

NON-CONFIDENTIAL



Borough of Tamworth

11 July 2022

Dear Councillor

You are hereby summoned to attend a **meeting of the Council of this Borough** to be held on **TUESDAY, 19TH JULY, 2022** at 6.10 pm in the **TOWN HALL, MARKET STREET, TAMWORTH**, for the transaction of the following business:-

AGENDA

NON CONFIDENTIAL

1 Apologies for Absence

2 To receive the Minutes of the previous meetings (Pages 5 - 26)

*To receive the minutes of the Meetings held on:
24 May 2022; and
5 July 2022*

3 Declarations of Interest

To receive any declarations of Members' interests (pecuniary and non-pecuniary) in any matters which are to be considered at this meeting.

When Members are declaring a pecuniary or non-pecuniary 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 pecuniary or non-pecuniary 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 Nomination to confer the title of Honorary Alderman on Dr Simon People

7 Nomination to confer the title of Honorary Alderman on Mr Ken Norchi

8 Petition - Castle Grounds Toilets (Pages 27 - 28)

(Presentation of the Petition by the Petition Organiser and debate by full Council)

9 Delegated Powers for Urgent Revocations and Suspensions for Taxi Licences (Pages 29 - 34)

(Report of the Portfolio Holder for Voluntary sector, Town Centre, Evening economy and Community safety)

Yours faithfully



CHIEF EXECUTIVE

Access arrangements

If you have any particular access requirements when attending the meeting, please contact Democratic Services on 01827 709267 or e-mail democratic-services@tamworth.gov.uk. We can then endeavour to ensure that any particular requirements you may have are catered for.

Filming of Meetings

The public part of this meeting may be filmed and broadcast. Please refer to the Council's Protocol on Filming, Videoing, Photography and Audio Recording at Council meetings which can be found [here](#) for further information.

If a member of the public is particularly concerned about being filmed, please contact a member of Democratic Services before selecting a seat.

FAQs

For further information about the Council's Committee arrangements please see the FAQ page [here](#)

Marmion House
Lichfield Street
Tamworth

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**MINUTES OF A MEETING OF THE
COUNCIL
HELD ON 5th JULY 2022**

PRESENT: Councillors D Cook, R Claymore, T Clements, M Cook, C Cooke, A Cooper, S Doyle, A Farrell, S Goodall, J Harper, T Jay, R Kingstone, D Maycock, S Peuple, R Pritchard, R Rogers, S Smith, M Summers, P Turner and J Wadrup

The following officers were present: Andrew Barratt (Chief Executive), Anna Miller (Assistant Director – Growth & Regeneration), Matthew Fletcher (Head of Economic Development and Regeneration), Nicola Hesketh (Monitoring Officer) and Tracey Pointon (Legal Admin & Democratic Services Manager)

16 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M Bailey, S Daniels, M Greateorex, J Oates, B Price, P Thurgood and J Wade

In the Mayor's absence the Deputy Mayor, Councilor D Cook Chaired the meeting.

Councillor J Wadrup arrived at 18.23

17 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

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

None

19 EXCLUSION OF THE PRESS AND PUBLIC

To consider excluding the Press and Public from the meeting by passing the following resolution:-

“That in accordance with the provisions of the Local Authorities (Executive Arrangements) (Meeting and Access to Information) (England) Regulations 2012,

and Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during the consideration of the following business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 3, 4 and 5 of Part 1 of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public”

At the time this agenda is published no representations have been received that this part of the meeting should be open to the public.

(Moved by Councillor R Pritchard and seconded by Councillor C Cooke)

20 **LEVELLING UP FUND**

RESOLVED: That the five recommendations in the report be approved

(Moved by Councillor R Pritchard and seconded by Councillor C Cooke)

Councillor R Pritchard thanked the officers for the work undertaken on the report

The Mayor



MINUTES OF A MEETING OF THE COUNCIL HELD ON 24th MAY 2022

PRESENT: Councillor M Oates (Mayor), Councillors M J Greatorex, R Claymore, T Clements, D Cook, M Cook, C Cooke, A Cooper, S Daniels, S Doyle, A Farrell, R Ford, S Goodall, J Harper, T Jay, J Jones, R Kingstone, D Maycock, J Oates, S People, B Price, R Pritchard, R Rogers, S Smith, M Summers, P Thurgood and J Wadrup

The following officers were present: Andrew Barratt (Chief Executive), Nicola Hesketh (Monitoring Officer) and Tracey Pointon (Legal Admin & Democratic Services Manager)

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M Bailey, P Turner and J Wade

2 TO ELECT A MAYOR

Councillor Moira Greatorex was elected as Mayor

(Moved by Councillor R Rogers and seconded by Councillor R Claymore)

A Vote of thanks was proposed to thank outgoing Mayor M Oates and the Mayoress Miriam Guest.

(Moved by Councillor Moira Greatorex and seconded by Councillor R Claymore)

The Outgoing Mayor, Michael Oates spoke the following words

Firstly, I would like to thank the Councillors and Tamworth Borough Council for voting me to be Mayor, I've met a lot of nice people and a lot of people have said so many nice things about the town. I have welcomed the first Pride Festival in Tamworth and welcomed groups to the Town Hall and have raised over £2000 for the Mayors Charity. Madam mayor enjoy your year if you enjoy it half as much as I have you will have a wonderful year.

3 TO ELECT A DEPUTY MAYOR

Councillor D Cook was elected as Deputy Mayor

(Moved by Councillor M Greatorex and seconded by Councillor R Ford)

4 TO ELECT THE LEADER OF THE COUNCIL

Councillor J Oates was elected Leader of the Council

(Moved by J Harper and seconded by Councillor A Cooper)

5 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

6 TO RECEIVE THE MINUTES OF THE PREVIOUS MEETINGS

The minutes of the meeting held on 8th March 2022; and 15th March 2022 were approved and signed as a correct record.

(Moved by Councillor M Greatorex and seconded by Councillor R Pritchard)

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

The Leader of the Council Councillor J Oates made the following announcement.

Thank you Madam Mayor I would like to welcome to the new Councillors Sarah Daniels, Samuel Smith, Paul Turner, and Janice Wadrup, look forward to working with you and this is where it starts. All the work we have done on the door steps over the last few weeks its time to leave a lot of that at the door. When it comes to committees particularly with Scrutiny the responsibility sits on your shoulders to challenge and to drive and push the Borough Council the same way it does everybody else in this room. It's going to be a tough learning curve and by September you are going to be frustrated and annoyed but by December you will be clear again and actually it all drops into place and I look forward to working with you all.

I would also like to welcome back Richard Kingstone, a Councillor for eight years then a year off and back again. I look forward to working with you Richard you always brought common sense into discussions and its odd that this is our first meeting back in the Town Hall after the pandemic and the last meeting we had in this room Richard stood and told us the whole world was about to change and we rushed through the agenda and went t the pub and two days later we weren't allowed to go to the pub anymore. So it's an appropriate time that you are back for our first meeting at the Town Hall.

I would also like to, play tribute to John Chesworth who did two terms of service to this council. He was mayor and a Cabinet member prior to him finishing in May and he followed in his father who was also mayor and served this town a few years ago.

Steve Pritchard decided it was time to hang up his gloves. I'm not sure if the Labour group noticed that he was our political grenade thrower. If we wanted the debate spicing up you only had to nudge Steve and he'd lob a grenade in and sit back and watch it all explode. I will miss Steve on the council and wish him well in his retirement.

Mr Michael Oates who is sate at the back he as done 4 terms on this council two terms then a break then and then another two terms. He started standing for Council in the 1980's and as stood in all of the then 8 out of 9 wards. In fact I do recall him referring to councillors as low down the political hierarchy. In 2002 he stood as a paper candidate and in 2003 he decided he was going to join me on the Council and stood in a bye-election when Derrek Jones resigned. The reason I am spending so much time on my dad is not just because he's my dad but actually we are standing on the shoulder of giants and the stuff we are doing now is only possible because f the work my dad and others have done in past 43 years. So its going to be a big change for him being out of politics and he bought some changes in when he was Chair of Licensing and its going to be difficult for him no longer being on the Council and no longer being politically active. I would like to put on record now that I would like to thank him for the political leadership he as given to the Council and the conservative party and the town in the last 43 years and I would also like to thank Steve Pritchard and John Chesworth for their contribution and at the last meeting we thanked Simon People and Ken Norchi. So, it's going to be a shift change for Tamworth Borough Council they have done some wonderful things and I'm looking forward to working with the new Councillors going forward.

Councillor Sheree People requested to speak.

Thank you Madam mayor, I would like to say thank you to Michael Oates for his hard work as Mayor and his service on the Council on behalf of the Labour and Co-operative party and the opposition and also yourself Madam Mayor congratulations and I hope you have a wonderful year ahead. Councillor Cook well you took up the challenge, when my husband stood as Mayor in 1997 our children were six and four, I think you will find it an interesting experience, but all the very best And I hope you enjoy your year.

8 QUESTION TIME:

QUESTIONS FROM MEMBERS OF THE PUBLIC

Under Procedure Rule No 10, Zoe Jarratt, of Tamworth will ask the Portfolio Holder finance, Risk & customer Services, Councillor Marie Bailey the following question: -

As well as getting £4,607,700 in non-discretionary funding for the energy rebate scheme, Tamworth Borough Council also received £133,050 in discretionary funding to help their most vulnerable residents.

Can you please tell me what progress has been made to date around the scheme to distribute this discretionary funding and when vulnerable residents will be able to apply?

Councillor Bailey provided the following written reply response

To date the focus has been on issuing the £150 energy rebate payments to council taxpayers in bands A – D under the provisions of the mandatory scheme. In order to start administering payments from the discretionary fund, we are dependent on the scripts being developed by our software suppliers and made available for testing and implementation. Once these scripts are released which is expected to be June, it is the intention that the scheme will target those considered most vulnerable. However it should be noted that the scheme will need to be modelled within the available grant funding and then approved by Members.

QUESTIONS FROM MEMBERS OF THE PUBLIC NO. 2

Under Procedure Rule No 10, Mr Ron Brown, of Tamworth will ask the Portfolio Holder Environment, Entertainment and Leisure Councillor Rob Pritchard, the following question:-

How many vehicle-capable surfaced areas are there around Tamworth which are specifically subject to Borough Council maintenance?

Councillor Pritchard provided the following written response

The authority has over 1120 records of Council assets which could be accessed by cars.

These include all borough owned roads, car parks, pathways, sports pitches, drying areas, parking areas in Housing Revenue Account estates, shop frontages, industrial unit parking and service areas, other commercial property service area, local shopping centres parking and service areas, areas of public open space such as the Castle Grounds and local parks.

QUESTIONS FROM MEMBERS OF THE PUBLIC NO. 3

Under Procedure Rule No 10, Mr Ron Brown, of Tamworth will ask the Portfolio Holder, Planning, Economy and Waste, Councillor Stephen Doyle, the following question: -

What proportion of a Ward's Electorate are required, by written petition, in order to oblige the Planning Department to reject a planning permission application in that Ward, regardless of all else?

ANSWER

There isn't a number of signatories that would oblige the Planning department to reject a Planning application regardless of all the petitions that have been and are relevant to changing minds in Government and industry but do not have a formal role in the Planning process. The Planning process is governed by specific laws and procedures, these require the application to be determined in accordance with the policies of the Development Plan unless material consideration indicate otherwise.

So to determine a planning application based solely on the number of people either supporting or proposing an application would therefore be unlawful. Although people are allowed to contribute towards the decision-making process both applicants and those opposing an application are entitled to submit their views to the Planning department.

These are viewed by Members of the Planning Committee when reviewing an application and so long as they are material in consideration of the application they will be taken into account. In this way a single objection raising a planning concern carries significantly more weight than any number of rejections that do not.

If I can refer you to the Tamworth Borough Council website and the planning section, there is a good deal of information on how this works.

Mr Brown asked the following Supplementary Question

What concerns and remedial plans does the Council have with respect to every wards electorate complete lack of self determination on all Council Planning issues.

Councillor Doyle gave the following answer

We do have a process. Applications received goes to the Planning Officer. It is displayed for all to see on the Council website. Notifications are then put up. It then depends if it is a decision taken by officers based on the criteria or it goes to planning committee where it is decided by a panel of your peers in the Committee. So that's how it works, the Applicant as a right to appeal and it can be taken to the Bristol Planning office where it is evaluated and then a committee will be convened back at the local office where the applicant can put their point of view based on the decision made at Bristol.

QUESTIONS FROM MEMBERS OF THE COUNCIL NO. 1

Under Procedure Rule No 11, Councillor Sheree People will ask the Leader of the Council, Councillor J Oates, the following question:-

Can the Leader of the Council please confirm when Tamworth residents, many of whom are struggling with the current devastating cost of living crisis, can expect to receive their £150 Council Tax Rebate?

Answer

The Revenues Team made the first payments to 18,513 residents (out of approximately c.30,000 properties in the borough) on 20th May – following the required assurance processes. This represents 90% of the direct debit payers, and with the planned rollout of the post office bar code letters by the end of May, this should mean the vast majority of people will have had the opportunity to have their payments by the end of May.

A total of £2,776,950.00 in energy rebates has been paid into bank accounts to arrive 20th May, a total of 18,513 payments of £150.00. This is approximately 90% of qualifiers who pay by direct debit, and represents those council taxpayers who have paid at least one direct debit between 5th April and 5th May. The remaining 10% are at present subject to further validation checks as required by Government guidance which the Revenues team are working on. For example, where there are changes in circumstances to be processed or a council tax bill is paid by someone other than the person named on the council tax account.

For those who have recently set up a direct debit for first time collection on 18th May or later, the Revenues team will confirm that payment has successfully been received before the energy rebates are processed for payment into these bank accounts. Once processed and the necessary checks completed, those council taxpayers will receive their rebate in June.

Non direct debit payers and those where it cannot be confirmed that the direct debit is paid by the council taxpayer will be issued with a bar code letter from the Post Office which will enable the resident to be able to redeem the £150 at any post office. It is anticipated that letters will be issued later on in May.

It should be noted that the end date to receive this money from the Post Office is 31 July 2022. If council taxpayers receive a letter and do not collect the £150 by this date, it will be credited to their Council Tax account.

Councillor People asked the following supplementary Question

There are posts that people on social media will see that residents of North Warwickshire and Lichfield received their rebate long before Tamworth residents, so can the Leader please explain why people who are struggling and on the bread line have had to wait so long.

Councillor Oates gave the following answer

As I mentioned in my first answer we performed an assurance process and the reason for this was that we could ensure when we did hand the cash out it went to the correct people and only went to those people once. There is a number of authorities I have been told about anecdotally that they paid the same individuals multiple times, there are some who paid the £150 and took it back out the next

day and there as been a while raft of horror stories and I appreciate the increased pressure our delay may have put on people but it was about ensuring the payment got to the right people and we did the process correctly first time rather than pro-long the agony that some places had done with the problems they had.

QUESTIONS FROM MEMBERS OF THE COUNCIL NO. 2

Under Procedure Rule No 11, Councillor Sheree People will ask the Leader of the Council, Councillor J Oates, the following question:-

Can the Leader of the Council please confirm the number of complaints received, by phone. letter or email, about the new blue bag recycling scheme since its announcement?

ANSWER

As of Friday 20th May we have received the following communications for the whole joint waste service

Directly to the Tamworth tell us scheme:

0 complaints

29 contacts classified as grumbles/comments/suggestions

1 compliment

Received by our partners Lichfield District Council who operate the contact centre for the service

164 complaints (6 formal complaints and 158 other contacts (emails/calls) that have been classified as complaints)

As context the service collects from approximately 80,000 properties per week across both district/borough areas.

In preparation for a peak in demand once the service was announced, we revised our outgoing telephone message to signpost customers to our Frequently Asked Questions page on our website.

I have looked at customer interaction data within the first week of the new system being in place. We experienced a significant increase in demand, with many expressions of dissatisfaction – no blue bag, blue bag too small, what goes in what bin, too heavy to carry, nowhere to store - among them.

Our role is to signpost customers to Lichfield as the managing authority but on occasion it was an hour wait on LDC's helpline and customers were return calling us.

We had enquiries across all channels which peaked and abated within a couple of days as social media communications were updated.

However, we have emerging issues to contend with since the new collection regime was introduced – the main one being 'missed rounds' as the operatives are getting behind and pushing some collections into the following day. This has been a steady issue at around 3 x per week.

Other customer feedback during May gives an idea of residual issues following introduction of the new system from 18th April :

- How to recycle shredded paper
- Blue bin not been emptied or amnesty sticker (x 8) (if I don't know what was wrong in my blue bin how can I put it right?)
- What can I now put in blue bin
- Not been issued with blue bin(x 16) (also state on hold for over an hour)
- Want bins collecting from house (x 3)
- Wants larger blue bin
- Bin men leaving paper rubbish on street when emptying
- Is this blue bin a trial or permanent - if permanent want a smaller blue bin
- No blue bag so are you expecting me to separate once I get one
- I have two blue bins can I not just dedicate one to card
- Disabled/too heavy to carry
- Need extra bags (x9)

Councillor Peale asked the following Supplementary Question:

Is the Council Leader is aware there have been a number of issues with regards to this scheme. Obviously there was a major issue with the blue bag and I'm told anecdotally that it wasn't the correct size, shape etc. Can I ask the Leader to give is assurance that the way this scheme as been implemented and the methodology behind it is going to be reviewed as a matter of urgency?

Councillor Oates gave the following answer

The completion of the roll out of the blue bins is scheduled for Friday this week, so at that point everybody who should be in receipt of a blue bag should have received it and its not until that point that we would like to implement a review of the implementation and the operation of the scheme, and we will be starting that immediately. The reason that Friday is significant it concludes the roll out and the roll out is taking up some capacity in terms of staffing. We can then take a compete review of the implementation and the operation of the service. I have seen some social media posts and have had similar rants, I have concerns about how the scheme is rolling out however until we have completed the roll out we don't have the figures. What I will say though is popularity of a change isn't a good measure if it is a suitable change, it doesn't mean it's necessary the wrong thing to do and sometimes we have to do the right thing for the right reasons.

The review will take place after Friday and that will be fed back and any learning or adjustments will be fed back.

9 APPOINTMENT OF CABINET AND ALLOCATION OF RESPONSIBILITIES

The Membership of Cabinet for 2022/23 was received and circulated as below:

Leaders Portfolio

Business Continuity

Emergency Planning

MTFS

Organisational Development, inc HR & Payroll

Marketing

Partnership Development

Corporate Assessments

WMCA Member

Local Enterprise Partnerships (LEP's)

Performance

Lead for Climate change & Green Agenda

Reset & Recovery programme - Cabinet members form the board & responsible for each element

FHSF

Town Centre Regeneration

Town Centre Master-planning

Portfolio Holder for Environment, Entertainment and Leisure – Cllr Robert Pritchard

TIC

Litter / Car parking enforcement

Street Scene / Tamworth in Bloom

Cemeteries

Community Leisure / Sport

Public Toilets

Nature Reserves, Parks and Play

Entertainment - Assembly Rooms, Castle Operations, Outdoor events, Arts, Culture, Heritage experience, Street Markets

Sports Development

Tourism / Destination Tamworth

Town Centre Car Parks

HRA Green Spaces and Neighbourhoods

Reset & Recovery programme - Cabinet members form the board & responsible for each element

Climate change & Green Agenda

Portfolio Holder for Finance, Risk and Customer Services – Cllr Marie Bailey

Property Management Investment
GF Repairs
Commercial Property Portfolio
Asset Management
Revenues & Benefits
Treasury Management
Finance
Procurement
Audit & Governance
Corporate Risk Management
FHSF Finance and Risk – including seat on the FHSF board
Land Charges / Legal / RTB
Customer Services and insight
Information Mgt / GDPR / Ombudsman
Reset & Recovery programme - Cabinet members form the board & responsible for each element
Climate change, green issues, ethical procurement

Portfolio Holder Planning, Economy and Waste collection – Cllr Stephen Doyle

Local Plan Development / Implementation
Development Control (Planning)
Building Control (Planning)
Conservation (planning)
Heritage Assets – Maintenance, upkeep, Refurbishments
Dry Recycling Disposal Contract
Waste Management
Joint Waste Board with LDC
Economic & Business Development
General Regeneration opportunity
Education / Educational Attainment
Career Skills and Training
Reset & Recovery programme - Cabinet members form the board & responsible for each element
Climate change & Green Agenda

Portfolio Holder for Town Centre, Evening economy, Voluntary Sector & Community Safety – Cllr Martin Summers

Town Centre Relationships - work with Cllr Clements & business forums
Evening economy
Electric Vehicle Strategy and wider provision.
Voluntary Sector
Environmental Health (all disciplines)
Licensing Policy
Corporate Health & Safety
Taxi Licensing
PCC Engagement
Community Safety

Corporate ASB Strategy
Safeguarding
E.H. Enforcement
Community Wardens
CCTV

Reset & Recovery programme - Cabinet members form the board & responsible for each element

Climate change & Green Agenda

Portfolio Holder for Homelessness Prevention and Social Housing – Cllr Alex Farrell

Chairman of Shadow Housing Committee

HRA Repairs standards / performance

HRA Business Planning

HRA Regeneration

Tenant Regulation / enforcement

HRA Community contribution

Homelessness Prevention

Private Rental Sector (including private sector enforcement)

HRA communal buildings

Social Landlord Providers

HRA Strategy

DFGs and DFAs

Reset & Recovery programme - Cabinet members form the board & responsible for each element

Climate change & Green Agenda

Portfolio Holder for Engagement, civic pride and pride in place – Cllr Tina Clements

Public Relations

Member Communications

Public Consultation

Citizens Panel

Democratic Services inc Member Development

Memberzone

Civic Pride

Pride in Place

Community pride (micro level)

New honours scheme

Mayoralty

Reset & Recovery programme - Cabinet members form the board & responsible for each element

Climate change & Green Agenda

10 APPOINTMENT OF COMMITTEES

Membership of Committees for 2022/23 is as follows

Cabinet

Councillors

J Oates
R Pritchard
M Bailey
S Doyle
A Farrell
T Clements
M Summers

Appointments and Staffing Committee

Councillors

J Oates (Chair)
S Doyle
R Pritchard
M Summers
J Wadrup

Audit and Governance Committee

Councillors

P Turner (Chair)
R Ford
D Cook
A Cooper
J Jones
S Daniels
P Thurgood

Planning Committee

Councillors

R Ford (Chair)
A Cooper
D Box
R Claymore
S Daniels
S Goodall
J Harper
J Jones
D Maycock
R Rogers

S Smith
M Summers
J Wade

Licensing Committee

Councillors

B Price (Chair)
T Clements
M Bailey
D Cook
C Cooke
S Doyle
M J Greatorex
R Kingstone
J Oates
S Smith
P Thurgood
J Wade
J Wadrup

Nominations & Grants

Councillors

R Pritchard (Chair)
T Clements
M Bailey
M J Greatorex
J Harper
P Turner
Sheree People

Infrastructure, Safety and Growth Scrutiny Committee

Councillors

S Goodall (Chair)
R Ford
M Cook
A Cooper
S Daniels
J Harper
Sheree People
B Price
P Turner

Corporate Scrutiny Committee

Councillors

T Jay (Chair)
D Cook (Vice-Chair)
C Cooke
S Goodall
J Harper
J Jones
S Smith
J Wade
Sheree People

Health and Wellbeing Scrutiny Committee

Councillors

R Claymore (Chair)
D Maycock
M Cook
M J Greatorex
T Jay
R Kingstone
R Rogers
P Thurgood
J Wadrup

Homelessness Prevention & Social Housing Sub Committee

Alex Farrell
T Jay
B Price
P Turner
Sheree People

Chief Officer Conduct Committee

Councillors

R Claymore
M Cook
S Goodall
D Maycock
Sheree People

Statutory Officer Conduct Committee

Councillors

A Farrell
C Cooke
R Ford
B Price
D Box

11 APPOINTMENT OF COMMITTEE CHAIRS

Appointments and Staffing Committee

Councillor J Oates

Audit and Governance Committee

Councillor Paul Taylor as Chair

Licensing Committee

Councillor B Price as Chair

Planning Committee

Councillor Richard Ford as Chair

Corporate Scrutiny Committee

Councillor T Jay as Chair

Health and Wellbeing Scrutiny Committee

Councillor R Claymore as Chair

Infrastructure, Safety and Growth Scrutiny Committee

Councillor S Goodall as Chair

(Moved by Councillor A Cooper and seconded by Councillor R Claymore)

12 APPOINTMENT TO OUTSIDE BODIES - 2022/23

OUTSIDE BODY	APPOINTEES
Citizens Advice Mid Mercia Management Committee	Councillor Daniel Cook Councillor Thomas Jay

OUTSIDE BODY	APPOINTEES
	Councillor Daniel Maycock
Dorcas Management Committee	Councillor D Cook (Substitute Councillor J Oates)
Civil Emergency Committee	The Mayor – Councillor M Greatorex Leader of the Council – Councillor J Oates Leader of Opposition – Councillor Sheree People
High Rise Social Club	Councillor B Price Councillor P Thurgood
Local Government Association – General Assembly	Councillor J Oates (Substitute Councillor R Pritchard)
St. Peters Church Management Committee	Councillor R Rogers Councillor S Doyle Councillor D Box
Staffordshire County Council Health & Care Overview & Scrutiny Committee	Councillor R Claymore
Staffordshire Planning Forum	Portfolio Councillor S Doyle (Substitute Councillor J Oates)
Staffordshire Pension Fund Governance – Pensions Consultative Forum (Staffordshire Pension Fund - Pensions consultative forum (staffspf.org.uk))	Portfolio Councillor M Bailey
Support Staffordshire	Councillor R Ford Councillor M Summers Councillor D Maycock
Tamworth Cornerstone Housing Association	Councillor Sheree People Councillor A Farrell
Tamworth Municipal Charities	The Mayor – Councillor M Greatorex Deputy Mayor - Councillor D Cook Councillor - Tina Clements
Tamworth Strategic Partnership	Councillor J Oates
Tamworth Twinning Association	Councillor Rosey Claymore
Staffordshire Joint Waste Management Board	Councillor S Doyle

OUTSIDE BODY	APPOINTEES
GBS LEP	Councillor J Oates (Substitute Councillor R Pritchard)
Sons of Rest	Councillor John Harper
Friends of Wigginton Park	Councillor Andrew Cooper Councillor Robert Pritchard
Building Control Shared Service Board	Portfolio Councillor S Doyle
Health & Safety Shared Service Board	Portfolio Councillor S Doyle
Waste Management Shared Service Board	Leader Councillor J Oates Portfolio Councillor S Doyle
Tamworth Heritage Trust	Councillor Sheree Peaple Councillor John Harper
Destination Tamworth	Councillor M Summers Substitute R Pritchard
Staffordshire Police and Crime Commissioner Panel.	Councillor M Summers Councillor T Clements
Rawlett Trust	Councillor Chris Cooke
West Midlands Combined Authority Board (WMCA)	Councillor J Oates (Substitute Councillor R Pritchard)
West Midlands Combined Authority Scrutiny Panel (WMCA)	Not required this year
West Midlands Combined Authority Audit Risk & Assurance Committee	Not required this year
West Midlands Combined Authority – Housing & Land Delivery Board	Councillor J Oates
Corporate Parenting Panel (Staffordshire)	Councillor Rosey Claymore
Greater Birmingham and Solihull Local Enterprise Partnership – Joint Scrutiny Membership	Councillor Dan Maycock
Stoke –on-Trent & Staffordshire Local Enterprise Partnership	Councillor J Oates
Stoke –on-Trent & Staffordshire Local Enterprise Partnership Scrutiny	Councillor Jason Jones

OUTSIDE BODY	APPOINTEES
Panel	

13 THE LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION REGULATIONS) 2012

Report of the Leader of the Council that The Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012 specify and require inter alia under Regulation 19 that the executive leader must submit a report on a regular basis to Council containing details of particulars of each urgent executive decision and a summary of the matters in respect of which the decision was made.

RESOLVED: That Council

endorsed the Annual Executive Arrangements Report.

(Moved by Councillor J Oates and seconded by Councillor R Pritchard)

14 ANNUAL REPORT OF THE AUDIT & GOVERNANCE COMMITTEE - 2021/22

Annual Report of the Audit & Governance Committee - 2021/22 to present the proposed Annual Report of the Audit & Governance Committee 2021/22 for Council

RESOLVED: That Council

Endorsed the Annual Report of the Audit Committee 2021/22

(Moved by Councillor T Clements and seconded by Councillor R Ford)

15 ANNUAL REPORTS OF THE SCRUTINY COMMITTEES - 2021/22

The Chairs of Corporate Scrutiny, Infrastructure, Safety & Growth and Health & Wellbeing presented the Annual reports to Council to formally update Council on the activities of the Committees over the year 2021/22 which included,

- Chair's overview
- Working Groups
- Recommendations made in the year to Cabinet
- Committee Terms of Reference
- Membership and Attendance
- Training & Effectiveness
- Work Plan
- Resource implications

RESOLVED That Council

Endorsed the Annual Report of the Corporate Scrutiny Committee, the Infrastructure Safety & Growth Committee and the Health & Wellbeing Committee

(Moved on block by Councillor T Jay and seconded by Councillor S Goodall)

16 CALENDAR OF MEETINGS - 2022/2023

The Calendar of Meetings for 2022/23 was received and circulated at the meeting

RESOLVED: That Members

Accepted the Calendar of Meetings for 2022/23

(Moved by Councillor J Oates and seconded by Councillor R Pritchard)

The Mayor

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Agenda Item 8

Council

19th July 2022

Tamworth Borough Council to open the Castle Pleasure Grounds toilets every day

The following petition has been received by Tamworth Borough Council, from petition organiser, Mr

Huw Loxton:

When the toilets in the Tamworth Castle Pleasure grounds were refurbished in 2019 it was promised they would be open all day every day of the year. This is not happening and the council are failing to commit to it in future.

We therefore call on the council to commit to opening the toilets every day, and do away with the seasonal opening hours as they promised in their own press release, and the commitments made by then leader of the council Cllr Daniel Cook.

The new play area in the park is busy throughout the year. Families with young children need facilities close by, as well as those with health conditions.

If we wish to sell our town as a tourist destination we need toilet facilities in place. Being closed 3 days a week means the opening hours aren't anywhere near adequate, and not what was promised.

Details of the petition can be found on change.org on the following link:

<https://chnng.it/5LgPZHQm>

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FULL COUNCIL

19TH JULY 2022

REPORT OF THE ASSISTANT DIRECTOR GROWTH AND REGENERATION

Delegated powers for urgent revocations or suspensions to taxi licences

Purpose

In accordance with the proposal received from Licensing Committee that Full Council delegates the power for urgent suspensions and revocations of private hire and hackney carriage driver's licences as set out in this report in order to ensure public safety.

Recommendation

That full Council delegates to Assistant Director Growth and Regeneration (or Head of Environmental Health) in consultation with the Chair (or vice chair) the delegation to **immediately** suspend or revoke a Hackney Carriage / Private Hire vehicle driver's licence where it is considered necessary in the interest of public safety and:

Full Council agrees that a 'fast track' procedure be adopted to re-licence those drivers who have had their licence revoked but have subsequently been found to be fit and proper.

Reason for Recommendations

To ensure the safety of the travelling public and fairness and proportionality for those accused but subsequently found to be fit and proper to hold a licence.

Executive Summary

Under Section 61 (1) of the Local Government (Miscellaneous Provisions) Act 1976 the Council, as Licensing Authority has the power to suspend, revoke or refuse to renew a hackney carriage / private hire driver's licence.

Tamworth Borough Council's Constitution does not at present delegate the decision to revoke/suspend a licence with immediate effect.

There can be situations when it is necessary for immediate action to be taken, when any delay in making a decision would potentially give rise to an unacceptable risk to the public.

The recommendation is that where officers are of the view that an incident or allegation is so serious then the Assistant Director of Growth and Regeneration and Head of Environmental Health in the absence of the AD be given delegated authority to suspend or revoke licences with immediate effect, in consultation with the Chair (or vice chair) of the Licensing Committee.

Financial Implications

Any decision, whether by Committee or officer can be appealed with the associated risk of costs to both parties

Legal/Risk Implications

The existing constitutional arrangements prevent Licensing Committee and officers from taking any enforcement action and officers from immediate enforcement action to secure public safety. This could result in a risk to the public and the council's reputation.

Sustainability

The services for the regulation of Taxi Licensing contribute to the strategic priority of being healthier and safer in Tamworth.

REPORT AUTHOR

"If Members would like further information or clarification prior to the meeting please contact Wendy Smith, Head of Environmental Health.

Background

The Council as a Licensing Authority has a duty under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 to licence private hire and hackney vehicle drivers, vehicles and operators.

The powers to grant driver/operator licences are included in Sections 51, 55 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (The Act) and the Licensing Authority is required to ensure that an individual applying for a driver's/operator's licence, or applying for the renewal of such a licence, is a 'fit and proper' person to hold that licence.

Under Section 61(1) of the Local Government (Miscellaneous Provisions) Act 1976 the Council may suspend, revoke or refuse to renew a hackney carriage / private hire driver's licence. This may be for the following reasons:

- a) since the grant of the licence they have been convicted of an offence involving dishonesty, indecency or violence; or
- b) any other reasonable cause.

Under this Section the driver has 21 days to appeal against the decision to the Magistrates' Court and, during the appeal period, the licence holder can continue to drive hackney carriage / private hire vehicles.

Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976 enables a decision to suspend or revoke a hackney carriage / private hire driver's licence with immediate effect, should the Council believe it to be necessary in the interests of public safety. This means the driver cannot continue to drive hackney carriage / private hire vehicles during the appeal period.

An immediate revocation under Section 61(2B) may take place when licensing officers have been made aware of information concerning a driver which indicates they are no longer fit and proper. In this situation the decision to suspend or revoke must be made relatively quickly and a full investigation may not be possible until after the suspension or revocation. In this situation further evidence may come to light which either substantiates the initial decision to suspend or revoke the licence or alternatively, exonerates the driver and indicates they are fit and proper to hold a licence. A licence holder will always be given an opportunity to respond to any allegations prior to a decision being made.

In this scenario, and when a driver is once again adjudged to be fit and proper, a procedure must be in place that allows them to regain the licence as quickly as possible and with minimal fuss. It would be unfair for the driver to have to re-apply for a new licence in line with the current policy as this would imply they have to pay an application fee and supply a new DBS form, medical etc.

To assist Full Council examples of situations where immediate suspension or revocation might be warranted are listed below. It should be noted that this list is not exhaustive but as relevant examples as to the likely use of the delegated authority: -

- (a) Allegations of violence against a passenger or person wishing to travel;
- (b) Allegations of indecency, including sexual assault and rape, against a passenger or person wishing to travel;
- (c) Allegations that the driver is unfit to drive as a result of being under the influence of drugs or alcohol;
- (d) Admitted sexual contact with a passenger in the vehicle;
- (e) An immediate suspension may take place when a driver no longer meets Group 2 medical standards. In these circumstances the suspension could have effect until the driver could provide evidence to show they were 'fit' to the required standard.

The delegation requested is designed to enable urgent decisions to suspend or revoke (likely to be revocation) to be made with immediate effect, in order to protect the public, which are complaint with relevant case law e.g. *Singh and Reigate and Banstead v Pawlowski*. The public might be put at risk if the driver was continuing to exercise use of his/her taxi driver licences. Revocation is a significant step and it is expected that this power will be used sparingly. The decision must still be taken in consultation with the Chair or Vice-Chair of Licensing which means that member scrutiny of the exercising of this power is preserved.

In order to maintain the opportunity for the licence holder to have a fair hearing they will be offered the opportunity of making representations before the Assistant Director of Growth and Regeneration prior to a decision being taken. In some instances the driver may be in police custody however a representative of his/her may make representations in person or in writing.

It is expected that the Assistant Director of Growth and Regeneration will nominate the Head of Environmental Health to exercise the delegation on their behalf if absent.

Relevant Case Law & Guidance

On 21 July 2020, the Department of Transport issued new standards to improve safety for taxi and private hire vehicle passengers. Paragraph 5.11 states "...**all licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence**. It is recommended that this role is delegated to a senior officer/manager with responsibility for the licensing service." This reinforces that the Council's proposed scheme of delegation is in line with government guidance and best practice.

The case of *R. (on the application of Singh) v Cardiff City Council [2012]* suggested that the practice of using suspension of a taxi driver licence on an interim basis and then revoking at a later date should not be followed. Instead a "once and for all" decision should be made. The driver licence should either be suspended or revoked but not suspended with a view to a possible later revocation in the light of further developments. This was because suspension was, according to the Judge not a protective or holding power but a power of final suspension as an alternative to a power of final revocation. There is an ongoing debate about whether *Singh* was generally applicable or peculiar to its own facts but many Licensing Authorities follow the principle of a single decision at the point in time of the allegation being made known.

Typically the "once and for all" decision is revocation with immediate effect (i.e. so the driver could not drive a taxi even having lodged an appeal). The revocation would be authorised by a senior officer under delegated powers as the risk to the public would mean that an immediate decision is required. The driver would still enjoy rights of appeal to the Magistrates' Court against the revocation.

In a more recent case (13 July 2017) Reigate and Banstead Borough Council sought the definitive view of the High Court on this issue. The Judge in *Reigate and Banstead Borough*

Council v Pawlowski [2017] made it clear that suspension is a sanction which is an alternative to revocation and not an interim step pending a further decision. A synopsis of the case for members' attention is included below

“...a local authority could not lawfully suspend by reason of criminal charge on a “wait and see” basis.....Once it was seen that suspension was not a holding operation but a substantive decision, it became apparent that suspension would rarely be the appropriate course where a driver was charged with a matter for which, if convicted, he would be subject to revocation of his licence. If such a charge merited action, and if the action was not by way of an interim measure pending determination of the facts at criminal trial, revocation would generally be the appropriate course. To suspend a licence because an allegation was made and then revoke it because the allegation was proved was contrary to the decision in *Singh*...Further, if it should later transpire, for example by reason of acquittal at trial, that the former licence holder was indeed a fit and proper person to hold a licence, provision could be made for expeditious relicensing, *Singh* considered”

The Judge in *Reigate and Banstead v Pawlowski* referred to the scenario where a Council revokes the licence of a taxi driver accused of something serious who is subsequently exonerated. He said in that case there should be “expeditious re licensing”. As the licence will have been revoked it cannot in the normal course of events be quickly restored. There is the application fee for the grant of the licence, and other processes as applicable e.g. medical fitness and/or Disclosure and Barring Service Checks. These take time especially as the involvement of third parties may be involved. Clearly if a driver is exonerated in the criminal process or the complaint is found to be unsubstantiated it would be unfair if that driver whose licence was revoked was to suffer an undue delay in being relicensed, especially if he had recently renewed his licence prior to it being revoked with immediate effect.

It is therefore recommended that Council approve a fast track process for the relicensing of such drivers which will amount to the “expeditious relicensing” referred to by the Judge, in those cases where licensing officers consider that fresh checks are unnecessary in the circumstances because they have recently been carried out. The renewal fee will not be charged in such circumstances, however if a renewal is due in any event then it will proceed as normal with the full fee payable.

Should Council decide to establish such provision, the Licensing Team would seek to implement as soon as reasonably practicable.

Background Papers

Tamworth Borough Council's Constitution Scheme of Delegation

[Document Constitution - 19th Edition :: Tamworth Borough Council](#)

Tamworth Borough Council Taxi Licensing Policy

[Taxi and private hire forms | Tamworth Borough Council](#)

