

**Please Note:
Start time is
6.30pm**

Dear Members

Annual Council Meeting

I hereby give notice that a **Virtual** meeting of the Council will be held using [Zoom](#) on **Tuesday 20 April 2021 at 6.30pm** to deal with the business as set out on the agenda.

To watch the meeting, please follow the instructions below:-

- 1 Log on to Zoom at <https://zoom.us/join>
- 2 Enter Meeting ID **897 3819 7065** when prompted
- 3 Enter Password **748623** when prompted

Or, to listen to the meeting, please call the following telephone number:-

0131 460 1196



Tim Clegg
Chief Executive

ANNUAL COUNCIL MEETING – 20 APRIL 2021

Mayor, Councillor Gareth Jones

A G E N D A

- 1 Election of Mayor
 - (a) Declaration of Acceptance of Office and Oath of Allegiance
 - (b) Address to the newly elected Mayor
 - (c) The Mayor's response and appointment of Chaplain
 - (d) Vote of thanks to Retiring Mayor and Mayoress
 - (e) Retiring Mayor's response
- 2 Election of Deputy Mayor
 - (a) Address to the newly elected Deputy Mayor
 - (b) Vote of thanks to Deputy Mayor and Deputy Mayoress
 - (c) Deputy Mayor's response
- 3 Approval of the Minutes of the meeting of Council held on 23 February 2021 as published in Digest No 274 on 5 March 2021
- 4 Apologies for Absence
- 5 Declarations of Interest
- 6 Announcements (Paragraph 3.2(iii) of the Council Procedure Rules)
- 7 Public Question Time - Nil
- 8 Councillor Session – Nil
- 9 Notice of Motion

A Notice of Motion pursuant to paragraph 13.1 of the Council Procedure Rules has been proposed by Councillor A T A Godfrey and seconded by Councillor A M Loughran as follows:-

“A motion to Council from the Labour Group:-
The Borough of Stafford has suffered the loss of many loved ones during this Covid-19 crisis. Nothing can help to alleviate the pain suffered by families and friends of people lost to this terrible disease.

It has been mentioned that a permanent memorial should be commissioned to commemorate the lives of the people of our Borough who have sadly passed away due to the Pandemic. Our suggestion is not a statue or an imposing marble display but a simple Book of Memory similar to the Remembrance Books naming the Fallen of the two world wars. To clarify, this will not be a book of condolence for people to sign but an illuminated binding with the names of the people we wish to remember recorded within. The book may also prove to be an important historical document of the times we find ourselves in.

Our suggestion is that the book should be housed in a secular setting, not a religious building. The Ancient High House could be a contender to house the book but other town centre buildings might be more appropriate.

We understand there will be issues to address regarding ownership, funding etc. but these questions can be answered after the suggestion has been accepted in principle.

It is hoped this motion is adopted by the Council.”

	Page Nos
10 To receive the Leader’s appointments to the Cabinet and the appointment of a Deputy Leader of the Council from amongst the Members of the Cabinet.	(To Follow)
11 To determine which Committees to establish for the municipal year and their size and terms of reference, the allocation of Committee seats to political groups in accordance with the political balance rules together with the nomination and appointment of Councillors to serve on each Committee, including the appointment of Chairman and Vice Chairman as appropriate	(To Follow)
11 To consider the Appointment of Representatives to Outside Organisations	(To Follow)
12 Review of the Constitution	4 - 9
13 To appoint the Town Warden for the ensuing year	
14 Any items referred from Scrutiny Committee(s)	

Chief Executive

Civic Centre
Riverside
Stafford
ST16 3AQ

ITEM NO 12

ITEM NO 12

Report of:	Head of Law and Administration
Contact Officer:	Ian Curran
Telephone No:	01785 619220
Ward Interest:	Nil
Report Track:	Resources 11/02/2021 Council 20/04/2021

**COUNCIL
20 APRIL 2021
Review of the Constitution**

1 Purpose of Report

- 1.1 The purpose of this report is to present Council with details of the proposed amendments to the Constitution as recommended by the Resources Scrutiny Committee.

2 Recommendation

- 2.1 That the amendments to the Constitution as detailed in the **APPENDIX** be approved for implementation in the new Municipal year.

3 Key Issues and Reasons for Recommendation

- 3.1 Article 15.1 of the current Constitution requires the Monitoring Officer to review the Constitution on an annual basis.
- 3.2 Accordingly, the Resources Scrutiny Committee commissioned a Task and Finish Review Working Group to undertake a Review of the Constitution.
- 3.3 The Constitution Task and Finish Review Working Group recommended a number of amendments to the Constitution during the course of their review, which were subsequently endorsed by the Resources Scrutiny Committee.
- 3.4 Council are therefore requested to approve the amendments to the Constitution as detailed in the **APPENDIX** for implementation in the new Municipal year.

4 Relationship to Corporate Business Objectives
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4.1 The Constitution supports all of the Council’s Corporate Priorities.

5 Report Detail

5.1 Attached as an **APPENDIX** is a list of all of the amendments to the Constitution that the Resources Scrutiny Committee has recommended following their Review. The column on the left refers to the part of the Constitution that has been suggested for amendment and the column on the right refers to the actual amendment itself.

5.2 The Head of Law and Administration will arrange for any subsequent additional unforeseen technical amendments to be made to the Constitution.

6 Implications

6.1	Financial	Nil
	Legal	Nil
	Human Resources	Nil
	Human Rights Act	Nil
	Data Protection	Nil
	Risk Management	Nil

6.2	Community Impact Assessment Recommendations	<p>The Borough Council considers the effect of its actions on all sections of our community and has addressed all of the following Equality Strands in the production of this report, as appropriate:-</p> <p>Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.</p>
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Previous Consideration – Resources Scrutiny Committee – 11 February 2021 – Minute No RSC68/21
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Background Papers – File available in Law and Administration

APPENDIX

<p>COUNCIL 20 APRIL 2021 Review of the Constitution</p>
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Throughout The Whole Constitution

PART OF THE CONSTITUTION	AMENDMENT
Throughout the whole Constitution	Replace all references to “he, him, his” to “he/she, him/her, his/her”

PART 2

PART OF THE CONSTITUTION	AMENDMENT
Part 2, Articles of the Constitution, Article 15, Review and Revision of the Constitution, Paragraph 15.1 Approval Page 2.30	<p>Article 15, Review and Revision of the Constitution Paragraph 15.1 Approval</p> <p>Amend paragraph (a) to read:</p> <p>(a) Save for when (c) below applies, changes to the constitution will only be approved by the full Council after consideration of a recommendation by the appropriate Scrutiny Committee.</p> <p>Add a new paragraph (c) to read:</p> <p>(c) The Monitoring Officer shall be authorised to make minor amendments to the Constitution as required by legislation or to reflect decisions taken by members.</p>

PART 3

PART OF THE CONSTITUTION	AMENDMENT
Part 3, Responsibility for Functions, Section 6 Scheme of Delegations, Paragraph 3.5.22, Pages 3.47	<p>Section 6 – Scheme of Delegation Head of Development</p> <p>Amend Paragraph 3.5.22, Matters under Housing Act 2004 in order to add the following paragraphs:-</p>

PART OF THE CONSTITUTION	AMENDMENT
	<p>(m) Section 234 to take action with respect to regulations made under this section regarding enforcement of housing standards in HMOs.</p> <p>(n) Section 249A to impose financial penalties as an alternative to prosecution for relevant housing offences.</p>
<p>Part 3, Responsibility for Functions, Section 6 Scheme of Delegations, Paragraph 3.5.23, Pages 3.48</p>	<p>Section 6 – Scheme of Delegation Head of Development</p> <p>Amend Paragraph 3.5.23 to read:</p> <p>3.5.23 Harassment and unlawful eviction - private rented property. Investigation of alleged harassment or unlawful eviction and where necessary the taking of appropriate action under Protection from the Eviction Act 1977.</p>
<p>Part 3, Responsibility for Functions, Section 6 Scheme of Delegations, Paragraph 3.5.29, Pages 3.50</p>	<p>Section 6 – Scheme of Delegation Head of Development</p> <p>Amend Paragraph 3.5.29 to read:</p> <p>3.5.29 Direction of grant funding in accordance with the Council's Housing Strategy or Homelessness and Rough Sleeper Strategy, together with additional grant funding that becomes available for such matters as a result of changes in legislation and/ or government policy.</p>

PART OF THE CONSTITUTION	AMENDMENT
<p>Part 3, Responsibility for Functions, Section 6 Scheme of Delegations, Paragraph 3.5.31, Pages 3.50</p>	<p>Section 6 – Scheme of Delegation Head of Development</p> <p>Amend Paragraph 3.5.31 to read:</p> <p>3.5.31 Matters under Section 150 of the Energy Act 2013 with respect to Regulations relating to Smoke and Carbon Monoxide Alarms including</p> <ul style="list-style-type: none"> (a) Power to authorise officers to serve a Remedial Notice in respect of a breach of Regulations. (b) Power to authorise officers to take remedial action in respect of a breach of Regulations. (c) Power to authorise officers to require a landlord to pay a penalty charge in respect of a breach of Regulations.
<p>Part 3, Responsibility for Functions, Section 6 Scheme of Delegations, After Paragraph 3.5.51, Page 3.54</p>	<p>Section 6 – Scheme of Delegation Head of Development</p> <p>Add a new paragraph to read:-</p> <p>3.5.52 Matters under Sections 43-45 of the Energy Act 2011 with respect to enforcement of the Domestic Energy Efficiency Regulations.</p>
<p>Part 3, Responsibility for Functions, Section 6 Scheme of Delegations, Paragraph 3.5.53, Page 3.54</p>	<p>Section 6 – Scheme of Delegation Head of Development</p> <p>Add a new paragraph to allow enforcement of regulations around electrical safety in the private rented sector:</p> <p>3.5.53 Matters under Sections 122-123 of the Planning and Housing Act 2016 with respect to the enforcement of Regulations relating to electrical safety in the private rented sector.</p>

PART 4

PART OF THE CONSTITUTON	AMENDMENT
<p>Part 4, Rules of Procedure, Section 1, Council Procedure Rules, Paragraph 13, Page 4.53</p>	<p>Section 4 - Council Procedure Rules</p> <p>Amend the Council Procedure Rules to include the addition of the following provision into rule 13 of the Council Procedure Rules (Motions on Notice):</p> <p>13.5 Motions having financial impact</p> <p>Motions containing proposals which would:-</p> <ul style="list-style-type: none"> (a) Increase the capital and/or revenue expenditure of the Council and/or, (b) Reduce the income of the Council, must first be referred to the Cabinet by the Chief Executive prior to consideration by Council.