

8 April 2024

Dear Members

Council Meeting

I hereby give notice that a meeting of the Council will be held in the **Council Chamber, County Buildings, Martin Street, Stafford** on **Tuesday 16 April 2024 at 7.00pm** to deal with the business as set out on the agenda.



Tim Clegg
Chief Executive

COUNCIL MEETING - 16 APRIL 2024

Mayor, Councillor Andy Cooper

AGENDA

- 1 Approval of the Minutes of the meeting of Council held on 27 February 2024 as published on the Council's website.
- 2 Apologies for Absence
- 3 Declarations of Interest
- 4 Announcements (Paragraph 3.2(iii) of the Council Procedure Rules)
- 5 Public Question Time - Nil
- 6 Councillor Session - Nil
- 7 Notice of Motion - Nil

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10 Any items referred from Scrutiny Committee(s)	-

Chief Executive

Civic Centre
Riverside
Stafford
ST16 3AQ

Agenda Item 8

Housing Benefit - Modified Scheme in Respect of War Disablement and Bereavement Pensions

Committee:	Council
Date of Meeting:	16 April 2024
Report of:	Deputy Chief Executive (Resources)
Portfolio:	Resources Portfolio

The following report was considered by Cabinet at its meeting held on 9 April 2024 and is submitted to Council as required.

1 Purpose of Report

- 1.1 To review the Council's modified Housing Benefit scheme which provides that payments under military compensation schemes are disregarded in the assessment of a claimant's income for Housing Benefit purposes.
- 1.2 To recommend Council continues to provide this support for veterans wounded, injured or sick in such a way that affects their life in a permanent or significant way and to the widows of those who gave their lives in service.

2 Recommendations

- 2.1 That the report be noted;
- 2.2 That Council adopt the policy statement as set out in the attached **APPENDIX**.

Reasons for Recommendations

- 2.3 The Council has disregarded payment made under various military compensation schemes, in the assessment of Housing Benefit for many years. During that time legislation regarding benefit legislation and military compensation have changed and so a review and refreshment of the scheme is appropriate. The modified scheme needs to be adopted by resolution of Council.

- 2.4 The Staffordshire Armed Forces Covenant is a promise by the nation ensuring those who serve or have served, and their families are treated fairly ensuring all members of the Armed Forces community have the same access to public and commercial services as any other citizen does. Special consideration is appropriate in some cases, especially for those who have given most such as the injured and the bereaved.

3 Key Issues

- 3.1 Within the calculation of Housing Benefit entitlement, most incomes are included in the assessment, but some may have certain disregards.
- 3.2 Current Housing Benefit Regulations allow for a standard disregard of £10 per week but local authorities have a power to modify the Housing Benefit scheme to disregard some or all of any prescribed war disablement pension or war widow's pension.
- 3.3 No government subsidy is paid in respect of the modified schemes and the Council meets the cost of the resulting additional Housing Benefit awards.

4 Relationship to Corporate Priorities

- 4.1 Stafford Borough Council has proudly signed the Armed Forces Covenant. Continuation of this support for veterans and their widows is consistent with our obligations under that covenant.

5 Report Detail

- 5.1 This Council, like many others have disregarded war pensions and war widow's pensions for many years, so as to increase the amount of help that affected veterans will get with their rent and council tax. We intend to continue to do so.
- 5.2 A recent audit of our benefit subsidy claim brought to our attention that the council resolution, to confirm this discretionary spend, needs to be refreshed. This report is therefore merely a refreshment of a longstanding scheme and does not change the levels of Housing Benefit that is paid, in any way.
- 5.3 5 claimants currently benefit from the modified scheme at a cost to the Council of around £14,000.
- 5.4 The incomes to be disregarded include:
- (a) pensions under the Armed Forces Pensions and Compensation schemes (and similar payments) for:
- War disablement
 - War widows
 - War widowers
 - War bereaved civil partners

- (b) payments compensating for non-payment of above.
- (c) equivalent payments from governments outside the UK
- (d) pensions paid to the victims of Nazi persecution by the governments of Germany or Austria or by the government of the Netherlands.

5.5 The Council's Local Council Tax Reduction Scheme similarly disregards the above incomes from the assessment. This scheme is reviewed annually and no further action is required in that regard.

6 Implications

6.1 Financial

There are no significant financial implications arising from this report. The effect of the report is to maintain the current level of spending of around £14,000 per year, as detailed at 5.3 above.

6.2 Legal

The Council's right to adopt a modified Housing Benefit Scheme to disregard War Pensions is given by of section 134 of the Social Security Administration Act 1992.

6.3 Human Resources

None

6.4 Risk Management

None

6.5 Equalities and Diversity

None

6.6 Health

None

6.7 Climate Change

None

7 Appendices

Appendix: Modified Housing Benefit Scheme Disregards for War Disablement and Bereavement Pensions

8 Previous Consideration

Cabinet - 9 April 2024 - Minute No CAB (TBC)

9 Background Papers

None

Contact Officer: Rob Wolfe - Local Taxation and Benefits Manager

Telephone Number: 01543 464397

Ward Interest: None

Report Track: Cabinet 9 April 2024
Council 16 April 2024

Key Decision: No

Appendix

Modified Housing Benefit Scheme

Disregards for War Disablement and Bereavement Pensions.

April 2024

Within the calculation of Housing Benefit entitlement, most incomes are included in the assessment, but some are disregarded.

The Council is given discretion by 134 of the Social Security Administration Act 1992 to disregard some or all of any prescribed war disablement pension or war widow's pension (as defined in Part 1 of the Welfare Reform Act 2007)

Whereas statute defines that £10 per week of these must be disregarded in the assessment of a claimant's income, for Housing Benefit purposes, Stafford Borough Council resolves to disregard those incomes in full. This 100% disregard continues to support the principles of the Armed Forces Covenant.

The incomes to be disregarded are;

- (a) pensions under the Armed Forces Pensions and Compensation schemes (and similar payments for)
 - War disablement
 - War widows
 - War widowers
 - War bereaved civil partners
- (b) payments compensating for non-payment of above
- (c) equivalent payments from governments outside the UK
- (d) pensions paid to the victims of Nazi persecution by the governments of Germany or Austria or by the government of the Netherlands.

The Council's Chief Financial Officer is given delegated authority to update this policy with consequential changes in the event of changes to legislation regarding the payment of War Disablement and Bereavement Pensions, or their treatment within Housing Benefit legislation.

Agenda Item 9

Review of the Constitution

Committee:	Council
Date of Meeting:	16 April 2024
Report of:	Head of Law and Governance
Portfolio:	Resources

1 Purpose of Report

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

2 Recommendations

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

Reasons for Recommendations

- 2.2 Article 15.1 of the current Constitution requires the Monitoring Officer to review the Constitution on an annual basis.

3 Key Issues

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

4 Relationship to Corporate Priorities

4.1 The Constitution supports all of the Council's Corporate Priorities.

5 Report Detail

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

6 Implications

6.1 Financial

None

6.2 Legal

None

6.3 Human Resources

None

6.4 Risk Management

None

6.5 Equalities and Diversity

The Borough Council considers the effect of its actions on all sections of our community and has addressed all of the following Equality Strands in the production of this report, as appropriate:-

Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

6.6 Health

None

6.7 Climate Change

None

7 Appendices

Appendix: Review of the Constitution

8 Previous Consideration

None

9 Background Papers

File available in Law and Administration

Contact Officer:	Jackie Allen
Telephone Number:	01785 619552
Ward Interest:	Nil
Report Track:	Council 16 April 2024 (Only)
Key Decision:	N/A

Appendix

Review of the Constitution

2024 Constitution Review: Stafford Borough Council

<p>Part 4: Rules of Procedure, Section 5: Budget and Policy Procedure Rules</p>	<p>Process for developing the Budget and Policy Documents</p> <p>2.1 Formulation of proposals</p> <p>(a) The Executive will publish in the Digest draft proposals for the Budget or any plan or strategy which forms or is intended to form part of the Policy Documents together with a timetable for the process leading to the adoption by the Council of the Budget, plan or strategy. The timetable will include a consultation period during which the relevant Scrutiny Committee or Committees may consider the draft proposals, consult with stakeholders and report back to the Executive.</p> <p>(b) Following the end of the consultation period the Executive will draw up firm proposals for the Budget plan or strategy having regard to the response of the Scrutiny Committee or Committees and any other responses received during the consultation period.</p> <p>(c) The Head of Law and Governance will put the Executive's proposals on the agenda of the next available Council meeting (called the First Council Meeting). The consultation responses considered by the Executive will be reported to Council with the proposals.</p> <p>(d) At least 5 working days prior to the First Council Meeting any Political Group and/or any member of the Council shall advise the Chief Executive of any alternatives to the Executive proposals which are to be presented at the First Council Meeting. Each Political Group/Council Member shall only present one alternative proposal as a</p>
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	<p>request for a referral back to the Executive by the Council. Such requests shall detail the reasons for the alternative/referral back to the Executive and must have the effect of providing the Council with a “balanced budget” as determined by the S.151 officer. Any alternative proposals submitted will be circulated to all Councillors 4 working days before the First Council Meeting.</p> <p>2.2 Approval of Policy Documents and Budget (other than the Council Tax)</p> <p>(a) In reaching a decision on a draft plan or strategy or budget (other than setting the Council Tax) the Council may;</p> <ul style="list-style-type: none"> (i) adopt the Executive’s proposals without amendment or objection; (ii) Consider the previously advised alternative proposals (referred to in 2.1(d) above) as a request for a referral back of the proposals to the Executive for consideration. (iii) When considering the alternative proposals referred to in 2.2(a)(ii) the Council shall consider each alternative proposal presented by the Political Group/Council Members individually. Each alternative proposal shall be moved and if seconded shall be debated. At the conclusion of the debate on that individual motion a vote shall be taken as to whether the Council wishes to refer that alternative proposal to the Executive for consideration. This process shall apply to each alternative proposal in turn. No amendments to the alternative proposals previously advised (in accordance with 2.1(d)) shall be allowed. <p>(ii) adopt the Executive’s proposals with amendments;</p>
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	<p>(iii) substitute its own proposals in place of the Executive's proposals or</p> <p>(iv) refer the Executive's proposals back to the Executive for further consideration with or without comment.</p> <p>(b) If it adopts the Executive's proposals without amendment or objection, the decision will have immediate effect;</p> <p>(c) In any other case before the Council amends, adopts or approves the proposals the Council must take the action set out in rule (d) below.</p> <p>(d) Before the authority;</p> <ul style="list-style-type: none">(i) amends the draft plan, strategy or budget;(ii) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for their approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or(iii) adopts (with or without modification) the plan, strategy or budget, it must inform the Leader of any objections which it has to the draft plan, strategy or budget and must give to them instructions requiring the Executive to reconsider, in the light of those objections, the draft plan, strategy or budget submitted to it. <p>(e) Where the authority gives instructions in accordance with paragraph (d), it must specify a period of at least five clear working days beginning on the day after the date on which the Leader receives the instructions on behalf of the Executive within which the Executive may;</p> <ul style="list-style-type: none">(i) submit an amended draft plan, strategy or budget, with its reasons for any amendments, for the Council's consideration; or
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	<ul style="list-style-type: none"><li data-bbox="699 194 1362 344">(ii) inform the Council of any disagreement that it has with any of the Council's objections and its reasons for any such disagreement.<li data-bbox="603 383 1350 456">(f) When the period specified by the Council has expired, the Council must, when;<ul style="list-style-type: none"><li data-bbox="699 495 1310 568">(i) amending the draft plan, strategy or budget;<li data-bbox="699 607 1358 831">(ii) approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for their approval the draft plan or strategy of which any part is required to be so submitted; or<li data-bbox="699 869 1382 1294">(iii) adopting (with or without modification) the plan, strategy or budget; take into account any amendments made to the draft plan or strategy that are included, the Executive's reasons for those amendments, any disagreement that the Executive has with any of the Council's objections and the Executive's reasons for that disagreement, which the Executive submitted to the Council within the period specified.
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<p>Part 2, Articles of the Constitution, Article 6, Scrutiny Committees</p>	<p>The Group agreed to insert “and 9F” and “Police and Justice Act 2006” and agreed to delete “Health and Social Care Act 2001, or regulations under section 32 of the Local Government Act 2000”. The amended paragraph to read:</p> <p>6.1 The Council will appoint one or more scrutiny committees to discharge the functions of overview and scrutiny conferred by section 21 and 9F of the Local Government Act 2000 and the Police and Justice Act 2006. The Council will determine the terms of reference of and number of members on each scrutiny committee. The current approved scrutiny committees, the number of members on them and their terms of reference are set out in section 4 of Part 3 of this Constitution.</p>
<p>Part 2, Articles of the Constitution, Article 8, Regulatory and Other Committees</p>	<p>The Group agreed to change the numbers of members of Licensing Committee from 9 to 10:</p> <p>8.4 Constitution: The licensing Committee shall be a Committee of the Council with 10 Members.</p>
<p>Part 2, Articles of the Constitution, Article 11, Joint Arrangements</p>	<p>The Group agreed to add the new paragraph:</p> <p>11.2 Shared Services with Cannock Chase District Council</p> <p>11.2.1 In April 2023, the Council approved a Framework Agreement with Cannock Chase District Council to enable the sharing of staffing resource across both authorities (“shared services”).</p> <p>11.2.2 Under section 101 of the Local Government Act 1972, and section 9EA of the Local Government Act 2000, a local authority may arrange for the discharge of any of its functions by any other local authority. Cabinet and Council agreed to delegate authority to Cannock Chase District Council to discharge the Council’s functions in respect of Regulatory Services, Wellbeing, Housing and Corporate Asset Management, Finance and Transformation and Assurance. The Council also agreed to accept</p>

	<p>delegated authority from Cannock Chase District Council to discharge that Councils functions in respect of Economic Development and Planning, Operations, Transformation and Assurance (Human Resources and Technology) and Law and Governance. It was also agreed that those functions would be delegated to officers in accordance with the Councils scheme of delegation to officers.</p> <p>11.2.3 Under section 113 of the Local Government Act 1972, a local authority may enter into an agreement with another local authority for the placing at the disposal of the latter authority the services of staff employed by the former authority. In April 2023, both Councils agreed to place its officers at the disposal of the other Council for the purpose of delivering any services shared between them.</p> <p>11.2.4 By virtue of the above, the functions delegated to the Council by Cannock Chase District Council can be carried out by officers under the Councils scheme of delegation regardless of whether the officer is employed by the Council or by Cannock Chase District Council.</p>
<p>Part 3, Responsibility for Functions, Section 6 - Scheme of Delegation, 2.4 Property Matters</p>	<p>The group agreed to delete paragraph 2.4 and add paragraph 3.9:</p> <p>2.4 Property Matters</p> <p>2.4.1 The day to day management of land and property.</p> <p>2.4.2 The maintenance of land and property within approved budgets.</p> <p>2.4.3 In consultation with the Head of Law and Administration:</p> <p>(a) The disposal of property on lease or licence for a period not exceeding seven years.</p>

	<p>(b) The disposal freehold or on lease for a period exceeding seven years of incidental land not exceeding 0.1 hectare in area and £6,000 in value.</p> <p>(c) The granting of rights of way and other easements for periods not exceeding twenty-one years.</p> <p>(d) The conduct and determination of rent reviews and lease renewals in respect of property let to or by the Council.</p> <p>(e) Approval to amendments to user clauses in leases.</p> <p>(f) Consent to assignment or sub-letting of property leased from the Council.</p> <p>(g) Consent to alterations and improvements to property leased from the Council.</p> <p>Add:</p> <p>3.9 Head of Housing and Corporate Assets</p> <p>3.9.1 To undertake all relevant property management activities including the acquisition and disposal of interests in land and premises; management of property; rent reviews; lease renewal terms; accepting the surrender of leases (in consultation with the Legal service); granting licences; consents for assignments, sub-letting, alterations or improvements; variations to user clauses; proceedings for forfeiture; marketing; acquiring consents; granting wayleaves and easements; dealing with emergencies; appointing advisors; establishing and maintaining a property terrier; submitting planning and other applications.</p> <p>3.9.2 To appoint a suitably qualified Officer(s) or agent(s) (where applicable and permitted):</p> <p>(a) to act as the Council's land and property valuer.</p>
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	<ul style="list-style-type: none"> (b) To fulfil the Council's obligations as Client under the Construction (Design and Management) Regulations 2015, and/or (c) to undertake any aspects, scope or remit of industry recognised roles for any schemes or projects or development on land designed and managed by the Council, and (d) to undertake and discharge all enforcement powers, duties, obligations, and responsibilities arising out of the Council having an interest in land and premises including, but not limited to, the role of the Council as landowner. <p>3.9.3 To authorise the grant of licences on standard terms where future applications are received to take over land which has been the subject of a prior Standard Licence Agreement and there are no overriding reasons to object to such a renewal.</p> <p>3.9.4 To decline on behalf of the Council, offers to purchase or dispose of land where such a purchase or disposal does not accord with Council policy.</p>
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<p>Part 4, Rules of Procedure, Section 8 - Financial Procedure Rules, 8.16, 8.17 and Annex</p>	<p>The group agreed to change the debt value from £2,500 to £10,000. The new paragraph to read:</p> <p>8.16 Where debts are due and have been pursued, but remain unpaid, the Section 151 Officer is authorised to write-off bad debts up to the value of £10,000 on recommendation of the appropriate Service.</p> <p>8.17 For debts over £10,000, outstanding amounts may, on recommendation of the Section 151 Officer, be referred to the cabinet for consideration of write off.</p> <p>Annex 8.16 Maximum individual debt that can be written off by Section 151 Officer £10,000</p>
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