

## COUNCIL MEETING

19 DECEMBER 2017

### PRESENT:

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

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

(**APOLOGIES FOR ABSENCE** were received from Councillors Mrs Bacon, Constable, Mrs Eagland, Humphreys, Mrs Pullen, Ray, Miss Shepherd and Smedley).

### PRAYERS

Prayers were said by Reverend L Collins.

### 165 DECLARATIONS OF INTEREST:

There were no declarations of interest.

### 166 MINUTES – 17 OCTOBER 2017:

It was proposed and duly seconded “that the Minutes of the Meeting of the Council held on 17 October 2017 (Volume 45 Part 3 Minute Book) as printed and previously circulated be taken as read, approved as a correct record and signed by the Chairman.”

### 167 CHAIRMAN’S ANNOUNCEMENTS:

#### (a) Public Engagements

The Chairman reported that he had attended remembrance services at the National Memorial Arboretum where he had the honour of meeting His Royal Highness, the Duke of Gloucester.

#### (b) Carol Services

The Chairman reported that he had attended a number of carol services at Lichfield Cathedral and had been delighted to host Members and staff at the recent carol service at St John’s without the Barrs.

### **(c) Chairman's Charity**

The Chairman invited Members to donate money to his chosen charity, Lichfield and District Talking Newspaper, in lieu of sending Christmas cards.

## **168 REPORT OF THE LEADER OF THE COUNCIL ON CABINET DECISIONS FROM THE MEETINGS HELD ON 7 NOVEMBER AND 5 DECEMBER 2017 AND CABINET MEMBER DECISIONS:**

Councillor Wilcox advised that a briefing paper providing details of the Government's four year settlement would be circulated in January.

It was reported that the bid to pilot 100% retention of business rates submitted by Staffordshire Councils had not been successful. Councillor Mrs Woodward said she shared Councillor Wilcox's disappointment noting that financial pressure on the County Council would have an impact on District Councils. She said the loss of the revenue support grant in two years' time would make planning budgets extremely difficult and it was apparent that local government was not being listened to by central government.

### **1 – Future Delivery of Disabled Facilities Grants**

Councillor Mrs Evans underlined the importance of Disabled Facilities Grants in encouraging and enabling people to remain in their own homes. She said she hoped the service would be properly monitored. Councillor Wilcox advised that all allocated funds would be used and extra money was available during the current financial year.

### **5 – Business Rates Rateable Value Review – Spend in Excess of £50,000**

Councillor Mrs Woodward said the number of instances of spend in excess of £50,000 was an area of concern that she had raised with the Leader of the Council. Although some items may be included in the Medium Term Financial Strategy she said they were not necessarily transparent to Members.

Councillor Mrs Woodward noted that the Council appeared to be employing more external contractors due to lack of capacity while at the same time incurring the cost of redundancies.

Councillor Smith advised that the extra spend in connection with business rates occurred because more money was being recovered than expected and therefore it could be classed as positive spend. Councillor Pritchard explained that recruiting suitably skilled people was an issue in planning and agencies were only used when there was no alternative.

### **8 - Local Plan Allocations Publication Document**

Councillor Mrs Woodward said the consultation had generated a great deal of interest however there had been minimal debate at Cabinet and no other Burntwood Councillors were present. She noted that Councillor Pritchard had highlighted the risk in reducing housing allocations to offset the additional housing at Curborough and wished the Cabinet luck with this approach.

Councillor Drinkwater referred to the work undertaken by the Labour Group and the Burntwood Action Group in connection with the consultation and expressed disappointment that few Members of the majority group had responded to the consultation, which he said related to one of the biggest issues faced by the Authority.

Councillor Pritchard reported that over 6000 responses had been analysed before going back out to consultation. He said his decision on housing allocations was taken in the light of what residents wanted. Councillor Wilcox paid tribute to Councillor Pritchard's work on what had been a difficult

task and said that the Group was 100 percent behind him.

## **9 – High Speed Rail (West Midlands – Crewe) Bill Petitioning**

Councillor Pritchard advised, in response to a question from Councillor Mrs Evans, on the budget set aside for Petitioning.

Councillor Marshall spoke of the massive disruption that would be caused and said that petitioning was a vital expense in order to secure the mitigation that would be necessary.

## **12 – Lichfield City Neighbourhood Plan – Referral To Referendum**

Councillor Mrs Banevicius congratulated the City Council on reaching the referendum stage with its neighbourhood plan and said progress on Burntwood’s plan had been disappointingly slow.

## **169 REPORT OF THE CHAIRMAN OF STRATEGIC (OVERVIEW AND SCRUTINY) COMMITTEE:**

Councillor Strachan submitted his report on the items considered by the Strategic (Overview and Scrutiny) Committee held on 15 November 2017

### **1- Work Programme**

Members noted that a presentation on Friarsgate had been arranged for 23 January 2018.

Councillor Mrs Woodward thanked Councillor Strachan for the opportunity that had been given for an informal debate based on one of the briefing papers. She said this had proved a useful way to bring forward ideas.

## **170 MINUTES OF COMMITTEES:**

### **(a) Planning Committee – 16 October 2017**

It was proposed by Councillor Marshall “that the Minutes of the Meeting of the Planning Committee held on 16 October 2017 be approved and adopted.”

**RESOLVED:** That the Minutes of the Meeting of the Planning Committee held on 16 October 2017 be approved and adopted.

### **(b) Planning Committee – 13 November 2017**

It was proposed by Councillor Marshall “that the Minutes of the Meeting of the Planning Committee held on 13 November 2017 be approved and adopted”. Councillor Drinkwater noted that he had not attended the meeting and his name should be deleted from the list of those present.

**RESOLVED:** That the Minutes of the Meeting of the Planning Committee held on 13 November 2017 be approved and adopted subject to Councillor Drinkwater being deleted from the list of those present.

### **(b) Employment Committee – 20 November 2017**

It was proposed by Councillor Mrs Baker “that the Minutes of the Meeting of the Employment Committee held on 20 November 2017 be approved and adopted.”

Councillor Mrs Woodward referred to Council Minute 134(b) and asked if the training needs survey had been discussed with the Leader of the Council. The Chairman confirmed that a meeting had taken place and she would be sending an email to all Members in the future.

**RESOLVED:** That the Minutes of the Meeting of the Employment Committee held on 20 November 2017 be approved and adopted.

## **171 PROPOSAL FROM THE CABINET:**

The recommendations of the Cabinet as printed and previously circulated were proposed by Councillor Pritchard and seconded by Councillor Wilcox:

### **(a) High Speed Rail (West Midlands – Crewe) Bill – Petitioning**

It was reported that on 17 July 2017 the Government laid before Parliament a Hybrid Bill seeking consent to build and operate a high speed rail line between the West Midlands and Crewe. The Bill covered Phase 2a of a wider scheme intended to provide a high speed rail network linking London with the north-west of England and Yorkshire.

On 5 December 2017 Cabinet had considered a report on the opportunity to formally petition the Bill and seek, via Parliament, changes to the Government's proposals to provide for appropriate mitigation.

To allow it to lodge a petition in Parliament against the Bill, the District Council was required by legislation to pass a resolution to this effect supported by more than 50% of the elected Council membership.

Councillor Cox spoke in support of the recommendation advising that petitioning was vital in order to deal with issues of concern.

Councillor White noted that Whittington would be profoundly affected and that the District had borne more than its fair share of national infrastructure projects, including the West Coast Mainline, M6 Toll, housing from neighbouring authorities and now HS2. He said this was not 'NIMBYism' but an attempt to get something back for the local community.

Councillor Woodward encouraged lobbying and said it was important to ensure that local MPs were fully engaged.

Councillor Strachan stressed that this was essential expenditure. He highlighted the environmental destruction and damage to heritage assets that would occur and urged that petitioning be used to seek some form of redress

Councillor Mrs Evans said she had requested details of the costs involved but this should not be misinterpreted since she supported petitioning.

Councillor Mrs Stanhope said that in addition to the infrastructure projects outlined by Councillor White, extensive gravel extraction was taking place near Alrewas on the east side of the A38 and this was planned to extend westwards towards Kings Bromley and Fradley. She said this would have a devastating effect on the countryside both directly and indirectly through the traffic it generated.

Councillor Mrs Barnett said her Ward would almost cease to exist due to HS2 and referred to the heart ache and upset experienced by residents. She said getting answers from HS2 had proved virtually impossible and she fully supported petitioning, advising that the local community needed as much support and representation as possible.

It was duly

**RESOLVED: (1)** That in the judgment of the Lichfield District Council it is expedient for the Council to oppose the High Speed Rail (London – West Midlands) Bill introduced in the Session of Parliament 2017-19.

**(2)** That the Cabinet Member for Economic Growth, Environment and Development in consultation with the Director of Transformation and Resources and Head of Economic Growth take all necessary steps to carry the foregoing Resolution into effect, that the Common Seal be affixed to any necessary documents and that confirmation be given that Sharpe Pritchard (Parliamentary Agents) be authorised to sign the Petition of the Council against the Bill.

#### **(b) Lichfield District Council Part 1 Brownfield Land Register**

In supporting the proposal, Councillor Cox noted that the Brownfield Land Register would be a 'living document'.

It was duly

**RESOLVED:** That the Council approves the Lichfield District Council Brownfield Land Register (Part 1) as set out at Appendix A and B of the report submitted to Cabinet on 7 November 2017.

#### **(c) Local Development Scheme**

**RESOLVED:** That the Council approves the revised Local Development Scheme as set out at Appendix A of the report submitted to Cabinet on 5 December 2017 and agrees to its publication.

#### **(d) Local Plan Allocations Publication Document (Regulation 19 Consultation)**

**RESOLVED:** That the Council approves the Local Plan Allocations Publication document, accompanying Policies Map and supporting documents as set out in the report submitted to Cabinet on 5 December 2017 for the purposes of undertaking a Regulation 19 public consultation.

#### **(e) Governance Procedures Associated with Secured and Future Section 106 monies to Support Infrastructure Delivery**

**RESOLVED: (1)** That the Council approves the allocation of historic Section 106 monies secured before the adoption of the Community Infrastructure Levy (CIL) and any future S106 monies which are available to spend in support of non-site specific infrastructure utilising the adopted CIL Governance Structure and Administrative Arrangements.

**(2)** That the Council approves the use of the adopted CIL governance structure and administrative arrangements for the allocation of Section 106 monies where there is discretion in a S106 planning obligation for the Council to do this.

**(3)** That of the Section 106 monies received in line with (1) and (2) authority be delegated to the Cabinet Member for Economic Growth, Environment and Development Services to agree spend below

the £50,000 key decision limit.

**(f) Leisure Facilities Outsource**

**RESOLVED:** That the Council approves the recommendation (detailed in the Leisure Facilities Outsource report and addendum submitted to Cabinet on 5 December 2017) that the Medium Term Financial Strategy be updated:

- To include £1,395,600 of capital expenditure in the Capital Programme related to building and energy improvement works at Burntwood Leisure Centre funded by external borrowing.
- To include £751,700 of capital expenditure in the Capital Programme related to capital expenditure and equipment at both leisure centres funded through the contract payments to Freedom.
- To update the Prudential Indicators to reflect the capital expenditure and related financing obligations.

**172 QUESTIONS:**

**Q1. Question from Councillor Mrs Woodward to the Cabinet Member for Operational Services, Leisure & Waste:**

‘With reference to Minute 133 of the Council Meeting held on 17 October 2017, can the Cabinet Member advise me what formal and/or informal discussions have taken place with Lichfield City Council regarding possible contributions towards the funding of Lichfield Garrick?’

Response from Councillor Eadie:

‘Since the Lichfield Garrick Theatre Trust became responsible for the operation of the Garrick Theatre in 2013, it has been and remains the responsibility of the Trustees and their nominated employees to seek out financial sponsorship and grant funding to support the Theatre.

Prior to transfer to a Trust in 2013, Lichfield District Council did not ask any Parish Council to meet the Council's obligations.’

Councillor Mrs Woodward then asked the following supplementary question:

‘The issue of Lichfield City Council being lobbied to support the Garrick has been raised on a number of occasions and the Economic Survey shows the benefits of the Garrick to Lichfield City. There is also a new City Art Fund established from the sale of the Swinfen Broun statue to help city projects.

Isn't it time that the City Council was pressed by the District Council, which is under financial pressure, to help fund some of the facilities, including the Garrick, that benefit Lichfield City. It would be helpful to know the answer to the question, have formal or informal discussions taken place with the City Council?’

Councillor Eadie responded:

‘The report referred to, which highlights the economic benefits to Lichfield District not just the City, was funded by the Garrick. With regard to money from the sale of the art work, the Council is administering the fund, it has not been gifted to the Council.

The Garrick has new software that will enable it to better understand the patrons of the theatre, however they already know that it is not just residents of the City that use the venue but residents of the wider District and people from outside the District.

While recognising the point made by Cllr Mrs Woodward about the Garrick approaching the City Council, I would urge them to approach all Parish Councils. However it is not for the District Council to direct the Garrick's fundraising activities.'

### **173 EXCLUSION OF THE 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

### **174 CONFIDENTIAL REPORT OF THE LEADER OF THE COUNCIL ON CABINET DECISIONS FROM THE MEETINGS HELD ON 7 NOVEMBER AND 5 DECEMBER 2017 AND CABINET MEMBER DECISIONS:**

#### **1 – Garrick Theatre – Concession Services Agreement**

Councillor Mrs Woodward highlighted the grant being provided to the Garrick for 2017/18 and 2018/19 by District Council tax payers. She said the benefits of the Garrick as shown by the Economic Survey were mainly for the City although there were deemed to be some additional benefits for the District. She said she would ask those Members who were also Members of the City Council to consider the value the City Council placed on the facility.

Councillor Drinkwater said the level of funding that the Council provided should entitle it to have a say in who the Garrick lobbied for funding.

Councillor Eadie replied that the Garrick was an independent trust and the Council could not direct it what to do. He explained that the funding from the District Council was necessary in order for the Garrick to access other sources of funding and ensure that the facility was financially sustainable. Councillor Eadie said that when noting the spend, the continued reduction in the funding going to the Garrick should also be noted.

(COUNCILLOR DRINKWATER DECLARED A PERSONAL INTEREST HAVING ACCEPTED AN INVITATION TO ATTEND A PERFORMANCE AT THE GARRICK)

#### **2 – Planning Appeal – Expenditure in Excess of £50,000**

Councillor White said he appreciated that there were legitimate reasons for reports being confidential but it was important to ensure that the Council communicated with people on matters that were of concern to them.

Councillor Mrs Woodward stressed the importance of ensuring that decisions on expenditure in excess of £50,000 were transparent to Members.

Councillor Wilcox advised that the Council followed strict guidelines in relation to confidential reports and they were only confidential when they had to be.

#### **4 – Friarsgate**

Councillor Mrs Woodward asked about the financial implications of the changes to milestone dates in the Friarsgate agreement.

Councillor Wilcox noted that issues were encountered from time to time that needed to be addressed and timescales were adjusted accordingly.

#### **175 MINUTES OF COMMITTEES:**

##### **(a) Planning Committee – 16 October 2017**

It was proposed by Councillor Marshall “that the confidential Minutes of the Meeting of the Planning Committee held on 16 October 2017 be approved and adopted.”

Councillor Drinkwater expressed concern at the difficulty in getting enforcement action taken and asked about the current situation in terms of staffing. Councillor Pritchard replied that the enforcement section was now fully staffed.

**RESOLVED:** That the confidential Minutes of the Meeting of the Planning Committee held on 16 October 2017 be approved and adopted.

(The Meeting closed at 7.03 p.m.)

CHAIRMAN