

Questions under Procedure Rule 11.2 for Council

Q1. Question from Councillor Robertson to the Cabinet Member for Visitor Economy and Local Plan:

What progress has the authority made identify a site for the travelling community to use, as is required by law?

Response from the Cabinet Member for Visitor Economy and Local Plan:

As part of the evidence base work undertaken to support the emerging Local Plan review, the Council had a Gypsy and Traveller Assessment undertaken in conjunction with Tamworth and North Warwickshire and this was completed in November 2019.

This identifies the need to provide for an additional 13 pitches between now and 2040 over and above the existing site provision that already exists. This is to provide 4 pitches for maturing teenagers in the next 5 years from households who meet the planning definition of Gypsy & Traveller, who will need their own pitches, as well as 3 to provide for household demographic changes on existing private sites. In addition, it identifies the need to provide 6 further pitches for those who do not meet the planning definition and are identified as coming from being on unauthorised encampments or from new household formation.

Historically there used to be government guidance outlining what a 'pitch' requirement size would look like, however, that has been withdrawn. The guidance also used to look at whether the need was permanent, or, to cater for influxes of transient populations and therefore short-term provision. The current government approach in relation to the 6 pitches, identified for those as coming from being on unauthorised encampments or from new household formation, is for this need to be viewed as part of the general housing numbers, rather than the Gypsy & Traveller Needs Assessment.

The Gypsy and Traveller Assessment indicates there may be opportunities to remodel and make more efficient use of existing private sites by use of touring caravans, day rooms, etc. It may be that a combination of new provision and better use of existing sites will allow us to meet the needs identified for our District. Given that the majority of identified need comes from households living on private sites it is likely that it will need to be addressed through the provision of private pitches or sites.

With regards to transient movement, we will need to consider if as a local authority we wish to make provision for negotiated stopping. If we were to do so it would provide temporary stopping places that can be made available at times of increased demand due to fairs or cultural celebrations that are attended by Gypsies and Travellers. As a local authority we could levy a charge for this provision in return for providing facilities such as cold-water supply; portaloos; sewage disposal point and refuse disposal facilities.

The intention is to address the issue of adequate provision by early September at the latest, as we will need to ensure this is included in our emerging local plan, given the Planning Inspectorate identified as a serious omission the failure to address this in our current local plan.

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

What was the Council's carbon footprint for previous year?

Response from the Cabinet Member for Community Engagement:

The Council does not have a current measurement of its own carbon footprint, so we are working with neighbouring councils across Staffordshire to agree a comparable methodology for measuring this in order to set a baseline from which to progress. The overall *district* emissions using BEIS data from 2017 (the most recent source) was shared with Councillors in December 2019.

Q3. Question from Councillor Robertson to the Cabinet Member for Finance, Procurement, Customer Services, Revenues and Benefits:

When will the local procurement policy be brought before Council?

Response from the Cabinet Member for Finance, Procurement, Customer Services, Revenues and Benefits

The overarching Procurement Strategy is in draft form, with an ongoing action plan that places a heavy emphasis on both procuring locally, and on social benefit in our procurement processes. The next stage in the process is to fill the roles in our newly expanded procurement team, for which the applications close on 19th July and where we already have some exciting applicants coming forward. The successful applicants will then help to develop the final strategy which will be presented to the November meeting of the Strategic O&S committee, and subject to Cabinet approval may make December's Council. I had hoped to bring this forward for September however the recruitment process was delayed by the lockdown, which was a regrettable but necessary consequence.

I look forward to working with Cllr Robertson and other members on shaping this important factor in local recovery and improving ties with local business.

Q4. Question from Councillor Robertson to the Cabinet Member for Finance, Procurement, Customer Services, Revenues and Benefits:

How does the cabinet member think that the decision not to borrow to invest in commercial property will affect the ability of the Council to close our funding gap?

Response from the Cabinet Member for Finance, Procurement, Customer Services, Revenues and Benefits

This question is particularly challenging to answer in the current context while we are still unsure how the global pandemic will affect our financial position and how big the funding gap will be when the dust clears.

The decision was the only possible one to take when the government moved to stop Local Authority "debt for yield" schemes where debt was taken on through the Public Works Loan Board to acquire and speculate on built-out development. As our approved Property Investment Strategy relied upon that route, at least in part, it became unsustainable in its current form. In one way I am grateful that the decision was made for us before we had advanced too far, given the risks inherent in investing in what had become a bubble grown with Local Authority debt.

However, there has been no move to stop Local Authorities borrowing to invest in place shaping - borrowing to develop within the District either alone or as part of a joint venture. At present, how feasible or desirable that will be post-Covid-19 is a moot point and will depend very much on demand for the types of development we are able to deliver. I don't think anybody could predict at this stage whether there will be demand for office accommodation in large scale, for instance, given the potential increase in home working.

So in a simple answer to Cllr Robertson, that decision closes one door but does not necessarily hinder our ability to close the funding gap through investment in property. While the current MTFs assumes a contribution from investment in property of £87k in 2020/21 rising to £658k by 2023/24, we have always been very careful with our forecasts and it may well be the case that this contribution can be met from other investment routes.

Q5. Question from Councillor Evans to the Cabinet Member for Regulatory, Housing and Health:

Can Councillor Lax, who is now the Cabinet Member for the effective delivery of DFG's, please tell us the current state of the provision. We were told we would receive regular updates as we know the provider was not doing as well as was anticipated or as they promised at their initial presentation. What are the issues that are causing concern, when is the contract going to be reviewed and what is the reason for considerably fewer grants being awarded since 2013/14, except for 2014/15?

Are the requests increasing and what is the proportion of elderly people requesting help, compared to younger people with physical disabilities?

Response from the Cabinet Member for Regulatory, Housing and Health:

A report detailing performance in 2019/20 was scheduled for the June meeting of CHH O&S which was postponed and a report will now be presented to the next meeting of the committee on 15th September 2020. This report will provide a detailed update on performance over the last financial year and will also update members on progress this year and the impact so far of the Covid 19 pandemic.

Since April 2018 we have been part of the county-wide Supporting Independent Living in Staffordshire (SILIS) Partnership; the current contract is for 5 years and runs until March 2023 with the potential to extend for two further years until end of March 2025. As Cllr Evans knows, the contract was awarded to Millbrook Healthcare Ltd which now operate 6 home improvement agencies across the UK.

There have been issues with the performance of the contract since the start that resulted in the Partnership issuing Millbrook with a Service Improvement Plan in 2019, which was followed by a formal improvement notice. One outcome of has been much better engagement by Millbrook's senior leadership team and a restructuring of the local Millbrook staff team. In April 2020, the 6 districts also appointed an experienced consultant project manager who is providing specialist support to each authority and has enabled positive improvements to continue, despite the challenges of Covid 19.

Although the service provided by Millbrook has improved, particularly the quality of assessments and adaptations, there remain some challenges, particularly the length of time it takes for works to complete and the backlog of cases due to Covid. Whilst Covid has allowed some cases to proceed, the inability of staff or contractors to visit clients, means that there is now a backlog of cases awaiting assessment which is being addressed. The nature of DFG

works and the client group mean that extra risk assessments and safeguards are needed to ensure the safety of both clients, staff and contractors. A Covid risk assessment has been developed to ensure clients, staff and contractors remain safe whilst also allowing applications and works to progress where it is safe to do so.

In answer to the question regarding why fewer grants being awarded since 2013/14, except for 2014/15, comparisons over such a long time scale are difficult to compare due to changes in provider and the different types of contract arrangements over this time.

Are the requests increasing and what is the proportion of elderly people requesting help, compared to younger people with physical disabilities?

During Q1 this financial year, Millbrook have received 29 Enquiries for a DFG. The table below compares to the same quarter in previous years:

	2020	2019
April	8	11
May	11	17
June	10	12
Q1 TOTAL	29	40

Figures compared to 2019 are only slightly lower on a month by month basis, which allowing for Covid is not unexpected.

In terms of age of applicant ages – for 2019-20 there were 60 cases where works were completed; of these 38 were for people aged over 60; and 9 were for people aged 18 and under; the remaining 13 were for those aged between 19 and 59 (based on age at completion of works).

Q6. Question from Councillor Evans to the Cabinet Member for Regulatory, Housing and Health:

It has long been a concern of some members of the Planning Committee that the percentage of affordable homes is not being met and it appears we are pandering to developers. What is Councillor Lax proposing to do about this shortfall as mentioned in the Local Plan and will she ensure that these will be across the District and not merely in Lichfield and Burntwood?

Does she agree that we are failing our young people who may want to remain in the area and does she also accept that unless affordable homes are provided we could well lose workers who may be forced to go elsewhere for employment opportunities?

Response from the Cabinet Member for Regulatory, Housing and Health:

The Council's policy on the delivery of affordable housing requires developments in Lichfield and Burntwood for 15 or more dwellings, or, on sites of 0.5 ha or more in size, for affordable housing to be delivered in line with our current viable level of affordable housing. Our Authority Monitoring Report (AMR) for 2019 sets the current viable level at 37%. Outside these two main urban areas, affordable housing will be required on housing developments in line with nationally set thresholds. It is however important to note that affordable housing contributions can only be sought on those sites which are in line with the thresholds set by national standards and local plan policy.

Policy H2 states that affordable housing may be in the form of social rent, affordable rent, intermediate or a mix of tenures. The Council normally requires at least 65% of the affordable housing on a site to be social rented managed by one of our approved Registered Providers (RPs). The exact percentages will be agreed on a scheme by scheme basis during the determination of the planning application and the Council's housing and wellbeing strategy team will examine available evidence on local housing needs to help determine these. On occasions where an applicant is not willing or unable to provide the percentage of affordable housing required in accordance with our policy, the economic viability of the scheme will be independently tested by the District Valuer.

Across the three years 2016-17 to 2018-19, 398 affordable dwellings were built and occupied of which 58% was delivered via developer contributions secured by s106 agreements and 42% was delivered directly by Registered Providers using their internal own funds and affordable homes funding from Homes England. These were delivered in Lichfield and Burntwood and a number of our settlements such as Armitage with Handsacre, Alrewas and Fradley, Whittington and Streethay, Colton and the Ridwares, Bourne Vale and Curborough.

In addition to those affordable homes which have been delivered over these three years a significant number of affordable homes have gained planning permission and likely to come through to delivery in the coming years. The most recent AMR details there are a further 213 affordable dwellings permitted to be constructed in the next five years. Whilst this AMR is in the process of being updated further affordable homes have been permitted since the current one was published taking the total submitted supply to in excess of 600 affordable homes awaiting construction.

Full detail of further completions and supply will be set out within the next update to the AMR. The updated AMR, Five year supply paper and Strategic Housing Land Availability Assessment (SHLAA) will be presented to local plan sub-committee in due course. The reason for the delay in data collection has been due to the COVID-19 pandemic restricting the ability for Officers to get out and undertake site visits to confirm completions and starts.

As members will be aware the Local Plan is currently being reviewed and as part of this process work is being undertaken to assess viability across the district. This will help inform planning policy on housing provision and the suitability of allocations to meet identified need. It will also enable an appropriate affordable housing policy to be brought forward. When completed the work will be presented for consideration by the Local Plans sub-committee, part of the EGED Committee. The draft policy, informed by the above will also be presented to members as part of the subsequent draft Local Plan.

I know that my Cabinet colleague Councillor Eadie is encouraging growth of our other settlements beyond Lichfield and Burntwood as part of our emerging local plan review. This is intended to help these settlements be sustainable and also to give the opportunity for people to find homes in our rural settings, not just in Lichfield and Burntwood.

In terms of providing dwellings for key workers and first-time buyers, so that they stay in our District, we welcome the Government's First Home proposals and look forward to these coming forward once Government has reflected on the consultation it recently undertook on these.

Q7. Question from Councillor Ball to the Cabinet Member for Regulatory, Housing & Health:

Although it is very early days for her with her new responsibility for housing, can the Cabinet Member, please, tell us what progress she has made in discussions to have adopted in

Lichfield District the definition of affordable rents as promoted by the West Midlands Combined Authority (i.e. rents and mortgages at 35% or less than the average gross earnings of the lowest quarter of wage earners in a local area)?

Response from the Cabinet Member for Regulatory, Housing and Health:

I am aware that the WMCA has introduced its own localised definition of affordable rent, linked to people's income in the area rather than the WMCA property market. This is based on local people paying no more than 35% of their salary on mortgages or rent. LDC is not a member of WMCA and therefore we have not been involved in any discussions around setting such a 'local' definition that may work for this significantly smaller authority.

It is important that the definition of Affordable housing that we adopt in our emerging Local Plan is consistent with the National Planning Policy Framework (NPPF). When preparing planning policies we need to have regard to what is 'sound' and would be successful at examination; an essential element is that the definition would need to be consistent with national policy. Any proposed diversion from the definition in the NPPF will need to be evidence based. We cannot just adopt something from the WMCA which is designed for specific funding models linked to its own land acquisition and planning policy.

Q8. Question from Councillor Ball to the Leader of the Council:

Will the Leader of the Council, please, tell us whether he will ask that Council Report templates now include the phrasing "Impact on addressing the Climate Change Emergency", rather than "Environmental Impact", and agree to add "Impact on Local Procurement" to future reports?

Response from the Leader of the Council:

The phrase "Environmental Impact" has been decided upon as it includes, amongst other things, our response to the Climate Change Emergency which we declared last year. This is a much wider definition than just climate change, although it necessarily includes it, and in my view is a better way of summarising our intent.

The Local Procurement policy will be a formally adopted policy of the Council, and will therefore be taken into account in all reports, without any need for inclusion on the template.

Q9. Question from Councillor Norman to the Cabinet Member for Visitor Economy and the Local Plan:

Can he confirm that the Planning Department has not had individual representations to the formal consultation on the Local Plan Review held between the 29th of November 2019 and the 24th of January 2020 from the Member of Parliament representing Burntwood or the Member of Parliament representing Mile Oak?

Response from the Cabinet Member for Visitor Economy and the Local Plan:

I can confirm that the Member for the Tamworth parliamentary constituency wrote to our Chief Executive on 21 January 2020 generically on behalf of the residents in Fazeley. He indicated he was not opposed to building and it was his belief that most residents recognised the need for good quality local housing. Mr Pincher asked us to review and give consideration to infrastructure, roads, green spaces and flooding in terms of any development. A response to his letter was provided on 11 February 2020.

I can confirm that the Member for the Lichfield parliamentary constituency wrote to our Chief Executive on 17 February 2020 regarding the concerns of a resident in Hanney Hay Road over a document that had been published by Harworth, relating to a proposal to create a new sustainable neighbourhood at land off Hospital Road. The letter was a follow on from a previous exchange on the same matter during the consultation period on which one of our officers had already provided a response and the resident makes reference to being associated with Burntwood Action Group. A response to Michael Fabricant's letter was provided on 26 February 2020.

Q10. Question from Councillor Norman to the Cabinet Member for Major Projects and Economic Development:

One of my constituents asked me why some of the very large coaches signs painted on the road surface at Lichfield Bus Station appeared to be upside down. I asked about this and after a reminder got the answer: "The tender drawings for the scheme, which the contractor has worked to, does indeed show the road signage to be upside down when viewed from a coach driver's position. This mistake by the architect was not picked up until the contractor had completed the lining."

This was an unfortunate mistake but when I reported back to my constituent they told me that they had in fact drawn this to the attention of the contractors when he saw them working there and was told that the Contractor had queried the signage before starting work and was told that the 'Planning Department' said that was how they wanted it.

Can he confirm that the Contractor did indeed query this with the Council as my constituent was told?

Response from the Cabinet Member for Major Projects and Economic Development:

Yes it was queried; it depends on where you stand whether it is upside down or not.

Q11. Question from Councillor Norman to the Cabinet Member for Regulatory, Housing & Health:

Can she confirm that all members of the Planning Committee have attended training sessions to enable them to carry out their duties when considering Planning Applications despite evidence to the contrary as seen in the recording of the virtual Planning Committee Meeting held on the 1st of June 2020?

Response from the Cabinet Member for Regulatory, Housing & Health:

Regular Member training sessions take place. Generally four per year are set within the calendar on different planning topic areas. Before members join the Planning Committee they receive training on the planning system also, last undertaken when the composition of the Planning Committee changed. (May 2019- a session on an introduction to Development Management presented by our Planning Development Manager and Ashley Baldwin/the then Spatial Policy & Delivery Manager provided an introduction to his area of planning).

In addition, in the last 12 months, training has taken place for members on probity and pre-disposition (more than one session, including one presented by a Planning Solicitor, then our Monitoring Officer did another follow up session (Dec 2019)), and of course we had the recent

virtual planning enforcement training session 21st May 2020 for all members who were able to attend.

Q12. Question from Councillor Norman to the Cabinet Member for Regulatory, Housing & Health:

Can she also confirm that where there is a possible breach of planning regulations planning enforcement officers can, and I quote, “invite an application or seek resolution without taking enforcement action”?

Response from the Cabinet Member for Regulatory, Housing & Health:

How we approach Planning Enforcement is set out in the adopted LDC Local Enforcement Plan which is on our website. Also, as set out in the National Planning Policy Framework, enforcement action is discretionary and it states all LPAs should act proportionately in responding to suspected breaches. Our Local Enforcement Plan follows these national guidelines.

Paragraphs 4.9 & 4.10 of the Enforcement Plan set out that:

“4.9 In cases where there may be a technical breach of planning control but the harm caused is insufficient to warrant formal action, we will notify the complainant of the reason for not taking formal action and close the case;

4.10 Negotiate with those responsible for any breach of planning control, allowing them the opportunity to resolve the matters of concern before serving a formal notice, unless the breach is so serious it warrants immediate action or where negotiations become protracted with no real likelihood of success.”

Operational experience shows that taking formal enforcement action/serving Notices is not always the best or most effective way to resolve more minor issues. If it becomes necessary and proportionate to take enforcement action, before incurring costs, our rate payers would expect us to have tried to address the harm arising. That is the sensible approach to take. We do however look to prioritise cases- as set out in section 6 of the Enforcement Plan. If there is a serious breach then we will take enforcement action.

Q.13 Question from Councillor Ho to the Cabinet Member for Community Engagement:

After reading Cllr Robertson’s comments on twitter can you tell me what involvement he had with the Homelessness and Rough Sleeping Strategy?

Response from the Cabinet Member for Community Engagement:

Cllr Robertson had no involvement. I checked with our officers and they confirmed he has had no contact with them or been on CHH Overview and Scrutiny.

I can only presume he was trying to congratulate the officers and me on the great work we have done.

Q.14 Question from Councillor Baker to the Cabinet Member for Regulatory, Housing & Health:

We do not want anyone rough sleeping, particularly during this pandemic. Can the Cabinet Member for Regulatory, Housing and Health confirm that all rough sleepers in the district have been offered accommodation?

Response from the Cabinet Member for Regulatory, Housing & Health:

All the rough sleepers that either ourselves or Spring, our outreach service for rough sleepers, have engaged with have been offered accommodation. We have had a few reports of rough sleepers where we have visited the sites and either seen no evidence of rough sleeping or seen evidence but no rough sleepers. Where there is evidence, Spring leave contact details. They also do follow up visits, even to sites where there is no evidence and speak to either those who reported seeing the rough sleeper or residents/business owners who live or work nearby and leave contact details with them too. We will continue to offer accommodation to all rough sleepers who choose to engage with us.

This was the situation at the start of the pandemic and continues to be the case. Going forward the initiative with Spring is to focus on getting rough sleepers into permanent accommodation where they feel safe and have appropriate and skilled support. Underpinning our strategy is very much LDC taking a long term approach on rough sleeping to achieve better outcomes.

Q15. Question from Councillor Baker to the Cabinet Member for Leisure, Parks and Waste:

We know that, nationally, bin collections have been thrown into disarray due to Covid 19 - Would the Cabinet member advise us how many, and where, bin collections were missed since "lock down" throughout the Lichfield District?

Response from the Cabinet Member for Leisure, Parks and Waste:

During lockdown, our Joint Waste Service has performed superbly and is a source of great pride to the Council. We are one of less than 10% of authorities that have retained a complete service, collecting residual waste, recycling, garden waste and bulky waste throughout the lockdown period, even managing to continue to deliver new bins.

In the period March to June there were missed 1,632 bins, compared to 1,338 in the same period in 2019. We of course strive to miss no bins and it's important to stress that we return to collect all reported missed bins within three working days. However this still represents the successful collection of 99.9% of all bins first-time and is a remarkable achievement given so many people were at home with more bins presented and waste volumes increased by up to 40%. I would like to congratulate the team and thank them for their work during these unprecedented and difficult times.

Q16. Question from Councillor Baker to the Cabinet Member for Major Projects and Economic Development:

The Lichfield District officers have been very diligent and worked extremely hard disseminating grants to business in a timely manner but I would ask the Cabinet member if he could summarise the numbers and types of businesses awarded grants and highlight those businesses that have unfortunately not been able to access grants?

Response from the Cabinet Member for Major Projects and Economic Development:

The Small Business Grant and Retail, Hospitality and Leisure Grant Schemes has been paid to 1,494 businesses, to the value of £18,120,000 (as of 10th July 2020), which is around 93% of the number of eligible businesses (1,604) identified at the start of the process. These grants were for the rate payer of eligible commercial properties trading on the 11th March 2020 and either received small business rate relief; or had a rateable value of between £15,001 to £51,000 and were within the retail, hospitality or leisure sector.

In terms of the discretionary grant aimed at small businesses who were not eligible for the two original grants, 64 grants have been awarded totalling £320,000. Four business types were outlined within the national guidance to prioritise: small businesses in shared offices or flexible workspaces, regular market traders with fixed building costs, B&Bs that pay council tax and certain charity properties in receipt of charitable business rates relief, all of whom must have suffered a significant loss of income due to covid 19 and have high ongoing fixed commercial property related costs.

The businesses who unfortunately are not able to access these grants administered by the local authorities:

- Homeworkers (with no fixed commercial premises)
- Businesses with a rateable value greater than £51,000
- None rate payers in a sole office, industrial or retail unit
- Businesses who aren't within the retail, hospitality or leisure sector with a rateable value of between £15,001 to £51,000.

Q17. Question from Councillor Gwilt to the Cabinet Member for Visitor Economy and Local Plan:

Our District has a lot of visitors each year to the likes of the Cathedral, the food festival, Drayton Manor and the National Memorial Arboretum. What are we doing to get Government to give the help that is needed to get the visitors back that so many places and businesses are reliant on?

Response from the Cabinet Member for Visitor Economy and Local Plan:

Lichfield District Council participates in Lichfield Place Board along with Lichfield Cathedral, the National Memorial Arboretum, Drayton Manor Park, Webb Hotel Group, Swinfen Hall Hotel, Three Spires Shopping Centre, Lichfield Garrick, The Hub at St Marys, Lichfield BID, Lichfield Festival and representatives of the three tiers of local government.

On behalf of this collaborative group I have asked our MP Michael Fabricant to lobby Ministers on a number of occasions on issues such as the Coronavirus Job Retention Scheme that has been supporting those who have been unable to operate in the visitor economy since lockdown began. Michael has done so and responses have been received from Government. It has been welcome to see that the issues we have asked Government to respond to have been acted upon.

Visit Britain and Visit England have launched a free 'We're Good To Go' UK-wide industry standard and consumer mark to reassure visitors that businesses, attractions and destinations are safe to visit and that they are adhering to Government and public health guidance.

Michael Fabricant has agreed to join me on Friday 17 July to help raise awareness of a number of places and businesses in the District that have attained the 'We're Good To Go' mark. This will build upon the recent visit of Sir Patrick McLoughlin, chairman of the British Tourist Authority, who visited Drayton Manor to recognise it as one of the first businesses in the country to gain the 'We're Good To Go' industry standard.

Members will be aware that our MP also asked a question of the Prime Minister last week relating to the recent announcement on funding for theatres and the arts, seeking reassurance that our District will receive a fair share of the Government support. The Prime Minister responded this was being looked at with Arts Council England.

I welcome the Secretary for Digital, Culture, Media and Sport announcement on 9 July. This announcement by Government will help outdoor performances to get underway, whilst pilots are undertaken for indoor performances. This will be welcome news for our visitor attractions, as is the Chancellors support for our visitor economy with the reduction in VAT to 5% on food and non-alcoholic drinks served in restaurants, pubs, cafes and takeaways; as well as on accommodation and attractions until January 2021.

The Chancellor's "Eat out to help out" scheme offering a 50% discount for every diner, up to £10 a head, from Monday to Wednesday throughout August also indicates to me Government is giving help that is needed to get the visitors back that so many places and businesses are reliant on.