



BROMSGROVE DISTRICT COUNCIL

YOU ARE HEREBY SUMMONED to attend a MEETING of BROMSGROVE DISTRICT COUNCIL to be held in the Council Chamber at The Council House, Burcot Lane, Bromsgrove at 6.00 p.m. on Wednesday 20th April 2011, when the business referred to below will be brought under consideration:-

The meeting will be opened with a prayer.

1. To receive apologies for absence

2. Declarations of Interest

(Members are reminded that they need to keep their register of interest forms up to date)

3. To confirm the accuracy of the minutes of the meeting of the Council held on 16th March 2011 (Pages 1 - 4)

4. To receive any announcements from the Chairman and/or Head of Paid Service

5. To receive any announcements from the Leader

6. Recommendations from the Cabinet (Pages 5 - 6)

To consider the recommendations from the meeting of the Cabinet held on 6th April 2011 on the following items *(the full Cabinet reports are enclosed for information as part of the Council agenda book)*

- Shared Services / Transformation Programme – Revised Timeline
- Council Plan 2011 – 2014

7. To receive the minutes of the meeting of the Cabinet held on 6th April 2011 (Pages 7 - 14)

8. **Recommendations from the Planning Committee** (Pages 15 - 16)

To consider the recommendations from the meeting of the Planning Committee held on 28th March 2011 on the following items (*the full Planning Committee reports are enclosed for information as part of the Council agenda book*)

- Scheme of Delegation for Planning Enforcement and Development Control
- Proposed Member Protocol for Involvement in Pre-application Discussions for Proposed Developments in the District
- Adoption of the Planning Enforcement Policy

9. **Recommendation from the Audit Board** (Pages 17 - 18)

To consider the recommendations from the meeting of the Audit Board held on 11th April 2011 on the following item (*the full Audit Board report is enclosed for information as part of the Council agenda book*)

- Treasury Management Strategy Statement and Investment Strategy 2011/12 to 2013/14

10. **Changes to the Constitution** (Pages 19 - 124)

To consider the report of the Head of Legal, Equalities and Democratic Services

11. **Questions on Notice**

To deal with any questions on notice from Members of the Council, in the order in which they have been received.

- **Background information on recommendations from the Cabinet - Shared Services / Transformation Programme Revised Timeline** (Pages 125 - 132)
- **Background information on recommendations from the Cabinet - Council Plan 2011-2014** (Pages 133 - 170)
- **Background information on recommendations from the Planning Committee - Amendments to Scheme of Delegation for Planning Enforcement and Development Control** (Pages 171 - 196)
- **Background information on recommendations from the Planning Committee - Proposed Member Protocol for Involvement in Pre-application discussions for Proposed Developments in the District** (Pages 197 - 212)

- **Background information on recommendations from the Planning Committee - Adoption of the Planning Enforcement Policy (Pages 213 - 228)**
- **Background information on recommendations from the Audit Board - Treasury Management Strategy Statement and Investment Strategy 2011/12 to 2013/14 (Pages 229 - 254)**

12. To consider, and if considered appropriate, to pass the following resolution to exclude the public from the meeting during the consideration of item(s) of business containing exempt information:-

"RESOLVED: that under Section 100 I of the Local Government Act 1972, as amended, the public be excluded from the meeting during the consideration of the following item(s) of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended, the relevant paragraph of that part, in each case, being as set out below, and that it is in the public interest to do so:-

<u>Item No.</u>	<u>Paragraph(s)</u>	
13	1 and 4	"

13. Recommendations from the Cabinet (Pages 255 - 330)

To consider the recommendations from the meeting of the Cabinet held on 6th April 2011 on the following item (*the full Cabinet report is enclosed for information at the back of the Council agenda book*)

- Business Case for a Shared Leisure & Cultural Service between Bromsgrove District Council and Redditch Borough Council

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

TO ALL MEMBERS OF THE BROMSGROVE DISTRICT COUNCIL

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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE COUNCIL

WEDNESDAY, 16TH MARCH 2011 AT 6.00 P.M.

PRESENT: Councillors Mrs. J. M. L. A. Griffiths (Chairman), Miss D. H. Campbell JP (Vice-Chairman), Mrs. J. M. Boswell, A. N. Blagg, Dr. D. W. P. Booth JP, G. N. Denaro, Mrs. R. L. Dent, Mrs. J. Dyer M.B.E., D. Hancox, Ms. H. J. Jones, B. Lewis F.CMI, Mrs. C. M. McDonald, P. M. McDonald, E. J. Murray, W. R. Newnes, D. L. Pardoe, S. R. Peters, C. R. Scurrall, S. P. Shannon, Mrs. M. A. Sherrey JP, R. D. Smith, Mrs. C. J. Spencer, C. B. Taylor (present during part of Minute No. 128/10 only), E. C. Tibby, C. J. Tidmarsh, L. J. Turner, M. J. A. Webb and P. J. Whittaker

118/10 **PRAYER**

At the request of the Chairman, the Reverend Beverley Robertson opened the meeting with a prayer.

119/10 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mrs. M. Bunker, S. R. Colella, R. J. Deeming, Mrs. A. E. Doyle, R. Hollingworth, Mrs. J. D. Luck, Ms. J. A. Marshall, D. McGrath, J. A. Ruck and C. J. K. Wilson.

120/10 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

121/10 **MINUTES**

The minutes of the Extraordinary Meeting of the Council held on 23rd February 2011 were submitted.

RESOLVED that the minutes be approved as a correct record.

122/10 **ANNOUNCEMENTS FROM THE CHAIRMAN**

The Chairman referred to the forthcoming Civic Dinner Dance on 15th April 2011.

123/10 **ANNOUNCEMENTS FROM THE LEADER**

In the absence of the Leader, the Deputy Leader drew attention to a recent exchange in the House of Commons between Sajid Javid MP and the Leader of the House during which reference had been made to the fact that despite a grant reduction of 28%, the Council through shared services and other efficiencies had frozen its Council Tax with no cuts in services. The Leader of

the House had responded that he hoped other local authorities would follow the example of Bromsgrove in dealing with the challenges of a reduced grant and that it was a model of what local authorities ought to be doing. The Deputy Leader commended the Chief Executive and his team for all their efforts with regard to shared services.

124/10 **MINUTES OF THE MEETINGS OF THE CABINET HELD ON 2ND FEBRUARY AND 23RD FEBRUARY 2011**

The minutes of the meetings of the Cabinet held on 2nd February and 23rd February 2011 were received for information.

125/10 **RECOMMENDATION FROM THE STANDARDS COMMITTEE HELD ON 26TH JANUARY 2011**

APPOINTMENT OF PARISH COUNCILS' REPRESENTATIVES TO THE STANDARDS COMMITTEE – TERMS OF OFFICE

Having been moved by Councillor G. N. Denaro and seconded by Councillor Mrs. M. A. Sherrey JP, it was

RESOLVED that in view of the proposed changes to the standards regime as a consequence of the Localism Bill, the terms of office of the Parish Councils' Representatives on the Standards Committee, effective from July 2011, be for a period of one year, with nominations for appointees to follow from the Bromsgrove Area Committee of the Worcestershire County Association of Local Councils in due course.

126/10 **QUESTIONS ON NOTICE**

No questions on notice had been received.

127/10 **MOTION - PLANNING OFFICERS DELEGATED POWERS**

Members considered the following motion submitted by Councillor P. M. McDonald.

“In light of the latest controversy caused by planning officers having delegated powers, that those powers are restricted to single property applications and that members are informed of those planning applications that fall within planning officers delegated powers.”

The motion was moved by Councillor P. M. McDonald and seconded by Councillor E. J. Murray.

On a requisition under Council Procedure Rule 17.5, the following details of voting on the motion were recorded.

For the motion: Councillors Mrs. C. M. McDonald, P. M. McDonald, E. J. Murray, W. R. Newnes, D. L. Pardoe, S. R. Peters, S. P. Shannon and L. J. Turner (8);

Against the motion: Councillors A. N. Blagg, Dr. D. W. P. Booth JP, Mrs. J. M. Boswell, Miss D. H. Campbell, G. N. Denaro, Mrs. R. L. Dent, Mrs. J. Dyer M.B.E., D. Hancox, Ms. H. J. Jones, B. Lewis, C. R. Scurrall, Mrs. M. A. Sherrey JP, R. D. Smith, Mrs. C. J. Spencer, E. C. Tibby, C. J. Tidmarsh, M. J. A. Webb and P. J. Whittaker (18).

Accordingly, the Chairman declared the motion to be LOST.

128/10 **MOTION - PACT MEETINGS**

Members considered the following motion submitted by Councillor Mrs. C. M. McDonald.

“PACT Meetings are now the only juncture left in the district where residents can come and meet together to air and share their concerns.

It also gives Chief Officers the opportunity to hear and learn firsthand the concerns of local residents who they are responsible too. Not to attend PACT Meetings is to treat local residents and their concerns with contempt. Therefore, we call upon this Council to ensure that a member of the Chief Officers Team is present at every PACT Meeting.”

The motion was moved by Councillor Mrs. C. M. McDonald and seconded by Councillor S. P. Shannon.

On a requisition under Council Procedure Rule 17.5, the following details of voting on the motion were recorded.

For the motion: Councillors Mrs. C. M. McDonald, P. M. McDonald, E. J. Murray and S. P. Shannon (4);

Against the motion: Councillors A. N. Blagg, Dr. D. W. P. Booth JP, Mrs. J. M. Boswell, Miss D. H. Campbell, G. N. Denaro, Mrs. R. L. Dent, Mrs. J. Dyer M.B.E., D. Hancox, Ms. H. J. Jones, B. Lewis, W. R. Newnes, D. L. Pardoe, S. R. Peters, C. R. Scurrall, Mrs. M. A. Sherrey JP, R. D. Smith, Mrs. C. J. Spencer, C. B. Taylor, E. C. Tibby, C. J. Tidmarsh, L. J. Turner, M. J. A. Webb and P. J. Whittaker (23).

Accordingly, the Chairman declared the motion to be LOST.

The meeting closed at 6.50 p.m.

Chairman

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CABINET

RECOMMENDATIONS TO THE COUNCIL

6TH APRIL 2011

1. SHARED SERVICE BOARD (NON CONFIDENTIAL)

The Cabinet has considered the minutes of the meeting of the Shared Services Board held on 22nd March 2011 relating to non confidential items.

It is therefore **RECOMMENDED**

that the revised programme timeline for the delivery of Shared Service and Transformation between the two Councils be approved.

2. COUNCIL PLAN 2011-2014

The Cabinet has considered a report on the Council Plan for 2011-2014 including the action plan setting out how the Council's priorities are to be delivered.

It is therefore **RECOMMENDED**

that the Council Plan 2011-2014 attached as an appendix to the report be approved.

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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE CABINET

WEDNESDAY, 6TH APRIL 2011 AT 6.00 P.M.

PRESENT: Councillors R. Hollingworth (Chairman), G. N. Denaro (Vice-Chairman), Dr. D. W. P. Booth JP, Mrs. J. Dyer M.B.E., Mrs. M. A. Sherrey JP, R. D. Smith, M. J. A. Webb and P. J. Whittaker

Officers: Mr. K. Dicks, Ms. S. Hanley, Mr. H. Bennett, Ms. J. Pickering, Mrs. C. Felton, Mr. J. Godwin, Mr. A. Coel and Ms. R. Cole.

149/10 **APOLOGIES FOR ABSENCE**

No apologies for absence were received.

150/10 **DECLARATIONS OF INTEREST**

Councillor Mrs J. Dyer MBE declared a personal interest during the discussion on Agenda Item 10 (Government Homelessness Grant and Support for Preventative Services) as a Trustee of Bromsgrove Youth Homelessness Forum.

151/10 **MINUTES**

The minutes of the meeting held on 2nd and 23rd February 2011 were submitted.

RESOLVED that the minutes be approved as a correct record in each case.

152/10 **OVERVIEW AND SCRUTINY BOARD**

The minutes of the meetings of the Overview and Scrutiny Board held on 1st February 2011 and 1st March 2011 were submitted.

Minutes of the meeting held on 1st February 2011

RESOLVED that the minutes of the meeting held on 1st February 2011 be noted, including the recommendations contained at 9/10 relating to the Draft Medium Term Financial Plan which had been taken into account as part of Cabinet discussions thereon.

Minutes of the meeting held on 2nd March 2011

Following particular discussion on the contents of minute 16/10 relating to the Annual Civic Bonfire Event, it was

RESOLVED:

- (a) that recommendation (a) relating to the further investigation of sponsorship of the event be approved;
- (b) that no action be taken with regard to recommendation (b) relating to a postal code sampling survey as this was felt to be impracticable and of limited value;
- (c) that it be noted that recommendation (c) relating to continued review of the event in the context of budget restraints was being already undertaken; and
- (d) that the remainder of the minutes be noted.

153/10 **WORCESTERSHIRE SHARED SERVICES JOINT COMMITTEE**

The minutes of the meeting of the Worcestershire Shared Services Joint Committee held on 28th February 2011 were submitted.

RESOLVED: that the minutes be noted.

154/10 **SHARED SERVICES BOARD (NON CONFIDENTIAL)**

The minutes of the meeting of the Shared Services Board held on 22nd March 2011 relating to non confidential and non exempt items were submitted.

RESOLVED that the minutes be noted

RECOMMENDED that the revised programme timeline for the delivery of Shared Services and Transformation between the two Councils be approved.

155/10 **VERBAL UPDATES FROM THE LEADER AND/OR OTHER CABINET MEMBERS ON ANY RECENT MEETINGS ATTENDED IN AN EX-OFFICIO CAPACITY**

Councillor G. N. Denaro reported that he had attended a meeting of the Birmingham and Solihull Local Enterprise Partnership (LEP).

Councillor Mrs. J. Dyer MBE reported that she had attended a LEP Transport Group.

Councillor Mrs M. A. Sherrey reported she had attended a BECAN celebration event at the Ryland Centre which had been supported by District Council officers and which had been extremely successful.

156/10 **BROMSGROVE MUSEUM**

The Cabinet considered a report on the latest position regarding negotiations on the disposal of the Bromsgrove Museum building.

The Head of Legal, Equalities and Democratic Services reported on a request received from the Norton Collection Museum Trust (formerly the Friends of the Norton Collection Charitable Trust) to be granted a twelve month option to

purchase the Bromsgrove Museum building which would enable third parties to commit funds to the project on a more secure basis.

RESOLVED:

- (a) that the latest position regarding negotiations with the Norton Collection Museum Trust be noted;
- (b) that the Norton Collection Museum Trust be granted an option to purchase the Museum building for the sum of £285,000 on terms to be agreed; and
- (c) that authority be delegated to the Head of Legal, Equalities and Democratic Services in consultation with the Leader of the Council to determine the terms of the option to purchase on the basis that it would be for a definite period of twelve months from the date that the option is granted.

157/10 **BROMSGROVE WAR MEMORIAL - CHANGE OF NAME**

Members considered a report on a request for the transfer of a licence previously granted by the Council to the THANKSS Charity (To Honour and Acknowledge those Killed and Still Serving) to the Bromsgrove Armed Forces Memorial Fund. Members were reminded that the Licence was in respect of the erection of a war memorial on land at Amphlett Hall, Crown Close, Bromsgrove.

Members queried whether in view of the change of name of the Charity, it was still the intention to honour those currently serving in the armed forces as well as those who had lost their lives. The Section 151 Officer undertook to check this with the organisation.

RESOLVED:

- (a) that the request to transfer the licence previously granted to the organisation known as THANKSS to the Bromsgrove War Memorial Fund to enable the erection of a memorial on land at Amphlett Hall, Bromsgrove be approved;
- (b) that the above approval be subject to the Bromsgrove War Memorial Fund becoming a registered Charity and the production of a viable business case in respect of the project; and
- (c) that authority be delegated to the Section 151 Officer, in consultation with the Portfolio Holder for Community Services, to approve the detail of the business case and design of the memorial.

158/10 **GOVERNMENT HOMELESSNESS GRANT AND SUPPORT FOR PREVENTATIVE SERVICES**

The Cabinet considered a report on progress made on current schemes to prevent and address homelessness within the District funded by grant from the Department of Communities and Local Government (DCLG) during 2010/2011.

The report also sought approval from Cabinet for the allocation of DCLG grant funding to specific schemes during 2011/2012 which had been recommended by the Bromsgrove Homelessness Strategy Steering Group.

RESOLVED:

- (a) that the update on the homelessness prevention and support schemes funded by the DCLG homelessness Grant during 2010/2011 be noted;
- (b) that the use of the DCLG Homelessness Grant for 2011/2012 be approved in respect of the schemes for 2011/2012 recommended by the Bromsgrove Homelessness Strategy Steering Group;
- (c) that the funding from the DCLG Homelessness Grant of a new temporary Private Sector Housing Options part time post be approved for one year at a cost of £10,100, together with the establishment of a fund of £5,000 to offer discretionary Housing Benefit payments to those who have accessed the private rented sector through the Housing Options service and others adversely affected by the Housing Benefit changes; and
- (d) that authority be delegated to the Head of Community Services in consultation with the Portfolio Holder for Strategic Housing, to allocate any under spend or make further adjustments necessary to ensure full utilisation of grant allocation for 2011/2012 in support of existing or new schemes and to approve expenditure of the Non Tenure Specific Economic Recovery Fund.

159/10 **COUNTYWIDE HOUSING STRATEGY FOR WORCESTERSHIRE 2011 - 2014**

The Cabinet considered a report on a draft Countywide Housing Strategy and accompanying action plan together with a local Housing Strategy Action Plan for Bromsgrove.

It was reported that the Countywide Housing Strategy had been developed jointly by the six District Councils in Worcestershire following approval for this approach from Chief Executives and Leaders in 2009. Previously each of the Strategic Housing Authorities had developed individual strategies and this had improved ways of working together and had lead to an increase in the number of countywide initiatives.

Whilst Worcestershire Districts had been working in effective partnership for a number of years on housing matters, it was envisaged that the adoption of this Countywide Strategy would enable a more integrated approach to the development and delivery of housing services.

Members welcomed improved partnership working through the Countywide Strategy together with the individual Strategic Housing Action Plan which was specific to the Bromsgrove District.

RESOLVED:

- (a) that the report be noted;
- (b) that the Draft Countywide Housing Strategy and action plan attached as appendix 1 to the report be approved and that authority be

- delegated to the Head of Community Services in consultation with the Portfolio Holder for Strategic Housing to agree any minor changes arising from the consultation process; and
- (c) that the Housing Strategy Action Plan for Bromsgrove attached as appendix 2 to the report be approved.

160/10 **WORCESTERSHIRE LOCAL INVESTMENT PLAN AND AFFORDABLE HOMES PROGRAMME**

The Cabinet considered a report relating to:

- (i) a proposed Local Investment Plan (LIP) for Worcestershire;
- (ii) a range of proposed Government reforms to the way that social housing is delivered, in particular the Homes and Communities Agency's (HCA) new "Affordable Housing Programme Framework"; and
- (iii) the proposed response of the Council's Principal Preferred Partners (BDHT and West Mercia Housing) to the Government's new framework for the delivery of affordable housing. In particular the report gave an overview of the bid currently being formulated by BDHT and West Mercia for submission to the HCA by 3rd May 2011 in order to seek grant subsidy over the next four years. It was clear that the HCA would require confirmation that the bid had the support of the Strategic Housing Authority.

In relation to (iii) the Strategic Housing Manager gave an update on the recent discussions which had taken place with BDHT and the amended detail of their developing bid to HCA which now proposed 229 dwellings over a four year period. It was reported that due to the timescale and outcomes required by the HCA the proposal for the ring fencing of 50% of capital receipts from rural disposals was no longer workable and therefore section 6.8 of the report should be disregarded.

Members discussed the proposed bid in detail and raised issues of concern particularly regarding the loss of housing stock in rural areas. It was felt however that following the discussions which had taken place with BDHT and in view of the continuing need for cooperation and close working on future bids to HCA it should be possible to address any potential issues at an early stage. Members were also mindful of the commitment which BDHT were making to the bid.

RESOLVED:

- (a) that the Worcestershire Local Investment Plan attached as appendix 1 to the report be approved;
- (b) that the range of proposed reforms in respect of the delivery of affordable housing and the summary of key elements of the HCA's new Affordable Delivery Framework as set out in section 5 of the report be noted;
- (c) that the content and principles of the BDHT bid to HCA as outlined in section 6 of the report and as amended at the meeting be approved, subject to it being made clear to BDHT that there is a requirement for improved communication with the Council's Chief Executive in respect of approval for proposed disposals, in order to ensure that no

unreasonable concentration or pattern of disposals occurs in any particular rural area or other part of the District.

161/10 **BROMSGROVE PRIVATE SECTOR HOUSING STRATEGY AND ASSISTANCE POLICY**

Members considered a report on an updated version of the Council's Private Sector Housing Strategy (2009 – 2014) which reflected additional and improved information available since the Strategy was approved in April 2009 together with the current level of funding available and an updated action plan.

Members also considered a revised version of the Council's Private Sector Housing Assistance Policy which contained proposed amendments to achieve a uniform policy in respect of the processing of Disabled Facility Grants and Home Repair Assistance across the Worcestershire Districts whose customers are served by the Worcestershire Care and Repair Service.

In addition Members noted that the Kick Start Equity Release Scheme would cease to operate as from 31st March 2011 following the withdrawal of both regional funding and Government funding to support private sector housing renewal.

Members felt that in relation to the repayment of Home Repair Assistance Loans, whilst the removal of the ten year time limit for repayment was to be welcomed, the amount repayable when the property was sold should continue to be index linked.

RESOLVED:

- (a) that the updated Private Sector Housing Strategy and accompanying Action Plan as attached as appendices to the report be approved;
- (b) that the revised Private Sector Housing Assistance Policy be approved with the exception of the current proposal to amend the repayment terms in respect of Home Repair Assistance Loans so that the sum repaid is not index linked whilst removing the current ten year time limit and that accordingly, the Strategic Housing Manager be requested to propose to the next meeting of the Worcestershire Care and Repair Service that the index linking element be retained whilst removing the ten year repayment period;
- (c) that the position relating to the closure of the Kick Start Equity release Scheme be noted.

162/10 **COUNCIL PLAN 2011 - 2014**

The Cabinet considered the Council Plan for 2011-2014 including the action plan setting out how the Council's priorities are to be delivered.

RECOMMENDED that the Council Plan 2011-2014 attached as an appendix to the report be approved.

163/10 **ANNUAL REVIEW OF OPERATIONAL POLICY UNDER THE REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)**

The Cabinet considered a report on the annual review of the Council's use of covert surveillance under the Regulation of Investigatory Powers Act 2000 (RIPA) together with the updated RIPA policy.

RESOLVED that the report be noted.

164/10 **ADOPTION OF PLANNING ENFORCEMENT POLICY**

The Cabinet considered for information a report to the Planning Committee on the adoption of a Planning Enforcement Policy. It was noted that the recommendation of Planning Committee would be considered by Council

RESOLVED that the report be noted.

165/10 **LOCAL GOVERNMENT ACT 1972**

RESOLVED that under Section 100 I of the Local Government Act 1972, as amended, the public be excluded from the meeting during the consideration of the items of business the subject of the following minutes on the grounds that they involve the likely disclosure of "Exempt Information" as defined in part 1 of schedule 12A to the Act, as amended, the relevant part being as set out below and that it is in the public interest to do so.

<u>Minute No.</u>	<u>Paragraphs</u>
166/10	3
167/10	1 and 4

166/10 **PROPOSAL FOR ALLOCATION OF ADDITIONAL CLG HOMELESSNESS GRANT FUNDING FOR 201/2011**

Following consideration of the proposal within the report it was

RESOLVED:

- (a) that the additional DCLG Homelessness Grant of £10,000 for 2010/2011 to assist those under 25 to access the private rented sector be noted; and
- (b) that subject to officers being satisfied that additional funding is required and subject to DCLG approval, Homelessness Grant be utilised to support the proposal set out in the report.

167/10 **SHARED SERVICES BOARD (CONFIDENTIAL)**

The minutes of the meeting of the Shared Services Board held on 22nd March 2011 relating to confidential items were submitted.

RESOLVED that the minutes be noted

RECOMMENDED that the business case recommendations together with the delivery of a shared Leisure and Cultural Service by a single Leisure and Cultural Service management and development team hosted by Redditch Borough Council be approved.

168/10 **COUNCILLOR MRS J. DYER MBE AND COUNCILLOR R. D. SMITH**

The Leader referred to this being the last Cabinet meeting which Councillor Mrs. J. Dyer and Councillor R. D. Smith would be attending as they were not standing for re-election in May. The Leader thanked both Members for their hard work and wished them well for the future.

On behalf of himself and other Council officers the Chief Executive also thanked Councillor Mrs Dyer and Councillor Smith for the support and help they had given to officers during their time as Portfolio Holders.

The meeting closed at 7.55 p.m.

Chairman

PLANNING COMMITTEE – 28TH MARCH 2011

RECOMMENDATIONS TO THE COUNCIL

1. CONSTITUTIONAL AMENDMENTS TO SCHEME OF DELEGATION FOR PLANNING ENFORCEMENT AND DEVELOPMENT CONTROL

The Planning Committee has considered a report which sought the approval of the Council to several changes to the Scheme of Delegation insofar as it affects Development Control, Planning Enforcement and arrangements for the 'call-in' of applications to be considered with by the Planning Committee. It was explained that the Committee would only be able to comment on the amendments because the final decision in respect of the changes rested with the Council.

The Committee was informed that the proposed amendments will align the Council's Scheme of Delegation with that of Redditch Borough Council and, thereby, assist in the process of shared services.

It is therefore RECOMMENDED:

that the amendments to the Scheme of Delegation, as set out in Appendices 1, 2 and 3 of the report, be approved.

2. CONSTITUTIONAL AMENDMENT AND PROPOSED MEMBER PROTOCOL FOR INVOLVEMENT IN PRE-APPLICATION DISCUSSIONS FOR PROPOSED DEVELOPMENTS IN THE DISTRICT

The Planning Committee has considered a report which sought the approval of the Council to adopt a formal protocol relating to the engagement of Members in pre-application discussions, with a view to providing clarity and fairness to the process and, thereby, seek to make it accountable. Members were also informed that this would enable the Council to operate in accordance with current good practice.

It was explained that the Committee would only be able to comment on the amendments because the final decision in respect of the changes rested with the Council.

It is therefore RECOMMENDED:

- (a) that the Member Protocol for Involvement in Pre-Application Discussions for Proposed Development, as set out in Appendix 1 to the report, be approved and implemented with effect from 1st October 2011;
- (b) that any Member wishing to become involved in Pre-Application Discussions under the Member Protocol must complete appropriate training;

- (c) that the implementation of the protocol be reviewed jointly by Members and officers after twelve months of implementation; and
- (d) that authority be delegated to the Head of Legal, Equalities and Democratic Services to make the necessary amendments to the Council's Constitution in respect of the implementation of the Member Protocol for Involvement in Pre-Application Discussions for Proposed Development.

3. ADOPTION OF THE PLANNING ENFORCEMENT POLICY

The Planning Committee has considered a report which sought the approval of the Council to adopt a Planning Enforcement Policy in order to provide a consistent and uniform approach as a result of the move towards shared services between the Council and Redditch Borough Council. The Committee was informed that such a policy would effectively be a customer charter for the planning enforcement service.

It was explained that the Committee would only be able to comment on the amendments because the final decision in respect of the changes rested with the Council.

In respect of the third item in section 7 of the proposed Planning Enforcement Policy (Council's Commitment to Complainants - "The confidentiality of those reporting incidents will be maintained"), Members expressed concern about how the policy would ensure the confidentiality of a complainant could be maintained, especially in the event of an appeal by anyone who had been served with an Enforcement Notice. However, the Head of Planning and Regeneration Services confirmed that the addition of an appropriate proviso could be added to ensure confidentiality would not be compromised.

It is therefore RECOMMENDED:

that the Council adopt the Planning Enforcement Policy, subject to the deletion of the third item in section 7 of the proposed Enforcement Policy, attached at Appendix 1 to the report, and replacement with the following text:-

- The confidentiality of those reporting incidents will be maintained and no information will be disclosed to any other party without the written consent of the complainant.

AUDIT BOARD 11TH APRIL 2011

RECOMMENDATIONS TO THE COUNCIL

1. TREASURY MANAGEMENT STRATEGY STATEMENT AND INVESTMENT STRATEGY 2011-12 TO 2013-14

The Audit Board has given consideration to a report on the strategy statement for the treasury management and investments in relation to Bromsgrove District Council to comply with the Local Government Act 2003 and to ensure the Council demonstrates accountability and effectiveness in the management of its funds.

To comply with Treasury Management Best Practice, the Performance Indicators, included in the report had previously been reported to Cabinet on 23rd February 2011.

It is therefore RECOMMENDED:

- (a) that the Treasury Management Strategy Statement and Investment Strategy 2011-2012 to 2013-2014 as set out in Appendix 1 to the report be approved; and
- (b) that the Council approve an unlimited level for investment in Debt Management Account Deposit Facility (DMADF).

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BROMSGROVE DISTRICT COUNCIL

COUNCIL

20th April 2011

Changes to Constitution

Relevant Portfolio Holder	Geoff Denaro
Relevant Head of Service	Claire Felton
Non Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 Council is asked to approve the amendments to the Constitution outlined in this report.

2. RECOMMENDATIONS

It is recommended that:

- 2.1 **Council notes and approves the revised sections of the Constitution as set out in the Appendices to this report.**
- 2.2 **That the Council approves the Policy on Members ICT facilities as at appendix 4 of this report and the revised terms of reference for the Local Development Framework Party as at appendix 5.**

3. BACKGROUND

- 3.1 The Constitution is a working document which is regularly amended and updated to reflect changes to the way in which the Council operates and carries out its functions.
- 3.2 Under the scheme of delegations the Monitoring Officer has a general delegation to enable minor changes to be made to the Constitution to update it. With the exception of the Policy on Members ICT Facilities, all of the changes that are being presented to members within this report have been agreed by members over the preceding 12 months. In preparation for the new municipal year the Monitoring Officer has made all of the necessary updates in line with those agreed decisions and now presents them to members in their new format for inclusion in the overall constitution document.
- 3.3 Accordingly Full Council is asked to note and approve the inclusion of the revised versions of the following parts of the Constitution:-

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Appendix 1 – Introduction to the Constitution (Part 1)

Appendix 2 – Articles of the Constitution (Part 2)

Appendix 3 – Allocation of Responsibility for Functions (Part 3)

- 3.4 In addition to these revisions members are being presented with a new policy on the provision of ICT to members. As part of the budget process members have approved a finite sum for the provision of members ICT and the proposed policy provides members with a number of options that would enable them to obtain ICT provision and support. This policy referred to as Policy on Members ICT Facilities can be found at Appendix 4 of this report and will form Part 22 of the Constitution.
- 3.5 Members will note at appendix 5 revised terms of reference for the Local Development Framework Working Party. As members are aware this is a cross party working party that has been established to look in detail at planning issues and make appropriate recommendations to the appropriate decision making committee, Board or Full Council. Over the years this working party has looked at various planning issues and it is fair to say that its role has become more relevant in the context of recent planning and local planning policy issues. It is for this reason that the terms of reference has been updated to properly reflect the importance of the working party and the range of its consultative activity. Members are reminded that the working party operated in an advisory capacity.

4. KEY ISSUES

Introduction

- 4.1 The Monitoring Officer proposes to replace the current very short introduction to the Constitution with the longer more detailed version attached at Appendix 1. The new version will provide a summary of the main aspects of the Constitution and a brief explanation of how the key bodies that make up the Council operate and interact to enable decision to be taken. The new version includes explanations of the current management team structure and the arrangements for joint working with Redditch Borough Council, Worcestershire Regulatory Services and other local authorities with whom the Council is operating shared services. The introduction also explains the move to a Leader and Cabinet Executive model of governance (the Strong Leader model) which the Council will formally be operating from after the May 2011 District Council elections. Members are reminded that all of these arrangements have already been

agreed by Full Council and that this is merely an updated version of how these arrangements are presented within the Council's Constitution

Articles

4.2 The Articles of the Constitution also need to be updated to reflect previously agreed decisions. The amendments reflect the change to the Committee Structure, namely the merging of the Overview Board, Scrutiny Board and Joint Overview and Scrutiny Board, and the removal of the Performance Management Board. There are also changes to section 7 (Leader and Cabinet) to bring into effect the legislative changes required under the Local Government and Public Involvement in Health Act 2007. These relate to the Strong Leader model of governance and cover various aspects including:-

- Appointment (and removal of) the Leader and Deputy Leader
- size of the Cabinet
- ability of the Leader to take decisions in relation to executive functions or delegate such decisions to the Cabinet collectively, individual Cabinet members or to officers

Allocation of Responsibility for Functions

4.3 Part 3 of the Constitution which refers to responsibility for functions required to be expanded to give a fuller explanation of "Executive" and "Non-Executive Functions". This is relevant to the introduction of the Strong Leader model and the ability of the Leader to make decisions in relation to Executive functions. Members will recall that under the Strong Leader Model that the Council has chosen to adopt, this section will be dependent of the wishes of the Leader of the Council and that this may need to be changed if for any reason the Council appoints a new leader. A more detailed explanation has been included of those matters that can only be decided by Council, and in relation to "Local Choice" functions which may be allocated to either the Council or the Executive. More detail is included in relation to shared responsibility functions which both Council and the Executive have responsibility for, such as the budget and the policies making up the policy framework.

4.4 A new section relating to the role of the Cabinet has been included at Part B, and Part C sets out the committees that make up the Council and gives details of their terms of reference and any special rules that apply. Part D is the Officer Scheme of Delegation. This has not been produced with this

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report as it is due to be approved by Full Council at the Annual Meeting on 18th May.

- 4.5 A new Part E has been added which refers to joint arrangements between the Council and other local authorities. This identifies the type of governance arrangements that are in place in relation to each joint arrangement.

Member Protocol on use of IT at home

- 4.6 New arrangements for Members ICT facilities are set out in Appendix 4, Policy on Members ICT Facilities. This updates and replaces the old Part 22 of the Constitution, "Protocol on the use of IT at home". The aim is to provide Members with the support they need to work electronically but at the same time to build in a degree of flexibility so that arrangements can be adapted to suit the needs of individual councillors. Members are referred to the two options set out at Choice 1 and Choice 2 of the policy.
- 4.7 To summarise, under Choice 1 Members would be provided with a laptop or PC by the Council with access to the internet and corporate email, Modern.gov, Microsoft Office and necessary documents. In addition Members would be able to claim £100 through their expenses allowance towards the cost of broadband services. Under Choice 2 the Council would provide a device to enable an existing PC or laptop belonging to a Member to access the internet and Corporate Mail etc. In addition the Member would be able to claim an allowance of £100 towards the cost of broadband services.
- 4.8 In agreeing to receive ICT support under the new policy Members would also be required to comply with the Council's other ICT policies. These are listed at part 9 of Appendix 4.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no direct financial implications arising from this report, other than the cost of provision of ICT services to Members which has already been agreed as part of the overall medium term financial plan.

6. LEGAL IMPLICATIONS

- 6.1 Review and Revision of the Constitution is governed by Article 15 of the Constitution. The legislation relating to the new governance arrangements

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for Leader and Cabinet Executives is set out in Part 3 of the Local Government and Public Involvement in Health Act 2007 which amends the Local Government Act 2000.

7. POLICY IMPLICATIONS

- 7.1 Appendix 4 sets out the Council's new policy in relation to provision ICT facilities for Members and appendix 5 sets out the Terms of Reference for the Local Development Framework Working Party.

8. COUNCIL OBJECTIVES

- 8.1 Improvement/ One Community.

9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

- 9.1 The main risks associated with the details included in this report are:

- Failure to comply with statutory governance requirements which may expose the Council to the risk of challenge by way of judicial review or appeal which may result in awards of damages and costs against the Council and loss of reputation

These risks are being managed through the operation of the Council's Risk Register as follows:-

- Risk Register: Legal, Equalities and Democratic Services
- Key Objective Ref No: 2
- Key Objective: Effective ethical governance

10. CUSTOMER IMPLICATIONS

- 10.1 The recommendations will have minimal impact on internal/external customers

11. EQUALITIES AND DIVERSITY IMPLICATIONS

- 11.1 None identified

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12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

12.1 None identified

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

13.1 None identified

14. HUMAN RESOURCES IMPLICATIONS

14.1 None identified

15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

15.1 The changes included are required in order to make sure that the Council is complying with the new governance arrangements in the Local Government and Public Involvement in Health Act 2007 (which amends the Local Government Act 2000). As referred to in the main body of the report, the Council agreed to adopt the Leader and Cabinet Executive model (or strong leader model) from May 2011. The report also refers to governance arrangements which the Council has entered into in relation to shared services with other local authorities.

16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998

16.1 None identified

17. HEALTH INEQUALITIES IMPLICATIONS

17.1 None identified

18. LESSONS LEARNT

18.1 N/a

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

19.1 N/a

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20. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	Yes
Executive Director (S151 Officer)	Yes
Executive Director – Leisure, Cultural, Environmental and Community Services	No
Executive Director – Planning & Regeneration, Regulatory and Housing Services	No
Director of Policy, Performance and Partnerships	No
Head of Service	Yes
Head of Resources	No
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	No

21. WARDS AFFECTED

All wards

22. APPENDICES

Appendix 1 – Introduction to the Constitution (Part 1)
Appendix 2 – Articles of the Constitution (Part 2)
Appendix 3 – Allocation of Responsibility for Functions (Part 3)
Appendix 4 – Policy on Members ICT Facilities (Part 22)
Appendix 5 – Revised terms of reference for the LDF Working Party

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23. BACKGROUND PAPERS

None

24. KEY

Not applicable

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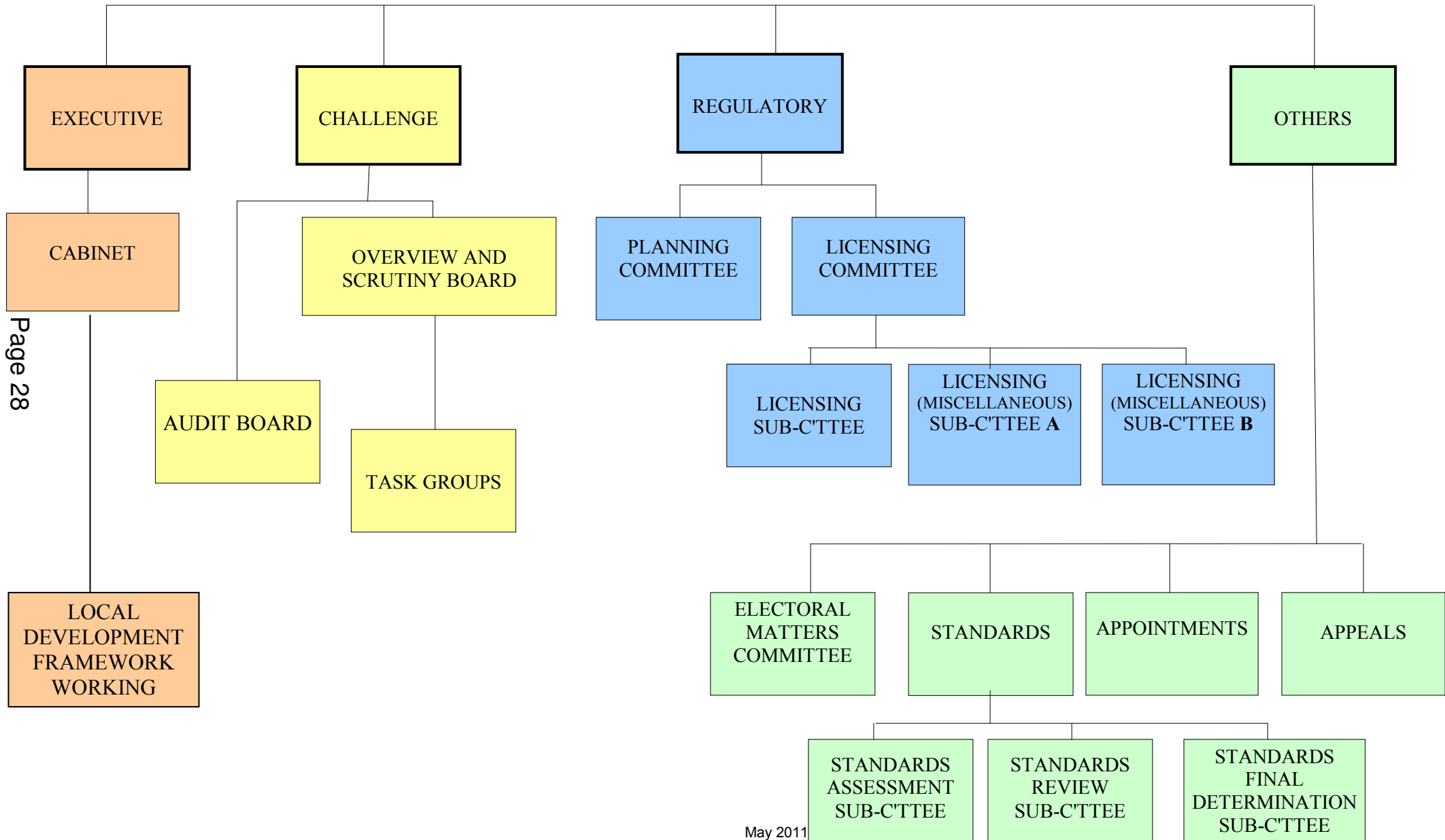
INTRODUCTION TO THE CONSTITUTION



Bromsgrove
District Council
www.bromsgrove.gov.uk

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PART 1



1. INTRODUCTION

- 1.1 Under the Local Government Act 2000 the Council is required to adopt a formal Constitution when operating executive arrangements. A number of Regulations have also been made under the Act which prescribe in considerable detail how the Council should draw up the content of its Constitution, how it allocates functions and how it conducts its business. The Constitution, therefore, has to contain a large number of provisions and in this respect it reflects, generally, the legislation, Government Guidance and model documents.
- 1.2 Because it has to be comprehensive and meet legal requirements and address technical concepts, the Constitution is both long and complex. It is not a user-friendly document!
- 1.3 The purpose of this Guide is not to summarise all the provisions of the Constitution. This Guide seeks to assist Members and Officers by outlining how the Constitution works, and to focus on some of the practical consequences, both in relation to the role of Members of the Council, and that of employees.
- 1.4 The guide describes the component parts of the Constitution, outlining the main features of each and addressing some working or practical consequences of the Constitution.
- 1.5 Of necessity, the Guide has to simplify the complexities of the Constitution and in some instances what it says will be a general rule rather than explain all the exceptions to the rule. So if the reader is in any doubt, reference must be made to the Constitution itself or advice taken from Legal and Democratic Services. Cross-references are provided to help.

2. THE FRAMEWORK OF THE CONSTITUTION

2.1 The Council

- 2.1.1 The structure diagram inside the front cover shows the formal relationships between the Council, the Executive (the Cabinet), the other Committees and Boards (Non -executive) and the officer structure.
- 2.2 A fundamental point is that the legislation provides that the Leader and Cabinet are responsible for what are called 'executive functions' (which cover most of the day to day political decisions), and the Council and committees are responsible for 'non-executive' functions.

2.2 Officer Structure and Shared Services

- 2.2.1 The Council has agreed to the appointment of a shared Chief Executive with Redditch Borough Council and a shared management

team. This is on the basis that the officers from the two authorities will work together between now and 2013 to deliver services jointly across both councils. Under the new arrangements services will be shared and delivered by one single team across both Councils.

- 2.2.2 Further details of the shared management team are set out at para 9 of this document and at Part 14. The shared management team has been in place since April 2010. The co-operation between the two Councils on sharing services is reflected by a legal agreement (Overarching Framework Agreement). Proposals for shared services between Redditch and Bromsgrove are considered in the first instance by a panel of members from both Councils who make up the Shared Services Board. The Board has no decision making powers on behalf of the two Councils, and any new arrangements for delivery of services require the approval of Full Council.
- 2.2.3 Notwithstanding the move to delivery of services jointly across both Councils, each Council retains its sovereignty and ability to make decisions for its own constituents independently. Therefore in terms of decision making and the Constitution, each Council continues to be politically independent and to make its own decisions in accordance with the provisions of its own Constitution. There is no intention at this juncture for decision making to be passed to a "joint Council" for the two districts.
- 2.2.4 Further details of the arrangements for shared services with Redditch Borough Council are set out in Part 3 of the Constitution at Part E.

2.3 Other arrangements for joint working

- 2.3.1 In addition to the shared arrangements with Redditch Borough Council, the Council is involved in other joint arrangements for provision of services with other Councils in Worcestershire. Since June 2010 Bromsgrove District Council has been the host authority for Worcestershire Regulatory Services. This is a new service that has been created to carry out the Environmental Health and Licensing functions of the six District Councils, together with the Trading Standards function of the County Council. The staff for the service is employed by BDC and it is governed by a Joint Committee made up of two members from each of the 7 authorities involved.
- 2.3.2 In relation to other service areas, Internal Audit Services are now delivered for BDC as part of a shared services hosted by Worcester City Council. There are plans for BDC staff involved in Economic Development to be transferred to a new service hosted by Wyre Forest District Council in June 2011. BDC will be hosting a new Building Regulation service jointly with Redditch and Wyre Forest District Council.

3. THE FULL COUNCIL

3.1 Composition and Role

- 3.1.1 The Council comprises 39 elected members.
- 3.1.2 The job of the full Council is to approve the Council's main policies (the policy framework as set out in Part 2 the Articles of the Constitution) and the Annual Budget (both revenue and capital). There are other matters reserved to the full Council to decide. These are set out in the Articles at 4.2 and include the appointment of the Leader of the Council.
- 3.1.3 The Council receives minutes from the Cabinet, which may include recommendations to the Council and also record the business it has considered. In most cases the Cabinet, because of its decision-making role, and the breadth of, its responsibilities will be reporting to the Council on matters where it has already made a decision under its delegated powers.
- 3.1.4 The Council may also receive reports/recommendations from its other Committees.
- 3.1.5 The dates of the Council meetings will be published well in advance. Its annual meeting will be in May and it will decide its budget in February to allow Council Tax calculations for the new financial year from April.
- 3.1.6 Members of the Council have the ability to requisition an extraordinary meeting of the Council under paragraph 3 of part 4 of the Constitution (Council Procedure Rules).
- 3.1.7 The Chief Executive, the Monitoring Officer and the section 151 officer have the right to submit reports directly to the full Council.
- 3.1.8 It should be noted that unless the matter is one which:-

- is for the full Council or its Committees to determine (as set out in Part 3 - Responsibility for functions)
- is contrary to the policy framework or not wholly in accordance with the Council's budget
- cannot in law be the responsibility of the Cabinet

then the Council or its other Committees cannot take a decision about that matter (or overturn a decision of Cabinet). That responsibility rests with the Cabinet. Similarly, the Cabinet cannot take a decision which the responsibility of the Council or its Committees.

3.2 Meetings of the Council

- 3.2.1 Meetings of the Council are relatively formal. The Council's Procedure Rules (Part 4 of the Constitution) govern how a meeting of the Council is conducted. The same rules also apply to certain committee meetings; other committees have their own procedure rules including Cabinet, Overview and Scrutiny Board, Planning Committee and Audit Board.
- 3.2.2 At Council Meetings the agenda will include presentation of recommendations from Cabinet to Council and reports on any issues to be decided by the Council. Individual Members can ask questions of the Leader or propose motions for debate.

4. THE CABINET

4.1 Composition and Role

- 4.1.1 The Council is required by law to have an 'Executive', and has chosen the "Leader and Cabinet" model. The Leader is responsible for making arrangements to discharge functions which fall to the executive, whether through the leader personally, individual Cabinet members, or officers.
- 4.1.2 The Cabinet is not a Committee and is not required to be politically balanced. Meetings are held in public but the Cabinet must comply with the Access to Information Rules as set out in Part 5.
- 4.1.3 The Council appoints (and can subsequently remove) the Leader at the first Annual Meeting of the Council after elections for the life of the Council. All members of the Council are re-elected every 4 years.
- 4.1.4 The Cabinet comprises the Leader of the Council and a minimum of 2 and maximum of 8 Members of the Council.
- 4.1.5 The Leader presides at meetings of the Cabinet. A Deputy Leader presides in the Leader's absence. In the absence of both, a member nominated by those present at the meeting will preside.
- 4.1.6 The Leader determines the number of areas of political responsibility or "portfolios" and their allocation to members of the Cabinet (Portfolio Holders).
- 4.1.7 The Leader has determined that Cabinet will take decisions collectively. No individual members of the Cabinet have delegated powers to take decisions on behalf of the Cabinet.
- 4.1.8 The Cabinet takes decisions on all matters relating to the functions of the Council except those which –

- are reserved to the full Council (e.g. Budget and Policy Framework, Members' Allowances and Code of Conduct)
- are ones which by law the Cabinet cannot take (e.g. deciding Planning applications and Standards matters)
- by choice may not and have not been allocated to the Cabinet.

4.1.9 In general terms, it is therefore the Cabinet who will take the main political decisions in relation to services.

4.1.10 Many decision-making powers continue to be delegated to officers to allow the day to day operation of services to continue. Officers will not be taking 'Key Decisions' (see below). Part 3 contains the scheme of delegation to committees and officers.

4.1.11 Collectively and individually the Cabinet are subject to the overview and scrutiny arrangements which the Council has established (Section 5 below).

4.2 Key Decisions

4.2.1 Certain types of decision which are the responsibility of the Leader and Cabinet are called 'Key Decisions'. It is important to know what they are because only the Cabinet will be taking Key Decisions; and (generally) advance notice has to be given of Key Decisions to be taken through the procedure known as the Forward Plan (4.3 below).

4.2.2 Key Decisions are ones which are likely:-

- (i) To result in the Council incurring expenditure, foregoing income or the making of savings in excess of £50,000 or which are otherwise significant having regard to the Council's budget for the service or function to which the decision relates; or
- (ii) be significant in terms of its effect on communities living or working in an area comprising two or more wards in the district.

4.3 The Forward Plan

4.3.1 The Leader of the Council has to publish the Forward Plan each month, which contains a list of what Key Decisions the Cabinet are likely to take in the following four months; how and with whom consultation will take place on those matters before the decision is taken; when the decision is likely to be taken by the Cabinet; a list of the documents which the Cabinet will consider; and the steps to be taken by any person who wants to make representations to the Cabinet about the

matter. For transparency, the Forward Plan also includes non-Key Decisions going to Cabinet.

- 4.3.2 The purpose of the Forward Plan is to alert the public and members to when Key Decisions are to be taken by the Cabinet so that they can raise matters of concern with the local Councillor or members of the Cabinet or attend.
- 4.3.3 The Forward Plan has to be updated monthly so that as more details become available, more information can be included in the Plan.
- 4.3.4 The detailed requirements in relation to the Forward Plan are set out in paragraphs 15 to 18 of Part 5 (Access to Information Rules).
- 4.3.5 There are detailed procedures in Part 5 of the Constitution about taking Key Decisions which for some reason have not been included in a Forward Plan (paragraph 16) or which are very urgent (paragraph 17). The Overview and Scrutiny Board also has a right to require the Cabinet to report to the Council on Key Decisions which they believe to have been taken otherwise than in accordance with the required procedures – and the Leader has to report to the full Council quarterly on all special urgency decisions (paragraph 18).

4.4 Meetings of the Cabinet

- 4.4.1 The Cabinet will normally meet monthly in public, unless the matter to be discussed is confidential or exempt.
- 4.4.2 The Cabinet may also meet privately (with no public or local members present) when the business will only be the discussion of matters with officers and not the taking of decisions. They may also meet for informal briefings.
- 4.4.3 The Constitution allows certain members to speak at Cabinet meetings (but not to vote) e.g. the Chairman or Vice-Chairman of the Overview and Scrutiny Board or the lead Member of a Scrutiny Task Group.
- 4.4.4 The Cabinet will consider reports from Cabinet Members or more usually from Chief Officers, making recommendations for Cabinet to consider.
- 4.4.5 Decisions taken by the Cabinet are subject to the call-in procedures referred to in Section 5 below. Save in the limited circumstances referred to, they will not take effect until the fifth working day after publication of the Minutes of the relevant meeting of the Cabinet to members of the Council. Due allowance must be made for this in the preparation of any reports to the Cabinet which require a prompt decision as the minutes must say whether implementation is so urgent that it cannot await the outcome of possible call-in – and why (see

paragraph 4.4.8 below). Urgency of implementation may need to be specifically addressed in reports.

- 4.4.6 The Chief Officers (or their representatives) will be entitled to be present at all meetings of the Cabinet.
- 4.4.7 All meetings of the Cabinet will be minuted and every member will receive a copy. These Minutes, which are issued with a letter indicating the date of dispatch, are the formal record of decisions and also the “trigger” for the call-in procedure. They will also indicate which items (if any) are urgent so that they are not subject to ‘call-in’ but fall to be dealt with under the urgency procedures of paragraph 17.17 of Appendix 8 of the Constitution, summarised in 4.4.8 below.
- 4.4.8 Urgent cases will be those where delay likely to be caused by the call-in process could seriously prejudice either the interest of the Council or the public, and the Chairman (or in his absence Vice-Chairman) of the Overview and Scrutiny Board agrees that the decision is urgent and cannot reasonably be deferred. If those members referred to are unable to act, then the agreement of the Chief Executive or his/her nominee will suffice. These provisions allow a ‘check and balance’ allowing a person outside the Cabinet to decide whether or not there should be implementation without the risk of call-in suspending the decision.
- 4.4.9 The Cabinet’s own procedures are governed by Appendix 7 of the Constitution. The Cabinet is not a Committee of the Council and can largely govern its own procedure.

5. OVERVIEW AND SCRUTINY ARRANGEMENTS

5.1 Composition and Role

- 5.1.1 The Council is required by law to have arrangements for Overview and Scrutiny by which recommendations on the development of policies can be made and the Cabinet be held to account for their actions.
- 5.1.2 Any bodies established to carry out Overview and Scrutiny have no delegated powers to take decisions on behalf of the Council.
- 5.1.3 The Council operates a single Overview and Scrutiny Board. From time to time the Board will establish Scrutiny Task Groups to carry out scrutiny exercises.
- 5.1.4 The Overview and Scrutiny Board comprises a Chairman and 12 other members. The Board is politically balanced.
- 5.1.5 The size of any Scrutiny Task Group will vary according to the purpose for which it is established. The places on each Task Group need not

be allocated strictly in accordance with the political balance of the Council so as to allow Members with a particular knowledge or interest or commitment to take part.

- 5.1.6 Cabinet Members cannot serve on the Overview and Scrutiny Board, or any Scrutiny Task Group.
- 5.1.7 The general terms of reference of the Overview and Scrutiny Board are to perform all overview and scrutiny functions on behalf of the Council in relation to any matter affecting the District and its inhabitants

The specific terms of reference include:-

- a. To receive and consider Councillor Calls for Action
 - b. To perform the functions relating to Crime and Disorder Scrutiny (in accordance with the Police and Justice Act 2006)
 - c. To receive and consider Petitions
 - d. To monitor performance improvement
 - e. To scrutinise the Budget
 - f. To identify unsatisfactory progress or performance and make recommendations on remedial action to the Cabinet;
 - g. To monitor the following Council documents/strategies
 - h. Council Plan
 - i. Council Annual Report
 - j. Sustainable Community Strategy
 - k. Sustainable Community Strategy Annual Report
 - l. Improvement Plan (full document once a year)
 - m. Performance Management Strategy/Data Quality Strategy
 - n. Quarterly Finance & Performance Monitoring report
- 5.1.8 The Overview and Scrutiny Bodies have extensive powers to conduct research, carry out consultations, hold investigations, undertake visits, encourage community participation, liaise with other organisations, gather evidence, invite advisers and experts to assist them and question members of the Cabinet and (in some circumstances) Chief and senior officers about their decisions and performance.
 - 5.1.9 Particular action taken by a Chief or senior officer under delegated powers, which is taken in furtherance of the day to day administration of the service for which the officer is responsible, cannot be called-in or scrutinised. This does not however prevent a questioning of a Chief or senior officer as part of a wider scrutiny exercise.
 - 5.1.10 Scrutiny arrangements are governed by the Overview and Scrutiny Procedure Rules in Part 8 of the Constitution. These include an obligation to declare any party whipping arrangements.

5.2 Call-in

5.2.1 The Council recognises that the right of call-in should only be used in exceptional circumstances when there is evidence to suggest that the Cabinet has departed from the principles for decision-making. It is not there to be used just because members do not agree with the decision of Cabinet. .

5.2.2 There is a right to call-in decisions taken by the Cabinet before they are implemented. Within three working days of a meeting of the Cabinet the minutes of that meeting will be circulated to all members of the Council and will be available for inspection at the Council House. Unless it is identified as urgent in the Minutes, the decision which the Cabinet has taken will not take effect until five working days have expired after the circulation of the minutes. During the intervening period:-

- not less than three members of the Overview and Scrutiny Board; or
- The Chairman of the Overview and Scrutiny Board; or
- five members of the Council who are not members of the Cabinet;

may “call-in” (with reasons) the decision. It will then be referred to a meeting of the Overview and Scrutiny Board which will decide on the most appropriate way of dealing with the call-in.

5.2.3 The called-in Cabinet decision is then not implemented until either

- the Overview and Scrutiny Board has accepted the decision (with or without comment) or
- the Overview and Scrutiny Board has considered the matter, has proposed modifications and/or referred it back to the Cabinet for reconsideration (or in certain circumstances referred it to the full Council), and the matter has been reconsidered by Cabinet.

5.2.4 The right of call-in is important in enabling members who are not Cabinet members to challenge Cabinet decisions before they are implemented.

5.2.5 The time for call-in is very important, as any Cabinet decision can be implemented on the expiry of the fifth working day after circulation of the Cabinet’s Minutes, if it is not called-in before then. However, restrictions on call-in apply in cases of urgency which are set out in Section 4.4.7 above.

5.2.6 Reference to the full Council would only be appropriate if the decision called-in is one which the Overview and Scrutiny Board believes:-

- the Cabinet cannot in law take; or
- is reserved to the full Council; or
- is contrary or not wholly in accordance with the Budget and Policy Framework.

5.2.7 Details of the call-in procedure are included in the Overview and Scrutiny Procedure Rules (Part 8 of the Constitution).

5.2.8 The operation of call-in will be monitored annually by the Overview and Scrutiny Board.

6. OTHER BOARDS AND COMMITTEES

6.1 Composition and Roles

6.1.1 Certain matters cannot by law be dealt with by the Cabinet. Apart from those reserved to the full Council, these are in the main planning and regulatory functions, though there are some others.

6.2 Audit Board

6.2.1 The Audit Board's main role is to ensure good stewardship of the Council's resources and to assure the Council about the objectivity and fairness of the financial reporting and performance of the Council, the adequacy of the risk management framework and associated controls within the Council, and that any issues arising from the drawing up, auditing and certifying of the Council's accounts are properly dealt with. The Audit Board meets at least four times a year, usually quarterly. The arrangements for the Audit Board are set out in the Audit Board Procedure Rules in Part 9 of the Constitution.

6.3 Planning Committee

6.3.1 The Planning Committee will carry out the planning functions which cannot be the responsibility of the Cabinet. The main function of the Committee is to decide applications relating to development control, trees and planning enforcement. Meetings will take place in accordance with the Planning Committee Procedure Rules in Part 10 of the Constitution.

6.4 Licensing Committee

6.4.1 The Licensing Committee and its sub committees carry out the Licensing functions on behalf of the Council including deciding Licensing policies and considering applications in relation to licensed premises, taxis, street trading and gambling.

6.5 Appeals Panel and Appointments Committee

- 6.5.1 The Council has an Appeals Panel to determine appeals and an Appointments Committee to consider the appointment of independent members of the Standards Committee, Chief Officers and any other matters requested by the Council.

6.6 Standards Committee

- 6.6.1 The Standards Committee is responsible for the ethical framework within the Council and for promoting and upholding the Council's Code of Conduct. Membership is regulated by law and must include at least 25% external (independent) members with voting rights. It has established sub-committees to deal with complaints about any alleged breach by a member of the Code of Conduct.
- 6.7 Details relating to all the above Committees etc are contained in Part 3 of the Constitution at Part B. The Members' Code of Conduct is set out in Part 16 of the Constitution.

7. AREA ARRANGEMENTS

- 7.1 The Council participates in the Local Strategic Partnership for Bromsgrove. This involves working alongside professionals from the County Council and other public bodies in order to improve outcomes for the community.
- 7.2 The Council also has a role to support the work of the 19 Parish Council in its areas including advice and support regarding ethical standards and Code of Conduct and electoral matters.

8. MEMBERS

8.1 Service on the Cabinet

- 8.1.1 Every member of the Council, except the Chairman and Vice-Chairman of the Council, is eligible to serve on the Cabinet.

8.2 Service on the other boards and committees

- 8.2.1 Every member is eligible to serve on the Council's boards and committees save that Cabinet Members may not serve on the Overview and Scrutiny Board and Scrutiny Task Groups

8.3 Substitution

- 8.3.1 There can be no substitution for members of the Cabinet.

8.3.2 There can be no substitution on the Overview and Scrutiny Board, Scrutiny Task Groups or Audit Board.

8.3.3 Substitution may be allowed on any other Committee provided the substitute member is eligible to serve having completed the appropriate training.

8.4 Budget and Policy Framework Procedure Rules

8.6.1 The Budget and Policy Framework Procedure Rules are set out in Part 6. These set out the procedure by which the Cabinet will draw up proposals for the budget and policy framework of the Council.

8.7 Member Allowances

8.7.1 Members may receive the allowances contained in the Scheme of Members Allowances (Part 15 of the Constitution). These are set by Council following recommendations made by an Independent Remuneration Panel.

8.8 Ethical Framework

8.8.1 Part 16 sets out the Members' Code of Conduct and Part 17 the Code of Conduct relating to the acceptance of gifts and hospitality by Members.

8.9 Access to Information

8.9.1 The Constitution sets out in Part 5 (Access to Information Procedure Rules) arrangements for public access to information and to which members are also entitled.

8.9.2 The Rules also prescribe other information available in connection with overview and scrutiny arrangements (paragraph 22) and additional rights of access for members (paragraph 23).

8.10 Member - Member and Member - Officer Relations

810.1 The Council and the public are entitled to expect high standards of conduct from members. In addition to the Member's Code of Conduct, Members are subject to the Member- Officer Protocol in Part 18 of the Constitution and the Member- Member Protocol in Part19 of the Constitution.

8.11 Member involvement in making regulatory decisions

8.11.1 Members need to ensure that they take particular care in their dealings with members of the public and businesses when they are members of either of the Council's regulatory committees, i.e. Planning Committee and Licensing Committee (and its sub committees). This is because

Members of these committees will be called upon to make decisions on applications which may be made by people they know or with whom they have had contact either personally or in their role as a Councillor.

8.11.2 Additional guidance for Members relating to planning and Licensing is set out in the Code of Practice for Planning Services at Part 20 and the Code of Practice for Licensing Services at Part 21.

8.12 Member use of ICT at home

8.12.1 Members are encouraged to use ICT to access Council and Committee agendas and to enable them to carry out their duties effectively and efficiently. The rules around use of ICT by Members are set out in the Policy on Members ICT Facilities at Part 22 of the Constitution.

8.13 Outside Bodies

8.13.1 The Council appoints or nominates Members to sit on a wide range of outside bodies and organisations. Further information and guidance to Members in relation to their role on any Outside Bodies is set out in the Protocol on Members Representation on Outside Bodies in Part 24 of the Constitution.

8.13 Members Roles and Responsibilities

8.13.1 A number of role descriptions have been produced setting out the duties and responsibilities of a councillor and various other positions held (such as the Leader, Chairman of Committees etc). These are included in Part 25 of the Constitution.

9. OFFICERS

9.1 Designations

9.1.1 By law the Council must designate officers to hold three statutory offices. These are –

- Head of Paid Service
- Monitoring Officer
- Section 151 Officer

9.1.2 Under the arrangements for the shared management team with Redditch Borough Council it has been agreed that the persons appointed to the posts of Monitoring Officer and Section 151 Officer will carry out that function for both authorities.

9.1.3 The Council has appointed the following Chief Officers:

- Chief Executive (*Head of Paid Service*)

- Deputy Chief Executive/ Executive Director of Leisure, Environmental and Community Services
- Executive Director – Finance and Corporate Resources (*Section 151 Officer*)
Executive Director – Planning and Regeneration, Regulatory and Housing Services
- Head of Business Transformation
- Head of Community Services
- Head of Customer Services
- Head of Environmental Services
- Head of Housing Services
- Head of Legal, Equalities & Democratic Services (*Monitoring Officer*)
- Head of Leisure and Culture Services
- Head of Planning and Regeneration
- Head of Regulatory Services
- Head of Resources

Each Chief Officer has staff to undertake the tasks of delivering the Council's services and supporting the corporate management of the Council.

- 9.1.4 To enable the professional and operational work of the Council to be undertaken, Chief Officers have delegated powers to take a range of decisions on behalf of the Cabinet and the other Committees etc with decision making powers. In turn Chief Officers can empower certain of their staff to exercise delegated powers on their behalf in respect of particular kinds of decisions.

9.2 Delegations

- 9.2.1 Part 3 - Part C sets out the scheme of delegation to officers.

9.3 Financial Regulations

- 9.3.1 Financial Regulations are set out in Part 11 and establish a framework for the administration and control of the Council's financial affairs.

- 9.3.2 In essence, the Financial Regulations set out the frameworks for:-

- Financial Administration
- Accounting Systems / Accounting Records
- Audit
- Budget Responsibilities
- Budget Preparation
- Procurement of Works, Goods, Materials and Services
- Payment for Works, Goods, Materials and Services
- Payments to Employees and Former Employees
- Income

- Banking
- Borrowings, Other Capital Financing and Investments
- Trustees, Receivers, Appointees and Agents
- Assets
- Insurance
- Ex Gratia Payments
- Preparation of Statutory Financial Statements
- Applications and Claims for Grant or Subsidy

9.4 Contract Procedure Rules

- 9.4.1 Part 12 includes the Council's Current Contract Procedure Rules which set the framework for the acquisition and disposal of goods, works and services.

9.5 Employment Procedures

- 9.5.1 Part 13 of the Constitution sets out the Officer Employment Procedure Rules.
- 9.5.2 In essence, all appointments other than the Chief Executive, Directors and Heads of Service reporting directly to Directors must be made by officers and cannot be made by members.
- 9.5.3 There are specific and procedural rules about appointments of the officers named in paragraph 9.5.2, which are made by the Appointments Committee. The Appointments Panel also deals with the discipline and dismissal of those officers subject, where necessary, to any procedural or legal restrictions.

10. CITIZENS

- 10.1 The involvement of citizens with the Council is summarised in Article 3 of the Articles of the Constitution (Part 2 of the Constitution). Citizens are able to attend meetings of the Council which are held in public and obtain information and reports. Citizens can also submit Petitions to the Council. In relation to Petitions, the Council has agreed a policy called the "Petitions Scheme". This sets out guidelines for submitting a petitions and what the Council will do to respond and can be found at Part 26 of the Constitution.

11 CONCLUSION

- 11.1 This Guide seeks to simplify some of the complexities of the Constitution for members and officers of the Council but is not a substitute - reference must be made to the Constitution for the detailed provisions applicable in any situation or circumstance under discussion. A printed copy of The Constitution is available to each Member.

- 11.2 The Head of Legal, Equalities and Democratic Services will always try to assist on any point of interpretation of the Constitution.

THE ARTICLES OF CONSTITUTION

Article No.	
1	The Constitution
2	Members of the Council
3	Citizens and the Council
4	The Full Council
5	Chairing the Council
6	Overview and Scrutiny
7	The Cabinet
8	Regulatory and other Committees
9	Area Committees
10	The Standards Committee
11	Joint Arrangements
12	Officers
13	Decision-Making
14	Finance, Contracts and Legal Matters
15	Review and Revision of the Constitution
16	Suspension, Interpretation and Publication of the Constitution

ARTICLE 1 - THE CONSTITUTION

1.1 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.2 The Constitution

This Constitution and all its appendices are the Constitution of Bromsgrove District Council.

1.3 Purpose of the Constitution

The purpose of the Constitution is to:

- a. enable the Council to provide clear leadership to the community in partnership with citizens, businesses, and other organisations;
- b. support the active involvement of citizens in the process of local authority decision-making;
- c. help Councillors represent their constituents more effectively;
- d. enable decisions to be taken efficiently and effectively;
- e. create a powerful and effective means of holding decision-makers to public account;
- f. ensure that no-one will review or scrutinise a decision in which they were directly involved;
- g. ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions; and
- h. provide a means of improving the delivery of services to the community.

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1.4 Interpretation and Review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above. The Council will monitor and evaluate the operation of the Constitution as set out in Article 16.

ARTICLE 2 - MEMBERS OF THE COUNCIL

2.1 Composition and eligibility

The Council will comprise 39 Members, otherwise called Councillors. One or more Councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Electoral Commission and approved by the Secretary of State. Only registered voters of the District, or those living or working or owning property in the District, will be eligible to hold the office of Councillor.

2.2 Election and terms of Councillors

The regular election of Councillors will be held on the first Thursday in May every four years beginning in 2003. The terms of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

2.3 Roles and functions of all Councillors

All Councillors will:-

- a. collectively be the ultimate policy makers and carry out a number of strategic and corporate management functions;
- b. represent their communities and bring their views into the Council's decision-making process ie become the advocate for their communities;
- c. deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- d. balance different interests identified within their ward and represent the ward as a whole;

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- e. contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
- f. participate in the governance and management of the Council; and
- g. maintain the highest standards of conducts and ethics.
- h. be available to represent the Council on other bodies

The roles and responsibilities of Councillors are set out in more detail in Part 25 of this Constitution.

2.4 Councillors' Rights and Duties

Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.

Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than another member of this Council or officer entitled to know it and any information so divulged to a councillor or officer is to be strictly on a confidential basis

For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 5 of this Constitution.

2.5 Conduct

Councillors will at all times observe the Members' Code of Conduct, Gifts and Hospitality Code of Conduct, the Protocol on Member-Officer Relations and the Protocol on Relations Between Members set out in Parts 16, 17, 18 and 19 of this Constitution.

2.6 Allowances

Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 15 of this Constitution.

ARTICLE 3 – CITIZENS AND THE COUNCIL

3.1 Citizens' rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 5 of this Constitution:

- a. **Voting** Citizens on the electoral roll for the area have the right to vote
- b. **Petitions** Citizens on the electoral roll have the right to sign a petition to request a referendum for an elected mayor form of Constitution. More generally citizens have the right to sign petitions relating to other issues which affect the District. In order to deal effectively with Petitions the Council has agreed a policy on petitions called the "Petitions Scheme". This sets out guidelines for submitting a petitions and what the Council will do to respond and can be found at Part 26 of the Constitution.
- c. **Information** Citizens have the right to:
 - (i) attend meetings of the Council and its committees or Boards except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
 - (ii) attend meetings of the Cabinet except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
 - (iii) find out from the Forward Plan what key decisions will be taken by the Cabinet and when;
 - (iv) see reports and background papers, and any minutes of decisions made by the Council and the Cabinet (other than those comprising confidential or exempt information); and
 - (v) inspect the Council's accounts and make their views known to the external auditor.
- c. **Participation**
 - (i) Citizens may be invited to contribute to investigations by the Overview and Scrutiny Board or Overview and Scrutiny Board Task Groups.

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- (ii) Citizens who attend any meeting of the Council are entitled to take a copy of the Agenda and associated reports available in the public gallery.
 - (iii) Citizens may be entitled to address committee meetings but only where public participation has been agreed by the Council.
 - (iv) Citizens may be invited from time to time to contribute to other community forums.
- d. **Complaints** Citizens have the right to complain to:
- (i) the Council itself under its Customer Feedback scheme;
 - (ii) the Commissioner for Local Government Ombudsman;
 - (iii) the Standards Committee about a breach of the Councillor's Code of Conduct.

3.2 Citizens' responsibilities

Citizens may not disrupt or cause undue disturbance at meetings. Citizens must not be violent, abusive, or threatening to Councillors or officers and must not wilfully harm things owned by the Council, Councillors, or officers.

ARTICLE 4 – THE FULL COUNCIL

4.1 Meanings

"Policy Framework"

The policy framework means the following plans and strategies:-

- Annual Performance Plan
- Community Plan;
- Crime and Disorder Reduction Strategy;
- Plans and strategies which together comprise the Local Development Framework;
- The Development Plan;
- The Council Plan;
- Food Law Enforcement Service Plan;
- Improvement Plan;

- Inclusive Equalities Scheme.

"Budget"

The budget includes the allocation of financial resources to different services and projects, the medium-term financial plan, proposed contingency funds, the Council tax base, setting the Council tax, decisions relating to the control of the Council's borrowing requirements, the control of its capital expenditure and the setting of virement limits.

4.2 Functions of the full Council

Only the Council will exercise the following functions:

- a. adopting and changing the Constitution;
- b. approving or adopting the Budget and the Policy Framework and any application to the Secretary of State in respect of any Housing Land Transfer;
- c. subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 5 of this Constitution, making decisions about any matter in the discharge of a Cabinet function which could have been (but was not) covered by the Budget and Policy Framework or where the decision maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to/ or not wholly in accordance with the Budget
- d. appointing or removing from office:-
 - (i) the Leader;
 - (ii) the Chairman or Vice-Chairman;
- e. confirming the appointment of the Chief Executive, Monitoring Officer and Section 151 Officer;
- f. agreeing and/or amending the terms of reference for committees and Boards, deciding on their composition and, subject to Article 8.3, making appointments to them;
- g. the appointment and revocation of appointments of representatives to outside bodies unless the appointment is a Cabinet function or has been delegated by the Council;

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- h. adopting an allowances scheme under Article 2.6;
- j. changing the name of the area or conferring the title of honorary alderman
- k. making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- l. all local choice functions set out in Table 1 of Part 3 of this Constitution (Responsibilities for Functions) which the Council decides should be undertaken by itself rather than the Cabinet; and
- m. all other matters which, by law, must be reserved to Council.

4.3 Council meetings

There are three types of Council meeting:

- a. the annual meeting;
- b. ordinary meetings;
- c. extraordinary meetings

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

4.4 Responsibility for functions

The Council will maintain the tables in Part 3 of this Constitution setting out:

- a. those functions which are the responsibility of the Council;
- b. those functions which are the responsibility of the Council and which it has delegated to committees or officers.

ARTICLE 5 – CHAIRING THE COUNCIL

5.1 Role and function of the Chairman

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The Chairman and Vice-Chairman of the Council will be elected by the Council annually and neither the Chairman nor the Vice-Chairman will be a member of the Cabinet. The Chairman, and in his/her absence the Vice-Chairman, will have the following roles and functions:

- a. to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- b. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
- c. to ensure that the Council meeting is the forum for the debate of matters of concern to the local community and the place at which members who are not on the Cabinet or do not hold committee chairmanships are able to hold the Cabinet and the Committee Chairmen to account;
- d. to promote public involvement in the Council's activities;
- e. to be the conscience of the Council; and
- f. to attend such civic and ceremonial functions as the Council and he/she determines appropriate.

The roles and responsibilities of the Chairman and Vice-Chairman are set out in more detail in Part 25 of this Constitution.

ARTICLE 6 – OVERVIEW AND SCRUTINY

6.1 Discharge of overview and scrutiny functions

The Council will appoint an Overview and Scrutiny Board to discharge the functions conferred by:

- a. section 21 of the Local Government Act 2000 or any regulations made under section 32 of the Local Government Act 2000;
- b. sections 119, 236 and 237 of the Local Government and Public Involvement in Health Act 2007; and
- c. section 19 of the Police and Justice Act 2006 and the Crime and Disorder (Overview & Scrutiny) Regulations 2009.

6.2 Composition

The Overview and Scrutiny Board will be composed of 13 Councillors, none of whom shall be members of:

- a. the Cabinet;
- b. the Audit Board.

The Chairman of the Overview and Scrutiny Board may be a member of the non-controlling political group

6.3 Terms of reference

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.

6.4 General role of the Overview and Scrutiny Board

The Overview and Scrutiny Board will:

- a. make reports and/or recommendations to the full Council and/or the Cabinet in connection with the discharge of any functions;
- b. consider any matter affecting the area or its inhabitants;
- c. review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- d. exercise the right to call-in for reconsideration, decisions made but not yet implemented by the Cabinet (which right shall not arise before the Cabinet has made a decision).
- e. receive and consider Councillor Calls for Action;
- f. receive and consider Councillor Calls for Action in relation to crime and disorder matters;

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- g. review and/or scrutinise decisions made, or other action taken, in connection with the discharge by the Council of its crime and disorder functions;
- h. receive and consider petitions (other than petitions relating to regulatory matters); and
- i. assist the Council and the Cabinet in the development of the Budget.

6.5 Specific functions of the Overview and Scrutiny Board

The Overview and Scrutiny Board may:

- a. review and scrutinise the decisions made by the Cabinet, committees (but not decisions of regulatory committees) and Council Officers.
- b. assist the Council and the Cabinet in the development of its Budget and Policy Framework by in-depth analysis of policy issues;
- c. conduct research, community consultation and other consultation in the analysis of policy issues and possible options;
- d. consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- e. question members of the Cabinet and chief officers;
- f. liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working;
- g. review and scrutinise the performance of the Council in relation to its policy objectives and/or particular service areas;
- h. question members of the Cabinet, committees or Boards and chief officers about their decisions whether generally in comparison with service plans and targets over a period of time, or in relation to particular decision, initiatives or projects;
- i. make recommendations to the Cabinet and/or the Council arising from the outcome of the overview and scrutiny process
- j. review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview Board, the Scrutiny Board or Task Groups and local people about their activities and performance; and
- k. question and gather evidence from any person (with their consent).

6.6 Finance.

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The Board will exercise overall responsibility for any finances made available to it.

6.7 Officers.

The Head of Legal, Equalities and Democratic Services will in consultation with the Chairman of the Board exercise overall responsibility for the work programme of any officers specifically employed to support the work of the Board.

6.8 Proceedings of the Overview and the Scrutiny Board

The Overview and Scrutiny Board will conduct its proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 8 of this Constitution.

6.9 Annual Report

The Overview and Scrutiny Board will provide an annual report to Council on the work of the Board together with recommendations for future work programmes and amended working methods if appropriate.

ARTICLE 7 – THE LEADER OF THE COUNCIL AND THE CABINET

7.1 Role

The Council has adopted the Leader and Cabinet Executive (England) governance model for its executive arrangements. The Leader of the Council is responsible for the discharge of such functions as are the responsibility of the Executive of the Council i.e. all functions which by law must be the responsibility of the Executive or which are not the responsibility of any other part of the Council whether by law or under this Constitution ('executive functions'). The Leader may make such arrangements as the Leader thinks fit from time to time for the delegation and discharge of executive functions.

7.2 Composition of the Cabinet

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- a) Leader of the Council is responsible for the appointment of the Cabinet which will consist of the Leader and not less than 2 nor more than 9 other councillors, as the Leader shall determine. The Leader may change the size of Cabinet (within the above parameters) and appointments to it at any time.
- b) One of the members of the Cabinet will be designated by the Leader as Deputy Leader, to hold office until the end of the Leader's term of office, unless the Deputy Leader resigns, ceases to be a member, is disqualified, or is removed by the Leader at any time.
- c) If for any reason the Leader is unable to act, or the office of Leader is vacant, the Deputy Leader must act in the Leader's place. If the Deputy Leader is unable to act or the office is vacant, the Cabinet must act in the Leader's place or arrange for a member of the Cabinet to do so.
- d) The Cabinet is not a Committee of the Council. Its composition is not required to be in accordance with the political balance of the Council.
- e) The Cabinet collectively, individual members of the Cabinet or officers will be responsible for the discharge of such functions of the executive as are allocated by the Leader of the Council from time to time. The Leader will maintain a List in Part 3 of this Constitution (Scheme of Delegation) setting out which Cabinet members, officers or joint or local arrangements are responsible for the exercise of particular Cabinet functions

7.3 Leader

The Leader will be a Councillor elected to the position of Leader by the Council at its annual meeting. The Leader shall hold office for a period of 4 years starting on the day of his/her election and ending on the day of the post-election annual meeting unless:

- a) he or she resigns from the office of Leader; or
- b) he or she is suspended from being a councillor of the Council under Part III of the Local Government Act 2000 (although he/she will resume office at the end of the period of suspension); or
- c) he or she is disqualified from being or remaining a councillor; or

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- d) he or she is no longer a councillor of the Council for any reason; or
- e) he or she is removed from office by a resolution of Full Council during the Leader's term of office (and in which case Council will elect a new Leader at that or a subsequent meeting).

7.4 Other Cabinet Members

A Cabinet Member shall hold office until:

- a) he or she resigns from the office; or
- b) he or she is suspended from being a councillor of the Council under Part III of the Local Government Act 2000 (although he/she will resume office at the end of the period of suspension); or
- d) he or she is disqualified from being or remaining a councillor; or
- e) he or she is no longer a councillor of the Council for any reason; or
- f) he or she is removed from office by the Leader of the Council

7.5 Proceedings of the Cabinet

Proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules set out in Part 7 of this Constitution.

7.6 Responsibility for functions

- a) The Leader will decide on the number, and extent of areas of responsibility, of Cabinet members and will decide to which members of the Cabinet such areas of responsibility shall be allocated; and
- b) The Leader will decide the extent to which responsibility for formal decision-making for functions of the executive may be held collectively by the Cabinet, by individual members of the Cabinet or Officers. The

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functions assigned to the Cabinet and officers are set out in Table 3 Part 3 of this constitution (Scheme of Delegation).

- c) Unless delegated to an individual officer or Cabinet member the Leader may determine that the responsibility of the Cabinet for the exercise of an executive function and decision-making is collective.
- d) The Leader may delegate any responsibility of the Leader or the Cabinet for the exercise of an executive function to any Cabinet Member with Responsibility or any other individual member of the Cabinet, or officer;
- e) The Leader or Cabinet, in relation to an executive function, may specify that a particular decision which would otherwise fall within a power delegated to an officer in accordance with the Scheme of delegation to officers shall not be exercised by that officer but shall be reserved or referred to the Leader, Cabinet or an individual Cabinet member for that decision to be made. An officer may decide not to exercise any executive function delegated to him/her and invite the Leader or Cabinet to take a particular decision in relation to that function.
- f) Where under the Scheme of Delegations a decision-making function has been delegated to the Cabinet the following provisions will apply:-
 - (i) In the case of decisions required to be made urgently such that formal reporting to Cabinet is not possible, the Leader may take that decision in consultation with the relevant Portfolio Holders, the Chief Executive, the Section 151 Officer and the Monitoring Officer;
 - (ii) In the case of decisions made in principle, the Cabinet may authorise the Leader or Portfolio Holder with responsibility to finalise outstanding details in agreement with the appropriate Director or Head of Service.
 - (iii) The Cabinet may arrange for the further delegation of that decision making function to a Cabinet committee or an officer or by way of joint local arrangements.
- g. The Leader or the Cabinet may request the Overview and Scrutiny Board to consider including issues within their work programme.

ARTICLE 8 - REGULATORY AND OTHER COMMITTEES

8.1 Regulatory and other committees

The Council will appoint the committees and boards set out in Table 2 in Part 3 of this Constitution (Committees) to discharge the functions described in that Table.

8.2 Proceedings of Regulatory and Other Committees

Unless otherwise specifically provided for in Table 2 of Part 3 of this Constitution (Committees), in Parts 8, 9, 10 and 13A (Overview and Scrutiny Procedure Rules, Audit Board Procedure Rules, and Planning Committee Procedure Rules) or elsewhere in this Constitution, regulatory and other committees will conduct their proceedings in accordance with the Council Procedure Rules in Part 4 of this Constitution.

8.3 Appointment to Seats of Regulatory and other Committees

When the Council allocates seats on a regulatory or other committee to a political group, the appointment of Councillors to those seats shall be at the discretion of the leader of the appropriate political group who shall confirm in writing to the Chief Executive the appointment or removal of any member of that group to any regulatory or other committee.

8.4 Qualifications for sitting on Regulatory and other Committees

- a. The Leader may not sit on any regulatory committee or sub-committee, nor may they act as substitute for another member of a regulatory committee or sub-committee.
- b. Only those Councillors who have undertaken appropriate training may sit on committees, boards or panels; the Chief Executive in consultation with the Member Development Steering Group will determine the criteria to be met in respect of each committee, board or panel and the Chief Executive will determine whether individual Councillors have met those criteria.

ARTICLE 9 - AREA COMMITTEES

The Council may establish Area Committees which may take the form of:

- (i) consultative forums; or
- (ii) decision-making bodies to which either executive functions or non-executive functions may be delegated in which case the Area Committee must operate in accordance with the Council's Constitution including the Access to Information Rules.

ARTICLE 10 - THE STANDARDS COMMITTEE

10.1 Standards Committee

The Council meeting will establish a Standards Committee to discharge the functions conferred by sections 53 to 56 of the Local Government Act 2000. The Standards Committee may establish Sub-Committees to carry out some or all of its functions and it is for the Standards Committee to determine the composition, size and terms of reference of its sub-committees.

10.2 Composition

a. **Membership.** The Standards Committee will be composed of:

- (i) four District Councillors (other than the Leader) two of whom will be members of the controlling political group and two of whom will not be members of the controlling political group;
- (ii) three persons who are not Councillors or officers of the Council or any other body having a standards committee (Independent Members);
- (iii) two members of Parish Councils wholly or mainly in the Council's area (Parish Members); Parish Members shall not be members of the same Parish Council and shall not also be District Councillors.

b. **Appointment of Independent Members and the Parish Member.** Independent Members and Parish Members shall be appointed by the Council in accordance with such process as the Council shall from time

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to time determine. In addition to Parish Members, the Council will appoint a nominated substitute Parish Member.

- c. **Voting.** District Councillors, Independent members and Parish Members will be entitled to vote at meetings.
- d. **Parish members.** At least one Parish Member or the substitute Parish Member must be present when matters relating to parish councils or parish councils are being considered.
- d. **Parish Councils.** The Standards Committee may establish a sub-committee to exercise the function set out in Article 10.03 h. below.
- e. **Chairing the Committee.** The Standards Committee and Sub-Committees shall be chaired by an Independent Member.
- f. **Substitutes.** District Councillors who are unable to attend a meeting of the Standards Committee may appoint a trained District Councillor to attend the meeting as his/her substitute and who may attend, participate in and vote at Standards Committee meetings in the absence of the District Councillor. A Parish Member may appoint the nominated substitute Parish Member who may attend, participate in and vote at Standards Committee and sub-committee meetings in the absence of the Parish Member. Nominated substitutes may in an observational capacity attend meetings of the Standards Committee when they are not acting as substitutes. The Standards Committee will from time to time determine provisions for appointing substitutes to attend Sub-Committee meetings.

10.3 General Role

The Standards Committee will have the following roles and functions:

- a. promoting and maintaining high standards of conduct by Councillors and any co-opted members of Council bodies;
- b. assisting the Councillors and co-opted members to observe the Members' Code of Conduct;
- c. advising the Council on the adoption or revision of the Members' Code of Conduct;
- d. monitoring the operation of the Members' Code of Conduct;
- e. advising, training or arranging to train Councillors and co-opted members on matters relating to the Members' Code of Conduct;

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- f. granting dispensations to Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
- g. dealing with any report from the Monitoring Officer or from an Ethical Standards Officer of Standards for England on any matter which is referred by the Standards Assessment Sub-Committee to the Monitoring Officer or to the Standards Board for England for investigation;
- h. receiving, assessing written allegations that a Councillor or co-opted Councillor (or former Councillor or co-opted Councillor) may have failed to follow the Code of Conduct and (where appropriate) reviewing decisions made in respect of such allegations;
- i. the exercise of a - h above in relation to the Parish Councils in the Council's area and the members of those parish Councils;
- j. monitoring and reviewing the Council's Confidential Reporting Code;
- k. monitoring and reviewing complaints handling and ombudsman investigations;
- l. monitoring, and reviewing the operation of the Protocol on Member-Officer relations
- m. monitoring and reviewing the operation of the Protocol on Member-Member Relations
- n. monitoring and reviewing the operation of the Code of Practice – Planning Services.

ARTICLE 11 - JOINT ARRANGEMENTS

11.1 Arrangements to promote well-being

The Council or the Cabinet, in order to promote the economic, social or environmental well-being of its area, may:

- a. enter into arrangements or agreements with any person or body;

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- b. co-operate with, or facilitate or co-ordinate the activities of, any person or body;
- c. exercise on behalf of that person or body any functions of that person or body

where legally permissible.

11.2 Joint arrangements

- a. The Council may establish joint arrangements with one or more local authorities in order to exercise functions which are not Cabinet functions in any of the participating authorities, or in order to advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- b. The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are Cabinet functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- c. Except as set out below, the Cabinet may only appoint Cabinet members to a joint committee and those members need not reflect the political composition of the local authority as a whole.
- d. The Cabinet may appoint members to a joint committee from outside the Cabinet, where the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Cabinet may appoint to the joint committee any Councillor who is a member for a ward which is wholly or partly contained within the area. In such circumstances the political balance requirements do not apply to such appointments.
- e. Details of any joint arrangements including any delegations to joint committees will be found in Part 3 at Part E of this Constitution (Responsibility for Functions – Joint Arrangements).

11.3 Access to information

- a. The Access to Information Rules in Part 5 of this Constitution apply.

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- b. If all the members of a joint committee are members of the Cabinet in each of the participating authorities then its access to information regime is the same as that applied to the Cabinet.
- c. If the joint committee contains members who are not on the Cabinet of any participating authority then the Access to Information Procedure Rules in Part V of the Local Government Act 1972 will apply.

11.4 Delegation to and from other local authorities

- a. The Council may delegate non-Cabinet functions to another local authority or, in certain circumstances, the Cabinet of another local authority.
- b. The Cabinet may delegate Cabinet functions to another local authority or the Cabinet of another local authority in certain circumstances.
- c. The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

11.5 Contracting out

The Cabinet may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under Section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

ARTICLE 12 - OFFICERS

12.1 Management structure

a. General

The full Council may engage officers as it considers necessary to carry out its functions. The Council has agreed to the appointment of a shared Chief Executive with Redditch Borough Council and a shared management team. The

PART 2

establishment of the Council will include the posts set out below which form part of the shared management team and, who will be designated chief officers.

- Chief Executive (Head of Paid Service)
- Deputy Chief Executive/ Executive Director of Leisure, Environmental and Community Services
- Executive Director – Finance and Corporate Resources
- Executive Director – Planning and Regeneration, Regulatory and Housing Services
- Head of Business Transformation
- Head of Community Services
- Head of Customer Services
- Head of Environmental Services
- Head of Housing Services
- Head of Legal, Equalities & Democratic Services
- Head of Leisure and Culture Services
- Head of Planning and Regeneration
- Head of Regulatory Services
- Head of Resources

b. Head of Paid Service, Monitoring Officer and Section 151 Officer

The Council must appoint to these positions and designates the following posts as shown:

- Chief Executive – Head of Paid Service
- Head of Legal, Equalities and Democratic Services – Monitoring Officer
- Executive Director – Finance and Corporate Resources – Section 151 Officer

These posts will have the functions described in Articles 12.2 – 12.4 below.

c. Structure

The Chief Executive will determine, publicise and keep up to date a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Part 14 of this Constitution.

(Note: The Council has agreed that as part of the shared management arrangements with Redditch Borough Council, the officers appointed to the posts of Monitoring Officer and Section 151 Officer will carry out that function for both authorities)

12.2 Functions of the Head of Paid Service

- a. The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- b. The Head of Paid Service may not be the Monitoring Officer but may hold the post of Section 151 Officer if a qualified accountant.

12.3 Functions of the Monitoring Officer

- a. **Maintaining the Constitution** The Monitoring Officer will maintain an up to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.
- b. **Ensuring lawfulness and fairness of decision making** After consulting with the Head of Paid Service and Section 151 Officer, the Monitoring Officer will report to the full Council, or to the Cabinet in relation to an Cabinet function, if he/she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposals or decision being implemented until the report has been considered.
- c. **Supporting the Standards Committee** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- d. **Receiving reports** The Monitoring Officer will receive and act on reports made by Ethical Standards Officers and decisions of the case tribunals.
- e. **Conducting investigations** The Monitoring Officer will conduct investigations into member complaints referred by the Standards Committee and make reports or recommendations in respect of them to the Standards Committee.
- f. **Proper Officer for access to information** The Monitoring Officer will ensure that Cabinet decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

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- g. **Advising whether Cabinet decisions are within the Budget and Policy Framework** The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the Budget and Policy Framework.
- h. **Providing advice** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Councillors.
- i. **Restrictions on post** The Monitoring Officer cannot be the Section 151 Officer or the Head of Paid Service.

12.4 Functions of the Section 151 Officer

- a. **Ensuring lawfulness and financial prudence of decision making** After consulting with the Head of Paid Service and the Monitoring Officer, the Section 151 Officer will report to the full Council, or to the Cabinet in relation to an Cabinet function, and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- b. **Administration of financial affairs** The Section 151 Officer will have responsibility for the administration of the financial affairs of the Council.
- c. **Contributing to Corporate Management** The Section 151 Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- d. **Providing advice** The Section 151 Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Councillors and will support and advise Councillors and officers in their respective roles.
- e. **Give financial information** The Section 151 Officer will provide financial information to the media, members of the public and the community.

12.5 Duty to provide sufficient resources to the Monitoring Officer and Section 151 Officer

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The Council will provide the Monitoring Officer and Section 151 Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

12.6 Conduct

Officers will comply with any Officers' Code of Conduct and the Protocol on Member-Officer Relations set out in Part 18 of this Constitution.

12.7 Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 13 of this Constitution.

ARTICLE 13 - DECISION MAKING

13.1 Responsibility for decision-making

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in the Tables at Part 3 of this Constitution.

13.2 Principles of decision-making

All decisions of the Council will be made in accordance with the following principles:

- a. proportionality (i.e. the action must be proportionate to the proposed outcome);
- b. due consultation and the taking of professional advice from officers;
- c. respect for human rights;
- d. a presumption in favour of openness;

- e. clarity of aims and desired outcomes;
- f. due regard for the Council's environmental objectives;
- g. due regard for the Council's duties in relation to crime and disorder;
- h. clear explanations of the options considered and the reasons for the decision reached.

13.3 Types of decision

- a. Decisions relating to the functions listed in Article 4.2 will be made by the full Council and not delegated.
- b. Key Decisions are those executive decisions which are likely to:
 - (i) result in the Council incurring expenditure, foregoing income or the making of savings in excess of £50,000 or which are otherwise significant having regard to the Council's budget for the service or function to which the decision relates; or
 - (ii) be significant in terms of its effect on communities living or working in an area comprising two or more wards in the district.

In considering whether a decision is likely to be significant, a decision-maker will need to consider the strategic nature of the decision and whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the Council to a significant number of people living or working in the locality affected. This is not intended to capture day-to-day operational management decisions covered by the Council's Scheme of Delegation to Officers.

Key Decisions will include:

- (1) a decision which would result in any expenditure or saving by way of a reduction in expenditure of £50,000 provided the expenditure or saving is specifically approved in the Medium Term Financial Plan;
- (2) a virement of any amount exceeding £50,000 provided it is within any virement limits approved by the Council;

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- (3) any proposal to dispose of any Council asset with a value of £50,000 or more or which is otherwise considered significant by the Corporate Property Officer;
 - (4) Any proposal to cease to provide a Council service (other than a temporary cessation of service of not more than 6 months);
 - (5) Any proposal which would discriminate for or against any minority group.
- c. A Key Decision must be made in accordance with the requirements of the Cabinet Procedure Rules set out in Part 7 of this Constitution.

13.4 Decision making by the full Council

Subject to Article 13.8, each Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.5 Decision-making by the Cabinet.

Subject to Article 13.8, the Cabinet will follow the Cabinet Procedure Rules set out in Part 7 of this Constitution when considering any matter.

13.6 Decision-making by the Overview and Scrutiny Board

The Overview and Scrutiny Board, will follow the Overview and Scrutiny Procedures Rules set out in Part 8 of this Constitution when considering any matter.

13.7 Decision making by other committees and sub-committees established by the Council

Subject to Article 13.8 other Council committees and sub-committees will follow those parts of the Council Procedure Rules set out in Part 4 of this Constitution as apply to them or such other Procedure Rules as are set out in Parts 8, 9, 10 and 13A or elsewhere in this Constitution or as otherwise agreed by the Council.

13.8 Decision making by Council bodies acting as tribunals

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The Council, a Councillor or an officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

ARTICLE 14 - FINANCE, CONTRACTS AND LEGAL MATTERS

14.1 Financial management

The management of the Council's financial affairs will be conducted in accordance with the Financial Regulations set out in Part 11 of this Constitution.

14.2 Contracts

Every contract made by the Council will comply with the Contract Procedure Rules and Procurement Code set out in Part 12 of this Constitution.

14.3 Legal proceedings

The Chief Executive and the Head of Legal, Equalities and Democratic Services are authorised to institute, defend or participate in any legal proceedings or action in any case where such action is necessary to give effect to decisions of the Council or in any case where they consider that such action is necessary to protect the Council's interests.

14.4 Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Chief Executive or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

14.5 Common Seal of the Council

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The Common Seal of the Council will be kept in a safe place in the custody of the Head of Legal, Equalities and Democratic Services. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Head of Legal, Equalities and Democratic Services should be sealed. The affixing of the Common Seal will be attested by the Head of Legal, Equalities and Democratic Services or some other person authorised by him/her.

ARTICLE 15 - REVIEW AND REVISION OF THE CONSTITUTION

15.1 Duty to Monitor and Review the Constitution

- a. The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.
- b. A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the constitution adopted by the Council and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:
 - (i) observe meetings of different parts of the member and officer structure;
 - (ii) undertake an audit trail of a sample of decision;
 - (iii) record and analyse issues raised with him/her by Councillors, officers, the public and other relevant stakeholders; and
 - (iv) compare practices in the Council with those in other comparable authorities, or national examples of best practice

15.2 Changes to the Constitution

- a. Changes to the Constitution shall not be approved unless approved by at least two-thirds of number of Councillors present, save that the Monitoring Officer may amend Part 14 of the Constitution (Management Arrangements) but only to the extent that such changes

PART 2

reflect either changes to the corporate structure which have been agreed by Council or a change in staffing arrangements.

- b. The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals for a change from a Leader and Cabinet form of government to alternative arrangements, or vice versa or as otherwise prescribed by statutory requirement.

ARTICLE 16 - SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

16.1 Suspension of the Constitution

The Articles of this Constitution may not be suspended.

16.2 Suspension of Rules

The Rules specified below may be suspended by the full Council to the extent permitted within those Rules and the law:

- (i) Council Procedure Rules
- (ii) Overview and Scrutiny Procedure Rules
- (i) Performance Management Board Procedure Rules
- (ii) Audit Board Procedure Rules
- (iii) Cabinet Procedure Rules
- (iv) Officer Employment Procedure Rules
- (v) Financial Regulations
- (vi) Contracts Procedure Rules
- (ix) Budget and Policy Framework Procedure Rules
- (x) Planning Committee Procedure Rules.

16.3 Procedure for Suspension of Rules

A motion to suspend any Rules will not be moved without notice unless approved by at least two thirds of the number of Councillors present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

16.4 Interpretation

PART 2

Reference in any provision of this Constitution to the appointment of a person or a Member to an office shall be taken to include the removal of that person or Member from that office (subject to compliance with the Officer Employment Procedure Rules or other provision whether statutory or otherwise relating to the employment of staff).

16.5 Chairman's Ruling

The ruling of the Chairman of Council as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

16.6 Publication

The Chief Executive will give a printed copy of this Constitution to each Councillor upon delivery to him/her of that individual's declaration of acceptance of office on the Councillor first being elected to the Council.

The Chief Executive will ensure that copies are available for inspection at Council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.

The Chief Executive will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

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ALLOCATION OF RESPONSIBILITY FOR FUNCTIONS

PART A

1. Introduction

- 1.1 Part 3 of this Constitution deals with the allocation of responsibility for undertaking functions. The Council consists of a number of distinct parts, the key ones being the Executive (Leader and Cabinet) and the Council. Between them these two parts bear the primary responsibility for the function and powers of the Council. In order to operate effectively powers are delegated from the Executive and Council to Committees and officers.
- 1.2 The Council has adopted the “new-style” Leader and Cabinet executive (England) governance model from after its elections in May 2011. The Executive therefore consists of the Leader of the Council (who is appointed by full Council and may be removed by it) and 2 or more councilors appointed to the Cabinet from time to time by that Leader. The executive of Bromsgrove District Council is described as 'the Cabinet'.
- 1.3 In accordance with the law, any function of the Council which is not otherwise specified in legislation is an executive function and is the responsibility of the Leader and the Cabinet. The Leader may personally discharge functions which are the responsibility of the executive or arrange for their discharge by the Cabinet, another member of the Cabinet, a committee of the Cabinet or by an officer. The Leader may change these arrangements from time to time. Unless the Leader otherwise directs the Cabinet itself may arrange for the discharge of any of its functions by a committee of itself, a joint committee or by an officer.
- 1.4 The Leader has decided that all Executive functions will be carried out by the Cabinet collectively.
- 1.5 Part 3 sets out the way the functions and powers are distributed at Bromsgrove District Council. Part 3 is divided into a number of sections, listed below, each of which deals with different elements of the distribution of functions and exercise of powers.

Part A

Introduction

Table 1 - Local Choice Functions

Part B

Cabinet

Part C

Delegations to Committees

Part D

Officer Scheme of Delegations

Part E

Joint Arrangements

Table 1 - Delegations to WETT Regulatory Committee

- 1.6 Part 3 of the Constitution should be read in conjunction with the rest of the Constitution, in particular Part 2 Articles of the Constitution.
- 1.7 Part 3 of this Constitution shall be interpreted in accordance with the relevant provisions of the Local Government Act 2000, in particular Section 13 (Functions which are the responsibility of an executive) and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).

2. Functions

2.1 The Council's functions may be lawfully exercised by:-

- Full Council
- The Leader
- The Cabinet
- Cabinet Members
- Committees and sub-committees of the Council and Cabinet
- Joint Committees
- Officers of the Council
- Others persons so authorised where the law permits

3. Categories

The Councils function fall into four categories:-

1. those functions that are by law the responsibility of Full Council unless delegated (sole Council responsibility);
2. those functions that are by law partly the responsibility of Full Council and partly the responsibility of the Council's Executive (shared responsibility);
3. those functions where there is a local choice whether they are the responsibility of the Councils Executive (local choice functions);
4. all other functions, being by law the responsibility of the Council's Executive (default Executive functions).

Non - Executive functions include all those functions that are the responsibility of the Council under paragraphs 1, 2 and 3 above.

Executive functions include all those functions that are the responsibility of the Executive under paragraphs 2, 3 and 4 above.

4. Sole Responsibility of Full Council

- 4.1 Decisions about the Council's policy framework and budget, and other constitutional matters may only be taken by Full Council. A list of these matters is shown in Part 2 Article 4 of the Constitution. Article 4.1 lists the policies which make up the "policy framework"; Article 4.2 lists the functions which may only be exercised by Full Council. The exercise of these functions may not be delegated to a committee or officer.
- 4.2 In most cases Full Council is also responsible for the regulatory functions. Full Council has established regulatory committees such as Planning and Licensing to discharge these Full Council only functions.
- 4.3 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) gives effect to section 13 of the Local Government Act 2000 by specifying in Schedule 1 to the regulations which functions are not to be the responsibility of the Executive. In other words the Executive cannot by law make the decision. For reference these functions fall under the following headings:-

A	Functions relating to town and country planning and development control
B	Functions relation to Licensing and Registration
C	Functions relating to health and safety at work
D	Functions relating to elections
E	Functions relating to name and status of areas and individuals
F	Power to make, amend, re-enact or enforce byelaws
G	Power to promote or oppose local or personal Bills
H	Functions relating to pensions
I	Miscellaneous functions

5. Shared Responsibility

- 5.1 Some functions are partly the responsibility of the Full Council and partly the responsibility of the Executive. These are:
- (a) the budget and any plan or strategy for the control of the borrowing or capital expenditure (capital plan);
 - (b) the policy framework, that is the plans and strategies which the Council approves and adopts.
- 5.2 The Executive will be responsible for preparing the draft budget, draft plans and strategies and proposing them to Full Council.
- 5.3 Full Council will be responsible for:-

- (a) adopting or approving the draft budget, plan or strategy:
- (b) asking the Executive to reconsider it: or
- (c) amending the budget, plan or strategy.

- 5.4 The Executive will be responsible for implementing the Council's policies and spending the budget in accordance with the Council's financial rules and regulations.
- 5.5 Some plans and strategies require ministerial approval after the Council has approved them. If the minister requires any amendments to those plans and/or strategies, the Executive will be responsible for making those arrangements.
- 5.6 A list of the shared responsibility functions as defined by Regulation 4 Schedule 3 Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) is shown in Part 2 Article 4.1.

6. Local Choice Functions

- 6.1 In some cases there is a local choice as to whether the function is to be the responsibility of the Council or the Executive and Table 1 sets out whether the function is to be the responsibility of the Council or the Executive.

7. Default Executive Functions

- 7.1 All other functions not so specified are to be the responsibility of the Executive.
- 7.2 If a decision is the responsibility of the Executive, Council cannot overrule the Executive or give instructions on how the decision should be made. However, in certain circumstances, Council can ask the Executive to reconsider decisions.

PART A - TABLE 1

LOCAL CHOICE FUNCTIONS

FUNCTIONS WHERE THE AUTHORITY HAS A CHOICE OF EXERCISING THEM THROUGH EITHER THE EXECUTIVE OR THE FULL COUNCIL, AND CHOICE MADE

FUNCTION	EXECUTIVE OR FULL COUNCIL
1. Any function under a local Act	Executive.
2. The determination of an appeal against any decision made by or on behalf of the authority	Executive in respect of Executive functions and Council in respect of Council functions
3. The appointment of review boards under regulations under subsection (4) of section 34 (Determination of Claims and Reviews) of the Social Security Act 1998	(No longer relevant)
4. Making arrangements for appeal against exclusion of pupils	(County Function)
5 – 6. Making of arrangements for admissions appeals by pupils and Governing Bodies	(County Function)
7 - 8. Functions relating to a Police Authority	(Not Applicable)
9. The conducting of best value reviews. (Repealed)	(Not Applicable)
10. Any function relating to contaminated land.	Council
11. The discharge of any function relating to the control of pollution or the management of air quality	Council
12. The service of abatement notice in respect of a statutory nuisance	Council
13. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Council
14. The inspection of the authority's area to detect any statutory nuisance	Council
15. The investigation of any complaint as to the existence of a statutory nuisance	Council
16. The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land	Council
17. The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Council

PART 3
(PART A)

18. The making of agreements for the execution of highways works	(County Function)
19. The appointment of any individual – (a) to any office other than an office in which he or she is employed by the authority; (b) to any body other than - (i) the authority; (ii) a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body and the revocation of any such appointment.	Executive in respect of Executive functions and Council in respect of Council functions
20. The making of arrangements with other local authorities for the placing of staff at the disposal of those other authorities	Executive
21. Any function of a local authority in their capacity as a harbour authority	(Not Applicable)

PART B

CABINET

- 1.0 The Leader of the Council has determined that the Cabinet will consist of the Leader and 7 Cabinet Members. Cabinet will collectively:
- (a) Carry out all of the Council's functions, including Local Choice functions except those which are required by the law or this Council's Constitution to be the responsibility of the Council itself or any other non-executive part of the Council. It will therefore have responsibility for all executive functions and functions which are responsibility of the executive;
 - (b) Consider and recommend for approval by the Council the budget ;
 - (c) Consider and recommend for approval by the Council any plan and strategy forming part of the Policy Framework of the Council;
 - (d) Consider and recommend for approval by the Council any plan or strategy which the Council has chosen to reserve itself;
 - (e) Subject to the urgency provisions in the Budget and Policy Framework Rules (Part 6), consider and recommend to Council the determination of any matter relating to the Council's budget or approved policy framework, if it is minded to determine the matter in a manner contrary to or not wholly in accordance with the budget, policy framework as the case may be or if it is not authorised by the Council's constitutional arrangements, standing orders, financial regulations, procedure rules or protocols;
 - (f) Consider and respond to overview and scrutiny reports and recommendations;
 - (g) Carry out such other functions as are set out in the Council's Constitution or allocated to it by the Leader, Council or legislation from time to time.

NOTES

1. The Leader has determined that decisions on behalf of the Executive will continue to be made collectively by the Cabinet. Delegations to officers in relation to executive functions continue as set out in the Allocation of Responsibility for Functions Part E as updated from time to time.

PART 3
(PART B)

2. Individual Cabinet members will continue to hold responsibility for political leadership in their assigned areas insofar as they are the responsibility of the executive.
3. The Leader of the Council has established the following areas of political responsibility to be held by Cabinet members:.....(*to be completed after the elections*)

PART 3
(PART C)

APPEALS PANEL

Number of Members	8 <i>Note: At any Meeting of the Appeals Panel, only three of the eight Members will be present at the Meeting</i>
Politically Balanced Y/N	Y
Quorum	2
Procedure applicable	Rules Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 18.2, 20.1 and 22)
Terms of Reference	To hear, consider and determine appeals in accordance with the Council's policies and procedures
Special provisions as to the Chairman	None
Special provisions as to membership	Only those Councillors who have undertaken appropriate training may sit on the Appeals Panel; the Chief Executive in consultation with the Member Development Steering Group will determine the criteria to be met and the Chief Executive will determine whether individual Councillors have met those criteria

**PART 3
(PART C)**

APPOINTMENTS COMMITTEE

Number of Members	5
Politically Balanced Y/N	Y
Quorum	2
Procedure Rules applicable	Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 18.2, 20.1 and 22)
Terms of Reference	a. To consider applications and make recommendations to Council on the appointment of Independent Members for the Standards Committee b. To consider applications and make recommendations to Council on the appointment of Chief Officers in accordance with Council procedures c. To consider such other matters as requested by the Council
Provisions relating to appointment of Chairman	None
Special provisions as to membership	Only those Councillors who have undertaken appropriate training may sit on the Appointment Committee; the Chief Executive in consultation with the Member Development Steering Group will determine the criteria to be met and the Chief Executive will determine whether individual Councillors have met those criteria

AUDIT BOARD

Number of Members	7, none of whom may be members of the Cabinet
Attendance by other Councillors	Portfolio Holder with responsibility for finance expected to attend each meeting
Politically Balanced Y/N	Y
Quorum	4
Procedure applicable Rules	Audit Board Procedure Rules and Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 18.2, 20.1 and 22) – if there is any conflict, Audit Board Procedure Rules to take precedence
Terms of Reference	a. Monitoring the good stewardship of the Council's resources through the work of the Internal Audit function. b. Supporting the profile, status and authority of the Internal Audit function and will demonstrate its independence. c. Contribute towards making the Council, its committees and departments more responsive to the Internal Audit function. d. Responsibility for promoting internal control by the systematic appraisal of the Council's internal control mechanisms, by the development of an anti-fraud culture and by the review of financial procedures. e. Responsibility for focusing audit resources, by agreeing the audit plans and monitoring delivery of the Internal Audit function. f. Monitoring both internal and external audit

PART 3
(PART C)

	performance by ensuring auditor/officer collaboration within the agreed timescales, by securing the timely preparation and response to audit reports, by ensuring the implementation of audit recommendations and by monitoring the finalisation of the annual accounts. g. Receive and consider a summary of internal audit work undertaken since the last meeting, plus the current status of this work. h. Monitor compliance with the Council's standards, codes of practice and policies through the work of the Internal Audit function. i. Monitor compliance with relevant legislative requirements through the work of the Internal Audit function. j. The Audit Board will ensure that it acts within the policies and strategies of the Council.
Special provisions as to the Chairman	The Chairman must not be a member of the controlling political group
Whipping arrangements	The party whip must not be applied
Officer attendance	S151 Officer and Audit Services Manager expected to attend each meeting
Special provisions as to membership	Only those Councillors who have undertaken appropriate training may sit on the Audit Board; the Chief Executive in consultation with the Member Development Steering Group will determine the criteria to be met and the Chief Executive will determine whether individual Councillors have met those criteria

**PART 3
(PART C)**

ELECTORAL MATTERS COMMITTEE

Number of Members	10
Politically Balanced Y/N	Y
Quorum	4
Procedure Rules applicable	Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 18.2, 20.1 and 22)
Terms of Reference	To exercise powers and undertake functions relating to electoral matters and elections
Special provisions relating to appointment of Chairman	None
Special provisions as to membership	Only those Councillors who have undertaken appropriate training may sit on the Electoral Matters Committee; the Chief Executive in consultation with the Member Development Steering Group will determine the criteria to be met and the Chief Executive will determine whether individual Councillors have met those criteria

LICENSING COMMITTEE

Number of Members	13 Neither the Leader nor Deputy Leader may be a member of the Licensing Committee
Politically Balanced Y/N	Y
Quorum	3
Procedure applicable	Rules Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 19.1, 19.2 and 21)
Terms of Reference	1. To exercise all powers and duties of the Council in licensing and registration except the determination of applications and other matters relating to licences or licence applications delegated to Licensing Sub-Committees; in particular (but not limited to) the exercise of all powers and duties conferred by the Licensing Act 2003 and the Gambling Act 2005 2. Enforcement of licensing and registration
Special provisions as to the Chairman	None
Whipping arrangements	No whipping is permitted
Special provisions as to membership	Only those Councillors who have undertaken appropriate training may sit on the Licensing Committee; the Chief Executive in consultation with the Member Development Steering Group will determine the criteria to be met and the Chief Executive will determine whether individual Councillors have met those criteria

**PART 3
(PART C)**

**LICENSING SUB-COMMITTEE
(Parent Committee – Licensing Committee)**

Number of Members	3 (from the membership of the Licensing Committee)
Politically Balanced Y/N	N
Quorum	2
Procedure applicable	Rules Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 18.2, 20.1 and 22)
Terms of Reference	To consider and determine applications and hearings arising from the Licensing Act 2003 and the Gambling Act 2005
Special provisions as to the Chairman	None
Special provisions as to membership	Only those Councillors who have undertaken appropriate training may sit on the Licensing Sub-Committee; the Chief Executive in consultation with the Member Development Steering Group will determine the criteria to be met and the Chief Executive will determine whether individual Councillors have met those criteria

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(PART C)

LICENSING (MISCELLANEOUS) SUB-COMMITTEES A AND B
(Parent Committee – Licensing Committee)

Sub-Committees A and Sub-Committee B will sit in rotation

Number of Members	3 (from the membership of the Licensing Committee) including either the Chairman or Vice-Chairman of the Licensing Committee (with a fourth Member on standby for each meeting)
Politically Balanced Y/N	N (but to include where possible a member of the opposition)
Quorum	3
Procedure applicable	Rules Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 18.2, 20.1 and 22)
Terms of Reference	To determine licensing applications (other than those arising under the Licensing Act 2003 and the Gambling Act 2005) including (but not limited to): 1. private hire and hackney carriage driver, operator and vehicle licensing; 2. street trading consents; 3. sex shop applications; 4. pet shop licences; 5. animal boarding licences; 6. riding establishment licences; 7. charitable collections
Special provisions as to the Chairman	The Chairman shall be either the Chairman or Vice-Chairman of the Licensing Committee
Whipping arrangements	No whipping is permitted
Special provisions as to membership	Neither the Leader nor Deputy Leader may be a member of the Licensing (Miscellaneous) Sub-

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	Committee Only those Councillors who have undertaken appropriate training may sit on the Licensing (Miscellaneous) Sub-Committee; the Chief Executive in consultation with the Member Development Steering Group will determine the criteria to be met and the Chief Executive will determine whether individual Councillors have met those criteria
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LOCAL DEVELOPMENT FRAMEWORK WORKING PARTY
(Parent Committee - Cabinet)

Number of Members	13
Politically Balanced Y/N	N <i>Note: In establishing the Committee, Cabinet requested that the membership of the Committee should be both representative of the Council and geographically representative of the district</i>
Quorum	4
Procedure applicable	Rules Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 18.2, 20.1 and 22)
Terms of Reference	To consider matters of planning policy as more particularly set out below and either:- (i) make recommendations to Full Council; or (ii) provide feedback to Cabinet on issues it is considering; or (iii) where deemed appropriate by the Chairman of LDFWP in consultation with the Head of Planning and Regeneration, the Leader and the relevant portfolio holder, make recommendations to Cabinet. (i) Items to be considered with recommendations to Full Council:- • All new policy documents including Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs) at all stages (draft, pre-submission, submission and adoption); • Community Infrastructure Levy (CIL) charging schedule; • Significant responses on external public

PART 3 (PART C)

	consultation including DPDs /SPDs for other local authorities where consequences for BDC could be significant. • Responses to significant central government consultation. (ii) Items to be considered with feedback to Cabinet:- • Evidenced based consultations including Technical reports such as Strategic Flood Assessment, Housing Market Assessment and Highways Modelling, and monitoring reports such as annual monitoring and employment land review. • Project Plans such as Local Development Scheme, Statement of Community involvement or other procedural document. • Minor Consultation Responses on external public consultation including DPDs /SPDs for other local authorities or other government consultation where no significant consequences for BDC are envisaged. Note: Items under both sub section (i) and sub section (ii) may be the subject of consideration and recommendation to Cabinet where deemed appropriate in accordance with (iii) above.
Special provisions as to the Chairman	None
Special provisions as to membership	None

OVERVIEW AND SCRUTINY BOARD

Number of Members	13, none of whom shall be members of the Cabinet
Politically Balanced Y/N	Y
Quorum	5
Procedure applicable	Overview and Scrutiny Procedure Rules and Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 18.2, 20.1 and 22) – where there is any conflict, Overview and Scrutiny Procedure Rules to take precedence
Terms of Reference	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 The specific terms of reference include:- - To receive and consider Councillor Calls for Action - To perform the functions relating to Crime and Disorder Scrutiny (in accordance with the Police and Justice Act 2006) - To receive and consider Petitions - To scrutinise the Budget - To monitor performance improvement - To identify unsatisfactory progress or performance and make recommendations on remedial action to the Cabinet; - To monitor the following Council documents/strategies • Council Plan • Council Annual Report • Sustainable Community Strategy • Sustainable Community Strategy Annual

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(PART C)

	Report • Improvement Plan (full document once a year) • Performance Management Strategy/Data Quality Strategy • Quarterly Finance & Performance Monitoring report
Special provisions as to the Chairman	None
Officer attendance	A Director expected to attend each meeting. Relevant Head of Service 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.
Special provisions as to membership	Only those Councillors who have undertaken appropriate training may sit on the Overview and Scrutiny Board; the Chief Executive in consultation with the Member Development Steering Group will determine the criteria to be met and the Chief Executive will determine whether individual Councillors have met those criteria

PLANNING COMMITTEE

Number of Members	13 The Leader may not be a member or act as a substitute for a member of the Planning Committee
Politically Balanced Y/N	Y
Quorum	5
Procedure applicable	Rules Planning Procedure Rules and Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 18.2, 20.1 and 22) – where there is any conflict, Planning Procedure Rules to take precedence
Terms of Reference	1. To exercise all powers and duties of the Council on all matters relating to development control, including but not limited to:- a. considering and determining applications for planning permission b. enforcement of planning control c. building preservation, Listed Buildings and Conservation areas d. Tree preservation orders e. Control of advertisements f. Footpath diversion orders under the Town and Country Planning legislation g. Certificates of Lawfulness h. Operational planning protocols 2. To comment on proposals for development submitted by Worcestershire County Council and other public authorities 3. To determine High Hedges applications in accordance with Part 8 of the Anti-Social Behaviour Act 2003

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Special provisions as to the Chairman	None
Special provisions as to membership	Only those Councillors who have undertaken appropriate training may sit on the Planning Committee; the Chief Executive in consultation with the Member Development Steering Group will determine the criteria to be met and the Chief Executive will determine whether individual Councillors have met those criteria

STANDARDS COMMITTEE

Number of Members	9 comprising: • 4 District Councillors (other than the Leader), 2 of whom are members of the controlling political group and 2 of whom are not members of the controlling political group • 3 Independent Members • 2 Parish Representatives (who may not also be District Councillors) who shall not be members of the same parish council Not more than one member of the Standards Committee may be a member of the Cabinet At least 25% of the Committee must be Independent Members
Politically Balanced Y/N	No – see above
Quorum	3
Procedure applicable	Rules
	Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 18.2, 20.1 and 22)
Terms of Reference	The Standards Committee will have the following roles and functions: a. promoting and maintaining high standards of conduct by Councillors and any co-opted members of Council bodies; b. assisting the Councillors and co-opted members to observe the Members' Code of Conduct; c. advising the Council on the adoption or revision of the Members' Code of Conduct; d. monitoring the operation of the Members' Code of Conduct;

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	e. advising, training or arranging to train Councillors and co-opted members on matters relating to the Members' Code of Conduct; f. granting dispensations to Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct; g. dealing with any report from the Monitoring Officer or from an Ethical Standards Officer of Standards for England on any matter which is referred by the Standards Assessment Sub-Committee to the Monitoring Officer or to Standards for England for investigation; h. receiving, assessing written allegations that a Councillor or co-opted Councillor (or former member or co-opted Councillor) may have failed to follow the Code of Conduct and (where appropriate) reviewing decisions made in respect of such allegations; i. considering and determining allegations that a Councillor or co-opted Councillor (or former member or co-opted Councillor) may have failed to follow the Code of Conduct; j. the exercise of a - i above in relation to the Parish Councils in the Council's area and the members of those parish Councils; k. monitoring and reviewing complaints handling and ombudsman investigations; l. monitoring, and reviewing the operation of the Protocol on Member-Officer relations m. monitoring and reviewing the operation of the Protocol on Member-Member Relations.
Chairman	Chairman and Vice-Chairman to be an Independent Member
Whipping arrangements	No whipping is permitted
Substitutes	Trained substitutes are permitted for District Councillors A nominated trained substitute is permitted for the Parish Representative (who shall not be a member of the same parish council as either of the Parish

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	Members)
Special provisions as to membership	Only those Councillors who have undertaken appropriate training may sit on the Standards Committee; the Chief Executive in consultation with the Member Development Steering Group will determine the criteria to be met and the Chief Executive will determine whether individual Councillors have met those criteria

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(PART C)

STANDARDS ASSESSMENT (DISTRICT COUNCILLOR)
SUB-COMMITTEES A and B
and
STANDARDS ASSESSMENT (PARISH COUNCILLOR)
SUB-COMMITTEES A and B
(Parent Committee – Standards Committee)

Sub-Committee A and Sub-Committee B (both of which have a fixed membership) will sit in rotation.

Number of Members	3 comprising: • At least 1 District Councillor • At least 1 Independent Member • One other member of the Standards Committee; a Parish Representative is required if the matter under consideration is a parish matter . The Standards Committee may from time to time determine procedures for membership of its sub-committees
Politically Balanced Y/N	No
Quorum	3
Procedure applicable	Rules Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 18.2, 20.1 and 22)
Terms of Reference	To carry out assessment of allegations that a district or parish councillor or co-opted councillor (or former councillor or co-opted councillor) may have failed to follow the Code of conduct
Chairman	To be an Independent Member
Whipping arrangements	No whipping is permitted

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Substitutes	Trained substitutes are permitted for District Councillors A nominated trained substitute is permitted for the Parish Representative The Standards Committee may from time to time determine procedures for substitution at meetings of Standards Assessment Sub-Committees
Special provisions as to membership	Only those Councillors who have undertaken appropriate training may sit on the Standards Assessment Sub-Committees; the Chief Executive in consultation with the Member Development Steering Group will determine the criteria to be met and the Chief Executive will determine whether individual Councillors have met those criteria

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(PART C)**

**STANDARDS REVIEW (DISTRICT COUNCILLOR)
SUB-COMMITTEES A and B
STANDARDS REVIEW (PARISH COUNCILLOR)
SUB-COMMITTEES A and B**

(Parent Committee – Standards Committee)

Sub-Committee A and Sub-Committee B (both of which have a fixed membership) will sit in rotation

Number of Members	3 comprising: • At least 1 District Councillor • At least 1 Independent Member • One other member of the Standards Committee; a Parish Representative is required if the matter under consideration is a parish matter none of whom sat on the Standards Assessment Sub-Committee. The Standards Committee may from time to time determine procedures for membership of its sub-committees
Politically Balanced Y/N	No
Quorum	3
Procedure applicable	Rules Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 18.2, 20.1 and 22)
Terms of Reference	To review, when appropriate, decisions of a Standards Assessment Sub-Committee
Chairman	To be an Independent Member
Whipping arrangements	No whipping is permitted

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Substitutes	Trained substitutes are permitted for District Councillors A nominated trained substitute is permitted for the Parish Representative The Standards Committee may from time to time determine procedures for substitution at meetings of Standards Review Sub-Committees
Special provisions as to membership	Only those Councillors who have undertaken appropriate training may sit on the Standards Review Sub-Committees; the Chief Executive in consultation with the Member Development Steering Group will determine the criteria to be met and the Chief Executive will determine whether individual Councillors have met those criteria

PART E

JOINT ARRANGEMENTS

This section sets out the joint arrangements the Council has entered into with other local authorities, and is divided into the following parts:-

- Joint Committees
- Shared Services with Redditch Borough Council
- Other arrangements

1. Joint Committees

a. WETT Regulatory Joint Committee

A joint committee has been established of the executives of this Council, Malvern Hills District Council, Redditch Borough Council, Worcester City Council, Worcestershire County Council, Wychavon District Council, and Wyre Forest District Council.

The joint committee has provision to operate and manage Worcestershire Regulatory Services. The Council has delegated to the Joint Committee the functions set out in Table 1 below.

The Council has delegated to the Head of Worcestershire Regulatory Service the discharge of functions set out in Part 2 of the Officers Scheme of Delegation for Regulatory Services.

2. Shared Services with Redditch Borough Council

In 2009 the Council agreed to the appointment of a shared Chief Executive with Redditch Borough Council. In 2010 a shared management team for both Councils was appointed. The two councils have agreed to work together to deliver services jointly across both Councils. The co-operation between the two Councils on sharing services is reflected by a legal agreement referred to as the Overarching Framework Agreement.

As each Council continues to be independent politically, the Scheme of Delegations for Bromsgrove District Council, delegates the responsibility for making decisions from the Bromsgrove Executive and Council to the relevant Committees and officers. Under the terms of the Overarching Framework Agreement, the officers may be employed by either BDC or RBC, but this does not affect their ability to carry out functions delegated to them under the BDC Constitution.

The specific legislation which underpins these arrangements is set out in the Local Government Act 1972 and the Local Government Act 2000.

Under section 113 of the Local Government Act 2000, 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. Under section 101 of the Local Government Act 2000 a local authority may arrange for the discharge of its functions by any other local authority. This principle is further expanded in sections 19 and 20 of the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000.

The staffing arrangements for the shared management team have been established under section 113 of the Local Government Act with each authority placing its employees at the disposal of the other. As shared services are introduced across the Council department by department, a host authority for each department will be identified. Staff will be transferred under TUPE to the host or receiving authority, and will carry out the functions of the delegating authority in accordance with section 101 of the Local Government Act.

3. Other arrangements

The Council has agreed to enter into other arrangements for sharing services with local authorities. These are summarised below:-

a. Internal Audit Services

The Council has agreed to enter into arrangements with Malvern Hills District Council, Redditch Borough Council, Worcester City Council, and Wychavon District Council for the authorities to collaborate and provide one shared Internal Audit Service for all the authorities. The service is hosted by Worcester City Council and is regulated by a formal agreement.

b. Payroll Service

The Council has agreed to enter into arrangements with Redditch Borough Council for Redditch Borough Council to provide the payroll service for Bromsgrove District Council. The arrangement is regulated by a formal agreement.

c. Assets Management Service

The Council has agreed to enter into an arrangement with Worcestershire County Council for the County Council to provide an Assets Management Service for the Council. The arrangement is regulated by a formal agreement between the two authorities.

PART E - TABLE 1

DELEGATIONS TO WETT REGULATORY JOINT COMMITTEE

Subject to the terms of the Worcestershire Shared Services Partnership Agreement to:

- (i) Oversee the implementation, development and on-going operation of the shared services
- (ii) Ensure the effective delivery of the shared service functions in accordance with the terms of the agreement
- (iii) Monitor the effectiveness of those arrangements and make recommendations to the Participating Authorities e.g. in the event of any changes to legislation, developments in best practice or the requirements imposed on Member Authorities
- (iv) On an annual basis, agree a three year business plan for each shared service including:
 - Service delivery, service development & financial objectives
 - Performance improvement & efficiency targets
 - Staffing
 - Business continuity planning
 - Risk management
- (v) Set annual capital, revenue and staffing budgets for each shared service and no later than 1st December in each year submit these to the Member Authorities for approval as part of the business plan
- (vi) Monitor the operational performance of the shared services on [a quarterly basis]
- (vii) Ensure service delivery is in accordance with the key performance indicators and agreed national, regional and local priorities
- (viii) Ensure effective action is taken to remedy any under-performance in the delivery of services
- (ix) Monitor the financial performance of each shared service – quarterly report and monthly updates
- (x) Determine the terms of employment of all staff within the shared service functions
- (xi) Determine the arrangements for support services in agreement with the Host Authority and participating Authorities, in consultation with the Head of Shared Service
- (xii) Produce an annual report to the member Authorities by no later than 30th June in each year covering the performance of the shared services in the 12 month period ending on the preceding 31st March
- (xiii) Co-operate with and participate in Overview and Scrutiny exercises of the Member Authorities
- (xiv) Review the operation and effectiveness of the shared service arrangements at least every two years, consider ways in which the Shared Services partnership can be expanded and make recommendations to the Member Authorities as appropriate

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Policy Document

Members ICT Facilities

[07/03/2011]

Document Control

Organisation	Bromsgrove District Council
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Author	Mark Hanwell
Filename	Members ICT Facilities v1.2.doc
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Revision History

Revision Date	Reviser	Previous Version	Description of Revision
07/03/2011	Mark Hanwell	N/A	Second Draft.
29/03/2011	Mark Hanwell	1.0	V1.1 Third Draft.
30/03/2011	Mark Hanwell	1.1	V1.2 Amendments following new comments received.

Document Approvals

This document requires the following approvals:

Sponsor Approval	Name	Date
Head of Business Transformation	Deborah Poole	
CMT		
Members		

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1 Policy Statement

Bromsgrove District Council has 39 Council Members, plus 3 Independent Members of the Standards Committee, who require access to information to enable them to perform their duties as a councillor. Much of this information can be provided electronically via email, word processing and spreadsheet files. The Council's general presumption is for electronic provision of information / transaction of business.

2 Purpose

The purpose of this policy is to ensure that Bromsgrove District Councillors can access Information and Communication Technology (ICT) facilities and work within government frameworks such as the 'Code of Connection' (CoCo).

The Council holds large amounts of personal and restricted information. Information security is very important to help protect the interests and confidentiality of the Council and its customers. Information security cannot be achieved by technical means alone. Information security must also be enforced and applied by the people who use it and those who provide support for it.

3 Scope

This policy applies to any Councillor that requires access to Council information systems such as email or other documents, whether it is a temporary or permanent arrangement.

4 Definition

The Council understands that to reduce the risk of theft, fraud or inappropriate use of its information systems, anyone that is given access to Council information systems **must**:

- Be suitable for their roles.
- Fully understand their responsibilities for ensuring the security of the information.
- Only have access to the information they need.
- Request that this access be removed as soon as it is no longer required.
- Complete Data Protection training to ensure Members are clear on how information can be used when they are working on behalf of the council and when they are working on behalf of constituents, and how it should be stored.
- Ensure that no personal information that could be in breach of the data protection act, is stored on their laptop or other unencrypted device.

This policy must therefore be applied prior, during and after any user's access to information or information systems used to deliver Council business.

Access to Council information systems will not be permitted until the requirements of this policy have been met.

5 Provision for ICT equipment.

The Council recognises that individual Councillors have different requirements for how they need to access electronic information. This has led to several options being made available to accommodate the requirements, whilst remaining within the budget and resource limitations of the Authority. Should the limits of the budget be reached, the Leader of the Council will identify priorities for scheduling of ICT equipment.

Whichever choice is, or is not, selected, the council will no longer automatically forward Council emails to personal email accounts such as hotmail, Google mail etc from June 1st 2011. This is to ensure the authority complies with the Government's code of connection.

Choice 1

The Authority will provide a laptop or PC that is technically secure, to enable the Councillor to access the internet, Corporate Email, Modern.Gov, Microsoft Office and necessary documents.

Broadband services are to be provided by the Councillor and expenses for these claimed through the normal expenditure claim process at £100 per year (maximum 1 per household).

Support for this laptop/PC will be provided by the authority's ICT department (helpdesk@bromsgrove.gov.uk) or telephoning 01527 881266 during normal office hours.

All internet usage and emails sent and received via the corporate email facility, will be subject to automated scanning, monitoring and filtering to ensure other implemented policies are met (please see section 9).

It is the Councillor's responsibility to ensure their password for accessing any Corporate Information service is not shared with any other person and that connection to such services is ended by logging off the system, as soon as work is completed or the connection is left unattended. This is to prevent unauthorised access to information.

If it suspected that someone else may know their password, or any security problem has occurred, Councillors must report this to the helpdesk immediately so it can be rectified.

The Councillor shall make reasonable arrangements for the safe-keeping of the computer.

Ensure that any computer which is in need of repair is brought to the Council's ICT Section for the appropriate work to be done.

The Council provides the computer together with ancillary equipment and materials required, for the Councillor's functions as a Councillor. Use of this equipment for any other reason, including personal use or use by anyone other than a Councillor is not permitted.

All ICT equipment provided by the authority remains the property of the Council and must be returned at the end of the election term.

Choice 2

The authority will provide a device that enables an existing PC or laptop owned by the Councillor to access the internet, Corporate Email, Modern.Gov, Microsoft Office and necessary documents.

This choice will depend on the technical ability of the PC or Laptop to load from a council provided device and may require the council ICT team to make changes to the PC/Laptop.

Broadband services are to be provided by the Councillor and expenses for these claimed through the normal expenditure claim process at £100 per year (maximum 1 per household).

Support for the PC/laptop will be limited to resolving any issues with accessing Corporate information systems and will be provided by the authority's ICT department (helpdesk@bromsgrove.gov.uk) or telephoning 01527 881266 during normal office hours.

Whilst connected to the Council's systems, all internet usage and emails sent and received via the Corporate email facility, will be subject to automated scanning, monitoring and filtering to ensure other implemented policies are met (please see section 9).

It is the Councillor's responsibility to ensure their password for accessing any Corporate Information service is not shared with any other person and that connection to such services is ended by logging off the system, as soon as work is completed or the connection is left unattended. This is to prevent unauthorised access to information.

If it suspected that someone else may know their password, or any security problem has occurred, Councillors must report this to the helpdesk immediately so it can be rectified.

All ICT equipment provided by the authority, remains the property of the Council and must be returned at the end of the election term.

Blackberry Devices

In addition to the choices highlighted above, the Leader of the Council and the Deputy of the Council will have Blackberry mobile devices provided by the council.

Should councillors wish to use their own privately owned blackberry device to access council emails, this can be achieved although all emails appear in one inbox on the device. For this reason it is particularly important that members are aware of their responsibilities with regards to Data Protection and the policies outlines in section 9.

6 Policy Compliance

If any Member is found to have breached this policy, IT provision will be withdrawn. If a criminal offence is considered to have been committed further action may be taken to assist in the prosecution of the offender(s).

If you do not understand the implications of this policy or how it may apply to you, please seek advice from Members' Services or ICT.

7 Policy Governance

The following table identifies who within the council is Accountable, Responsible, Informed or Consulted with regards to this policy. The following definitions apply:

- **Responsible** – the person(s) responsible for developing and implementing the policy.
- **Accountable** – the person who has ultimate accountability and authority for the policy.
- **Consulted** – the person(s) or groups to be consulted prior to final policy implementation or amendment.
- **Informed** – the person(s) or groups to be informed after policy implementation or amendment.

Responsible	ICT Transformation Manager
Accountable	Head of Business Transformation
Consulted	Corporate Management Team, Members' Services
Informed	All Councillors.

8 Review and Revision

This policy will be reviewed as it is deemed appropriate, but no less frequently than every 12 months.

Policy review will be undertaken by the ICT Manager.

9 References

The following Bromsgrove District Council policy documents are directly relevant to this policy.

- Email Policy.
- Internet Acceptable Usage Policy.
- IT Access Policy.
- Information Protection Policy.
- Information Security Incident Management Policy.
- Members' Code of Conduct and related Codes and Protocols.

Receipt and acceptance statement

I, Councillor _____ have chosen to select option ____ from the options contained within this policy and agree to comply with the policy items as stated within this document.

Signed _____ Date _____

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**LOCAL DEVELOPMENT FRAMEWORK WORKING PARTY
(Parent Committee - Cabinet)**

Number of Members	13
Politically Balanced Y/N	N <i>Note: In establishing the Committee, Cabinet requested that the membership of the Committee should be both representative of the Council and geographically representative of the district</i>
Quorum	4
Procedure applicable	Rules Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 18.2, 20.1 and 22)
Terms of Reference	To consider matters of planning policy as more particularly set out below and either:- (i) make recommendations to Full Council; or (ii) provide feedback to Cabinet on issues it is considering; or (iii) where deemed appropriate by the Chairman of LDFWP in consultation with the Head of Planning and Regeneration, the Leader and the relevant portfolio holder, make recommendations to Cabinet. (i) Items to be considered with recommendations to Full Council:- • All new policy documents including Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs) at all stages (draft, pre-submission, submission and adoption); • Community Infrastructure Levy (CIL) charging schedule; • Significant responses on external public consultation including DPDs /SPDs for other local authorities where consequences for BDC could be significant. • Responses to significant central government consultation.

	(ii) Items to be considered with feedback to Cabinet:- • Evidenced based consultations including Technical reports such as Strategic Flood Assessment, Housing Market Assessment and Highways Modelling, and monitoring reports such as annual monitoring and employment land review. • Project Plans such as Local Development Scheme, Statement of Community involvement or other procedural document. • Minor Consultation Responses on external public consultation including DPDs /SPDs for other local authorities or other government consultation where no significant consequences for BDC are envisaged. Note: Items under both sub section (i) and sub section (ii) may be the subject of consideration and recommendation to Cabinet where deemed appropriate in accordance with (iii) above.
Special provisions as to the Chairman	None
Special provisions as to membership	None

BROMSGROVE DISTRICT COUNCIL AND REDDITCH BOROUGH COUNCIL

SHARED SERVICES BOARD

22nd March 2011

SHARED SERVICES / TRANSFORMATION PROGRAMME TIMELINE

1. SUMMARY

- 1.1 This report presents for consideration by the Shared Services Board a revised Shared Services and Transformation Programme timeline. The timeline has been reworked to deliver the programme earlier than originally planned. The original programme was scheduled for delivery over a three year period. The revised timeline shortens this to eighteen months.

2. RECOMMENDATIONS

- 2.1 It is recommended that the Shared Services Board:

Approve the revised Programme timeline for the delivery of Shared Services and Transformation between the two councils.

3. BACKGROUND

- 3.1 In light of the recent reduction in government grant funding the Transformation Programme Board have explored the possibility of reducing the time it takes to deliver the initial shared services and transformation programme. All Heads of Service have been involved in these discussions and have approved the attached timeline (Appendix 1)
- 3.2 The six key service areas that would benefit from transformational system thinking are unchanged from the original programme timeline. These areas are listed below:

2011

- Revenues and Benefits (although these will be undertaken jointly due to the cross over of the issues / working practices it is worth recognising that they are distinct areas)
- Environmental Services
- Housing
- Worcestershire Enhanced Two Tier (WETT) Regulatory Services

2012

- Planning (including Development Control, Conservation & TPOs)
- Community Services/Community Cohesion

- 3.3 It is worth noting that the while the main services above are scheduled for transformation in the first eighteen months all services will eventually be transformed by the use of systems thinking. With regard to the service areas outlined above it is felt that these service areas should be “transformed” before a shared service is considered due to their direct impact on customers.
- 3.4 The shared service aspect of the programme (Appendix 1) is based on the same eighteen month timeline and would see a number of services being shared at the same time as the above transformational activities are carried out.
- 3.5 In considering the proposed shared services / transformation programme the Board are asked to note the following:
- As the timeline has been shortened there may be an increased impact on day to day performance in some service areas. This may increase the need for interim management structures to reduce the impact on day to day activities and to free capacity to carryout transformation work.
 - The proposed revised timeline will be released to staff once approval has been obtained from the board.

4. FINANCIAL IMPLICATIONS

- 4.1 None arising directly from this report, although indirectly the intention of the programme plan is for each service area to deliver efficiencies/savings and improvements in service quality.

5. LEGAL IMPLICATIONS

- 5.1 None

6. POLICY IMPLICATIONS

- 6.1 None

7. COUNCIL OBJECTIVES

- 7.1 Each Council will need to ensure any proposals support its own Council Objectives.

8. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

- 8.1 None arising directly from this report. However, it is envisaged that risks will be mitigated and controlled as part of the programme and project governance.

9. CUSTOMER IMPLICATIONS

- 9.1 No direct impact on the Customer arising from this report, although indirectly the intention of each area is to deliver efficiencies/savings or improve service quality to the ultimate benefit of the customer.

10. EQUALITIES AND DIVERSITY IMPLICATIONS

- 10.1 None arising directly from this report. These will be addressed as each proposed service area is considered for sharing or transformation.

11. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

- 11.1 The delivery of efficiencies, in light of recent reductions in central government funding, is the main driving force behind the revision of the shared service/transformation programme.

12. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

- 12.1 None

13. HUMAN RESOURCES IMPLICATIONS

- 13.1 None arising directly from this report. However, it is envisaged that any HR implications will be included as part of the programme and project governance.

14. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

- 14.1 None arising directly from this report. However, it is envisaged that there may be short term performance implications in some service areas while the programme is being delivered.

15. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998

- 15.1 None

16. HEALTH INEQUALITIES IMPLICATIONS

- 16.1 None

17. LESSONS LEARNT

- 17.1 None

18. COMMUNITY AND STAKEHOLDER ENGAGEMENT

- 18.1 None

19. WARDS AFFECTED

All Wards

20. APPENDICES

Appendix 1 Shared Services / Transformation Timeline

21. BACKGROUND PAPERS

None

AUTHOR(s) OF REPORT

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Proposed Shared Service / Transformation Programme

V7

Head of Service Area	Services	Lead Officer	Status	2010				2011												2012												2013																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																		
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V7

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Transformation
Rescheduled Trans

Shared Services
Rescheduled SS

Shared S. & Transf. Programme Board (FULL)	SSB (members)	Executive Cabinet BDC	Executive Comm RBC	Full Council RBC	Full Council BDC
02.03.11	22.03.11	06.04.11	21.02.11	21.02.11	23.02.11
30.03.11	19.05.11	01.06.11	22.02.11	28.03.11	16.03.11
27.04.11	30.06.11	29.06.11	15.03.11	06.06.11	20.04.11
25.05.11	18.08.11	07.09.11	31.05.11	25.07.11	20.07.11
22.06.11	29.09.11	05.10.11	21.06.11	05.09.11	14.09.11
20.07.11	10.11.11	02.11.11	12.07.11	17.10.11	16.11.11
17.08.11		07.12.11	02.08.11	05.12.11	18.01.12
14.09.11		04.01.12	23.08.11	16.01.12	14.03.12
12.10.11		01.02.12	13.09.11	21.02.12	18.04.12
09.11.11		07.03.12	04.10.11	05.03.12	
07.12.11		04.04.12	25.10.11	16.04.12	

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Cabinet

6th April 2011

COUNCIL PLAN 2011-14

Relevant Portfolio Holder	Councillor Roger Hollingworth, Leader of the Council
Relevant Head of Service	Hugh Bennett, Director of Policy, Performance and Partnerships
Key Decision	

1. SUMMARY OF PROPOSALS

To agree the Council Plan for 2011-2014 including the action plan which sets out how the Council's priorities will be delivered.

2. RECOMMENDATIONS

- 2.1 **Cabinet are asked to RECOMMEND to the Council that the Council Plan 2011-2014 attached at Appendix 1 be approved.**

3. BACKGROUND

- 3.1 Last year Members considered the Council Plan Part 1 report which set out the Council's vision and priorities. The vision and priorities were recommended to be reconfirmed and this was subsequently approved by Full Council.
- 3.2 The Council's vision is "Working together to build a district where people are proud to live and work, through community leadership and excellent services".

4. KEY ISSUES

- 4.1 The Council Plan has been developed to reflect the strategic focus presented in the Council Plan Part 1 report and considers the national, regional and local context in which the Council operates.
- 4.2 The Council Plan sets out what each priority aims to achieve through a number of key deliverable, and the actions that will take place to support each of the key deliverables.
- 4.3 A range of performance indicators have been developed which will assist in monitoring progress within each priority area and these will form the basis for quarterly performance reporting to Cabinet during 2011/2012.

5. FINANCIAL IMPLICATIONS

- 5.1 The Medium Term Financial Plan approved at Full Council has clear links with the delivery of the Council Plan. Agreed budget bids for specific key deliverables are detailed throughout the action plan.

6. LEGAL IMPLICATIONS

- 6.1 There are no legal implications arising directly from this report.

7. POLICY IMPLICATIONS

- 7.1 The Council Plan 2011-14 will replace the current Plan and will require full Council approval.

8. COUNCIL OBJECTIVES

- 8.1 The Council's priorities are supported by a range of Council wide and service specific key deliverables and associated actions which are detailed in the Council Plan.

9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

- 9.1 The Council Plan is supported by the corporate risk register. Proactive risk management features as an action within the Governance key deliverable.
- 9.2 This report does not identify any Health and Safety Considerations.

10. CUSTOMER IMPLICATIONS

- 10.1 The actions and key deliverables are set out in the Council Plan to enhance the quality of services provided to customers.
- 10.2 Improved customer experience is proposed as a specific key deliverable, incorporating actions from the Customer Experience Strategy which Full Council has approved.
- 10.3 The Council Plan, when approved, will be published on the Council's website and staff intranet.

11. EQUALITIES AND DIVERSITY IMPLICATIONS

- 11.1 None arising directly from this report; however the Council Plan contains actions and performance indicators in relation to equalities and diversity.

12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

- 12.1 No direct implications although the Council Plan contains actions relating to shared services, service transformation and efficiencies.

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

- 13.1 The Council's priority 'Climate Change' aims to support measures to tackle climate change.
- 13.2 There is a specific key deliverable proposed to reduce the Council's carbon emissions.

14. HUMAN RESOURCES IMPLICATIONS

- 14.1 Actions to reduce staff sickness and improve the employee climate and organisational culture are detailed within the Council Plan.

15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

- 15.1 The Council plan is a key component of the Council's governance and performance management arrangements. Associated actions are set out under the priority 'Value for Money'.

16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998

- 16.1 The Council's priority 'One Community' covers community safety and community cohesion.

17. HEALTH INEQUALITIES IMPLICATIONS

- 17.1 The Council's priority 'One Community' covers health.

18. LESSONS LEARNT

- 18.1 The Council Plans for both Bromsgrove District and Redditch Borough Councils are now aligned in terms of format and production which has streamlined the strategic planning process.

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

- 19.1 None directly in relation to this report, but the Budget Jury were engaged in discussions around the Council's priorities and proposed key deliverables.

20. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	At Portfolio Holder's Briefing
Chief Executive	At CMT
Executive Director (S151 Officer)	At CMT
Deputy Chief Executive/Executive Director – Leisure, Environment and Community Services	At CMT
Executive Director – Planning & Regeneration, Regulatory and Housing Services	At CMT
Director of Policy, Performance and Partnerships	Yes
Head of Service	At CMT
Head of Resources	At CMT
Head of Legal, Equalities & Democratic Services	At CMT
Corporate Procurement Team	No

21. WARDS AFFECTED

All Wards

22. APPENDICES

Appendix 1 - Council Plan 2011-2014

23. BACKGROUND PAPERS

Council Plan 2010-2013
Council Plan Part 1
Service Business Plans 2011

AUTHOR OF REPORT

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Bromsgrove District

Council Plan 2011-2014

"Working together to build a district where people are proud to live and work, through community leadership and excellent services".



Bromsgrove
District Council

www.bromsgrove.gov.uk




EQUALITY
FRAMEWORK
FOR LOCAL
GOVERNMENT
ACHIEVING



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1. Foreword from the Leader

Welcome to the Bromsgrove District Council Plan. The Plan sets out a “road map” for the Council’s work between now and 2014.



The Council operates in a complex environment, having to balance public expectation of the Council’s services alongside the Government’s shared priorities for local government and statutory obligations, as well as understanding the demographic issues we face, in particular, a commuting workforce and an ageing population. The current climate of economic uncertainty has impacted on all public services; whilst we seem to be over the worst, there has been a year on year reduction in grants from central Government, as well as a loss in interest and significant reduction in turnover. The Council has a clear plan for addressing the current situation and was one of the first councils in the UK to pursue a single management team and shared services through our partnership with Redditch Borough Council. Shared Services is not just about saving money; it is about providing efficient and more cost effective services for our customers while keeping the uniqueness and political sovereignty of both Councils. What this means for customers is that we are giving ourselves the greatest possible opportunity of maintaining the best offer to the public.

The Council has managed to set a balanced budget in very difficult circumstances and a zero increase in Council Tax. However, the Revenue Support Grant from the Government has fallen by 27.7%. Over the next three years the Council will need to find £1,800,000. £200,000 will be found from additional income, £300,000 from various proposed savings, leaving an additional £1,300,000 to be found from shared services, transformation and alternative delivery.

As a Council, we recognise the issues that face the District and are working hard to tackle them. The need to regenerate our town centre is a key priority, with a super store and the Area Action Plan- the master plan for town centre regeneration- all planned for the next few years. We also need to ensure that we have sufficient affordable housing and that we meet the needs of our ageing population.

The Council Plan brings together all the different information that influences Council services and articulates our ambitions for the Council and the District into measures of success we understand and can work toward. The Council Plan is the starting point for driving the Council’s performance management framework, medium term financial plan, annual budgets and corporate risk register. As a result, we do not expect the Plan to be left on a shelf, but to be a living document, that decision-makers refer to in order to provide an effective strategic direction for the Council.

The Council Plan was developed by Members and officers considering a range of information from residents including customer surveys and focus groups, as well as considering our current performance, national legislation, the County and District Community Strategies and our financial position. I very much hope that the Plan reflects the best part of local, county, regional and national aspirations for our District. Every year we will refresh the Council Plan to ensure we are listening and reflecting the views of our communities.

Roger Hollingworth
Leader of the Council

Kevin Dicks
Chief Executive of Bromsgrove
District & Redditch Borough Councils

An electronic version of this plan can be found on our website:
www.bromsgrove.gov.uk

2. What is the Council Plan?

The Council Plan forms one link in a chain of plans and strategies that link to each other to achieve a vision for the County of Worcestershire. The priorities set out in each plan contribute to and complement those set in the level above them in the hierarchy.

The hierarchy of plans and strategies



Bromsgrove District Council Plan for 2011 to 2014 is effectively the business plan for the Council and demonstrates how the Council will work towards achieving the overall vision for the District set out in the Sustainable Community Strategy which was developed on the basis of extensive consultation with our residents.

The Council Plan identifies our contribution to this vision, and gives firm commitments on how the Council will deliver on its vision. The Council has six priority areas:

- ⇒ Economic Development
- ⇒ Town Centre
- ⇒ Value for Money
- ⇒ One Community
- ⇒ Housing
- ⇒ Climate Change

It also explains what the Council will be doing to keep its own house in order, to ensure we continue to be a well managed organisation.

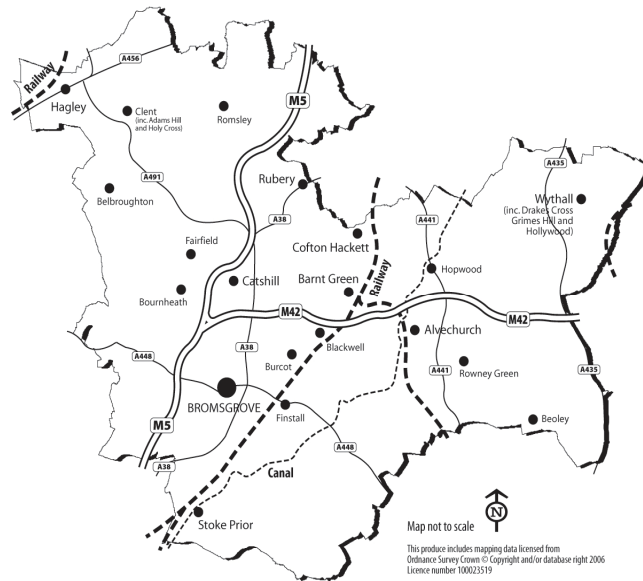
The Council Plan will be updated on an annual basis. A separate Annual Report will report on our performance demonstrating how well we are doing - our 'direction of travel' against our priorities. The Plan sets out actions over one to three years, demonstrating that continued improvement of the District is not a quick fix, but the result of focussed, long-term ambition.

In developing the Council Plan, we have taken into account not only the Bromsgrove Sustainable Community Strategy (SCS), but also the aspirations of our residents and the particular features of Bromsgrove as a District.

The Council Plan predominantly addresses the short and medium term (up to three years) aims and objectives of the District Council, but recognises where issues are likely to be ongoing in the long term. The Plan also outlines how the Council will proactively manage its resources in order to achieve its objectives. The Medium Term Financial Plan (MTFP) sets out the funding arrangements for the Council's priorities. The Plan seeks throughout to address the issues and views of a wide variety of stakeholders, including residents, Members of the Council and partner organisations.

3. Bromsgrove- Introducing the District

Figure 1: Map of Bromsgrove District



The town of Bromsgrove accounts for just over a third of the total population of the District, with other population clusters including Hagley, Rubery and Wythall. Data suggests that 16,643 people travel into the District for work, with 26,112 (29%) of the population travelling out, a net commute out of 9,469.¹ There are congestion issues along the A38 to the M42 and the railway station does not have capacity to cope with demand. The District has no wards in the top 20% most deprived in England, in fact, there are a number of areas in Bromsgrove that fall within the least deprived 20% across the country, highlighting that the District is overall fairly affluent.

¹ ONS 2001 Census

Population

The population of the District is estimated to be approximately 93,400 and there is a fairly even split between male and female inhabitants with 50.5% female and 49.5% male.² 92.5% of Bromsgrove residents are White British or White Irish and of the remaining 7% of the population, the ethnic group with the largest population size is White Other (1.6%), a group which includes people of Eastern European origin. 5.9% of the population is from other ethnic minority groups.³

A defining characteristic of the District is its ageing population. The District has slightly more people aged over 40 than the average for the County. Currently, approximately 20% of the population are aged over 65 and this proportion is set to increase around 30% by 2026.⁴ It is expected that this increasing ageing population will have a significant impact on policy and planning for the District, with specific regard to community safety, health and the strength of communities.

Economy

The economic picture of the District is comparatively positive despite the current economic downturn, although like everywhere, the District has really felt the impact of the recession. The mean annual household income is approximately £41,000, which is the highest in the County (the County average is approximately £37,000).⁵ Whilst the average household income is high at District level, it is significantly lower in Charford, Sidemoor, Catshill and St Johns Wards. Unemployment, whilst comparatively low, has risen from 1.4% a year ago to 3.7% in June 2009.⁶ This rate refers to the proportion of the working age population (based on the 2001 census) claiming Jobseekers Allowance. Data from May 2010

² ONS Mid-2009 estimates

³ ONS mid-2007 population estimates

⁴ ONS projections - Research and Intelligence Unit, Worcestershire County Council

⁵ PayCheck 2010

⁶ Monthly Economic Assessment, Research and Intelligence Unit, Worcestershire County Council.

indicates that just 7.3% of the working age population (based on mid-2007 population estimates) claim key out of work benefits⁷ which is the lowest rate in Worcestershire.⁸ VAT registrations have fallen slightly⁹ and are consistent with the national trend away from manufacturing, towards more service based industries.

There are three major areas of economic regeneration within the District: the Longbridge site, Bromsgrove town centre and Bromsgrove railway station. The area action plan for the Longbridge is in place, but delayed due to the changing economic conditions. Bromsgrove town centre needs a major overhaul to encourage local shopping and to be able to compete with neighbouring shopping centres. Bromsgrove station's funding remains an issue- a new station would have a significant impact on Bromsgrove town, due to the planned Cross City Line electrification being extended to Bromsgrove and as a result bringing the town more into Birmingham City's economic orbit.

Housing

One of the biggest issues facing the District is affordable housing: 83.4% of households are owner occupied,¹⁰ the 11th highest figure in England and Wales, and as of the summer of 2010 the mean average house price was £237,536.¹¹ This figure is only slightly below the 2007 annual house price of £237,599. The target for affordable housing, as stated in the Bromsgrove District's Housing Strategy for 2006-2011, is 400 over the 5 year period, equating to 80 units of affordable housing per year. The Council and Bromsgrove District Housing Trust will tackle this issue by ensuring the new developments (such as the Longbridge site, the town centre and any future housing allocation the District has to take as a result of future housing policy) have an appropriate mix of

⁷ Key income related benefits include Jobseekers Allowance, Lone Parent on Income Support and Incapacity Benefits

⁸ Department for Works and Pensions 2010

⁹ ONS 2010- Worcestershire County Economic Assessment 2010-11

¹⁰ ONS 2001 Census

¹¹ Land Registry 2010 - Worcestershire County Economic Assessment 2010-11

housing, for example, outright ownership, shared ownership schemes, low cost home ownership and rented accommodation.

Whilst ensuring we provide enough affordable housing, we will also need to take increasing account of the expansion of our older population. A housing market survey, commissioned by BDHT and the Council, suggests an estimated need of 7,350 properties across all tenures. To date the debate has tended to focus on affordable housing; however, the survey has also identified the need for housing for older people. Meeting the needs of the rising 85+ population will require a good supply of sheltered, care at hand and extra care housing.

The need to keep our young people in our communities and our older people cared for within our communities applies not just to planned big developments (like Longbridge), but also our existing urban and rural communities. We will also ensure an adequate supply of good quality temporary accommodation to ensure there is a safety net for those people made homeless through difficult circumstances.

Education, Deprivation and Health

The overall proportion of the District's population (16-74) with no qualifications is lower than both the County and national averages at 26.1% compared to 28.1% and 28.9% respectively. Furthermore, the percentage of the population qualified to NVQ Level 4/5 is also higher than the regional and national averages.¹² GCSE results gained at local authority schools and colleges in Worcestershire in 2010 were amongst the highest in the country (64% achieved five or more GCSEs at A*-C including English & Maths).¹³ The District ranks 299th out of 354 councils on the national index of multiple deprivation 2007 (where 1 is the most deprived), making the District one of the least deprived nationally.¹⁴ It is also the only district in

¹² ONS 2011 Census

¹³ EPAS 2010- Worcestershire County Economic Assessment 2010-11

¹⁴ DCLG Indices of Multiple Deprivation 2007

Worcestershire to have become less deprived since 2004.¹⁵ As a result, identifying the vulnerable within our communities is more difficult than a district with geographic areas of deprivation.

Overall, the District's population is healthier than the England average. Hip fractures in the over-65s are the one indicator which is worse than the England average. Some key points relating to the health of people in Bromsgrove are: early death rates from heart disease and stroke and from cancer are lower than both the regional and England average; levels of deprivation and children in poverty are lower than the England average; and teenage pregnancy rates remain below national levels; however, there is a concern that lifestyles are becoming less healthy and potentially, we could be storing up problems for the future. For example, obesity in both adults and children is seen by NHS Worcestershire as major concern for Bromsgrove.¹⁶

Crime and Fear of Crime

Bromsgrove is known to be a low crime area and since 2008/09, total crime has reduced in the District, with British Crime Survey (BCS) Comparator Crime reducing by 12%;¹⁷ however, despite an overall reduction in actual crime, the fear of crime remains an issue. In general, 76% of residents have felt fearful about the possibility of any crime happening to them in the last 12 months, which is a small decrease on the 2008 figure of 80%.¹⁸ The crimes which residents fear the most are: house burglary and vandalism or damage to property. The issues of concern that were identified were: speeding traffic; groups of people loitering/hanging around in public places; and underage drinking.¹⁹

Climate Change and Sustainable Development

The Council shares a Climate Change Officer with Redditch Borough Council and agreed a Joint Climate Change Strategy in December 2010. In addition, the Council works with Act on Energy through the Bromsgrove Partnership. The Council is therefore well placed to respond to this agenda. Although there has been a change in national government, the desire to see our carbon emissions reduced remains a national priority and one that we want to play our part in locally.

The Climate Change Act (2008) requires an 80% reduction in our CO2 emissions by 2050. The Council measures the emissions from its operations every year and those of the Bromsgrove District as a whole. Through measuring our emissions, we have discovered that approximately 80% comes from our buildings and the rest from our fleet or business mileage. A key area of focus will therefore be our property assets. Where possible, we are installing energy saving technology in our buildings that will save us money and reduce our carbon emissions and using new technology, like solar panels, to generate energy. In order to progress this agenda, we need to make decisions on the future of our two main buildings – the Council House and the Dolphin Centre/Customer Service Centre – as part of the town centre regeneration project. Our Climate Change Officer is working closely with our town centre project team to ensure future plans town centre buildings are consistent with the climate change agenda.

Through the Bromsgrove Partnership Better Environment Theme Group, chaired by Act on Energy we are working in the community on fuel poverty, home insulation and micro-generation. At a strategic planning level, the Core Strategy, which is currently being consulted on, identifies the strategic issues the District faces over the next 15 years and how we aim to tackle these. The mitigation and adaptation of climate change issues is a key part of this document.

¹⁵ Ibid

¹⁶ Department of Health – Bromsgrove Health Profile 2010

¹⁷ British Crime Survey 2009/10

¹⁸ West Mercia Crime and Safety Annual Survey 2009

¹⁹ Ibid

4. Who Are We?

We are a District-level authority within the county of Worcestershire and work closely with neighbouring Redditch Borough Council with a shared Corporate Management Team.

The Council has a majority Conservative administration, with twenty-five Conservatives, six Labour, six Independents & Wythall Residents' Association and one unaffiliated. There is one vacant Ward seat due to a resignation at the start of 2011. The Council operates a modernised political structure with the Leader/Cabinet model, supported by two non-Executive Boards: Audit Board and Overview & Scrutiny Board. There is also a Planning Committee, Standards Committee and Licensing Committee. The Council has a Corporate Management Team (CMT) and a Chief Executive, Kevin Dicks.

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Currently, eight Councillors sit on the Cabinet, each of whom have a set of responsibilities referred to as a "Portfolio". Portfolio Holders are appointed annually by the Council and between them cover all areas of the Council's work and responsibility. "Portfolio" indicates a specified area of responsibility allotted by formal resolution, for the purposes listed below:

- Monitor Council performance.
- Monitor the implementation of Council policy and decisions.
- Act as consultee for Members and Officers.
- Act as "Spokesperson" for the Council (but not exclusively).
- Act as "Rapporteur" to Overview and Scrutiny and as a channel for feedback from representatives of outside bodies.
- Undertake a higher level of involvement with the Local Strategic Partnership.

The eight Portfolios are:

- **Policy, Performance, Partnerships and Economic Development**
– Cllr R. Hollingworth – Leader of the Council
- **Resources (including Finance, Customer Services, Legal, Equalities, Democratic Services and Human Resources)**
– Cllr G. N. Denaro – Deputy Leader of the Council
- **Community Services (including Leisure, Cultural Services, Environmental Services and Crime and Disorder/CCTV)**
– Cllr M. J. A. Webb
- **Planning and Regeneration**
– Cllr Mrs. J. Dyer M.B.E
- **Business Transformation with special responsibility for Town Centre Regeneration**
– Cllr Dr. D. W. P. Booth
- **Regulatory Services and Strategic Housing**
– Cllr P. J. Whittaker
- **Older People, the Young and Vulnerable People**
– Cllr Mrs. M. A. Sherrey
- **Community Cohesion and Engagement**
– Cllr R. D. Smith

Shared Services and Transformation

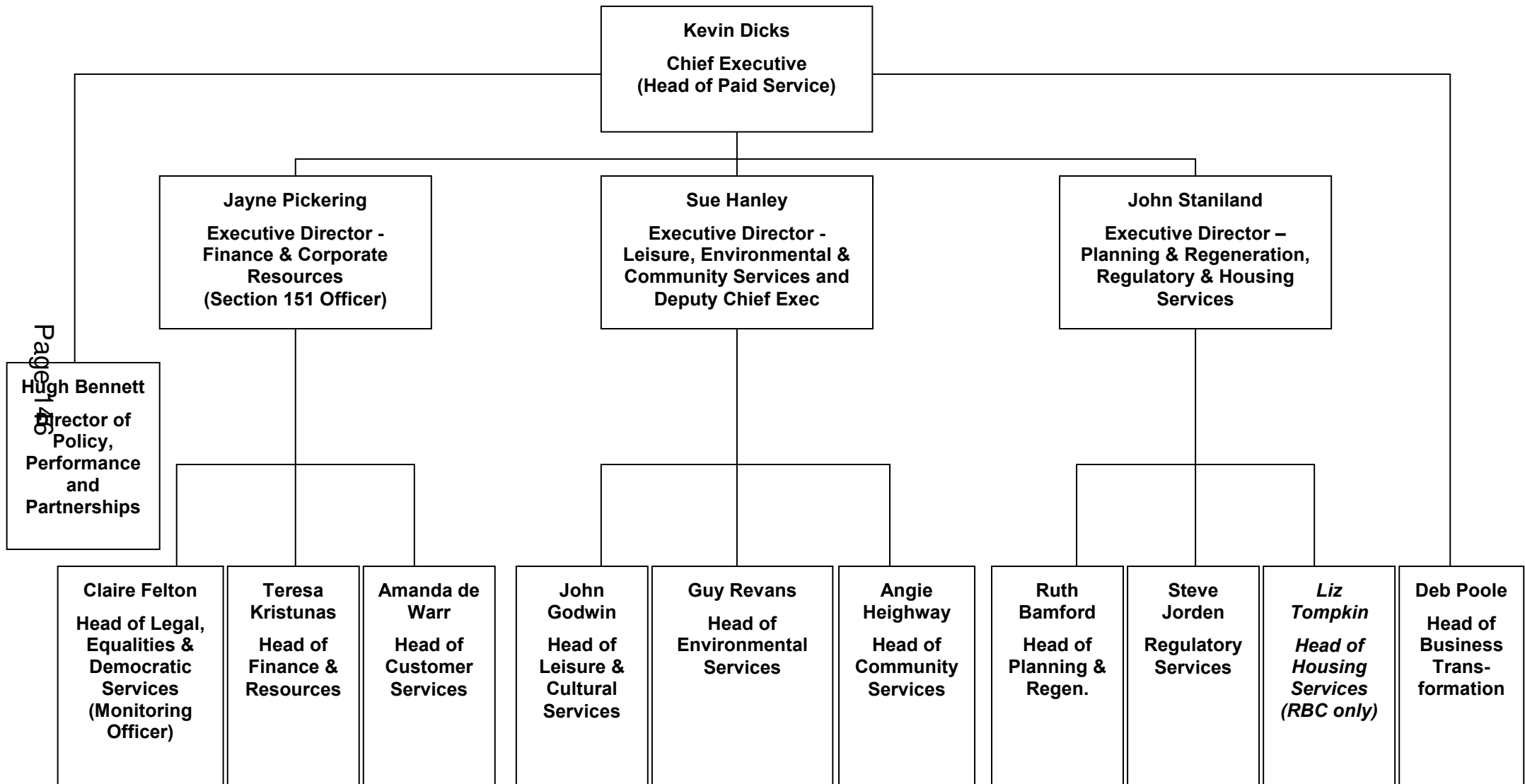
The Council has had a Shared Chief Executive with Redditch Borough Council on a trial basis since August 2008, an arrangement which was formalised in September 2009.

The formal appointment of a shared Chief Executive for the two councils has led to the subsequent appointment of a single management team for both councils. Four services are already shared: community safety, elections, CCTV and ICT.

A full transformation programme for both councils is currently being delivered, including a major review of the Revenues and Benefits service. The councils are also the host of the single county wide Regulatory Services function as part of the Worcestershire Enhanced Two Tier programme, while internal audit and property services have transferred to other hosts in the county. During 2011 a single North Worcestershire Economic Development Unit will be established, covering Bromsgrove, Redditch and Wyre Forest.

By pursuing Shared Services at a time when funding from Government for local authorities is being reduced, it will assist in providing a financially safer environment for both Councils to operate in. It will also give us a stronger voice both regionally and nationally.

CORPORATE MANAGEMENT TEAM STRUCTURE



5. Our Priorities 2011-2014



6. What We Do

Our Services

The Council is statutorily obliged to provide some services but has a choice about whether or not it provides the others. The services provided by Bromsgrove District Council include:

- Environmental Health
- Homelessness and housing advice
- Licensing Services
- Planning Services
- Revenue Collection
- Waste Collection
- Street cleansing
- Working in partnership with the Police and other organisations to improve community safety and tackle anti-social behaviour
- Economic Development
- Contact Centre and Customer Service Centres to provide a single point of contact for Council Services (telephone and face to face)
- A subsidised Bromsgrove Urban Rural Transport community transport scheme for those who have difficulty accessing public transport in the District.
- Shopmobility disability scooters and wheelchairs to enable disabled people to access the Town Centre
- Play Areas and multi activity play areas
- Playing pitches and associated changing facilities
- CCTV/Lifeline

- Community Services
- Landscape maintenance/improvements
- Market Services

The Council also has a community leadership role. This commits us to develop, together with our partners, a Sustainable Community Strategy. This sets out the key issues faced in the District and a plan to tackle them. The Government also places a responsibility on local authorities to shape their communities around the needs and aspirations of their residents.

7. Partnership Working

Bromsgrove Partnership

The Bromsgrove Partnership (the District's Local Strategic Partnership) is an established partnership of the key public, private and voluntary sector organisations operating within the District. The purpose of the partnership is to work together on a range of issues that require joined up thinking in order to deliver on our residents' aspirations. For example, we cannot regenerate the town centre, working on our own. We need to work with other property owners, both public, private and voluntary for a joined up solution to the town centre.

The partnership operates a board, chaired by the Leader of the Council Councillor Roger Hollingworth and series of theme groups, which are the delivery arms of the partnership. A diagram of the partnership is set out overleaf.

The Sustainable Community Strategy is the business plan for the Bromsgrove Partnership and sets out a vision for the District and is concerned with addressing issues important to residents, the business community and visitors to the District. It is based on an understanding of the available evidence and focuses on the way in which services are delivered and how they can be improved for everyone's benefit. The Strategy is a developmental, rolling document and the priorities identified may change over time as improvements are realised and new issues emerge. The aims and objectives of the Strategy are to provide a co-ordinated approach to improving the quality of life for everyone in the District.

It is important that the Bromsgrove Partnership is accountable to Elected Members, so each year we produce an annual report on the partnership's work. Equally, every time the Sustainable Community Strategy is updated, it is agreed by Elected Members. The next update is due in 2013.

Bromsgrove Partnership **Your District Your Future**



Bromsgrove **Sustainable Community Strategy 2010-2013**

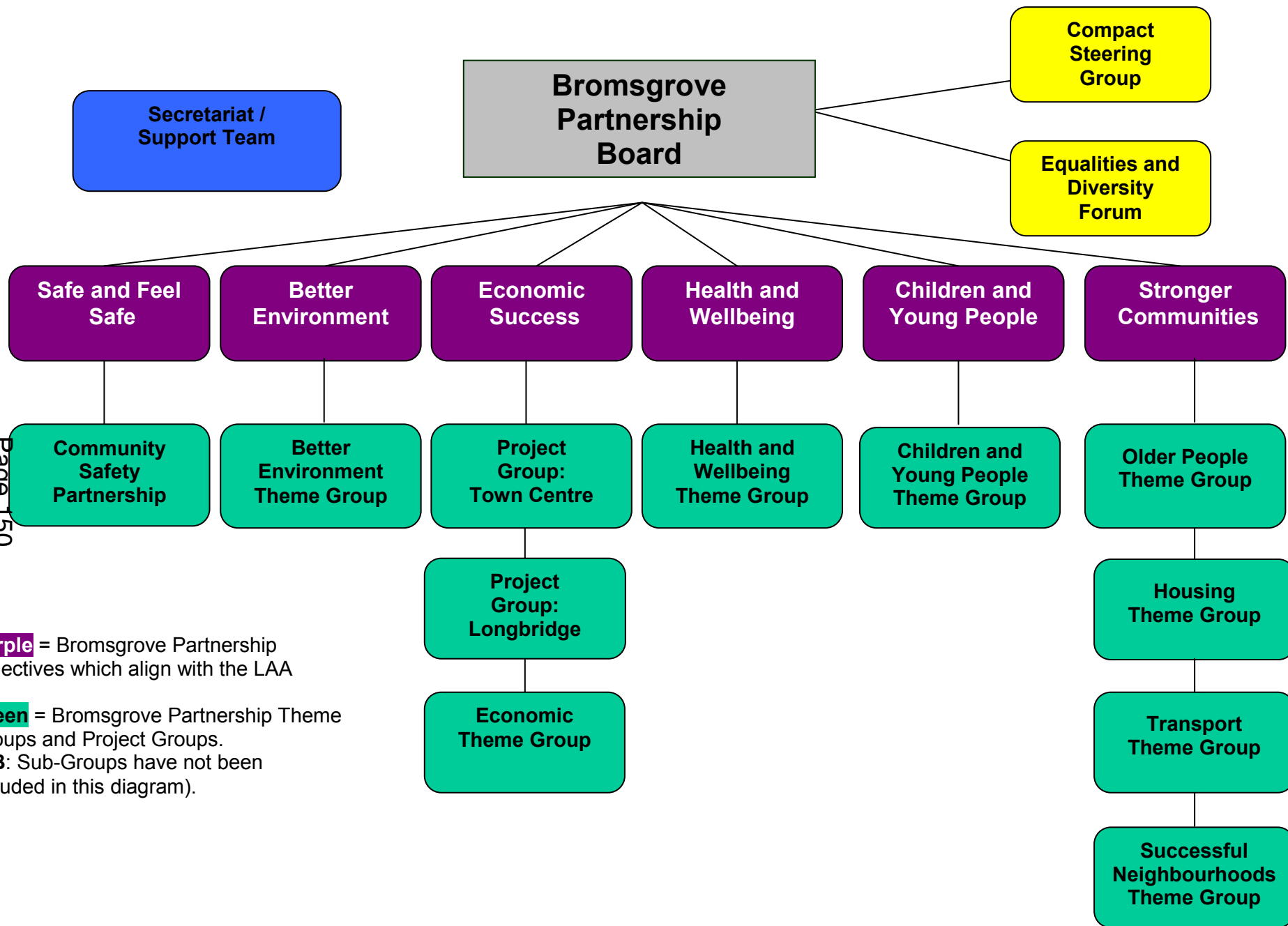
Our Vision: "We will make Bromsgrove District a better place to work, live and visit by driving forward change"

- Communities that are safe and feel safe
- Economic success that is shared by all
- Meeting the needs of children and young people
- Stronger communities
- A better environment for today and tomorrow
- Improving health and well being

Bromsgrove
Your District Your Future **Partnership**

Purple = Bromsgrove Partnership Objectives which align with the LAA

Green = Bromsgrove Partnership Theme Groups and Project Groups. (NB: Sub-Groups have not been included in this diagram).



8. How We Will Deliver Our Priorities

For each of the Council's priority themes, a set of key outcomes have been developed. Some of these are cross-cutting throughout the organisation whilst others are specific to a service. Key performance indicators have been developed where appropriate to measure progress and enable Councillors, residents and partners to track performance against the Council Plan.

Projects and tasks to support these key deliverables are included in the relevant Service Business Plans which are monitored by Departmental Management Teams.

The Council monitors and manages performance against a range of national and local performance indicators which are published on the Bromsgrove District Council website.

The Council Plan includes high level actions and indicators with others being detailed in the relevant Service Business Plans.

The table shows, for each priority, the outcomes to be achieved; the key objectives that contribute to those outcomes; and the key actions needed to achieve the objectives.

PRIORITY AREA:	Key Deliverables:
Economic Development (ED)	ED1: Improve the economic success of the district

Key Deliverable: ED1	Community Strategy Impact?	Key Performance Indicators		
Improve the economic success of the district	✓	New business start-up rate for North Worcestershire		
Key Actions		Timescales	Resources Additional to Base Budget	Lead Officer
North Worcs Economic Development Unit live		Jun 2011	1/3 North Worcs Manager	John Staniland
Bromsgrove Marketing Campaign		Mar 2012	£20,000	John Staniland
Supporting business case for new train station		Ongoing	Subject to business case	John Staniland

PRIORITY AREA: Town Centre (TC)	Key Deliverables: • TC1: Regeneration of the Town Centre
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Key Deliverable:TC1	Community Strategy Impact?	Key Performance Indicators		
Town Centre regeneration	✓	Number of vacant units in the town centre (as defined in the Area Action Plan)		
Key Actions		Timescales	Resources Additional to Base Budget	Lead Officer
• Agreement of Town Centre Area Action Plan		Mar 2012		John Staniland
• Sainsbury's- agree S106		Jun 2011		John Staniland
• Agreement on District Council's buildings- Dolphin Centre & Council House		Dec 2011		John Staniland
• High Street- work commenced		Mar 2012	S106 Contributions	John Staniland

PRIORITY AREA: Value for Money (VM)	Key Deliverables: • VM 1: Transformation / Shared Services / WETT • VM2: Corporate & Financial Strategy • VM3: Corporate & Financial Management • VM4: Corporate & Financial Reporting • VM5: Improved customer experience • VM6: Engagement / Equalities / Communications • VM7: Spatial planning • VM8: Human resources • VM9: Organisational Culture • VM10: Employee Climate • VM11: Governance
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Key Deliverable: VM1	Community Strategy Impact?	Key Performance Indicators		
Transformation / Shared Services / WETT	✓	Savings achieved 2011/12 – 2013/14 - £1,300,000		
Key Actions		Timescales	Resources Additional to Base Budget	Lead Officer
• Shared services programme delivered		Jul 2012		Kevin Dicks
• Transformation programme completed		Dec 2012		Deb Poole
• WETT programme completed (Property, Regulatory Services & Internal Audit)		May 2011		Kevin Dicks

Key Deliverable: VM2	Community Strategy Impact?	Key Performance Indicators		
Corporate & Financial Strategy	✓	Overall savings achieved 2011/12 – 2013/14 - £1,800,000		

Key Actions	Timescales	Resources Additional to Base Budget	Lead Officer
• Council Plan 2011 – 14 approved and published	Apr 2011		Hugh Bennett
• Three Year Medium Term Financial Plan approved	Feb 2012		Teresa Kristunas
• Lessons Learned Exercise (budget setting process)	Mar 2012		Hugh Bennett

Key Deliverable: VM3	Community Strategy Impact?	Key Performance Indicators
Corporate & Financial Management	✓	Additional procurement savings £50,000 Percentage of invoices for commercial goods and services that were paid by the Council within 30 days of receipt or within the agreed payment terms The percentage of council tax collected by the authority in the year The amount of housing benefit overpayments recovered as a percentage of all housing benefit overpayments

Key Actions	Timescales	Resources Additional to Base Budget	Lead Officer
• Development of systems thinking dashboard and quarterly reporting process	Dec 2011		Deb Poole Hugh Bennett
• Utilisation of procurement to deliver cashable savings	Mar 2012		Teresa Kristunas
• Freeze on non-essential expenditure through financial and scrutiny of vacancies	Mar 2012		Teresa Kristunas

Key Deliverable: VM4	Community Strategy Impact?	Key Performance Indicators
Corporate & Financial Reporting	✓	External Audit approval of full accounts

Key Actions		Timescales	Resources Additional to Base Budget	Lead Officer
• Statement of Accounts presented to Full Council		30 June 2011		Teresa Kristunas
• External audit		30 Sep 2011		Hugh Bennett Teresa Kristunas
• Annual Report published		31 Oct 2011		Hugh Bennett

Key Deliverable: VM5	Community Strategy Impact?	Key Performance Indicators		
Improved customer experience	✓	Percentage of customers satisfied with the service received Percentage of complaints handled within the agreed timeframes		
Key Actions		Timescales	Resources Additional to Base Budget	Lead Officer
• Improve the Customer Service Centre experience		Dec 2011		Amanda De Warr
• Implement 1/3 Customer Experience Strategy Action Plan		Mar 2012		Amanda De Warr
• Increase the range of services offered in the Customer Service Centre		Mar 2012		Amanda De Warr

Key Deliverable: VM6	Community Strategy Impact?	Key Performance Indicators		
Engagement / Equalities / Communications	✓	Percentage of residents who believe that the Council provides value for money Percentage of people who believe people from different backgrounds get on well together in their local area Percentage of residents who have been involved in decisions that affect		

		the local area in the past 12 months Percentage who agree that they can influence decisions in their local area		
Key Actions		Timescales	Resources Additional to Base Budget	Lead Officer
• Proactive management of communications		Mar 2012		Hugh Bennett
• Development of a joint Community Engagement Strategy		Dec 2011		Hugh Bennett
• Review changes to equalities legislation and assessment mechanisms		Sep 2011		Hugh Bennett
• Review engagement and equalities mechanisms		Sep 2011		Hugh Bennett

Key Deliverable: VM7	Community Strategy Impact?	Key Performance Indicators		
Spatial Planning	✓			
Key Actions		Timescales	Resources Additional to Base Budget	Lead Officer
• Consultation and agreement of the Core Strategy		Mar 2012		Ruth Bamford
• Adoption of the Core Strategy		Mar 2013		Ruth Bamford

Key Deliverable: VM8	Community Strategy Impact?	Key Performance Indicators		
Human Resources	✓	Number of working days / shifts lost to the local authority due to sickness per full-time equivalent staff member		
Key Actions		Timescales	Resources Additional to Base Budget	Lead Officer

• Job Evaluation process completed	Mar 2011*		Teresa Kristunas
• Harmonise Terms & Conditions	May 2011*		Teresa Kristunas
• Review human resources capacity for the delivery of the shared services / transformation agenda	Mar 2011		Teresa Kristunas
• Hold monthly sickness absence management meetings	Monthly		Teresa Kristunas

*subject to collective agreement

Key Deliverable: VM9	Community Strategy Impact?	Key Performance Indicators		
Organisational Culture	✓	Employee Survey results		
Key Actions		Timescales	Resources Additional to Base Budget	Lead Officer
• Management Development Strategy developed and implemented		Dec 2011		Teresa Kristunas
• Training and Development Programme developed and implemented		Mar 2012	£13, 000	Teresa Kristunas
• Launch new Appraisal Scheme		Jan 2012		Teresa Kristunas

Key Deliverable: VM10	Community Strategy Impact?	Key Performance Indicators		
Employee Climate	✓	Employee Survey results		
Key Actions		Timescales	Resources Additional to Base Budget	Lead Officer
• Employee survey		Sep 2011		Teresa Kristunas
• Staff forums at least every three months		Triannual		Kevin Dicks

Key Deliverable: VM11	Community Strategy Impact?	Key Performance Indicators		
Governance	✓	Audit programme productive time 63% Electoral turnout 2011		
Key Actions		Timescales	Resources Additional to Base Budget	Lead Officer
• District & Parish Election		5 May 2011		Claire Felton
• National Referendum		5 May 2011		Claire Felton
• Proactive Risk Management		Mar 2012		Teresa Kristunas
• Complete Internal Audit programme		Mar 2012		Teresa Kristunas

PRIORITY AREA: One Community (OC)	Key Outcomes: • OC1: Improve the quality of life for the areas of highest need • OC2: Children & Young People • OC3: Older people
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Key Objective: OC1	Community Strategy Impact?	Key Performance Indicators		
Improve the quality of life for the areas of highest need	✓	Basket of Indicators as per Areas of Highest Need Proposal		
Key Actions		Timescales	Resources Additional to Base Budget	Lead Officer
• Exit strategy for The Trunk		Mar 2012		Angie Heighway
• Continued performance management of the Trunk contract		Ongoing		Angie Heighway
• Support for Stronger Communities Theme Group		Ongoing		Hugh Bennett

Key Objective: OC2	Community Strategy Impact?	Key Performance Indicators		
Children & Young People	✓	% of Children & Young People's Plan delivered / on target at year end Number of locally delivered diversionary sessions Numbers of users attending diversionary activities		
Key Actions		Timescales	Resources Additional to Base Budget	Lead Officer
• Support Children & Young People's Theme Group		Ongoing		John Godwin

Resolve young people's engagement as part of new Children & Young People's Partnership Arrangements	Sep 2011		Hugh Bennett
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Key Objective: OC3	Community Strategy Impact?	Key Performance Indicators		
Older people	✓	Number of people attending 'Age Well' scheme Number of over 60s swimming usage		
Key Actions		Timescales	Resources Additional to Base Budget	Lead Officer
Ageing Well		Mar 2012		John Godwin

PRIORITY AREA: Housing (H)	Key Outcomes: • H1: Home Improvement Agency • H2: Implement Countywide Housing Strategy Action Plan • H3: Homelessness
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Key Objective: H1	Community Strategy Impact?	Key Performance Indicators		
Home Improvement Agency	✓	Time taken to complete Category 1, 2 & 3 priority Disabled Facilities Grants		
Key Actions		Timescales	Resources Additional to Base Budget	Lead Officer
• Evaluation of year 1 performance		Jun 2011		Angie Heighway
• Specification and tendering		Feb 2012		Angie Heighway
• Evaluation and appointment		Jun 2012		Angie Heighway

Key Objective: H1	Community Strategy Impact?	Key Performance Indicators		
Implement Countywide Housing Strategy Action Plan	✓	Net additional homes provided Number of affordable homes delivered Processing of planning applications (minor, major, other)		
Key Actions		Timescales	Resources Additional to Base Budget	Lead Officer
• Develop & implement local action plan		Jul 2011		Angie Heighway
• Gap analysis, review & evaluate		Mar 2012		Angie Heighway

• Delivery of 80 affordable housing units		Mar 2012			Angie Heighway
Key Objective: H1		Community Strategy Impact?	Key Performance Indicators		
Homelessness		✓	Number of households living in temporary accommodation		
Key Actions		Timescales	Resources Additional to Base Budget		Lead Officer
• In conjunction with BDHT, review protocols and procedures relating to the homelessness service		March 2012			Angie Heighway
• Action plan of support measures to help improve the Housing Options Service		March 2012			Angie Heighway

PRIORITY AREA: Climate Change (CC)	Key Outcomes: • CC1: To reduce CO2 emissions
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Key Objective: CC1	Community Strategy Impact?	Key Performance Indicators		
To reduce CO2 emissions	✓	To reduce CO2 emissions from local authority operations Per capita emissions in the District		
Key Actions		Timescales	Resources Additional to Base Budget	Lead Officer
Installation of Solar panels		Mar 2012	£20,000	Hugh Bennett
Annual review of the Climate Change Strategy		Dec 2011		Hugh Bennett
Improving the energy efficiency of buildings		Mar 2012	Interest free Salix loan of £37,000	Hugh Bennett

9. Risk Management

In setting out our plans for the District we recognise, as a well managed organisation, that there are a number of risks that may impact on the Council achieving all we have set out in this Council Plan. We will monitor these risks and take mitigating actions, where practicable, to minimise the impact on the Council, but some risks are unavoidable.

The key risks are related to:

- Economic changes creating additional pressures on services and resources.
- The ability to deliver services when resources are restricted or systems fail.
- That service improvements do not result in positive changes for the community.
- The delivery of resilience and efficiencies through partnership working.
- That advances in technology are not utilised to deliver efficiencies and improvements for the customer.
- Managing performance to ensure that the right things are delivered, in the right way, for the right people.

The Council's Risk Management Policy requires effective management of all risks. The Policy relates to all risks both at strategic and service level. The Council will monitor progress on the action plans developed to manage all existing and emerging high level risks.

10. Community Engagement (including Equalities)

At the Council, we have a strong commitment to engaging with our communities and to making sure that we communicate with them on issues that are important to the District. We work to ensure that all voices have a chance to be heard.

We have a well established Equality and Diversity Forum, whose membership reflects a diverse cross section of our community and has been very active in both its engagement with the Council and its contribution to projects such as BURT (Bromsgrove Urban Rural Transport) and the town centre toilets. The Forum has also played a key role in Community Consultation Conferences we have held over recent years and members of the Forum have had the chance to bid for funding for relevant projects, with successful bids helping to launch several worthwhile projects and events. We are also proud to have reached the 'Achieving' level under the Equalities Framework for Local Government. As part of the shared services restructure, an Equalities post will be retained by Bromsgrove District Council and shared with Redditch Borough Council.

The opinions of residents are key to our decision making processes, with public consultation being fed through to management and political leadership of the Council. We also hold an annual Budget Jury, where a group of residents consider the issues that are affecting the district, the work that the Council does and what priorities should be for the following year. They return a few months later to look at proposals for spending and savings, mirroring the process that the elected Members go through, with their opinions

being an important point of reference when the Members make the actual decisions about the budget. The process received coverage on BBC Midlands Today in 2010, further raising the profile of the role of our residents in local decision making.

Last year we coordinated a 'U Decide' event, in partnership with Worcestershire County Council, which saw groups of young people presenting projects to a room full of their peers, who then voted as to which groups they felt most deserved funding. We hope to look at how we engage with young people over the next 12 months, building on activities and engagement undertaken during our 'Democracy Week' in March 2011.

We will be developing a joint Community Engagement Strategy and Toolkit for Bromsgrove and Redditch Councils during 2011, which will inform how we engage with communities and provide guidance for officers across all departments.



U Decide 2010

11. Budget and Value for Money

The Council has set a balanced budget with a zero increase in Council Tax for 2011/12. This year's budget deliberations have been particularly difficult due to the Budget Settlement from Central Government. The Council's Revenue Support Grant from Central Government will fall by 27.7% over the next two years. These are challenging times for the Council; however, the Council is well placed to respond to this reduction. With a Single Management Team across both Bromsgrove District Council and Redditch Borough Council, the Council is further advanced that most councils on its shared services agenda. A number of services are already been shared, for example, Community Safety, Elections, Payroll, ICT and we are also the host for Worcestershire Regulatory Services.

The Council's approach to delivering the required level of savings is seven fold:-

1. To bring forward the remaining shared services programme with the bulk of services being shared by the 31 March 2012;
2. Undertake more fundamental transformation work using a technique called systems thinking;
3. Pay restraint, for example, there will be no pay rise for staff in 2011/12 and through the harmonisation of terms of conditions across both councils we are proposing to reduce car mileage rates and end essential car user allowances;

4. Continue to focus on good procurement in order to drive out the maximum value from all contracts;
5. Continue to challenge and review all budgets down to a line by line by line level, including careful consideration of the need for various reserves and carry forwards;
6. Use of reserves; and
7. Additional income, where this is possible, for example, the New Homes Bonus.

The table overleaf sets out the planned savings as per the Medium Term Financial Plan.

SAVINGS PROPOSED 2011/12 - 2013/14

Description	Department	2011/12 £'000	2012/13 £'000	2012/13 £'000
Vacant post within service - aim to absorb current workload and to address as part of shared service proposals	Legal & Democratic Services	-36	-36	-36
Release of budgets relating to Equality and Diversity Bids to be reallocated in high bids.	Legal & Democratic Services	-9	-10	-10
Increase income target to level generated in relation to Garden Waste collection	Environmental Services	-110	-110	-110
Environmental Services Review - savings realised	Environmental Services	-13	-13	-13
Trade Waste income received	Environmental Services	-10	-10	-10
Additional Income from County for running costs of the Customer Service Centre	Customer Services	-4	-4	-4
Renegotiate Strand Contract	Business Transformation	-13	-12	-12
Phone System Savings - call costs reduced	Business Transformation	-10	-10	-10
IT licences budget - to partially offset costs of MS office high bid	Business Transformation	-46	-46	-46
Savings from reducing car mileage rate to 40p - proposals under consultation	Council Wide	-18	-18	-18
Savings from withdrawing essential car user allowance - proposals under consultation	Council Wide	-89	-89	-89
Savings to be realised from Shared Services/ Transformation and efficiencies	Council Wide	-266	-934	-1,270
Improved procurement opportunities	Council Wide	-50	-50	-50
Reduction in Together Bromsgrove by one edition (£5k) and misc saving (£20k)	Policy, Performance & Partnerships	-25	-25	-25
Reduction in budgets allocated to the museum on the basis that it is sold in 2011/12	Leisure & Cultural Services	0	-10	-10
Victoria Ground Rent from current occupiers	Leisure & Cultural Services	-12	-12	-12
Sanders Park Pavilion Rent	Leisure & Cultural Services	-12	-12	-12
Allotments - increase income target to meet realistic level	Leisure & Cultural Services	-4	-4	-4
Various income generated - increase target to meet realistic level	Leisure & Cultural Services	-9	-9	-9
Market Income - additional income received	Planning & Regeneration	-10	-10	-10
Development Control - pre application fees now charged	Planning & Regeneration	-8	-8	-8
George House rental Income (lease ending April 2012)	Finance & Resources	-45	0	0
Revenues - court cost recovery (net)	Finance & Resources	-28	-28	-28
Additional Benefits Admin Grant income for 11/12	Finance & Resources	-48	0	0
TOTAL SAVINGS		-873	-1,458	-1,794

12. Glossary

Term	Definition
Building Pride	The Council's transformation programme designed to make Bromsgrove District Council an excellent local authority.
Corporate Management Team (CMT)	The Council's officer management team made up of the Chief Executive, three Executive Directors, one Director and eight Heads of Service (plus Head of Housing Services for Redditch Borough Council only and Head of Regulatory Services for Worcestershire)
Local Strategic Partnership (LSP)	A family of partnerships and organisations that is working to a common aim - to improve the quality of life in the District and deliver the Sustainable Community Strategy.
Medium Term Financial Plan (MTFP)	A three year budget for the Council's expenditure and income, linked to the Council's objectives and priorities.
Objectives	The broad goals for the Council, within which priorities are set.
Performance Development Review	A formal meeting between a member of staff and their line manager to review past work and agree future work, setting standards and targets.
Performance indicators	Yardsticks used to assess our achievements.
Performance Management Framework	Sets out the processes by which Elected Members, Officers and residents can monitor how the Council is performing.
Priorities	The six areas identified by Elected Members and Officers where we wish to make significant improvement in how we perform.
Service Business Plans	One year plans that set out what each department intends to deliver over the coming year.
Shared Services	Joint teams with Redditch Borough Council, which deliver services to residents across both council areas more effectively
Sustainable Community Strategy	A long-term vision for the District as a whole. The Strategy co-ordinates the actions of public, private and community organisations in meeting the needs and priorities of local communities. Under the Local Government Act 2000, all local authorities are required to work in partnership with the community, business, voluntary sector and other public sector partners to develop a long-term strategy to promote the social, economic and environmental well-being of their local communities.
Target(s)	A fixed goal or objective which results in improvements.
Transformation	A fundamental look at our processes and how we can change them to deliver more efficient and effective services to our customers.
Values	The fundamental principles that guide the way we work.
Vision	The ideal of how we would like the District and the Council to be in the future.
Worcestershire Enhanced Two Tier (WETT)	A county-wide one project which looks at services across Worcestershire and how, if at all, these can be shared or work better in partnership, particularly across the tiers of Local Government. Worcestershire Regulatory Services is an example of a WETT project, hosted by Bromsgrove and Redditch.

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BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

28th MARCH 2011

CONSTITUTIONAL AMENDMENTS TO SCHEME OF DELEGATION FOR PLANNING ENFORCEMENT AND DEVELOPMENT CONTROL

Responsible Portfolio Holder	Councillor G. N. Denaro
Responsible Head of Service	Mrs. Claire Felton Head of Legal, Equalities and Democratic Services
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1. The purpose of this report is seek Member approval to a number of changes to the Scheme of Delegations insofar as it affects Development Control, Planning Enforcement and the arrangements for Calling in Planning Applications.

2. RECOMMENDATIONS

- 2.1. That Members recommend to full Council that the amendments to the Scheme of Delegations as set out in Appendices 1 to 3 of this report be adopted.

3. BACKGROUND

- 3.1. The Council as a local planning authority has powers and primary responsibilities for development control and planning enforcement action under various legislation including the Town and Country Planning Act 1990 ("TCPA") and the Planning (Listed Buildings and Conservation Areas) Act 1990 ("Listed Buildings Act"). The Council is also expected to carry out its duties expeditiously within a reasonable timeframe. In addition, there are statutory time limits within which applications should be determined. There are several areas within the planning service where powers can be delegated to officers to improve the efficiency and speed of the determining applications and dealing with enforcement issues.

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

28th MARCH 2011

- 3.2. The aim of the scheme of delegation is to give more flexibility to officers to enable the Council to determine applications expeditiously in accordance with statutory deadlines and Government advice and to free the committee to deal with more serious matters. Also, it is to enable the Council as a whole to deal more quickly and efficiently with breaches of planning and any related complaints.
- 3.3. The changes have also been made to align the Council's scheme of delegation with that of Redditch Borough Council (RBC) in so far as is possible to assist the process of shared services. In RBC's scheme of delegation, all delegated powers for functions under the 'Planning and Associated Legislation' (as defined in RBC's constitution) are considered to fall within the delegated scheme. RBC's scheme then sets out the matters which must go to committee. The Council's scheme expressly sets out certain delegated powers although the introductory paragraphs to the scheme make it clear that the list of delegated powers is not an exhaustive one. In particular, officers make numerous decisions which are considered to be part of their day to day operational activities as set out in paragraph 3 of the introductory powers to the Scheme of Delegations.
- 3.4. The changes also aim to clarify what can be dealt with by planning officers and what must be reported to members. Members and officers, through the Head of Planning and Regeneration, will continue to be able to, regardless of the existence of delegated powers, refer any application to the Planning Committee. The amended documents are set out in Appendices 1 to 3.

4. KEY ISSUES

Scheme of Delegations (Appendix 1)

- 4.1. The main change relates to the procedure for calling-in applications as set out at paragraphs 6 and 7 of Appendix 1. Members have the right to call in applications, which would otherwise be delegated, to be determined by planning committee. The amendments set out a procedure for exercising that calling in power. The new procedure is to assist everyone involved in the process for deciding planning applications. In particular officers believe that the changes will:-
- give officers time to prepare and deal with any issues which members may have with the application or the officer's report,
 - give officers and the Chair of the Planning Committee sufficient notice of the call-in request and reasons

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

28th MARCH 2011

- encourage members to deal timeously with any applications and ensure that they consider any relevant planning issues
- assist the applicant and members of the public by allowing officers to give sufficient notice of the calling-in of an application.

4.2. Members are sent a weekly list of planning applications either by e-mail or post. The intention is for members to decide whether or not to call-in applications within 21 days of receiving notification as set out in that list. Late applications for call-in will be considered by the chairman as set out in paragraph 7.2.

Development Control (Appendix2)

Applications and Appeals

- 4.3. The thresholds for applications to be determined by the Planning Committee have been amended (Page 3 of Appendix 2). The main change is that the need for applications on sites of 1 hectare or more (or in the case of residential development 0.5 hectare or more) to be determined by committee is removed. This will align the thresholds in BDC with the thresholds applied under the RBC scheme of delegations. The amendments also pull together other criteria, which are already contained in different places throughout the Council's constitution, for determination by committee so that they can appear in one place, for ease of reference.
- 4.4. Amendments are made to allow officers to impose conditions, after the Planning Committee meeting, when applications have been approved contrary to officer recommendation (page 3 Appendix 2). When members approve an application contrary to officer's advice they are usually asked to set out conditions that should apply to the permission, if they have not done so during their discussions. However it is possible that the need for a certain conditions may be overlooked by both the members and the planning officers attending the meeting. If the condition is in accordance with legislation and Government guidance, including the requirement for it to be necessary for the development and relevant to planning, the amendment makes it clear that planning officers have the power to impose conditions. This may also be seen as part of officers' day-to-day powers.
- 4.5. Amendments at page 4 of Appendix 2 (Appeals) make it clear that officers can take all necessary action to defend the Council's decision where there has been an appeal against a refusal to grant permission or consent or against a condition imposed on a consent or permission. This includes amending the Council's case, especially if advised to so by Counsel.

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

28th MARCH 2011

Again, this is a matter of clarification since this can be seen to be part of the day to day powers of the officers. A similar delegation has also been added to the Planning Enforcement Scheme of Delegations.

- 4.6. With reference to declining planning applications (Page 5 Appendix 2), under sections 70A and 70B TCPA and 81A and 81B, the Council has the power to decline to determine an application if a similar application (meaning an application for essentially the same development on the same land) has in the last 2 years been refused by the Secretary of State or refused by the Council and either an appeal against the refusal has been dismissed by the Secretary of State or the applicant made no appeal against the refusal. The Council can also refuse to determine an application if a similar application has either been submitted at the same time or a similar application is still being determined by Council (before the statutory time limit) under appeal or where the application has been refused, where there is still time to appeal the refusal (so called "twin-tracking").
- 4.7. The Council can exercise the power to refuse to determine the later or duplicate application if there has been no significant change in the development plan or any other material planning consideration. The power can also be exercised in respect of an application for planning permission or listed building or Conservation Area consent. The power is discretionary and can be judicially reviewed. The amendments to the scheme give officers delegated powers to exercise this power. As notification to the applicant to exercise this power needs to be given within the statutory time period for determining the later application (to avoid an appeal against non-determination preventing use of this power), it would be useful for officers to have this delegated power to decline to determine applications.
- 4.8. Officers already have delegated powers to approve applications for minor amendments to approved schemes. The amendment is for clarification and replaces the word 'approve' with 'determine' as the latter is considered to be more accurate.

Section 106 Obligations

- 4.9. Amendments are also made to the parts of the scheme that relate to section 106 obligations (Page 2 Appendix 2). Firstly the amendments make it clear that the delegated powers relate to both Agreements and

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Unilateral Undertakings. Both documents contain planning obligations and are delivered as deeds. The difference is the Council is a party to the agreement, which can be useful if there are mutual negotiations or the Council needs to give any covenants, while the undertaking is a unilateral offer by the landowner and/or developer, which does not need to be signed by the Council. Both types of documents are equally enforceable by the Council.

- 4.10. In addition to the delegated powers that already exist the amendments give officers delegated powers to deal with applications or requests for the modification or discharge of planning obligations. The delegated power does not relate to the amendment of any heads of term approved by the Planning Committee, a significant change in financial contribution, any restriction, the overall area of land to be transferred to the authority or any positive obligation by the land owner. It is intended to allow officers to deal with minor variations required by the practicalities of the scheme.
- 4.11 The amendments also allow officers to take action to enforce planning obligations. This would usually be by court action. The amendments also make it clear that the Head of Planning Regeneration is responsible for negotiating all substantive planning matters such as financial contributions, affordable housing, open space etc while the Senior Solicitor is responsible for the drafting and execution of the document.

Other Powers and Minor Amendments

- 4.12 The amendments also cover a number of other powers which are not expressly dealt with in the current Scheme of Delegations. Members are referred to page 5 of Appendix 2 as follows:

4.13 Advertisements

The amendments give delegated powers to officers through the Head of Service to determine applications for advertisement consent, where one is required. There are other categories of advertisements that either do not require consent or are granted deemed consent under the Town and Country Planning (Control of Advertisements) Regulations 2007 ("Advertisement Regulations").

4.14 Revocation or modification

This introduces a delegation to Head of Planning and Regeneration to revoke or modify a planning permission that has already been granted.

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Local planning authorities can exercise these powers if it appears expedient for them to do so having regard to the development plan and other material considerations. Use of the powers involve a formal procedure and the relevant land owner (or indeed anyone with an interest in the land) would have a right to claim compensation from planning authority. The powers are exercisable in respect of planning permissions, listed building consents and conservation area consents.

It is not possible to revoke a permission or consent once the permitted building has been completed and any order revoking a permission or consent will not apply to any work that has been carried out before making of the order. For building works that have already been carried out, it is also possible to require a developer to remove buildings or works via a discontinuance order under section 102 TCPA. A discontinuance order also attracts a claim of compensation. The amendments to the scheme do not include delegated powers to issue a discontinuance order.

Although the use of these powers are potentially controversial, occasionally a developer either requests or is agreeable to revocation of a permission where it would facilitate a more up to date development scheme. An example is where the possibility of the implementation of a previous permission would justify the refusal of an application. In these cases, it is useful for officers, through the Head of Service, to be able to deal with such requests via delegated powers.

4.15 Completion Notice

This introduces a delegation to Head of Planning and Environment to serve a completion notice. A completion notice can be served by a local planning authority, under section 94 of the TCPA, stating that if the development is not completed within a specified period, the planning permission will cease to have effect. It can only be served if the development has commenced within the period for implementation and the period for implementation (usually 3 years) has expired. It should only be served if the authority is of the opinion that the development will not be completed within a reasonable period.

- 4.16 Members are referred to the delegation for prior notification procedure on page 1 of Appendix 2. A minor amendment is made namely that the delegated power now includes telecommunications development as well as agricultural and forestry. The power relates to the permitted development rights for certain types of agricultural, forestry and

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telecommunication development. When the development reaches a certain threshold, the developer must, notwithstanding the permitted development rights, apply to the local planning authority for a determination as to whether prior approval will be required for the development to give the authority a chance to control certain aspects of the development. When such an application is received, the authority has the right to ask for further details.

- 4.17 There has also been a correction. The power to determine applications for a Certificate of Lawfulness, which currently appears in both the schemes of delegations for Development Control and Planning Enforcement, has been amended so it only appears in the Development Control scheme. The power is delegated to the Head of Planning and Regeneration.

Planning Enforcement (Appendix 3)

- 4.18 One of the aims of the amendments to the Planning Enforcement Scheme of Delegation is to give officers greater flexibility in the way they work by allowing more breaches of planning control to be actioned without the need for prior referral to Planning Committee. The current system of referral to Planning Committee can cause delay to formal enforcement action being commenced. One of the main changes is the addition of delegated powers to issue Enforcement Notices and Breach of Condition Notices. One difference between the two types of notices is that there is no right of appeal against a Breach of Condition Notice. It is possible to issue Enforcement Notices in response to breaches of condition as well as unauthorised development.
- 4.19 In the current scheme, such notices can only be issued by officers in cases of urgency when reporting to the Planning Committee is impractical. It is considered that the present arrangement can delay enforcement and can also burden the committee with matters that can be adequately dealt with by officers. Controversial or complicated cases can continue to be reported to committee and the greater use delegated powers will be complimented by regular quarterly updates to members of enforcement matters.
- 4.20 Separate files are opened when a complaint is received about a potential breach of planning control and officers frequently decide without reference to the committee that it is not expedient to take enforcement action. It is not considered that a separate power of delegation is required for this as it falls under officers' day to day operational activities

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in dealing with complaints. However from time to time, officers may decide to report controversial or high profile matters to members even if they are of the opinion that it is not expedient to take enforcement action.

- 4.21 The amendments also include delegated powers to seek an injunction against the breach of planning control (page 1 of Appendix 3) and to serve a section 215 notice (page 3 of Appendix 3). In relation to injunctions, the current scheme only contains a delegated power where the matter is urgent. In relation to section 215 Notices, Local planning authorities have the power to serve these notices to require proper maintenance of land when the condition of land is adversely affecting the amenity of the local area. Delegated powers will enable officers to deal efficiently and quickly with unsightly land. Even if a notice is not served, the existence of such powers can encourage a land owner to clean up the land and having to wait for a committee meeting can encourage delay and have adverse consequences for other members of the public. High profile, controversial or complicated matters can continue to be reported to the Planning Committee.

Advertisements

- 4.22 There are several actions that a planning authority can take against unauthorised advertisements including prosecution or removing or obliterating certain advertisements. Action must be taken in the interest of amenity and public safety. The amended scheme (Page 3 Appendix 3) proposes reserving the power to issue discontinuance notices against deemed advertisements to Members but includes delegated powers for officers to use other statutory powers to deal with unauthorised advertisements. This would reduce potential delays in dealing with unauthorised advertisements that are damaging to the planning environment.

Other Amendments

- 4.23 Finally the delegated power to issue Article 4 directions is widened to include all circumstances (Page 1 Appendix 3). The current scheme restricts the power to cases of sub-division of plots. There does not appear to be a current need for this distinction. Members will be aware that local planning authorities can make Article 4 directions to restrict permitted development in certain circumstances. Throughout the Appendices the name of the head of service for planning has been changed from the "Head of Planning and Environment Services" to the "Head of Planning of Regeneration".

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5. FINANCIAL IMPLICATIONS

- 5.1. There are no substantial financial implications for these proposals. There may be a small reduction in administration, particularly the writing of committee reports and the attending of committee meetings by officers, which would result in some staff time savings. It is however still necessary to keep a properly reasoned record when taking delegated decisions.
- 5.2. There may also be a reduction of the risk of appeals against non-determinations if officers are given delegated powers to determine more applications. However members will be aware that under the current system every effort is already being made to ensure that applications are being determined within statutory deadlines.

6. LEGAL IMPLICATIONS

- 6.1. The main legislation which are relevant to these changes are:
- Section 101 of the Local Government Act 1972 whereby a local authority may arrange for discharge of any of its functions by an officer or a committee.
 - The Local Authorities' (Functions & Responsibilities) Regulations 2000 under which the Council's town and country planning functions are reserved to full Council.
 - The Town and Country Planning Act 1990
 - The Planning Listed Buildings and Conservation Areas) Act 1990. The above two Acts (as amended) contain the planning functions dealt with in the amendments to the Planning Enforcement and Development Control Scheme of Delegations.
 - Circular 11 of 1995: 'The Use of Conditions in Planning Permissions' is relevant to the amendments which deal with the imposition of conditions.
- 6.2. There are no perceived legal implications arising from these amendments over and above the normal legal implications of any Council decision, whether or not it is made under officers' delegated powers or by committee. Although not every planning action can be set out in the Scheme of Delegations and some actions must be considered to be part of officers' day to day operational activities, it is considered clearer to set out, as far as is possible, which major functions can be dealt with by officers and which must be sent to committee.

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7. POLICY IMPLICATIONS

- 7.1 The scheme of delegation, and the proposed amendments, exist alongside the implementation of planning policy, including the Local Plan, the supplementary planning guidance and the draft Core Strategy. A proposed enforcement policy is also being reported to Members at this meeting. The scheme assists in the delivery and implementation of the Council's strategic planning policy.

8. COUNCIL OBJECTIVES

- 8.1 The amendments would support the Council's objectives and the continuous improvement of development control and planning enforcement to the benefit of the Environment. In addition, it is considered that the amendments will have a positive effect on the Council's Improvement and Regeneration objectives by improving the efficiency of its response to applications for permission or consent and enforcement-related complaints.

9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

- 9.1 There are no risks identified above the usual issues involved in Council decision making. The full Council has the power to change the Scheme of Delegations and the proposed amendments are being reported to Council for noting and discussion.

10. CUSTOMER IMPLICATIONS

- 10.1. It is considered that the amendments to the Scheme of Delegations will have a positive effect on customer services. It will enable the Council to deal with applications and enforcement issues more speedily. It will also provide clarity to members of the public regarding decision making.

11. EQUALITIES AND DIVERSITY IMPLICATIONS

- 11.1 None identified

12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

- 12.1 The amendments are unlikely to have significant implications in these respects. However it is considered that the attempts to align RBC and the Council's scheme of delegations will make it easier for planning officers to work across both Councils which have a positive effect on the

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above issues. It is also considered that delegated decisions where preferable would represent a better use of the officer's time than writing reports and attending committee and the committee's time in avoiding the need to deal with matters that could easily be dealt with by officers.

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

- 13.1 The amendments will facilitate the implementation of the Council's strategic planning policies regarding these issues.

14. HUMAN RESOURCES IMPLICATIONS

- 14.1 As stated in 10 above, aligning RBC and the Council's scheme of delegations will make it easier for planning officers to work across both Councils and delegated decisions where preferable would represent a better use of the officers' and the committee's time.

15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

- 15.1 None Identified

16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998

- 16.1 None identified

17. HEALTH INEQUALITIES IMPLICATIONS

- 17.1 None identified

18. LESSONS LEARNT

- 18.1 There are no significant lessons learnt. Three corrections have been made relating to the Prior Notification Procedures, Minor Amendments and Certificates of Lawfulness.

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

- 19.1 The proposed changes have been discussed with the portfolio holders for Planning and Regeneration and Resources and with various Council officers. There has been no consultation with the general public.

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20. OTHERS CONSULTED ON THE REPORT

20.1 Please include the following table and indicate 'Yes' or 'No' as appropriate. Delete the words in italics.

Portfolio Holder	Yes
Chief Executive	No
Executive Director (S151 Officer) (must approve Financial Implications before report submitted to Leader's Group/Portfolio Holders Briefing)	No
Executive Director – Leisure, Cultural, Environmental and Community Services	No
Executive Director – Planning & Regeneration, Regulatory and Housing Services	No
Director of Policy, Performance and Partnerships	No
Head of Service (i.e. your own HoS)	No
Head of Resources (must approve significant HR Implications before report submitted to Leader's Group/Portfolio Holders Briefing)	No
Head of Legal, Equalities & Democratic Services (for approval of any significant Legal Implications)	No
Corporate Procurement Team (for approval of any procurement implications)	No
Senior Solicitor	Yes
Head of Planning and Regeneration	Yes

21. WARDS AFFECTED

21.1 All

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22. APPENDICES

- 22.1 Appendix 1 – Amended Scheme of Delegation – Introductory Paragraphs
- 22.2 Appendix 2 – Amended Scheme of Delegation - Development Control
- 22.3 Appendix 3 – Amended Scheme of Delegation – Planning Enforcement

23. BACKGROUND PAPERS

- 23.1 Current Scheme of Delegations for Introductory Paragraphs, Development Control and Planning Enforcement

24. AUTHOR OF REPORT

- 24.1 Name: Tracy Lovejoy
- 24.2 E Mail: t.lovejoy@bromsgrove.gov.uk
- 24.3 Tel: 01527 881609

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Scheme of Delegation

1. This Scheme of Delegation will be updated regularly. However:
 - a) any reference to specific legislation or to statutory provisions shall be deemed to refer to any relevant aspects of any successive legislation or statutory provisions;
 - b) reference to post holder shall be deemed to refer to any successor post holder(s) who is/are charged with the same responsibilities following any reorganisation or reallocation of functions, save that where there is any ambiguity as to who shall exercise a particular delegation of authority, the delegation shall refer to the higher-ranking officer(s). For the avoidance of doubt, successor post holder(s) include officers placed at the disposal of the Council under secondment arrangements pursuant to s113 of the Local Government Act 1972 or any other enactment or power.

Delegations to Committees and Sub-Committees

2. This Scheme of Delegation is not an exhaustive list of matters delegated to Committees and Sub-Committees. The Scheme of Delegation must be read in conjunction with the Terms of Reference for each Committee and Sub-Committee.

Delegations to Officers

3. All powers, duties and responsibilities appropriate and necessary for day to day operational activities shall be deemed to be delegated to the relevant Head of Service with the responsibility for the discharge of that function or the exercise of that power unless otherwise specifically prescribed and shall include authority to incur normal revenue expenditure in the discharge of day to-day operational activities in accordance with Financial Regulations and where budgetary provision has been made unless the Cabinet or Section 151 Officer has placed a conditional approval on any such item. The Scheme of Delegations is not intended to be an exhaustive and complete list of delegations to officers.
4. Notwithstanding that functions are delegated to an officer, the relevant parent committee or other member body with decision-making powers will retain concurrent powers. An officer may decide not to exercise any function in relation to a particular matter and invite the relevant committee or member body with decision-making powers to do so instead.
5. Where an officer whose post is named under this Scheme is unable to act or is absent the powers delegated to him/her may be exercised by any officer authorised by him in writing or by any more senior officer in that officer's hierarchical line of management up to and including the

Chief Executive except where this is not permitted in law or is subject to other qualification. Any delegation to the Chief Executive may in his/her absence be exercised by the Executive Directors, Assistant Chief Executive, Monitoring Officer or Section 151 Officer as may be appropriate.

6. There are further delegations of powers which can be exercised by officers under Contract Procedure Rules.

Calling-In Procedure for Planning Committee

6. When a member wishes to call in an application to Planning Committee for consideration, they will, within 21 days of receipt of the notification of that application, contact the case officer and set out their reasons for wanting the application to be considered at committee rather than by officer delegation. The case officer will, in writing, record the request and reasons and send a written record to the Portfolio Holder, Chairman of the Planning Committee and the ward member for the area in which the application site is situated, of the request and reasons.
7. If a request is made after the deadline set out in paragraph 7 above, the Chairman of the Planning Committee shall make the final decision, taking into account all relevant matters, as to whether the application is considered by the Planning Committee, and will inform the case officer of his decision within 2 working days of receiving the request from the case officer. The Member who made the request will also be informed of the Chairman's decision.

Interpretation

8. The Monitoring Officer shall be the final arbiter in relation to the interpretation and application of the Scheme.

Development Control	Detail	Delegated by:	Delegated to:	
Prior Notification Procedure	To require further details from the applicant when an application for prior determination is submitted in respect of permitted development for agricultural, forestry and telecommunications development.	Planning Committee	Head of Planning and Regeneration	Deleted: Agricultural and Forestry Development
Article 4 Directions	To make Directions under Article 4(1) of the Town & Country Planning (General Permitted Development) Order 1995.	Planning Committee	Head of Planning and Regeneration	Deleted: To require certain details to be submitted for permitted agricultural and forestry development when determinations are submitted
Certificate of Lawfulness	To determine applications for Certificates of Lawfulness of Proposed Use of Development or Certificates of Existing Use of Development under sections 191 and 192 of the Town & Country Planning Act 1990	Planning Committee	Head of Planning and Regeneration	Deleted: in circumstances involving the subdivision of plots and to determine the classes of development to which such Direction(s) may relate in the circumstances of each individual case
Development Proposals by other Public Authorities	To comment on proposals for development submitted by Worcestershire County Council and other public authorities	Council	Head of Planning and Regeneration	
Entry of Premises – Proper Officer	To be designated as the Proper Officer for the purposes of authorising persons to enter onto land in connections with the exercise of functions under sections 196A, 196B, 214B, 324 and 325 of the Town & Country Planning Act 1990	Planning Committee	Head of Planning and Regeneration	
Inspection Notices	To serve notices of intended inspection under sections 196A, 196B, 214B, 324 and 325 of the Town and Country Planning Act 1990	Planning Committee	Senior Solicitor	
Landscaping Schemes	To approve landscaping/tree planting schemes submitted as a result of planning permissions subject to such conditions as may be appropriate	Planning Committee	Head of Planning and Regeneration	
Minor Amendments	To determine applications for minor amendments to approved plans	Planning Committee	Head of Planning and Regeneration	Deleted: approve
Planning	To negotiate with developers and to	Planning	Head of	

DEVELOPMENT CONTROL

Agreements <u>and Unilateral Undertakings</u>	approve the amounts to be received by the Council as financial contributions in lieu of on-site provision of affordable housing or recreational facilities/open space and as contributions towards the costs of highways works, educational provision or any other kind of provision by the Council or County Council	Committee	<u>Planning and Regeneration</u>
<u>Planning Agreements and Unilateral Undertakings</u>	<u>To negotiate the legal, drafting and all terms of the agreements and undertaking, except for those which involve planning gain, restriction of the development or use of the land, obligations relating to the land and financial contributions.</u> <u>To execute and complete planning agreements.</u>	<u>Planning Committee</u> <u>Planning Committee</u>	<u>Senior Solicitor</u> <u>Senior Solicitor</u>
<u>Planning Agreements and Unilateral Undertakings</u>	<u>To determine applications or requests for discharge or modification of planning agreements or undertakings (whether by approval or further agreement) unless it includes the following:</u> a. <u>Deletion, addition or variation of one or more of the heads of terms originally approved by the Planning Committee</u> b. <u>Significant change in the overall area of land to transferred to the Council</u> c. <u>Significant change in financial contributions to be provided to the Council (except where this is as a result of a subsequent decision by the Planning Committee)</u> d. <u>Significant change in the any obligation to be performed by the developer or any restriction on the developer or the development or use in land.</u> e. <u>A member makes a written request for a case to be considered by the Planning Committee</u>	<u>Planning Committee</u>	<u>Head of Planning and Regeneration</u>

DEVELOPMENT CONTROL

<u>Planning Agreements and Unilateral Undertakings</u>	<u>To approve the enforcement of a planning obligation</u>	<u>Planning Committee</u>	<u>Head of Planning and Regeneration</u>
Planning Applications	1. To determine: a. applications for dwelling houses where the number of houses to be provided is 10 or more. b. applications for the provision of a building or buildings with a floor space of 1000 square <u>metres</u> or more ~~c.~~ other applications which have been called-in by a member for determination by Planning Committee <u>provided that the application has been called-in in accordance with the procedure set out in paragraphs 6 – 7 of the introductory paragraphs to the Scheme of Delegations</u> <u>d. applications by serving Officers and members</u> <u>e. applications by the Council or by Council Service Areas or Council departments</u> <u>f. The Head of Planning and Regeneration considers that the application should be considered by the Planning Committee</u> 2. To determine all other planning applications <u>Nb: For the avoidance of doubt the term 'planning applications' include applications to vary or remove planning conditions attached to a planning permission, applications for development which has already been carried out and applications to extend the time for implementing planning permissions.</u>	1. Council 2. Planning Committee	1. Planning Committee 2. Head of Planning and Regeneration
Planning Applications	To impose conditions on applications (for planning permission, listed building consent or Conservation area consent)	Planning Committee	Head of Planning and Regeneration

DEVELOPMENT CONTROL

		which have been approved by the Planning Committee contrary to the planning officer's recommendation where such conditions are: a. necessary b. relevant to planning c. relevant to the development which has been applied for d. enforceable e. precise and; f. reasonable in all other aspects]		
Listed and Conservation Area Consent	Building Consent	To determine applications for listed building consent and Conservation Area consent unless they are : a. applications for dwelling houses where the number of houses to be provided is 10 or more,} b. applications for the provision of a building or buildings with a floor space of 1000 square metres or more } c. other applications which have been called-in by a member for determination by Planning Committee provided that the application has been called-in in accordance with the procedure set out in paragraphs 6 - 7 of the introductory paragraphs to the Scheme of Delegations d. applications by serving Officers and members e. applications by the Council or by Council Service Areas or Council departments f. The Head of Planning and Regeneration considers that the application should be considered by the Planning Committee	Planning Committee	Head of Planning and Regeneration
Appeals		To take all action to defend the Council where there has been an appeal against a refusal to grant planning permission, listed	Planning Committee	Head of Planning and Regeneration in

DEVELOPMENT CONTROL

	building consent or conservation area consent		consultation with the Senior Solicitor
Revocation and modification	To revoke or modify planning permissions, listed building or conservation area consent under section 97 of the Town and Country Planning Act 1990 and sections 23 and 74 of the Planning (Listed Buildings & Conservation Area Acts) 1990	Planning Committee	Head of Planning and Regeneration
Completion Notice	To authorise and serve a completion notices	Planning Committee	Head of Planning and Regeneration
Declining Planning Applications	To decide to decline to determine application on the grounds set out in sections 70A and 70B of the Town and Country Planning Act 1990 and sections 81A and 81B of the Planning (Listed Buildings & Conservation Area Acts) 1990	Planning Committee	Head of Planning and Regeneration
Advertisements	1. To determine applications for express advertisement consent	1. Planning Committee	1. Head of Planning and Regeneration

Notes

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APPENDIX 3

Planning Enforcement	Details	Delegated by:	Delegated to:
Article 4 Directions	To make Directions under Article 4(1) of the Town & Country Planning (General Permitted Development) Order 1995 ¹	Planning Committee	Head of Planning and Regeneration
Breach of Condition Notices	To authorise the issue and service of Breach of Condition Notices under section 187A of the Town & Country Planning Act 1990 ²	Planning Committee	Head of Planning and Regeneration in consultation with the Senior Solicitor
Cautions	To administer formal cautions to offenders as an alternative to court proceedings	Planning Committee	Officers authorised in writing by the Head of Planning and Regeneration
Enforcement Notices	To authorise the issue and service of Enforcement Notices under section 172 of the Town & Country Planning Act 1990	Planning Committee	Head of Planning and Regeneration
Entry of Premises – Proper Officer	To be designated as the Proper Officer for the purposes of authorising persons to enter onto land in connections with the exercise of functions under sections 196A and 196B, 214B, 324 and 325 of the Town & Country Planning Act 1990	Planning Committee	Head of Planning and Regeneration
Inspection Notices	To serve notices of intended inspection under sections 196A, 196B, 214B, 324 and 325 of the Town and Country Planning Act 1990	Planning Committee	Senior Solicitor
Injunctions	To seek injunctions in the High Court under Section 187B of the Town & Country Planning Act 1990 or any other relevant statutory power restraining breaches of planning control ³	Planning Committee	Head of Legal, Equalities and Democratic Services or Senior Solicitor in consultation with, where practicable, the Chairman of Planning

			Committee
Listed Buildings – Enforcement Notices	1. To authorise the issue and service of Listed Building Enforcement Notices under section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 2. To authorise the issue and service of Listed Building Enforcement Notices under section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in circumstances in cases of urgency when, in the opinion of Head of Planning & Environment Services, reporting to Planning Committee is impractical	1. Council 2. Planning Committee	1. Planning Committee 2. Head of Planning and Regeneration
Planning Contravention Notices	1. To serve Planning Contravention Notices under section 171C of the Town & Country Planning Act 1990 (and any other statutory power which enables the Council to require information about land) 2. To respond to offers to apply for planning permission or to refrain from carrying out any operations or activities following the service of a Planning Contravention Notice.	1. Planning Committee 2. Planning Committee	1. Head of Planning and Regeneration 2. Head of Planning and Regeneration
Stop Notices	1. To authorise the issue and service of Stop Notices under section 183 of the Town & Country Planning Act 1990 2. To authorise the issue and service of Stop Notices under section 183 of the Town & Country Planning Act 1990 in cases of urgency when, in the opinion of Head of Planning & Environment Services, reporting to Planning Committee is impractical	1. Council 2. Planning Committee	1. Planning Committee 2. Head of Planning and Regeneration in consultation with the Senior Solicitor
Temporary Stop Notice	The issue and service Temporary Stop Notices under ss171E-H of the Town & Country Planning Act 1990	Planning Committee	Head of Planning and Regeneration in

			consultation with the Senior Solicitor
Proper Maintenance of Land	To authorise the issue of notices under section 215 of the Town and Country Planning Act 1990	Planning Committee	Head of Planning and Regeneration
	To serve notices under section 215 of the Town and Country Planning Act 1990	Planning Committee	Senior Solicitor
Appeals	To take all action to defend the Council where there has been an appeal against a refusal to grant planning permission, listed building consent or conservation area consent	Planning Committee	Head of Planning and Regeneration in consultation with the Senior Solicitor
Advertisement Controls	1. To authorise the service of an advertisement discontinuance notice 2. To take action for the control of advertisements (but not including the service of a discontinuance notice) in the interest of amenity and public safety under the Town and Country Planning (Control of Advertisements) Regulations 2007.	1..Council 2. Planning Committee	1. Planning Committee 2. Head of Planning and Regeneration in consultation with the Senior Solicitor

NOTES

Additional text is highlighted in blue

Deleted Text as follows:-

1. in circumstances involving the subdivision of plots and to determine the classes of development to which such Direction(s) may relate in the circumstances of each individual case
2. to authorise the issue and service of Breach of Condition Notices under section 187A of the Town and Country Planning Act 1990 in cases or urgency when, in the opinion of the Head of Planning and Environment Services reporting to the Planning Committee is impractical (*previously delegated to Head of Planning but no longer included as all Breach of Condition notices now delegated to officers*).
3. in cases of urgency when reporting to Planning Committee is impractical.

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BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

28TH MARCH 2011

CONSTITUTIONAL AMENDMENT AND PROPOSED MEMBER PROTOCOL FOR INVOLVEMENT IN PRE-APPLICATION DISCUSSIONS FOR PROPOSED DEVELOPMENTS IN THE DISTRICT

Relevant Portfolio Holder	Councillor Mrs. J. Dyer M.B.E.
Relevant Head of Service	Head of Planning and Regeneration Services
Non-Key Decision	

1. Summary of Proposals

To adopt a protocol for the engagement of Members in pre-application planning discussions and to provide a clarity and fairness to the process, making it accountable. This would enable the Council operate in line with current good practice advice.

2. Recommendations

That Members recommend to Council:

- 1) That the Member Protocol for Involvement in Pre-Application Discussions for Proposed Development as set out at Appendix 1 be approved and be implemented from 01 October 2011;**
- 2) That any Member wishing to become involved in Pre-Application Discussions under the Member Protocol must have completed the appropriate training;**
- 3) That the implementation of the protocol be reviewed jointly by Officers and Members 12 months after it is implemented;**
- 4) That delegated authority be granted to the Head of Legal and Democratic Services to make the consequential amendments to the Council's constitution.**

3. BACKGROUND

- 3.1 Pre-application discussions are generally carried out between Officers and agents acting on behalf of developers/landowners etc. The discussions relate to the specific site and development proposal in question, and seek advice (given without prejudice to the outcome of any subsequently submitted application) on the planning framework for the site, the likely acceptable uses, styles, designs etc for the site and the likelihood of gaining a favourable Officer recommendation on any future application.

- 3.2 Members of the Council are currently not involved in these pre-application discussions, however pre-application discussions without Members is normal practice.
- 3.3 The pre-application process allows for detailed matters such as design features and planning obligation requirements to be discussed and negotiated outside the time constraints of a submitted planning application, and for proposals to be re-designed, amended or altered in order to arrive at what Officers perceive being the best possible solution for the site in the circumstances. Such discussions are led for the Council by the Development Control Case Officer, and usually there is a single point of contact in the planning agent for the developer, although other personnel are involved on both sides as appropriate. From a Council perspective, this can include colleagues from teams such as legal, leisure, environmental health and others, as well as County Council colleagues.
- 3.4 The information required in order to respond to requests for pre-application advice, and an indication of the service that this Council provides, can be found in the fees and charges leaflet available on the Council website. This is as agreed by Members at Cabinet in April 2009.
- 3.5 Good practice guidance states that more should be achieved at the pre-application stage of the planning process. Initially, this related to large scale major developments, but as time has progressed it has begun to encompass much smaller schemes too, as well as controversial or unusual proposals.
- 3.6 Guidance includes a drive towards more and better community involvement, especially early on in the process, and the inclusion of Members as community representatives. Member engagement in the pre-application stage of the planning process has generally been cautioned or avoided in the past, however the more recent guidance suggests that this view should be revisited and reconsidered as part of the engagement of people within the planning process at all levels and stages.
- 3.7 There may be some concern amongst some Members about the lack of involvement in and knowledge of the process of shaping their places, communities and spaces, at the pre-application stage. This includes concerns about lack of Member involvement in negotiations for Planning Obligation requirements.
- 3.8 There has also been a general concern amongst Members and planners relating to the perceived role of Members in the process, their matters of

Interest and prejudice, especially when Members sit on a determining committee such as Planning Committee.

- 3.9 Developers and those acting on their behalf have also often expressed concern that even where they have engaged with Officers on a proposed development, if there has been no Member involvement there is a possibility that their proposals might be thwarted at the seemingly final hurdle of the Planning Committee meeting, once time and money has been put into the process of designing a proposal. Often in such cases, issues are raised by Members that could easily have been resolved if identified early in the process. It is in response to these issues that this report has been compiled.

4. KEY ISSUES

Transparency and clarity in terms of process

- 4.1 It is important that if Members are to become more involved in the pre-application process, there is a clear framework for such involvement, so that there is accountability and fairness built in. This is necessary for all parties to the process, be they professionals, Officers, Members or other interested parties. The conduct of all those involved must also adhere to appropriate guidelines in order that the later stages of the process are not prejudiced.
- 4.2 It is intended that any protocol that is adopted would be for use by all Members, regardless of which ward they represent or on which committees they sit. It is also recommended that if a protocol is adopted, the Head of Planning and Regeneration Services arrange for a training session for Members and Officers to ensure that the process is clearly understood and to answer any Member queries. It is suggested by Officers that such training would be a necessary prerequisite to Member involvement in pre-application discussions.
- 4.3 Guidance for Members engaging in pre-application discussions is available in a number of sources, and the documents noted at section 5 of appendix 1 are useful to refer to. In particular, reference could be made to 'Positive Engagement', which includes some handy hints and tips for Councillors.

Proposed document for adoption

- 4.4 The protocol to be found at Appendix 1 is proposed for adoption and subsequent implementation by Members and Officers. Its adoption would result in it being included in the Constitution's associated documents, as a matter of public record. The Protocol contains guidance on Member conduct.

- 4.5 Section 1 of Appendix 1 details the proposed criteria for Member involvement in pre-application discussions, which would be used to determine whether an enquiry is one where Members should be involved in discussions. This criteria allows for Member involvement in a significant number of applications. However, to continue to have a manageable process it is pointed out that the threshold for Member involvement and other issues will need to be reviewed after the system has been running for 12 months. This is covered by Recommendation 3 of this report.
- 4.6 Section 2 of Appendix 1 sets out a stage by stage procedure giving a sequence of events to be followed when requests for pre-application advice are received, in order that they can be dealt with consistently and fairly. Section 2 points out that pre-application meetings cannot be arranged around the availability of Members because of deadlines and the needs of applicants who are paying for the Service.
- 4.7 If a Member is approached for pre-application advice, then the contact details should be passed to the Development Control Manager for the enquiry to be dealt with as appropriate. Otherwise, enquiries will reach the Development Control team directly for processing.
- 4.8 When the Development Control Case Officer receives a case, they will validate the proposal and will then identify parties to be involved in discussions.
- 4.9 Section 3 of Appendix 1 provides the key information for Members regarding the process, and how to engage within it. At Section 4 of Appendix 1, a list of reference material can also be found. Section 4 of Appendix 1 refers to useful reading.

Timescales for implementation and review and training

- 4.11 In view of the need for training, it is proposed at this stage that the new protocol comes into effect on 3rd October 2011. All members wishing to participate in pre-application discussions under the new protocol will have to have undergone the appropriate training.
- 4.12 It is suggested that the protocol be implemented for an initial trial period, and that it is then reviewed after 12 months, in order to allow for ongoing monitoring and improvement. The protocol will be incorporated into the Council's constitution.

5. FINANCIAL IMPLICATIONS

Minimal additional resources would be required as the proposed procedures are an extension of the current Officer practice. These can be absorbed from within the existing budgets.

6. LEGAL IMPLICATIONS

The proposals fall within the following legislative framework:

Town & Country Planning Act 1990 (as amended)
Planning & Compensation Act 1991 (as amended)
Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

There are no significant legal implications arising from the introduction of the of the member protocol; as stated in the main body of the report the adoption of the new protocol will bring the Council into line with recognised good practice. Pre-application discussions with developers are not binding in terms of the final decision which will continue to be taken under the above legislation by either officers or Members as appropriate.

7. POLICY IMPLICATIONS

The Constitution would be altered and the protocol would be adopted as formal Council procedural policy, and would complement rather than conflict with any existing policy.

8. COUNCIL OBJECTIVES

- 8.1 The protocol would assist in the implementation of the One Community objective and priority of the Council by ensuring Members, as representatives of the local area, feed their comments in to the process at the earliest opportunity. The protocol would also support the environment and improvement objective by virtue of enhancing development proposals at the beginning of the design process.

9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

- 9.1 Providing that all advice to Members enshrined within the Constitution and Code of Conduct are adhered to, there are no additional risks perceived. Indeed the process could be improved by having Member involvement at an earlier stage.

Pre-application discussions include sustainability and environmental issues.

10. CUSTOMER IMPLICATIONS

10.1 Users of the pre-application advice service will welcome the broadening out of the parties involved in the process. It will enable the widest audience to express its views about a development proposal at a time of greatest flexibility from the developer's point of view. This will in turn add an element of increased confidence in the process when moving forward to the submission of a scheme.

10.2 The associated fees and charges leaflet which sets out the service customers can expect would require amendment to include the involvement of Members with respect to the sections relating to; benefits of the service, what happens next and the general information.

11. EQUALITIES AND DIVERSITY IMPLICATIONS

11.1 Elected Members in their role as community spokespeople would add value to the pre-application process with respect to the issues of equalities and diversity and where material to the submission, this could result in improvements in the relationship between the built environment and its local context.

12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

12.1 A thorough understanding of all relevant issues at the outset will be beneficial to both developer and the Council with respect to the efficient use of Officer and Member time. This protocol will assist in supporting this objective. There are no procurement or asset management consequences.

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

13.1 It is established that the benefits of the pre-application process include the front loading of matters such as climate change and biodiversity. These benefits will not be reduced as a result of this protocol.

14. HUMAN RESOURCES IMPLICATIONS

14.1 There are no additional HR implications as the minor alterations to back office systems that can be met from existing resources.

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15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

- 15.1 Training for Members will be a prerequisite of their involvement in the pre-application process and this will fully address the issue of Member conduct.

16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998

- 16.1 The impact of a development on crime and disorder is a material planning consideration to be taken into account in the determination of any proposal.

17. HEALTH INEQUALITIES IMPLICATIONS

- 17.1 None.

18. LESSONS LEARNT

This is a new procedure which follows the advice and case studies of others. Therefore, whilst learning some lessons others will come from the proposed review, after which the protocol can be evaluated and changed if it is considered necessary.

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

- 19.1 The potential for Members to discharge their community function by becoming involved in pre-application discussions was advocated through the Spatial Planning Peer Review of October 2009. As part of that process the views of stakeholders and customers were sort and the associated Action Plan reflects this fact.

20. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	Yes at CMT
Executive Director (S151 Officer)	Yes at CMT
Executive Director – Leisure, Cultural, Environmental and Community Services	Yes at CMT
Executive Director – Planning & Regeneration, Regulatory and Housing Services	Yes at CMT

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Director of Policy, Performance and Partnerships	Yes at CMT
Head of Service	Yes
Head of Resources	Yes at CMT
Head of Legal, Equalities & Democratic Services	Yes at CMT
Corporate Procurement Team	Yes at CMT

21. WARDS AFFECTED

All.

22. APPENDICES

Appendix 1 - Proposed document for inclusion as a Constitution Associated Document.

23. BACKGROUND PAPERS

See reference list at Section 4 of Appendix 1

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APPENDIX 1

Member Protocol for Involvement in Pre-Application Discussions for Proposed Developments

Contents:

1. Criteria for Member involvement in pre-application discussions.
2. Protocol for Member engagement in pre-application discussions.
3. Guidance to Members on conduct.
4. List of references.

1. CRITERIA FOR MEMBER INVOLVEMENT IN PRE-APPLICATION PLANNING DISCUSSIONS

On sites where the following criteria apply, there will be an offer made to relevant Members of Bromsgrove District Council for involvement in pre-application discussions with Planning Officers in accordance with the protocol adopted by this Council, in accordance with the factors noted below:

Criteria for the site:

- 1) Large scale major application (i.e. 200+ dwellings or 4ha site or 10,000m²+ new floor area or 2ha+ site); or
- 2) Site allocated within adopted Local Plan as an ADR
- 3) Site allocated in emerging Core Strategy as a Development Site
- 4) Significant redevelopment opportunities in Town Centre, boundaries of which are defined by the Town Centre AAP
- 5) Site known to be controversial (to Head of Planning & Regeneration or Development Control Manager) by virtue of its planning history or the nature of the development now proposed, or
- 6) As directed by Chairman of Planning Committee or Planning Portfolio Holder, or
- 7) As directed by Head of Planning & Regeneration or Development Control Manager; or
- 8) At the request of a Member when reasons given in writing to Head of Planning & Regeneration or Development Control Manager.

In addition:

- Where criteria 2, 3 or 4 apply, the Chair and Vice-Chair of Planning Committee and the Leader of the Council will also be notified.
- Where criteria 8 applies, the Members' request should include any specific Members who they would like to be involved in discussions.

In general, where proposals fall below the thresholds noted above, Members will not be invited to participate in pre-application discussions.

Criteria for Members

Members will be notified by email with an associated link to the relevant documentation and invited to participate in discussions:

- Where any of the criteria above apply, all of the ward Members for the ward in which the site lies will be notified.
- If the site abuts a ward boundary, or if the site encompasses more than one ward, all ward Members for the adjacent ward/s shall also be notified and invited to participate in discussions. (Abuts is defined as where the red line of the application site, as drawn on the submission, touches another ward boundary)

2. MEMBER PROTOCOL FOR INVOLVEMENT IN PRE-APPLICATION DISCUSSIONS FOR PROPOSED DEVELOPMENTS IN THE DISTRICT

Either:

Officers receive pre-application enquiry and identify need for Member involvement (using criteria in Section One)

Or:

Members are approached and pass on enquiry to Development Control Manager. If they specifically wish to be involved in discussions, or wish other Members to be involved, this should be raised with the DC Manager at this stage

Then:

1. Development Control Manager allocates enquiry to an appropriate CASE OFFICER (CO)
2. CO validates pre-application submission and identifies and notifies all those who need to be involved in the discussion, having regard to criteria at Appendix
3. CO carries out site visit (it is recommended that Members to be involved in discussions also carry out a site visit. This should be co-coordinated with the case officer where ever possible)
4. CO arranges meeting between all relevant parties
5. CO chairs and records meeting, as well as coordinating relevant correspondence, responses, consultations etc.
8. Discussions continue, possibly supported by additional meetings until the developer is advised that it seems appropriate for a planning application to be submitted

3. GUIDANCE TO MEMBERS ON CONDUCT

Transparency and clarity in terms of process

1.1. It is important that if Members are to become more involved in the pre-application process, there is a clear framework for such involvement, so that there is accountability and fairness built in. This is necessary for all parties involved in the process, be they professionals, Officers, Members or other interested parties. The conduct of all those involved must also adhere to appropriate guidelines in order that the later stages of the process are not prejudiced.

1.2. It is intended that any protocol that is adopted would be for use by all Members, regardless of which ward they represent or on which committees they sit. It is also recommended that if a protocol is adopted, the Development Control Manager and Head of Planning and Regeneration arrange for suitable training for Members and Officers to ensure that the process is clearly understood and to answer any Member queries.

1.3. Guidance for Members engaging in pre-application discussions is available in a number of sources, and the documents noted at section 5 are useful to refer to. In particular, reference could be made to 'Positive Engagement', which includes some handy hints and tips for Councillors.

Member participation and conduct

Always have an Officer present

1.4. In terms of Member involvement, guidance is required in terms of how they may participate in the process, and what they may make comments upon. It is generally acceptable that they be party to pre-application discussions, providing that they ensure that an appropriate Planning Officer accompanies them, and that notes of the meeting are retained on the correct file. It is advisable for the Case Officer involved to chair meetings and lead discussions, allowing all parties, including Members, to participate as appropriate to the discussion.

Only make relevant, appropriate comments

1.5. When attending such discussions, Members should be careful to comment only on procedural matters, and general principles of acceptable or unacceptable development types and styles. Members should be fully acquainted with the contents of the Development Plan, in order that comments relating to broad principles of development are in accordance with the aims and objectives of the plan. It is also helpful for Members to be aware of any specific local issues and/or concerns, in order that they can be fed into the process early on. These matters

can then be taken into consideration by developers when designing development schemes, as well as all relevant policy issues raised by Members and/or Officers.

Avoid pre-disposition

1.6. Members should be careful to avoid comments relating to specific elements of a proposal, or to pass opinions on such things, especially if they are or could be Members of the Planning Committee that may subsequently determine a planning application for the proposed development.

Declare any prejudicial interests and do not participate

1.7. Members should be careful to declare at the outset of such discussions any interests that they may have, be it in relation to their capacity as ward member, or as a neighbour, or for other reasons. These should be documented on the file for future reference. Members should also be aware and take care of their comments in relation to both predisposition and pre-determination so as not to prejudice their position for the future.

Treat all discussions as confidential

1.8. Members should also have regard to the fact that pre-application planning discussions are always confidential (in order to preserve commercial confidentiality) and that information relating to proposed developments does not reach the public arena until either a planning application is submitted or the developers choose to engage the community in a consultation exercise. Therefore such matters should not be discussed openly or in public, and Officers will always take care to ensure that such records are kept in appropriate secure conditions.

Seek support from Officers if required

1.9. If in any doubt at any time regarding planning matters, Members should always contact the Head of Planning & Regeneration or the Development Control Manager to seek further advice and assistance. It is always recommended that Members enquire first, in order that constituents, developers or other parties are not misled at any stage in relation to the adopted processes and procedures adhered to by this Council. Members should also be aware that failure to comply with adopted procedures could leave them open to scrutiny if it becomes apparent later.

4. LIST OF REFERENCES

Killian-Pretty Review and government response thereto

<http://www.communities.gov.uk/publications/planningandbuilding/killianprettysummary>

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/killianprettysresponse.pdf>

Constructive Talk – investing in pre-application discussions

<http://www.pas.gov.uk/pas/aio/39020>

Positive engagement in planning decisions

http://www.acses.org.uk/public_file/filename/12/positive_engagement_v4_2.pdf

Councillor involvement in planning decisions

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/153569.pdf>

Bromsgrove District Council Statement of Community Involvement (SCI)

<http://www.bromsgrove.gov.uk/cms/environment-and-planning/planning/local-development-framework/community-involvement.aspx>

Open for business

<http://www.pas.gov.uk/pas/aio/41620>

Making your mind up – improving planning decision making

<http://www.pas.gov.uk/pas/aio/62452>

Probity in planning

ACSeS Model Members Planning Code

http://www.acses.org.uk/public_file/filename/8/ACSeS_Members_Planning_Code_update_draft_07_07.pdf

Public involvement in development control process – a good practice guide

<http://www.lga.gov.uk/lga/aio/114364>

Member Code of Conduct

Constitution

ATLAS Guidance Note: Implementing PPAs

<http://www.atlasplanning.com/lib/Download/351/080404%20PPA%20Guidance%20Web%20Download.pdf?CFID=246636&CFTOKEN=99816479>

Fees leaflet:: Your planning services: how to make contact and what to expect

<http://www.bromsgrove.gov.uk/cms/environment-and-planning/planning/planning-advice-and-guidance.aspx>

Report to Cabinet April 2010 regarding fees and charges for planning functions

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BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

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ADOPTION OF THE PLANNING ENFORCEMENT POLICY

Relevant Portfolio Holder	Councillor Mrs. J. Dyer M.B.E.
Relevant Head of Service	Head of Planning and Regeneration Services
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 In the move towards shared services with Redditch Borough Council, and in order to provide a consistent and uniformed approach between the two local authorities, and in the absence of an adopted customer charter for planning enforcement the Council seeks to adopt the Planning Enforcement Policy outlined in Appendix 1.

2 RECOMMENDATION

- 2.1 That Members of the Planning Committee RECOMMEND to the Council that the Planning Enforcement Policy is adopted.

3. BACKGROUND

- 3.1 Unacceptable and unlawful forms of development threaten the quality of the natural and built environment and the integrity of the planning system. Planning enforcement is, therefore, a crucial tool in maintaining the standards and regulations of development.
- 3.2 The Planning Enforcement Policy is a statement that outlines the Council's approach to enforcement matters; this includes identifying, investigating and monitoring breaches of planning control and delivering action to regularise and remediate unacceptable and unlawful forms of development. It also outlines the situations in which injunction, prosecution or exceptionally, direct action may be pursued.
- 3.3 The document sets out the practices and actions to be taken by the Council when an alleged breach is identified as well as setting out an approach for internal cross team working. This makes the enforcement process transparent to all service users as well as providing improved levels of information for our customers.
- 3.4 The Planning Enforcement Policy covers the following matters:
- Breaches of planning control – what constitutes a breach and a criminal offence

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- Aims of enforcement policy and purpose of planning enforcement
- Investigating alleged breaches of planning control
- Informal enforcement procedures, including negotiation, persuasion and retrospective planning applications
- Formal enforcement procedures
- Procedures following enforcement action
- The Council's commitment to complainants including expectations and service standards
- Contact details

3.5 Although Bromsgrove District Council and Redditch Borough Council work towards the same principles and guidelines for planning enforcement and are governed by the same legislation, at present they do not possess a unified enforcement policy. As the two Councils continue to develop their working relationships there is a need to develop a consistency of process across the Councils to improve customer understanding and to create a coherent system.

4. KEY ISSUES

- 4.1 To develop a consistent and uniformed system of planning enforcement across the service.
- 4.2 To make transparent and understandable to the general public the nature of planning breaches and the enforcement process.
- 4.3 To bring unauthorised activity under control to ensure the credibility of the planning system is not undermined.
- 4.4 To remedy and prevent unauthorised activity to protect the natural and built environment.
- 4.5 To promote lawful and acceptable forms of development and, where necessary, planning permission.

5. FINANCIAL IMPLICATIONS

- 5.1 None identified.

6. LEGAL IMPLICATIONS

- 6.1 The main powers available to the Council in relation to planning enforcement are set out in the Town and Country Planning Act 1990 (as

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amended) and the Planning (Listed Buildings and Conservation Areas) Act 1990. All action taken under the new Planning Enforcement Policy as a result of this procedure would be in compliance with the relevant legislation and associated good practice guidance.

7. POLICY IMPLICATIONS

- 7.1 The adoption of this policy would have no perceived negative impacts on the enforcement process itself, or the systems that are currently used.
- 7.2 Some minor changes to current working practices resulting in a more aligned and consistent approach both within and across the Councils would be required. The use of the policy will provide clarity to customers as to how the council will treat enforcement matters and so will improve customer service and quality. The Policy will be reviewed and monitored by Officers to ensure that it continues to provide a thorough, clear and coherent statement.

8. COUNCIL OBJECTIVES

- 8.1 The adoption of a policy to set out the Council's approach to Enforcement matters will have an impact on many of the Council's objectives, most notably Environment, Regeneration and Improvement objectives.

9. RISK MANAGEMENT INCLUDING HEALTH AND SAFETY CONSIDERATIONS

- 9.1 None identified beyond current working practices.

10. CUSTOMER IMPLICATIONS

- 10.1 It is intended that the adoption of a planning enforcement policy will improve consistency and uniformity across the Councils making development and enforcement process more transparent.
- 10.2 The Planning Enforcement Policy will improve customer understanding of the nature of planning breaches and the process of enforcement, as well as the process for reporting an alleged breach for complainants and the process for investigating an alleged breach for contraveners.

11. EQUALITIES AND DIVERSITY IMPLICATIONS

- 11.1 None identified.

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12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

- 12.1 The adoption of the Policy by Bromsgrove District Council is unlikely to have any material effects on value for money, procurement or asset management. However, the principle of shared services between Bromsgrove District Council and Redditch Borough Council which supports the decision to deliver one Planning Enforcement Policy for both Councils is based, serves to develop value for money and best practices.

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

- 13.1 It is intended that the adoption of a joint planning enforcement policy will have only positive effects on the environment through clarifying the nature of planning breaches, thereby reducing the number of unlawful or unacceptable developments that may negatively impact on the natural and built environment and increasing the speed and effectiveness of rectifying breaches.

14. HUMAN RESOURCES IMPLICATIONS

- 14.1 None identified.

15. GOVERNANCE / PERFORMANCE MANAGEMENT IMPLICATIONS

- 15.1 The policy sets out a clear framework against which decisions relating to enforcement matters can be made and this will inform and support Members when carrying out that role.
- 15.2 Performance management of the enforcement team would be improved as a result of the adoption of the policy. It provides timescales for complainants as well as setting out the councils approach to enforcement with respect to informal and formal approaches. This will ensure proportionate action is taken in a timely manner.

16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF THE CRIME AND DISORDER ACT 1998

- 16.1 The Planning Enforcement Policy will help to ensure that community safety is maximised by promoting lawful and acceptable developments and preventing, or remediating, unlawful and dangerous developments or uses which have a negative impact on the District.

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17. HEALTH INEQUALITIES IMPLICATIONS

17.1 None identified.

18. LESSONS LEARNT

18.1 None identified as this would introduce a new framework, but this should be kept under regular review and amendment as appropriate.

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

19.1 It is common place for Councils to have an enforcement policy or charter to set out to their customers their approach to planning enforcement. The Council has not carried out any specific consultation on this document; it does however reflect the policy in use at Redditch Borough Council and will therefore be familiar to some of our customers.

20. OTHERS CONSULTED ON THE REPORT

20.1	Portfolio Holder	Yes
	Chief Executive	Yes at CMT
	Executive Director (S.151 Officer)	Yes at CMT
	Executive Director - Leisure, Cultural, Environmental and Community Services	Yes at CMT
	Executive Director - Planning and Regeneration, Regulatory and Housing Services	Yes at CMT
	Director of Policy, Performance and Partnerships	Yes at CMT
	Head of Planning and Regeneration Services	Yes
	Head of Resources	Yes at CMT
	Head of Legal, Equalities and Democratic Services	Yes at CMT

BROMSGROVE DISTRICT COUNCIL

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	Corporate Procurement Team	Yes at CMT
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21. **WARDS AFFECTED**

21.1 All wards.

22. **APPENDICES**

22.1 Appendix 1 – Planning Enforcement Policy.

23. **BACKGROUND PAPERS**

23.1 None.

AUTHOR OF REPORT

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Tel.: 01527 881335

1. Introduction

1.1 Under the provisions of The Town and Country Planning Act 1990, planning permission is required for the carrying out of any development on land. The definition of development includes the carrying out of building, engineering, mining or other operations in, on, over or under land and also the material change of use of land and buildings.

1.2 A breach of planning control occurs when:

- Development takes place without the relevant planning permission.
- There has been a failure to comply with a condition on a planning permission.

Any breach of planning control is unlawful. However, it is not illegal, even in those cases where planning permission has been applied for and refused. It is not until the breach is in defiance of a confirmed Enforcement Notice that a criminal offence is committed. The situation is different in such cases as unauthorised works to a listed building, the felling of a protected tree or the display of unauthorised advertisements. In these circumstances, criminal liability can arise directly from the unauthorised action.

1.3 The processing of planning and other applications, subsequent monitoring of approved development and the investigation of breaches of planning control is carried out by officers within the Council's Planning and Regeneration Services.

2. Aims and purpose of the Enforcement Policy

2.1 The main aims of the policy are:

- To set out realistic, achievable objectives on planning enforcement.
- To define the range of options available to achieve objectives, having regard to statutory and non-statutory advice from Government.
- To provide a clear and accountable audit trail of decision-making processes.
- To adhere to and implement best practice in terms of planning enforcement.

2.2 The policy has been published having regard to planning policy advice provided by the Government and The Royal Town Planning Institute.

2.3. The main objectives of the planning enforcement process are:

- To remedy undesirable effects of unauthorised development.
- To bring unauthorised activity under control to ensure the credibility of the planning system is not undermined.

3. Investigating alleged breaches of Planning Control

- 3.1 Complaints received by the Council regarding alleged breaches of planning control can be split into two broad categories; complaints about unauthorised developments or changes of use of land and complaints about possible breaches of planning conditions where this Council has granted permission.
- 3.2 The Council investigates all alleged breaches of planning control whether they are reported by third parties or found as part of the Council's own monitoring procedures. The Planning Enforcement Officer, who is supported by other relevant officers when required, carries out these investigations. In addition, the Council's Building Control Officers monitor developments for which they are responsible under the Building Regulations. All Council Officers undertaking investigations of any kind are required to do so in a professional, accountable, fair and consistent manner.
- 3.3 All incidences of alleged breaches of planning control are thoroughly investigated with particular regard to the Town and Country Planning Act 1990 (as amended) and relevant Government guidance. Many factors have to be assessed before commencing formal enforcement action. These include:
- The case specific facts unique to each investigation.
 - The amount of actual or potential harm resulting from or caused by the development.
 - The policies in the Local Development Framework and any other material considerations.
 - Full consideration of the prospect of success of different enforcement procedures.
- 3.4 A small proportion of all investigations result in some formal enforcement action. The Council exercises discretion in relation to enforcement matters and seeks to ensure that any action is appropriate and in proportion to the seriousness of the breach. In some cases it may decide to take no formal action. For example, when there is insignificant or no harm caused by a 'technical' breach of a planning condition, time-consuming and costly legal procedures would not be justified if there would be no clear benefit to the environment or local amenity.
- 3.5 In cases where the Council's planning powers overlap with those of other regulatory agencies or other Council services, it may be more appropriate for those other agencies to take action, particularly if such action is likely to be quicker and more effective. In some cases a combination of powers may be used. Worcestershire County Council is likely to take the lead in respect of any enforcement action concerning mineral undertakings and the deposit/ tipping of waste materials.

4. Enforcement Procedures (Informal)

- 4.1 The Council will initially seek to ensure that breaches of planning control are resolved without having to resort to formal enforcement action. Relevant information will be made available to those involved in enforcement issues and appropriate guidance given to try and secure a satisfactory outcome for all concerned. The needs/difficulties of individuals, small firms and organisations will be taken into account with regard to compliance with Council requirements and to prevent any undue hardship or unnecessary expense.
- 4.2 Breaches often occur where a person is genuinely unaware that planning permission is required for works they are undertaking. Negotiation and persuasion are therefore the 'tools' most often used in dealing with many breaches. This not only saves time and resources but can also achieve immediate cessation of any unauthorised development and/or remedial works to rectify damage. Remedial works could involve alterations to the development to make it more acceptable or in some cases, the complete removal of an unauthorised development. Where a breach has been satisfactorily resolved in this way, then the Council will not usually initiate formal enforcement action, unless the breach recurs.
- 4.3 Where an activity or development has taken place without planning permission, the Town & Country Planning Act 1990 allows for the submission of an application for retrospective planning permission. However, the Council would only encourage this where it appears that the use or development is appropriate or can be adequately controlled by planning conditions¹. In such cases, the application is treated on its merits. Property sales are often delayed or fall through because searches reveal householders have not obtained planning permission for extensions they believed did not require permission. It is therefore in everyone's interests that unauthorised development is properly regularised.

5. Enforcement Procedures Available (Formal)

- 5.1 Should negotiation and persuasion fail then formal enforcement action may be necessary. There are a number of options available and the choice of procedures is carefully considered before commencing action.

5.2 Planning Contravention Notice

This Notice can be used to obtain information from landowners/developers where it appears that a breach of planning control has taken place. The Notice will seek information regarding the development or activities being carried out and ask about anyone who has an interest in the land. A period of 21 days is given in which to respond. Failure to provide the information or to knowingly provide false information is an offence and on summary conviction at a magistrates court could result in a fine if the Council decides to pursue a prosecution.

5.3 Breach of Condition Notice

Where planning permission has been granted subject to conditions and one or more of those conditions has not been complied with, a Breach of Condition Notice can be served on all interested parties. The Notice will specify the steps that need to be taken to ensure full compliance with the condition and why they are necessary. Although the recipient of such a Notice has to be given at least 28 days for compliance, service of the notice can secure an immediate effect e.g. cessation of work outside the permitted hours. There is no right of appeal against such a Notice and failure to comply with its requirements may result in prosecution in a Magistrates' Court.

5.4 Enforcement Notice

Where it is expedient to do so and there is clear evidence of a breach of planning control, an Enforcement Notice may be used. This Notice is served on all interested parties where harm to the environment or the local amenity has been caused by a breach of planning control. Such a notice will specify the works to which it refers, what steps are required to be taken, or what activities are to cease, to remedy the breach and also the time period within which these steps need to be taken. An Enforcement Notice does not take effect for 28 days and within this period there is a right of appeal by the recipient of such a Notice. If there is an appeal, then the requirements of the Notice are suspended until the Secretary of State confirms the Notice. An appeal is made to the Planning Inspectorate and will be decided by an independent Inspector.

- 5.5 The Inspectorate set out that an appeal can be made on the following grounds:

1. Planning permission should be granted for the development or change of use.
2. The development does not require planning permission.
3. No breach of planning control has taken place.

4. Sufficient time has elapsed since the development took place (4 years for development, 10 years for change of use) so that enforcement action cannot now be taken.
5. The Enforcement Notice has not been properly served.
6. The requirements of the Enforcement Notice are excessive.
7. The period for compliance stated in the Notice is too short.

In the case of an appeal on ground 1), a fee would be payable equivalent to the normal planning application fee for the development involved. Fees are not applicable in the other cases.

Once the Notice takes effect, its requirements must be met and failure to comply constitutes a criminal offence. The Council may decide to prosecute in certain cases. If an appeal is allowed, the Notice is quashed and in appropriate cases, planning permission granted.

5.6 Stop Notice

Stop Notices may only be issued accompanying or following the issue of an Enforcement Notice. Stop Notices normally take effect after three days and are used where there is significant or irreversible harm taking place through an unauthorised activity that needs to be controlled within a short timescale.

5.7 Temporary Stop Notices

Temporary Stop Notices were introduced in 2005 to allow local planning authorities to bring a halt to unauthorised activities where it is in the interests of the amenity of the area to do so. A Temporary Stop Notice does not require the issue of an Enforcement Notice and its effect is immediate. The Council has due processes in place to address these instances if they happen out of hours, including over Statutory holiday periods.

5.8 Court Injunction

Where action is necessary to curb or prevent a serious breach of planning control, the Council may apply to the High Court or County Court for an Injunction. Such an application can be made even if the Council has not used other enforcement powers. The advantages of this are that failure to comply constitutes a penal offence.

6. Procedure Following Service of an Enforcement/ Stop Notice/ Injunction

The length of time for compliance with notices is case specific and depends on a number of factors. An appeal lodged against an Enforcement Notice may delay the enforcement process unless a Stop Notice has also been issued.

6.1 Compliance with Notice(s)

Following the Service of a Notice the Council visits the site on a frequent basis to monitor compliance. Landowners/operators are advised of the possible consequences should the rate of progress appear to be slow or inadequate to meet the requirements of the Notice. Once the Notice has been complied with then the Council will resume its normal monitoring procedures for that site.

6.2 Injunction

Where an injunction has been granted, breach of it is a contempt of court and the Council may apply to the court for committal of the person in breach of the injunction. This may lead to fines or imprisonment.

6.3 Prosecution

Where the requirements of a particular Notice are not met, then the Council may decide to prosecute for non-compliance. The Council's main aim in all its enforcement activities is not primarily to penalise or punish, but to prevent further harm to the environment and the local amenity, and also to act as a deterrent to other potential offenders. Prosecution is very serious, expensive and time-consuming and will only be initiated after full consideration of all relevant facts, including:

- The harm caused by the offence.
- The intent and personal circumstances of the offender.
- The history of the offender.
- The deterrent effect of a prosecution.
- The likely chance of securing a conviction – availability of reliable evidence/ 3rd party witnesses etc.
- The benefit to the local community/Public interest.

6.4 Direct Action

Exceptionally, the Council may decide to enter land and carry out remedial measures or emergency works to ameliorate the effects of a significant breach of planning control. Prior to this a full cost/benefit analysis will be undertaken. The Council will seek to recover the costs involved in such direct works from the relevant persons in these cases.

7. Council's Commitment to Complainants

The Council's response to those persons reporting alleged breaches of planning control is set out below:

- All alleged breaches of planning control within the Council's jurisdiction will be recorded on receipt and given a unique investigation number.
- Complaints about matters outside the Council's area of jurisdiction will be passed on to the relevant person/authority and the complainant informed.
- The confidentiality of those reporting incidents will be maintained.
- Investigations into alleged breaches will normally start within 24 hours of a complaint being received and where appropriate an initial site visit to assess the situation will be carried out within 3 – 5 working days.
- Within 7 working days of the complaint being received, the Council, will formally acknowledge receipt of the complaint.
- Within 10 – 15 working days of the complaint being received, the complainant will be advised of action taken and/or proposed.
- Within 10 working days of the investigation being formally closed, the Council will write, if requested to do so, to complainants detailing the outcome.
- Should an investigation be complex and/or lengthy then the Council will provide regular feedback to the complainant(s) if requested to do so.
- Where no formal action is taken the Council will provide an explanation of the reason, if so requested.

Where there is the possibility of Court proceedings resulting from any investigations, detailed feedback may not always be possible to ensure that any subsequent legal action is not compromised.

8.0 Conclusion

- 8.1 Bromsgrove District Council is fully committed to protecting and enhancing the environment and the local amenity through the effective discharge of planning enforcement duties. All alleged breaches of planning control will be recorded and thoroughly investigated, if appropriate and the Council will be accountable for all decisions, actions and service delivery relating to planning enforcement.
- 8.2 In the majority of cases, negotiation and persuasion should be enough to remedy breaches but the Council will not hesitate to use formal enforcement powers should the need arise. These powers will be used in a manner proportional to the amount of harm caused by a breach.
- 8.3 This policy is intended to provide a general framework for the Council to control unauthorised development effectively, to target its resources efficiently and to ensure that the residents of the District are not subjected to unacceptable harm as a result of breaches in planning control. The policy will be reviewed on a regular basis.

Should you require any further information on planning enforcement matters visit our Website at Bromsgrove.gov.uk

ⁱ Government policy on planning enforcement is provided by Planning Policy Guidance Note 18 (issued December 1991), Department of the Environment Circular10/97 (issued July 1997) and Good Practice Guide for Local Planning Authorities (DETR 1997).

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TREASURY MANAGEMENT STRATEGY STATEMENT AND INVESTMENT STRATEGY 2011-12 TO 2013-14

Responsible Portfolio Holder	Councillor Geoff Denaro Portfolio Holder for Finance
Responsible Head of Service	Jayne Pickering, Executive Director Finance and Corporate Resources
Key Decision / Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 To report to the Audit Board on the strategy statement for the treasury management and investments in relation to Bromsgrove District Council to comply with the Local Government Act 2003 and to ensure the Council demonstrates accountability and effectiveness in the management of its funds.
- 1.2 To comply with Treasury Management Best Practice, the Performance Indicators, included in the report have previously been reported to Cabinet on 23rd February 2011. This information is still included in this report to ensure Members are aware of all information relevant to the Strategy Statement.

2. RECOMMENDATIONS

- 2.1 The Audit Board recommends to Full Council approval of the strategy detailed at Appendix 1.
- 2.2 The Audit Board will undertake additional scrutiny of the Strategy during 2011/12 to ensure the Council's investments are being managed in a risk free environment.
- 2.3 That the Audit Board notes the Authorised Limit for borrowing at £3,500,000 if required.
- 2.4 That the Audit Board notes the maximum level of investment to be held within each organisation (i.e. bank or building society) as detailed at £1m subject to market conditions.
- 2.5 That the Audit Board recommend to Full Council the approval of unlimited level for investment in Debt Management Account Deposit Facility (DMADF).

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- 2.6 That the Audit Board notes that training for Treasury management has been identified and will be incorporated within the Modern Councillor Programme (Training and Development Events for Members) prioritised with all other needs.

3. BACKGROUND

- 3.1 The Chartered Institute of Public Finance and Accountancy's Code of Practice for Treasury Management in Public services (the CIPFA TM Code) and the Prudential Code require local authorities to set the Treasury Management Strategy Statement (TMSS) and Prudential Indicators each financial year. The TMSS also incorporates the Investment Strategy as required under the CLG's Investment Guidance.

- 3.2 CIPFA has defined Treasury Management as:

"the management of the organisation's investments, cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks."

- 3.3 The Council regards the successful identification, monitoring and control of risk to be the prime criteria by which the effectiveness of its treasury management activities will be measured. Treasury management risks are identified in the Council's approved Treasury Management Practices and include:

- Liquidity Risk (Adequate cash resources)
- Market or Interest Rate Risk Fluctuations in the value of investments).
- Inflation Risks (Exposure to inflation)
- Credit and Counterparty Risk (Security of Investments)
- Refinancing Risks (Impact of debt maturing in future years).
- Legal & Regulatory Risk (Compliance with statutory and regulatory requirements)

- 3.4 In addition the Local Government Act 2003 requires the Council to 'have regard to the Prudential Code and to set Prudential Indicators for the next three years to ensure that the Council's capital investment plans are affordable, prudent and sustainable'.

- 3.5 The revised guidance issued in draft on the 16th November 2009 makes it clear that investment priorities should be security and liquidity, rather than yield and that authorities should not rely just on credit ratings, but consider other information on risk.

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- 3.6 The guidance requires investment strategies to comment on the use of treasury management consultants and on the investment of money borrowed in advance of spending needs.

4. KEY ISSUES

- 4.1 The failing of a number of Icelandic banks and the issue with Northern Rock has highlighted the risks associated with treasury management activities.
- 4.2 The strategy adopted by many local authorities has been to protect capital sums with minimum returns on investments. There are now only a handful of organisations with an F1+ credit rating.
- 4.3 The bank base rate has remained at 0.5% since 5th March 2009.
- 4.4 On 20th October 2010 HM Treasury issued an instruction to the PWLB to increase the interest rate on all new loans by an average of 1% above UK Government Gilts. The new borrowing rate for fixed loans, increased by approximately 0.87% across all maturities, and variable rates by 0.90%.
- 4.5 In formulating the Treasury Management Strategy and the setting of the Prudential Indicators, Bromsgrove District Council adopts the Treasury Management Framework and Policy recommended by CIPFA.

5. FINANCIAL IMPLICATIONS

- 5.1 The financial implications are contained within the body of the strategy statement at Appendix 1.

6. LEGAL IMPLICATIONS

- 6.1 This is a statutory report under the Local Government Act 2003.

7. POLICY IMPLICATIONS

- 7.1 None

8. COUNCIL OBJECTIVES

- 8.1 Approval of this strategy statement will ensure that the Council invests its resources within a robust and effective framework to deliver a maximum return on investments within a secure environment.

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9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

9.1 The main risks associated with the details included in this report are:

- *Poor Use of Resources scoring*
- *Poor investment return*
- *Loss of capital due to investing with inappropriate organisations*

9.2 These risks are being managed as follows:

- Poor Use of Resources scoring

Risk Register: *Corporate*

Key Objective Ref No: *1*

Key Objective: *Effective Financial Management*

9.3 The risks associated with the delivery of maximum return within a secure environment have now been addressed in the risk register. The risks and controls in place to mitigate them have been assessed and detailed within the register.

9.4 Current controls to reduce the risk of loss of capital and poor return on investment include:

- Monthly reports from investment managers on performance of funds
- Quarterly reporting to Performance Management Board and Cabinet of financial position on investments
- Monthly updates from treasury advisors in respect of level of status for organisations we invest with
- Daily monitoring by internal officers of banking arrangements and cash flow implications

10. CUSTOMER IMPLICATIONS

10.1 The effective management of treasury operations will ensure that the management of the public funds is monitored and reviewed in a complaint way to satisfy the public of the use of their financial resources.

11. EQUALITIES AND DIVERSITY IMPLICATIONS

11.1 None as a direct result of this strategy

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12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

- 12.1 The robust framework that is in place to ensure investments maximise return within a secure environment support the demonstration that the Council is providing value for money is the use of its funds available.

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

- 13.1 None

14. HUMAN RESOURCES IMPLICATIONS

- 14.1 None

15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

- 15.1 The performance management implications are detailed in the report.

16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998

- 16.1 None

17. HEALTH INEQUALITIES IMPLICATIONS

- 17.1 None.

18. LESSONS LEARNT

- 18.1 Not applicable

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

- 19.1 None

20. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	No
Chief Executive	No
Executive Director (S151 Officer)	Yes

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Executive Director – Leisure, Cultural, Environmental and Community Services	No
Executive Director – Planning & Regeneration, Regulatory and Housing Services	No
Director of Policy, Performance and Partnerships	No
Head of Service	Yes
Head of Resources	Yes
Head of Legal, Equalities & Democratic Services	No
Corporate Procurement Team	No

21. WARDS AFFECTED

All

22. APPENDICES

Appendix 1 - Treasury Management Strategy Statement and Investment Strategy 2011/12 to 2013/14

23. BACKGROUND PAPERS

Treasury Management Strategy Statement and Investment Strategy 2011/12 to 2013/14

AUTHOR OF REPORT

Name: Deborah Randall
E Mail: d.randall@bromsgrove.gov.uk
Tel: (01527)881235

Appendix 1

**Treasury Management Strategy Statement
and Investment Strategy 2011/12 to 2013/14**

Contents

- 1. Background**
- 2. Balance Sheet and Treasury Position**
- 3. Borrowing and Rescheduling Strategy**
- 4. Outlook for Interest Rates**
- 5. Investment Policy and Strategy**
- 6. Balanced Budget Requirement**
- 7. 2011/12 MRP Statement**
- 8. Reporting**
- 9. Other Items**

Appendices

- A. Current and Projected Portfolio Position**
- B. Interest Rate Outlook: The Council's, Arlingclose's**
- C. Specified Investments for use by the Council**
- D. Non- Specified Investments for use by the Council**

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1. Background

1.1. The Chartered Institute of Public Finance and Accountancy's Code of Practice for Treasury Management in Public Services (the "CIPFA TM Code") and the Prudential Code require local authorities to determine the Treasury Management Strategy Statement (TMSS) and Prudential Indicators on an annual basis. The TMSS also incorporates the Investment Strategy as required under the CLG's Investment Guidance.

1.2. CIPFA has defined Treasury Management as:

"the management of the organisation's investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks."

1.3. The Council is responsible for its treasury decisions and activity. No treasury management activity is without risk. The successful identification, monitoring and control of risk are integral element to treasury management activities and include Credit and Counterparty Risk, Liquidity Risk, Market or Interest Rate Risk, Refinancing Risk and Legal and Regulatory Risk.

1.4. The strategy takes into account the impact of the Council's Revenue Budget and Capital Programme on the Balance Sheet position, the current and projected Treasury position (Appendix A), the Prudential Indicators and the outlook for interest rates (Appendix B).

1.5. The purpose of this TMSS is to approve:

- Treasury Management Strategy for 2011-12 (Borrowing and Debt Rescheduling - Section 4, Investments - Section 5)
- Prudential Indicators – (NB: the Authorised Limit is a statutory limit)
- MRP Statement – Section 8
- Use of Specified and Non-Specified Investments – Appendices C & D

1.6. As per requirements of the Prudential Code, the Council has adopted the CIPFA Treasury Management Code at its meeting on 17th March 2010. The Council has incorporated the changes from the revised CIPFA Code of Practice (November 2009) into its treasury policies, procedures and practices.¹

¹ This Prudential Indicator demonstrates the Council has adopted the principles of best practice in terms of Treasury Management

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1.7. All treasury activity will comply with relevant statute, guidance and accounting standards.

2. Balance Sheet and Treasury Position

2.1. The underlying need to borrow for capital purposes, as measured by the Capital Financing Requirement (CFR)², together with Balances and Reserves, are the core drivers of Treasury Management Activity. The estimates, based on the current Revenue Budget and Capital Programmes, are:

	31/03/2011 Estimate £m	31/03/2012 Estimate £m	31/03/2013 Estimate £m	31/03/2014 Estimate £m
CFR	0	0	0	0.907
Balances & Reserves	5.208	3.190	2.203	2.079
Cumulative Net Borrowing Requirement/(Investments)	5.208	3.190	2.203	1.172

2.2. The Council's level of physical debt and investments is linked to these components of the Balance Sheet. The current portfolio position is set out at **Appendix A**. Market conditions, interest rate expectations and credit risk considerations will influence the Council's strategy in determining the borrowing and investment activity against the underlying Balance Sheet position. The Council will ensure that net physical external borrowing³ (i.e. net of investments) will not exceed the CFR other than for short term cash flow requirements.

Estimates of Capital Expenditure:

2.3. It is a requirement of the Prudential Code to ensure that capital expenditure remains within sustainable limits and, in particular, to consider the impact on Council Tax and in the case of the HRA, housing rent levels.

² The Capital Financing Requirement measures the Council's underlying need to borrow for capital purposes.

³ This is a key indicator of prudence and should not exceed the Capital Financing Requirement. As the CFR represents the level of borrowing for capital purposes, and revenue expenditure cannot be financed from borrowing, net physical external borrowing should not exceed the CFR other than for short term cash flow requirements.

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Capital Expenditure	2010/11 Approved £m	2010/11 Revised £m	2011/12 Estimate £m	2012/13 Estimate £m	2013/14 Estimate £m
General Fund	2.465	4.568	2.633	1.372	1.131
Total	2.465	4.568	2.633	1.372	1.131

2.4. Capital expenditure is expected to be financed as follows ⁴:

Capital Financing	2010/11 Approved £m	2010/11 Revised £m	2011/12 Estimate £m	2012/13 Estimate £m	2013/14 Estimate £m
Capital receipts	1.877	3.573	2.058	0.967	0.224
Government Grants and Contributions	0.588	0.995	0.485	0.405	
Major Repairs Allowance					
Revenue contributions			0.090		
Total Financing	2.465	4.568	2.633	1.372	
Supported borrowing					
Unsupported borrowing					0.907
Total Funding					0.907
Total Financing and Funding	2.465	4.5668	2.633	1.372	1.131

Incremental Impact of Capital Investment Decisions:

2.5. As an indicator of affordability the table below shows the impact of capital investment decisions on Council Tax. The incremental impact is calculated by comparing the total revenue budget requirement of the current approved capital programme with an equivalent calculation of the revenue budget requirement arising from the proposed capital programme.

Incremental Impact of Capital Investment Decisions	2010/11 Approved £	2011/12 Estimate £	2012/13 Estimate £	2013/14 Estimate £
Increase in Band D Council Tax	0.01	0.19	0.11	0.76

⁴ The element to be financed from borrowing impacts on the movement in the Capital Financing Requirement. An increase in the CFR in turn produces an increased requirement to charge MRP in the Revenue Account.

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- 2.6. The estimate for interest receipts is £68k. The ratio of financing costs to the Council's net revenue stream⁵ is an indicator of affordability and highlights the revenue implications of existing and proposed capital expenditure by identifying the proportion of the revenue budget required to meet borrowing costs. The ratio is based on costs net of investment income.

Ratio of Financing Costs to Net Revenue Stream	2010/11 Approved %	2010/11 Revised %	2011/12 Estimate %	2012/13 Estimate %	2013/14 Estimate %
General Fund	0.56	0.72	0.60	0.93	0.73

3. Borrowing and Rescheduling Strategy

- 3.1. The Council's balance of Actual External Debt at 31/01/11 (gross borrowing plus other long-term liabilities) is shown in Appendix A. This Prudential Indicator is measured in a manner consistent for comparison with the Operational Boundary and Authorised Limit.

- 3.2. The **Authorised Limit** sets the maximum level of external borrowing on a gross basis (i.e. not net of investments) and is the statutory limit determined under Section 3(1) of the Local Government Act 2003 (referred to in the legislation as the Affordable Limit).

Authorised Limit for External Debt	2010/11 Approved £m	2010/11 Revised £m	2011/12 Estimate £m	2012/13 Estimate £m	2013/14 Estimate £m
Borrowing	6.5	2.5	3.5	4.5	5.5
Other Long-term Liabilities	0.0	0.0	0.0	0.0	0.0
Total	6.5	2.5	3.5	4.5	5.5

- 3.3. The **Operational Boundary** links directly to the Council's estimates of the CFR and estimates of other cashflow requirements. This indicator is based on the same estimates as the Authorised Limit reflecting the most likely, prudent but not worst case scenario but without the additional headroom included within the Authorised Limit.

⁵ The Capital Financing Requirement measures the Council's underlying need to borrow for capital purposes.

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Operational Boundary for External Debt	2010/11 Approved £m	2010/11 Revised £m	2011/12 Estimate £m	2012/13 Estimate £m	2013/14 Estimate £m
Borrowing	5.5	1.5	2.5	3.5	4.5
Other Long-term Liabilities	0.0	0.0	0.0	0.0	0.0
Total	5.5	1.5	2.5	3.5	4.5

3.4. The Executive Director of Finance and Resources has delegated authority, within the total limit for any individual year, to effect movement between the separately agreed limits for borrowing and other long-term liabilities. Decisions will be based on the outcome of financial option appraisals and best value considerations. Any movement between these separate limits will be reported to the next meeting of the Cabinet.

3.5 The following Prudential Indicators allow the Council to manage the extent to which it is exposed to changes in interest rates. The upper limit for variable rate exposure has been set to reflect the Council's debt and investment activity which is of a short term nature and therefore has a natural exposure to interest rate changes.

	2010/11 Approved £m or %	2010/11 Revised £m or %	2011/12 Estimate £m or %	2012/13 Estimate £m or %	2013/14 Estimate £m or %
Upper Limit for Fixed Interest Rate Exposure	100%	100%	100%	100%	100%
Upper Limit for Variable Interest Rate Exposure	100%	100%	100%	100%	100%

3.6 The Council will also limit and monitor large concentrations of fixed rate debt needing to be replaced.⁶ Limits in the following table are intended to control excessive exposures to volatility in interest rates when refinancing maturing debt. Any borrowing undertaken by Bromsgrove District Council arises due to cash flow movements and is of a short term nature as such any borrowing undertaken will have a maturity date within 12 months.

⁶ This Prudential Indicator is calculated as the amount of projected borrowing that is fixed rate maturing in each period as a percentage of total projected borrowing that is fixed rate. The maturity of borrowing is determined by reference to the earliest date on which the lender can require payment. The TM Code of Practice (Guidance Notes page 12) recommends that the Maturity Structure of fixed rate borrowing is to be broken down into several ranges if significant debt is held in periods in excess of 10 years.

Maturity structure of fixed rate borrowing	Lower Limit for 2011/12 %	Upper Limit for 2011/12 %
under 12 months	0.00%	100.0%
12 months and within 24 months	0.00%	100.0%
24 months and within 5 years	0.00%	100.0%
5 years and above	0.00%	100.0%

4 Investment Policy and Strategy

4.1 Guidance from CLG on Local Government Investments in England requires that an Annual Investment Strategy (AIS) be set.

4.2 The Council's investment priorities are:

- security of the invested capital;
- liquidity of the invested capital;
- an optimum yield which is commensurate with security and liquidity.

4.3 Investments are categorised as 'Specified' or 'Non Specified' investments based on the criteria in the CLG Guidance. Potential instruments for the Council's use within its investment strategy are contained in Appendices C and D. The Executive Director of Finance and Resources, under delegated powers, will undertake the most appropriate form of investments in keeping with the investment objectives, income and risk management requirements and Prudential Indicators. Decisions taken on the core investment portfolio will be reported to the Audit Board meeting.

4.4 Changes to investment strategy for 2011/12 include:

- AAA-rated Variable Net Asset Value (VNAV) Money Market Funds
- T-Bills
- Local Authority Bills
- Term deposits in Sweden
- Maximum duration for new term deposits 2 years

4.5 The Council's current level of investments is presented at Appendix A.

4.6 The Council's in-house investments are made with reference to the outlook for the UK Bank Rate and money market rates.

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- 4.7 In any period of significant stress in the markets, the default position is for investments to be made with the Debt Management Office or UK Treasury Bills. (The rates of interest from the DMADF are below equivalent money market rates, but the returns are an acceptable trade-off for the guarantee that the Council's capital is secure.)
- 4.8 The Council selects countries and the institutions within them (see Appendix C), for the counterparty list after analysis and careful monitoring of:
- Credit Ratings (minimum long-term A+ for counterparties; AA+ for countries)
 - Credit Default Swaps (where quoted)
 - GDP; Net Debt as a Percentage of GDP
 - Sovereign Support Mechanisms/potential support from a well-resourced parent institution
 - Share Prices (where quoted)
 - Macro-economic indicators
 - Corporate developments, news and articles , market sentiment.
- 4.9 The Council and its Treasury Advisors, Arlingclose, will continue to analyse and monitor these indicators and credit developments on a regular basis and respond as necessary to ensure security of the capital sums invested.
- 4.10 The UK Bank Rate has been maintained at 0.5% since March 2009, and is anticipated to remain at low levels throughout 2011/12. Short-term money market rates are likely to remain at very low levels for an extended period which will have a significant impact on investment income.
- 4.11 To protect against a lower for longer prolonged period of low interest rates and to provide certainty of income, 2-year deposits and longer-term secure investments could be considered against the context of the Council's balance sheet. The longer-term investments will be likely to include:
- Term Deposits with counterparties rated at least A+ (or equivalent)
 - Supranational Bonds (bonds issued by multilateral development banks): Even at the lower yields likely to be in force, the return on these bonds will provide certainty of income against an outlook of low official interest rates.

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- 4.12 The Council has placed an upper limit for principal sums invested for over 364 days, as required by the Prudential Code. This limit is to contain exposure to the possibility of loss that may arise as a result of the Council having to seek early repayment of the sums invested.

No. 12	Upper Limit for total principal sums invested over 364 days ⁷	2010/11 Approved £m	2010/11 Revised £m	2011/12 Estimate £m	2012/13 Estimate £m	2013/14 Estimate £m
		2.0	2.0	2.0	2.0	2.0

5 Outlook for Interest Rates

- 5.1 The economic interest rate outlook provided by the Council's treasury advisor, Arlingclose Ltd, is attached at Appendix B. The Council will reappraise its strategy from time to time and, if needs be, realign it with evolving market conditions and expectations for future interest rates.

6 Balanced Budget Requirement

- 6.1 The Council complies with the provisions of S32 of the Local Government Finance Act 1992 to set a balanced budget.

7 2011/12 MRP Statement⁸

- 7.1 The Local Authorities (Capital Finance and Accounting) (England) (Amendment) Regulations 2008 (SI 2008/414) place a duty on local authorities to make a prudent provision for debt redemption. Guidance on Minimum Revenue Provision has been issued by the Secretary of State and local authorities are required to "have regard" to such Guidance under section 21(1A) of the Local Government Act 2003.

- 7.2 The four MRP options available are:

- Option 1: Regulatory Method
- Option 2: CFR Method
- Option 3: Asset Life Method
- Option 4: Depreciation Method

⁷ Please make allowance within this Indicator for amounts invested for 1 year, i.e 365/366 days.

⁸ The Annual MRP Statement is subject to Council approval and may therefore be reported separately to Council instead of being incorporated into the TMSS.

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7.3 The Council's CFR at 31st March 2011 is expected to be nil in relation to capital expenditure funded from borrowing and therefore there is no requirement to charge MRP in 2011/12.

8 Monitoring and Reporting on the Treasury Outturn and Prudential Indicators

Treasury activity is monitored quarterly and reported internally to Cabinet and the Performance Monitoring Board. The Prudential Indicators will be monitored through the year by the Executive Director of Finance and Resources and reported as under:

The Executive Director of Finance and Resources will report to the Performance Monitoring Board and Cabinet on treasury management activity / performance and Performance Indicators as follows:

- (a) Quarterly against the strategy approved for the year.
- (b) The Council will produce an outturn report on its treasury activity no later than 30th September after the financial year end.
- (c) The Audit Board will be responsible for the scrutiny of treasury management activity and practices.

9 Other Items

Training

CIPFA's Code of Practice requires the Executive Director of Finance and Resources to ensure that all members tasked with treasury management responsibilities, including scrutiny of the treasury management function, receive appropriate training relevant to their needs and understand fully their roles and responsibilities.

Responsibility for the scrutiny of the Treasury Management function will rest with the Audit Board. The Executive Director of Finance and Resources will ensure that adequate training is provided for all relevant Members during the Financial Year.

Investment Consultants

The CLG's Guidance on local government investments recommend that the Investment Strategy should state:

- Whether and, if so, how the authority uses external contractors offering information, advice or assistance relating to investment and
- How the quality of any such service is controlled.

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The Council uses external consultants, Arlingclose for information and advice relating to investments. Updated information is received and monitoring undertaken by regular meetings and reports between the Executive Director of Finance and Resources and representatives from Arlingclose.

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APPENDIX A

EXISTING PORTFOLIO PROJECTED FORWARD

This is our current investment portfolio as at 31st January 2011.

	Current Portfolio £m
Investments: <i>Managed in-house</i> - Deposits and monies on call and Money Market Funds - Fixed Term Deposits	 12.00 10.25
Total Investments	22.25

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APPENDIX B

Arlingclose's Economic and Interest Rate Forecast

	Mar-11	Jun-11	Sep-11	Dec-11	Mar-12	Jun-12	Sep-12	Dec-12	Mar-13	Jun-13	Sep-13	Dec-13	Mar-14
Official Bank Rate													
Upside risk	0.25	0.25	0.25	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50
Central case	0.50	0.50	0.75	1.00	1.25	1.50	2.00	2.50	2.75	2.75	3.00	3.00	3.00
Downside risk	-	-	- 0.25	- 0.50	- 0.50	- 0.50	- 0.50	- 0.50	- 0.50	- 0.50	- 0.50	- 0.50	- 0.50
1-yr LIBID													
Upside risk	0.25	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50
Central case	1.65	1.90	2.15	2.40	2.50	2.50	2.75	3.00	3.25	3.50	3.50	3.50	3.50
Downside risk	- 0.25	- 0.25	- 0.25	- 0.50	- 0.50	- 0.50	- 0.50	- 0.50	- 0.50	- 0.50	- 0.50	- 0.50	- 0.50
5-yr gilt													
Upside risk	0.25	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50
Central case	2.75	3.00	3.25	3.50	3.75	4.00	4.00	4.00	4.00	4.00	4.25	4.25	4.00
Downside risk	- 0.25	- 0.25	- 0.25	- 0.25	- 0.25	- 0.25	- 0.25	- 0.25	- 0.25	- 0.25	- 0.25	- 0.25	- 0.25
10-yr gilt													
Upside risk	0.25	0.25	0.25	0.25	0.25	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50
Central case	3.90	4.00	4.10	4.25	4.50	4.75	4.75	4.75	4.75	4.75	5.00	5.00	4.75
Downside risk	- 0.25	- 0.25	- 0.25	- 0.25	- 0.25	- 0.25	- 0.25	- 0.25	- 0.25	- 0.25	- 0.25	- 0.25	- 0.25
20-yr gilt													
Upside risk	0.25	0.25	0.25	0.25	0.25	0.25	0.50	0.50	0.50	0.50	0.50	0.50	0.50
Central case	4.50	4.75	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.25	5.25	5.00
Downside risk	- 0.25	- 0.25	- 0.25	- 0.25	- 0.25	- 0.25	- 0.25	- 0.25	- 0.25	- 0.25	- 0.25	- 0.25	- 0.25
50-yr gilt													
Upside risk	0.25	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50
Central case	4.25	4.50	4.75	4.75	4.75	4.75	4.50	4.50	4.50	4.50	4.75	4.75	4.50
Downside risk	- 0.25	- 0.25	- 0.25	- 0.25	- 0.25	- 0.25	- 0.25	- 0.25	- 0.25	- 0.25	- 0.25	- 0.25	- 0.25

- The recovery in growth is likely to be slow and uneven.
- The initial reaction to the CSR is positive, but implementation risks remain.
- The path of base rates reflects the fragility of the recovery and the significantly greater fiscal tightening of the emergency budget. With growth and underlying inflation likely to remain subdued, the Bank will stick to its lower for longer stance on policy rates.
- Uncertainty surrounding Eurozone sovereign debt and the risk of contagion will remain a driver of global credit market sentiment.

Underlying assumptions:

- The framework and targets announced in the Comprehensive Spending Review (CSR) to reduce the budget deficit and government debt will be put to the test; meeting the 2010 borrowing target of £149bn will be crucial to the gilt market's confidence in the credibility of the deficit reduction plans.

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- Despite Money Supply being weak and growth prospects remaining subdued, the MPC has gravitated towards increasing rates in the new year as global inflation continues to rise along with household inflation.
- Consumer Price Inflation is stubbornly above 3% and is likely to spike above 4% in the first quarter of 2011 as a result of VAT, Utilities and Rail Fares.
- Unemployment remains near a 16 year high, at just over 2.5 Million, and is set to increase as the Public Sector shrinks. Meanwhile employment is growing but this is mainly due to part time work, leaving many with reduced income.
- Recently announced Basel III capital/liquidity rules and extended timescales are positive for banks. Restructuring of UK banks' balance sheets is ongoing and expected to take a long time to complete. This will be a pre-condition for normalisation of credit conditions and bank lending.
- Mortgage repayment, a reduction in net consumer credit and weak consumer confidence are consistent with lower consumption and therefore the outlook for growth.
- The US Federal Reserve downgraded its outlook for US growth; the Fed is concerned enough to signal further QE through asset purchases. Industrial production and growth in the Chinese economy are showing signs of slowing. Both have implications for the global economy.

APPENDIX C

Specified and Non Specified Investments

Specified Investments identified for use by the Council

Specified Investments will be those that meet the criteria in the CLG Guidance, i.e. the investment

- is sterling denominated
- has a maximum maturity of 1 year
- meets the “high credit quality” as determined by the Council or is made with the UK government or is made with a local authority in England, Wales, Scotland or Northern Ireland or a parish or community council.
- the making of which is not defined as capital expenditure under section 25(1)(d) in SI 2003 No 3146 (i.e. the investment is not loan capital or share capital in a body corporate).

“Specified” Investments identified for the Council's use are:

- Deposits in the DMO's Debt Management Account Deposit Facility
- Deposits with UK local authorities
- Deposits with banks and building societies
- *Certificates of deposit with banks and building societies
- *Gilts: (bonds issued by the UK government)
- *Bonds issued by multilateral development banks
- Treasury-Bills (T-Bills)
- Local Authority Bills (LA Bills)
- AAA-rated Money Market Funds with a Constant Net Asset Value (CNAV)
- AAA-rated Money Market Funds with a Variable Net Asset Value (VNAV)
- Other Money Market Funds and Collective Investment Schemes– i.e. credit rated funds which meet the definition of a collective investment scheme as defined in SI 2004 No 534 and SI 2007 No 573.

1. ** Investments in these instruments will be on advice from the Council's treasury advisor.*

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2. *The use of the above instruments by the Council's fund manager(s) will be by reference to the fund guidelines contained in the agreement between the Council and the individual manager.*

For credit rated counterparties, the minimum criteria will be the lowest equivalent short-term and long-term ratings assigned by Fitch, Moody's and Standard & Poor's (where assigned).

Long-term minimum: A+ (Fitch); A1 (Moody's); A+ (S&P)

Short-term minimum: F1 (Fitch); P-1 (Moody's); A-1 (S&P)

The Council will also take into account information on corporate developments of and market sentiment towards investment counterparties.

New specified investments will be made within the following limits:

Instrument	Country/ Domicile	Counterparty	Maximum Counterparty Limits %/£m	<i>E.g.</i>
Term Deposits	UK	DMADF, DMO	No limit	
Term Deposits/Call Accounts	UK	Other UK Local Authorities	No limit	
Term Deposits/Call Accounts	UK	Counterparties rated at least A+ Long Term and F1 Short Term (or equivalent)	£1m	
Term Deposits/Call Accounts	Non-UK	Counterparties rated at least A+ Long Term and F1 Short Term (or equivalent) in select countries with a Sovereign Rating of at least AA+	£1m	
Gilts	UK	DMO	No limit	
T-Bills	UK	DMO	No limit	
LA-Bills	UK	Other UK Local Authorities	No limit	
AAA-rated Money Market Funds	UK/Ireland/ Luxembourg domiciled	CNAV MMFs VNAV MMFs (where there is greater than 12 month history of a consistent £1 Net Asset Value)	£1m	<i>Standard Life; Goldman Sachs; Prime Rate; RBS; Ignis etc. Aviva VNAV MMF Investec Liquidity Fund</i>
Other MMFs and CIS	UK/Ireland/ Luxembourg domiciled	Pooled funds which meet the definition of a Collective Investment Scheme per SI 2004 No 534 and subsequent amendments	£1m	<i>Payden & Rygel; Investec Short Bond Fund</i>

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NB Any existing deposits outside of the current criteria will be reinvested with the above criteria on maturity.

NB

Non-UK Banks - These should be restricted to a maximum exposure of 25-30% per country. This means that effectively all your authority's investments can be made with non-UK institutions should you wish, but it limits the risk of over-exposure to any one country.

MMFs - We emphasise diversification for all investments including MMFs. We advise that, as far as is practicable, clients spread their investments in Money Market Funds between two funds or more.

Group Limits - For institutions within a banking group, we advise a limit of 1.5 times the individual limit of a single bank within that group.

Instrument	Country/ Domicile	Counterparty	Maximum Counterparty Limit %/£m	Maximum Group Limit (if applicable) %/£m
Term Deposits/Call Accounts	UK	Santander UK Plc (Banco Santander Group)	£1m	£1.5m
Term Deposits/Call Accounts	UK	Bank of Scotland (Lloyds Banking Group)	£1m	£1.5m
Term Deposits/Call Accounts	UK	Lloyds TSB (Lloyds Banking Group)	£1m	£1.5m
Term Deposits/Call Accounts	UK	Barclays Bank Plc	£1m	£1.5m
Term Deposits/Call Accounts	UK	Clydesdale Bank (National Australia Bank Group)	£1m	£1.5m
Term Deposits/Call Accounts	UK	HSBC Bank Plc	£1m	£1.5m
Term Deposits/Call Accounts	UK	Nationwide Building Society	£1m	£1.5m
Term Deposits/Call Accounts	UK	NatWest (RBS Group)	£1m	£1.5m
Term Deposits/Call Accounts	UK	Royal Bank of Scotland (RBS Group)	£1m	£1.5m
Term Deposits/Call Accounts	UK	Standard Chartered Bank	£1m	£1.5m
Term Deposits/Call Accounts	Australia	Australia and NZ Banking Group	£1m	£1.5m
Term Deposits/Call Accounts	Australia	Commonwealth Bank of Australia	£1m	£1.5m

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Term Deposits/Call Accounts	Australia	National Australia Bank Ltd (National Australia Bank Group)	£1m	£1.5m
Term Deposits/Call Accounts	Australia	Westpac Banking Corp	£1m	£1.5m
Term Deposits/Call Accounts	Canada	Bank of Montreal	£1m	£1.5m
Term Deposits/Call Accounts	Canada	Bank of Nova Scotia	£1m	£1.5m
Term Deposits/Call Accounts	Canada	Canadian Imperial Bank of Commerce	£1m	£1.5m
Term Deposits/Call Accounts	Canada	Royal Bank of Canada	£1m	£1.5m
Term Deposits/Call Accounts	Canada	Toronto-Dominion Bank	£1m	£1.5m
Term Deposits/Call Accounts	Finland	Nordea Bank Finland	£1m	£1.5m
Term Deposits/Call Accounts	France	BNP Paribas	£1m	£1.5m
Term Deposits/Call Accounts	France	Credit Agricole CIB (Credit Agricole Group)	£1m	£1.5m
Term Deposits/Call Accounts	France	Credit Agricole SA (Credit Agricole Group)	£1m	£1.5m
Term Deposits/Call Accounts	France	Société Générale	£1m	£1.5m
Term Deposits/Call Accounts	Germany	Deutsche Bank AG	£1m	£1.5m
Term Deposits/Call Accounts	Netherlands	ING Bank NV	£1m	£1.5m
Term Deposits/Call Accounts	Netherlands	Rabobank	£1m	£1.5m
Term Deposits/Call Accounts	Sweden	Svenska Handelsbanken	£1m	£1.5m
Term Deposits/Call Accounts	Switzerland	Credit Suisse	£1m	£1.5m
Term Deposits/Call Accounts	US	JP Morgan	£1m	£1.5m

Please note this list could change if, for example, a counterparty/country is upgraded, and meets our other creditworthiness tools. Alternatively if a counterparty is downgraded, this list may be shortened.

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APPENDIX D

Non-Specified Investments determined for use by the Council

Having considered the rationale and risk associated with Non-Specified Investments, the following have been determined for the Council's use: *(please amend the table below as applicable – we encourage you to discuss with Arlingclose the instruments and limits appropriate to your Council's strategy.)*

	In-house use	Use by fund managers	Maximum maturity	Max % of portfolio	Capital expenditure?	<i>E.g.</i>
▪ Deposits with banks and building societies	✓		<u>2 years</u>	<u>Maximum total investment</u> <u>£1m</u>	No	
▪ CDs with banks and building societies	✓	✓				

1. In determining the period to maturity of an investment, the investment should be regarded as commencing on the date of the commitment of the investment rather than the date on which funds are paid over to the counterparty.

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