

# NON-CONFIDENTIAL



## **Borough of Tamworth**

11 March 2014

Dear Councillor

You are hereby summoned to attend a **meeting of the Council of this Borough** to be held on **TUESDAY, 18TH MARCH, 2014** at 6.30 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 previous meeting** (Pages 1 - 10)
- 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 Audit and Governance Annual Report** (Pages 11 - 20)  
(Report of the Chair of the Audit and Governance Committee)
- 7 Scrutiny Chairs' Reports**  
(Report of the Chair of Aspire and Prosper Scrutiny Committee) (To Follow)  
(Report of the Chair of Healthier and Safer Scrutiny Committee) (To Follow)
- 8 Pension Banding Policy** (Pages 21 - 34)  
(Report of the Portfolio Holder for Operations and Assets)
- 9 Statement of Community Involvement 2014** (Pages 35 - 52)  
(Report of the Portfolio Holder for Economy and Education)
- 10 Localism Act 2011 Independent Person Appointment** (Pages 53 - 56)  
(Report of the Solicitor to the Council and Monitoring Officer)

**Restricted**

**NOT FOR PUBLICATION** because the report could involve the disclosure of exempt information as defined in Paragraphs 1 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended)

- 11 Pay Policy 2014** (Pages 57 - 76)  
(Report of the Leader of the Council)

Yours faithfully

A handwritten signature in black ink, appearing to be 'A. D. D.', written over a circular stamp or mark.

**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](mailto: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 25th FEBRUARY 2014**

**PRESENT:** Councillor J Garner (Chair), Councillors R Kingstone, M Clarke, S Claymore, T Clements, D Cook, C Cooke, S Doyle, J Faulkner, D Foster, K Gant, M Gant, M Greatorex, G Hirons, A James, J Jenkins, M McDermid, R McDermid, K Norchi, J Oates, S People, 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), Stefan Garner (Director of Finance) and Ryan Keyte (Senior Legal Officer)

### **53 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors L Bates, M Couchman and A Lunn.

### **54 TO RECEIVE THE MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 17 December 2013 were approved and signed as a correct record.

*(Moved by Councillor J Garner and seconded by Councillor D Cook)*

### **55 DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

### **56 TO RECEIVE ANY ANNOUNCEMENTS FROM THE MAYOR, LEADER, MEMBERS OF THE CABINET OR THE CHIEF EXECUTIVE**

None.

### **57 QUESTION TIME:**

**QUESTIONS FROM MEMBERS OF THE PUBLIC**

**NO.1**

**Under Procedure Rule No 10, Mr P Hill, 55 Strode House, Tamworth will ask the Portfolio Holder for Public Housing and Vulnerable People, Councillor M Greatorex, the following question:-**

"There are more people dying through hypothermia than there is through non sprinkler systems in the high rise flats so why aren't they changing the central heating systems which are 40 years old?"

**Councillor M Greatorex gave the following reply:**

"Mr Mayor. I thank Mr. Hill for his question.

I do not have mortality figures before me about hypothermia as against non-sprinkler systems in the high rise flats.

The decision to fit sprinklers has been taken because the Council considers that it is prudent to do this work.

You draw my attention to the heating system in the flats being 40 years old. We regularly review what maintenance work needs to be done in the flats and we have to make decisions about what work is appropriate and when it should be done and what we can afford to do.

The heating systems in the flats are electric storage heaters supplemented with panel heaters in the bedrooms and fan heaters in the kitchens and bathrooms.

There is no gas supply in the blocks so gas central heating is not a viable option. There are no plans to upgrade the heating systems but we do renew/repair/service the heaters as and when required.

I will continue to keep under review what further maintenance work can be done to improve the flats."

**Supplementary Question:**

Some of the flats have been sold off so who pays for the sprinklers to be fitted in these flats?

**Councillor M Greatorex gave the following response:**

Under the terms of sale the Council gives notice about any proposed work. Notice has already been given to the owner occupiers and they will have the opportunity to respond. The Council will have regard to the responses.

## **QUESTIONS FROM MEMBERS OF THE PUBLIC**

## **NO.2**

**Under Procedure Rule No 10, Mr A Madge, 7 Coreen, Tamworth will ask the Leader of the Council, Councillor D Cook, the following question:-**

"Can you enlighten me on Tamworth Councils position on protecting open spaces, as we seem to be intent on selling land where we can and destroying

anything green, does the leader of the Council deem more houses more important than protecting bio diversity in Tamworth?"

**Councillor D Cook gave the following reply:**

The Borough Council has two roles in open space.

**The first is as a provider of open space.**

The borough's green spaces vary greatly in size and type, including formal urban parks and informal amenity grassland, allotments, cemeteries, sport pitches, floodplain and grazing marshes, designated wetland areas, and linear green and blue elements, such as Public Rights of Way, cycling routes, roadside verges and rail corridors, rivers and canals and their verges. We provide access to a large number of these.

We are certainly not intent on destroying anything green – in fact we have recently acquired more land to manage as open space (Broad Meadow)

We must recognise that we have increasing need to provide homes and jobs for Tamworth residents and for their children in the future. I have 2 kids, others have 3 or 4. Where do we expect this generation to live in 15 years if we do not provide homes? This generation will need access to good quality open space and that is what I want to focus on, it is not just about quantity.

But in the face of increasing central government budget cuts we need to ensure we use the resources we have in the most efficient and effective way. It's a large balancing act, and we try to get it as right as possible.

**The second role is as planning authority.**

We have designated a network of open spaces through our current Local Plan and have policies to protect these (the policy does allow their loss when certain criteria are met as per national law).

The current Local Plan also sets a standard for the provision of new open space on new developments.

We must also remember that the fight against for loss of green space and bio-diversity is a worthy goal, but Tamworth is utterly surrounded on all sides by green space, we must not just think in terms of political boundaries.

**Supplementary Question:**

In public meeting if people want to visit countryside can leave Tamworth and go to North Warwickshire. When Council sells land for development this leads to outline planning application and then application goes to the Planning Committee. How can fairness and a sound decision be made when the vice-chair is also the portfolio holder, surely this overrides the democratic process?

**Councillor D Cook gave the following reply:**

Every member of the Planning Committee will consider the merits of the application and make a decision. Councillor Claymore will do his duty. Sound decision and sound professional judgement. He does not behave that way and he will look at all matters and deliver a decision in the best possible way.

### **QUESTIONS FROM MEMBERS OF THE PUBLIC NO.3**

The person asking question 3 was absent so the question was not tabled.

### **QUESTIONS FROM MEMBERS OF THE PUBLIC NO.4**

The person asking question 4 was absent so the question was not tabled.

### **QUESTIONS FROM MEMBERS OF THE PUBLIC NO.5**

**Under Procedure Rule No 10, Mr S Patrick, 24 Carnoustie, Amington, Tamworth will ask the Portfolio Holder for Economy and Education, Councillor S Claymore, the following question:-**

"Can the councillor please explain how council are are in position to allocate the golf course site within the Local plan only 4 weeks after the decision to close the course and the draft redevelopment project plan only becoming available on 13th February 2014. When have the necessary local plan assessments taken place?"

#### **Councillor S Claymore gave the following response:**

Work on the Local Plan which is intended to be considered by Cabinet in March has been ongoing for several years. More specifically since May last year work has been continuing to assess the potential of sites throughout the Borough for housing, which involves a technical and sustainability appraisal of each site and these sites have been sent to some 34 separate bodies for technical appraisal, including the Environment agency, Staffordshire County Council, the coal authority, Severn Trent and Natural England. Over 60 sites were assessed throughout the Borough.

In order to inform the long list of options for the future of the golf course and as agreed by cabinet at its meeting on the 30th May last year, we included the golf course in the proposed sites for assessments. In order to include development within any of the subsequent options for the golf course, we had to assess the site for suitability for allocation.

It is considered that the site is suitable and now the Cabinet have taken the decision to close the course, the site could be included in the draft Local plan for further public consultation.

Therefore the assessments that have been informed the options appraisal and now the Local Plan have been taking place since May 2013.

For info:

Following a decision by cabinet scheduled for the 13th of March, we expect the draft local plan consultation will start on the 31st March and will run for 6 weeks. At that consultation you can make your comments on specific policies or sites. The next consultation will then take place during the summer when the plan will be available for comments on its legal compliance and tests of soundness.

Following that the plan will go to full council for approval and then be submitted to the SOS for examination by the planning inspectorate which will allow for further testing of the plan.

**Supplementary Question:**

If Cabinet based decision on misleading and inaccurate information would they be prudent to review the decision again?

**Councillor S Claymore gave the following reply:**

Yes of course.

**QUESTIONS FROM MEMBERS OF THE COUNCIL NO.1**  
**Under Procedure Rule No 11, Councillor C Cooke will ask the Leader of the Council, Councillor D Cook, the following question:-**

"We are told the decision to close Tamworth's Golf Course was based on a forecast on-going loss to the Council of £140,000 per year. Please can you itemise in detail the incomes and expenditures forecast to show exactly what is expected to be spent on what items and what each of the sources of income are expected to be?"

**Councillor D Cook gave the following response:**

Since re-opening the course in March 2013 the Council has focused on providing good quality affordable golf. This has been achieved in the most cost effective way possible. The Councils annual budget pages show clearly the budgeted expenditure by type and also the expected income. So far this year the golf Course budget has under recovered on some income targets. The overall net effect this financial year is that the course will require a net revenue subsidy of circa £100k. This is in addition to the £100k capital spent in re-opening the course. We simply do not have the required finance at present to re-open the very, very dated club house.

The budget for the next financial year shows

The total costs of running the course as follows

|                           |  |             |
|---------------------------|--|-------------|
| Wages and Salaries        | Staff                                    | £<br>94,720 |
| Premises Related Expenses | Electric, water, repairs etc             | £<br>67,600 |
| Supplies and Services     | Golf Cart hire, Catering, Telephones etc | £<br>31,110 |
| Charges for Services      | Refuse collection, bank charges etc      | £           |

|                                   |   |                      |
|-----------------------------------|---|----------------------|
|                                   |   | 3,510                |
| Re-charge for Marmion House Staff | ie CE, Director and accounts etc                    | £<br>42,390          |
| Golf Course Grounds Maintenance   | Grass cutting, vehicle insurance, S Scene wages etc | £<br>131,050         |
|                                   | <b>TOTAL COSTS</b>                                  | <b>£<br/>370,380</b> |

#### Projected income if membership is maintained

|                 |                               |                      |
|-----------------|-------------------------------|----------------------|
| Green Fees      | 18 holes                      | £<br>65,260          |
| Green Fees      | 9 holes                       | £<br>80,230          |
| Green Fees      | 5 day Season                  | £<br>26,230          |
| Green Fees      | 7 day Season                  | £<br>35,040          |
| Catering Target |                               | £<br>10,690          |
| Sales           | ie golf balls etc             | £<br>1,000           |
| Buggy hire      |                               | £<br>9,000           |
|                 | <b>TOTAL projected income</b> | <b>£<br/>227,450</b> |

So projected income is £227,450, less projected costs of £370,380 means the tax-payer will subsidise the course in 2014/15 to the tune of £142,930.

I have the full breakdown that will appear in the 2014/15 budget book here with me now, you can have it with pleasure. You were also given this year's budget book which carries similar costs for the golf course.

I have stated there is nothing to hide, nothing will be confidential and I have stuck to this.

Cllr Cooke, I have read a few things on the Herald web-site about these costs being artificial or creative accounting, if you have concerns please raise them as this would be a crime.

#### **Supplementary Question:**

It was a regrettable decision to give the lease to Jack Barker Limited. Has the Council considered pursuing any legal actions against Jack Barker Limited in order to recover some of the loss?

#### **Councillor D Cook gave the following reply:**

Unable to chase as it's a Limited Company that's gone into liquidation.



**QUESTIONS FROM MEMBERS OF THE COUNCIL NO.2**

**Under Procedure Rule No 11, Councillor C Cooke will ask the Leader of the Opposition, Councillor J Faulkner, the following question:-**

"You will be aware of the recent Council decision to close Tamworth Golf Course. In the event of your group gaining control of Tamworth Council in the May elections what would be your plans for the Golf Course. Would your group alter that decision in any way, perhaps to keep it open as a golf course or other public open space recreational amenity? Or would you, as with the Conservative group, want to sell it on to the highest bidder?"

**Councillor J Faulkner gave the following reply:**

In 2005, the Conservative administration of Tamworth Borough Council brought forward proposals to offload the Borough's heritage and leisure facilities including Tamworth Castle, the Assembly Rooms, the Peaks Leisure Centre and Tamworth Golf Course. At the time lavish statements were made regarding the benefits of these proposals.

As regards the Golf Course, the then cabinet member for regeneration and community, told the Tamworth Herald:

"What we're looking to do is enter into a partnership for the golf course, I think we will retain ownership of the land but we'll be looking for an external management partner to come in with some investment, to put money into increasing the facilities available at the venue – like perhaps a nice restaurant, perhaps a gymnasium or even a pool. We have this vision for the golf course and we want to bring it back up to being an attractive golfing venue."

In 2007, a 50 year lease was signed for the Golf Course and Ron Maydon, managing director of the Jack Barker Group said:

"We are very pleased to finally add Tamworth Golf Centre to the group. We tried to acquire it four years ago so we are delighted finally to be successful.

"Tamworth fits perfectly geographically between other existing Jack Barker sites in Northampton and Staffordshire.

"We will shortly be submitting planning applications for a new two-tier driving range, restaurant and golf store."

However, it soon became evident that the business model was dependent upon the dumping of large volumes of rubble on the site thus evading the landfill tax. Despite this an Amington Conservative councillor on the Planning Committee was quoted as saying:

"The end result really will be one of the best and most impressive local authority courses in the country."

I leave it to you to judge whether that has happened.

As regards the present view of the Labour Group, we oppose the sale of the golf course for developments other than leisure.

**Supplementary Question:**

Can you assure me that any decision your group comes to will be consistent with the wider interests of the whole community and not just the interest of commerciality?

**Councillor J Faulkner gave the following response:**

Can safely give you that assurance.

**58 CORPORATE VISION, PRIORITIES PLAN, BUDGET & MEDIUM TERM FINANCIAL STRATEGY 2014/15**

The Report of the Leader of the Council and Cabinet seeking approval for the Single Corporate Vision and Strategic Priorities for 2014/15 was considered.

A named vote was taken in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, paragraph 11.

| <b>For</b>   | <b>Against</b> | <b>Abstained</b> |
|--------------|----------------|------------------|
| S Claymore   |                | M Clarke         |
| T Clements   |                | C Cooke          |
| D Cook       |                | J Faulkner       |
| S Doyle      |                | D Foster         |
| K Gant       |                | G Hirons         |
| M Gant       |                | J Jenkins        |
| J Garner     |                | M McDermid       |
| M Greateorex |                | R McDermid       |
| A James      |                | K Norchi         |
| R Kingstone  |                | S Peuple         |
| R Pritchard  |                | P Seekings       |
| S Pritchard  |                | P Standen        |
| E Rowe       |                |                  |
| M Thurgood   |                |                  |

**RESOLVED:**

- That Council approved:
- 1 The Single Corporate Vision and Strategic Priorities for 2014/15;
  - 2 The proposed revisions to Service Revenue Budgets;
  - 3 The sum of £53,509 be applied from Collection Fund surpluses in reducing the Council tax demand in 2014/15;

- 4 It be noted that on 28 November 2013, the Council calculated the Council Tax Base 2014/15 for the whole Council area as 20,389 [Item T in the formula in Section 31B(3) of the Local Government Finance Act 1992, as amended (the "Act")];
- 5 Calculate that the Council Tax requirement for the Council's own purposes for 2014/15 is £3,170,490;
- 6 The following amounts as calculated for the year 2014/15 in accordance with Section 31 to 36 of the Act:
  - a. £55,380,738 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. £52,210,248 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. £3,170,490 being the amount by which the aggregate at 6(a) above exceeds the aggregate at 6(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. £155.50 being the amount at 6(c) above (Item R), all divided by Item T (at 4 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;
- 7 The Council Tax level for Tamworth Borough Council for 2013/14 of £155.50 (an increase of £3.00 (1.97%) on the 2013/14 level of £152.50) at Band D;
- 8 An aggregate Council Tax (comprising the respective demands of Tamworth Borough Council, Staffordshire County Council, Office of the Police and Crime Commissioner Staffordshire and Stoke-on-Trent and Staffordshire Fire and Rescue Authority) of £1,428.00 at Band D for 2014/15 be noted;
- 9 The Council Tax levels at each band for 2014/15;
- 10 The sum of £1,195,653 be transferred from General Fund Revenue Balances in 2014/15;
- 11 The Summary General Fund Revenue Budget for 2014/15;
- 12 The Provisional Budgets for 2015/16 to 2016/17 as the basis for future planning;
- 13 The minimum level for balances of £500,000 to be held for each of the General Fund, Housing Revenue Account, General Capital Fund and Housing Capital Fund;
- 14 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;
- 15 The creation of a new Transformation Reserve (revenue) of £300k (up to a maximum of £500k) to support the 'Planning for a Sustainable Future' strategy, financed from the current earmarked capital reserve;
  - 16 The proposed HRA Expenditure level of £14,429,640 for 2014/15;
  - 17 Rents for Council House Tenants in 2014/15 be increased by an average of £3.78 per week (4.6%) to £86.60, in line with the Government's Rent Restructuring rules;
  - 18 Rents for Council House Tenants due for 52 weeks in 2014/15 be collected over 48 weeks;
  - 19 The HRA deficit of £984,240 be financed through a transfer from Housing Revenue Account Balances in 2014/15;
  - 20 The proposed 3 year General Fund Capital Programme of £4m, as detailed in Appendix I to the report;
  - 21 The proposed 5 year Housing Capital Programme of £52.5m, 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 2014/15 (as detailed in Appendix N);
  - 24 The Prudential and Treasury Indicators and Limits for 2014/15 to 2016/17 contained within Appendix N;
  - 25 The adoption of the Treasury Management Practices contained within Annex 7, and;
  - 26 The detailed criteria of the Investment Strategy 2014/15 contained in the Treasury Management Strategy within Annex 3.

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

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The Mayor

## COUNCIL

18 March 2014

### REPORT OF CHAIR OF AUDIT & GOVERNANCE COMMITTEE

#### AUDIT & GOVERNANCE ANNUAL REPORT

##### **Purpose**

To advise Members on the action taken by the Audit & Governance Committee for the municipal year 2013/2014.

##### **Recommendation**

**Members are requested to note the findings of the contents of the report.**

##### **Executive Summary**

Article 10 of the Constitution requires a report to be made to Council detailing action taken by the committee in the form of minutes and including any recommendations arising therefrom.

In this current municipal year Audit & Governance Committee have met on five occasions to date and the relevant minute entries from the meetings are as follows:

##### **19 June 2013**

#### PROPOSED CHANGES TO THE CONSTITUTION AND SCHEME OF DELEGATION

The report of the Solicitor to the Council and Monitoring Officer seeking Members comments on the proposed changes to the Constitution and Scheme of Delegation was considered.

RESOLVED: That the report be passed to Council for approval with the following additional recommendations:

Audit and Governance Committee proposals with regard to the Constitution review, 2013.

1. Article 10  
Under role and functions insert at paragraph (b) line 3 between the words "freewoman" and "of" - "or honorary freedom"
2. Articles 11 and 12

The Committee considered the insertion of Article 11 Area Committees and Forums and Article 12 Joint Arrangements to be worthwhile insertions.

**3. Part 4 Rules of Procedure**

(i) Paragraph 4.2.18 add at the end of this paragraph the following:-  
“The Leader and Leader of the Opposition in exceptional circumstances will inform the Council of any changes in the membership of Committees”

(ii) Paragraph 4.2.22 be deleted and re-inserted as follows:-  
“to include on the agenda any outstanding matters referred by Overview and Scrutiny and any referrals from committees or sub committees until the matters are completed or resolved”

(iii) Paragraph 4.5.3 at the beginning of this paragraph and Paragraph 2.4.3 of Schedule 1 insert the following:-  
“the Leader of the party”

(iv) in the section QUESTIONS BY THE PUBLIC headed written answers and at Paragraph 13.9 (e) of Schedule 4 add after “as soon as practicable after the meeting” the following:-  
“but in any event before the next meeting”

**4. Schedule 4**

(i) Paragraph 10.5 at the end add the following:-  
“such matters to remain on the agenda until they are completed or resolved”

(ii) Paragraph 13.1 delete the word “other” so that it coincides with Paragraph 10 of the same Schedule.

**5. Job Descriptions for Members Roles**

In all of the job descriptions with exception of that of Councillors replaced the heading “Skills required” with “Skills desired”.

**27 June 2013**

**RESPONSES FROM FRAUD QUESTIONNAIRE**

The Report of Grant Thornton (External Auditor) was considered.

RESOLVED: That the content of the report be endorsed.

**INTERIM VFM REPORT (USING AUDIT COMMISSION VFM TOOLS)**

A presentation was given by Grant Thornton (External Auditor) on the Value for Money Report.

**INTERIM AUDIT WORK UPDATE**

Grant Thornton (External Auditor) gave a verbal update on Interim Audit Work.

RESOLVED: That the content of the update be noted.

#### FEE LETTER

The Report of Grant Thornton (External Auditor) was considered.

RESOLVED: That the content of the report be endorsed.

#### ANNUAL GOVERNANCE STATEMENT & CODE OF CORPORATE GOVERNANCE

The Report of the Head of Internal Audit Services informing Members of the process followed in producing an Annual Governance Statement and revised Code of Corporate governance in accordance with statutory requirements, and to approve the proposed draft Annual Governance Statement and Code of Corporate Governance was considered.

RESOLVED: That:

- 1 The Annual Governance Statement be agreed by the Committee as appropriate for presentation to the external auditor and for inclusion in the Annual Statement of Accounts, and;
- 2 The Code of Corporate Governance be agreed.

#### STATEMENT ON THE ROLE OF THE CHIEF FINANCE OFFICER AND THE HEAD OF INTERNAL AUDIT

The Report of the Head of Internal Audit Services providing members with information on the application of the Statement on the Role of the Chief Finance Officer and the Statement of the Role of the Head of Internal Audit and the benchmarking of existing arrangements was considered.

RESOLVED: That the Report be endorsed.

#### DRAFT ANNUAL STATEMENT OF ACCOUNTS & REPORT 2012/13

The Report of the Director of Finance containing the Draft Annual Statement of Accounts (the statement) for the financial year ended 31 March 2013 was considered.

RESOLVED: That the Annual Statement of Accounts be reviewed.

## INTERNAL AUDIT ANNUAL OPINION AND QUARTERLY REPORT

The Report of The Head of Internal Audit Services reporting on the outcome of Internal Audit's review of the internal control, risk management and governance framework in the 4<sup>th</sup> quarter of 2012/13 and providing members with assurance of the ongoing effective operation of the internal audit function and enabling any particularly significant issues to be brought to the Committee's attention was considered.

RESOLVED: That the Committee considered the annual opinion and quarterly report and raised issues it deemed appropriate.

## REVIEW OF THE EFFECTIVENESS OF INTERNAL AUDIT

The Report of the Head of Internal Audit Services providing members with the findings of the review of the effectiveness of Internal Audit was considered.

RESOLVED: That:

- 1 The report be endorsed, and;
- 2 The Internal Audit staff be thanked for their work.

## FRAUD QUARTERLY UPDATE

The Report of the Head of Internal Audit Services providing Members with an update of Counter Fraud work completed to date during the financial year 2013/14 was considered.

RESOLVED: That:

- 1 The Counter Fraud Work Plan be endorsed, and;
- 2 The Fraud Risk Register be endorsed.

## AUDIT AND GOVERNANCE COMMITTEE SELF ASSESSMENT 2012/13

The Audit and Governance Committee Self Assessment 2012/13 was noted by the Committee.

**26 September 2013**

## ANNUAL STATEMENT OF ACCOUNTS & REPORT 2012/13



The Annual Statement of Accounts and Report 2012/13 was considered.

RESOLVED: That the Annual Statement of Accounts 2012/13 be approved.

#### THE AUDIT FINDINGS FOR TAMWORTH BOROUGH COUNCIL

The Report of Grant Thornton (External Auditor) was considered.

RESOLVED: That the Audit Findings for the year ended 31 March 2013 be endorsed

#### GRANT CLAIM REPORT

The Report of Grant Thornton (External Auditor) was considered.

RESOLVED: That:

- 1 The Grant Claim Form be endorsed subject to any qualifications that may be imposed due to small processing errors, and;
- 2 Officers be thanked for their hard work and endeavours in housing and council tax benefit services.

#### FINANCIAL RESILIENCE REPORT

The Report of Grant Thornton (External Auditor) was considered.

RESOLVED: That the Financial Resilience Report be endorsed and a further report will be brought to the next Committee responding to Key Indicators of the Management Report.

#### INTERNAL AUDIT PERFORMANCE MEASURES REPORT

The Report of the Head of Internal Audit Services reporting on the outcome of Internal Audit's customer survey and define a basket of performance indicators for Internal Audit was considered.

RESOLVED: That Members endorse:

- 1 The results of the Internal Audit customer satisfaction survey, and;
- 2 A small basket of performance indicators for Internal Audit.

## INTERNAL AUDIT QUARTERLY REPORT 2013/14 QUARTER 1

The Report of the Head of Internal Audit Services reporting on the outcome of Internal Audit's review of the internal control, risk management and governance framework in the 1<sup>st</sup> quarter of 2013/14 and providing members with assurance of the ongoing effective operation of an internal audit function and enabling any particularly significant issues to be brought to the Committee's attention was considered.

RESOLVED: That the Committee endorse the Internal Audit Quarterly Report and agreed the Internal Audit Performance Reports and Implemented and Agreed Management Actions.

## RISK MANAGEMENT REPORT

The Report of Head of Internal Audit Services reporting on the Risk Management process and progress to date for the current financial year was considered.

RESOLVED: That the Corporate Risk Register be endorsed.

## REGULATION OF INVESTIGATORY POWERS ACT 2000

The Report of the Solicitor to the Council and Monitoring Officer informing Members of the surveillance carried out under the Regulation of Investigatory Powers Act 2000 was considered.

RESOLVED: That the quarterly RIPA monitoring report be endorsed.

## LOCAL GOVERNMENT OMBUDSMAN - ANNUAL REVIEW & REPORT

The Report of the Solicitor to the Council and Monitoring Officer advising the Committee of the views of the Local Government Ombudsman in relation to complaints against the Borough Council and providing an opportunity for members of the Committee to raise any issues they consider appropriate and consider the effectiveness of investigations relating to Tamworth Borough Council was considered.

RESOLVED: That the Annual Review Letter be endorsed.

**31 October 2013**

## ANNUAL AUDIT LETTER 2012-2013

The Report of Grant Thornton (External Auditor) was considered.

RESOLVED: That the Annual Audit Letter for Tamworth Borough Council be endorsed.

## REVIEW OF THE COUNCIL'S ARRANGEMENTS FOR SECURING FINANCIAL RESILIENCE 2012/13 - MANAGEMENT RESPONSE & RISK ASSESSMENT

The Report of the Executive Director Corporate Services informing Members of Management's responses and timeframes to address the recommendations contained within the Review of the Council's Arrangements for Securing Financial Resilience report presented by Grant Thornton to the meeting on 26 September 2013 was considered.

RESOLVED: That the management responses and timeframes to address the recommendations contained within the Review of the Council's Arrangements for Securing Financial Resilience report be endorsed.

## FRAUD AND CORRUPTION UPDATE REPORT

The Report of the Head of Internal Audit Services providing Members with an update of Counter Fraud work completed to date during the financial year 2013/14 was considered.

RESOLVED: That:

- 1 The updated counter Fraud Work Plan be endorsed;
- 2 The Fraud Risk Register be endorsed;
- 3 The Counter Fraud and Corruption Policy Statement, Strategy Guidance Notes, be endorsed, and;
- 4 The Whistleblowing Policy, subject to the policy being incorporated into all contracts with external suppliers, be endorsed.

## INTERNAL AUDIT QUARTERLY REPORT 2013/14 QUARTER 2

The Report of the Head of Internal Audit Services reporting on the outcome of Internal Audit's review of the internal control, risk management and governance framework in the 2<sup>nd</sup> quarter of 2013/14 – to provide members with assurance of the ongoing effective operation of an internal audit function

and enable any particularly significant issues to be brought to the Committee's attention was considered.

RESOLVED: That the quarterly report be endorsed.

#### ANNUAL GOVERNANCE STATEMENT 2012/13 - UPDATE

The Report of the Head of Internal Audit Services seeking to advise the Committee of the current position regarding "significant and other governance issues" raised in the Authority's Annual Governance Statement 2012/13 and providing an opportunity for members to raise any issues they consider appropriate was considered.

RESOLVED: That the update on the "significant and other governance issues" raised from the 2012/13 Annual Governance Statement be endorsed.

#### ONE STAFFORDSHIRE DATA SHARING PROTOCOL

The Report of the Director Technology and Corporate Programmes seeking to advise Audit and Governance Committee on the reasoning and benefits behind the One Staffordshire Data Sharing Protocol, with a subsequent recommendation of endorsement for Tamworth Borough Council to become a signed up party was considered.

RESOLVED: That the sign up to the One Staffordshire Data Sharing Protocol by the Council be endorsed.

#### REVIEW OF ANTI-MONEY LAUNDERING POLICY

The Report of the Solicitor to the Council and Monitoring Officer providing the Committee with a review of the Council's key Anti-Money Laundering Policy was considered.

RESOLVED: That the revised Anti-Money Laundering Policy be endorsed and referred to Council for adoption in the Council's Policy Framework.

#### REGULATION OF INVESTIGATORY POWERS ACT 2000

The Report of the Solicitor to the Council and Monitoring Officer informing Members of the surveillance carried out under the Regulation of Investigatory Powers Act 2000 was considered.

RESOLVED: That the quarterly RIPA monitoring report be endorsed.

### **30 January 2014**

#### THE ROLE OF THE AUDIT COMMITTEE

James Cook of Grant Thornton presented a number of slides on the Role of the Audit Committee for Members.

#### CERTIFICATION REPORT FOR 2012/13

The Report of Grant Thornton (External Auditor) was considered.

- RESOLVED: That:
- 1 The Certification Report for 2012/13, as it identified no key issues and as Council has good arrangements in place for completion and submission of its claims and returns it be endorsed, and;
  - 2 Thanks to officer efforts is made accordingly.

#### AUDIT PROGRESS REPORT

The Report of Grant Thornton (External Auditor) was considered.

RESOLVED: That the Audit Progress Report on the external auditor's responsibilities be endorsed.

#### FINANCIAL GUIDANCE

The Report of the Head of Internal Audit Services seeking Member endorsement of the recently reviewed Financial Guidance which forms an important part of the Council's regulatory framework, and to provide an opportunity for Members of the Committee to raise any issues they consider appropriate on the subject was considered.

RESOLVED: That the Changes to Financial Guidance be endorsed.

#### INTERNAL AUDIT QUARTERLY REPORT 2013/14 QUARTER 3

The Report of the Head of Internal Audit Services reporting on the outcome of Internal Audit's review of the internal control, risk management and governance framework in the 3<sup>rd</sup> quarter of 2013/14 and providing members with assurance of the ongoing effective operation of an internal audit function

and enable any particularly significant issues to be brought to the Committee's attention was considered.

RESOLVED: That the Internal Audit Quarterly Report 2013/14 Quarter 3 be endorsed.

#### REGULATION OF INVESTIGATORY POWERS ACT 2000

The Report of the Solicitor to the Council and Monitoring Officer informing Members of the surveillance carried out under the Regulation of Investigatory Powers Act 2000 was considered.

RESOLVED: That the quarterly RIPA monitoring report be endorsed.

#### **Financial Implications**

There are no financial implications arising from this report.

For further information please contact Councillor M Gant, Chair of Audit & Governance Committee on Extn: 264

## COUNCIL

18 MARCH 2014

### REPORT OF THE PORTFOLIO HOLDER FOR OPERATIONS AND ASSETS

#### PENSION BANDING POLICY

##### PURPOSE

This report details Tamworth Borough Council's proposed Pension Banding Policy required under the new LGPS 2014 regulations coming into force on 1<sup>st</sup> April 2014.

##### RECOMMENDATIONS

###### That Council

- **Approve the proposed Pension Banding Policy for formal consultation with Trade Unions.**

##### EXECUTIVE SUMMARY

With effect from 1<sup>st</sup> April 2014 the New LGPS 2014 pension scheme comes into force. Changes within the new scheme will have implications for the banding and re banding of employee's pension % rates.

The key points of the policy are:

- 1) Employers to take a reasonable and consistent approach to banding and re banding employee pension rates.
- 2) Overtime and other temporary payments will now be pensionable. Employees will pay contribution rates depending upon their actual level of pensionable pay for the year which will include overtime and other temporary payments.
- 3) A new 50/50 scheme where an employee can opt to pay 50% contributions for 50% benefits (conditions apply) Employers rate remains at full %.
- 4) Re banding to occur annually in April each year.
- 5) Employees have the right to appeal within 6 months against the decision of their pension band. The appeal would be heard by the internal adjudicator and the pension administrators, Staffordshire County Council.
- 6) Tamworth Borough Council has to appoint an internal adjudicator.
- 7) Communication from Staffordshire County Council has already been sent out to employees with regard to the main changes of the scheme.
- 8) Employees will be notified annually of any change to their pension band.
- 9) This new process will need system configuration by the Payroll Manager and from the software suppliers.
- 10) This does not apply to Members pension scheme.

This statement has been communicated to all recognized Trade Unions and in accordance with the Act will need to be formally approved by the Council.

##### RESOURCE IMPLICATIONS

These changes and the new policy will draw significant resources from the Payroll team. Additional configuration will be required in the Itrent system to support the new regulations including the set up of:

- System configuration for the re banding annual process.
- New elements for pensionable pay
- New scheme elements for April 2014 pay
- A new 50/50 scheme.
- Management of single employment relationships
- Returns to Staffordshire County Council

TBC are currently awaiting confirmation from our software suppliers with regard to the system changes that will support the LGPS 2014 changes on Itrent. The pension re banding bulk update will require tailoring to our specific needs as detailed above and will require consultancy. It is estimated that 2 days consultancy will be required at approximately £2000. We are currently waiting for prices to be confirmed from our software suppliers. This cost can be met from the unspent element of the HR / Payroll System upgrade capital budget. The remainder of this budget will be required for the development of the HR side of the system.

Additional administration will be required in the first instance for putting procedures and processes in place to ensure compliance, system configuration and communication to the workforce. Additional monthly administration will be required for re banding employees with material changes and notifying Staffordshire County Council. Additional to the annual pension year end returns, a new monthly pension return will be required to be sent to Staffordshire County Council. Additional queries from Staffordshire County Council on employees pay as the career average scheme is dependant on the correct current earnings and not annual figures. The additional duties associated with the new pension scheme requirements can be absorbed within existing staffing resources.

## **LEGAL/RISK IMPLICATIONS BACKGROUND**

Any loss to the pension fund would be a cost to the employer via valuation of employer rates. However, as employees with material changes will be re banded on an ad-hoc basis, it will only be employees with overtime that may be affected as changes will be assessed on the last 12 months overtime earnings. Casuals in the pension scheme will be reviewed 6 monthly.

## **BACKGROUND INFORMATION**

The purpose of the statement is to provide information, and confirm processes with regard to our employer duties for New LGPS 2014 regulation changes. Once approved by full Council, this policy will come into immediate effect and will be subject to review on a minimum of an annual basis in accordance with the relevant legislation prevailing at that time.

**Re banding** - It is proposed to only re band in April of each year unless a change of circumstance has occurred. This will take into account all permanent pensionable pay plus the previous 12 months overtime and other temporary pensionable payments.



Staffordshire County Council has confirmed it is not reasonable to re band employees every month.

Risk : Any loss to the pension fund would be a cost to the employer via valuation of employers rates.

**Additional hours paid in April 2014** - Any hours worked in March but paid in April 2014 will be under the old rules and will not be pensionable. Any hours worked in April and paid in May 2014 will be the new rules and pensionable.

Due to dual running both scheme rules in April 2014, new elements will need to be set up on the payroll system to accommodate both sets of rules.

**Single employment relationships** - Payroll will need to be advised if a single employment relationship exists so that they can assess, record correct pension records on the payroll system and return correct pension records to Staffordshire County Council on a monthly basis. System changes will be required to ensure we are compliant with the LGPS regulations.

**Tamworth Adjudicator** - An employee has the right to appeal against the decision of their rate. In the first instance they should contact the Payroll Manager, however if they are not happy with the decision, they have the right to appeal via an internal adjudicator. The Director of Finance has been appointed as internal adjudicator to carry out these reviews if required.

#### **REPORT AUTHOR**

Tina Beech : Payroll Manager

#### **LIST OF BACKGROUND PAPERS**

Pension Banding Policy

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## Pension Banding Policy

Document Status: Draft

Document Ref: DOC PBP001

Originator: Tina Beech

Owner: Anica Goodwin

Version: 01.01.01

Date: 30/01/2014

**Approved by Corporate Management Team / Appointments and Staffing**

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Classification: SEC1 - Routine

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## Document Location

This document is held by Tamworth Borough Council, and the document owner is Director of Transformation & Corporate Performance.

## Revision History

| Revision Date | Version Control | Summary of changes |
|---------------|-----------------|--------------------|
| February 2014 | Draft           |                    |
|               |                 |                    |
|               |                 |                    |

## Key Signatories

### Approvals Creation and Major Change

| Name | Title | Approved |
|------|-------|----------|
|      |       |          |
|      |       |          |

### Approvals Minor Change and Scheduled Review

| Name | Title | Approved |
|------|-------|----------|
|      |       |          |
|      |       |          |

## Approval Path

### Major Change

Originator  
Owner  
Trade Unions & LGPS  
CMT  
Appointments & Staffing Committee

### Action

Tina Beech  
Anica Goodwin  
Consultative group  
Corporate Approval  
Council Approval

### Minor Change

Originator  
LGPS  
John Wheatley

### Action

Tina Beech  
Consultative Group  
Delegated Approval

## Document Review Plans

This document is subject to a scheduled annual review. Updates shall be made in accordance with business requirements and changes and will be with agreement with the document owner.

## Distribution

The document will be distributed through NETConsent as a NON MANDATORY policy and will also be available on the Intranet and paper based copies.

## Security Classification

This document is classified as SEC 1 Routine with access restricted to Tamworth Borough Council Staff and business partners.

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## **Pension Banding Policy**

### **1. Introduction**

From April 2014 the New LGPS 2014 pension regulations will come into force. Due to these changes, Tamworth Borough Council has developed this policy to set out how it will deal with banding and re banding employee pension rates.

This policy does not apply to Members pension scheme.

### **2. Employee rates**

Employees will pay contribution rates depending upon their actual level of pensionable pay for the year including any overtime or additional temporary pensionable payments received. This replaces the previous full time equivalent arrangements

### **3. New Employees**

New employees will be banded on their actual permanent pensionable pay known at their start date. They will then fall in line with the annual re banding in April of each year, based on their pensionable payments received

### **4. Casuals**

New casuals joining the Council will be put onto the lowest band of 5.5% if they opt into the pension scheme upon commencing employment. They will be assessed by Payroll after 6 months to ensure they are in the correct band.

Current casuals who opt into the pension scheme will be assessed on their previous 12 months earnings.

### **5. Change of hours, job or grade**

Employees who have a change of hours, grade or job will be re banded when the change occurs on an individual basis.

### **6. Non contractual overtime and other temporary payments**

From 1<sup>st</sup> April 2014 non contractual overtime and other temporary payments will be pensionable and will include :-

- a) Additional hours, overtime and casual hours at plain time
- b) Overtime and time and half
- c) Overtime at double time

- d) Standby overtime
- e) Call out payment and call out overtime
- f) Leaflet delivery
- g) Canvass payments
- h) Sleep in allowance (Castle)
- i) New temporary payments

## 7. New 50 / 50 scheme

Employees can temporarily opt to pay 50% contributions for 50% benefits. Employees will automatically be put back into the main scheme at the 3 year anniversary of Tamworth's staging date (1.01.2014) and every 3 years thereafter. Employees who go onto reduced or nil pay when sick will automatically be put back into the main scheme.

The employer contributions will remain at the full rate in the 50/50 scheme.

Employees can not opt into this scheme prior to becoming a member of the main scheme.

## 8. Pensionable pay band ranges for employee contribution rates as at 1<sup>st</sup> April 2014.

| Normal scheme        |       | 50/50 scheme |
|----------------------|-------|--------------|
| Up to £13500         | 5.5%  | 2.75%        |
| £13501 to £21000     | 5.8%  | 2.90%        |
| £21001 to £34000     | 6.5%  | 3.25%        |
| £34001 to £43000     | 6.8%  | 3.40%        |
| £43001 to £60000     | 8.5%  | 4.25%        |
| £60000 to £85000     | 9.9%  | 4.95%        |
| £85001 to £100,000   | 10.5% | 5.25%        |
| £100,001 to £150,000 | 11.4% | 5.70%        |
| More than £150,000   | 12.5% | 6.25%        |

## 9. Re banding

The appropriate contribution rate is to be determined by the employer estimating the annual equivalent of the actual pay received in a full scheme year. Each employer should assess the appropriate rate in a reasonable and consistent manner.

Re banding will occur in April of each year unless a change of circumstance has occurred detailed in 5. This will take into account all permanent pensionable pay, plus the previous 12 months overtime and other temporary pensionable payments detailed in 6.

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Re banding will not occur in the event of late pay award. In the event of a late pay award re banding will only occur the following April.

Tamworth policy is to re band annually unless an individual change occurs

#### **10. Opting Out**

Qualifying period for benefits is increased to 2 years. Employee's who opt out within 2 years can receive a refund from Staffordshire County Council

#### **11. Additional hours paid in April 2014**

Any hours worked in March but paid in April 2014 will be under the old rules and not pensionable. Any hours worked in April and paid in May 2014 will be the new rules and pensionable.

#### **12. Single employment relationships**

If a person holds more than one employment with Tamworth Borough Council and no single employment relationship exists, they will be treated separately for pension purposes and assessed separately when determining the contribution rate for each job. Separate records of cumulative amounts will need to be maintained on the payroll system.

If a person holds more than one employment with Tamworth Borough Council and a single employment relationship exists records will be held together for both jobs and added together when determining the contribution rate.

Care must be taken to establish if a single employment relationship exists for employees who have more than one employment with Tamworth Borough Council and for employees who transfer from one job to another or promotion.

Payroll will need to be advised if a single employment relationship exists so that they can assess, record correct pension records on the payroll system and return correct pension records to Staffordshire County Council on a monthly basis.

System changes will be required to ensure we are compliant with the LGPS regulations.

#### **13. Pension returns to Staffordshire County Council**

There will be a requirement for payroll to send monthly pension returns to Staffordshire County Council as well as the usual year end pension return. Staffordshire County Council still require payroll to send electronic notifications for starters, leavers and changes so that they can update

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employee pension records. Pension records must be kept in line with the Retention schedule.

#### **14. Unpaid Leave**

Employees will have to opt to pay pension if they so wish from day 1 of any unpaid leave period (previously it was mandatory to pay on the first 30 days)

#### **15. Employees right to appeal**

An employee has the right to appeal against the decision of their rate. In the first instance they should contact the Payroll Manager Tina Beech, however if they are not happy with the decision they have the right to appeal via an internal appointed adjudicator. Employees will have 6 months of being notified of the rate to appeal against the decision. If they are still not happy with the decision they have the right to ask the administering authority, namely Staffordshire County Council, within 6 months of the adjudicator's decision to undertake a further review of the decision.

Payroll will notify employees their rate for each job each April and how to appeal. Details of pension rate for new starters and employees who have changes to hours, grade or job will be notified via the HR letter that is sent out to them informing them of their change.



## Equality Impact Assessment

|   |  |   |   |
|---|--|---|---|
| Is this a new or existing policy?   | NEW  |   |   |
| 1. Briefly describe the aims, objectives and purpose of the policy?   | To ensure TBC fulfils its aims for statutory pension banding and re banding.   |   |   |
| 2. Are there any associated policy/ procedure/ practice which should be considered whilst carrying out this equality impact assessment? | LGPS 2014 pension regulations<br>TBC policies associated with pension regulations.   |   |   |
| 3. Who is intended to benefit from this policy and in what way?   | All employees who are in the LGPS pension scheme.  |   |   |
| 4. What are the desired outcomes from this policy?  | That all employees currently in the pension scheme and who opt to join are assessed in a reasonable and consistent manner. |   |   |
| 5. What factors/ forces could contribute/ detract from the outcomes?  | Waiting for software development   |   |   |
| 6. Who are the main stakeholders in relation to the policy?   | Employees, trade unions, DWP, LGPS   |   |   |
| 7. Which individuals/ groups have been/ will be consulted with on this policy?  | Trade unions and LGPS  |   |   |
| 8. Are there concerns that the policy <u>could</u> have a differential impact on racial groups?   |  | N | Please explain  |
| 9. Are there concerns that the policy/ procedure/ practice <u>could</u> have a differential impact due to gender?                       | Y  |   | Higher proportion of female staff are part time, under the new regulations these employees will pay rates based on actual pay instead of full time equivalents which will probably result in a lower contribution rate. |
| 10. Are there concerns that the policy <u>could</u> have a differential impact due to them being transgender or transsexual?            |  | N | Please explain  |
| 11. Are there concerns that the policy <u>could</u> have a differential impact due to disability?                                       |  | N | Please explain  |
| 12. Are there concerns that the policy <u>could</u> have a differential impact due to sexual orientation?                               |  | N | Please explain  |
| 13. Are there concerns that the policy <u>could</u> have a differential impact due to age?  |  | N | Please explain  |
| 14. Are there concerns that the policy <u>could</u> have a differential impact due to religious belief?                                 |  | N | Please explain  |
| 15. Are there concerns that the policy <u>could</u> have a differential impact on Gypsies/ Travellers?                                  |  | N | Please explain  |
| 16. Are there concerns that the policy <u>could</u> have a differential   |  | N | Please explain  |

|   |   |   |   |
|---|---|---|---|
| impact due to dependant/caring responsibilities?  |   |   |   |
| 17. Are there concerns that the policy <u>could</u> have a differential impact due to them having an offending past?  |   | N | Please explain  |
| 18. Are there concerns that the policy could have an impact on children or vulnerable adults?   | Y |   | Stress related to having to opt-out of the pension fund at frequent intervals |
| 19. Does any of the differential impact identified cut across the equality strands (e.g. elder BME groups)?   |   | N | Please explain  |
| 20. Could the differential impact identified in 8 – 19 amount to there being the potential for adverse impact in this policy/ procedure/ practice?  |   | N | Please explain  |
| 21. Can this adverse impact be justified: <ul style="list-style-type: none"> <li>• on the grounds of promoting equality of opportunity for one group?</li> <li>• For any other reason?</li> </ul> | Y |   | Application of Statutory guidance   |
| 22. As a result of carrying out the equality impact assessment is there a requirement for further consultation?   | Y |   | Please explain  |
| 23. As a result of this EIA should this policy be recommended for implementation in it's current state?   | Y | N | Please explain  |

**PLEASE COMPLETE THE FOLLOWING ACTION PLAN FOR ALL IMPACT ASSESSMENTS**  
**Equality Impact Assessment Action Plan**

Complete the action plan demonstrating the changes required in order to meet TBC's commitment to equality and diversity. The action plan must contain monitoring arrangements, the publishing of results and the review period required for this policy.

| ACTION/ ACTIVITY                | RESPONSIBILITY | TARGET   | PROGRESS |
|---------------------------------|----------------|--|----------|
|                                 |                |  |          |
|                                 |                |  |          |
|                                 |                |  |          |
|                                 |                |  |          |
|                                 |                |  |          |
| <b>Monitoring arrangements:</b> |                | <b>Data collected quarterly</b>                    |          |
| <b>Publication:</b>             |                |  |          |
| <b>Review Period:</b>           |                | <b>Reviewed 12 monthly unless otherwise stated</b> |          |

**End of Document**

Classified: SEC1 Routine

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18 March 2014

**REPORT OF THE PORTFOLIO HOLDER FOR ECONOMY AND EDUCATION****STATEMENT OF COMMUNITY INVOLVEMENT  
ADOPTION****EXEMPT INFORMATION**

N/A

**PURPOSE**

The Council, as a Local Planning Authority, is required to produce a Statement of Community Involvement setting out how and when the Council will seek the views of local people, businesses and key organisations when preparing the new development plan documents and when planning applications are received.

The current Statement of Community Involvement was adopted by the Council in 2006. Since then legislation governing the Statement of Community Involvement has changed and it is now necessary to update it to reflect changing statutory requirements.

A draft Statement of Community Involvement was published for a 7 week public consultation over the summer of 2013 and representations were taken into consideration when preparing this final version.

The Council must adopt the new Statement of Community Involvement before it becomes policy.

**RECOMMENDATIONS**

- (1) That Council adopts the Statement of Community Involvement as policy.

**EXECUTIVE SUMMARY**

The Statement of community involvement (SCI) is the Council's code of practice on how people can expect to be involved in the planning process. It covers the production of different types of planning policy documents, and the different stages for each one. It is also concerned with how people should expect to be involved in the planning application process.

The current SCI document was adopted in June 2006 and was prepared under previous planning regulations. Since then the planning system has changed significantly, with the new National Planning Policy Framework published in March 2011, the Localism Act being given royal assent in November 2011, and the introduction of new planning regulations in 2012.

This review aims to update the SCI to simplify it and remove duplication with other documents. It also aims to reflect the new regulations and the emphasis of the NPPF on speedier and responsive plan-making. In general, the revised SCI document is more streamlined and flexible in terms of involvement in the planning process when compared to the adopted version. Officers have also sought to rationalise the previous SCI and produce a more succinct, flexible and customer focussed document. The changes and implications for both the plan making process and planning applications process are set out below:

**Planning Policy Documents**

There have been significant changes to the procedures for producing planning policy

documents since the last SCI was adopted in March 2010. The new Town and Country Planning (Local Planning) (England) Regulations 2012 re-introduce Local plans in place of Local Development Frameworks. The regulations set out the range of documents that can form a Local plan as either an individual document or a portfolio of documents. The updated SCI document reflects these changes and provides greater clarity about who to involve in consultations, how and when. It also aims to introduce greater flexibility by aligning the consultation requirement for documents where possible.

### **Planning Applications**

The SCI document sets out the requirements for consultations in the planning applications process and specifically the expectations for developers to undertake consultation on major applications.

### **Public Consultation**

A revised draft SCI was considered by Cabinet in June 2013 and was approved for public consultation.

#### **What took place**

- The public consultation was held over a 7 week period from Friday 12<sup>th</sup> July to Friday 20<sup>th</sup> August 2013.
- E-mails and letters were sent to the Local Plan consultation database; which contains 857 different people and organisations.
- All Tamworth Borough Council Members and Tamworth area Staffordshire County Members are included in the Local Plan consultation database and had the opportunity to comment on the Statement of Community Involvement consultation.
- The Statement of Community Involvement consultation document and comments form were made available on-line at the Council's website.
- Paper copies of the Statement of Community Involvement and comments form were made available at Marmion House, Tamworth Library, Wilnecote Library and Glascote Library.
- A noticed and press release was published in the Tamworth Herald during this period to inform people of the consultation.
- A press release was issued to the Council's website
- Members of the Local Plan Sub-Group were presented the draft Statement of Community Involvement and consultation responses, to facilitate discussion and additional feedback.

The intention of the new SCI is for it to be easy to read and remove some of the barriers local residents face when engaging with the planning system, such as planning jargon and overly technical language. Following the consultation the wording for some paragraphs, in particular the Sustainability Appraisal has been changed to make these subjects clearer and easier to understand. There have also been some changes to ensure that planning committee operates efficiently and effectively.

The previous planning regulations governing the preparation and adoption of SCI's required a public examination by a Planning Inspector to be held. If the Inspector's report found the document to be 'sound' it could be then adopted by the Council. These regulations are no longer in place. Upon adoption by Council the document will be published with the assistance of Officers in the communications team.

### **RESOURCE IMPLICATIONS**

Costs can be met within the Local Development Framework budget. Electronic communications will be used to reduce costs, by using e-mail and making documents available on line at the Council's website. The Council's graphics team will be used to produce a final published document.

## **LEGAL/RISK IMPLICATIONS BACKGROUND**

The Council must produce a Statement of Community Involvement (SCI) which adheres to the Government's principles for community engagement in planning. The involvement of the public in preparing planning documents and the consideration of planning applications must follow the approach set out in the SCI. Under the Planning and Compulsory Purchase Act 2004 S 20(5) (a) an Inspector is charged with checking that a Local Plan submitted for adoption has complied with legislation. This includes checking that the plan has been prepared in accordance with the Local Development Scheme and ***in compliance with the Statement of Community Involvement*** and the Town and Country Planning (Local Planning) (England) Regulations 2012.

Without passing this legal test the Council would not be able to demonstrate to an Inspector that the Local Plan is legally compliant and therefore could not be found compliant at examination.

## **SUSTAINABILITY IMPLICATIONS**

No sustainability implications

## **BACKGROUND INFORMATION**

None

## **REPORT AUTHOR**

**Alex Roberts – Development Plan Manager x279**

## **LIST OF BACKGROUND PAPERS**

Cabinet Report, 20<sup>th</sup> June 2013, "Statement of Community Involvement"

## **APPENDICES**

Statement of Community Involvement - for Adoption

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# **Tamworth Borough Council**

## **Statement of Community Involvement 2014**

## PART A - INTRODUCTION

The Statement of Community Involvement sets out our vision and strategy for community involvement in planning. The aim is to explain when and how you can expect to be involved in the development plan making process and the decision making process on planning applications.

This document describes our overall approach to community engagement and involvement in the planning process and is broken down into two main sections: **Local Plans** and **Planning Applications**.

### Tamworth's approach to Community Involvement

When we involve you in preparing the new Local Plan or consult with you on planning applications or other forms of consent we will strive to:

- **Keep things simple**, by writing in plain English and explaining planning terms that we need to use.
- **Communicate clearly**, by explaining why we want to involve you and receive your comments.
- **Make it easy for you to get involved**, by explaining when and where you can provide your views. We will make public planning events as accessible as possible for all groups.
- **Make sure your involvement is effective**, by listening to your views throughout the planning process. We will explain what we can and cannot take into account and make sure you have sufficient time and notice of opportunities to get involved.
- **Be inclusive**, wherever possible by providing information in an accessible format and giving clear advice on how the planning system works when requested and encourage involvement from groups that have traditionally not been involved in the planning process.
- **Share information**, by making it available on the Council's website, libraries and Council offices when appropriate to do so.
- **Strive to meet targets** which we will set for the preparation of the Local Plan and targets set by Government for the determination of planning applications – 8 weeks for minor applications and 13 weeks for major applications, wherever possible.

### Who will we involve?

We would like everyone to have a chance to be involved in the preparation of the Local Plan documents and on planning applications.

We have developed a database of individuals, groups and stakeholders who we contact regularly on matters for the Local Plan.

Government Planning Regulations require us to ensure that certain groups are consulted at key stages in preparing the Local Plan or determining planning applications, for example; Environment Agency, Highways Agency,

English Heritage and Staffordshire County Council, the full list can be found later in this document.

We are committed to doing everything reasonably possible to make our community involvement inclusive. This means that we aim to give everyone in Tamworth an opportunity to be involved in decisions we take. The Council's Diversity and Equality Scheme explains our approach to inclusions and the Community Engagement Framework sets out ways we involvement all relevant groups.

We can make documents available in alternative formats on request, this includes Braille and alternative languages.

### **How will we involve you?**

We will keep you informed through various ways including: letters and e-mails, the Council's website [www.tamworth.gov.uk](http://www.tamworth.gov.uk) and notices through the local newspaper.

The ways in which you can have your say on the planning process will vary depending on the issue, and different techniques may be used at different stages in the production of a planning document or assessment of a planning application. For example, submitting written representations by e-mail, or taking part in a questionnaire at an event. We will produce press notices, organise public consultation events and provide information to keep you informed wherever this is appropriate and helpful to the planning process.

### **The Role of Planning Officers**

The Council's Planning Officers work in two teams within the Planning and Regeneration Service, which is based at Marmion House:

- **The Development Plan Team** produces the planning documents that make up the Local Plan. They carry out the gathering of evidence to support planning policy, organise consultation and engagement events, produce draft planning documents and take planning documents through the statutory process of a Local Plan examination. Local Plan examinations are carried out by the Planning Inspectorate. The Development Plan Team can be contacted for advice on planning policy.
- **The Development Management Team** assesses planning applications in accordance with the adopted development plan, the National Planning Policy Framework and any other material considerations. They can be contacted for advice on pre-application enquiries and planning applications. The Development Management team also investigate alleged breaches of planning control. For further information please see our website, or call 01827 709281 for advice.

### **The role of Councillors**

Locally elected Councillors have a key role to play in the planning process:

- The Council's executive, the Cabinet, is made up of Councillors, who make decisions on Council planning policy, whilst the Full Council is responsible for approving and adopting all statutory planning policy – such as the Local Plan.
- The Council's Planning Committee is made up of 10 Councillors who make decisions on major<sup>1</sup> and controversial planning applications.
- Councillors represent each of their respective wards and are there to listen to residents' concerns on planning issues
- Councillors can voice their support or objection to planning applications in writing and ward councillors can speak at Planning Committee on behalf of their constituents.

The role of locally elected Councillors in representing the views and concerns of residents in the planning process is very important. However, your views can only be formally taken in account when you make them in writing to Planning Officers within the specified time for a particular consultation. There are existing protocols for the way that Councillors and Council Officers conduct their activities, which ensure that any potential conflicts of interest are resolved in a transparent way.

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<sup>1</sup> major applications include developments of 10 or more houses, or commercial developments exceeding 100 square metres floor area

## **PART B - LOCAL PLANS**

### **The Planning System**

The Government wants to give local people a greater role in shaping their neighbourhoods, and the changes to the planning system set out in the Localism Act 2011 and the National Planning Policy Framework 2012 (NPPF) give local communities the opportunity to become more involved in the preparation of planning documents for where they live.

The Council want to involve you in the preparation of the Tamworth Local Plan.

### **Tamworth Local Plan**

The development plan for Tamworth will be made up of:

**The Local Plan** - this will be the new development plan for Tamworth. It will set out the spatial policies, guidance, land use designations and site allocations which all planning applications and development proposals in the Borough will be assessed against.

It will provide the formal statutory framework for sustainable development and lay the foundations for regeneration and economic growth, whilst protecting the most valuable built and natural environmental assets.

**Community Infrastructure Levy (CIL)** – a tariff based charging schedule which may require planning contributions from development towards funding the provision and maintenance of necessary strategic and local infrastructure projects.

**Supplementary Planning Documents (SPDs)** – will be prepared to provide further detailed supporting guidance for example on design issues. They can be used to assist in determining planning applications.

In preparing our new Local Plan we will also publish on our website:

**Local Development Scheme (LDS)** – sets out what documents will be produced and the current timetable of production.

**Monitoring Report** – sets out the progress made in preparing the Local Plan and other documents and the Council's performance in implementing planning policy from these documents.

### **Neighbourhood Plans**

Local communities now have the option to prepare plans for their local areas themselves. Any such plans would form part of the statutory development plan for that area of the Borough, but they must pass through an independent examination and a local community referendum.

Tamworth Borough Council does not prepare Neighbourhood Plans, but has a duty to provide advice and some technical assistance to communities, particularly in the initial designation of the Neighbourhood Forum, Neighbourhood Plan area, the examination and referendum.

## **Preparing new planning documents**

### **When will we involve you?**

There are a number of key stages involved in the preparation of the Local Plan, these stages are required by Government planning legislation and regulation. They are designed to ensure that the process is as open and transparent as possible.

Figures 1, 2 and 3 show the key stages in producing a Local Plan, an SPD and the CIL. Stages marked with a star show when you can get involved in the plan making process. The Local Plan and CIL will be subject to an independent examination by the Planning Inspectorate. As part of each examination the appointed planning inspector will hold hearing sessions, if you have made a formal representation at the publication consultation stage you may have the opportunity to speak at the sessions.

#### **Figure 1 – Stages in preparing a LOCAL PLAN**

- **Publication of a draft Local Plan documents for public consultation\***
- **Publication of a Local Plan for a pre-submission public consultation\***
- **Submission of a Local Plan to the Secretary of State and Planning Inspectorate**
- **Independent public Examination of a Local Plan\***
- **Adoption of a Local Plan by Full Council**

#### **Figure 2 – Stages in preparing a SUPPLEMENTARY PLANNING DOCUMENT**

- **Publication of draft SPD documents for public consultation\***
- **Publication of draft SPD for public consultation\***
- **Adoption of SPD by Full Council**

#### **Figure 3 – Stages in preparing a Community Infrastructure Levy**

- **Publication of preliminary CIL draft for public consultation\***
- **Publication of revised CIL draft for public consultation\***
- **Submission of draft CIL to Secretary of State**
- **Independent public Examination of CIL \***
- **Adoption of CIL by Full Council**

## **Sustainability Appraisal**

When preparing the Local Plan we will assess the social, environmental and economic impacts that it may have. The Sustainability Appraisal (SA) is there to identify and enhance positive effects of planning policy and to identify and minimise and potential adverse impacts of planning policy.

We will consult you on the Sustainability Appraisal at the same time that we consult on the Local Plan.

## **Publications**

At the consultation stages of preparing the Local Plan or CIL we will make copies of the consultation documents and other relevant documents available for reference at Marmion House. These documents will also be available for download from our website. Charges will apply for black and white copies of all our planning documents. Please see <http://www.tamworth.gov.uk/planning.aspx> for further information on fees and charges.

## **How will we involve you?**

### **E-mails and letters**

The Development Plan team has been compiling a database of individuals, groups and organisations for several years that have shown an interest in the Local Plan process. At each consultation stage, these people will be preferably contacted via e-mail or by sending a letter through the post.

**If you would like to be added onto our consultation database please let us know.**

### **Press notices and statutory notices**

Notices will be placed in the local press to help ensure we communicate as widely as possible, this also fulfils legal requirements.

### **Our Website**

Electronic communication is rapidly growing more popular and the Council's website is the main point of access for all planning information. We have specific planning pages on the Council's website. We will ensure that these pages are regularly updated with all the latest information and where possible will provide opportunities for online consultation. <http://www.tamworth.gov.uk/planning.aspx>

### **Discussions and meetings**

One to one meetings and discussions with groups can be arranged with Planning Officers where it is appropriate to do so in advance.

## **Public exhibitions and workshops.**

Public exhibitions give people the chance to look at plans and proposals and to speak to Planning Officers in an informal setting. Workshops can be used to help communities to agree on issues. They can be used to engage with people who find it difficult to get involved in the planning process. We will notify the public and interested parties of any events through our adverts, press releases and directly to those on our consultation database by e-mail or letter.

## **How will we respond to you?**

- If you attend a form of public consultation event we will ensure that a Planning Officer is available to answer your questions.
- If you request a planning document we will let you know where it is available.
- We will prepare reports after each stage of consultation for the Local Plan.

## **Statutory Consultees**

The list below outlines the organisations and other bodies we are legally required to consult and involve in the preparation of planning documents, in accordance with the Town and Country Planning (Local Planning (England) Regulations 2012 and the Localism Act (2012).

Specific and Duty to Co-operate consultation bodies include:

- Neighbouring Local Planning Authorities, including:
  - Lichfield District Council
  - North Warwickshire Borough Council
- Staffordshire County Council
- Civil Aviation Authority
- Coal Authority
- English Heritage
- Environment Agency
- Highways Agency
- Homes and Communities Agency
- Natural England
- Network Rail Infrastructure Ltd
- NHS
- Greater Birmingham and Solihull Local Economic Partnership (LEP)
- Staffordshire Police
- Office of Rail Regulation
- Plus other relevant gas, electricity and electronic communications network infrastructure providers.

General consultations bodies include the following:



- Voluntary bodies some or all of whose activities benefit any part of the Borough
- Bodies that represent the interests of different racial, ethnic or national groups in the Borough
- Bodies that represent the interests of different religious groups in the Borough
- Bodies that represent the interests of disabled persons in the Borough
- Bodies that represent the interests of business in the borough.

## PART C - Planning Applications

The Development Management team is responsible for assessing all planning applications for development, advising the Council's Planning Committee on planning applications, determining certain type of planning applications, providing advice on development proposals and dealing with any unauthorised development in the Borough.

All decisions taken on planning applications must be made in accordance with the adopted development plan, unless any other material considerations indicate otherwise, including national planning guidance or site specific matters relevant to a particular case.

### Getting involved in Planning Applications

The publicity procedures to be followed on planning applications are laid down by Government legislation and regulations, the Council meets all of these minimum statutory requirements. In some cases we also publicise on a wider basis than the statutory requirements,, for example telecommunications developments and wind turbines to ensure that we maximise opportunities for community involvement.

| Consultation method   | Type of application |       |       |
|---|---------------------|-------|-------|
|   | Major               | Minor | Other |
| Neighbour notification  | ✓                   | ✓     | ✓     |
| Website   | ✓                   | ✓     | ✓     |
| Weekly list of planning applications                                  | ✓                   | ✓     | ✓     |
| Site notice   | ✓                   | (✓)*  | (✓)*  |
| Press notice  | ✓                   | (✓)*  | (✓)*  |
| Planning applications available for inspection at the Council offices | ✓                   | ✓     | ✓     |
| Consultation with statutory and non-statutory consultees              | ✓                   | ✓     | ✓     |

Planning applications, including supporting documents and corresponding plans and elevation drawings, can be viewed online at <http://www.tamworth.gov.uk/planning.aspx> and are also available to view in person at the Council offices in Marmion House (Monday to Friday 9am – 5pm). Planning Officers are available at Marmion House to give advice on current or proposed applications, appointments must be made in advance if you wish to speak to a Planning Officer.

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\* Site and press notices for listed buildings, conservation areas, departures from the development plan and those affecting public rights of way.

Comments on planning applications must be made in writing within 21 days from the date of our notification letter or within 21 days from the date of a press notice or site notice appearing whichever is the later. Please note that comments submitted after the 21 day publicity period has expired may not be considered because a decision may have already been made on the planning application.

In the event that revised plans are submitted during the consideration of the application you will be written to again and given a further 10 days during which you can submit further comments.

We will always seek to take into account any comments received prior to a formal decision being made, however it will not be possible to consider comments received after the consultation deadline date if a decision has already been made. When an application is determined by planning committee, comments received shall be summarised in the committee report.

You can make comments<sup>2</sup>:

- **Online** – <http://www.tamworth.gov.uk/planning.aspx>
- **E-mail** – [planningadmin@tamworth.gov.uk](mailto:planningadmin@tamworth.gov.uk)
- **Post** – Tamworth Borough Council  
Marmion House  
Lichfield Street  
Tamworth  
B79 7BZ

### **Statutory and Non Statutory Consultees**

We are legally required to consult and involve statutory bodies, such as the Environment Agency and Highway Authority, on certain planning applications in accordance with Article 10 of the Town and Country Planning (General Development Procedure) Order 1995 (as amended). We will also consult non statutory bodies where we think that they have information or views that might influence the outcome of the application. Non statutory bodies include Staffordshire Wildlife Trust and other departments within the Borough Council.

### **Public meetings and exhibitions**

Dependent upon the nature and potential impact of the development proposal on the local community, developers may need to carry out their own pre-application public consultation, and The Validation of Planning Applications in Tamworth (2013) explains that some major planning applications and major change of use planning applications will need to be accompanied by their own Statement of Community Involvement.

These consultations should be carried out at an early stage in the design process, to enable community views to be incorporated into the submitted

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<sup>2</sup> All comments received on planning applications will be made publicly available and added to the Council's website.

proposal. The form of consultation will need to be tailored to suit the particular circumstances of the site, proposal and locality, and the council can provide advice on what level of pre-application consultation would be appropriate, for example through a public meeting, exhibition, or other forms of community involvement. For probity reasons (ensuring that decisions are taken in a fair and open manner), the council's Planning Officers would not normally participate in these public meetings or exhibitions other than to provide background information. As a minimum, the consultation statement submitted with the application should include:

- the houses, businesses and local community groups consulted;
- methods and timing of consultation; and
- feedback and information on how this was addressed in the development proposal.

### **Decision Making and Planning Committee**

Most planning applications are determined under delegated powers as set out in the Scheme of Delegation. The Council's Planning Committee makes decisions on major applications, and in certain other circumstances as detailed in the Council's Constitution.

For those applications determined by the Planning Committee, the council allows public speaking. This gives objectors to the development and supporters of the proposals the opportunity to reinforce their arguments. Guidance on how members of the public can speak at Planning Committee is provided on our website.

A member of the public, or their representative, will be allowed to address the Planning Committee only if a written representation setting out substantive planning reasons has been made and where they have indicated their desire to speak at Committee. The Head of Planning and Regeneration, and the Development Control Manager, have the discretion to refuse a request to address the Planning Committee but in doing so would set out, in writing, the reason for taking this course of action.

Where public speaking is permitted we will write to the individuals concerned, giving details of the time and venue for the Planning Committee meeting. Notification will not be sent to anyone who has made representations, but not requested to speak, but they are welcome to attend the meeting to observe proceedings should they wish to do so.

Two objectors are allowed to speak for a maximum of 3 minutes each.

Two supporters (one slot reserved for the agent / applicant) are allowed to speak for a maximum of 3 minutes each.

Ward Councillors in which the application falls will, subject to prior agreement with the Development Control Manager, be allowed to speak either in favour or against planning applications for a total of 3 minutes each.

There may be cases where there are more people who wish to speak than slots available. In such circumstances, we will encourage you to liaise with each other and nominate a spokesperson.

In exceptional cases, the time allocated for public speaking may be extended at the discretion of the Planning Committee Chair, this will allow for additional speakers. In the event of the time being extended and in the interests of fairness the time allowed for speakers will always be the same for objectors, supporters and Local Councillors.

Planning Committee Agendas are published on our website, prior to Committee Meetings, followed by the publication of the minutes of the meeting – see <http://www.tamworth.gov.uk/planning.aspx>

### **Notification after Planning Committee**

Anyone who has submitted written representations, either against or for the development will be informed, in writing, of the decision. The decision is also recorded on the Council's website.

### **Planning Appeals**

If an application is refused the applicant can make an appeal to the Planning Inspectorate. On being informed of an appeal we will write to those people who were notified on the original application (as well as any other people who submitted comments on the application) giving notice of the appeal, and providing them with the opportunity to make further representations to the Planning Inspectorate.

For Householder appeals, i.e. those relating to extensions to dwellings, there is no opportunity to make representations to the Planning Inspectorate, however representations submitted in relation to the planning application are forwarded to the Planning Inspectorate by the Council.

A site notice will only be posted in the case of a public inquiry.

### **Pre-Application**

In addition to managing the system for determining planning applications, the Development Management team can provide advice to business and householders who are considering development projects. Further details are on our website

[http://www.tamworth.gov.uk/planning/how\\_we\\_can\\_help\\_you/pre-application\\_advice.aspx](http://www.tamworth.gov.uk/planning/how_we_can_help_you/pre-application_advice.aspx)

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## COUNCIL

18 March 2014

### Report of the Solicitor to the Council & Monitoring Officer

#### LOCALISM ACT 2011 APPOINTMENT OF INDEPENDENT PERSON

##### Purpose of report

This report seeks the approval of Council for the appointment of an Independent Person and a reserve Independent Person in terms of the Localism Act 2011. The report also seeks approval of the allowances and expenses for the Independent Person role

##### Recommendation

- A That Council appoint Mr Paul Darby as Independent Person as from 1 April 2014**
- B That Council appoint Mr Stanley Orton as reserve Independent Person from 1 April 2014 and**
- C That Council note the allowance and expenses for the appointment set at the rates indicated in the report be adopted**

##### Background

The Localism Act 2011 repealed Section 55 of the Local Government Act 2000, which provided for Standards Committees. The Standards Board was abolished from 1 April 2012 and arrangements for dealing with Members conduct are now a matter for individual authorities to determine under the provisions in the Localism Act.

The Act established a new category of Independent Persons. A person is not “independent” if they are or have been within the last five years an elected, or co-opted member of any Committee or Sub-Committee of the Council. The Independent Persons may be invited to attend meetings of the Committee, but would not be members of that Committee;

The Independent Person must be appointed through a process of public advertisement, application and appointment by a positive vote of a majority of all members of the District Council (not just of those present and voting).

As the Independent Person is not a member of the authority or of its Committees or Sub-Committees, the remuneration of the Independent Person no longer comes within the scheme of members’ allowances, and can therefore be determined without reference to the Independent Remuneration Panel.

## **Executive summary**

As a result of transitional arrangements in the Localism Act the then chair of Standards Committee was allowed to take up the appointment of Independent Person. The transitional period has now passed and it is necessary to seek appointment of an Independent Person and up to two reserve Independent Persons as provided in the Report to Council dated 19 June 2012 which provided for a Committee comprising the Chair and two other members of Audit and Governance Committee be set up to deal with the appointment of Independent Person(s) proceed to short-list and interview candidates, and to make a recommendation to Council for appointment.

Following an invitation placed online and open competition for consideration as an independent Person an appointing panel made of three representatives of the Audit and Governance Committee met on 13 February 2014 and interviewed the candidates wishing to be considered for the role of Independent Person.

Following the interviews the panel came to the view that Mr Paul Darby should be appointed as the Independent Person and that the reserve Independent Person, should be Mr Stanley Orton.

The report to Council on 19 June 2012 also provided that the Monitoring Officer, in consultation with the Chair of the Committee and the Leader, be authorised to set the initial allowances and expenses for the Independent Person and any Reserve Independent Persons, and this function subsequently be delegated to the said Committee. The initial allowance set for the Independent Person was £1900. It is now recommended that the allowance be set at £45 per meeting up to 4 hours and a further £45 for meetings that go beyond four hours with an allowance of £10 per hour when dealing with investigations up to a maximum £100.

## **Resource implications**

The training required for the Independent Persons following their appointment will be carried out by the Monitoring Officer as part of her duties and have no additional resource implications for the Authority. It is considered that the new allowances set will result in a financial saving to the authority and be directly related to the amount of work required in the role of Independent Person. The cost will be contained within present budget figures.

## **Equality implications**

This decision does not require an Equalities Impact Assessment. In approving the recommendations it is envisaged that the citizens of Tamworth will benefit from a robust, open and transparent member complaint resolution process.

## **Risk implications**

An effective member complaint resolution process will provide the mitigating action necessary to ensure that the Council meets its statutory obligations under the Localism Act 2011.

## **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**

The Localism Act 2011 <http://www.legislation.gov.uk/ukpga/2011/20/contents>

The Localism Act 2011 Explanatory Notes

<http://www.legislation.gov.uk/ukpga/2011/20/notes/contents>

The Localism Act 2011 (Commencement No. 6 and Transitional, Savings and Transitory Provisions) Order 2012 <http://www.legislation.gov.uk/uksi/2012/1463/contents/made>





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