

COUNCIL

16 APRIL 2024

PRESENT:

Councillors Anketell, Ashton, Ball, Banevicius, Bennion, Booker, Bragger, Checkland, Cox, Cross, Farrell, D Ennis, L Ennis, Evans, Galvin, Harvey-Coggins, Henshaw, Hill, Holland, Hughes, Leung, Marshall, Mears, Norman, Powell, Pullen, Ray, Robertson, Rushton, Salter, Silvester-Hall, A Smith, J Smith, Strachan, P Taylor, S Taylor, Trent, Vernon, Warfield, Whitehouse, M Wilcox, S Wilcox, Woodward and B Yeates

85 APOLOGIES FOR ABSENCE (IF ANY)

Apologies of absence were received from Cllrs Coe and Hoe

86 DECLARATIONS OF INTEREST

Councillor Pullen declared an interest in items 15 & 17 (securing an Anchor Food and Beverage Tenant for the Cinema Complex) as he had been appointed to on Darwin Prospects LLP to represent the Council.

The Chief Executive declared an interest in items 15 & 17 (securing an Anchor Food and Beverage Tenant for the Cinema Complex) as he had been appointed to on Darwin Prospects LLP to represent the Council.

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

The Minutes of the previous meeting were approved subject to the wording of Minute 79 being amended to clarify that Cllr Trent spoke in support of the Council Tax Support Scheme and that Cllr Cox spoke in support of the resolution.

88 CHAIR'S ANNOUNCEMENTS

The Chair advised the Council on her recent engagements and invited Members to contribute towards her chosen charity, MHA Communities South Staffordshire.

89 REPORT OF THE LEADER OF THE COUNCIL ON CABINET DECISIONS FROM THE MEETINGS HELD ON 5 MARCH AND 9 APRIL 2024 AND CABINET MEMBER DECISIONS.

The Leader of the Council submitted his report on the Cabinet Decisions from the meetings held on 5 March 2024 and 9 April 2024 and Cabinet Member Decisions.

Councillor Pullen answered a question from Cllr Marshall relating to the delivery of infrastructure to support developments identified in the local plan and a question from Cllr Salter on the time frame for the new local plan. It was anticipated the Plan would be submitted for examination in August 2026 in the expectation that it would be adopted in early 2027.

Councillor Ball expressed his support for the decision and recommendations in connection with the provision of temporary accommodation for vulnerable adults.

Councillor Ennis commended the way in which the District Council and Burntwood Town Council had worked together to formulate a plan in connection with the Skateboard Park in Burntwood.

Councillor Woodward supported the ambition in the Lichfield District 2050 Strategy. She commended the consultation exercise and welcomed the assurance that the plan would come back to Overview & Scrutiny Committee on a regular basis so members could be sure that work in relation to the various objectives was on track.

Councillor Ray commented on the communications surrounding the pedestrianisation project and suggested there were some lessons to be learned. Councillor Pullen noted that there had been some complex issues which were challenging to convey but he welcomed the point.

In response to a question from Cllr Whitehouse about the multi-storey car park, Councillor Pullen advised that the demolition was a vital part of the regeneration scheme, allowing the creation of a plaza and the delivery of the cinema and food and beverage units as well as a link to Three Spires which had been a long-standing ambition of the Council.

Further to a question from Councillor Checkland, Councillor Pullen explained the reasoning and rationale for providing a health care package for council employees.

90 MINUTES OF THE OVERVIEW AND SCRUTINY COMMITTEE

Councillor Norman submitted the Minutes of the Overview and Scrutiny Committee held on 3 April 2024.

Councillor Trent supported the Committee's invitation for Youth Councillors to attend the Overview & Scrutiny Committee.

Councillor Norman voiced his support for getting young people involved in democracy and providing an opportunity for them to see how civil society operates.

Councillor Evans highlighted the need for clear aims and objectives for the forum and encouraged engagement with more schools together with children who lived inside the district but went to schools outside the district.

Councillor Norman said he had been reassured by the progress made with the Forum, noting that it could be challenging to keep people engaged. He looked forward to further progress being made and confirmed the open invitation for members of the Youth Council to attend the Overview & Scrutiny Committee.

Councillor M. Wilcox highlighted the importance of working with the Youth Council, advising that he had attended the Council to showcase the recycling campaign and some useful feedback had been received. He acknowledged that it was a learning curve for everyone – schools included – and it was important to work with the Youth Council as fully as possible.

Councillor Evans raised the ongoing difficulty in obtaining NHS dental appointments as recently highlighted in the national press and expressed concern that people were not receiving check-ups which could have severe consequences in the long term.

Councillor M. Wilcox highlighted that there was an opportunity for the Council to chair the Health and Wellbeing Board for Staffordshire. Councillor Woodward Councillor Leung's role on the board.

With regard to the notes of the Pedestrianisation Task Group, Councillor Norman advised that he had made enquiries about the removal of the out-of-date signs.

Councillor Salter spoke about the Civic Matrix Review noting that there was less time than desired for a full discussion at committee. He thanked the group for taking note of his written submission and said he was pleased to see that an 'invite the chair' function on the website would give the enquirer contact information of the ward member if the chair was unable to attend. He hoped that the role would regain some of its integrity and importance and expressed concern that the purpose of the matrix appeared to be to control expenditure and yet there was no reference to actual costs or savings.

Councillor Robertson clarified the terms of reference of the task group noting that it was making recommendations that would be considered by Cabinet.

RESOLVED: That the Minutes of the Meetings of the Overview &Scrutiny held on 3 April 2024 be received

91 MINUTES OF THE EMPLOYMENT COMMITTEE

Councillor Harvey-Coggins submitted the Minutes of the Employment Committee held on 26 February 2024.

Councillor Woodward noted that West Midlands Employers was an Employers Organisation rather than a trade union as referenced in the Minutes.

Councillor Robertson highlighted the positive step the council had taken in becoming a fully accredited living wage employer.

Councillor Evans asked about the apprenticeship scheme including how many of the Councils apprenticeships had been completed and how many apprentices were now working for the council together with age profile information.

Councillor Harvey-Coggins advised that the information would be provided.

RESOLVED: That the Minutes of the Meetings of the Employment Committee held on 26 February 2024 be approved as amended and adopted.

92 MINUTES OF THE PLANNING COMMITTEE

Councillor Marshall submitted the Minutes of the Planning Committee held on 4th March 2024.

RESOLVED: That the Minutes of the Meeting of the Planning Committee held on 4 March 2024 be approved and adopted subject the amendments made at the meeting to the list of those present

93 MINUTES OF THE AUDIT COMMITTEE

Councillor Whitehouse submitted the Minutes of the Audit Committee held on 21 March 2024.

Councillor Woodward noted there had been a discrepancy in the paperwork and thanked Councillor Ho for adjourning the meeting while this was addressed.

RESOLVED: That the Minutes of the Meetings of the Audit Committee held on 21 March 2024 be approved and adopted.

94 MINUTES OF REGULATORY AND LICENSING COMMITTEE

Councillor Salter submitted the Minutes of the Regulatory and licensing Committee held on 26 March 2024.

Councillor Ray thanked the Committee and officers for their work updating the taxi policy, highlighting its importance for the community.

RESOLVED: That the Minutes of the Meeting of the Regulatory and Licensing Committee held on 26 March 2024 be approved and adopted.

95 BIRMINGHAM ROAD DEVELOPMENT SITE DESIGN CODE

Councillor Farrell submitted The Birmingham Road Development Site Design Code that set out design requirements for any potential development on the site.

It was noted that 'Create Streets' had produced the Code following extensive engagement with the public, establishing principles that formed the basis for the final design code.

The Design Code was structured in line with the National Model Design Code and would inform parts of the 'area wide' design code being produced for Lichfield District by Building Design Partnership.

Councillor Ball supported the Code and said he was pleased to see affordable housing would be included on site.

Councillor Pullen thanked Members for their input and Create Streets for their work. He welcomed the community involvement in drawing up a code that unlocked the ability to market the site safe in the knowledge that a robust design code was in place.

Councillor Marshal welcomed the Code, thanked those involved and noted that it represented a real boost for the city.

RESOLVED: (1) That the adoption of the Design Code for the Birmingham Road Site be approved.

(2) That delegated authority is given to the Leader of the Council and Chief Executive to make minor changes to the Design Code without referring to Council.

96 UPDATE TO THE CONSTITUTION - SHADOW CABINET

Councillor Pullen proposed an update to the constitution that gave formal recognition to Shadow Cabinet arrangements

RESOLVED: That the constitution be updated to formalise Shadow Cabinet arrangements as set out in table 1 of the report.

97 MEMBERSHIP OF COMMITTEES

The Leader proposed changes to the Membership of Committees and it was

RESOLVED: (1) That Cllr S. Wilcox be removed from the Overview & Scrutiny committee and appointed to Planning Committee.

(2) That Cllr N. Hawkins be removed from Planning committee and appointed to the Overview & Scrutiny committee.

98 QUESTIONS

Questions under Procedure Rule 11.2 for Council

Q1. Question from Councillor Ashton to the Cabinet Member for High Streets & Visitor Economy

It has been some time now since the restrictions on vehicular access to Lichfield City Centre were changed. However, the signs in Tamworth Street at the entrance to the pedestrianised area still display the older confusing restrictions. Can we please be informed of the schedule to replace these signs so that they reflect the current restrictions? On a related note, the redesignation of municipal car parks as long- and short-stay does not seem to be apparent – for example, though I believe that both decks of the Lombard Street car park are to be designated as long-stay, the upper deck still displays “short stay” at the entrance, and the signs by the ticket machines on the upper deck and by the entrance to the lower show short stay rates. When may we expect these changes to be made and made obvious to the public?

Response from the Cabinet Member for High Streets & Visitor Economy

We have been working in partnership with Staffordshire County Council on the trial pedestrianisation scheme. Staffordshire County Council is the only authority with the powers to update the on-street signage and we continue to be in communications with them on this matter. The latest update from them is that their appointed contractor is awaiting receipt of the signs from the signage manufacturer, and they are not yet able to provide an installation date. We will continue to push on this matter. As indicated on the recent press release on parking charges, we are currently reviewing several options to ensure the right mix of short and long stay spaces are available. Once that review is conducted, a process must be followed before we can change the designations. We will communicate those plans as soon as they are available.

Q2. Question from Councillor Cross to the Leader of the Council

The members of this Council have not had a members' fee increase for over 6 years which was intended to be in line with Officers annual increases and hasn't been. Some 2 years or more ago it was decided to engage independent consultants to advise on members and committee chairs remuneration and they recommended a 20% increase to catch up. It was agreed by the Conservative group members unanimously that 10% would be more affordable at that time and you overruled it. Since you have promised to bring it back onto this council agenda several times for review but haven't. What are your intentions for our Council members bearing in mind you have been a strong supporter to increase officers increases and found money to award benefits to them that no other council is offering to help them with the increasing cost of living and their Health Care?

Response from the Leader of the Council

The Independent Remuneration Panel carries out a review every four years and makes recommendations to Full Council. The last review was conducted in 2022 and due to the

economic challenges facing residents, Council resolved not to accept the recommendations at that time.

This means the existing scheme remained in place, which links annual increases in members' basic and special allowances to those agreed by the National Joint Council (NJC) for Local Government staff. Therefore, members' remuneration has increased every year with the exception of 2021/22 (during the Covid pandemic). The percentage increases are set out below:

2018/19 – 1% increase

2019/20 – 2% increase

2020/21 – 2% increase

2021/22 – 0%

2022/23 – 1.75% increase

2023/24 – 4.04% increase

2024/25 – 3.88% increase

The scheme is due for a formal review in 2026.

Councillor Cross asked the following Supplementary question:

Thank you, I have the increases which are listed here which confirms the increases in line with officers, but it doesn't address the 20% increase recommended by the consultants in 2022. 2026 is too late and too close to the next elections. When are we going to address this 20% has recommended two years ago?

The Leader of the Council Responded:

Councillor Cross is quite right that this Council chose not to take the increase.

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

You verbally reported at a recent Full Council meeting that the company we own LWMTS had made a profit of some £13,000. When are we going to see a full financial trading statement of this company to show sales, fixed and variable overheads etc and provide us with quarterly reports and forecasts of their performances?

Response from the Cabinet Member for Finance and Commissioning

The verbal report of a small profit referred to the outcome of LWMTS' first full year of trading, for the year ending 2022/23. The performance of the company is regularly and openly reported to all Councillors and wider. For 2022/23, for example:

- 10 July 2023 – LWMTS Business Plan for 2023/24 Cabinet Member Decision including a summary of the accounts for 2022/23.
- 10 August 2023 – Accounts for a Small Company posted on Companies House for 2022/23.
- 10 October 2023 – LWMTS Annual Report for 2022/23 including a summary of accounts approved by Cabinet.
- 28 November 2023 - LWMTS Annual Report for 2022/23 including a summary of accounts reviewed by Audit (and Member Standards) Committee. A similar process was undertaken for activity by the company in 2023/24.
- Most recently the LWMTS Business Plan 2024/25 was approved by a Cabinet Member decision, on 11 March 2024.

Q4. Question from Councillor Bragger to the Cabinet Member for Housing and Local Plan

The Council have a duty under the Housing Act 2004 to keep the condition of housing under review and have powers to intervene when accommodation is sub-standard. While most private landlords are good, we know there are some tenants that have unresolved serious issues. How many complaints have the Council dealt with in the last three years?

Response from the Cabinet Member for Housing and Local Plan

The Council employed one full time housing enforcement officer over that period and received 656 service requests. Most of these service requests were from tenants concerned about the conditions in their rented property. Some of these were actioned by providing advice to the tenant, whereas others required an inspection of the property and enforcement action taken against the landlord. Following a successful grant application, on 8 April 2024 a second full time housing enforcement officer was employed on an 18-month contract. This will increase our ability to improve conditions in the local housing stock, with a particular focus on damp and mould in the private rented sector. This will include some capacity for officers to proactively inspect properties that are known to be at greater risk of damp and mould.

Councillor Bragger asked the following Supplementary Question

Could a breakdown of problems particularly those related to damp to be circulated following the meeting?

Response from the Cabinet Member for Housing and Local Plan

Yes.

99 SECURING AN ANCHOR FOOD AND BEVERAGE TENANT FOR THE CINEMA COMPLEX

Councillor A. Smith presented the latest in a series of reports on the development of the former Debenhams building on Bakers Lane in Lichfield, in the Council's capacity as 50% shareholder of the Darwin Prospect LLP.

The report introduced a proposal for securing a national brand, high-quality anchor Food and Beverage (F&B) tenant, the Botanist, for the development alongside Everyman Cinemas.

Consideration was given to the provision of a capital contribution as part of a deal to attract the tenant. It was advised that this was not unusual for the type of development being undertaken and would significantly improve the overall quality of the new Three Spires Quarter that the Council was seeking to develop.

Councillor A. Smith noted that for clarity additional text had been added to the recommendations, copies of which had been circulated prior to the meeting. He noted that £1.7 million would be taken from investments in other areas and moved temporarily to this project, potentially being repaid by the capital receipt from the Birmingham Road site.

Councillor Silvester-Hall seconded the recommendations.

Councillor P. Taylor emphasised that the Council was investing in a scheme to bring money and shoppers to the district. This would benefit employers in the units, customers and surrounding businesses due to increased footfall. He said businesses that attract people enabled higher rents in the surrounding units. They are fully aware of this fact, which is why

they demand a contribution. This was not spend but rather an investment in bringing in more trade, improving jobs and the local economy.

Councillor Woodward thanked Councillor A. Smith for the information provided and the additional clarification in the recommendations. She said the feedback received from colleagues elsewhere suggested Lichfield was fortunate to secure a company with a national brand like the Botanist as part of the regeneration project. She noted the assurance that had been provided in respect of the likely income. Councillor Woodward called for the Council to show ambition and to get behind the proposal.

Councillor Ray raised concerns about the amount of public money being allocated and asked members to take a step back. While the cinema would without doubt be good for the District, he was concerned about the £1.7 million, noting the Council had discussed setting up a housing development company to build affordable housing and investment in Burntwood and the rural areas. This money could assist these objectives and ensure a good quality public realm. He said there had not been a detailed analysis of other options and he could not support the recommendations. He stated that this would not prevent the delivery of the cinema but would allow time to explore other options.

Councillor Trent welcomed the clarification provided by the amended recommendations and said it was important to avoid there being any impact on Council services. He asked about the provision of legal advice referred to in the report and the review by external auditors. He said achieving best value was a key issue and while appreciative of the extra information provided in recent days, it was important to have properly explored the alternatives.

Councillor Rushton emphasised the importance of scrutinising the development and expressed disappointment at the time available at the Overview and Scrutiny Committee meeting. He said he was unable to support the proposal because other options had not been fully investigated.

Councillor Cox said the proposal had been subject to due diligence and he considered it good news for Lichfield and the District. He said it was important to have ambition and welcomed the report.

Councillor Norman said officers had provided answers to all the questions he had raised and noted advice had been sought from commercial experts. He said public investment was necessary to encourage investment.

Councillor Farrell agreed with Councillor P. Taylor that this was an investment in the future of the city and the wider district. He was confident that officers and cabinet colleagues had undertaken due diligence and if the Council kept waiting and waiting no change would happen.

Councillor Cross stated that he had no doubt about the company but expressed concern that a lot of money was being allocated and it was not clear what it was going to be spent on and if it included spend on the fit out.

Councillor Strachan advised that he was delighted at the plan to attract the Botanist. As Councillor P. Taylor had stated this was a commercial transaction and far from being a snap decision, represented a lot of work behind the scenes. The recommendation provided a place shaping opportunity for relatively low financial risk.

Councillor Strachan added that a comprehensive options appraisal had been undertaken by Evolve Estates as they are the experts in the field and carry out their own assessments. He said it was an opportunity to support a truly transformative scheme.

Councillor Marshall said he appreciated the summary provided by Councillor P. Taylor which encapsulated the positive arguments for the scheme. The wider regenerative benefits offset the initial investment and it represented an opportunity for Lichfield.

Councillor Bragger noted that attracting visitors to a vibrant and attractive city centre was important for ensuring the prosperity of Lichfield District. Discussions and research had allayed his initial concerns about the investment, and he considered it would be of great benefit to the city and the district.

Councillor Robertson highlighted that the Council was looking at a high-end cinema operator which would be at a higher price point and the Botanist which was also at a high-end price point. He said it was important not to create a development at the top of Baker's Lane that was exclusionary since the Council represented the entirety of the District and a range of food and beverage units accessible to everyone would be needed.

Councillor Robertson referred to the information and calculations in the report's appendices and highlighted some concerns. However, he concluded that the proposal represented a good financial decision and that revenue achieved could help ease pressure on the revenue budget and hedge against future budgetary pressures. As a consequence, even if the potential for regenerating the local economy was unproven, he was happy to support the proposal.

The Chief Executive confirmed that legal advice had been received and confirmed that the terms of the agreement allowed for one or other partners to make an additional financial contribution and set out very clearly the arrangements for the repayment of the additional capital contribution.

Councillor A. Smith advised that the Council was not spending £1.7 million, it was rather moving money from one investment into another investment, and there was of course an element of risk as there is in any investment, but it was a risk worth taking.

With regard to other options, Evolve had looked at options across the country and as experts in this field considered the Botanist to be the best option available. Larger national firms expect the landlord to contribute to the fit out while they commit to a base rent for a number of years. This commitment would see the £1.7 million paid back.

The Leader of the Opposition then called for a named vote which was recorded as follows:

For	Against	Abstain
Anketell	Ashton	
Ball	Bennion	
Banevicius	Cross	
Booker	Henshaw	
Bragger	Mears	
Checkland	Ray	
Cox	Rushton	
D Ennis	J Smith	
L Ennis	Trent	
Evans		
Farrell		
Galvin		
Harvey-Coggins		
Hill		
Holland		
Hughes		
Leung		
Marshall		

Mears
Norman
Powell
Pullen
Robertson
Salter
Silvester-Hall
A Smith
Strachan
P Taylor
S Taylor
Vernon
Warfield
Whitehouse
M Wilcox
S Wilcox
Woodward
Yeates

It was duly:

RESOLVED: Subject to the required changes to the Joint Venture LLP legal documentation not necessitating a change in the 50:50 funding approach to the LLP, Full Council approves an update the Medium-Term Financial Strategy:

- To increase the budget in the Capital Programme by £1,700,000 to fund the capital contribution contained within the Head of Terms. The plan is for the borrowing need created by the capital contribution to initially be funded through internal borrowing.
- Then it be approved:
 - a. Either to allocate the first £1,700,000 of capital receipts generated from the sale of land in the Birmingham Road Site to fund the capital contribution and negate the creation of borrowing need or;
 - b. In the event the capital receipt does not reach the £1,700,000 level, or Council does not approve its allocation to this project, to approve the identification of budgetary savings (to maintain the level of Approved risk 'headroom') equivalent to the Central Scenario annual Capital Financing Costs (over the initial 15 year lease period, the Capital Financing Costs of Minimum Revenue Provision (MRP) and Loss of Investment Income @ 3.5% are budgeted to be £173,000 in year 1 and £117,000 in year 15) by ensuring no increase in the funding gap.'
- To continue the approach that the MTFs is based on a neutral (no surplus or deficit or capital receipts are included) budget position until more informed financial projections are provided through the Business Plan. Any future changes following receipt of the Business Plan will be reported in line with the Council's budget monitoring and any budget approvals will be in line with the budget framework.'

100 CONFIDENTIAL MINUTES OF THE OVERVIEW & SCRUTINY COMMITTEE

Councillor Norman submitted the confidential Minutes of the Overview and Scrutiny Committee held on 3 April 2024.

RESOLVED: That the confidential Minutes of the Meetings of the Overview & Scrutiny held on 3 April 2024 be received.

(The Meeting closed at 8.30 pm)

CHAIR