



MINUTES OF A MEETING OF THE COUNCIL HELD ON 26th FEBRUARY 2013

PRESENT: Councillor T Clements (Chair), Councillors J Garner, M Clarke, 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, E Rowe, P Seekings, P Standen and M Thurgood

The following officers were present: Anthony E Goodwin (Chief Executive), John Wheatley (Executive Director Corporate Services), Jane Hackett (Solicitor to the Council and Monitoring Officer), Stefan Garner (Director of Finance) and Lara Allman (Democratic & Election Services Officer)

55 ANNOUNCEMENT BY THE MAYOR

The meeting commenced with a minutes silence as a mark of respect following the death of Councillor Brian Beale.

56 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors L Bates, K Gant and S Pritchard.

57 TO RECEIVE THE MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 13 December 2012 were approved and signed as a correct record.

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

58 DECLARATIONS OF INTEREST

None

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

Announcement by the Leader of the Council

The new Committee Places that have previously been circulated by the Leader of the Council and the Leader of the Opposition following the death of Councillor Brian Beale were confirmed.

60 QUESTION TIME:**QUESTIONS FROM MEMBERS OF THE COUNCIL NO.1**
Under Procedure Rule No 11, Councillor P Standen will ask the Leader of the Council, the following question:-

"Does the Leader of the council agree with the comments made by the Secretary of State for Communities and Local Government Eric Pickles in the Telegraph on 27th January 2013, when he accused councils like Tamworth who are proposing to raise their council tax by slightly under 2% of 'cheating their taxpayers' and of being 'Democracy dodgers'?"

The Leader of the Council gave the following reply:

Thank you Cllr Standen for your question.

Simple answer is NO I do not agree with the Secretary of State on this issue. I agree that all taxes should be kept as low as possible, but I also accept sometimes harsh reality kicks in and hard choices must be made.

However, in regard to "democracy dodgers" as the Secretary of State so eloquently puts it let me quote from a letter I received on the 30th January 2013 from Brandon Lewis MP, Parliamentary Under Secretary of State for Department of Communities and Local Government.

He states "You will be aware that the government is prepared to facilitate action where authorities choose to burden tax payers with excessive increases. On 19 December 2012, the Secretary of State proposed a council tax referendum principle of 2%, with some low taxing Shire District Councils, Fire and Rescue Authorities and Police and Crime Commissioners given additional flexibility to set a £5 increase.

Having taken account of representations, the final principles report will be put to the House of Commons for approval alongside the final local government finance report in February. If an authority raises its relevant amount of Council Tax by more than the level of the principles, the local electorate will have a right to approve or veto this increase in a binding referendum".

As stated Brandon Lewis MP is the Parliamentary Under Secretary of State for Department of Communities and Local Government. Let's recall who is the actual Secretary of State. That's quite correct Eric Pickles MP. I am happy to provide a copy of the correspondence to any member who wishes to see it.

I don't take my advice/guidance from statements in the national media; I take those direct from Parliamentary reports / legislation.

I understand what Mr Pickles is trying to say, but they set the threshold and before a democratic referendum is called, the threshold is 2%.

Thank you Madam Mayor.

Supplementary Question

Thank you for your reply. What do you think Eric Pickles meant when he said in the same report 'Anybody using loop holes will lose out next year'?

The Leader of the Council gave the following response:

I have no idea, that is a question for Mr Pickles and I suggest you write to Eric Pickles to find out.

QUESTIONS FROM MEMBERS OF THE COUNCIL NO.2

Under Procedure Rule No 11, Councillor P Standen will ask the Leader of the Council, the following question:-

"At the planning committee meeting held on 29th January 2013 all Conservative members of the committee present voted in favour of application 0349/2012 to give outline planning application for up to 94 residential units at land of Pennine Way designated in the current local plan as Greenspace/Open Space; with one Conservative ward councillor speaking as an objector. Can the Leader confirm what is the Conservative group's policy in this area do they support provision of additional housing, or retention of our few remaining areas of greenspace?"

The Leader of the Council gave the following response:

Thank you again Cllr Standen.

As to the application 0349/2012 the Conservative group had no specific political policy. As to specific policies on housing land and future provision I believe the Conservatives groups position to be the exact same position as your own Cllr Standen. The proposed Local Plan that Cllr Claymore is currently in talks with the inspector about was moved as the future Local Plan by this chamber on 17th May 2012. I believe the recommendations were, and quite correctly, seconded by the Leader of the Opposition and you yourself voted with the motions. Thus our stance is surely the exact one. As Pennine Way was listed within the supporting evidence of the plan, the SHLAA, by definition you agree that it can be in future brought forward for housing as you voted with the Plan.

You will be aware of course that the amount of land in Tamworth administrative boundary is fixed; we are 4 miles across and 6 miles deep on the confluence of two rivers with a lot of flood plain. There will always be competing demands on what that land is used for. We have to make choices through the planning system about what we think those appropriate uses are and attempt to balance those

competing needs and demands – we know all of our needs cannot be met within our area. Thus Lichfield and North Warwickshire are taking some of our housing needs in future years under the duty to co-operate.

The Council knows that the current population of the town will grow in future years, that is undisputed, all household projection evidence supports this and to be able to offer the people of Tamworth and their children and families an opportunity to live in the town we will need to build more housing. I have two young children myself and hope they can choose to live in Tamworth one day, not have to take themselves and their children elsewhere because we put the shutters up.

The Council has had a good track record over the last ten years of bringing forward housing sites on brownfield land, i.e. sites that have been used previously for other uses, Tame Valley Alloys and Doultons for example. We know that the supply of brownfield sites is not sufficient to meet our housing needs; therefore we will have to look at 'greenfield' sites which inevitably will mean looking at land currently classed as open space. The term 'open space' can cover a variety of types of land. In planning terms it covers areas from formal parks/gardens, civic space, to semi natural areas to amenity green space such as the piece of mown grass around housing estates. The term can also be quite emotive. Just because land is classed as open space it does not necessarily follow that it is of high quality or is used on a regular basis.

With regards to Pennine Way an Open Space Assessment was undertaken in 2005 and the consultants looked specifically at this site and concluded:

- Although the site provides a buffer between housing and industrial land it doesn't really protect from the visual appearance of the large industrial buildings.
- It does contribute to the local landscape softening the surrounding urban texture but because of its ill maintained and untidy nature it doesn't provide an attractive site for use by the public. – **The consultant's words not mine.**
- It is littered in places and therefore its current value to the community as unusable and/or visual amenity open space could be questioned.
- It does not provide any spatial variation, ecological or educational benefits. The only activities likely are dog walking and therefore do not contribute to any real informal recreational opportunities.
- If the site were to be developed there are opportunities to improve the council owned part of the site to offer more formal play and recreation facilities.

It is worth noting that the site is in private ownership and access could be restricted leaving its only function as a visual amenity.

The Council received a planning application for the development of land at Pennine Way and the Planning Committee made the decision that in this case the loss of this privately owned piece of land of relatively poor quality was outweighed by the need to provide housing for our growing needs. Not a political point but a legal one.

All residential areas in the vicinity of Pennine Way would remain within 400m of open space which is a 5 to 10 min walk and the application secured the improvement of existing open space in the area.

The adopted Local Plan has a standard for new developments to provide 2.43ha of open space per 1000 population. The 2011 study found that the amount of open space across the Borough is 5.9 ha/1000 population. Thus we are within tolerance.

Supplementary Question

The Tamworth Herald in their report on this application highlight that the committee was split but failed to report that along the lines of conservative against not conservative councillors. The impression I had was that the Conservatives on the committee were whipped. Can the Leader confirm whether the conservative members present at the planning committee held on 29th January 2013 were whipped or not?

The Leader of the Council gave the following response:

Fundamentally not.

QUESTIONS FROM MEMBERS OF THE COUNCIL NO.3 Under Procedure Rule No 11, Councillor M Couchman will ask the Portfolio Holder for Economic Development and Enterprise, the following question:-

"What are the financial implications to the council's budget, with regard to the liquidation of the company running the Golf Course?"

The Portfolio Holder for Economic Development and Enterprise gave the following response:

Thank you for your question.

As a consequence of the current Liquidation process the Council will have to finance the loss of the £36k income from the rental fee.

The Council is currently examining a number of potential options for the future of the course and the associated costs of those options prior to making a decision. In addition to the above, should the Council decide to re-open the course through either an internal or external management arrangement there is likely to be an additional cost which will need to be met from contingency budgets. These additional costs may not be sustainable in the long term and we would need to review any investment into the course with a view to generating future income to minimise the longer term cost to the tax payer and impact on other services.

The situation regarding unpaid rental and rates due cannot be resolved until the liquidation is complete but will be reflected within the outturn report.

Supplementary question

At this moment in time do you intend to run the golf course as a going concern?

The Portfolio Holder for Economic Development and Enterprise gave the following response:

It is an intention but we need to make sure this is not a burden on many tax payers who do not play golf.

QUESTIONS FROM MEMBERS OF THE COUNCIL NO.4
Under Procedure Rule No 11, Councillor M Couchman will ask the Portfolio Holder for Environment and Waste Management, the following question:-

"Will the Portfolio Holder update us as to how the Friends of Tamworth Cemeteries proposals are progressing towards taking over the locking and unlocking of our cemeteries?"

The Portfolio Holder for Environment and Waste Management gave the following response:

The group is making positive progress under the leadership of Stephanie Mirza and with support from myself and Council Officers, there are currently 22 people who have signed up to become part of the group.

Supplementary question

How many meetings have there been between yourself, the Council and the Friends of Tamworth Cemeteries?

The Portfolio Holder for Environment and Waste Management gave the following response:

There have been a number of discussions between me and the leader of the Friends of Tamworth Cemeteries and there is a meeting arranged for tomorrow to go around the cemeteries.

QUESTIONS FROM MEMBERS OF THE COUNCIL NO.5
Under Procedure Rule No 11, Councillor C Cooke will ask the Portfolio Holder for Housing, the following question:-

"Is Tamworth Council producing, or does it intend to produce, a protocol to govern the use of money the borough receives from the New Homes Bonus?"

The Portfolio Holder for Housing gave the following response:

Thank you Madam Mayor.

May I also thank Cllr Cooke for his question.

No, it is not felt that such a protocol is required. New Homes Bonus is not ring-fenced - it is credited to the General Fund in support of the total budget of the Council. This income is therefore considered each year by the council as part of the preparation of the Medium Term Financial Strategy.

The Council considers options to utilise New Homes Bonus to support its strategic housing objectives, local Investment plan priorities and the like.

Cllr Cooke will know that we have an ongoing programme of works aimed at increasing housing supply within the Borough, bringing empty homes into use, re-developing garage sites and supporting housing development and New Homes Bonus assists with some of those costs.

Supplementary question

The Housing Portfolio Holders at other Councils do use protocols. If a protocol is not used how can I be reassured and assure other people that the New Homes Bonus is used properly.

The Portfolio Holder for Housing gave the following response:

It is not for me to tell Members how to act as a local Councillor but as a Portfolio Holder I will ensure the New Homes Bonus is properly spent and accounted for.

QUESTIONS FROM MEMBERS OF THE COUNCIL NO.6

Under Procedure Rule No 11, Councillor C Cooke will ask the Leader of the Council, the following question:-

"Will the leader of the Council please give a brief description of the possible benefits of HS2 to Tamworth?"

The Leader of the Council gave the following response:

Thank Cllr Cooke.

To be honest at present I genuinely have no full picture of the benefits or disadvantages to Tamworth due to HS2.

At present routes are proposals only and out for public consultation. I, along with Cabinet colleagues and officers, will be looking to ask some searching questions of the proposals and I am happy to share this entire process with the members of this Council.

Currently I support the mass economic benefits the High Speed projects offer the UK as a whole, but I need compelling answers or mitigation proposals of what this means locally with regards to impacts/benefits on social, environmental and economic conditions.

I invite all Councillors to send me any thoughts and we will feed this in where possible to any consultation responses.

Supplementary question

It has been suggested that Councils who benefit ought to pay a contribution. If so would you be prepared to pay it or conversely if a negative benefit would you consider asking for a contribution from the Government.

The Leader of the Council gave the following response:

The Council will develop a position but requires to be better informed. We will be working with the local MP and will keep you fully informed.

QUESTIONS FROM MEMBERS OF THE COUNCIL NO.7

Under Procedure Rule No 11, Councillor G Hirons will ask the Leader of the Council, the following question:-

"Is it not the case that you are hiding future problems by only presenting a three year budget when it is clear, from the recent budget working groups, that this council cannot balance the budget over a five year period?"

The Leader of the Council gave the following reply:

Thank you Councillor Hirons.

Firstly, let's look at my success at hiding the 5 year financial picture. Why are you aware of it Councillor Hirons?

Did I come in front of all non-Cabinet members in December and put up slides on the screen in this Chamber showing the issues in years 4 and 5. Oh that's right I did.

When the Joint Budget Scrutiny met in January did I as part of my introduction state we were likely to be looking at three years because I could not at that point balance a five year budget without cuts to services. I believe I did.

You are aware of the 5 year hole in the General Fund budgets because I told you Councillor Hirons.

But tonight we have in front of us a 3 year proposed General Fund Revenue budget. This is proposed and open to debate in this chamber. But are you suspecting this is now hiding the issues from the public.

Tamworth Herald, 7th February 2013, page 2. I quote "Councillor Cook warned that budgets would continue to fall and that over the next 5 years there would be a shortfall of around £3.5million which needed to be looked at".

Not quite what I said, but close enough. So I have twice sat in front of you and told you the facts, very honestly, I have put slides on the screen in this chamber

showing the shortfall and why it exists and have been quoted in the local press this very month stating the fact there is short fall.

I am lost Councillor Hiron, help me. Are you saying I am just very bad at hiding it or were you absent from both open meetings and don't read local papers? Please clarify during your supplementary question; it would help us all understand your point so much better.

Straight answer, Councillor Hiron, is that you see a three year budget because that is what balances and I've told everyone I can think of.

Supplementary question

To quote Eric Pickles, will you 'man up' and indicate services which will be affected in years 4 and 5?

The Leader of the Council gave the following reply:

At present we can balance 3 years budget. We want another year to look at future options. Tamworth Borough Council does not offer any service that we could lose, all 400 staff work hard and I want to give them the respect that they deserve. It is a more difficult question when you actually manage staff.

QUESTIONS FROM MEMBERS OF THE COUNCIL

NO.8

Under Procedure Rule No 11, Councillor J Faulkner will ask the Portfolio Holder for Housing, the following question:-

"Given that on 1 April 2013, 521 Tamworth Borough Council tenants are forecast to be adversely affected the Conservative/Liberal Democrat Government's vindictive provisions relating to under occupation usually called the 'bedroom tax', what measures are being taken to mitigate the damaging effect on tenants already suffering from a series of attacks on their wellbeing by this Government?"

The Portfolio Holder for housing gave the following reply:

Thank you Madam Mayor.

May I also thank Cllr Faulkner for his question. His use of some intemperate language gives me an inkling that he may have already made up his own mind on this issue. That doesn't surprise me. We know the Labour party stand for unlimited welfare and oppose the welfare cap; they believe people on benefits should get more from the tax payer each week than the average working person earns in a week.

The rationale of the under-occupancy changes as part of welfare reform is to enable us to start matching up need for homes with the stock which we have.

Families need homes. Is it fair that you should retain a bigger council home than you need and have it funded by the state or is it fair that we try and fit the

available council stock to match the needs of others? I am firmly on the side of supporting reform – it is long overdue.

I remind us all that these changes apply to our tenants who are people of working age and who are in receipt of housing benefit – that is currently over 63% of our tenants. Pensioner tenants are excluded from this revision of the benefit; there is protection for the disabled. On this issue I know that the Deputy Leader and the Chief Executive, together with our local MP, have signed a joint letter to central government seeking more support for disabled residents in particular. I believe that they await a reply.

Cllr Faulkner asks what measures are being taken to mitigate the effects on tenants of the changes to the under-occupancy issue.

The Member Seminar in May 2012 to which Cllr Faulkner refers set out the principles involved (managing fiscal deficit, incentivise work, making best use of stock, between use of public and private sector rented housing; highlighting the inevitable transitional difficulties for tenants. The actual tenants affected are 519, compared to 521 predicted.

There is another Seminar for members of the Council a week today in this Chamber to bring members up to date. I hope Cllr Faulkner and other members make every effort to attend.

We have done much work to publicise the changes to those affected. For example:

Range of drop in events to update tenants groups, etc. Final event planned for 25 March 2013 at the Assembly rooms with welfare reform.

Survey done October 2012

Telephone campaign over Christmas 2012 (know 25% want to down size – of those 121 need 1 & 2 bed properties)

Countdown literature sent monthly to inform and prepare tenants

Dedicated web site & help line – one of the most visited

Live blog planned for end of March

Video being finalised to explain changes – there will be press release around this

Individual letters to be sent to tenants within next 2 weeks – with named housing officer contact

Support for transitional phase. We have prepared for this:

Discretionary housing payments – via Benefit teams (£111k for 2013/14 – limited pot)

Development of Landlord Hardship fund where business case and homeless prevention is evidenced.

Targeted use of Homeless prevention fund (under review)

Investment in third sector – jam jar accounts, sensible borrowing, working with banks, we have a Partnership with illegal lending services agency in Birmingham to tackle loan sharks.

Allocations Changes and preparations.

Allocation review – I'll be reporting to cabinet about this on 13th March.
Re-designation of properties to 1 bed (I reported to cabinet last year about stock in Fazeley Road etc)
Promoting home swapper – changes to mutual exchange approach to be more flexible (better use of stock instead of best use only)
Promoting incentive to move
Working with private rented sector to look at bond scheme, maximise people's widest housing options
Rent application being developed to take payments at sign up
Introduction of fixed term tenancies from April to encourage people to move between tenures.

Strategic Approach overall to mitigate risks

Promotion of Right To Buy to give tenants widest possible housing choices
Working with contractors, think local 4 business and link into LEP to promote work.

To summarise

There are currently 159 Housing Association tenants and 519 Council tenants who will have either a 14% or 25% housing benefit reduction.

These numbers are subject to constant fluctuation, as people go on and off Housing Benefit.

Thank you Madam Mayor

Supplementary question

Senior Council Jonathan Mitchell QC has reported that a 'bedroom' is not defined anywhere in legislation and it is therefore up to the individual authority to define what is meant by 'bedroom'. How are you going to address this?

The Portfolio Holder for Housing gave the following reply:

We will do what we can to interpret the legislation. If it needs legal advice then we will seek it but we will do what we have to do to comply with the legislation.

61 CORPORATE VISION, PRIORITIES PLAN, BUDGET & MEDIUM TERM FINANCIAL STRATEGY 2013/14

The Report of the Leader of the Council and Cabinet seeking approval for the Single Corporate Vision & Strategic Priorities for 2013/14 was considered.

RESOLVED:

- 1 That Council approved:
1 The Single Corporate Vision and Strategic Priorities for 2013/14;
- 2 The proposed revisions to Service Revenue Budgets;
- 3 The sum of £10,505 be applied from Collection Fund

- surpluses in reducing the Council tax demand in 2013/14;
- 4 It be noted that on 13 December 2012, the Council calculated the Council Tax Base 2013/14 for the whole Council area as 20,199 [Item T in the formula in Section 31B(3) of the Local Government Finance Act 1992, as amended (the "Act")];
 - 5 Calculate that the Council Tax requirement for the Council's own purposes for 2013/14 is £3,080,349;
 - 6 The following amounts as calculated for the year 2013/14 in accordance with Section 31 to 36 of the Act:
 - a. £54,445,138 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);
 - b. £51,364,789 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);
 - c. £3,080,349 being the amount by which the 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);
 - d. £152.50 being the amount at 6(c) above (Item R), all divided by Item T (at 4 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;
 - 7 The Council Tax level for Tamworth Borough Council for 2013/14 of £152.50 (an increase of £2.95 (1.97%) on the 2012/13 level at Band D;
 - 8 An aggregate Council Tax (comprising the respective demands of Tamworth Borough Council, Staffordshire County Council, Office of the Police and Crime Commissioner Staffordshire and Stoke-on-Trent and Staffordshire Fire and Rescue Authority) of £1,425.00 at Band D for 2013/14 be noted;
 - 9 The Council Tax levels at each band for 2013/14;
 - 10 The sum of £756,300 be transferred from General Fund Revenue Balances in 2013/14;
 - 11 The Summary General Fund Revenue Budget for 2013/14;
 - 12 The Provisional Budgets for 2014/15 to 2015/16 as the basis for future planning;
 - 13 The minimum level for balances of £500,000 to be held for each of the General Fund, Housing Revenue Account, General Capital Fund and Housing Capital Fund;
 - 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;
- 15 The proposed HRA Expenditure level of £13,993,100 for 2013/14;
 - 16 Rents for Council House Tenants in 2013/14 be increased by an average of £3.06 per week (3.8%) to £82.70, in line with the Government's Rent Restructuring rules;
 - 17 Rents for Council House Tenants due for 53 weeks in 2013/14 be collected over 49 weeks;
 - 18 The HRA deficit of £598,620 be financed through a transfer from Housing Revenue Account Balances in 2013/14;
 - 19 The proposed 3 year General Fund Capital Programme as detailed in Appendix I to the report;
 - 20 The proposed 5 year Housing Capital Programme as detailed in Appendix J to the report;
 - 21 To delegate authority 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;
 - 22 The Treasury Management Strategy Statement, the Treasury Management Policy Statement, Minimum Revenue Provision Strategy and Annual Investment Statement 2013/14 (as detailed in Appendix N);
 - 23 The Prudential and Treasury Indicators and Limits for 2013/14 to 2015/16 contained within Appendix N;
 - 24 The adoption of the Treasury Management Practices contained within Annex 7, and;
 - 25 The detailed criteria of the Investment Strategy 2013/14 contained in the Treasury Management Strategy with Annex 3.

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

The Mayor