



The Old Mining College Centre
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BURNTWOOD WS7 4QH

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Our Ref: GH/JM

19 May 2021

To: All Members of the Town Council

Dear Councillor

You are hereby summoned to attend the Annual Meeting of the Town Council to be held on **Tuesday 25 May 2021 at Burntwood Memorial Institute, Rugeley Road, Burntwood** at which the business set out below will be transacted. If you have any queries, please contact the Town Clerk [graham.hunt@burntwood-tc.gov.uk].

PLEASE NOTE: The meeting will commence immediately after the Annual Town Meeting which will commence at 6pm.

Yours sincerely

Graham Hunt
Town Clerk

PUBLIC FORUM

As part of the Better Burntwood Concept and to promote community engagement, the public now has the opportunity to attend and speak at all of the Town Council's meetings. Please refer to the end of the agenda for details of how to participate in this meeting.

PRAYERS

Led by the Reverend R Westwood, Vicar, St Anne's Church.

AGENDA

1. **ELECTION OF TOWN COUNCIL CHAIRMAN FOR THE ENSUING YEAR FOLLOWED BY DECLARATION OF ACCEPTANCE OF OFFICE**
2. **ELECTION OF TOWN COUNCIL VICE-CHAIRMAN FOR THE ENSUING YEAR FOLLOWED BY DECLARATION OF ACCEPTANCE OF OFFICE**
3. **CASUAL VACANCY**
The Town Council is invited to vote either in favour or against the co-option of Mr Paul Taylor as a Councillor for the Summerfield and All Saints Ward [ENCLOSURE NO. 1 AND APPENDIX 1].
4. **APOLOGIES FOR ABSENCE**
5. **DECLARATIONS OF INTERESTS AND DISPENSATIONS**
6. **REAPPOINTMENT OF COMMITTEES**
The Town Council is recommended to ratify the membership of its Committees [ENCLOSURE NO. 2 AND APPENDIX 1]
7. **MINUTES**
To approve as a correct record the Minutes of the Meeting of the Town Council held on 11 March 2021 [Minute Nos. 94-106] [ENCLOSURE NO. 3]
8. **CHAIRMAN'S REPORT**
For information purposes only. No decision is required by the Council.
9. **PLANNING ADVISORY GROUP**
Chairman of the Planning Advisory Group to move that the proceedings of the meeting held on 16 March 2021 [Minute Nos. 1-6] be received and where necessary approved and adopted [ENCLOSURE NO. 4].
10. **APPROVAL OF PAYMENTS FROM 12 APRIL TO 14 MAY 2021**
Council is asked to approve the schedule of payments in the absence of meetings of the Policy and Resources Committee [to which approval of payments was previously delegated by Council] [ENCLOSURE NO. 5].

11. COMPLAINT REGARDING THE STOPPING UP OF POOL ROAD WITH THE INTERSECTION WITH BURNTWOOD BYPASS

The Town Council is recommended to ask the Town Clerk to write to the Complainant thanking them for bringing the matter to the Council's attention but advising them that it will not be intervening in the issue and giving the reasons why; to ask the Town Clerk to refer to complaint to Staffordshire County Council and to authorise the Town Clerk, if appropriate, to explore the opportunity to secure funding from the Community Infrastructure Levy for any public access improvements that are felt necessary [ENCLOSURE NO. 6, APPENDIX 1 AND APPENDIX 2]

12. MEMBERS CODE OF CONDUCT

The Town Council is recommended to adopt the updated Members Code of Conduct [ENCLOSURE NO. 7 AND APPENDIX 1]

13. BURNTWOOD NEIGHBOURHOOD PLAN REFERENDUM

For information purposes only. No decision is required by the Council [ENCLOSURE NO. 8]

14. COUNCIL SCHEME OF DELEGATION

The Town Council is recommended to adopt the schedule of delegation [ENCLOSURE NO. 9, APPENDIX 1, APPENDIX 2, APPENDIX 3, APPENDIX 4, APPENDIX 5 AND APPENDIX 6]

15. REVISED CALENDAR OF MEETINGS

The Town Council is recommended to approve the revised Calendar of Meetings [ENCLOSURE NO. 10]

16. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED That under the Public Bodies [Admissions of Meeting] Act 1960 [Section 2] [and as expended by Section 100 of the Local Government Act 1972], the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information.

17. PAY AND GRADING

The Town Council is recommended to agree the salary increments for the year 2021/22 and request that the Town Clerk produces a policy on pay, an appropriate performance management scheme and new contracts of employment [ENCLOSURE NO. 11 - PINK]

18. RENEWAL OF TRAFFIC ISLANDS SPONSORSHIP CONTRACT

The Town Council is requested to decide what option it wishes to support [ENCLOSURE NO. 12 AND APPENDIX 1 - PINK]

PUBLIC FORUM

30 minutes will be set aside at the beginning of this meeting for you to raise issues relevant to the remit of the meeting. You will have up to 3 minutes and can raise more than one issue. However, the Chairman has the option to extend the time allowed to you if they think it is appropriate.

So that the Members of the meeting can be properly briefed in order to enable them to provide a considered response to your question, please advise the Town Clerk of the question[s] you wish to ask the Council at least three working days before the meeting. The Chairman of the meeting has the right to reject any representations that he/she considers not to be appropriate for the meeting.

The public forum session will usually be the first item on the agenda and normally will last up to 30 minutes. In some instances, it may not be possible at the meeting to provide an answer. Where that is the case a written response will be sent to your stated address and a copy will be made available for public inspection at the Town Council's offices.

While audio and video recordings of this meeting are entirely legal, as a matter of courtesy to Town Council members who work for this town and this Council on a voluntary basis, we would be grateful if you would let the Clerk or the Chairman know beforehand.

Burntwood Town Council

Tuesday 25 May 2021

Casual Vacancy

1.0 Purpose of the Report

1.1 The purpose of the report is to provide an opportunity for the Town Council to consider an application to fill the current vacancy for Summerfields and All Saints Ward.

2.0 Background

2.1 A vacancy has arisen in the Summerfields and All Saints Ward due to the death of Cllr. Steve Taylor.

2.2 In accordance with the requirements of the Local Government Act 1972 the vacancy was announced but no request was made by electors for an election. Consequently, the Town Council invited applications from eligible residents to fill the vacancy by co-option.

3.0 Co-Option

3.1 Only one application has been received. It has been submitted by Mr Paul Taylor. His application is provided in Appendix 1. Mr Taylor meets the eligibility criteria for being a councillor.

4.0 Legal Context

4.1 The Town Council has met its statutory responsibilities under the provisions of the Local Government Act 1972 in respect of announcing a casual vacancy (section 87) and co-option (section 89).

5.0 Financial Considerations

5.1 The co-option process has no cost implications for the Town Council.

6.0 Conclusion

6.1 The Town Council has fulfilled its statutory obligations with regard to the casual vacancy and can determine the application that it has received.

7.0 Recommendation

7.1 The Town Council is invited to vote either in favour or against the co-option of Mr Paul Taylor as a councillor for the Summerfield and All Saints Ward.

Contact Officer

Graham Hunt

graham.hunt@burntwood-tc.gov.uk

01543 677166

ENCLOSURE NO. 1

**Paul
Taylor**
Council Member?

22 March 2021

Graham Hunt
Burntwood Town Council
The Old Mining College Centre
Queen Street
Burntwood
WS7 4QH

Dear Mr Hunt,

Please accept this letter as notification of my willingness to be considered for co-option to fill the casual vacancy for a councillor for the Summerfield and All Saints Ward.

I am over the age of 18 and am registered to vote at Princess Street in Burntwood. I am not debarred from being a councillor.

I am well known to councillors and Council Officers having attended most Council and Committee meetings for the last 2 years.

I am a long-term resident of Burntwood and I am passionate about its residents, businesses and organisations. I went to school here, I met and married my wife here, and I raised my family here. Burntwood made me.

I believe strongly in the widest representation in local government and feel the appointment of a third-party candidate to the council, ideally with cross-party support, would demonstrate that the council is too.

I am a member of the Liberal Democrat party without ties to the ruling or opposition groups and would welcome an opportunity to bring another view to the council.

Sincerely,



Paul Taylor

**ENCLOSURE NO. 1 -
APPENDIX 1**

Burntwood Town Council

Tuesday 25 May 2021

Re-appointment of Committees

1.0 Purpose of the Report

1.1 The purpose of the report is to seek the Council's ratification of the appointment of councillors to the committees that it has set up to carry out a range of its functions.

2.0 Background

2.1 The Council can set up or review a committee and its membership at any time. It is seen as good practice to carry out such reviews at the end of the municipal year allowing the opportunity to make any changes at the beginning of the new year.

3.0 Committee appointments for the municipal year 2021/22

3.1 The controlling Administration has reviewed the existing membership of the Town Council's committees. The committee memberships that it would like for the coming year are listed in Appendix 1.

3.2 As there have been very few committee meetings during the last year because of Covid 19 restrictions a review of the working of the committees has not been undertaken.

4.0 Financial Considerations

4.1 The proposed changes to the committee memberships poses no financial costs for the Town Council.

5.0 Legal Context

5.1 Sections 101 and 102 of the Local Government Act 1972 empower local councils to appoint committees and sub-committees to undertake actions on their behalf.

6.0 Conclusion

6.1 The Town Council has the power to appoint committees and review their role and membership. Regular reviews are seen as good practice.

7.0 Recommendation

7.1 The Town Council is recommended to ratify the membership of its committees as set out in Appendix 1.

Contact Officer

Graham Hunt

graham.hunt@burntwood-tc.gov.uk

01543 677166

ENCLOSURE NO. 2



**BURNTWOOD TOWN COUNCIL
APPOINTMENTS TO COUNCIL AND COMMITTEES
2021/2022**

	LABOUR GROUP	CONSERVATIVE GROUP	INDEPENDENTS
Chairman of the Council	Diane Evans		
Vice-Chairman of the Council	Robert Birch		
Leader	Susan Woodward	Robin Place	
Deputy Leader	Darren Ennis	Wai-Lee Ho	
Policy and Resources Committee = 10 Members [Finance; payments; budgeting; digital and website; Old Mining College Business Plan; refurbishment, Town Deal, lobbying, personnel]	Susan Woodward [Chairman] Darren Ennis [Vice-Chairman] Sharon Banevicius Robert Birch Diane Evans Paul Flanagan Bradley Westwood	Marisha Place Robin Place Keith Willis-Croft	

	LABOUR GROUP	CONSERVATIVE GROUP	INDEPENDENTS
Planning and Development Committee = 10 Members [Planning applications etc as present and development issues/concerns for town e.g. economic development, Green Belt consultation etc]	Robert Birch [Chairman] Carolyn Gittings [Vice-Chairman] Bernard Brown Andrew Bullock Darren Ennis Paul Flanagan Vacant	Thomas Loughbrough Rudd Robin Place Keith Willis-Croft	
Community and Partnerships Committee = 10 Members [Events and dementia initiative; young people; families; community engagement and development; grant aid, defibrillators, Stephen Sutton Bursary and community fund; liaison with other organisations e.g. police, NHS etc]	Darren Ennis [Chairman] Bradley Westwood [Vice-Chairman] Laura Ennis Diane Evans Carolyn Gittings Elaine Kirkham Susan Woodward	Thomas Loughbrough Rudd Marisha Place Keith Willis-Croft	
Planning Advisory Group = 6 Members [plus representatives of the public]	Bradley Westwood [Chairman] Andrew Bullock [Vice-Chairman] Paul Flanagan Steve Norman	Robin Place	Nicola Greensill
Scrutiny Committee = 5 Members	Steve Norman [Chairman] Beverley Bishop	Wai-Lee Ho Samuel Tapper	Nicola Greensill

**MINUTES OF A VIRTUAL MEETING OF BURNTWOOD TOWN COUNCIL
HELD ON THURSDAY 11 MARCH 2021 COMMENCING AT 6.00 PM**

PRESENT

Councillor Evans [in the Chair]

Councillors Banevicius, Birch, Bishop, Bullock, D Ennis, L Ennis, Flanagan, Gittings, Ho, Kirkham, Loughbrough Rudd, Norman, R Place, M Place, Tapper, Westwood, Willis-Croft and Woodward

In attendance

G Hunt, Town Clerk

Ms J Minor, Deputy Clerk

Six members of the public

PUBLIC FORUM

No questions were raised by members of the public.

94. APOLOGIES FOR ABSENCE

Councillors Brown and Greensill.

95. DECLARATIONS OF INTEREST AND DISPENSATIONS

Councillor Banevicius declared a personal interest in Agenda Item 6 - Planning and Development Committee Minutes and in particular Minute No. 11[b] [planning application 21/00155/FUL - Land adjacent, 24 Farewell Lane] as the applicant is known to her.

96. MINUTES

The Chairman reminded Members that they were being asked to comment solely on the accuracy of the Minutes.

It was proposed by Councillor Woodward, seconded by Councillor D Ennis, and following a unanimous show of hands it was

RESOLVED That the Minutes of the Meeting of the Town Council held on 11 February 2021 [Minute Nos. 82-93] be received and where necessary approved and adopted.

Following inappropriate comments by certain members of the public the Chairman suggested an adjournment of the meeting until those members of the public could be blocked from the meeting.

97. CHAIRMAN'S REPORT

The Chairman praised all NHS workers, carers, and caring organisations for the tremendous job they had done during the pandemic. She mentioned the NHS vaccination programme which was well organised in Burntwood and the "return to school" and the brilliant job undertaken by all staff including teachers, cleaners etc.

The Chairman referred to the Town Clerk and the fact that he was retiring at the end of the year and the need to start the process of employing his successor to continue the work of the Town Council [Better Burntwood].

Before Covid-19, the Town Council had discussed a dementia friendly town and the Chairman suggested that the Town Council needed to start thinking about this and moving forward on this matter once restrictions had been lifted.

Councillor Woodward thanked both Councillor Tapper and Mrs Williams [present] for volunteering at vaccination centres.

With the Town Clerk retiring in December, she felt that this gave the Town Council an opportunity to think ahead of what they would like to see in the future for Burntwood [succession plan].

98. OVERVIEW AND SCRUTINY COMMITTEE

It was proposed by Councillor Norman, seconded by Councillor Woodward, and following a unanimous show of hands it was

RESOLVED That the Minutes of the Meeting of the Overview and Scrutiny Committee held on 04 February 2021 [Minute Nos. 14-19] be received and where necessary approved and adopted.

99. PLANNING AND DEVELOPMENT COMMITTEE

Councillor Birch referred to Minute No. 10 - Information from the Minutes and confirmed, as agreed, that he had emailed Lichfield District Council expressing the Town Council's concerns at the way in which an application [planning application 20/00261/FUL in respect of Padbury Lane Farm, Padbury Lane] had been determined. He confirmed that he had spoken to Councillor Marshall, Chairman of the Planning Committee and he was awaiting a response from Ms Billings, Planning Development Manager.

It was proposed by Councillor Birch, seconded by Councillor Gittings, and following a unanimous show of hands it was

RESOLVED That the Minutes of the Meeting of the Planning and Development Committee held on 24 February 2021 [Minute Nos. 7-11] be received and where necessary approved and adopted.

100. APPROVAL OF PAYMENTS FROM 09 FEBRUARY TO 26 FEBRUARY 2021

Councillor Norman referred to previous discussions and for example several individual payments made to one company per month. The Town Clerk confirmed that this was work in progress and Councillor D Ennis stated that, hopefully in the future, this would be limited to one BACS payment per payment run and not several individual payments.

It was proposed by Councillor Woodward, seconded by Councillor D Ennis, and following a unanimous show of hands it was

RESOLVED That the payments from 09 February to 26 February 2021 in the sum of £14,874.15 be approved.

101. ASSESSMENT OF DEMAND FOR ALLOTMENTS

Councillor Norman referred to the reports prepared for the Overview and Scrutiny Committee which had been held on 04 February 2021.

Councillor R Place felt that the demand for allotments may have been greater during the lockdown restrictions and asked whether expressions of interest could be based on interests in the short term. Councillor Norman stated that this was a long-term project.

Councillor Flanagan referred to Burntwood Diggers and asked if they were still an interested party. Councillor Woodward thought that the organisation was in the process of setting up a constitution and asked Councillor Loughbrough Rudd, as a Trustee of the organisation, what was the current status. Councillor Loughbrough Rudd confirmed that he would email Councillor Woodward with an update.

Councillor D Ennis felt that scrutiny was definitely needed with regard to costings, how many people would benefit etc. Councillor Norman referred to the reports prepared for the meeting held on 04 February 2021 and confirmed that those questions had been addressed and would continue to be addressed.

The Town Clerk outlined the Town Council's responsibility under the provisions of the Small Holdings and Allotments Act 1908.

It was proposed by Councillor Norman, seconded by Councillor Bishop, and following a unanimous show of hands it was

RESOLVED That the Town Clerk be authorised to promote and organise an opportunity for residents to express an interest in renting an allotment.

102. CALENDAR OF MEETINGS

The Town Clerk confirmed that the May meeting [Annual Meeting and Annual Town Meeting] was already in the diary [12 May] and that he was monitoring the situation around public meetings due to Covid-19 restrictions.

Previously, Councillor Norman had suggested that the Town Council could follow Lichfield District Council with YouTube recordings and he asked about progress. The Town Clerk explained a technical problem was being fixed by the Council's IT provider.

Councillor Loughbrough Rudd reported that he had written to the MP about continuing Zoom meetings after May, when the legislation ends, and was awaiting a response which he would share with the Town Clerk.

Some Members felt that virtual meetings saved time and money

Councillor R Place pointed out that the under 45s [of which a number of Town Councillors were] would not be getting their vaccination until perhaps June/July and felt that face to face meetings were not appropriate but Councillors cannot be barred from meetings.

It was proposed by Councillor Woodward, seconded by Councillor D Ennis, and following a show of hands [For 17, Abstention 2] it was

RESOLVED That the following Council meeting dates be approved:

Wednesday 14 April 2021
Tuesday 15 June 2021
Wednesday 14 July 2021
Tuesday 10 August 2021
Tuesday 14 September 2021
Wednesday 13 October 2021
Tuesday 16 November 2021
Wednesday 15 December 2021
Wednesday 12 January 2022
Wednesday 16 February 2022
Wednesday 16 March 2022
Tuesday 12 April 2022
Wednesday 11 May 2022

103. END OF YEAR BUDGET STATEMENT

Even though the Town Clerk had reported an overspend at the December 2020 Town Council Meeting and mitigating measures approved, it had now come to light that there would indeed be an underspend in the sum of £133,378. This was largely due to an underspend on salaries, cancellation of community events programme, delay in the transfer of the management of the public conveniences and the referendum relating to the Burntwood Neighbourhood Plan. Although the underspend in individual cost centres was known the accumulated impact on the budget was not reflected in the budget statement that was reported to the December Council meeting. The Town Clerk apologised for this mistake and confirmed he had already instigated measures to prevent this error from happening again.

Councillor Ho stated that when Labour took control back in 2019 the Council increased the precept by 7%. Burntwood Town Council took more money from its residents when it did not need to because it over budgeted by over £133,000. He asked whether the Leader would take responsibility for this.

Councillor Woodward referred to the forthcoming May elections and explained that it was good to be open and transparent. The Town Council now had almost six months running costs in reserves as requested by both parties. She would take responsibility for bringing the Town Council into the 2020's Century having put many issues right [no Health and Safety Policy etc

in place]. She said all councillors had a responsibility to scrutinise the budget but no Councillors had spotted the underspend.

Councillor Tapper referred to the unspent CIL money and asked as it has not been spent it should be returned. Councillor Birch explained that CIL money received must be spent within 5 years of receipt or can be taken back by Lichfield District Council. The Town Clerk confirmed that this was a key task of the Planning Advisory Group which was due to meet on 16 March 2021.

Councillor R Place felt that this was a serious oversight issue.

Councillor Norman asked if the Leader when summing up could avoid mentioning the lack of health and safety, systems inherited, Neighbourhood Plan etc.

Councillor D Ennis referred to the fact that all Members of the Town Council had seen the budget allocation, no-one knew how Covid-19 would affect them and the Town Council had planned a budget to be spent. Councillor R Place stated that if we would have known about the underspend, we could have approved an alternative budget.

It was proposed by Councillor Woodward, seconded by Councillor D Ennis, and following a unanimous show of hands it was

RESOLVED That the Budget Statement be endorsed, and the suggested earmarking of the underspend be approved.

104. EXCLUSION OF THE PRESS AND PUBLIC

Councillor Evans moved that although there were no longer members of the public present the Council still needed to approve the exclusion of the press and public so the next agenda item could be treated as confidential.

RESOLVED That under the Public Bodies [Admissions of Meeting] Act 1960 [Section 2] [and as expended by Section 100 of the Local Government Act 1972], the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information.

105. CONFIDENTIAL MINUTES

The Chairman reminded Members that the Minutes were for accuracy purposes only.

It was proposed by Councillor Woodward, seconded by Councillor D Ennis, and following a unanimous show of hands it was

RESOLVED That the Confidential Minutes of the Meeting of the Town Council held on 11 February 2021 [Minute Nos. 90-93] be received and where necessary approved and adopted.

106. OLD MINING COLLEGE IMPROVEMENTS

It was proposed by Councillor D Ennis, seconded by Councillor Flanagan, and following a unanimous show of hands it was

RESOLVED That the Town Clerk be authorised to seek quotations for the work described and let a contract of up to and not exceeding a value of £7,500.

[The Meeting closed at 7.22 pm]

Signed

Date

**MINUTES OF A VIRTUAL MEETING OF THE PLANNING ADVISORY GROUP
HELD ON TUESDAY 16 MARCH 2021 COMMENCING AT 6.00 PM**

PRESENT

Councillor Westwood [in the Chair]
Councillors Bullock, Flanagan, and Norman
Mrs Oldacre, Mrs Poppleton, Mrs Edwards, Mr Whitehead and Mrs Williams

In attendance

G Hunt, Town Clerk
Ms J Minor, Deputy Town Clerk
Councillors Birch, D Ennis, Willis-Croft, and Woodward
Three members of the public

PUBLIC FORUM

No questions were raised by members of the public.

1. APOLOGIES FOR ABSENCE

Councillor R Place.

2. DECLARATIONS OF INTERESTS AND DISPENSATIONS

The Town Clerk explained that to ensure that the Group was seen by the public to be open and transparent members of the group needed to declare an interest where they had a financial or a personal connection to the issue.

No declarations of interest were declared.

3. MINUTES

The Chairman explained that the Minutes were for accuracy purposes only.

It was proposed by Councillor Flanagan and seconded by Councillor Norman and following a unanimous show of hands, it was

RESOLVED That the Minutes of the Planning Advisory Group held on 10 February 2020 [Minute Nos. 1-8] be approved as a correct record.

4. INTRODUCTION AND TERMS OF REFERENCE

Councillor Westwood as Chair introduced himself, the Town Clerk and Deputy Clerk to the Group and continued with a roll call. Mr Whitehead introduced himself and confirmed that

he represented Burntwood Rotary; Councillor Flanagan stated that he was a Town Councillor and represented the Chase Terrace Ward; Mrs Oldacre confirmed that she worked for MHA Communities [formerly Burntwood Live at Home]; Mrs Poppleton reported that she was the Director of Careers at Chase Terrace Academy; Mrs Edwards confirmed that she was a member of and represented Burntwood Action Group; Mrs Williams stated that she was the lead for Burntwood Library; Councillor Bullock stated that he was a Town Councillor and represented the Chasetown Ward and Councillor Norman reported that he was a Town Councillor and represented the Chase Terrace Ward.

The Town Clerk stated that the Group was not a decision-making body and urged members not to take the discussions outside of the meeting [social media].

Mr Whitehead referred to Page 1 of the Minutes and in particular Minute No. 4 relating to training needs. The Town Clerk stated that at this moment in time training would be provided on-line however workshop training, around planning, may be appropriate in the future.

Councillor Norman stated that the Group does not have the powers to change policies.

5. COMMUNITY INFRASTRUCTURE LEVY [CIL]

The Town Clerk gave a briefing into the Community Infrastructure Levy [CIL] and explained that local planning authorities levy a charge on new development to contribute to infrastructure in the area. Lichfield District Council is required to provide a list of infrastructure projects that would be eligible for funding under the CIL. This list is known as the Regulation 123 List. In January of this year this list was replaced by an Infrastructure Funding Statement. At present the percentage rate of the levy that is passed onto Burntwood Town Council is 15%. Once the Neighbourhood Plan for Burntwood is approved the rate will increase to 25%. Currently there was nearly £30,000 sitting in the Town Council reserves.

Councillor Westwood stated that the next steps he envisioned with the PAG Group was how to maximise the community input in such a way that is not too bureaucratic. Councillor Norman stated that we needed a good cross section of the public's views, ideas which were good for the Town [considering carbon footprint].

Mrs Edwards felt that it was important that groups have a voice and encourage groups to put forward ideas which are important to them [bring into one pot]. This Group will give an opportunity for groups to feed into.

Councillor Westwood felt that this was an opportunity to shape projects from the ground upwards.

Mrs Poppleton confirmed that she worked with the youth [ranging from 12-19 years] and could set up a steering group to obtain cross representation. Prior to Covid-19 the Town Clerk confirmed that the Town Council was going to engage with the schools. He felt that if a youth joined the Group appropriate support and training should be provided.

Councillor Flanagan stated that his primary concerns was that everyone within the Burntwood community should be encouraged to participate and this should be publicised on social media.

Councillor Westwood suggested setting up an open survey on social media.

Councillor Flanagan explained that it must be made clear that the pot/fund is limited and that, for example, providing a cinema clearly was not within the remit.

Councillor Norman stated that it needed to be made clear what is available and not to get peoples hopes up but not deter people to put their views forward. He felt that hard to reach groups for example the elderly needed help to get their views across. Mrs Oldacre confirmed that MHA Communities still produce a newsletter which the Group could feed into.

The Town Clerk acknowledged the importance of being realistic in respect of both expectations and resources. He also felt that a survey was a good idea, however, in the foreseeable future officers would be raising awareness/promoting the Burntwood Neighbourhood Plan [a provisional date for the referendum had been set for 6 May] which would be the priority for the Town Council. The Group needed to focus on key issues and the best way to deal with them.

Councillor Norman mentioned match funding which may give the Group opportunities and Councillor Bullock felt that we needed to move forward with achievable ideas [streamline] and encourage the community to engage however he was mindful that there was only three years left to spend the 2018-19 CIL money received [CIL funding must be spent within 5 years of being allocated].

The Town Clerk referred to timescales and the processes involved. Ideas would be considered by the Planning and Development Committee and may need to go to Full Council. Clear guidelines would be given.

Councillor Westwood summed up and confirmed that representatives will be consulting with their groups and bringing back a mosaic of ideas which will enable a project's list to be developed. Members of the Group are encouraged to stimulate discussion in the community to identify the infrastructure improvements that are needed.

Mrs Edwards referred to timescales for reporting back ideas. The Town Clerk said that frequency of meetings needed to be discussed and suggested monthly meetings. This was agreed and that the next meeting would perhaps be held in April. Mrs Poppleton stated that due to Easter school holidays it would be difficult to achieve the timescales.

6. NEIGHBOURHOOD PLAN UPDATE

The Town Clerk gave a briefing into the Burntwood Neighbourhood Plan and explained that it had not been possible to hold the referendum because of the Covid-19 pandemic restrictions. However, a provisional date for the referendum had now been set for 06 May. The Town Council would be undertaking a publicity campaign to raise awareness of the Plan and to remind residents on what is in the Plan and the benefits. To gain approval the Plan is required to obtain 50% plus 1 of those turning out to vote in the referendum to vote 'yes'. By law it is permissible for the Town Council to promote the referendum but not to recommend any course of action. The Town Clerk explained that the Plan does not stop when it is approved, it will still be monitored/reviewed and there will be a role for this Group in that process [local circumstances/ local ambition].

Councillor Norman stated that the Plan will need to be updated in the future and that he will be promoting it and referred to the plus 1.

Councillor Norman stated that the Group would not just be discussing CIL, and the Neighbourhood Plan and the Town Clerk referred to discussion on emerging planning and environmental issues [long term issues around sustainability].

[The Meeting closed at 6.57 pm]

Signed

Date

BURNTWOOD TOWN COUNCIL

SCHEDULE OF PAYMENTS

DATE	PAYEE	DESCRIPTION OF SERVICE	CHQ NO.	SUB TOTAL	VAT	TOTAL
				£	£	£
12 04 21	EE	Contract Charges for Samsung Tablet and Samsung Mobile Phone	DD	34.11	6.82	40.93
15 04 21		Employee Costs Month 1	BACS	6,785.37	0.00	6,785.37
15 04 21	Lichfield District Council	NNDR 21-22 - Roundabout near to Cannel Road	BACS	37.43	0.00	37.43
	Lichfield District Council	NNDR 21-22 - Roundabout near to High Street	BACS	37.43	0.00	37.43
	Lichfield District Council	NNDR 21-22 - Roundabout near to Cannock Road	BACS	37.43	0.00	37.43
	Lichfield District Council	NNDR 21-22 - Roundabout near to Bridge Cross Road	BACS	37.43	0.00	37.43
	Lichfield District Council	NNDR 21-22 - Roundabout near to Attwood Road	BACS	37.43	0.00	37.43
	Lichfield District Council	NNDR 21-22 - Roundabout near to Miners Way	BACS	37.43	0.00	37.43
	Lichfield District Council	NNDR 21-22 - Burntwood Cemetery	BACS	1,422.15	0.00	1,422.15
	Lichfield District Council	NNDR 21-22 - Old Mining College	BACS	7,609.75	0.00	7,609.75
	Lichfield District Council	OMC Annual charge in respect of refuse collection	BACS	790.00	0.00	790.00
	Lichfield District Council	OMC Annual charge in respect of recycling collection	BACS	295.00	0.00	295.00
	Lichfield District Council	Burntwood Cemetery annual charge in respect of refuse collection	BACS	860.00	0.00	860.00
15 04 21	G E Colis and Sons Limitd	Tap Connectors, Pipe Collars, Basin Waste, Stop Cock	BACS	48.73	9.77	58.50
15 04 21	D Homer	Burntwood Cemetery - Grave Digger	BACS	480.00	0.00	480.00
15 04 21	Valuation Office Agency	OMC - Red Book Report	BACS	1,174.62	234.92	1,409.54
15 04 21	Staffordshire County Council	Health & Safety - Service Level Agreement 2021/2022	BACS	1,200.00	0.00	1,200.00
15 04 21	Stannah Lift Services Limited	Servicing period 28/03/2021 to 27/06/2021	BACS	73.67	14.73	88.40
15 04 21	R B [Services] Limited	Portable Appliance Testing	BACS	203.25	40.65	243.90
15 04 21	BBP Security Services & Training Limited	Yearly Keyholding Registration 2020 & Alarm Call Outs	BACS	280.00	56.00	336.00
15 04 21	Burntwood Road Sweepers Limited	Burntwood Cemetery : Gully Emptying	BACS	198.50	39.70	238.20
15 04 21	Chase Engraving Limited	Burntwood Cemetery : Memorial Wall Plaque	BACS	20.00	0.00	20.00
20 04 21	Burntwood Town Council	Petty Cash	CARD	100.00	0.00	100.00
20 04 21	Lloyds Bank	Cash Fee	CARD	2.50	0.00	2.50
20 04 21	Lloyds Bank	Monthly Fee	CARD	3.00	0.00	3.00
29 04 21	BT	Monthly Lines Charges	CARD	127.20	25.44	152.64
30 04 21		LGPS Month 1	BACS	2,269.78	0.00	2,269.78
30 04 21		NI/PAYE Month 1	BACS	2,566.92	0.00	2,566.92
30 04 21	Burntwood Lions	Community Support Fund - White Goods	BACS	1,000.00	0.00	1,000.00
30 04 21	G & P Travel	Covid-19 Taxis [Boney Hay Surgery]	BACS	30.00	0.00	30.00
30 04 21	Npower	OMC Electricity [period 01 March 2021 - 31 March 2021]	BACS	266.02	53.20	319.22
30 04 21	TechCare Limited	Monthly IT Support [April]	BACS	601.53	120.31	721.84
30 04 21	Corona Energy D5	OMC Gas [period March 2021 - April 2021]	BACS	586.03	117.21	703.24
30 04 21	D Homer	Burntwood Cemetery : Grave Digger	BACS	140.00	0.00	140.00
30 04 21	Burntwood Institute	Hire of Main Hall for Annual Meeting	BACS	90.00	0.00	90.00
30 04 21	Stannah Lift Services Limited	Standby 08 April 2021 renewing of fire alarm in lift	BACS	190.42	38.08	228.50
30 04 21	Focus Group	Monthly Line Charges	BACS	102.89	20.58	123.47
04 05 21	Bromford	Better Burntwood Fund	CARD	250.00	0.00	250.00
12 05 21	EE	Contract Charges for Samsung Tablet and Samsung Mobile Phone	DD	36.63	7.33	43.96

14	05	21		Employee Costs Month 2	BACS	6,710.38	0.00	6,710.38
14	05	21		LGPS Month 2	BACS	2,269.78	0.00	2,269.78
14	05	21		NI/PAYE Month 2	BACS	2,550.52	0.00	2,550.52
14	05	21	Oldham Council	CCIN Membership Fees 2021/22	BACS	250.00	0.00	250.00
14	05	21	DTM Decorators	OMC - Decoration of Unit 10 and other offices	BACS	850.00	170.00	1,020.00
14	05	21	Shelutions	Replacement bus shelter - opposite Aldi	BACS	3,195.00	639.00	3,834.00
14	05	21	Lichfield District Council		BACS	15,341.59	3,068.31	18,409.90
				Grass Cutting - Sister Dora Ave Open Space				
				Grass Cutting - St Matthews Ave Front Verge				
				Grass Cutting - Burntwood Cemetery				
				Grass Cutting - Traffic Islands				
				Traffic Islands - Monthly Maintenance of Shrub Beds				
				Traffic Islands - Monthly Litter Picking				
				Traffic Islands - Weedkilling Pavioir Surrounds				
				Traffic Islands - Supply & Plant Seasonal Bedding [Bridge Cross Rd]				
				Planter outside Library - Supply & Plant				
				Hanging Baskets - OMC				
				Coulter Lane - Cut whole site monthly between July & October				
				Burntwood Cemetery - Footpath rear weed spray				
				Burntwood Cemetery - road sweeping				
				Burntwood Cemetery - maintenance of shrub beds				
				Burntwood Cemetery - selection weed control of grass area				
				Swan Island - 4 x planters				
				Swan Island - Supply, install, remove hangin baskets				
				Swan Island - Watering of planters & baskets				
				Christmas trees - supply & install				
				Coulter Lane - trimming of boundary hedge				
				OMC - various landscaping & grounds works				
				OMC - removal of lower limbs from trees				
14	05	21	Lichfield District Council	OMC - Cleaning [March 21], Locking [March 21], Removal of SIDs	BACS	739.00	147.80	886.80
14	05	21	Staffordshire Signs and Graphics	Burntwood Neighbourhood Plan Referendum - Banners	BACS	252.00	50.40	302.40
14	05	21	Viking	A4 paper, Pencils, Pens, Sellotape, Punched Pockets	BACS	64.95	12.99	77.94
14	05	21	Yee Group Limited	OMC - Passive Fire Protection Works	BACS	4,999.41	999.88	5,999.29
14	05	21	Yee Group Limited	OMC - Supply & install 2 x visual indicating devices etc	BACS	1,068.78	213.76	1,282.54
14	05	21	Yee Group Limited	OMC - Fire rated loft hatch to Council Office	BACS	254.36	50.87	305.23
14	05	21	Yee Group Limited	OMC - Supply & install Fire Alarm Panel etc	BACS	9,637.28	1,927.46	11,564.74
14	05	21	E-mango	Burntwood Neighbourhood Plan Referendum - Website	BACS	25.00	5.00	30.00
14	05	21	Lichfield Community Media	Lichfield Live Advert - Neighbourhood Plan Referendum	BACS	26.00	0.00	26.00
						78,296.70	8,070.21	86,366.91

Burntwood Town Council

Tuesday 25 May 2021

Complaint regarding the stopping up of Pool Road with the intersection with Burntwood Bypass.

1.0 Purpose of the Report

1.1 The purpose of the report is to make the Council aware of a complaint by a local resident against Staffordshire County Council regarding the deletion of 140 m of public right of way from the Definitive Map and poor signage relating to the stopping up of Pool Road.

2.0 Background

2.1 As a consequence of the construction of the Burntwood Bypass in the late 1990's Staffordshire County Council, in its capacity as the 'Highways Authority', stopped up Pool Road. This was necessary as the bypass had cut the road in half. The northern section remained as Pool Road and the southern section was called Pool Lane to clarify the difference between the two parts of the original road.

2.2 It appears that in making the order errors were made in respect of the extent of the closure and the measurements quoted. This order was consequently subject to an appeal to the Secretary of State for the Environment. The order was subsequently approved in 1999 with modifications by the State of State. An opportunity for a further appeal against the modifications was not taken up and is now out of time.

2.3 The Complainant has indicated that they have since written to the Secretary of State. The Complainant has not provided details of the appeal but it maybe against the 2017 Definitive Map Statement. The Complainant has requested that members of the council are made aware of their concerns which are attached as Appendix 1.

2.4 In addition to the in-principle concern the Complainant has also expressed concerns about the lack of appropriate signage, enforcement and public awareness of the regulations in place.

2.5 The Complainant has requested that the Town Council seek legal advice regarding their concerns and comment accordingly.

2.6 This would appear to be the first formal complaint that the Town Council has received about the stopping up of Pool Road. There is nothing on file or in the archive. Individual councillors may have knowledge about the problem, but this does not appear to have led to any reports being submitted to committees or the Council. The Complainant has not provided any information on why this is an issue now.

3.0 The duty and powers of Burntwood Town Council in respect of public highways issues.

3.1 It is clear from the information submitted by the Complainant that they have an expectation that the Town Council has a role in addressing their concerns. This is an erroneous view. The Town Council can generally only act when it has either a duty or a power relating to the issue that needs to be addressed. The Town Council has generally neither a duty or power to act in respect of public highways matters. In particular it has no

powers of enforcement. As confirmed in paragraph 2.1 Staffordshire County Council is the legal authority regarding the public highway.

3.2 An exception to this rule is that parish councils have the power to act under the provisions of the Highways Act 1980 where a public right of way is being stopped. However, in this case the issue is not that the public right of way has severed but how the resulting public access arrangements have been regulated and enforced. Furthermore, the Secretary of State has already been involved. He reviewed and approved the modifications to public rights of way resulting from the construction of the Burntwood By-pass. As referred to in paragraph 2.3 there is a further appeal to the Secretary of State. As the appropriate legal process is already being used there is no justification for the Town Council to utilise its powers under the Highways Act.

3.1 There are some minor actions that the Town Council can undertake on the highway, such as the provision of grit bins and street lighting, but only with the agreement of the County Council. However outside of these approved minor works the Town Council does not have the power to spend money on issues that are the legal responsibility of another council. The Complainant has requested that the Town Council "...to seek experienced advice from someone independent; a competent surveyor or good clerk of works..." to examine the issue. For the reason outlined above the Town Council does not have the power to appointment such a person(s).

3.3 It is quite legitimate for individual councillors to raise concerns with Staffordshire County Council and indeed for the Town Council to formally present local concerns about the current situation. Unfortunately, the Complainant, despite being asked, has not evidenced their concerns. For example, no cyclists, horse riders or residents have written in support of his complaint.

3.4 In a supporting email (see Appendix 2) the Complainant suggests that the current arrangements could cause accidents. The Complainant provides no evidence to support this view and the records kept by Staffordshire County Council show that there has been only one serious injury since 2015. From a road safety perspective this does not represent a high-risk situation. On any road or footpath there is always the potential for accidents to happen particularly where different modes of transport mix. The County Council therefore only record accidents where there has been a serious injury or fatality and treat situations where there have been a series of accidents (minimum of 3) over a 3-year period which allows the most high risk situations to be identified and prioritised.

3.5 Where the Town Council could be helpful is in working with Staffordshire County Council to address some of the signage issues. There are ongoing discussions with the County Council about the management of Chasewater Country Park and reference has already been made by the Town Council for the need for better site management including the provision of signage. Any proposed infrastructure improvements could be eligible for funding through the Community Infrastructure Levy. The Complainant has been made aware of the opportunity for their concerns to be picked up in the on-going discussions the Town Council has with Staffordshire County Council but has given no indication that this would be welcome.

4.0 Legal Context

4.1 The Town Council can only act and incur expenditure where it has the legal power to do so. In the case of the public highway Staffordshire County Council is the primary legal authority. The Town Council has been no general power or duty in respect of the public highway. Furthermore Section 101(1) of the Local Government Act 1972 specifically

prevents the Town Council, in most instances, incurring expenditure on activities that are the legal responsibility of another authority. The review of the current regulations in place for Pool Lane and Pool Road as requested by the Complainant would not be permissible expenditure.

4.2 However the type of improvements to signage referred to by the Complainant could be undertaken by the Town Council subject to the agreement of Staffordshire County Council. This would be permissible under the provisions of the Highways Act 1980 and the Traffic Regulations Act 2084.

5.0 Financial Considerations

5.1 There is no provision in the budget for this year or the next to address the concerns raised by the Complainant. It is possible that improvements to signage, etc could be, subject to a successful application, funded through the Community Infrastructure Levy. However, any costs associated with appointing independent advisers or associated legal costs would have to be funded from the reserve.

6.0 Conclusion

6.1 The Complainant is unhappy with the current situation and has an expectation that the Town Council can intervene on their behalf. But there is no legal basis for the Town Council to become involved. Staffordshire County Council and the Secretary of State for the Environment, who are responsible for the public highway, are already dealing with the issues raised by the Complainant.

6.2 Although the Town Council has not received any other complaints about this issue it has been in discussions with Staffordshire County Council for some time about how access and site management could be improved. The potential availability of funding through the Community Infrastructure Levy is an opportunity to support some improvements.

7.0 Recommendation

7.1 The Town Council is recommended to:

- i) ask the Town Clerk to write to the Complainant thanking them for bringing the matter to the Council's attention but advising them that it will not be intervening in the issue and giving the reasons why
- ii) ask the Town Clerk to make Staffordshire County Council aware of the Complainants concerns and ensure that they are picked up in the ongoing discussions between the two authorities regarding the management of Chasewater Country Park
- iii) to authorise the Town Clerk, if appropriate, to explore the opportunity to secure funding from the Community Infrastructure Levy for any public access improvements that are felt necessary.

Contact Officer

Graham Hunt

graham.hunt@burntwood-tc.gov.uk

01543 677166

To: Burntwood Town Council,
From: Ian James, 223 Pool Lane Burntwood Staffs WS7 3QY

Subject Pool Lane and its intersection with the Burntwood Bypass.

Enclosures:

Bypass Order (phase 3) including initialled hand written notes [6 pages]

Bypass Plan 7F3090/R55/06A [1 landscape page, A1 reduced to A4]

Bypass Plan 7F3090/R55/06A magnified in the area of the junction in question along with enlargement of the key to the plan [1 page]

Definitive Map dated 1999 [1 page]

Definitive Statement 1999 for FP31 [1 page]

Enclosure provided by Shona Frost of SCC [2 pages]

Dear Town Council,

I have submitted a request to the Secretary of State DEFRA to reinstate 140 metres of Right of Way that has, I believe, wrongly been deleted by Staffordshire County Council. This followed the rejection of my Application for a Definitive Map Modification Order to SCC. I feel that it is appropriate to bring the matter to the attention of BTC because it seems unlikely that the interpretation by SCC aligns with that of the BTC. I would appreciate comments on this point from the council.

Frankly, the situation is a mess. The physical construction of the intersection seems to be exactly as per the plans and Bypass Order. However, the legal compliance is so far from what was intended as to be an embarrassment.

1. The Order states that Pool Road is stopped up 615 metres and FP15 is stopped up 475 metres. SCC has stopped up Pool Road by 615 metres and FP15 by 615 metres which required SCC to "borrow" 140 metres of FP31 since FP15 was only 475 metres in total length. This makes a mockery of the term "Definitive Map" and "Definitive Statement" used for describing FP31.

I suggest that the intended interpretation is that the 475 metre stoppage was correct. The justification is that the route cut between the school and some of its playing fields. The route had hedges and no footpath. The likelihood of a traffic accident between children crossing the road and the infrequent traffic justified the stopping up of that route. This meant stopping up both Pool

Road and FP15 from its junction with Pavors Road by a distance of 475 metres.

2. The junction of Pool Road with the bypass provides access to the Chase Sailing Club and to the SCC Outdoor Education Centre. The Sailing Club visitors sometimes tow long trailers carrying sailing vessels with longer masts lying horizontally. The Outdoor Education Centre sometimes has long motor coaches bringing school children. Before the bypass was built, the turn from Pool Road onto the section leading to the Sailing Club and Outdoor Education Centre was approximately 135 degrees – difficult for any towing vehicles and coaches. Instead, the plan stopped up the section of Pool Road from its route to the Sailing Club and Outdoor Education Centre to the parish boundary – approximately 140 metres. A replacement section of Pool Road was added from the junction with the bypass but offering a moderate curve to facilitate easier access to the Sailing Club and the Outdoor Education Centre for longer vehicles. The sum of 475 metres and 140 metres comes to 615 metres.

The Bypass Order describes only the stopping up of Pool Road but not of FP31. The Bypass Plan clearly shows a new section of Pool Road. The Highways Act 1980 allows the Highways Authority (SCC) to divert and/or to upgrade a right of way where necessary. The additional section of Pool Road is surprisingly near to 140 metres.

3. The plan shows the new section of Pool Road inside the red dash-dot boundary which the key to the plan describes as being classified road. It is a two lane road with a separate pavement. SCC has defined this section as purely cycle track and footway. This means that horse riders commit the offence of nuisance if they ride on the cycle track and footway. From the north end of the dam the only permissible route for horse riders is back along the dam. They cannot even ride to the bypass. Nobody has picked this up because SCC has sign posted the situation so badly that it has the appearance of being intentionally misleading. SCC has failed to enforce these aspects so that everyone thinks it is OK. Horse riders are not permitted to cross either of the footbridges over the bypass because access to both are described as cycle track and footway.
4. The north barrier on the dam is across a restricted byway which is against the Highways Act 1980. The reason that SCC gave for the installation was to protect the dam. Protection of the dam can only be authorised through the

Reservoir Act but this means that compensation may be due to those adversely affected.

5. The barrier leading to the Sailing Club has been added too near to the junction restricting the space for three point turns for longer vehicles and obstructing the access when users of the barrier pause to open and close the barrier. As a consequence, cyclists are angry because of the obstructions to the cycle route. The vehicles using the route have managed to break or uproot three of the oak bollards in that area. The bollards, if replaced, are likely to be damaged again if the principal cause is not addressed. That is, move the Sailing club barrier sufficiently away from the junction. This will facilitate longer vehicles making 3 point turns and allow vehicles pausing at the barrier to open and close it without impeding other users of Pool Lane. Having moved the barrier, provision of a tarmac route for cyclists to easily bypass the barrier can readily be arranged.

I am asking that Burntwood Town Councillors consider whether my explanation is at least as plausible as that of SCC. In either case, the question mark over the missing 140 metres of right of way remains. I urge the council to seek experienced advice from someone independent; a competent surveyor or good clerk of works would be ideal but experience of reading legal documents and site plans is probably sufficient.

The enclosed copy of the Bypass Order and associated Plan were obtained from the Department for Transport having been authored by SCC for DfT comment and approval. Please notice the hand written notes on the Bypass Order where it refers to "Req No 90" and other similar entries initialled by "JD" who is believed to be J Darlington Director Planning Environment and Transport. I suggest that these refer to a list of requirements that formed the working document that lead to the design of the Bypass Plan Phases 1, 2 and 3. Sadly, SCC has been unable to locate any such document despite FOI requests. I suggest that the list of requirements may well have passed across the table of Burntwood Town Council in the early stages of the Bypass planning.

I would ask the council to check appropriate filing cabinets and enquire of past councillors and interested parties. Anyone with a copy of the document listing the numbered requirements for the Burntwood Bypass, can they please make it available? It is likely to have been circulated between 1994 and 1998.

Your kind attention to this matter is greatly appreciated.

DEPARTMENT OF THE ENVIRONMENT,
TRANSPORT AND THE REGIONS

HIGHWAYS ACT 1980

THE STAFFORDSHIRE COUNTY COUNCIL (BURNTWOOD BYPASS – PHASE 3
CLASSIFIED ROAD) (SIDE ROADS) ORDER 1998

THE SECRETARY OF STATE FOR THE ENVIRONMENT, TRANSPORT AND THE REGIONS hereby gives notice that he has confirmed with modifications the above Order which was made by the Staffordshire County Council under sections 14 and 125 of the Highways Act 1980 and which, as confirmed, authorises the Council to:-

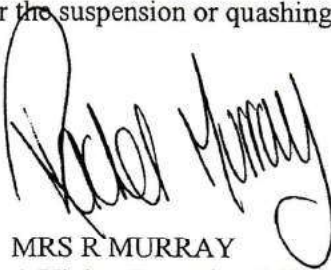
- (a) improve highways;
- (b) stop up highways;
- (c) construct new highways;
- (d) stop up private means of access to premises; and
- (e) provide new means of access to premises,

all on or in the vicinity of the classified road which the Council propose to construct from 150 metres south of the south westerly end of Robins Road, in a southerly direction for a distance of 1480 metres to a point 550 metres south of the junction of Church Street and High Street which will be a classified road in accordance with section 12 of the Highways Act 1980.

A COPY of the Order (as confirmed) and of the relevant map may be inspected free of charge during all reasonable hours at the offices of the Staffordshire County Council, County Buildings, Martin Street and at the Department of the Environment, Transport and the Regions, Government Office for the North East, Wellbar House, Gallowgate, Newcastle upon Tyne.

ANY PERSON aggrieved by the Order and desiring to question the validity thereof, or of any provision contained therein, on the ground that it is not within the powers of the Highways Act 1980 or on the ground that any requirement of that Act or of any regulations made thereunder has not been complied with in relation to the order, may, within 6 weeks of the ~~12 August~~ 1999, apply to the High Court for the suspension or quashing of the Order or of any provision contained therein.

Local Authority Orders
Department of the Environment,
Transport and the Regions
Government Office for the North East
Room 810, Wellbar House
Gallowgate
Newcastle upon Tyne
NE1 4TD


MRS R MURRAY
A Higher Executive Officer
in the Department of the
Environment, Transport
and the Regions

 July 1999

Ref: DN5074/55/7/20

CONFIRMATION OF THE STAFFORDSHIRE COUNTY COUNCIL (BURNTWOOD BYPASS -
PHASE 3) (CLASSIFIED ROAD) (SIDE ROADS) ORDER 1998

The Secretary of State for the Environment, Transport and the Regions hereby confirms the foregoing Order with modifications shown by the red ink alterations which have been made to the text of the Order and which have been initialled by the person whose signature appears below. The Secretary of State is satisfied -

- (a) as respects each highway the stopping up of which is authorised by the Order, that another reasonably convenient route is available or will be provided before that highway is stopped up, and
- (b) as respects each private means of access the stopping up of which is authorised by the Order, that other reasonably convenient means of access to the relevant premises are available or will be provided in pursuance of the Order before that private means of access is stopped up or that no access to the relevant premises is reasonably required.

Signed by Authority of the
Secretary of State

29th July 1999

J Darlington
J DARLINGTON
Director Planning, Environment
and Transport
Government Office for the North East

12/07/2002 10:57 01785

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Fourth Review
Item

883

The Staffordshire County Council
(Burntwood Bypass - Phase 3 Classified Road)
(Side Roads) Order 1998

The Staffordshire County Council make this Order in exercise of their powers under sections 14 and 125 of the Highways Act 1980 and of all other powers enabling them in that behalf:-

1. The Staffordshire County Council are authorised in relation to the Classified Road at Burntwood in the County of Staffordshire to:

- (a) improve the lengths of the highways named in the Schedule to this Order and shown on the Site Plan by cross hatching,
- (b) stop up each length of highway described in the Schedule and shown on the Site Plan by zebra hatching,
- (c) construct a new highway along each route whose centre line is shown on the Site Plan by an unbroken black line surrounded by stipple,
- (d) stop up each private means of access to premises described in the Schedule and shown on the Site Plan by a solid black band, and
- (e) provide new means of access to premises along each route or at each location shown on the Site Plan by thin diagonal hatching.

2. Each new highway is given a reference letter on the Site Plan, which is also placed in the said Schedule, and will be a road unless the word "~~footpath~~" or "cycle track" appears beneath its reference letter in the Schedule, in which case it will be a footpath or cycle track as the case may be. Each new access is given a number on the Site Plan, which is also placed in the said Schedule.

3. Where a new highway is to be constructed or a new access is to be provided in connection with the stopping up of a length of highway described in the said Schedule, its reference letter or number (as the case may be) is placed in the said Schedule opposite the description of that length.

4. The Site Plan shows the works indicated in the said Schedule and the route of the classified road in relation to those works.

5. Where immediately before a length of highway is stopped up in pursuance of this Order there is under, in, on, over, along or across that highway any apparatus of statutory undertakers or any telecommunications code system operator ~~or sewer or sewage disposal work of a sewerage authority~~, then, ~~subject to section 21 of the Highways Act 1980~~, those undertakers or that operator/authority, as the case may be, shall have the same rights as respects that apparatus, ~~sewer or work~~ as they had immediately before the stopping up took place.

6. In this Order -

- (a) distances are measured along the route of the relevant highway;

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- (b) "the classified road" means the highway which the Council propose to construct from 150 metres south of the south westerly end of Robins Road, in a southerly direction for a distance of 1480 meters to a point 550 metres south of the junction of Church Street and High Street, which will be classified road in accordance with section 12 of the Highways Act 1980;
- (c) "the Council" means the Staffordshire County Council;
- (d) "improvement" in relation to a highway, includes raising, lowering or otherwise altering that highway, and "improved" shall be construed accordingly;
- (e) "new access" means a means of access to premises authorised by this Order to be provided.
- (f) "the new highway" means a highway authorised by this Order to be constructed, and "new highways" shall be construed accordingly; and
- (g) "the Site Plan" means the Site plans numbered 7F3090/R55/05A & 06A marked "The Staffordshire County Council (Burntwood Bypass - Phase 3 Classified Road)(Side Roads) Order 1998" sealed with the Common Seal of the Council and deposited at the offices of the Council at County Buildings, Martin Street, Stafford, ST16 2HL. A certified copy is also deposited at the offices of the Secretary of State for the Environment Transport and the Regions;

THE SCHEDULE

Highways to be improved.

D269 Church Street, Chasetown,
Staffordshire

Highways to be stopped up.

Footpath No F.P.O.334 for a distance of 225 metres, starting from the west end of Church Street and going in a northerly direction.

Req No 90

Footpath No F.P.25 from its junction with F.P.15 for a distance of 185 metres in a north westerly direction.

Req No 91

Reference letter of new highways.

JD

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Footpath No. F.P.15 from its junction with Pavors Road for a distance of 475 metres in a generally south westerly direction along the line of Pool Road.

Footpath No. F.P.14 from the southern end of Pavors Road for a distance of 10 metres in a westerly direction.

D169 Pavors Road, Chasetown starting 220 metres from its junction with Pool Road and following the centre line of Pavors Road for a distance of 120 metres.

A
cycle track with right of way on foot

B

Private means of access to be stopped up.

Reference number(s) of new accesses

Access to rugby pitches from the access road to the off street car park at the west end of D269 Church Street for 40 metres northwards.

1

Access to land north of Church Street from the access road to the off street car park at the west end of D269 Church Street

2

Access to the off street car parking area off the west end of D269 Church Street

Access CO-EXISTENT WITH.

1 Pool Road from its junction with Pavors Road for a distance of 615 metres in a generally south westerly direction.

3, 4, 5 & 6

Access to land off the southern end of the D169 Pavors Road.

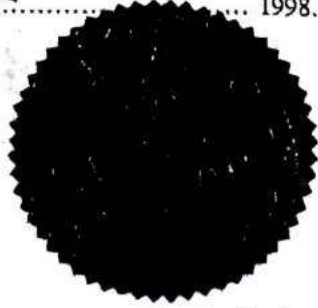
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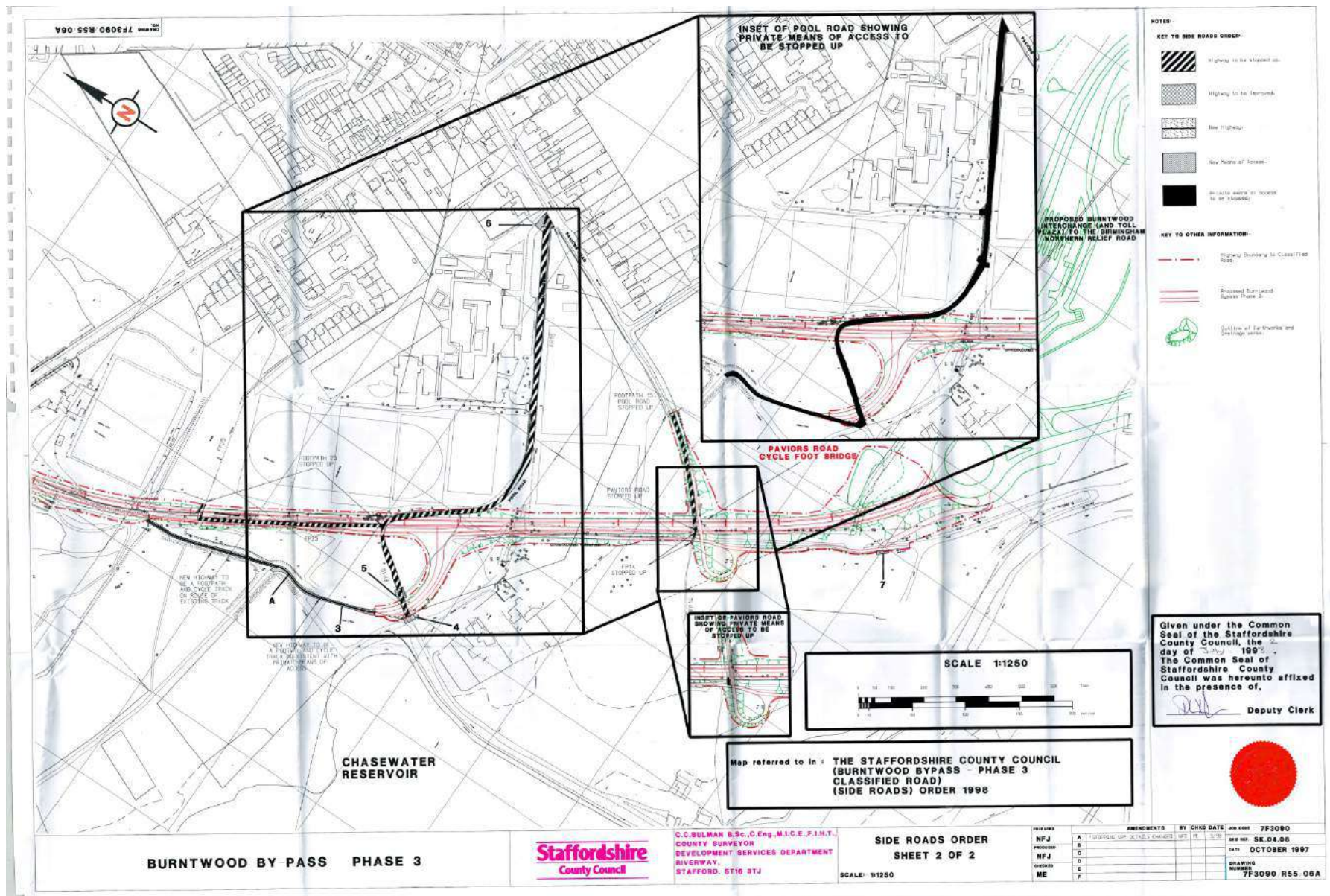
Given under the Common Seal of the Council the 2 July 1998.

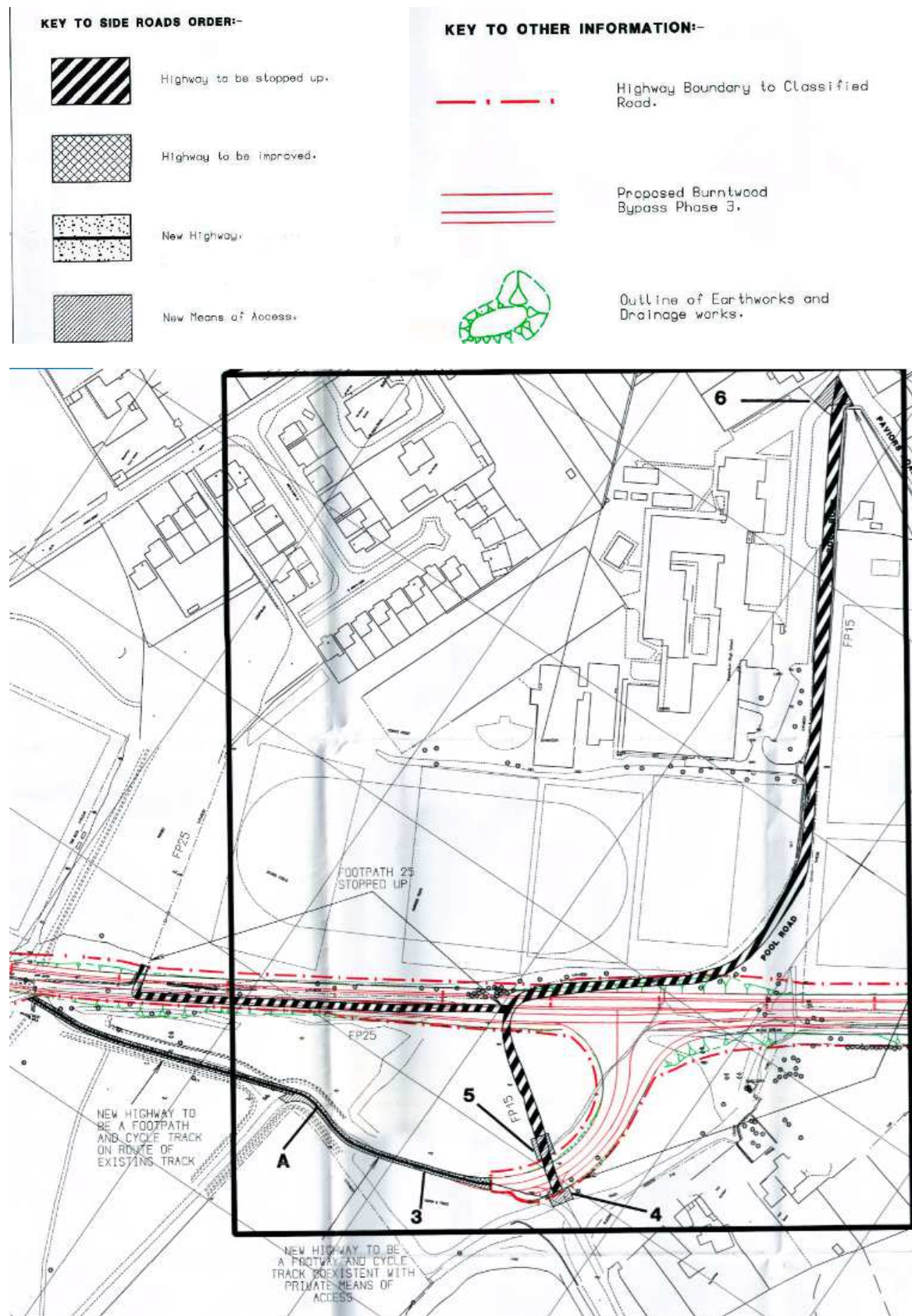
The Common Seal of the
Staffordshire County Council
was hereunto affixed in the presence of:-



.....Deputy Clerk

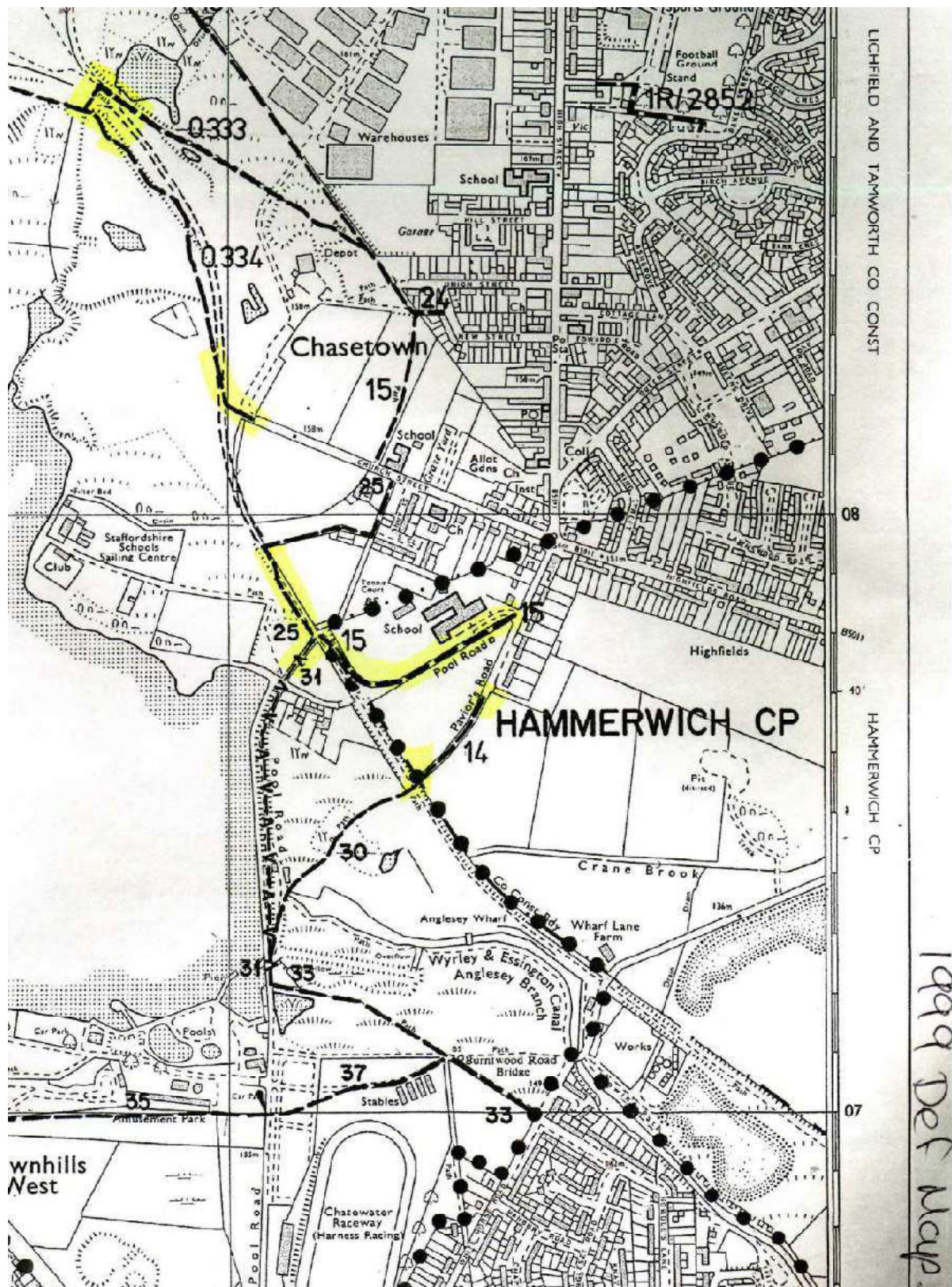
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Note SCC has incorrectly labelled FP31 as FP15 despite being the owner of the definitive map and statement

The Definitive Map 1999 supplied by Staffordshire County Council in 2017 showing Burntwood 31 and Hammerwich 15 meeting on the parish boundary (black dots)



Statement 1999 Def. Map

Path No.	Type of Path	Path commences at	Path finishes at	Documents creating or modifying the right of way and other relevant information
31	R.U.P.P.	Southern end of Chasewater Dam.	N. end of Pool Road at Parish boundary.	Formerly part of R.U.P.P.15 Aldridge/Brownhills U.D.
32	F.P.	Pool Road, 110m. N. of junction with A.5.	Parish boundary, 80m W. of White Horse Road.	Former F.P.16 Brownhills U.D. Aldridge/Brownhills Urban District Council (Chasewater) Public Order No. 1, 1971.
33	F.P.	Junction with R.U.P.P.31 at southern end of Chasewater Dam.	White Horse Road, opposite Howdle's Lane.	Former F.P.53 Brownhills U.D.
34	F.P.	County boundary, 100m. N.E. of Hednesford Road at its junction with Pool Crescent.	Junction with F.P.35, 140m. to the N.E.	Former F.P.12 Brownhills U.D. The Public Footpath No. 12 (Brownhills) Extinguishment Order, 1982.
35	F.P.	Pool Road, N.W. of Chasewater Raceway.	F.P.34, 440m. to the W.	Former F.P.13 Brownhills U.D. The Walsall Metropolitan Borough Footpath No. 13 (Brownhills) Diversion Order, 1982.
36	F.P.	Norton East Road, S. of School Road.	Junction with F.P.34, S. of Chasewater.	Former F.P.0.160 Brownhills U.D.
37	F.P.	Pool Road, opposite F.P.35.	Junction with F.P.33, 200m. W. of Burntwood Road Bridge.	Former F.P.0.162 Brownhills U.D.
38	F.P.	County Boundary at N. end of Pinewood Close.	F.P.32, 30m. to the North.	Part of former F.P.15 Brownhills U.D.

ENC from Shona Frost of SCC

Pool Lane – Burntwood 31 Restricted Byway

On the draft Definitive Map and Statement of Public Rights of Way (1954) and the Definitive maps that followed it, the route that crossed Chasewater Dam and followed Pool Road to its junction with Paviers Road was classified as a “Road Used as a Public Path” (R.U.P.P.) – a relatively common designation at the time. It was called Hammerwich 15.

In 1974 the part of the county covering the Dam [IJ: Burntwood parish,] was transferred to Brownhills administrative area (not in Staffordshire) and consequently that part of Hammerwich 15 {FP31} missed the reclassification of R.U.P.P.’s brought about by the Countryside Act 1968, (the designation was no longer deemed suitable).

The reclassification was a long drawn out process that took several years to complete, but that part of Hammerwich 15 still in Staffordshire was reclassified as a Public Footpath. In 1988 [IJ correction 1994] Chasewater Dam was transferred back into Staffordshire as part of Burntwood Parish and was recorded as Burntwood 31, still classified as a R.U.P.P. By then Staffordshire had completed its special review of “RUPPs” under the Countryside Act and there was no facility to reclassify Burntwood 31 in isolation. It remained therefore a R.U.P.P. until the Countryside and Rights of Way Act (C.R.O.W.) bestowed the authority to reclassify the route as a Restricted Byway (R.B.) in 2006 without recourse to committee scrutiny.

In the 1980’s during the Definitive Map making process, some confusion caused the notation for R.U.P.P.s (which no longer existed in Staffordshire at the time) to be used for “Byways Open to All Traffic”. This anomaly is now being corrected as the Definitive Map and Statement is republished. In 1999 the re-inclusion of the R.U.P.P. Burntwood 31 on the Definitive Map was catered for by the creation of a non-standard hybrid notation. However, the Statement has always made the correct distinction asserting the legal position that Burntwood 31 was a R.U.P.P. until it became a Restricted Byway as a consequence of the C.R.O.W. Act.

The original extent of Pool Road was partially stopped up by the Burntwood Bypass Order, so dividing the road into two parts. The northern part is on its original route which ends at the junction of Highfields Road and Church Street. The southern part was renamed Pool Lane to distinguish it from the northern stretch and ends south of the sailing club access road.

The sailing club access road is not Pool Lane despite how Google Maps and the Ordnance Survey show it. The official dataset has no name for this stretch.

On the 1999 Definitive Map, F.P.15 Hammerwich Parish followed the length of Pool Road north from the parish boundary to the junction with Paviers Road. R.U.P.P. Burntwood 31 went south from the parish boundary to the southern end of the Chasewater Dam. The Statement accompanying the Definitive Map records this in the start and end descriptions of both routes.

The Burntwood Bypass Order incorrectly labelled the whole length to be stopped up as F.P.15 whereas the southern part from the parish boundary should have been labelled R.U.P.P. 31. However, the intent of the order is clear from the hatching on the map stating “Highway to be stopped up”. There is a discrepancy in the measurement mentioned in the order of 475 metres and what is shown on the map. However, the consolidation of changes to the Definitive Map are based on what is

shown on the map with reference to the text only being made in cases where the map is ambiguous.

The “cutting of Pool Lane into two pieces”, although it was actually Pool Road, was a consequence of the Burntwood Bypass Order. The Public Rights of Way depiction and statement were altered as part of the consolidation of the Definitive Map to ensure that when a legal order affects a public right of way, the map and statement match the situation as created by the order. These changes were consolidated onto the new Definitive Map and Statement in March this year. Therefore, R.B. Burntwood 31, ends just south of the sailing club access road as shown on the 2017 Definitive Map and Statement.

The dropped curb and road width tarmac are probably remnants of the construction process but I don’t have any further information regarding this. The point labelled “4” on the map is a new means of access for Pool Cottages, Pool House etc. rather than being a cut in Pool Road.

The Burntwood Bypass Order is a legal order and as such has the power to alter public rights of way as they are classed as highways. There was an opportunity for this order to be challenged at the public consultation, which did happen, and the Secretary of State made some amendments. These were also open to challenge but that time has now passed.

The comments “Req (or Reg) No 90” etc. were hand written onto the copy of the order by persons unknown and have no known relationship with paperwork held by Staffordshire County Council. Therefore we cannot provide any further information regarding this.

IJ Note: The definitive map and definitive statement are not open to fudging.

FP15 runs from Paviers Road junction of Pool Road down to the parish boundary.

FP31 runs from the parish boundary to the southern end of the Chasewater dam.

The Bypass runs along the Hammerwich / Burntwood parish boundary line.

Jayne Minor

From: Ian James <ianjames@linuxmail.org>
Sent: 26 February 2021 15:09
To: Graham Hunt
Subject: 14 04 2021 Appendix 2 Pool Lane and its intersection with the Burntwood Bypass

Dear Mr Hunt,

Firstly, I am asking whether Burntwood Town Council are aware of the legal situation between the Bypass and the Sailing Club gate, specifically horse riders are forbidden on that section of highway and likewise across both bridges over the bypass? If the council is unaware, then I wish to alert the council to the situation (believing that my understanding of the legal situation is correct) and ask if the council will accept the situation or make an effort to rectify it?

Secondly, cyclists on the National Cycle route 5 where the footpath of the new section of Pool Lane ends must either turn 4 metres left to ride on the pedestrian section that is protected by bollards or turn right 4 metres to filter between the bollards. On the national cycle route, I think that better sign posting puts ALL road users at less risk. Having pedestrians, dog walkers, horses, cyclists and motor traffic, turning either way, walking to the beach or stalling crossing the road looking for the best route is dangerous. I propose that the council ask the police or the RoSPA to look at the situation to see if they can suggest some improvement. If the matter is investigated, please demonstrate traffic through the sailing club barrier. Also consider whether it is appropriate to wear High Vis jackets as the distraction for road users could be ill-judged.

I feel that the signage at present is so mixed, scattered and ad hoc that users do not read or obey the signs. The sign indicating that footpath and cycle users share a carriageway is unclear since it is positioned between the main carriageway and subordinate footpath.

Please make an overt action to minimise the risk of accidents and improve the general perception of that intersection. If horse riders are breaking the law riding in that area, they should at least be aware of the situation. They may well have no insurance or third party only insurance if they are not on a bridleway or public road.

Please accept my apologies for wandering round the two issues because, treated separately, the result is unlikely to be optimum.

In summary, Mr Hunt, can you add these two points for the council to consider with the text from above as justification:

Is the council aware that horse riders are committing an offence when they use the new section of Pool Lane and the bypass footbridges or will the council seek clarification or otherwise take action?

I urge the council to seek expert advice from the police or the RoSPA or both on the road safety issues in the section of Pool Lane between the Sailing Club Barrier, the Northern Barrier on the dam and the Bypass.

Kind regards

Ian James

Sent: Friday, February 26, 2021 at 10:07 AM
From: "Graham Hunt" <graham.hunt@burntwood-tc.gov.uk>
To: "Ian James" <ianjames@linuxmail.org>
Subject: PMS1 Pool Lane and its intersection with the Burntwood Bypass

Dear Mr James,

Thank you for your email. I appreciate what you say about public speaking and it is not essential that you speak at a meeting to progress this matter.

I will therefore prepare a report for the April Council Meeting. Even so I am not sure however that the Town Council will be able to respond in the way you would wish. The Town Council has no duty or power to address highways issues. That responsibility rests with Staffordshire County Council and the Town Council cannot compel the County Council to act. In your initial email me to me you asked if the Town Council would appoint a specialist adviser to look into your concerns. Unfortunately the Town Council is expressly forbidden by law to incur expenditure on responsibilities or services that are the statutory responsibility of another authority.

Thank you for giving more detail about the discussions you have had with horse riders and cyclists. Unfortunately none of these people have contacted the Town Council so at the moment we have no understanding of the extent of public concern. Is there incident that triggered your email to The Town Council?

I am more than happy to progress this issue through a formal report to the Council. But there may be a simpler and more productive option. I note from the description of the problems you have provided in your email some of them are of a operational nature (i.e. poor signage) or a lack of resources. How you feel about the Town Council facilitating a discussion between you and the County Council to see if any of your concerns can be addressed? The Town Council has identified cycleways and bridleways as possible areas for funding under the Community Infrastructure Levy. This fund is resourced through contributions from new developments to ensure that as the town grows essential infrastructure is provided. The Town Council is able to apply for funding to support projects that benefit the community.

If you feel that a facilitated discussion with the County Council would be helpful please let me know. If you want to explore what I have suggested over a chat via a Zoom meeting that can also be arranged. Otherwise I will continue to prepare a report for the Council.

Yours sincerely,

Graham Hunt.

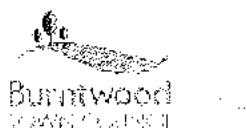
Graham Hunt | Town Clerk | **Burntwood Town Council**

The Old Mining College Centre | Queen Street, Chasetown | **Burntwood WS7 4QH**

Telephone | 01543 677166

Email | townclerk@burntwood-tc.gov.uk

Website | www.burntwood-tc.gov.uk



Having regard to the GDPR and Data Protection Regulations you should be aware that Burntwood Town Council will only use any personal data supplied in connection with the statutory activities of

the authority. No personal data will be given to any other organisation without your specific consent.

From: Ian James <ianjames@linuxmail.org>
Sent: 25 February 2021 20:48
To: Graham Hunt <graham.hunt@burntwood-tc.gov.uk>
Subject: Re: PMS1 Pool Lane and its intersection with the Burntwood Bypass

Dear Mr Hunt,

I live 200 metres from the barrier and rarely meet those disadvantaged other than when I am walking to/from Burntwood which is infrequent during poor weather. The horseriders that I have spoken to, numbering 6, do not believe that the route, regularly used by horseriders, is forbidden. There are no signs and nobody has been charged with the offence of nuisance as far as I know. Taken together, that suggests that an implied right of way by regular use will eventually arise and is perhaps the unwritten but intended outcome. The horse manure on the cycle route is a more obvious and longer lasting indicator of its use.

The new barrier to the sailing club and outdoor education centre is hated by cyclists that I have spoken to. I have spoken to two at least as well as a lady cyclist that fell off her bike trying to negotiate between the barrier and the bollards. She was unhurt but walked her bike through that section before remounting. I have heard other cyclists describe the junction as a joke when drivers using the barrier leave their car doors open while they operate the barrier. I would ask that you consider visiting the location on a pleasant day to view the situation. The national cycle route is poorly signposted in the opinion of those cyclists with no drop-kerbs and no clear route particularly when parked cars obstruct the obvious access. I would ask that the council consider blue road paint or an improved access.

I struggle with public speaking so would prefer to have something scheduled for April if possible. I am happy to answer direct questions via Zoom but would not be comfortable presenting the case in a time-limited forum. In the current circumstances, there are more pressing matters for the council's time and would be happier if the council had a summary report, perhaps with observations and even a straw poll sample of views.

Kind regards

Ian James

Sent: Wednesday, February 24, 2021 at 10:24 AM
From: "Graham Hunt" <graham.hunt@burntwood-tc.gov.uk>
To: "Ian James" <ianjames@linuxmail.org>
Subject: PMS1 Pool Lane and its intersection with the Burntwood Bypass

Dear Mr James,

Thank you for your email.

You have provided a great deal of detail about your concerns but unfortunately there is not sufficient time to digest your views and prepare a report before the March agenda deadline. The Town Council is currently meeting every month so there would be the opportunity for a report to be prepared for the April meeting (the date of that meeting will be set at the March meeting).

However are you aware that you could attend the Council Meeting and speak about the issue yourself? Please see below guidance on the Public Forum held at the beginning of every Council meeting. You are in time to be included on the March agenda so please let me know by 8th March if you wish to speak. In accordance with Government regulation all of the Town Council's meetings are held virtually via the Zoom Meeting platform.

PUBLIC FORUM

30 minutes will be set aside at the beginning of the meeting for you to raise issues relevant to the remit of the meeting but are not already on the agenda. So that the Members of the meeting can be properly briefed in order to enable them to provide considered response to your question, please advise the Town Clerk of the question[s] you wish to ask the Council at least three working days before the meeting. The Chairman of the meeting has the right to reject any representations that he/she considers not to be appropriate for the particular meeting.

You will also now have the opportunity to discuss specific items on the agenda as the Chairman now has the discretion to allow you to speak where you have a legitimate interest in the item. Again, you will need to give three working days' notice of your wish to speak. Where more than one person wishes to speak on a particular application the Chairman may decide to limit the number of speakers or ask for a spokesperson to be appointed.

Generally, in respect of both speaking in the public forum and to specific agenda items you will have up to 3 minutes and can raise more than one issue. However, the Chairman has the option to extend the time allowed to you if they think it is appropriate

Having read your submission it would be helpful if you could provide some clarification of the points you make:

- You refer to both cyclists and horse riders being disadvantaged by the current arrangements. Approximately how many cyclists and riders have you spoken to and over what period? Are they willing to evidence your concerns? What is the position of their respective local governing bodies?
- Have you spoken to those people you feel have been adversely effected by the northern barrier? Are they aware they are referred to in your submission?
- I have only been in post since May 2019 so do not have a historical knowledge of this issue but since my appointment I am not aware of the Town Council receiving any complaints. So it would be helpful if you could provide any evidence of conversations you have had with local people.

Finally please could you be more explicit about your expected outcomes with regard to the Town Council becoming involved? You have already appealed the matter to the Secretary of State who is clearly the final arbiter.

In the meanwhile I will advise the Town Council's of your request and will start investigating your concerns I look would forward to hearing from you regarding the information I have requested in due course.

Yours sincerely,

Graham Hunt.

Graham Hunt | Town Clerk | **Burntwood Town Council**

The Old Mining College Centre | Queen Street, Chasetown | **Burntwood WS7 4QH**committee agenda deadline.

Telephone | 01543 677166

Email | townclerk@burntwood-tc.gov.uk

Website | www.burntwood-tc.gov.uk



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From: Ian James <ianjames@linuxmail.org>

Sent: 23 February 2021 18:36

To: Graham Hunt <graham.hunt@burntwood-tc.gov.uk>

Subject: Fw: Pool Lane and its intersection with the Burntwood Bypass

Mr Hunt,

If possible, I would appreciate it if the attached document could be put forward to the Burntwood Town Council for 11th March.

Since the document raises various points from the Bypass Order and the Bypass Plan, I feel that it would be best looked at perhaps by the planning committee because of their experience in such matters. Their comments would be invaluable for the town council to decide if further action is required or, instead to keep an eye on the application to the Secretary of State DEFRA for a decision.

Kind regards

Ian James

Sent: Tuesday, February 23, 2021 at 2:52 PM
From: "Ian James" <ianjames@linuxmail.org>
To: info@burntwood-tc.gov.uk
Subject: Pool Lane and its intersection with the Burntwood Bypass

Please see attached

Burntwood Town Council

Tuesday 25 May 2021

Members Code of Conduct

1.0 Purpose of Report

1.1 The purpose of this report is to seek the adoption by the Town Council of an updated version of the Members Code of Conduct.

2.0 Background

2.1 The current Members Code of Conduct was adopted on 12th July 2012. It has not been reviewed since.

2.2 The Code was originally adopted in response to the Nolan Report which sought to address public concerns about the behaviour of elected members. The report advocated seven principles of public life. These principles form the basis of the Code of Conduct adopted by the Town Council in 2012.

3.0 Revised Code of Conduct

3.1 The revised Code is set out in Appendix 1. There are no significant changes from the current Code. Greater clarity is provided in respect of the expectations of member behaviour regarding adherence to the Nolan principles. The Code has also been amended to align more closely to the Code of Conduct used by Lichfield District Council. This will help those members who represent both councils.

4.0 Legal Context

4.1 The Council has a statutory duty under Section 27 of the Localism Act to promote and maintain high standards of conduct by its members and co-opted members. It is also good practice to review policies and practices on a regular basis.

5.0 Financial Considerations

5.1 The revisions to the current Members Code of Conduct do not pose any new financial costs.

6.0 Conclusion

6.1 The Council has a statutory duty to have a Members Code of Conduct. Good practice requires the Code to be reviewed on a regular basis. The proposed updated Code is timely.

7.0 Recommendation

7.1 The Town Council is recommended to adopt the updated Members Code of Conduct as set out in Appendix 1.

Contact Officer

Graham Hunt

graham.hunt@burntwood-tc.gov.uk

01543 677166

BURNTWOOD TOWN COUNCIL CODE OF CONDUCT

1. INTRODUCTION

In accordance with the Localism Act 2011, section 27 Burntwood Town Council has adopted this Code of Conduct to promote and maintain high standards of behaviour by its members and co-opted members¹ whenever they conduct the business of the Council, including the business of the office to which they were elected or appointed, or when they claim to act or give the impression of acting as a representative of the Council. The Code of Conduct does not apply to what members do in their private and personal lives².

Conduct in public life

When acting in your capacity as a member of Burntwood Town Council you must promote and support high standards of conduct. You shall have regard to the following principles:

Selflessness

You should act solely in terms of the public interest and should not seek to gain financial or other material benefits for yourself, your family, your friends, organisations or groups.

Integrity

You should not place yourself under any situation where your integrity may be questioned, you should not behave improperly and should avoid the appearance of such behaviour.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, you should make choices on merit.

Accountability

You are accountable for your decisions and actions to the public and must submit yourself to whatever scrutiny is appropriate to your office.

Openness

You should be as open as possible about all the decisions and actions that you take. You should give reasons for your decisions and restrict information only when the wider public interest clearly demands.

Honesty

You have a duty to declare any private interests relating to your public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

1 For the purposes of this Code, a 'co-opted member' is a person who is not a member of the Council but who is either a member of any committee or sub-committee of the Council, or a member of, and represents the Council on any joint committee or joint sub-committee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

2 When in engaging in political activities such as canvassing for re-election members are not acting in their official capacity, and for the purposes of this Code of Conduct, such political activities are considered part of a member's private and personal life.

Leadership

You must promote and maintain high standards of conduct by supporting these principles through leadership and by example and should act in a way that secures or preserves the confidence of others. You must have due regard to the impartiality and integrity of the authority's statutory officers and its other officers.³

3. MEMBER OBLIGATIONS

When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he/she has the following obligations.

1. He/she shall behave in such a way that a reasonable person would regard as respectful.
2. He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.
3. He/she shall not seek to improperly confer an advantage or disadvantage on any person.
4. He/she shall use the resources of the Council in accordance with its requirements.
5. He/she shall not disclose information which is confidential or where disclosure is prohibited by law.

Registration of interests

Within 28 days of this Code being adopted by the Council, or the member's election or the co-opted member's appointment (where that is later), he/she shall register with the Monitoring Officer of Lichfield District Council the interests which fall within the categories set out in Appendices A and B.

6. Upon the re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register with the Monitoring Officer any interests in Appendices A and B.
7. A member shall register with the Monitoring Officer any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.
8. If the nature of the interest is such that you and the Monitoring Officer consider that disclosure of the details of the interest could lead to you, or a person connected to you, being subject to violence or intimidation, the interest must not be included in any published version of the Register of

³ Members may express themselves robustly in representing their or their constituents' views, although where a member engages in a sustained or systematic challenge of an officer which is unfounded or in any way unreasonable, such conduct would fall within the scope of this code.

Interests, or to be entered into any copy of the register that is made available to the public.^{4 5}

Declaration of interests at meetings

9. Where a matter arises at a meeting which relates to an interest in Appendix A the member shall not participate in a discussion or vote on the matter. He/she only must declare the nature of the interest at the meeting if it is not already entered in the member's register of interests or if he/she has not notified the Monitoring Officer of it.
10. Where a matter arises at a meeting which relates to an interest in Appendix A which is a sensitive interest, the member shall not participate in a discussion or vote on the matter. If it is a sensitive interest which has not already been disclosed to the Monitoring Officer, the member shall disclose he/she has an interest but not the nature of it.
11. Where a matter arises at a meeting which relates to an interest in Appendix B the member shall not vote on the matter. He/she may speak on the matter only if members of the public are not allowed to speak at the meeting.
12. A member only must declare an interest in Appendix B if it is not already entered in his/her register of interests or he/she has not notified the Monitoring Officer of it or if he/she speaks on the matter. If he/she holds an interest in Appendix B which is a sensitive interest not already disclosed to the Monitoring Officer, he/she shall declare the interest but not the nature of the interest.
13. Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest in Appendix A), the member shall disclose the nature of the interest and not vote on the matter. He/she may speak on the matter only if members of public are also allowed to speak at the meeting. If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.

Dispensations

14. On a written request made to the Council's proper officer, the Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if the member has an interest in Appendices A and B if the Council considers that:
 - (a) without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;

⁴ Instead the Register of Interests may state that a member has an interest the detail of which are withheld under section 32(2) of the Localism Act 2011.

⁵ If the member is required to disclose such an interest in a meeting, the member need not disclose the interest, but merely the fact that the member has a disclosable pecuniary interest in the matter concerned.

- (b) without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;
- (c) granting the dispensation is in the interests of persons living in the authority's area,
- (d) it is otherwise appropriate to grant a dispensation.

Allegations of a failure to comply with the Code of Conduct.

15. All complaints alleging a failure to comply with the Code of Conduct will be considered in accordance with a procedure agreed by the Council.

APPENDIX A

Interests defined by regulations made under section 30(3) of the Localism Act 2011 and described in the table below.

SUBJECT	DESCRIPTION
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made to the member during the 12 month period ending on the latest date referred to in paragraph 6 of the Code of Conduct for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the member or between his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a body in which such a person is a partner in a firm, a director or an incorporated body or holds the beneficial interest in securities*) and the Council: (a) under which the goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the Council.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate Tenancies	Any tenancy where (to the member's knowledge: (a) the landlord is the Council; and (b) the tenant is a body in which the member, or his/her spouse or civil partner with whom the member is living as if they were spouses/civil partners has a beneficial interest.
Securities	Any beneficial interest in securities of a body where: (a) that body (to the members knowledge) has a place of business or land in the area of the Council; and (b) either: (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*'Securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act

2000 and other securities of any description, other than money deposited with a building society.

APPENDIX B

An interest which relates to or is likely to affect:

- (i) any body of which the member is in a position of general control or management and to which he/she is appointed or nominated by the Council;
- (ii) any body, other than another local authority:
 - (a) exercising functions of a public nature;
 - (b) directed to charitable purposes; or
 - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which the member of the Council is a member or in a position of general control or management;

- (iii) any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his or her office.

Burntwood Town Council

Tuesday 25th May 2021

Burntwood Neighbourhood Plan Referendum

1.0 Purpose of the Report

1.1 To inform the Town Council of the outcome of the Burntwood Neighbourhood Plan Referendum that was held on Thursday 6th May 2021.

2.0 Background

2.1 In order for Lichfield District Council (LDC) to be able to adopt the Neighbourhood Plan as part of the planning policies it applies to Burntwood the plan needs to be approved by the community. This approval is achieved via a referendum where 50% plus one person of the total number voting must vote in favour of the plan.

3.0 Referendum Result

3.1 At the referendum held on 6th May 4482 electors voted in favour of the plan and 1408 voted against the plan. In percentage terms this represented 76% in favour and 24% against. The total number of people who voted was 28% of the electorate. The plan received a clear endorsement from the community.

3.2 Whilst a good result it is lower than the average figures at national level. The Warwickshire Rural Community Council in 2019 looked at 750 referendums across England and found that the average turnout was 32% with an average approval rate of 89%.

3.3 The lower turnout could be attributed to the impact of Covid 19 which delayed the referendum by over a year. The delay between the approval of the plan and the referendum might also explain the lower approval rate. Feedback from councillors suggests that some people had forgotten about the plan and did not understand what they were being asked to for.

3.4 The Town Council was limited by legislation in how it promoted the referendum. It was not allowed to recommend to local people that they voted for the plan and could only really advertise that the referendum was taking place. It attempted to do this by:

- Setting up a landing page on its website advertising the date of the referendum
- Providing regular reminders on its Facebook and Twitter outputs
- Siting posters at key junctions throughout the town
- Buying advertisement space on the Lichfield Live website

4.0 Financial Considerations

4.1 The Town Council had previously received a grant to support the preparation of the neighbourhood plan. Currently there is £2,500 left of this grant. The promotional activities listed in paragraph 3.4 came to around £250.

5.0 Legal Context

5.1 The relevant authority (in this case Lichfield District Council) is required under the provisions of Schedule 4B of the Town and Country Planning Act 1990 to arrange the

referendum. Now that the community has approved the plan it becomes part of the statutory development plan for the area. LDC will adopt the plan during its next committee cycle in June.

6.0 Conclusion

6.1 The Neighbourhood planning process for Burntwood has now been successfully concluded. All future planning applications in Burntwood will now need to take account of the plan that has been approved by a large proportion of those electors who voted. Whilst the plan has obviously had to take back role in relation to dealing with Covid 19 it remains an achievement at this difficult for the community.

7.0 Recommendation

7.1 This report is for information.

Contact Officer

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Burntwood Town Council

Tuesday 25th May 2021

Council scheme of delegation

1.0 Purpose of the Report

1.1 To seek the agreement of the Town Council to an updated version of its Scheme of Delegation.

2.0 Background

2.1 Following its appointment in May 2019 the new Council administration revised the existing committee structure. The aim of the revision was to streamline decision making to enable the Town Council, where appropriate, to act with pace and purpose. To support the new committees the Town Council agreed specific terms of reference for each committee to enable them to work under delegated authority. These terms of reference were approved for the:

- Community and Partnerships Committee on 18th June 2019 (Appendix 1)
- Planning and Development Committee on 27th June 2019 (Appendix 2)
- Policy and Resources Committee on 15th July 2019 (Appendix 3)
- Overview and Scrutiny Committee on 4th December 2019 (Appendix 4)

2.2 At its meeting on 19th November 2019 the Town Council also approved a scheme of delegation for the Town Clerk (Appendix 5).

3.0 Updated Scheme of Delegation

3.1 It is good practice for Council's to regularly review their schemes of delegation. This is particularly true following the Covid 19 Pandemic. As part of the Town Council's Covid 19 Action Plan the committees were suspended and monthly Council meetings introduced. This placed greater onus on committee chairman to deal with matters in between Council meetings. The Chairman of the Planning and Development Committee probably had the most to do. The need for greater clarity around the delegated powers of the Town Clerk also became apparent.

3.2 The proposed revised Schedule of Delegation (Appendix 6) is designed to support the various chairman deal with matters that are either urgent or are not of sufficient importance to justify calling a meeting. Provision is made for such actions to be taken in conjunction with the Town Clerk, to ensure any decisions comply with the Council's Financial Regulations and Standing Orders. The revised Schedule also provides greater detail in respect of the powers delegated to the Town Clerk.

3.3 The revised Schedule also for the first time puts together the delegated powers for committees, chairman and vice chairman of committees and the Town Clerk.

4.0 Financial Considerations

4.1 All delegated actions granted by the Scheme of Delegation set out in Appendix 6 must comply with the Council's Financial Regulations. The revisions pose no new financial commitments for the Town Council.

5.0 Legal Context

5.1 Section 101 of the Local Government Act 1972 provides that a Council may delegate its powers (except those incapable of delegation) to a committee or an officer. It also provides for a committee to delegate its powers to an officer.

6.0 Conclusion

6.1 The Covid 19 Pandemic has highlighted the need for greater clarity regarding delegated powers. It is also good practice to regularly review approved schemes of delegation.

7.0 Recommendation

7.1 The Town Council is recommended to adopt the Schedule of Delegation as set out in Appendix 6

Contact Officer

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Community and Partnerships Committee

Terms of Reference

Composition: 10 Elected Members.

Purpose

1. To increase the level of community engagement with the work of the Town Council.
2. To ensure that the Town Council is fully engaged with the relevant organisations and groups working within the parish.

Responsibilities

1. To ensure all strategies, policies and procedures are undertaken in accordance with Statutory and legislative requirements.
2. To keep under review the use of resources and service delivery to ensure any opportunities to engage with the community are fully utilised.
3. To keep the Town Council informed of community and partnership issues and undertake appropriate monitoring and reporting where necessary.
4. To make recommendations to the Council on community and partnership matters which, notwithstanding that they fall within the powers and duties of one or more other committees.
5. To develop and review the strategy of the Council in relation to community and partnership issues particularly in respect of its vision, aims and objectives.
6. To provide a forum for the community groups and service providers to engage with the Town Council.
7. To consider and make recommendations to the Council on any policy documents received from other organisations and affecting the area.

8. To develop strong links with other organisations and oversee any partnering agreements.
9. To oversee the delivery and evaluation of any community or partnership events delivered or commissioned by the Town Council.

Governance

1. The Committee will make decisions by majority vote. In the event of a tie the Chair will have a casting vote. The quorum for the meeting is one third of the voting members (3).
2. The Committee Chairman and Vice-Chairman to be elected at the Annual Town Council meeting in May annually.
3. The Committee should meet at least four per year.
4. The Committee reports to the Full Council.
5. The Committee is authorised to incur expenditure on behalf of the Town Council (where provision has already been provided within the revenue budget) on matters connected to its community and partnerships responsibilities.
6. The Town Clerk is authorised to take the appropriate action(s) to implement the decision(s) made by the Committee.

Planning and Development Committee

Terms of Reference

Composition: 10 Elected Members.

Purpose

To consider and make recommendations in respect of all planning and environmental issues relating to the parish and surrounding area.

Responsibilities

1. To make representations to the Local Planning Authority on any planning application referred to the Town Council and on any other planning or environmental issue that impacts on the parish or the surrounding area.
2. To consider and make recommendations to the Town Council on any development plan or strategy relating to the parish or the surrounding area.
3. To liaise, where appropriate, with any potential developer, agency or interest group.
4. To make representations in respect of appeals and enforcement actions.
4. To monitor and review the Neighbourhood Plan.
5. To make recommendations to the Local Highway Authority on any matters relating to the public highway or any other access issues that will impact on the parish and surrounding area.
6. To make recommendations to the Public Transport Authority or any other Agency on matters relating to public and community transport that will impact on the parish and surrounding area.

Governance

1. The Committee will make decisions by majority vote. In the event of a tie the Chair will have a casting vote. The quorum for the meeting is one third of the voting members (3).
2. The Committee Chairman and Vice-Chairman to be elected at the Annual Town Council meeting in May annually.
3. The Committee should meet at least four per year.
4. The Committee will report to the Full Council.
5. The Committee is authorised to incur expenditure on behalf of the Town Council (where provision has already been provided within the revenue budget) on matters connected to its planning and environmental responsibilities.
6. The Town Clerk is authorised to take the appropriate action(s) to implement the decision(s) made by the Committee.

Policy and Resources Committee

Terms of Reference

Composition: 10 Elected Members.

Purpose

1. To ensure that the resources of the Council are used in the most effective way to help deliver the policies and planned actions of the Council.
2. To ensure policies' and working practices are the Council are designed to minimise and where possible avoid risk

Responsibilities

1. To ensure all strategies, policies and procedures are undertaken in accordance with Statutory and legislative requirements.
2. To keep under review the policies and resources of the Council in relation to all services and to advise the Council on the future developments of existing services or the introduction of new services.
3. To make recommendations to the Council on matters, notwithstanding that they fall within the powers and duties of one or more other committees.
4. To make recommendation to the Council on the annual financial estimates and the Council's precept as to how these should be determined consistently with the Council's general priorities and policies.
5. To make recommendations to the Council on the capital programme – content, phasing and monitoring.
6. To consider and make recommendations to the Council on any policy documents received from other organisations and affecting the area.

7. To consider and make recommendations on all matters affecting its scheme of administration (e.g. Standing Orders, Financial Regulations, Scheme of Delegations) and the procedures applying to the Council and its committees.
8. To develop strong links with other organisations and oversee any partnering agreements.
9. To develop and review the strategy of the Council, identify the Vision, aims and objections and present these within the Town Strategy.
10. To have the direction and control of insurance in respect of the Council's property, Members and employees.
11. To regularly review the Council's treasury management activities and supervise the investment of funds within the Council's control.
12. To determine the overall strategic asset management priorities on a medium-term basis by maintaining an asset management plan.

Governance

1. The Committee will make decisions by majority vote. In the event of a tie the Chair will have a casting vote. The quorum for the meeting is one third of the voting members (3).
2. The Committee Chairman and Vice-Chairman to be elected at the Annual Town Council meeting in May annually.
3. The Committee should meet at least four per year.
4. The Committee reports to the Full Council.
5. The Committee is authorised to incur expenditure on behalf of the Town Council (where provision has already been provided within the revenue budget) on matters connected to its role and responsibilities.
6. The Town Clerk is authorised to take the appropriate action(s) to implement the decision(s) made by the Committee.

Overview and Scrutiny Committee

Terms of Reference

Composition: 5 Elected Members.

Purpose

1. To help ensure more effective decision making by providing an independent forum for the Council to reflect on its practices, policies, engagement with the community and external relationships.

Responsibilities

1. To review Council policy, the way policies are implemented and their impact on local people
2. To contribute to the development of policy by investigating issues of local concern and making recommendations to the Cabinet and the Council's partners
3. To consider aspects of the performance of the Council and its partners
4. To involve itself with the scrutiny of external organisations which the County Council works alongside or in partnership with, to ensure that the interests of local people are enhanced by collaborative working
5. To provide an opportunity for Scrutiny Members can engage with officers, Council partners and other key agencies and the public in in-depth reviews of specific issues, allowing greater Member, public and partner involvement in policy development and decision making

Governance

1. The Committee will endeavour to reach a consensus. If a consensus cannot be agreed then decisions will be by majority vote with the Chair using a casting vote in the event of a tie. Members should reach decisions unencumbered by a Group Whip. The quorum for the meeting is 3 members.

2. The Committee Chairman and Vice-Chairman to be elected at the Annual Town Council meeting in May annually.
3. The Committee should meet at least four per year.
4. The Committee reports to the Full Council.
5. The Committee should not consider relatively minor matters or individual cases, for example an individual's complaint, where there are other processes which can handle these more effectively (usually at officer level in the first instance)
6. The Committee should not seek to duplicate work which has already been commissioned
7. The Committee is authorised to incur expenditure on behalf of the Town Council (where provision has already been provided within the revenue budget) on matters connected to its role and responsibilities.
8. The Town Clerk is authorised to take the appropriate action(s) to implement the decision(s) made by the Committee.
9. The work of the Committee will be underpinned by the four key principles for effective overview and scrutiny put forward by the Centre for Public Scrutiny (www.cfps.org.uk):
 - Provide 'critical friend' challenge to the Town Council
 - Enable the voice and concerns of the public and its communities to be heard
 - Be carried out by 'independent minded governors' who lead and own the scrutiny process
 - Drive improvement in public services

Burntwood Town Council

Policy and Resources Committee

19th November 2019

Delegation of Power

1.0 Purpose of the Report

1.1 This report provides an update on the current delegation arrangements.

2.0 Background

2.1 Under the provisions of the Local Government Act 1972, s. 101(1)(a) the Council can delegate the responsibility for statutory duties and the use of statutory powers to Committees, Sub-Committees and staff. It cannot however delegate to “.....staff responsibility for:

- levying or issuing a precept
- borrowing money
- approving the council's annual accounts
- considering an auditor's report made in the public interest
- confirming (by resolution) that it has satisfied the statutory criteria to exercise the power of general competence, or
- adopting or revising the council's code of conduct “¹

2.2 The Council has approved terms of reference for the Policy and Resources Committee, Community and Partnerships Committee, Planning and Development Committee and Scrutiny Committee. These terms of reference set the extent of the delegated powers for each respective committee including the authority to spend. The terms of reference are included in Appendix 1.

2.3 At the present time it does not appear that the Council has delegated any powers to staff to act upon its behalf.

3.0 Proposed delegation of statutory duties and powers to staff

3.1 To enable the Council to fulfil its day to day responsibilities on behalf of the community it needs in turn to delegate some responsibilities to staff. The activities where staff need delegated power to undertake day to day management are:

- Burntwood and Coulter Lane cemeteries
- Bus Shelters
- Street Lighting
- Defibrillators
- Traffic Islands
- Community Events

- Road Safety
- Public Open Space and Amenity
- The Old Mining College

4.0 Financial Considerations

4.1 The proposed delegation of powers to staff will not involve the Council in any additional expenditure. The staff are already undertaking this work subject to the approved financial regulations relating to expenditure.

5.0 Conclusion

5.1 The Council has the power to delegate responsibilities to its committees and staff. Whilst it has recently delegated power to the committees there do not appear to be any delegated powers in respect of staff. So, in theory there is no authority for the day to day actions that they carry out on behalf of the Council.

6.0 Recommendation

6.1 The Policy and resources Committee are recommended to endorse the delegated items listed in paragraph 3.1 and refer the matter to the Council for approval.

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¹Local council's Explained by Meera Tharmarajah 2013, p. 62

Burntwood Town Council Scheme of Delegation

1.0 Discharge of the Scheme of Delegation

1.1 This Scheme of Delegation forms part of the Council's Financial Regulations and Standing Orders and will be reviewed every two years and when there are staffing changes. Unless a change in law necessitates review.

1.3 One of the purposes of the document is to clearly define the parameters within which councillors and officers of the Council can act on behalf of the Town Council.

1.5 The other purpose of the document is to capture the various delegated powers that the Council has granted to its committees. This element of the scheme is based on the Terms of Reference approved for each committee as set out in Appendix 1.

1.4 Any deviation from this scheme should be reported to Council at the earliest opportunity with an explanation of the circumstances in which the breach occurred.

2.0 Principles of Delegation

2.1 Section 101 of the Local Government Act 1972 makes provision for the Town Council to delegate its powers (except those incapable of delegation) to a committee or an officer. In turn a Committee may delegate its powers to a sub-committee or an officer.

2.2 Any delegation must comply with the Council's Standing Orders, its Financial Regulations and any other policies or conditions imposed by the Council and within the law.

2.3 In an emergency the Proper Officer is empowered to carry out any function of the Council.

2.4 Where the Proper Officer is contemplating any action under delegated powers, which is likely to have a significant impact in a particular area, they should also consult the Chairman of the Council and must ensure that they obtain appropriate legal, financial and other specialist advice before action is taken.

3.0 Committees of the Council

3.1 The Council may at the Annual Meeting appoint Committees and at any other time appoint such other Committees when required. The following conditions will apply to any appointment:

- i) The Council can at any time suspend, dissolve or alter the Membership of a Committee.
- ii) The Chairman and Vice-Chairman of the Council may be Members of every Committee should they wish.

iii) A Chairman and Vice Chairman, for each Committee will be ratified by full Council at the Annual Meeting of the Council. That Chairman and Vice Chairman will then preside until the next Annual Meeting of the Council

iv) Committees shall meet within the timetable approved by the Council at its Annual meeting or on appointment of the committee.

v) Meetings shall be open to the public, although the Committee may resolve to exclude the press and public under section 1 Public Bodies (Admission to Meetings) Act 1960 only when there are confidential matters to be discussed.

vi) The Chairman of a Committee, or the Chairman of the Council, may summon a special meeting of that Committee at any time. A special meeting shall also be summoned on the requisition in writing of not less than a quarter of the Members of the Committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.

vii) The quorum of all Committees will be laid out in the terms of reference for that Committee.

viii) Committees shall, always act in accordance with the Council's Standing Orders and Financial Regulations. The Committees must operate within the statutory framework of powers and duties granted by way of rules, regulations, schemes, bylaws, orders made and within any directions given by Council from time to time.

ix) The minutes of any Committee Meetings shall be presented to the next meeting of the Council. Where Council votes to adopt the minutes, this means that the recommendations proposed in those minutes become resolutions in law. Members can discuss any recommendation prior to voting and change it and/or exclude it from the voting, should they feel that it is necessary.

x) All members of the Council shall receive agendas and supporting papers of Council and all Committees electronically, except where a special request has been presented to receive documentation in paper format and by post.

xi) Members of Committees shall vote by a show of hands. Chairman of Committees shall have a second or casting vote.

4.0 Presence of Non-Members of Committees at Committee Meetings

4.1 Any Council Member may attend, and with the permission of the Committee Chairman, speak on matters at a meeting of a Committee or Sub Committee of which they are not a member, but may not vote.

4.2 A member who has proposed a motion which has been referred to any Committee of which he is not a Member, may explain his motion to the Committee but shall not vote.

5.0 Delegations to Committees

5.1 Committees are not bound to exercise delegated powers and may at their discretion refer matters to the Council for decisions.

5.2 Each committee is required to propose that its minutes and any recommendations therein should be approved and answer any queries and requests for clarifications.

5.3 Except as mentioned below, each committee shall exercise on behalf of the Council the functions assigned to it as set out in Appendix 2.

- i) The borrowing of money.
- ii) The setting of the budget and levying of the Precept.
- iii) The disposal of land, other than lettings for two years or less.
- iv) The introduction of new major policy or a change in the Council's established policy.
- v) The making, amending or revoking of Standing orders, Financial Regulations or this Scheme of Delegation.
- vi) The making, amending or revoking of byelaws.
- vii) The purchase of land not provided for, or at a cost more than a sum allowed therefor, in any approved capital works.
- viii) Confirming the appointment of the Clerk.

6.0 Proper Officer Duties & Powers

6.1 The Town Clerk shall be the Proper Officer of the Council and as such is specifically authorised to:

- i) Receive declarations of acceptance of office.
- ii) Receive and record notices disclosing interests at meetings.
- iii) Receive and retain plans and documents.
- iv) Sign notices, agreements, licences or other documents on behalf of the Council.
- v) Receive copies of byelaws made by another local authority.
- vi) Certify copies of byelaws made by the Council.
- vii) Sign and issue summonses to attend meetings of the Council.
- viii) Keep proper records of all Council Meetings.
- ix) Notify the Monitoring Officer of any casual vacancies and liaise with them regarding the conduct of elections.

6.2 In addition, the Clerk has the delegated authority to undertake the following matters on behalf of the Council:

- i) The day-to-day administration of services, together with routine inspections and controls. These actions are described in more detail in Appendix 2.
- ii) Authorisation of routine expenditure within the agreed budgets.

iii) Emergency expenditure outside of the agreed budget (see 7 – Urgent matters below).

iv) Dealing with all press and public relations on behalf of the Council in consultation with the Chairman or Vice-Chairman.

7.0 Urgent Matters

7.1 In the event of any matter arising which requires an urgent decision notwithstanding delegated powers granted by this Scheme of Delegation, the Chairman and/or Vice-Chairman of the relevant Committee and the Town Clerk shall have delegated power to act on behalf of the Council in respect of the matter then under consideration.

7.2 Before exercising the delegated powers granted by paragraph 7.1 above, consideration should be given to whether the matter is of sufficient importance to justify recommending to the Chairman that an Extraordinary Meeting of the Council should be called.

7.3 Whenever any action is taken under this Standing Order, full details of the circumstances justifying the urgency and of the action taken shall be submitted in writing to the next available meetings of the Council.



**BURNTWOOD TOWN COUNCIL
2021/22 CALENDAR OF MEETINGS**

FULL COUNCIL	25 May 2021	24 June 2021	14 July 2021	14 September 2021	16 November 2021	12 January 2022	16 March 2022
			10 August 2021				11 May 2022
PLANNING & DEVELOPMENT CMTTE		22 June 2021	20 July 2021	21 September 2021	23 November 2021	18 January 2022	15 March 2022
			17 August 2021	13 October 2021	08 December 2021	15 February 2022	13 April 2022
COMMUNITY & PARTNERSHIPS CMTTE				28 September 2021	17 November 2021	27 January 2022	22 March 2022
				19 October 2021	15 December 2021	23 February 2022	19 April 2022
POLICY & RESOURCES CMTTE				30 September 2021	30 November 2021	25 January 2022	29 March 2022
OVERVIEW & SCRUTINY CMTTE				26 October 2021	21 December 2021	24 February 2022	26 April 2022