

# Public Document Pack



## **BROMSGROVE DISTRICT COUNCIL**

### **MEETING OF THE OVERVIEW AND SCRUTINY BOARD**

**MONDAY 12TH FEBRUARY 2024, AT 6.00 P.M.**

**PARKSIDE SUITE - PARKSIDE**

### **SUPPLEMENTARY DOCUMENTATION**

The attached papers were specified as "to follow" on the Agenda previously distributed relating to the above mentioned meeting.

3. **To confirm the accuracy of the minutes of the meeting of the Overview and Scrutiny Board held on 16th January 2024 (Pages 3 - 12)**
5. **Governance Systems Review - Implementation Progress Update (Pages 13 - 50)**
14. **Levelling Up Funding Update (Exempt Report) (Pages 51 - 70)**
15. **Termination of Shared Service Arrangement: North Worcestershire Economic Development and Regeneration - pre-scrutiny (Pages 71 - 80)**

S. Hanley  
**Chief Executive**

Parkside  
Market Street  
BROMSGROVE  
Worcestershire  
B61 8DA

7th February 2024

## **BROMSGROVE DISTRICT COUNCIL**

### **MEETING OF THE OVERVIEW AND SCRUTINY BOARD**

**16TH JANUARY 2024, AT 6.00 P.M.**

PRESENT: Councillors P. M. McDonald (Chairman), S. T. Nock (Vice-Chairman), A. Bailes, R. Bailes, A. M. Dale, E. M. S. Gray, R. J. Hunter, B. Kumar, S. A. Robinson and H. D. N. Rone-Clarke

Observers:

Councillor S. J. Baxter – Deputy Leader and Portfolio Holder for Economic Development and Regeneration (on Microsoft Teams)

Councillor C. A. Hotham – Portfolio Holder for Finance and Enabling

Ms. K. Griffin - Operations Manager, Wychavon District Council

Mr. S. Forshaw, Contracts Supervisor, Wychavon District Council

Officers: Mr. G. Revans, Mr S. Parry and Mrs. J. Bayley-Hill and Mr. M. Sliwinski.

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#### **APOLOGIES FOR ABSENCE AND NAMED SUBSTITUTES**

Apologies for absence were received from Councillor J. D. Stanley.

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#### **DECLARATIONS OF INTEREST AND WHIPPING ARRANGEMENTS**

Councillor H. D. N. Rone-Clarke declared an other interest in agenda item no. 5, minute number 64/23, Worcestershire Health Overview and Scrutiny Committee - Update, in that he was employed by an NHS Acute Hospitals Trust. Councillor H. D. N. Rone-Clarke remained in the room and took part in the debate on the aforementioned item.

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#### **TO CONFIRM THE ACCURACY OF THE MINUTES OF THE MEETING OF THE OVERVIEW AND SCRUTINY BOARD HELD ON 20TH NOVEMBER 2023**

The minutes of the Overview and Scrutiny Board meeting held on 20<sup>th</sup> November 2023 were considered.

Councillor R. J. Hunter raised an inaccuracy with the minutes of the meeting on 20<sup>th</sup> November 2023. This related to an omission under minute item 52/23 – Agile Working Policy – Progress Brief on Addressing Queries Raised at the Last Meeting – of the record that Overview and Scrutiny Board Members recognised there were real benefits of hybrid working for the Council and that they supported its implementation.

**RESOLVED** that, subject to the amendment as in the pre-amble above, the minutes of the Overview and Scrutiny Board meeting held on 20<sup>th</sup> November 2023 be agreed as a true and correct record.

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## **PARKING ENFORCEMENT - SERVICE LEVEL AGREEMENT WITH WYCHAVON DISTRICT COUNCIL**

The Board considered a report on the Parking Enforcement Service Level Agreement with Wychavon District Council, containing a draft version of the service level agreement document.

The Deputy Leader and Cabinet Member for Economic Development and Regeneration was invited to address the Board. In addressing Members, the Deputy Leader stated that at the last Cabinet Working Group meeting the draft parking enforcement contract was considered. It was the opinion of the Cabinet that further work needed to be undertaken on the Cabinet report and that the opinion of Overview and Scrutiny Board should be sought before the report was finalised.

It was commented that feedback from residents received by Councillors indicated that there was significant concern among residents about lack of parking enforcement within and outside Bromsgrove Town Centre.

The Deputy Leader noted that Overview and Scrutiny Board might wish to consider and offer comment on how Council car parks should be managed, the length of any future parking enforcement contract and whether it would be appropriate for future contract to be awarded to Wychavon District Council, to go out to tender, or to have the service delivered in house.

Following this introduction, the Interim Head of Environmental and Housing Property Services addressed the Board and in doing so introduced representatives from Wychavon District Council (WDC) present at the meeting. It was noted that the WDC representatives currently managed Bromsgrove's parking enforcement operationally. Members were asked to note that since March 2023, Bromsgrove's parking enforcement service operated on a monthly cycle with the service agreement with Wychavon District Council extended on a month-by-month basis.

It was noted that parking enforcement service had struggled with staffing levels. The normal operating staffing levels for the service across Bromsgrove District was 5.5 Civil Enforcement Officer (CEO) posts (5 full-time and 1 part-time post). However, over the last financial year only 3 CEOs were employed and staff levels were down to 2 CEOs as of last week. A successful recruitment had taken place, however, meaning the team would be up to 4 Members of staff and to full capacity by later in the year. For the moment, however, the parking enforcement team remained understaffed. It was stated by Wychavon representatives that civil enforcement officers who had recently been recruited all resided in

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proximity to Bromsgrove District. During discussion of staff levels, it was clarified that the Council had only incurred costs for the Civil Enforcement Officers based on the actual staffing level in Bromsgrove.

It was stated that Wychavon District Council (WDC) currently had responsibility over management and enforcement of On and Off-Street Parking in Bromsgrove District in addition to administrative functions around enforcement. The report as presented proposed that Wychavon District Council (WDC) would continue to provide parking enforcement and management service for Bromsgrove for a period of 5 years from April 2024. The report also asked that the Council's existing yearly budget for parking enforcement and management service of £242,000 be increased to £335,000 from April 2024. This increase would inclusive of any annual inflation as determined by Consumer Price Index (CPI).

Following the presentation, Members debated the report and the following was noted:

- Members put on record their thanks to the parking wardens for their hard work, especially in the context of staffing shortages where more pressure was put on each officer.
- Parking machine upgrades - It was noted that Council had recently upgraded its parking machines and Members were appreciative that these provided a range of payment options. It was noted that the new machines would allow more robust data to be collected on parking use. It was noted that parking machines formed a separate contract from parking enforcement and any future upgrades to parking machines would require capital funding that would need to be agreed by Council.
- Payment options at car parks - Some Members commented that as part of the National Parking Platform (NPP) pilot-project funded by Department for Transport (DfT), it was proposed that parking machine solutions be implemented that would potentially remove payment by cash as an option for parking payment. A Member, however, noted that around half of parking payments in Bromsgrove were still made in cash and lots of residents preferred to pay for parking by cash rather than digitally. Officers responded that NPP was a new initiative and any proposals on upgrading parking machines would first need to be brought forward to Members for consideration.
- Current parking enforcement contract arrangements - Officers confirmed that there was currently no contract for parking enforcement service in place and Wychavon District Council delivered the service on a month-by-month basis.
- Possibility of introducing automatic number plate recognition (ANPR) controlled parking - It was explained that the Council would need to erect barriers in its car parks to be allowed to proceed with this option. It was added that even with ANPR in place, taxi and disabled bays would still require patrolling by civil enforcement officers.

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- Number of penalty charge notices (PCNs) issued annually - Members noted that the Schedule 2 of the submitted draft Service Level Agreement (SLA) contained provision that if the number of PCNs processed exceeded 7000, Bromsgrove would be required to pay a further payment of £10 for each additional PCN issued. It was responded that currently the number of PCNs issued per year was not reaching this figure in Bromsgrove and additional costs associated with this were very unlikely.
- Traffic Penalty Tribunal (TPT) cases - It was noted that in the proposed agreement a provision was made for Wychavon District Council to prepare up to 30 TPT cases per annum at no extra cost. It was noted that currently there were significantly less TPT cases per year basis and that this figure was unlikely to be reached in any one year.
- Provision for parking enforcement outside Bromsgrove Town Centre - It was stated that within the draft SLA, provision was made for coverage of on street enforcement outside the Town Centre. Work was currently in progress to review patrols that were undertaken by Civil Enforcement Officers (CEOs), both the frequency and the routes taken. Members commented that the provision, as per page 50 of the Service Level Agreement (SLA) submitted before the Board, for only 10 per cent of all patrol time to take place outside town in areas including Rubery, Hagley, Wythall and Barnt Green was greatly insufficient.
- Members commented that parking enforcement (both on street and off street) was almost non-existent outside the Town Centre, and the 10 per cent provision for enforcement time to be spent outside Town Centre would not bring about an improvement. It was reported by Officers that past version of the SLA was time neutral in terms of Officer time to be spent patrolling in each area of the District. This provision would be reconsidered.
- Identification of parking enforcement hotspots - Members reported that they were receiving regular complaints from residents about anti-social parking, particularly in hotspot locations, and were therefore aware of the locations where parking enforcement was particularly needed. It was raised as an action that Members contribute to compiling a list of hotspot locations for parking enforcement. It was noted that a regular forum for Members meeting with parking wardens was needed, as elected members could then provide feedback on the hotspot locations directly to Civil Enforcement Officers (CEOs).
- Visibility of Civil Enforcement Officers (CEOs) on patrol duty - Members reiterated that parking wardens needed to have regular patrol routes in areas outside the Town Centre in order to be seen and act as a deterrent to parking offenders.
- Income from parking tickets and fines - It was noted that the Council's annual parking income from tickets was in excess of £1 million in 2022-23. Only Council's Town Centre car parks had charges, therefore, any parking income only came from these car parks. The total income from parking fines in 2022-23 amounted to circa £106,000 last year (this included circa £57,000 from on-

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street parking fines and the rest from off-street penalty charge notices). In discussing these figures, some Members commented that parking enforcement and fines were viewed mainly as a deterrent rather than a way to generate income.

- Officers apologised for any insufficient enforcement and issues with enforcement of parking around schools (and more generally) that might have occurred as a result of temporary under-staffing. Members were asked to forward any comments and complaints from residents to Officers for analysis. This would help officers better understand the main issues and find ways to address the concerns.

The Interim Head of Environmental and Housing Property Services raised the following points in response to the content of Members' comments:

- The report was brought to the Overview and Scrutiny at an earlier date to allow Members' comments to be fully considered before any decisions were made by Cabinet. It was accepted that the draft Service Level Agreement would need to be re-written based on Members' comments.
- The Council needed to ensure continual operation of parking enforcement and it was important that arrangements were in place by April 2024. The Council would need to look at specification in detail before it could go out to tender for the service.
- Large amount of data was available, for example pertaining to the dates and locations of where penalty charge notices (PCNs) are being issued. This data would be analysed and parking enforcement strategy and contract procurement reviewed based on the findings.
- It was noted that in the view of Officers it would be optimal for the Council to be given another 12 months to work with Wychavon District Council to work on improving the Service Level Agreement (SLA), taking into account comments raised by Members, to provide more certainty and continuity with respect to the parking enforcement service.

Following the discussion, the Board put forward a recommendation to Cabinet. The recommendation was proposed and seconded and on being put to the vote it was:

**RECOMMENDED** that with regard to the parking enforcement service the Cabinet consider the following options: a) go out to tender for the parking enforcement contract; b) have the service delivered in-house.

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## **GOVERNANCE SYSTEMS REVIEW - IMPLEMENTATION PROGRESS UPDATE**

The Principal Democratic Officer introduced the report and in doing so noted that the Constitution Review Working Group (CRWG) had been

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meeting monthly and their next meeting is on 30<sup>th</sup> January 2024. At that meeting, the Group is due to consider a comprehensive review of the Council's constitution that was currently being undertaken on behalf of the Council. The outcomes of this meeting, including any recommendations, were to be reported for the consideration of the Overview and Scrutiny Board at the meeting scheduled to take place on 12<sup>th</sup> February 2024.

It was recalled that in November the Group considered draft terms of reference for the Cabinet Advisory Group (CAG) and a draft Memorandum of Understanding (MoU) concerning cross party working. Recommendations in respect of these items were considered and, subject to small amendments, endorsed by Overview and Scrutiny Board at a meeting held on 20<sup>th</sup> November 2023. These recommendations were subsequently considered and, subject to a few further amendments, endorsed at meetings of the Cabinet and Council held on 22<sup>nd</sup> November and 6<sup>th</sup> December 2023 respectively.

It was noted that in line with proposals detailed in the Governance Systems Task Group there were budget implications arising from this report to fund an additional Democratic Services Officer post at a cost of £40,000. Recruitment of this Officer was subject to approval of this budget bid in the Medium Term Financial Plan Tranche 2 report.

Following the update, it was noted that it was currently envisaged that the revised constitution would be presented to the Annual Council meeting in May 2024 and Overview and Scrutiny Board would receive an update on progress, including a draft version of constitutional changes at its March or April 2024 meeting.

**RESOLVED** that the Governance Systems Review – Implementation Progress Update be noted.

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## **WORCESTERSHIRE HEALTH OVERVIEW AND SCRUTINY COMMITTEE - UPDATE**

The Council's Representative on the Worcestershire Health Overview and Scrutiny Committee (HOSC), Councillor B. Kumar, updated the Board on the matters discussed by HOSC on 9<sup>th</sup> January 2024. Members were provided with a written copy of the update provided by Councillor B. Kumar.

It was noted that the Health Care System Plans to reduce inappropriate admissions to hospital were discussed. With respect to this, the hospital team present at that meeting explained about the pre-hospital programme, which was designed to focus on supporting the treatment of some medical illnesses in a person's home and also focused on Urgent Community Response (UCR) which aimed to provide people with urgent assessments, care and treatment where possible to avoid unnecessary admissions.



The Council's Representative observed that there was a significant challenge from Members of HOSC as it was noted that for example that in the current system it was impossible for many patients to avoid going to emergency department, even with the best will and effort of patients to avoid that route. It was noted that, for example, phoning NHS 111 often resulted in people being directed back to emergency department. It was commented that there was a need for more local treatment centres for minor illnesses as this would contribute to reducing demand on Accident and Emergency (A&E).

The Council's Representative on HOSC took opportunity to thank Councillor H. D. N. Rone-Clarke on information regarding urgent care and demand on the hospitals. Councillor H. D. N. Rone-Clarke thanked Councillor B. Kumar for his comprehensive update on the inappropriate attendances at hospital and the underlying causes of this.

The Council's Representative on HOSC reported that at the next meeting HOSC would consider the three-year audit of 'never event' cases, i.e. medical care cases that should not have happened.

**RESOLVED** that the Worcestershire Health Overview and Scrutiny Committee Update be noted.

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## **FINANCE AND BUDGET WORKING GROUP - UPDATE**

The Chairman introduced the Finance and Budget Working Group update and in doing so noted that the last meeting of the Group took place on 12<sup>th</sup> January 2024. It was reported that the Medium Term Financial Plan Tranche 1 paper following consultation was considered by Members. The Working Group was updated on the main implications of the Local Government Provisional Finance Settlement which were that all councils were again being allowed to increase Council Tax by up to 3 per cent, that planning application fees would increase by 35 per cent for large applications and 25 per cent for small applications from 1 April 2024. It was also noted that it was predicted that the finance settlement would provide around a 4.9 per cent rise in core spending power for Bromsgrove compared to previous year's settlement. During discussion, it was noted that there was a pooling arrangement for business rates with other Worcestershire authorities.

The Chairman noted that a discussion concerning Ward Councillor Funds took place at the 12<sup>th</sup> January Finance and Budget Working Group meeting and it was agreed by the Group that a proposal be put forward for discussion to Overview and Scrutiny Board regarding a fund of £62,000 per year to be established for Councillor Ward Budgets from 2024-25 financial year for a period of three years. The briefing paper containing a draft Bromsgrove Ward Councillor Fund pilot scheme was included in supplementary papers for this meeting, and paper copies were tabled for Members' consideration.

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It was explained by the Chairman that the proposed terms of reference for the scheme were copied from the criteria used by the County Council. Following the update, Members debated the Ward Councillor Fund scheme proposal.

Some Members expressed concern about the possible introduction of this Fund, citing the fact that County Council's divisional ward funds were not being spent to their full capacity. It was suggested that the arrangement that existed previously at the Council via the New Homes Bonus (NHB) Community Grants Panel would be a more appropriate solution. Through the Grants Panel, members of the public were able to apply for funding for community projects directly and applications were examined by Members who sat on the Panel. It was noted that the proposal for ward budgets as tabled would provide funds directly to elected members to spend.

It was responded by other Members that as detailed in the draft Ward Councillor Fund pilot scheme, there would be stringent oversight of the funding requests by ward members and a clear audit trail would be kept and requests closely monitored. Any funding request under the scheme would need to be made in writing by the Member and would need to be approved before funds could be released. The funding requests would also need to clearly evidence what the funding provided would be spent on. Spending would be open to scrutiny by the public via the Council's website.

Some Members expressed further points of concern about the scheme and commented that this was not the right time for introducing ward budgets, given the Council was struggling to balance the budget. Also, some Members commented that they would like to consult with their respective groups before making a decision on this. A point was raised by some Members that with County Council divisional funds of £10,000 per year set aside for County Councillors to spend, a further £2,000 per year for Bromsgrove District Council elected Members to spend within their wards (which were also part of County Council area divisions) seemed to constitute a double taxation of sorts.

It was countered by other Members that there were many meaningful things on which the ward funds could be spent on which would enhance the lives of local communities. Examples of helping local clubs with purchasing items of sports equipment or setting up an afterschool youth club were given. It was noted that a small amount of funding provided to the right project could have a transformative impact. Some Members countered that the impact of £2,000 would likely be rather modest.

During the detailed debate, a recommendation was put forward that the Ward Budgets proposal as detailed in the briefing note submitted be put forward to Cabinet to consider as part of the 2024/5 Medium Term Financial Plan (MTFP) Tranche 2.

It was suggested by a Member that the Overview and Scrutiny Board first consider looking in detail at the operation and trends with respect to the County Council divisional ward funds scheme before debating the Bromsgrove's Ward Councillor Fund pilot scheme proposal.

The recommendation put forward by the Chairman in respect of Ward Budgets proposal was seconded and on being put to the vote it was carried.

**RECOMMENDED** that the Cabinet consider, as part of the 2024/5 Medium Term Financial Plan (MTFP) Tranche 2, approval of the Ward Budgets proposal contained in the briefing paper now submitted, as tabled at the meeting of Overview and Scrutiny on 16<sup>th</sup> January 2024.

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## **TASK GROUP UPDATES**

The Chair of the Food Bank and Community Supermarket Provision Task Group, Councillor E. Gray, provided an update on the work undertaken so far by the Task Group. It was reported that the Task Group had decided that it was necessary to visit food banks across the District, looking at disparity and accessibility of provision, and to possibly identify points of best practice. The Task Group aimed to complete the visits by the end of January or beginning of February 2024. It would then meet to discuss the findings before producing a report to the Overview and Scrutiny Board.

**RESOLVED** that the Task Group Update be noted.

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## **CABINET WORK PROGRAMME**

The Cabinet Work Programme was presented for Members' consideration.

It was requested that the following items from the Cabinet Work Programme be added to the Overview and Scrutiny Board's Work Programme for the subsequent meetings in this municipal year:

- Termination of Shared Service Arrangement: North Worcestershire Economic Development and Regeneration - scheduled for 12<sup>th</sup> February 2024 meeting of Overview and Scrutiny
- Local Heritage List Strategy – 12<sup>th</sup> February 2024
- Bromsgrove Play Audit and Investment Strategy – 11<sup>th</sup> March 2024
- Cost of Living Funding Proposal – Overview and Scrutiny date to be confirmed.

**RESOLVED** that the Overview and Scrutiny Board be updated with the items from the Cabinet Work Programme as per the above.

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## **OVERVIEW AND SCRUTINY BOARD WORK PROGRAMME**

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The Overview and Scrutiny Board Work Programme was presented for Members' consideration. It was confirmed that Cabinet Work Programme items requested for addition under the previous item would be added to the Overview and Scrutiny Work Programme.

**RESOLVED** that the Overview and Scrutiny Board Work Programme be noted.

The meeting closed at 8.09 p.m.

Chairman

### Overview and Scrutiny Board 2024

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#### Governance Systems Task Group – Progress Update

Relevant Portfolio Holder		Councillor C. Hotham, Cabinet Member for Finance and Enabling
Portfolio Holder Consulted		Yes
Relevant Head of Service		Claire Felton, Head of Legal, Democratic and Property Services
Report Author Jess Bayley-Hill	Job Title: Principal Democratic Services Officer Contact email: <a href="mailto:jess.bayley-hill@bromsgroveandredditch.gov.uk">jess.bayley-hill@bromsgroveandredditch.gov.uk</a>	
Wards Affected		No specific ward relevance
Ward Councillor(s) consulted		N/A
Relevant Strategic Purpose(s)		An Effective and Sustainable Council
Non-Key Decision		
If you have any questions about this report, please contact the report author in advance of the meeting.		

#### 1. RECOMMENDATIONS

The Overview and Scrutiny Board is asked to **RECOMMEND** that

- 1) The proposed amendments to the Committee Terms of Reference, at Part 5 of the Constitution, in respect of special provisions as to the Chairmen of the Audit, Standards and Governance Committee and the Overview and Scrutiny Board, be approved as detailed in Appendix 1 to the report;
- 2) The proposed amendments to the Council Procedure Rules, at Part 8 of the Council’s Constitution, in relation to the appointments of the Chairman of the Council and the Chairmen of the Audit, Standards and Governance Committee and the Overview and Scrutiny Board, be approved, as detailed in Appendix 2 to the report; and

To **RESOLVE** that

- 3) The update in respect of progress with the implementation of actions arising from the Governance Systems Task Group be noted.

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#### **2. BACKGROUND**

- 2.1 This report provides an update on the work that is currently being undertaken to implement the recommendations arising from the Governance Systems Task Group review that was completed in September 2023.
- 2.2 In line with proposals made by the Task Group, proposed amendments to the Council's constitution are outlined in this report which would enable, where possible, Members from political groups not represented on the Cabinet to serve as the Chairmen of the Council, Audit, Standards and Governance Committee and Overview and Scrutiny Board respectively.

#### **3. OPERATIONAL ISSUES**

- 3.1 The Governance Systems Task Group completed a review of the Council's governance model in September 2023. The findings detailed in the group's report were subsequently approved at an extraordinary meeting of Council held on 20<sup>th</sup> September 2023.
- 3.2 Since Council approved the group's recommendations, the Constitution Review Working Group (CRWG) has held a number of meetings to consider progress with the implementation of the actions that were proposed by the Task Group.
- 3.3 Included amongst those proposals was the suggestion that, wherever possible, opposition Councillors should be appointed to the positions of Chairmen of the Council, Audit, Standards and Governance Committee and Overview and Scrutiny Board.
- 3.4 There has been a Councillor from a political group not represented on the Cabinet serving as the Chairman of the Council during the 2023/24 municipal year. Members have reported that they feel that this arrangement is working well. However, there is not currently a constitutional requirement for the Chairman of the Council to be a member from a political group that is not represented on the Cabinet.
- 3.5 The position of Chairman of the Council is a civic role which is apolitical in nature. The Chairman chairs meetings of full Council as well as representing the authority at civic events.

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- 3.6 Currently the Chairmen of the Audit, Standards and Governance Committee and the Overview and Scrutiny Board are members of political groups that are not represented on the Council's Cabinet. However, this is not a constitutional requirement at the authority.
- 3.7 The appointment of opposition Councillors as the Chairmen of the Audit, Standards and Governance Committee and Overview and Scrutiny Board complies with national best practice for Committees that have a role challenging the Executive (known as the Cabinet in Bromsgrove).
- 3.8 The proposed amendments to the Committee Terms of Reference and the Council Procedure Rules, at Parts 5 and 8 of the constitution, are designed to enable the Council to continue in the future to appoint Councillors who are members of political groups not represented on the Council's Cabinet wherever possible.
- 3.9 There is the possibility that, following future local elections, there may be insufficient numbers of opposition Members available to appoint to the positions of Chairmen of the Council, the Audit, Standards and Governance Committee and the Overview and Scrutiny Board respectively. Should this be the case, then the proposed wording of the Committee Terms of Reference and Council Procedure Rules would enable other Councillors to be appointed to those positions, thereby ensuring that Council business could continue without disruption.
- 3.10 The Council's constitution continues to be reviewed. Further proposed amendments to the constitution will be reported for the consideration of the CRWG at a meeting scheduled to take place on 12<sup>th</sup> March 2024.
- 3.11 Members are asked to note that any proposed changes to the constitution arising from this process will ultimately need to be determined by Council.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 There are no specific financial implications in this report.

#### **5. LEGAL IMPLICATIONS**

- 5.1 Review and revision of the Constitution is governed by Article 15 of the Constitution.

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- 5.2 With the exception of the Cabinet, the Council is required by law and / or its own constitution to allocate places on its main Committees in accordance with its political make-up and to approve the Committee terms of reference. The main requirements are that:
- the number of seats on each Committee allocated to each Political Group reflects the proportion it holds of the total number of seats on the Council;
  - the Group with the majority of seats on the Council should hold the majority of seats on each Committee.
- 5.3 The definition of a Political Group for these purposes is that it has a minimum of 2 members.
- 5.4 The current composition of the Council enables opposition Members to be appointed to the positions of Chairmen of the Council, the Audit, Standards and Governance Committee and the Overview and Scrutiny Board.
- 5.5 However, the Council's political composition could change in the future, following local District Council elections. The Council will need to assess after each election whether sufficient numbers of opposition Members are available to be appointed to these positions.

## **6. OTHER - IMPLICATIONS**

### **Relevant Strategic Purpose**

- 6.1 The action proposed in this report supports the strategic purpose "an effective and sustainable Council".

### **Climate Change Implications**

- 6.2 There are no specific climate change implications.

### **Equalities and Diversity Implications**

- 6.3 There are no equalities and diversity implications.

## **7. RISK MANAGEMENT**

- 7.1 There is a risk that if the Council does not progress in a timely manner with consideration of the changes to the constitution required as a result



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of the Governance Systems Task Group, these amendments will not be in place in time for the start of the 2024/25 municipal year as intended.

8. **APPENDICES and BACKGROUND PAPERS**

Appendices

Appendix 1 – Proposed amendments to the Committee Terms of Reference, at Part 5 of the Constitution

Appendix 2 – Proposed amendments to the Council Procedure Rules, at Part 8 of the Council's Constitution

Background Papers

Governance Systems Task Group's final report: [Governance Systems Task Group - report](#)

Minutes of the meeting of the extraordinary Council meeting held on 20<sup>th</sup> September 2023: [Minutes - Council meeting, 20th September 2023](#)

Governance systems Task Group – Update Report – report to the Overview and Scrutiny Board meeting held on 20<sup>th</sup> November 2023: [Governance Systems Task Group - Update Report - 20th November 2023](#)

Minutes of the Overview and Scrutiny Board meeting held on 20<sup>th</sup> November 2023: [Overview and Scrutiny Board minutes - 20th November 2023](#)

Minutes of the Cabinet meeting held on 22<sup>nd</sup> November 2023: [Cabinet minutes 22nd November 2023](#)

Governance Systems Task Group Progress Update, considered at a meeting of the Overview and Scrutiny Board held on 16<sup>th</sup> January 2024: [Governance Systems Update Report - 16th January 2024](#)

## Overview and Scrutiny Board 2024

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### 9. REPORT SIGN OFF

Department	Name and Job Title	Date
Portfolio Holder	Councillor C. Hotham, Cabinet Member for Finance and Enabling	07/02/24
Lead Director / Head of Service	Claire Felton, Head of Legal, Democratic and Property Services	06/02/24
Legal Services	Claire Felton, Head of Legal, Democratic and Property Services	07/02/24

## APPENDIX 1 - COMMITTEE TERMS OF REFERENCE - EXTRACTS PART 5

### AUDIT, STANDARDS AND GOVERNANCE COMMITTEE

Number of Members	9, none of whom may be members of the Cabinet  + 2 co-opted non voting Parish Council representatives, who may not also be District Councillors, for the purpose of Standards
Attendance by other Councillors	Portfolio Holder with responsibility for finance expected to attend each meeting
Politically Balanced Y/N	Y
Quorum	5
Procedure applicable	Rules Audit, Standards and Governance Committee Procedure Rules and Council Procedure Rules (with the exception of Council Procedure Rules 2-4, 6, 8-10, 12.2 – 12.3, 14, 17,19, 20 and 21) – if there is any conflict, Audit, Standards and Governance Committee Procedure Rules to take precedence
Terms of Reference	<u>Stewardship and Audit</u>  To provide independent assurance to the Council in relation to:  a. The effectiveness of the Council's governance arrangements, risk management framework and internal control environment, including overseeing: <ul style="list-style-type: none"> <li>• Risk management strategies;</li> <li>• Anti-fraud arrangements;</li> <li>• Whistle-blowing strategies;</li> <li>• Internal and external audit activity</li> <li>• Democratic governance</li> </ul> b. the effectiveness of the Council's financial and non-financial performance to the extent it affects

## APPENDIX 1 - COMMITTEE TERMS OF REFERENCE - EXTRACTS PART 5

	<p>exposure to risk and poor internal control;</p> <p>c. the annual governance statement.</p> <p>d. The review of the annual statement of accounts, confirming the appropriate accounting policies have been followed, including the external auditor's report to those charged with governance on issues arising from the audit of the accounts.</p> <p><u>Appointment of External Auditors</u></p> <p>e. To arrange the recruitment and operation of the Council's Auditor Panel, in accordance with the requirements of the Audit and Accountability Act 2014.</p> <p><u>Standards</u></p> <p>f. Promote and maintain high standards of conduct by Councillors and any co-opted members of Council bodies.</p> <p>g. Assist Councillors and co-opted members to observe the Members' Code of Conduct.</p> <p>h. Advise the Council on the adoption or revision of the Members' Code of Conduct.</p> <p>i. Monitor the operation of the Members' Code of Conduct.</p> <p>j. Advise, train or arrange to train Councillors and co-opted members on matters relating to the Members' Code of Conduct.</p> <p>k. Formulate advice for Members and officers on declarations of gifts and hospitality and monitor and review the arrangements for recording interests, gifts and hospitality.</p> <p>l. Grant dispensations to Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct.</p> <p>m. For both District and Parish Councils, deal with</p>
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## APPENDIX 1 - COMMITTEE TERMS OF REFERENCE - EXTRACTS PART 5

	<p>any report from the Monitoring Officer following an investigation into a complaint concerning the Members' Code of Conduct (statutory requirement).</p> <p>n. For both District and Parish Councils, consider and determine allegations that a Councillor or co-opted Councillor may have failed to follow the Code of Conduct and where a breach of the Code is established, impose sanctions as delegated by full Council or make recommendations as to any sanctions to the appropriate person or body (statutory requirement).</p> <p>o. Monitor and review the operation of the Protocol on Member-Officer relations.</p> <p>p. Monitor and review the operation of the Protocol on Member-Member relations.</p>
Special provisions as to the Chairman	<p><del>None. The Chairman shall where possible not be a member of a political group represented in Cabinet a member of the [Leading / Majority / Controlling] Political Group / shall be a member of [an / the] Opposition Political Group</del></p>
Whipping arrangements	The party whip must not be applied
Substitutes	<p>Substitutes are permitted</p> <p>A substitute is permitted for the Co-opted Non-voting Parish Representative (who shall not be a member of the same Parish Council as either of the Parish members).</p>
Officer attendance	S151 Officer, Monitoring Officer and Audit Services Manager or their deputies are expected to attend each meeting.
Special provisions as to membership	<p>Quasi-judicial meetings training will be required before members sit on hearings.</p> <p>Members of the Cabinet or the Chairman of the Council may not be a member of or substitute on the Audit, Standards &amp; Governance Committee.</p>

Commented [MM1]: MM 14.12.2023

Terminology:

'Leading' or 'Majority' or 'Controlling' Political Group?

'an' or 'the' Opposition Group?

What about sole independents?

'shall not be...' = negative

'shall be' = positive

## APPENDIX 1 - COMMITTEE TERMS OF REFERENCE - EXTRACTS

## PART 5

### OVERVIEW AND SCRUTINY BOARD

Number of Members	11, none of whom shall be members of the Cabinet
Politically Balanced Y/N	Y
Quorum	6
Procedure applicable	Overview and Scrutiny Procedure Rules and Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 9-11, 13.4, 13.5, 14, 18.2, 20.1 and 22) – where there is any conflict, Overview and Scrutiny Procedure Rules to take precedence
Terms of Reference	<p>The general terms of reference of the Overview and Scrutiny Board will be to perform all overview and scrutiny functions on behalf of the Council in relation to any matter affecting the District and its inhabitants</p> <p>The specific terms of reference include:-</p> <ol style="list-style-type: none"> <li>a. To receive and consider Councillor Calls for Action</li> <li>b. To perform the functions relating to Crime and Disorder Scrutiny (in accordance with the Police and Justice Act 2006)</li> <li>c. To receive and consider Petitions</li> <li>d. To scrutinise the Budget</li> <li>e. To monitor performance improvement</li> <li>f. To identify unsatisfactory progress or performance and make recommendations on remedial action to the Cabinet;</li> <li>g. To monitor the following Council documents/strategies <ul style="list-style-type: none"> <li>• Council Plan</li> </ul> </li> </ol>

## APPENDIX 1 - COMMITTEE TERMS OF REFERENCE - EXTRACTS PART 5

	<ul style="list-style-type: none"> <li>• Council Annual Report</li> <li>• Improvement Plan</li> <li>• Performance Management Strategy/Data Quality Strategy</li> <li>• Quarterly Finance &amp; Performance Monitoring report</li> </ul>
Special provisions as to the Chairman	<del>None</del> The Chairman shall <del>not be a member of the [Leading / Majority / Controlling] Political Group / shall be a member of [an / the] Opposition Political Group</del> where possible not be a member of a political group represented in Cabinet
Officer attendance	A Director is expected to attend each meeting. The relevant Head of Service is expected to attend for consideration of any item within his/her area of responsibility
Whipping arrangements	When considering any matter in respect of which a member of the Overview and Scrutiny Board is subject to a party whip, the Councillor must declare the existence of the whip, and the nature of it before the commencement of the Overview and Scrutiny Board's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.
Substitutes	Substitutes are permitted subject to the restriction that each member of the Board may only nominate a substitute on up to two occasions during each municipal year (as set out in rule 1.3 of the Overview and Scrutiny Procedure Rules). In extenuating circumstances and upon application to the Chairman of the Overview and Scrutiny Board, this may be waived. [Substitutes cannot be used for Task Group meetings.]
Special provisions as to membership	Members of the Cabinet or the Chairman of the Council may not be a member of or substitute on the Overview & Scrutiny Board.

Commented [MM2]: MM 14.12.2023

Terminology:

'Leading' or 'Majority' or 'Controlling' Political Group?

'an' or 'the' Opposition Group?

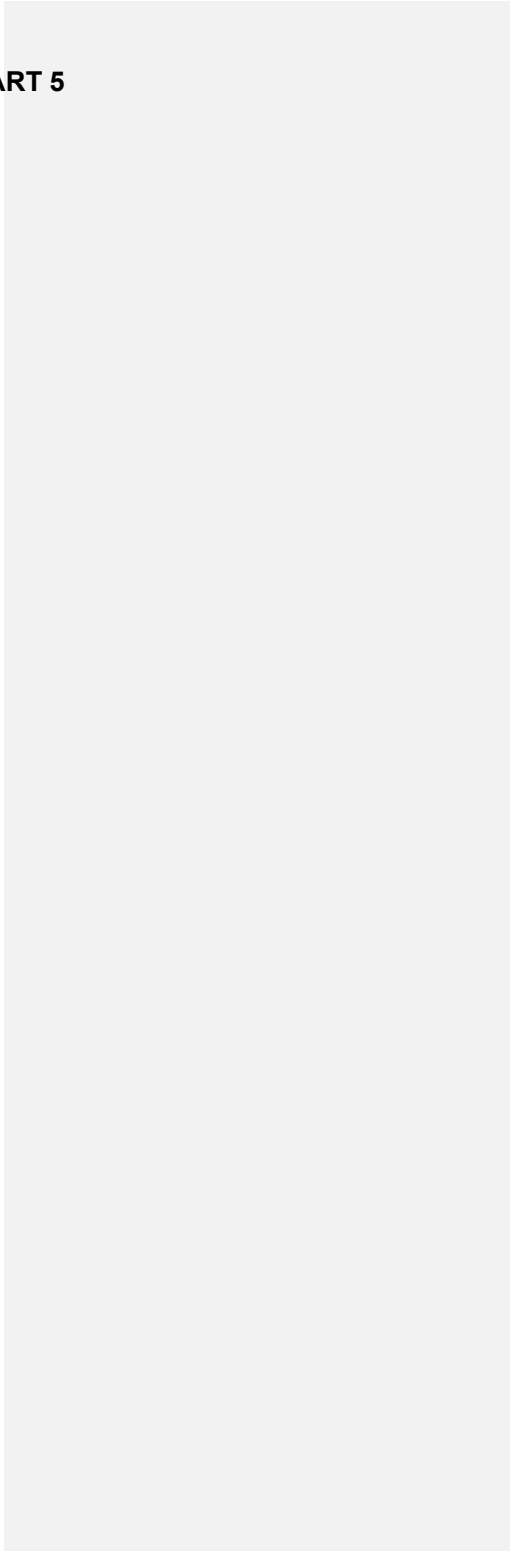
What about sole independents?

'shall not be...' = negative

'shall be' = positive

**APPENDIX 1 - COMMITTEE TERMS OF REFERENCE - EXTRACTS**

**PART 5**



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Updated Jan 2024



**Appendix 2 Bromsgrove  
District Council Procedure**

**Rules**

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**Items marked with # also apply to Committee and Board meetings**

**Items marked with \* cannot be suspended**

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## Bromsgrove District Council

### Procedure Rules for Council and Committee Meetings

#### 1. Introduction

- 1.1 These procedure rules apply to the Council and other meetings.
- 1.2 When a rule applies to a Committee, Sub-committee or Board, this is shown by # next to the heading.
- 1.3 The rules do not apply to the Cabinet or to Joint Committees or other meetings which operate under separate constitutions.
- 1.4 Nothing in these procedure rules overrides legal requirements which apply to the conduct of meetings.

#### 2. Annual Meeting of the Council

Quorum: 16

- 2.1 In a year when there are ordinary elections the Annual Meeting will be held within 21 days of the retirement of the outgoing Councillors. In any other year, the Annual Meeting will take place in May. The meeting will usually start at 6.00pm.
- 2.2 The Annual Meeting will:
  - (a) elect a person to preside if the Chairman and Vice-Chairman are not present;
  - (b) elect [a member who where possible is not a member of a political group represented in Cabinet, as](#) the Chairman of the Council;
  - (c) elect the Vice-Chairman of the Council;
  - (d) receive any declarations of interest from Councillors;
  - (e) approve the minutes of the last meeting;
  - (f) receive any announcements from the new Chairman and/or the Chief Executive;
  - (g) in the year of ordinary elections of Councillors, or when there is a vacancy, elect the Leader;
  - (h) consider questions on notice from members of the Council in the order in which they have been received, in accordance with procedure rule 9;

- (j) consider motions in the order in which they have been received, in accordance with procedure rule 10;
  
- (i) agree:
  - (i) the terms of reference of,
  - (ii) size and
  - (iii) appoint to, in accordance with political balance rules,Committees and Boards as appropriate to deal with matters which are not functions of the Council or Cabinet;
- (i) agree the scheme of delegation;
- (j) consider other business required by legislation;
- (k) to consider any business set out in the notice for the meeting.

### **3. Ordinary Meetings of the Council**

Quorum: 16

3.1 Ordinary meetings of the Council will take place in accordance with a programme agreed by the Head of Legal, Equalities and Democratic Services following consultation with the Leader and relevant Portfolio Holder. Council meetings will usually start at 6.00pm.

3.2 Ordinary meetings will:

- (a) Elect a person to preside if the Chairman and Vice-Chairman are not present;
- (b) Receive any declarations of interest from Councillors;
- (c) Approve the minutes of the last meeting;
- (d) receive any announcements from the Chairman and/or the Chief Executive;
- (e) receive any announcements from the Leader of the Council (*see also Procedure rule 14*);
- (f) receive comments, questions or petitions from members of the public and/or from Councillors on their behalf, in accordance with procedure rule 8;

# Agenda Item 5

- (g) deal with any business from the previous Council meeting;
- (h) deal with questions on notice from members of the Council in the order in which they have been received, in accordance with procedure rule 9;
- (i) receive minutes and/or reports from the Audit, Standards and Governance Committee;
- (j) consider reports and/or recommendations from the Cabinet. These may be presented as minutes of recent meetings of the Cabinet which contain recommendations and are also used to report on recent activity;
- (k) consider recommendations from any other Committees of the Council which require approval;
- (l) receive nominations and make appointments to outside bodies, except where appointment to the bodies has been delegated by Council or can be carried out only by the Cabinet. Details of ex-officio appointments will be set out in the agenda.
- (m) receive and consider reports from officers of the Council;
- (n) Receive and consider an annual report from one Portfolio Holder in accordance with Procedure rule 20;
- (o) Once a year, receive and consider an annual report from the Overview and Scrutiny Board about the work carried out by that Board, presented by its Chairman;
- (p) Once a year, receive and consider an annual report from the Audit, Standards and Governance Committee about the work carried out by that Committee, presented by its Chairman;
- (q) receive reports about activities of joint bodies to which the Council belongs, or other external organisations of interest to the District and ask questions about the report;
- (r) consider motions in the order in which they have been received, in accordance with procedure rule 10;
- (s) Consider any other business set out in the agenda;

- (t) To consider any urgent business not included in the agenda in accordance with legal requirements and subject to agreement with the Chairman prior to the meeting.
- (u) Other than items under paragraphs (a) – (c) the order of business may be varied by the Chairman or by Council resolution.

#### **4. Extraordinary Meetings of the Council**

Quorum: 16

Extraordinary meetings are additional meetings to those set out in the annual programme and are called to consider specific business.

4.1 The following may ask the Chief Executive to call an Extraordinary meeting of the Council:

- (a) the Council by resolution;
- (b) the Chairman of the Council;
- (c) the Monitoring Officer;
- (d) the Chief Financial Officer
- (e) any 5 members of the Council if they have signed a requisition presented to the Chairman of the Council asking him/her to call an Extraordinary meeting and he/she has either refused to call such a meeting, or has failed to do so within seven days of the presentation of the requisition.

Business to be transacted:

- 4.2 Extraordinary meetings of the Council will only consider the business on the agenda for the meeting, as set out in the requisition to convene it, and any other business which in the opinion of the Chief Executive is relevant to it. Meetings will usually start at 6.00pm.
- 4.3 The agenda for an Extraordinary meeting will not include Motions on Notice or Questions.
- 4.4 The agenda for an Extraordinary meeting may include approval of the minutes of the previous Council meeting and minutes of the Cabinet or other Committee/Board meeting or such other items of business as may be appropriate to ensure the efficient administration of Council business.

## **5. Notice of and Summons to Meetings #**

- 5.1 The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules.
- 5.2 Except in cases of urgency, at least 5 clear days before a meeting, the Chief Executive will send an agenda and reports to each member of the Council/Committee etc.
- 5.3 The agenda will give the date, time and place of each meeting, the business to be carried out and include available reports.

## **6. Previous Decisions and Motions**

- 6.1 A motion, the effect of which is to rescind a decision made at a meeting of the Council within the previous 6 months (or has the same effect as one which has been rejected in the last 6 months) cannot be moved unless a Notice of Motion is signed by at least 7 Councillors, or is recommended by a meeting of the Cabinet or a Committee.

## **7. Urgent Business #**

- 7.1 If a Councillor wishes to raise an item of urgent business which is not set out in the agenda for a meeting, s/he must discuss the issue before the meeting with the Chairman, Leader, Chief Executive and Monitoring Officer.
- 7.2 Having taken advice, the Chairman will decide whether or not the issue can be considered at the meeting.

## **8. Public Participation at Council Meetings**

### **What is included**

- 8.1 The agenda for each ordinary meeting of the Council will include a period of up to 15 minutes for members of the public to put comments about matters in the agenda and/or questions to the Council and to present petitions. The Chairman of the Council may agree to allow a similar arrangement at Extraordinary meetings of the Council.
- 8.2 The Chairman of the Council will have complete discretion as to how public participation is conducted and may agree to extend the time available under exceptional circumstances.



- 8.3 Comments, questions or petitions must be about matters for which the Council is responsible or which affect the District. The Council will not consider comments, questions or petitions that relate to specific planning or licensing matters. Neither will it consider matters which are confidential or exempt.
- 8.4 The Monitoring Officer may reject any comments, questions or petitions that:
- are, or appear to be, defamatory, racist or contain offensive language, or are otherwise not appropriate for consideration at a Council meeting;
  - are substantially the same as a question that has been put to a meeting of the Council in the last 6 months;
  - would more appropriately be considered at a meeting of the Cabinet or a Committee, in which case the request to participate will be passed to the relevant body.
- 8.5 Members of the public do not include:
- Employees of the Council or their representatives, on any matter relating to their employment;
  - Any applicants for, or recipients of, approvals, permissions or licenses;
  - Any person in a contractual relationship with the Council on a matter relating to that contract;
  - Councillors from a Local Authority on a matter concerning that local authority.

## **How to Apply**

- 8.6 A copy of the comment, question or terms of petitions must be provided to the Monitoring Officer by 12 noon seven clear working days prior to but not including the date of the meeting (). This may be in writing or by e-mail and should include:
- The name of the person to whom it is addressed – at the meeting this will go to the Chairman in the first instance;
  - The name and address of the person submitting it;
  - In the case of petitions, the number of signatories with their names and addresses supplied.
- 8.7 The Chairman has discretion to allow a question and/or comment from a member of the public received after the deadline in exceptional circumstances.

## At the Meeting

8.8 A member of the public may spend up to 3 minutes to:

- (a) Present a petition and explain its purpose;
- (b) Ask a question, or
- (c) make a comment on a matter on the agenda

Members of the public who register to participate in a meeting of Council under the rules set out in this section can do so using one of the three options below:-

- By attending in person and addressing the committee verbally;
- By joining the meeting virtually by video link and addressing the committee verbally; or
- By providing a written statement in advance of the meeting to be read out by an officer.

8.9 A petition may be presented to the Council by a Councillor acting on his/her own behalf or on behalf of members of the public.

8.10 The Chairman will receive a petition. If the petition relates to a matter on the agenda for the meeting it may be referred to during the debate on that item. Usually a petition will be received without comment at the meeting but the Chairman will ensure it is responded to as quickly as possible.

8.11 A question should be addressed to the Chairman of the Council who may reply in one of the following ways:

- (a) An oral answer;
- (b) By asking the Leader or another Councillor to reply, either orally or in writing;
- (c) By asking an Officer to reply in writing;
- (d) By referring to information in a publication;
- (e) A written answer following the meeting, a copy of which will be published on the Council's website and included with the signed minutes of the Council meeting.

8.12 No response will be given to a comment under this item but it may be referred to during the debate on the relevant item.

## 9. **Questions from Councillors at Council Meetings**

- 9.1 A Councillor may ask the Leader or the Chairman of a Committee any question without notice on an item of the minutes and/or any report of the Cabinet or Committee when that item is being received or considered by the Council.

### **Questions on Notice**

- 9.2 A Councillor may ask:

- The Chairman;
- A member of the Cabinet;
- The Chairman of any Committee or Sub-Committee

a question on any matter to which the Council, Cabinet, Committee or sub-committee has powers or duties or which affects the District of Bromsgrove.

The content of the question should comply with Procedure rule 9.8 - Content

### **Deadline for Questions**

- 9.3 The deadline for questions to be received by the Monitoring Officer is 12 noon, seven clear working days prior to but not including the date of the meeting
- 9.4 A question must be submitted in writing.
- 9.5 If a question relates to an urgent matter, the Councillor should obtain the permission of the Chairman and submit the question to the Monitoring Officer not less than 2 hours before the start of the meeting at which it will be asked.

### **Content**

- 9.6 The Monitoring Officer may reject a question if:
- (a) it is defamatory, frivolous or offensive,
  - (b) it is substantially the same as one submitted within the previous six months;
  - (c) it asks the Council about a matter which is outside the powers or responsibility of the full Council;
  - (d) it relates to a specific planning or licensing matter;

(e) it does not relate to functions undertaken by the Council.

(f) It could be dealt with more appropriately by an officer;

## **At the meeting**

9.7 The question will be read out at the meeting by the Councillor who has asked it or by another Councillor on his/her behalf.

9.8 The answer may be given as:

(a) A direct oral answer;

(b) A reference to information contained in a publication; or

(c) Where the answer cannot conveniently be given orally, a written answer, circulated to the questioner at the latest with the minutes of the Council meeting and appended to the signed copy of the minutes.

9.9 The Councillor who has been asked the question may, if appropriate, refer it to another member to answer.

9.10 Every question shall be put and answered without discussion.

## **Supplementary Questions**

9.11 For a trial period commencing October 2023, a Member asking a question under rule 9.2 may, without notice, ask one supplementary question of the member to whom the first question was addressed. The supplementary question must arise directly out of the original question or the reply.

## **Time limit**

9.12 At each meeting a maximum of 15 minutes will be allowed for the asking and answering of questions under this procedure rule.

9.13 The Chairman may at his/her discretion extend the time if s/he and the majority of those present agree.

9.14 Any questions that remain unanswered shall be dealt with at the next ordinary meeting of the Council in the order in which they were received, unless the Councillor who gave notice of it agrees to receive the answer in writing.

## **10 Motions on Notice at Council Meetings**

- 10.1 Any Councillor may give notice of not more than one Motion for consideration at any meeting of the Council.

### **Deadline for Motions**

- 10.2 Notices of Motion must be submitted to the Monitoring Officer by 12 noon seven clear working days, prior to but not including the date of the meeting
- 10.3 A Motion must be submitted in writing.

### **Urgent Notice of Motion**

- 10.4 If a Motion relates to an urgent matter and otherwise complies with the requirements set out in this procedure rule, the Councillor submitting it should obtain the permission of the Chairman and submit the Motion to the Monitoring Officer not less than 24 hours before the start of the meeting at which it will be moved.

### **Content**

- 10.5 The Notice must contain a written notice of the motion;
- 10.6 Motions must be about matters for which the Council is responsible or which affect the District.
- 10.7 The Monitoring Officer may reject a Notice of Motion if:
- (a) it is defamatory, frivolous or offensive,
  - (b) it is substantially the same as one submitted within the previous six months;
  - (c) it requests the Council to make a decision which is outside the powers or responsibility of the full Council;
  - (d) it is not of a strategic nature;
  - (e) it does not relate to functions undertaken by the Council.

### **At the meeting – Proposal and Withdrawal of Motion**

- 10.8 The Motion can be moved by the Signatory to the Notice or another Councillor on their behalf.
- 10.9 If a Motion is not moved at a Council meeting, it will lapse and can only be moved again if Notice is given in accordance with these procedure rules.

## **Deferment of Motions**

- 10.10 If, having taken advice from the Chief Executive and Monitoring Officer, the Chairman considers that the Motion should be dealt with in conjunction with a report from an Officer, the Motion will be deferred until this can be arranged.
- 10.11 No Motion shall be deferred for longer than one Ordinary meeting of the Council. The Chairman will inform the Council under his/her Announcements of any such deferrals.

## **Referral of Motions**

- 10.12 If a Notice of Motion relates to an Executive function and is proposed and seconded, the Council may discuss the matter in order to inform the Cabinet's consideration of it. It cannot decide the matter.
- 10.13 Motions which relate to matters reserved to the Council or to non-Executive functions may be debated and decided by the Council.
- 10.14 If the motion is not debated, it will be referred to the Cabinet or appropriate body to consider and report back to the Council with recommendations on how to proceed.
- 10.15 If a Motion is referred to the Cabinet or another Committee for consideration, then the Proposer of the Motion will be invited to attend the relevant meeting when it is discussed to introduce and speak to it.

## **Time Limit for Motions on Notice**

- 10.16 At each meeting up to one hour shall be allowed for consideration of all Motions on Notice. This may only be exceeded with the agreement of the Council.
- 10.17 At the end of the hour – or other time period if agreed by the Council – the Chairman will ask the Councillor speaking to conclude immediately.
- (a) If the speaker is proposing the motion then it can be formally seconded without comment;
- (b) If the speaker is moving an amendment, the Chairman will allow the amendment to be formally seconded, without comment, and the mover of the motion to exercise their right of reply;

(c) If neither (a) nor (b) then the mover of the motion will be allowed to have their right of reply for up to 5 minutes.

10.18 The Chairman will put to the vote, without further discussion, all questions necessary to dispose of the motion being debated and put the Motion to the vote.

10.19 If as a result of reaching the time limit a motion is not moved by either the Councillor who gave notice or another Councillor on their behalf, it shall be either:

(a) treated as withdrawn and cannot be moved without fresh notice, although it will not be restricted by the 6 month rule set out at Procedure rule 6; or

(b) with the consent of the Council, be postponed until the next Ordinary meeting.

## **11 Chairing the Meeting #**

11.1 The person presiding at the meeting may exercise any powers or duty of the Chairman.

11.2 Where these rules provide for a maximum time to be devoted to an item or speech or other process, the Chairman may, if s/he and the majority of Members present agree, extend that time if it felt appropriate in the interests of effective conduct of Council business.

11.3 Any ruling of the Chairman shall not be challenged.

## **12 Councillor Conduct # 12.1 only**

12.1 Councillors are expected to treat each other with respect and abide by the Code of Conduct.

12.2 When a Councillor speaks at a meeting of the Council s/he must, if able, stand and address the meeting through the Chairman unless the Chairman agrees and directs otherwise. Only one Councillor may stand at a time. Other Councillors must remain seated whilst a Councillor is speaking, unless they wish to make a point of order or a point of personal explanation (Procedure rule 17.6).

- 12.3 When the Chairman stands during debate, any Councillor speaking at the time must stop and sit down. The meeting must be silent.

## **Prevention of Disorderly Conduct #**

### Prevention of Disorderly Conduct – Councillors and Public

- 12.4 The Chairman may take the following action if a Councillor persists in misconduct:
- (a) forbid the Councillor from speaking for all or part of the meeting;
  - (b) tell the Councillor to leave all or part of the meeting;
  - (c) order the Councillor to be removed from the meeting;
  - (d) adjourn the meeting for an appropriate time to try and resolve the situation.
- 12.5 Similar action can be taken if a member of the public disrupts the meeting.
- 12.6 If there is more general disorder in any part of the room where the meeting is being held which is open to the public, the Chairman may order that part to be cleared and may adjourn the meeting as appropriate.
- 12.7 Members of the public are permitted to take photographs, films, video record or audio record a Council and other meetings open to the public, provided that they do not intimidate public speakers or cause disruption and abide by any directions given by the Chairman. Oral commentary is not permitted. Members of the public intending to record meetings should notify the Democratic Services Manager in advance of the meeting. The Council's protocol is on the website and explains this further.
- 12.8 The taking of photographs, filming, video or audio recording is not permitted at private meetings or where the public have been excluded. Recording equipment must not be left in a meeting room after the public have been excluded.

## **13 Quorum #**

- 13.1 The quorum of a meeting will be a proportion of the voting members of the Committee, Sub-Committee or Board etc, as agreed by the Council from time to time.



# Agenda Item 5

- 13.2 If at any time during the meeting the Chairman declares that there is not a quorum present, the meeting will adjourn immediately for 15 minutes.
- 13.3 If after that time there is still not a quorum present, the meeting shall end.
- 13.4 Any remaining business will be considered at the next meeting, whether ordinary or extraordinary, unless the Chairman makes other arrangements prior to the next meeting.

## **14. Announcements**

- 14.1 Each person entitled to make an announcement may speak for a total of five minutes.
- 14.2 Announcements must not relate to items on the agenda or exempt or confidential items.
- 14.3 In respect of Leader's announcements only, Councillors may ask questions by way of clarification. Up to five minutes in total may be devoted to Councillors' questions to the Leader.

## **15. Minutes #**

- 15.1 The Chairman will sign the minutes of the proceedings at the next suitable meeting.
- 15.2 The Chairman will propose that the minutes of the previous meeting be signed as a correct record. The only aspects of the minutes which can be discussed is their accuracy.
- 15.3\* If the next meeting is an Extraordinary meeting (called under Para 3 of Schedule 12 to the Local Government Act 1972) then the minutes will usually be signed at the next following Ordinary meeting.

\* *Mandatory procedure rule, Local Authorities (Standing Orders) Regulations 1993*

## **16. Advice from Officers #**

- 16.1 Whenever the Chief Executive, the Section 151 Officer, the Monitoring Officer or the Head of Planning and Regeneration considers it appropriate to give advice to the Council, they shall be at liberty to do so and the Council shall hear such advice.

## **17. Rules of Debate**

Not every debating possibility can be covered in these procedure rules. In the event of an issue not being covered by them, the Chairman's ruling shall be final.

### **Dealing with Motions and Amendments**

- 17.1 A motion or amendment must be proposed and seconded before it can be discussed.
- 17.2 The Chairman may require any procedural motion to be written down and handed to him/her before it is discussed.

### **Speeches**

- 17.3 Speeches may not exceed 5 minutes without the consent of the Chairman and a majority of those present.
- 17.4 Speeches must be about the item being discussed or about a point of order or personal explanation.
- 17.5 When seconding a motion or amendment, a Councillor may reserve their speech until later in the debate.

### **When Councillors may speak more than once, including Point of Order and Personal Explanation**

- 17.6 A Councillor may only speak once on a motion except:
- (a) to speak once on an amendment moved by another Councillor;
  - (b) if their first speech was on an amendment and that has now been dealt with, to speak on the main proposal;
  - (c) to exercise a right of reply as a mover of a motion (not an amendment);
  - (d) on a point of order or by way of personal explanation.
    - (i) A point of order may only relate to an alleged breach of these Council procedure rules or the law and the Councillor must indicate the way in which s/he considers it has been broken. The ruling of the Chairman will be final and not open to discussion.

(ii) Personal explanation may only relate to some material part of an earlier speech by the Councillor at the same meeting which may appear to have been misunderstood in the current debate. The ruling of the Chairman on the admissibility of a personal explanation will be final and not open to discussion.

(e) to move a further amendment;

(e) to make a motion to close the debate.

## **Amendments**

17.7 An amendment must be relevant to the motion and will be:

(a) to refer the matter to an appropriate body or individual for consideration or reconsideration;

(b) to leave out words

(c) to leave out words and insert or add others; or

(d) to insert or add words

As long as the effect of (b) to (d) is not to negate the motion.

17.8 Only one amendment may be dealt with at a time.

17.9 Amendment not carried – a further amendment to the motion may be moved.

17.10 Amendment carried – the amended motion takes the place of the original motion. It is known as the “substantive motion” and further amendments may be moved to this.

17.11 After an amendment is carried the Chairman will read out the amended motion before accepting any amendments. If there are no further amendments the substantive motion is debated before being put to the vote.

## **Alteration of Motion**

17.12 An alteration to a motion must be either:

(a) to refer the matter to an appropriate body or individual for consideration or reconsideration;

(b) to leave out words;

(c) to leave out words and add others;

(d) to add words;

So long as the effect of (b) to (d) is not to negate the motion.

## **When a motion can be altered**

17.13 A motion may be altered:

- (a) before it has been moved by the Councillor who submitted it (or another Councillor on his/her behalf) if the majority of those present agree;
- (b) after it has been moved and seconded if both the mover and seconder and the majority of those present agree.

## **Withdrawal of Motion**

17.14 A Councillor may withdraw a motion which s/he has moved. Once withdrawn it cannot be discussed any further.

## **Rights of Reply – motions and amendments**

17.15 Mover of motion has right of reply at end of debate on the motion, immediately before it is put to the vote.

17.16 If an amendment is moved, the mover of the original motion has right of reply at close of debate on the amendment but shall not speak on it apart from this. The mover of the amendment has right of reply at end of debate on the amendment, immediately prior to the final right of reply of the mover of the original motion.

## **Motions which may be moved during debate**

17.17 During debate on a motion, the following are the only further motions that can be moved:

- (a) to amend a motion;
- (b) closure motions – see procedure rule 17.19 below;
- (c) under Procedure rule 12.4 that a Councillor is not heard further; or that a Councillor leave the meeting;
- (d) to exclude the public and press in accordance with the Access to Information rules.

## **Procedural Motions without notice**

17.18 The following procedural motions may be moved without notice:

- (a) to appoint a Chairman of the meeting;

- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or a member arising from an item on the agenda for the meeting;
- (f) to receive reports or adopt recommendations from Committees or Officers and any resolutions following from them;
- (g) closure motions under procedure rule 17.18;
- (m) to suspend a particular procedure rule;
- (n) to exclude the public and press in accordance with Access to Information Rules;
- (o) to not hear further a member named under rule 12.4 or to exclude them from the meeting;
- (p) to give the consent of the Council where it is required under this constitution.

## **Closure Motions**

17.19 A Councillor may move, without comment, the following motions at the end of a speech of another Councillor:

- (a) to proceed to next business;
- (b) that the question now be put to the vote;
- (c) to adjourn a debate;
- (d) to adjourn a meeting.

17.20 **“That the meeting proceed to next business”** – if seconded and the Chairman thinks the item has been sufficiently discussed, s/he gives mover of motion right of reply and procedural motion is put to the vote.

17.21 **“That the question now be put”** – if seconded and the Chairman thinks the item has been sufficiently discussed, s/he will put the procedural motion to the vote. If passed, the mover of the original motion has the right of reply before the motion is put to the vote.

If the Chairman considers there has been insufficient debate, s/he may refuse to accept the motion.

- 17.22 **“That the debate be now adjourned”** and **“that the meeting do now adjourn”** – if seconded and the Chairman thinks the item has not reasonably been discussed and cannot reasonably be discussed on this occasion, s/he will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

## 18. **Voting #**

- 18.1 Unless a recorded vote is demanded or required, voting shall be by general assent or by show of hands. Any matter will be decided by a simple majority of those present and entitled to vote in the meeting at the time the question was put.
- 18.2 If there is an equal number of votes for and against, the Chairman may use a second or casting vote. There is no restriction on how the Chairman chooses to use a casting vote.

### **Recorded Votes**

- 18.3 If before the Chairman has called for a show of hands, any Councillor present at a meeting demands it, the vote shall be recorded to show the names of those who voted for or against the motion and those who abstained.
- 18.4\* Where any member requests it immediately after a vote is taken, their vote will be recorded in the minutes to show whether they voted for or against the matter or abstained from voting.

*Mandatory Procedure Rule, Local Authorities (Standing Orders) Regulations 1993*

- 18.5\* Immediately after any vote is taken on a budget or Council Tax decision at a budget decision meeting of the Council, the names of those who voted for or against the motion or abstained shall be recorded.

*Mandatory Procedure Rule, Local Authorities (Standing Orders) (England) Regulations 2014*

### **Voting on Appointments**

- 18.6 If there are two or more people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new

vote taken. The process will continue until there is a majority of votes for one person.

## **19. Consideration of Recommendations from Cabinet and Reports presented by Cabinet Members**

- 19.1 Each report or recommendation from Cabinet will be presented by a member of the Cabinet whose initial presentation shall not exceed 10 minutes.
- 19.2 Other speeches shall not exceed 5 minutes.
- 19.3 The member of the Cabinet presenting the report or recommendation may, with the consent of the Chairman, respond to all questions raised or points made during the debate.
- 19.4 The member of the Cabinet presenting the report or recommendation has a right to reply at the end of the debate on the recommendation immediately before it is put to the vote.
- 19.5 The member of the Cabinet presenting the report or recommendation may alter or amend the recommendation if the majority of members present agree, provided such alteration or amendment is one which could be made as an amendment to a motion under Rule 17.7 – 17.11.
- 19.6 An amendment to a report or recommendation from Cabinet may be made provided such amendment is one which could be made as an amendment to a motion under Rule 17.7 and the procedure set out in Rule 17 insofar as it applies to amendments to motions shall apply to amendments to recommendations from Cabinet.

## **20. Annual Reports from Portfolio Holders**

- 20.1 At each ordinary meeting of the Council there will be an item on the agenda to receive and consider an annual report from one portfolio holder.
- 20.2 The report will include important matters from the previous 12 months and forthcoming policy issues which the Portfolio holder wishes to raise with the Council.
- 20.3 Each report will be presented by the Portfolio Holder and their initial presentation shall not exceed 10 minutes.
- 20.4 Councillors may ask questions of the Portfolio Holder. Questions and answers shall not exceed 3 minutes.
- 20.5 A maximum of 30 minutes will be allowed for this item at the meeting.

- 20.6 Councillors will not take any decisions in connection with or vote on the report. The main issues raised during discussion of the reports will be minuted.

## **21. Suspension and Amendment of Council Procedure Rules**

### **Suspension**

- 21.1 All of these Council Rules of Procedure except Rule 15.3, 18.4 and 18.5 may be suspended by motion on notice or without notice if a majority of those present and entitled to vote agree. Suspension shall last until such time as the meeting agrees to reinstate the suspended rule(s), or the end of the meeting, whichever is the earlier.

### **Amendment**

- 21.2 Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

## **22. Application to Committees and Sub-Committees**

- 22.1 All of the preceding Council Rules of Procedure apply to meetings of full Council. None of the rules apply to meetings of the Cabinet.
- 22.2 All of the preceding Rules except Rules 2-4, 6, 8-10, 12.2-12.3, 14, 17, 19, 20 and 21 apply to meetings of committees and sub-committees. Rules 23 – 25 shall apply only to meetings of committees and sub-committees.

## **23. Election of Chairmen and Vice-Chairmen of Committees #**

- 23.1 Every Committee will, at its first meeting following the Annual Meeting of the Council, before proceeding to any other business, elect a Chairman and Vice-Chairman for the municipal year. If both the Chairman and Vice-Chairman are absent from a meeting of that Committee during the municipal year, the Committee may elect a member to chair that particular meeting.

23.2 In the event of a vacancy arising in the office of Chairman or Vice-Chairman of a committee, the committee will at its next meeting following the declaration of the vacancy appoint a member to fill the vacancy for the remainder of the municipal year.

~~23.2~~23.3 Where possible the Chairman of the Overview and Scrutiny Board and the Chairman of the Audit, Standards and Governance Committee shall not be a member of a political group represented in Cabinet.



## **24. Extraordinary Meetings of Committees #**

- 24.1 The Chairman of a committee or the Chairman of the Council may summon an extraordinary meeting of the committee at any time.
- 24.2 An extraordinary meeting shall also be summoned on the requisition in writing of a quarter of the members of the committee. The summons shall set out the business to be considered at the extraordinary meeting, and no other business than that set out shall be considered at that meeting.

## **25. Appointment of Substitute Members of Committees and Sub-Committees #**

- 25.1 When a member of the Council is unable to attend a particular meeting of a committee or sub-committee, he/she may appoint another member *from the pool of substitute members for that Committee or sub-committee*, to attend the meeting as his/her substitute. Members may not arrange for substitutes to attend in their place at Cabinet.
- 25.2 Substitute members will have all the powers and duties of any ordinary member of the committee.
- 25.3 Substitute members may attend meetings in that capacity only:
  - (a) where the ordinary member will be absent for the whole of the meeting; and
  - (b) after notifying the Head of Legal, Equalities & Democratic Services before or at the commencement of the meeting of the intended substitution.

## **26. Calculation of Time #**

“Working day” shall not include a Saturday, Sunday, bank holiday, public holiday or other day on which the Council House is closed.

“Clear day” shall not include the date on which notice is given, or the date of the meeting.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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**Cabinet  
2024**

**14 February**

**Termination of shared service arrangement: North Worcestershire Economic Development and Regeneration**

Relevant Portfolio Holder		Councillor Sue Baxter Cabinet Member for Economic Development and Regeneration	
Portfolio Holder Consulted		Yes	
Relevant Head of Service		Guy Revans, Executive Director (Interim)	
Report Author Guy Revans	Job Title: Executive Director (Interim) Contact <a href="mailto:g.revans@bromsgroveandredditch.gov.uk">g.revans@bromsgroveandredditch.gov.uk</a> Contact Tel: 01527 64252 ext 3292	email:	
Wards Affected		All	
Ward Councillor(s) consulted		N/A	
Relevant Strategic Purpose(s)		Run and grow a successful business. And Work and financial independence.	
Non-Key Decision			
If you have any questions about this report, please contact the report author in advance of the meeting.			
This report contains exempt information as defined in Paragraph(s) 3 and 4 of Part I of Schedule 12A to the Local Government Act 1972, as amended			

**1. RECOMMENDATIONS**

**The Cabinet RESOLVE:**

- 1) To agree that the Collaboration Agreement relating to the Provision of Economic Development and Regeneration Services should be terminated mutually under clause 15.1 (Determination of this Agreement), with effect from 30 June 2024 and that a new Exit Agreement is entered into;**
- 2) Delegate to the Executive Director (interim) following consultation with the Cabinet Member for Economic Development and Regeneration, and Executive Director Resources authority to negotiate, finalise and approve the Exit Agreement and to take any other steps that arise from the termination process.**

**And the Cabinet is asked to RECOMMEND that**

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**3) An additional budget of £72,836 is approved for the new structure.**

**2. BACKGROUND**

- 2.1 North Worcestershire Economic Development and Regeneration (NWEDR) is a shared service serving Bromsgrove, Redditch and Wyre Forest councils that has successfully operated for over a decade.
- 2.2 In recent years NWEDR has attracted a very welcome total of £70m in Government grants for the three districts to support major regeneration programmes including the £14 Million Levelling Up Fund (LUF) money for Bromsgrove.
- 2.3 Implementing the programmes and projects associated with the Government grants has inevitably involved considerable additional work and has affected NWEDR's capacity in the last couple of years. That has been exacerbated by recruitment difficulties in filling posts and keeping them filled.
- 2.4 The Leader of Wyre Forest DC (WFDC) approached the Leader of Bromsgrove DC (BDC) and Redditch BC (RBC) in August 2023 to request a mutual termination of the Collaboration Agreement (the "Agreement") relating to the Provision of Economic Development and Regeneration Services across North Worcestershire.
- 2.5 Clause 15.1 of the Agreement (Determination of the Agreement), provides that all parties to the Agreement may agree that it should be determined (brought to an end). Clause 15 also makes provision for the transfer of assets and intellectual property etc. and that, in the case of mutual termination under Clause 15 any costs arising are shared in the same percentages as apply to sharing of operating costs of NWEDR. Clause 8.9 provides that, in the event of termination, the councils' intention is that the Transfer of Undertakings (Protection of Employment) Regulations will apply to the staff but that is subject to the Regulations and relevant law and any subsequent agreement of the three councils.
- 2.6 Officers from BDC and RBC (lead by the Executive Director (Interim)) and WFDC (Led by their CEO) have been meeting regularly to draft and agree the Exit Agreement that includes indemnity clauses that protect this council from any future claims relating to staff or commercial decisions taken by NWEDR or during the separation. The Collaboration Agreement includes many similar provisions on establishing the shared service and it is inevitable that they would be mirrored in exiting that agreement. The report seeks a delegation to the Executive Director (interim) to finalise the exit agreement.

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- 2.7 Subject to the agreement of the Exit Agreement it has been agreed that the mutual termination, will take effect from 30 June 2024.

### **3. OPERATIONAL ISSUES**

- 3.1 TUPE regulations will be considered as part of the exit arrangement. Until the agreement is terminated, NWEDR will provide the full range of support that it currently provides for the three councils under the agreement, including work on the agreed business plan – although that is inevitably subject to the same constraints about capacity which have been experienced for some time.
- 3.2 BDC places high priority on economic regeneration, as can be seen from the two strategic purposes and the recently agreed priorities.
- 3.3 Recruitment and retention in this area of business is currently difficult and it is therefore proposed that a shared Economic Development, Regeneration and Property Service will be created under a new Head of Service for Bromsgrove and Redditch Councils (details of the proposals can be seen at appendix 1) as this will give us the best opportunity to recruit high calibre staff and deliver BDC's strategic purposes and priorities associated with economic development, regeneration and property services.
- 3.4 Recruitment to the Head of Service and other key posts will take place early in 2024 to ensure that we have the capacity in place to deliver the LUF Programme and other key projects.

### **4. FINANCIAL IMPLICATIONS**

- 4.1 Bromsgrove District Council's current annual budget contribution for NWEDR is £244k and the future structure outlined for Bromsgrove DC and Redditch BC in the appendix is estimated to have an additional financial implication of circa £73k/year, which has been included in tranche 2 of the MTFS.
- 4.2 Capital schemes, of which the Levelling Up Schemes are by far the largest, are set out in the Councils Capital Programme.

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**5. LEGAL IMPLICATIONS**

- 5.1 The Council relies on general powers such as section 111 of the Local Government Act 1972 and section 1 of the Localism Act 2011 to undertake work on economic development and regeneration. Specific powers exist in respect of acquisition and disposal of land in the 1972 Act which are central to the property function, including provision of industrial units etc. The existing Collaborative Agreement was entered under section 101 of the 1972 Act (arrangements for discharge of functions by other authorities) – the delegation of functions by Redditch and Bromsgrove to WFDC will cease when the agreement is terminated.
- 5.2 Mutual termination of the current agreement requires a formal decision by each of the three councils. Equivalent reports to this are expected to be taken to the Executive in Redditch in February.

**6. OTHER - IMPLICATIONS**

**Relevant Strategic Purpose**

- 6.1 Run and grow a successful business.  
And  
Work and financial independence.

**Climate Change Implications**

- 6.2 No direct impacts in respect of climate change are expected to arise.

**Equalities and Diversity Implications**

- 6.3 No direct impacts in respect of equality and diversity are expected to arise. All relevant employment law will be complied with; accordingly no equality impact assessment is required.

**7. RISK MANAGEMENT**

- 7.1 Timescales are tight for recruitment there for essential posts will be recruited to first to ensure that the service has a strategic lead and the LUF project can be delivered.

**8. APPENDICES and BACKGROUND PAPERS**

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Confidential appendix 1 - setting out the proposed structure and costings for the future shared service.

Collaboration Agreement relating to the Provision of Economic Development and Regeneration Services, 27 May 2011

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#### 9. REPORT SIGN OFF

Department	Name and Job Title	Date
Portfolio Holder	Councillor Sue Baxter Cabinet Member for Economic Development and Regeneration	17.01.2024
Lead Director / Head of Service	Guy Revans, Executive Director (Interim)	17.01.2024
Financial Services	Pete Carpenter, Director of Resources and Deputy Chief Executive (Interim)	17.01.2024
Legal Services	Claire Green Principle Solicitor	11.01.2024
Policy Team (if equalities implications apply)	N/A	N/A
Climate Change Team (if climate change implications apply)	N/A	N/A

By virtue of paragraph(s) 3, 4 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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