

NON-CONFIDENTIAL



Borough of Tamworth

29 May 2018

Dear Councillor

You are hereby summoned to attend a **meeting of the Council of this Borough** to be held on **WEDNESDAY, 6TH JUNE, 2018** at 6.00 pm in the **COUNCIL CHAMBER, MARMION HOUSE, LICHFIELD STREET, TAMWORTH, B79 7BZ**, for the transaction of the following business:-

AGENDA

NON CONFIDENTIAL

1 Apologies for Absence

2 To receive the Minutes of the previous meeting (Pages 3 - 14)

3 Declarations of Interest

To receive any declarations of Members' interests (pecuniary and non-pecuniary) in any matters which are to be considered at this meeting.

When Members are declaring a pecuniary or non-pecuniary interest in respect of which they have dispensation, they should specify the nature of such interest. Members should leave the room if they have a pecuniary or non-pecuniary interest in respect of which they do not have a dispensation.

4 To receive any announcements from the Mayor, Leader, Members of the Cabinet or the Chief Executive

5 Question Time:

- (i) To answer questions from members of the public pursuant to Procedure Rule No. 10.
- (ii) To answer questions from members of the Council pursuant to Procedure Rule No. 11

6 Review of the Constitution and Scheme of Delegation (Pages 15 - 18)

(Report of the Solicitor to the Council and Monitoring Officer)

7 Exclusion of the Press and Public

To consider excluding the Press and Public from the meeting by passing the following resolution:-

“That in accordance with the provisions of the Local Authorities (Executive Arrangements) (Meeting and Access to Information) (England) Regulations 2012, and Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during the consideration of the following business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public”

At the time this agenda is published no representations have been received that this part of the meeting should be open to the public.

8 Appointment of Chief Executive and Head of Paid Service (Pages 19 - 26)

(Report of The Head of Paid Service)

9 Appointment Statutory Positions including Senior Management Review

(Pages 27 - 28)

(Report of the Chief Operating Officer and Head of Paid Service)

Yours faithfully



CHIEF OPERATING OFFICER

People who have a disability and who would like to attend the meeting should contact Democratic Services on 01827 709264 or e-mail committees@tamworth.gov.uk preferably 24 hours prior to the meeting. We can then endeavour to ensure that any particular requirements you may have are catered for.

Marmion House
Lichfield Street
Tamworth



MINUTES OF A MEETING OF THE COUNCIL HELD ON 22nd MAY 2018

PRESENT: Councillor P Thurgood (Chair), Councillors R Kingstone, M Bailey, R Bilcliff, A Bishop, J Chesworth, R Claymore, S Claymore, T Clements, D Cook, C Cooke, S Doyle, J Faulkner, R Ford, M Gant, S Goodall, M Greatorex, A James, T Jay, R Kingstone, K Norchi, J Oates, M Oates, S People, B Price, R Pritchard, R Rogers, P Standen, M Summers and M Thurgood

The following officers were present: Andrew Barratt (Chief Operating Officer), Anica Goodwin (Head of Paid Service), Jane Hackett (Solicitor to the Council and Monitoring Officer), Tracey Pointon (Civic and Democratic Services Officer) and Zoe Wolicki (HR Manager)

1 APOLOGIES FOR ABSENCE

None

2 MAYOR'S CADET

Joshua Mandefield was inaugurated as the Mayor's Cadet for 2018/19

3 TO ELECT A MAYOR

Councillor P Thurgood was elected as Mayor

(Moved by Councillor J Chesworth and seconded by Councillor R Rogers)

4 TO ELECT A DEPUTY MAYOR

Councillor R Kingstone was elected as Deputy Mayor

(Moved by Councillor P Thurgood and seconded by Councillor D Cook)

5 TO ELECT THE LEADER OF THE COUNCIL

There were 2 nominations for Leader of the Council.

Councillor D Cook was nominated by Councillor R Pritchard and seconded by Councillor J Chesworth.

Councillor P Standen was nominated by Councillor J Faulkner and seconded by Councillor S People.

On a Vote being taken by a show of hands 21 Voted for Councillor C Cook, 5 voted for P Standen.

Accordingly Councillor D Cook was elected Leader of the Council

(Moved by Councillor R Pritchard and seconded by Councillor J Chesworth)

6 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

7 TO RECEIVE THE MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 11th April 2018 were approved and signed as a correct record.

(Moved by Councillor D Cook and seconded by Councillor R Pritchard)

8 TO RECEIVE ANY ANNOUNCEMENTS FROM THE MAYOR, LEADER, MEMBERS OF THE CABINET OR THE CHIEF EXECUTIVE

The Mayor Councillor P Thurgood made the following announcement:-

As Mayor I would like to remind members that we have training on the new Data Protection, I believe on the 29th May I would encourage all members to attend that if at all possible. It's quite an important item.

Apologies for that, the Data Protection regulation training is on the 24th and 30th May it is Equality and Diversity on the 29th.

The Chief Operating Officer Mr Andrew Barratt made the following:-

Thank you Mr Mayor I have 3 announcements I would like to make.

Firstly I would like to announce that Councillor Andrew James is now an Independent Councillor.

I have a note from the UKIP and Independent group leader to say that Councillor Chris Cooke will be continuing as leader of the group and the group name will say the same as previous. Thank you Mr Mayor.

Finally Mr Mayor the past members will be receiving their certificates in due course.

9 QUESTION TIME:

None

10 APPOINTMENT OF CABINET AND ALLOCATION OF RESPONSIBILITIES

The Membership of Cabinet for 2018/19 was received and circulated at the meeting as follows

Leader of the Council Cllr Daniel Cook	Assets and Finance Cllr Rob Pritchard (Deputy leader)	Heritage and Growth Cllr Steve Claymore
Portfolio	Portfolio	Portfolio
Corporate Assessments	Audit & Governance	Development Control (Planning)
C.I.S	Democratic Services	Building Control
Budget Setting and Consultation	Customer Services	LEP & WMCA Member
Business Continuity / Capacity	PR / Comms / Graphics	Economic & Business Development
Reputation	Community Grants	Town Centre Development
Member Development	Property Management Investment	Skills / Education
Emergency Planning	GF Repairs	Tourism
TSP (Tamworth Strategic Partnership)	DFG's	Heritage
Performance	Commercial Property Portfolio	HRA Regeneration (Shared with HS&N)
Payroll	Asset / Facilities Management	Strategic Housing (Shared with HS&N)
Ombudsman	Revenues & Benefits	Markets
Consultation and Engagement	Finance	Land Charges
Marketing	Procurement	
Customer Insight	Corporate Risk Management	
	Treasury Management	
Communities and Partnerships Cllr Stephen Doyle	Culture and Operational Services Cllr John Chesworth	Housing Services and Neighbourhoods Cllr Michelle Thurgood

Portfolio	Portfolio	Portfolio
Community Safety	Waste Management	HRA Business Planning
P.C.C. Engagement	Street Scene	HRA Regeneration (Shared with HS&N)
Safeguarding	Arts / Culture	Strategic Housing (Shared with H&G)
Voluntary Sector	Outdoor Events	Private Sector Housing
Partnership Development	Parks / Play Areas	Landlord Services
Enforcement	Open Space & Nature Reserves	HRA Repairs
Environmental Health (Licencing)	Health & Safety	Neighbourhood Renewal
CCTV	Community Leisure	Tenant Participation
Street Wardens	Cemeteries	Housing Solutions
Corporate ASB Strategy	I.C.T. Services	Homelessness
Local Health Services Engagement	Information Management	HRA Caretaking & Cleaning
		Decent / Affordable Homes

11 APPOINTMENT OF COMMITTEES

The Constitution and Membership of Committees for 2018/19 was received and circulated at the meeting as follows:

CONSTITUTION OF COMMITTEES 2018/19

Cabinet

Councillors

- D Cook Leader of the Council
- R Pritchard Portfolio Holder for Assets and Finance and Deputy Leader of the Council
- S Claymore Portfolio Holder for Heritage and Growth
- S Doyle Portfolio Holder for Communities and Partnerships
- J Chesworth Portfolio Holder for Culture and Operational Services.
- M Thurgood Portfolio Holder for Housing Services and Neighbourhoods.

Cabinet (Grants) Sub Committee

Councillors

- S Claymore
- S Doyle
- R Pritchard

Appointments and Staffing Committee

Councillors
D Cook
R Pritchard
J Chesworth
M Thurgood
P Standen

Audit and Governance Committee

Councillors
R Claymore
M Gant
R Kingstone
M Greatorex
M Summers
J Faulkner
C Cooke

Planning Committee

Councillors
S Claymore
J Chesworth
M Bailey
T Jay
J Oates
M Oates
B Price
M Summers
P Thurgood
P Standen
K Norchi
S People
C Cooke

Licensing Committee

Councillors
S Doyle
R Claymore
T Clements
R Ford
M Gant
S Goodall
R Kingstone
B Price
R Rogers
K Norchi

A Bishop
S Peple
R Bilcliff

Nominations Committee

Councillors D Cook
 M Thurgood
 T Clements
 R Rogers
 P Thurgood
 K Norchi
 A James

Infrastructure, Safety and Growth Scrutiny Committee

Councillors M Bailey
 T Clements
 S Goodall
 M Greatorex
 R Kingstone
 J Oates
 M Oates
 S Peple
 R Billcliff

Corporate Scrutiny Committee

Councillors R Ford
 S Goodall
 T Jay
 R Kingstone
 J Oates
 B Price
 M Summers
 P Standen
 J Faulkner

Health and Wellbeing Scrutiny Committee

Councillors R Claymore

R Ford
M Gant
T Jay
M Oates
R Rogers
M Summers
J Faulkner
R Bilcliff

Chief Officer Conduct Committee

Councillors M Bailey
J Oates
P Thurgood
P Standen
A James

Statutory Officer Conduct Committee

Councillors M Greatorex
M Oates
B Price
A Bishop
C Cooke

12 APPOINTMENT OF COMMITTEE CHAIRS

Appointments and Staffing Committee

Councillor D Cook was Nominated by Councillor R Pritchard and seconded by Councillor S Claymore

Councillor D Cook was appointment Chair of Appointments and Staffing

Audit and Governance Committee

Councillor M Summers was nominated by Councillor R Ford and seconded by Councillor R Pritchard

Councillor S People was nominated by Councillor J Faulkner and seconded by Councillor P Standen

On a vote been taken by a show of hands 21 voted for 'Councillor M Summers, 5 voted for Councillor S People.

Accordingly Councillor M Summers was appointed Chair of Audit and Governance.

Licensing Committee

Councillor B Price was nominated by Councillor J Chesworth and seconded by Councillor S Goodall

Councillor J Faulkner was nominated by Councillor A Bishop and seconded by Councillor K Norchi

On a vote been taken by a show of hands 21 voted for Councillor B Price, 6 voted for Councillor J Faulkner.

Accordingly Councillor B Price was appointed Chair of Licensing.

Planning Committee

Councillor M Oates was nominated by Councillor S Claymore and seconded by Councillor B Price

Councillor P Standen was nominated by Councillor K Norchi and seconded by Councillor S People.

On a vote been taken by a show of hands 21 voted for Councillor M Oates, 6 voted for Councillor P Standen.

Accordingly Councillor M Oates was appointed Chair of Planning.

Corporate Scrutiny Committee

Councillor J Oates was nominated by Councillor R Claymore and seconded by Councillor B Price

Councillor P Standen was nominated by Councillor J Faulkner and seconded by Councillor A Bishop.

On a vote been taken by a show of hands 21 voted for Councillor J Oates, 5 voted for Councillor P Standen.

Accordingly Councillor J Oates was appointed Chair of Corporate Scrutiny.

Health and Wellbeing Scrutiny Committee

Councillor R Ford was nominated by Councillor M summers and seconded by Councillor M Oates

Councillor J Faulkner was nominated by Councillor P Standen and seconded by Councillor A Bishop

On a vote been taken by a show of hands 21 voted for Councillor R Ford, 6 voted for Councillor J Faulkner

Accordingly Councillor R Ford was appointed Chair of Health and Wellbeing Scrutiny

Infrastructure, Safety and Growth Scrutiny Committee

Councillor S Goodall was nominated by Councillor R Ford and seconded by Councillor T Jay

Councillor S People was nominated by Councillor P Standen and seconded by Councillor J Faulkner

On a vote been taken by a show of hands 21 voted for Councillor S Goodall, 5 voted for Councillor S People.

Accordingly Councillor S Goodall was appointed chair of Infrastructure, Safety and Growth Scrutiny

13 LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS & ACCESS TO INFORMATION) RULES 2012

The Leader of the Council informed Members that The Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012 specifies and requires inter alia under Regulation 19 that the Executive Leader must submit a report on a regular basis to Council containing details of particulars of each urgent Executive decision and a summary of the matters in respect of which the decision was made.

RESOLVED: That Members
Endorsed the Annual Executive Arrangements Report

(Moved by Councillor D Cook and seconded by Councillor P

Standen)

14 REVIEW OF CONSTITUTION & SCHEME OF DELEGATION

The Leader of the Council and Solicitor to the Council & Monitoring Officer ensures lawfulness and operational functionality of the Governance Process of the Council, as required by the endorsement and approval of the Constitution and Scheme of Delegation as required by Local Government Legislation

- RESOLVED** That Members
- 1) Endorsed the Constitution and Scheme of Delegation as presented in Appendix 1;
 - 2) Adopted and approved the Constitution and Scheme of Delegation; and
 - 3) Allowed a further report to Council on 6 June 2018 which will include required operational changes and amendments to align the Constitution and Scheme of Delegation with the proposed Senior Management Review.

(Moved by Councillor R Pritchard and seconded by Councillor P Standen)

15 REGULATION OF MEMBERS CONDUCT

The Solicitor to the Council and Monitoring Officer advised Members on the number of complaints received for the period 01 May 2017 until 30 April 2018 in relation to alleged breaches of the Code of Conduct arising from implementation of Part 1 Chapter 7 of the Localism Act 2011 which introduced provisions to assist with the regulation of standards of conduct for elected and co-opted Councillors.

- RESOLVED:** That Members
Endorsed the findings of the contents of the report.

(Moved by Councillor D Cook and seconded by Councillor P Standen)

16 ANNUAL PAY POLICY & GENDER REPORTING

The Leader of the Council reported details of Tamworth Borough Council's Pay Policy Statement to ensure that statutory guidance, as set out in S38 of the Localism Act is adhered to

RESOLVED That Members
Approved the Pay Policy Statement 2018 for adoption and
publication in line with the Localism Act 2011.

*(Moved by Councillor D Cook and seconded by Councillor R
Pritchard)*

17 CALENDAR OF MEETINGS

The Calendar of Meetings for 2018/19 was received and circulated at the meeting

RESOLVED: That Members
Accepted the Calendar of Meetings for 2018/19 with an
amendment to Health and Wellbeing committee
meeting on the 6th March 2019, moved to 27th February
2019.

(Moved by Councillor D Cook and seconded by Councillor R Pritchard)

The Mayor

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COUNCIL

6 JUNE 2018

REPORT OF THE LEADER AND SOLICITOR TO THE COUNCIL & MONITORING OFFICER

REVIEW OF THE CONSTITUTION AND SCHEME OF DELEGATION

EXEMPT INFORMATION

None

PURPOSE

To ensure lawfulness and operational functionality of the Governance process of the Council as required by the endorsement and approval of the Constitution and Scheme of Delegation as required by Local Government legislation.

RECOMMENDATIONS

That the Council:

- 1) **endorse the amended Constitution and Scheme of Delegation as presented in Appendix 1**
- 2) **adopt and approve the amended Constitution and Scheme of Delegation and**
- 3) **agree to the Constitution Review Group arranging a review of the business items for Council and report to Audit and Governance Committee to consider and review the proposals prior to a report back to Council with any additional recommendations.**

EXECUTIVE SUMMARY

At the annual Council meeting on 22 May 2018 the Constitution and Scheme of Delegation (16TH Edition) was approved subject to a continuation to this meeting to allow required operational changes and amendments to be made to align the Constitution and Scheme of Delegation with the Senior Management Review.

The Constitution and Scheme of Delegation as reviewed are adopted by Council at the first business meeting each year to ensure probity and legal compliance. Each year new legislation requires to be taken into account as well as any political arrangements and changes that have arisen from practical considerations.

This year has seen a comprehensive review of senior management. As a result there have been substantive entries made to address the duties of officers and to incorporate the appropriate wording for officers' delegations into the Constitution and Scheme of Delegation. The other changes worthy of note relate to Development Management Functions at Annex 2 of the Constitution and mainly relate to changes required by law which will keep the services therein operating legally and *intra vires*. Any other changes are of a minor nature but all changes are tracked for transparency and ease of reference for members. The draft 17th Edition of the Constitution and Scheme of Delegation is attached at Appendix 1 for consideration.

Articles 13 and 15 of the Constitution require the Solicitor to the Council to maintain, monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. It also requires formal approval and adoption by the Council at the beginning of each municipal year. Year on year a raft of new legislation requires to be taken into account when updating and reviewing the Constitution and Scheme of Delegation prior to adoption at full Council.

The Scheme of Delegation forms part 3 of the Constitution and also requires approval and adoption by the Council at the beginning of each municipal year in relation to those functions arising from the Local Government Act 1972 and subsequent legislation as well as those functions approved by the Leader in accordance with Section 14 of the Local Government Act 2000.

RESOURCE IMPLICATIONS

There is no extra financial resource required. No external advice was required for the review this municipal year.

LEGAL/RISK IMPLICATIONS BACKGROUND

Without a Constitution and Scheme of Delegation the Council could not operate effectively. The Council would run the risk of failure to comply with statutory requirements which in turn would expose the organisation to further vulnerability in relation to legal challenge and ultra vires operation. Such challenges could lead to serious financial and reputational damage.

SUSTAINABILITY IMPLICATIONS

It is essential that the Constitution and Scheme of Delegation are lawful, fit for purpose and utilised with a pragmatic approach to improve and enhance the democratic process of the Council and operation of its associated services. In addition there is no provision to cover the cost of legal challenge within any envisaged contingency.

BACKGROUND INFORMATION

The Local Government Act 1972 (as amended) provides *inter alia* for a Constitution and Scheme of Delegation.

The Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, while others are a matter for the Council to choose. Accordingly the Constitution governs the Council's business. A link to the Constitution is contained in Appendix 1.

The Scheme of Delegation is a document whereby the Council delegates to certain officers powers to undertake functions and duties on behalf of the Authority. Tamworth Borough Council has operated a Scheme of Delegation for officers for several years. The proposed Scheme of Delegation does not purport to grant officers any additional authority to which is already provided, it merely seeks to formulate arrangements into a workable document.

REPORT AUTHOR

If members would like any further information or clarification prior to the meeting please contact Jane M Hackett, Solicitor to the Council and Monitoring Officer , Ext 258

LIST OF BACKGROUND PAPERS

The Local Government Act 1972

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000

The Localism Act 2011

The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015

APPENDICES

Appendix 1 – *Link to the draft Constitution and Scheme of Delegation 2018-19,
17th Edition

<http://democracy.tamworth.gov.uk/ecSDDisplay.aspx?NAME=Constitution%2017th%20Edition%20-%20Draft&ID=387&RPID=2419597>

* The draft does not contained tracked changes as the volume of alterations with regard to officer delegations made the document difficult to read. Should you wish a copy with tracked changes then please get in touch with the Solicitor to the Council and Monitoring Officer

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