

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 11th December 2023.

Present:

Councillor S A Hussain (Mayor) in the Chair

Councillors	M Ackroyd	Mrs J Jones
	A Afsar	P Krupski
	G Allen	Z Krupski
	Mrs B Ashcroft	Ms A J Legg
	A Bailey	R Lock
	L Beech	A Mansfield
	L Bullock	S McKiernan (Deputy
	A A Chaudhry	Mayor)
	A Clarke	S Sankey
	M T Fitzpatrick	M Shrive
	D F Fletcher	M Slater
	S P Gaskin	S Slater
	Mrs V J Gould	C Smedley
	T Hadley	K Smith BEM
	R Hawkins	L Walker
	M Holton	P Walker
	M Huckerby	C D Wileman
	P Hudson	

Officers Present:

The Chief Executive, the Head of Corporate and Environment Services, the Head of Regeneration and Development, the Interim Chief Financial Officer, the Head of Legal and Regulatory Services and Monitoring Officer, the Corporate and Commercial Manager, the Interim Chief Accountant, the Democratic Services Officer and the Principal Democratic Services Officer.

Apologies for absence were received from Councillors B G Peters and C V Whittaker.

55/23 **DECLARATIONS OF INTEREST**

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

56/23 **MINUTES**

The public minutes of the meeting of the Borough Council held on 25th September 2023 were approved as a correct record and signed by the Mayor.

Voting concerning the above decision was as follows:

THOSE VOTING FOR THE MOTION Councillor	THOSE VOTING AGAINST Councillor	THOSE ABSTAINING Councillor
M Ackroyd		L Walker
A Afsar		P Walker
G Allen		
Mrs B Ashcroft		
A Bailey		
L Beech		
L Bullock		
A A Chaudhry		
A Clarke		
M T Fitzpatrick		
D F Fletcher		
S P Gaskin		
Mrs V J Gould		
T Hadley		
R Hawkins		
M Holton		
M Huckerby		
S A Hussain		
P Hudson		
Mrs J Jones		
P Krupski		
Z Krupski		
Ms A J Legg		
R Lock		
A Mansfield		
S McKiernan		
S Sankey		
M Shrive		
M Slater		
S Slater		
C Smedley		
K Smith BEM		
C Wileman		

The public minutes of the Extraordinary meeting of the Borough Council held on 2nd October 2023 were approved as a correct record and signed by the Mayor.

Voting concerning the above decision was as follows:

THOSE VOTING FOR THE MOTION Councillor	THOSE VOTING AGAINST Councillor	THOSE ABSTAINING Councillor
M Ackroyd		P Hudson
A Afsar		Ms A J Legg
G Allen		S Sankey
Mrs B Ashcroft		P Walker
A Bailey		
L Beech		
L Bullock		
A A Chaudhry		
A Clarke		
M T Fitzpatrick		
D F Fletcher		
S P Gaskin		
Mrs V J Gould		
T Hadley		
R Hawkins		
M Holton		
M Huckerby		
S A Hussain		
Mrs J Jones		
P Krupski		
Z Krupski		
R Lock		
A Mansfield		
S McKiernan		
M Shrive		
M Slater		
S Slater		
C Smedley		
K Smith BEM		
L Walker		
C Wileman		

57/23 **ANNOUNCEMENTS**

The Mayor reminded all present to use remember to use their microphones when speaking at this or any other Committee meeting.

He wished all a Merry Christmas and a happy new year and placed on record his thanks to the volunteers, charitable organisations and hardworking residents of the borough, particularly at this time.

58/23 **URGENT BUSINESS**

There was no urgent business for consideration at the meeting.

59/23 **GENERAL UPDATE AND AMENDMENT OF THE CONSTITUTION**

The report of the Head of Legal and Regulatory Services and Monitoring Officer on the amendments made to the Councils Constitution as part of the annual update was considered. Appendices A - revised parts of the Constitution had been circulated with the report.

At this juncture the Mayor requested a short adjournment in order to address a disturbance within the public gallery. The meeting recommenced shortly thereafter.

Council noted the suggested changes to the Constitution summarised as follows:

- Parts: 2, 3, 3A, 3CA, 3D, 3EA, 3G, 5C – have undergone minor changes so that Heads of Service are now referred to as Chief Officers;
- Part 3A – if a proposed Amendment is lengthy, complex, or for example proposes several recommendations, there should be copies of that written amendment for circulating amongst Councillors;
- Part 3K – removal of Parish Council members from the quorum of Standards Committee. Parish Council participation is not a legal requirement but Parish Councillors will continue to participate;
- Part 3EB – replaced the email of officers with the generic email address for Democratic Services;
- Parts 3la, 1b ,1c ,1d – expressly stating that members can respond in writing;
- Part 3LE – subject public participation during scrutiny committee to relevant Council policy, such as the Council's VATB register;
- Part 3Z – refining of Monitoring Officer responsibilities, specifying also in particular that the Monitoring Officer can also negotiate settlements (previously the Constitution did not state this);
- Part 4A – refined reference to legislation;
- Part 4C – updating of the Council's complaints process (renamed to 'Compliments, Comments and Complaints Procedure') so as to clarify the different stages and requirements during each step of the complaints process. The Council's procedure regarding unreasonable behaviour towards staff has also been incorporated into this Part;
- Part 4K – replaced the email of officers with the generic email address for Democratic Services and added telephone number;
- Part 4L – replaced the email of officers with the generic email address for Democratic Services;
- Part 5E – further clarification re Councillor contact with agents, developers and applicants;
- General review of typographical errors, spacing, grammar and formatting across all Parts connected with this report.

Resolved:

- 1) That the amended Parts of the Constitution (Appendix A) 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) Subsequent to paragraph 13.2 of the report, that the revised Constitution becomes effective following any such changes being implemented by the Monitoring Officer.

Voting concerning the above decision was as follows:

THOSE VOTING FOR THE MOTION Councillor	THOSE VOTING AGAINST Councillor	THOSE ABSTAINING Councillor
M Ackroyd		
A Afsar		
G Allen		
Mrs B Ashcroft		
A Bailey		
L Beech		
L Bullock		
A A Chaudhry		
A Clarke		
M T Fitzpatrick		
D F Fletcher		
S P Gaskin		
Mrs V J Gould		
T Hadley		
R Hawkins		
M Holton		
M Huckerby		
S A Hussain		
P Hudson		
Mrs J Jones		
P Krupski		
Z Krupski		
Ms A J Legg		
R Lock		
A Mansfield		
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S Sankey		
M Shrive		
M Slater		
S Slater		
C Smedley		
K Smith BEM		
L Walker		
P Walker		
C Wileman		

60/23 **APPOINTMENT OF ADDITIONAL INDEPENDENT PERSON AND PARISH COUNCIL REPRESENTATIVES ON THE STANDARDS COMMITTEE**

The report of the Head of Legal and Regulatory Services and Monitoring Officer on the appointment of the additional Independent Person, extension of current

Independent Person and noting the appointment of Parish Council representatives on the Standards Committee was considered.

The following appendices had been circulated with the report: Appendix 1: Independent Person, Advert; Appendix 2: CV of Mrs Sarah Riches and Appendix 3: Parish Council representative, Advert.

Council noted that the candidates for the Parish Council representatives on the Standards Committee had been interviewed by the Council's former Deputy Monitoring Officer Ms Sherrie Grant and after deliberation and consultation with the Chair of Standards Committee, it was decided that Councillor John McKiernan of Stretton Parish Council and Councillor Helen Headech of Uttoxeter Town Council, be put forward as Parish Council representatives for Standards Committee. The appointment of Councillors McKiernan and Headech as Parish Council representatives had been approved unanimously by Standards Committee at the meeting held on 27th November 2023.

In accordance with the requirements set out in the Localism Act 2011, a public recruitment exercise took place in September 2023 to seek candidates for the second independent person. Each candidate was interviewed by the Monitoring Officer and following this process a feedback and discussion session was held with the Chair of Standards Committee, Councillor Louise Walker. The recommendation by the Monitoring Officer was that Mrs Sarah Riches be appointed as an Independent Person. This was provisionally agreed by Councillor Louise Walker as Chair of Standards Committee and was subsequently endorsed, unanimously, by the Council's Standards Committee at the meeting held on 27th November 2023.

Resolved:

- 1) That the appointment of Mrs Sarah Riches as an Independent Person for the Council for a term of four years be approved;
- 2) That the appointment of Mr Graham Goodall to continue serving as an Independent Person for a term of four years be approved;
- 3) That the appointments of Councillor John McKiernan of Stretton Parish Council and Councillor Helen Headech of Uttoxeter Town Council, as Parish Council representatives for Standards Committee be noted.

Voting concerning the above decision was as follows:

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M Ackroyd		
A Afsar		
G Allen		
Mrs B Ashcroft		
A Bailey		
L Beech		
L Bullock		
A A Chaudhry		
A Clarke		
M T Fitzpatrick		
D F Fletcher		
S P Gaskin		
Mrs V J Gould		
T Hadley		
R Hawkins		
M Holton		
M Huckerby		
S A Hussain		
P Hudson		
Mrs J Jones		
P Krupski		
Z Krupski		
Ms A J Legg		
R Lock		
A Mansfield		
S McKiernan		
S Sankey		
M Shrive		
M Slater		
S Slater		
C Smedley		
K Smith BEM		
L Walker		
P Walker		
C Wileman		

61/23 **COMMITTEE MEMBERSHIP CHANGE**

The Leader of the Opposition proposed a change of membership to the Scrutiny (Climate Change and Environment) Committee by replacing Councillor Mrs J Jones with Councillor G Allen.

Resolved:

That Councillor G Allen be appointed to serve on the Scrutiny (Climate Change and Environment) Committee to replace Councillor Mrs J Jones.

Voting concerning the above decision was as follows:

THOSE VOTING FOR THE MOTION Councillor	THOSE VOTING AGAINST Councillor	THOSE ABSTAINING Councillor
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A Clarke		
M T Fitzpatrick		
D F Fletcher		
S P Gaskin		
Mrs V J Gould		
T Hadley		
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M Holton		
M Huckerby		
S A Hussain		
P Hudson		
Mrs J Jones		
P Krupski		
Z Krupski		
Ms A J Legg		
R Lock		
A Mansfield		
S McKiernan		
S Sankey		
M Shrive		
M Slater		
S Slater		
C Smedley		
K Smith BEM		
L Walker		
P Walker		
C Wileman		

An updated Committee membership list is appended to these minutes.

62/23 **MID YEAR TREASURY MANAGEMENT REPORT**

The report of the interim Chief Financial Officer on the update against the Treasury Management Strategy Statement (TMSS), setting out current investment and

borrowing portfolios and outlining any other treasury related matters was considered. Appendix A - Mid- Year Treasury Management Report had been circulated with the report.

Resolved:

That the Mid Year Treasury Management Report as set out at Appendix A of the report be approved.

Voting concerning the above decision was as follows:

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M Ackroyd		
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63/23 **QUESTIONS**

The Mayor indicated that two questions had been received in advance of the meeting (A copy of questions and responses are appended to the minutes).

A supplemental question was asked by Councillor R Lock, the Leader of the Council advised he would respond in writing to the question. The Leader of the Council responded to the supplemental question received from Councillor S Sankey.

An urgent question had also been received from Councillor G Allen (a copy of which is appended to the minutes), the Leader of the Council advised he would respond in writing to this question the following day.

64/23 **EXCLUSION OF THE PRESS AND PUBLIC**

It was proposed and duly seconded and

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:

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Mrs V J Gould		
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P Hudson		
Mrs J Jones		
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Z Krupski		
Ms A J Legg		
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Question received from Councillor R Lock:

At the Full Council meeting in July 2023, Cllr P Walker stated 'we know for a fact fire and rehire has happened with Sainsburys' (timestamp 0:50:00). In response to the question posed by Cllr Sankey in September 2023 the Council presented a list of companies engaged in fire-rehire, but did not list Sainsburys. Why has Sainsburys not been added to the list?

Response by the Leader of the Council, Councillor M T Fitzpatrick

Argos have engaged in fire and rehire tactics. Sainsburys purchased Argos whilst that firm engaged in fire and rehire. Argos are on the council's list.

Question from Councillor S Sankey:

Has the Council now adopted Gunning principles for all future public consultations?

Response by the Leader of the Council, Councillor M T Fitzpatrick

Yes, the Cabinet approved the Gunning principles as part of the refresh of the Communication, Consultation and Engagement strategy on October 23rd 2023

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Urgent Question received from Councillor G Allen:

Could the Leader of the Council give an update on delivery timescales around the Uttoxeter Sports Hub project and confirm this is still a priority for ESBC?”