

NON-CONFIDENTIAL



Borough of Tamworth

16 May 2016

Dear Councillor

You are hereby summoned to attend a **meeting of the Council of this Borough** to be held on **TUESDAY, 24TH MAY, 2016** at 6.00 pm in the **TOWN HALL, MARKET STREET, TAMWORTH**, for the transaction of the following business:-

AGENDA

NON CONFIDENTIAL

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

To receive any declarations of Members' interests (pecuniary and non-pecuniary) in any matters which are to be considered at this meeting.

When Members are declaring a pecuniary or non-pecuniary interest in respect of which they have dispensation, they should specify the nature of such interest. Members should leave the room if they have a pecuniary or non-pecuniary interest in respect of which they do not have a dispensation.

- 7 To receive the Minutes of the previous meeting (Pages 1 - 10)**
- 8 To receive any announcements from the Mayor, Leader, Members of the Cabinet or the Chief Executive**
- 9 Question Time:**

- (i) To answer questions from members of the public pursuant to Procedure Rule No. 10.
- (ii) To answer questions from members of the Council pursuant to Procedure Rule No. 11

10 Appointment of Cabinet and Allocation of Responsibilities

To receive the Membership of Cabinet for 2016/17 which will be circulated at the meeting

11 Appointment of Committees

The Constitution and Membership of Committees for 2016/17 which will be circulated at the meeting

12 The Local Authorities (Executive Arrangements) (Meetings and Access to Information) Rules 2012 (Pages 11 - 12)

(The Report of the Leader of the Council)

13 Review of the Constitution and Scheme of Delegation (Pages 13 - 22)

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

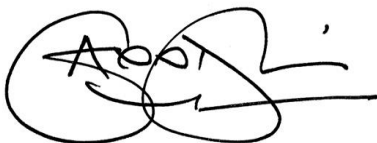
14 Regulation of Members Conduct (Pages 23 - 24)

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

15 Calendar of Meetings (Pages 25 - 36)

To receive the Calendar of Meetings for 2016/17

Yours faithfully



CHIEF EXECUTIVE

People who have a disability and who would like to attend the meeting should contact Democratic Services on 01827 709264 or e-mail committees@tamworth.gov.uk preferably 24 hours prior to the meeting. We can then endeavour to ensure that any particular requirements you may have are catered for.

Marmion House
Lichfield Street
Tamworth

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MINUTES OF A MEETING OF THE COUNCIL HELD ON 15th MARCH 2016

PRESENT: Councillors M Gant (Chair), A Lunn (Vice-Chair), J Chesworth, M Clarke, S Claymore, T Clements, D Cook, A Couchman, M Couchman, S Doyle, J Faulkner, J Goodall, S Goodall, M Greatorex, G Hirons, R Kingstone, A James, T Madge, M McDermid, K Norchi, J Oates, M Oates, S Peaple, T Peaple, R Pritchard, R Rogers, 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), Andrew Barratt (Director - Assets and Environment), Jane Hackett (Solicitor to the Council and Monitoring Officer), Christie Tims (Head of Organisational Development), Natalie Missenden (Public Relations Officer) and Janice Clift (Democratic and Elections Officer)

60 APOLOGIES FOR ABSENCE

None

61 TO RECEIVE THE MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 23 February 2016 were approved and signed as a correct record.

(Moved by Councillor D Cook and seconded by Councillor S Peaple)

62 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

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

The Mayor Councillor M Gant made the following announcement:-

One of our colleagues who are not re-standing this year is Councillor Eve Rowe. I would like to thank her on behalf of Tamworth Council for the work she has put in

and the consideration she has given to the people of Tamworth over the years she has been a Councillor and we do thank you very much Eve.

Councillor S Peple made the following announcement:-

Councillor Hirons is standing down at the forthcoming elections and I would like to take this opportunity to thank him for his support and contributions over the last four years and to thank him for all his work he does as our CLP Chair and what he has brought to the Council a knowledge of engineering and a good deal of ability to banter with not only with his colleagues from his work place but also with all the others. Also I would like to record our recognition for long service to Evelyn Rowe of being a Councillor.

Councillor M Clarke made the following announcement:-

This is a small gift on behalf of Doctor Torsten Spiellmann who is a Mayor of a Council in Bad Laasphe our German twin town. Twinning has now reached 35 years. I would like to thank Councillor T Clements as she has given a great deal of help with this. Bad Laasphe wish to donate the appropriate item which is here tonight to all members of the Council to signal their support of Tamworth with their long standing twinning agreement.

64 QUESTION TIME:

QUESTIONS FROM MEMBERS OF THE PUBLIC NO. 1

Under Procedure Rule No 10, Robert Bilcliff, of Tamworth will ask the Leader of the Council, Councillor D Cook, the following question:-

“Why is Tamworth Council not insisting on building 30% of Affordable housing on any new developments, like our neighbouring council in North Warwickshire are doing, when this type of housing is the most urgently need for the people of Tamworth and with building land at such a premier here in Tamworth?”

Councillor D Cook gave the following reply:-

The production of the Local Plan has had to follow guidance in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) and ensure it is compliant with relevant Regulations and Legislation.

The NPPF says that Local Plans should “use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework” (para 47).

Paragraph 50 says that “where [Local Planning Authorities] have identified that affordable housing is needed, [they should] set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified...such policies should be sufficiently flexible to take account of changing market conditions over time”.

The NPPF also contains a section on ensuring viability and deliverability. Paragraph 173 says that “to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing... should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable”.

So it is clear that as part of the production of the Local Plan, the Council had to consider the need for housing, including affordable housing, and consider the viability of development. The Council did this in a number of pieces of work that are available on the Local Plan examination page website.

This 2012 Strategic Housing Market Assessment identified the gross affordable housing need requirement as 183 dwellings per annum over the next five years. This figure represents Tamworth’s affordable housing OAHN.

In determining the deliverable target for market housing, the consequences of other policies in the plan on viability and the need to fund infrastructure were taken into account. Table 11.1 of the Whole Plan Viability, Affordable Housing and CIL Study indicates that a 20% target for most housing developments will allow development to maintain a reasonable contribution to strategic infrastructure costs.

If the requirement for affordable housing was higher it would make more development unviable and would therefore not come forward and it is likely that actual delivery of affordable homes would be lower.

The NPPF requires that Local Plans should be *...aspirational, but realistic* (paragraph 154). In addition the NPPG (Ref: 2a-029-20140306) says that “...the total affordable housing need should then be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments, given the probable percentage of affordable housing to be delivered by market housing led developments. An increase in the total housing figures included in the local plan should be considered where it could help deliver the required number of affordable homes”.

If the Plan sought to deliver 183 affordable housing units per annum, because the evidence shows that a rate of 20% affordable housing on sites is viable but higher is not then this would result in an overall housing target of 915 dwellings per annum being needed to achieve the affordable housing figures. This is almost 5-times higher than the delivery level that has been achieved since 2001/02 and is significantly in excess of what could realistically be delivered in the housing market area.

Therefore a policy decision was taken to meet the OAHN of 250 dwellings per annum rather than increasing the overall housing target to 915 which would be the only way to deliver affordable housing through private sector housing development only.

However, private sector housing development in Tamworth is not the only way to deliver affordable housing. Some of the shortfall will be met by housing

development in neighbouring authorities where they have identified sites contributing to meeting Tamworth's OAHN. For example, the Section 106 agreement for the Browns Lane permission north of Tamworth in Lichfield district states that half of the affordable provision will be allocated to households in need by Tamworth Borough Council. The Council itself continues to progress a number of projects to increase or renew affordable housing supply. For example the initial phase of garage site redevelopment has delivered 42 affordable dwellings, and permissions are in place for a further 12 dwellings. The renewal of the Tinker's Green and Kerria estates will result in the net gain of dwellings. This will provide a similar number to the existing affordable units on those sites but with a better range of appropriate sized properties and with improved energy performance.

An unknown level of affordable housing need will likely not be met, but this is no different to North Warwickshire or other Local Authorities. However, by allocating sufficient land to meet the overall housing requirement and working with neighbouring authorities to meet the remainder of the OAHN the Plan will help to prevent market conditions from worsening for householders.

The figure of 20% for Tamworth has been set through evidence in relation to Tamworth. The figure of 30% for North Warwickshire will be based on their evidence for their area which is very different to Tamworth. Tamworth is a tight urban area compared to North Warwickshire which is a large rural area with small market towns and villages and the size and type of land available will be different. Therefore the price of land will be very different as so will sale values. Therefore, along with other factors leads to different levels of viability.

The Councils evidence and submitted Local Plan were subject to an examination in public by an independent Inspector last summer. The public were able to submit representations for the Inspector to consider and appear at the hearing sessions. I do not believe you did either on this issue.

In his final report the Inspector states:

"The SHMA, however, makes the important point that Councils, in their Local Plans, will need to establish a balance between housing need requirements and viability of delivery. The impact of this point can be seen in the fact that the five year AH need at 183 pa forms a very high proportion of the 250 pa total for all housing in the Plan (and exceeds the annualised requirement of 170 pa for that part of the total to be provided within the Borough). "

The overall housing provision of the Plan, set at the top of the 230-250 pa OAN range, incorporates a 10% uplift to address market signals, including high and worsening affordability ratios, and to maximise the opportunities to increase the supply of AH. **The AH needs figure of 183 pa was not challenged in the Hearings**, and the general view was that the 10% uplift in the OAN was justified, which was also confirmed in the later (2014) Report from the consultants. This report states that a delivery rate of around 52 AH pa, based on 20% of total provision, **appears a reasonable target. This seems to me to be a robust provision for a realistic delivery of AH for Tamworth.**

Long and complicated I know. But it is the whole picture. If we could physically deliver more we would. Please remember that the general public do not see the political boundary of Tamworth. Therefore as a region of North Warwickshire / Southern Staffordshire we recognise we need to do this together.

Mr Bilcliff asked the following supplementary question:-

“What amount of land is being laid aside for residential and extra care facilities for Tamworth’s ageing population which accordingly to the plan represents or is going to represent 72% of Tamworth’s population by 2030. I have seen an awful lot of planning developments that neither or none cater for any of those?”

Councillor D Cook gave the following reply:-

It’s an incredibly fair question. I don’t have those figures to hand which you must expect. You will have an answer by the end of the week.

QUESTIONS FROM MEMBERS OF THE COUNCIL NO. 1

Under Procedure Rule No 11, Councillor T Madge will ask the Portfolio Holder for Economy and Education, Councillor S Claymore, the following question:-

“At the last Full Council Meeting on 23rd February 2016, you stated that ramps would be built to give access to people with restricted mobility in order that they can make use of all the New Community Woodland areas on the former golf course. Can you give more details on this please?”

Councillor S Claymore gave the following reply:-

I did not say that. I said there are options to ensure the woodland is accessible, for example the Egyptians invented ramps.

The woodland has not been started yet so we have no idea what is needed or not needed

Councillor T Madge asked the following supplementary question:-

“If ramps are not an acceptable answer for people with mobility issues for obvious reasons the surely removing the earth lands to make the area accessible for everyone would be the proper way forward. Do you agree that by failing to do this we are refusing full access to the community woodland which is plain discrimination for sections of our community?”

Councillor S Claymore gave the following reply:-

To be perfectly honest with you when we first studied this and looked at a map of the area 42% of the site had been community woodland. We wouldn’t have ever called it community woodland if we had not thought or had to look at ways to use it. Not only have we got a duty to do that morally but I think we have got through the DDA a compliance that we have to do that anyway. We are absolutely certain

that what ever we can practicably do to get people in the community through that woodland then we will do. But that remains to be seen what we need to do. We are not that far down the road yet.

QUESTIONS FROM MEMBERS OF THE COUNCIL NO. 2

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

“Following the recent spate of Burglaries in Lakeside and Glascote, what steps are we taking to reassure and inform local residents?”

Councillor D Cook gave the following reply:-

Inspector Jason Nadin has responded accordingly to the question:-

Please note this was the information we had on Friday.

The Police are employing central specialist resources and Investigative services in support of local patrols.

In regard to reassurance it is confirmed that Tamworth Police have increased both PC and PCSO presence in the affected area during the times that offences are being committed.

The Police with support from the Community Wardens are continuing to run operation HABIT – this is a concentrated response to these issues where PCSO’s and local Officers visit addresses and offer crime prevention advice.

The Police are in contact with media outlets and will continue to provide transparent and up to date information.

Any concerns can be reported immediately to 999 in an emergency or to 101.

However, since we had this on Friday I believe an arrest has been made. But I shall not at this time comment on this matter other than to thank local Police Officers for their continued efforts to improve safety in Tamworth.

We should all take an opportunity to invite residents to get involved in the SNP, Safer Neighbourhood Panels. Details of which can be given by Councillor Steve Doyle.

Councillor M Couchman asked the following supplementary question:-

“Since I put my question forward I understand that two people have been charged in connection with these offences. So I would like to pass on my thanks to the police and the PCSO’s for their efforts. Can you tell me how our community wardens have helped in this instance specifically?”

Councillor D Cook gave the following reply:-

At this time no I can not.

QUESTIONS FROM MEMBERS OF THE COUNCIL NO. 3

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

“Would the Leader of the Council confirm his undertaking regarding establishing robust arrangements for scrutiny of the proposed operation of the Combined Authority by responding to the Labour proposal for that aspect of Scrutiny which he undertook to take to his group?”

Councillor D Cook gave the following reply:-

I will happily confirm my undertaking regarding establishing robust arrangements for scrutiny of the proposed operation of the Combined Authority by responding to the Labour proposal for that aspect of Scrutiny which (apparently) I undertook to take to our group at the next meeting of the Constitution Working group.

This is called following the process.

Councillor S People asked the following supplementary question:-

“Why he thinks it’s apparently the case that he undertook to take it to his group and he asked me to send him a copy of the proposal so that he could take it to his group. Can I suggest that if he has got any trouble taking it to his group I’m very happy to provide any additional information? So if he would like to respond whether he sees it repeating my question back to me or whether he is going to do something constructive with it?”

Councillor D Cook gave the following reply:-

You will be pleased to know it went to the Conservative Group yesterday. It was fully discussed and it was also e-mailed round my group on the Friday so everyone had chance to read it and send any comments back. It has been fully discussed and I will be happy at the next Constitution Working Group to fully brief you on what has been said.

65 AUDIT AND GOVERNANCE ANNUAL REPORT

The Report of the Chair of the Audit and Governance Committee advising Members on the action taken by the Audit and Governance Committee for the municipal year 2015/16 was considered.

RESOLVED: That the contents of the report be endorsed

(Moved by Councillor J Chesworth and seconded by Councillor D Cook)

66 SCRUTINY CHAIRS' REPORT

The Annual Report of the Chair of Aspire and Prosper Scrutiny Committee were received

RESOLVED: That the contents of the report be endorsed

(Moved by Councillor J Goodall and seconded by Councillor R Kingstone)

The Annual Report of the Chair of Healthier and Safer Scrutiny Committee were received

RESOLVED: That the contents of the report be endorsed

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

67 PAY POLICY 2016

The Leader of the Council reported details of Tamworth Borough Council's Pay Policy Statement so that statutory guidance as set out in S38 of the Localism Act is adhered to. It also includes data sets required to be published under the Local Authorities (Data Transparency) Code 2015.

RESOLVED: That members approved the Pay Policy Statement for formal adoption in line with the Localism Act 2011 subject to the removal of Augmented payment of £4,000.00 from Appendix 1, Page 5, Director, Scale Point D7.

(Moved by Councillor D Cook and seconded by Councillor S Peuple)

68 COUNTER TERRORISM AND SECURITY ACT 2015

The Portfolio Holder for Communities and Public Health requested Council to secure the approval for the adoption of the proposed Prevent Strategy 2015-2017 and the underpinning action plan both contained within appendices A and B.

RESOLVED: That Members approved the proposed Prevent Strategy and action plan.

(Moved by Councillor S Doyle and seconded by Councillor S Peuple)

69 UPDATED RIPA POLICY

The Solicitor to the Council and Monitoring Officer advised Members of the proposed amendments to the Corporate Policy governing the Regulation of

Investigatory Powers Act 2000 in light of the new requirements introduced by recent legislative change and Home Office Guidance and sought their consideration and recommendations in relation thereto.

RESOLVED:

- That Council
- 1 considered the changes to the RIPA policy on Directed Surveillance, Covert Human Intelligence Sources (CHIS) and Acquisition of Communications Data,
 - 2 satisfied itself that the changes meet the requirements imposed on the Council in terms of the legislation and Codes of Practice, and
 - 3 approved the Policy.

(Moved by Councillor D Cook and seconded by Councillor S Peuple)

The Mayor

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COUNCIL

24 MAY 2016

REPORT OF THE LEADER OF THE COUNCIL

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

EXEMPT INFORMATION

None

PURPOSE

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012 specify and require *inter alia* under Regulation 19 that the executive leader must submit a report on a regular basis to Council containing details of particulars of each urgent executive decision and a summary of the matters in respect of which the decision was made.

RECOMMENDATIONS

That the Council endorse the Annual Executive Arrangements Report.

EXECUTIVE SUMMARY

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

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

The regulations also impose a requirement on the executive leader to produce an annual report to the authority to demonstrate that the Executive is using its powers appropriately and complying with the regulations particularly in relation to urgent executive decisions.

Regulation 19 places an obligation on the executive leader to submit.... one report annually to the authority to include particulars of each urgent executive decision

made and a summary of the matters in respect of which each decision was made. Since the regulations came in force on 10 September 2012 for the period 01 May 2015 until 30 April 2016 I can confirm that no such decisions have been taken by the executive under regulation 11, cases of special urgency.

RESOURCE IMPLICATIONS

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

LEGAL/RISK IMPLICATIONS BACKGROUND

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

SUSTAINABILITY IMPLICATIONS

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

BACKGROUND INFORMATION

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

REPORT AUTHOR

If members would like further information or clarification prior to the meeting please contact Jane M Hackett, Solicitor to the Council & Monitoring Officer on ext 258.

LIST OF BACKGROUND PAPERS

None.

APPENDICES

None.

COUNCIL

24 MAY 2016

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

REVIEW OF THE CONSTITUTION AND SCHEME OF DELEGATION

EXEMPT INFORMATION

None

PURPOSE

To obtain Council comments, endorsement and approval of the Constitution and Scheme of Delegation as required by legislation.

RECOMMENDATIONS

That the Council:

- 1) Adopt and approve the changes to the Constitution and Scheme of Delegation as presented in Appendix 1.**
- 2) Endorse the changes to the then reviewed Constitution and Scheme of Delegation and**
- 3) Refer the reviewed Constitution and Scheme of Delegation to Audit and Governance Committee for consideration and overview.**

EXECUTIVE SUMMARY

The Constitution and Scheme of Delegation as reviewed are adopted by Council at the first business meeting each year to ensure probity and legal compliance. Each year new legislation requires to be taken into account as well as any political arrangements and changes that have arisen from practical considerations.

A comprehensive review of the Constitution was undertaken a few years ago. In the last municipal year the Constitution Working Group consisting of the Leader and Deputy Leader of the Controlling group, Leader and Deputy Leader of the Opposition group and the UKIP Member have met on 3 occasions to assimilate and discuss proposed changes to the Constitution. The culmination of the Groups proposals are attached at Appendix 1. Similarly updates required to the Scheme of Delegation for officers proposed changes are contained in Appendix 1. The amendments are designed to improve and enhance the democratic process for the public engaging with the Council.

In addition year on year a raft of new legislation requires to be taken into account when updating and reviewing the constitution and Scheme of Delegation prior to adoption at full Council.

Articles 13 and 15 of the Constitution require the Solicitor to the Council to maintain, monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. It also requires formal approval and adoption by the Council at the beginning of each municipal year.

In the coming Municipal Year it will be necessary to reappoint the Independent Persons. The process will commence in September 2016 and will be carried out by open competition as agreed at Council on 5 June 2014 (Appendix 3).

The Scheme of Delegation forms part 3 of the Constitution and also requires approval and adoption by the Council at the beginning of each municipal year in relation to those functions arising from the Local Government Act 1972 and subsequent legislation as well as those functions approved by the Leader in accordance with Section 14 of the Local Government Act 2000.

RESOURCE IMPLICATIONS

No external advice was required for the review this municipal year.

LEGAL/RISK IMPLICATIONS BACKGROUND

Without a Constitution and Scheme of Delegation the Council could not operate effectively. The Council would run the risk of failure to comply with statutory requirements which in turn would expose the organisation to further vulnerability in relation to legal challenge and ultra vires operation. Such challenges could lead to serious financial and reputational damage.

SUSTAINABILITY IMPLICATIONS

It is essential that the Constitution and Scheme of Delegation are lawful, fit for purpose and utilised with a pragmatic approach to improve and enhance the democratic process of the Council and operation of its associated services. In addition there is no provision to cover the cost of legal challenge within any envisaged contingency

BACKGROUND INFORMATION

The Local Government Act 1972 (as amended) provides *inter alia* for a Constitution and Scheme of Delegation.

The Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose. Accordingly the Constitution governs the Council's business. A link to the Constitution is contained in Appendix 2.

The Scheme of Delegation is a document whereby the Council delegates to certain officers powers to undertake functions and duties on behalf of the Authority. Tamworth Borough Council has operated a Scheme of Delegation for officers for several years. The proposed Scheme of Delegation does not purport to grant officers any additional authority to which is already provided, it merely seeks to formulate arrangements into a workable document.

REPORT AUTHOR

If members would like any further information or clarification prior to the meeting please contact Jane M Hackett, Solicitor to the Council and Monitoring Officer , Ext 258

LIST OF BACKGROUND PAPERS

The Local Government Act 1972

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000

The Localism Act 2011

The Local Authorities (Standing Orders)_ (England) (Amendment) Regulations 2015

APPENDICES

Appendix 1 – Proposed changes to Constitution and Scheme of Delegation

Appendix 2 - Link to Constitution and Scheme of Delegation -

<http://democracy.tamworth.gov.uk/documents/s10553/Constitution%2012th%20Edition%20-%20Updated%20September%202014.pdf>

Appendix 3 – Link to Report on Process to Appoint Independent Persons (05.06.14)

<http://tammodgov/documents/g6111/%2005th-Jun-2014%2018.00%20Council.pdf?T=110>

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CHANGES TO THE CONSTITUTION AND SCHEME OF DELEGATION

Part 2 – Articles of the Constitution

Article 4 – The Full Council

On page 10 at paragraph 12 delete “Senior Officer Pay Scheme” and insert “*Chief Officers Pay Scheme (JNC Conditions) as part of Annual Pay Policy*”.

Article 10

On page 23

(1) Composition – Membership
in paragraph ‘a’ delete ‘five’ and insert ‘seven’

(2) Role and Function insert a new paragraph 7 – “*Bi-annually insert on the Council website and local newspaper an article providing details of the operation and function of the Committee*”

Part 4 – Rules of Procedure

Substitution – page 116 paragraph (iii) and page 131 paragraph 2.4.3 delete “one clear working day” and insert “*on the working day before the meeting*”

Delete the existing charts on pages 116 and 131 respectively and replace as follows:

<i>Day of Meeting</i>	
<i>Monday</i>	<i>5pm the previous Friday</i>
<i>Tuesday</i>	<i>5pm the previous Monday</i>
<i>Wednesday</i>	<i>5pm the previous Tuesday</i>
<i>Thursday</i>	<i>5pm the previous Wednesday</i>
<i>Friday</i>	<i>5pm the previous Thursday</i>

Show of hands – Page 127 paragraph 4.17.3 delete the word “demanded” and replace with the word “*required*”.

Recorded Vote – Page 127 paragraph 4.17.4

Delete the following paragraph

“If five members present at the meeting demand it the names for and against the motion of amendment or abstaining from voting will be taken down in writing and entered into the minutes”

And replace with:

“Immediately following a vote taken in public, at a meeting of full Council, which is not unanimous by virtue of votes for and against the motion (not simply by abstention) the names of those members who have voted will be taken down in writing and recorded in the minutes of the meeting.”

SCHEDULE 5 – OVERVIEW AND SCRUTINY PROCEDURE RULES

Work programme - Page 163 paragraph 8

- (i) Re-label the existing paragraph (a)
- (ii) In paragraph (a) delete the words “subject to the requirements of any Scrutiny Co-ordinating Committee”
- (iii) Add a new paragraph (b) as follows:
“proposals for inclusion on the work programme will require to be submitted in writing through the Chair at a properly constituted meeting of the Committee and contain specific details of the subject proposed for scrutiny review along with the reasons for the proposal, the purpose of the proposal, the objectives of the proposal and officer support required.”
- (iv) Add a new paragraph (c) as follows:
“the Committee will consider the proposal at paragraph (b) above at the next properly constituted meeting of the Scrutiny Committee and decide whether the proposal is suitable for inclusion on the work programme.”
- (v) Add a new paragraph (d) as follows:
“the Committee will decide on the terms of reference of the scrutiny review that is to be undertaken arising from any proposal accepted for inclusion on the work programme.”

SCHEDULE 14- PROTOCOL ON THE USE OF PRINTING, PHOTOCOPYING AND POSTAGE

Delete the following paragraphs :-

1.5 POSTAGE

1.5.1 Basis of Provision

Facilities are available to Members of the Council on the basis of posting individual letters for the purpose of

Responding to individual or small groups of constituents on specific matters raised by them

Communication with groups of constituents on matters or relevance specifically to them

Communication with other organisations as a part of dealing with issues raised by Constituents

Providing information on a one off basis to new electors in the Ward on the work of the Council, its Committees and Sub Committees, services in the area provided by the Council or joint authorities [e.g. health] and how to contact their local Councillors or MP.

The facilities are not available for mail shots, the distribution of leaflets or the posting of general information to constituents other than in the circumstances described above.

Clarification on any proposed use of postal facilities can be obtained from Democratic Services.

1.5.2 Business Reply/Freepost Service

The Freepost Licence can be used by Members

To facilitate responses to individual letters of the type that could be posted by the Council

On cards which have been produced under the arrangements for Members printing set out in this guidance note

1.6 RECORD OF USAGE

A record of each Members usage of these provisions will be maintained by Democratic Services

The schedule be renamed and read as follows:-

SCHEDULE 14 - PROTOCOL ON THE USE OF PRINTING AND PHOTOCOPYING

1 INTRODUCTION

The Council only has power to provide facilities that assist Members in discharging their role as Members of the Council. Such services can therefore only be used on Council business and never in connection with party political or electoral campaigning activity or for private purposes.

This Protocol covers the use of such facilities provided under the Members' Services budget and has been approved.

1.1 PRINTING AND PHOTOCOPYING

1.1.1 Basis of Provision

Printing facilities are available to Members of the Council (1) in their capacity as Ward Councillors for the purpose of the provision of information to constituents in their Wards and (2) in relation to their Special Responsibility for the purpose of the provision of information to residents, elected representatives or public service/third sector partners about :

- (a) the work of the Council, its Committees and Sub Committees
- (b) services in the area provided by the Council or joint authorities [e.g. health]
- (c) how to contact their local Councillors, local authorities or MP and raise issues
- (d) meetings, consultation and local initiatives for the area organised by or on behalf of the Council.

The facilities are not available for the production of material which in whole or in part appears to be designed to affect public support for or to promote:

- (a) a political party
- (b) a candidate or group of candidates in an election
- (c) an electoral or party political campaign
- (d) the policies or beliefs of any individual group or councillor
- (e) third party campaigns

1.1.2 Detailed Arrangements

Quantity Entitlement is for a maximum of 500 A4 copies per Member per calendar month.

Materials Standard range of white/tinted paper or card stocked by Democratic Services will be available for use.

Content Under no circumstances can the name of a political party appear on the printed material. Slogans, title or phrases which are associated with a political party cannot be part of the text.

Layout There is no prescribed format for the layout.

Logos Material produced should include an indication that it has been printed by the Council under the arrangements for members printing. This can be by use of the Coat of Arms or Logo or the acknowledgement 'Printed by Tamworth Borough Council'

Names In addition to the names of Members of the Council printed material can contain the name of the MP or MEP for the area and the names of relevant officers of the Council shall not be included, only job titles will be permitted with prior consent of the Officer.

Photos These can be incorporated on the same basis as that which applies to the inclusion of names.

1.2 MULTI FUNCTIONAL DEVICES

Members have use of all Multi Functional Device's (MFD's) in Marmion House on a self service basis. Member's pass number is the login for all MFD's. Member's require to undertake their own printing and photocopying at any of the devices in connection with Council business only. Short run printing facilities connected to a networked PC also are provided in Member's Lounge in connection with Council business only.

Members use will be monitored on an individual and overall basis in line with the monthly entitlement.

1.3 COAT OF ARMS

The Coat of Arms and the Council's logo are only available for use in connection with Council business, which includes when Members are communicating on legitimate Council business.

Use by Members of the Council is only acceptable on material produced under the arrangements for Members printing, or on Members personalised stationery.

Under no circumstances should the Coat of Arms or the Council logo be used as part of material produced by or on behalf of Members of the Council outside of the approved arrangements described above.

1.4 PERSONALISED LETTERHEAD AND BUSINESS CARDS

A template is available for Members to print direct from their laptops. A colour printer is available in the Members' Room.

Personalised business cards can include details of advice bureaux or reference to other representative roles undertaken where that role arises from being a Member of Tamworth Borough Council

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COUNCIL

24 MAY 2016

REPORT OF THE SOLICITOR TO THE COUNCIL AND MONITORING OFFICER

REGULATION OF MEMBERS CONDUCT

PURPOSE

To advise Members on the number of complaints received for the period 01 May 2015 until 30 April 2016 in relation to alleged breaches of the Code of Conduct arising from implementation of Part 1 Chapter 7 of the Localism Act 2011 which introduced provisions to assist with the regulation of standards of conduct for elected and co-opted Councillors.

RECOMMENDATIONS

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

EXECUTIVE SUMMARY

Since the establishment of the new Code of Conduct in July 2012 the new Standards regime has been well received by members. In the year from 01 May 2015 until 30 April 2016 members have maintained high standards of conduct and abided with the rules regarding interests, declarations and predetermination. Accordingly I can advise that in the period from 01 May 2015 until to 30 April 2016 two complaints were received.

The complaints were received on 11 September 2015 and 15 September 2015 respectively. The first complaint was resolved by the member concerned apologising at a meeting of Cabinet on 1 October 2015 to the complainant. The second complaint resulted in open admission of the incident and an apology being given orally, at a meeting of Council on 15 December 2015 by a member.

RESOURCE IMPLICATIONS

The operation of the arrangements relating to Standards of Conduct does not have any additional resource implications for the Authority, however the process of investigation would have financial implications as it would be necessary to utilise external support in such circumstances. In the year to 30 April 2016 the Council has not incurred any expense for external support in relation to the complaints received on 11 and 15 September 2015 respectively.

LEGAL/RISK IMPLICATIONS BACKGROUND

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

SUSTAINABILITY IMPLICATIONS

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

BACKGROUND INFORMATION

The Localism Act 2011 repealed Section 55 of the Local Government Act 2000 which provided the previous Standards regime. There still remains a requirement to deal with conduct issues and associated case-work. Accordingly the Audit and Governance Committee membership was increased and its remit was extended to deal with regulation of Members Conduct. In addition an Independent Person was appointed to assist the process albeit such person is not a member of the Committee.

REPORT AUTHOR

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

LIST OF BACKGROUND PAPERS

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

APPENDICES

None

May 2016

May 2016							June 2016						
M	T	W	T	F	S	S	M	T	W	T	F	S	S
2	3	4	5	6	7	8	1	2	3	4	5	6	7
9	10	11	12	13	14	15	8	9	10	11	12	13	14
16	17	18	19	20	21	22	15	16	17	18	19	20	21
23	24	25	26	27	28	29	22	23	24	25	26	27	28
30	31						29	30	31				

Monday	Tuesday	Wednesday	Thursday	Friday
2 May Bank Holiday	3	4	5	6
9	10	11	12	13
16	17	18	19	20
23	24 18:00 20:30 Mayor Making and Annual Council (Town Hall)	25	26	27
30 Bank Holiday	31			

June 2016

June 2016							July 2016						
M	T	W	T	F	S	S	M	T	W	T	F	S	S
6	7	8	9	10	11	12	4	5	6	7	8	9	10
13	14	15	16	17	18	19	11	12	13	14	15	16	17
20	21	22	23	24	25	26	18	19	20	21	22	23	24
27	28	29	30				25	26	27	28	29	30	31

Monday	Tuesday	Wednesday	Thursday	Friday
		1 June	2	
		18:00 20:30 Planning Training (Committee Room 1)	18:00 18:30 Aspire and Prosper Scrutiny Committee (Committee Room 1)	
			18:30 19:00 Healthier and Safer Scrutiny Committee (Committee Room 1)	
6	7	8	9	10
	18:00 20:30 Planning Committee (Committee Room 1)		18:00 20:30 Audit and Governance Committee (Committee Room 1)	
13	14	15	16	17
	18:00 20:30 Appointments and Staffing (Committee Room 2)		18:00 20:30 Cabinet (Committee Room 1)	
20	21	22	23	24
	18:00 20:30 Healthier and Safer Scrutiny Committee (Committee Room 1)			
27	28	29	30	
	18:00 20:30 Aspire and Prosper Scrutiny Committee (Committee Room 1)	18:00 20:30 Cabinet (Grants) Sub (Committee Room 1)	18:00 20:30 Audit and Governance (Committee Room 1)	

July 2016

July 2016

M	T	W	T	F	S	S
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

August 2016

M	T	W	T	F	S	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Monday	Tuesday	Wednesday	Thursday	Friday
				1 July
	4	5	6	7
	18:00 20:30 Planning Committee (Committee Room 1)		18:00 20:30 Cabinet (Committee Room 1)	
				8
	11	12	13	14
	18:00 20:30 Aspire and Prosper Scrutiny Committee (Committee Room 1)		18:00 20:30 Licensing Committee (Council Chamber)	
				15
	18	19	20	21
	18:00 20:30 Council (Council Chamber)			
				22
	25	26	27	28
	18:00 20:30 Appointments and Staffing (Committee Room 2)		18:00 20:30 Cabinet (Committee Room 1)	
				29

August 2016

August 2016							September 2016						
M	T	W	T	F	S	S	M	T	W	T	F	S	S
1	2	3	4	5	6	7	5	6	7	8	9	10	11
8	9	10	11	12	13	14	12	13	14	15	16	17	18
15	16	17	18	19	20	21	19	20	21	22	23	24	25
22	23	24	25	26	27	28	26	27	28	29	30		
29	30	31											

Monday	Tuesday	Wednesday	Thursday	Friday
1 August	2	3	4	5
	18:00 20:30 Planning Committee (Committee Room 1)			
8	9	10	11	12
		18:00 20:30 Planning Training (Committee Room 1)		
15	16	17	18	19
			18:00 20:30 Cabinet (Committee Room 1)	
22	23	24	25	26
	18:00 20:30 Aspire and Prosper Scrutiny Committee (Committee Room 1)			
29	30	31		
Bank Holiday				

September 2016

September 2016

M	T	W	T	F	S	S
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

October 2016

M	T	W	T	F	S	S
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

Monday	Tuesday	Wednesday	Thursday	Friday
			1 18:00 20:30 Licensing Committee (Council Chamber)	2
5	6 18:00 20:30 Planning Committee (Committee Room 1)		7 18:00 20:30 Cabinet (Committee Room 1)	8
12	13 18:00 20:30 Council (Council Chamber)		14 18:00 20:30 Healthier and Safer Scrutiny Committee (Committee Room 1)	15
19	20 18:00 20:30 Appointments and Staffing (Committee Room 2)		21 18:00 20:30 Audit and Governance (Committee Room 1)	22
26	27		28 18:00 20:30 Cabinet (Committee Room 1)	29
				30

October 2016

October 2016

M	T	W	T	F	S	S
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

November 2016

M	T	W	T	F	S	S
1	2	3	4	5	6	
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

Monday	Tuesday	Wednesday	Thursday	Friday
3 October	4	5	6	7
10	11	12	13	14
18:00 20:30 Planning Committee (Committee Room 1)			18:00 20:30 Healthier and Safer Scrutiny Committee (Committee Room 1)	
17	18	19	20	21
18:00 20:30 Aspire and Prosper Scrutiny Committee (Committee Room 1)	18:00 20:30 Planning Training (Committee Room 1)		18:00 20:30 Cabinet (Committee Room 1)	
24	25	26	27	28
			18:00 20:30 Audit and Governance (Committee Room 1)	
31				

November 2016

November 2016

M	T	W	T	F	S	S
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

December 2016

M	T	W	T	F	S	S
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Monday	Tuesday	Wednesday	Thursday	Friday
	1 November 18:00 20:30 Appointments and Staffing (Committee Room 2)		2 18:00 20:30 Cabinet (Committee Room 1)	3
7	8 18:00 20:30 Planning Committee (Committee Room 1)		9 18:00 20:30 Licensing Committee (Council Chamber)	10
14	15	16	17 18:00 20:30 Healthier and Safer Scrutiny Committee (Committee Room 1)	18
21	22 18:00 20:30 Aspire and Prosper Scrutiny Committee (Committee Room 1)	23	24 18:00 20:30 Cabinet (Committee Room 1)	25
28	29 18:00 20:30 Appointments and Staffing (Committee Room 2)	30		

January 2017

February 2017

January 2017

M	T	3
2	10	17
16	23	30

W	T	4
11	18	25
23	30	

F	S	1
6	13	20
27		

T	5	12
14	21	28

W	6	13
20	27	

T	7	14
21	28	

F	8	15
22	29	

S	9	16
24	31	

M	6	13
20	27	

T	7	14
21	28	

W	8	15
22	29	

T	9	16
23	30	

F	10	17
24	31	

S	11	18
25		

Monday	Tuesday	Wednesday	Thursday	Friday
2 January Bank Holiday	3 18:00 20:30 Planning Committee (Committee Room 1)	4	5 18:00 20:30 Healthier and Safer Scrutiny Committee (Committee Room 1)	6
9	10 18:00 20:30 Aspire and Prosper Scrutiny Committee (Committee Room 1)	11	12 18:00 20:30 Licensing Committee (Council Chamber)	13
16	17 18:00 20:30 Joint Scrutiny (Budgets) (Council Chamber)	18	19 18:00 20:30 Cabinet (Committee Room 1)	20
23	24 18:00 20:30 Planning Committee (Committee Room 1)	25	26	27
30	31			

February 2017

February 2017

M	T	W	T	F	S	S
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28					

March 2017

M	T	W	T	F	S	S
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Monday	Tuesday	Wednesday	Thursday	Friday
		1 February	2	3
			18:00 20:30 Healthier and Safer Scrutiny Committee (Committee Room 1)	
6	7	8	9	10
		18:00 20:30 Planning Training (Committee Room 1)	18:00 20:00 Audit and Governance (Committee Room 1)	
13	14	15	16	17
	18:00 20:30 Appointments and Staffing (Committee Room 2)		18:00 20:30 Cabinet (Committee Room 1)	
20	21	22	23	24
	18:00 20:30 Council (Budget) (Council Chamber)			
27	28			
	18:00 20:30 Planning Committee (Committee Room 1)			

March 2017

March 2017							April 2017						
M	T	W	T	F	S	S	M	T	W	T	F	S	S
6	7	8	9	10	11	12	3	4	5	6	7	8	9
13	14	15	16	17	18	19	10	11	12	13	14	15	16
20	21	22	23	24	25	26	17	18	19	20	21	22	23
27	28	29	30	31			24	25	26	27	28	29	30

Monday	Tuesday	Wednesday	Thursday	Friday
		1 March	2	
			18:00 20:30 Licensing Committee (Council Chamber)	
6	7	8	9	10
18:00 20:30 Aspire and Prosper Scrutiny Committee (Committee Room 1)				
13	14	15	16	17
18:00 20:30 Council (Council Chamber)		18:00 20:30 Cabinet (Committee Room 1)		
20	21	22	23	24
	18:00 20:30 Cabinet (Grants) Sub (Committee Room 1)	18:00 20:30 Healthier and Safer Scrutiny Committee (Committee Room 1)		
27	28	29	30	31
18:00 20:30 Planning Committee (Committee Room 1)		18:00 20:30 Audit and Governance (Committee Room 1)		

April 2017

April 2017

May 2017

M	T	W	T	F	S	S	M	T	W	T	F	S	S
3	4	5	6	7	8	9	1	2	3	4	5	6	7
10	11	12	13	14	15	16	8	9	10	11	12	13	14
17	18	19	20	21	22	23	15	16	17	18	19	20	21
24	25	26	27	28	29	30	22	23	24	25	26	27	28

Monday	Tuesday	Wednesday	Thursday	Friday
3 April	4	5	6	7
	18:00 20:30 Aspire and Prosper Scrutiny Committee (Committee Room 1)		18:00 20:30 Cabinet (Committee Room 1)	
10	11	12	13	14
		18:00 20:30 Planning Training (Committee Room 1)	18:00 20:30 Licensing Committee (Committee Room 1)	Bank Holiday
17	18	19	20	21
Bank Holiday			18:00 20:30 Healthier and Safer Scrutiny Committee (Committee Room 1)	
24	25	26	27	28
	18:00 20:30 Planning Committee (Committee Room 1)		18:00 20:30 Cabinet (Committee Room 1)	