



## **MINUTES OF A MEETING OF THE COUNCIL HELD ON 13th DECEMBER 2012**

**PRESENT:** Councillor T Clements (Chair), Councillors J Garner, S Claymore, D Cook, C Cooke, M Couchman, S Doyle, J Faulkner, D Foster, M Gant, M Greatorex, G Hirons, A James, R Kingstone, A Lunn, M McDermid, R McDermid, K Norchi, J Oates, S Peale, R Pritchard, S Pritchard, E Rowe, P Seekings and P Standen

The following officers were present: Anthony E Goodwin (Chief Executive), Jane Hackett (Solicitor to the Council and Monitoring Officer), Andrew Barratt (Director - Assets and Environment), Stefan Garner (Director of Finance), Michael Buckland (Head of Revenues), Karen Taylor (Head of Benefits), Lara Allman (Democratic & Election Services Officer) and Linda Street (Democratic & Elections Officer)

### **44 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors L Bates, B Beale, M Clarke, K Gant, M McDermid and M Thurgood.

### **45 TO RECEIVE THE MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 23 October 2012 were approved and signed as a correct record.

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

### **46 DECLARATIONS OF INTEREST**

Anthony Goodwin Chief Executive gave the following announcement:

In terms of the Localism Act 2011 members with a Disclosable Pecuniary Interest are prohibited from participating in authority business. However there are exceptions to such interests being considered prejudicial otherwise the Council would not be in a position, for example, to fix the rate of Council Tax. Housing Benefit is another example where a member may have a Disclosable Pecuniary Interest but for the purposes of deciding such benefit all members will be allowed to participate fully in the business before the Council tonight.

There were no Declarations of Interest.

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

**Announcement by the Mayor**

A reminder that the Mayors Carol Service is being held at 7pm at St Editha's Church on Friday. Everyone is welcome.

Big thanks to the Democratic and Election Services Officer Linda Street and the team for buffet tonight and for all the work they have done throughout the year.

The Mayor attended St Georges Park Sutton and received a legacy certificate on behalf of the Leader and Chief Executive to implement in 2013. The legacy was read out and accepted by the Chief Executive on behalf of the Borough.

**Announcement by the Leader of the Council**

The Leader inadvertently called Councillor Seekings a liar at the State of Tamworth Debate. He apologised to Councillor Seekings.

Councillor Seekings accepted the apology unreservedly.

**Announcement by the Deputy Leader of the Opposition**

Councillor McDermid has raised £500 for Cancer Research for the Movember appeal. One in three people are affected by Cancer and this is a good cause to raise awareness of cancer. He thanked everyone for their support.

**48 QUESTION TIME:**

**QUESTIONS FROM MEMBERS OF THE COUNCIL**

**NO.1**

**Under Procedure Rule No 11, Councillor John Faulkner asked the Leader, the following question:-**

"When will we have a public apology from Councillor Michelle Thurgood for the inappropriate comments which she made at the Aspire & Prosper Scrutiny Meeting held on 29 August 2012 when she called into question the professionalism of a senior officer of this Council."

(Note: This question will be withdrawn if there is a sufficient public apology before the time for this question arrives)

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

Thank you Madam Mayor.

Firstly, I can confirm Councillor Thurgood has already apologised to the officer. This was also followed up by an email confirming the apology. All this took place

within a week of the meeting. The officer requested time from Councillor Thurgood to consider the apology. To date, as far as I am aware Councillor Thurgood has had no response.

The interesting thing here is how would Councillor Faulkner be sure the officer in question is seeking a full public apology on the matter. I could never accept that any officer of this Council would discuss a matter of one member of one of the political parties conduct with a member of another political party. This would surely be unethical and possibly in breach of the protocols of an officer. If that was the case myself and the Chief Executive will be having a conversation.

However, I refuse to believe that is the case at present and thus can only assume either Councillor Faulkner is trying to score political points or he genuinely believes an apology is the right thing to offer in a public sphere.

Accepting Councillor Faulkner believes it is the right thing to do and I offer no reason to imply otherwise, I can confirm I have had conversations with Councillor Thurgood, they were very easy conversations as Councillor Thurgood has already apologised both verbally and in writing.

When Councillor Faulkner submitted this question at 15:53 on the 6<sup>th</sup> December, he did state in his email the question would be withdrawn if a public apology was made before tonight. Was it just unfortunate timing that the only public place to offer such an apology between the 6<sup>th</sup> December and the 13<sup>th</sup> December, well tonight, was a planning meeting on 11<sup>th</sup> December and surely we can all agree planning committees are not the correct environment for non planning related announcements. Tonight Councillor Thurgood is abroad at the instruction of her employer thus can not facilitate this request this evening.

However, I can confirm to this chamber this evening emails have been exchanged this week between Councillor Faulkner and Councillor Thurgood on this matter and I suspect they have not quite seen eye to eye on the matter. Certainly not on biblical statements, concerning sermons on the mount. But the matter in question was confirmed.

Councillor Thurgood will apologise in a public meeting, but I suspect Councillor Faulkner is not happy with how the apology may be worded. May I suggest the nature of the apology should be agreed between the officer in question and Councillor Thurgood?

**There was no supplementary question.**

**QUESTIONS FROM MEMBERS OF THE COUNCIL NO.2**  
**Under Procedure Rule No 11, Councillor M Couchman asked the Portfolio Holder for Housing, the following question:-**

"At the State of Tamworth Debate I raised the anomaly between the quality and specification between reactive repairs and planned repairs to Kitchens and Bathrooms. I would like to thank Councillor Greatorex for looking into this matter and telling me there should not be any differences between the two. Will he

please tell me what measures have been put in place to ensure this no longer continues?"

**The Portfolio Holder for Housing gave the following response:**

"Thank you Madam Mayor. May I thank Councillor Couchman for her question and for this opportunity to clarify the position regarding planned repairs and responsive repairs to kitchens and bathrooms. There is a difference between the two and I apologise if my earlier response to Councillor Couchman may have led to a misunderstanding.

There are currently two specifications used by Mears our contractor one for planned repairs and a second for responsive repairs. These National Federation for Housing specifications have different pricing schedules.

A responsive repair is because an item or items have failed. In these circumstances repairs are appropriate to repair/replace with a component which matches as far as possible with what has failed and with existing units and sizes etc. Tenants are and should be consulted in this situation. By their nature responsive repairs will not afford the same opportunities for general upgrading which are offered by planned repairs. However, where a responsive repair inspection identifies that eg a complete new kitchen/bathroom is more cost effective than a responsive repair, then once this is approved such a job is passed to the planned works section for completion and the tenant will and should be consulted about preferences etc and the work completed as a planned repair.

Repairs to void properties are completed by the responsive repairs team and prospective tenants are not involved.

We are working with Mears to ensure, as far as we can, that the same specification is used for responsive and planned repairs where appropriate and that tenants are involved accordingly. We want to ensure also that whether it be a responsive or a planned repair that the same level of service is delivered by both teams."

**Supplementary Question**

Thank you for your reply. I appreciate that if it is a cupboard door etc then only a repair is required. If a complete kitchen /bathroom is required how are you going to monitor Mears complete them to the same standard?

**The Portfolio Holder for Housing gave the following response:**

Where appropriate the Council Officers will check. I can't guarantee all will be checked but checks will be made.

**49 LOCALISING SUPPORT FOR COUNCIL TAX SCHEME**

The Report of the Portfolio Holder for Core Services and Assets seeking Council approval for the proposed Local Council Tax Support Scheme for Tamworth from 1<sup>st</sup> April 2013 was considered.

**RESOLVED:** That the proposed Local Council Tax Support scheme be endorsed.

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

**50 TECHNICAL REFORM OF COUNCIL TAX**

The Report of the Portfolio Holder for Core Services and Assets seeking Council approval for proposed amendments to Council Tax discounts and outline of several reforms to the Council Tax system arising from the Local government Finance Bill 2012 was considered.

**RESOLVED:** That:

- 1 The following changes to Council Tax discounts and exemptions with effect from 1 April 2013:
  - a. The removal of the 50% second homes discount so that all second homes are liable for full Council Tax;
  - b. The granting of a 50% discount on properties undergoing structural work for up to 12 months;
  - c. The granting of a 100% discount for 2 months on dwellings which are empty and unfurnished. After this period a full charge shall apply;
  - d. The levying of the maximum allowable additional premium of 50% on properties that have been empty for two or more years
- 2 The technical matters identified be endorsed, and;
- 3 The potential requirement for additional resource be acknowledged, and;
- 4 The Authority acknowledges that with effect 1<sup>st</sup> April 2013 charges recovery costs of £60 on the issue of a summons and a further £35 if a liability order is awarded to allow for increased recovery costs.

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

**51 COUNCIL TAX BASE 2013/14**

The Report of the Portfolio Holder for Core Services and Assets on the Council Tax Base for the Borough Council 2013/14 was considered.

**RESOLVED:** That Tamworth Borough Council resolves its calculation of

the Council Tax Base for the year 2013/14 to be 20,199 (2012/13 – 23,378)  
(Moved by Councillor R Pritchard and seconded by Councillor D Cook)

**52 TREASURY MANAGEMENT STRATEGY STATEMENT AND ANNUAL INVESTMENT STRATEGY MID-YEAR REVIEW REPORT 2012/13**

The Report of the Portfolio Holder for Core Services and Assets presenting Members the Mid-year review of the Treasury Management Strategy Statement and Annual Investment Strategy was considered.

**RESOLVED:**

- 1 The Treasury Management Strategy Statement and Annual Investment Strategy Mid-Year Review Report 2012/13 be accepted, and;
- 2 The CIPFA Code of Practice as revised in November 2011 be formally adopted.  
(Moved by Councillor R Pritchard and seconded by Councillor D Cook)

**53 REVIEW OF THE CONSTITUTION**

The Report of the Solicitor to the Council and Monitoring Officer reviewing the governance process, ensuring compliance with statutory obligations, to obtain fit for purpose documents that will be intra vires, equitable and legal was considered.

**RESOLVED:**

- That the Council set up a project team comprising Chief Executive, Leader and Deputy Leader of both parties, Independent Member and lead by an independent advisor (quotations have been received and are currently being evaluated) to source
- (a) review the Constitution and Scheme of Delegation thereafter, and;
  - (b) to report the results to Audit and Governance Committee, and;
  - (c) with a report seeking approval of both revised documents being made to the first business meeting of the Council in 2013.  
(Moved by Councillor D Cook and seconded by Councillor R Pritchard)

**54 REGULATION OF INVESTIGATORY POWERS ACT POLICY REVISED IN ACCORDANCE WITH THE PROTECTION OF FREEDOMS ACT 2012**

The Report of the Solicitor to the Council advising Members of the proposed amendments to the Corporate Policy governing the Regulation of Investigatory

Powers Act 2000 in light of the new requirements introduced by the Protection of Freedoms Act 2012 and seeking approval thereof was considered.

**RESOLVED:** That the Council adopts the RIPA policy on Directed Surveillance, Covert Human Intelligence Sources (CHIS) and Acquisition of Communications Data.  
*(Moved by Councillor J Oates and seconded by Councillor D Cook)*

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The Mayor