

Public Document Pack

LICHFIELD DISTRICT COUNCIL

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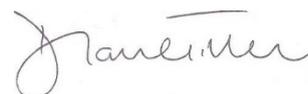
13 May 2019

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, 21 MAY 2019** at **6.00 pm**.

Prayers will be said by the Chairman

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. Election of Chairman of the Council for the ensuing year
 - (i) *The elected Chairman to sign the Declaration of Acceptance of Office and be invested with the Chairman's Chain and badge of office*
 - (ii) *The Chairman's consort to be invested with his/her badge of office*
 - (iii) *The retiring Chairman and his consort to be invested with their replica badges of office.*
4. To approve as a correct record the Minutes of the previous meeting *Pages 5 - 13*
5. To receive the Returning Officer's Certificate of Election of District Councillors on 2 May 2019 and her report on Councillor's Declarations of Acceptance of Office - Appendix A (white enclosure) (to follow).
6. Appointment of Vice-Chairman of the Council for the ensuing year
 - (i) *The elected Chairman to sign the Declaration of Acceptance of Office and be invested with the Chairman's Chain and badge of office*
 - (ii) *The Chairman's consort to be invested with his/her badge of office*
 - (iii) *The retiring Chairman and his consort to be invested with their replica badges of office.*
7. Chairman's Announcements

8. To move that the proceedings of the following committees be received and, where necessary, approved and adopted.

Committee	2019	Pages
Audit & Member Standards	24 April	15 - 19
Planning	29 April	21- 22

9. Election of the Leader and the Deputy Leader of the Council

10. Membership of Cabinet, committees and panels including allocation of seats and appointments by political groups

- (a) To agree that the constitution and political allocation of seats on committees and panels be as indicated in APPENDIX B (GREEN ENCLOSURE) (to follow)
- (b) To receive from the Group Leaders a list of appointments to the Cabinet, committees and panels subject to no Member being disqualified from serving due to a conflict of interest APPENDIX C (YELLOW ENCLOSURE) (to follow)
- (c) To agree that the Constitution be amended to reflect any changes made.

11. Election of Chairmen and Appointment of Vice-Chairmen of committees, panels etc.

The Leader of the Council to move that the Chairmen and Vice-Chairmen of committees and panels etc. be as indicated in APPENDIX D (BLUE ENCLOSURE) (to follow)

12. Appointment of representatives on outside bodies

To consider and approve the report APPENDIX E (GOLD ENCLOSURE), regarding appointments of representatives on outside bodies (to follow)

13. Amendments to the Constitution

To agree the changes to the constitution set out in the report at APPENDIX F (WHITE ENCLOSURE) (to follow)

14. Motions on Notice

- (i) The following Motion has been submitted by Councillor White:

"This council proposes that the leader should write to Government to request that all enabling works for HS2 in Lichfield District should be paused until the notice to proceed to main works contractors has been approved. As required by the Department of Transport, notice to proceed should not be given until management capability, affordability of contracts and robustness of revised business case have all been proven. We see no reason why the District should suffer significant disruption and long term environmental destruction until detailed design and cost has been approved. We also ask that HS2 Ltd significantly improves the effectiveness of its community engagement with those impacted by the line."

(ii) The following motion has been submitted by Councillor Mrs Lax:

“That this Council addresses, in all its written, digital and verbal communications, all of its Members in a consistent, respectful and equal manner which does not differentiate between their gender or their marital status.

It has been custom and practice for the Council to add the honorific title to female councillors, but not to do so for male councillors. It is recognised that this was only ever intended to be polite and respectful but it is felt that addressing all Members in the same consistent manner better reflects our ambitions to be truly inclusive and empowering. Of course, to differentiate between Councillors with the same surname, we can use their given name rather than their title.”

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COUNCIL

16 APRIL 2019

PRESENT:

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

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

40 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Ball, Houlton, Miss Shepherd and Mrs Stanhope MBE.

41 DECLARATIONS OF INTEREST

There were no declarations of interest.

42 TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE PREVIOUS MEETING

It was proposed and duly seconded that the Minutes of the Meeting of the Council held on 19 February 2019 as printed and previously circulated be taken as read, and approved as a correct record subject to the non-emergency police telephone number at Minute 25(27) being amended to read 101.

43 CHAIRMAN'S ANNOUNCEMENTS

(a) Shrovetide Pancake Races

The Chairman reported that he had joined the Mayor of Lichfield and his guests for the annual Shrovetide Races held in Bore Street, Lichfield and the traditional opening of the annual Shrovetide Fair.

(b) St Mary's Church, Lichfield

The Chairman advised that he had attended the official opening by the novelist Salley Vickers of St Mary's, Lichfield Library and the Tourist Information Centre.

(c) Beacon Park Wheelchair Accessible Swing

The Chairman said he was privileged to join fundraisers from Lichfield Round Table, Lichfield Ladies and other groups, together with family and friends at the opening of a wheelchair accessible swing dedicated to the memory of Isla Elizabeth Hufton. Isla suffered from Mitochondrial DNA Depletion Syndrome and sadly died in 2016 when she was just 18 months old. He noted the swing would be a wonderful addition to the play area in Beacon Park.

(d) Community Church Chase Terrace

The Chairman reported that he had attended a surprise retirement party for Ms Kathy Coe MBE in honour of her long service and dedicated work on the Pathway Project.

44 DESIGNATION OF INTERIM MONITORING OFFICER

It was report that the Local Government and Housing Act (1989) obliged the Council to designate an officer as Monitoring Officer.

The previous Monitoring Officer had now left the employment of the Council and pending a review of the management team structure it was recommended that Ms Christie Tims be designated interim Monitoring Officer.

Councillor Mrs Woodward welcomed the recommendation. She said the Council was fortunate to have the statutory officers it did (S151 officer, Head of Paid Service and proposed new Monitoring Officer), and would like to thank them for the work they did for the Authority and for Members.

The proposal was moved by Councillor Spruce, seconded by Councillor Wilcox and it was

RESOLVED: That Ms Christie Tims, Head of Corporate Services be designated as the Interim Monitoring Officer.

45 REPORT OF THE LEADER OF THE COUNCIL ON CABINET DECISIONS FROM THE MEETINGS HELD ON 12 MARCH AND 9 APRIL 2019 AND CABINET MEMBER DECISIONS.

5 – Allocation of Strategic Community Infrastructure Levy (CIL) Funding

Councillor Mrs Woodward said a lot had been learned during the first award of CIL funding and the criteria had been tightened. She noted that applicants were required to have proper governance structures and milestones within their business plans.

The criteria would be shared with future bidders and Councillor Mrs Woodward hoped organisations would come forward and see what they could do for the District via the infrastructure levy.

6 – Homelessness and Rough Sleeper Pathway Proposals and Potential Use of S106 Commuted Sums

Councillor Mrs Evans congratulated Councillor Yeates, Cabinet Member for Regulatory Services, for his work in connection with this issue. Councillor Yeates said it was very much a team effort and thanked those involved.

46 MINUTES OF THE MEETINGS OF THE ECONOMIC GROWTH, ENVIRONMENT AND DEVELOPMENT (OVERVIEW & SCRUTINY) COMMITTEE HELD ON 19 MARCH AND 1 APRIL 2019

Councillor Cox submitted the Minutes of the Economic Growth, Environment and Development (Overview and Scrutiny) Committee meetings held on 19 March and 1 April 2019.

54 - Local Plan and Related Spatial Policy Matters Update

Councillor Mrs Banevicius asked what guarantees could be given about the greenbelt in Burntwood. Councillor Cox advised that he couldn't personally give any guarantees, but he was aware that a review would be undertaken and the Committee would be involved. Councillor Pritchard confirmed that the Local Plan review would include a review of the greenbelt.

Councillor Drinkwater said the greenbelt should be sacrosanct and not developed unless there was absolutely no choice.

Councillor Mrs Evans expressed concern about the lack of progress on the Burntwood Neighbourhood Plan and said the Town Council was missing out as a result. Councillor Pullen outlined the steps that were being taken by the Town Council.

Councillor Cox advised that the District Council would facilitate Neighbourhood Plans but could not direct the process.

56 - BRS Working Group Update

Councillor Mrs Woodward said there had been much reference to cross party working but she was aware information shared with the Conservative Group had not been provided to other Members of the Council including two members of the Working Group.

Councillor Mrs Woodward said she had accepted an apology for this but would ask the Chairman of the Scrutiny Committee and the BRS Working Group to ensure that information is shared with all members of the working group in future. Councillor Marshall confirmed that it had been an oversight.

60 – Call-In of Cabinet Decision – Multi-Storey Car Park Refurbishment Project

Councillor Mrs Woodward thanked Councillor Cox for his effort in ensuring proper scrutiny. She raised concern that a paper produced prior to the meeting had not been circulated to Committee members until the meeting itself.

Councillor Mrs Woodward stressed the importance of asking and answering questions in a public forum. She said every Member of the Council had a right to information and a right to ask questions.

Councillor Mrs Evans said Councillor Mrs Woodward had validated the reason for the call-in. She commended Councillor Cox for the way he had chaired the meeting.

Councillor Pritchard explained that the additional information prepared for the meeting had been provided purely to help inform the Committee, address the reasons given for the call-in and ensure the smooth running of the meeting. He noted that overview and scrutiny committees were able to put items on their work programmes.

Councillor Cox said lessons could be learned in relation to the call-in process. He emphasised the importance of scrutiny, noting that it should be apolitical.

47 MINUTES OF THE MEETING OF THE COMMUNITY, HOUSING AND HEALTH (OVERVIEW & SCRUTINY) COMMITTEE HELD ON 25 MARCH 2019

Councillor Mrs Baker submitted the Minutes of the Community, Housing and Health (Overview and Scrutiny) Committee held on 25 March 2019.

34 – Standing Items – Lichfield District Health Provision

Councillor Mrs Woodward noted that the planning permission for the Health Centre adjacent to Burntwood Leisure Centre was due to expire in September and there were no formal plans for provision at other locations. She asked for assurance that this would be looked at since residents needed certainty for the future.

35 – Together We're Better (TWB) Consultation

Councillor Mrs Woodward drew attention to the intention to realise 4% savings. She said this was the context for the provision of primary health care and asked that health provision be kept on the work programme in the future.

Councillor Mrs Baker confirmed that the work programme was being developed and if she remained Chairman she would ensure that it was included. Councillor Mrs Baker noted the importance of co-operation between health service providers and highlighted appointment booking as an area that was currently unsatisfactory and in need of improvement.

(COUNCILLOR WHITE DELCARED AN INTEREST IN THIS ITEM AS CO-CHAIRMAN OF THE STAFFORDSHIRE HEALTH AND WELL BEING BOARD)

37 – Vote of Thanks

Councillor Mrs Baker thanked her Vice-Chairmen for their support.

48 MINUTES OF THE MEETING OF THE LEISURE, PARKS AND WASTE MANAGEMENT (OVERVIEW & SCRUTINY) COMMITTEE HELD ON 26 MARCH 2019

Councillor Matthews submitted the Minutes of the Leisure, Parks and Waste Management (Overview and Scrutiny) Committee held on 26 March 2019.

19 – Leisure Management Outsourcing – Presentation by Freedom Leisure

In response to a question from Councillor Ray it was confirmed that communication issues in connection with the closure of Friary Grange Leisure Centre were considered at the meeting.

20 – Burntwood Parks

It was confirmed that the letter of thanks referred to in the Minutes would be sent to residents after the election.

21 – Review of Parks Events Portfolio

Councillor Rayner said there should be recognition of the action taken during the 'drive in' movies event when officers successfully intervened to amend the schedule.

Councillor Ray emphasised the importance of events and said it was good to see that lessons were being learned and further events were being considered.

22 – Vote of Thanks

Councillor Matthews thanked his Vice-Chairmen for their support.

49 COMMITTEE MINUTES

(a) Planning Committee – 4 March 2019

It was proposed by Councillor Marshall “that the Minutes of the Meeting of the Planning Committee held on 4 March 2019 be approved and adopted.”

Councillor Marshall thanked all Members of Planning Committee for their work.

RESOLVED: That the Minutes of the Meeting of the Planning Committee held on 4 March 2019 be approved and adopted.

(d) Audit and Member Standards Committee – 27 March 2019

It was proposed by Councillor Tittley “that the Minutes of the Meeting of the Audit and Member Standards Committee held on 27 March 2019 be approved and adopted.”

Councillor Spruce thanked Councillor Tittley for his work as Chairman of the Committee, noting that it had been a dynamic and useful Committee.

Councillor Tittley thanked his Vice-Chairman and commented on the high calibre of the officers supporting the Committee. He thanked Mr A Thomas for his work as Section 151 Officer, the Audit Manager Mrs A Struthers and the Clerk of the Committee Mrs W Johnson.

RESOLVED: That the Minutes of the Meeting of the Audit and Member Standards Committee held on 27 March 2019 be approved and adopted.

50 MULTI-STOREY CAR PARK REFURBISHMENT

Councillor Pritchard proposed that the Cabinet recommendations made at the meeting held on 12 March 2019 and considered by the Economic Growth, Environment and Development (Overview & Scrutiny) Committee on 1 April 2019 be approved.

It was duly seconded and

RESOLVED: (1) That a new project be included in the Capital Programme with a total cost of up to £300,000 (including £50,000 of contingency) funded by the restricted earmarked reserve entitled ‘Birmingham Road Car Park Repairs and Renewals’.

(2) That the revenue budget be changed to reflect the savings identified in the Cabinet report.

51 SUSTAINABLE DESIGN SPD APPENDIX A UPDATE

Consideration was given to the recommendation of Cabinet to adopt revised guidance contained within Appendix A of the Sustainable Design Supplementary Planning Document (SPD) entitled ‘Space about Dwellings and Amenity Standards for all Development’ following public consultation on the revisions.

Councillor Mrs Woodward said the document provided a clear exposition of design principles that would help in the future. She noted that Lichfield City Council had commented that applications were not always determined in the same way and she sought assurance that the principles would be consistently applied.

Councillor Pritchard confirmed that the document represented guidance and each application would be considered individually.

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

RESOLVED: That the revised Appendix A of the Sustainable Design SPD – ‘Space about Dwellings and Amenity Standards for all Development’ with additional wording identified following the public consultation be adopted.

52 QUESTIONS

Q1. Question from Councillor Mrs Evans to the Chairman of Employment Committee

“At the Council Meeting on the 19th February 2019, I asked Councillor Salter, who was moving the minutes of the Employment Committee of the 7th February 2019, when there was going to be a review of the terms and conditions of the essential car user allowance, reportedly in the region of £80,000, which appears to be an excessive amount. I am now asking again when it is anticipated the review will take place and when it will be reported to Council?”

Response from the Chairman of Employment Committee

“As discussed at the Employment Committee, essential car allowances are one of the terms and conditions that would be considered as part of the people strategy. The strategy runs for the next 5 years and we are currently identifying resources to complete an action plan to support its delivery alongside the review of HR that is underway.

It is unlikely that the essential car user allowances would be considered in isolation but will be part of a review of all staff terms and conditions of service necessary to drive change and increase attraction and retention for professional posts in the long term.

The focus of the people strategy action plan and priorities for this year is the review of HR, efficiency of HR processes, the development of flexible working and employee health and wellbeing. The review of terms and conditions could begin by the end of the year but any amendments to terms and conditions will require consultation and negotiation with the trade unions. Such changes are normally reported through the Employment Committee and I anticipate this will not be until sometime in 2020.

As previously outlined to members, essential car user allowance covers all employees who are required to use a car to carry out council business based on a set criteria. The focus of the review is likely to be the criteria used, not the wholesale removal of the allowance, so whilst the cost for the 80 or so essential cars users is around £80,000, it is unlikely that these costs could be removed.

Once we have completed the review of HR and the people strategy action plan in the summer it will be possible to be more specific.”

In response Councillor Mrs Evans said she hoped the new Council would be kept informed of progress and clarified that she had never suggested that essential car user allowances should be removed.

Q2 Question from Councillor Mrs Woodward to the Cabinet Member for Finance and Democracy

“Can you tell me, please, what you now understand by the term ‘opportunity costs’?”

Response from the Cabinet Member for Finance and Democracy

“The answer is the same as I gave at the call in special scrutiny meeting - it is not a term that I recognise and have never used in my professional life.”

Q3 Question from Councillor Mrs Woodward to the Cabinet Member for Operational Services, Leisure and Waste

“You acknowledged at the last Council meeting (Minute 94, Page 18) that your statement to the Leisure Parks & Waste (Overview & Scrutiny) Committee, that the Garrick would be ‘self-sufficient’ after two years and would not receive financial support from LDC after that, was ‘a personal view’. Can you tell me, please, is your personal view different from that of your Cabinet colleagues?”

Response from the Cabinet Member for Operational Services, Leisure and Waste

“As a Cabinet we would obviously like to see the Garrick becoming financially self-sufficient. Whilst this cannot be guaranteed the new Concessionary Services Agreement we have entered into should give financial benefits to the Theatre that will help towards this objective and also gives us more opportunity to monitor this.”

Councillor Mrs Woodward asked the following supplementary question

“The Cabinet Member told the Scrutiny Committee that the Garrick would be self-sufficient in two years. Does he, on reflection, think he misled the Committee?”

The Cabinet Member for Operational Services, Leisure and Waste responded:

“I gave an honest personal opinion”

53 TRIBUTE TO MEMBERS NOT STANDING FOR RE-ELECTION

Councillor Wilcox advised that the service completed by Members not seeking re-election totalled 243 years. He said all Members shared a desire to make their wards and district a better place, where crime is low, anti-social behaviour contained and people can live, bring up their families and value the place they call home.

Councillor Wilcox spoke of the contribution the fourteen Councillors who were not standing had made over many years. He paid tribute to Councillor Mrs Stanhope who had served on the Council for almost half a century and Councillors Constable and Mrs Constable who had completed in excess of thirty years together.

Councillor Wilcox said colleagues had decided to stand down for a number of reasons and for Councillor Drinkwater it had been particularly painful following the illness affecting his wife, which had brought a premature end to his service after some 28 years. On behalf of the Council he passed on his best wishes to Councillor Drinkwater’s wife.

He noted that many friendships had been borne out of working collectively together, and these crossed the political divides. Councillor Wilcox then listed the Members who would not be standing for re-election.

Councillor Wilcox said Councillor Mrs Woodward had been a formidable councillor representing Burntwood, and noted that her scrutiny work had been recognised by the Local Government Association. Although there had been clashes from time to time and differences of opinion he hoped she would agree that they had been able to work well together for the good of Burntwood and the wider District. He said her knowledge and experience would be missed in the Chamber.

Councillor Wilcox then paid tribute to Councillor Pritchard, Deputy Leader and Cabinet Member for Economic Growth, Environment and Development who had served on the Council for 16 years. He spoke of the support and advice he had received from Councillor Pritchard and said he would be greatly missed.

Concluding, Councillor Wilcox thanked Members for their work. He wished those not standing the very best for the future and those seeking re-election all the best in May.

Councillor Mrs Woodward thanked Councillor Wilcox and paid tribute to Councillor Drinkwater who she had worked with on the District Council, County Council and Burntwood Town Council. She referred to his activity in the trade union movement and work representing the interests of young people and said he would be missed in Chase Terrace and Burntwood as a whole.

Councillor Mrs Woodward said being in opposition was not about being awkward since all Members had the same aspirations for the people they represented. However, too many people still considered the opposition as outsiders and she hoped the new Council would bring a new culture and attitude.

Councillor Mrs Woodward thanked Councillors Wilcox and Pritchard for a good working relationship and thanked Councillor Awty for his work as Chairman. She said she would like to pay tribute to Councillor Mrs Stanhope, who unfortunately was unable to attend the meeting, and Councillors Constable and Mrs Constable. She recalled their good grace when she stood against them in the 1990s and said they had become friends.

Councillor Mrs Woodward thanked the Chief Executive for treating her, as Leader of the Opposition, with openness, fairness and courtesy, noting that the Council was fortunate to have Ms Tilley as Chief Executive. She then wished the Council and residents of the District well for the future.

Councillor Mrs Evans paid tribute to Councillor Mrs Woodward for the way in which she had led the Labour Group. She referred to her hard work, preparation and effectiveness in expressing the Labour point of view. She said the District and the Council would be poorer for her not being there.

Councillor Mrs Evans also thanked Councillor Drinkwater for his dedicated service over many years and wished all those leaving the Council the best for the future.

Councillor Cox paid tribute to Councillor Tittley noting that he was also standing down from Armitage with Handsacre Parish Council.

Councillor Cox said he had always had a good working relationship with Councillor Mrs Woodward and Councillor Drinkwater as his Vice-Chairman. He also spoke of his good working relationship with Councillor Pritchard and his ward colleague Councillor Rayner, announcing that Councillor Rayner was standing down as he was soon to become a father.

Councillor Cox thanked the Chairman and wished Councillors Constable and Mrs Constable and all other Members leaving the authority well in the future.

Councillor Spruce said he would like to pay particular tribute to Councillor Pritchard for his work as deputy leader, noting that he had worked incredibly hard and was a major part of the Conservative Group and the Council owed him a great debt.

Councillor Mrs Constable thanked everyone for their kind words recalling that she had first been elected together with Councillor Constable in 1976. She spoke of the friendships that had been formed and the support and help that had always been available. She recalled there had been arguments across the chamber but differences had always been set aside afterwards. Councillor Mrs Constable said she would miss everyone and hoped that the friendships would continue.

54 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

55 CONFIDENTIAL MINUTES OF THE AUDIT AND MEMBER STANDARDS COMMITTEE

It was proposed by Councillor Tittley “that the Confidential Minutes of the Meeting of the Audit and Member Standards Committee held on 27 March 2019 be approved and adopted.”

RESOLVED: That the Confidential Minutes of the Meeting of the Audit and Member Standards Committee held on 27 March 2019 be approved and adopted.

In closing the Meeting the Chairman thanked the Chief Executive and her staff for their work through what had sometimes been stressful and difficult times. He also endorsed the thanks and good wishes to Members who were not seeking re-election.

(The Meeting closed at 7.15 p.m.)

CHAIRMAN

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AUDIT AND MEMBER STANDARDS COMMITTEE

24 APRIL 2019

PRESENT:

Councillors Tittley (Chairman), Mrs Boyle, Marshall, Rayner, Strachan and Mrs Woodward

Observer: Councillor Spruce (Cabinet Member of Finance & Democratic Services)

Officers In Attendance: Miss J Irving, Miss W Johnson, Mr A Thomas, Ms C Tims and Mr N Turner

Also Present: Mr Phil W Jones (Grant Thornton UK LLP) (External Auditor)

49 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Houtt and Councillor Mrs Tranter.

50 DECLARATIONS OF INTEREST

There were no Declarations of Interests.

51 MINUTES OF THE PREVIOUS MEETING

The Minutes of the Meeting held on 27 March 2019, as printed and previously circulated, were taken as read and approved as a correct record.

52 ANNUAL GOVERNANCE STATEMENT

Consideration was given to the Annual Governance Statement 2018/19. Mr Thomas (Head of Finance & Procurement) provided a Presentation on the key points and explained that any relevant authority must each financial year conduct a review of the effectiveness of the system of internal control and prepare and approve an Annual Governance Statement. He stated the current Committee were best placed to endorse the Statement as it related to 2018/19 and the Committee had received all relevant information on internal control and governance throughout the financial year.

Mr Thomas explained that the Annual Governance Statement enables the Council to explain to the community, service users, tax payers and other stakeholders its governance arrangements and how the controls it has in place manages risks of failure in delivering its outcomes.

He said current best practice requires a Local Code of Corporate Governance to be produced based on seven core principles. Mr Thomas summarised and discussed the seven principles and explained that the drafting of the Annual Governance Statement takes place over the whole financial year and involves his team gathering and assessing the implications of the views of Internal Audit, an annual review of the effectiveness of Internal Audit, the views of the External Auditors, the views of the Head of Paid Service (Chief Executive), Monitoring Officer and himself as Section 151 Officer.

He explained that a briefing note had gone to Leadership Team on the Delivery Plan on 11 April 2019 and that Heads of Service provided written assurance statements using an Internal Control Checklist.

Questions were asked as to the comments received from the questionnaire to leading Members (Chairmen, Vice-Chairmen and the Leader of the Minority Group). Miss Jane Irving (Senior Business Advisor) said she collated the replies and 17 responses had been received out of 22 from the Committee Chairmen and Vice-Chairmen and nothing really significant had been highlighted. There had been comments requesting further planning training but these sessions had already been planned for the next municipal year.

A Member asked if the seven principles of best practice applied to all Government bodies as it was a worry that HS2 did not comply with at least five of the seven principles. Mr Thomas said he believed the Police and probably the NHS did adhere to similar principles but as HS2 was a limited company it was not so prevalent, however, they are supposed to have the correct governance in place.

The Risk Management Process, particularly the Corporate Risk Register was discussed and the performance information which is reported to Cabinet, Council and Overview and Scrutiny Committee was included.

Mr Thomas said that this Committee is responsible for promoting and maintaining high standards of conduct by Members and ensuring they observe the Members Code of Conduct. (A member queried whether the guide mentioned in Appendix A on page 15 had been sent to all Councillors as there had been a lot of issues around the Register of Interests Forms recently and yet there was no reference to these at all). Mr Thomas responded and said he was aware that there would be a new Member Induction Pack available after the election which made specific reference to this.

Mr Thomas said the Council has a Code of Conduct supported by a range of HR policies for Officers and has a customer promise which reinforces the value 'putting customers first'.

The safeguarding issues had notably reduced from last year which was good, the Council's gender pay gap was better than the national average, although the pay gap had increased slightly this year as a consequence of the outsourcing of Leisure Centre management and operations.

Ensuring openness and comprehensive stakeholder engagement was discussed. The Council works collaboratively with a range of partners such as schools and colleges, Staffordshire County Council, voluntary, business and community sectors. The Local Plan Review and the 2019/20 Budget consultation. Mr Thomas said the Council's website, social media and LDC News publication provide a significant amount of information for customers and all Committee and Council meetings are open to the public with papers available on the internet. He said the Money Matters reports included more graphs and diagrams so were easier to understand.

The Council has a customer feedback scheme for the public to make complaints, comments and compliments.

The annual review letter from the Ombudsman for the period ending March 2018 reported 7 complaints with 1 upheld and there were no whistleblowing reports during 2018/19 or during 2017/18.

A Member said she knew of a Lichfield resident who had taken a complaint to the ICO relating to a Freedom of Information request regarding material re: Friarsgate and queried why the material had been released to the complainant but had not been published. The request for this material to be published had been refused by officers but Mr Turner agreed to review this. Mr Turner said the Council had reviewed the way we reply to all Freedom of Information Requests and there was now a portal on our website with useful/frequent replies for all to see.

Mr Turner said he would speak to the Interim Monitoring Officer and report back to the Member.

The defining outcomes in terms of sustainable economic, social and environmental benefits was explained as the Lichfield District Council's Strategic Plan covering the four year period 2016 to 2020 was approved by Council in February 2016 and sets the strategic direction of the Council. The Strategic Plan was discussed and Mr Thomas said the evidence base for the Strategic Plan was provided by the Staffordshire Intelligence Hub and highlighted three key things that enable people to live fulfilling and independent lives: being in employment, staying active and healthy and having somewhere safe and affordable to live. Engagement with Elected Members and residents showed broad agreement to these being the areas that the Council should focus on and the four strategic priorities reflect these priority areas.

Determining the interventions necessary to optimise the achievement of the intended outcomes was discussed as the Strategic Plan 2016-20 identifies the opportunities and challenges the Council faces, the needs of the Community, the Council's aspirations, focus and priorities. The Medium Term Financial Strategy, the Money Matters Reports and the Fit for the Future programme were quoted and that the Fit for the Future programme has been refreshed and repositioned to focus on delivering the ambitions and outcomes of the Strategic Plan.

The Council's Constitution can be found on our website. Mr Thomas said this sets out how the Council legally operates, how formal decisions are made and ensures the procedures which are followed are efficient, transparent and accountable to local people. The roles and responsibilities of the Council, Cabinet, O&S and other Committees are defined in the Constitution as are the roles and responsibilities of Members and Officers. The Chief Executive and Directors are set annual performance targets based on the outcomes achieved from the Delivery Plan and Performance Development Reviews are undertaken annually for employees. Discussions took place around the completion rate of PDR's which had improved to 89% for 2018/19.

Managing risks and performance through robust Internal Control and Strong Public Finance Management was explained by Mr Thomas. The Council has a risk management strategy and managers are trained in the assessment, management and monitoring of risks. Mr Thomas said the Corporate Risk Register is produced by assessing the risk factors that could potentially impact on the Council's ability to deliver the Strategic Plan. He said the corporate risks are regularly reported to Cabinet and this Audit & Member Standards Committee is independent of the Cabinet and accountable to Council.

Mr Thomas confirmed that the Financial Procedure Rules and Contract Procedure Rules form part of the Constitution and regulate its internal procedures for the conduct of its business, how it spends its money and records transactions. He said the Council complies with the CIPFA Statement in relation to the role of the Chief Financial Officer in Local Government and regular budget and performance monitoring takes place throughout the financial year with reports to Cabinet and briefing notes to the O&S Committees and budget holders.

The reference to triangulation meetings with Cabinet members was questioned as there had not been any triangulation meetings for some time due to the O&S Co-ordinating Group having been established. The Group comprises the Chairmen and Vice-Chairmen of all the O&S Committees and the Leader and Deputy Leader. Mr Turner explained that this group was responsible for the process of establishing and managing the O&S work programmes. Although the group includes the Leader and Deputy Leader it was queried why Cabinet members were not present at these O&S Co-ordinating group meetings as it was felt it could be beneficial to look at the forward plan together.

Discussions took place as to why all Chairmen and Vice-Chairmen from other regulatory committees were not included on this O&S Co-ordinating group as they could as statutory committees add value.

It was argued that the O&S Co-ordinating Group was already heavy in attendance with all Chairmen and Vice-Chairmen being invited and the statutory committees had their own work programmes to follow and were answerable to Council. The O&S Co-ordinating Group was there to discuss their own O&S work programmes and ensure they were of value, avoid duplication and highlight where they could support and challenge Cabinet.

Mr Thomas said we have a legal responsibility to conduct an annual review of the effectiveness of our Governance Framework, including the system of internal control and the outcomes are considered by this Audit & Member Standards Committee which is charged with final approval of this Annual Governance Statement. Discussions took place around the departure of the Internal Audit Manager as her input had been invaluable and it was hoped the succession plans would be of the same high standard. Mr Thomas explained that the current Internal Audit Manager was a Tamworth Borough Council employee whom we buy in for 1.5 days per week and so it was up to Tamworth Borough Council to replace her on the same arrangement.

In conclusion Mr Thomas said that the Annual Governance Statement was reviewed by Leadership Team on 10 April 2019 with no significant weaknesses identified in governance or internal control for 2018/19.

It was noted that the number of complaints had reduced drastically for 2018/19 and it was queried why they were so much lower than the previous year. Miss Irving advised this was mainly because of the Council's Leisure Centres being outsourced and improvements in the Joint Waste Service. There were further discussions around the seven core principles and it was noted that we are meant to be ensuring openness but actually sanctioning non-disclosure agreements which seemed inconsistent.

Mr Thomas explained that sometimes pragmatism has to be used on a case by case basis to protect the interests of specific individuals, who had a right to privacy, as well as businesses who might wish to share confidential information with us, or because of legal privilege.

The comprehensive stakeholder engagement principle also was discussed as it is mentioned about cooperating with the Police and other stakeholders but it was asked if they actually cooperate with us. A constituent complaint had recently been received by a Member as to the lack of attendance of the Police in Lichfield and this had been noted. However, it was agreed that the member should write to the Police & Crime Commissioner on behalf of the constituent.

RESOLVED:- (1) The Committee approved the Annual Governance Statement that will form part of the 2018/19 Statement of Accounts taking into account the comments made; and

(2) The Committee approved the Local Code of Corporate Governance for 2019/20.

53 WORK PROGRAMME

Members noted the Work Programme but as this was the last meeting of the municipal year it was agreed that the new Audit & Member Standards Committee would review and update.

The Committee thanked the Chairman on behalf of all Members of Lichfield District Council for his excellent leadership during his time as Chairman of Audit & Member Standards Committee. The Chairman thanked all Officers and said he had enjoyed his term as Chairman.

54 EXCLUSION OF PUBLIC AND PRESS

RESOLVED: That, as publicity would be prejudicial to 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 Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

IN PRIVATE

55 CONFIDENTIAL MINUTES OF THE PREVIOUS MEETING

The Confidential Minutes of the Meeting held on 27 March 2019, as printed and previously circulated, were taken as read and approved as a correct record.

(The Meeting closed at 6.50 pm)

CHAIRMAN

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PLANNING COMMITTEE

29 APRIL 2019

PRESENT:

Councillors Marshall (Chairman), Powell (Vice-Chair), Mrs Bacon, Mrs Baker, Bamborough, Mrs Barnett, Cox, Mrs Evans, Matthews, Pritchard, Strachan and A Yeates

48 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Drinkwater and Councillor Mrs Stanhope MBE.

49 DECLARATIONS OF INTEREST

All members present declared a personal interest as Councillor Bernard Cocksey (Objector) is known to all as he is a Lichfield City Councillor.

50 MINUTES OF PREVIOUS MEETING

The Minutes of the Meeting held on 4 March 2019 previously circulated were taken as read, approved as a correct record and signed by the Chairman.

51 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 of observations/representations together with a supplementary report of observations/representations received since the publication of the agenda in association with Planning Applications 18/01484/OUTM and 19/00166/FUL

18/01484/OUTM – Erection of 28No dwellings with ancillary parking and private amenity space, provision of public open space area; site infrastructure and landscaping (outline application relating to access)

Land South of Tamworth Road, Lichfield

For J&J Properties

RESOLVED: That this planning application be **deferred** to allow the submission of further information and clarification with regard to a number of issues, including related to the following. The consideration of all relevant planning matters will then be given due consideration when the application is brought back to committee for consideration and determination:-

- Submission of an Air Quality Impact Assessment;
- Further information and clarification on the noise monitoring undertaken in relation to noise from the A38 and additional consideration on the impact on future residents;
- Clarification on impact on archaeological assets in the vicinity;
- Consideration of whether the speed limit on the Tamworth Road could be reduced from 40mph to 30mph;

- Consideration of the provision of a footpath from the development to nearby bus stop to ensure safe access thereto/from;
- To ensure limited impact on adjacent heritage building;
- Justification for the number of dwellings proposed in terms of impacts and all material planning consideration raised; and,
- Further assurance on landscape matters with regard to tree officer comments made.

(PRIOR TO CONSIDERATION OF THE APPLICATION REPRESENTATIONS WERE MADE BY MR BERNARD COCKSEY (OBJECTOR) AND MS CHONTELL BUCHANAN OF FIRST CITY LTD (APPLICANT'S AGENT))

19/00166/FUL – Retention of roller shutter doors to car park entrance
B&M Retail Limited, 25-27 Market Street, Lichfield
For: B&M Retail

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

The proposal by reason of its siting and design introduces a prominent and incongruous feature to the existing building and, as a consequence, has a detrimental impact on the character and appearance of the Lichfield City Conservation Area. The proposal therefore fails to preserve or enhance the character and appearance of the Conservation Area. It is not considered that any public benefits of the scheme would outweigh the less than substantial harm that would be caused to the designated heritage asset. The development is therefore contrary to Policies C2 (Character of Conservation Areas) and C7 (Buildings out of Scale or Character) of the Lichfield District Local Plan (1998) (saved policies); Policies BE1 (High Quality Development) and Core Policy 14 (Our Built and Historic Environment) of the Lichfield District Local Plan Strategy (2015); the emerging Policy BE2 (Heritage Assets) of the Local Plan Allocations Document; the Historic Environment Supplementary Document and Government Guidance contained within the National Planning Policy Framework.

(The Meeting closed at 7.20 pm)

CHAIRMAN