

NON-CONFIDENTIAL



Borough of Tamworth

18 June 2013

Dear Councillor

You are hereby summoned to attend a **meeting of the Council of this Borough** to be held on **TUESDAY, 25TH JUNE, 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 meetings held on 14 May 2013 and 16 May 2013 (Pages 1 - 18)

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 19 - 24)

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'A. D. O. T.', with a large, stylized flourish extending to the right.

CHIEF EXECUTIVE

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 14th MAY 2013

PRESENT: Councillor , Councillors T Clements, J Garner, R Kingstone, L Bates, M Clarke, S Claymore, D Cook, C Cooke, M Couchman, S Doyle, J Faulkner, K Gant, M Gant, M Greatorex, G Hirons, A James, A Lunn, M McDermid, R McDermid, K Norchi, J Oates, S Peale, R Pritchard, S Pritchard, E Rowe, 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)

1 MAYOR'S CADET

Lance Corporal Mark Whetton was inaugurated as the Mayor's Cadet for 2013/14.

2 TO ELECT A MAYOR

Councillor John Garner was elected as Mayor and proposed a vote of thanks for Councillor Tina Clements' year as Mayor.

(Moved by Councillor K Gant and seconded by Councillor E Rowe)

3 TO ELECT A DEPUTY MAYOR

Councillor R Kingstone was elected as Deputy Mayor.

(Moved by Councillor M Gant and seconded by Councillor M Greatorex)

4 TO ELECT THE LEADER OF THE COUNCIL

Councillor D Cook was elected as Leader of the Council.

(Moved by Councillor J Oates and seconded by Councillor A James)

The Mayor



MINUTES OF A MEETING OF THE COUNCIL HELD ON 16th MAY 2013

PRESENT: Councillor J Garner (Chair), Councillors R Kingstone, L Bates, M Clarke, S Claymore, T Clements, D Cook, C Cooke, M Couchman, S Doyle, D Foster, K Gant, M Gant, M Greatorex, G Hiron, A James, J Jenkins, A Lunn, M McDermid, R McDermid, K Norchi, J Oates, S Peale, R Pritchard, S Pritchard, E Rowe, 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)

5 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J Faulkner and P Seekings.

6 TO RECEIVE THE MINUTES OF THE MEETING HELD ON 19 MARCH 2013

The minutes of the meeting held on 19 March 2013 were approved and signed as a correct record.

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

7 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

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

Announcement by Councillor R Pritchard

The Tourist Information Centre has been awarded an accreditation from the Staffordshire Environmental Quality Mark (SEQM) for their work in reducing the environmental impact of their business.

9 QUESTION TIME:**QUESTIONS FROM MEMBERS OF THE COUNCIL NO.1**
Under Procedure Rule No 11, Councillor M Couchman will ask the Portfolio Holder for Housing, the following question:-

"Who will be responsible for the elderly tenants that will be decanted from Tinkers Green, ensuring that they are aware of the different types of tenancies that could affect their rights?"

The Portfolio Holder for Housing gave the following reply:

Cllr Couchman had an opportunity to talk this through with Officers on Friday 10th May, so the points I set out should already be known to her:-

- Following Cabinet approvals in November 2012 and March 2013 plans are being progressed to regenerate Tinkers Green and the Kerria Centre.
- Specifically a draft decant policy was approved for consultation, along with approval to move 14 households in the bungalows on Cottage and Leisure Walk. It was agreed that this was necessary to prevent any unnecessary anxiety to the older residents who had expressed an interest to move, as soon as possible.
- The moves are being co-ordinated by the housing options team within landlord services. Public meetings with the 14 households were held directly following Cabinet in March in the localities. Families and friends were invited to ask questions.
- In addition all 14 households have now been interviewed and details of their housing requirements logged. The landlord team know the occupants well and have been able to agree compensation packages and rehousing to suit all.
- In terms of different types of tenancies – all have expressed a desire to move into alternative council accommodation and will therefore have the same security of tenure - they will remain secure tenants. None will have fixed term tenancies as this does not apply to sheltered or oap designated accommodation in any event.
- A bus tour is being planned for all the 14 households to a selection of empty properties. 11 empty homes including bungalows, sheltered and other flats are undergoing works, including adaptations, to meet the needs of these residents. They have been directly matched to properties, in accordance with the allocations policy, to ensure they move to properties most suitable for their needs, in terms of adaptations, family support, size etc.
- It is anticipated that half of the residents will move over the summers with the remainder moving before Christmas.
- It is intended to move in two phases, so no-one individual is left in cottage or leisure walk alone and isolated.
- Colleagues in asset management are already preparing for demolition works so that any opportunity for vandalism or ASB is limited when they are finally emptied.

Also the leader and founder of the group Stephanie has demonstrated a remarkable commitment to both the community, through her current volunteer work and also to members of her family.

So I will continue to support and try to match the same level of commitment I have seen in Stephanie.

There have been a number of volunteers and the group would appear to have a core membership of around six members who will look to open and close gates at Wilnecote, regular meetings are now in place with the key members. Some of who are seated here tonight.

The group has been given a draft constitution to consider and support in recruiting members. Also provision is made within the Council insurance to cover the Group for Public Liability when carrying out the given task.

The group are also looking to achieve charitable status and guidance has also been given to enable them to achieve this, some of the additional volunteers will be engaged in this aspect.

They have been fully supported throughout and any requests for assistance have been fully met by me and Council Officers.

The Council will shortly begin the process of procuring the necessary locks and keys for the group after the group can demonstrate a rota and a process for holidays/sickness, this topic is currently being discussed and arranged within the group.

“Which cemeteries will be included?”

You ask which cemeteries are included, initially only Wilnecote, this is due to the fact that no one has approached / expressed an interest to the Council to take on or see a similar project in the other Cemeteries in Tamworth. As stated originally our response would be community led.

The only other response I've received is a request that the gates be left alone in Wiggington and I have seen no reason to refuse this request.

This is one of the reasons why a community lead approach has been preferred over imposing a solution that would not meet the needs of the people in the community.

“When will this project commence?”

The Project commenced ten months ago, as designated in the original report to Full Council, in two months' time we will review the status of the Project.

It is envisaged that the group will begin locking and unlocking the gates at Wilnecote by the end of June, if not before.

There was no supplementary question.

QUESTIONS FROM MEMBERS OF THE COUNCIL NO.3
Under Procedure Rule No 11, Councillor J Jenkins will ask the Portfolio Holder for Economic Development and Enterprise, the following question:-

"How many properties in the Borough will be affected by the plans for HS2?"

The Portfolio Holder for Economic Development and Enterprise gave the following reply:-

All of them. It is national infrastructure / public transport

The proposed West Midlands to Leeds route passes through a section (approximately 100m) of Tamworth but continues in close proximity to the County boundary as it passes through north Warwickshire.

It is not possible to estimate the number of properties that will be affected in Tamworth by HS2. HS2 is a national infrastructure project and therefore it is intended to be of benefit to the whole country, however some people/property/business will experience a direct negative impact from the route.

The impact to property in Tamworth is expected to be minimal as it crosses only about 100m of the Borough Boundary, it would not be possible to quantify the impacts of noise / impact on visual amenity at this stage. Despite not being within the Borough, one of the biggest impacts to Tamworth is potentially the disruption caused by the route passing through Tamworth services and the temporary re-routing of the M42. This will have temporary impact – possible traffic delays, but a long term impact could be the relocation of the service station (it is not known where (if) it will go) and ensuring there is good access into the employment areas around J10.

At the same time as the route announcement the Government consulted on proposals to introduce an **Exceptional Hardship Scheme (EHS) for Phase Two**. The scheme would protect the interests of mainly residential and small business owner-occupiers whose property values may be affected by the initial preferred route, station and depot options for Phase Two of the network and who can demonstrate that they have a need to sell their property within the life time of the EHS scheme. It would provide a mechanism by which those who meet the criteria can sell their property to the Government for the unaffected market value

Exceptional Hardship Consultation and Leaflets

http://www.hs2.org.uk/sites/default/files/inserts/9500-DfT-HS2-Phase%20%20EHS-Consultation_2_ACCESSIBLE.pdf

http://www.hs2.org.uk/sites/default/files/inserts/P2EHS05%20Exceptional_Hardship_DL%20tagged%20for%20WEB%20vfinal.pdf

Information provided by HS2 Ltd suggests that consultation on the initial preferred route will start in the summer 2013 and will be complete by the end of 2013/early 2014. Upon completion and analysis of the consultation responses, Government

is expected to announce the preferred route and the decision to proceed by the end of 2014/early 2015. It is in 2015 where we expect detailed community engagement to start by HS2 Ltd as they refine the proposals and prepare information required for the Phase Two Hybrid Bill. At this stage exact timescales are unclear for Phase Two but it is expected that the Hybrid Bill will be deposited to Parliament before 2020 with construction starting in 2026 and the line becoming operational in 2032/33.

Background info

HS2 and Local Plans

High Speed 2 (Ltd) have no specific requirements for Local Authorities to incorporate Phase Two of HS2 in to their Local Plans. The Secretary of State intends to begin a consultation on a proposed phase two route in 2013. Following consultation, it is anticipated that the Secretary of State will make an announcement of the preferred route in 2014. As a result, the proposed phase two route may be subject to some change as a result of detailed consultation. In advance of formal safeguarding, for phase one planning authorities which have no stations, HS2 Ltd have provided comments on, through the public consultation process, but have not worked specifically with the planning authorities to date, to ensure inclusion of HS2 in their Local Plans.

As discussed, HS2 Ltd intend to present separate hybrid bills to parliament to seek powers to deliver Phase One and Phase Two of HS2. Any safeguarding directions for HS2 will come from the Secretary of State.

HS2 Ltd do not expect Tamworth to provide safeguarding for HS2. However, reference to HS2 in the evolving Local Plan can be made, the safeguarding directions from Government will ensure that the required land for HS2 is safeguarded.

BACKGROUND TO HS2 – PHASE2

High Speed 2 (HS2) will be the UK's new high speed rail network. The proposed new network will link London to the West Midlands (Phase One) and will expand in the future to connect Manchester and Leeds with Birmingham, London and Heathrow Airport (Phase Two). Phase One is anticipated to be operational by 2026 with Phase Two by 2032/33.

West Midlands to Leeds - Eastern Route

The eastern leg would serve stations in the East Midlands, South Yorkshire and Leeds.

The line would connect with the London to West Midlands leg to the east of Birmingham, near Junction 4 of the M6, and then follow the M42 corridor north-east towards Derby and Nottingham. The East Midlands Hub station would be located between these two cities at Toton, about a mile from the M1.

The line would head north, following the M1 corridor as it heads towards South Yorkshire. The station serving this region would be located at Meadowhall alongside the M1, between Sheffield and Rotherham. From here the line would pass to the east of Barnsley and connect to the East Coast Main Line nine miles to the south-west of York.

As with Manchester, Leeds would be served by a spur off the main line. It would run within the existing Castleford to Leeds railway corridor, passing the southern suburbs of Leeds before rising above street level into the new station at Leeds New Lane. The total route length would be 116 miles.

Supplementary question:

Will the portfolio holder specify the benefits of HS2 to the people of Tamworth?

The Portfolio Holder for Economic Development and Enterprise gave the following reply:

We don't know how noisy it will be but we all want stations and no-one wants the tracks. We have to bring the economy this way to get rid of the North/South divide and create jobs out of London.

The construction element will create thousands of jobs in the area and British companies will provide materials. I am sure that the benefits will outweigh the negatives and our kids will thank us for supporting HS2 as we won't be around by the time it's completed.

People would not have wanted the M1, M6 or M42 but we wouldn't want to be without them now.

QUESTIONS FROM MEMBERS OF THE COUNCIL NO.4

A further question was received from Councillor J Faulkner but this was withdrawn as Councillor Faulkner was absent from the meeting.

QUESTIONS FROM MEMBERS OF THE COUNCIL NO.5

Under Procedure Rule No 11, Councillor P Standen will ask the Leader of the Council, the following question:-

"At the budget council back in February this year, we were advised that 'the Executive Board, a non-decision making forum of Cabinet members and Chief Officers have formed a working group with the intention of developing a 'high level' plan designed to tackle the forecast deficit long before it becomes a reality'. Can the Leader of the council advice if there have been any meetings of this group and if any conclusions regarding tackling forecast deficits have been arrived at?"

The Leader of the Council gave the following reply:

I would like to thank the Portfolio Holder for his informing reply, does he agree this figure shows that the majority of the residents directly affected support the redevelopment, whatever some people both from inside Tamworth and afar claim?

The Portfolio Holder for Housing gave the following reply:

Residents and others in Tamworth support respectively.

QUESTIONS FROM MEMBERS OF THE COUNCIL NO.7
Under Procedure Rule No 11, Councillor M Clarke will ask the Portfolio Holder for Housing, the following question:-

"What measures are currently in place to monitor Private Landlords, presumably nationally accredited, to ensure we do not consign Housing List residents to less than acceptable standards of housing and conditions?"

The Portfolio Holder for Housing gave the following reply:

Chairman, Tamworth Borough Council has specific responsibilities under the Housing Act 2004 for licensing of qualifying HMO's, that is, those consisting of 3 stories or more and occupied by 5 or more households. These are responsibilities with which the council is 100% compliant. Work is being undertaken to consider options with regard to the possible implementation of an additional licensing for other HMO's within the borough. If this option is considered to be viable it will be the subject of a report to Cabinet in the late autumn 2013.

The housing and health directorate currently manage a small number of Private Sector Lease properties and Social Lettings Agency properties. Both of these schemes have been the subject of previous reports to Cabinet.

Currently consultation is underway on changes proposed as part of the allocations policy review which would lead to some homeless households being placed into private rented property rather than Council or other social rented accommodation. Any such discharge, made under the provision of the Localism Act 2011, would need to comply with the 'Homelessness (suitability of Accommodation) Order 2012 which came into effect on 9th November 2012. As this order principally mirrors legislation contained within the Housing Act 2004, the Council has applied these regulations to all PRS accommodation for a number of years.

In addition where a household is supported into PR accommodation with any of our other Homelessness prevention tools (ie bond scheme) the relevant property is also fully inspected in line with the HA 2004.

We don't 'monitor' every private rented property but will investigate any complaints regarding condition or management issues. There are legislative requirements on landlords and we undertake prosecutions if needed, with a total of 5 successful prosecutions of failing landlords during 2012/13.

There are National Accreditation schemes for private sector landlords and we provide information on these but we don't have a role in monitoring adherence to these. These schemes are entirely voluntary.

We provide advice and information to our Landlords Forum which is very well attended (50 plus landlords at the last meeting), and the private sector enforcement team will offer specific advice and guidance to any landlord within the Borough who may require.

Supplementary question:

When a Private Landlord is found wanting to any degree, whether regarding the standard of upkeep of the property, adding extra non-housing list tenants of their own, or criminal use of their property, are the Council's resources adequate and what action can be and is being taken?

The Portfolio Holder for Housing gave the following reply:

Resources are adequate. We work with partners and will and do take action where required.

10 APPOINTMENT OF CABINET AND ALLOCATION OF RESPONSIBILITIES

The membership of Cabinet for 2013/14 was received and circulated at the meeting as follows:

Leader of the Council Cllr Daniel Cook	Operations and Assets Cllr Rob Pritchard (Deputy leader)
Portfolio	Portfolio
Corporate Assessments	Corporate Finance & procurement
Engagement Overview	Audit & Governance
Financial Planning	Service Transformation
Performance Management	HR and ICT
Member Development	Corporate/HRA commercial Property & Asset Management
Strategic Overview	Constitution
Strategic Partnerships	Treasury Management
Budget Consultation	Revenues & Benefits
Participatory Budgeting	Legal and Democratic Services
Tamworth Listens	PR and Coms Management (TBC & HRA)
Reputation	Corporate Consultation
Organisational Capacity	Graphics & Publications
	Car Parks
	Civil Parking Enforcement
	Customer Services
	Council Tax and NNDR
	Tourism

	Place Steering Group
	Outdoor Events
Community Development and Voluntary Sector	Economy and Education
Cllr Jeremy Oates	Cllr Steve Claymore
Portfolio	Portfolio
Safer & Stronger Communities	Town Centre Development
Community Safety, ASB Reduction & Crime	Town Centre Economy / Cultural Qtr
Tackling Fear of Crime	Education / Educational Attainment
Integrated Enforcement	Career Skills and Training
CCTV Management	Business Liaison
Community Development	Business Development
Locality Working	Development Management
Services for Young People	Building Control
Youth Council	Market Development
Police and Crime Commissioner Panel	Local Plan
Third Sector Engagement	Southern Staffordshire Partnership (SSP)
Voluntary Sector Engagement and Funding	LEP Board Member
Community Sports Activities	Infrastructure / Transport / LTB
Half Term / Summer Holiday Activities	Planning
Leisure Services & Sport	Decent & Affordable Housing Development
GP Commissioning / PCT Engagement	Gateways Project
Healthier Communities / Lifestyles	Heritage Conservation
Environment & Waste Management	Public Housing and Vulnerable People
Cllr Stephen Doyle	Cllr Michael Greatorex
Portfolio	Portfolio
Strategic Waste Management	Strategic Housing
Refuse Collection	Homelessness Prevention
Recycling Services	Housing Advice
Waste Minimisation	Landlord Services
Environmental Health	Private Sector Housing
Community Health & Safety	Child Protection
Corporate Health and Safety	Safeguarding Children
Licensing	Vulnerable Adults
Streetscene	Neighbourhood Renewal
Tamworth in Bloom Operations	Healthier Housing
Clean Streets Enforcements	Public Sector Garages
Street Furniture Maintenance	HRA Business Planning
Parks and Play	HRA Consultation
Nature Reserves	Tenant Engagement
Street Wardens	Decent Homes Standard
Integrated Enforcement	

The constitution and membership of Committees for 2013/14 was received and circulated at the meeting as follows:

BOROUGH OF TAMWORTH

CONSTITUTION OF COMMITTEES 2013/14

CABINET

Councillors	Danny Cook	Leader with Portfolio
	Robert Pritchard	Deputy Leader/Operations & Assets Portfolio
	Stephen Doyle	Environment & Waste Management Portfolio
	Jeremy Oates	Community Development & Voluntary Sector Portfolio
	Steven Claymore	Economy & Education Portfolio
	Michael Greatorex	Public Housing & Vulnerable People Portfolio

ASPIRE & PROSPER SCRUTINY COMMITTEE

Councillors	Tina Clements
	Garry Hiron
	Andrew James
	Richard Kingstone
	Allan Lunn
	Matthew McDermid
	Simon People
	Patrick Standen
	Michelle Thurgood

HEALTHIER & SAFER SCRUTINY COMMITTEE

Councillors	Lee Bates
	Margaret Clarke
	Marion Couchman
	John Faulkner
	Andrew James
	Joan Jenkins
	Richard Kingstone
	Allan Lunn
	Evelyn Rowe

PLANNING COMMITTEE

Councillors	Steven Claymore
	Chris Cooke
	Maureen Gant

Richard Kingstone
Richard McDermid
Ken Norchi
Jeremy Oates
Evelyn Rowe
Patrick Standen
Michelle Thurgood

AUDIT & GOVERNANCE COMMITTEE

Councillors Marion Couchman
Ken Gant
Maureen Gant
Simon People
Steven Pritchard
Peter Seekings
Michelle Thurgood

LICENSING COMMITTEE

Councillors Lee Bates
Margaret Clarke
Tina Clements
Danny Cook
Chris Cooke
Stephen Doyle
Ken Gant
John Garner
Garry Hirons
Andrew James
Joan Jenkins
Allan Lunn
Matthew McDermid
Ken Norchi
Peter Seekings

APPOINTMENTS AND STAFFING COMMITTEE

Councillors Danny Cook
John Faulkner
Michael Greatorex
Richard McDermid
Robert Pritchard

CABINET (GRANTS) SUB COMMITTEE

Councillors Steven Claymore
Stephen Doyle
Robert Pritchard

Staffordshire Connects (1 member)**Local Parking Board (4 members)**

Steve Claymore
Rob Pritchard
Patrick Standen
Michelle Thurgood

Staffordshire Joint Parking Board

Jeremy Oates

SCC Communities Crime & Culture Committee (1 member)

Tina Clements

County Health Scrutiny Committee (1 member)

Andrew James

12 THE LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) REGULATIONS 2013

The Report of the Leader of the Council seeking to advise Members of the particulars of each urgent executive decision and a summary of the matters in respect of which the decision was made under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012 Regulation 19 was considered.

RESOLVED: That the Annual Executive Arrangements report be endorsed.

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

13 REVIEW OF THE CONSTITUTION AND SCHEME OF DELEGATION

The Report of the Leader to the Council and Solicitor to the Council and Monitoring Officer seeking to obtain Council comments, endorsement and approval of the reviewed Constitution and Scheme of Delegation was due to be considered.

A Motion was made:

“That tonight Council re-adopt the current Constitution and Scheme of Delegation until 25th June 2013. Thus a seminar/workshop for all members can be arranged before then on the changes to the Constitution and then the new Constitution debated and hopefully adopted at the Full Council meeting on the 25th June 2013 and the Forward Plan be updated accordingly.”

(Moved by Councillor D Cook and moved by Councillor R McDermid)

14 MEMBERS CODE OF CONDUCT UPDATE

The report of the Solicitor to the Council and Monitoring Officer advising Members on the number of complaints received for the year 01 July 2012 until 30 April 2013 in relation to breaches of the Code of Conduct since 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 was considered.

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

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

15 CALENDAR OF MEETINGS 2013/14

The Calendar of Meetings for 2013/14 was received and circulated at the meeting.

RESOLVED That this Council accept the calendar of meetings for 2013/14 before us this evening with one amendment. That the Planning Committee meeting on 21 May be delayed until the 11 June as the majority of members of this Council have a meeting to review the new arrangements at Whittington Barracks the evening of 21 May and then that the meeting on 18 June be cancelled and all business be taken to the meeting on 11 June.

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

The Mayor

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Council

25 June 2013

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

Proposed Changes to the Constitution and Scheme of Delegation

EXEMPT INFORMATION

None

PURPOSE

To consider (1) the proposals put to Audit and Governance Committee in respect of changes to the Constitution and Scheme of Delegation
(2) endorse the changes to the Constitution and Scheme of Delegation and
(3) adopt and approve the Constitution and Scheme of Delegation as presented in the Appendices to this report,

RECOMMENDATIONS

It is recommended that the Council

**(1) endorse the changes to the Constitution and Scheme of Delegation and
(2) adopt and approve the Constitution and Scheme of Delegation as presented
in the Appendices to this report,**

EXECUTIVE SUMMARY

At the Council meeting on 16 May 2013 the current Constitution and Scheme of Delegation was re-adopted until the Council meeting of 25 June 2013 to enable members to attend a workshop to consider the changes to the documents. A copy of the Constitution was made available for members to peruse prior to the training event and is attached at Appendix 1.

In terms of Article 15 changes to the Constitution were referred to the Solicitor to the Council and the Audit and Governance Committee for consideration. The said changes were considered on 19 June 2013 – Appendix 2 and are now referred back to Council for approval.

RESOURCE IMPLICATIONS

The amendments as required to the Constitution and Scheme of Delegation ensure that the Council operates *intra vires* and implementation will be carried out as part of the duties of the Council and staff with no additional resource implications for the Authority,

LEGAL/RISK IMPLICATIONS BACKGROUND

To have a Constitution that is not fit for purpose could lead to the Council making decisions that would be *ultra vires*. In addition an effective Scheme of Delegation provides officers with the required functionality to ensure that the Council's obligations under statute are fully met.

EQUALITY IMPLICATIONS

An Equalities Impact Assessment is not required in this instance. In approving the recommendations it is envisaged that the Citizens of Tamworth will benefit from robust governance which supports the active involvement of citizens in the process of local authority decision making and an open and transparent delegation regime for its officers.

BACKGROUND INFORMATION

At the Council meeting on 16 May 2013 the current Constitution and Scheme of Delegation were re-adopted until the Council meeting of 25 June 2013 to enable members to attend a training seminar in relation to the Constitution and to peruse the amended Constitution.

In terms of Article 15 paragraph 15.02 the proposed changes had to be first considered by the Solicitor to the Council and the Audit and Governance Committee. Accordingly the proposals considered by the Solicitor to the Council and Audit and Governance Committee on 19 June 2013 will be reported verbally to Council.

REPORT AUTHOR

Jane M Hackett Solicitor to the Council and Monitoring Officer Tel 709258 if you would like further information or clarification prior to the meeting

LIST OF BACKGROUND PAPERS

Local Government Act 1972
Localism Act 2011

APPENDICES

Appendix 1: link to the Constitution <S:\Councillors\Council Constitution\Constitution Final Draft June 11 - c seminar.DOC>

Appendix 2: Report to Audit and Governance Committee dated 19 June 2013

Appendix 3: Report to Council dated 16 May 2013

Audit and Governance Committee

19 June 2013

REPORT OF THE SOLICITOR TO THE COUNCIL AND MONITORING OFFICER

Proposed Changes to the Constitution and Scheme of Delegation

EXEMPT INFORMATION

None

PURPOSE

To consider (1) the proposals put forward in relation to the Constitution and Scheme of Delegation at Council on 16 May 2013 AND
(2) any proposed amendments arising therefrom

RECOMMENDATIONS

It is recommended that the Committee

(1) consider all of the proposals for amendment to the Constitution and Scheme of Delegation and

(2) whether to propose to Council that they be approved

EXECUTIVE SUMMARY

Article 15 of the Constitution provides *inter alia* that changes to the constitution will only be approved by the full Council after consideration of the proposal by the Solicitor to the Council and the Audit and Governance Committee. The Authority has a duty to promote and maintain high standards of governance and exercise all its powers and duties in accordance with the law. The Constitution and Scheme of Delegation assist this process accordingly the Audit and Governance Committee has been asked to recommend to full Council the amendments made as per the appendices attached to this report.

RESOURCE IMPLICATIONS

The amendments as required to the Constitution and the Scheme of Delegation ensure that the authority operates *intra vires* and implementation will be carried out as part of the duties of the Council and staff with no additional resource implications for the Authority.

LEGAL/RISK IMPLICATIONS BACKGROUND

To have a Constitution that is not fit for purpose could lead to the Council making decisions that would be *ultra vires*. In addition an effective Scheme of Delegation provides officers with the required functionality to ensure that the Council's obligations under statute are fully met.

EQUALITY IMPLICATIONS

An Equalities Impact Assessment is not required in this instance. In approving the recommendations it is envisaged that the citizens of Tamworth will benefit from robust governance which supports the active involvement of citizens in the process of local authority decision making and an open and transparent delegation regime for its officers.

BACKGROUND INFORMATION

Each year at the first business meeting of the Council the Constitution and Scheme of Delegation as reviewed require to be adopted to ensure probity and legal compliance. On 16 May 2013 it was agreed that the current Constitution and Scheme of Delegation be re-adopted until the Council meeting of 25 June 2013. This allowed a seminar and workshop to take place on the changes made to the Constitution, following which the Council can then debate the new Constitution. The Council will also consider the recommendations of Audit and Governance Committee and the re-adoption of the Scheme of Delegation as revised.

REPORT AUTHOR

Jane M Hackett Solicitor to the Council and Monitoring Officer Tel: 709258 if you would like further information or clarification prior to the meeting

LIST OF BACKGROUND PAPERS

Local Government Act 1972
Localism Act 2011

APPENDICES

- Appendix 1: Draft Constitution and Scheme of Delegation as tabled at the Council meeting on 16 May 2013. As per link on "S" drive circulated to members
- Appendix 2: Solicitor to the Council's comments in relation to the proposed changes to follow.
- Appendix 3: List of proposed amendments to the Draft tabled at the Council meeting on 16 May 2013 to follow

COUNCIL

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](#)