



MINUTES OF A MEETING OF THE COUNCIL HELD ON 15th MARCH 2016

PRESENT: Councillors M Gant (Chair), A Lunn (Vice-Chair), 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 Peaple, T Peaple, 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), Andrew Barratt (Director - Assets and Environment), Jane Hackett (Solicitor to the Council and Monitoring Officer), Christie Tims (Head of Organisational Development), Natalie Missenden (Public Relations Officer) and Janice Clift (Democratic and Elections Officer)

60 APOLOGIES FOR ABSENCE

None

61 TO RECEIVE THE MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 23 February 2016 were approved and signed as a correct record.

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

62 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

63 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:-

One of our colleagues who are not re-standing this year is Councillor Eve Rowe. I would like to thank her on behalf of Tamworth Council for the work she has put in

and the consideration she has given to the people of Tamworth over the years she has been a Councillor and we do thank you very much Eve.

Councillor S Peale made the following announcement:-

Councillor Hiron is standing down at the forthcoming elections and I would like to take this opportunity to thank him for his support and contributions over the last four years and to thank him for all his work he does as our CLP Chair and what he has brought to the Council a knowledge of engineering and a good deal of ability to banter with not only with his colleagues from his work place but also with all the others. Also I would like to record our recognition for long service to Evelyn Rowe of being a Councillor.

Councillor M Clarke made the following announcement:-

This is a small gift on behalf of Doctor Torsten Spiellmann who is a Mayor of a Council in Bad Laasphe our German twin town. Twinning has now reached 35 years. I would like to thank Councillor T Clements as she has given a great deal of help with this. Bad Laasphe wish to donate the appropriate item which is here tonight to all members of the Council to signal their support of Tamworth with their long standing twinning agreement.

64 QUESTION TIME:

QUESTIONS FROM MEMBERS OF THE PUBLIC NO. 1

Under Procedure Rule No 10, Robert Bilcliff, of Tamworth will ask the Leader of the Council, Councillor D Cook, the following question:-

“Why is Tamworth Council not insisting on building 30% of Affordable housing on any new developments, like our neighbouring council in North Warwickshire are doing, when this type of housing is the most urgently need for the people of Tamworth and with building land at such a premium here in Tamworth?”

Councillor D Cook gave the following reply:-

The production of the Local Plan has had to follow guidance in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) and ensure it is compliant with relevant Regulations and Legislation.

The NPPF says that Local Plans should “use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework” (para 47).

Paragraph 50 says that “where [Local Planning Authorities] have identified that affordable housing is needed, [they should] set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified...such policies should be sufficiently flexible to take account of changing market conditions over time”.

The NPPF also contains a section on ensuring viability and deliverability. Paragraph 173 says that “to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing... should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable”.

So it is clear that as part of the production of the Local Plan, the Council had to consider the need for housing, including affordable housing, and consider the viability of development. The Council did this in a number of pieces of work that are available on the Local Plan examination page website.

This 2012 Strategic Housing Market Assessment identified the gross affordable housing need requirement as 183 dwellings per annum over the next five years. This figure represents Tamworth’s affordable housing OAHN.

In determining the deliverable target for market housing, the consequences of other policies in the plan on viability and the need to fund infrastructure were taken into account. Table 11.1 of the Whole Plan Viability, Affordable Housing and CIL Study indicates that a 20% target for most housing developments will allow development to maintain a reasonable contribution to strategic infrastructure costs.

If the requirement for affordable housing was higher it would make more development unviable and would therefore not come forward and it is likely that actual delivery of affordable homes would be lower.

The NPPF requires that Local Plans should be *...aspirational, but realistic* (paragraph 154). In addition the NPPG (Ref: 2a-029-20140306) says that “...the total affordable housing need should then be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments, given the probable percentage of affordable housing to be delivered by market housing led developments. An increase in the total housing figures included in the local plan should be considered where it could help deliver the required number of affordable homes”.

If the Plan sought to deliver 183 affordable housing units per annum, because the evidence shows that a rate of 20% affordable housing on sites is viable but higher is not then this would result in an overall housing target of 915 dwellings per annum being needed to achieve the affordable housing figures. This is almost 5-times higher than the delivery level that has been achieved since 2001/02 and is significantly in excess of what could realistically be delivered in the housing market area.

Therefore a policy decision was taken to meet the OAHN of 250 dwellings per annum rather than increasing the overall housing target to 915 which would be the only way to deliver affordable housing through private sector housing development only.

However, private sector housing development in Tamworth is not the only way to deliver affordable housing. Some of the shortfall will be met by housing

development in neighbouring authorities where they have identified sites contributing to meeting Tamworth's OAHN. For example, the Section 106 agreement for the Browns Lane permission north of Tamworth in Lichfield district states that half of the affordable provision will be allocated to households in need by Tamworth Borough Council. The Council itself continues to progress a number of projects to increase or renew affordable housing supply. For example the initial phase of garage site redevelopment has delivered 42 affordable dwellings, and permissions are in place for a further 12 dwellings. The renewal of the Tinker's Green and Kerria estates will result in the net gain of dwellings. This will provide a similar number to the existing affordable units on those sites but with a better range of appropriate sized properties and with improved energy performance.

An unknown level of affordable housing need will likely not be met, but this is no different to North Warwickshire or other Local Authorities. However, by allocating sufficient land to meet the overall housing requirement and working with neighbouring authorities to meet the remainder of the OAHN the Plan will help to prevent market conditions from worsening for householders.

The figure of 20% for Tamworth has been set through evidence in relation to Tamworth. The figure of 30% for North Warwickshire will be based on their evidence for their area which is very different to Tamworth. Tamworth is a tight urban area compared to North Warwickshire which is a large rural area with small market towns and villages and the size and type of land available will be different. Therefore the price of land will be very different as so will sale values. Therefore, along with other factors leads to different levels of viability.

The Councils evidence and submitted Local Plan were subject to an examination in public by an independent Inspector last summer. The public were able to submit representations for the Inspector to consider and appear at the hearing sessions. I do not believe you did either on this issue.

In his final report the Inspector states:

"The SHMA, however, makes the important point that Councils, in their Local Plans, will need to establish a balance between housing need requirements and viability of delivery. The impact of this point can be seen in the fact that the five year AH need at 183 pa forms a very high proportion of the 250 pa total for all housing in the Plan (and exceeds the annualised requirement of 170 pa for that part of the total to be provided within the Borough). "

The overall housing provision of the Plan, set at the top of the 230-250 pa OAN range, incorporates a 10% uplift to address market signals, including high and worsening affordability ratios, and to maximise the opportunities to increase the supply of AH. **The AH needs figure of 183 pa was not challenged in the Hearings**, and the general view was that the 10% uplift in the OAN was justified, which was also confirmed in the later (2014) Report from the consultants. This report states that a delivery rate of around 52 AH pa, based on 20% of total provision, **appears a reasonable target. This seems to me to be a robust provision for a realistic delivery of AH for Tamworth.**

Long and complicated I know. But it is the whole picture. If we could physically deliver more we would. Please remember that the general public do not see the political boundary of Tamworth. Therefore as a region of North Warwickshire / Southern Staffordshire we recognise we need to do this together.

Mr Bilcliff asked the following supplementary question:-

“What amount of land is being laid aside for residential and extra care facilities for Tamworth’s ageing population which accordingly to the plan represents or is going to represent 72% of Tamworth’s population by 2030. I have seen an awful lot of planning developments that neither or none cater for any of those?”

Councillor D Cook gave the following reply:-

It’s an incredibly fair question. I don’t have those figures to hand which you must expect. You will have an answer by the end of the week.

QUESTIONS FROM MEMBERS OF THE COUNCIL NO. 1

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

“At the last Full Council Meeting on 23rd February 2016, you stated that ramps would be built to give access to people with restricted mobility in order that they can make use of all the New Community Woodland areas on the former golf course. Can you give more details on this please?”

Councillor S Claymore gave the following reply:-

I did not say that. I said there are options to ensure the woodland is accessible, for example the Egyptians invented ramps.

The woodland has not been started yet so we have no idea what is needed or not needed

Councillor T Madge asked the following supplementary question:-

“If ramps are not an acceptable answer for people with mobility issues for obvious reasons the surely removing the earth lands to make the area accessible for everyone would be the proper way forward. Do you agree that by failing to do this we are refusing full access to the community woodland which is plain discrimination for sections of our community?”

Councillor S Claymore gave the following reply:-

To be perfectly honest with you when we first studied this and looked at a map of the area 42% of the site had been community woodland. We wouldn’t have ever called it community woodland if we had not thought or had to look at ways to use it. Not only have we got a duty to do that morally but I think we have got through the DDA a compliance that we have to do that anyway. We are absolutely certain

that what ever we can practicably do to get people in the community through that woodland then we will do. But that remains to be seen what we need to do. We are not that far down the road yet.

QUESTIONS FROM MEMBERS OF THE COUNCIL NO. 2

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

“Following the recent spate of Burglaries in Lakeside and Glascote, what steps are we taking to reassure and inform local residents?”

Councillor D Cook gave the following reply:-

Inspector Jason Nadin has responded accordingly to the question:-

Please note this was the information we had on Friday.

The Police are employing central specialist resources and Investigative services in support of local patrols.

In regard to reassurance it is confirmed that Tamworth Police have increased both PC and PCSO presence in the affected area during the times that offences are being committed.

The Police with support from the Community Wardens are continuing to run operation HABIT – this is a concentrated response to these issues where PCSO’s and local Officers visit addresses and offer crime prevention advice.

The Police are in contact with media outlets and will continue to provide transparent and up to date information.

Any concerns can be reported immediately to 999 in an emergency or to 101.

However, since we had this on Friday I believe an arrest has been made. But I shall not at this time comment on this matter other than to thank local Police Officers for their continued efforts to improve safety in Tamworth.

We should all take an opportunity to invite residents to get involved in the SNP, Safer Neighbourhood Panels. Details of which can be given by Councillor Steve Doyle.

Councillor M Couchman asked the following supplementary question:-

“Since I put my question forward I understand that two people have been charged in connection with these offences. So I would like to pass on my thanks to the police and the PCSO’s for their efforts. Can you tell me how our community wardens have helped in this instance specifically?”

Councillor D Cook gave the following reply:-

At this time no I can not.

QUESTIONS FROM MEMBERS OF THE COUNCIL NO. 3

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

“Would the Leader of the Council confirm his undertaking regarding establishing robust arrangements for scrutiny of the proposed operation of the Combined Authority by responding to the Labour proposal for that aspect of Scrutiny which he undertook to take to his group?”

Councillor D Cook gave the following reply:-

I will happily confirm my undertaking regarding establishing robust arrangements for scrutiny of the proposed operation of the Combined Authority by responding to the Labour proposal for that aspect of Scrutiny which (apparently) I undertook to take to our group at the next meeting of the Constitution Working group.

This is called following the process.

Councillor S People asked the following supplementary question:-

“Why he thinks it’s apparently the case that he undertook to take it to his group and he asked me to send him a copy of the proposal so that he could take it to his group. Can I suggest that if he has got any trouble taking it to his group I’m very happy to provide any additional information? So if he would like to respond whether he sees it repeating my question back to me or whether he is going to do something constructive with it?”

Councillor D Cook gave the following reply:-

You will be pleased to know it went to the Conservative Group yesterday. It was fully discussed and it was also e-mailed round my group on the Friday so everyone had chance to read it and send any comments back. It has been fully discussed and I will be happy at the next Constitution Working Group to fully brief you on what has been said.

65 AUDIT AND 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 2015/16 was considered.

RESOLVED: That the contents of the report be endorsed

(Moved by Councillor J Chesworth and seconded by Councillor D Cook)

66 SCRUTINY CHAIRS' REPORT

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

RESOLVED: That the contents of the report be endorsed

(Moved by Councillor J Goodall and seconded by Councillor R Kingstone)

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

RESOLVED: That the contents of the report be endorsed

(Moved by Councillor A James and seconded by Councillor S Goodall)

67 PAY POLICY 2016

The Leader of the Council reported details of Tamworth Borough Council's Pay Policy Statement so that statutory guidance as set out in S38 of the Localism Act is adhered to. It also includes data sets required to be published under the Local Authorities (Data Transparency) Code 2015.

RESOLVED: That members approved the Pay Policy Statement for formal adoption in line with the Localism Act 2011 subject to the removal of Augmented payment of £4,000.00 from Appendix 1, Page 5, Director, Scale Point D7.

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

68 COUNTER TERRORISM AND SECURITY ACT 2015

The Portfolio Holder for Communities and Public Health requested Council to secure the approval for the adoption of the proposed Prevent Strategy 2015-2017 and the underpinning action plan both contained within appendices A and B.

RESOLVED: That Members approved the proposed Prevent Strategy and action plan.

(Moved by Councillor S Doyle and seconded by Councillor S Peuple)

69 UPDATED RIPA POLICY

The Solicitor to the Council and Monitoring Officer advised Members of the proposed amendments to the Corporate Policy governing the Regulation of

Investigatory Powers Act 2000 in light of the new requirements introduced by recent legislative change and Home Office Guidance and sought their consideration and recommendations in relation thereto.

RESOLVED:

- That Council
- 1 considered the changes to the RIPA policy on Directed Surveillance, Covert Human Intelligence Sources (CHIS) and Acquisition of Communications Data,
 - 2 satisfied itself that the changes meet the requirements imposed on the Council in terms of the legislation and Codes of Practice, and
 - 3 approved the Policy.

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

The Mayor

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