

# Public Document Pack

## LICHFIELD DISTRICT COUNCIL

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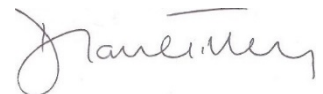
9 July 2018

To: Members of the Lichfield District Council

In accordance with Paragraph 4(2) of Part 1 of Schedule 12 to the Local Government Act 1972, you are hereby summoned to attend the meeting of the Lichfield District Council which will be held in the Council Chamber, District Council House, Frog Lane, Lichfield on **TUESDAY 17 JULY 2018 at 6.00 pm.**

Prayers will be said by Reverend L Collins.

Access to the Council Chamber is via the Members' Entrance or the main door to the vestibule.



Chief Executive

### A G E N D A

1. Apologies for absence (if any)
2. Declarations of interest
3. To approve as a correct record the Minutes of Annual Council held on 15 May 2018  
*Pages 3 - 10*
4. To approve as a correct record the Minutes of the Extraordinary meeting of Council held on 26 June 2018 *Pages 11 - 26*
5. To receive the Returning Officers Certificate of Election of District Councillor and Report of Declaration of Acceptance of Office for Ward no.10 (Curborough)
6. Chairman's announcements
7. Report of the Leader of the Council on Cabinet Decisions from the meeting held on 12 June and Cabinet Member Decisions (grey enclosure) *Pages 27 - 32*
8. Minutes of the meeting of the Joint Economic Growth, Environment & Development and Strategic (Overview & Scrutiny) Committee held on 30 May 2018 *Pages 33 - 36*
9. Report of the Chairman of the Community, Housing and Health (Overview & Scrutiny) Committee (green enclosure) *Pages 37 - 40*
10. Report of the Chairman of the Economic Growth, Environment and Development (Overview & Scrutiny) Committee (buff enclosure) *Pages 41 - 42*
11. The Chairmen indicated below to move that the proceedings of the following committees (volume 46 part 1 minute book) be received and, where necessary, approved and adopted.

<b>Committee</b>	<b>2018</b>	<b>Pages</b>	<b>Chairman</b>
Planning	4 June	43 - 49	T. Marshall
Planning	2 July	51 - 52	T. Marshall
Employment (to follow)	3 July		M. G. Boyle
Regulatory & Licensing (to follow)	5 July		B.W. Yeates

12. **MEMBERSHIP OF COMMITTEES AND OUTSIDE BODIES**

To approve changes to the Membership of Committees and Outside Bodies as set out at Appendix A (yellow enclosure)

*Pages 53 - 54*

13. **REVISED PAY POLICY STATEMENT**

To approve the updated Pay Policy Statement (Report Attached – blue enclosure)

*Pages 55 - 66*

14. **QUESTIONS**

To answer any questions under procedure rule 11.2

## ANNUAL COUNCIL MEETING

15 MAY 2018

**PRESENT:**

M. A. Warfield (Chairman)  
R. J. Awty (Vice Chairman)

Bacon, Mrs N.	Humphreys, K. P.	Smith, A. F.
Baker, Mrs D. F.	Hoult, B. E.	Spruce, C. J.
Bamborough, R. A. J.	Leytham, D. J.	Stanhope MBE, Mrs M.
Banevicius, Mrs S. W.	Matthews, T. R.	Strachan, R. W.
Barnett, Mrs S. A.	Marshall, T.	Tittley, M. C.
Boyle, Mrs M. G.	O'Hagan, J. P.	Tranter, Mrs E. H.
Cox, R. E.	Powell, J. J. R.	White, A. G.
Drinkwater, E. N.	Pritchard, I. M. P.	Wilcox, M. J.
Eagland, Mrs J. M.	Ray, P.	Woodward, Mrs S. E.
Evans, Mrs C. D.	Rayner, B. L.	Yeates, A.
Fisher, Miss B.	Salter, D. F.	
Greatorex, C.	Shepherd, Miss O. J.	

**1 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Constable, Mrs Constable, Eadie, Mrs Fisher, Ms Grange, Mrs Little, Mosson, Pullen, Mrs Pullen and B Yeates.

**2 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3 ELECTION OF CHAIRMAN OF THE COUNCIL 2018/2019:**

It was proposed by Councillor Spruce, seconded by Councillor Smith and

**RESOLVED:** That Councillor Awty be elected Chairman of the Council for the ensuing year.

Councillor Awty made and signed the Declaration of Acceptance of Office and was invested with the Chairman's Chain and Badge of Office following which Mrs Awty was invested with her Badge of Office. Councillor Awty then thanked Members for his election as Chairman.

**COUNCILLOR R. J. AWTY (CHAIRMAN OF THE COUNCIL) IN THE CHAIR**

**4 VOTE OF THANKS TO RETIRING CHAIRMAN**

It was proposed by Councillor Wilcox, duly seconded and

**RESOLVED:** That the sincere thanks of the Council be accorded to Councillor Warfield and Mrs Warfield for their services to the Council and the Community during the previous Municipal Year.

Councillor Warfield and Mrs Warfield were then presented with their replica badges of office and Councillor Warfield thanked those who had supported him during his term of office.

**5 MINUTES – 17 APRIL 2018:**

It was proposed and duly seconded “that the Minutes of the Meeting of the Council held on 17 April 2018 (Volume 45 Part 6 Minute Book), as printed and previously circulated, be taken as read, approved as a correct record and signed by the Chairman.”

**RESOLVED:** That the Minutes of the Meeting of the Council held on 17 April 2018 (Volume 45 Part 6 Minute Book) as printed and previously circulated be taken as read, approved as a correct record and signed by the Chairman.

**6 APPOINTMENT OF VICE-CHAIRMAN OF THE COUNCIL FOR 2018/2019:**

It was proposed by Councillor Powell, seconded by Councillor Tittley and

**RESOLVED:** That Councillor Mrs Bacon be appointed as Vice-Chairman of the Council for the ensuing year.

Councillor Mrs Bacon made and signed the Declaration of Acceptance of Office and the Chairman invested Councillor Mrs Bacon and Mr Bacon with their Badges of Office. Councillor Mrs Bacon then thanked Members for her appointment as Vice-Chairman.

**7 CHAIRMAN’S ANNOUNCEMENTS:**

(a) **Chaplain**

The Chairman advised that the Reverend Linda Collins would be his Chaplain.

(b) **Civic Service**

The Chairman announced that details of his Civic Service would be published in due course.

(c) **Charity**

The Chairman advised that his chosen charity would be the Memory Café.

(d) **Friarsgate**

The Chairman announced that a briefing session on the Friarsgate scheme had been arranged for 22 May at 6.00 p.m.

**8 REPORT OF THE LEADER OF THE COUNCIL ON CABINET DECISIONS FROM THE MEETING HELD ON 1 MAY 2018 AND CABINET MEMBER DECISIONS**

The report of the Leader of the Council was noted.

**9 REPORT OF THE CHAIRMAN OF LEISURE, PARKS AND WASTE MANAGEMENT (OVERVIEW AND SCRUTINY) COMMITTEE**

Councillor Matthews submitted his report on the items considered by the Leisure, Parks and Waste Management (Overview and Scrutiny) Committee held on 25 April 2018.

### 3 – Using Leisure to Transform Health and Wellbeing

Councillor Mrs Woodward spoke about the positive presentation and open and robust discussion that had taken place about the challenges and potential opportunities including Chasewater. She said all partners wanted the same outcomes but ensuring joined up thinking could still be difficult, and noted that the Head of Leisure and Operational Services was establishing links with Staffordshire County Council.

Councillor Mrs Woodward said it was an exciting programme but culture change and creativity would be required to deliver leisure due to the Council's reduced resources.

## 10 MINUTES OF COMMITTEES

### (a) Planning Committee – 8 May 2018

It was proposed by Councillor Marshall “that the Minutes of the Meeting of the Planning Committee held on 8 May 2018 be approved and adopted.”

**RESOLVED:** That the Minutes of the Meeting of the Planning Committee held on 8 May 2018 be approved and adopted.

### (b) Audit and Member Standards Committee – 9 May 2018

It was proposed by Councillor Tittley “that the Minutes of the Meeting of the Audit and Member Standards Committee held on 9 May 2018 be approved and adopted.”

Cllr Ray questioned whether Grant Thornton's fees, as external auditor, for the certification of Housing Subsidy Grant claims had been benchmarked. Councillor Tittley advised that auditors had to be appointed separately for Housing Subsidy Grant claims since provision for Public Sector Audit Appointments to make arrangements on behalf of the Department of Work and Pensions had been omitted from the relevant legislation. Given that Grant Thornton were the Council's main auditors, appointing separate auditors for this work could have caused confusion and was likely to have resulted in considerable extra cost.

**RESOLVED:** That the Minutes of the Meeting of the Audit and Member Standards Committee held on 9 May 2018 be approved and adopted.

## 11 PROPOSALS FROM THE CABINET

### (a) Submission of Local Plan Allocations Document for Independent Examination to the Secretary of State

Councillor Pritchard outlined the proposal and noted a typographical error in the text on page 11 of Appendix E which should have read 800 homes. Members were advised that a further paper had been requested concerning the Environment Agency, taking into account all the sites in the Allocations document and this would be submitted to Cabinet.

Councillor Mrs Stanhope said she was glad to see the additional paper was being produced. Referring to a development site in Alrewas, she said local people had been given the opportunity to speak but the Environment Agency had refused to listen to both residents and the Council. She referred to consultants undertaking exploratory work who had expressed surprise that approval had been given and spoke of her concern for people who would purchase houses there. Councillor Mrs Stanhope said it was fortunate that the Overview and Scrutiny Committee had raised the issue and that the Cabinet member would follow it up. Hopefully the Inspector

who would advise the Secretary of State would recognise what the Council had been saying and the Environment Agency would be held accountable for its grave mistake.

It was then proposed by Councillor Pritchard, seconded by Councillor Wilcox and duly

**Resolved: (1)** That the Local Plan Review Scope, Issues and Options document be approved for the purposes of undertaking the Regulation 18 public consultation.

**(2)** That the Local Plan Allocations document, the accompanying Policies Map and the Regulation 19 Focused Changes Consultation document (Local Plan Allocations) and Policies Map be approved for submission to the Secretary of State for Independent Examination.

**(3)** That delegated authority be given to the Cabinet Member for Economic Growth, Environment & Development Services in consultation with the Head of Economic Growth to make any minor changes to the appearance, format and text of the Local Plan Allocations Document or the supporting documents prior to submission in the interests of clarity and accuracy.

**(4)** That the summary of representations be noted and the Council's suggested responses to the consultation on the Local Plan Allocations Focused Changes document be approved.

**(5)** That the supporting submission documents which accompany the Local Plan Allocations be approved.

**(6)** That the submission of the Local Plan Allocations March – May 2018 consultation document, responses received and summary of responses be approved.

**(7)** That the contents of paragraph 3.12 of the Cabinet report which identifies additional documents which may be of benefit to the Planning Inspectorate be approved.

**(8)** That Council notes that the Planning Inspectorate may request the need for additional documents to be submitted prior to and during the Examination process (and that to enable timely submission Cabinet agreed that delegated authority be given to the Cabinet Member for Economic Growth, Environment & Development Services in consultation with the Head of Economic Growth to submit any requested documents).

## **12 CHANGES TO THE COUNCIL'S CONSTITUTION**

Councillor Spruce outlined the key changes to the Constitution and referred to the work undertaken by the Strategic (Overview and Scrutiny) Committee and the task group established to look at the proposed changes.

With regard to the cessation of the 75% attendance rule Councillor Spruce noted that Members who belonged to more committees could attend a higher number of meetings than

their colleagues, but still fail to meet the threshold. He noted that it also took a considerable amount of officer time to administer.

Councillor Wilcox noted that the Constitution had been studied in detail to ensure that it was fit for purpose.

Councillor Greatorex asked for clarification in relation to committee membership and the changes being made to increase flexibility. Councillor Spruce advised that sometimes there were good reasons for increasing or decreasing the size of a Committee and the changes would allow this to be done without needing an amendment to the constitution via Full Council.

Councillor Mrs Woodward noted that political balance would need to be retained in Committee membership and suggested there could have been more detail in the report to allay concern about removing the 75% attendance rule. She said the rule had not increased attendance or the level of engagement. Furthermore, it increased pressure on officers who had to make judgements about reasons for non-attendance. She said it was better if dispensations were decided in a transparent way by Council rather than behind closed doors.

Councillor Mrs Woodward recalled that the Overview and Scrutiny Committee had also made reference to the Parish Forum and it was agreed that it would be reviewed by the end of the year. She said it was important that this started during the first part of the civic cycle.

Councillor Strachan thanked Mrs L Fowkes from South Staffordshire District Council who had undertaken the review of the Constitution, noting that it was an evolution of the former constitution which built flexibility into overview and scrutiny allowing for a membership of up to 13 Members with a minimum of 9. He said the 75% rule was not done away with lightly, but reading papers, engaging and contributing were attributes of an effective Councillor, rather than simply attendance.

Councillor Strachan agreed that the Parish Forum could be more effective and that this should be looked at.

Councillor Ray said he didn't support the recommendation to cease the 75% rule since it served as a threshold, applied pressure to attend and served as a positive public measure. He questioned whether modifications were considered and Councillor Strachan confirmed that the Overview & Scrutiny hadn't looked at changes to the rule.

Councillor White commented that the Constitution was useable and searchable. He said it was a difficult issue, but there was a difference between attendance and engagement and participation, furthermore measuring attendance at Council meetings did not take into account other factors such as attendance at Parish Council meetings, responding to emails etc.

It was proposed by Councillor Spruce, seconded by Councillor Wilcox and duly,

**Resolved: (1)** That the Constitution be approved and adopted

**(2)** To cease with the IRP's recommendation of withholding the 12th month of allowance if 75% attendance is not reached; and

**(3)** That the Vice Chair of Employment Committee and Audit and Member Standards Committee receive a SRA (25% of the value of the Chair's SRA).

### **13 MEMBERSHIP OF CABINET, COMMITTEES AND PANELS INCLUDING ALLOCATION OF SEATS AND APPOINTMENTS BY POLITICAL GROUPS**

It was proposed by Councillor Wilcox “that the Membership of Cabinet, Committees and Panels including the allocation of seats and appointments by Political Groups as submitted be approved.”

Councillor Mrs Evans said it was disappointing in the centenary of women gaining the vote that there were no women on the cabinet and nearly all Committees were chaired by men. She said women made a big contribution to the District Council and there was a need for greater equality on the Council.

Councillor Wilcox noted the comments and agreed that women played a very important part in the work of the Council.

Councillor Mrs Woodward commended Councillor Mrs Little who had the highest number of Committees to attend and had attended them all, demonstrating that attendance and engagement could be achieved. Councillor Mrs Woodward noted that some Members were on four Committees while others were on only one and questioned whether this was a fair distribution of responsibilities.

Councillor Wilcox said conversations had taken place with Members to try and ensure their time and talents were used to best effect and there was also recognition of the demands placed on Members who were also County Councillors. He said he was always open to further conversations with Members.

Councillor White noted that a number of female Councillors were coming through and cited the recent election of Councillor Ms Grange. He said the imbalance in numbers had been recognised and efforts were being made to address it.

On behalf of the Council the Chairman congratulated Councillor Mrs Little on her recent wedding.

**RESOLVED:** That the Membership of Cabinet, Committees and Panels including the allocation of seats and appointments by political groups as submitted be approved.

### **13. ELECTION OF CHAIRMEN AND APPOINTMENT OF VICE-CHAIRMEN OF COMMITTEES, PANELS ETC.**

It was proposed by Councillor Wilcox “that the Chairmen and Vice-Chairmen of Committees and Panels as submitted be approved.”

**RESOLVED:** That the Chairmen and Vice Chairmen of Committees and Panels as submitted be approved.

### **14. APPOINTMENT OF REPRESENTATIVES ON OUTSIDE BODIES**

It was proposed by Councillor Wilcox that the appointment of representatives on outside bodies as submitted be approved subject to the deletion of the Southern Staffordshire Partnership.”

Councillor Mrs Woodward said she was unaware of any feedback from representatives on outside bodies about their work, and there was no information about the costs involved. She asked if the Leader could consider reporting back, particularly in relation to costs and levels of attendance.



Councillor Wilcox said some information was reported back to Overview and Scrutiny Committees but he would look into the situation regarding the costs. He noted that the Council had considerably reduced the number of bodies but it was important that the Council was properly represented.

Councillor Mrs Stanhope advised that she was still getting papers from the Council for the Protection of Rural England and Councillor Mrs Evans asked for clarification in connection with her attendance on the Safer Neighbourhood Panel and whether she was representing the Council or attending as a member of the public.

**RESOLVED:** That the appointment of Representatives on Outside Bodies as submitted be approved subject to the deletion of the Southern Staffordshire Partnership.

## **15 EXCLUSION OF PUBLIC AND PRESS**

**RESOLVED:** That as publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted, the public and press be excluded from the meeting for the following items of business which would involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

### **IN PRIVATE**

## **16. TO APPROVE AS A CORRECT RECORD, THE CONFIDENTIAL MINUTES OF THE MEETING OF THE COUNCIL HELD ON 17 APRIL 2018**

It was proposed and duly seconded "that the Confidential Minutes of the Meeting of the Council held on 17 April 2018 (Volume 45 Part 6 Minute Book), as printed and previously circulated, be taken as read, approved as a correct record and signed by the Chairman."

**RESOLVED:** That the Confidential Minutes of the Meeting of the Council held on 17 April 2018 (Volume 45 Part 6 Minute Book) as printed and previously circulated be taken as read, approved as a correct record and signed by the Chairman.

## **17 CONFIDENTIAL REPORT OF THE LEADER OF THE COUNCIL ON CABINET DECISIONS FROM THE MEETING HELD ON 1 MAY 2018**

The report of the Leader of the Council was noted.

## **18. CONFIDENTIAL PROPOSAL FROM THE CABINET**

### **Railway Pension Fund Break Through Agreement**

Councillor Mrs Woodward advised that she was not happy to support the proposal since it was integral to the Friarsgate scheme which was now very different given the recent funding proposal.

Councillor Mrs Woodward said it seemed that this was a facilitating step to the funding proposal that had been shared with Members at the recent Member briefing and to fund the scheme via direct borrowing was inequitable for the District as a whole and presented a huge

risk. Councillor Mrs Woodward said everyone would be aware of the problems being experienced in the retail sector and questioned why, if private capital couldn't be attracted, the council tax payer should be funding the development and in doing so providing money for the private sector. She said the high street model was a 20<sup>th</sup> Century model and the proposal needed to be looked at very carefully and she could not support it.

Councillor Pritchard replied that if the Friarsgate scheme was not given the go ahead by Council the agreement would not be signed. He said the proposal was simply getting everything in place.

Councillor White requested more information about the financial implications for the Medium Term Financial Strategy in particular if there were any contingent liabilities as a consequence of the agreement being signed.

Councillor Greateorex suggested that the wording of the proposal should clarify that that approval was being given to the principle of entering into the break-through agreement subject to further information and clarification, which would be available at the briefing on 22 May.

Councillor White said it was necessary to understand the financial implications before delegation was given to sign and facilitate the agreement and Councillor Drinkwater questioned when the figures would be provided.

The Chairman then adjourned the meeting for five minutes to allow further information to be submitted on the implications of the break-through agreement for the Medium Term Financial Strategy.

Following the adjournment Councillor Pritchard advised that there were financial implications for developers and the Council in the break-through agreement and set out the reduction in ground rent, as described in the Cabinet paper, if the scheme was approved. He noted that income from car parks, which would revert to Three Spires was currently paid into a sinking fund and therefore it would have no impact on the Medium Term Financial Strategy.

It was then proposed by Councillor Pritchard that the third recommendation as submitted be amended to read:

*'That delegated authority be given for the Cabinet Member for Economic Growth, Environment and Development to sign and facilitate exchange of the agreement subject to the Development Funding being approved by Council on 26 June 2018.*

The recommendations, as amended, were then formally proposed by Councillor Pritchard, seconded by Councillor Wilcox and it was,

**Resolved: (1)** That approval be given to the principle of entering into the Break-Through Agreement which is an integral component for the delivery of the Friarsgate Development.

**(2)** That the Medium Term Financial Strategy be updated to reflect the Medium Term Financial Strategy financial implications should the Breakthrough Agreement be enacted.

**(3)** That delegated authority be given for the Cabinet Member for Economic Growth, Environment and Development to sign and facilitate exchange of the agreement subject to the Development Funding being approved by Council on 26 June 2018.

(The Meeting closed at 7.25 p.m.)

CHAIRMAN

## COUNCIL MEETING

26 JUNE 2018

### PRESENT:

R. J. Awty (Chairman)  
Bacon, Mrs N (Vice Chairman)

Bamborough, R. A. J.	Leytham, D. J.	Spruce, C. J.
Banevicius, Mrs S. W.	Little, Mrs E. A.	Stanhope MBE, Mrs M.
Barnett, Mrs S. A.	Mosson, R. C.	Strachan, R. W.
Boyle, Mrs M. G.	Marshall, T.	Tittley, M. C.
Constable, Mrs B. L.	O'Hagan, J. P.	Tranter, Mrs E. H.
Cox, R. E.	Pullen, D. R.	M. A. Warfield
Drinkwater, E. N.	Pullen, Mrs N. I	White, A. G.
Eagland, Mrs J. M.	Ray, P.	Wilcox, M. J.
Evans, Mrs C. D.	Rayner, B. L	Woodward, Mrs S. E.
Greatorex, C.	Salter, D. F.	Yeates, B. W.
Humphreys, K. P.	Shepherd, Miss O. J.	

### APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs Baker, Constable, Eadie, Miss Fisher, Mrs Fisher, Ms Grange, Houlton, Matthews, Powell, Pritchard, Smith and A Yeates.

### 19 DECLARATIONS OF INTEREST

There were no declarations of interest.

### 20 CHAIRMEN AND VICE-CHAIRMEN OF COMMITTEES

Councillor Wilcox said he would first like to acknowledge the contribution of the three Members of Cabinet who had recently decided to stand down, and whilst regretting their decision understood their reasons for doing so.

He said he was delighted to welcome three new cabinet members: Councillor Mrs Little as Cabinet Member for Corporate and Customer Services, Revenues and Benefits, Councillor Leytham as Cabinet Member for Operational Services, Leisure & Waste and Councillor A Yeates as Cabinet Member for Regulatory Services, Housing & Wellbeing.

Councillor Mrs Woodward thanked the former Cabinet Members for their contribution to the District and said she felt it was unfortunate that they found themselves in a position where they felt they had to resign. She hoped the current Cabinet Members would continue to work alongside the Labour opposition group.

She welcomed Councillor Mrs Little as a female Member of Cabinet noting it was important to have a female perspective on decisions taken, not least in relation to the future of the Friarsgate project given that 90% of retail decisions were taken by women and 75% of the retail workforce was female yet less than 6% of women were in positions

where they could take decisions about retail. She hoped Mrs Little’s contributions would be listened to and valued.

It was proposed by Councillor Wilcox “that the changes to the Chairmen and Vice-Chairmen of Committees as submitted be approved.”

**RESOLVED:** That the changes to the Chairmen and Vice Chairmen of Committees as submitted be approved.

## 21 MEMBERSHIP OF COMMITTEES

It was proposed by Councillor Wilcox “that the changes to the membership of Committees as submitted be approved.”

Councillor Mrs Woodward said it was regrettable that Councillor A Yeates had been removed from Strategic (Overview and Scrutiny) Committee without any replacement. She said this was an extremely important committee that would have an increased workload overseeing some of the impacts of the evening’s decisions.

Councillor Wilcox said he would have a conversation with the Chairmen of Strategic (Overview & Scrutiny) Committee and agreed that it was a very important Committee.

**RESOLVED:** That the Membership of Committees as submitted be approved.

## 22 QUESTIONS

### Q1. Question from Councillor Mrs Woodward to the Leader of the Council:

“Can the Leader tell me please what has been the capital spend by Lichfield District Council from its own resources in the Burntwood wards since May 2015 and on what projects?”

#### Response from Councillor Wilcox:

“The capital spend is set out in the table provided.”

	2015/16	2016/17	2017/18	Total
Burntwood Leisure Centre Enhancement Work	£34,393.73	£62,560.79	£11,838.00	£108,792.52
Play Area at Cherry Close, Burntwood		£1,360.85		£1,360.85
Replacement Treadmills - Burntwood Leisure Centre		£39,975.00		£39,975.00
Burntwood Leisure Centre Synthetic Pitch		£143,246.38		£143,246.38
Bin Storage Area Resurfacing			£19,932.00	£19,932.00
	£34,393.73	£247,143.02	£31,770.00	£313,306.75

(Figures relating to district wide spend such as disabled facilities grants have not been included).

Councillor Mrs Woodward thanked the Leader for the opportunity to ask questions at an extraordinary meeting, which she had been told was not allowed on previous occasions, she then asked the following supplementary question:

'Much of the spending in Burntwood was about maintaining the Council's own assets particularly in preparation for the transfer of the leisure centre to Freedom Leisure, and also spend on the bin storage area resurfacing which was internal maintenance. The only external capital expenditure on Burntwood was £1360.85 spend on the play area at Cherry Close, does the leader think this has been a fair and equitable use of the Council's resources?'

Councillor Wilcox responded:

'the spend had been directed to those areas that received most usage, and therefore the Council needed to make sure the leisure centre facilities were kept up to standard. Money had been spent at the play area at Cherry Orchard and if Members identified other areas where spend was required these should be brought forward and would be considered and scrutinised in the same way as spend for all areas of the District.'

**Q2. Question from Councillor Drinkwater to the Leader of the Council:**

"How many homes have been built in Lichfield District since May 2015, how many of these are "affordable" homes and how many are social housing for rent?"

**Response from Councillor Wilcox:**

"The number of homes built for the financial years 2015/16 and 2016/17 totalled 522. The number of affordable homes built for the same financial years totalled 77. Of these 50 are social housing for rent (comprising social rent and affordable rent).

The figures for 2017/18 are not yet published in the Authority Monitoring Report but it is anticipated that over 500 houses will be delivered and provisional figures for affordable housing (supplied by the Housing Strategy team) are 135 of which 99 are social housing for rent.

Councillor Drinkwater then asked the following supplementary question:

'the figures are abysmal bearing in mind the number of people crying out for social housing often living in bedsits or even on the street, can the leader therefore give assurance that greater effort will be made in future to ensure the figures vastly improve?'

Councillor Wilcox responded:

'the figures for 2017/18 show that there has been an improvement in the number of affordable homes and social homes for rent and the Council will always do all it can to increase the availability of all types of housing.'

**Q3. Question from Councillor Mrs Woodward to the Leader of the Council:**

"The local independent news website, Lichfield Live, has published five questions on Friarsgate on behalf of local residents which they would like the Leader to answer. I appreciate that parts of the answers to these questions are still considered to be confidential but I should like to put them directly to the Leader under Procedure 11.2 and ask that, in the interests of transparency and accountability, he responds as fully as possible:

- (i) What is the bill for the Friarsgate project to date?
- (ii) What are the future liabilities the council now has as a result of the scheme not going ahead?
- (iii) Why was land cleared and businesses closed when no finance for a replacement was in place or in real prospect of being in place?
- (iv) How was the Friarsgate project allowed to drift to a point where a last-ditch bid to save it was required?
- (v) Is the prospect of a major retail development in Lichfield now dead?"

**Response from Councillor Wilcox:**

"(i) The Council has invested £4.35million in the scheme to date and the Council is due to spend a further £2.5million on land acquisition and outstanding commitments. Of this £4.5 million has been invested in land and reclamation of which the Council retains the value.

(ii) The existing multi storey car park will need replacing in due course and a sinking fund has been created to help fund any replacement. The Council has been proactive in securing other land holdings such as the Police Station to ensure a cohesive redevelopment can take place on the site and there will be management responsibilities relating thereto.

(iii) Notice was served on the Tempest Ford business on the understanding that the development was set to progress to funding and construction imminently. Tempest Ford only ever had a temporary lease of the Birmingham Road site. The management team were made aware that the site was earmarked for development when they took the lease. As the lease was temporary, the team knew they would need to relocate their business as some point, and that we would have released them from their lease with no penalty.

As the plans for Friarsgate developed, a team at the Council worked closely with the team at Tempest Ford to help them find a new site. As part of this the Council granted planning consent for a new car dealership and showroom on the former Naturana site at Eastern Avenue in 2017.

The other two tenants on the site approached the Council asking to terminate their tenancies.

(iv) It is usual that development schemes of this nature are designed, planning permission obtained and lettings are secured before approaching the funding market. This is because it makes such schemes more attractive as they are more immediately deliverable. Usually securing funding is the last piece in the development jigsaw. Following a disappointing Christmas/New Year trading period for retailers nationwide it was only in spring 2018 that the Council was asked to consider funding the Scheme.

(v) If Friarsgate does not happen the Council plans to carry out consultation on future plans for the site and will involve local people and businesses in determining the most appropriate use for the site."

Councillor Mrs Woodward then asked the following supplementary question:

'I am grateful to Lichfield Live for the coverage it has provided and the opportunity it has given for residents to express their views. On the issue of spend it seems there are £7 million of costs, around half a million per annum over the life of project at a time of severe cuts to budgets and a black hole in the finances of £2 million for 2020/2021, all in the face of cuts to services and the introduction of charges such as brown bin collection charges, and a cut of £7,000 to stop locking park gates in Burntwood, illustrating a lack of leadership and equity across the District. Will the leader agree to publish as soon as possible after the meeting far more information than the public have had access to so far?'

Councillor Wilcox responded:

'of the money spent £4.5 million had actually been invested in property and land which will provide a greater return in the future. The commercialisation strategy is in place to meet future issues relating to cuts from central government and the negative Revenue Support Grant. We need to do all we can to properly invest in assets, and use land to our advantage; the value of the assets acquired will go up and it represents good leadership decisions and the right thing to do given the need to create and replace income wherever possible.'

**Q4. Question from Councillor Mrs Evans to the Leader of the Council:**

"When the Burntwood Leisure Centre was remodelled, the community lost the Brendewood Suite, which was a much used community venue. At the time Lichfield District Council promised residents a replacement Community and Arts facility until capital funding was withdrawn with the Council's capital budget diverted elsewhere. Can the Leader please explain why the funding was withdrawn and will he now commit to investigating the situation with a view to restoring this funding allocation, so that the Council finally fulfils its promise for the benefit of Burntwood residents?"

**Response from Councillor Wilcox:**

"The funding was withdrawn following a review of the Capital Programme in 2009/10 given the reducing capital resources available to the Council and increasing demands on the capital resource.

I can make no promises to Councillor Mrs Evans but I am happy to sit down and discuss any provision of this type for Burntwood in the future."

Councillor Mrs Evans then responded:

'This is an issue that has been ignored and I welcome that fact that there will be a conversation with the Leader since the promise made was not made to me but was made to the Community of Burntwood and nothing has happened yet.'

**Q5 Question from Councillor Mrs Evans to the Cabinet Member for Leisure, Parks and Waste Management:**

"In September 2011, following years of anti-social behaviour in Redwood Park in my ward, gates were installed at a cost of over £22,000 which greatly alleviated these problems. On the 1st April this year, the Council stopped closing the gates at this and other Burntwood Parks, with the consequence that the number of incidents of anti-social behaviour and drug activity have gone through the roof. Can Councillor Leytham tell me what actions he has taken so far on this issue, since his appointment as a Cabinet Member and what he intends to do in the future?"

**Response from Councillor Leytham:**

“The decision to remove the park gate locking service was formally conveyed to Burntwood Town Council in October 2017 and subsequently implemented on 1<sup>st</sup> April 2018, this situation now ensures a consistent approach throughout Lichfield District. Since implementation the parks and grounds staff have monitored the situation as part of their routine inspection regime and have not identified any increase in incidents of Anti-Social Behaviour (ASB). However feedback from local members and the community has suggested that such incidents have increased and Leisure and Operational Services are currently awaiting data and evidence to confirm that situation. In terms of specific actions taken thus far:

- Ongoing liaison with the police.
- Close monitoring by parks & grounds staff.
- Ongoing liaison with local members.
- Response to two direct contacts by members of the public.
- Implemented the locking of the vehicle access gate to Redwood Park.
- Clarification of the Public Rights of Way (PROW) access requirements.
- Focus on gaining evidence to confirm an increase in ASB.

It is concerning that the suggested increase in ASB has been a result of the removal of the gate locking service, although Leisure and Operational Services will continue to monitor this situation it is hoped that the police will continue to address these issues and take appropriate action”

Councillor Mrs Evans then asked the following supplementary question:

‘The Cabinet Member uses the words ‘formally conveyed to Burntwood Town Council’ but I understand it was a phone call that was not passed on and Councillor Mrs Woodward has now raised the issue for the relevant work programme. The police are very concerned about the issue and ongoing liaison with local Members has not taken place. The locking of the vehicle access into Redwood Park has caused mayhem including blocking people’s properties. In the light of the incorrect responses could these issues be addressed properly?’

Councillor Leytham responded:

‘I will take steps to ensure the information provided is correct and the actions referred to have been implemented.’

**Q6. Question from Councillor Mrs Banevicius to the Leader of the Council:**

“Can the Leader tell me what discussions he, his Cabinet members and Council officers had with the Office of the Police and Crime Commissioner about the future of Chasetown police Station before it was closed and then sold?”

**Response from Councillor Wilcox:**

A prospective purchaser enquired who was dealing with Chasetown Police Station and they were advised to contact the Estates Manager at the Office of the Police and Crime Commissioner.

Councillor Mrs Banevicius then asked the following supplementary question:



'Does the leader agree that this was an important asset for Chasetown and the opportunity to use the building for the benefit of the local community has been lost forever?'

Councillor Wilcox responded:

I cannot answer for the Office of the Police and Crime Commissioner, but I am aware that policing cover will be increased in the District in the future and hope the closure will not unduly affect policing in the area. The Police and Crime Commissioner has conveyed to me that the police station was surplus to requirements as part of the new policing model. I will however put the concerns raised to the Commissioner when we meet at an upcoming seminar on reducing knife crime.'

## **23 EXCLUSION OF PUBLIC AND PRESS**

**RESOLVED:** That as publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted, the public and press be excluded from the meeting for the following items of business which would involve the likely disclosure of exempt information as defined in Paragraphs 3 and 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

### **IN PRIVATE**

## **24 FRIARSGATE**

Consideration was given to a report on Friarsgate that sought approval for the District Council to terminate the Development Agreement between (1) Lichfield District Council, (2) Development Securities (Lichfield) Limited and (3) U and I Group PLC, if by 30<sup>th</sup> June 2018 (the Unconditional End Date), the Unconditional Date has not been achieved by virtue of the provisions contained in section 32 of the Development Agreement.

Authority was also sought to increase the budget for the acquisition of the Police Station site from £1.8m to £1.913m to allow for one payment for the site and clean title to be obtained.

Councillor Wilcox outlined the history of the scheme and noted that over time various changes had been agreed to the development agreement including extending the unconditional end date to its final position of 30 June 2018.

He said Members would be well aware that many milestones been reached by the developers to bring the scheme to the current point. Ongoing deliberations between U&I and Railpen had taken considerable time to resolve and as a result it had taken longer to approach the market.

In total 12 companies had been invited to fund the commercial element of the scheme, but unfortunately none came forward. Prior to this Railpen had been offered the opportunity to provide funding and the Council also supported dialogue between U&I and the Staffordshire Pension Fund.

The developers then asked whether the Council would be interested in funding the scheme which would have required borrowing of £56 million although as residential units were sold this borrowing would have reduced to some £49 million.

This proposal was examined by the Joint Economic Growth, Environment and Development and Strategic (Overview and Scrutiny) Committee which submitted its recommendation to Cabinet. Additionally, a number of briefing sessions had been arranged to ensure everyone had the opportunity to comment.

The Cabinet then examined the proposal and agreed with the recommendation of the Joint Overview and Scrutiny committee and voted to terminate the development agreement on 30 June if the developer did not meet the required milestones.

Councillor Wilcox advised that the Council was therefore being asked to consider agreeing the Cabinet recommendations as set out in the report, given that the development agreement had already been extended on four occasions.

He said if the developer was not in a position to secure funding by 30 June or was not able to secure other pre-conditions in the development agreement by this date either party would be able to terminate the agreement.

Councillor Wilcox said on a positive note, the Council would be able to progress an alternative development and consider it in the context of a Master Plan for Lichfield city centre. He said the site that had been assembled had the potential to deliver a gateway project for the city in line with existing market trends.

Councillor Mrs Woodward said the project has been going on for 13 to 15 years depending on the source, noting that the Labour Group had not opposed the scheme over its many manifestations since it was a conservative manifesto pledge and they respected the democratic mandate. However she and the Group had opposed the idea of a loan from the outset.

Councillor Mrs Woodward said she had been invited to a briefing on 10 May where the Leader, Deputy Leader and senior officers presented the possibility of a loan for Friarsgate and she made it clear at that point that she would oppose the idea and contrasted it to the lack of investment in Burntwood.

Councillor Mrs Woodward said commitments to deliver Friarsgate that had been made in a conservative leaflet for the Chasetown area and the Conservative Manifesto now conflicted with their commitments to look after council tax money and to strive to remain a debt free authority. She said it was little wonder that there was so much concern over the levels of debt that were being proposed.

Councillor Mrs Woodward recalled that that when Labour lost control of the Authority in 1999 the Council was debt free with £24.5 million for future development. She asked where the money had gone.

Councillor Mrs Woodward noted that further confidential briefings had taken place and by 22 May, although the idea of a loan was still being pushed, it was clear that members of the controlling group were concerned about putting the authority in so much debt over such a long period of time. This led to the unanimous decision of the confidential Joint Overview & Scrutiny Committee not to proceed with the scheme. She said even Cabinet Members at Cabinet had serious doubts, noting that Councillor Pritchard referred to the scheme possibly being out of date and Councillor Spruce said taking out the loan would be madness.

Councillor Mrs Woodward said she was sad to say it since she had worked well with the Leader over the last few years but this was a failure of leadership; failure of leadership of the project, leadership of the controlling group and leadership of the Cabinet.

With regard to communications Councillor Mrs Woodward said concerns had been raised by Councillor Pullen about the lack of communication which she said had been appalling, with all information being confidential despite repeated calls for as much information as possible to be in the public domain. She questioned how residents' voices could be heard if they didn't have the information.

Councillor Mrs Woodward noted that the requirement for confidentiality did not seem to apply to everyone equally, given that a relative of a friend of a conservative Member had been commenting about the details of a confidential report on Facebook. She said there had also been a statement from the Leader effectively saying the scheme would not be proceeding, before the decision had been made by Council. She said this was not leadership but more about following the public mood.

Councillor Mrs Woodward said the press statement blamed Brexit which was two years ago and the credit crunch which was 10 years ago. Given the widely predicted problems in retail she questioned why it had taken the leadership so long to catch up. She said she had been assured a press statement would follow the meeting and asked how detailed this would be.

Referring to the abortive costs, Councillor Mrs Woodward said these did not include meetings, paperwork and officer time, not to mention Members' time and the loss of businesses including the garage and station kiosk that had been built up over ten years. She said all these costs had fallen on tax payers and asked whether the leader would publish a full statement on abortive costs.

Listing the risks identified in the report, Councillor Mrs Woodward asked if the Leader would accept any responsibility and commit to a detailed progress report on each issue coming to the relevant Overview and Scrutiny Committee and a review of investment across the whole District to ensure every area of the District would get a fair and equitable share.

Councillor Wilcox responded that the Cabinet had never made any recommendations, they simply sought to give Members the opportunity to see if they would like to fund the scheme. He said briefing sessions had been arranged to ensure everyone was involved and had an opportunity to have a say so the final decision could be taken collectively.

Councillor Wilcox said there had of course been a downturn in retail, but in 2015 when the manifesto was produced there were great hopes of delivering the scheme, however the world had changed, and many new challenges had been met since then.

He said the leader of the opposition was fully aware that sensitive information could not be published in public given the risk of a legal challenge, and he had pledged not to speak to Lichfield Live until Full Council had made a decision, following which a press release would be made available.

Councillor Wilcox said at no time had anyone been dictated to about what they should do. He said the Council had stuck to its side of the bargain, having been tasked with putting together strategic sites which it had done. Although the Council was never originally expected to fund the development the developers came at the 11<sup>th</sup> hour asked if the Council would be interested in providing funding. He said he would have been criticised if he had not put this proposal to Members.

Councillor Wilcox said his leadership has been completely open. There had been costs but it was an exercise that the Council needed to go through for such an important decision. He said he would reply to Cllr Mrs Woodward if he hadn't answered all her questions and a report would be going to Overview and Scrutiny. He said he felt the electorate would agree that the right decision has been made in not proceeding with the

scheme and the opportunity would be given to the public to help steer the new direction going forward.

Councillor Drinkwater said it was a fiasco, and only when the developers couldn't get funding were some Members involved in discussions and even then the information was hidden in piles of documents that only consultants could understand. He criticised the Leader for following the course set by the former Leader when he decided the capital budget for the whole District should be spent in the City, despite the needs in Burntwood.

Councillor Drinkwater said it was a great pity that three Members of the Cabinet felt they had to resign. He was not aware of the full details but thought perhaps one or two other people should consider their records and search their consciences about whether they should also resign. He thought there must have been warnings along the way which were disregarded in the hope everything would come right, but it hadn't come right and that was bad leadership.

Cllr Mrs Evans asked why the scheme was not reconsidered when the retail sector started experiencing problems. She said if the loan had been agreed it would have been a noose around the necks of tax payers for 35 years. She asked how anyone could agree to such a loan and questioned why the Council had pushed ahead with compulsory purchase orders and demolitions without ensuring funding was in place.

Councillor Mrs Evans asked how long the site would remain dormant creating an eyesore and what the hidden costs were in trying to make the scheme viable. She questioned a number of consequences of not proceeding with the scheme and referring to the Medium Term Financial Strategy she said Burntwood had been desperate for infrastructure for many years.

Councillor Mrs Evans said the issue had been handled badly and felt the Leader and his team had let the Council down. She said the financial stability of the Council would be at risk if the Council proceeded with funding and if the private sector did not want to provide funding then nor should the Council.

Councillor Wilcox said there was no recommendation to fund anything, it was about terminating the agreement. He noted Pinsent Mason had been providing advice through the process and the Council's commercial advisors had been advising until February that lettings were being agreed and formalised and there was no reason to believe scheme was not moving forward.

Councillor Wilcox advised that the scheme would have benefited the whole District and the Council was working hard to bring forward investment in Burntwood, together with London and Cambridge Properties and the Burntwood Town Deal Partnership. With regard to the Friarsgate scheme, he said the Council had reached the end of the road and needed to make a decision about terminating the agreement.

Councillor Rayner thanked the Friarsgate Project Director and her team for their work and indeed U&I for bringing the scheme forward. He said hopefully the Council could move forward with a modern scheme ready for the 2020's.

Councillor Rayner expressed disappointment that there was no funding available from private investors, noting he was often approached over the timescale for delivering shops, a cinema and restaurants. However, he was even more disappointed over the briefing sessions which he said lacked information and appeared to be a case of hearts over minds, with Members being asked to go down an avenue without the information necessary to make an informed decision. He said the second briefing session still lacked facts including how interest payments would be met. Councillor Rayner said it appeared

to be an attempt to sell a dream, with a hope for Friarsgate and a hope for a cinema, without financial backing or sufficient information. He said it could have been possible to deliver Friarsgate but to what end, noting that there may have been no Council House to run it.

Councillor Rayner said he was disappointed that additional funding for the Police station had been included with the recommendations. He recalled that the original sums were questioned at a recent meeting and he now had to ask if £1.9 million was the correct amount.

Councillor Rayner said he had an expectation for a new application to be submitted and approved that by May 2019 featuring an investable master plan that someone could buy into and deliver quickly. He said during the process Members had been portrayed negatively and persecuted in the media and online. He said the reason Members were not investing in the scheme was because they believed in the Council and could not support adding millions more to the Council's debt each year. Councillor Rayner said the Council must be prepared to move forward, develop and succeed. He said the scheme put forward was shown to have failed but it continued to be pushed forward and at no point was it put forward as anything other than hearts over minds. He hoped the Executive had learned from this case of misadventure and the Council would put together a great scheme that he could be proud of as a Lichfield Councillor.

Councillor Rayner said he fully supported Invest to Save as a means of preventing cuts to services, but if this was an example of prudent borrowing to achieve financial benefits he had significant concerns regarding the Asset Strategy Group. Concluding, he quoted Churchill, that to this end success is not final, failure is not final, it is the courage to continue that counts.

Councillor Wilcox commented that the investment in the Police Station was a sound and good investment; it was a key strategic site on prime land and an acquisition to be proud of. He explained that the Police had been due to take a unit in the new development and the change to the figures reflected that this would not now be happening

Councillor Wilcox said the land had now been assembled and he agreed with Councillor Rayner that the Council now need to move forward and deliver for Lichfield City, the District and its residents.

Councillor Strachan said the Council was not assembled to play political party games but to discuss perhaps the biggest decision Members had been asked to make. He said it was a specific question with a broad history, and reminded Members that there had been a specific request to the Joint Overview and Scrutiny Committee to consider funding the scheme and recommendations were made to Cabinet, noting that there had also been a change in the position of the Cabinet Member. He said the deliberation of the Committee focused primarily on the procurement risk and it was a risk that while small was potentially fatal to the project and thus by virtue of the borrowing potentially fatal to the authority. He said it had been dealt with extensively at scrutiny but it was pertinent to make the point.

Councillor Strachan said there were other matters relating to the project that were not aired fully at Scrutiny and it was proper, as the decision making body, that these were aired at Council.

Firstly the project did nothing to close the financial gap of the Council. The approved Medium Term Financial Strategy had provision for up to £45 million prudential borrowing to help fund investments to close that gap. The Friarsgate proposal did not do so, potentially leaving the Authority liable for £49 million borrowing and a further £45 million

to close the gap, which for him was entirely unacceptable. He said he could never support such a proposal which was perhaps a case of madness averted.

Councillor Strachan said the developer profit clauses effectively meant that while making no return for the Council, at least a £9.3 million return would be provided for the developer, effectively transferring £9.3 million from the tax payer to a private entity. As guardians of the public purse he said it could never have been appropriate, and if this clause was not altered with the change of the Authority's role from partner to funder it must fail on that point alone.

Councillor Strachan spoke about a recently determined case concerning the Haringey Development Vehicle which only narrowly survived a legal challenge in the High Court because it was judged to benefit the whole of Haringey. He said he could not see how the Friarsgate scheme could survive the same test since it principally benefited the city and its immediate surroundings.

Councillor Strachan said the developer has not secured funding whether due to problems in the retail sector or historic factors, but the private sector did not feel it was appropriate so the Council was turned to as lender of last resort. He said if funding could not be secured outside the Authority the agreement must be allowed to lapse and he was pleased to see the support of the Labour group in this.

Turning to the future, Councillor Strachan said he hoped appropriate and aspirational use could be found for the land, and a proper route to fund investment development across the District not just Lichfield. He said a use was required for the site that benefited the maximum number of people as soon as possible, and confirmed his support for the recommendations.

Councillor Marshall said the Council was in an invidious position, if the scheme had gone ahead the Council would have been vilified and pilloried in the press as irresponsible for being prepared to borrow and risk large amounts of public money. If the plug was pulled then, as already experienced, it would also be vilified.

Councillor Marshall said if the decision was taken not to go ahead it could be meat and drink to the opposition in the upcoming election but the electorate was extremely intelligent and would weigh up the pros and cons. He felt that they would come to the same decision, that the Council is not in position to play fast and loose with public money. He said it would be a balanced decision, and in 9 or 10 months people will understand what was done and the reason for it.

Councillor Marshall said the scheme certainly had merits when first proposed but it was a rapidly changing world and the original concept risked looking extinct. Sad as it was to say goodbye to the scheme the Council now had an asset with potential. He cautioned against proceeding when all professional investors saw too much risk, and in terms of damage limitation he said it was now the right to say no to Friarsgate.

Councillor Ray said in principle he supported the concept but the numbers did not stack up. He felt a criticism could be made of the Leader and officers that the question of alternative funding was left far too late down the track. He said Councillor Wilcox now had responsibility for taking the site forward, which he said was an eyesore that must not be allowed to become mothballed for years, and he noted that the bus station was in urgent need of refurbishment.

Councillor Ray highlighted two elements that he said were particularly important in a new scheme, housing and leisure. He urged a higher percentage of affordable housing to ensure the city centre was vibrant with young people and young families. And secondly, he said young people in the District needed better leisure facilities.

Councillor Ray said as part of funding package there was £5 million LEP funding and £1 million Homes England funding, and he requested that the leader should try to secure the funding for Lichfield.

Councillor Mrs Banevicius said the aim of regeneration in Lichfield was good but asked what was being done to encourage regeneration in other areas of the District, she questioned if it was a case of all eggs being put in one basket.

Councillor Mrs Woodward asked for the leader to commit to a transparent review of the Medium Term Financial Strategy involving Overview and Scrutiny. She then advised that she would oppose recommendation 2.3. of the report regarding the purchase of the former Police Station. Councillor Mrs Woodward said Members had been told there was no plan B but additional council tax money was now being committed, and figures throughout the report were unclear. She said there was reference to £153,000 revenue costs, acquisition costs of £1.647 million and £1.7 million being agreed for the sale, yet there was an overall commitment of £1.913 million.

Councillor Mrs Woodward said in contrast there was nothing for a potential community building for Chase Terrace, not even a discussion with the Office of the Police and Crime Commissioner. She requested that there should be a review of all capital projects, and this should go in front of the relevant Overview and Scrutiny Committees.

Councillor Spruce said the development was never intended to be funded by the Council and until end of March 2018 the Council was being told by U&I that no problems were anticipated in securing funding.

In the first week of April the bombshell was dropped that U&I could not find a funder. The Council was faced with the choice of scrapping scheme or considering, at the developer's request, whether the Council would become the funder. Under the development agreement there was a clause that the Authority would always use its best endeavours, so there was no alternative but to consider the option. Councillor Spruce said efforts were then made to prepare a report for the first briefing. He said it was a piece of work that would usually take three or four months, so of course the figure were incomplete not least because they were subject to frequent changes by U&I. He noted that it was unfortunate that the timing had coincided with the end of the financial year when work was already underway preparing the accounts for audit.

Councillor Spruce noted the scheme was being branded as a city centre retail scheme whereas in reality it was 1/3 residential 1/3 retail and 1/3 leisure. He said an attempt had been made through social media to portray the situation as a failure of the leader and Cabinet which was nonsense. With regard to transparency he said information in the reports was commercially sensitive and it was a strong recommendation of the Council's legal advisors and officers that it should remain confidential.

Councillor Spruce said following the funding bombshell there was suddenly no shortage of experts, but he could not remember any of the questions being asked in April or May. He said it was a lovely scheme but a bad deal and once the figures became available it was obvious that there was no support for it in the Council and it would have been madness to consider taking on the level of borrowing required.

Councillor Wilcox said Members were rightly concerned about the future, this was a key gateway site for the city which would play a significant role in making the city sustainable and attractive to shoppers and businesses. He said the Council would be considering its liabilities and responsibilities as landowners of the site and taking any necessary action to reduce risks and costs to the public purse. Councillor Wilcox advised that the Council would need to consider how the site could be best utilised in the short to medium term and consider the range of developments that could take place on the site

as part of a new plan. Learning from recent experience he said this work was already underway and further communications would come forward in due course.

Councillor Wilcox then moved each of the three recommendations:

- (1) 'That the council approves and ratifies the termination of the Development Agreement dated 26 October 2005 (as subsequently varied) between (1) Lichfield District Council, (2) Development Securities (Lichfield) Limited and (3) U and I Group PLC, if, by 30<sup>th</sup> June 2018 (the Unconditional End Date) the Unconditional Date has not been achieved by virtue of the provisions contained in section 32 of the Development Agreement'

The recommendation was duly seconded and a named vote was taken and recorded as follows:

<b>FOR (33)</b>	<b>AGAINST (0)</b>	<b>ABSTAIN (0)</b>
Bacon, Mrs N.		
Bamborough, R. A. J.		
Banevicius Mrs S. W.		
Barnett, Mrs S. A.		
Boyle, Mrs M. G.		
Constable, Mrs. B. L.		
Cox, R. E.		
Drinkwater, E. N.		
Eagland, Mrs J. M.		
Evans, Mrs C. D		
Greatorex, C.		
Humphreys, K. P.		
Leytham, D. J.		
Little Mrs E. A.		
Marshall, T.		
Mosson, R.C.		
O'Hagan, J. P.		
Pullen, D. R.		
Pullen, Mrs N. I.		
Ray, P. W. W.		
Rayner, B. L.		
Salter, D. F.		
Shepherd, Miss O. J.		
Spruce, C. J.		
Stanhope, Mrs M.		
Strachan, R. W.		
Tittley, M. C.		
Tranter, Mrs E. H.		
Warfield, M. A.		
White, A. G.		
Wilcox, M. J.		
Woodward, Mrs S. E		
Yeates, B. W.		

- (2) 'That the Medium Term Financial Strategy (MTFS) be updated to reflect the financial implications included in the report'



The recommendation was duly seconded and a named vote was taken and recorded as follows:

<b>FOR (33)</b>	<b>AGAINST (0)</b>	<b>ABSTAIN (0)</b>
Bacon, Mrs N.		
Bamborough, R. A. J.		
Banevicius Mrs S. W.		
Barnett, Mrs S. A.		
Boyle, Mrs M. G.		
Constable, Mrs. B. L.		
Cox, R. E.		
Drinkwater, E. N.		
Eagland, Mrs J. M.		
Evans, Mrs C. D		
Greatorex, C.		
Humphreys, K. P.		
Leytham, D. J.		
Little Mrs E. A.		
Marshall, T.		
Mosson, R.C.		
O'Hagan, J. P.		
Pullen, D. R.		
Pullen, Mrs N. I.		
Ray, P. W. W.		
Rayner, B. L.		
Salter, D. F.		
Shepherd, Miss O. J.		
Spruce, C. J.		
Stanhope, Mrs M.		
Strachan, R. W.		
Tittley, M. C.		
Tranter, Mrs E. H.		
Warfield, M. A.		
White, A. G.		
Wilcox, M. J.		
Woodward, Mrs S. E		
Yeates, B. W.		

- (3) 'That the principle of purchasing the former Police Station, Frog Lane, Lichfield from the Office of the Police and Crime Commissioner for Staffordshire for a budget of up to £1.913m be approved. This budget is for the land acquisition, associated stamp duty, and associated legal fees, demolition costs and site investigations, insurance and security and project management.'

The recommendation was duly seconded and a named vote was taken and recorded as follows:

<b>FOR (29)</b>	<b>AGAINST (4)</b>	<b>ABSTAIN (0)</b>
Bacon, Mrs N.	Banevicius Mrs S. W.	
Bamborough, R. A. J.	Drinkwater, E. N.	

Barnett, Mrs S. A.	Evans, Mrs C. D	
Boyle, Mrs M. G.	Woodward, Mrs S. E	
Constable, Mrs. B. L.		
Cox, R. E.		
Eagland, Mrs J. M.		
Greatorex, C.		
Humphreys, K. P.		
Leytham, D. J.		
Little Mrs E. A.		
Marshall, T.		
Mosson, R.C.		
O'Hagan, J. P.		
Pullen, D. R.		
Pullen, Mrs N. I.		
Ray, P. W. W.		
Rayner, B. L.		
Salter, D. F.		
Shepherd, Miss O. J.		
Spruce, C. J.		
Stanhope, Mrs M.		
Strachan, R. W.		
Tittley, M. C.		
Tranter, Mrs E. H.		
Warfield, M. A.		
White, A. G.		
Wilcox, M. J.		
Yeates, B. W.		

It was therefore duly

**RESOLVED: (1)** 'That the Council approves and ratifies the termination of the Development Agreement dated 26 October 2005 (as subsequently varied) between (1) Lichfield District Council, (2) Development Securities (Lichfield) Limited and (3) U and I Group PLC, if, by 30th June 2018 (the Unconditional End Date) the Unconditional Date has not been achieved by virtue of the provisions contained in section 32 of the Development Agreement'

**(2)** 'That the Medium Term Financial Strategy be updated to reflect the financial implications included in the report'

**(3)** That the principle of purchasing the former Police Station, Frog Lane, Lichfield from the Office of the Police and Crime Commissioner for Staffordshire for a budget up to £1.913m be approved. This budget is for the land acquisition, associated stamp duty, and associated legal fees, demolition costs and site investigations, insurance and security and project management.'

The Chairman then thanked officers, many of whom he noted had worked on the project for a number of years, for their efforts.

(The Meeting closed at 7.22 p.m.)

CHAIRMAN

**FOR COUNCIL  
17 JULY 2018  
(GREY ENCLOSURE)**

**REPORT OF THE LEADER OF THE COUNCIL**

**CABINET DECISIONS – 12 JUNE 2018**

**1. Money Matters 2017/18: Review of the Financial Performance Against the Financial Strategy - April to March 2018.**

The Cabinet:

- 1.1 Noted the report and issues raised within.
- 1.2 Noted that Leadership Team with Cabinet Members will continue to closely monitor and manage the Medium Term Financial Strategy.
- 1.3 Noted the appointment by Audit and Member Standards Committee of Grant Thornton as the Council's Housing Benefit certification External Auditors for the five year period from 2018/19.
- 1.4 Approved £917,500 of Capital Programme slippage related to 2017/18 being added to the Approved Budget in 2018/19.
- 1.5 Noted the Community Infrastructure Levy (CIL) financial year report which is in accordance with Regulation 62 of The Community Infrastructure Levy Regulations 2010 (as amended).
- 1.6 Recommended that Council approve the actual 2017/18 Prudential Indicators contained within the report.

**2. COMPULSORY PURCHASE ORDER AT LAND AT THE WINDMILL, GRANGE LANE, LICHFIELD**

The Cabinet:

- 2.1 Agreed, in order to facilitate the carrying out and implementation of planning permission 17/01477/FULM, to the making of a compulsory purchase order (CPO) to enable the necessary acquisitions of land and interests in land.
- 2.2 Noted and approved the map at Appendix A of the report showing the extent of the proposed CPO ("the Order Land") and the draft statement of reasons at Appendix B of the report in support of the proposed CPO.
- 2.3 Authorised the Director of Place and Community to make the CPO as considered necessary.
- 2.4 Authorised the making of the Lichfield District Council (Grange Lane, Lichfield) Compulsory Purchase Order 2018 ("the Order") under section 226(1)(a) of the Town and Country Planning Act 1990 ("the 1990 Act").

- 2.5 Authorised the Director of Place and Community to issue notices under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976, where necessary, to authorise the entry on land and carrying out surveys where the Council is considering acquiring an interest in the land or a right over the land which is not such an interest.
- 2.6 Authorised the use of powers in the Town and Country Planning Act 1990 to secure the removal of any apparatus of statutory undertakers or communication code operators from the Order Land.
- 2.7 Authorised the acquisition by agreement of all third party interests in and over the Order Land under Section 227 of the Town and Country Planning Act 1990 before or after confirmation of the Order and in respect of any new rights required for the development or use of the Order Land.
- 2.8 Authorised the Director of Place and Community to take all necessary steps to investigate ownership interests and to secure confirmation of the Order and the acquisition of all third party interests in the Order Land and any new rights and the removal of all occupants from the Order Land. This authorisation includes the publication and advertisement of the Order, serving appropriate notices, seeking confirmation of the Order, taking all steps to acquire relevant interests and such other steps as deemed appropriate by the Director of Place and Community to facilitate the development, redevelopment or improvement of the Order Land.
- 2.9 Authorised the Director of Place and Community to enter into agreements and make undertakings, contracts and transfers on behalf of the Council with third party interests in the Order Land or with parties otherwise affected by the Order for the withdrawal of objections to the confirmation of the Order including the offering back of any part of the Order Land or acquisition of additional land or interests in or over any such land and the removal of any land from the Order and to defend any proceedings challenging the making or confirmation of the Order.
- 2.10 Authorised the Director of Place and Community following confirmation of the Order to publish and serve all appropriate notices of confirmation of the Order and to make one or 4 more general vesting declarations or serve notices to treat and notices of entry (as appropriate) in respect of the Order Land.
- 2.11 Authorised the Director of Place and Community to initiate or take part in any proceedings before the Upper Tribunal (Lands Chamber) or the Courts in order to resolve any disputes as to compensation or other payments payable for any interests in the Order Land or arising from the making or confirmation of the Order or securing possession of any part of the Order Land or title to any part of the Order Land or the removal of any occupants or apparatus of statutory undertakers or communication code operators.
3. **Community Infrastructure Levy: Allocating and Spending CIL: Additional Guidance**
  - 3.1 The Cabinet approved the adoption of the proposed Allocating and Spending CIL: Additional Guidance as submitted and set out in the Appendix of the Cabinet report.

**4. Allocation of Non Site Specific Section 106 Relating to Planning Application 07/00147/OUT (Hill Ridware)**

4.1 The Cabinet agreed that the allocation of the Section 106 monies identified in the report be allocated to the renovation and replacement of play equipment at Hill Ridware Village Hall (£71,054.19).

**5. Allocation of Non Site Specific Section 106 Relating to Planning Application 07/00774/OUTM (Fradley)**

The Cabinet

5.1 Approved the allocation of Section 106 monies identified and detailed in the report be distributed as set out in the table below:

<b>Project</b>	<b>Allocation</b>
New Build Parish Office/Community Hub	£92,157.00
Fradley Village Heating & CCTV	£14,969.00
Fradley Youth & Community Centre Cladding & Porch	£15,000.00

5.2 Noted the recommendation to direct and support future health provision applications through the CIL application process.

**6. Allocation of Non Site Specific Section 106 Relating to Planning Application 03/00627/OUT (Hawksyard)**

The Cabinet:

6.1 Noted the content of the report and considered the recommendations made by both the Strategic Infrastructure Group and the Joint Members and Officers Group in relation to the allocation of funding, noting the variances between the groups.

6.2 Approved the allocation of part of the Section 106 monies as set out in Table 1 below for projects within Armitage with Handsacre parish:

**Table 1**

<b>Project</b>	<b>Allocation</b>
Replacement of children's play equipment at Upper Lodge Play Area	£21,000.00
Armitage with Handsacre Village Hall heating upgrade	£19,821.71
Armitage with Handsacre Village Hall storage container	£15,700.00
Re-siting/improvement of Armitage War Memorial and surrounding area	£120,000.00
Replacement of canopy and installation of artificial grass at Armitage Pre-School	£13,000.00

6.3 Approved the allocation as set out in Table 2 below for projects in Brereton and Ravenhill parish (Cannock):

**Table 2**

<b>Project</b>	<b>Allocation</b>
Canal Towpath Improvements	£211,478.29

**7. Decision Statement Regarding Alrewas Neighbourhood Plan Proceeding to Referendum**

The Cabinet:

- 7.1 Accepted and agreed to the making of modifications as set out in the 'Decision Statement regarding Alrewas Neighbourhood Plan proceeding to referendum' hereby referred to as the Decision Statement. This will enable the Plan to be proceed to the referendum stage.
- 7.2 Approved the publication of the Decision Statement for the Alrewas Neighbourhood Plan

**8. Decision Statement Regarding Armitage with Handsacre Neighbourhood Plan Proceeding to Referendum**

The Cabinet:

- 8.1 Accepted and agreed to the making of modifications as set out in the 'Decision Statement regarding Armitage with Handsacre Neighbourhood Plan proceeding to referendum' hereby referred to as the Decision Statement. This will enable the Plan to be proceed to the referendum stage.
- 8.2 Approved the publication of the Decision Statement for the Armitage with Handsacre Neighbourhood Plan.
- 8.3 Approved delegated authority to the Cabinet Member for Economic Growth, Environment & Development Services and the Head of Economic Growth to make factual changes to the maps as described in the report where necessary.

**9. Decision Statement Regarding Longdon Neighbourhood Plan Proceeding to Referendum**

The Cabinet:

- 9.1 Accepted and agreed to the making of modifications as set out in the 'Decision Statement' as updated at the meeting regarding Longdon Neighbourhood Plan proceeding to referendum' hereby referred to as the Decision Statement. This will enable the Plan to be proceed to the referendum stage.
- 9.2 Approved the publication of the Decision Statement for the Longdon Neighbourhood Plan

IN PRIVATE

**10. Friarsgate**

The Cabinet:

- 10.1 Recommended to the Council to terminate the Development Agreement dated 26 October 2005 (as subsequently varied) between (1) Lichfield District Council, (2) Development Securities (Lichfield) Limited and (3) U and I Group PLC, if, by 30<sup>th</sup> June 2018 (the Unconditional End Date) the Unconditional Date

has not been achieved by virtue of the provisions contained in section 32 of the Development Agreement.

- 10.2 Recommended to Council that the Medium Term Financial Strategy (MTFS) be updated to reflect the financial implications included in the Cabinet report.
- 10.3 Recommended to Council the principle of purchasing the former Police Station, Frog Lane, Lichfield from the Office of the Police and Crime Commissioner for Staffordshire for a budget up to £1.913m. This budget is for the land acquisition, associated stamp duty, and associated legal fees, demolition costs and site investigations, insurance and security and project management.

**MICHAEL J WILCOX  
LEADER OF THE COUNCIL**

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**JOINT ECONOMIC GROWTH, ENVIRONMENT AND DEVELOPMENT AND  
STRATEGIC (OVERVIEW & SCRUTINY) COMMITTEE**

**30 MAY 2018**

**PRESENT:**

Councillors Mrs Barnett, Constable, Cox, Drinkwater, Mrs Eagland, Mrs Evans, Mrs Fisher, Mrs Grange, Mrs Little, Mrs Stanhope MBE, Strachan, Tittley, Warfield, Mrs Woodward, A Yeates and White.

Also in attendance:

Councillors Mrs Constable, Eadie, Leytham, Matthews, Pritchard, Pullen and Wilcox; Mr K Hardman (Cushman and Wakefield) and Mr K Khangura (Pinsent Masons).

**1 ELECTION OF CHAIRMAN**

Councillor Cox was elected as Chairman.

**2 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mrs Baker, Marshall and Powell.

**3 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**4 EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED:** That as publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted, the public and press be excluded from the meeting for the following item of business, which would involve the likely disclosure of exempt information as defined in Paragraphs 3 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended.

**IN PRIVATE**

**5 OPTIONS FOR THE FUTURE OF FRIARSGATE SCHEME**

The Committee was advised that the meeting was being held in private due to the likely disclosure of commercially sensitive financial information and privileged legal advice which was exempt information as defined in Local Government Act 1972. Given the presumption in favour of openness it was questioned whether the subsequent Cabinet report could be split into public and confidential sections to enable residents to understand the nature of the decision.

Prior to consideration of the item the Chairman adjourned the meeting for fifteen minutes to give Members the opportunity to read additional papers that had been circulated prior to the meeting.

Consideration was then given to a report on the future options for the Friarsgate site, which amounted to a choice between (i) funding the proposed development or (ii) serving notice to terminate the Development Agreement on 30 June given that the milestone for securing a funder for the scheme would have been missed.

Members were advised that if the Council decided to act as a funder and investor and enter into a formal funding agreement to undertake the Friarsgate development scheme the Cabinet and Full Council would need to approve the following actions:

- Approve the Heads of Terms and delegated approval to progress the detail of the funding and development agreements.
- Approve an extension to the milestone and long stop dates in the Development Agreement relating to the Friarsgate development site.
- Give approval to amend the Development Agreement to facilitate the Council acting as funder and investor in addition to the Council's current roles as Development Partner, Planning Authority and Client in the context of services provided.
- Give approval to enter into a Procurement Challenge Deed 2018.
- Approve an update to the Mid-Term Financial Strategy to reflect the financial implications.
- Give delegated authority to sign the Funding Agreement, the variation to the Development Agreement and the Procurement Challenge Deed.

If the Council did not act as the funder it was advised that the development milestone in the Development Agreement to secure a funder would not have been met by the developer U&I and, as the pre-lets were time limited and dependent on construction commencing on site, and all current avenues for funding had been explored without success there would be no merit in extending the deadline further. In this scenario approval would be sought from the Cabinet to serve notice on the Developer and terminate the Development Agreement and the Friarsgate Scheme as currently proposed would not proceed.

The Cabinet Member for Economic Growth, Environment and Development advised that the sole purpose of the meeting was to understand the consequences of the development and consider the funding option.

He reported that the offer from U&I had been improved prior to the meeting but the offer had been received too late to adjust the report. Although this would make a difference to the detail, the central question remained unchanged, and this was whether the Council wished to proceed as funder of the scheme or not.

The report considered by the Committee gave details of the progress made on the scheme, funding and finance issues, the Council's Investment Strategy, potential socio-economic benefits of the scheme and legal considerations. The report included:

- a briefing on the funding proposal by the Council's S151 Officer and Head of Finance and Procurement
- a letter from BNP Paribas Real Estate
- legal advice from Pinsent Masons regarding the personal liability of Members, state aid, procurement and the development agreement
- written responses to questions raised by Members prior to the meeting.

Attention was drawn to procurement advice received from Pinsent Masons that indicated proposed changes to the funding arrangement were likely to give rise to a 'substantial modification' for the purposes of procurement law. It was judged that the practical risk of a procurement challenge was low however the impact of a challenge could be high and therefore options were presented to minimise risk. Mr K Khangura (Pinsent Masons) answered Members' questions in connection with the procurement advice provided including questions relating to the practical risk of a challenge, challenge agreements and insurance.

The Chief Executive advised that the procurement position had been assessed with legal advisors taking into account evidence from the market place. She confirmed that the risk of a procurement challenge was likely to be very low given the small number of organisations in a position to deliver the scheme with the funding available. However, the impact of the risk was potentially severe and therefore it was necessary to assess probability versus potential impact.

Questions were asked about the personal liability of elected Members when taking decisions given the context of emerging information and advice. In response to a question about cash flows it was advised that these needed to be modelled against an agreed programme, including mitigation and would form part of the due diligence exercise.

The Chief Executive reminded the Committee of the context of the decision, recalling that U&I had advised the Council in early April that it had been unable to secure a funder for the scheme. Whereas commercial funders would only consider the financial aspects of the scheme the Council also needed to consider the socio-economic impact of the scheme and the desire of the Council to see the scheme delivered for the benefit of the community.

It was noted that following 30 June agreements with tenants would start to expire and uncertainly and risk would increase which effectively meant there would be no Friarsgate scheme. Given the situation and in full awareness that time was limited, work that would usually take twelve months was compressed into two months in order to provide Members with the best possible opportunity to judge if they wanted to take the risk to fund Friarsgate or not.

The Chief Executive went on to outline the possible risks and rewards of each course of action that the Council might choose to pursue. She noted that the decision needed to be taken on two levels (i) commercial and (ii) socio-economic.

For commercial investments the Council had a Commercial Investment Strategy which sought to invest and seek a return to address the shortfall in the Council's budget. Members were advised that this was not a commercial deal that fulfilled the criteria of the Investment Strategy. It was therefore a question of Members appetite for taking risk, mitigated as far as possible with the assistance of professional advisors.

It was noted that the figures contained in the report would be subject to change and the due diligence exercise would result in further changes. The Chief Executive advised it was impossible to give certainty as to whether the scheme would be successful or unsuccessful in the current environment citing a number of variables including uncertainty in the retail sector and BREXIT.

With regard to professional negligence, the Chief Executive said elected Members would not be put in a position where they were exposed to accusations of professional negligence. She said there was a rationale behind everything that had been done and the information provided, which had been brought forward in as timely, effective and understandable way as possible.

The Cabinet Member for Economic Growth, Environment and Development noted that there was no recommendation to be endorsed in the report or political pressure. He wanted Members to consider the options and make their own judgement.

The Leader of the Council said the Council had not expected to find itself in the current position and thanked the team that had compiled the information in the timeframe available. He said it was not a scheme to be delivered at any cost and Members must be certain that it was right for the Council. The Leader said he would like the views and thoughts of the Committee on one of the biggest decisions that the Authority would take.

The Head of Finance and Procurement then advised Members on the Prudential Code for borrowing and the Committee noted that there was no limit but it was necessary to make decisions in accordance with the principles of affordability, sustainability and prudence.

During the debate Members voiced the following reasons for not funding scheme:

- The procurement challenge risk and the potential severity of the impact.
- The investment did not meet the criteria under the Council's Investment strategy or provide an adequate return on the level of borrowing to assist in meeting the current MTFS shortfall in 2019/20 onwards.
- Risks in the retail market in terms of rental levels, CVA, voids, consumer confidence and shopping habits could undermine the viability and sustainability of the scheme.
- The inability to give a guaranteed return – the financial models will be subject to change through due diligence and construction.
- Concerns as to whether the scheme, now 13 years old, is a sustainable scheme in the changing face of the city centre and its role.
- The level of borrowing required and the long term nature of this loan effectively committing the council for 35 years.

It was proposed by Councillor Tittley and seconded by Councillor Mrs Woodward that it be recommended to Cabinet that the Council does not fund the scheme and that the development agreement be terminated should the milestone dates not be met.

The proposition was put to the vote and the Committee unanimously:

**RESOLVED:** That it be recommended to Cabinet that the Council does not fund the scheme and that the development agreement be terminated should the milestone dates not be met.

(The Meeting closed at 7.40 p.m.)

CHAIRMAN

## Agenda Item 9

FOR: COUNCIL MEETING

17 JULY 2018

(GREEN ENCLOSURE)

### REPORT OF CHAIRMAN OF COMMUNITY, HOUSING AND HEALTH (OVERVIEW & SCRUTINY) COMMITTEE

#### PRESENT:

Councillors Leytham (Chairman), Mrs Evans (Vice-Chair), Miss Shepherd (Vice-Chair), Mrs Banevicius, Mrs Boyle, Houlton and O'Hagan.

(In accordance with Council Procedure Rule No.17 Councillors attended the meeting).

Apologies for absence were received from Councillor Bamborough, Mrs Constable, Mrs Eagland and Councillor Ray.

At the meeting of the Community, Housing and Health (Overview & Scrutiny) Committee held on 31<sup>st</sup> May 2018 the following matters were considered:

#### **1. TERMS OF REFERENCE**

- 1.1 The Terms of Reference taken from Article 6 of Part 2 of the Lichfield District Council Constitution were approved however, Councillor Evans noted that this committee were responsible for "Local crime and disorder matters" but said she also sat on the Lichfield District Safer Neighbourhood Panel as an outside representative and she felt this was duplicating effort. Mr Davies advised that the Lichfield District Safer Neighbourhood Panel was part of the Police & Crime Commissioner's structure and not Lichfield District Council and so was not a duplication.

#### **2. UPDATE ON THE MERGER OF BURTON HOSPITALS NHS FOUNDATION TRUST AND DERBY TEACHING HOSPITALS NHS FOUNDATION TRUST**

- 2.1 The Committee welcomed Kevin Downs, Director of Finance & Performance from Derby Teaching Hospitals and Alison Wynne, Director of Strategy & Partnerships from Burton Hospitals NHS Foundation Trust who presented an update on the merger of Burton Hospitals NHS Foundation Trust and Derby Teaching Hospitals NHS Foundation Trust. They advised that clearance for the acquisition (merger) had been given by the Competition & Markets Authority at Phase 1 and all appointments had now been filled on the Executive Teams. It was reported that the name for the new Trust was to be "University Hospitals of Derby & Burton NHS Foundation Trust" and the date for the merger set as 1 July 2018. The presentation illustrated the journey so far and the time line as well as the principles for the merger. A question and answer session then followed the presentation and discussions on the major problems within the hospitals took place.
- 2.2 It was asked if residents would still have the same choices as offered now and it was reported that there would be no change to the costs but a better offer for care provided. It was noted that there were some efficiency savings taking place and Members expressed their concerns regarding the quality of services that would be experienced. When asked if quality could be compromised, it was reported that anything that affects patient care was considered by the Care Quality Commission and it was envisaged that quality would improve with the joining of the expertise of two Trusts. Continuing with questions around financial matters, it was asked if Consultants

would have access to specialist equipment and it was reported that they would and the use of artificial intelligence would be a great improvement for outpatient care. Examples given were the electronic distribution of x-ray and scanned images across sites.

- 2.3 Much discussion centred around bed blocking and it was reported that there had been the equivalent of two wards obstructed at Derby Hospital by patients in acute beds who were really in the wrong place and there had also been a need to cancel elective surgeries to accommodate these acute patients as there were not enough beds available. It was suggested to alleviate this issue, a 'discharge to access beds' model would be introduced and this would free up acute care beds but still allow for the right care packages to be in place before discharge. It was asked who would pay for aftercare as the Health Department say it is for Social Care and Social Care say it should be the Health Department. It was noted that this was a national issue, however, there had been a newly appointed Chief Executive for Public Health and hopefully this problem would be rectified over time.
- 2.4 An update was requested regarding the proposed Urgent Treatment Centres at both the Lichfield Samuel Johnson Community Hospital and The Sir Robert Peel Hospital in Tamworth which should be taking over from the Minor Injury Units and it was reported that this was still on track to happen although further discussions were needed with Commissioners and a need for a sustainability and transformation plan.
- 2.5 When asked, it was confirmed that no redundancies were due to take place and there would be no negative impact or duplication of staff. They would be looking at the logistics of the staff and plan ahead. They were even looking at a dedicated bus service between Derby and Burton for patients as well as staff. Mr Downs also confirmed he was awaiting planning permission for a new multi-storey car park as well. Mr Downs and Ms Wynne were thanked for their attendance.
- 2.6 It was agreed to circulate the Presentation and ask the visitors back to this committee in either January or March 2019 for another update.

### **3. WORK PROGRAMME**

- 3.1 Members considered the Work Programme and it was agreed to add "update on the merger of Burton Hospitals NHS Foundation Trust and Derby Teaching Hospitals NHS Foundation Trust" to January or March 2019 and the word "not" to the item "Discharge to Assessment" details.

### **4. STANDING ITEMS**

#### **LICHFIELD DISTRICT HEALTH PROVISION**

- 4.1 Following on from the last meeting, the Chairman said that Burntwood was still awaiting development. He said there was definitely a shrinking market of GP's and discussions took place around the Home Office now refusing work permits.

#### **STAFFORDSHIRE HEALTH SELECT COMMITTEE**

- 4.2 The Chairman reported that the meeting of the Staffordshire Health Select Committee had taken place last night and the All Age Disability Strategy for Staffordshire was to be implemented. He advised that the draft policy actually targeted children born with disabilities and their journey although it did make reference to adults with disabilities as well. The Chairman said Councillor White had got it and it was emphasising what people can do and not what they cannot do. He said the draft policy would now be

adopted across Staffordshire. Members felt a holistic approach from all teams was not being done in at the moment in Staffordshire and this led to different teams not communicating effectively. It was noted that in Staffordshire our special schools are full and so many children are sent outside of the area.

#### **AIR QUALITY IN LICHFIELD**

- 4.3 Following on from discussions at the previous meeting, a Briefing note had been prepared on the Air Quality in Lichfield and this was circulated and published on Brian for the members' attention.

D. Leytham  
Chairman  
Community, Housing and Health (Overview & Scrutiny) Committee

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**FOR: COUNCIL MEETING**

**17 JULY 2018**

**(BUFF ENCLOSURE)**

## **REPORT OF THE CHAIRMAN OF ECONOMIC GROWTH, ENVIRONMENT AND DEVELOPMENT (OVERVIEW AND SCRUTINY) COMMITTEE**

### **PRESENT:**

Councillors Cox (Chairman), Drinkwater (Vice-Chair), Mrs Ealand, Mrs Evans, Mrs Grange, Marshall, Warfield and Mrs Stanhope MBE.

(In accordance with Council Procedure Rule No.17 Councillor Wilcox attended the meeting).

Apologies were received from Councillors Mrs Baker and Mrs Fisher. The Cabinet Member, Councillor Pritchard also gave his apologies and Councillor Wilcox attended in his place.

At the meeting held on 20<sup>th</sup> June 2018 the following matters were considered:

### **1. TERMS OF REFERENCE**

- 1.1 The terms of reference for the Committee were circulated and was noted by members

### **2. WORK PROGRAMME**

- 2.1 The Committee discussed the work programme for the forthcoming year and it was reported that in addition to what had been circulated, it had been arranged to have the Environment Agency attend the September meeting to discuss its rationale regarding providing advice on planning applications.
- 2.2 Members requested an item on back land development policies as many applications had come forward recently and it was agreed that the Chairman would discuss this further with Officers.
- 2.3 It was requested to have an initial briefing paper on performance of self builds in the district as the government were encouraging this. It was reported that there was a Council register that helped match interest to opportunities and so data could be reported.
- 2.4 It was noted that the Chairman and Vice-Chairmen would be meeting with the Cabinet Member to discuss forthcoming items where the Committee could assist and have an input. Members were encouraged to forward any ideas for the work programme to the Chairman.

### **3. LOCAL PLAN UPDATE**

- 3.1 The Committee received a report giving an update on the Local Plan and related spatial planning matters. It was reported that the Local Plan Allocations document had now been submitted to the Planning Inspectorate and was now awaiting an Examination date. It

was then reported that the consultation on the Local Plan Review Scoping document had concluded with around 1000 comments received which were now being analysed by Officers with a report being brought to Members in due course.

- 3.2 The main area of discussion was centred on the Greater Birmingham Housing Market Area Housing Shortfall and the Strategic Growth Study report that had been commissioned by the 14 Local Authorities that make up the Birmingham Housing Market Area, prepared by GL Hearn and Wood. It was emphasised that the study did not recommend numbers of housing to be allocated to each area but was aid to help authorities in the preparation of their respective local plans and to ensure that any future development was appropriate for the area with adequate infrastructure.
- 3.3 Members had concerns as to the impact on the greenbelt and blurred boundaries with other areas and felt the report implied that it should be built on before other sites as the easier option. The Committee also sought reassurance that Birmingham City Council had considered all available brownfield sites. It was reported that not all sites within Birmingham would be allocated for housing or indeed suitable for housing and some might be for employment and other non-housing uses. It was confirmed that the independent study had verified the number of houses required to meet Birmingham's housing supply. It was also reported that from the study, this housing number shortfall had reduced by 10,000 since the original 38,000 figure and with the scope for higher density housing, this could reduce even further.
- 3.4 Members felt that infrastructure was already stretched in the Lichfield District area and this would have to be addressed before any major development occurred.
- 3.5 There was further concern that the study was based on a date range up to 2031 and would set a standard of taking on housing beyond this date.
- 3.6 It was noted that there was an Officer Steering Group for the whole 14 authorities and a position statement would be published in the near future. This would assist those local authorities going through imminent local plan examinations.
- 3.7 The status of the Brookhay proposal near Alrewas was raised in the context of future development in the District, noting that the Lichfield Local Plan Inspector had not discounted this as an option. It was confirmed that there remained keen developer interest in this site and this would need to be considered alongside other locations as part of the Local Plan Review. It was noted that Neighbourhood Plans would be progressing to referendums soon.
- 3.8 The following was agreed.
  - (a) That the progress associated with the Local Plan Allocations and Local Plan Review be noted;
  - (b) That the issues surrounding the Greater Birmingham Housing Market Area Housing Shortfall and the Strategic Growth Study be noted;
  - (c) That the proposal to update the Council's Statement of Community Involvement be noted; and
  - (d) The recent progress in relation to neighbourhood plans within Lichfield District be noted.

Councillor Richard Cox  
Chairman

Economic Growth, Environment and Development (Overview and Scrutiny) Committee

**PLANNING COMMITTEE**

**4 JUNE 2018**

**PRESENT:**

Councillors Marshall (Chairman), Mrs Bacon, Bamborough, Mrs Barnett, Cox, Drinkwater, Mrs Evans, Mrs Little, Matthews, Pritchard, Mrs Stanhope MBE, Strachan and A Yeates

**1 APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Mrs Baker and Councillor Powell.

**2 DECLARATIONS OF INTEREST**

Councillor Mrs Barnett declared a personal interest in application no. 18/00384/FUL as applicant is known to her.

Councillor Mrs Evans declared a personal interest in application no. 18/00276/COU as applicant is known to her.

Councillor Pritchard declared a personal interest in application no. 18/00467/FUL as both the applicant and architect are known to him.

Councillor Strachan declared a prejudicial interest in Tree Preservation Order no. 406-2017 – Paget House, Old Hall Drive, Elford as the applicant is known to him and has discussed the application with him. He agreed to leave the meeting whilst this application was discussed and debated.

**3 MINUTES OF PREVIOUS MEETING**

The Minutes of the Meeting held on 8 May 2018 previously circulated were taken as read, approved as a correct record and signed by the Chairman.

**4 PLANNING APPLICATIONS**

Applications for permission for development were considered with the recommendations of the Director of Place and Community and any letters of representation and petitions together with a supplementary report of observations/representations received since the publication of the agenda in association with Planning Applications 17/00686/OUTM, 17/00977/OUTMEI, 17/01328/FULM, 18/00415/FUL, 18/00155/FUL, 18/00250/FUL, 18/00276/COU, 18/00384/FUL, 18/00467/FUL and 18/00604/FUL.

17/00686/OUTM – Outline application for the demolition of existing structures and redevelopment of the site for residential purposes (use Class C3), public and private open space, car and cycle parking, together with landscaping and associated works (All matters reserved except points of access)

Land East of Gorse Lane, Former Fradley Airfield, Fradley  
For Fradley Parks Development Ltd

**RESOLVED:** (1) That planning permission be approved subject to conditions and the applicant first entering into a Section 106 Agreement related to:-

1. 13% Affordable Housing or as subsequently agreed via a revised viability assessment;
2. On-site open space;
3. The formation of a maintenance management company to maintain the open space, community areas and unadopted roads;
4. Contribution towards primary education school infrastructure;
5. Contribution towards off-site sports pitch provision;
6. Contribution towards enhancement of public transport services, and;
7. Residential travel plan.

And that, (2) If the Section 106 Agreement is not completed by the 7 September 2018 or the expiration of any further agreed extension of time, then powers be delegated to officers to refuse planning permission based on the unacceptability of the development without the require contributions and undertakings as outlined in the report.

(PRIOR TO CONSIDERATION OF THE APPLICATION, REPRESENTATIONS WERE MADE BY MR TIM WARING (APPLICANT'S AGENT))

17/00977/OUTMEI – Outline application with all matters reserved except access for a flexible commercial development of up to 2000 sqm area (Classes A1, A2, A3, B1, D1 and D2), associated parking areas, new access on to the Birmingham Road, provision of strategic landscaping, cycle and pedestrian access routes, infrastructure and other operations including the safeguarding of land for the Lichfield Southern Bypass and safeguarded route for the Lichfield Canal

Land on the East side of Birmingham Road, Lichfield  
For Fossey Investments Ltd.

**RESOLVED:** That planning permission be approved subject to conditions, including those amended by the supplementary report and the applicant first entering into a Section 106 Agreement to secure:-

1. Framework Travel Plan and monitoring sum, and;
2. Maintenance management company.

And, if the Section 106 Agreement is not signed within 3 months of the planning committee resolution to approve, then officer delegated authority be given to refuse planning permission.

(PRIOR TO CONSIDERATION OF THE APPLICATION, REPRESENTATIONS WERE MADE BY MS FIONA MITCHELL (APPLICANT'S AGENT))

17/01328/FULM - Demolition of 12no. dwellings and construction of 27no. dwellings with associated works and widening of existing entrance

Land at 61-83 Main Street and 1-11 Lullington Road, Clifton Campville, Tamworth, Staffordshire

For Bromford Housing

&

18/00415/FUL – Erection of 1 semi-detached 2 bedroom dwelling (to increase the number of dwellings to 28 relating to application 17/01328/FULM)

of 12no. dwellings and construction of 27no. dwellings with associated works and widening of existing entrance

Land at 61-83 Main Street and 1-11 Lullington Road, Clifton Campville, Tamworth, Staffordshire

For Bromford Housing

**RESOLVED:** That planning permission for both applications be approved subject to conditions, including the amended condition contained within the supplementary report and the applicant first entering into a Section 106 Agreement in relation to a contribution towards the River Mease Special Area of Conservation.

And that, if the Section 106 Agreement is not completed by the 3 August 2018 or the expiration of any further agreed extension of time, then powers be delegated to officers to refuse planning permission based on the unacceptability of the development without the require contributions and undertakings as outlined in the report.

(PRIOR TO CONSIDERATION OF THESE APPLICATIONS, REPRESENTATIONS WERE MADE BY PARISH COUNCILLOR NAOMI LIGHT (OBJECTOR) AND MS CLAIRE THOMAS FROM BROMFORD HOUSING (APPLICANT))

18/00155/FUL – Demolition of existing dwelling and erection of 1 no. two bedroom bungalow, 2 no. three bedroom detached dwellings and associated works  
1 Hood Lane, Armitage  
For PIA Housing Ltd

**RESOLVED:** That planning permission be **refused** for the following reasons:-

1. The proposed development, by virtue of siting, scale and massing, would result in an over intensive, unacceptable form of development that is not in keeping with the form and character of the surrounding area nor would integrate successfully within the street scene. The development would therefore be contrary to Core Policy 3 (Delivering Sustainable Development), and Policy BE1 (High Quality Development) of the Lichfield District Local Plan Strategy (2015); guidance in the adopted Supplementary Planning Document: “Sustainable Design” (2015); and the National Planning Policy Framework;
2. The proposed development is of poor design which would not be in keeping with the design of surrounding dwellings, contrary to Core Policy 3 (Delivering Sustainable Development), and Policy BE1 (High Quality Development) of the Lichfield District Local Plan Strategy (2015); guidance in the adopted Supplementary Planning Document: “Sustainable Design” (2015); and the National Planning Policy Framework.

(PRIOR TO CONSIDERATION OF THE APPLICATION, REPRESENTATIONS WERE MADE BY COUNCILLOR RAYNER (OBJECTOR), COUNCILLOR TITTLE (NON-COMMITTEE WARD COUNCILLOR) AND MR ROB DUNCAN (APPLICANT’S AGENT).

18/00250/FUL – Erection of a single storey 2 bedroom detached annexe in rear garden  
74 Park Road, Alrewas  
For Mr and Mrs Spooner

**RESOLVED:** That planning permission be **refused** for the following reasons:-

1. By virtue of the backland form of development and the formation of additional parking area, the proposal would be detrimental to the character and setting of a Grade II Listed Building. The proposal would result in less than substantial harm to Grade II Listed Building with no public benefits provided to outweigh the harm. The development would therefore be contrary to Core Policy 14 (Our Built and Historic Environment) and Policy BE1 (High Quality Development) of the Lichfield District Local Plan Strategy (2015), Historic Environment Supplementary Planning Document and the National Planning Policy Framework;

2. The development, by virtue of the loss of garden and wildlife is contrary to Policies NR3 (Biodiversity, Protected Species & their Habitats) of the Lichfield District Local Plan Strategy (2015), the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework;
3. The development would be unable to provide adequate vehicle turning area within the site to allow vehicles to leave the site in forward gear, without impacting upon the character and setting of the Grade II Listed Building. This would therefore be contrary to Core Policy 14 (Our Built and Historic Environment) and Policy BE1 (High Quality Development) of the Lichfield District Local Plan Strategy (2015), Historic Environment Supplementary Planning Document and the National Planning Policy Framework.

(PRIOR TO CONSIDERATION OF THE APPLICATION, REPRESENTATIONS WERE MADE BY MR ALAN SPOONER (APPLICANT)).

18/00276/COU – Change of use from Post Office and Newsagents (A1) to Dental Surgery (D1), including single storey extension to rear to form office and store and installation of rear parking area

Boora Newsagents and Post Office, 5 Cannock Road, Chase Terrace, Burntwood

For Mr S Mulla

**RESOLVED:** That this application be deferred until outcome of Asset of Community Value application is decided.

18/00384/FUL – Two storey extension to side to form kitchen, dining area and sitting room at ground floor level and from 1no bedroom, 2no ensuites and extend existing bedroom at first floor level, including demolition to existing side extension and front porch

Manor Croft, Manor Park, Kings Bromley

For Mrs S Crittenden

**RESOLVED:** That planning permission be approved subject to the following conditions and reasons:–

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission;
2. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject;
3. Notwithstanding any description/details of external materials in the application plans or documents, before the development hereby approved is commenced, full details of the following shall be submitted to and approved in writing by the Local Planning Authority:-
  - a) External bricks;
  - b) External tiles;
  - c) Full details of the brick bond to be used;
  - d) Full details of rainwater goods, their materials and design;
  - e) Full details of the flue;
  - f) Full details consisting of sections at a minimum scale of 1:5 and elevations at 1:20, of all new external joinery including fenestration and doors and the proposed exterior finish.

The development shall thereafter be carried out in accordance with the approved details, and retained as such for the life of the development;

4. Before the development hereby approved is commenced, full details of the construction and implementation of the works to the gravelled patio area at the rear of the property, shall be submitted to and approved in writing by the Local Planning

- Authority. The development shall thereafter be carried out in accordance with the approved details, and retained as such for the life of the development;
5. Before the development hereby approved including any demolition and/or site clearance works is commenced or any equipment, machinery or materials is brought onto site, full details of protective fencing and/or other protective measures to safeguard existing trees on the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed tree protection measures shall thereafter be provided in accordance with the approved details and retained for the duration of construction (including any demolition and/or site clearance works), unless otherwise agreed in writing by the Local Planning Authority. No fires, excavation, change in levels, storage of materials, vehicles or plant, cement or cement mixing, discharge of liquids, site facilities or passage of vehicles, plant or pedestrians, shall occur within the protected areas. The approved scheme shall be kept in place until all parts of the development have been completed, and all equipment; machinery and surplus materials have been removed;
  6. The finished floor levels of the development hereby approved must be set no lower than the existing levels and raised up to 61.75m above Ordnance Datum (AOD) where possible;
  7. The development hereby approved shall be carried out having full regard to all recommendations and methods of working as detailed within the Bat and Bird Building Survey, prepared by S Christopher Smith, dated 27 July 2017, as submitted with the application;
  8. Within one month of completion, a bat or bird box shall be installed within the site. The bat or bird box shall thereafter be retained as such for the life of the development;
  9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order 2015 (as amended), (or any Order revoking and re-enacting the Order with or without modification) the dwelling shall not be enlarged or extended without the prior written permission, on application, to the Local Planning Authority.

Reasons for conditions:

1. In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.
2. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy BE1 of the Local Plan Strategy and Government Guidance contained in the National Planning Practice Guidance.
3. To ensure the satisfactory appearance of the development and safeguard the character of the Kings Bromley Conservation Area and the locally listed building, in accordance with the requirements of Core Policy 14 and Policy BE1 of the Local Plan Strategy, Local Plan Saved Policy C2, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.
4. To safeguard the existing trees and special character of the Kings Bromley Conservation Area, in accordance with the requirements of Core Policy 14 and Policies NR4 and BE1 of the Local Plan Strategy, Local Plan Saved Policy C2, the Trees, Landscaping & Development Supplementary Planning Document and the National Planning Policy Framework.
5. To safeguard the existing trees and special character of the Kings Bromley Conservation Area in accordance with the requirements of Core Policy 14 and Policies NR4 and BE1 of the Local Plan Strategy, Local Plan Saved Policy C2, the Trees, Landscaping & Development Supplementary Planning Document and the National Planning Policy Framework.
6. To reduce the risk of flooding to the development and future occupants; to prevent the increased risk of flooding; to improve and protect water quality; improve habitat and amenity; and ensure future maintenance of the system, in accordance with

Core Policy 3 and Policy NR9 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.

7. To ensure measures are implemented to protect and enhance local bat and bird populations, in accordance with Policy NR3 of the Local Plan Strategy, the Biodiversity & Development Supplementary Planning Document and the National Planning Policy Framework.
8. In order to encourage enhancements in biodiversity and habitat, in accordance with the requirements of Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.
9. To ensure the satisfactory appearance of the development and safeguard the character of the Kings Bromley Conservation Area and the locally listed building, in accordance with the requirements of Core Policy 14 and Policy BE1 of the Local Plan Strategy, Local Plan Saved Policy C2, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.

(PRIOR TO CONSIDERATION OF THE APPLICATION, REPRESENTATIONS WERE MADE BY MR EDWIN ONIONS (AGENT))

18/00467/FUL – Variation of condition 9 of application 13/01328/COU to allow increased opening hours  
Fish Face, Willow Court, Tamworth Road, Lichfield  
For Mr W Cooper

**RESOLVED:** That planning permission be approved subject to conditions contained in the report and supplementary report of the Director of Place and Community.

(PRIOR TO CONSIDERATION OF THE APPLICATION, REPRESENTATIONS WERE MADE BY MR PHILIP ALLSO (OBJECTOR) AND MR MARK DAUNCEY (APPLICANT'S REPRESENTATIVE))

18/00604/FUL – Retrospective application to increase height of southern boundary wall to 2.40m, dwarf wall at front to 1.2m with pillars at 1.36m and 1.45m (Amendment to Application 14/00310/FUL)  
11 Field Road, Lichfield  
For Mrs J McKenna

**RESOLVED:** That planning permission be approved subject to conditions contained in the report of the Director of Place and Community.

(PRIOR TO CONSIDERATION OF THE APPLICATION, REPRESENTATIONS WERE MADE BY MR EDWARD MCKENNA (APPLICANT))

**5 TREE PRESERVATION ORDER NO. 406-2017 - PAGET HOUSE, OLD HALL DRIVE, ELFORD**

Tree Preservation Order No. 406-2017 at Paget House, Old Hall Drive, Elford, Staffordshire. B79 9BZ



**RESOLVED:** That the Planning Committee confirm the Tree Preservation Order without modifications.

(PRIOR TO CONSIDERATION OF THE APPLICATION, REPRESENTATION WAS MADE BY MR REUBEN HAYES (CLIENT'S AGENT)

(The Meeting closed at 9.40 pm)

CHAIRMAN

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# PLANNING COMMITTEE

2 JULY 2018

## PRESENT:

Councillors Marshall (Chairman), Mrs Bacon, Mrs Baker, Bamborough, Mrs Barnett, Cox, Drinkwater, Mrs Evans, Mrs Little, Matthews, Pritchard and Strachan

## 6 APOLOGIES FOR ABSENCE

Apologies were received from Councillor Mrs Stanhope MBE and Councillor A Yeates.

## 7 DECLARATIONS OF INTEREST

There were no declarations of interests.

## 8 MINUTES OF PREVIOUS MEETING

The Minutes of the Meeting held on 4 June 2018 previously circulated were taken as read, approved as a correct record and signed by the Chairman.

## 9 PLANNING APPLICATIONS

Applications for permission for development were considered with the recommendations of the Director of Place and Community and any letters of representation and petitions together with a supplementary report of observations/representations received since the publication of the agenda in association with Planning Applications 17/01191/OUFMEI and 18/00538/COU.

17/01191/OUFMEI – Hybrid planning application comprising full planning application for the construction of a sustainable mixed use urban extension comprising of 475 dwellings, new vehicular access points onto Claypit Lane and Birmingham Road, the remodelling and formation of a roundabout at the junction of Fossey Lane and Claypit Lane, comprehensive green infrastructure including up to 16.55 ha of country park, footpaths, cycleways, multifunctional open space including children's play areas, community orchard, open space for informal sport and sustainable urban drainage systems, foul and surface water drainage infrastructure including balancing ponds, and other ancillary infrastructure and ground remodelling with outline applications for the serviced provision of 1.09 ha of land for a primary school and 1.9 ha for strategic sports provision with all matters reserved except access Deanslade Park, Land South of Falkland Road, Lichfield, Staffordshire  
For Deanslade Park Consortium

**RESOLVED:-** Subject to the applicant first submitting revised details to demonstrate that acceptable vehicular access will be provided to serve 4 dwellings adjacent to Claypit Lane and that delegated authority be conferred on the Planning Development Manager in liaison with the Chairman and Vice-Chairman to agree such alternative layout in this regard. Then:

- (1) Subject to the owners/applicants first entering into a Section 106 Legal Agreement under the Town and Country Planning Act (as amended) to secure contributions/planning obligations towards:-
  1. On-site affordable housing provision;
  2. On-site Public Open Space Provision (including Delivery of Country Park);
  3. On-site Sports Provision (including changing facilities);

4. Bus Service and Travel Pack Contribution;
5. Primary School Education Contribution;
6. Travel Plan;
7. Off-site highway works;
8. Maintenance Management Company.

Planning permission be approved, subject to conditions, as set out in the main report, as amended in the supplementary report and an additional condition to read as follows:

Condition: The site compounds hereby approved as shown on approved plan P16-0237\_29 Revision 1 shall be removed from the site and the land altered to the use and appearance as agreed under the requirements of condition 10, within 6 months of completion of the residential properties.

Reason: To ensure that the approved Open Space, Landscaping and Country Park schemes, which are to enhance the development, are fully implemented and in order to protect the openness of the Green Belt, in accordance with the provisions of Policies BE1, HSC1, NR2 and NR4 of the Local Plan Strategy, the Trees, Landscaping and Development Supplementary Planning Document and the National Planning Policy Framework.

- (2) If the S106 legal agreement is not signed/completed by the 2 November 2018 or the expiration of any further agreed extension of time, then powers be delegated to officers to refuse planning permission based on the unacceptability of the development without the required contributions and undertakings as outlined in the report.

18/00538/COU – Change of use of public open space to form an increase in the garden area of the adjacent property, including installation of new 2.0m high boundary fence, demolition of existing boundary wall, and installation of new timber gate  
14 Bloomsbury Way, Lichfield  
For Mr D Cobb

**RESOLVED:-** That planning permission be **refused** for the following reason:-

The boundary treatment, by virtue of its siting, height and proximity to the public footpath would result in an over-dominant and incongruous form of development which would create an inactive edge directly adjacent a public footpath. Furthermore, it would enclose and narrow the area around the public footpath, detracting from the character and appearance of the area to the detriment of the public amenity. The proposal would therefore be contrary to Core Policy 3 (Delivering Sustainable Development) and Policy BE1 (High Quality Development) of the Lichfield District Local Plan Strategy 2015; the Sustainable Design Supplementary Planning Document and Government Guidance contained in the National Planning Policy Framework (2012).

(The Meeting closed at 7.09 pm)

CHAIRMAN

**CHANGES TO THE MEMBERSHIP OF COMMITTEES AND OUTSIDE BODIES**

<b>Committee</b>	<b>Change</b>
Strategic (Overview and Scrutiny) Committee	Add Cllr Rayner
Crime and Police Panel	Cllr A Yeates to replace Cllr Pullen
Cannock Chase AONB	Cllr Leytham to replace Cllr Eadie
Staffordshire and Stoke on Trent Joint Waste Board.	Cllr Leytham to replace Cllr Eadie
Healthy Staffordshire Select Committee	Cllr Mrs Baker to replace Cllr Leytham

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## Revised Pay Policy Statement

Report of Chair of Employment Committee

Date: 17<sup>th</sup> July 2018

Contact Officer: Christie Tims, Head of Corporate Services

Tel Number: 01543 308100

Email: Christie.tims@lichfielddc.gov.uk

Key Decision **NO**

Local Ward **None**

Members



**Council**

### 1. Executive Summary

- 1.1 The Council is required under Section 38 of the Localism Act 2011 to prepare and publish a Pay Policy Statement for 2018/19.
- 1.2 To approve adoption and publication of the updated Pay Policy Statement as recommended by the Employment Committee of 3<sup>rd</sup> July 2018.

### 2. Recommendations

- 2.1 It is recommended that Full Council approves the 2018/19 Pay Policy Statement as set out in **APPENDIX A** for approval.

### 3. Background

- 3.1 Under section 112 of the Local Government Act 1972, the Council has the “power to appoint officers on such reasonable terms and conditions as the authority thinks fit”.
- 3.2 The Pay Policy Statement (attached at **APPENDIX A**) sets out the Council’s approach to pay policy in respect of such officers in accordance with the requirements of Section 38 of the Localism Act 2011. The purpose of the statement is to provide transparency with regard to the Council’s approach to setting the pay of its employees by identifying;
  - the methods by which salaries of all employees are determined;
  - the detail and level of remuneration of its senior managers i.e. ‘chief officers’, as defined by the relevant legislation;
  - the relationship between the remuneration of its chief officers, those who are not chief officers and the lowest paid;
  - the most recent gender pay gap figures available.
- 3.3 The Council’s pay structure is largely based on the Council’s Single Status Agreement and on the National Joint Council for Local Government Services job evaluation scheme which has the support of both trade unions and employees. Any changes to jobs or new jobs go through a job evaluation process to ensure that there is consistency and fairness in place. The salaries are set according to the national pay grading scale (pay grades attached at **APPENDIX A within the Pay Policy Statement**). The senior management structure is at **APPENDIX B within the Pay Policy Statement**
- 3.4 The detailed information regarding pay and conditions is set out in the statement attached at **APPENDIX A**. This will be updated annually in accordance with the legislative requirements.

Alternative Options	None
Consultation	Employee Representatives have been consulted with regard to this report requirement.
Financial Implications	This report sets out the existing financial obligations regarding pay policy.
Contribution to the Delivery of the Strategic Plan	Employment of officers is necessary to ensure the delivery of the Strategic Plan
Equality, Diversity and Human Rights Implications	There are no implications for anyone with protected characteristics as this policy applies to all employees equally.
Crime & Safety Issues	There are no implications.

	Risk Description	How We Manage It	Severity of Risk (RYG)
A	Non - compliance with legislation or challenges on equal pay	Through the publication of an annual pay policy statement and maintaining a consistent approach to conducting Job Evaluation.	Green
Background documents			



# Pay Policy Statement

Updated June 2018

## 1. Introduction and purpose

Under section 112 of the Local Government Act 1972, the council has the 'power to appoint officers on such reasonable terms and conditions as the authority thinks fit'.

This Pay Policy Statement (the 'statement') sets out the council's approach to its pay, terms and conditions and other related matters in accordance with the requirements of Section 38 of the Localism Act 2011.

Once approved by the full Council, this Pay Policy Statement will come into immediate effect and will be subject to review on an annual basis, in accordance with the relevant legislation prevailing at that time.

## Lichfield District Council

Lichfield District Council employs 312 staff (as at 31<sup>st</sup> May 2018), excluding casual workers, contractors, and agency workers) and provides a wide range of services managed through the Chief Executive's office and two directorates

## The Chief Executive

The Chief Executive leads the organisation by translating members' aspirations into practical solutions and delivery. They also:

- Act as lead advisor to Elected Members
- Undertake the statutory role of Head of Paid Service
- Lead and support the council's governance arrangement
- Are responsible for civic and ceremonial functions.

## The Directorates

### Place and Community

This Directorate undertakes the strategic lead on:

- Sustainable economic development, planning policy, development plans and implementation, development control and enforcement, urban design and conservation, building control and land charges, city and town centre regeneration and development.
- Arboriculture services, countryside, biodiversity, rural strategy and planning.
- Inward investment and developing the economy, business support and partnerships, and tourism, car parking strategy and management of off street parking enforcement.

- Housing, including housing need and investment and affordable housing planning and development. Lead on housing partnerships, housing with support and travelling families.
- Homelessness strategy and responsibilities, including private sector housing investment and regulation.
- Enforcement and regulation, including contaminated land, pollution, nuisance, air quality.
- Health and safety enforcement and regulation, including food safety, occupational health and safety, infectious disease.
- Public health and protection, including taxi, liquor and miscellaneous licensing. Lead on community regeneration and development, including building social capital, community hubs and community transport.
- Links with the voluntary sector; grant aid and commissioning grant funded services. Safer and Stronger communities including the Community Safety Partnership and closed circuit television.
- Emergency planning, with business continuity in conjunction with Staffordshire Civil Contingencies Unit.
- Lichfield District Strategic Partnership (LDSP) and District Board. Lead on older people, children and young people and safeguarding policy.
- Physical Activity and Sport Development partnerships, reservoir management, outdoor sports and play provision and the management of parks and open spaces, including Beacon Park.
- Supporting strategic partnerships focusing on green matters including Cannock Chase AONB and managing the council's countryside assets.
- Quality of the local environment and the delivery of in-house street scene services, including street cleansing and fly-tipping, abandoned vehicles, fleet management, grounds maintenance, public conveniences, and shop mobility
- The Joint Waste service, with Chief Executive of Tamworth Borough Council in respect of waste collection and recycling, sustainable waste management, including partnership support, environmental education and awareness.

## **Transformation & Resources**

This Directorate undertakes the strategic lead on:

- Assets, premises and the council's property portfolio.
- Legal services, including probity and contracts.
- Democratic services, governance, data protection and Freedom of Information.
- Electoral services, management of elections.
- Strategic planning and performance management for the Council, including accountability to Members, quality assurance, customer complaints, ombudsman investigations, MP enquiries, community research, and equalities.
- Provision of corporate customer services (Lichfield Connects), including development of supporting technology.
- Corporate lead on health and safety, insurance and the council's Employee Liaison Group.
- Corporate communications.
- Human Resources services.
- Administration and collection of local taxation, including council tax and business rates (NNDR) and BID levy, housing benefits and council tax reductions, arrears collection for council tax, business rates, benefits overpayments and sundry debts.
- Policy development on debt recovery and its management.

- Anti-fraud policy and awareness, internal audit, risk management, procurement, development & maintenance of corporate information systems, including geographical information systems (GIS), the Property Gazetteer and street naming and numbering.
- Financial probity, strategic financial management, treasury and investment funds, and revenue and capital strategy. Management of accounts and reconciliation and the management of external funding.

## 2. Legislative framework

In determining the pay and remuneration of its employees, the council will comply with all relevant employment legislation. This includes the Equality Act 2010, Part Time Employment (Prevention of Less Favourable Treatment) Regulations 2000, The Agency Workers Regulations 2010 and where relevant, the Transfer of Undertakings (Protection of Earnings) Regulations (TUPE).

With regard to the Equal Pay requirements contained within the Equality Act, the council ensures there is no pay discrimination within its pay structures and that all pay differentials can be objectively justified through the use of equality proofed job evaluation mechanisms, which directly relate salaries to the requirements, demands and responsibilities of the role.

The council also complies with the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 which require public sector employers with 250 or more employees to publish their gender pay gap information.

The current published pay differential can be found on our website at:

<https://www.lichfielddc.gov.uk/Council/Gender-pay-report.aspx>

## 3. Pay structure

The underpinning mechanism in delivering the council's pay structure is the council's job evaluation system and the Single Status Agreement. This ensures all employees are rewarded according to the demands and responsibilities of their job and that there are no discriminatory elements.

The posts of the majority of employees have been assessed using a National Joint Council for Local Government Services job evaluation scheme and which is supported by both the national trade unions and council employees.

The Single Status Agreement ensures that there is consistency and fairness in its terms and conditions, including pay that the council offers to its employees.

The grades of Chief Officers have been evaluated through the Hay Job evaluation process.

Any changes to jobs or new jobs go through this job evaluation process to ensure that there is consistency and fairness in place. Based on the application of the job evaluation process, the council uses the nationally negotiated pay scale as the basis for its local grading structure. **Appendix 1** shows the Lichfield District Council NJC pay grades.

The Local Government Association (LGA) represents the council in national pay negotiations with trade unions and the government over pay and conditions.

In determining its grading structure and setting remuneration levels for all posts, the council also takes into account the need to ensure value for money in respect of the use of public funds, balanced against the need to recruit and retain employees who are able to meet the requirements

of their respective roles, and provide timely high quality services to the community, delivered effectively and efficiently.

New appointments will be made at the relevant rate to ensure the best candidate is secured and wherever possible this should be the lowest scale point within the grade. If an internal candidate is appointed on promotion then as a point of principle they should be offered the next available rate within the grade as a minimum.

From time to time it may be necessary to take account of the external pay market in order to attract and retain employees with particular experience, skills and capacity. Where necessary, the council will ensure the requirement for such is objectively justified by reference to clear and transparent evidence of relevant market comparators, using appropriate data sources available from within and outside the local government sector. This is known as a 'market supplement'.

Where appropriate a shared service payment may also be made to an officer who is managing a service on behalf of another council.

In addition we have an *Acting up Recognition Policy* (payment of an Honorarium), where a lower graded employee may be asked to take on the duties of a higher graded post, due to vacancy or other absence, where the employee possesses the appropriate skills and is agreeable to do so. There are currently no honorarium payments in place.

Payments for the Deputy Monitoring Officer and Deputy Section 151 Officer are also paid as a supplement to officers who sit outside of the senior leadership team for their additional responsibilities in carrying out statutory functions.

All other pay related allowances are the subject to either nationally or locally negotiated rates, having been determined from time to time in accordance with collective bargaining machinery and/or as determined by council policy.

Current details of 'additional pay' which are chargeable to UK Income Tax and do not solely constitute reimbursement of expenses incurred in the fulfilment of duties, are set out below:

<b>Additional Payment</b>	<b>Numbers</b>	<b>Pay range FTE Per annum £</b>
Shared Service Payment	2	3528- 4459
Market Supplement	4	2500-5767
Deputy Monitoring and Deputy Section 151 Officers	2	2899-2942

## **Apprenticeships**

In order to meet our obligations under the Enterprise Act 2016, <https://www.gov.uk/government/news/enterprise-act-becomes-law> which has enabled the Government to set ambitious targets for the public sector to have up to 2.3% of their workforce in an apprentice annually.

Our aim is to (where budgets, suitable vacancies and available registered training providers are available) achieve our target of up to 7 new apprentices during 2018/19. All vacancies will be considered by relevant Directors together with Heads of Service to ensure that opportunities for different ways of working are explored, that we have considered if the vacant post can be filled by an

Apprentice, and that appointments are made on the most appropriate basis and only when essential to ongoing service delivery. We aim to pay new recruits to an apprenticeships in line with the Apprenticeship rates as at April 2018 - **see Appendix 1.**

A statutory report will need to be published by September 2018 regarding our progress in using the Apprenticeship Levy and meeting the 2.3% workforce target. There are currently 4 active Apprenticeships being funded by the levy, with a further 3 planned before the reporting date.

#### **4. Definition of a Chief Officer**

Section 43 of the Act defines the meaning of a Chief Officer and refers to the Local Government and Housing Act 1989. Statutorily the Chief Officers at Lichfield District Council are the Chief Executive and the two directors but locally, the council has extended the definition of a Chief Officer to include the following:

- The Head of Paid Service; –the Chief Executive
- Statutory Chief Officers – these are the council’s two directors
- Heads of Service (8 posts)
- Assistant Chief Executive

The Chief Officers' Structure is shown on **Appendix 2.**

#### **5. Chief Officers’ remuneration**

##### **Chief Executive, Directors, Heads of Service and Assistant Chief Executive**

The current levels of remuneration are:

##### **Heads of Service (HoS) and Assistant Chief Executive**

The Assistant Chief Executive reports directly to the Chief Executive and the Heads of Service report directly to a Director and are paid on the Hay Scale, and are classed as part of the Leadership Team (for the purposes of the act). These officers are paid in a range of five incremental points between £57,794 and £63,048.

##### **Directors**

The salaries of posts within a range of four incremental points between £80,355 and £84,991.

##### **Chief Executive**

The chief executive salary falls within a range of four incremental points between £96,970, rising to a maximum of £102,848, not inclusive of any payment for Returning Officer duties, with the exception of District and Parish elections, payment for which is included in the salary.

#### **6. Performance related pay for the Chief Executive**

The scheme allows for an assessment of performance on an annual basis and a payment to reflect performance achievements delivered by the posts of the Chief Executive. The performance measures and targets are agreed for the Chief Executive who is appraised by the Leader, Deputy Leader and Leader of the Opposition. The amount awarded is based on the following:

- The maximum payable 10% of current salary.
- Targets substantially met – full payment.

- At least 50% of targets met, with justification all targets have not been substantially met – a payment of between 50% and 75%.
- Less than 50% of targets met – no payment.

## 7. Other pay additions

In addition to basic salary, described below are details of other elements of ‘additional pay’ which are chargeable to UK Income Tax and do not solely constitute reimbursement of expenses incurred in the fulfilment of duties:

- Fees paid for Returning Officer duties where identified and paid separately. This applies solely to the Chief Executive and relates to fees, which are set by the Government for Parliamentary elections and through agreement with Staffordshire County Council, for County Council elections, using a pence per elector for the calculation. Fees for the district and parish local elections are included in the Chief Executive salary level.
- Essential user car allowance is £80.25 or £70.50 per month dependent on the size of vehicle. These rates are applicable to all employees who are essential car users. There are currently 80 employees receiving an essential car user’s allowance.

## 8. Payments on termination

The council’s approach to statutory and discretionary payments on termination of employment of chief officers, prior to reaching normal retirement age, is set out within its policy statement in accordance with Regulations 5 and 6 of the Local Government (Early Termination of Employment), (Discretionary Compensation) Regulations 2006 [and if adopted] Regulations 12 and 13 of the Local Government Pension Scheme (Benefits, Membership and Contribution) Regulations 2007.

The details of payments are set out in the Council’s Discretionary Payment Policy. These policies apply equally to all council employees.

## 9. Lowest paid employees

The lowest paid people employed under a contract of employment with the council would be employed on a full time [37 hours] equivalent salary, set at the minimum pay point currently in use within the council’s grading structure (see **Appendix 2**) which is currently £8.50 per hour.

The council employs apprentices who are not included in the definition of ‘lowest paid employees’ as the terms and conditions are determined by the National Apprenticeship Services.

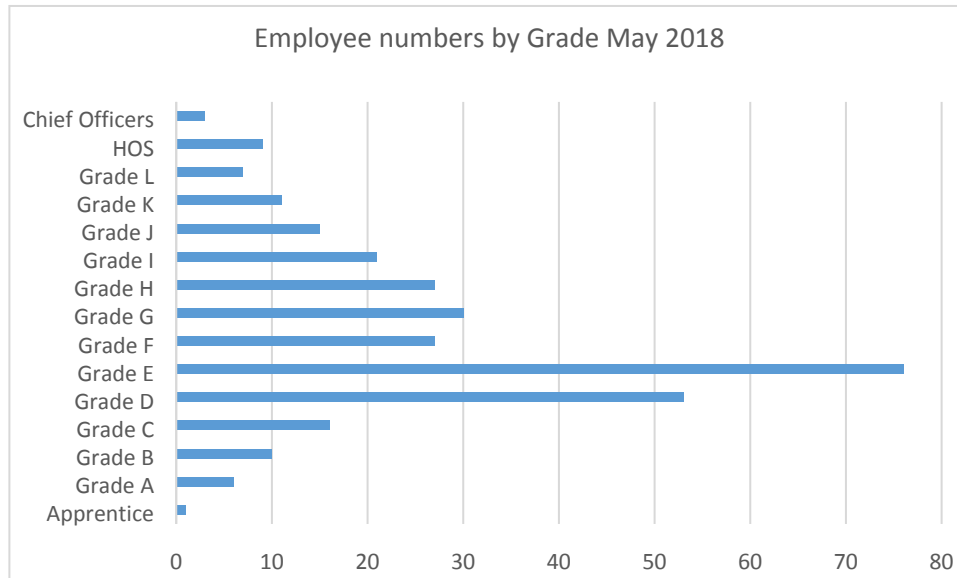
## 10. Pay relationship

The relationship between the rate of pay for the lowest paid and chief officers is determined by the processes used for determining pay and grading structures as set out earlier in this policy statement.

The statutory guidance under the Localism Act recommends the use of pay multiples as a means of measuring the relationship between pay rates across the workforce, and that of senior managers. This is detailed in the Hutton ‘Review of Fair Pay in the Public Sector’ (2010). The Hutton Report explored the case for a fixed limit on dispersion of pay through a requirement that no public sector manager can earn more than 20 times the salary of the lowest paid person in the organisation. The report concluded that the relationship to median earnings was a more relevant measure, and the Government’s Code of Recommended Practice on Data Transparency recommends the publication

of the ratio between highest paid salary and the median average salary of the whole of the authority's workforce.

The graph below shows the relationship numbers of staff on the different pay grades within the council:



The current pay levels within the council define the multiple between the lowest paid (full time equivalent) employee and the Chief Executive ratio is **1 to 6.23** and between the lowest paid employee and median average chief officer as **1 to 3.85**. The multiple between the median average full time equivalent earnings and the Chief Executive is **1 to 4.88**, and between the median average full time equivalent earnings and median average chief officer it is **1 to 3.02**.

As part of its overall and ongoing monitoring of alignment with external pay markets, both within and outside the sector, the council uses available benchmark information as appropriate and undertakes an Equal Pay audit on a regular basis.

## 11. Publication

Upon approval by Full Council, this statement will be published on the Council's Website. In addition, for posts where the full time equivalent salary is at least £50,000, the council's Annual Statement of Accounts will include a note setting out the total amount of:

- salary, fees or allowances paid to, or receivable, by the person in the current and previous year.
- any bonuses paid or receivable by the person in the current and previous year.
- any sums payable by way of expenses allowance that are chargeable to UK income tax.
- any compensation for loss of employment and any other payments connected with termination.
- any benefits received that do not fall within the above.

## 12. Accountability and decision making

In accordance with the constitution of the council, the Employment Committee is responsible to the council for functions relating to employment matters including establishing the overall framework for remuneration and terms and conditions of employment.

## Appendix 1

### National Joint Council for Local Government Services

April 2018 - March 2019

<b>BAND A</b>		<b>Hour</b>
A6	16394	8.50
A7	16495	8.55

<b>BAND B</b>		
B7	16495	8.55
B8	16626	8.62
B9	16755	8.68
B10	16863	8.74
B11	17007	8.82

<b>BAND C</b>		
C11	17007	8.82
C12	17173	8.90
C13	17391	9.01
C14	17681	9.16

<b>BAND D</b>		
D14	17681	9.16
D15	17972	9.32
D16	18319	9.50
D17	18672	9.68
D18	18870	9.78

<b>BAND E</b>		
E18	18870	9.78
E19	19446	10.08
E20	19819	10.27
E21	20541	10.65
E22	21074	10.92

<b>BAND F</b>		
F22	21074	10.92
F23	21693	11.24
F24	22401	11.61
F25	23111	11.98
F26	23866	12.37

<b>BAND G</b>		<b>Hour</b>
G26	23866	12.37
G27	24657	12.78
G28	25463	13.20
G29	26470	13.72
G30	27358	14.18

<b>BAND H</b>		
H30	27358	14.18
H31	28221	14.63
H32	29055	15.06
H33	29909	15.50
H34	30756	15.94

<b>BAND I</b>		
I34	30756	15.94
I35	31401	16.28
I36	32233	16.71
I37	33136	17.18
I38	34106	17.68

<b>BAND J</b>		
J38	34106	17.68
J39	35229	18.26
J40	36153	18.74
J41	37107	19.23

<b>BAND K</b>		
K41	37107	19.23
K42	38052	19.72
K43	39002	20.22
K44	39961	20.71
K45	40858	21.18

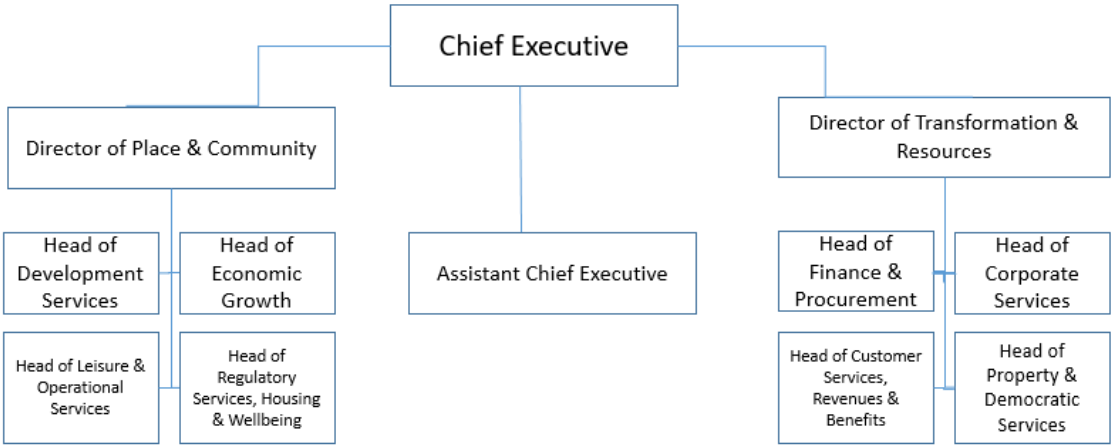
<b>BAND L</b>		
L45	40858	21.18
L46	41846	21.69
L47	42806	22.19
L48	43757	22.68
L49	44697	23.17

Apprentice Rate– under 19 or 19 and over and in the first year of their apprenticeship - £3.70 per hour



Lichfield District Council  
Chief Officer Structure

Appendix 2



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