

NON-CONFIDENTIAL



Borough of Tamworth

13 May 2019

Dear Councillor

You are hereby summoned to attend a **meeting of the Council of this Borough** to be held on **TUESDAY, 21ST MAY, 2019** at 6.10 pm in the **TOWN HALL, MARKET STREET, TAMWORTH**, for the transaction of the following business:-

AGENDA

NON CONFIDENTIAL

- 1 Apologies for Absence**
- 2 Mayor's Cadet**
- 3 To elect a Mayor**
- 4 To elect a Deputy Mayor**
- 5 To elect the Leader of the Council**
- 6 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.

- 7 To receive the Minutes of the previous meetings (Pages 5 - 12)**

To receive the Minutes of the Meetings held on:

- *12 March 2019 – State of Tamworth debate*
- *19 March 2019*

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

9 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

10 Appointment of Cabinet and Allocation of Responsibilities

To receive the Membership of Cabinet for 2019/2020 and the Allocation of Responsibilities (to be circulated at the meeting)

11 Appointment of Committees

To receive the Constitution and Membership of Committee for 2019/2020 (to be circulated at the meeting)

12 Appointment of Committee Chairs

To receive details of the proposed Chairs (to be circulated at the meeting)

13 The Local Authorities (Executive Arrangements) (Meetings and Access to Information) regulations 2012 (Pages 13 - 14)

(The Report of the Leader of the Council)

14 Review of the Constitution & Scheme of Delegation (Pages 15 - 18)

(Report of the Portfolio Holder for Assets and Finance and the Monitoring Officer – Appendix 1 – To Follow)

15 Regulation of Members Conduct (Pages 19 - 20)

(Report of the Monitoring Officer)

16 Calendar of Meetings - 2019 / 2020

To receive the calendar of Council and Committee Meetings for 2019 / 2020 – To Follow

Yours faithfully

A handwritten signature in black ink, consisting of a stylized, cursive name followed by a long horizontal line extending to the right.

CHIEF EXECUTIVE

Access arrangements

If you have any particular access requirements when attending the meeting, please contact Democratic Services on 01827 709267 or e-mail democratic-services@tamworth.gov.uk. We can then endeavour to ensure that any particular requirements you may have are catered for.

Filming of Meetings

The public part of this meeting may be filmed and broadcast. Please refer to the Council's Protocol on Filming, Videoing, Photography and Audio Recording at Council meetings which can be found [here](#) for further information.

The Protocol requires that no members of the public are to be deliberately filmed. Where possible, an area in the meeting room will be set aside for videoing, this is normally from the front of the public gallery. This aims to allow filming to be carried out whilst minimising the risk of the public being accidentally filmed.

If a member of the public is particularly concerned about accidental filming, please consider the location of any cameras when selecting a seat.

FAQs

For further information about the Council's Committee arrangements please see the FAQ page [here](#)

Marmion House
Lichfield Street
Tamworth

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MINUTES OF A MEETING OF THE COUNCIL HELD ON 19th MARCH 2019

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

The following officers were present: Andrew Barratt (Chief Executive), Stuart Evans (Solicitor to the Council) and Jodie Small (Legal, Democratic and Corporate Support Assistant)

69 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor M Bailey, Councillor S Goodall, Councillor A James and Councillor S Peple

70 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

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

The following announcements were made:

Mayor P Thurgood – We have one item we need to go through, we have a certificate for the Honorary Alderman of the Borough, Councillor Steve Claymore. He meant a lot to us and I would like to present this certificate to Rosey.

Councillor R Claymore – Can I just say how proud I am to receive this on Steve's behalf, I know he would think it was a real honour, but in true Steve fashion just get on with the business now

72 QUESTION TIME:

QUESTIONS FROM MEMBERS OF THE COUNCIL NO. 1

Under Procedure Rule No 11, Councillor Dr. Simon People will ask the Leader of the Council, Councillor D Cook, the following question:-

“At the State of Tamworth Debate, the Council said it would be undertaking a Peer Review. Will the Council commit to implementing the review in full?”

Councillor D Cook gave the following reply:-

“Thank you Mr Mayor.

In short, - No! Basically we will not commit to anything we have not read yet”

QUESTIONS FROM MEMBERS OF THE COUNCIL NO. 2

Under Procedure Rule No 11, Councillor Dr. Simon People will ask the Leader of the Council, Councillor D Cook, the following question:-

“At the state of Tamworth Debate, Cllr Greatorex put forward the view that Tamworth’s boundaries need to be expanded in order to accommodate its needs, does the Leader of the Council agree?”

Councillor D Cook gave the following reply:-

“Thank you Mr Mayor.

I could answer that the opinions and comments of Cllr Greatorex are those of Cllr Greatorex. Contrary to any popular belief, I do not regulate the thoughts and opinions of controlling group members. That said.....

Border expansions were indeed an option I put on the table on my visit to the Home Office in July 2018 to speak with the Housing minister on infrastructure and the assault on Tamworth’s borders.

I think we all need to remember that Local Plans set a minimum level of development, not a maximum. The reason I say that is that in reality Councils do not exactly choose where developments happen. Willing landowners and housing developers do. The Council work up the Local Plan from this point to where possible control and plan for development.

Therefore moving the border would not protect us entirely from the developments around our border today. However, it would mean we could tighter control it and reap the additional benefits that currently go to our neighbouring Councils.

Tamworth is a growing place and we need to expand, but I can fully confirm boundary changes are on no one’s radar across any national party in our near future, certainly cross county lines.

In short, I think I would wish to understand it better, know what the pro's and cons are"

QUESTIONS FROM MEMBERS OF THE COUNCIL NO. 3

Under Procedure Rule No 11, Councillor Sheree Peale will ask the Portfolio Holder for Communities and Partnerships, Councillor S Doyle, the following question:-

"Would the Portfolio Holder please update the Council on the consultation over the extension of the Public Space Protection Order covering Warwickshire Moor, to include the area known as the "Monkey Bridge?"

Due to Councillor Sheree Peale not being present at the meeting, a written response will be provided. The response provided is attached to these minutes as Question 3.

QUESTIONS FROM MEMBERS OF THE COUNCIL NO. 4

Under Procedure Rule No 11, Councillor Sheree Peale will ask the Leader of the Council, Councillor D Cook, the following question:-

"Would the Leader of the Council update the Council regarding the steps taken to identify the correct ownership of the land occupied by the former Tamworth Youth Centre and confirm who owns the land?"

Due to Councillor Sheree Peale not being present at the meeting, a written response will be provided. The response provided is attached to these minutes as Question 4.

73 TAXI LICENSING POLICY – AMENDMENT TAXI LICENSING POINTS SYSTEM & DRESS CODE

Report of the Portfolio Holder for Communities and Partnerships to seek Council adoption of amendments to Tamworth's Taxi Licensing Conditions to include

A Taxi Licensing Points system for drivers and operators that breach conditions; and

Guidance on appropriate dress to ensure those drivers licenced by Tamworth Borough Council present their selves in the best possible light.

RESOLVED That Council;
Adopted the amended Taxi Licensing Conditions at

Appendix A

(Moved by Councillor S Doyle and seconded by Councillor B Price)

74 AUDIT & GOVERNANCE ANNUAL REPORT 2018-19

The Report of the Chair of Audit and Governance Committee advising Members on the key areas of business taken by the Audit and Governance Committee for the municipal year 2018/19 was considered.

RESOLVED: That the contents of the report be endorsed

(Moved by Councillor M Summers and seconded by Councillor J Faulkner)

75 REPORTS OF THE CHAIRS OF THE SCRUTINY COMMITTEES - 2018-2019

The Annual Report of the Chair of Corporate Scrutiny Committee was received.

RESOLVED That the contents of the report be endorsed.

(Moved by Councillor J Oates and seconded by Councillor M Summers)

That Council agreed to continue to support the Corporate Scrutiny Committee in its current form;

(Moved by Councillor J Oates and seconded by Councillor C Cooke)

That Council agreed to planning 8 Corporate Scrutiny Committee Meetings for 2019/2020, 4 for the Quarterly Performance Report and 4 for general business of the Committee;

(Moved by Councillor J Oates and seconded by Councillor C Cooke)

The following additional recommendations were moved and carried

RESOLVED That Council thanked all the Members who have sat on Corporate Scrutiny

Committee for the last 12 months for the work they have done; and

(Moved by Councillor J Oates and seconded by Councillor C Cooke)

That Council thanked Jo Hutchison, Scrutiny Officer for her enthusiasm and the challenge she has brought to the Chair.

(Moved by Councillor J Oates and seconded by Councillor Dr S Peuple)

The Annual Report of the Chair of Health and Wellbeing Scrutiny Committee was received.

RESOLVED: That the contents of the report be endorsed

(Moved by Councillor R Ford and seconded by Councillor R Bilcliff)

The Annual Report of the Infrastructure Safety and Growth Scrutiny Committee was received.

RESOLVED: That the contents of the report be endorsed

(Moved by Councillor R Kingstone and seconded by Councillor R Bilcliff)

At the Close of the Council meeting Councillor M Gant advised Members this was her last Council meeting as she is stepping down. Councillor M Gant proceeded to thank Members for their help and advice over the years.

The Mayor

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MINUTES OF A MEETING OF THE COUNCIL HELD ON 12th MARCH 2019

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

The following officers were present: Andrew Barratt (Chief Executive), Anica Goodwin (Executive Director Organisation), Angela Wakefield (Solicitor to the Council), John Day (Corporate Performance Officer), Jo Hutchison (Democratic and Elections Officer) and Jodie Small (Legal, Democratic and Corporate Support Assistant)

64 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor M Gant and Councillor S Goodall

65 TO RECEIVE THE MINUTES OF THE PREVIOUS MEETINGS

The minutes of the two meetings held on 26th February 2019 were approved and signed as a correct record.

(Moved by Councillor D Cook and seconded by Councillor Dr S Peale)

66 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

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

None

68 STATE OF TAMWORTH DEBATE

The Leader of the Council informed Members of the new vision and priorities. The two topics for debate were; People and Place, and Organisation.

Following the debate the following motions were approved

RESOLVED That Members requested

That all staff within the organisation be thanked for all the work that they do to contribute towards the operation of the Council.

That the Leader of the Council discusses with the Leader of the Opposition the key areas of the debate which could be referred to the Scrutiny Committees for their consideration next year.

(Moved by Councillor D Cook and seconded by Councillor Dr S People)

Before the motions were voted on, Councillor S People and Councillor A James had left the meeting.

The Mayor

COUNCIL

TUESDAY, 21 MAY 2019

REPORT OF THE LEADER OF THE COUNCIL

THE LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) REGULATIONS 2012

EXEMPT INFORMATION

None

PURPOSE

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012 specify and require *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.

RECOMMENDATIONS

That the Council endorse the Annual Executive Arrangements Report.

EXECUTIVE SUMMARY

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012 came into force on 10 September 2012 making provision for public access to meetings and to information relating to decisions of local authority executives and their committees and access to documents where executive decisions are made by individual members or officers.

At Tamworth Borough Council the regulations did not significantly change previous practice. The regulations were seen as a method of introducing greater openness and transparency in the decision making process and extended the circumstances in which local authority executive decisions were to be open to the public. The regulations require a document to be published of key decisions (a decision likely to result in the local authority incurring expenditure, which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates) with 28 days' notice of an intended key decision whether it contains exempt information or not as the case may be. As the Council already produced and published a forward plan it retains this document adding additional information in terms of the regulations to ensure compliance. There are also regulations to deal with general exceptions and cases of special urgency including publicity requirements in relation thereto.

The regulations also impose a requirement on the executive leader to produce an annual report to the authority to demonstrate that the Executive is using its powers appropriately and

complying with the regulations particularly in relation to urgent executive decisions.

Regulation 19 places an obligation on the executive leader to submit one report annually to the authority to include particulars of each urgent executive decision made and a summary of the matters in respect of which each decision was made. Since the regulations came into force on 10 September 2012, for the period 01 May 2018 until 30 April 2019 I can confirm that 2 such decisions have been taken by the executive under regulation 11, cases of special urgency. These are detailed in the appendices below.

RESOURCE IMPLICATIONS

Implementation of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012 has no additional resource implications for the authority. Democratic Services have taken steps to ensure compliance with the regulations and produce a document compliant with the statutory provisions thus maintaining high standards of good governance.

LEGAL/RISK IMPLICATIONS BACKGROUND

The authority has put measures in place to ensure compliance with the Regulations by utilising existing software and publishing on the website a document, as required in terms of the said regulations, which we have named the Forward Plan.

SUSTAINABILITY IMPLICATIONS

It is essential that the executive operate in a lawful manner and in an open and transparent manner embodying good governance and leading the Authority and setting examples as a consequence.

BACKGROUND INFORMATION

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012.

REPORT AUTHOR

If members would like further information or clarification prior to the meeting please contact Anica Goodwin, Executive Director Organisation ext. 225.

LIST OF BACKGROUND PAPERS

None

APPENDICES

1. http://www.tamworth.gov.uk/sites/default/files/councillors_docs/Notice-Urgency-121218.pdf
2. http://www.tamworth.gov.uk/sites/default/files/councillors_docs/Notice-Cabinet.pdf

COUNCIL

TUESDAY, 21 MAY 2019

REPORT OF THE PORTFOLIO HOLDER FOR ASSETS AND FINANCE & MONITORING OFFICER

REVIEW OF THE CONSTITUTION & 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

It is recommended that:

1. The Council approve and adopt the Constitution and Scheme of Delegation as presented in Appendix 1.

EXECUTIVE SUMMARY

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.

In the last municipal year the Constitution Working Group consisting of the Leader and Deputy Leader of the Controlling group, Leader and Deputy Leader of the larger Opposition group, a member of the minor Opposition group and a Chair of a Scrutiny Committee met on the 16th April 2019. The focus of the group being to discuss practical amendments to the Constitution including a review of the Scheme of Delegation. This revision of the Constitution contains minor amendments. The group will meet to discuss further amendments following independent advice and the revised version will be reported back to the next full Council meeting.

Articles 13 and 15 of the Constitution require the Monitoring Officer 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.

OPTIONS CONSIDERED

N/A

RESOURCE IMPLICATIONS

None.

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.

EQUALITIES IMPLICATIONS

None identified

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 the law, while others are a matter for the Council to choose. Accordingly the Constitution governs the Council's business. The Constitution is attached as 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.

REPORT AUTHOR

If members would like any further information or clarification prior to the meeting please contact Angela Struthers, Head of Audit & Governance and Monitoring Officer , Ext 234

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 – Proposed Constitution and Scheme of Delegation 18th edition with tracked changes

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COUNCIL

TUESDAY, 21 MAY 2019

REPORT OF THE MONITORING OFFICER

REGULATION OF MEMBERS CONDUCT

EXEMPT INFORMATION

None

PURPOSE

To advise Members on the number of complaints received for the period 01 May 2018 until 30 April 2019 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.

RECOMMENDATIONS

It is recommended that:

1. Members endorse the findings of the contents of the report.

EXECUTIVE SUMMARY

Since the establishment of the new Code of Conduct in July 2012 the new Standards regime has been well received by Members. In the year from 01 May 2018 until 30 April 2019, members have maintained high standards of conduct and abided within the rules regarding interests, declaration and predetermination. Accordingly I can advise that in the period from 01 May 2018 to 30 April 2018, five initial complaints were received. Three complaints have been investigated and were resolved and no breaches of the Code of Conduct were made. Two complaints are unresolved at this time and are under investigation.

An outstanding complaint made in 2016, has been resolved and was reported to Council in December 2018.

OPTIONS CONSIDERED

N/A

RESOURCE IMPLICATIONS

The operation of the arrangements relating to Standards of Conduct does not normally have any additional resource implications for the Authority, however the process of investigation does have minor financial implications when it is necessary to utilise external support. During the year the total spend was £6643 which was met from existing budgets

LEGAL/RISK IMPLICATIONS BACKGROUND

Effective arrangements to deal with complaints provides the mitigating action necessary to ensure that the Authority meets its statutory obligations under the Localism Act 2011.

EQUALITIES IMPLICATIONS

None identified

SUSTAINABILITY IMPLICATIONS

The arrangements ensure that the staff of the Council and the citizens of Tamworth benefit from a robust, open and transparent complaints process.

BACKGROUND INFORMATION

The Localism Act 2011 repealed Section 55 of the Local Government Act 2000 which provided the previous Standards regime. There still remains a requirement to deal with conduct issues and associated case-work. Accordingly the Audit and Governance Committee membership was increased and its remit was extended to deal with regulation of Members Conduct. In addition two Independent Persons were appointed in June 2014 to assist the process albeit such persons are not members of the Committee.

REPORT AUTHOR

Angela Struthers, Head of Audit & Governance and Monitoring Officer

LIST OF BACKGROUND PAPERS

Localism Act 2011
Code of Conduct for Members and arrangements for dealing with complaints

APPENDICES

None