

## EAST STAFFORDSHIRE BOROUGH COUNCIL

Minutes of a Meeting of East Staffordshire Borough Council held in the Council Chamber, Town Hall, Burton upon Trent on Monday 12<sup>th</sup> December 2022.

### Present:

Councillor P Hudson (Mayor) in the Chair

|             |                  |                            |
|-------------|------------------|----------------------------|
| Councillors | Mrs P L Ackroyd  | S A Hussain                |
|             | G A Allen        | Mrs J Jones                |
|             | Mrs B Ashcroft   | Mrs J A Killoran           |
|             | E W R Barker     | G Lamb                     |
|             | L Beech          | Ms A Legg                  |
|             | Mrs B Brady      | R Lock                     |
|             | K J Builth       | S McGarry                  |
|             | A Clarke         | S McKiernan                |
|             | R A Faulkner     | M Metcalfe                 |
|             | M T Fitzpatrick  | B G Peters                 |
|             | D F Fletcher     | S Sankey                   |
|             | D Florence-Jukes | M Shrive                   |
|             | D Goodfellow     | C Sylvester (Deputy Mayor) |
|             | Mrs V J Gould    | Mrs B Toon                 |
|             | R G W Grosvenor  | Mrs L Walker               |
|             | H Hall           | P Walker                   |
|             |                  | C Wileman                  |

### Officers Present:

The Chief Executive, the Heads of Service (Mark Rizk, Sal Khan and Thomas Deery), the Monitoring Officer, the Chief Accountant, the Corporate and Commercial Manager, the Senior Enterprise Officer, the Senior Democratic Services Officer and the Principal Democratic Services Officer.

Apologies for absence were received from Councillors A A Chaudhry, S P Gaskin, T Hadley, G Hall and C V Whittaker.

#### 264/22 **DECLARATIONS OF INTEREST**

There were no declarations of interest at the commencement of the meeting.

#### 265/22 **MINUTES**

The Mayor advised Council that at the last meeting he had incorrectly referred to the minutes of the previous meeting being those of the Annual Council Meeting. He confirmed and placed on record that the minutes agreed and signed at the previous meeting of the Council were the minutes of the ordinary meeting of the Council held on 27<sup>th</sup> June 2022.

The public minutes of the meeting of the Borough Council held on 26<sup>th</sup> September 2022 were approved as a correct record and signed by the Mayor, subject to Councillor D Florence-Jukes seconding the amendment at minute number 262/22 (Notice of Motion).

Voting concerning the above decision was as follows:

| <b>THOSE VOTING FOR THE MOTION<br/>Councillor</b> | <b>THOSE VOTING AGAINST</b> | <b>THOSE ABSTAINING</b> |
|---|-----------------------------|-------------------------|
| Mrs P L Ackroyd                                   |                             | K J Builth              |
| G Allen   |                             | R A Faulkner            |
| Mrs B Ashcroft                                    |                             |                         |
| E W R Barker                                      |                             |                         |
| L Beech   |                             |                         |
| Mrs B Brady                                       |                             |                         |
| A Clarke  |                             |                         |
| M T Fitzpatrick                                   |                             |                         |
| D F Fletcher                                      |                             |                         |
| D Florence-Jukes                                  |                             |                         |
| D Goodfellow                                      |                             |                         |
| Mrs V J Gould                                     |                             |                         |
| R G W Grosvenor                                   |                             |                         |
| H Hall  |                             |                         |
| P Hudson  |                             |                         |
| S A Hussain                                       |                             |                         |
| Mrs J Jones                                       |                             |                         |
| Mrs J A Killoran                                  |                             |                         |
| G Lamb  |                             |                         |
| Ms A J Legg                                       |                             |                         |
| R Lock  |                             |                         |
| S McGarry   |                             |                         |
| S McKiernan                                       |                             |                         |
| M Metcalfe  |                             |                         |
| B G Peters  |                             |                         |
| S Sankey  |                             |                         |
| M Shrive  |                             |                         |
| C Sylvester                                       |                             |                         |
| Mrs B Toon  |                             |                         |
| L Walker  |                             |                         |
| P Walker  |                             |                         |
| C D Wileman                                       |                             |                         |

#### 266/22 **ANNOUNCEMENTS**

There were no announcements at the meeting.

#### 267/22 **URGENT BUSINESS**

There was no urgent business for consideration at the meeting.

#### 268/22 **APPOINTMENT OF AN INDEPENDENT REMUNERATION PANEL**

The report of the Chief Executive on the appointment of an Independent Remuneration Panel and its terms of reference was considered.

**Resolved:**

1. That the following three lay members Mr Paul Laffey, Mr Simon Chapman and Mr Shaid Hussain be reappointed to serve on the Independent Remuneration Panel;
2. That Dr Declan Hall be reappointed as Chairman to serve on the Independent Remuneration Panel and make recommendations to the Council on Members Allowances;
3. That Council agree to pay the Members of the Panel any expenses and fees incurred by them in carrying out their duties;
4. That the Panel be given the following terms of reference:
  - To make recommendations on the allowances currently payable under the Council's Members' Allowances Scheme;
  - To make recommendations on any other allowances which the panel considered should be payable under the scheme;
  - To assess the success of the measures introduced in 2015 on member attendance and make any further recommendations;
  - To make recommendations on any other matters on which the panel considers it necessary.
5. The Scheme should be transparent, economic, efficient and effective to administer and easy to explain and justify to the local communities in the borough.

Voting concerning the above decision was as follows:

| <b>THOSE VOTING FOR THE MOTION<br/>Councillor</b> | <b>THOSE VOTING AGAINST</b> | <b>THOSE ABSTAINING</b> |
|---|-----------------------------|-------------------------|
| Mrs P L Ackroyd                                   | R G W Grosvenor             |                         |
| G Allen   |                             |                         |
| Mrs B Ashcroft                                    |                             |                         |
| E W R Barker                                      |                             |                         |
| L Beech   |                             |                         |
| Mrs B Brady                                       |                             |                         |
| K J Builth  |                             |                         |
| A Clarke  |                             |                         |
| R A Faulkner                                      |                             |                         |
| M T Fitzpatrick                                   |                             |                         |
| D F Fletcher                                      |                             |                         |
| D Florence-Jukes                                  |                             |                         |
| D Goodfellow                                      |                             |                         |
| Mrs V J Gould                                     |                             |                         |
| H Hall  |                             |                         |
| P Hudson  |                             |                         |
| S A Hussain                                       |                             |                         |
| Mrs J Jones                                       |                             |                         |
| Mrs J A Killoran                                  |                             |                         |
| G Lamb  |                             |                         |
| Ms A J Legg                                       |                             |                         |
| R Lock  |                             |                         |
| S McGarry   |                             |                         |
| S McKiernan                                       |                             |                         |
| M Metcalfe  |                             |                         |
| B G Peters  |                             |                         |
| S Sankey  |                             |                         |
| M Shrive  |                             |                         |
| C Sylvester                                       |                             |                         |
| Mrs B Toon  |                             |                         |
| L Walker  |                             |                         |
| P Walker  |                             |                         |
| C D Wileman                                       |                             |                         |

269/22 **PLANNING COMMITTEE MEMBERSHIP CHANGE**

The Leader of the Council proposed that Councillor Mrs B Toon be appointed to serve on the Planning Committee to replace Councillor Mrs B Brady with immediate effect, which was duly seconded.

**Resolved:**

That Councillor Mrs B Toon be appointed to serve on the Planning Committee to replace Councillor Mrs B Brady.

Voting concerning the above decision was as follows:

| <b>THOSE VOTING FOR THE MOTION<br/>Councillor</b> | <b>THOSE VOTING AGAINST</b> | <b>THOSE ABSTAINING</b> |
|---|-----------------------------|-------------------------|
| Mrs P L Ackroyd                                   |                             |                         |
| G Allen   |                             |                         |
| Mrs B Ashcroft                                    |                             |                         |
| E W R Barker                                      |                             |                         |
| L Beech   |                             |                         |
| Mrs B Brady                                       |                             |                         |
| K J Builth  |                             |                         |
| A Clarke  |                             |                         |
| R A Faulkner                                      |                             |                         |
| M T Fitzpatrick                                   |                             |                         |
| D F Fletcher                                      |                             |                         |
| D Florence-Jukes                                  |                             |                         |
| D Goodfellow                                      |                             |                         |
| Mrs V J Gould                                     |                             |                         |
| R G W Grosvenor                                   |                             |                         |
| H Hall  |                             |                         |
| P Hudson  |                             |                         |
| S A Hussain                                       |                             |                         |
| Mrs J Jones                                       |                             |                         |
| Mrs J A Killoran                                  |                             |                         |
| G Lamb  |                             |                         |
| Ms A J Legg                                       |                             |                         |
| R Lock  |                             |                         |
| S McGarry   |                             |                         |
| S McKiernan                                       |                             |                         |
| M Metcalfe  |                             |                         |
| B G Peters  |                             |                         |
| S Sankey  |                             |                         |
| M Shrive  |                             |                         |
| C Sylvester                                       |                             |                         |
| Mrs B Toon  |                             |                         |
| L Walker  |                             |                         |
| P Walker  |                             |                         |
| C D Wileman                                       |                             |                         |

An updated Committee membership list is appended to these minutes.

## 270/22 **REVIEW OF THE CONSTITUTION**

The report of the Monitoring Officer on the proposed amendments to the Councils Constitution was considered. Appendix 1: Revised Constitution had been circulated with the report.

Council noted that the Constitution Working Group had met on 8 occasions to consider and work through each section of the Constitution. The Group had considered what changes would better reflect the working arrangements of the Borough Council. It was highlighted that the following parts of the Constitution which required more extensive consideration by Human Resources and Finance, had not been considered or revised: Parts 4B; 4D; 4E; 4H; 4I; 4N; 5B.

Council noted that following the meetings of the Working Group, the suggested changes to the Constitution could be summarised as follows:

- Deputy Leaders are now referred to as Cabinet Members, throughout;
- Further clarification between the Council as a corporate body and Full Council as the decisions makers, has been added;
- The definition of Citizens and their rights have been broadened and added to;
- Quorum shall now be referred to as fractions rather than numbers, i.e one-third;
  - However, this will not be the case for those committees with low membership numbers (for example: Development Plan Committee, Audit (approval of Statement of Accounts) Committee and Licensing & Gambling Acts Sub-Committee) or committees with a mixed membership (for example: Standards Committee and Audit Committee). In such instances the quorum number remains specified.
- Removal of reference to 'Wellbeing Powers' in Part 2 following the repeal of the legislation;
- Removal of reference to functions under the Local Government and Public Involvement in Health Act 2007 following repeal;
- In Part 3 the scrutiny time frame has been reduced from 20 working days to 15 working days;
- The rules on member interests have been developed further in Part 3A, paragraph 10; along with the introduction of substitute Councillors;
  - Member speaking time has also been reduced to five minutes but can be extended with the consent of the Mayor.
- The Constitution has been amended throughout to reflect the Council's current scrutiny arrangements and committee numbers;
- The ability of 5 Members to call an extraordinary meeting under Schedule 12 of the Local Government Act 1972 is now expressed in the Constitution, Part 3A;
- Within Part 3A, if any motion of which notice comes solely within the powers, duties and responsibilities of the Cabinet it shall stand referred to Cabinet;
- Councillor conduct during meetings have been clarified further in Part 3A;
- Part 3B has been re-written to simplify the functions of Council;
- Part 3Z has been amended to allow the Monitoring Officer to authorise all aspects of legal proceedings;
- The Chief Officer Structure at Part 3ZA has been updated to reflect current structure;
- Removal of reference to Council's reception area, Part 4C;
- The Standards Hearing Procedure in Part 4L has been amended to enhance further the principles of Natural Justice and Procedural Fairness;
- Part 4J has been amended to allow a petition organiser up to five minutes to address the Chairman, rather than the previously stated three minutes.
- Part 4O (indemnities for Officers and Councillors) has been amended to reflect current legislation;

- The Code of Conduct, Part 5a, has been amended to encapsulate all forms of electronic communications;
- Part 5D, gifts and hospitality, has been amended to reflect current prices and costs;
- 5E – the role of members in Planning Committee has been further expanded on;
- Throughout the Constitution, the removal of Chief Officers names, referring now only to the position;
- Throughout the Constitution, the removal of reference to legislation where it isn't required;
- General review of typo's, spacing, grammar and formatting. Indeed some changes to certain parts of the Constitution amount solely to this.

And that the following areas were points of contention during the discussions of the Working Group and could not be agreed:

- Part 3; reducing the number of Councillors who could call-in a decision from 10 to 5;
- Public participation in Council meetings, in the form of questions by members of the public.

Councillor A Clarke requested that consideration be given to creating a policy for Councillors on parental/maternity/adoption/surrogacy leave.

**Resolved:**

- 1) That the amended Constitution (Appendix 1) be adopted;
- 2) That the Monitoring Officer be authorised to make any necessary further changes to the draft document in relation to formatting, numbering or such other changes consequential to or incidental to the intentions of Full Council;
- 3) That subsequent to the above, that the revised Constitution becomes effective following any such changes being implemented by the Monitoring Officer.

Voting concerning the above decision was as follows:

| <b>THOSE VOTING FOR THE MOTION<br/>Councillor</b> | <b>THOSE VOTING AGAINST</b> | <b>THOSE ABSTAINING</b> |
|---|-----------------------------|-------------------------|
| Mrs P L Ackroyd                                   | K J Builth                  |                         |
| G Allen   | M T Fitzpatrick             |                         |
| Mrs B Ashcroft                                    | D F Fletcher                |                         |
| E W R Barker                                      | D Florence-Jukes            |                         |
| L Beech   | R G W Grosvenor             |                         |
| Mrs B Brady                                       | H Hall                      |                         |
| A Clarke  | S A Hussain                 |                         |
| R A Faulkner                                      | G Lamb                      |                         |
| D Goodfellow                                      | Ms A J Legg                 |                         |
| Mrs V J Gould                                     | S McKiernan                 |                         |
| P Hudson  | M Shrive                    |                         |
| Mrs J Jones                                       | L Walker                    |                         |
| Mrs J A Killoran                                  | P Walker                    |                         |
| R Lock  |                             |                         |
| S McGarry   |                             |                         |
| M Metcalfe  |                             |                         |
| B G Peters  |                             |                         |
| S Sankey  |                             |                         |
| C Sylvester                                       |                             |                         |
| Mrs B Toon  |                             |                         |
| C D Wileman                                       |                             |                         |

271/22 **MID YEAR TREASURY MANAGEMENT REPORT 2022/23**

The report of the Head of Service (Sal Khan) on the mid-year report on the Council's treasury management activities was considered. Appendix A - Mid- Year Treasury Management Report had been circulated with the report.

It was noted that on page 11 of the appendix to the report there was a minor typographical error, Note 1 should read "approved in March 2022" (not March 2023).

**Resolved:**

That the mid-year Treasury Management Report as set out in Appendix A be approved, including an increase in counterparty limits for AAA rated Money Market Funds (MMFs) from £4m to £6m as outlined in Paragraph 3.2.4 of the report.

Voting concerning the above decision was as follows:

| <b>THOSE VOTING FOR THE MOTION<br/>Councillor</b> | <b>THOSE VOTING AGAINST</b> | <b>THOSE ABSTAINING</b> |
|---|-----------------------------|-------------------------|
| Mrs P L Ackroyd                                   | D Florence-Jukes            | H Hall                  |
| G Allen   | R G W Grosvenor             | S A Hussain             |
| Mrs B Ashcroft                                    |                             | G Lamb                  |
| E W R Barker                                      |                             | M Shrive                |
| L Beech   |                             | L Walker                |
| Mrs B Brady                                       |                             | P Walker                |
| K J Builth  |                             |                         |
| A Clarke  |                             |                         |
| R A Faulkner                                      |                             |                         |
| M T Fitzpatrick                                   |                             |                         |
| D F Fletcher                                      |                             |                         |
| D Goodfellow                                      |                             |                         |
| Mrs V J Gould                                     |                             |                         |
| P Hudson  |                             |                         |
| Mrs J Jones                                       |                             |                         |
| Mrs J A Killoran                                  |                             |                         |
| Ms A J Legg                                       |                             |                         |
| R Lock  |                             |                         |
| S McGarry   |                             |                         |
| S McKiernan                                       |                             |                         |
| M Metcalfe  |                             |                         |
| B G Peters  |                             |                         |
| S Sankey  |                             |                         |
| C Sylvester                                       |                             |                         |
| Mrs B Toon  |                             |                         |
| C D Wileman                                       |                             |                         |

## 272/22 **QUESTIONS**

There were no questions pursuant to Rule 18 received prior to the meeting.

## 273/22 **EXCLUSION OF THE PRESS AND PUBLIC**

### **Resolved:-**

That in accordance with Section 100(A)(4) of the Local Government Act, 1972 the Press and public be excluded from the following item on the agenda for the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act.

Voting concerning the above decision was as follows:

| <b>THOSE VOTING FOR<br/>THE MOTION<br/>Councillor</b> | <b>THOSE VOTING<br/>AGAINST</b> | <b>THOSE ABSTAINING</b> |
|---|---------------------------------|-------------------------|
| Mrs P L Ackroyd                                       | D Florence-Jukes                | S A Hussain             |
| G Allen   | R G W Grosvenor                 | M Shrive                |
| Mrs B Ashcroft  |                                 | L Walker                |
| E W R Barker  |                                 | P Walker                |
| L Beech   |                                 |                         |
| Mrs B Brady   |                                 |                         |
| K J Builth  |                                 |                         |
| A Clarke  |                                 |                         |
| R A Faulkner  |                                 |                         |
| M T Fitzpatrick                                       |                                 |                         |
| D F Fletcher  |                                 |                         |
| D Goodfellow  |                                 |                         |
| Mrs V J Gould   |                                 |                         |
| H Hall  |                                 |                         |
| P Hudson  |                                 |                         |
| Mrs J Jones   |                                 |                         |
| Mrs J A Killoran                                      |                                 |                         |
| G Lamb  |                                 |                         |
| Ms A J Legg   |                                 |                         |
| R Lock  |                                 |                         |
| S McGarry   |                                 |                         |
| S McKiernan   |                                 |                         |
| M Metcalfe  |                                 |                         |
| B G Peters  |                                 |                         |
| S Sankey  |                                 |                         |
| C Sylvester   |                                 |                         |
| Mrs B Toon  |                                 |                         |
| C D Wileman   |                                 |                         |