



MINUTES OF A MEETING OF THE COUNCIL HELD ON 18th MARCH 2014

PRESENT: Councillor J Garner (Chair), Councillors R Kingstone, M Clarke, S Claymore, T Clements, D Cook, C Cooke, M Couchman, S Doyle, J Faulkner, K Gant, M Gant, M Greatorex, G Hiron, A James, J Jenkins, A Lunn, M McDermid, R McDermid, K Norchi, J Oates, S Peale, R Pritchard, S Pritchard, E Rowe, P Standen and M Thurgood

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

62 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors L Bates, D Foster and P Seekings.

63 TO RECEIVE THE MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 25 February 2014 were amended to remove the words 'be prudent to' from the supplementary question to Question No 5 and thereafter approved and signed as a correct record.

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

64 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

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

The Mayor invited Councillor K Gant to speak.

Announcement by Councillor K Gant

Tonight is a night tinged with sadness. As you will know this is my last Full Council meeting, I feel it is time for me to go after 30+ year's service to the Borough where my loyalty has always been to the electorate who have returned me as their representative time after time.

I wish to pay tribute to ratepayers, Labour and the Conservative group who have always been kind and courteous to me. I can at least say I am leaving the Council sound in mind and body. My only regret is the loss of so many Councillor friends from both sides of the Chamber who died in their prime. Thank you all for your kindness over the years. It is a sad night for me.

Announcement by Councillor D Cook

Councillor D Cook moved a motion under 4.23.1 to suspend rule 4.2.13 to allow the Council to receive a petition.

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

Councillor S Peaple presented the Mayor with a petition:

'Tamworth Borough Council have made the decision to close down the Golf Course in March 2015 and possibly build houses on the land. We as the residents of Tamworth wish to oppose this as we should retain the Golf Course which allows adults and children affordable access to the sport and all the natural beauty of this green land.'

66 QUESTION TIME:

QUESTIONS FROM MEMBERS OF THE PUBLIC NO.1

Under Procedure Rule No 10, Mr K Forest, 64a Foxglove, Amington, Tamworth asked the Portfolio Holder for Economy and Education, Councillor S Claymore, the following question:-

"I am not happy as restrictions placed on my questions therefore I will retire and monitor."

QUESTIONS FROM MEMBERS OF THE PUBLIC NO.2

Under Procedure Rule No 10, Mr J Mitchell, 4 Benson View, Tamworth asked the Leader of the Council, Councillor D Cook, the following question after a short preamble:-

"Can I ask Councillor Danny Cook as Leader of the Council, in the 5 weeks prior to the delivery of the development literature, why was this Council not proactive in contacting residents who may be affected by the proposed development north of Brown's Lane so they had an opportunity to express their views and concerns direct to this Council?"

Councillor D Cook gave the following reply:

Just to clarify, I have never met with a property developer in my life.

Thank you for your question Mr Mitchell.

I believe the local Councillor, Cllr Rob Pritchard, did a letter drop to every house on Browns Lane telling them about the application to Lichfield District Council, he also stated in the letter explicitly that an application would be received by Tamworth Borough Council and would be available to view online shortly afterwards, which it was. This was around mid January this year.

He also did a letter drop in November telling them about an exhibition by the developers on the same application.

I firmly believe in democratic representation in these matters and I congratulate Councillor R Pritchard on his pro-active stance in this matter.

Supplementary Question:

Can I ask his opinion on the 165 houses that may be developed, Lichfield District Council will require a contribution of £117,998 towards facilities in Lichfield. Can I ask Councillor D Cook for his comment on that please?

Councillor D Cook gave the following reply:

I share the same concerns if houses are build on the outskirts those residents will come to Tamworth to use facilities yet the money will go to Lichfield. It is difficult to enforce. The controlling group are opposed to development on Browns Lane and if 165 houses are built on Browns Lane will lead to sustainable development in north of town in coming years.

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

Under Procedure Rule No 10, Mr J Mitchell, 4 Benson View, Tamworth asked the Leader of the Council, Councillor D Cook, the following question after a short preamble:-

"Bearing in mind the potential impact these extra 500 houses may have on the area can I ask Councillor Danny Cook as Leader of the Council why TBC did not raise any objections or concerns to LDC building 500 extra houses for their own need north of Tamworth in Lichfield District?"

Councillor D Cook gave the following reply:

Thank you again Mr Mitchell.

Lichfield District Council has indicated a broad area for development north of Tamworth in their plan for 1000 homes. They have also taken 500 houses of our need to be met in the north of Tamworth as per the duty to co-operate as set out in the NPPF.

At the point of this being entered into their plan we had not had the transport study back on the Gungate corridor and we were working on the premise of a large development (2000 plus) north of Tamworth with a link road etc.

Since we got the full transport impact report we have queried the suitability of the Lichfield proposals. The Local Plan consultation report taken to Cabinet on the 13th March 2014 by Councillor Claymore included our proposed response to Lichfield in regards their main modifications which sets out in detail our concerns regarding development north of Tamworth.

In February, myself and Councillor Claymore specifically went to see the Leader and Deputy Leader of Lichfield District Council to raise again our concerns on the impact on the North of Tamworth by these proposed developments.

Therefore, be reassured Mr Mitchell, we have indeed raised concerns and will more than likely object to some proposals.

Supplementary question:

A company called JCT Consultancy did a report on Upper Gungate corridor and indicated that with improvements it could take 500 extra houses. Subsequently Tamworth Borough Council commissioned a report to build and JCT report was done by Lichfield District Council, Staffordshire County Council and Tamworth Borough Council. Where do the Public come into all this?

Councillor D Cook gave the following reply:

There is a BWB report (Tamworth Borough Council Anker Valley Sustainable Urban Extension – Transport Package Appraisal) informing the Local Plan hence numbers in North of the town and associated development. It's informing the Local Plan so any member of the public can comment on the Local Plan that is out for consultation.

QUESTIONS FROM MEMBERS OF THE COUNCIL NO.1

Under Procedure Rule No 11, Councillor C Cooke will ask the Leader of the Opposition, Councillor J Faulkner, the following question:-

" In paragraph 13 of his Appeal Decision on 27 Hillcrest Close, Mr J. Hockley, the Planning Inspector, determined that Paragraph 53 of the National Policy Planning Framework cannot be applied in Tamworth's case as we have no local policies to resist development of residential gardens. It was my understanding that we had determined in committee to deal with this on a case by case basis but clearly this was not sufficient. As you are the Opposition Leader and may well likely be the Leader of the Council shortly, will you confirm that you will ensure your group's support to submit a Local Development Plan that will contain the necessary policies to resist such garden development?"

Councillor J Faulkner gave the following reply:

Increasingly, central government under pressure from developers has skewed local authority planning to favour developers. In my view this undermines local democracy.

By ensuring that we have a valid and robust local development plan backed up by necessary and comprehensive policies, then decisions will remain taken locally. We will support this process and thus support local democratic decision making.

Supplementary question:

Did Councillor Faulkner also notice the recent appeal decision? While the inspector allowed the appeal the inspector's clarification on costs and comments that Tamworth Borough Council's Planning Committee had acted reasonably and properly and as a result no costs had been awarded against the Council.

Councillor J Faulkner gave the following reply:

Indubitably.

QUESTIONS FROM MEMBERS OF THE COUNCIL NO.2
Under Procedure Rule No 11, Councillor P Standen will ask the Portfolio Holder for Environment and Waste Management, Councillor S Doyle, the following question:-

"Could the Portfolio Holder for Environment & Waste Management please confirm what the reported cases of fly-tipping were during the years 2009/10, 2010/11, 2011/12, 2012/13, and for current financial year until the present time?"

Councillor S Doyle gave the following reply:

The officially declared fly tipping incidents in Tamworth are as follows:-

2008/9	-	954
2009/10	-	988
2010/11	-	970
2011/12	-	1345
2012/13	-	933
2013/14 (to 31 st January 2014)	-	939

Supplementary question:

Fly-tipping is a threat to public health and affects the wellbeing of our town, does the Portfolio Holder agree that during a period when finances are under pressure that we as a Council should use our available funds as efficiently as possible, and does he support Labour's view that we should use our available funds to help prevent fly tipping rather than tidying up afterwards? This is why Labour will restore free bulky waste item collection service.

Councillor S Doyle gave the following reply:

From research it is not as straight forward as that. Fly tipping costs have gone down per item, less towards large bulky items and more towards small items and black bags.

QUESTIONS FROM MEMBERS OF THE COUNCIL **NO.3**
Under Procedure Rule No 11, Councillor S Peple will ask the Portfolio Holder for Economy and Education, Councillor S Claymore, the following question:-

"Following the Aspire and Prosper Committee meeting at which the results of the local secondary schools were discussed, a misleading interpretation of the meeting was reported in the press even though no reporter was present. Please would the portfolio holder confirm that no officer of the council was responsible for such statements being made to the press either directly or via conversations with Headteachers?"

Councillor S Claymore gave the following reply:

Any statements to the press from officers must go via our usual Council signing off procedure. Furthermore, any officers who through the course of their work being engaged in conversations with head teachers, would be fully aware of the purpose and genuine intentions of our scrutiny committee work.

These same officers have worked very hard towards the establishment of the Tamworth Education and Skills board and are committed to working with our head teachers and partners in progressing educational aspirations and attainment, and I am sure that head teachers will receive the same commitment from our scrutiny committee.

I therefore believe that no officer of this Council was responsible for such statements being made to the press either directly or via conversations with head teachers.

Supplementary questions:

Tamworth Education and Skills Board was set up to encourage dialogue between the Council and schools and this episode has put back the process to hold schools accountable. Head teachers have raised the barricades because of the comments. We have a duty to achieve accountability and role of critical friend. Can I ask the Portfolio Holder to reconnect and redouble efforts to make it clear to schools that we do expect action as they get a large amount of public funds?

Councillor S Claymore gave the following reply:

Yes of course I will commit to that. I have tried very hard with Councillors and head teachers to get them to work together. I do make that commitment.

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

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

"Does Councillor Claymore believe that he is leaving sufficient open space available for recreational use in this town?"

Councillor S Claymore gave the following reply:

I believe that good quality accessible open space is essential and wherever possible the open space we have should be increased, safeguarded, improved and maintained.

But I also believe and I am sure we all recognise, that we have an increasing need to provide homes and jobs for Tamworth's residents and for our children in the future, however taking into consideration this town's tight boundaries, its rivers and flood plain constraints, this becomes quite a difficult balance to achieve.

I hope that our revised local plan goes a long way to achieve this balance, which aside from the golf course there are no other proposed allocations included on recreational open space.

Our Local Plan asks for developer contributions towards improving the quality and accessibility of open space, which is important when considering our constrained land supply, with only a limited number of strategic residential sites that would qualify for on-site provision and an increased population putting pressure on existing open spaces, it also requires that for new developments, links should be created to existing open space as well as provision on the strategic sites.

Supplementary question:

Can I ask Councillor Claymore how he squares his view to build houses on the Golf Course area and persists in consulting developers to see more houses in the town centre?

Councillor S Claymore gave the following reply:

I don't know where second question comes from. Not purely retail in the town centre as it would be ludicrous to rely just on retail. Don't agree with that need to balance golf course – not noticed or commented on Broadmeadow. We need to build houses on open space and on the golf course and if the plans go through more people will be able to use the open space. Capital from the golf course could be used for the Assembly Rooms Development which would benefit a lot more people in the town.

QUESTIONS FROM MEMBERS OF THE COUNCIL

NO.5

Under Procedure Rule No 11, Councillor M Couchman asked the Portfolio Holder for Operations and Assets, Councillor R Pritchard, the following question:-

"What is the council doing to support the local groups, which include a youth club and 2 groups helping the elderly and disabled, that use Park Farm Community Centre now that the leasehold has terminated?"

Councillor R Pritchard gave the following reply:

Thank you for your question. The lease has been surrendered by the tenant not terminated, therefore the Community Development team are working with the groups in an effort to identify alternative provision in close proximity to Park Farm. This will be a facilitating role, introducing groups to potential sites and, if required, assisting in the transition.

This information was sent to ward in a briefing Councillors via e-mail on 12th March.

I have separately requested each group is given advice and support making an application to cabinet grants sub-committee for funds to support relocation, should it be required.

Supplementary question:

Thank you. I'm glad officers are working so hard to help. What will become of Park Farm Community Centre?

Councillor R Pritchard gave the following reply:

It's too early to say. In the current budget there are no funds available so we will have to wait to see if a group comes forward.

QUESTIONS FROM MEMBERS OF THE COUNCIL NO.6
Under Procedure Rule No 11, Councillor M Couchman asked the Portfolio Holder for Operations and Assets, Councillor R Pritchard, the following question:-

"Could the Portfolio Holder please tell me how much has been paid in housing benefit to tenants/landlords of privately rented properties in the last 3 years?"

Councillor R Pritchard gave the following reply:

2011/12	£10,437,858
2012/13	£10,876,660
2013/14 YTD	£10,690,665

Supplementary question:

Does Councillor Pritchard not agree that money is being taken from the public purse to line the pockets of private landlords?

Councillor R Pritchard gave the following reply:

Certainly not. The money is keeping people in a house.

67 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 2013/2014 was considered.

RESOLVED: That the contents of the report be endorsed.

(Moved by Councillor M Gant and seconded by Councillor M Couchman)

68 SCRUTINY CHAIRS' REPORTS

The Annual Reports of the Chair of Aspire and Prosper Scrutiny Committee and of the Chair of Healthier and Safer Scrutiny Committee were received.

Councillor M Couchman requested that the following amendment be made to the Healthier and Safer Scrutiny Chair's report:

Page 7 Out of Hours Doctors Service in Tamworth – 'is happy' be replaced with 'is satisfied'.

69 PENSION BANDING POLICY

The Report of the Portfolio Holder for Operations and Assets detailing Tamworth Borough Council's proposed Pension Banding Policy required under the new LGPS 2014 regulations coming into force on 1 April 2014 was considered.

RESOLVED: That the proposed Pension Banding Policy for formal consultation with Trade Unions be approved.

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

70 STATEMENT OF COMMUNITY INVOLVEMENT 2014

The Report of the Portfolio Holder for Economy and Education seeking Council approval of the adoption of the new Statement of Community Involvement before it becomes policy was considered.

RESOLVED: That the Council adopts the Statement of Community Involvement as policy.

(Moved by Councillor S Claymore and seconded by Councillor E Rowe)

71 LOCALISM ACT 2011 INDEPENDENT PERSON APPOINTMENT

The Report of the Solicitor to the Council and Monitoring Officer seeking the approval of Council for the appointment of an Independent Person and a reserve Independent Person in terms of the Localism Act 2011 and seeking approval of the allowances and expenses for the Independent Person role was considered.

RESOLVED: That the report be taken back to the panel. Information will be tabled to the panel and the report be brought back to Full Council.

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

EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That members of the press and public be now excluded from the meeting during consideration of the following item on the grounds that the business involves the likely disclosure of exempt information as defined in Paragraph 1 and 3, Part 1 of Schedule 12A to the Local Government Act 1972 (as amended).

72 PAY POLICY 2014

The Report of the Leader of the Council detailing Tamworth Borough Council's reviewed Pay Policy Statement so that statutory guidance as set out in S38 of the Localism Act 2011 is adhered to was considered.

RESOLVED: That the recommendations as contained in the report be approved.

(Moved by Councillor D Cook and seconded by Councillor M Greatorex)

The Mayor