

## Borough of Tamworth

9 May 2013
Dear Councillor
You are hereby summoned to attend a meeting of the Council of this Borough to be held on THURSDAY, 16TH MAY, 2013 at 6.00 pm in the COUNCIL CHAMBER MARMION HOUSE, for the transaction of the following business:-

## AGENDA

## NON CONFIDENTIAL

## 1 Apologies for Absence

2 To receive the Minutes of the meeting held on 19 March 2013 (Pages 1-8)
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 Appointment of Cabinet and Allocation of Responsibilities
To receive the membership of Cabinet for 2012/13 which will be circulated at the meeting

7 Appointment of Committees 2012/13
To receive the constitution and membership of committees for 2012/13 which will be circulated at the meeting

8 The Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2013 (Pages 9-10)
(Report of the Leader of the Council)

9 Review of the Constitution and Scheme of Delegation (Pages 11-12)
(Report of the Leader of the Council and Solicitor to the Council and Monitoring Officer)

Appendix To Follow

10 Members Code of Conduct Update (Pages 13-14)
(Report of the Solicitor to the Council and Monitoring Officer)

11 Calendar of Meetings 2013/14 (Pages 15-26)
To receive the Calendar of Meetings for 2012/13

Yours faithfully
Vare MHackett.

## ppCHIEF EXECUTIVE

People who have a disability and who would like to attend the meeting should contact
Democratic Services on 01827709264 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

## Agenda Item 2

## MINUTES OF A MEETING OF THE COUNCIL HELD ON 19th MARCH 2013

PRESENT: Councillor T Clements (Chair), Councillors J Garner, M Clarke, D Cook, C Cooke, M Couchman, S Doyle, J Faulkner, D Foster, K Gant, M Gant, M Greatorex, R Kingstone, A Lunn, M McDermid, R McDermid, K Norchi, J Oates, S Peaple, R Pritchard, S Pritchard, E Rowe, P Seekings, P Standen and M Thurgood

The following officers were present: Anthony E Goodwin (Chief Executive), John Wheatley (Executive Director Corporate Services), Jane Hackett (Solicitor to the Council and Monitoring Officer) and Lara Allman (Democratic \& Election Services Officer)

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

None
QUESTION TIME:

## Under Procedure Rule No 11, Councillor M Couchman will ask the Portfolio Holder for Economic Development and Enterprise, the following question:-

"How much will it cost if the Council takes back the Golf Course and reopens it, running it in house?

## In the absence of the Portfolio Holder for Economic Development and Enterprise, the Leader of the Council gave the following Reply:

Thank you Cllr Couchman.
Madam Mayor, I realise this is a time of uncertainty for the golf club members, paying public and staff. We are, as members will be aware, looking at the options available to us, as a local authority. Firstly, I am cautious of public comment in regards to the future. We must remember that Tamworth Golf Centre LTD is a private company about to go through the liquidation process; the staff employed by the company have rights. Whether they see redundancy through the liquidation process or a government protection scheme, until the end of the liquidation process I wish to avoid comments that could affect their rights. At present I am aware there is a meeting of the liquidators on Thursday $21^{\text {st }}$ March.

As we all know the land remains in our ownership, thus the tax-payers ownership. It was clear that the company was no longer viable and could not meet its commitments. As I stated through the Tamworth Herald, I could not - and would not - justify any further change to the rent payments and other terms any further. It was time to take control of the situation in the benefit of the whole tax-payer. I have been working with the operator for some time, and I had personally led discussions which brought an earlier end to tipping on the site, agreed last year, I met the operator and stated we must now bring an end to the tipping.

We recognise that for the majority of the time the company ran the course, the Borough Council benefited financially from the arrangement. However I also recognise we had reached the point of no return. We must recall that by 2006 it cost the Council Tax payer about $£ 60,000$ to $£ 80,000$ per year to subsidise the golf course and this was not sustainable in the long term. We needed to do better with our assets.

At present there are a lot of variables that need to be understood. I am happy to personally meet with any member who wants taking through this, especially around costs of running the course. If the member wishes to contact me and arrange some time I would be more than happy to run through everything. However, I simply cannot at this stage in this arena quantify exactly the total costs of running the course in-house.

## Supplementary question:

I'm glad you feel concerned about the Golf Course and the rights of the employees. Is it true that part of the Golf Course is designated for other use on it?

The Leader of the Council gave the following reply:

A small part or the land that is not actually part of the Golf Course, according to the original lease has got alternative use so could be freed up for other sports, housing etc.

## QUESTIONS FROM MEMBERS OF THE COUNCIL NO. 2

Under Procedure Rule No 11, Councillor M Couchman will ask the Portfolio Holder for Environment and Waste Management, the following question:-
"How much will it cost the council taxpayers this year for Tamworth In Bloom?

## The Portfolio Holder for Environment and Waste Management gave the following reply:

Thank you madam Mayor, The current annual entry fee for Tamworth in Bloom is $£ 200$ for the Small City Category. There is no separate budget line for "in-Bloom", the associated costs are met from within existing resources.

## Supplementary question:

It obviously takes up a lot of time. Can you quantify the number of man hours and the cost of the plants etc?

## The Portfolio Holder for Environmental and Waste Management gave the following reply:

The annual income from external sponsorship for Bloom is approximately $£ 5000$ which supplements existing schedules for grounds maintenance and street cleansing.

However the Council spends over $£ 2.2$ million pounds a year on grounds maintenance and street cleansing as part of its existing on-going schedules. Precise information for the Public Open Spaces budget for 2012-13:-

- £2,239,970 total,
- £1,703,250 net or salaries $£ 1,133,220$

Part of the associated costs in the budget for plants, was for 2012-13:-

- For the Summer Period - $£ 21,000$
- And for the Winter Period - $£ 15,000$

The majority of the bedding plants are used in the Castle grounds and in the hanging baskets around the town.

All of this work is undertaken in house so the teams alter their working practices to fit the "in bloom" competition into these practices, to avoid any additional costs.

An example of how costs are kept to a minimum is last year's entry to 'in Bloom', the route was designed around the Olympic Torch route to avoid duplication of effort, and worked alongside other services to ensure the town was presented in a way that everyone could be proud of.

There are also hidden benefits into this, in that it involves substantial opportunities for community involvement.

This policy also provides opportunities to schools to educate children on the environment and how plants and vegetables grow, to sheltered complexes having beautiful gardens and the wild about Tamworth volunteer groups being recognised for their level of community involvement.

We must also remember that the flowers also form a welcome to the town, especially on the main gateways into the town centre. This adds the welcome factor and demonstrates this Council's commitment to trade and visitor attractions in the town centre.

It is likely this would continue even if we did not enter Tamworth in Bloom as it is the current policy and provides a positive environment in which to live and work.

Tamworth in Bloom is something that is bigger than the individual component parts and should not be viewed in isolation, providing many different benefits as well as a sense of pride for the people of Tamworth.

## QUESTIONS FROM MEMBERS OF THE COUNCIL

A question was received from Councillor $G$ Hirons but it was withdrawn as he was not present at the meeting.

## QUESTIONS FROM MEMBERS OF THE COUNCIL NO. 4

Under Procedure Rule No 11, Councillor J Faulkner will ask the Leader of the Council, the following question:-
"Since the last meeting of Tamworth Borough Council on 26 February 2013, what further considerations has he had to eliminate the annual deficiency of nearly $£ 2,000,000$ in the funding of Tamworth Borough Council's general fund in future years which has been caused by policies of his own Conservative Government?"

## The Leader of the Council gave the following reply:

Thank you Cllr Faulkner,
Madam Mayor, to advise members that a number of key pieces of work have been commissioned by the Executive Management Team (Cabinet/CMT) under the umbrella of the draft Sustainability Strategy.

The strategy incorporates a range of outcome based work streams designed to provide tangible contributions towards tackling the deficit over the five year period "sooner rather than later".

These work streams will focus upon generating "sustainable" outcomes and not simply 'one off' efficiencies. Our intention is to use innovation, managed risks and long term efficiencies to help to achieve a balanced budget by working with officers, across boundaries and involving all tiers of the organisation.

These work streams include:

## - Income Generation

- Growing the Business
- Strategic Policy Reviews

As members across the Chamber will be aware, circumstances such as this rarely have a quick fix. Indeed, having already reduced revenue spend by over $£ 12.5 \mathrm{~m}$ since 2006, we already have one of the "leanest" Councils in the region.

I am hoping to adopt a "whole Council" approach to tackling the deficit. The Chief Executive has already hosted one workshop for CMT and Cabinet; a second involving all Heads of Service \& CMT is scheduled for $25^{\text {th }}$ March with the findings to be report to Executive Management Team on $15^{\text {th }}$ April.

Madam Mayor should opposition Members wish to engage in this corporate project, I am certain that the Chief Executive would dedicate a workshop for that very purpose.

Finally, as and when appropriate, updates on progress will be reported as part of the Corporate Performance report. But this controlling group will not be pushed into snap decisions that can have massive effects on services and staff employment. Tamworth deserves long term solutions, not quick political fixes. The work is on-going, never stops and I have informed my Cabinet this is not a side project. It is now the project!

## Supplementary question:

Thank you for your comprehensive reply. I welcome the opportunity to be involved. Can we have a Gant Chart to monitor progress as this is very important?

## The Leader of the Council gave the following reply:

I suggest that I, Councillors J Faulkner, R McDermid, C Cooke and R Pritchard meet with the Chief Executive to take forward. I welcome your input and will set up a cross party working group to look at this issue. This is not a result of anything that has been agreed in this Chamber.

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## Under Procedure Rule No 11, Councillor J Faulkner will ask the Deputy Leader of the Council, the following question:-

"At the last meeting of Tamworth Borough Council on 26 February 2013, the Deputy Leader of the Council said that anyone who said that the budget report contained any cuts had either completely misunderstood the document or was a liar and that either worked quite well for him. Will the Deputy Leader of the Council now apologise for his utterly unwarranted insult to the integrity of fellow Councillors?"

## The Deputy Leader of the Council gave the following Reply:

Answer - I said "anyone who said the budget proposed cuts" so no I don't

## Supplementary question:

Will the Deputy Leader not agree with me that this is not in keeping with the nature of this office representing the Borough of Tamworth? By using tawdry language debases this historic borough.

The Deputy Leader of the Council gave the following Reply:
I believe you are saying all members are lying - no I didn't say that.

## 67 AUDIT AND GOVERNANCE ANNUAL REPORT

The Report of the Chair of Audit and Governance Committee advising Members on the action taken by the Audit and Governance Committee for the municipal year 2012/2013 was considered.

RESOLVED: That the findings of the contents of the report be endorsed.

> (Moved by Councillor M Gant and seconded by Councillor D Cook)

## SCRUTINY CHAIRS' REPORTS

The Annual Reports of the Chair of Aspire and Prosper Scrutiny Committee and of the Chair of Healthier and Safer Scrutiny Committee were received.

TAMWORTH LOCAL PLAN
The Report of the Portfolio Holder for Economic Development and Enterprise, presented by the Leader of the Council, informing Members on the progress of the Local Plan 2006/2028 examination, The Exploratory Meeting into the Local Plan, The Planning Inspector's recommendation following the Exploratory Meeting and updating Members on the Memorandum of Understanding between Tamworth Borough Council, Lichfield District Council and North Warwickshire Borough Council and the work arising from Inspector's notes and the Exploratory meeting recommendation letter was considered.

Councillor R Pritchard asked that Rule 14.10 (d) be moved.
A Motion was made to make the following amendment:
That a cross party working group comprising of three members of the controlling group and three members of the opposition be established to oversee the development of the revised plan.
(Moved by Councillor S Peaple and seconded by Councillor R McDermid) This was carried.

## RESOLVED: That:

1 The Tamworth Local Plan 2011-2026 as submitted in November 2012 be withdrawn from examination, and;
2 The updated Memorandum of Understanding between the three Local Authorities be endorsed prior to it being signed by the Leader of the Council.
(Moved by Councillor D Cook and seconded by Councillor S Peaple)

## REVIEW OF MEMBERS ALLOWANCES

The Report of the Solicitor to the Council and Monitoring Officer advising Council of the recommendations of the Members Independent Remuneration Panel who have recently undertaken a review of Members Allowances in accordance with regulations was considered.

RESOLVED: That the recommendations contained in the Panels Report be accepted in full but with a change to the name of the $10 \%$ SRA to Attendance Allowance.
(Moved by Councillor D Cook and seconded by Councillor $R$ Pritchard)

A Motion was made to make the following amendment:
To include attendance at seminars and training sessions within the attendance allowance.
(Moved by Councillor P Standen and seconded by Councillor P Seekings)
This was not carried.

EXCLUSION OF PRESS AND PUBLIC

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RESOLVED: That members of the press and public be now excluded from the meeting during consideration of the following item on the grounds that the business involves the likely disclosure of exempt information as defined in Paragraph 1 and 3, Part 1 of Schedule 12A to the Local Government Act 1972 (as amended).

## 71 REVIEW OF PAY POLICY

The Report of the Leader of the Council and Chairman of Appointments and Staffing Committee was considered.

RESOLVED: That Council endorsed the Pay Policy Statement approved by Appointments and Staffing Committee and Cabinet.
(Moved by Councillor D Cook and seconded by Councillor J Faulkner)

The Mayor

## 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 <br> 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 retained 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 in force on 10 September 2012 until 30 April 2013 I can confirm that no such decisions have been taken by the executive under regulation 11, cases of special urgency.

## 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 example 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 Jane M Hackett Solicitor to the Council and Monitoring Officer on Ext. 258

## LIST OF BACKGROUND PAPERS

None

## APPENDICES

None

16 MAY 2013

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

## REVIEW OF THE CONSTITUTION AND SCHEME OF DELEGATION

## EXEMPT INFORMATION

None

## PURPOSE

To obtain Council comments, endorsement and approval of the reviewed Constitution and Scheme of Delegation as attached at Appendix 1 to the Report.

## RECOMMENDATIONS

 That the Council:1) Endorse the changes to the reviewed Constitution and Scheme of Delegation
2) Adopt and approve the changes as presented in Appendix 1 and
3) Report the reviewed Constitution and Scheme of Delegation to Audit and Governance Committee for consideration and overview.

## 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.

Following Council approval on 13 December 2012 a project team was set up to take the review forward. The group consisted of the Leader and Deputy Leader of the controlling and opposition groups, Councillor Cooke, the Solicitor to the Council and was led by the external adviser. The review has been completed within the proposed timescale and allowed time for the governance arrangements of the Council to be incorporated into the project plan.

This year the project team have put some pragmatic alterations into the Constitution designed to improve and enhance the democratic process of the Council.

In addition there was a raft of new legislation to take into account when conducting the review. As well as the Localism Act 2011 there have been significant developments in financial regulations including benefits and Council tax. Thus the Constitution has undergone the most radical modification it has seen for a considerable period.

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.

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

External advice was procured for this project given the scope of the review that members wished to be undertaken at the time. This brought focus to the project team and ensured that probity and transparency was maintained. The most cost effective quote from Bevan Brittan, Solicitors in the sum of $£ 2,700$ was accepted. The cost was met within the $2012 / 13$ budget resource held by the Solicitor to the Council.

## 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 the law, while others are a matter for the Council to choose. Accordingly the Constitution governs the Council's business.

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 1072
The Local Authorities ( Functions and Responsibilities) (England) Regulations 2000
The Localism Act 2011

## APPENDICES

Link to Constitution and Scheme of Delegation

## REPORT OF THE SOLICITOR TO THE COUNCIL AND MONITORING OFFICER

## REGULATION OF MEMBERS CONDUCT

## EXEMPT INFORMATION

None

## PURPOSE

To advise Members on the number of complaints received for the period 01 July 2012 until 30 April 2013 in relation to alleged breaches of the Code of Conduct from the implementation of the part of the Localism Act 2011 which changed the system of regulation of Standards of Conduct for elected and co-opted Councillors.

## RECOMMENDATIONS

Members are requested to endorse the findings of the contents of the report.

## EXECUTIVE SUMMARY

Since the establishment of the new Code of Conduct and changes to the complaints process from July 2012 I can confirm that in the period from then to 30 April 2013 one complaint was received.

The complaint was considered in terms of the adopted arrangements for dealing with complaints regarding members of the Council in terms of Section 28 of the Localism Act 2011. Following investigation the member met with the complainant and apologised thus the matter was resolved to the complainant's satisfaction and accordingly this finalised matters.

## RESOURCE IMPLICATIONS

The operation of the arrangements does not have any additional resource implications for the Authority, however the process of investigation would have financial implications as it would be necessary to utilise external support in such circumstances.

## 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.

## 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 200 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 an Independent Person was appointed to assist the process albeit such person is not a member of the Committee.

## REPORT AUTHOR

For further information please contact Jane M Hackett, Solicitor to the Council \& Monitoring Officer on Extn: 258

## LIST OF BACKGROUND PAPERS

Localism Act 2011
Code of Conduct for Members and arrangements for dealing with complaints Report to Council 19 June 2012

## APPENDICES

None













