

# 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 Greatorex 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