



MINUTES OF A MEETING OF THE COUNCIL HELD ON 8th OCTOBER 2014

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

The following officers were present: Anthony E Goodwin (Chief Executive), Jane Hackett (Solicitor to the Council and Monitoring Officer), Matthew Bowers (Head of Planning and Regeneration), Alexander Roberts (Development Plan Manager) and Lara Allman (Democratic & Election Services Officer)

27 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M McDermid and M Thurgood.

28 TO RECEIVE THE MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 16th September 2014 were approved and signed as a correct record.

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

29 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

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

Announcement by the Mayor

I'd like to welcome Sandeep Kang from Bevan Brittan Solicitor's in Birmingham to tonight's Council meeting. She is spending two days at the Council to see Local Government in action.

Announcement by Councillor S Peale

During the debate on the Petition at the Council meeting on 16 September I referred to, amongst other matters, the role of the Borough Solicitor. I want to apologise to her as she was offended by my comments. I wish to place on record that I never intended to offend her personally but I understand that my comments upset her and gave her cause for concern. Since I hold the officer in high regard I want to make it clear that I was not suggesting that the Solicitor to the Council was practising contrary to her ethical code of conduct. The competence, impartiality and professionalism of the Borough Solicitor is not in doubt and for my part never has been.

Announcement by Councillor J Faulkner

I'd like to draw attention to the presence of a former Councillor Stanley Turner who is in the Chamber with us tonight. He was a Member of Tamworth and Birmingham Council and received a merit award at the Labour Party Conference for long and dedicated service to the Labour Party. He has been a member of the Labour Party for 72 years. For my part I'd like to wish Stan and his wife all the best for the future and thank him for all that he has done for the Labour Party, this Council and Birmingham City Council.

Announcement by the Mayor

Tonight in the audience we have our Independent Persons Stan Orton and Paul Darby. Gentleman thank you very much for attending.

31 QUESTION TIME:**QUESTIONS FROM MEMBERS OF THE PUBLIC****NO.1**

Under Procedure Rule No 10, Mr R Bilcliff, asked the Leader of the Council, Councillor D Cook, the following question:-

"Has the Council included the Community Infrastructure Levy (CIL) in the calculations with developers, during the viability and sustainability studies for the Local Plan?"

Councillor D Cook gave the following reply:

Thank you Mr Mayor

And thank you Mr Bilcliff,

The National Planning Policy Framework and Planning Guidance Local Authorities to pay careful attention to viability and costs in the production of Local Plans. This means that policies and requirements placed upon development should not threaten the viability of development. Paragraph 175 is specific to the Community Infrastructure Levy and advises "where practical" that levy charges should be worked up and attested at the same time as Local Plan preparation.

The Council agrees that this is a practical and sensible approach that will help to create the right environment for new sustainable development to take place.

At the start of 2014 the Council issued a report (Whole Plan Viability, Affordable Housing and CIL Study) which considered; Local Plan viability, affordable housing policy and setting a CIL charging schedules. These three areas of the assessment used the same evidence base, which carried out at the same time and potential rates and costs for one matter informed the others. This report is available on the Council's website and has informed: the draft Local Plan which is before us this evening – which was consulted on from March – April 2014, the pre-submission Local Plan will start consultation later this month (subject to Council approval this evening) and a Preliminary Draft CIL Charging Schedule, which is due to go to Cabinet later this month with Councillor Claymore.

This report was prepared using the recognised guidance – “Viability Testing Local Plans – advice for planning practitioners” which was produced by the Local Housing Delivery Group chaired by Sir John Harman in June 2012. This report is clear that the right balance must be struck between ensuring the delivery of development and is not put at risk, but also ensure that standards and polices are to allow that sustainable development is not possible.

In setting the draft rates we consulted with;

Landowners
Developers
Independent consultants

The draft rates will be subject to public consultation. The next step is a report to Cabinet which is due in November.

In setting the rates we have balanced the need for a viable CIL against Affordable housing to ensure that we do not threaten the delivery of either.

Supplementary Question

Can I ask, as there is a fixed criteria to the proportion of the CIL that is actually paid to the neighbourhood who are accepting this development, can the Leader confirm that there is a neighbourhood plan in place and that they will receive 25% of that levy?

Councillor D Cook gave the following reply:

I'm afraid I don't have the information to hand Mr Mayor I am happy to write to Mr Bilcliff to give a full and comprehensive answer.

QUESTIONS FROM MEMBERS OF THE PUBLIC

NO.2

Under Procedure Rule No 10, Mr R Bilcliff asked the Leader of the Council, Councillor D Cook, the following question:-

"Can the Leader confirm a date when the required Golf course surveys will be completed?"

Councillor D Cook gave the following reply:

Mr Mayor

The Council appointed Atkins earlier this year to undertake a variety of surveys to explore the opportunities and constraints on development at the golf course.

Atkins are working with officers to finalise the draft reports this month, as previously stated I have asked for the reports to be published as soon as possible and no later than early November. It is likely that some reports will be completed sooner than others and therefore some reports will be available later this month.

Officers have created a web site where all the reports will be loaded. An E-mail will be sent to representatives of the Amington Residents Association when the first reports go on line and a press release will also be issued. The new web page will also be used to provide access to information on the emerging masterplan for the site and the online **pre** planning consultation on the masterplan. The Council will use its planning consultants and Atkins staff to support a focus group and two **pre** planning application consultation events on the proposed development.

We aim to run these sessions in late October to provide an opportunity for people to comment on the draft plans so that we can review them before they are submitted for further consultation as part of the formal planning approval process.

Let us recall Mr Mayor, that a long while ago Local Plans produced by both political groups in this Chamber since the 1990's had carried over 1500 new homes on the Anker Valley site behind Perrycrofts. After undertaking several infrastructure studies we can now confirm only 700 will fit here of which 165 are behind Browns Lane (still to be confirmed) and 535 on Anker Valley.

The Amington site will be given the exact same consideration, expertise and professionalism by this Council to ensure the development is sustainable and achievable.

Supplementary question:

Given the Council's plan to sell the Golf Course and the planned development there Prior to the Local Plan being formally approved by the Inspector and with the survey costing up to date up to £103,000, (I don't know if that is the final figure, I doubt it) can the Councillor clarify the position with regards to the Golf Course

Should the inspector disagree with this, with your final plan, and should the survey not have been carried out prior to the Golf Course being placed on the Local Plan? This would have made sense to me and I'm sure it would have made sense to a lot of people in Tamworth.

Councillor D Cook gave the following reply:

As I earlier stated, Anker Valley has sat in the Local Plans for this Council for over 20 years and only now will we start seeing bricks going down.

The Local Plan requires a five year land supply. That five year land supply must be demonstrated to the inspector as it is achievable. Without the five year land supply the inspector will not pass the plan.

Therefore the controlling group is 100% confident that the Golf Course is developable.

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

Under Procedure Rule No 11, Councillor M Clarke asked the Portfolio Holder for Operations and Assets, Councillor R Pritchard, the following question:-

"May I ask the Portfolio Holder to update Council on the Agile Working project, with specific regard to costs incurred to date, and staff productivity?"

Councillor R Pritchard gave the following reply:

There is currently a post implementation review underway to capture the first stage output of this project before further rollout, however, anecdotally, I am able to say that staff absence has reduced since this initiative has gone live.

Approved under Agile Working Business Case Report to Cabinet

		Original Budget	Further Virement	TOTAL	Actual
CP2843	Marmion House Agile Working	80,000.00	0.00	80,000.00	79,640.00
CP2844	7th Floor Refurb - Furniture	48,000.00	0.00	48,000.00	48,000.01
CH2830	Replacement PCs, Servers, Printers	140,000.00	0.00	140,000.00	144,841.07
CH2838	IP/Telephony/Network	81,000.00	5,680.00	86,680.00	0.00
CH2836	ICMC - EDRMS	50,000.00	1,930.00	51,930.00	23,366.25
	<i>SUB TOTAL</i>	399,000.00	7,610.00	406,610.00	295,847.33

Additional Expenditure/Other Budgets Utilised

		Budget	Actual
CP2841	Improvements to Marmion House	17,400.00	68,540.11
GH0207	Customer Services Line Rental Main Switchboard	10,000.00	0.00
GN0201	Internal Audit Equipment, Furn & Material	0.00	1,287.44
GG0301	Council Tax Computer Equipment	0.00	3,090.55
GT0201	Benefits Computer Equipment	0.00	4,243.16
GT0201	Benefits Equipment, Furn & Materials	0.00	47.65
GH0201	ICT Hardware Maintenance	0.00	504.64
GH0201	ICT Hardware Maintenance	0.00	245.00
GH0201	ICT Hardware Maintenance	0.00	75.00
GL0203	Health & Safety	0.00	279.94
GS0701	Partnerships & Community Development - Equipment, Furn & Material	0.00	559.88
GL0202	Training & Development - Transforming Tamworth	10,000.00	2,448.96
GL0203	Health & Safety	0.00	1,200.00

GH0207	Customer Services - Telephones	0.00	2,662.84
	<i>SUB TOTAL</i>	<u>37,400.00</u>	<u>85,185.17</u>
	<i>OVERALL TOTAL</i>	<u>444,010.00</u>	<u>381,032.50</u>

Supplementary question:

Thank you for the handout, I'll study it at length.

Will the Portfolio Holder please advise on the health issues in respect of so many of our staff now being resident in one open plan office, together with when we will receive the new staff protocols that need to be put in place, to afford Councillors the necessary face to face contact with members of staff in that agile working office.

Councillor R Pritchard gave the following reply:

All staff health and Health & Safety aspects have been taken into account on this project that's all taken care of.

In terms of meeting officers there is an entire building available for Members to meet with officers. We have a Members' Room for example so if you need to meet with staff it's best done outside in the Members' Room.

We use the 7th floor as a staff only floor so that staff can get on with their work without Councillors looking over their shoulders.

QUESTIONS FROM MEMBERS OF THE COUNCIL NO.2

Under Procedure Rule No 11, Councillor T Madge asked the Portfolio Holder for Environment and Waste Management, Councillor M Thurgood, the following question:-

"I would like to congratulate the people that worked hard on the Tamworth in Bloom project making Tamworth once again a proud gold medal winner.

With this in mind I only hope the judges did not come into Tamworth via the M42 onto the A5 bypass, where the once attractive display of the Staffordshire Knot is now an overgrown and tired looking feature.

Who is responsible for the upkeep and can we get this icon of Tamworth maintained so it looks as good as it did when it was first placed there?"

Councillor D Cook gave the following reply in the absence of Councillor M Thurgood:

The Staffordshire Knot display is not a floral one but a design built in stone in the bank. It is not the responsibility of either Tamworth Borough Council or Staffordshire County Council it actually belongs to the Highways Agency.

I am willing to jointly write to them to ask that question.

Supplementary question:

Can a regular scheme be set up so this doesn't fall into disrepair again if it's possible that you could ask that please?

Councillor D Cook gave the following reply:

As I said Councillor Madge we will draft a letter together to the Highways Agency and we'll see if we can get this done. I am a former Stonydelph Councillor and I know that knot used to be beautiful and it's not anymore. Let's see if we can do something about it.

QUESTIONS FROM MEMBERS OF THE COUNCIL

NO.3

Under Procedure Rule No 11, Councillor T Madge asked the Leader of the Council, Councillor D Cook, the following question:-

"With the recent closure of the Golf Course it was stated by Councillor Thurgood and Councillor Claymore that the buildings will be secured and steps taken to stop people and vehicles accessing the land, when will this happen please?"

Councillor D Cook gave the following reply:

Thank you Mr Mayor

I am happy to respond to this question but would point out that an operational query such as this can be asked of the Portfolio holder or officers at any time but happy to answer it. All details were listed in the Cabinet report from 11th September and as stated in the Cabinet report a number of measures have and will be taken to secure the site including the following;

On Thursday the 2nd Of October an additional trench was dug adjacent to the road to help prevent unauthorised vehicle access. Signage was also erected to notify the public that the site is closed.

On Friday the 3rd of October the majority of the windows and doors were secured with steel shutters and concrete blocks placed at the entrance to the car park.

On Saturday the 4th October the remaining doors and windows were secured.

The site will now be cleared of any combustible materials and the utilities shut off.

I have also exchanged communications with residents in that area and stated that if any Anti-Social incidents occur they must keep reporting these to the Police, but I hope this does not prove to be necessary.

Supplementary question:

The cost was quoted to keep the course open until next spring was estimated to be in the region of £62,000. Can you tell the Council what the cost will be in order to secure the 152 acres to stop vehicle and public access?

If you are serious in trying to stop people getting access, fencing would have to be erected all round and the cost would be far in excess of the projected savings.

Is it not the case that we are spending £5 to save a pound?

Councillor D Cook gave the following reply:

I was the portfolio holder in 2006 when we put fencing up at the football pitches. I can tell you that cost £57,000 so I would not like to think how much it would cost to fence off the whole of the Golf Course.

If Councillor Madge would permit me, I will respond as quickly as I can with as much information as I can.

QUESTIONS FROM MEMBERS OF THE COUNCIL NO.4
Under Procedure Rule No 11, Councillor M Couchman asked the Leader of the Council, Councillor D Cook, the following question:-

"How can a budget be allocated for the sprinkler system for the High Rise Flats when the design is not known?"

Councillor D Cook gave the following reply:

Thanks Mr Mayor

The budget has been set following informal discussions with suppliers and other social housing providers who have already completed works of a similar nature in the properties.

From these informal conversations we were able to arrive at an estimated cost per flat for a typical domestic sprinkler installation. The typical install costs vary based on the nature of the building, technical design of system, number/location of sprinkler heads required and the level of making good required post installation mess. We have based our budget on the higher end of the cost information provided at £1,118,310 or a little over £3,200 per flat; this is felt to be sufficient to carry out the basic sprinkler installation and to provide a high standard of post installation.

It was always known that the project would need to be developed using the technical expertise of Staffordshire Fire and Rescue and that a detailed cost would need to be obtained through a comprehensive, competitive tender process.

With budgets being set in advance of the start of a financial year it is standard practice to use cost estimates for budget setting purposes; this avoids undertaking time consuming and potential costly tender exercises without any certainty of funding being available.

Supplementary question:

I have in front of me the letter that went out to tenants about the sprinkler system and it says:

How many sprinklers will be fitted into which rooms? – It isn't possible to say at this stage

How wide is the trunking? – Depending on the design and layout etc

This side of the Council is committed, to the installation of the sprinkler system, but do you not think that the tenants have been left in limbo, by not having designed the system first and fully costed it before approaching the tenants.

Councillor D Cook gave the following reply:

This side of the chamber operates a complete open and honest policy with the public wherever humanly possible. As soon as you're thinking of doing something tell the public you're considering it, that's what we did.

We knew the project would take time to unfold, we thank the tenants' patience and we understand it is an emotive issue for tenants in the flats.

As soon as we have exact costings and designs the tenants will be the first to know.

QUESTIONS FROM MEMBERS OF THE COUNCIL**NO.5**

Under Procedure Rule No 11, Councillor M Couchman asked the Leader of the Council, Councillor D Cook, the following question:-

"How many council properties were let in the last 12 months to people on the waiting list, not including the decant process?"

Councillor D Cook gave the following reply:

Thank you Mr Mayor

From 1 September 2013 to 1 September 2014 there have been 247 council property relets to people on the housing waiting list (this number excludes 22 people re-housed in council properties through the decant process during this period and 111 nominations to non-council properties including shared ownership).

Supplementary question:

What else are the Council doing to reduce the waiting list, other than directing people to the private sector, which is more expensive and without the security of tenure that Council tenancies provide?

Councillor D Cook gave the following reply:

It's something that I tend not to discuss with my friends from Eton in the National Party but this side of the Chamber since 2004 has actually been building council properties. I don't know if anyone has noticed the garage sites in the Leyfields for example.

Councillor Couchman is absolutely correct; I am a Conservative that will say social and Council housing is essential for any society. It is required and this side of the Chamber, I hope in partnership with every side of the Chamber, wherever possible we will ensure we get good quality social housing for the people of Tamworth.

QUESTIONS FROM MEMBERS OF THE COUNCIL NO.6

Under Procedure Rule No 11, Councillor J Faulkner asked the Deputy Leader of the Council, Councillor R Pritchard, the following question:-

"At the Audit & Governance Committee Meeting held on 25 September 2014, it was reported that the pension fund deficit at 31 March 2014 was £39,769,000 which represents 40.1% of present value of the defined benefit obligation. What specific proposals does the Deputy Leader have as the responsible portfolio holder to make good this deficit and to what timescale?"

Councillor R Pritchard gave the following reply:

As Councillor Faulkner should be aware, the authority participates in the Local Government Pension Scheme (LGPS), as administered by Staffordshire County Council (SCC) – that being the Staffordshire Pension Fund.

The pension fund is a long-term commitment. Even if it were to stop admitting new members today, it would still be paying out benefits to existing members and dependants for many, many decades to come. It is therefore essential that the various funding and investment decisions that are taken now to recognise this and come together to form a coherent long-term strategy.

In order to assist with these decisions, the Regulations require the Administering Authority (SCC) to obtain a formal valuation of the Fund every three years (carried out by an independent Actuary). Along with the Funding Strategy Statement, this valuation will help determine the funding objectives that will apply from 1 April 2014.

As such, I have no specific proposals to make good this deficit as the Pension Fund is administered by Staffordshire County Council have already agreed (following the 3 year triennial review) the planned actions to address the deficit.

As Councillor Faulkner is more than aware in line with the national scheme a number of changes were included in the new scheme from 1st April 2014 which included significant changes i.e. increased employee contributions, reduced benefits, and changes to retirement dates - in line with revised national retirement dates all focussed on reducing future pension liability / deficits.

The pension funds' performance is reviewed on an annual basis with a three triennial review undertaken. Fund liability and future contribution rates are reviewed. The last triennial review was undertaken in 2013 with implementation 2014/15.

In the last triennial review process and following detailed discussion with County wide Finance Officers we agreed to make advance payment in respect to past years liabilities circa £1.2m over 3 years triennial review. The advance payment has resulted in our assessed liabilities being paid off earlier and resulting in a financial saving to this Authority. This also has resulted in future variable contribution rates being reduced from 19.6% to 16.5% for 2014/15.

The pension liability referred to in the accounts only relates to this Authority's share of the overall Staffordshire Pension Fund deficit.

There are regular pension fund review meetings undertaken at County Level which we attend the Pension Fund Forum to receive regular updates on fund performance, financial climate and investment returns. The administration of the scheme is out of the direct control of this Authority and the Pension Fund through its advisors and governance arrangements determines the investment strategy.

As part of the final account process and in compliance with International Accounting Standards, the Authority like other Councils throughout the country are required to obtain through their respective County Pension Scheme Administrators – in our case Staffordshire Pension Fund - an annual report of the current position in respect to future liability.

As part of the full triennial review (with an interim review, expected by 31st March, evaluating all the fund assets (with an assumed bond yield return) together with future contributions to arrive at the forecast surplus / deficit.

The estimated deficit on the pension evaluation process does not directly affect Council Tax payers as legislation is in place to reverse the financial impact.

Following the triennial review, in discussion with the Pension Fund Administrator / Finance Officers, they have to take a professional view that the fund is sustainable – taking into account future contribution rate proposals.

Supplementary question:

Given that this deficit has increased from 36.7% at 31 March 2013, which is an increase from 35.0% at 31 March 2012, and from 30.8% at 31 March 2011, how does the Deputy Leader think his recovery plan is progressing?

Councillor R Pritchard gave the following reply:

I think we need to be very careful about taking a snap shot in time when looking at Pension Fund deficit. If we take for example the Pension Fund deficit review a few years ago it was £22 million and the year before that it was £24million and two years before that it was £38million. The actual Pension Fund Deficit fluctuates greatly over a period of time.

The Pension Fund Deficit is actually a long term balancing act not a short term balancing act because this is a deficit to be addressed over many, many decades and it is a continually fluctuating market so we should be very careful about taking a snap shot at any one time and need to look at the long term trend.

QUESTIONS FROM MEMBERS OF THE COUNCIL NO.7
Under Procedure Rule No 11, Councillor P Standen asked the Leader of the Council, Councillor D Cook, the following question:-

"Does the Leader of the Council agree that section 7 of the recently modified petitions scheme which introduced a 15 minute restriction on the time all councillors can debate a petition meant that not all councillors wishing to participate in golf course petition debate on 16th September had an opportunity to do so; and with this in mind will he agree that this restriction should be removed?"

Councillor D Cook gave the following reply:

Mr Mayor

This is a Constitutional matter and the Constitution is agreed by this Council body, yes all 30 of us at the Council AGM immediately at the start of the municipal year, usually after local elections.

If there is a Constitutional concern from any member I am more than happy to discuss it and see if we can agree a way forward.

I hope this year the group opposite actually responds to Councillor Pritchard's emails inviting to comment on Constitutional matters this year and not just try several 11th hour motions once the report has come to Council. I exempt Councillor Chris Cooke from this comment as he is always very vocal on these matters and I continue to welcome his insight sometimes. The Constitution I hope all agree is above politics and so we should discuss as elected members not as politicians.

Short answer Councillor Standen, through the Constitution Working group I am happy to consider any change and its merits.

Supplementary question:

I will bear that in mind. I have put in plenty of suggestions in the past to Council. I would point out that I think that 30 seconds per Councillor for a petitions debate is not enough.

Councillor D Cook gave the following reply:

Just to reiterate Mr Mayor, on a Constitutional matter I am happy to take a comment from any Member and discuss its merits through. I truly believe that the Constitution is our bible. It binds us, what we can and cannot do as Councillors and Officers through the Scheme of Delegation. It needs to be correct, it needs to

be agreed and it needs to be non political. I am happy to take anyone's point to discuss it.

QUESTIONS FROM MEMBERS OF THE COUNCIL **NO.8**
Under Procedure Rule No 11, Councillor T Peale asked the Leader of the Council, Councillor D Cook, the following question:-

"Do you wish to join me in condemning the recent reduction in funding to the cornerstone?"

Councillor D Cook gave the following reply:

Mr Mayor

Tamworth Cornerstone Housing Association (TCHA) have been a valued partner of Tamworth Borough Council for a great many years. The facility at Amington has been an important asset in transforming the lives of many young people.

The Council relies on the ability to make referrals to the Cornerstone scheme in order to help meet the housing and support needs of many young people who come into contact with our Housing Advice Service.

The threat to this scheme is an extremely worrying and the impact of overall Supporting People funding cuts is worrying.

I am pleased to say that TBC officers both through the Strategic Housing Service and Housing Benefits Service have been pro-active in supporting TCHA in managing the impact of these cuts. I am hopeful that the future of this important scheme can be secured and our officers will continue to offer advice and support to achieve this aim.

In addition to supporting Cornerstone the Council is also taking a range of other actions to support organisations and individuals affected by the funding cuts.

Members may recall my comments in the Tamworth Herald a month ago in regards of residents of Metropolitan Support Trust who are threatened with homelessness from their accommodation provided to support them due to mental health issues. The Council has worked with other agencies to ensure that those required to move to alternative accommodation are able to do so in a managed and supported way. In addition the Council has worked with neighbouring Local Authorities and partners to ensure that support is available to allow this managed transition to take place. £10k has been made available by this Council through the Homelessness Prevention Fund to help support these vulnerable residents. My intervention delayed closure while these residents were found options elsewhere.

Members have my assurance that this Council will do everything reasonable within its power to seek to mitigate the impact of these cuts and to help residents and organisations to make a successful transition.

You ask me to condemn the funding cuts, I believe my thoughts on the cuts to Supporting People funding have been well publicised. I share the end game of better use; more focused public expenditure, but in regards to the Vulnerable in our society, I question the speed of the journey we are on.

Councillor Peple, it is matters such as this where we need to target our collective public sector budgets to ensure we prioritise the vulnerable in our society. You ask me to share your condemnation of this cut, I ask you to agree that protecting vital services is more important than a golf course. I suspect you won't!

There was no supplementary question.

QUESTIONS FROM MEMBERS OF THE COUNCIL **NO.9**
Under Procedure Rule No 11, Councillor T Peple asked the Leader of the Council, Councillor D Cook, the following question:-

"Regarding the fence at the rear end of the surgery site on the Kerria. Is this fence Council property and if so why have private developers been allowed both to damage it and to erect a large barrier attached to it?"

Councillor D Cook gave the following reply:

Mr Mayor

Councillor Peple, I can confirm this is the first I have heard of this matter. In fact it was the first any Council officer had heard of the matter. I say the following with full respect Tom; it is not my role as Leader of this Council to solve your patch work in the first instance. It is your role as a local Councillor to attempt to solve these matters. If for any reason you hit a brick wall and it becomes difficult to solve, and then please involve myself or a Cabinet member.

However, I accept you are a newly elected member and recall being in that position myself many years ago. The Council is a big entity and requires one large learning curve. With that in mind I can confirm that when your question was submitted before even I could react, Officers of this Council proactively jumped on it. They have been out to inspect and we can confirm the owner of the surgery site has not sought permission to erect barriers on land or property owned by the Council and as such no consent has been granted.

Now that the matter has been brought to the attention of the officers, the matter will be raised with the owner of the site with a view to formalising the arrangements for occupation should they require access on to land owned by Tamworth Borough Council? Normal practice is to agree a license to occupy; this grants the other party rights to access the land for the duration of their work and makes provision for them to make good any damage they may have caused at the end of the license period.

An inspection of the site did not identify any fences in the ownership of this Council as having being damaged; the fence along the cycle path is in the ownership of Staffordshire County Council.

In the event that matters can't be formalised it will become a legal matter.

There was no supplementary question.

32 TAMWORTH BOROUGH COUNCIL PRE-SUBMISSION LOCAL PLAN 2006 - 2031

The Report of the Portfolio Holder for Economy and Education updating Members on the draft Local Plan and subject to the amendments the report seeking approval from Council to publish the pre-submission Local Plan for consultation, and seeking authorisation for officers in consultation with the Portfolio Holder Economy and Education to make minor amendments prior to submitting it to the Secretary of State was considered.

This report also seeks Member approval of the revised Local Development Scheme. This is a public statement of the programme for the production of local development documents over the next three years, under the Planning and Compulsory Purchase Act 2004.

Councillor S Peple moved an amendment:

That the allocation of housing development to the site known as "the Tamworth Golf Course" in Amington be deleted and added to the number of houses which Tamworth Borough Council cannot meet from within it's own boundaries. That the Council add a note to the plan inviting applications to develop housing on brownfield sites within the borough. This was seconded by Councillor P Standen. Following a named vote, this was not carried.

Named vote for amendment

For	Against
Councillor M Clarke	Councillor R Kingstone
Councillor C Cooke	Councillor M Gant
Councillor M Couchman	Councillor J Chesworth
Councillor J Faulkner	Councillor S Claymore
Councillor D Foster	Councillor T Clements
Councillor G Hirons	Councillor D Cook
Councillor J Jenkins	Councillor S Doyle
Councillor T Madge	Councillor J Goodall
Councillor K Norchi	Councillor M Greatorex
Councillor S Peple	Councillor A James
Councillor T Peple	Councillor A Lunn
Councillor P Seekings	Councillor J Oates
Councillor P Standen	Councillor M Oates
	Councillor R Pritchard
	Councillor E Rowe

RESOLVED:

1. By 15 votes to 13, that the pre-submission Local Plan and

- accompanying Sustainability appraisal be approved;
2. By 26 votes to 2, that, subject to no representations to soundness or legal compliance issues the Local Plan be approved for Submission;
 3. Unanimously, that authority be delegated to the Director for Communities Planning and Partnership and the Head of Planning & Regeneration, in consultation with the Leader of the Council & Portfolio Holder for Economy and Education;
 4. Unanimously, that authority be delegated to the Director for Communities Planning and Partnership and the Head of Planning & Regeneration, in consultation with the Leader of the Council & Portfolio Holder for Economy and Education, to prepare and consult on main modifications to the Local Plan during the examination process if required to address issues of soundness, and;
 5. Unanimously, that the amended Local Development Scheme for publication on the Councils website be approved.

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

33 OUTSIDE BODIES 2014/15

The revised list of Outside Bodies following the annual review was received.

(Moved by Councillor D Cook and seconded by Councillor S Peuple)

The Mayor