

Thursday, 20 July 2023

## Report of the Portfolio Holder for Entertainment and Leisure

### Armed Forces Covenant

#### Exempt Information

N/A

#### Purpose

To approve and endorse the commitment of the Council to the Armed Forces Covenant and associated plan

#### Recommendations

It is recommended that Cabinet:

1. Endorse the re-affirmation by the Council to the re-signing of the Armed Forces Covenant in February 2023 endorsing the Covenant Duty
2. Approve support and commitment to the Staffordshire County Council plan
3. Approve the Tamworth Borough Council Armed Forces Covenant work plan
4. Delegate authority to the Portfolio Holder for Entertainment and Leisure and Assistant Director Partnerships to oversee the associated work plan and report on an annual basis to the Health and Wellbeing Scrutiny Committee

#### Executive Summary

The Armed Forces Covenant is a promise by the nation that the Armed Forces Community should be treated fairly and face no disadvantage when accessing public and commercial services, with special provision made in appropriate cases for those who have sacrificed the most. The Covenant was established in its current form in 2011 and since then, thousands of different organisations – including businesses, local authorities, universities, and charities – have chosen to sign a pledge to honour the Covenant and support their Armed Forces Community.

Tamworth Borough Council, with Staffordshire County Council and all other districts and boroughs in Staffordshire, re-affirmed commitment to the Armed Forces Covenant and the Armed Forces Act 2021 Covenant Duty in February 2023. Attached as Appendix 1.

The Armed Forces Act 2021 amended the Armed Forces Act 2006 by inserting sections 343AA to 343AF. These place a legal duty (the 'Covenant Duty') on specified public persons and bodies to have due regard to the principles of the Armed Forces Covenant when exercising certain statutory functions in the fields of healthcare, education and housing ('relevant functions').

When a specified body exercises a relevant function, it must have due regard to:

- (a) the unique obligations of, and sacrifices made by, the Armed Forces;
- (b) the principle that it is desirable to remove disadvantages arising for Service people from membership, or former membership, of the Armed Forces
- (c) the principle that special provision for Service people may be justified by the effects on such people of membership, or former membership, of the Armed Forces

Relevant functions in scope of the Covenant Duty include healthcare, education and housing.

The Council must have due regard to:

- Allocations policy for social housing
- Tenancy strategies (England only)
- Homelessness
- Disabled Facilities Grants

The Housing Allocations and Homelessness strategies have due regard to the Duty and are compliant. Disabled Facility grant administration has just been brought back into Council management which fund adaptations to a disabled person's home to enable them to live independently and comfortably. Links to this information will be included as part of the plan.

A County working group has been re-established attended by the Assistant Director Partnerships and supported by the Community Cohesion Officer and a County plan established which each borough and district must report progress on with regard to the Duty and the wider covenant pledges to address the negative experiences of the Armed Forces Community, arising from Service life, ensuring positive community integration and involvement. The County plan is attached as Appendix 2.

Following a small working group in March 2023, a Tamworth plan has been drafted to ensure that the covenant commitments are given due regard and that the Council can comply with the Covenant Duty. The plan is attached as Appendix 3.

The proposal is for the Tamworth plan to be included in the Health and Wellbeing Scrutiny workplan for ongoing monitoring and the report was discussed on 11<sup>th</sup> July 2023.

### **Options Considered**

The Council had already committed to the Armed Forces Covenant and re-affirmed in line with the other boroughs/districts in Staffordshire in line with the Armed Forces Act 2021

### **Resource Implications**

The Community Cohesion Officer will work in conjunction with appropriate teams within the Council to ensure that the action plan is implemented and is appointed until May 2025.

There are no direct financial implications as a result of this report. Events or activities identified through the Action Plan will be subject to budgetary resourcing and further reports.

### **Legal/Risk Implications Background**

The Covenant Duty is not prescriptive about the approach the Council should take in order to comply with their legal obligations. It also does not mandate that any particular conclusions are reached or specific public service delivery outcomes achieved as a result of that consideration. The actions and outcomes that bodies deem appropriate will vary across the country depending on local circumstances.

- The Covenant Duty does not abolish or replace existing Covenant pledges and other commitments.
- The Duty only applies to specific functions in healthcare, education, and housing. Other functions in these three areas, and functions in other, unrelated areas, are not within the scope of the Duty, though may still be relevant to the wider Covenant commitments
- The Duty only applies to specified bodies. Many organisations that have signed the wider Covenant pledge are therefore not within scope of the legal Duty at all.
- The Duty applies to specific groups in the Armed Forces Community. Other groups in the Community may be included within the purposes of the wider Covenant.

The Covenant Duty does not supersede or replace any other statutory requirement. Those subject to the Duty must balance the requirements of the Duty with the need to deliver services more generally and the need to satisfy other statutory requirements, such as the Public Sector Equality Duty in England, Scotland and Wales, or the statutory duty on public authorities regarding equality of opportunity in s.75 of the Northern Ireland Act 1998.

### **Equalities Implications**

Advantageous treatment as a matter of course is not within scope of the Duty, such as offering discounts to all through the Defence Discount Service, or to a broad group through the Veterans Railcard. However, bodies are still free to implement such schemes as part of their support to the Armed Forces Community through the Covenant . Similarly, the Duty does not give an individual any automatic right to the best house, best school, or to jump a queue. However, special provision can sometimes be justified on a case by case basis.

A Community Impact Assessment has been completed and attached as Appendix 4

### **Environment and Sustainability Implications (including climate change)**

There are no environmental or sustainability implications as a result of this report

### **Background Information**

Tamworth Borough Council has committed to the Armed Forces Covenant since 2012 and recognise the commitment to those that have and still remain serving the nation.

This report reaffirms this commitment.

### **Report Author**

Joanne Sands – Assistant Director Partnerships

### **List of Background Papers**

Armed Forces Act 2021

### **Appendices**

Tamworth Armed Forces Covenant  
Staffordshire County Council Plan  
Tamworth Borough Council Armed Forces Covenant Action Plan 2023-2025  
Community Impact Assessment

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