.

He advised that we have 200 badges in total which will go to staff involved in organising and delivering the event, to local people involved in delivering the torch relay event and local organisations involved in organising and delivering the event.

They are not for resale purposes.

Members and staff were advised to wear them with pride and when asked "what's that badge" tell everyone to come to Tamworth on June 30<sup>th</sup> and be part of history.

**71 "VENTURA RETAIL PARK TRAFFIC AND TAMWORTH'S FUTURE RETAIL OFFER"**

The County Councillors for the borough were invited to take part in the debate but had no voting rights.

It was moved by Councillor R Pritchard and seconded by Councillor R Cook that Procedure Rules 14.4 and 14.5 be suspended during this item.

The motion was **CARRIED**.

The Portfolio Holder for Economic Development & Enterprise gave an introduction to all Members of the Council. There then followed a full debate on the Ventura Retail Park Traffic and Tamworth Future Retail Offer.

Following the debate it was:

<b>RESOLVED:</b>		<b>That:</b>
	1	The Assembly Rooms regeneration proposals be endorse;
	2	Staffordshire County Council be praised on their efforts to tackle the traffic at Ventura, and reaffirm it's drive for a second exit by Argos and right turn at Fazeley Road/River Drive Junction;
	3	The Council to work with local letting agents to list, and help market, vacant town centre shops to the widest possible audience;
	4	Our commitment to free town centre events be reaffirmed, and;
	5	Our commitment to the future Gungate development be reaffirmed
<i>(Moved by Councillor R Pritchard and seconded by Councillor S Claymore)</i>		

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The Mayor

## COUNCIL

27 March 2012

### Report of Chair of Audit & Governance Committee

#### Audit & Governance Annual Report

##### **Purpose**

To advise Members on the action taken by the Audit & Governance Committee for the municipal year 2011/2012.

##### **Recommendation**

**Members are requested to note the findings of the contents of the report.**

##### **Executive Summary**

Article 10 of the Constitution requires a report to be made to Council detailing action taken by the committee in the form of minutes and including any recommendations arising therefrom.

In this current municipal year Audit & Governance Committee have met on five occasions to date and the relevant minute entries from the meetings are as follows:

##### **26 May 2011**

#### COMMUNICATION WITH THE AUDITOR TAMWORTH BOROUGH COUNCIL AUDIT 2010/11

The report of the Audit Commission was considered.  
Resolved: That the contents of the Report be endorsed

#### INTERNAL AUDIT QUARTERLY REPORT 2010/11

The report of the Head of Internal Audit Services informed members on the outcome of Internal Audit's review of the internal control, risk management and governance framework in the 4th quarter of 2010-11 and provided members with assurance of the ongoing effective operation of an internal audit function and enable any particularly significant issues to be brought to the committee's attention.

Resolved: That the internal audit quarterly report be endorsed.

#### COUNTER FRAUD & CORRUPTION 2010/11

The report of the Head of Internal Audit Services on the counter fraud and corruption work completed to date was completed.

Resolved: That the counter fraud and corruption report be endorsed.

## VIREMENTS UPDATE

The Deputy Director Corporate Finance, Exchequer and Revenues advised Members that following presentation to the committee on 21st October of 2 higher level virements processed during the first half of the 2010/11 financial year, no higher level virements had been processed during the second half of the financial year. Following changes to financial guidance at the meeting on 31st March, this provided an opportunity for members to review the level and timing of virement monitoring reports.

Resolved: That a half yearly report of virements be brought to Committee highlighting the virements authorised by Chief Officers and Heads of Service that are above the previous virement limit of £25,000.

## **30 June 2011**

### ANNUAL AUDIT FEE 2011/12 LETTER

The Report of the Audit Commission was considered.

Resolved: That the contents of the report be endorsed and documented.

### ANNUAL GOVERNANCE STATEMENT & CODE OF CORPORATE GOVERNANCE

The Report of the Head of Internal Audit Services informing Members of the Committee of the process followed in producing a Corporate Annual Governance Statement and revised code of Corporate Governance in accordance with statutory requirements, and to approve the proposed draft Statement and Code of Corporate Governance was considered.

Resolved: That:

- a) The process followed was endorsed and the document setting out the current position within the Authority on the various sources of assurance and evidence was approved, and;
- b) The proposed Annual Governance Statement be agreed by the Committee as appropriate for presentation to the external auditor and for inclusion in the Annual Statement of Accounts, and;
- c) The proposed Code of Corporate Governance was agreed, and;
- d) A report in September will be made to the Committee on the progress of the Governance Action Implementation Plan

### DRAFT ACCOUNTING POLICIES 2010/11

The Report of The Deputy Director Corporate Finance, Exchequer & Revenues seeking to approve the draft accounting policies adopted for the production of the 2010/11 Statement of Accounts was Considered.

Resolved that the draft Accounting Policies for the 2010/11 Statement of Accounts, was endorsed.

#### REGULATION OF INVESTIGATORY POWERS ACT 2000

The report of the Solicitor to the Council and Monitoring Officer was considered.

Resolved That the quarterly RIPA monitoring report was endorsed.

#### **22 September 2011**

#### ANNUAL STATEMENT OF ACCOUNTS & REPORT 2010/11

The report of the Corporate Director Resources seeking approval of the Statement of Accounts for the financial year ended 31<sup>st</sup> March following completion of the external audit was considered.

RESOLVED: That:

- 1 Members endorsed the Annual Statement of Accounts 2010/11, and;
- 2 The Management representations letter was endorsed.

#### ANNUAL GOVERNANCE REPORT

The report of the Audit Commission was considered.

RESOLVED: That the Annual Governance report with the recommendations was endorsed.

#### LOCAL GOVERNMENT OMBUDSMAN'S ANNUAL REVIEW AND REPORT 2010/11

The report of the Solicitor to the Council and Monitoring Officer seeking to advise the Committee of the views of the Local Government Ombudsman in relation to complaints against the Borough Council and proved an opportunity for members of the Committee to raise any issues they consider appropriate and consider appropriate the effectiveness of investigations relating to Tamworth Borough Council was considered.

RESOLVED: That:

- 1 The Annual Review Letter was endorsed, and;
- 2 The Annual Report was endorsed.

#### INTERNAL AUDIT CUSTOMER SATISFACTION SURVEY

The report of the Head of Internal Audit Services reporting on the outcome of Internal Audit's Customer Satisfaction Survey –providing members with assurance of the ongoing effective operation of an internal audit function was considered.

#### INTERNAL AUDIT QUARTERLY REPORT 2011/12

The report of the Head of Internal Audit Services reporting on the outcome of Internal Audit's review of the internal control, risk management and governance framework in the 1<sup>st</sup> quarter of 2011/12 – providing members with assurance of the ongoing effective operation of an internal audit function and enabling any particularly significant issues to be brought to the Committee's attention was considered.

RESOLVED: That the Committee endorsed the report.

#### ANNUAL GOVERNANCE STATEMENT 2010/11 – UPDATE

The report of the Head of Internal Audit Services seeking to advise the Committee of the current position regarding "significant and other governance issues" raised in the Authority's Annual Governance Statement 2010/11 and providing an opportunity for members of the Committee to raise any issues they considered appropriate was considered.

#### CIPFA AUDIT BENCHMARKING CLUB 2010 RESULTS

The report of the Head of Internal Audit Services providing the results of the Chartered Institute of public Finance and Accountancy Audit Benchmarking exercise completed detailing the actual figures for the financial year 2010/11 and the estimated figures for the financial year 2011/12 was considered.

#### **27 October 2011**

#### RISK MANAGEMENT REPORT 2011/12

The report of the Head of Internal Audit Services informing Members on the Risk Management process and progress made to date for the current financial year was considered.

RESOLVED: That the Committee considered and endorsed the Risk Management Process and the progress made to date for the current financial year.

#### INTERNAL AUDIT QUARTERLY REPORT 2011

The Report of the Head of Internal Audit Services informing Members on the outcome of Internal Audit's review of the internal control, risk management and governance framework in the second quarter of 2011/12, and providing Members with assurance of the ongoing effective operation of an internal audit function and enabling any particularly significant issues to be brought to the Committee's attention was considered.

RESOLVED: That the Committee considered and endorsed the Internal Audit Review and the assurance of an ongoing effective operation of the internal audit function.

#### REGULATION OF INVESTIGATORY POWERS ACT 2000



The Report of the Solicitor to the Council informing members of the surveillance carried out under the Regulation of Investigatory Powers Act 2000 was considered.

RESOLVED: That the quarterly RIPA monitoring report which indicated that no RIPA Applications in the quarterly period to 30 September 2011 was endorsed.

## **26 January 2012**

### REGULATION OF INVESTIGATORY POWERS ACT 2000

The Report of the Solicitor to the Council and Monitoring Officer informing members of the surveillance carried out under the Regulation of Investigatory Powers Act 2000 was considered.

RESOLVED: That the quarterly RIPA monitoring report be endorsed.

### ANNUAL AUDIT LETTER AUDIT 2010/11

The Report of the Audit Commission was considered.

RESOLVED: That the contents of the report be endorsed.

### CERTIFICATION OF CLAIMS AND RETURNS - ANNUAL REPORT AUDIT 2010/11

The Report of the Audit Commission was considered.

RESOLVED: That the contents of the report be endorsed.

### VIREMENTS UPDATE 2011/12

The Report of the Deputy Director Corporate Finance, Exchequer & Revenues advising Members of the higher level virements processed during the first half of the 2011/12 financial year was considered.

RESOLVED: That the contents of the report be endorsed.

### INTERNAL AUDIT QUARTERLY REPORT 2011/12

The Report of the Head of Internal Audit Services reporting on the outcome of Internal Audit's review of the internal control, risk management and governance framework in the 3<sup>rd</sup> quarter of 2011/12 – to provide members with assurance of the ongoing effective operation of an internal audit function and enable any particularly significant issues to be brought to the Committee's attention was considered.

RESOLVED: That the Committee considered and endorsed in Internal Audit Review and the assurance of an ongoing effective operation of the internal audit function.

#### RISK MANAGEMENT REPORT 2011/12

The Report of the Head of Internal Audit Services reporting on the Risk Management process and progress to date for the current financial year was considered.

RESOLVED: That the Committee considered and endorsed the Risk Management Process and the progress made to date for the current financial year.

#### **Financial Implications**

There are no financial implications arising from this report.

For further information please contact Councillor M Gant, Chair of Audit & Governance Committee on Extn: 264

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