



BROMSGROVE DISTRICT COUNCIL

YOU ARE HEREBY SUMMONED to attend the ANNUAL 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 18th May 2011, when the business referred to below will be brought under consideration:-

The meeting will be opened with a prayer.

1. Election of Chairman for the ensuing year

(Following election, the Chairman will make a Declaration of Acceptance of Office)

2. Election of Vice-Chairman for the ensuing year

(Following election, the Vice-Chairman will make a Declaration of Acceptance of Office and will be invested with the Badge and Chain of Office)

3. Election of Leader of the Council for a period of four years

4. To receive apologies for absence

5. Declarations of Interest

6. To confirm the accuracy of the minutes of the meeting of the Council held on 20th April 2011 (Pages 1 - 8)

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

8. Appointment of Committees 2011/12 (Pages 9 - 14)

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

9. **Scheme of Delegation** (Pages 15 - 84)

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

10. **Membership of the Cabinet - Leader to announce the membership of the Cabinet including the Deputy Leader**

11. **Appointments to Outside Bodies** (Pages 85 - 86)

(a) To approve appointments to those Outside Bodies listed on the attached schedule

(b) To approve the extension of existing appointments to other Outside Bodies pending consideration of a report at the next meeting of the full Council to be held by 30th June 2011

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

TO ALL MEMBERS OF THE BROMSGROVE DISTRICT COUNCIL

Agenda Item 6

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE COUNCIL

WEDNESDAY, 20TH APRIL 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, Dr. D. W. P. Booth JP, S. R. Colella, R. J. Deeming, G. N. Denaro, Mrs. R. L. Dent, Mrs. J. Dyer M.B.E., D. Hancox, R. Hollingworth, Ms. H. J. Jones, B. Lewis F.CMI, Mrs. J. D. Luck (present during Minute No. 129/10 only), Mrs. C. M. McDonald, P. M. McDonald, D. McGrath (present during Minutes Nos. 129/10 to part of 139/10), E. J. Murray, W. R. Newnes, D. L. Pardoe, S. R. Peters, J. A. Ruck, C. R. Scurrall, S. P. Shannon, 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, P. J. Whittaker and C. J. K. Wilson

129/10 **PRAYER**

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

130/10 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors A. N. Blagg, Mrs. M. Bunker and Ms. J. A. Marshall. Councillor Mrs. J. D. Luck left the meeting at the start of this item due to personal reasons.

131/10 **DECLARATIONS OF INTEREST**

Councillor W. R. Newnes declared a prejudicial interest in agenda item 9. (Recommendations from the Audit Board – Treasury Management Strategy Statement and Investment Strategy 2011/12 to 2013/14) as he was employed by one of the banks referred to and had dealings with two of the other banks. He left the meeting during consideration of this item and took no part in the discussion or voting thereon.

Mr. K Dicks, Chief Executive declared that Mrs. S. Hanley (Executive Director), Mrs. C. Felton (Head of Legal, Equalities and Democratic Services/Monitoring Officer) and himself had a prejudicial interest in agenda item 11 (a) (Motion submitted by Councillor P. M. McDonald). These Chief Officers left the meeting during consideration of this item.

132/10 **MINUTES**

The minutes of the meeting of the Council held on 16th March 2011 were submitted.

RESOLVED that the minutes be approved as a correct record.

133/10 **ANNOUNCEMENTS FROM THE CHAIRMAN**

The Chairman referred to the following Members who were standing down from the Council and requested that thanks be recorded for their service over the years.

Councillors A. N. Blagg, Mrs. M. Bunker, Mrs. J. Dyer M.B.E., D. Hancox, Mrs. J. D. Luck, Ms. J. A. Marshall, D. McGrath and R. D. Smith.

134/10 **ANNOUNCEMENTS FROM THE LEADER**

There were no announcements from the Leader.

135/10 **RECOMMENDATIONS FROM THE CABINET ON 6TH APRIL 2011**

(i) **SHARED SERVICES / TRANSFORMATION – REVISED TIMELINE**

RESOLVED that the revised programme timeline for the delivery of Shared Service and Transformation between Bromsgrove District Council and Redditch Borough Council be approved.

(ii) **COUNCIL PLAN 2011-2014**

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

136/10 **MINUTES OF THE MEETING OF THE CABINET HELD ON 6TH APRIL 2011**

The minutes of the meeting of the Cabinet held on 6th April 2011 were received for information.

137/10 **RECOMMENDATIONS FROM THE PLANNING COMMITTEE**

(i) **SCHEME OF DELEGATION FOR PLANNING ENFORCEMENT AND DEVELOPMENT CONTROL**

Councillor Mrs. J. Dyer M.B.E. referred to additions which needed to be made to the text of the appendices referred to in the recommendations from the Planning Committee on proposed changes to the Scheme of delegation for Planning Enforcement and Development Control. The recommendations (with these additions) were moved by Councillor Mrs. J. Dyer M.B.E. and seconded by Councillor G. N. Denaro.

An amendment was moved by Councillor S. R. Peters and seconded by Councillor L. J. Turner that the deleted wording shown in the boxes on page 189 of the Council agenda in respect of the size of planning applications to be determined by the Planning Committee should remain unchanged within the delegation.

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

For the amendment: Councillors Mrs. C. M. McDonald, P. M. McDonald, E. J. Murray, W. R. Newnes, D. L. Pardoe, S. R. Peters, S. P. Shannon, L. J. Turner and C. J. K. Wilson (9);

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

Accordingly the Chairman declared the amendment to be LOST.

Following further debate, the recommendations from the Planning Committee (including the additions to the text) were then put to the vote as the substantive motion, whereupon it was

RESOLVED that the amendments to the Scheme of Delegation for Planning Enforcement and Development Control as set out in Appendices 1, 2 and 3 of the report be approved, subject to the additions to the text as now tabled.

(ii) **PROPOSED MEMBER PROTOCOL FOR INVOLVEMENT IN PRE-APPLICATION DISCUSSIONS FOR PROPOSED DEVELOPMENTS IN THE DISTRICT**

The recommendations from the Planning Committee were moved by Councillor Mrs. J. Dyer M.B.E. and seconded by Councillor G. N. Denaro.

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

For the recommendations: Councillors Dr. D. W. P. Booth JP, Mrs. J. M. Boswell, Miss D. H. Campbell JP, S. R. Colella, R. J. Deeming, G. N. Denaro, Mrs. R. L. Dent, Mrs. J. Dyer M.B.E., D. Hancox, R. Hollingworth, Ms. H. J. Jones, B. Lewis, S. R. Peters, J. A. Ruck, 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 (24);

Against the recommendations: Councillors Mrs. C. M. McDonald, P. M. McDonald, D. McGrath, E. J. Murray, W. R. Newnes, D. L. Pardoe, S. P. Shannon and C. J. K. Wilson (8);

RESOLVED:

- (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.

(iii) ADOPTION OF THE PLANNING ENFORCEMENT POLICY

Councillor Mrs. J. Dyer M.B.E. referred to additions which needed to be made to the text of section 5.5 of Appendix 1 referred to in the recommendations from the Planning Committee. The recommendations (with these additions) were moved by Councillor Mrs. J. Dyer M.B.E. and seconded by Councillor G. N. Denaro.

RESOLVED that the Council adopt the Planning Enforcement Policy, subject to:

- (a) the deletion of the third item in section 7 of the 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; and
- (b) additions to the text of section 5.5 of the Enforcement Policy as now tabled.

138/10 **RECOMMENDATION FROM THE AUDIT BOARD**

The recommendations from the Audit Board were moved by Councillor S. R. Peters and seconded by Councillor B. Lewis F.CMI.

RESOLVED:

- (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).

139/10 **CHANGES TO THE CONSTITUTION**

Members considered a report of the Head of Legal, Equalities and Democratic Services which presented proposed revisions to the Council's Constitution based on changes previously agreed, together with updated terms of reference for the Local Development Framework Working Party which better reflected its role. The report also presented a proposed new policy on ICT provision for Members.

The recommendations set out in 2.1 of the report were moved by Councillor G. Denaro and seconded by Councillor R. Hollingworth.

Councillor S.R. Peters moved an amendment that 8.2.1 of the Introduction to the Constitution (as set out in Appendix 1 to the report) be altered to state that Cabinet Members may not serve on the Audit Board. He withdrew a second part to the amendment which he had moved. The amendment was not seconded.

An amendment was moved by Councillor P. M. McDonald and seconded by Councillor C. J. K. Wilson that 6.2 of the Articles of the Constitution (as set out in Appendix 2 to the report) be altered to read: "The Chairman of the Overview and Scrutiny Board is a member of the non-controlling political group" instead of "...may be a member of the non-controlling political group.

Having been put to the vote, the Chairman declared the amendment to be LOST.

The recommendations set out in 2.1 of the report then became the substantive motion.

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

For the recommendations: Councillors Dr. D. W. P. Booth JP, Mrs. J. M. Boswell, Miss D. H. Campbell JP, S. R. Colella, R. J. Deeming, G. N. Denaro, Mrs. R. L. Dent, Mrs. J. Dyer M.B.E., D. Hancox, R. Hollingworth, Ms. H. J. Jones, B. Lewis, J. A. Ruck, C. R. Scurrill, Mrs. M. A. Sherrey JP, R. D. Smith, Mrs. C. J. Spencer, C. B. Taylor, E. C. Tibby, C. J. Tidmarsh, M. J. A. Webb and P. J. Whittaker (22);

Against the recommendations: Councillors Mrs. C. M. McDonald, P. M. McDonald, D. McGrath, E. J. Murray, W. R. Newnes, S. P. Shannon and C. J. K. Wilson (7);

Abstentions: Councillors D. L. Pardoe, S. R. Peters and L. J. Turner.

RESOLVED that the Council notes and approves the revised sections of the Constitution as set out in Appendices 1-3 of the report.

The recommendations set out in 2.2 of the report were moved by Councillor G. N. Denaro and seconded by Councillor R. Hollingworth.

During the debate Councillor W. R. Newnes requested that information in relation to the cost of providing Blackberry devices to the Leader and Deputy Leader be made available.

Having been put to the vote, it was

RESOLVED that the Council approves the Policy on Members ICT facilities as set out at Appendix 4 of the report and the revised terms of reference for the Local Development Framework Party as set out at Appendix 5.

140/10 **QUESTIONS ON NOTICE**

No questions on notice had been received.

141/10 **MOTION**

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

“In light of the Council no longer being able to fulfil their simple obligations such as providing street furniture, bus shelters, litter picking, removal of graffiti, hanging baskets, free swimming for the elderly, dog warden, free collection of green waste etc.

It should cap all chief officers’ salaries to that of no more than four times the lowest paid individual. This would free up monies that could be used for the Council to meet its obligations to the people of Bromsgrove.”

The motion was moved by Councillor P. M. McDonald and seconded by Councillor C. J. K. Wilson.

Following some discussion, a closure motion was moved by Councillor G. N. Denaro and seconded by Councillor C. B. Taylor that the question be now put to the vote. The Chairman allowed Councillor S. R. Peters to speak before the closure motion was put to the vote as he had indicated a wish to speak prior to the motion having been moved.

Having been put to the vote, the closure motion was CARRIED.

Following an exchange between Councillor P. M. McDonald and the Chairman as to whether he had a right of reply as the mover of the original motion, Councillor R. Hollingworth suggested that advice be sought from the Monitoring Officer. The meeting stood adjourned from 7.40 p.m. to 7.43 p.m. whilst that advice was sought.

Having reconvened the meeting, the Chairman announced that Councillor P. M. McDonald had a right of reply as set out under Council Procedure Rule 13.11 (c).

Following the right of reply, the motion was put to the vote and declared by the Chairman to be LOST.

142/10 **LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC**

A motion to exclude the public prior to consideration of agenda item 13 (recommendations from the Cabinet on 6th April 2011 on Business Case for a Shared Leisure and Cultural Service) was moved by the Chairman and seconded by Councillor R. Hollingworth on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 1 and 4 of Part 1 of Schedule 12A to the Act as amended, being information in relation to any individual and any ongoing or contemplated negotiations in connection with labour relations matters between the Council and officers. Members needed to consider whether the public interest in maintaining the exemption outweighed the public interest in disclosing the information by debating the matter in public.

Having been put to the vote it was

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 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>Minute No.</u>	<u>Paragraphs</u>
143/10	1 and 4

143/10 **RECOMMENDATIONS FROM THE CABINET ON 6TH APRIL 2011**

BUSINESS CASE FOR A SHARED LEISURE AND CULTURAL SERVICE

The recommendations from the Cabinet were moved by Councillor M. J. A. Webb and seconded by Councillor G. N. Denaro.

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

For the recommendations: Councillors Dr. D. W. P. Booth JP, Mrs. J. M. Boswell, Miss D. H. Campbell JP, S. R. Colella, R. J. Deeming, G. N. Denaro, Mrs. R. L. Dent, Mrs. J. Dyer M.B.E., D. Hancox, R. Hollingworth, Ms. H. J. Jones, B. Lewis, D. L. Pardoe, S. R. Peters, J. A. Ruck, C. R. Scurrrell, 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 (25);

Against the recommendations: Councillors Mrs. C. M. McDonald, P. M. McDonald, E. J. Murray, W. R. Newnes, S. P. Shannon and C. J. K. Wilson (6);

RESOLVED 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.

The meeting closed at 8.00 p.m.

Chairman

BROMSGROVE DISTRICT COUNCIL

ANNUAL COUNCIL

18th May 2011

APPOINTMENT OF COMMITTEES 2011/12

Relevant Portfolio Holder	Councillor R Hollingworth
Relevant Head of Service	Claire Felton
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 Members are asked to approve the appointment and composition of the Council's Boards and Committees for the 2011/12 Municipal Year.

2. RECOMMENDATIONS

- 2.1 That for the ensuing Municipal Year, the Committees set out in the table in Appendix 1 of the report be appointed and that the representation of the different political groups on the Council on those Committees be as set out in that table until the next Annual Meeting of the Council, or until the next review of political representation under Section 15 of the Local Government and Housing Act 1989, whichever is the earlier.

- 2.2 That Members be appointed to the Committees in accordance with nominations to be made by Group Leaders.

3. BACKGROUND

- 3.1 The Council is bound by law and/or its own Constitution to appoint various Boards and Committees and to agree the allocation of seats which are subject to the rules of political proportionality.
- 3.2 The proposed proportional allocation of seats to Boards and Committees for 2011/12 is set out in Appendix 1.
- 3.3 The Standards Committee is not subject to the rules of political proportionality. The proposed allocation of seats for this Committee is shown at the foot of Appendix 1.

4. KEY ISSUES

- 4.1 The key issue in relation to this report is the need for the Council to apply the rules of political proportionality. This means that the political balance of the Council needs to be reflected in the political composition of individual

Boards/Committees. In addition, the total number of seats allocated to each group must reflect the political balance of the Council.

- 4.2 The proposed allocation of seats on each Board/Committee has been done on a strict mathematical basis as shown in Appendix 1. The figures in bold in each column are the number of seats it is proposed should be allocated to each group. The figures in brackets are the mathematical calculations i.e. the total number of seats on the Board/Committee divided by the size of the group.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no direct financial implications arising from this report.

6. LEGAL IMPLICATIONS

- 6.1 Sections 15 -17 of the Local Government and Housing Act 1989 places a duty on Councils to allocate the seats on certain committees in proportion to the size of the political groups on the Council.

7. POLICY IMPLICATIONS

- 7.1 There are no policy implications arising from this report. Decisions with regard to the appointment and political composition of Committees and Boards are matters for the full Council to consider.

8. COUNCIL OBJECTIVES

- 8.1 Effective governance is aligned to the Council's Improvement objective

9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

- 9.1 There are no significant risks associated with this item.

10. CUSTOMER IMPLICATIONS

- 10.1 None

11. EQUALITIES AND DIVERSITY IMPLICATIONS

- 11.1 None

ANNUAL COUNCIL

18th May 2011

12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

12.1 None

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 Committees and Boards are integral to the governance of the Council.

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 N/A

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

19.1 None

20. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	No
Executive Director (S151 Officer)	No

BROMSGROVE DISTRICT COUNCIL

ANNUAL COUNCIL

18th May 2011

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 Proposed Allocation of Committee Places 2011/12

23. BACKGROUND PAPERS

None

AUTHOR OF REPORT

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APPENDIX 1

PROPOSED ALLOCATION OF COMMITTEE PLACES 2011/12

Committee	Conservative 27 Members = 69.23% of total	Labour 10 Members = 25.64% of total	Wythall Residents 2 Members =5.13% of total	Total	Comments
Overview and Scrutiny Board	9 (8.9999)	3 (3.3332)	1 (0.6669)	13	
Audit Board	5 (4.8461)	2 (1.7948)	0 (0.3591)	7	
Licensing Committee	9 (8.9999)	3 (3.3332)	1 (0.6669)	13	
Planning Committee	9 (8.9999)	3 (3.3332)	1 (0.6669)	13	
Appeals Panel	5 (5.5384)	3 (2.0512)	0 (0.4104)	8	Only 3 Members will sit on any one occasion
Appointments Committee	4 (3.4615)	1 (1.282)	0 (0.2565)	5	
Electoral Matters Committee	7 (6.923)	3 (2.564)	0 (0.513)	10	
Local Development Framework Working Party	9 (8.9999)	3 (3.3332)	1 (0.6669)	13	Not required to be politically balanced, but In establishing the Committee, the Cabinet requested the membership should be both representative of the Council and geographically representative of the district
TOTAL	57	21	4	82	
% of seats in proportion to total no. of seats	69.51%	25.61%	4.88%		
Standards Committee	2	1	1		Not required to be politically balanced. Elected membership includes 2 from the controlling group & 2 who are not Members of the controlling political group. Membership also includes 3 independent persons and 2 parish representatives

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BROMSGROVE DISTRICT COUNCIL

ANNUAL COUNCIL

18th May 2011

Scheme of Delegations

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

1. SUMMARY

- 1.1 The Council's constitution requires that the Officer Scheme of Delegation be approved by Members at the Annual Meeting of the Council. Accordingly the purpose of this report is to present to members for approval the current version of the Officer Scheme of Delegations.

2. RECOMMENDATION

- 2.1 Members are asked to approve the following recommendations:-
- 2.1.1 That the current version of the Officer Scheme of Delegations as attached at Appendix 1 be agreed by Members.

3. BACKGROUND

- 3.1 The Officer Scheme of Delegations is the part of the Constitution that gives authority for certain decisions to be delegated from Council, the executive or other committees to certain specified officers. It sets out the decisions which are delegated by Council to officers and the decisions which are delegated by the Executive/ Leader to officers. In relation to certain regulatory decisions, the delegation is from Council to the relevant committee, namely Planning Committee or Licensing Committee. For clarity these matters are also included in the document.
- 3.2 The Scheme of Delegations is regularly altered and updated to reflect changes in the operation of the Council and changes to legislation. From time to time Members are requested to consider alterations to the Scheme of Delegation and to approve it.

4. KEY ISSUES

- 4.1 The current version of the Officer Scheme of Delegation is attached at Appendix 1. Members are asked to note that the format of the document has been changed. It is now set out in portrait format so that it is easier to

BROMSGROVE DISTRICT COUNCIL

ANNUAL COUNCIL

18th May 2011

follow; changes have also been made to reflect the introduction of the new governance arrangements for a Leader and Cabinet Executive (strong leader). Where the document previously referred to “Cabinet” this has been changed to “Executive/ Leader”.

4.2 The current versions of the Officer Scheme of Delegations brings together a number of changes previously approved by Council. These include:-

- Updating of the titles of the relevant Directors and Heads of Service to reflect the current structure of the Council under the shared management team;
- Re-arrangement of the delegations between departments to correspond with where the functions now sit within the organisation.
- Consequential amendments arising out of the introduction of Worcestershire Regulatory Services;
- The changes to the Scheme of Delegation for Planning which were agreed at Full Council on 16 March 2011.

Officers have also updated references to legislation which is no longer in force or has been replaced

4.3 The only changes which have not previously been approved relate to Tree Preservation Orders. The purpose of the changes is to clarify responsibility for confirmation, variation and revocation of Tree Preservation Orders as between the Planning Committee and the Head of Environment. The previous version of the Scheme of Delegations did not articulate who should be responsible for revocation and variation resulting in all of these cases being reported to Planning Committee even when there had been no objections. Under the new provisions (set out below) the Planning Committee will determine new applications where objections have been received and also consider revocations and variations of orders they previously approved. In all other cases confirmation, variation or revocation is delegated to the Head of Environment.

Tree Preservation Orders – Confirmation	1. To confirm Tree Preservation Orders under the provisions of the Town & Country Planning Act 1990 in cases where objections have been received	1. Council	1. Planning Committee
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BROMSGROVE DISTRICT COUNCIL

ANNUAL COUNCIL

18th May 2011

	2. To confirm Tree Preservation Orders in all other cases	2. Planning Committee	2. Head of Environment
Tree Preservation Orders – revocation or variation	1. To revoke or vary a Tree Preservation Order where the original confirmation was made by Planning Committee 2. To revoke or vary in all other cases	1. Council 2. Planning Committee	1. Planning Committee 2. Head of Environment

5. FINANCIAL IMPLICATIONS

5.1 There are no financial implications arising out of this report.

6. LEGAL IMPLICATIONS

6.1 The Local Government Act 1972 (as amended) gives a general power to local authorities to discharge functions through officers (s101). Local authorities are required by s100G of the Local Government Act 1972 (as amended) to maintain a list (ie the Scheme of Delegation) specifying those powers of the Council which for the time being, are exercisable from time to time by officers of the Council.

6.2 The Local Government Act 2000 (as amended) gives a general power to local authority executives to make provision for the allocation of any executive functions by officers of the authority. As referred to in the main body of the report from the Council will now be operating under the Leader and Cabinet Executive model and accordingly the ability to delegate executive functions will be vested in the Leader rather than the Cabinet.

ANNUAL COUNCIL

18th May 2011

7. POLICY IMPLICATIONS

7.1 None identified

8. COUNCIL OBJECTIVES

8.1 Not applicable

9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

9.1 There are no significant risks arising from this report that have been identified, but any minor risks arising are being managed as follows:

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

9.2 There are no health and safety implications.

10. CUSTOMER IMPLICATIONS

10.1 The revised Scheme of Delegation will be distributed to Members and will be displayed on the Council's website.

11. EQUALITIES AND DIVERSITY IMPLICATIONS

11.1 None identified

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

BROMSGROVE DISTRICT COUNCIL

ANNUAL COUNCIL

18th May 2011

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 Not applicable

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

19.1 Not applicable

20. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	No
Executive Director (S151 Officer)	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	Yes

BROMSGROVE DISTRICT COUNCIL

ANNUAL COUNCIL

18th May 2011

Head of Resources	No
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	No

21. WARDS AFFECTED

All wards

22. APPENDICES

Appendix 1 Current version of the Officer Scheme of Delegations.

23. BACKGROUND PAPERS

None.

24. KEY

Non Applicable

AUTHOR OF REPORT

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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

**PART 3
(PART D)**

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.

**PART 3
(PART D)**

BUSINESS TRANSFORMATION

Subject	Detail	Delegated by:	Delegated to:
IT Development	To monitor and update the Council's IT development strategy	Executive/ Leader	Head of Business Transformation
Street Naming, House Numbering and Locality Names	To determine all matters relating to street naming, house numbering and locality names	Executive/ Leader	Head of Business Transformation and Customer Services in consultation with the Ward Member and, where relevant, Parish Council
Regulation of Investigatory Powers Act	To maintain the central record of authorisations	Council	The Information Management Team under the supervision of the Head of Business Transformation

**PART 3
(PART D)**

COMMUNITY SERVICES

1. Strategic Housing

Subject	Detail	Delegated by:	Delegated to:
Discretionary Housing Assistance Grants	To determine applications for Housing Assistance Grants under the Regulatory (Housing Assistance Grants) (England and Wales) Order 2002	Executive/ Leader	Strategic Housing Manager
Houses in Multiple Occupation	<ol style="list-style-type: none"> 1. To approve, revoke and vary licences relating to houses in multiple occupation under the Housing Act 2004 2. To sign housing-related notices for houses in multiple occupation under the Housing Act 2004 3. To inspect conditions under the Housing Health and Safety Rating System – Housing Act 2004 	<ol style="list-style-type: none"> 1. Executive/ Leader 2. Executive/ Leader 3. Executive/ Leader 	<ol style="list-style-type: none"> 1. Strategic Housing Manager 2. Strategic Housing Manager 3. Strategic Housing Manager
Housing Act 1985 and Housing Act 2004	<p>To:</p> <ol style="list-style-type: none"> a. make and determine Demolition Orders b. revoke Closing Orders c. cancel undertakings (to render premises fit for human habitation) made or given under the Housing Act 1985 on being satisfied that the property had no category of Hazards under the Housing, Health and Safety Rating system d. serve Improvement Notices e. serve Prohibition Notices f. serve Hazard Awareness notices g. take emergency remedial action or make an emergency Prohibition Order h. declare a Clearance Area 	Executive/ Leader	Head of Community Services

**PART 3
(PART D)**

Housing Associations - Nominations	To deal with the nomination where necessary of homeless applicants to housing association dwellings	Executive/ Leader	Strategic Housing Manager
Housing Capacity Study	To update the site details and housing figures in the Housing Capacity Study on an annual basis using data from the Housing Land Availability Study	Executive/ Leader	Strategic Housing Manager
Housing Corporation Social Housing Grant	To administer and approve applications and to authorise payment of local authority grant and Housing Corporation Grant under the Housing Corporation IMS System	Executive/ Leader	Strategic Housing Manager
Housing Grants	To determine applications for housing grants under the Housing Grants, Construction and Regeneration Act 1996	Executive/ Leader	Strategic Housing Manager
Low Cost Housing	<ol style="list-style-type: none"> To administer the Council's low cost housing scheme including the making of nominations and the sale of the Council's interest in dwellings To take all necessary action including the institution of legal proceedings to recover deferred payments from the purchases of low cost homes who are in breach of covenants made in the purchase of low cost housing To revise fees in relation to low cost housing transactions 	<ol style="list-style-type: none"> Executive/ Leader Executive/ Leader Executive/ Leader 	<ol style="list-style-type: none"> Strategic Housing Manager Senior Solicitor Head of Legal, Equalities & Democratic Services, Head of Community Services and Head of Resources in consultation with the relevant Portfolio Holders
Mandatory Disabled Facilities Grant	1. To determine applications for housing grants under the Housing Grants, Construction and Regeneration Act 1996	1. Executive/ Leader	1. Strategic Housing Manager

**PART 3
(PART D)**

	2. To grant extensions of time of up to six months within which improvements are to be completed	2. Executive/ Leader	2. Head of Community Services
Protection from Eviction Act	To take appropriate action (including the institution of criminal or civil proceedings)	Executive/ Leader	Head of Community Services or Senior Solicitor
Utilities – Restoration or Continuance of Services	To deal in consultation with the relevant Portfolio Holder and generally in accordance with emergency procedures with applications received pursuant to the arrangements according to section 33 of the Local Government (Miscellaneous Provision) Act 1976 (Public Utility Services to Dwellings) ad to take such action as may be necessary for the recovery of any payments made by the Council in pursuance of such arrangements	Executive/ Leader	Head of Resources or Head of Community Services

2. Community Safety

Subject	Detail	Delegated by	Delegated to
Anti-Social Behaviour – designation of dispersal area	To determine requests from West Mercia Constabulary to designate an area under section 30 of the Anti-Social Behaviour Act 2003 as an area where there is persistent anti-social behaviour	Executive/ Leader	Head of Community Services or if unavailable his/her nominated deputy
Alcohol Consumption in Public Places	The designation of areas for the purposes of restrictions on alcohol consumption	Licensing Committee	Head of Community Services

**PART 3
(PART D)**

CORPORATE DELEGATIONS

1. Corporate

Subject	Detail	Delegated by:	Delegated to:
Authentication of Documents	To sign any document necessary to any legal procedure or proceedings on behalf of the Council	Council	Chief Executive (unless any enactment otherwise authorises or requires or the Council has given requisite authority to some other person)
Consultation Documents	<ol style="list-style-type: none"> To respond on behalf of the Council to consultation documents To respond to consultations by the County Council in respect of proposals to carry out alterations to schools in the District or nearby 	1. & 2. Council	<ol style="list-style-type: none"> Chief Executive, Executive Directors, Deputy Chief Executive, Heads of Service in consultation with members in such manner as the Chief Executive considers appropriate Chief Executive in consultation with the relevant Ward Members
Emergencies	<ol style="list-style-type: none"> To act in accordance with the delegated procedures set out in the Emergency Plan To enable officers to undertake appropriate communications activity during an emergency without recourse to members, should the situation require an immediate response To incur expenditure essential to meet any immediate needs created by an emergency in accordance with the Financial Regulations 	1. – 3. Executive/ Leader	<ol style="list-style-type: none"> Chief Executive, Executive Directors, Deputy Chief Executive & Heads of Service Chief Executive, Executive Directors, Deputy Chief Executive Heads of Service with agreement of the Executive/ Leader or, if the Executive/ Leader is unavailable and in cases of extreme emergency only, the relevant Portfolio Holder

**PART 3
(PART D)**

Proper Officer		
<p>1. To sign summonses to Council Meetings and to receive notices regarding addresses to which summons to meeting is to be sent under provisions of paragraphs 4(2)(b) and 4(3) of Schedule 12 to the Local Government Act 1972.</p> <p>2. To be appointed "Proper Officer" in relation to the following provisions of the Local Government Act 1972:</p>	<p>1. To sign summonses to Council Meetings and to receive notices regarding addresses to which summons to meeting is to be sent under provisions of paragraphs 4(2)(b) and 4(3) of Schedule 12 to the Local Government Act 1972.</p> <p>2. To be appointed "Proper Officer" in relation to the following provisions of the Local Government Act 1972:</p>	<p>1. Chief Executive or in his/her absence the Monitoring Officer</p>
<p>a. Sections 83(1) to (4) - Witness and receipt of acceptance of office</p>	<p>a. Sections 83(1) to (4) - Witness and receipt of acceptance of office</p>	<p>a. Chief Executive</p>
<p>b. Section 84 – Receipt of declaration of resignation of office</p>	<p>b. Section 84 – Receipt of declaration of resignation of office</p>	<p>b. Chief Executive</p>
<p>c. Section 89 (1) (b): Receipt of notice of casual vacancy from two local electors</p>	<p>c. Section 89 (1) (b): Receipt of notice of casual vacancy from two local electors</p>	<p>c. Head of Legal, Equalities and Democratic Services</p>
<p>d. Section 229(5): Certification of photographic copies of document</p>	<p>d. Section 229(5): Certification of photographic copies of document</p>	<p>d. Head of Legal, Equalities and Democratic Services</p>
<p>e. Sections 234(1) and (2): Authentication of documents</p>	<p>e. Sections 234(1) and (2): Authentication of documents</p>	<p>e. Head of Legal, Equalities and Democratic Services</p>
<p>f. Section 88 (2): Convening of meeting to fill casual vacancy in the office of Chairman</p>	<p>f. Section 88 (2): Convening of meeting to fill casual vacancy in the office of Chairman</p>	<p>f. Chief Executive</p>
<p>g. Section 204(3): Receipt of application for licence under Sch 2 of Licensing Act 1964</p>	<p>g. Section 204(3): Receipt of application for licence under Sch 2 of Licensing Act 1964</p>	<p>g. Head of Legal, Equalities and Democratic Service</p>
<p>h. Section 210 (6) and (7): Charity functions of holders of offices with existing authorities transferred to holders of</p>	<p>h. Section 210 (6) and (7): Charity functions of holders of offices with existing authorities transferred to holders of</p>	<p>h. Head of Legal, Equalities and Democratic Services</p>

**PART 3
(PART D)**

	<p>equivalent office with new authorities, or, if there is no such office to "Proper officers"</p>		
	<p>i. Section 212(1) and (2): Proper Officer to act as Local Registrar for Land Charges Act 1925</p>		<p>i. Head of Legal, Equalities and Democratic Services</p>
	<p>j. Section 225: Deposit of documents</p>		<p>j. Head of Legal, Equalities and Democratic Services</p>
	<p>k. Section 236(9): To send copies of byelaws for parish records</p>		<p>k. Head of Legal Equalities and Democratic Services</p>
	<p>l. Section 236(10): To send copies of byelaws to the County Council</p>		<p>l. Head of Legal, Equalities and Democratic Services</p>
	<p>m. Section 238: Certification of byelaws</p>		<p>m. Head of Legal, Equalities and Democratic Services</p>
	<p>n. Section 228 (3): Accounts of "any Proper Officer" to be open to inspection by any member.</p>		<p>n. Head of Resources</p>
	<p>o. Section 191: Function with respect to ordnance survey</p>		<p>o. Head of Planning</p>
	<p>p. Schedule 16 para 28: Receipt on deposit of lists of protected buildings (Section 54(4) of the Town and Country Planning Act 1971)</p>		<p>p. Head of Planning</p>
	<p>q. Sections 115(2) and 146(1)(a) and (b): Receipt of money due from officers</p>		<p>q. Head of Resources</p>

**PART 3
(PART D)**

	<p>declaration and certificates with regard to securities</p> <p>r. Section 151</p>		<p>r. Head of Resources</p>
<p>Regulation of Investigatory Powers Act</p>	<p>1. To review revise and update the Council's RIPA policy</p> <p>2. Under the provisions of Part 1 chapter 2 of the Regulation of Investigatory Powers Act 2000 relating to the Accessing of Communications Data, to appoint officers to act as SPOCs (Single Point of Contact)</p> <p>3. In relation to requests for Directed Surveillance, to sign all necessary documents and forms whether by way of Authorisation, Review, or Cancellation</p> <p>4. In relation to any request for surveillance where it is considered likely that confidential information will be obtained, to sign all necessary documents and forms whether by way of Authorisation, Review or Cancellation</p> <p>5. In relation to requests for Covert Human Intelligence Sources where the source is aged under 18, to sign all necessary documents and forms whether by way of Authorisation, Review, or Cancellation.</p> <p>6. In relation to requests for Urgent Oral Authorisations</p> <p>7. To maintain the central record of authorisations</p>	<p>1. – 7. Council</p>	<p>r. Head of Legal, Equalities and Democratic Services</p> <p>2. Head of Legal, Equalities and Democratic Services</p> <p>3. Heads of Service authorised to do so under Appendix 2 of the RIPA policy</p> <p>4. Chief Executive or in his absence the Executive Director of Services</p> <p>5. Chief Executive or in his absence the Executive Director of Services</p> <p>6. Heads of Service and senior managers authorised to do so under Appendix 2 of the RIPA policy</p> <p>7. The Information Management Team under the supervision of the</p>

**PART 3
(PART D)**

		Head of Business Transformation
Urgent Business	To determine matters requiring attention as a matter of such urgency that formal reporting to Council, Cabinet or Committee is not possible	Council or Executive/ Leader (as appropriate) Chief Executive in consultation with the Executive/ Leader, s151 Officer and the Monitoring Officer

2. Monitoring Officer

Subject	Detail	Delegated by:	Delegated to:
Constitution and Scheme of Delegation – amendments	<ol style="list-style-type: none"> To make amendments to the Scheme of Delegation and other areas of the Constitution in order to reflect changes in legislation or regulations, job titles and the reallocation of functions of the Council between departments, provided that the amendments do not extend or reduce the existing delegations or other powers and duties currently listed in the Constitution To make amendments to that part of the Constitution which comprises the Management Arrangements to the extent that such amendment reflects either a change in personnel or changes to the corporate structure which have been agreed by Council 	Council	Monitoring Officer
Independent Members of Standards Committee	<p>To undertake all the administrative arrangements in respect of the recruitment of the Independent Member on the Standards Committee, including</p> <ul style="list-style-type: none"> Short listing of candidates in consultation with the Chairman of the Standards Committee for interview by the Appointments 	Council	Monitoring Officer

**PART 3
(PART D)**

	<ul style="list-style-type: none">• Committee; where only one candidate meets the essential criteria, in consultation with the Chairman of the Standards Committee to make recommendations to Council		
Outside Bodies	To maintain and amend a list of external bodies and organisations to which Members have been appointed by the Council	Council	Monitoring Officer

**PART 3
(PART D)**

Environment

1. Cemeteries

Subject	Detail	Delegated by:	Delegated to:
Cemeteries	<ol style="list-style-type: none"> To operate the Bromsgrove Cemetery and North Bromsgrove Cemetery within the Budget and Policy Framework To determine applications to sell flowers at Bromsgrove Cemetery and North Bromsgrove Cemetery and to determine a suitable charge To remove and dispose of floral tributes remaining on a grave where the grave owner has not complied with two written requests to remove tributes 	<ol style="list-style-type: none"> Executive/ Leader Executive/ Leader Executive/ Leader 	<ol style="list-style-type: none"> & 2. Head of Environment Head of Environment Services

2. Use of land / dogs

Subject	Detail	Delegated by:	Delegated to:
Flowers, Bulbs and Trees	To approve requests from charitable organisations to plant flowers, bulbs and trees in support of the Charity (other than in parks and open spaces)	Executive/ Leader	Head of Environment
Inland Revenue Mobile Advice Centre	To determine requests to site a mobile tax advice centre on the Recreation Road South Car Park	Executive/ Leader	Head of Environment

**PART 3
(PART D)**

Hay	To determine requests to harvest hay from areas of recreation and amenity land subject to any environmental and conservation considerations and that any income generated be allocated to recreation purposes	Executive/ Leader	Head of Environment
Dogs	<ol style="list-style-type: none"> 1. To act on behalf of the Council as regards the seizure of dangerous dogs in any public place under section 5 of the Dangerous Dogs Act 1991 2. To be responsible under s149 of the Environment Protection Act 1990 for the discharge of the Council's functions in respect of stray dogs found within the district 3. To make decisions connected with the control of dogs and fouling nuisance including the designation of areas of land under The Dogs (Fouling of Land) Act 1996 	1. – 3. Executive/ Leader	1. – 3. Head of Environment

3. Car Parking and Transport

Subject	Detail	Delegated by:	Delegated to:
Car Parks – Holding of Events	To determine requests to hold events on any Council car park	Executive/ Leader	Head of Environment in consultation with the relevant parish council (if any)
Car Parking Order	1. To make amendments to the Car Parking Order (other than alterations to car parking charges and excess penalty	1. Executive/ Leader	1. Head of Environment 2. Head of

**PART 3
(PART D)**

	notice charges) 2. To make amendments to the Car Parking Order to alter car parking charges and excess penalty notice charges where such alterations have been approved by Council or Executive/ Leader, as appropriate	2. Executive/ Leader	Environment
Concessionary Travel Scheme	To make appropriate reimbursement to the Concessionary Travel Scheme Operators	Executive/ Leader	Head of Environment
Off Street Parking – Removal of Vehicles	To arrange for the removal of any vehicle left in a parking place in contravention of an Order made by the Council under the Road Traffic Regulation Act 1984 relating to off-street parking or to arrange for the alteration of the position of any vehicle so its position complies with the provision of such an Order	Executive/ Leader	Head of Environment
Goods Vehicles – Operators Licences	To comment or object to applications made under the Goods Vehicles (Licensing of Operators) Act 1985	Council	Head of Environment

4. Trees

Subject	Detail	Delegated by:	Delegated to:
High Hedges	1. To determine High Hedge applications submitted in accordance with Part 8 of the Anti-Social Behaviour Act 2003 and to issue a remedial notice where appropriate when: a. such applications are submitted by or on behalf of any officer of the	1. Council	1. Planning Committee

**PART 3
(PART D)**

	<p>Council or any Parish Council within the District of Bromsgrove</p> <p>b. such applications are submitted by or on behalf of any County, District or Parish Council or whose ward is within the district of Bromsgrove</p> <p>c. any County, District or Parish Council or whose ward is within the District of Bromsgrove is affected by such an application</p>		<p>2. In all other circumstances to determine all High Hedge applications submitted in accordance with Part 8 of the Anti-Social Behaviour Act 2003 and to issue a remedial notice where appropriate</p>	<p>2. Planning Committee</p>	<p>2. Head of Environment</p>
<p>Inspection Notices</p>	<p>To serve notices of intended inspection under sections 196A, 196B, 214B, 324 and 325 of the Town and Country Planning Act 1990</p>	<p>Planning Committee</p>	<p>Senior Solicitor</p>		
<p>Rights of Entry – Proper Officer</p>	<p>1. 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 and 324 of the Town & Country Planning Act 1990</p> <p>2. To issue and serve notices of intended inspection under sections 196A, 214B, 324 and 325 of the Act</p>	<p>1. Planning Committee</p> <p>2. Planning Committee</p>	<p>1. Head of Environment</p> <p>2. Senior Solicitor</p>		
<p>Tree Preservation Orders</p>	<p>To initiate Tree Preservation Orders</p>	<p>Council</p>	<p>Head of Environment</p>		

**PART 3
(PART D)**

<p>Tree Preservation Orders – Confirmation</p>	<p>1. To confirm Tree Preservation Orders under the provisions of the Town & Country Planning Act 1990 in cases where objections have been received</p> <p>2. To confirm Tree Preservation Orders in all other cases</p>	<p>1. Council</p> <p>2. Planning Committee</p>	<p>1. Planning Committee</p> <p>2. Head of Environment</p>
<p>Tree Preservation Orders – Applications to Fell</p>	<p>To determine applications for the felling of large trees (ie mature or over-mature trees), major pruning operations (ie major canopy reduction, reshaping works) and contentious applications for tree work, whether or not as part of a planning application</p>	<p>Council</p>	<p>Planning Committee</p>
<p>Tree Preservation Orders – Works to Protected Trees</p>	<p>1. To authorise certain categories of works to protected trees</p> <p>2. To determine applications to carry out the following work:</p> <ul style="list-style-type: none"> a. the felling of small trees b. the removal of dead, dying or diseased trees, c. pruning for reasons of health and safety to trees of any size d. minor pruning works e. the felling of conifers and pioneer trees species (including but not limited to birch, ash, rowan and hawthorn) 	<p>1. Planning Committee</p> <p>2. Planning Committee</p>	<p>1. Head of Environment</p> <p>2. Head of Environment</p>
<p>Tree Preservation Orders – Contravention</p>	<p>To institute proceedings under s210 of the Town & Country Planning Act 1990 in respect of contraventions of Tree Preservation Orders</p>	<p>Council</p>	<p>Planning Committee</p>

**PART 3
(PART D)**

<p>Tree Preservation Orders – revocation or variation</p>	<p>1. To revoke or vary a Tree Preservation Order where the original confirmation was made by Planning Committee</p> <p>2. To revoke or vary in all other cases</p>	<p>1. Council</p> <p>2. Planning Committee</p>	<p>1. Planning Committee</p> <p>2. Head of Environment</p>
<p>Trees & Shrubs overhanging the Highway</p>	<p>To serve notices under section 154 of the Highway Act 1980 requiring the lopping or cutting of the hedge, tree or shrub on the owner of a hedge, tree or shrub, or on the occupier of land on which a hedge tree or shrub is growing, which overhangs a highway or any other road or footpath to which the public has access so as to endanger or obstruct the passage of vehicles or pedestrians or obstructs or interferes with the view of drivers of vehicles or the light from a public lamp so as to remove the cause of danger, obstruction or interference</p>	<p>Leader/ Executive</p>	<p>Head of Environment</p>
<p>Trees – Dangerous</p>	<p>1. Where notice is received under s23(2) of the Local Government (Miscellaneous Provisions) Act 1976 that trees are in such condition that they are likely to cause damage to persons or property on the land of the person giving notice:</p> <p>a. to take any steps necessary to make the trees safe (whether by felling or otherwise) where the owner of the land is not known;</p> <p>b. to serve a notice under</p>	<p>1. Planning Committee</p>	<p>1. Head of Environment</p>

**PART 3
(PART D)**

	<p>s23(3) of the Act on the owner or occupier of the land on which the trees are growing where the name and address of such or occupier is known requiring the taking of steps to make the trees safe and if the Notice is not complied with to take the steps specified therein and recover such expenses</p> <p>2. To take any necessary action under s23 – 26 of the Local Government (Miscellaneous Provisions) Act 1976 to secure the removal of dangerous trees and to deal with dangerous excavations</p> <p>3. To serve notice under s51 of the Worcestershire County Council Act 1969 with regard to the removal of dangerous trees</p>	<p>2. Planning Committee</p> <p>3. Planning Committee</p>	<p>2. Head of Environment</p> <p>3. Head of Environment</p>
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**PART 3
(PART D)**

HOUSING			
Subject	Detail	Delegated by	Delegated to
Allocation of Accommodation	To approve nominations for housing applicants qualifying under the Council's Allocation Policy	Executive/ Leader	Strategic Housing Manager
Asylum Seekers	To approve the allocation of dwellings through nomination rights to asylum seekers to suit the requirements of individual cases	Executive/ Leader	Strategic Housing Manager
Homeless Persons	To implement the provisions of the Housing Act 1996 and the Homelessness Act 2002	Executive/ Leader	Strategic Housing Manager
Housing Waiting List	To approve nominations and arrangements where necessary to applicants on the Housing Needs Register in accordance with the Council's Allocation Policy	Executive/ Leader	Strategic Housing Manager
Secure Tenancies	To make nominations in respect of secure tenancies to: <ul style="list-style-type: none"> a. applicants who have not been granted tenancies but who have been selected under either sections 193 or 195 of the Housing Act 1996 and qualify for an offer of a secure tenancy from the Housing Register based on the Council's Allocations Scheme date order; and b. applicants who have been selected under sections 193 or 195 of the Housing Act 1996 and have become non-secure tenants and qualify from the Housing Register to be made secure tenants of their existing property based on the Council's Allocations Scheme date order 	Executive/ Leader	Strategic Housing Manager

**PART 3
(PART D)**

Legal, Equalities and Democratic Services

1. Legal

Subject	Detail	Delegated by:	Delegated to:
Appeals	To appeal on behalf of the Council against decisions of courts, tribunals or other decision-making bodies	Council	Senior Solicitor
Dedications	To approve dedications of cycleways, bridleways, footways, footpaths and highways where no objections to the proposal have been received.	Executive/ Leader	Head of Legal, Equalities & Democratic Services
Documents, Orders and Notices (other than contracts falling the Contracts Procedure Rules)	To sign or seal any document, Order or Notice on behalf of the Council and to serve or receive an documents on behalf of the Council	Council	Head of Legal, Equalities & Democratic Services Or Senior Solicitor
Footpaths	1. To deal with all matters relating to public footpaths where no objections to the proposal have been received 2. To comment on consultation to correct know errors to the definitive footpath maps and to comment on proposals to stop up or extinguish existing footpaths or to create new footpaths	1. Planning Committee 2. Planning Committee	1. Senior Solicitor 2. Head of Planning and Regeneration
Formation of Companies	To undertake the formation of limited companies where this is calculated to facilitate or is conducive to the discharge of any of the Council's functions	Executive/ Leader	Senior Solicitor
Legal Advice and Assistance	To provide legal advice, support and guidance (including the conduct of court proceedings) on behalf of external clients, including local authorities or other bodies to which the Council is empowered by legislation to provide legal advice	Council/ Executive/ Leader (as appropriate)	Senior Solicitor

**PART 3
(PART D)**

<p>Low Cost Housing Transactions</p>	<p>1. To administer the Council's Low Cost Housing Scheme, including the making of nominations and the sale of the Council's interest in dwellings</p> <p>2. To take all necessary action, including the institution of legal proceedings to recover deferred payments from the purchasers of low cost homes who are in breach of covenants made in the purchase of these homes</p> <p>3. To revise fees in relation to low cost housing transactions</p>	<p>1. – 3. Executive/ Leader</p>	<p>1. Head of Planning</p> <p>2. Senior Solicitor</p> <p>3. Head of Legal, Equalities & Democratic Services, Head of Planning and Regeneration and Head of Resources in consultation with the relevant Portfolio Holders</p>
<p>Planning Consultants</p>	<p>1. To engage the services of consultants to advise officers and given evidence at public local enquiries</p> <p>2. To engage the services of consultants in such cases as may be considered appropriate in appeals on planning and planning enforcement issues</p>	<p>1. Executive/ Leader</p> <p>2. Executive/ Leader</p>	<p>1. & 2. Senior Solicitor or Head of Planning and Regeneration</p>
<p>Proceedings and Prosecutions</p>	<p>1. To commence any proceedings/prosecutions considered necessary in relation to frauds or attempted frauds against the Council</p> <p>2. To prosecute or defend or to appear in or make arrangement for the Council to be represented in any proceedings before any court or tribunal and to deal with all procedural aspects of court proceedings</p>	<p>1. Council</p> <p>2. Council</p>	<p>1. Senior Solicitor</p> <p>2. Senior Solicitor</p>

**PART 3
(PART D)**

	<p>3. To authorise officers to sign statements of Truth, Statutory Declarations and Affidavits on behalf of the Council</p>	<p>3. Council</p>	<p>3. Senior Solicitor</p>
	<p>4. To act as informant in the laying of an information to commence proceedings before the Magistrates Court</p>	<p>4. Council</p>	<p>4. Head of Legal, Equalities & Democratic Services</p>
	<p>5. To sign indictments in appropriate Crown Court proceedings</p>	<p>5. Council</p>	<p>5. Head of Legal, Equalities & Democratic Services</p>
	<p>6. To sign any document required as part of any court procedure including statutory demands or bankruptcy petitions</p>	<p>6. Council</p>	<p>6. Senior Solicitor</p>
	<p>7. To select and authorise officers to prosecute or defend on the council's behalf (subject to 9 below)</p>	<p>7. Council</p>	<p>7. Senior Solicitor</p>
	<p>8. To select and authorise officers to appear on the Council's behalf in proceedings before a Magistrates' Court (subject to 9 below)</p>	<p>8. Council</p>	<p>8. Senior Solicitor</p>
	<p>9. To select and authorise officers to appear before Magistrates Courts and Tribunals to:</p> <p>(a) represent the Council in the recovery of Council Tax and non-domestic rates monies due to the Council;</p>	<p>9. Council</p>	<p>9. Senior Solicitor or Head of Resources</p>
	<p>(b) represent the Council before a Valuation Tribunal in consideration of any appeals which may arise concerning Council Tax and non-domestic rates</p>		

**PART 3
(PART D)**

	<p>10. To prosecute or defend in respect of all environmental health related statutory provisions listed in Appendix EH1 of this scheme</p> <p>11. To take such action (including but not limited to the institution of criminal or civil proceedings, or the prosecution or defence of proceedings, judicial review and any proceedings under section 222 of the Local Government Act 1972) as is considered appropriate, or to effect the wishes of the Council or to protect the interests of the Council</p> <p>12. To take all necessary action, including the institution of legal proceedings, to recover deferred payments from the purchasers of low cost homes who are in breach of covenants</p> <p>13. To institute proceedings relating to contravention of bye-laws</p> <p>14. To lodge and prosecute applications to, and the defence of, proceedings in any statutory and administrative tribunal in connection with the employment of an officer or a servant of the Council.</p>	<p>10. Council</p> <p>11. Council</p> <p>12. Council</p> <p>13. Council</p> <p>14. Council</p>	<p>10. Senior Solicitor</p> <p>11. Senior Solicitor</p> <p>12. Senior Solicitor</p> <p>13. Senior Solicitor</p> <p>14. Senior Solicitor</p>
Processions and Assemblies	<p>To apply to the Secretary of State under section 14A of the Public Order Act 1896 for consent to make an order prohibiting the holding of all trespassory assemblies in the district or a part of it and for such period of time as may be specified in the application</p>	<p>Executive/ Leader</p>	<p>Head of Legal, Equalities & Democratic Services</p>
Regulation of Investigatory Powers Act	<p>1. To review revise and update the Council's RIPA policy</p>	<p>1. – 7. Council</p>	<p>1. Head of Legal, Equalities and</p>

**PART 3
(PART D)**

	<p>2. Under the provisions of Part 1 chapter 2 of the Regulation of Investigatory Powers Act 2000 relating to the Accessing of Communications Data, to appoint officers to act as SPOCs (Single Point of Contact)</p> <p>3. In relation to requests for Directed Surveillance, to sign all necessary documents and forms whether by way of Authorisation, Review, or Cancellation</p> <p>4. In relation to any request for surveillance where it is considered likely that confidential information will be obtained, to sign all necessary documents and forms whether by way of Authorisation, Review or Cancellation</p> <p>5. In relation to requests for Covert Human Intelligence Sources where the source is aged under 18, to sign all necessary documents and forms whether by way of Authorisation, Review, or Cancellation.</p> <p>6. In relation to requests for Urgent Oral Authorisations</p> <p>7. To maintain the central record of authorisations</p>		<p>Democratic Services</p> <p>2. Head of Legal, Equalities and Democratic Services</p> <p>3. Directors, Heads of Service or Senior Managers authorised to do so under Appendix 2 of the RIPA policy</p> <p>4. Chief Executive or in his absence the Deputy Chief Executive</p> <p>5. Chief Executive or in his absence the Deputy Chief Executive</p> <p>6. Directors, Heads of Service or senior managers authorised to do so under Appendix 2 of the RIPA policy</p> <p>7. The Data Protection Officer under</p>
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**PART 3
(PART D)**

			the supervision of the Head of Transformation.
Road Closures - Temporary	To determine requests to make Orders under section 21 of the Town and Police Clauses Act 1847	Executive/ Leader	Senior Solicitor In consultation with Head of Environment
Seal	To decide to which documents the common seal should be affixed and to attest the affixing of common seal	Council	Senior Solicitor
Section 106 Agreements – Fees	To determine the fee to be charged to commercial organizations for legal work undertaken in respect of Section 106 Agreements to which a commercial organization is a party	Executive/ Leader	Senior Solicitor
Trespassers and Unauthorised Encampments	<ol style="list-style-type: none"> 1. To take action including the institution of legal proceedings in relation to trespass or unauthorised encampments on any land or premises owned by the Council 2. To take action including the institution of legal proceedings in relation to trespass or unauthorised encampments on any land or premises in the District insofar as the Council is empowered to do so 3. To give directions under section 77 of the Criminal Justice and Public Order Act 1994 4. To institute proceedings for an Order requiring the removal of any vehicle or other property on land within the District and any person residing in such vehicle in contravention of a direction given under section 77 of that Act 	1. – 4. Executive/ Leader	1. – 4. Senior Solicitor

**PART 3
(PART D)**

2. Elections

Subject	Detail	Delegated by:	Delegated to:
Fees for Election Duties	To set within the approved budget the fees for various election duties and to make payments to those employed by the Returning Officer to carry out the duties related to an election	Electoral Matters Committee	Returning Officer
Re-organisation of Community Governance	To make Orders under section 86 of the Local Government and Public Involvement in Health Act 2007 or any subsequent or amending legislation	Electoral Matters Committee	Head of Legal, Equalities and Democratic Services
Proper Officer	To be designated: <ul style="list-style-type: none"> a. Electoral Registration Officer under section 8 of the Representation of the People Act 1983; b. Returning Officer for elections of Councillors of the district and for elections for Councillors of parishes within the District under section 53 of the Representation of the People Act 1983 	Council	Chief Executive

3. Democratic Services

Subject	Detail	Delegated by:	Delegated to:
Programme of Council and Committee meetings	To agree the programme of Council and Committee meetings	Council	Head of Legal, Equalities & Democratic Services in consultation with the Executive/Leader and relevant Portfolio Holder

**PART 3
(PART D)**

Members' Expenses	<ol style="list-style-type: none"> 1. To administer payments made under the Members' Allowance Scheme 2. To approve attendance at and payment of expenses for Members at conferences organised by external bodies in accordance with the Council's agreed policy and criteria 	<ol style="list-style-type: none"> 1. Council 2. Council 	<ol style="list-style-type: none"> 1. Democratic Services Manager 2. Democratic Services Manager
Recordings of Meetings	To determine requests for permission to listen to and copy tape recordings of Council and Committee meetings	Council	Democratic Services Manager
Remuneration Panel Members	To undertake all the administrative arrangements, including short-listing of candidates, in respect of the recruitment of members to the Independent Remuneration Panel	Council	Democratic Services Manager

**PART 3
(PART D)**

LEISURE AND CULTURE

Subject	Detail	Delegated by:	Delegated to:
Allotments	To grant, transfer and accept the termination of allotment tenancies	Executive/ Leader	Head of Leisure and Culture
Bromsgrove Museum	To determine requests for the loan of exhibits from the Bromsgrove Museum collection	Executive/ Leader	Head of Leisure and Culture in consultation with the relevant Portfolio Holder
Events on the High Street	To determine requests to hold events in Bromsgrove High Street in accordance with policy	Executive/ Leader	Head of Leisure and Culture
Fairs, Circuses and Special Events	Within the Budget and Policy Framework to determine arrangements for fairs, circuses and other special events on land or in buildings controlled by the Council	Executive/ Leader	Head of Leisure and Culture
Fees and Charges – Sports, Leisure, Community & Cultural services	<ol style="list-style-type: none"> 1. To review and amend the agreed maximum scale of fees and charges for sports and leisure activities as appropriate within the Budget and Policy Framework. 2. To vary the charges at the Leisure & Cultural facilities in response to additional competition and market demand. 3. To approve and implement promotional activities at all Sports, Leisure & Cultural facilities in order to maximise usage and /or income. 	1. to 3. Executive/ Leader	1. to 3. Head of Leisure and Culture
National Health Campaigns	To support regional & nationally recognised health an fitness campaigns in the Council's sorts, cultural and leisure facilities by the implementation of discounted sessions/fees as appropriate	Executive/ Leader	Head of Leisure and Culture
Flowers, Bulbs and Trees	To approve requests from charitable organisations to plant flowers, bulbs and trees in support of the Charity at locations in parks and open spaces	Executive/ Leader	Head of Leisure and Culture

**PART 3
(PART D)**

Play Areas	<ol style="list-style-type: none"> 1. Day-to-day management of play areas including Health and Safety matters, maintenance and renewals. 2. To determine representations/applications (retrospective or otherwise) received which fall within the standards and policies to be applied for play areas within residential estates. 	Executive/ Leader	Head of Leisure and Culture
Public Open Space	<ol style="list-style-type: none"> 1. To adopt Public Open Space on behalf of the Council which has previously been agreed as part of a Section 106 Agreement 2. To negotiate the adoption of Public Open Space on behalf of the Council which has previously not been part of a Section 106 agreement. 	Executive/ Leader	Head of Leisure and Culture
Recreational, Sports, Community & Cultural Facilities	<ol style="list-style-type: none"> 1. To determine applications for the free use of Council recreational facilities by non-commercial organisations which fall within the Budget and Policy Framework or other policies 2. To determine applications for the use of the Recreation Ground, Bromsgrove and the Boleyn Road Recreation Ground Frankley by fun fairs which fall within established policy 3. To determine applications for the use of non-commercial events of Council owned or managed recreational and sports facilities and/or parks and open spaces 4. To determine applications for the bookings of the Council's recreational and sports facilities 		1. – 3. Head of Leisure and Culture 4. Head of Leisure and Culture except

**PART 3
(PART D)**

	<p>5. To determine applications from partners organisations relating to contract or SLA arrangement in line with relevant agreement & Council Policy frameworks</p> <p>6. To determine dates for the closure of recreational facilities for Bank Holidays, Christmas and New Year Holidays</p>		<p>that the agreement of the relevant Portfolio Holder is required to agree to any bookings by political or religious groups</p> <p>5. Head of Leisure and Culture</p> <p>6. Head of Leisure and Culture</p>
Recreational Land	To decide on arrangements for the access, usage & leasing of recreational land or facilities to parish councils and other organisations and to determine any applications for consents required under such leases.	Executive/ Leader	Executive Director - Finance and Corporate Resources and Head of Leisure and Culture
Recreational Provision	Within the Budget and Policy Framework to make decisions on recreational provision which is being made in partnership with other organisations.	Cabinet	Head of Leisure and Culture
Sanders Park & Open Spaces-- Use by Hot Air Balloons	To determine applications for the use of Sanders Park and Open Spaces for hot air balloon flights	Cabinet	Head of Leisure and Culture
Playing Pitches	To grant hire agreements for the use of such facilities in line with budget and Policy frameworks.	Cabinet	Head of Leisure and Culture

**PART 3
(PART D)**

PLANNING AND REGENERATION

1. Building Control

Subject	Detail	Delegated by:	Delegated to:
Building Regulations – Applications	To determine applications under the Building Regulations 1991 and 2000	Council	Head of Planning and Regeneration
Building Regulation – Charges	To review and determine the scale of charges in accordance with the Building Act 1984 and the Building (Local Authority Charges) Regulations 1998	Council	Head of Planning and Regeneration
Dangerous Buildings	To take such action as is considered necessary under sections 77 and 78 of the Building Act 1984 when the condition of any building is such as to render it necessary to require the owner to make it safe for the Council to take action to remove the danger, as a matter of urgency	Council	Head of Planning and Regeneration in consultation with the relevant Portfolio Holder
Demolition	To determine applications for demolition under sections 80 and 81 of the Building Act 1984	Council	Head of Planning and Regeneration
Ground Movement	To take such action as may be necessary to deal with any events of structural distress and ground movement affecting properties in order to safeguard the public interest	Council	Head of Planning and Regeneration
Repairs	To carry out essential repairs to dwellings in the event of non-compliance with Statutory Notices served by the Council pursuant to section 26 of the Public Health Act 1961 and to take any action as may be necessary for the recovery of costs incurred	Council	Head of Planning and Regeneration

**PART 3
(PART D)**

2. Development Control

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
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
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
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
Planning Agreements and	To negotiate with developers and to approve the amounts to be received by	Planning Committee	Head of Planning and

**PART 3
(PART D)**

Unilateral Undertakings	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		Regeneration
Planning Agreements and Unilateral Undertakings	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. To execute and complete planning agreements.	Planning Committee	Senior Solicitor
Planning Agreements and Unilateral Undertakings	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: a. Deletion, addition or variation of one or more of the heads of terms originally approved by the Planning Committee b. Significant change in the overall area of land to transferred to the Council c. 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) d. 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. e. A member makes a written request for a case to be considered by the Planning Committee	Planning Committee	Head of Planning and Regeneration
Planning Agreements and Unilateral Undertakings	To approve the enforcement of a planning obligation	Planning Committee	Head of Planning and Regeneration

**PART 3
(PART D)**

<p>Planning Applications</p>	<p>1. To determine:</p> <ul style="list-style-type: none"> 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 <p>2. To determine all other planning applications</p> <p>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.</p>	<p>1. Council</p>	<p>1. Planning Committee</p>
<p>Planning Applications</p>	<p>To impose conditions on applications (for planning permission, listed building consent or Conservation area consent) which have been approved by the Planning Committee contrary to the planning officer's recommendation where such conditions are:</p>	<p>Planning Committee</p>	<p>Head of Planning and Regeneration</p>

**PART 3
(PART D)**

	<p>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</p>	Planning Committee	Head of Planning and Regeneration
Listed Building Conservation Area Consent	<p>To determine applications for listed building consent and Conservation Area consent unless they are :</p> <p>a. applications for dwelling houses where the number of houses to be provided is 10 or more</p> <p>b. applications for the provision of a building or buildings with a floor space of 1000 square metres or more</p> <p>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</p> <p>d. applications by serving Officers and members</p> <p>e. applications by the Council or by Council Service Areas or Council departments</p> <p>f. The Head of Planning and Regeneration considers that the application should be considered by the Planning Committee</p>	Planning Committee	Head of Planning and Regeneration in consultation with the Senior Solicitor
Appeals	<p>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</p>	Planning Committee	Head of Planning and Regeneration in consultation with the Senior Solicitor

**PART 3
(PART D)**

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

3. Economic Development

Subject	Detail	Delegated by:	Delegated to:
Business Start-Up Grants	To approve Business Start-Up Grants of up to £1,000 per individual applications	Executive/ Leader	Head of Planning and Regeneration
Farmers' Markets	To determine applications for consent for Farmers' Markets	Executive/ Leader	Head of Planning and Regeneration in consultation with the Executive/ Leader and Deputy Executive/ Leader
Financial Assistance to Small Businesses	1. To determine applications for grants of up to £500 2. To determine applications for grants of between £500 and £1,000	1. Executive/ Leader 2. Executive/ Leader	1. Head of Planning and Regeneration 2. Head of Planning and Regeneration in consultation with the relevant Portfolio Holder

**PART 3
(PART D)**

Markets	<ol style="list-style-type: none"> 1. To approve events to be held 2. To let stalls 	<ol style="list-style-type: none"> 1. Executive/ Leader 2. Executive/ Leader 	<ol style="list-style-type: none"> 1. Head of Planning and Regeneration 2. Head of Planning and Regeneration
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4. Planning Enforcement

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

**PART 3
(PART D)**

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	<ol style="list-style-type: none"> To authorise the issue and service of Listed Building Enforcement Notices under section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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 	<ol style="list-style-type: none"> Council Planning Committee 	<ol style="list-style-type: none"> Planning Committee Head of Planning and Regeneration
Planning Contravention Notices	<ol style="list-style-type: none"> 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) 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. 	<ol style="list-style-type: none"> Planning Committee Planning Committee 	<ol style="list-style-type: none"> Head of Planning and Regeneration Head of Planning and Regeneration
Stop Notices	<ol style="list-style-type: none"> To authorise the issue and service of Stop Notices under section 183 of the Town & Country Planning Act 1990 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 	<ol style="list-style-type: none"> Council Planning Committee 	<ol style="list-style-type: none"> Planning Committee Head of Planning and Regeneration in

**PART 3
(PART D)**

	of Head of Planning & Environment Services, reporting to Planning Committee is impractical		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	<ol style="list-style-type: none"> To authorise the issue of notices under section 215 of the Town and Country Planning Act 1990 To serve notices under section 215 of the Town and Country Planning Act 1990 	Planning Committee	<ol style="list-style-type: none"> Head of Planning and Regeneration 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	<ol style="list-style-type: none"> To authorise the service of an advertisement discontinuance notice 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. 	<ol style="list-style-type: none"> Council Planning Committee 	<ol style="list-style-type: none"> Planning Committee Head of Planning and Regeneration in consultation with the Senior Solicitor

5. Strategic Planning

Subject	Detail	Delegated by:	Delegated to:
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
Local Plan Enquiry	To provide direction on behalf of the Council to any Local Plan/Local	Council	Head of Planning and

**PART 3
(PART D)**

	Development Framework Inquiry on policy issues and site details		Regeneration
Rights of Entry – 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 section 324 and 325 of the Town & Country Planning Act 1990	Planning Committee	Head of Planning and Regeneration

Note: All delegations to Head of Planning and Regeneration Services are to include any designated deputy, such designation to be in writing

REGULATORY SERVICES

1. LICENSING

HEAD OF REGULATORY SERVICES (WORCESTERSHIRE REGULATORY SERVICES)

To determine applications made for licences of premises for acupuncture, tattooing, ear piecing and electrolysis

To determine applications for the registration of animal trainers and exhibitors

To be responsible for inspections of premises are undertaken to ensure compliance with animal welfare licensing legislation and to engage veterinary surgeons for these purposes where necessary

To authorise officers for the purpose of Part II of the Local Government (Miscellaneous Provisions) Act 1976

To be designated as “Proper Officer” for the provisions of the Breeding of Dogs Act 1973 and to act on behalf of the Council in respect of the provisions of the Act and to engage veterinary surgeons for the purpose of inspecting premises under the Act

To determine applications for house to house and street collections

To respond to applications where the Council is a responsible authority or consultee

To be designated as “Proper Officer” for the purposes of the administration of the Dangerous Wild Animals Act 1976 and to be authorised to carry out all appropriate functions including the entering of premises

To authorise the entry of premises for the purpose of enforcing the provisions of the following legislation on behalf of the Council:

- Animal Boarding Establishments Act 1963
- Breeding of Dogs Act 1973
- Gambling Act 2005
- Licensing Act 2003
- Local Government (Miscellaneous Provisions) Acts 1976 and 1982
- Town Police Clauses Act 1847
- Zoo Licensing Act 1981

To determine all matters under the Gambling Act 2005 except:

- Determination of fee levels
- Applications for aviations to premises licences, provisional statements, club

**PART 3
(PART D)**

- gaming/club machine permits and other permits where representations have been received and not withdrawn
- Applications for transfer of premises licences where representations have been made by the Gambling Commission
 - Review of premises licenses
 - Decision to give a counter notice to a temporary use notice
 - Refusal of applications for registration by societies wishing to promote lotteries

Hackney Carriages and Private Hire Operators', Vehicles and Drivers'

To determine all matters in relation to Hackney Carriage Drivers and Private Hire Operators, Vehicles and Drivers except:

- Determination of applications where the applicant does not meet the Council's application criteria
- Suspension or revocation of a licence, unless suspension is required with immediate effect because there are grounds to show that the driver or operator has ceased to meet the Council's requirements as to medical condition or in any case where the holder has been convicted of an offence involving violence, indecency or the misuse/trafficking of drugs, or for any other material reason, subject to a report being made to the next meeting of the Licensing Committee.
- Determination of an application where the vehicle does not meet the Council's criteria as to mechanical and general condition and to determine how many passengers may be carried, unless suspension is required with immediate effect because there are grounds to show that the vehicle is not fit for purpose in accordance with section 60 or 68 of the Local Government (Miscellaneous Provisions) Act 1976, subject to a report being made to the next meeting of the Licensing Committee.
- Revocation of a licence where the applicant knowingly or recklessly gave false information or failed to reveal a material particular on his application
- Revisions to the Council's Table of Hackney Carriage Fares
- Appointment of Hackney Carriage stands/ revisions to existing Hackney Carriage stands
- Applications for Operator's licenses where the applicant has not met the Council's criteria in respect of character

To determine all matters under the Licensing Act except:

- Application to vary designated premises supervisors if representations are made
- Applications for personal licences, premises licences/ club premises licences and provisional statements where representations have been received
- Applications for Interim Authorities if a police representation is made
- Application to vary premises licences/ club premises certificates if representations are made
- Applications to review premises/ club premises certificate
- Any interim steps following an application for an expedited review
- Determination of Temporary Event Notices where representations have been **made** by the police
- Applications to transfer premises licences if representations are made
- Applications for minor variations if representations are made by the Police.

**PART 3
(PART D)**

To determine all matters relating to Market and Street Trading except:

- Designation of consent streets and non consent streets under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982
- Deciding the Council's policy in relation to the issue of street trading consents

To determine applications for licences for riding establishments

To determine applications for Zoo Licensing

To carry out any other function or responsibility in relation to the legislation listed at RS1 not specifically referred to above

RS1

- Animal Boarding Establishments Act 1963
- Animal Welfare Act 2006
- Breeding and Sale of Dogs (Welfare) Act 2006
- Breeding of Dogs Act 1973 and 1991
- Dangerous Wild Animals Act 1976
- Gambling Act 2005
- Licensing Act 2003
- Local Government (Miscellaneous provisions) Acts 1976 and 1982
- Pet Animals Act 1951
- Police Factories Act (miscellaneous provisions) Act 1916
- Riding establishments Acts 1964 and 1970
- Scrap Metal Dealers Act 1964
- Vehicle Crime Act 2001 - Section 4 (13) – Motor Salvage Operators
- Town Police Clauses Act 1847
- Video Recordings Act 1984 and 1993
- Licensing Act 2003
- Hackney carriage licensing
- Private Hire (including driver, vehicle and operator) licensing
- Control of sex establishments (including lap dancing and sexual entertainment venues)
- Street Trading
- Street amenity licences
- Zoo Licensing Act 1981

2. ENVIRONMENTAL HEALTH

HEAD OF REGULATORY SERVICES (WORCESTERSHIRE REGULATORY SERVICES)

(i) In accordance with the legal agreement for Regulatory Services Shared Service, the Council has delegated to the Head of Service of Worcestershire Regulatory Services all the duties and functions listed below arising out of the legislation set out in Appendix RS 2.

- (a) Appointment of Inspectors, Authorised Officers or similar designated persons
- (b) Undertaking inspections and investigation of complaints
- (c) Signing and service of notices
- (d) Signing and issuing, revoking and varying, any licence, permit, order or other document
- (e) Executing, or arranging for the execution of, works in default
- (f) Purchasing or otherwise procuring samples, seize equipment, goods and animals
- (g) The exercise of powers of entry
- (h) The engagement of specialist advisors/contractors to support/ supplement service activity,
- (i) The institution of legal proceedings (in consultation with the Head of Legal Services of the Relevant Authority)
- (j) The obtaining of warrants of entry

(ii) The Head of Service has authority to delegate further, in writing, all or any of their delegated functions to other officers, and may authorise certain of those officers to further delegate to officers under their management or control.

RS2

Accommodation Agencies Act 1953

Administration of Justice Act 1970 (Section 40)

Agriculture (Safety, Health & Welfare Provisions) Act 1956

Agriculture Act 1970

Agriculture Produce (Grading & Marking) Acts 1928 & 1931

Animal Boarding Establishments Act 1963

**PART 3
(PART D)**

Animal By-Products Regulations 2005
Animal Health & Welfare Act 1984
Animal Health Act 1981
Animal Health Act 2002
Animal Welfare Act 2006
Animals and Animal Products (Import & Export) (England) Regs 2006
Anti-Social Behaviour Act 2003
Avian Influenza (Preventative Measures)(England) Regulations 2006
Avian Influenza (Vaccination)(England) Regulations 2006
Biofuel (Labelling) Regulations 2004
Bluetongue Regulations 2008
Breeding and Sale of Dogs (Welfare) Act 1999
Breeding of Dogs Act 1973 and 1991
Building Act 1984
Business Protection from Misleading Marketing Regulations 2008
Cancellation of Contracts made in a Consumers House or Place of Work etc Regulations 2008
Caravan Sites Act 1968
Caravan Sites and Control of Development Act 1960
Cat and Dog Fur (Control of Import, Export and Placing on Market) Regulation 2008
Cattle Identification Regs 2007
Charities Act 1993
Children & Young Persons (Protection from Tobacco) Act 1991
Children & Young Persons Act 1933
Chronically Sick and Disabled Persons Act 1970
Cinemas Act 1985
Civic Amenities Act 1967
Civil Defence Act 1948 and Regulations made thereunder
Clean Air Act 1993
Clean Neighbourhoods and Environment Act 2005
Construction Products Regulations 1991
Consumer Credit Act 1974
Consumer Protection (Distance Selling) Regulations 2000
Consumer Protection Act 1987

**PART 3
(PART D)**

Consumer Protection from Unfair Trading Regulations 2008
Control of Pollution Act 1974
Copyright, Designs and Patents Act 1988
Criminal Justice and Immigration Act 2008
Criminal Justice and Public Order Act 1994
Crystal Glass (Descriptions) Regs 1973
Dangerous Wild Animals Act 1976
Deer Act 1991
Defective Premises Act 1972
Development of Tourism Act 1969 (Section 18)
Disabled Persons Act 1981
Distance Selling Regulations 2000
Ecodesign for Energy-Using Product Regulations 2007
Education Reform Act 1988
Eggs (Marketing Standards) Regulations 2005
Eggs and Chicks (England) Regulations 2008
Electromagnetic Compatibility Regs 1992
Electro-medical Equipment (EEC Requirements) Regs 1988
Energy Act 1976 (Section 18)
Energy Conservation Act 1981 (Section 20)
Energy Efficiency (Refrigerators and Freezers) Regs 1997
Energy Information (Combined Washer-driers) Regs 1997
Energy Information (Dishwashers) Regs 1999
Energy Information (Household Air Conditioners) (No.2) Regulations 2005
Energy Information (Household Electric Ovens) Regulations 2003
Energy Information (Household Refrigerators and Freezers) Regs 2004
Energy Information (Lamps) Regs 1999
Energy Information (Tumble Driers) Regs 1996
Energy Information (Washing Machines) Regs 1996
Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007
Enterprise Act 2002
Environment Act 1995

**PART 3
(PART D)**

Environmental Protection (Controls on Substances that Deplete the Ozone Layer) Regs 2002
Environmental Protection Act 1990
Estate Agents Act 1979
Explosives Act 1875
Export Restrictions (Foot and Mouth Disease) Regulations 2007
Factories Act 1961
Fair Trading Act 1973
Farm and Garden Chemicals Act 1967
Feed (Hygiene and Enforcement) (England) Regulations 2005
Firework Act 2003
Firework Regulations 2004
Food & Environmental Protection Act 1985
Food (Jelly Mini-Cups) (Emergency Control) (England) Regulations 2009
Food (Suspension of the use of E128 Red 2G as food colour) (England) Regulations 2007
Food Act 1984
Food Hygiene (England) Regulations 2006
Food of Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes)(England) Regs 2009
Food Safety Act 1990
Food Standards Act 1999
Forgery and Counterfeiting Act 1981 Part 1
Fraud Act 2006
Game Act 1831
General Food Regulations 2004
General Product Safety Regulations 2005
Guard Dogs Act 1975
Hallmarking Act 1973
Health & Safety at Work etc Act 1974
Health Act 2006
Highways Act 1980
Home Energy Conservation Act 1995
Home Information Pack Regulations 2007

**PART 3
(PART D)**

Home Safety Act 1961
Horse Passports Regulations 2009
House to House Collections Act 1939
Housing & Planning Act 1986
Housing Act 1980, 1985, 2004
Hypnotism Act 1952
Imported Food Regulations 1997
Imported Food Regulations 2007
Intoxicating Substances (Supply) Act 1985
Land Drainage Acts 1976 & 1991
Litter Act 1983
Local Government & Housing Act 1989
Local Government (Miscellaneous Provisions) Acts 1976 & 1982
Manufacturing and Storage of Explosives Regulations 2005
Materials and Articles in Contact with Food England Regs 2007
Measuring Instruments (Automatic Catchweighers) Regulations 2006
Measuring Instruments (Automatic Discontinuous Totalisers) Regulations 2006
Measuring Instruments (Automatic Gravimetric Filling Instruments) Regulations 2006
Measuring Instruments (Beltweighers) Regulations 2006
Measuring Instruments (Capacity Serving Measures) Regulations 2006
Measuring Instruments (Cold Water Meters) Regulations 2006
Measuring Instruments (Liquid Fuel and Lubricants) Regulations 2006
Measuring Instruments (Liquid Fuel delivered from Road Tankers) Regulations 2006
Measuring Instruments (Material Measures of Length) Regulations 2006
Measuring Instruments (Non prescribed Instruments) Regulations 2006
Measuring Instruments (Rail - Weighbridges) Regulations 2006
Medicines Act 1968
Mobile Homes Acts 1975 & 1993
Motor Cycle Noise Act 1987
National Assistance Act 1948 Sec 47
Natural Mineral Water, Spring Water & Bottled Water England Regs 1999
Noise & Statutory Nuisance Act 1993
Noise Act 1996

**PART 3
(PART D)**

Non-Automatic Weighing Instruments (EEC Requirements) Regs 2000

Offensive Weapons Act 1996

Offices, Shops & Railway Premises Act 1963

Official Controls (Animal Feed and Food) (England) Regs 2006

Official Feed & Food Controls (England) Regs 2007

Olive Oil (Marketing Standards) Regs 2003

Olympic Symbol etc. (Protection) Act 1995

Organic Product Regulations 2009

Package Travel, Package Holidays & Package Tours Regs 1992

Packaging (Essential Requirements) Regs 2003

Party Wall Act 1966

Performing Animals (Regulation) Act 1925

Personal Protective Equipment Regulations 2002

Pet Animals Act 1951

Petroleum (Transfer of Licences) Act 1936

Petroleum Consolidation Act 1928

Planning (Hazardous substances) Act 1990

Plastic Materials and Articles in Contact with Food England Regs 2009

Poisons Act 1972

Police, Factories etc (Miscellaneous Provisions) Act 1916

Pollution Prevention and Control Act 1999

Poultry Meat (Water Content) Regs 1984

Prevention of Damage by Pests Act 1949

Prices Acts 1974 and 1975

Private Security Industries Act 2001

Proceeds of Crime Act 2002

Products of Animal Origin (Disease Control) (England) Regulations 2008

Products of Animal Origin (Import and Export) Regulations 1996 (as amended)

Products of Animal Origin (Third Country Imports) (England) Regulations 2006

Property Mis-descriptions Act 1991

Protection of Animals Act 1911 as amended

Protection of Children (Tobacco) Act 1986

Public Health (Control of Disease) Act 1984

Public Health Acts (Amendment) Act 1907

PART 3
(PART D)

Public Health Acts 1875, 1925, 1936 & 1961
Quick Frozen Food Stuffs (England) Regulations 2007
Radio Equipment and Telecommunications Terminal Equipment Regs 2000
REACH Enforcement Regulations 2008
Refuse Disposal (Amenity) Act 1978
Regulation (EC) No. 178/2002
Regulation (EC) No. 852/2004
Regulation (EC) No. 853/2004
Regulation (EC) No. 854/2004
Regulation (EC) No. 2073/2005
Rent Act 1977
Rice Products (Restrictions on First Packaging on the Market) (England) Regs 2006
Riding Establishments Acts 1964 & 1970
Road Traffic (Consequential Provisions) Act 1988
Road Traffic (Foreign Vehicles) Act 1972
Road Traffic Acts 1988 and 1991
Road Traffic Offenders Act 1988
Road Traffic Regulation Act 1984 (Section 5)
Safety of Sports Grounds Act 1975
Sale of Goods Act 1979
Scotch Whisky Act 1988
Scrap Metal Dealers Act 1964
Simple Pressure Vessels (Safety) Regs 1991
Slaughter of Poultry Act 1967
Slaughterhouses Act 1974
Smokefree (Exemptions and Vehicles) Regulations 2007
Smokefree (Penalties and Discounted Amounts) Regulations 2007
Smoke-free (Premises and Enforcement) Regulations 2006
Smokefree (Signs) Regulations 2007
Smokefree (Vehicle Operators and Penalty Notices) Regulations 2007
Sunday Trading Act 1994
Supply of Goods and Services Act 1982
Supply of Machinery (Safety) Regs 1992
Telecommunications Act 1984

**PART 3
(PART D)**

Textile Products (Indications of Fibre Content) Regs 1986
Theft Acts 1968 and 1978
Timeshare Act 1992
Town Police Clauses Act 1847
Trade Descriptions Act 1968
Trade Marks Act 1994
Trading Standards - Agricultural (Miscellaneous Provisions) Act 1968
Transmissible Spongiform Encephalopathies (England) Regulations 2008
Unfair Terms in Consumer Contracts Regulations 1999
Unsolicited Goods and Services Acts 1971 and 1975
Video Recordings Acts 1984 and 1993
Warm Homes & Energy Conservation Act 2000
Water Acts 1973-2003
Water Industry Act 1991
Water Industry Act 1999
Weeds Act 1959
Weights and Measures Act 1985
Wildlife and Countryside Act 1981
Wine Regulations 2009
Worcester City Act 1985
Zoo Licensing Act 1981

RESOURCES

1. Finance

Subject	Detail	Delegated by:	Delegated to:
Capital Programme	To place with private firms any projects within the Capital Programme which it is not possible to undertake within the Council	Executive/ Leader	Heads of Service in consultation with the Procurement Manager
Car Loans	To deal with all applications for car loans including requests for the transfer of outstanding balances in the case of new appointments	Executive/ Leader	Head of Resources
Corporate Risk Register	To monitor, review and update the corporate and departmental risk registers	Executive/ Leader	Head of Resources in consultation with the Audit Board and the relevant Portfolio Holder
Debts	To write off irrecoverable debts: <ul style="list-style-type: none"> a. up to the value of £1,000 b. of between £1,000 and £2,500 	a. & b. Executive/ Leader	a. Head of Resources b. Head of Resources with the agreement of the relevant Portfolio Holder
Local Government and Housing Act 1989	To make determinations under the following Schedules and Sections of the Act: <ul style="list-style-type: none"> • Part 1 Schedule 3 • Paragraph 9 (1) (b) Schedule 3 • Section 42 (2) (g) • Section 50 (3) (b) • Section 56 (1) • Section 60 (2) • Section 63 (1) 	Executive/ Leader	Head of Resources

**PART 3
(PART D)**

Maturity Mortgages	To deal with requests for the premature repayment of monies secured by maturity mortgages/local bonds	Executive/ Leader	Head of Resources
Tax Relief Reimbursement	To be an authorized signatory of the purpose of making formal claims to the Inland Revenue for the periodic reimbursement of tax relief granted by the Council	Executive/ Leader	Head of Resources
Utilities – Restoration or Continuance of Services	To deal in consultation with the relevant Portfolio Holder and generally in accordance with emergency procedures with applications received pursuant to the arrangements according to section 33 of the Local Government (Miscellaneous Provision) Act 1976 (Public Utility Services to Dwellings) ad to take such action as may be necessary for the recovery of any payments made by the Council in pursuance of such arrangements	Executive/ Leader	Head of Resources or Head of Planning & Regeneration

2. Procurement

Subject	Detail	Delegated by:	Delegated to:
Approved Officers	To nominate Approved Officers to undertake procurement on behalf of the Council accordance with Contract Procedure Rules	Executive/ Leader	Chief Executive, Executive Directors, Deputy Chief Executive and Heads of Service
Contracts	To enter into contracts in accordance with Contract Procedure Rules	Executive/ Leader	Heads of Service
Select List	To decide the composition of Select Lists of contractors which are relevant to the Cabinet's work	Executive/ Leader	Chief Executive, Executive Directors and Heads of Service
Selective Tendering	To select contractors from an approved standing list of contractors	Executive/ Leader	Chief Executive, Executive

**PART 3
(PART D)**

Procedures		Directors and Heads of Service
Tenders	To engage in the formal tender process in accordance with Contract Procedure Rules	Executive/ Leader Heads of Service

3. Revenues and Benefits

Subject	Detail	Delegated by:	Delegated to:
Cautions	To administer cautions to offenders as an alternative to court proceedings	Council	Officers authorised in writing by the Head of Resources
Council Tax	To act in Council Tax matters under the powers of Section 101 of the Local Government Act 1972	Council	Head of Resources
Court Proceedings	To select and authorise officers to appear before Magistrates Courts and Tribunals to: <ul style="list-style-type: none"> (a) represent the Council in the recovery of Council Tax and non-domestic rates monies due to the Council; (b) represent the Council before a Valuation Tribunal in consideration of any appeals which may arise concerning Council Tax and non-domestic rates 	Council	Senior Solicitor or Head of Resources
Discretionary Rate Relief – National Non-Domestic Rates	To approve future Discretionary Rate Relief Awards subject to the criteria and policies of the Council	Executive/ Leader	Head of Resources
General Rate Act 1967	To sign agreements under section 72 of the Act on behalf of the Council	Executive/ Leader	Head of Resources

**PART 3
(PART D)**

Housing Benefit	To deal with housing benefit determinations and notifications including the issue of written explanations and confirmations or amendments of previous determinations	Executive/ Leader	Head of Resources
Local Valuation Court	To appear for the Council at sittings of the Local Valuation Court	Executive/ Leader	Head of Resources
Rate Relief (Mandatory)	Top determine applications for mandatory rate relief under Section 43 of the Local Government Finance Act 1988	Executive/ Leader	Head of Resources
Rent Allowances	To deal with cases to which Regulation 11 o the Housing Benefit (General) Regulations 1978 apply	Executive/ Leader	Head of Resources

4. Property Services

Subject	Detail	Delegated by:	Delegated to:
Applications for Planning Consent	To submit planning applications on behalf of the Council where necessary for any project	Council	Executive Director - Finance and Corporate Resources
Erection of Structures on Council land	To determine applications for consent for the erection of structures on land/properties on any land owned or managed by the Council, erection of which requires (under a covenant on the sale or lease of the properties), consent by the Council	Executive/ Leader	Executive Director - Finance and Corporate Resources
Leasehold Reform Act Notices	To serve notices and counter notices, institute proceedings and take any other necessary action under the Leasehold Reform Act 1967	Executive/ Leader	Executive Director - Finance and Corporate Resources

**PART 3
(PART D)**

Leases and Tenancies	To agree terms for, and accept the surrender of, leases or tenancies of properties allocated to his/her charge, in accordance with Council policy and the relevant legislation	Executive/ Leader	Executive Director - Finance and Corporate Resources
Management of Land	To manage, maintain and undertake relevant negotiations in respect of the Council's properties allocated to his/her charge, in accordance with the Assets Management Plan and relevant legislation	Executive/ Leader	Executive Director - Finance and Corporate Resources
Minor Matters affecting land	To deal with minor matters affecting lands and to authorise the signing or sealing of any related documents	Executive/ Leader	Executive Director - Finance and Corporate Resources
Notices relating to Land	<p>1. To give notice to quit and other notices for formal demands which are required in the interests of the Council</p> <p>2. To sign and serve notices and counter notice, :-</p> <p>(a) determining leases, tenancy agreements and licences to occupy (except residential premises held under Part V of the Housing Act 1957) and</p> <p>(b) under Part II of the Landlord and Tenant Act 1954 when the Council wishes to grant or oppose the grant of a new lease, tenancy or licence</p>	Executive/ Leader	<p>1. Executive Director - Finance and Corporate Resources</p> <p>2. Executive Director - Finance and Corporate Resources</p>
Purchase of Land	1. To agree terms for the acquisition of land or individual properties required for an approved scheme after consultation with Chief Officers concerned complete the	1. Executive/ Leader	1. Executive Director - Finance and Corporate Resources

**PART 3
(PART D)**

	<p>purchases where a capital scheme for the acquisition has been approved by the Council</p> <p>2. To buy buildings or land at the best price reasonably obtainable in accordance with the Assets Management Plan and relevant legislation</p>	<p>2. Executive/ Leader</p>	<p>2. Executive Director - Finance and Corporate Resources</p>
<p>Repurchase of Former Council Houses</p>	<p>To waive the right to repurchase former Council houses under the pre-emption clauses and to substitute the discount provisions contained in the Housing Act 1980</p>	<p>Executive/ Leader</p>	<p>Executive Director - Finance and Corporate Resources</p>
<p>Recreational Land</p>	<p>To decide on arrangements for the access, usage & leasing of recreational land or facilities to parish councils and other organisations and to determine any applications for consents required under such leases.</p>	<p>Executive/ Leader</p>	<p>Executive Director - Finance and Corporate Resources and Head of Leisure and Culture</p>
<p>Right to Buy – Postponement of Statutory Charge</p>	<p>To determine requests for the postponement of the Council's statutory charge on property sold under the Right to Buy scheme</p>	<p>Executive/ Leader</p>	<p>Executive Director - Finance and Corporate Resources</p>
<p>Sale of Land</p>	<p>1. To determine applications for the purchase and lease of small areas of land owned by the Council unless the Executive Director - Finance and Corporate Resources considers that the decision might be controversial or create an important precedent</p> <p>2. To sell buildings and land at the best price reasonably obtainable in accordance with the Assets management Plan and relevant legislation</p>	<p>1. Executive/ Leader</p> <p>2. Executive/ Leader</p>	<p>1. Executive Director - Finance and Corporate Resources</p> <p>2. Executive Director - Finance and Corporate Resources</p>
<p>Spadesbourne Suite</p>	<p>To grant to local charitable organisations free use of the Spadesbourne Suite on up to 4 occasions per year</p>	<p>Executive/ Leader</p>	<p>Executive Director - Finance and Corporate Resources</p>

**PART 3
(PART D)**

Temporary Use of Land	To take up any offer received from the Department of the Environment for the temporary use of properties acquired for road schemes provided that terms offered are satisfactory	Executive/ Leader	Executive Director - Finance and Corporate Resources
Use of Council facilities by the public	To approve the use of the Conference Room, Committee Room, Council Chamber and Spadesbourne Suite by external organisations and the public	Executive/ Leader	Executive Director - Finance and Corporate Resources
Use of Land	To determine applications for the use of small areas of land owned by the Council	Executive/ Leader	Executive Director - Finance and Corporate Resources

5. Human Resources

Subject	Detail	Delegated by:	Delegated to:
Grants and Honoraria	To make decisions on the payment of gratuities and honoraria to Council employees undertaking additional duties, provided budgetary provision exists	Council	Head of Resources
Posts – Addition, Deletion	Within the policy and budgets decided by the Council, to make decisions on the addition and deletion of posts and on adjustments to working conditions applying to particular posts (but not generally) insofar as it relates to a restructure which is not associated with the setting of the Council's budget	Executive/ Leader	Chief Executive
Posts – Grading	Within the policy and budgets decided by the Council, to make decisions on the grading of posts and on adjustments to working conditions applying to particular posts (but not generally)	Executive/ Leader	Head of Resources

**PART 3
(PART D)**

Seminars and Conferences	To appoint the Council's representatives to meetings, seminars, conferences and other events which are not expected to be on-going	Executive/ Leader	Heads of Service
Appointment of Heads of Service	To make appointments (where appropriate in consultation with the Head of Paid Service)	Council	Executive Directors
Appointment of Executive Directors	To make appointments	Council	Chief Executive
Appointment of Staff (below the level of Head of Service)	To make appointments (where appropriate in consultation with the Executive Director(s))	Council	Heads of Service
Appeals	To consider and determine appeals in respect of discipline, dismissal, the exercising of delegations (in respect of pension matters) for staff below the level of Head of Service	Executive/ Leader	Any one of the following: Chief Executive, Deputy Chief Executive Directors, Heads of Service (other than Head of Resources) or a consultant selected by the Head of Resources
Appeals (Job Evaluation)	To consider and determine appeals in respect of salary grading	Executive/ Leader	Any officer of Head of Service level or above or a consultant selected by the Head of Resources
Careers Conventions	To make decisions on Careers Conventions and the Council's involvement in work experience and similar schemes, relating to the training of young people	Executive/ Leader	Head of Resources
Disciplinary and Capability Action	1. Within the Council's approved disciplinary and capability procedures and National Conditions of Service, to take	1. N/a	1. Council

**PART 3
(PART D)**

	<p>disciplinary action against, (including dismissal of) the Head of Paid Service, s151 Officer or Monitoring Officer subject to compliance with the Local Authorities (Standing Orders) (England) Regulations 2001.</p> <p>2. Within the Council's approved disciplinary and capability procedures, to take action against, (including dismissal of), Executive Directors, subject, in the case of any Officer designated as Chief Finance Officer or Monitoring Officer, to compliance with the Local Authorities (Standing Orders) (England) Regulations 2001.</p> <p>3. Within the Council's approved disciplinary and capability procedures, to take action against (including dismissal of) Heads of Service and Assistant Chief Executive subject, in the case of any Officer designated as Chief Finance Officer or Monitoring Officer, to compliance with the Local Authorities (Standing Orders) (England) Regulations 2001.</p> <p>4. Within the Council's approved disciplinary and capability procedures, to take disciplinary action against (including dismissal of) any member of staff in the department concerned below Head of Service level.</p>	<p>2. Council</p> <p>3. Council</p> <p>4. Council</p>	<p>2. Head of Paid Service</p> <p>3. Chief Executive/ Head of Paid Service or Executive Directors</p> <p>4. Heads of Service</p>
<p>Early Retirement Payments</p>	<p>To exercise discretionary powers under the Local Government (Early Termination of Employment) (Discretionary</p>	<p>Executive/ Leader</p>	<p>Chief Executive in consultation with Head of Resources and</p>

**PART 3
(PART D)**

	Compensation) Regulations 2006 to make a single lump sum payment (including any redundancy payment where necessary) of up to no more than 52 weeks actual pay to any employee in accordance with agreed criteria		the relevant Portfolio Holder
Examination Success and other Achievements	Within the budget determined by Council, to make decisions on matters arising from examination success or other special achievements by Council employees	Executive/ Leader	Heads of Service in consultation with Head of Resources
Overtime Payments	Within the budget determined by Council, to approve payments for overtime working where staff are required to work such overtime in pursuance of the Council's obligations or objectives	Executive/ Leader	Chief Executive, Executive Directors, Deputy Chief Executive, Heads of Service
Pay Award	Within the budget determined by Council, to implement increases in respect of the annual cost of living pay award as negotiated and agreed by the National Joint Councils or the Joint national Council for all staff	Executive/ Leader	Head of Resources
Pay Protection	To determine an appropriate pay protection policy for all staff	Executive/ Leader	Head of Resources in consultation with the Chief Executive and Executive Director – Finance and Corporate Resources
Recruitment Scheme of Allowances	To review on a regular basis the Council's policy and allowance rate in respect of the recruitment scheme of allowances (moving house)	Executive/ Leader	Head of Resources
Terms and Conditions of Employment	To determine HR policies and procedures and terms and conditions of employment (save where specified by statutory	Executive/ Leader	Head of Resources

**PART 3
(PART D)**

	provisions) in respect of all staff (except the Chief Executive)		
Travel Allowances	<p>1. To implement increases in respect of the lump sum and mileage allowance payable to all staff in accordance with circulars issued by the Joint National Council and National Joint Council</p> <p>2. To implement and review increases in respect of subsistence allowances on an annual basis</p>	1. & 2. Executive/ Leader	1. & 2. Head of Resources

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APPOINTMENTS TO OUTSIDE BODIES

Organisation	Current representative(s)	Length of Term	Expiry of term of office
BDHT (Bromsgrove District Housing Trust)	Councillor Mrs M Bunker Councillor Mrs C.J. Spencer	1 year	May 2011
Shared Services Board			
Non-ex officio nominees	Councillor S. R. Colella	1 year	May 2011
	Councillor S. R. Peters	1 year	May 2011
Worcestershire Shared Services Joint Committee	Councillor P. J. Whittaker	1 year	May 2011
	Councillor Mrs M. Bunker	1 year	May 2011
Note: Two appointees are required to include the relevant Portfolio Holder and one other member from the controlling group and a named substitute	Councillor Mrs M. A. Sherrey (named substitute)	1 year	May 2011
Bromsgrove Arts Centre Trust – charitable company no 05455644	Councillor Miss D. H. Campbell	Remaining 2 years of 3 year appointment	May 2013
	Councillor R. D. Smith	Remaining year of 2 year appointment	May 2012
Bromsgrove Arts Centre Holding Trust	Councillor G. N. Denaro	Remaining year of 3 year appointment	April 2012
	Councillor D. Hancox Councillor M. J. A. Webb Councillor Mrs J. Dyer	2 years	April 2011

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