



MINUTES OF A MEETING OF THE COUNCIL HELD ON 15th DECEMBER 2015

PRESENT: Councillor M Gant (Chair), Councillors A Lunn, J Chesworth, M Clarke, S Claymore, T Clements, D Cook, A Couchman, M Couchman, S Doyle, J Faulkner, J Goodall, S Goodall, M Greatorex, G Hirons, R Kingstone, A James, T Madge, M McDermid, K Norchi, J Oates, M Oates, S Peale, T Peale, R Pritchard, R Rogers, E Rowe, P Seekings, P Standen and M Thurgood

The following officers were present: Anthony E Goodwin (Chief Executive), Rob Barnes (Director - Housing and Health), Stefan Garner (Director of Finance), Jane Hackett (Solicitor to the Council and Monitoring Officer), Stephen Lewis (Head of Environmental Health), Natalie Missenden (Public Relations Officer), Karen Taylor (Head of Benefits), Zoe Wolicki (HR Adviser) and Janice Cliff (Democratic and Elections Officer)

41 APOLOGIES FOR ABSENCE

None

42 TO RECEIVE THE MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 7 December 2015 were approved and signed as a correct record.

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

43 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

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

The Mayor Councillor M Gant made the following announcement:-

Before we start the meeting tonight I would just like to say something to you all. As I said at the end of the last meeting at the debate of Tamworth the meeting

was really good and we were all reading from the same hymn sheet to help the people of Tamworth. So I hope tonight you all show respect to each other as you did at that meeting and I would appreciate that very much.

The Leader of the Council Councillor D Cook made the following announcement:-

First of all I will start with my excuse. I spent nearly an hour trying to print some stuff for Council today which lead to IT literally taking control of my laptop and taking it downstairs. I did write a speech for this but don't have it because of the problems with my computer so I will do my best to 'wing it'. As members of the Council will be aware I gave an e-mail to all Councillors on 21st September to of the e-mail to Conservative colleagues on 9th June this year. In my e-mail to my conservative members I made some comments that I really should not of done. I would like to offer an abject and fully unreserved apology to the opposition Councillors as for my choice of wording. The e-mail was intended for internal circulation of the Conservative group and was thus worded in that nature. Had I have known it was public it should have been worded better. That is not an excuse and I do offer an apology. I think everyday of everyone's life we are learning and I will learn from this.

Councillor M Couchman replied to the Leader of the Council Councillor D Cooks announcement as follows:-

It's very easy to apologise when you have been caught out but actions speak far louder than words. The Labour Group has put forward to the controlling group a way that we can work together and go forward and regain that trust that we need to work together for the people of Tamworth. But as you have not changed your words mean nothing. I'm sorry.

45 QUESTION TIME:

QUESTIONS FROM MEMBERS OF THE COUNCIL NO. 1

Under Procedure Rule No 11, Councillor Tony Madge will ask the Leader of the Council, Councillor D Cook, the following question:-

"Can the Leader of the Council please update us on the progress of the Syrian Refugee's that will be coming to Tamworth? Have we a date of their arrival and have we adequate facilities in place to help the refugee's settle in our community?"

Councillor D Cook gave the following reply:-

The latest information from the Liaison Officer at Staffordshire County Council covered the following key points:

Staffordshire authorities have pledged to the Home Office that they will accept 50 refugees from Phase II of the programme and will seek to accept refugees in early 2016.

A service specification has been produced for a 'Staffordshire Refugee Integration & Independent Service' to resettle the Syrian Refugees within Staffordshire utilising Central Government funds. This has been produced in consultation with District/Borough representatives and has drawn on 'best practice' documentation obtained from Coventry City Council, Birmingham City Council and various Third Sector organisations. The Service Specification went 'live' on 30/11/15 and we are hoping to award the contract to the successful provider week commencing 4/1/16.

Concurrently, SCC is working with District/Borough representatives and other partners to develop finance model for the scheme and a 'service provision hotspots matrix', which will be used to aid decision-making of where specific refugees will be resettled. The matrix will enable us to effectively match the needs of the refugee with the provision within the local community, therefore at this stage it is not possible to say when the first Syrian individuals/families will arrive in Tamworth as it will depend on the needs of that individual/family and the availability of the services which they may require.

In order to assist the resettlement process, a Services Directorate and a Welcome handbook/pack are at a draft stage. District & Borough Councils will be able to incorporate local information, advice and guidance as necessary to ensure as safe and trauma free process for the Syrian refugees.

In regards housing we have spoken to local RSL's such as Midland Heart who have experience in the matter of helping refugees. This experience mostly comes from the crisis in Bosnia in the 1990's, but they are at present concentrating their efforts in the major conurbations, therefore the Council has agreed the approach to be taken in relation to re-housing arrivals which, as previously communicated, will seek to utilise private rented accommodation within the framework of the Council's Private Rented Leasing Scheme as a preferred option. But exact details will be worked out over the coming couple of weeks.

Cllr Madge, as more information trickles through I will update members, but I can confirm this Councils continued commitment to the matter.

QUESTIONS FROM MEMBERS OF THE COUNCIL NO. 2

Under Procedure Rule No 11, Councillor Marion Couchman will ask the Leader of the Council, Councillor D Cook, the following question:-

"Recently in the Tamworth Herald you are quoted that the Labour group only put items on scrutiny agendas for political gain. In the last 3 years the Labour group has scrutinised breakfast clubs for primary children, the out of hours doctors service and with the controlling group, the GCSE results. Can you tell me what political gain was achieved or was it not for the benefit of the people of Tamworth"?

Councillor D Cook gave the following reply:-

I believe the question therefore is - "Can you tell me what political gain was achieved or was it not for the benefit of the people of Tamworth"?

I can only offer my opinion. No, there was no political gain made as far as I can see on these issues and there was certainly NO benefit to the people of Tamworth as far as I can see. I can recall no recommendations to Cabinet on any of the matters Cllr Couchman raises, nor recall any calls for changes or improvements to the offer the providers currently give the people of Tamworth. Happy to be proved wrong if anyone can show the efforts of the opposition through Scrutiny improved these services.

However, if the question is do I feel the opposition have used Scrutiny for political gain, and then yes I feel they have? Because they utterly failed in doing so is another matter.

For example, on the 6th February 2014 myself, Cllr Steve Claymore and Rob Mitchell were called before Aspire and Prosper Scrutiny to answer questions from opposition Councillors on the subject of the golf course. The opposition had stated publically and politically they would oppose the Councils plans for housing on the site.

Yet, the meeting lasted 21 minutes and we were only asked 4, yes I shall repeat that, 4 questions. Therefore if we were not there to actually be scrutinised, to be tested on our plans the only other explanation is to allow the opposition to state politically they were opposing the controlling group.

To demonstrate, here is minute number 44 from the minutes that evening.

44. Golf Course Update
(Verbal Update)

Minutes:

The Leader of the Council, the Portfolio Holder for Economy and Education and Director (Communities, Planning and Partnerships) gave a verbal update on the Golf Course.

RESOLVED: That the Leader of the Council, the Portfolio Holder for Economy and Education and Director (Communities, Planning and Partnerships) be thanked for their update.

Oh, we were thanked, how the people of Tamworth benefited richly on that occasion.

Another example, on the 3rd August 2015 myself, Cllr Thurgood and the relevant officer were called to Aspire and Prosper Scrutiny committee to answer a call in submitted by the Labour group on the matter of Services Charges.

At the start of the meeting Cllr Greatorex, quite fairly, asked if those who signed the call in could outline the reason for the call in and state the concerns that justified the call in. The deafening response was silence. When pushed no answer was forthcoming. The first question from a Labour member started with the words "Well our group feel....." Note the collective noun, sounds political to me.

The meeting went nowhere; all questions could have been answered simply by reading the report. I can only conclude that it had been added to the agenda as a political attack so the opposition could state publically that they took on the big nasty Conservatives.

Let's look at another example. Tamworth Labour Party Chat, a group on Facebook visible to all. On the 19th August a Tamworth Labour Councillor posted a link to a Police press release about Crime Hotspots with maps, showing areas of ASB. The article was followed by a comment from the same Labour Councillor "Now as a party how can we look at this"?

Cllr Marion Couchman then commented "It is the responsibility of the Healthier and Safer Scrutiny committee to examine this, if you can!!! This was then followed by a comment from another Labour member, I quote "Might score some points if the Tories refuse to look at anti-social behaviour".

Have a copy here if anyone wants a look. Yet Labour claim after these examples they do not use Scrutiny politically. Come on!

Also, if we are now raising matters that members are quoted as saying to local media and being asked to justify them, let me throw one out there myself.

On Thursday 29th October I noted a letter in the Tamworth Herald entitled "Is this really Democracy?" I also noted the author of said letter to be Cllr Marion Couchman, Deputy Leader of the Labour Group, TBC.

It was of course in regard to my E-mail to Conservative colleagues on the 9th June in regards work plans for Scrutiny, a topic I covered earlier this meeting. There were interesting statements in the letter – "The work program did not involve any scrutiny of Cabinet. AND. This was exposed at Council last month and an external investigation is now taking place".

Two points.

- 1) Was the forth coming Cabinet policy of ASB not on the work plan? Was this not then a scrutiny of a cabinet policy proposal and a scrutiny of the Portfolio Holder? Was Teenage pregnancy on both work plans, does Cllr Michelle Thurgood through her Portfolio now refuse to house Teenage mothers thus it in no way scrutinises the work of a cabinet member?
- 2) More importantly, as stated the letter from the Deputy Leader of the Labour group, who you would hope is fully aware of what is happening on this matter, stated that an external investigation was now taking place. To be clear No external investigation has ever happened, been started or been required. Therefore this statement is either misleading, showing a members lack of understanding or a lie. I actually have respect for Councillor Couchman therefore I choose to believe it was a mis-communication between her and her leader. However, I hope she is prepared to clarify this point publically.

Supplementary question:-

I think I've hit a nerve there Councillor Cook. As you are aware we could not be political when the Service Charge was Called In as it was a confidential item. You have publicly stated that you want Scrutiny to succeed then why appoint Members of Scrutiny Committee that are not prepared to undertake any work then cancel future meetings even though even though you have quoted excessive work load as a reason for Labour not being able to put any items forward.

Councillor D Cook gave the following reply:-

As for the promise I gave the Leader of the Labour Group I will no longer involve myself in Scrutiny and I will not answer the question

QUESTIONS FROM MEMBERS OF THE COUNCIL NO. 3**Under Procedure Rule No 11, Councillor Tom People will ask the Leader of the Council, Councillor D Cook, the following question:-**

"Will you agree to support the nomination of Councillor Ken Norchi as Deputy Mayor for the Municipal year 2016-17"?

Councillor D Cook gave the following reply:-

Thank you Madam Mayor, The timing of the question is bizarre. By support can I ask if this a request to second such a nomination, not to oppose or even vote for the nomination once made?

Constitutionally it would be wrong to make such a decision at this point in the municipal year.

The Mayor is elected each year at the annual meeting (Constitution page 113). Usually nominations are put forward then, at that meeting, seconded, voted on. Constitution page 127 - Voting- any matter will be decided by a simple majority of the members voting and present in the room at the time the question was put.

It is as if I am being asked to predetermine my vote before any nomination is put forward.

In short, it's December. Feel free to ask me in May please Tom.

Supplementary question:-

In previous years you have been approached to support nominations for Councillor K Norchi. We were told in May "sorry its too late we have made a decision". So if now is too early and May is too late then there is no good time because you will never allow an Opposition Councillor to be Mayor.

Councillor D Cook gave the following reply:-

The Labour group rock up to the Mayor making, sit down and then move a motion. This is the first the Conservative group have ever heard of it. There's never been an approach and there has never been a question. I could give you another example. When Councillor Pritchard moved the Freedom of the Borough motion for the Watchman of the Dog we tried for three months to get the Labour group to give us their position on it. Three months to figure out where they stood on it. They turned up at the meeting that night and moved different motions. Trying to communicate with the Labour group on future motions is next to impossible. I have long since given up.

QUESTIONS FROM MEMBERS OF THE COUNCIL NO. 4

Under Procedure Rule No 11, Councillor Tom People will ask the Portfolio Holder for Communities and Public Health, Councillor S Doyle, the following question:-

“After a meeting between yourself and the Amington Councillors it was agreed a letter would be distributed by the Amington councillors regarding a resident's scheme for looking after the Amington recreation ground which I saw and approved. Can you tell me how the said letter came to be distributed in the name of only Councillor Evelyn Rowe and with Conservative insignia attached”?

Councillor S Doyle gave the following reply:-

The simple answer is that the letter came from a Conservative Councillor and that Councillor chose to use Conservative letterheads.

As it was not an official letter from Tamworth Borough Council, Councillor Eve Rowe felt it inappropriate to use Council headed paper.

Supplementary question:-

Do you not feel though that when that letter was sent to three Councillors who were asked to distribute it that they were asked to put their names on it and distribute it jointly. For one Councillor to do it on there own is contrary to what you asked me to do in the last full Council meeting. As I recall you said “that Amington Councillors” need to work together on this issue”.

Councillor S Doyle gave the following reply:-

For myself I made the recommendation that the Amington Councillors look to follow the example of that used at Wilnecote Cemetery for forming a group.

The manner in which the task was approached is/was down to the Councillors in that area.

For reference Eve was the only person to seek advice over the content of a potential letter and actually deliver one.

QUESTIONS FROM MEMBERS OF THE COUNCIL NO. 5

Under Procedure Rule No 11, Councillor Simon People will ask the Leader of the Council, Councillor D Cook, the following question:-

“Following the remarks printed in the Tamworth Herald and attributed to him would the Leader of the Council take this opportunity to apologise for his unfounded slur on the Labour Group that “it just wants its own way” and confirm that his reference to the views of the “legal team” refers to advice from the Conservative Party?”

Councillor D Cook gave the following reply:-

I can confirm to the Leader of the opposition that to the very best of my knowledge I have never used the words “it just wants its own way” in my life and certainly never in the Tamworth Herald.

I can also confirm I have taken no legal advice from any source be it TBC or my own national party on any matter recently and the last time I believe I had legal advice in any form was in 2011 on a personal matter, certainly not a Council matter.

And to clarify, nor in any article I have ever used the term “the views of the Legal team”.

If the Leader of the opposition is chasing an apology from me, here it is.

Can I put on record, I am sorry..... BUT, he needs to research his questions a little better.

Supplementary question:-

I think it's a sad thing that the Leader of the Council decided to finish by being insulting and there is nothing wrong with the research. He may feel that it was reported inaccurately and if that's the case he should say so. If it reported him accurately then he needs to apologise to the answer he first gave but if reported inaccurately then he should say so rather than having a go at me. I'm only a simple chap and I only read it in the Herald. That's what they said you said. I am asking the Council Leader to reply to those questions. Was it inaccurate and if so why did he choose to respond in the way he did.

Councillor D Cook gave the following reply:-

If the Herald had misquoted me I would have taken it up with the Herald. The Herald have not misquoted me. Let me tell you what the words in the Herald actually said and I have a copy of it here.

I just want to see it succeed, rather than continually fail as the opposition just use it for political gain. I fail to see the words “It just wants its own way”.

Then, **Questioned about the controversial email Cllr Cook told the *Herald*: "I**

have since had conversations with the council's legal team and can confirm I am expected to have a role in driving, not interfering, the scrutiny process. The words views or advice appear nowhere in that sentence. The word conversation was.

Councillor People needs to do his research and ask the right question.

QUESTIONS FROM MEMBERS OF THE COUNCIL NO. 6

Under Procedure Rule No 11, Councillor Simon People will ask the Portfolio Holder for Economy and Education, Councillor S Claymore, the following question:-

“Following the sentiments expressed by the Leader and myself at the last Full Council and the “State of Tamworth” Debate would Cllr Claymore agree that my proposal for a Cabinet Sub-Committee on the CA represents the right way to achieve an on-going bi-partisan consensus in this critical area for the Council's future?”

Councillor S Claymore gave the following reply:-

Thank you for your question Councillor People. It is important to remember that to date, there is neither a Devolution Deal nor a Combined Authority in place as both remain subject to either legislative change and the approval of the secretary of State for Communities & Local Government and in the case of the Devolution Deal, the Chancellor.

Similarly, the consultancy Price Waterhouse Coopers have yet to complete their report and recommendations on the Governance arrangements for the Combined Authority and the administration of the Devolution Deal.

My point being that whilst I am supportive of the principle of working together on this fundamental issue, I would ask that until the Council is clear upon the scale and scope of Governance required to meet its obligations to the 'strategic' bodies (including both LEPs), that we defer any agreement on formulating our internal structures` until we are clear about what is actually required of us.

Supplementary question:-

In the meantime keep us fully apprised of all of the developments that have been undertaken for the Council so we know at what appropriate time it can be considered

Councillor S Claymore gave the following reply:-

Absolutely

The Leader of the Council and the Solicitor to the Council and Monitoring Officer requested to obtain comments, endorsement and approval of the amendments to the Constitution as attached at Appendix 1 to the Report

RESOLVED: That Council adopted and approved the changes to the Constitution as presented in Appendix 1; and

endorsed the changes to the reviewed Constitution and Scheme of Delegation

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

47 EQUALITY AND DIVERSITY SCHEME UPDATE

The Portfolio Holder for Operations and Assets provided an overview on the issues and work areas around equality that the Transformation and Corporate Performance team had a lead on and/or were involved in. The report aimed to provide Council with an update of the on-going work and to give assurance that systems or work streams are in place where required in order that Tamworth Borough Council embraces equality and diversity and remains compliant.

RESOLVED: That Council approved the Diversity and Equalities Scheme

(Moved by Councillor R Pritchard and seconded by Councillor S Peaple)

That Council thanked the officers involved

(Moved by Councillor M Couchman and seconded by Councillor D Cook)

48 TREASURY MANAGEMENT STRATEGY STATEMENT AND ANNUAL INVESTMENT STRATEGY MID-YEAR REVIEW REPORT 2015/16

The Portfolio Holder for Operations and Assets presented to Members the Mid-year review of the Treasury Management Strategy Statement and Annual Investment Strategy.

RESOLVED: That Council

- 1 accepted the Treasury Management Strategy Statement and Annual Investment Strategy Mid-year Review Report 2015/16;
- 2 approved the changes to the credit methodology whereby viability, financial strength and support ratings

will not be considered as key criteria in the choice of creditworthy investment counterparties, and revise the minimum sovereign credit criterion to AA- for all sovereigns within our current Annual Investment Strategy; and

- 3 approved the inclusion of Property Funds within the Treasury Management Strategy Statement and Annual Investment Strategy as an additional form of Non-Specified Investment for potential future use.

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

49 LOCAL COUNCIL TAX REDUCTION SCHEME 2016 ONWARDS CONSULTATION RESULTS

The Portfolio Holder for Operations and Assets advised Members of the results and feedback from the recently undertaken consultation on and the financial implications of the 2014/15 scheme and reviewed the consultation feedback when considering potential changes to be applied in the 2016/17 Local Council Tax Reduction Scheme. Also Members were advised that the Local Council Tax Reduction Scheme for working age customers for 2016/17 should include continued alignment to Applicable Amounts with those of Housing Benefit. Members were requested to endorse the proposed change, supported by the consultation results, to exclude child maintenance as income.

RESOLVED:

That

- 1 Council considered the results of the public consultation on the current scheme, carried out 31 July to 25 September 2015, and endorsed otherwise the proposed recommended changes detailed below;
- 2 the base scheme (in place for 2014/15 and 2015/16) goes forward with the following exceptions/amendments;
 - (a) That the Local Council Tax Reduction Scheme for working age customers for 2016/17 will continue to be aligned to Applicable Amounts with those of Housing Benefit, and
 - (b) That the exclusion of child maintenance as Income becomes a policy change for the Local Council Tax Reduction scheme 2016/17 onwards

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

50 REVISED GAMBLING ACT 2005 STATEMENT OF PRINCIPLES 2016-2019

The Portfolio Holder for Communities and Public Health requested Council to consider the Revised Gambling Act 2005 Statement of Principles 2016 – 2019 and adopt it.

RESOLVED: That Council adopted the policy and in doing so demonstrated their commitment to meeting the three Gambling objectives. In turn, fulfilment of the policy will feed into supporting the aspirations for Tamworth as a place to live and do business. Additionally, Tamworth Borough Council will actively seek to protect those who may be vulnerable as a result of Gambling.

(Moved by Councillor S Doyle and seconded by Councillor M Clarke)

51 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED: That members of the press and public now be excluded from the meeting during consideration of the following item on the grounds that the business involves the likely disclosure of exempt information as defined in Paragraph 3, Part 1 of Schedule 12A to the Local Government Act 1972 (as amended)

(Moved by Councillor D Cook and seconded by Councillor M Gant)

52 SERVICE CHARGE POLICY UPDATE

The Portfolio Holder for Housing and Waste Management updated Council on the progress with the implementation of communal service charging, in particular details concerning tenant consultation and outcomes from the statutory consultation process in relation to the tenancy agreement and service charging and methodology for apportionment as detailed in the proposed service charge policy

RESOLVED: That Council approved the recommendations as contained in the report

(Moved by Councillor M Thurgood and seconded by Councillor D Cook)

The Mayor