



MINUTES OF A MEETING OF THE COUNCIL HELD ON 17th MAY 2012

PRESENT: Councillor T Clements (Chair), Councillors J Garner, L Bates, B Beale, M Clarke, S Claymore, D Cook, C Cooke, M Couchman, S Doyle, J Faulkner, D Foster, M Greatorex, A James, R Kingstone, A Lunn, M McDermid, R McDermid, K Norchi, J Oates, S Peale, R Pritchard, S Pritchard, E Rowe, P Seekings and P Standen

The following officers were present: Anthony E Goodwin (Chief Executive), John Wheatley (Executive Director Corporate), Jane Hackett (Solicitor to the Council and Monitoring Officer) and Lara Allman (Democratic & Election Services Officer)

5 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M Gant, K Gant, G Hirons and M Thurgood

6 TO RECEIVE THE MINUTES OF THE MEETING HELD ON 27 MARCH 2012

The minutes of the meeting held on 27 March 2012 were approved and signed as a correct record.

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

7 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

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

Announcement by the Mayor

The Mayor thanked the outgoing Councillors N Oates, M Oates, G Pinner, A Lees and R Cook and presented them with certificates.

Councillor Clements spent a long weekend in Vaujours to celebrate 10 years of Twinning. She was presented with a wooden plaque for the Town Hall and a glass ornament for herself.

It was moved by Councillor D Cook and seconded by Councillor R Pritchard that Rule 13 (I) be applied and the meeting was adjourned for 10 minutes while Councillors D Cook, R Pritchard, J Faulkner and R McDermid left the Chamber.

Announcement by Councillor R Pritchard

The community BMX track is now officially open and is proving to be very popular. He expressed his thanks to everyone who has been involved with this project.

The Mayor thanked Cllr R Pritchard for all his work to get this up and running.

9 QUESTION TIME:

QUESTIONS FROM MEMBERS OF THE COUNCIL **NO.1**
Under Procedure Rule No 11, Councillor C Cooke will ask the Portfolio Holder for Corporate Services and Assets, the following question:-

"In January 2010 Tamworth Council was asked for information under a freedom of information request regarding the number of allotment sites and plots in Tamworth and the state of the waiting lists. The reply from Tamworth's information officer on 19th January 2010 was that the information was not available to the Council as the Council leased out this land.

Could the portfolio holder explain to me how the Council can fulfil its legal obligations under the Section 23 of the Small Holdings and Allotments Act 1908 to provide sufficient allotments sites within Tamworth if, by leasing out the land, it also fails to retain responsibility for monitoring and assessing the relevant information?"

The Portfolio Holder for Corporate Services and Assets gave the following reply:

The Tamworth Allotment & Leisure Gardeners Association can at any time request the council seek to make provision for more allotment space. While many members, myself included, have had informal approaches from the public for more allotment space, no official request to increase allotment space have been received by the council from any person, group or organisation.

Local allotment associations running allotments is a good example of the "big Society" in action, and those who use them are best placed to manage the service.

Should you feel the desire to make representation to the Tamworth Allotment & Leisure Gardeners Association you can contact them by writing to

The Tamworth Allotment & Leisure Gardeners Association
Lichfield Road
Tamworth
Staffordshire
B79 7DE

Or by calling 01827 61792

However I will remind you that this council is a proactive council and it has just recently brought some disused allotment space in Glascode back into use. The council is also actively looking at other spaces in the Borough that might be suitable for increased allotment provision.

This is something we are doing in partnership with the Tamworth Allotment & Leisure Gardeners Association.

Supplementary Question

I am aware that the Tamworth Allotment Association currently has a waiting list. Could you look into this matter?

Councillor R Pritchard gave the following reply:

A Tamworth Borough Council officer has been in touch and there has been no official request for more allotment space.

QUESTIONS FROM MEMBERS OF THE COUNCIL **NO.2**
Under Procedure Rule No 11, Councillor C Cooke will ask the Portfolio Holder for Corporate Services and Assets, the following question:-

"Will the portfolio holder advise me of the total number of commercial properties owned by Tamworth Borough Council throughout the Borough and the percentage of those properties that are currently classed as unoccupied for whatever reason?"

The Portfolio Holder for Corporate Services and Assets gave the following reply:

There are 66 commercial properties throughout the borough. 5 are currently void, however 3 of the void 5 are under offer. 2 of which already have agreed terms.

If the third has agreed terms, and along with the two other properties is subsequently let, the Borough Council will have just 2 empty commercial properties in the whole borough.

The Borough Council currently classes just 8% of commercial properties as being empty.

10 APPOINTMENT OF CABINET AND ALLOCATION OF RESPONSIBILITIES

The membership of Cabinet for 2012/13 was received and circulated at the meeting as follows:

	Leader of the Council Cllr Daniel Cook	
	Portfolio Corporate Assessments Engagement Overview Financial Planning Performance Management Member Development Strategic Overview Local Strategic Partnership	
Economic Development & Enterprise Cllr Steve Claymore	Core Services & Assets Cllr Rob Pritchard (Deputy leader)	Community Development Cllr Jeremy Oates
Portfolio Heritage & Leisure Tourism Town Centre Development Education Business Liaison Business Development Development Management Building Control Voluntary Sector Parks and Play Outdoor/Indoor Events Market Development Local Plan LEP Board Member Infrastructure / Transport	Portfolio Corporate Finance Procurement Audit & Governance Service Transformation ICT Human Resources Corporate Property Asset Management Treasury Management Revenues & Benefits Legal Services Democratic Services Car Parks Customer Services Corporate Health and Safety	Portfolio Safer & Stronger Communities Community Safety Tackling Crime ASB Reduction Tackling Fear of Crime Integrated Enforcement Civil Parking Enforcement Street Wardens CCTV Management Community Development Locality Working GP Commissioning / PCT Engagement Healthier Lifestyles Healthier Communities Police Commissioner
Housing Cllr Michael Greatorex	Environment & Waste Management Cllr Stephen Doyle	Reputation & Engagement Cllr Lee Bates
Portfolio Strategic Housing	Portfolio Strategic Waste Management	Portfolio PR Management

<p>Homelessness Prevention Housing Advice Landlord Services Decent & Affordable Housing Private Sector Housing Child Protection Safeguarding Children Vulnerable Adults Neighbourhood Renewal Healthier Housing Garages</p>	<p>Refuse Collection Recycling Services Waste Minimisation Community Health & Safety Licensing Streetscene Tamworth in Bloom Operations Clean Streets Enforcements Street Furniture Maintenance</p>	<p>PR & Comms Overview Tamworth Listens Graphics Publications Youth Council Corporate Consultation Budget Consultation HRA Consultation Services for Young People Tenant Engagement HRA Public Relations Third Sector Engagement Place Steering Group Gateways Project Participatory Budgeting</p>
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11 APPOINTMENT OF COMMITTEE 2012/13

The constitution and membership of Committees for 2012/13 was received and circulated at the meeting as follows:

BOROUGH OF TAMWORTH

CONSTITUTION OF COMMITTEES 2012/13

CABINET

Councillors	Danny Cook	Leader with Portfolio
	Robert Pritchard	Deputy Leader/Core Services & Assets
Portfolio	Stephen Doyle	Environment & Waste Management Portfolio
	Jeremy Oates	Community Development
	Steven Claymore	Economic Development & Enterprise Portfolio
	Michael Greatorex	Housing Portfolio
	Lee Bates	Reputation & Engagement Portfolio

ASPIRE & PROSPER SCRUTINY COMMITTEE

Councillors	Brian Beale
	Garry Hirons
	Andrew James
	Richard Kingstone
	Matthew McDermid
	Simon Peale
	Steven Pritchard
	Patrick Standen

Michelle Thurgood

HEALTHIER & SAFER SCRUTINY COMMITTEE

Councillors Margaret Clarke
 Marion Couchman
 John Faulkner
 Ken Gant
 Maureen Gant
 John Garner
 Andrew James
 Allan Lunn
 Evelyn Rowe

PLANNING COMMITTEE

Councillors Brian Beale
 Steven Claymore
 Chris Cooke
 Richard Kingstone
 Richard McDermid
 Ken Norchi
 Jeremy Oates
 Evelyn Rowe
 Patrick Standen
 Michelle Thurgood

STANDARDS COMMITTEE

Councillors Marion Couchman
 David Foster
 Ken Gant
 John Garner
 Eve Rowe

Independent Members

Cathy Tibbles
Richard Hughes
Colin Stalford

AUDIT & GOVERNANCE COMMITTEE

Councillors Maureen Gant
 Richard Kingstone
 Simon People
 Peter Seekings
 Michelle Thurgood

LICENSING COMMITTEE

Councillors Brian Beale
 Tina Clements
 Margaret Clarke
 Danny Cook
 Chris Cooke
 Stephen Doyle
 Ken Gant
 John Garner
 Garry Hirons
 Andrew James
 Allan Lunn
 Matthew McDermid
 Ken Norchi
 Steven Pritchard
 Peter Seekings

APPOINTMENTS AND STAFFING COMMITTEE

Councillors Danny Cook
 John Faulkner
 Michael Greatorex
 Richard McDermid
 Robert Pritchard

CHIEF OFFICER CONDUCT COMMITTEE

Councillors

CABINET (GRANTS) SUB COMMITTEE

Councillors Lee Bates
 Steven Claymore
 Robert Pritchard

Staffordshire Connects (1 member)

Local Parking Board (4 members)

SCC Communities Crime & Culture Committee (1 member)

County Health Scrutiny Committee (1 member)

Andrew James

Compact Committee (3 members)

12 TAMWORTH CORE STRATEGY / LOCAL PLAN

The Report of the Portfolio Holder for Economic Development and Enterprise

- RESOLVED:** That:
- 1 The Tamworth Local Plan be approved by Council for Pre-Submission Publication and following consultation on soundness the Local Plan be submitted to the Secretary of State, in accordance with Regulations 27, 28 & 30 of the Town and Country Planning (Local Development) (Amendment) Regulations 2008 (subject to recommendation (1a))
 - (a) Subject to no fundamental objections to the soundness of the Local Plan being made during the Pre-Submission Publication Stage; and
 - 2 Authority is delegated to the Head of Planning and Regeneration, in consultation with the Portfolio Holder for Economic Development & Enterprise, to make any typographical and formatting (including the insertion of photographs) amendments to the Local Plan prior to the

Submission; and

- 3 The Memorandum of Understanding (MoU) between Tamworth, Lichfield and North Warwickshire be approved with authorisation given to the Leader of the Council to sign the agreement and the Head of Planning and Regeneration to make minor amendments to the MoU as required.
- 4 Paragraph 5.37 on page 52 of the Tamworth Local Plan 'The updated SHMA identified that the split of affordable housing tenure should be 40% Social Rented and 60% Intermediate Tenure'.

be substituted with the following:

'The updated SHMA identified that the split of affordable housing tenure should be 50% Social Rented, 25% Affordable Rented and 25% Intermediate Tenure'

- 5 Policy CP4

d) for on site provision 40% of units as social rented and 60% of units as intermediate

be substituted with the following:

'd) for on site provision 50% Social Rented, 25% Affordable Rented and 25% Intermediate Tenure'

(Moved by Councillor S Claymore and seconded by Councillor J Faulkner)

13 REVIEW OF THE CONSTITUTION

The report of the Solicitor to the Council and Monitoring Officer advising Members of required changes to the Constitution was considered.

RESOLVED		That:
	1	The changes to the Constitution be noted;
	2	The changes outlined in Appendix 1 to this report be approved;
	3	The following be added: 1.8 Decisions to be taken by the executive (c) The executive are to reply recommendations accepted from Full council or the scrutiny Committees within a 3 month period;
	4	The following be added at Article 10A – Nominations Committee: 10A. 02 Composition (a) Membership. The nominations committee will be composed of at least:

	<ul style="list-style-type: none"> • five councillors • one person who is not a councillor or an officer of the council. <p>(b) Chairing the Committee. The Chairman and Vice-Chairman will be appointed in accordance with Council Procedure Rules.</p> <p>(c) Independent members. Independent members will be entitled to vote at meetings;</p> <p>10A. 03 Role and Function</p> <p>The Nominations Committee will have the following roles and functions:</p> <ol style="list-style-type: none"> 1. Consider nominations to be made to the Council pursuant to section 249(1) of the Local Government Act 1972 for conferring the title of honorary aldermen or honorary alderwomen on persons who have, in the opinion of the Council, rendered eminent services to the Council. 2. Consider nominations to be made to the Council pursuant to section 249(5) of the Local Government Act 1972 to admit to be honorary freemen or honorary freewomen of the Borough of Tamworth persons who are of distinction and who have, in the opinion of the Council, rendered eminent services to the Borough. 3. Maintain a publicly accessible application process for the two above honours 4. Any approved applications are referred to Full Council for Full Council approval. 5. Act as a sponsor to a new application, make referral to, or support an existing application that nominates a Tamworth resident to any outside bodies' awards or recognition scheme. 6. Seek nominations from the Tamworth public, persons worthy of public recognition for their service or work for the Borough of Tamworth.
5	The following amendment be made to

		<p>11.2 Questions on notice at Ordinary Meetings of the Council:</p> <p>Subject to Rule 11.4, a member of the Council may ask:</p> <ul style="list-style-type: none"> • a member of the executive; • the chairman or vice-chair of any committee or sub-committee • a question on any matter in relation to which the Council has powers or duties or which affects Tamworth. <p>Be removed and replaced with</p> <p>11.2 Questions on notice at Ordinary Meetings of the Council</p> <p>Subject to Rule 11.4, a member of the Council may ask:</p> <ul style="list-style-type: none"> • any member in receipt of a Special Responsibility Allowance, except the Mayor and Deputy Mayor. • a question on any matter in relation to which the Council has powers or duties or which affects Tamworth.
	6	<p>The following amendment be made to 6.03 Specific functions:</p> <p>(iv) question members of the executive and committees and chief officers about their views on issues and proposals affecting the area; and</p> <p>Be removed and replaced with:</p> <p>(iv) question members of the executive and committees and chief officers about their views on issues and proposals affecting the area and receive a reply/progress statement from the responsible body or member within 3 calendar months, relating to any recommendations accepted by full council or cabinet which have been referred from the scrutiny process; and</p>
	7	<p>Page C-8 1. RESPONSIBILITY FOR EXECUTIVE FUNCTIONS be updated with the new Executive Functions as detailed below: Executive functions shall subject to the provisions of</p>

	<p>Section 9E of the Local Government Act 2000 (as amended) be the responsibility of the Leader of the Council who may discharge executive functions or arrange for their discharge by the executive, by another member of the executive, by a committee of the executive or by an officer of the Council.</p> <p>The Leader shall as required by Article 7.06 maintain a list of delegations of functions which shall form part of this constitution.</p>		
	Who is responsible	Responsibilities (provided the decision is within any guidance or direction from the Leader and/or the Cabinet)	Onward limits on delegations (provided the decision is within any guidance or direction from the Leader and/or the Cabinet and/or the Portfolio Holder)
	Leader	Corporate Assessments Engagement Overview Financial Planning Performance Management Member Development Strategic Overview Local Strategic Partnership	Chief Officers with responsibilities for these functions
	Portfolio Holder for Core Services & Assets	Corporate Finance Procurement Audit & Governance Service Transformation ICT Human Resources Corporate Property Asset Management Treasury	Chief Officers with responsibilities for these functions

		Management Revenues & Benefits Legal Services Democratic Services Car Parks Customer Services Corporate Health and Safety	
	Portfolio Holder for Community Development	Safer & Stronger Communities Community Safety Tackling Crime ASB Reduction Tackling Fear of Crime Integrated Enforcement Civil Parking Enforcement Street Wardens CCTV Management Community Development Locality Working Healthier Communities	Chief Officers with responsibilities for these functions
	Portfolio Holder for Housing	Strategic Housing Homelessness Prevention Housing Advice Landlord Services Decent & Affordable Housing Private Sector Housing Child Protection Safeguarding Children Vulnerable Adults Neighbourhood Renewal Healthier	Chief Officers with responsibilities for these functions

		Housing Garages	
	Portfolio Holder for Reputation & Engagement	Public Relations Management Public Relations Communications Overview Tamworth Listens Graphics Publications Youth Council Corporate Consultation Budget Consultation HRA Consultation Services for Young People Tenant Engagement HRA Public Relations Third Sector Engagement Place Steering Group Gateways Project Participatory Budgeting	Chief Officers with responsibilities for these functions
	Portfolio Holder for Environment and Waste Management	Strategic Waste Management Refuse Collection Recycling Services Waste Minimisation Public Health & Safety Community Health & Safety Licensing StreetScene Tamworth in Bloom Operations Clean Streets Enforcements	Chief Officers with responsibilities for these functions

	Portfolio Holder for Economic Development & Enterprise	Heritage & Leisure Tourism Town Centre Development Education Business Liaison Business Development Development Management Building Control Voluntary Sector Parks and Play Outdoor/Indoor Events Market Development Local Plan Local Enterprise Partnerships Infrastructure / Transport	Chief Officers with responsibilities for these functions
	Cabinet (Grants) Sub Committee	<ul style="list-style-type: none"> • To determine applications under the grants to voluntary organisations scheme (small grants) • To determine applications under the Arts Grants Fund <p>To determine applications under the Sports Grants Fund</p>	Chief Officers with responsibilities for these functions
		<i>(Moved by Councillor R Pritchard and seconded by Councillor D Cook)</i>	

14 SCHEME OF DELEGATION FOR OFFICERS

The Report of the Solicitor to the Council and Monitoring Officer seeking Council's comments, endorsement and approval to the proposed draft Scheme of Delegation for officers was considered.

RESOLVED	That the revised Scheme of Delegation to Officers be adopted and approved.
	<i>(Moved by Councillor D Cook and seconded by Councillor R Pritchard)</i>

15 COMPLAINTS TO STANDARDS COMMITTEE

The Report of the Solicitor to the Council and Monitoring Officer advising Members on the number of complaints received for the year 1 April 2010 until 31 March 2011 in relation to breaches of the Code of Conduct since the local filtering regime was put in place in May 2008 was considered.

RESOLVED:	That the findings contained in the report be endorsed.
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16 CALENDAR OF MEETINGS 2012/13

The Calendar of Meetings for 2012/13 was received and circulated at the meeting.

RESOLVED	That the Council meeting scheduled for 10 July 2012 be moved to 11 July.
	<i>(Moved by Councillor D Cook and seconded by Councillor R Pritchard)</i>

The Mayor