

NON-CONFIDENTIAL



Borough of Tamworth

7 March 2022

Dear Councillor

You are hereby summoned to attend a **meeting of the Council of this Borough** to be held on **TUESDAY, 15TH MARCH, 2022** at 6.10 pm in the **THE AUDITORIUM - ASSEMBLY ROOMS, CORPORATION STREET, TAMWORTH, B79 7DN**, for the transaction of the following business:-

AGENDA

NON CONFIDENTIAL

1 Apologies for Absence

2 To receive the Minutes of a 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 Petition to Stop the Netting of Hedges in Tamworth** (Pages 15 - 16)
(Presentation of the Petition by the Petition Organiser and debate by full Council)
- 7 Permanent Appointment of the Monitoring Officer** (Pages 17 - 18)
(Report of the Chief Executive)

Yours faithfully



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.

If a member of the public is particularly concerned about being filmed, please contact a member of Democratic Services before selecting a seat.

FAQs

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

Marmion House
Lichfield Street
Tamworth



**MINUTES OF A MEETING OF THE
COUNCIL
HELD ON 22nd FEBRUARY 2022**

PRESENT: Councillor M Oates (Mayor), Councillors M J Greatorex, M Bailey, D Box, J Chesworth, R Claymore, T Clements, M Cook, C Cooke, A Cooper, S Doyle, A Farrell, R Ford, S Goodall, J Harper, J Jones, K Norchi, J Oates, S Peale, Dr S Peale, R Pritchard, R Rogers, M Summers and P Thurgood

The following officers were present: Andrew Barratt (Chief Executive), Stefan Garner (Executive Director Finance), Nicola Hesketh (Monitoring Officer) and Tracey Pointon (Legal Admin & Democratic Services Manager)

45 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors D Cook T Jay, D Maycock, B Price & J Wade

46 TO RECEIVE THE MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 14th December 2021 were approved and signed as a correct record.

(Moved by Councillor S Peale and seconded by Councillor J Oates)

47 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

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

The Mayor Councillor Michael Oates congratulated new Councillor Christian Cooke on his success in the By-election and welcomed Councillor Cooke to the meeting

The Leader - Councillor Jeremy Oates made the following announcement As a result of the by election and a change to Cabinet the Committee places have been re-jigged but the political balance as not been affected and a copy of the Committee places as been circulated to the Chief Executive, Councillors and the

Leader of the Opposition. Also I would like to announce that there has been a change to the Cabinet with regards to Cllr Daniel Cook stepping down in January and I'd like to welcome Cllr Martin Summers to the Cabinet for the foreseeable future.

49 QUESTION TIME:

QUESTIONS FROM MEMBERS OF THE COUNCIL NO. 1

Under Procedure Rule No 11, Councillor Andrew Cooper will ask the Portfolio Holder for Homelessness Prevention and Social Housing, Councillor Alex Farrell, the following question:-

In light of the Government's efforts to support applications from people in Hong Kong to emigrate to the UK in order to seek a better life here.

What are the council's plans and strategies to welcome, support and help our Hong Kong friends to our beautiful town of Tamworth.

Answer

To confirm that there is no official County approach to the resettlement of emigrants from Hong Kong as they would not be refugees and likely to have rights to reside.

Under Tamworth Borough Council's Allocations policy/ Homelessness Strategy, Hong Kong nationals fleeing their country DLUHC state in the homelessness Code of guidance for Housing Act 1996 Part VII, they would be eligible for assistance under homeless legislation, they would therefore be given parity to UK nationals.

The Councils policies for Allocations & Homeless has regard for the Immigration Rules Appendix Hong Kong British National (Overseas) - Immigration Rules - Guidance - GOV.UK (www.gov.uk)

Should there be specific requirements for persons presenting in Tamworth, the close work with the key voluntary sector organisation will enable signposting for further support should that be required.

At this time Tamworth is only working with Staffs CC, Refugee Action and Spring Housing to welcome up to 4 displaced families from Afghanistan under the Afghan Relocation and Assistance Policy, offering help to persons formally employed by armed forces.

There was no supplementary Question

QUESTIONS FROM MEMBERS OF THE COUNCIL NO. 2

Under Procedure Rule No 11, Councillor Tina Clements will ask the Portfolio Holder for Environment and Leisure, Councillor Rob Pritchard, the following question:-

As a volunteer litter picker in Tamworth, I am always asked about the a5 and why it is in such a mess. The answer for me is because people going along that length of road throw their rubbish out, but can I have an answer to what the council is doing about the amount of rubbish on the a5 this year and moving forward.

Answer

Thank you Mr Mayor,

The A5 is a main entrance point to Tamworth and keeping it free of litter is very important. Myself and the whole Street Scene team share the publics despair at the litter strewn on the A5. There is something wrong with our society when you see the blasé attitude to litter shown by so many motorists. It is something to be ashamed off. Tamworth Borough Council will be deploying cleansing team to cleanse the A5 in March, in order to litter pick the A5

A5 cleansing depends heavily on the grass verges and banks becoming more accessible for the team to safely carry out the work and is therefore subject to the weather conditions. The A5 is a dangerous road to cleanse and while Highways England won't tackle litter on the A5, they have in the past worked with us to enable safer access for cleansing teams. I do wish they would be more helpful to Tamworth Borough Council and work more closely with us in this regard. However, I am grateful for the efforts in the past year.

Moving forward, cleansing litter is only half the problem. Prevention is the other half. Tamworth will soon be deploying a digital litter camera overlooking points on the A5 in order to record and fine litter louts. The system will automatically record footage of litter being thrown from cars in high definition, and then match that to the cars number plate. Human operators can then review the footage and issue fixed penalty notices. I hope that just a few weeks of this will see a reduction in litter dropped by motorists.

Finally, I would like to praise the many dedicated litter picking groups that operate in and around Tamworth, especially on the public sections of the A5 and various A5 junction.

As well as many other individuals, community and voluntary groups, schools, organisations, businesses and clubs that do litter picking in Tamworth.

To every single volunteer litter picker in Tamworth, I say thank you and keep up the amazing work you are doing. The council really appreciate it

Supplementary

Cllr Clements asked if Tamworth Borough Council could work with Highways England to ensure that when the road is closed for repairs the council could use the closure to cleanse the side of the road.

Answer

Cllr Pritchard agreed and looks forward to working with Highways England.

QUESTIONS FROM MEMBERS OF THE COUNCIL NO. 3

Under Procedure Rule No 11, Councillor Simon People will ask the Leader of the Council, Councillor Jeremy Oates the following question:-

“As you will know from Mr Watson’s recent correspondence, some visitors to Tamworth are still wondering when the Council will make good the lack of public toilets in Tamworth. Is the Leader willing to publicly re-confirm the promise made when the old toilets in Corporation Street were closed that other toilets would be available or will he now admit that that promise was a smokescreen and that the closure was just another service reduction despite Tamworth Council’s decision to raise their own Council tax charge each year by the maximum permitted amount?”

Answer

When the toilets were closed in Corporation Street the commitment was made to provide alternative public toilets and there has been some issues with timing particularly around the closing for refurbishment. However, Mr Mayor these toilets in this building are now available. The TIC staff and the Assembly Rooms staff are well aware of the toilets being open for the public and to support this they have provided me with some information as for the demand for the toilets. I will not read the list out now but I will share them for the minutes. What I will say that in the weeks commencing the 7th February and 14th February there 49 people arrived at the desk and asked to use the toilets and 33 people respectively, this does not include people who did not ask at the desk. These are people arriving at the desk to ask if you can direct me to the toilet or can I use these toilets.

Use of toilets at the Assembly Rooms

w/c

19.7.21	5
26.7.21	1
02.8.21	4
09.8.21	5
16.8.21	14
23.8.21	4
30.8.21	10
06.9.21	10
13.9.21	3
20.9.21	6
27.9.21	6
04.10.21	9
11.10.21	21
18.10.21	17
25.10.21	13
1.11.21	14
8.11.21	16
15.11.21	19
22.11.21	21

29.11.21

16

Supplementary

Can I ask that the Leader that he writes to Mr Watson to who has been waiting at least two weeks since the last email so that he can be reassured that his experience of being turned away from these toilets is not common and to ensure that he checks with Mr Watson as some of the problems seems to be about the coincidence between visits to Tamworth at the weekend and the Assembly Rooms is open so I think he needs to make sure that if people are assuring the Leader that the toilets are open that they do the same when Mr Watson and others when they visit

Answer

Yes I will write to Mr Watson and respond with as much assurance that I can give him, the crucial point is we can make commitments in this room and we can believe we are delivering however, in the same way that people would judge a hospital it goes on their personal experience, so if Mr Watson has not experienced what we are anticipating then we need to make sure that we are delivering the service that we are committing to in these chambers. So yes I will respond to Mr Watson with that reassurance and as a result of the correspondence and the question this evening the Chief Executive and Senior Management are aware of the issues raised and I am confident that they will make sure that that is cascaded properly.

QUESTIONS FROM MEMBERS OF THE COUNCIL NO. 4

Under Procedure Rule No 11, Councillor Simon Peale will ask the Leader of the Council, Councillor Jeremy Oates, the following question:-

In recent meetings, Conservative councillors have deplored the state of local areas, such as the Leyfields, and denied that our high street had died. Will the Leader commit to appointing a Cabinet in May that is more interested in listening to their colleagues about what needs doing on the ground?"

Answer

Whilst there is a direct question in there, there are a number of other things that have been raised so I will attempt to respond to the whole wording as well as the direct question. I'll start with the direct question. Many years ago a member of the Conservative Group wrote to the local newspaper stating that the Labour group should deal with a particular thing, and a particular individual in their group in a particular way. That Councillor was given some advice by Freeman of the Borough, Ron Cook and the advice was we don't tell the Labour group how to run their group and they don't tell us how to run our group. The Conservative group will pick the Cabinet in May and we will pick the right people for that Cabinet. On the other issues that are included in that question there are suggestions that our high street as died. If we are going to make the comparison as a death often relates to a living thing then I am going to continue that the high street in

Tamworth certainly hasn't died, there are some concerning obs that we need to keep an eye on it, possibly needs a bit of intensive care, but it hasn't died yet. And we are here to make sure it receives that intensive care. We are continuing to develop our street market, we are expanding our outdoor events, particularly around the market and vibrancy, we are continuing to promote the branding of Tamworth, we are looking to provide infrastructure to improve the night time economy and evening economy, we are embracing Tamworth's history and Culture and building a sense of local pride. We are continuing to promote outdoor events whether it in house or external visitors, we are developing an enterprise centre as part of the structural transformation of the Town Centre bringing people in to the heart of our Town centre and the high street. We are also increasing the accessibility of our Town Centre, we are providing an environment where leisure and food offers can grow flourish and we are working with others to improve the transport offer and support the night time economy. We also have the Future High Street Fund and we are all well versed in what that's bringing to Tamworth but I will very quickly mention that 21million six hundred and fifty thousand pounds of Government support with support from the Borough Council's finances and external partners that's 40 million pounds investment for the Town Centre, that's a new college bringing people into the Town Centre, that's a new enterprise hub, that's refurbishment to the Middle Entry and experience there to provide opportunities to start up and niche businesses, there's a new Castle gateway to improve the link the Castle Grounds our Heritage offer and our town offer and the transformation of St Editha's Square to make that place a useable space for entertaining and events something we have never quite achieved in the decades that square was created.

Reference was made to a particular area in Tamworth and whilst I cannot comment on that particular area what I can comment on is that in the last eight months we have taken the Housing Revenue Account Estate Management away from the Housing Revenue Account and moved it in with street scene. As a result we are now clearing alleyways and clearing the back log of issues with fly tipping and abandoned waste from our council estates. We have made a significant difference already, this is a long term programme, we are going to get on top of it and we are working hard towards it including weed control, landscaping, fly tipping, abandoned waste and anti-social behaviour. This whole programme we are making progress on so whilst answering the direct question I would also like to raise what we are doing around making sure that our high street doesn't die and in terms of areas being in a deplorable state Tamworth isn't perfect yet Mr Mayor but we are going to work as hard as we can to get it as near perfect as possible.

Supplementary

First of all I would like the Leader of the Council to correct the way in which I think he as to a certain extent misled the Council, he started his answer by saying the Conservative Group would pick the Cabinet under the Conservative Party Constitution the same as the Labour Party Constitution it is the Leader that appoints the Cabinet not the Group so perhaps he would like to correct his own understanding of his Constitution. Secondly can I draw his attention to the fact that there are still large areas of the town where rubbish as sat for more than a year un-cleared and some of those cleared from estates in Amington were

thanks to the fact that I sent pictures of them to Councillor Jay who then arranged to have them cleared. So can I just make sure that he remembers that after 18 years of running this Council if this town is not yet perfect they need to get cracking because 18 years should have given them time to get on with it, but I will ask the Leader to correct what he said about that appointment.

Answer

Thank you Mr Mayor, in terms of the selection of Cabinet yes the Councillor is correct the Leader picks the Cabinet within our Constitution but the Group picks the Leader so ultimately the group as the final sanction

In terms of litter sitting around more for than a year and the reference as to how long the Conservatives have ran the Council, Mr Mayor it wasn't that long ago that every Councillor was issued with a disposable camera and was asked to go out and take photos of 'grot spots'. That project produced a whole list of areas that the Council targeted, I believe the majority of this was cleaned up then, this was over a decade ago. The issue is Mr Mayor that people keep dropping litter and keep leaving their rubbish on their streets. We need to do this continually, we spend a fortune clearing up after certain individuals in society and we are committed to continue to do that. What is happening now with the HRA estate clean-up is that we are returning to the same methodology that we had with the 'grot spots' cameras so what I would suggest if all members of the council can identify those areas report them through street scene or through the Cabinet Member for Environmental works, Rob Pritchard and make sure he is aware of them and we can chase them. We are in this together we are a team and we all need to represent the people that elected us and we all need to raise the areas where we have problems by doing so we can complete those works. It's disappointing that we still have these areas that keep getting built up, it's disappointing when we clear them and they get built up again, referring to an earlier question it's disappointing when volunteers or street scene staff go litter picking and there are people walking in front of them dropping litter. We are continually clearing up after people we will continue to do so but it is an uphill struggle that we are willing to take on.

50 CORPORATE VISION, PRIORITIES PLAN, BUDGET & MEDIUM TERM FINANCIAL STRATEGY 2022/23

Report of the Leader of the Council to approve the Vision Statement, Priority Themes, Corporate Priorities and Plans and their inclusion in the Corporate Plan (attached at Appendix A).

To approve the recommended package of budget proposals (attached at Appendix B) to enable the Council to agree the:

- General Fund (GF) Revenue Budget and Council Tax for 2022/23;
- Housing Revenue Account (HRA) Budget for 2022/23;
- 5 Year General Fund Capital Programme (2022/27);
- 5 Year HRA Capital Programme (2022/27);
- 3 Year General Fund Medium Term Financial Strategy (MTFS) (2022/25); and
- 5 Year HRA Medium Term Financial Strategy (MTFS) (2022/27).

To comply with the requirement of the Council's Treasury Management Policy in reporting to Council the proposed strategy for the forthcoming year and the Local Government Act 2003 with the reporting of the Prudential Indicators (attached at Appendix N) and the requirement to prepare an annual Corporate Capital Strategy (attached at Appendix O).

RESOLVED: That Council approved

1. the Vision Statement, Priority Themes, Corporate Priorities and Outcomes for 2022/23 (Appendix A);
2. the proposed revisions to Service Revenue Budgets (Policy Changes) (Appendix C);
3. the sum of £74,584 be applied from Council Tax Collection Fund surpluses in reducing the Council Tax demand in 2022/23 (Appendix E)
4. the sum of £1,200,215 be applied to Business Rates Collection Fund deficits in 2021/22, in part offset by a transfer from the Business Rates reserve of £939,376 (Appendix E);
5. that on 2nd December 2021, the Cabinet calculated the Council Tax Base 2022/23 for the whole Council area as 22,968 [Item T in the formula in Section 31B(3) of the Local Government Finance Act 1992, as amended (the "Act")];
6. that the Council Tax requirement for the Council's own purposes for 2022/23 is £4,407,330 (Appendix E);
7. the following amounts as calculated for the year 2022/23 in accordance with Sections 31 to 36 of the Act:
 - a. £48,399,016 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act (Outgoings excluding internal GF Recharges);
 - b. £43,991,686 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act (Income excluding internal GF Recharges);
 - c. £4,407,330 being the amount by which the aggregate at 7(a) above exceeds the aggregate at 7(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year (Item R in the formula in Section 31A(4) of the Act);
 - d. £191.89 being the amount at 7(c) above (Item R), all divided by Item T (at 5 above), calculated by the Council, in accordance with Section 31B(1) of the Act, as the basic amount of its Council Tax for the year;
8. the Council Tax level for the Borough Council for 2022/23 of

£191.89 (an increase of £5 (2.68%) on the 2021/22 level of £186.89) at Band D;

9. an aggregate Council Tax (comprising the respective demands of the Borough Council, Staffordshire County Council, Office of the Police and Crime Commissioner Staffordshire and Stoke-on-Trent and Staffordshire Fire and Rescue Authority) of £1,922.11 at Band D for 2022/23 be noted (£1,864.86 in 2021/22) (Appendix H);
10. the Council Tax levels at each band for 2022/23 (Appendix H);
11. the sum of £257,591 be transferred from General Fund Revenue Balances in 2022/23 (Appendix E);
12. the Summary General Fund Revenue Budget for 2022/23 (Appendix E);
13. the Provisional General Fund Budgets for 2023/24 to 2024/25, summarised at Appendix G, as the basis for future planning;
14. minimum level for balances of £500k to be held for each of the General Fund, Housing Revenue Account, General Capital Fund and Housing Capital Fund;
15. Cabinet be authorised to release funding from the General Contingency budget and that the release of funding for Specific Contingency items be delegated to the Corporate Management Team in consultation with the Leader of the Council;
16. proposed HRA Expenditure level of £16,640,270 for 2022/23 (Appendix D);
17. rents for Council House Tenants in General Accommodation for 2022/23 be set at an average of £92.87 (2021/22 £89.21), over a 48 week rent year (including a 4.1% increase);
18. rents for Council House Tenants due for 52 weeks in 2022/23 be collected over 48 weeks;
19. the HRA deficit of £1,950,690 be financed through a transfer from Housing Revenue Account Balances in 2022/23 (Appendix D);
20. the proposed 5 year General Fund Capital Programme of £18.837m, as detailed in Appendix I to the report;
21. the proposed 5 year Housing Capital Programme of

£46.454m, as detailed in Appendix J to the report;

22. to delegate authority to Cabinet to approve/add new capital schemes to the capital programme where grant funding is received or there is no net additional cost to the Council;
23. the Treasury Management Strategy Statement, the Treasury Management Policy Statement, Minimum Revenue Provision Strategy and Annual Investment Statement 2022/23 (as detailed at Appendix N);
24. the Prudential and Treasury Indicators and Limits for 2022/23 to 2024/25 contained within Appendix N;
25. adoption of the Treasury Management Practices contained within ANNEX 8;
26. the detailed criteria of the Investment Strategy 2022/23 contained in the Treasury Management Strategy within ANNEX 4; and
27. the Corporate Capital Strategy and associated Action Plan (as detailed at Appendix O).
(Moved by Councillor J Oates and seconded by Councillor R Pritchard)

Named Vote

Named vote takes place *In accordance with Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, the Council is required to take a recorded vote on decisions which approve the budget or set the council tax.*

For

Councillor M Bailey
Councillor D Box
Councillor J Chesworth
Councillor R Claymore
Councillor T Clements
Councillor C Cooke
Councillor M Cook
Councillor A Cooper
Councillor S Doyle
Councillor A Farrell
Councillor R Ford
Councillor S Goodall
Councillor M Greatorex
Councillor J Harper
Councillor J Jones

Against

Councillor K Norchi
Councillor Dr. S Peale
Councillor S Peale

Abstain

Councillor J Oates
Councillor M Oates
Councillor R Pritchard
Councillor R Rogers
Councillor M Summers
Councillor P Thurgood

51 RECOMMENDATIONS FROM THE INFRASTRUCTURE SAFETY & GROWTH SCRUTINY COMMITTEE - FIREWORKS

Report of the Chair of Infrastructure Safety & Growth Scrutiny Committee to update Council and to make recommendations to it following consideration of matters by the Scrutiny Committee.

RESOLVED: That Council agreed

1. To look at all options with regards to visual aerial displays;
and
2. the Leader of the Council write to the Minister with regard to:
 - online sales of fireworks and that this reflects the same legislation as shop sales of fireworks are guided by; and
 - that the decibel level of fireworks available for the public's purchase be reviewed with a view to the decibel level being reduced.

(Moved by Councillor S Goodall and seconded by Councillor A Cooper)

The Mayor

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Council

15th March 2022

Petition to Stop the Netting of Hedges in Tamworth

The following petition has been received by Tamworth Borough Council, from petition organiser, Mr Richard Kingstone:

“In recent years we have seen several developers in Tamworth use the legal but controversial netting technique to allow them to remove hedges and trees when it suits them rather than in the closed winter season.

The netting of hedges is not something we feel should be permitted in Tamworth. It increases the risk of harming birds and other wildlife and encourages a 'lazy' non environmentally friendly approach by developers.

The best solution is to either remove hedges and trees in the depths of winter or ideally look at alternative ways of planning developments so that hedges and trees can remain in situ.

So we ask Tamworth Borough Council to undertake a review of its planning policies and introduce a policy that forbids the use of netting by any developer within the borough of Tamworth and in any other area where Tamworth Borough Council is involved as a consultee.”

Details of the Petition can be found on Change.org on the following link:

<https://chnq.it/rspwRQ98>

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Tuesday, 15 March 2022

Report of the Chief Executive

Permanent Appointment of the Monitoring Officer

Exempt Information

None

Purpose

To seek Council approval to appoint the Information Governance Manager to the statutory post of Monitoring Officer in accordance with the Council's Constitution and local government legislation.

Recommendations

It is recommended that Council:

1. Approve the appointment of the Information Governance Manager to the statutory role Council's Monitoring Officer on a permanent basis and with immediate effect

Executive Summary

Following the departure of Head of Governance and Monitoring Officer in April 2021, Council (16th March, 2021) initially approved the temporary appointment of the Director Legal and Governance (Monitoring Officer) from South Staffs Council to the statutory role of Monitoring Officer. Immediately following that temporary appointment an internal recruitment and selection process was completed resulting in the officer who serves as the Council's Information Governance Manager being appointed on a temporary basis to the role that was approved by Council on 20th May 2021.

The post was initially made temporary to allow the Chief Executive an opportunity to review the new arrangements. The Chief Executive is pleased to report that since the officer's appointment in May, the officer has made exceptional progress. It is therefore, proposed that the officer is now made permanent in the role.

The appointment of the Monitoring Officer is reserved to the Council and cannot be made by any other body.

Options Considered

Three options have been considered namely;

1. Do nothing and continue with temporary arrangements – this option does not provide the organisation with any stability or business continuity and merely delays any decision to another point in time.
2. Consider sharing the post with a neighbouring authority – this option has been disregarded as at times the duties of the post could potentially come into conflict with decisions made by another local authority. This option does not give the authority clear independence that is a benefit for the Monitoring Officer role.
3. Appoint current temporary post holder to permanent position – the post holder has had an opportunity to advance and develop into the role. This option is the preferred option.

Resource Implications

Budget provision has been made for the post of Information Governance Manager. The post holder currently receives an ex gratia payment for carrying out the duties on a temporary basis.

However, in order to recognise these duties on a formal permanent basis, the additional duties have been formally job evaluated and added to the post holder's current job evaluation score. The result of the job evaluation exercise means that an increase of pay grade for the post holder will now be payable. Budget provision is available for this on an ongoing basis from salary savings relating to the previous Head of Governance and Monitoring Officer post.

On appointment, the Monitoring Officer is then able to appoint a Deputy Monitoring Officer/s to provide support with specific elements of the job role and provide appropriate cover in the absence of the Monitoring Officer.

Legal/Risk Implications Background

The Monitoring Officer has an important role in working closely with other key stakeholders to promote and enhance good corporate governance in terms of the quality of decision making as well as ensuring legality, probity and propriety.

The Council has a duty to provide the Monitoring Officer with the resources required to perform his/her statutory functions. In addition, disciplinary and dismissal proceedings against the Monitoring Officer are regulated by the Local Authorities' (Standing Orders) Regulations 1993.

Equalities Implications

None

Environment and Sustainability Implications (including climate change)

None

Background Information

In accordance with Section 5 of the Local Government and Housing Act 1989 ('the 1989 Act') the Council must designate one of its officers to hold the statutory office of the Monitoring Officer.

The role of the Monitoring officer is to:

- report to the Council (or to the Cabinet in respect of an executive function) where he/she considers that a proposed decision act or omission has given rise to or is likely to or would give rise to the maladministration or a contravention of any enactment or rule of law.
- Support the Standards Committee in the proper functioning of the Council's ethical framework including responsibility for investigation or securing the investigative of the Code of Conduct complaints referred to him/her.
- Maintain the Register of Members Interests, Gifts and Hospitality.

The Monitoring Officer may not be the Council's Head of Paid Service or Section 151 Finance Officer. The Monitoring Officer is not a specific role with the Council's establishment and as such, the duties of the Monitoring Officer are supplementary responsibility attached to a substantive post holder.

Report Author

Anica Goodwin – Executive Director Organisation and Deputy Chief Executive

List of Background Papers

Minutes of Council meetings held on 16th March 2021 and 20th May 2021
Council's Constitution

Appendices

None