



## **MINUTES OF A MEETING OF THE COUNCIL HELD ON 17th MARCH 2015**

**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, M McDermid, K Norchi, J Oates, M Oates, S Peple, T Peple, R Pritchard, E Rowe, P Seekings and P Standen

The following officers were present: Anthony E Goodwin (Chief Executive), John Wheatley (Executive Director Corporate Services), Anica Goodwin (Director - Transformation and Corporate Performance), Jane Hackett (Solicitor to the Council and Monitoring Officer), Natalie Missenden (Public Relations Officer) and Janice Clift (Democratic and Elections Officer)

### **57 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor T Madge and Councillor M Thurgood

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

The minutes of the meeting held on 24<sup>th</sup> February 2015 were approved and signed as a correct record.

*(Moved by Councillor D Cook and seconded by Councillor S Peple)*

### **59 DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

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

**Announcement made by Councillor S Peple with regards to the retirement of Councillor D Foster and Councillor J Jenkins:-**

Dave Foster is not standing this time. He has served wonderfully and was a past Mayor. He has always given sound advice and has made many contributions and

pays careful thought to everything. I would like to thank him for his service to the town.

Joan Jenkins was a past Mayor and has contributed marvellously to the Committees. She has contributed in a thoughtful manner and been very active within the party.

**Councillor D Foster replied:-**

Thank you for your kind words. I bid you a fond farewell. I have not been as active due to work priorities. Please continue to carry on the good work on both sides of the chamber. Maybe I will come back and join you one day! I wish you all the best for the future. Thank you.

**Councillor J Jenkins replied:-**

Thank you for having me. I took the place of Brian Beale through illness. I will be spending more time playing my cello and piano and spending time with my dogs. I will still be around Wilnecote.

**Announcement made by Councillor D Cook with regards the retirement of Councillor C Cooke retiring:-**

Chris Cooke is retiring. I would love to say I'll miss him and the conversations around fluoridation. I would like to convey a mutual respect between us. You were very good at resolving issues. Thank you for all your years of service.

**Councillor C Cooke replied:-**

I was not expecting another party member to comment but I do get on well with Councillor Cook. I have never been a past Mayor being Independent and this announcement may be a little premature. I have enjoyed my time at the Council and I am pleased that I have been recognised by Danny and his party. Best wishes to all members. Thank you

**Announcement made by Councillor D Cook with regard to the Licensing Policy:-**

The proposal to revise the Licensing Policy to extend the Cumulative Impact Area to Lichfield Street has been reviewed by the Police and there is no requirement to extend the Cumulative Impact Area.

Motion carried under rule 4.13 (c) to move Agenda item 9 to item 6

*(Moved by Councillor P Standen and seconded by Councillor D Cook)*

**61 QUESTION TIME:**

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

**Under Procedure Rule No 10, Alice Couchman will ask the Portfolio Holder for Operations and Assets, Councillor R Pritchard, the following question:-**

“How much money had the Council saved by removing staff from the public toilets in the Castle Grounds?”

**Councillor R Pritchard gave the following reply:-**

Thank you for your question, I do not have the information to hand thus a written response will be supplied.

**Supplementary Question:-**

“Given that the toilets in the Castle Grounds are now closed due to vandalism can you say that this cost of unstaffed toilets was worth the saving?”

**Councillor R Pritchard gave the following reply:-**

I cannot agree this could have happened with staff in place.

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

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

“As you are aware a considerable number of healthy mature trees have been cut down in Hayle and Medway. Can you tell me what environmental works are to be undertaken to improve the eyesore that residents have to endure?”

**Councillor D Cook gave the following reply:-**

Councillor Couchman you will already know that the Head of Landlord Services along with Senior Managers from Street Scene met with yourself on the 6<sup>th</sup> February to discuss and agree a series of actions in relation to Belgrave.

Actions included, which are now completed included:-

1. Overhanging trees in Hayle – Street Scene have confirmed that 9 Ash trees have been removed following community consultation
2. Preventative tree works in Medway are planned for today (Tuesday 17<sup>th</sup> March) and involve removal - again as highlighted by the Councils arboriculturist following community concerns.

In addition as you are aware the planned/preventative tree maintenance programme for 2014/15 has already been communicated and completed. For Belgrave this included the works identified above.

**Supplementary Question:-**

“I have been told by officers that there is no budget for any environmental works, would you not agree that there should have been a plan and this is just not good enough for the residents?”

**Councillor D Cook gave the following reply:-**

Over the last few years the Council has seen a marked increase in tree related requests from residents predominately within HRA estates throughout the Borough.

Many of these estates were built between the mid 1970's through to the mid 1980's with the associated landscaping undertaken following construction work. Unfortunately this included dense tree planting in many cases, inappropriate tree species such as Oak, Ash, Plane, Lime, Sycamore, Alder etc which now almost 40 years on are resulting in issues for both Council tenants and property owners.

Following felling, tree stumps remain which is not unusual and in this area has not posed any health and safety issues. In some areas the stumps will be ground out to prevent trip hazards but only where this is assessed as necessary.

Officers are currently reviewing, under the HRA planned environmental works, whether any additional landscaping is required. This will be discussed in consultation with the residents if applicable and approved through the existing approvals process

## **QUESTIONS FROM MEMBERS OF THE COUNCIL NO. 2**

**Under Procedure Rule No 11, Councillor M Clarke will ask the Leader of the Council, Councillor D Cook, the following question:-**

“Why did The Leader of our Council consider it necessary to abolish the Commissioning Board?”

**Councillor D Cook gave the following reply:-**

Simple answer is we haven't, we have evolved it

Tamworth Borough Council has been the recognised lead authority on the subject of “commissioning” for some years.

Following a successful venture into Voluntary & Community Sector commissioning, Cabinet approved the further evolution of commissioning in June 2012 when the board was re-established as a Public Sector Commissioning Board thereby broadening the remit to include public sector providers in the market.

On 23<sup>rd</sup> October, 2013 Cabinet approved the Terms of Reference for the Public Sector Commissioning Board and the first Public Sector Commissioning Framework.

More recently, following the adoption of Locality Based Commissioning as a local early intervention/prevention model by all strategic commissioning bodies and all 8 districts in Staffordshire, Cabinet approved Terms of Reference for a Commissioning Hub within the Tamworth Strategic Partnership and a revised commissioning framework giving the 'partnership' greater influence over the aligned funding.

That same report of 11<sup>th</sup> December, 2014 acknowledged the role of the VCS commissioning board and recognised the need for a broader, more collaborative approach to utilising funding (£500,000+).

Consequently, Cabinet agreed to disestablish the VCS Board and that it be superseded by the Commissioning Hub. The Hub operates to the standards set by the National Commissioning Academy.

**Supplementary Question:-**

"You did use the word abolish. The Regional Commissioning Board was here in Tamworth. The original Commissioning Board was a cross-party committee comprising members, staff and service providers who discussed and agreed funding. Why did the Leader believe it acceptable to leave his 25 colleagues and others outside the commissioning process, with decisions now in the hands of just the five one-party cabinet members and some new external Hub?"

**Councillor D Cook gave the following reply:-**

All I can say is that it has evolved! It is a model of excellent cross partnership working. The Chief Executive has done wonderful work. I am the Chair of the Tamworth Strategic Partnership and we can meet and you can discuss further representation.

**QUESTIONS FROM MEMBERS OF THE COUNCIL NO. 3**

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

"Does the Leader of the Council agree with the comments made by Brandon Lewis MP when a Local Government Minister that Public toilets are an important local service?"

**Councillor D Cook gave the following reply:-**

Yes

**Supplementary Question:-**

"I'm glad that the Leader agrees that the public need public toilets. Does the Leader of the Council also agree with Brandon Lewis' criticism of Councils closing down public toilets that they are taking the lazy option and should make savings elsewhere in the Councils budget?"

**Councillor D Cook gave the following reply:-**

He was elected in 2004 and completed nearly 11 years. If Brandon Lewis wants to contact us to tell us how to set the budgets he is more than welcome.

**QUESTIONS FROM MEMBERS OF THE COUNCIL NO. 4**

**Under Procedure Rule No 11, Councillor G Hirons will ask the Portfolio Holder for Operations and Assets, Councillor R Pritchard, the following question:-**

“Seeing as the Cultural Quarter work is not due to start until January 2016, why have the Aldergate public toilets already been closed?”

**Councillor R Pritchard gave the following reply:-**

The Council set in the 2014/2015 budget a reduction of the operating expenditure of the public conveniences; this was driven in part by the redevelopment programme of the Assembly Rooms area, in part because we have duplicate provision adjacent to each other in the Phil Dix Centre/Aldergate facilities and the huge variation in use of the public toilets. The main driver was high operating costs for two sites.

A major saving in the operating budget has been the removal of the attendants based at the Castle Grounds and this required consultation and other staff legal and engagement process to be undertaken. This process was started when the commencement date for the Assembly Rooms project was still an estimate. However the staff consultation was not a process you would want to stop and start at will. Its also worth noting that the changes in the toilet operating model has contributed £180,000 towards eliminating the long-term deficit in the council's budgets and the project is small part of the long term sustainability strategy.

**Supplementary Question:-**

“Would it not have been a far better idea to keep the Aldergate toilets open until the Cultural Quarter development was up and running and hence be able to provide alternative facilities? Or are public toilets not part of the plan for the Cultural Quarter?”

**Councillor R Pritchard gave the following reply:-**

There is alternative provision 8 feet away with longer opening hours.

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

**Under Procedure Rule No 11, Councillor G Hirons will ask the Portfolio Holder for Operations and Assets, Councillor R Pritchard, the following question:-**

“Do you consider the closing of public toilets to be a loss of vital public services?”

**Councillor R Pritchard gave the following reply:-**

No, especially when there is alternate provision is feet away in a location with increased opening hours.

**Supplementary Question:-**

“In the cabinet papers you talked about people being able to use other facilities, such as the Phillip Dix Centre and various businesses around the town. Obviously, The Phillip Dix Centre is in the council’s control, but did you actually do the work to enrol the various businesses to allow people to use their facilities? In fact the café in the Castle Grounds does not even have facilities to offer its own customers?”

**Councillor R Pritchard gave the following reply:-**

Several people were spoken to. There is a need to publicise the fact that the toilets in the Castle Grounds are not closed but that the operating hours have changed and that there are alternatives nearby too.

**QUESTIONS FROM MEMBERS OF THE COUNCIL NO. 6**

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

“As the Leader of the Council has chosen to delay the first meeting of the new council for longer than usual after the elections, would he agree now to the scheduling of a meeting of group leaders for the latter end of the week after the election?”

**Councillor D Cook gave the following reply:-**

Absolutely, will Tuesday 18:00 12<sup>th</sup> May do?

**Supplementary Question:-**

“That will do absolutely fine. Does the Leader agree with me that this is a good example of how we adopt a grown up approach to politics in Tamworth?”

**Councillor D Cook gave the following reply:-**

I think that you have just answered your own question Councillor People.

**QUESTIONS FROM MEMBERS OF THE COUNCIL NO. 7**

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

“If the Council were successful in obtaining Outline Planning Permission for the proposed development of approximately 1000 houses on the old Golf Course site

in Amington before the council elections, does the Leader of the Council believe he has the necessary authority to make a sale of the land to a third party without a further Cabinet meeting prior to May 8th?"

**Councillor D Cook gave the following reply:-**

Planning permission and the sale of the land at the former golf course to a third party are two separate and distinct matters. They will not happen conterminously. As you are aware the Planning Application for the land will be submitted to the Planning Committee and will be dealt with in accordance with planning regulations and rules.

The sale of the land and process to be adopted in this regard has already been through the decision making process. There have been no fewer than seven reports to Cabinet dealing with the now former golf course site:-

26/03/13, 30/05/13, 24/10/13, 23/01/14, 20/02/14, 03/04/14 and 27/11/14.

On 27 November 2014 Cabinet approved the following in relation to the sale of the land at the former golf course

1. The use of the Home & Communities Agency's framework agreement (subject to mini competition) to appoint specialist sales and marketing agents to act on the Council's behalf.
2. The draft heads of terms attached at appendix one, including the land to be retained within the Council's ownership (plan identified in appendix two)
3. The draft terms that will become part of the section 106 Agreement attached at Appendix three, noting that the conditions of sale require the purchaser to sign a s106 Agreement based on these terms and finalised through the planning application process.
4. Delegated authority to the Chief Executive, Directors of Assets & Environment/Communities, Planning & Partnerships and Solicitor to the Council in consultation with the Leader and Portfolio Holder to approve all final sale documentation.
5. Delegated authority to the Chief Executive, Directors of Assets & Environment/Communities, Planning & Partnerships/Finance and Solicitor to the Council in consultation with the Leader and Portfolio Holder to accept the most financially advantageous offer for the asset.
6. The capital receipt be allocated to Capital receipts and held for either future regeneration or invest to save projects, as set out in the Cabinet report 20 February 2014.

Accordingly the necessary authority is in place to conclude a sale to a third party without any further Cabinet meeting."

**Supplementary Question:-**



"I'm delighted that the Leader has confirmed the position. Can I ask Councillor Cook were he not to be in possession of a majority of seats after 8<sup>th</sup> May would he consider that in such circumstances that he has necessary authority?"

**Councillor D Cook gave the following reply:-**

Would I sign a document after the election if I did not have the majority. No I don't think I could.

**QUESTIONS FROM MEMBERS OF THE COUNCIL NO. 8**

**Under Procedure Rule No 11, Councillor T Peaple will ask the Portfolio Holder for Communities and Public Health, Councillor D S Doyle, the following question:-**

"Would Councillor Doyle join me in congratulating the local police on the thoughtful and sensitive way in which they dealt with incidents relating to a party at the band room in Amington on Saturday evening (7<sup>th</sup> March) once they were made aware of it?"

**Councillor S Doyle gave the following reply:-**

Thank you for the most wily and correct question of the night, if you are happy with the response from the Police then so am I.

**Supplementary Question:-**

"Do you agree that better back room support to the police is required as they were not told of the incident for three hours? In which case do you agree with me that there should be a better way forward?"

**Councillor S Doyle gave the following reply:-**

I cannot comment on an issue concerning police operations.

**62 PETITION**

A motion proposed by the Mayor and was seconded by Councillor D Cook under Rule 4.13 (n) to restrict the length of the speeches to three minutes as opposed to ten minutes under Rule 4.14.4 was approved

A motion proposed by Councillor P Standen and seconded by Councillor S Peaple under Rule 4.13 (n) to extend the time for debate on the petition to one hour as opposed to 15 minutes was defeated.

Petition presented by the petition organiser Carol Dean

RESOLVED	That
	Council notes receipt of the petition from Ms Dean and as

	the changes to toilet provision have taken place, that the Council writes to the petition organiser setting out all reasoning for the changes; and
	Council notes that the Aldergate public toilets have moved less than 20 metres to the building next door and it is open longer hours.
	<i>(Moved by Councillor D Cook and seconded by Councillor R Pritchard)</i>

### 63 AUDIT & GOVERNANCE ANNUAL REPORT

The Report of the Chair of the Audit and Governance Committee advising members on the action taken by the Audit and Governance Committee for the municipal year 2014/2015 was considered.

<b>RESOLVED:</b>	That the report be endorsed
	<i>(Moved by Councillor M Gant and seconded by Councillor M Couchman)</i>

### 64 SCRUTINY CHAIRS' REPORT

The Annual Report of the Chair of Aspire and Prosper Scrutiny Committee were received.

<b>RESOLVED:</b>	That the contents of the report be endorsed
	<i>(Moved by Councillor T Clements and seconded by Councillor J Goodall)</i>

The Annual Report of the Chair of Healthier and Safer Scrutiny Committee were received.

<b>RESOLVED:</b>	That the contents of the report be endorsed
	<i>(Moved by Councillor A James and seconded by Councillor C Cooke)</i>

### 65 REVIEW OF MEMBERS' ALLOWANCES

The Report of the Solicitor to the Council and Monitoring Officer to advise Council of the recommendations of the Members Independent Remuneration Panel who have recently undertaken a review of Members Allowances in accordance with regulations was considered.

A motion proposed by Councillor S Peaple and seconded by Councillor M Couchman to reduce all Special Responsibility Allowances by 50% (with the exception of the Mayor) was defeated.

**RESOLVED:** That

1. the recommendations of the panel be endorsed subject to review in 4 years and;
2. a working group be set up to meet quarterly and report annually to Council on the operation of Members Allowances. To be Chaired by the Solicitor to the Council and Monitoring Officer and involve the Leader of the Council and Deputy Leader of the Council and Leader of all parties to discuss all matters.

## 66 2015 PAY POLICY

The Report of the Leader of the Council to approve the Council's Pay Policy Statement was considered.

**RESOLVED:** That

1. the pay policy be adopted and;
2. the Chief Executive's pay be increased by 2% from 1<sup>st</sup> January 2015 in line with all other Chief Officer grades.

*(Moved by Councillor D Cook and Seconded by Councillor S Peaple)*

## 67 RELOCATION OF POLLING PLACE FOR THE TR4 AND TR5 POLLING DISTRICTS

The Report of the Chief Executive to advise Members of the need to relocate the polling place for the TR4 and TR5 polling districts from Dosthill Primary School to Dosthill Boys Club as the preferred alternative location following appeal and subsequent review by Officers and the Electoral Commission was considered.

**RESOLVED:** That

1. Council endorsed the Officer recommendation together with reasons for the said proposal to relocate the polling place from Dosthill Primary School to Dosthill Boys Club for the TR4 and TR5 polling districts, and;
2. agreed to publish such information as prescribed in compliance with legislation.

*(Moved by Councillor D Cook and Seconded by Councillor S Peaple)*

The Mayor

DRAFT