

COUNCIL

11 JULY 2023

PRESENT:

Councillors Anketell, Ashton, Booker, Bragger, Checkland, Coe, Cox, Cross, D Ennis, Evans, Farrell, Harvey-Coggins, Henshaw, Hill, Ho, Holland, Leung, Marshall, Mears, Norman, Powell, Pullen, Ray, Robertson, Salter, Silvester-Hall, J Smith, Strachan, P Taylor, S Taylor, Trent, Whitehouse and Woodward.

15 APOLOGIES FOR ABSENCE (IF ANY)

Apologies were received from Councillors Ball, Banevicius, Bennion, L Ennis, Galvin, Hughes, A Smith, Vernon, Warfield, M Wilcox, S Wilcox and Yeates.

16 DECLARATIONS OF INTEREST

Councillor Woodward declared an interest in item 16 as a trustee for the charity Burntwood Be A Friend.

Councillor Robertson declared a personal interest in item 16 as a volunteer for Lichfield Foodbank.

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

The Minutes of the meeting held on 23 May 2023 were approved as a correct record subject to an amendment to the Chair's Announcements.

18 CHAIRMAN'S ANNOUNCEMENTS

The Chair informed members that he was in the process of arranging a carol service and would notify councillors of the finalised details. He advised that it had been a busy month, attending various events and conducting visits, including to dementia homes in the District.

19 REPORT OF THE LEADER OF THE COUNCIL ON CABINET DECISIONS FROM THE MEETINGS HELD ON 27 JUNE 2023 AND CABINET MEMBER DECISIONS

The Leader of the Council submitted his report on Cabinet Decisions from the meeting held on 27 June 2023 and Cabinet Member Decisions.

Questions were asked by Cllr Ray in relation to the procurement matters update and the review of financial performance and Cllr Robertson suggested a non-voting observer from one of the opposition groups be included on the LLP Board formed with Evolve Estates (A Cinema for Lichfield District).

Councillor Woodward referred to the June meeting of Cabinet. She welcomed the increased transparency but noted that the audio on the livestream recordings needed to be improved.

20 MINUTES OF THE OVERVIEW & SCRUTINY COMMITTEE

Councillor Norman submitted the Minutes of the Overview and Scrutiny Committee held on 8 June 2023.

21 MINUTES OF THE REGULATORY AND LICENSING COMMITTEE

Councillor Bragger said the minutes did not include a point made during the discussion on the work programme on standards of private rented housing.

On item 6, Councillor Evans asked if all councillors could receive an emailed list of current enforcement issues and the progress being made.

It was proposed by Councillor Yeates, seconded by Councillor Salter and

RESOLVED: That the Minutes of the Meetings of the Regulatory and Licensing Committee held on 20 June 2023 be approved and adopted as per the amendments.

22 MINUTES OF THE EMPLOYMENT COMMITTEE

On the Pay Gap report, Councillor Robertson asked if any discussions concerning the development of a disability pay gap report had taken place. With regard to the annual review on the impact of health benefits he questioned whether there had been any communication with officers about the length of the review or whether it would be a trial.

Councillor Powell, Vice-Chair of the committee, responded that he would discuss with the Chair and provide an answer.

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

RESOLVED: That the Minutes of the meeting held on 29 June 2023 be approved and adopted.

23 MINUTES OF THE PLANNING COMMITTEE

Councillor Norman expressed concern about the approach of the Chair in leading on a particular item. Councillor Marshall responded that he was reflecting local views and referred to a similar application that was previously approved that was now causing issues for residents.

Referring to a planning application, Councillor Ashton questioned if it was customary not to give reasons for deferring a planning application. Councillor Marshall responded that the Officer designated to lead on the application was unable to attend the meeting. As a consequence, it was determined that due to the complexity of the application it should be deferred to allow time to resolve these issues.

Councillor Woodward noted that if a Member calls-in an application and loses their seat it is undemocratic for the call-in to fall. Councillor Marshall agreed and commented that the protocol was being revised and updated to account for this situation.

It was proposed by Councillor Marshall that, subject to amendments to the attendance list and apologies for absence, the Minutes be approved and adopted. The proposal was seconded by Councillor Checkland and it was

RESOLVED: That the Minutes of the Meetings of the Planning Committee held on 3 July 2023 be approved and adopted subject to amendments to the attendance list and apologies for absence.

24 APPOINTMENT OF REPRESENTATIVES ON OUTSIDE BODIES

It was proposed by Councillor Pullen that Councillor Checkland be appointed as substitute Member to the Police, Fire and Crime Panel.

Councillor Woodward proposed an alternative nominee on the basis that the political balance of the council was now different. She proposed that Councillor P Taylor be appointed as substitute Member to the Police, Fire and Crime Panel. Councillor Robertson seconded the nomination.

Councillor Cox commented that although he understood Councillor Woodward's view, he would be formally seconding Councillor Checkland.

Following a vote the amendment was defeated.

It was then

RESOLVED: That Councillor Checkland be appointed as substitute Member to the Police, Fire and Crime Panel.

25 APPOINTMENT OF INDEPENDENT PERSON

The Council was advised that it was required to appoint at least one Independent Person under Section 28 of the Localism Act 2011 to assist in Councillor code of conduct allegations.

Following the retirement of the Council's Independent Person it was recommended that, following a recruitment process, Mr Jonathan Jardine be appointed for a period of three years.

It was proposed by Councillor Pullen, seconded by Councillor Whitehouse and

RESOLVED:

1) That Mr Jonathan Jardine be appointed as Independent Person for the Authority for a term of three years.

2) That the thanks of the Council be accorded to Mr Ray Betteridge for his work as Independent Person.

26 TEMPORARY APPOINTMENTS TO PARISH COUNCILS

It was reported that a Parish Council must be quorate in order to operate and make decisions.

A quorum for parish councils was defined as being one third of its membership, but not less than three.

Circumstances can arise where a parish council becomes inquorate and unable to act. The inability to operate extended to making all decisions including the co-option of sufficient councillors to fill vacancies.

This situation currently existed at one Parish Council in the District (Fradley Parish Council) where a resignation resulted in the Council becoming inquorate immediately prior to the co-option of additional members. As a consequence the Council is no longer able to conduct business.

Section 91 of the Local Government Act 1972 (as amended) allowed a Council to appoint a sufficient number of Parish Councillors on a temporary basis, to enable the work of the Parish Council to continue until it has co-opted or elected sufficient councillors to be quorate.

Approval was therefore sought for a procedure to make appointments to inquorate parish councils under section 91 of the Local Government Act 1972.

It was proposed by Councillor Pullen, seconded by Councillor Woodward and

RESOLVED:

- 1) That the procedure set out in the Council report for making temporary appointments to Parish Councils in accordance with section 91 of the Local Government Act 1972 be approved.
- 2) That authority be delegated to the Monitoring Officer in consultation with Group Leaders to make appointments by Order under section 91 of the Local Government Act 1972 (as amended) and that the constitution be amended accordingly.

27 UPDATED PAY POLICY STATEMENT 2023

Councillors Trent, Booker and Bragger spoke on the updated pay policy statement and expressed concerns on the use of performance related bonuses.

The term 'good cultural fit' was discussed. Councillors Booker referred to the risk of unconscious bias. Councillor Marshall responded that he thought the interpretation of 'cultural fit' had been taken too literally and referred to people who would work hard and would be dedicated to the needs of residents.

Councillor Evans questioned if the update included uplift for the lower grade employers which would take them up to the living wage. Councillor Pullen responded that it did

Councillor P Taylor stated he was uncomfortable with health insurance if it offered preferential treatment and an alternative that encouraged a healthier lifestyle should be considered.

Councillor Ashton asked how much this package was going to cost the council. Councillor Pullen responded that it would be under £100,000.

Councillor Henshaw stated he had misgivings on the commercialisation of local government and queried how the proposal would sit with electors. His particular objection was to the inclusion of private medical insurance and the inference that there was a lack of confidence in the NHS.

Councillor J Smith questioned how the costs would be met. Councillor Pullen responded it would be met within the existing budget.

Councillor Robertson added that the UK was currently experiencing a labour shortage which made recruiting and retaining staff difficult. He explained that the report reflected the current job market and tried to ensure the Council was an employer of choice. He was happy to see that there would be annual equality monitoring as it is important that unconscious bias was avoided.

Councillor Strachan supported the report and advised that staff retention was as important as staff recruitment.

It was proposed by Councillor Pullen, seconded by Councillor Strachan and

RESOLVED:

- 1) That the contents of the updated Pay Policy Statement as set out in Appendix A of the Council report be approved.
- 2) That authority be delegated to the Assistant Director Operations, Regulation & Enforcement in consultation with the Chair of this committee, to update and republish the pay policy in respect of the pay spine set out at Appendix 1 and any ratios once the national pay negotiations for 2023 are concluded.

28 MEDIUM TERM FINANCIAL STRATEGY (MTFS)

It was proposed by Councillor Strachan and seconded by Councillor Farrell that the Council approve an update to the Capital Programme to include Rural England Prosperity funding of £400,000.

Councillor Robertson proposed that the update should be accompanied by a recommendation that 'any allocation of funding should be subject to oversight from Overview and Scrutiny Committee.'

Councillor D Ennis seconded the amendment.

Councillor Strachan responded that he understood Councillor Robertson's concern but found it difficult to see how the proposed governance structure would work. He explained that if all allocations went through Overview and Scrutiny Committee the process would become overly bureaucratic and unworkable and asked if Councillor Robertson would agree to discuss the matter with a view to arriving at a solution that the labour group could support.

Councillor Robertson agreed to withdraw the amendment on assurance that governance would be put in place.

Councillor Woodward asked whether Councillor Strachan would be formally amending the recommendation to ensure that local members get sight of expenditure. Councillor Strachan responded that at this stage the proposal was only to formally accept, and no action was being taken in connection with spending it.

Councillor Mears commented that public perception about small businesses receiving money may have a negative impact

Councillor Pullen commented that any public money spent would be fully transparent.

RESOLVED: That the update to the Capital Programme to include the Rural England Prosperity funding of £400,000 be approved.

29 A CINEMA FOR LICHFIELD DISTRICT

Councillor Woodward expressed general support of the report however she believed it would be useful to the public to see how the whole of the Birmingham Road Site fits together rather than seeing the separate components. She expressed disappointment that an animation had been shown at an external event before members had a chance to see it.

Councillor Pullen responded that the animation was the graphic representation of the phasing which had been discussed with the shadow cabinet member. Councillor Woodward responded that these discussions had been in confidence and that all members would have benefited from seeing the animation first.

Councillor P Taylor asked if the council would consider investing in better bus services between Burntwood and Lichfield so Burntwood residents could enjoy the use of the cinema and nearby amenities. It was further suggested that bus services in rural areas should also be considered.

Councillor Pullen responded that public transport was increasingly difficult across the district and ways to address this were being considered.

It was proposed by Councillor Pullen, seconded by Councillor Whitehouse and

RESOLVED:

1) That approval be given for the District Council's freehold ownership of the Three Spires Shopping Centre site, excluding the Debenham's building, and six retail units (no's 32 – 44 Baker Street) to be exchanged for the leasehold of the same six retail properties be approved.

2) That the updates to the Medium Term Financial Strategy listed in the Council report be approved.

30 MOTIONS ON NOTICE

(A) The following Motion was submitted by Councillor Woodward and seconded by Councillor S Taylor:

This Council acknowledges the letter received by all candidates in recent elections from the Community Liaison Volunteer of Lichfield Foodbank and now commits to doing what we can to address the concerns raised and to work, as requested, towards a "hunger-free" future for the residents of Lichfield District. We commend the work of our local Foodbanks, the other voluntary organisations across our District providing food for those in need and those generous residents who support their work via donations.

Research by the Trussell Trust shows that three million children are at risk of hunger during the school holidays. Here in Lichfield District, we know that as many as 1 in 5 children live in poverty and that our foodbanks issue thousands of food packages every year. Foodbank use has dramatically increased: the Trussell Trust also reports a 135% increase in the number of food parcels given out over the past 5 years and Sustain, the national food alliance, reports that 17.7% of households in the UK

experienced food poverty in January 2023, rising to 24.4% of households with children and 41.8% of households with people with disabilities. Lichfield District is not immune to these pressures and these figures will be reflected here with many households experiencing food insecurity.

This council believes that no-one in Lichfield District should go hungry, not least our District's children, and therefore resolves to

- 1. Appoint a Food Justice Champion, who will lead at Lichfield District Council on tackling food poverty locally,*
- 2. Map and promote sources of assistance across our District,*
- 3. Set up and support a Food Partnership to bring together partners with a mutual interest in addressing food insecurity,*
- 4. Develop an action plan to address food insecurity across our District.*

Councillors Woodward, S Taylor, Trent, Pullen, Ashton, Cox, Ennis, Robertson and Evans spoke on the Motion.

During the debate Councillor S Taylor indicated her interest in the role of Food Justice Champion.

Members then voted on the Motion, and it was unanimously

RESOLVED: That the Motion be approved.

31 QUESTIONS

Questions under Procedure Rule 11.2 for Council

Q1. Question from Councillor Norman to the Cabinet Member for Community Engagement

"I am grateful for his detailed reply to my email of the 29th of June where I asked him for the costs of the Knife Angel artwork coming to Lichfield and the reason why Lichfield was chosen.

However, he did not give me any details of the public funding costs in the email so could he list those now, both from the Police and Crime Commissioner's office and from Lichfield District Council?"

Response from the Cabinet Member for Community Engagement

"Lichfield Community Safety Partnership were offered the opportunity, which tied in with an anti-violence campaign being run this spring and summer in local schools. It also ties in with other campaigns in the community safety partnership delivery plan to fulfil its statutory obligations including raising awareness of domestic violence, anti-social behaviour, county lines, and crime prevention. So far it has been a great vehicle to engage with schools, community groups and residents on these issues."

"The bulk of the costs are being covered by Staffordshire Police and Crime Commissioner utilising £20,000 of funding. This covers transportation, the cost of hiring the crane, knife bin installations, security, insurance etc. We are incurring some installation costs of around £7,000, we have also set aside £1,000 for engagement activities."

No supplementary question was asked.

Q2. Question from Councillor Norman to the Cabinet Member for Community Engagement

“In his email reply he listed the civic award recipients which included Clive Knowles (Chairman of British Ironwork Centre), the Police Crime Commissioner, Ben Adams, and indeed himself as Cabinet Member Community Safety Partnership.

Can you tell me who decided on these “civic awards” and what the process was as I do not recall any such “civic awards” in my time on the council since 1995?”

Response from the Cabinet Member for Community Engagement

“The Civic Awards given out are a contractual requirement of hosting the Knife Angel.”

Supplementary Question from Councillor Norman

“Contract conditions dictate to the host - Lichfield District Council on this occasion - and state that civic awards have to be given to all those listed including the Chair of British Ironwork Centre?”

Response from the Cabinet Member for Community Engagement

“It is in the contract I’m afraid. However, there is an extraordinary amount of positivity being recognised in the issues the Knife Angel is demonstrating in terms of education for children. There are sides to it that we may wish that we were not involved with but they are insignificant when compared to the significance of the message that the Knife Angel is trying to communicate.”

Q3. Question from Councillor Booker to the Cabinet Member for Finance and Commissioning

"I was delighted to win my Whittington & Streethay seat but have a strong impression that the Tamworth constituency area of the District has not received the focus from LDC that residents deserve. Therefore, can the cabinet member provide a ward-by-ward breakdown of the amount of capital expenditure made by this council for each of the financial years 2011/12 to 2021/22 inclusive?"

Response from the Cabinet Member for Finance and Commissioning

“Can I firstly formally congratulate Cllr Booker on her election to represent Whittington with Streethay ward, from which I have fond memories of my time as District Councillor there.

I attach to this response a breakdown of spend on a parish by parish basis, which is the best data available in the time that it has been possible to collate this information. Cllr Booker will note that the parish figures are distorted against ward figures as the major population centres of Lichfield City and Burntwood include a number of wards, but nevertheless represent a significantly greater proportion of capital spend than the more rural wards that she refers to along the border with Tamworth.

This is for a number of reasons. Firstly is that capital investment has generally been focussed on the largest population centres - Lichfield and Burntwood, where there is a greater pressure on services that we as a Council can provide. Secondly is a product of how the figures are presented, as investment in Burntwood Leisure Centre is recorded against Burntwood, investment in our own building here at the District Council House, or land acquisition in the city

centre is recorded against Lichfield. Investment has generally taken place where the District Council owns assets, or where we have chosen to invest in our own property.

Finally, I would urge Cllr Booker not to disregard the greatest proportion of the spend being district-wide and not specifically allocated to wards or parishes, relating to Disabled Facilities Grants, Vehicles, Bins and ICT infrastructure, representing £17.4m over the eleven years analysed and being 46% of all spend. It is simply not possible to apportion this at a hyper local level but is probably the most direct way that this Council serves the residents that we all represent.

I can certainly reassure Cllr Booker that this does not represent any less of a focus on the Tamworth constituency area, and is more likely to simply reflect the rural nature of that area of the district combined with the District Council's greater property holdings being in the Lichfield and Burntwood areas. I am sure that with the presence of talented and engaged Tamworth constituency members on Cabinet and across the Council, it will remain prominent in everybody's thoughts as we move through the latest capital programme, and if Cllr Booker is aware of specific projects that may benefit from our intervention would encourage her to contact me to discuss them."

Supplementary Question from Councillor Booker

"Thank you for your detailed response. I understand that the largest population would receive more expenditure however I wonder if my fellow Lib Dem and Conservative councillors will be as shocked as I was to see that over 11 years our ward received less than £40,000 in expenditure. Thank you for your offer of me being able to contact you to bring to your attention any projects that may benefit from LDC's intervention – my question is are you free tomorrow?"

Response from the Cabinet Member for Finance and Commissioning

"I'm afraid that I will be attending court tomorrow, but I certainly agree to read any communication I receive."

(The Meeting closed at 8.32pm)

CHAIRMAN