



MINUTES OF A MEETING OF THE COUNCIL HELD ON 12th DECEMBER 2023

PRESENT: Councillor J Harper (Mayor), Councillors D Maycock, P Turner, T Jay, C Adams, C Bain, B Clarke, L Clarke, G Coates, C Dean, L Wood, D Cook, M Bailey, R Claymore, T Clements, A Cooper, S Daniels, S Doyle, J Jones, R Kingstone, J Oates, B Price, R Pritchard, S Smith, M Summers, P Thompson, P Thurgood, L Smith and J Wade

The following officers were present: Andrew Barratt (Chief Executive), Nicola Hesketh (Monitoring Officer), Tracey Pointon (Legal Admin & Democratic Services Manager) and Leanne Costello (Senior Scrutiny and Democratic Services Officer)

56 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor J. Wadrup

57 TO RECEIVE THE MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 20th November 2023 were approved and signed as a correct record.

(Moved by Councillor A Cooper and seconded by Councillor L Wood)

58 DECLARATIONS OF INTEREST

Councillor Dean declared an interest in item 9 as a member of The Staffordshire Wildlife Trust

Councillor R Kingstone declared an interest in item 9 as a member of the The Friends of Wiggington Park

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

I would like to invite councillors to the Mayors Christmas Carol Service on 15th and 16th December at St Editha's Church. And also invite Councillors to a Civic reception in the Town Hall on 16th December prior to the Carol Service.

And also draw your attention to a Mayoral Concert on February 10th at Tamworth Assembly Rooms featuring Tony Christie. Tickets are now on sale and the proceeds will be raising funds for Dementia charities in Tamworth.

60 QUESTION TIME:

QUESTIONS FROM MEMBERS OF THE PUBLIC NO. 1

Under Procedure Rule No 10, Mr Huw Loxton, will ask the Acting Leader of the Council, Councillor T Jay, the following question:-

Since declaring a climate emergency in 2019 what have the council been doing to encourage people to use more sustainable modes of transport and encourage cycling and walking and reduce over reliance on the motor vehicle?

Answer

Thank you for your question. On this matter I have two points of clarification. Firstly, the climate change declaration that the Borough made in 2019 refers only to the operation of the Council and its services. Since the declaration a baseline assessment of Council operations has been undertaken and the authority is currently commissioning work on an action plan, building energy audits and an adaptation plan. In addition, the Council is in the process of appointing a climate change officer.

Secondly all matters related to travel and transport fall within the remit of the County Council.

Having said all of that, the Tamworth Local Plan does contain policies which seeks to support sustainable decision making in terms of managing change. Policy SU2 Delivering Sustainable Transport, states that Development should be accessible by walking, cycling and public transport and proposals should prioritise access by these modes of transport above the private car.

A recent example of implementing policy SU2 arose with a FHSF application relating to the new Flex building which is proposed close to the Middle entry passage and town hall. The County Council required additional cycle store in the pedestrian areas and additionally, to encourage staff associated with the proposed new building, 1 cycle storage space per unit. The Borough Council's planning team requested that changes were made to proposals to ensure that the application was policy compliant.

Supplementary

The Local Government Associations' Decarbonising transport series states that transport is the biggest emitter of carbon of any sector in the UK and to reach the target of net zero emissions by 2050 or sooner there will need to be a fundamental transformation of the way we move. The climates parking policy briefing states it is essential to locate housing in the right places. New developments in more accessible and central locations generate less car travel whilst increased residential densities are associated with lower transport CO2

emissions. Parking for accessible developments can and should be limited. Can I then ask what message with regards to your declared climate emergency do you think it sends out when a sustainable planning application recommended for approval by officers is turned down in the main for a lack of car parking provision despite having provision for 54 cycle parking places and being ideally placed to encourage the use of public transport

The acting Leader Councillor T Jay gave the following response

It is up to the Councillors and the Planning Committee to approve or not an application and if they have deemed it unfit with the number of spaces, they are right to do that. I agree with the objectives of the government in trying to get people to use more sustainable modes of transport, you can't force it down people's throats you have to gradually get there, you can't just say that all developments no can't have cars that's impossible people need cars. I fully support that decision.

QUESTIONS FROM MEMBERS OF THE COUNCIL NO. 1

Under Procedure Rule No 11, Councillor J Wadrup will ask the Portfolio Holder for Operations & Finance, Councillor T Jay, the following question:-

Considering the recent Section 114 notices served at Local Authorities. Can you assure members and the residents of Tamworth that you have carried out regular and robust pay audits to minimise the risk of a financial deficit due to any potential Equal Pay liability?

This is one element of risk to Local Authorities, and we need to ensure this doesn't impact on budgets and putting the council dire straits. Can you clarify when the last Equal Pay audit was carried out, please?

In Cllr Wadrup's absence the Mayor agreed to send Cllr Wadrup the following answer.

Answer

Tamworth Borough Council has undertaken an Equal Pay Review recently, using snapshot data from September 2023. Not only is this good practice, but it was also felt financially prudent following recent coverage of neighbouring Authorities (Birmingham and Coventry).

The Council undertakes a job evaluation for each role to ensure that posts are graded fairly and consistently meaning the rate of pay is for duties undertaken irrespective of gender.

The findings of the audit will be presented in a report to the Appointments and Staffing Committee in January 2024.

For clarification, an equal pay audit is an examination of Tamworth Borough Council's pay data to determine whether employees are being paid fairly or whether some groups are being treated more favourably than others.

The entitlement applies to all contractual terms, not just those related to remuneration. This means that, as well as basic pay, “pay” includes occupational pension benefits, non-discretionary bonuses, holiday pay, sick pay, overtime, and shift payments. It also includes non-monetary contractual terms such as annual leave, company cars and access to sports and social benefits.

Using snap shot data as of September 2023 and examining payments made in the previous 12 months, analysis was undertaken in accordance with the Equality and Human Rights Commission recommended methodology:

1. Calculate average **basic** pay, then calculate the difference between pay of women and men for each equal work group.
2. Calculate average **total pay**, then calculate the difference between total pay of women and men for each equal work group.
3. Compare access to and amounts received of each element of pay.
4. Examine causes of differences of 5% or more, or any recurring differences of 3% or more.
5. Non-monetary contractual terms such as annual leave and access to benefits were also reviewed.

I am pleased to advise, analysis of ‘**basic**’ pay did not find a percentage difference of 5% or more. There were two pay grades where a pay gap exceed 3% which were examined and could be objectively justified linked to the employee’s length of service and annual incremental progression.

Larger differences were found in ‘**total**’ pay analysis, when the unsocial hours allowances, ex-gratia, acting up and overtime payments were included. This was down to three factors:

- 1 Payment of overtime,
- 2 Payment of an unsocial hours enhancement which is 10% of salary for evening and weekend working (where 25% of working time is undertaken during this period)
- 3 Ex-gratia payments related to undertaking additional responsibilities.

This was examined and all could be objectively justified.

The audit’s overall assessment was:

- TBC is at low risk of an equal pay claim in relation **basic** salaries to employees and there are no current job evaluation claims.
- TBC is at low risk of an equal pay claim in relation to **total** pay with a recommendation to review employees whose working hours include weekend and evening working to ensure, (i) Those in receipt of the allowance are reaching the threshold of 25% of working time during unsocial hours and (ii) Those not in receipt of the allowance are not reaching this threshold. Work has commenced on this assessment and to date has found the employees are being recompensed correctly.

It is further recommended that a full Equal Pay Audit is undertaken on a 3 yearly basis.

QUESTIONS FROM MEMBERS OF THE COUNCIL NO. 2

Under Procedure Rule No 11, Councillor G Coates will ask the Portfolio Holder for Operations and Finance, Councillor Thomas Jay, the following question:-

Residents come across many green and blue bins either dumped or left abandoned, all contaminated with rubbish, who at Tamworth Borough Council should be contacted to deal with this growing issue?

Answer

Please contact the Joint Waste Service on 0345 0020022 or e-mail waste.strategy@lichfielddc.gov.uk

A member of the team will then investigate and resolve the issue.

It is possible the bin could be classed as fly tipping. If this is the case the Joint Waste Service will contact the Street Cleaning department at Tamworth Borough Council on 01827 709709, and work in partnership to action. There are new increased fines for fly tipping

QUESTIONS FROM MEMBERS OF THE COUNCIL NO. 3

Under Procedure Rule No 11, Councillor G Coates will ask the Portfolio Holder for Housing and Planning, Councillor S Smith, the following question:-

Can the council confirm or deny that the council has ran out of money to undertake housing repairs on a council property, one resident has contacted me and said an employee of the Council told them there is no money till after April 2024?

Answer

The Council has sufficient budget in place to fulfil its repairing obligations as set out in the Council's Housing Repairs Policy and as required by all relevant legislation. Repairs should continue to be reported to the Repairs Contact Centre where they will be assessed and issued to our contractor with the appropriate prioritisation if the resident can make contact with us with their details provided the repairs team would be happy to discuss any specific repairs.

Supplementary

Who would you like them to contact yourself or is there a name I can give the resident.

Cllr Smith gave the following response:

With this one if you email me direct, I will make sure it is looked at.

QUESTIONS FROM MEMBERS OF THE COUNCIL NO. 4

Under Procedure Rule No 11, Councillor S Daniels will ask the Acting Leader of the Council, Councillor T Jay, the following question:-

Bolehall residents are increasingly concerned that it is unsafe to walk, use a wheelchair or mobility scooter or manoeuvre a push char along Blythe Street without having to go into the middle of the road- so dangerous is the parking by the Royal Mail Delivery Office with pavements often completely covered by cars.

Will the Leader of the Council support my fellow councillors and I in bringing this dangerous situation to an end?

Answer

It is a county council issue do I support you in bringing the dangerous situation to an end of course I support you and anything that I can do to help I will. You are elected in that area so I will push it back to you to contact the County Councillors. Anything I can do to support you I will, but you are elected to support residents in Bolehall.

Supplementary

Will you support us at looking not only at Bolehall but all wards in Staffordshire With Staffordshire county council to keep our roads safe in particular pot hole free

Councillor Jay gave the following response.

Happy to support any work on street and roads in Tamworth not the whole of Staffordshire

QUESTIONS FROM MEMBERS OF THE COUNCIL NO. 5

Under Procedure Rule No 11, Councillor C Adams will ask the Portfolio Holder for Housing & Planning, Councillor S Smith, the following question:-

As the council is aware of the problems at Glenfield Sheltered housing, included the heating system, could you please make sure that it is a priority of the council to fix the issues there?

Answer

We have been made aware of some issues with the heating at this sheltered scheme, a number of repairs have been completed to ensure that the boilers are

functioning properly. However, we are aware that some flats are experiencing issues with some of their radiators, although not all flats and not all radiators are affected.

Our repairs team and contractors have been working systematically through the building with the aim of resolving any outstanding issues as quickly as possible. Hot water is available in all flats and we have supplied temporary heaters to residents so that they are able to heat their flats adequately.

The works done to date have shown a marked improvement in the operation of the system however there is more work still to be completed in order to further improve the situation. There has been ongoing communication with residents to ensure that they are aware of the works that are taking place and with their cooperation we will continue to monitor the performance of the system.

Supplementary

It will hopefully get fixed fairly soon and the other problems sent to the Council will get solved. But could we have a review of issues at Tamworth in case there are any other places have the same problem.

Councillor Smith gave the following response

I am no aware of any additional issues but of course if there are either those that are affected, please do report those or yourself as representative as well.

QUESTIONS FROM MEMBERS OF THE COUNCIL NO. 6

Under Procedure Rule No 11, Councillor C Adams will ask the Acting Leader of the Council, Councillor T Jay, the following question:-, the following question:-

When the plans changed to demolished and rebuild the former Peel café, why did the plans not go back to the planning committee?

Answer

Thank you for your question.

The application was considered to be minor in terms of what was proposed, when compared to the substantial building modifications approved through planning committee in 2022 for the Peel Cafe, and as such would be delegated to the planning team.

This is not the first example within the FHSF programme where an application was considered to be minor and not taken through the planning committee. Since the Peel demolition at first floor level the decision has been taken that all applications, even the minor ones will go through planning committee and as such a tree application which would always be delegated will be on the planning

committee agenda early next year due to the fact that the contractor needs to lop the branches to allow for scaffold to be erected at TEC2.

Supplementary

I know it was in hindsight I didn't expect you to be able to I am happy with the changes you are making but one thing I would like is to could the delegated powers to be reviewed by Audit & Governance so we can have proper procedures in how things work.

Cllr Jay gave the following response

There is going to be some work on delegated powers so if you want an input on that you are welcome to join.

QUESTIONS FROM MEMBERS OF THE COUNCIL NO. 7

Under Procedure Rule No 11, Councillor C Dean will ask the Portfolio Holder for Housing and Planning, Councillor S Smith, the following question:-

Could the leader please advise me who has the responsibility for protecting the natural habitats within our borough? Cllr Daniels and myself are dealing with a major issue in the Bolehall ward where a resident has been allowed to cut down a great many trees and lay a hardcore road surface on what is considered to be 'Common Land.' Would the trees in question have been covered by the Tree Preservation List from 1967. I understand there is a TPO listed online for Bolehall and Kettlebrook.

Answer

Thank you for your question. The issue that you refer to is on private land which does not have a wildlife or nature designation, which means that the landowner can do what they want with it. I have checked and there are no TPO's that relate to the site and it is not within a conservation area either (which further protects trees).

The track which has been laid has been taken up as an issue with the planning enforcement officer and an application to regularise the matter has been requested. If this is not forthcoming the matter will escalate to enforcement. As part of the application process the issue of the track, landownership and designation of common land will all be visited.

Supplementary

It just seems a little out of kilter with what we have been told the last two surgeries Cllr Daniles and myself and Councillor Harper was at one we had 70 people and 50 people at these two surgeries. People are really worried about this and they come with a great many documents and they seem to be able to find documents on our website that relate to some of these things I've asked so I'm not quite sure why we are not having the same ideas that they are, why we are coming back

with another answer and there is definitely there is some paperwork around that says there is natural habitats on that piece of land and some of the area that as been hard cored isn't on public land its on the piece of common land so I would like that looked into if possible.

Councillor Smith gave the following response.

Yes lets get together and look at the information you have got we can go back to the Officers and get the true facts if they are different to what I have just said and yes we can get together to get a resolution for the residents in that area.

QUESTIONS FROM MEMBERS OF THE COUNCIL NO. 8

Under Procedure Rule No 11, Councillor C Dean will ask the Portfolio Holder for Housing and Planning, Councillor S Smith, the following question:-

Can the leader tell me what duty of care we have to our elderly residents in the High Rise flats. I have a gentleman who has a medical condition that means he needs constant temperature in his environment, but between our contractors and Octopus energy who are his suppliers he has been without heating for a considerable time, having to resort to using fan heaters, which will be having an effect on his budget.

Answer

Officers have spoken with Councillor Dean and confirmed the address. We know that the storage heaters at this flat were replaced earlier this year and it is understood that the new heaters are working as they should be. However, the tenant advises that since having a new smart meter installed there has been an issue with their 'Economy 7' service which the provider Octopus Energy is aware of. It would appear that rather than receiving the 7 hours of electricity every night required to properly power the storage heaters the meter was only providing 3 hours of power and as such the storage heaters were not able to get up to temperature. Following several visits from the meter provider it would appear that the meter is now in an 'inactive' state which means the storage heaters aren't working at all. The tenant has confirmed to us that they have temporary heaters available to them should they be needed.

Whilst the Council can make contact with and attempt to put pressure on the energy supplier on behalf of the tenant it would appear that this is a matter for the energy provider to resolve as the Council cannot directly interfere with the meter.

The Council seeks to support all of its tenants and would urge any resident facing financial hardship to contact the council who can provide advice and assistance. The Council has a dedicated officer for the high rise, she is our high rise co-ordinator who can visit any tenant to support. We have already asked her to visit the tenant to discuss support options including signposting to other agencies and organisations.

Supplementary

I think my question really was about who goes back and checks that these things are done because this problem seems to fall between us, and the supplier and I think once again it comes down to communication. Do people know who they should go to it's the first time I've about the High rise Co-Ordinator, probably I should have known about them and its that thing again we are talking about people using other forma of heating if people are having to use fan heaters its going to be costing them a fortune to keep warm and they are the people that can least afford to do this.

Councillor Smith gave the following response

This is a continuing story there are certain sections in this that need to be explored in relation to the meter but also to the heating systems that have been installed. I would like to work with Officers to again establish all the facts and come back with some solutions for now and the future.

QUESTIONS FROM MEMBERS OF THE COUNCIL NO. 9

Under Procedure Rule No 11, Councillor L Wood will ask the Portfolio Holder for Entertainment and Leisure, Councillor A Cooper, the following question:-

I've had a resident approach me with concerns of tree branches growing onto their roof, and onto the cables that run from a telegraph pole to multiple homes nearby. There is also a potential issue of the solar panels on the library being affected because of the trees. Can I ask whose responsibility it is when it comes to tree maintenance in St. Editha's churchyard?

Answer

The Environment, Culture and Wellbeing Team are in the process of conducting a land registry enquiry to ascertain the ownership and therefore where the responsibilities for maintenance of St. Editha's churchyard falls, following this query. The churchyard may either be the responsibility of the Lichfield Diocese or Staffordshire County Council.

If the resident is able to provide more detail with regards to which tree (s) is causing the problems to their property this would be useful. This can be reported via Tamworth Borough Councils Website Link: [Street scene - Green team | Tamworth Borough Council](#)

The library is the responsibility of Staffordshire County Council, and Tamworth Borough Council are yet to receive any concerns that SCC may have with regards to the trees affecting the solar panels.

The team will be able to provide further information back to the Portfolio Holder once the above information has been ascertained.

Supplementary

I am glad that you clarified that for me according to the church they are not responsible they said that the maintenance of graveyard falls under the control of the borough council and the council should have written notice on that one. The resident as spoken to the county council and its nothing to do with them either. Can we have some clarity on whose responsibility it actually is?

Councillor Cooper gave the following response

As I have previously pointed out as far as we are concerned with our data base it is not us, if you could be more specific which trees, they are then we will double check and get back to you however as far as we are concerned it not us that is responsible for them. It is likely then if you have spoke to the church then it is the County Council, and I will implore you to take that up with you County Councillor

QUESTIONS FROM MEMBERS OF THE COUNCIL NO. 10

Under Procedure Rule No 11, Councillor L Wood will ask the Acting Leader of the Council, Councillor T Jay, the following question:-

Is there an update on the roof over the Middle Entry, and have considerations now been taken when it comes to the businesses that will be affected by its' eventual removal?

Answer

Thank you for your question. Yes, throughout the whole process an update on the removal of the roof will be the subject of a Full Council report timetabled for 15 January.

61 CONFER THE TITLE OF HONORARY ALDERWOMAN ON MICHELLE COOK

On Monday 20th November 2023 It was resolved that, pursuant to section 249 (5) of the Local Government Act 1972 this Council does hereby confer the Title of Honorary Alderwoman of the Borough upon Mrs Michelle Cook In recognition of her eminent services to The Borough of Tamworth whilst she was a member of Tamworth Borough Council.

62 APPOINTMENT OF THE LEADER OF THE COUNCIL

Councillor Thomas Jay was nominated as Leader of the Council

(Moved by Councillor P Turner and seconded by Councillor T Clements)

Votes in favour of Councillor T Jay

For 17

Abstain 12

It was therefore declared that Councillor T Jay is elected as Leader of the Council

63 CHANGES TO COMMITTEE MEMBERSHIP

The Leader, Councillor T Jay announced the intention to form a Conservative and Independent Futures coalition. Indicating there would be changes to Cabinet in due course.

64 NATURE RECOVERY DECLARATION

Report of the Leader of the Council to declare that nature is in crisis and to commit to the recovery of nature across the Borough and wider Staffordshire.

Resolved that Council

1. Agreed that the Borough Council makes a Nature Recovery Declaration, Appendix 1.

(Moved en bloc by Councillor T Jay and seconded by Councillor D Cook)

65 TREASURY MANAGEMENT STRATEGY STATEMENT AND ANNUAL INVESTMENT STRATEGY MID-YEAR REVIEW REPORT 2023/24

Report of the portfolio holder for operations and finance to present to Members the Mid-year Review of the Treasury Management Strategy Statement and Annual Investment Strategy.

Resolved that Council

1. Approved the Treasury Management Strategy Statement and Annual Investment Strategy Mid-year Review Report 2023/24.

(Moved en bloc by Councillor T Jay and seconded by Councillor D Cook)

66 LOCAL COUNCIL TAX REDUCTION SCHEME 2024/25

Report of the Portfolio Holder for Operations and Finance to recommend that Cabinet and Council approves the implementation of a revised Council Tax Reduction scheme with effect from the 1 April 2024.

Resolved that Council

1. Approved the introduction of a new income banded/grid scheme for working age applicants with effect from 1 April 2024 to reduce the administrative burden placed on the Council by the introduction of Universal Credit and to increase the overall level of support for the lowest income families.

(Moved en bloc by Councillor T Jay and seconded by Councillor D Cook)

67 DRAFT CHARITABLE COLLECTIONS POLICY 2024 - 2028

Report of the Portfolio Holder for Environmental Health and Community Partnerships to bring before Full Council the Licensing Committee recommendation that they consider the draft Charitable Collections Policy set out at Appendix 1 as suitable for adoption.

Resolved that Council

1. Considered the draft Charitable Collection Policy 2024 – 2028 as suitable for adoption.

(Moved en bloc by Councillor T Jay and seconded by Councillor D Cook)

68 SEXUAL ESTABLISHMENT POLICY 2024 - 2028

Report of the Portfolio Holder for Environmental Health and Community Partnerships to bring before Full Council the Licensing Committee recommendation that they consider the draft Sexual Establishment Policy set out at Appendix 1 and, subject to any recommended amendments, approve the draft policy for adoption.

Resolved that Council

1. Considered the draft Sexual Establishment Policy 2024 – 2028 as suitable for adoption, subject to any amendments made following the comments received by Staffordshire Police

(Moved en bloc by Councillor T Jay and seconded by Councillor D Cook)

The Mayor
