



## **MINUTES OF A MEETING OF THE COUNCIL HELD ON 15th SEPTEMBER 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, M Greatorex, R Kingstone, A James, T Madge, M McDermid, K Norchi, J Oates, M Oates, S People, T People, R Pritchard, R Rogers, E Rowe, P Seekings, P Standen and M Thurgood

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

### **28 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors S Goodall and G Hirons

### **29 TO RECEIVE THE MINUTES OF THE PREVIOUS MEETINGS**

The minutes of the meetings held on 14 July 2015 were approved and signed as a correct record.

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

### **30 DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

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

Councillor S People made the following announcement:-

Can I formally extend my condolences on the passing of Councillor Knowles having had the privilege of serving with him in the past.

Councillor T Clements made the following announcement:-

Lin Street our Civic Officer for Tamworth Borough Council is retiring. As we all know Lin isn't just an employee of Tamworth Borough Council. She has proven over the last 8 years that she has been with us that she is very passionate about Tamworth and the people that reside in it and having been Mayor in 2012/12 the woman is formidable of her representation across the whole of Staffordshire. I believe Lin has received many nice e-mails from other Civic Officers and former Mayors. So tonight on behalf of the Councillors in the council chamber we have got some presents to give Lin so if she would like to come forward and accept them?

The Chief Executive made the following announcement:-

Just to inform you that there will be a special meeting of Council called in January to discuss the Local Plan so I just wanted to give you advance notice tonight that a meeting will be convened in January to discuss the Local Plan

The Mayor made the following announcement:-

Can I remind everyone that it is the 75<sup>th</sup> anniversary of the Battle of Britain this year and it would be great to see as many of you as possible at the service at St Edithas Church this coming Sunday with the RAF to celebrate it. Also this is to recognise the people that gave their ultimate sacrifice. It's at St Edithas Church at 11.00am on Sunday. I would like to see as many of you there as possible.

Councillor M McDermid made the following announcement:-

It is with great sadness that I make this statement. As over just 3 years as a Labour Councillor of the Castle Ward for Tamworth Borough Council today I resign my membership from the Labour Party. I wanted to make Tamworth a better place and to create and sustain a thriving local economy and make Tamworth a more aspirational and competitive place to do business and create a safe environment for the local people so they can reach their full potential for a longer life and healthy living. But when you are betrayed by the people that you trust like friends and colleagues in the Labour Party I just can't carry on and how the values that I hold have been betrayed. Some people have betrayed years of friendship just to get in the spotlight and further their political career. I firmly believe that when you betray someone you betray yourself. I recognise that some of my constituents in the Castle Ward will feel let down by my decision. I apologise to them but I pledge to them that I will work hard to help them all up to the next election in May 2016. I am now an Independent Councillor and I know that many people who read this statement will feel as betrayed as I do.

## **32 QUESTION TIME:**

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

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

"In assessing the traffic impact of the planned developments of 1100 houses in Amington, has the council taken account of the existing, and already growing, congestion around the entry and exit points on the A5 (T) leading to and from the M42 during the morning and afternoon commuting times?"

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

Yes.

As you are aware the submitted Local Plan seeks to allocate land in Amington as an urban extension for a minimum of for 1100 homes and associated infrastructure.

Since withdrawing the previous Local Plan from examination in 2013 the cross party working group, which you are a member, has met frequently to oversee the development of the plan with officers, since that decision and at those meetings the evidence base supporting the local plan has been discussed and signed off.

This includes advice from Highways England (formerly the Highways Agency) who are responsible for the strategic road network with regards to traffic impacts on the Strategic Road network from proposed developments. Highways England were involved in preparing the Local Plan from the beginning. It is important to emphasise that Highways England did not consider that the cumulative scale of development would result in significant negative impacts on the Strategic Road Network and that improvements have been identified **should** mitigation be required on a site by site basis.

I also refer you to the Councils Constitution and Scheme of Delegation which gives the Council responsibility for determining planning applications to the Planning Committee.

An application for 1100 homes and associated infrastructure was considered by the Planning Committee on the 4<sup>th</sup> August.

In processing the application the Council consulted with Highways England (previously Highways Agency) for their views on the impact the proposed development would have on the Trunk Road network and also with the Staffordshire County Council as the Highway Authority for the local road network.

The impact of the proposed development on the A5 and M42 has been assessed by Highways England (HE), who following assessment of the detailed transport modelling had no objection to the development. The application was supported by traffic models which assessed the impact of the development for the opening year (development completed) both with and without the development. The models used were accepted and validated by HE and take account of traffic growth, and committed developments in the vicinity of the junctions.

In terms of the A5 Stonydelph junction the results of the modelling indicate that the development results in a minor deterioration in the overall model network performance in the am and pm peak. The model shows that a.m. peak has a minor impact on the A5 slip roads and carriageway. The pm peak shows some decrease in performance of the junction, with overall travel time increased by 5%. Within the pm the main issue is considered to be the constrained approach from Watling Street (B5404) and the resultant queues. The A5 slip roads and

carriageway are considered to perform satisfactorily but it is noted that on occasion a traffic queues builds up on the A5 westbound off-slip but this quickly disperses. Nevertheless this does not block back to the mainline carriageway and hence does not affect the operation/safety of the A5 mainline. HE concluded in their assessment that there would be no severe impacts as a result of the development at the A5 Stonydelph junction.

The M42 Junction 10 was also assessed for its performance. There are existing queues apparent both within the am and pm peaks on the eastbound entry approach and the models undertaken indicate that within the am peak queuing would increase by between 12% and 13.8% and 7% and 11.7% in the pm peak. This is for the eastbound entry only as at other junctions the queuing is less and even more minor. These levels of impact are not considered by HE to be a significant increase and would therefore not result in the development having a severe impact on the M42 junction, with no justification for any mitigation.

Staffordshire County Council commented that they had reviewed the junctions and capacity assessments included in the transport assessment which looked at existing capacity and the impact of the proposed development at key future year scenarios.

They advised that that the Pennine Way / Watling Street / A5 junction was identified as part of the Strategic highway network and had been assessed using a model held by Highways England. The model identified queuing but the origin of the queuing was the strategic highway network and that no improvements on the local highway network would solve this.

The consultation responses from Highways England and from Staffordshire County Council were reported to the Planning Committee when they considered the application, see sections 6.6. and 6.7 of the committee report, and are available, along with the detailed assessments on the Councils website. The Committee report considered the highway impacts in section 8.5 of the report.

#### **Supplementary Question:-**

“Can I therefore thank Councillor Claymore for that long and detailed answer. Can I ask him therefore why if he is so sure that there will be no impact that our Local Mp raised the issue prior to the election and said that he was meeting with Ministers to discuss the impact on the traffic flows around the Stonydelph entry and also whether he is aware as I am that when I was late getting to work the other week and therefore I only reached the M42 junction about 6.30 rather than 6.15 it was evident that there was some back flow through the lights across it. My concern therefore is that the assessment does not make an adequate recognition of the growing traffic that is already going through there and as I say that the MP himself raised this issue so I am surprised that he is quite so sure since the MP said he was meeting with ministers to raise the issue?”

#### **Councillor S Claymore gave the following reply:-**

As you have heard in the answer to your first question what Highways England consider to be traffic problems is probably different to what we consider to be traffic problems in Tamworth. You are absolutely right the proof of the pudding is in the eating and it will be after development. It is also quite obvious that when

you drive a long that road it is quite often and other routes through Tamworth they get congested. That was the reason we asked the MP to intervene if he possibly could. We don't sit back on our laurels and say okay that it's good enough. We are hoping to improve on what we have already got and we will continue to do that as we go forward.

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

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

"What preparations are the council making to support the incoming Syrian Refugees over the coming months and years?"

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

Thank you Madam Mayor.

Cllr Couchman, your question has great merit. The situation in Iraq and Syria, as well as other pockets of the Middle East and North Africa is an international catastrophe that all elements of governments within all nations need to be aware of.

I have had conversations with the CEO on the matter and these conversations will continue.

As an update in itself I have nothing to add to the E-mail sent out last week to ALL Councillors by the CEO setting out actions so far from government and the LGA.

I have a printed copy here for you now just in case it has missed you attention. Again I assure you myself, the Cabinet and CMT will continue to monitor and be ready for any escalations to the situation and how Tamworth as a place could respond.

**The Chief Executive Tony Goodwin gave the following reply:-**

There have been a couple of developments since the conversation that I had with the Leader yesterday that warrant mention. The first of those is that first of all to state that the Council will directly engage with what is called the West Midlands Strategic Migration Partnership which is based in Birmingham under the supervision of Davalinder Palisan she is the co-ordinator for the Local Government Association and the rationality is that they will develop a managed approach to the response on and for the home office. In terms of actually doing the do the Strategic Migration Partnership will continue as the single point of contact for all local authorities within their regions. They are to record, collate and communicate with all commitments and pledges from local authorities and public bodies in relation to housing and other support. As I understand it each of the seven Metropolitan Boroughs have indicated that they would take between 50 and 100 families each from the first tranche. Tamworth Borough Council has

indicated that we will assist in anyway shape or form that we can. Within Staffordshire itself I have been in regular contact with the County Council Chief Executive and subject to the agreement of the other district/boroughs we have agreed to co-ordinate the same approach as above across the County looking at similar figures but with the addition of a) local authorities who have not retained their housing stock that they contact their registered providers and registered social landlords in order to establish their intentions and whether any offers are likely to be forthcoming and b) that the local strategic for housing teams be a contact point any information from registered providers and registered social landlords and each individual families who are wishing to offer accommodation and support for refugees and see where possible local authorities undertake an audit/inventory of what the local sector are proposing in terms of support and campaigns. Finally at a local level I can confirm that on the Leaders instruction we have indicated our willingness to engage with the Local Government Association and through the Strategic Migration Partnership that in anyway we can and anyway that is feasible and we are currently considering utilising the strategic housing team in order to contact our local landlords forum and landlords that who are not members of the forum to establish whether they have any intentions in this regard and earlier this morning I instructed the Communities and Partnerships team to commence the audit of all relevant voluntary sectors and charities and faith groups to ascertain what the potential from Tamworth Borough Council would be. This is completely up to date as of now.

**Supplementary Question:-**

“Having just heard that our twinning town of Bad Laasphe as agreed to take 500 refugees I hope that we will be able to do our best to help this humanitarian tragedy. Wouldn't you agree Councillor Cook?”

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

I share every single one of Councillor Couchman's sentiments and Tamworth will be a place that we will have this conversation very maturely. Tamworth does have housing issues itself which means we probably couldn't take 500 refugees. But if there is a conversation to be had with other Staffordshire districts about doing our part to help with those most vulnerable in the area I'm sure that Tamworth is mature enough to have that conversation.

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

**Under Procedure Rule No 11, Councillor M Couchman will ask the Portfolio Holder for Housing and Waste Management, Councillor M Thurgood, the following question:-**

"How will the rent reduction of 1% announced in the Budget affect the HRA and will it delay the Tinkers Green/Kerria Regeneration Project?"

**Councillor M Thurgood gave the following reply:-**

As reported in the Q1 Health check to Cabinet on 20<sup>th</sup> August 2015 it is currently forecast that the 1% reduction in Council housing rents will result in

over £638k reduced income p.a. (cumulative for 4 years) which equates to £2.76m p.a. in lost rent ongoing from 2019/20.

A thorough review will be undertaken over the coming months to mitigate the impact of this reduced income and the outcome of this review will be reported through the usual budget processes.

Although the impact of the loss of income is significant the redevelopment of the Tinkers Green and Kerria estates remains a priority for the Council and I am confident that the reduced income will not impact on the delivery of the project.

**Supplementary Question:-**

"Would you not agree with me that this is another ploy by the Tory Government to remove more money from the poorest in Tamworth by reducing their entitlement to housing benefit and also cutting Tamworth Borough Council's income so therefore reducing money that local government should spend?"

**Councillor M Thurgood gave the following reply:-**

Thank you for that question. Personally I would have expected the Labour Councillors to support the reduction in Council rents. It will not affect the regeneration of Kerria and Tinkers Green. We will do what we can with resources that we have and provide safe quality homes within the budget that we have to work with.

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

**Under Procedure Rule No 11, Councillor T Peale will ask the Chair of Planning Committee, Councillor M Greatorex, the following question:-**

"Question to the chair of the Planning Committee, Councillor Michael Greatorex: As chair of the planning committee can you confirm whether it is true that requests were received before the planning meeting on the 4th of August to move the meeting to a larger venue which would have facilitated the attendance of a larger number of members of the public?"

**Councillor M Greatorex gave the following reply:-**

I thank Councillor Peale for his question.

A request was made by an objector and a member that the venue should be changed as they anticipated a large number of attendees.

I considered this request with officers. We considered alternative venues under the control of the Council. These were The Assembly Rooms, the Town Hall and this Council Chamber. The Assembly Rooms were already booked for 4<sup>th</sup> August, the Town Hall was too small, has access difficulties and sound/vision facilities are lacking, so that left the Council Chamber. The chamber has 28 fixed public seats plus 7 moveable seats to the right of the door to the members room but the latter face the public seats and would block an access route. Committee room 1 has

capacity for 34 public seats. So there is little difference between the two in terms of seating capacity. The layout of the chamber with its fixed seats for members is, in my opinion, unsuitable for use by a committee. Although this chamber is more spacious than the committee room it too has sound/vision limitations and again, in my view, is unsuitable for a committee.

I decided that it was unnecessary and impracticable to hold the meeting in another venue and that we should meet in committee room 1 as usual. Both the objector and the member were informed of this decision well in advance of the meeting date and it was made clear that the public would be admitted on a first come first served basis. I should mention that it is made clear in any correspondence with interested parties on planning applications that there is limited space in committee room 1 for the public.

Madam Mayor, I want to make a final point. I am keen to continue to involve our residents in the planning process as much as we can and to build on their understanding as to how it works, including the important decision-making process at committee. The committee meetings are open to the public with limited rights of participation for those involved and for observers - that is in the interests of dealing with the business expeditiously. They are not public meetings in the sense where often large numbers of the public are encouraged to attend and to participate. Committee Room 1 is suitable for meetings of the Planning Committee. There are no plans to change it but I will keep its suitability under review."

**Supplementary Question:-**

"Councillor Greateorex I do not deny that it may have been harder to hold the meeting in here but do you not feel that it would have been of more benefit if it had avoided the situation where the Tamworth Herald on 6<sup>th</sup> August published that members of the public had to be turned away?"

**Councillor M Greateorex gave the following reply:-**

Madam Mayor I can't really add anything to what I have given in my written answer. I can say that we did consider this very carefully. I will consider this with officers in the future but I am satisfied that the arrangements that we made for the 4<sup>th</sup> August were appropriate and that people involved in the matter were informed that I mentioned in the written reply that there were limitations as far as the public were concerned.

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

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

"In light of the shocking events which occurred there on the 12th August would you agree that the council should revise its policy regarding the decision not to lock the Amington Recreation Grounds at night time?"



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

Thank you Madam Mayor and for the question Councillor People

The recent arson attack at the Amington Recreation Grounds are an indication that another approach is required, one that engages the Community and involves the individuals that live in the area.

I would hope as a leader in that Community Councillor People would look to be at the fore front of such an initiative and I openly invite you to work with the Residents and our Partners.

The approach I would look to champion is that used for the gates at Wilnecote Cemetery where volunteers from the community have taken on the responsibility of the opening and closing of the gates, this is true community involvement and also the best deterrent against crime and ASB as there has been a decline in the number of issues reported since the Community took the lead.

I hope you will take this opportunity to work with myself and your fellow Councillors for the good of the Residents and look to build on community spirit in the area?

Greater vigilance is the key to lesser crime and the people in the Community are the best placed for such a task supported by yourself and the other Ward Councillors.

Councillor People did not have a Supplementary Question

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

**Under Procedure Rule No 11, Councillor T Madge will ask the Chair of Healthier and Safer Scrutiny, Councillor A James, the following question:-**

"With regard to the news that the SSE CCG are planning after consultation to close the MIU at Sir Robert Peel Hospital between the hours of 9 pm and 7 am, therefore reducing the capability to provide essential local services to Tamworth's residents.

Will the Healthier & Safer Scrutiny committee at this week's meeting ask searching questions of the CCG on how they can convince the residents of Tamworth that they will be properly looked after if they are unfortunate enough to require the services the MIU provide?"

**Councillor A James gave the following reply:-**

I can assure Cllr Madge that I will ask my usual searching questions at Thursday's Healthier and Safer scrutiny committee meeting, as I have done at every scrutiny meeting I have attended whether it has been in Tamworth, Stafford or Burton upon Trent. I cannot confirm what questions the other members of the scrutiny committee will ask in relation to the Sir Robert Peel hospital. However, if Cllr Madge attends Thursday's meeting and sits in the public gallery, he will be

able to hear every question posed by the members of the Healthier and Safer scrutiny committee.

**Supplementary Question:-**

“Councillor James thanks you for your reply I will be there Thursday. Saturday night in the first 2 hours at the MIU 11 patients were treated which normally they average 15 – 20 every night not one every two hours as CCG wants us to believe. Do you agree with me that all Councillors must work together to protect this valuable service and encourage the residents of Tamworth to oppose this dangerous cause of action by CCG. Thank you Madam Mayor?”

**Councillor A James gave the following reply:-**

Thank you Madam Mayor as elected members and members of Tamworth use this facility I am sure that every Councillor who are members of that Committee will be asking questions that needed to be asked and get the answers that Tamworth need to get the right facilities for health going future.

**33 PROPOSALS FOR A WEST MIDLANDS COMBINED AUTHORITY**

The Report of the Leader of the Council and the Chief Executive relating to key issues in the Government's devolution agenda and the proposals to establish a West Midlands Combined Authority by 1 April 2016 were considered. Council were updated on discussions with Staffordshire local authorities on their ambitions, intentions and proposals relating to the devolution agenda and Council also considered the recommendations from the Cabinet meeting of 10<sup>th</sup> September 2015

**RESOLVED:**

- That
1. the actions of the Leader and Chief Executive in relation to the Council's engagement in the Devolution debate and work streams were endorsed by Council;
  2. Council endorsed the Statutory Governance Review and draft scheme relating to the proposed WMCA;
  3. the Council accepted the invitation to take up non-constituent membership of the proposed WMCA and that the decision be communicated to the Chair of the Shadow Board for inclusion in the submission to the Secretary of State;
  4. the Council reaffirms its commitment to working with Staffordshire County Council, the districts and borough Councils across Staffordshire and other stakeholders on strategic collaboration for the benefit of our

communities;

5. The Leader and Chief Executive (or their nominated deputies) are authorised by Council to represent them on relevant and appropriate bodies associated with the proposed WMCA\*, the Devolution Deal\* and/or forums relating to strategic collaboration across Staffordshire and its surrounds; and
6. this will be subject to the necessary approval from the Secretary of State for DCLG and the Treasury

#### **34 ANNUAL REPORT ON THE TREASURY MANAGEMENT SERVICE AND ACTUAL PRUDENTIAL INDICATORS 2014/15**

The Report of the Cabinet for the Annual Treasury Report is a requirement of the Council's reporting procedures. It covers the Treasury activity for 2014/15 and the actual Prudential Indicators for 2014/15. The report meets the requirements of both the CIPFA Code of Practice on Treasury Management and the CIPFA Prudential Code for Capital Finance in Local Authorities. The Council is required to comply with both codes in accordance with regulations issued under the Local Government Act 2003. It also provides an opportunity to review the approved Treasury Management Strategy for the current year and enables Members to consider and approve any issues identified that require amendment.

**RESOLVED:**

That Council

1. approved the actual 2014/15 Prudential Indicators within the report and shown at Appendix 1;
2. accepted the Treasury Management Stewardship Report for 2014/15; and
3. approved an increase in the current counterparty limits as identified at item 12 within this report

#### **35 MOTION WITHOUT NOTICE**

Councillor Simon People moved a motion which was accepted by the Solicitor to the Council and Monitoring Officer as potential complaint against the Leader of the Council, the Chair of Aspire and Prosper Scrutiny Committee and the Chair of Healthier and Safer Scrutiny Committee. The Solicitor to the Council indicated that the complaint would be processed according to the Policy for dealing with complaints against Members for an alleged breach of the Code of Conduct.

#### **36 SAFEGUARDING CHILDREN & ADULTS AT RISK OF ABUSE & NEGLECT POLICY**

The Report of the Solicitor to the Council and Monitoring Officer seeking to secure Council adoption of the revised Safeguarding Children and Adults at Risk of Abuse and Neglect Policy.

**RESOLVED:**

- That Members
1. approved the draft Safeguarding Children and Adults at Risk of Abuse and Neglect Policy;
  2. endorsed the Policy and its implementation;
  3. promote attendance at safeguarding training associated with the Policy; and
  4. authorised the Solicitor to the Council and Monitoring Officer to disseminate the Policy throughout the Council

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The Mayor