



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 16th May 2012, when the business referred to below will be brought under consideration:-

The formal business will be preceded by 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)

3. Election of Civic Head for the ensuing year

(Following election, the Civic Head will be invested with the Badge and Chain of Office)

4. Vote of thanks to the retiring Civic Head

5. Election of Deputy Civic Head for the ensuing year

6. To receive apologies for absence

7. Declarations of Interest

8. To confirm the accuracy of the minutes of the meeting of the Council held on 18th April 2011 (Pages 1 - 6)

9. To receive any announcements from the Chairman, the Civic Head and/or Head of Paid Service

10. **To receive any announcements from the Leader including membership of the Cabinet**
11. **Standards Regime** (Pages 7 - 38)

To consider the report of the Head of Legal, Equalities and Democratic Services
12. **Appointment of Committees 2012/13** (Pages 39 - 44)

To consider the report of the Head of Legal, Equalities and Democratic Services
13. **Constitution Changes and Scheme of Delegations** (Pages 45 - 118)

To consider the report of the Head of Legal, Equalities and Democratic Services
14. **Establishment of a West Mercia Police and Crime Panel** (Pages 119 - 134)

To consider the attached report
15. **Appointments to Outside Bodies**

To approve the extension of existing appointments to Outside Bodies pending consideration of a report at the next meeting of the full Council to be held on 18 July 2012

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

TO ALL MEMBERS OF THE BROMSGROVE DISTRICT COUNCIL

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE COUNCIL

WEDNESDAY, 18TH APRIL 2012 AT 6.00 P.M.

PRESENT: Councillors Mrs. J. M. L. A. Griffiths (Chairman), R. J. Laight (Vice-Chairman), Mrs. S. J. Baxter, C. J. Bloore, Mrs. J. M. Boswell, J. R. Boulter, J. S. Brogan, M. A. Bullivant, Ms. M. T. Buxton, R. A. Clarke, S. R. Colella, Dr. B. T. Cooper, R. J. Deeming, Mrs. R. L. Dent, S. J. Dudley, K. A. Grant-Pearce, Miss P. A. Harrison, R. Hollingworth, Mrs. H. J. Jones, P. Lammas, B. Lewis F.CMI, L. C. R. Mallett, Mrs. C. M. McDonald, P. M. McDonald, E. J. Murray, C. R. Scurrall, Mrs. E. M. Shannon, R. J. Shannon, S. P. Shannon, Mrs. M. A. Sherrey JP, Mrs. C. J. Spencer, C. B. Taylor, C. J. Tidmarsh, L. J. Turner, M. J. A. Webb, P. J. Whittaker and C. J. K. Wilson

115/11 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Dr. D. W. P. Booth JP and J. A. Ruck.

116/11 DECLARATIONS OF INTEREST

No declarations of interest were received.

117/11 MINUTES

The minutes of the meeting held on 14th March 2012 were submitted.

RESOLVED that the minutes be approved as a correct record.

118/11 ANNOUNCEMENTS FROM THE CHAIRMAN, THE CIVIC HEAD OR THE HEAD OF PAID SERVICE

The Civic Head referred to the following events:

- (a) St George's Day Celebrations in Bromsgrove High Street on 21st April 2012;
- (b) Civic Dinner Dance Service at Kings Norton Golf Club on 27th April 2012;
- (c) Visit by HRH The Duke of Kent to Bromsgrove on 15 May 2012.

119/11 ANNOUNCEMENTS FROM THE LEADER

- (a) The Leader informed Members that he had asked officers to review the number of Council meetings held as compared to some other authorities it held almost twice as many.

- (b) The Leader referred to his concerns about the Audit Board including the lack of a work plan. He had asked officers to review the Board and if it did not work he would propose that it be closed down and merged with Overview and Scrutiny.

120/11 **MINUTES OF THE MEETINGS OF THE CABINET HELD ON 7TH MARCH AND 4TH APRIL 2012**

The minutes of the meetings of the Cabinet held on 7th March and 4th April 2012 were received.

Arising from queries raised by Councillor P. M. McDonald with regard to Council funding of the Artrix and representation on its Boards, the Leader responded that no set of accounts had yet been received which showed the Artrix to be in profit, that if it did make a profit then the funding would be cut and that ex-councillors would be removed from the Boards in May.

121/11 **CONSTITUTION CHANGES**

With reference to Minute No. 112/11 (Constitution Changes), Members considered a report of the Head of Legal, Equalities and Democratic Services on further proposed changes to the Council's Constitution with regard to Part 20 – Code of Practice – Planning Services in respect of site visits and the process for managing Motions on Notice.

Having been moved by Councillor M. A. Bullivant and seconded by Councillor M. J. A. Webb, it was

RESOLVED that approval be given to the proposed amendments to the Constitution in relation to the following issues as referred to in the appendices to the report:

- (a) Code of Practice – Planning Services;
- (b) Council Procedure Rules (Motions on Notice).

122/11 **QUESTIONS ON NOTICE**

Three questions on notice were taken in the order received.

1. Question submitted by Councillor C. J. Bloore

“Can the Leader tell us what steps the Council is taking to tackle the expected increase in the number of residents in Bromsgrove needing to be placed in temporary accommodation?”

The Leader referred the question to Councillor C. B Taylor as the relevant Portfolio Holder.

Councillor Taylor replied that the Council's Strategic Housing Officers were working with registered social providers to ascertain the impact of changes in entitlement to local housing allowance, the implementation

of the welfare reform legislation and potential homelessness. A multi-agency steering group had been set up to review the implications, identify key issues and map any future impact. The Council was aware that 135 households were affected by reductions in entitlement to local housing allowance within the private sector. In addition, the changes particularly for those under 35, had meant that the private sector was no longer accessible to many single people. Therefore BDHT was anticipating an increase in homeless approaches from those who would normally access the private sector but who were no longer able to do so. In respect of the change in under-occupational housing benefit entitlement for social housing tenants, BDHT had identified approximately 220 tenants who would no longer be entitled to full housing benefit. All other partner registered providers were aware of the benefit changes and were working towards achieving an understanding of the numbers affected. Officers would be in a strong position to report on the full implications by the summer. The under-occupation and benefit cap changes would not take effect until April 2013 and the Council was working towards being in a strong position to mitigate the impact of this.

Councillor Bloore asked a supplementary question as to whether the Portfolio Holder shared the actions and concerns of the Redditch Conservative and Labour Groups who had written to the Secretary of State to urge changes to the benefits legislation to give people the option of whether they would rather have their benefit paid direct to them or for it continue to be paid direct to their landlord.

Councillor Taylor replied that he had no knowledge of this letter and so was unable to give a comment.

2. Question submitted by Councillor S. P. Shannon

"From a report recently reported to this Council's Overview and Scrutiny Board "Statement of Principles regarding Affordable Housing Provision"

In light of pending introduction of a 'bedroom tax' for Bromsgrove residents receiving housing benefit and also the abolition of lifetime tenancies for residents living in affordable housing. Will this Council be removing from its statement of principles the condition that 100% of affordable housing should be built to the Lifetime Homes Design Criteria 5th July 2010 (revised)?

Councillor C. B. Taylor as the relevant Portfolio Holder responded that the draft Core Strategy consultation was underway and that page 43 would answer the question. In response to a further comment from Councillor S. P. Shannon, he undertook to provide him with a copy of the draft Core Strategy document.

3. Question submitted by Councillor P. M. McDonald

“Would the Chairman please inform me how much revenue has been lost to the public purse regarding the excess tipping carried out at the Marlbrook Tip?”

The Chairman referred this to the Leader to respond.

The Leader responded that he assumed the “public purse” meant landfill tax. He had no intention of wasting time to find out how much it was and that the question sounded like an accusation of fraud. If Councillor McDonald believed this, then with officers’ approval, he was happy for him to have all the documents that had been submitted to work it out for himself and take it to the police.

Councillor McDonald asked a supplementary question that if the Leader believed it was fraud because of the excess of over a million tonnes why had he not gone to the police?

The Leader responded that he never said that he believed there was fraud, what he had said was he did not know whether there was and he had no intentions of working it out. He had said that it sounded like the councillor opposite was making an accusation of fraud. He had offered to give Councillor McDonald the data so he could work it out, if that was what he believed, and that he should go to the police himself.

123/11 **MOTION - AUSTIN ROAD**

Members considered the following motion submitted by Councillor S. P. Shannon.

“Propose that this authority takes action to hasten the adoption process in relation to Austin Road, a road constructed by the Council but has never been incorporated into the recognised highways system.”

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

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

For the motion: Councillors C. J. Bloore, Ms. M. T. Buxton, L. C. R. Mallett, Mrs. C. M. McDonald, P. M. McDonald, E. J. Murray, Mrs. E. M. Shannon, R. J. Shannon, S. P. Shannon and C. J. K. Wilson (10);

Against the motion: Councillors Mrs. J. M. Boswell, J. R. Boulter, J. S. Brogan, M. A. Bullivant, R. A. Clarke, S. R. Colella, Dr. B. T. Cooper, R. J. Deeming, Mrs. R. L. Dent, S. J. Dudley, K. A. Grant-Pierce, Miss P. A. Harrison, R. Hollingworth, Mrs. H. J. Jones, R. J. Laight, P. Lammas, B. Lewis, C. R. Scurrall, Mrs. M. A. Sherrey, Mrs. C. J. Spencer, C. B. Taylor, C. J. Tidmarsh, M. J. A. Webb and P. J. Whittaker (24);

Abstentions: Councillors Mrs. S. J. Baxter and L. J. Turner (2)

Accordingly, the Chairman declared the motion to be LOST.

The meeting closed at 6.40 p.m.

Chairman

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ANNUAL COUNCIL

16th May 2012

STANDARDS REGIME

Relevant Portfolio Holder	Mark Bullivant
Portfolio Holder Consulted	Yes
Relevant Head of Service	Claire Felton
Ward(s) Affected	All
Ward Councillor(s) Consulted	
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 The Localism Act 2011 introduces fundamental changes to the system of regulation of the standards of conduct for elected and co-opted Councillors.
- 1.2 This report describes the changes and sets out proposals for consideration by Full Council on how the new regime may be implemented. Members are advised that cross party discussions and the views of the current Standards Committee have been taken into consideration when formulating these proposals.

2. RECOMMENDATIONS

- 2.1 That Members agree the creation of a new Standards Committee to enable the Council to discharge its duty to promote high standards of behaviour in public life and approve the terms of reference of the Committee as set out at Appendix 1,
- 2.2 That Members agree that the new Standards Committee comprise nine elected district councillors and that two Parish representatives be co-opted onto the Committee as non voting co-optees.
- 2.3 That Members consider and approve the Draft Code of Conduct at Appendix 2 to this report and delegate authority to the Monitoring Officer in consultation with Group Leaders to make any consequential changes that may be necessary when the regulations are published, recognising that this will include the definitions in relation to Disclosable Pecuniary Interests and to determine the process for registration of interests by Members.
- 2.4 That Members consider and approve the process for managing standards complaints at Appendix 3 to this report and delegate authority to the Monitoring Officer in consultation with the Group Leaders to determine the process for managing an investigation and a hearing.
- 2.5 That Members consider the proposals for discharging the requirement under the Localism Act for an Independent Person (s) and delegate authority to the Monitoring Officer to carry out the recruitment and selection process.

- 2.6 That Members approve the payment of £1000 per annum to each Independent Person recognising that this payment can be met from existing Member Allowance budgets.
- 2.7 That Members consider and approve the proposals for managing dispensations.
- 2.8 That Members delegate authority to the Monitoring Officer to make any additional consequential amendments to the Constitution that are required in order to implement the new arrangements set out in this report.
- 2.9 That Members agree that a Special Responsibility Allowance of £1218 be payable to the Chairman of the new Standards Committee.

3. KEY ISSUES

Financial Implications

- 3.1 It is anticipated that the Council will wish to include the roles associated with the new regime within the scheme of members allowances and that a payment will be made to the independent persons appointed in accordance with section 28 (7) of the Localism Act 2011.
- 3.2 The costs associated with this will need to be determined by Full Council but it is proposed for the purposes of this report that an annual payment of £1000 be paid to each Independent person and members are advised that this can be met from existing budgets currently allocated for this purpose.
- 3.3 Members will need to consider whether or not to make a Special Responsibility Allowance available to the Chairman of the new Standards Committee. It is proposed that an Allowance of £1218 be payable for 2012/13 which matches the level of Allowance payable to the Chairman of the Audit Board.

Legal Implications

- 3.4 The Localism Act repeals Section 55 of the Local Government Act 2000, which provides for the current statutory Standards Committee. There will therefore no longer be a requirement for a Standards Committee, however there will still be a requirement to deal with standards issues and case work. It will be necessary therefore for the Standards Committee in its current structure to be disbanded and the proposal is that it be replaced by an ordinary Committee of the Council established to deal with Standards issues.
- 3.5 Under section 28(6) and (7) of the Localism Act 2011, the Council must have in place arrangements under which allegations that a members or co-opted member of the authority (or parish council within the authority's area), or a committee or sub-committee of the authority has failed to comply with that authority's Code of Conduct can be investigated and decisions made on such allegations.

- 3.6 Such arrangements must provide for the authority to appoint at least one Independent Person, whose views must be sought by the authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the authority at any other stage, or by a member (or a member, or co-opted member of a parish council) against whom an allegation has been made.

Service / Operational Implications

- 3.7 The Localism Act fundamentally changes the way in which standards of conduct for elected and co-opted Councillors are regulated.
- 3.8 Whilst the Council will retain a statutory duty to promote and maintain high standards of conduct for its elected and co-opted members the new provisions will enable Local Authorities to introduce a more flexible approach as to how this may be best achieved.
- 3.9 Members will be aware that under the current regime the Council has a statutory obligation to appoint a Standards Committee and the process by which that Committee operates is strictly prescribed by the relevant regulations and guidance.
- 3.10 Whilst there is no requirement under the Localism Act for a statutory Standards Committee in its current form there is a duty for the Council to maintain and promote high standards in public life and Council must have a process for managing complaints in this regard.
- 3.11 It would therefore be logical for the Council to consider the creation of a normal Committee of the Council to enable the Council to properly discharge its duty to maintain and promote high standards in public life.

Standards Committee

- 3.12 As referred to in paragraph 3.4 the newly created Standards Committee will operate as a normal committee of the Council. It is anticipated that the implementation date for the new style committee will be 1st July 2012 but this has not yet been formally confirmed as the relevant regulations and guidance have yet to be issued by the government.
- 3.13 Members should note that the new style committee will not be able to operate with the unique features that were afforded to it in under the previous regime. In other words the composition of the committee will be governed by the normal rules relating to political proportionality and the current restriction that allows only one member of the Cabinet/Executive to sit on the Standards Committee will cease to apply.

- 3.14 The current Independent Members of the Standards Committee will cease to hold office and the Act introduces a new category of Independent Person whose role is detailed under a separate heading later in this report.
- 3.15 The Council will continue to have responsibility for dealing with standards complaints against elected and co-opted Councillors at District level and will continue to have responsibility for dealing with standards complaints against members of Parish Councils, but the current Parish Council representatives will cease to hold office.
- 3.16 It is important therefore for members to consider how best to enable Parish involvement in the process moving forward so as to ensure that the Councils duty to promote high standards of behaviour within Parish Councils is achieved.
- 3.17 For the purposes of this report members are being asked to consider whether an appropriate way of discharging its duty to promote high standards of behaviour in public life would be to set up a Standards Committee and if so the size of that Committee.

The Code of Conduct

- 3.18 The Council will be required to adopt a Code of Conduct.
- 3.19 Recognising that it is important to ensure that all Councillors whether County, District or Parish are clear in relation to their obligations under a Code of Conduct the Monitoring officers across the County have worked together to produce a draft Code of Conduct and it is proposed that this be adopted by Councils whether County, District or Parish in an attempt to support Councillors in this regard. A copy of the draft Code of Conduct for Worcestershire is attached at Appendix 2. Members are asked to note that the Code is still in draft format and discussions to agree a final version are on-going. Whilst the first part of the draft Code dealing with the conduct expected of Members can be regarded as more or less finalised, the second section on interests will be subject to further changes because the related regulations and guidance are not yet available (as referred to at 2.3 above).
- 3.20 Members are advised that the Monitoring Officer has also spoken to a representative from CALC regarding the proposal of adoption of a Code of Conduct for all authorities in Worcestershire. Early discussions have revealed that it would be the intention of CALC to recommend to Parishes that they also adopt the same Code of Conduct for the same reasons as outlined above.
- 3.21 It is fair to say that the majority of problems associated with the current standards regime have resulted as a consequence of the process for administering and determining complaints rather than as a consequence of the Code itself.

- 3.22 For this reason, and the fact that love it or hate it members are now very familiar with the Code, officers have used the existing Code as the starting point when drafting the new one and it is proposed that the ten principles of public life will continue to form the basis for the levels of behaviour expected.
- 3.23 In addition the new Code will need to set out the requirements in relation to the registration and declaration of Interests – these will now be described as “Disclosable Pecuniary Interests” and “Other Disclosable Interests”
- 3.24 As referred to above, it is not yet possible for officers to include within the draft Code the definitions of these classifications of interest as the regulations that will provide these have not yet been published by the government. Officers will continue to update members as these issues become clearer but for the purposes of this report are seeking a delegation to the Monitoring Officer in consultation with group leaders to make whatever changes may be necessary once the regulations are published.
- 3.25 In the meantime officers have worked to establish the most straight forward mechanism whereby members can register and declare interests under the new regime and these appear within Part 2 of the draft Code that appears at Appendix 2 for member’s consideration.

Register of member’s interests and disclosure of interests

- 3.26 In accordance with the Localism Act the Monitoring Officer is required to establish and maintain a register of interests of members and co-opted members of the District/Borough Council and the Parish Councils.
- 3.27 The Localism Act provides that the register must contain “Disposable Pecuniary Interests”. At this stage the draft Code reflects this requirement but does not extend that duty to “Other Disclosable Interests”. Again without definition of the categories at present it is difficult to assess what the appropriate levels of registration should be.
- 3.28 Members are advised that for the purposes of interests falling into the category of “Disposable Pecuniary Interests” that the requirement to register these will extend not only to the members themselves but also to;
- Their spouse or civil partner
 - A person with whom they are living as husband and wife, or
 - A person with whom they are living as if they were civil partners,

Provided that the member concerned is aware that the other person listed above has the interest.

- 3.29 Every elected or co-opted person must notify the Monitoring officer within 28 days of being elected or co-opted onto the authority of all current disposable pecuniary interests and for the purposes of this report the Monitoring officer is

proposing that members continue to update this as an ongoing requirement throughout their term of office.

- 3.30 Failure to register any such interest or the provision of misleading information on registration without reasonable excuse will be a criminal offence, potentially carrying a Scale 5 fine (£5,000) and/or disqualification from being a Councillor for up to five years. Prosecution is at the instigation of the Director of Public Prosecutions. Members are advised that the Monitoring officer is in discussions with the Police in order to establish how this will actually happen in practice and in order that members can be properly supported to ensure that wherever possible this can be avoided.
- 3.31 Members are advised that the Localism Act is far from straight forward in its approach to interests and the disclosure thereof and for this reason the Monitoring Officer has been working closely with County colleagues to establish a process for registering and disclosing interests that is open and transparent, clear to follow and meets the requirements of the Act.
- 3.32 Members are advised that for the purposes of this report Officers will not be able to provide the detail that would be associated with the categorisation and disclosure of interest as this is not possible to determine until the regulations on these issues have been published and for this reason it is being proposed that a delegation be given to the Monitoring officer in consultation with Group leaders to enable this to be done.

Sensitive Information

- 3.33 Members will recall the ability under the current regime for members to register and declare the existence of sensitive interests without the need for public disclosure in very limited and specific circumstances. The Localism Act continues to recognise the need for this and members will note section 14 within the draft new Code at Appendix 1 that deals with this point.

Dispensations

- 3.34 The existing provisions on dispensations are significantly changed by the Localism Act
- 3.35 The new arrangements allow for a dispensation to be granted on the following grounds –
1. That so many members of the decision – making body have Disclosable Pecuniary Interests in a matter that it would impede the transaction of business. In practice this would mean that the decision – making body would be inquorate as a result;
 2. That without the dispensation the representation of different political groups on the body transacting business would be so upset as to alter the outcome of any vote on the matter;

3. That the Council considers that the dispensation is in the interests of persons living in the authority's area;
 4. That without a dispensation no member of the Cabinet/Executive would be able to participate on the matter
 5. That the authority considers that it is otherwise appropriate to grant a dispensation
- 3.36 Any grant of a dispensation must specify how long it lasts for, up to a maximum of four years
- 3.37 Where the Local Government Act 2000 required that dispensations be granted by the Standards Committee the Localism Act gives discretion for this power to be delegated by Council to the Standards Committee or to the Monitoring Officer.
- 3.38 For the purposes of this report it is proposed that in relation to points one and two above that the delegation be made to the Monitoring Officer in consultation with the Independent Person, with an appeal to the Standards Committee thus enabling dispensations to be granted in a timely and efficient manner where appropriate. Three and five would remain with the Standards Committee in consultation with the Independent Member. In relation to point four, with reference to Cabinet decisions provision can be made in the Scheme of Delegations to allow the Leader to take the decision by using his powers as a "Strong Leader". Were the Leader himself to be unable to act, the matter would have to be referred to the Standards Committee for a dispensation as per points 3 and 5

Independent Person (s)

- 3.39 The Act requires the Council to appoint at least one Independent Person.
- 3.40 Members are advised that under the new arrangements the office of current Independent Members of the Standards Committee will cease and that a new category of Independent Person is established.
- 3.41 Members are should be aware that the Independent Person role is quite different from that carried out by Independent Members of the current Standards Committee and that the new role will become a consultative one for the Monitoring Officer, the Committee and the person against whom an allegation has been made.
- 3.42 Independent Persons will need to be appointed by advertisement and application, and there are strict rules governing the category of person who would be eligible to fill this role.
- 3.43 Members are advised that current Independent Members would not be eligible to apply and that in order to meet the deadline for implementation of the new regime on the 1st July 2012 that the recruitment process will need to commence immediately after this meeting of the Full Council. Members are asked to

delegate authority to the Monitoring Officer to carry out the recruitment and selection process in accordance with the requirements of the localism Act and that in doing so they recognise that a report in July will identify the outcome of this process for information only.

- 3.44 It is clear that the new arrangements intend to enable Councils to establish a mechanism for local resolution where it is possible to do so and members are advised that the Monitoring Officer is keen to establish as many opportunities for the use of the new Independent Person throughout the process to enable this to be achieved.

New arrangements for dealing with Standards Allegations

- 3.45 In addition to the adoption of a Code of Conduct, the Council will also have a duty to have in place arrangements to deal with complaints into members conduct both at District and parish level.
- 3.46 The Monitoring Officer, Deputy Monitoring Officer and Ethical Standards Officer have worked together to establish a draft process for managing standards complaints and have worked through this process with members of the Standards Committee and representatives of both of the political groups.. An outline of the process is attached at Appendix 3 to this report.
- 3.47 Members will note from the draft process that officers have attempted where possible to ensure that local resolution options are used and that the Leaders of Political Groups and the Chairman of Parish Councils are included in conjunction with the new Independent Member to encourage mediation and support measures to be used when the circumstances allow and that investigations are reserved for those cases where there would appear to be no other practical and effective alternatives.

Sanctions

- 3.48 The Act does not give the Council or its Standards Committee any powers to impose sanctions so it would appear that where a complaint is upheld under the new arrangements that the Council will have a number of options available to it to secure the continuing ability of the Council to discharge its duty to uphold and promote high standards of behaviour in public life effectively.
- 3.49 In practice this is going to involve more practical steps at a local level to help and support Councillors in a great proportion of the complaints that arise and members may wish to consider the following for local adoption;
- Reporting findings to Full Council (or to the Parish) for information;
 - Agreement by the member to apologise or a recommendation to the members Group Leader that he facilitates an apology from the member;
 - Recommending to the member's Group Leader (or in the case of ungrouped members the Council or to Boards or Committees) that the

member be removed from any or all of the Council's Committees or Sub-Committees;

- Recommending to the Leader of the Council that the member be removed from the Cabinet/Executive, or removed from particular Portfolio responsibilities;
- Instructing the Monitoring Officer to (or recommending that the Parish) arrange training for the member;
- Withdrawing (or recommending to the Parish that it withdraws) facilities provided to member by the Council, such as a computer, website and/or email facilities and Internet access;
- Excluding (or recommending that the Parish exclude) the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings

- 3.50 There is a particular difficulty in respect of Parish Councils as the Localism Act gives the Council or its Standards Committee no power to do any more in respect of a Parish Council than make a recommendation to the Parish Council on action to be taken in respect of a member.
- 3.51 Parish Councils will be under no obligation to accept any such recommendation notwithstanding the Councils duty to uphold the standards of behaviour within the Parish Council's and their duty to investigate any complaints against Parish Councillors or co-opted Councillors.
- 3.52 Members are advised that the Monitoring Officer has discussed this issue in detail with the representative from CALC on behalf of the other Districts and the County.
- 3.53 It is proposed as a consequence of those discussions that members consider that an effective way of managing this situation would be to continue to involve Parish Council representatives on the Standards Committee (albeit in a non-voting capacity) and to ensure that those representatives are involved in any hearings that involve Parish Councillors.
- 3.54 In addition to this it is proposed that the early resolution stages include Parish involvement in Parish matters and where there are positions of conflict involve, if agreed, a CALC representative.
- 3.55 In any event it is proposed that were members of the Committee minded to agree this recommendation that the arrangements be reviewed after 12 months to monitor effectiveness.
- 3.56 There will be criminal sanctions if a Councillor;
- Fails to register Pecuniary Interests within 28 days of taking office;
 - Fails to declare a Pecuniary Interest at meetings;
 - Fails to register Pecuniary Interests within 28 days of disclosure;

- Participates in any discussion or votes on a matter in which the member has a Pecuniary Interest;
- Makes an Executive decision in which the member has a Pecuniary Interest.

3.57 As already outlined within this report these matters will be handled by the Police and Crown Prosecution Service with offences punishable by a fine not exceeding £5000. The Court may also disqualify a Councillor for a period not exceeding five years.

3.58 Members are advised that the new arrangements will include a process for dealing with such complaints recognising that it will be necessary in some instances for an internal resolution to be sought in conjunction with the criminal process.

Appeals

3.59 There is no right of appeal against a decision within the new arrangements although the decision would be open to judicial review by the High Court if it was patently unreasonable, or if it was taken improperly, or if it sought to impose a sanction which the Council had no power to impose

Implementation Date and Transitional Arrangements

3.60 The regulations to cover implementation and transitional arrangements have not yet been published. However, it is anticipated that the transitional phase will commence on 1st April 2012 (referred to as the "Appointed Day"). With effect from that date Standards Committee will no longer be able to impose suspensions and the ability to make appeals to the First Tier Tribunal will cease. Sanctions will be limited to censure, training, withdrawal of facilities etc. Authorities will have a two month period starting from 1st April to process and finalise any outstanding complaints. It is not clear whether it will be possible for any new complaints to be made under the old system after 1st April. The new style Standards Committee and new obligations under the Localism Act will come into effect from 1st July 2012.

Customer / Equalities and Diversity Implications

3.61 The Council is aware that any process for managing Standards of Behaviour for Elected and Co-opted Councillors must be accessible to the public. It is therefore proposed that an impact assessment will be carried out on the complaints process when established to ensure accessibility. In addition it is proposed that the members of the Councils Equality and Diversity Forum receive a presentation in relation to the new arrangements for comment.

3.62 Members are advised that the new arrangements will be publicised on the Councils website and that officers will work to ensure that members of the public

are made aware of the process for making a complaint through all existing community engagement events.

4. RISK MANAGEMENT

- 4.1 The Council has identified Member to Member relations as a corporate risk to the authority and it has also identified the reputational issues that are associated with this.
- 4.2 The Chief Executive and the Monitoring Officer work closely with the Leaders of all groups to ensure where possible that effective working relationships with all members can be maintained and from time to time it is necessary for specific measures to be introduced to enable this to continue effectively.
- 4.3 All three Statutory Officers meet on a monthly basis to assess the risks associated with this and to ensure that any local issues are managed effectively and that support is given to all members of the Council where appropriate.
- 4.4 Members are advised that they are obliged to consider and determine appropriate mechanisms for managing complaints and to discharge its duty to promote high standards in public life, at District and Parish level, and that whilst the process for doing this is no longer governed by statute that a process will never the less need to be adopted and that the proposals within this report would enable to Council to discharge this.

5. APPENDICES

Appendix 1 - Proposed Terms of Reference
Appendix 2 - Draft Code of Conduct
Appendix 3 - Draft process for managing standards complaints

6. BACKGROUND PAPERS

None

7. KEY

None

AUTHOR OF REPORT

Name: Claire Felton
email: c.felton@bromsgroveandredditch.gov.uk
Tel.: 01527 881249

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STANDARDS COMMITTEE

Number of Members	Party Group Leaders may not be members, or act as substitutes for members, on the Standards Committee
Number of co-opted non-voting Members	2 Parish Representatives, who may not also be District Councillors.
Politically Balanced Y/N	Y
Quorum	3
Procedure Rules applicable	Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 18.2, 20.1 and 22)
Terms of Reference	<p>The Standards Committee will have the following roles and functions:</p> <ul style="list-style-type: none"> a. promoting and maintaining high standards of conduct by Councillors and any co-opted members of Council bodies; b. assisting the Councillors and co-opted members to observe the Members' Code of Conduct; c. advising the Council on the adoption or revision of the Members' Code of Conduct; d. monitoring the operation of the Members' Code of Conduct; e. advising, training or arranging to train Councillors and co-opted members on matters relating to the Members' Code of Conduct; f. granting dispensations to Councillors and co-opted members from requirements relating to interests set out in the Members' Code of

	<p>Conduct;</p> <p>g. dealing with any report from the Monitoring Officer following an investigation into a complaint concerning the Members' Code of Conduct;</p> <p>h. considering and determining allegations that a Councillor or co-opted Councillor may have failed to follow the Code of Conduct and where a breach of the Code is established making recommendations as to any sanctions to the appropriate person or body.</p> <p>i. the exercise of g – h above in relation to the Parish Councils in the Council's area and the members of those parish Councils;</p> <p>j. monitoring, and reviewing the operation of the Protocol on Member-Officer relations;</p> <p>k. monitoring and reviewing the operation of the Protocol on Member-Member Relations.</p>
Whipping arrangements	No Party Group whip is permitted.
Substitutes	<p>Trained substitutes are permitted for District Councillors.</p> <p>A nominated trained Parish Councillor substitute is permitted for the co-opted non-voting Parish Representative.</p>
Special provisions as to membership	<p>Only those Councillors who have undertaken appropriate training may sit on the Standards Committee.</p> <p>Quasi-Judicial meetings training will be required before Members sit on Hearings.</p>

XXXXXXXXX COUNCIL

CODE OF CONDUCT

Part 1

General provisions

Introduction and interpretation

1. (1) This Code applies to **you** as a member or co-opted member of XXXXXXXXX Council.
- (2) You should read this Code together with the Ten [Seven] Principles of Public Life [also known as the Nolan Principles] which are set out in [Appendix 1] [below].¹
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code—
"meeting" means any meeting of
 - (a) the authority;
 - (b) any of the authority's, sub-committees, joint committees, joint sub-committees, or area committees;
 - (c) the executive (Cabinet) of the authority or it's committees"Monitoring Officer" means the Monitoring Officer for the principal Council which is XXXXX Council;

¹ Whether to opt for Ten or Seven principles and whether to insert them into the text or add as Appendix 1 to be decided locally.

Scope

2. (1) This Code applies to you as a member of this authority when you act in your role as a Member or as a representative of the authority in the circumstances described in para 2 (b) below.
- (2) Where you act as a representative of the authority:
 - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with the authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3. (1) You must treat others with respect.
- (2) You must not:
 - (a) do anything which may cause your authority to breach any of the equality enactments;
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be:
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings,in relation to an allegation that a member (including yourself) has failed to comply with the authority's Code of Conduct;

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the authority.

4. You must not:

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
- (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is:
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6. You:

- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
- (b) must, when using or authorising the use by others of the resources of, or under the control of, the authority:
- (i) act in accordance with the authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity.

7. You must:

- (a) when reaching decisions on any matter have regard to any relevant advice provided to you by the authority's officers and in particular by the authority's Monitoring Officer and Section 151 Officer; and
- (b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the authority

8. You must not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

Part 2

Interests

Disclosable Pecuniary Interests ("DPI")

9. (1) You will have a Disclosable Pecuniary Interest ("DPI") under this Code if:-
- (a) such interest meets the definition prescribed by XXX regulations as amended from time to time and set out in Appendix 2 to this Code; and
 - (b) it is either an interest of yourself; or it is an interest of :-
 - (i) your spouse or civil partner; or
 - (ii) a person with whom you are living as husband and wife; or
 - (iii) a person with whom you are living as if you were civil partners;

And you are aware that the other person has the interest.

Registration of DPIs

10. (1) You must within 28 days of becoming a member of the authority or being re-elected notify the Monitoring Officer in writing of any DPI which you hold at the time notification is given

- (2) You must within 28 days of becoming aware of any new DPI, or changes to existing DPIs notify the Monitoring Officer in writing.

Other Disclosable Interests²

- 11.(1) You will have a Disclosable Interest in any matter if you are aware that you or a member of your family or person or organisation with whom you are associated have a:-
- a pecuniary interest in the matter under discussion which is not de minimus; or
 - b a close connection with the matter under discussion.
- (2) If you are a member of another local authority, or public body, or you have been appointed as the Council's representative on an outside body, you do not have a Disclosable Interest unless a member of the public knowing the circumstances would reasonably regard membership of the body concerned as being likely to prejudice your judgment of what is in the public interest.

Disclosure of Interests

12.(1) DPIs: formal meetings

If you are present at a meeting of the Council and you have a DPI then you must:

- a Disclose the nature and existence of the interest; and
- b Leave the meeting (including the meeting room and public gallery) and take no part in the discussion ; and
- c If the interest has not already been recorded notify the Monitoring Officer of the interest within 28 days beginning with the date of the meeting.

(2) DPIs: informal meetings

If you have a DPI you must not participate in informal meetings or briefings and site visits and must disclose the DPI in any correspondence with the Council.

² To be considered again once the definitions of DPIs have been issued

(3) Single Member Decisions ³

If when participating in single member decision making you have a DPI affecting the matter being decided then you may take no steps other than asking for the matter to be decided in some other manner.

(4) Other Disclosable Interests

If you are present at a meeting of the Council and you have an Other Disclosable Interest then you must:

- a Disclose the nature and existence of the interest; and
- b If the interest;
 - i affects your pecuniary interests or relates to the determination of a planning or regulatory matter; and
 - ii is one which a member of the public knowing the circumstances would reasonably regard as being likely to prejudice your judgment of what is in the public interest

then you must leave the meeting (including the meeting room and public gallery) and take no part in the discussion.

(5) Dispensations

You may take part in the discussion of and vote on a matter in which you have a been granted a dispensation.

Sensitive Information

13. (1) An interest will be a sensitive interest if the two following conditions apply:

- (a) That you have an interest (whether or not a DPI); and
- (b) the nature of the interest is such that you and the Monitoring Officer consider that disclosure of the details of the interest could lead to you or a person connected to you being subject to violence or intimidation.

³ Not applicable to Parish Councils or authorities not operating executive arrangements

- (2) Where it is decided that an interest is a “sensitive interest ” it will be excluded from published versions of the register. The Monitoring Officer may state on the register that the member has an interest the details of which are excluded under this section.
- (3) Where the sensitive interest is a DPI the usual rules relating to disclosure will apply save that the member will only be required to disclose that they hold a DPI in the matter concerned.

APPENDIX 1

The Ten Principles of Public Life

APPENDIX 2

The Localism Act Definition of Disclosable Pecuniary Interests Regulations

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Bromsgrove District Council

Arrangements for managing standards complaints under the Localism Act 2011

1. Introduction

- 1.1 Sections 28(6) and (7) of the Localism Act 2011 require the District Council to have in place “arrangements” under which allegations that an elected Member or voting co-opted Member of the authority or of a parish council within the authority’s area, or of a committee or sub-committee of the authority or parish council, has failed to comply with the relevant authority’s Code of Conduct can be investigated and decisions made on such allegations.
- 1.2 Such arrangements must provide for the authority to appoint at least one Independent Person, whose views must be sought by the District Council before it takes a decision on an allegation which it has decided shall be investigated, and whose views may be sought by the authority at any other stage, or by the Member or co-opted Member against whom an allegation has been made.
- 1.3 These arrangements set out how a complaint that an elected or voting co-opted Member of the authority or of a parish council within the authority's area has failed to comply with his/her authority’s Code of Conduct can be made, and how such allegations will be dealt with by the District Council.

2. The Code of Conduct

- 2.1 The District Council has adopted a Code of Conduct for Members, which is attached as Appendix 1 to these arrangements. The Code is available on the authority’s website or is available on request from Reception at the Council House or the Customer Service Centre.
- 2.2 Each parish council is also required to adopt a Code of Conduct. A copy of any parish council Code of Conduct can be obtained from the Clerk to the Parish Council.

3. Making a complaint and complaint acknowledgement

- 3.1 Complaints must be made in writing to:

Mrs C Felton
Monitoring Officer
Bromsgrove District Council
The Council House
Burcot Lane
Bromsgrove
B60 1AA
Email: c.felton@bromsgroveandredditch.gov.uk

- 3.2 The Monitoring Officer is a senior Officer of the authority who has statutory responsibility for maintaining the Register of Members' Interests and who is responsible for administering the system in respect of complaints of Member misconduct.
- 3.3 In order to ensure that the authority has all the information it needs to be able to process a complaint, the model Complaint Form should ideally be completed. The form is available on the authority's website or is available on request from Reception at the Council House or the Customer Service Centre.
- 3.4 Complainants are asked to provide their name and contact details in order that the Monitoring Officer can acknowledge receipt of the complaint and keep the complainant informed of progress with the complaint. If a complainant wishes to keep his/her details confidential this should be indicated on the form, in which case the authority will not disclose the complainant's details to the Member against whom a complaint has been made (the 'subject Member') without the complainant's prior consent. The authority would not normally investigate anonymous complaints unless there is a clear public interest in doing so.
- 3.5 The Monitoring Officer will send a written acknowledgement to the complainant and at the same time the Monitoring Officer will write to the Member against whom the complaint has been made to notify them of the complaint (subject to point 5.4 below). Both the complainant and the subject member will be kept informed of progress with the complaint.
- 3.6 If, at any stage during the process, a complainant wishes to withdraw his/her complaint, the Monitoring Officer will consider, in consultation with the Independent Person, whether it is appropriate for the complaint to be terminated, or whether it is in the public interest for the complaint to proceed to conclusion.

4. Review of Complaint by the Monitoring Officer and options available to the Monitoring Officer following review

- 4.1 The Monitoring Officer will review every complaint received and, following consultation with the Independent Person, will take a decision as to what action, if any, should be taken with the complaint. Where the Monitoring Officer has taken a decision, she will inform the subject Member, complainant, and if the subject Member is a parish councillor the Parish Council Clerk, in writing of her decision and the reason(s) for the decision.
- 4.2 Where the Monitoring Officer requires additional information in order to come to a decision she may request information from the complainant, subject Member or any other relevant party. Examples of a relevant party include:
- a Leader of a Political Group;
 - a Chairman, Vice-Chairman or Clerk of a Parish Council;

- a representative of the Worcestershire Association of Local Councils;
- a representative of the Police or other relevant regulatory body;
- the District Council's Chief Executive; or
- any other party who the Monitoring Officer is of the opinion might be in a position to assist in providing relevant information in relation to a complaint.

4.3 If a complaint identifies possible criminal conduct or breach of other regulation by any person the Monitoring Officer has the power to refer the matter to the Police or other regulatory agency. The Monitoring Officer will, at the same time and in consultation with the Independent Person, continue to undertake any separate course of action which might be deemed necessary on behalf of the authority in relation to the complaint, with a view to maintaining high standards of Member conduct.

4.4 Subject to 4.3 above, the Monitoring Officer may decide:

- that no further be taken with respect to the complaint (which would apply where, for example, a complaint is found to be factually incorrect and therefore has no basis, or where a complaint is unsubstantiated or does not relate to a breach of the Code of Conduct);
- to seek to resolve the complaint informally, via local resolution; or
- that a formal investigation into the complaint is required.

In all cases the Monitoring Officer will write to the relevant parties detailing her decision and the reason(s) for the decision.

4.5 Where the Monitoring Officer attempts to deal with a complaint informally via local resolution she will liaise with the relevant parties to seek to agree a way forward. If the subject Member accepts that his/her conduct was inappropriate and offers an apology, and/or any other remedial action is offered or undertaken by either the subject Member or the authority, the Monitoring Officer will notify the complainant of any reasonable terms offered.

4.6 If the complainant accepts the terms offered the Monitoring Officer will write to all relevant parties detailing the outcome and the matter will be closed.

4.7 If the complainant does not accept the terms offered the Monitoring Officer will, in consultation with the Independent Person and any other relevant parties, determine whether the complaint merits formal investigation.

5. Formal Investigation

5.1 The Council will adopt a procedure for the investigation of misconduct complaints, which will be reported to members at the meeting of the Full Council in July

5.2 If the Monitoring Officer decides that a complaint merits formal investigation she will appoint an Investigating Officer, who may be

another Officer of the authority, an Officer of another authority or an external investigator.

- 5.3 The Investigating Officer will conduct the investigation and in doing so will liaise with any relevant parties, as appropriate. The Investigating Officer will decide whether he/she needs to meet or speak with the complainant, the subject Member or any other parties to understand the nature of the complaint and so any parties can explain their understanding of events and suggest what documents the Investigating Officer might need to see, and who the Investigating Officer may need to interview.
- 5.4 In exceptional cases, where it is appropriate to keep a complainant's identity confidential or disclosure of details of the complaint to the subject Member might prejudice the investigation, the Monitoring Officer can delete the complainant's name and address from the papers given to the subject Member, or delay notifying the subject Member until the investigation has progressed sufficiently.
- 5.5 At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that Draft Report, in confidence, to the complainant and the subject Member, to give both parties an opportunity to comment on the report and identify any matters which are not agreed or which require further attention.
- 5.6 Having received and taken account of any comments which either the complainant or the subject Member might make on the draft report, the Investigating Officer will send his/her Final Report to the Monitoring Officer.
- 5.7 The Monitoring Officer will review the Investigating Officer's Final Report and, in consultation with the Independent Person, will determine the next course of action to be taken with this. If the Monitoring Officer is not satisfied that that the investigation has been conducted fully and feels that any aspect of the Investigating Officer's Final Report is incomplete, or requires further attention, she may ask the Investigating Officer to reconsider his/her Report.

6. No evidence of a failure by the subject Member to comply with the Code of Conduct

If the Investigating Officer finds that there is no evidence of a failure by the subject Member to comply with the Code of Conduct and the Monitoring Officer is satisfied with the Investigating Officer's findings, the Monitoring Officer will, following consultation with the Independent Person, write to the complainant, the subject Member, and if the complaint relates to a Parish Councillor the Parish Council Clerk, confirming that she is satisfied that no further action is required. A copy of the Final Report will be sent to the complainant and subject Member and the matter will be closed.

7. Evidence of a failure by the subject member to comply with the Code of Conduct

- 7.1 If the Investigating Officer finds that there is evidence of a failure by the subject Member to comply with the Code of Conduct and the Monitoring Officer is satisfied with the Investigating Officer's findings, the Monitoring Officer will, following consultation with the Independent Person and depending on the nature and seriousness of the failure in question, determine whether to send the matter for a local hearing of the Hearings Sub-Committee of the Standards Committee or to seek to resolve the matter via local resolution.

Local Resolution

- 7.2 If the Monitoring Officer attempts to conclude the matter via local resolution she will, in consultation with the Independent Person, liaise with the relevant parties to seek to agree a fair resolution, with a view to ensuring higher standards of conduct by the subject Member in the future. If a fair resolution is agreed and the subject Member complies with the suggested resolution the Monitoring Officer will write to the relevant parties to confirm the position and will report the matter to the Standards Committee for information. The matter will then be closed.
- 7.3 If the complainant tells the Monitoring Officer that any proposed resolution is not, in their view, adequate, or if the subject Member is not prepared to undertake any proposed action, such as giving an apology, the Monitoring Officer will, in consultation with the Independent Person, determine whether to close the matter without further action or to refer it for a local hearing. The Monitoring Officer will write to the relevant parties to confirm her decision and the reasons(s) for the decision.

Local Hearing

- 7.4 The Council will adopt a procedure for local hearings, which will be reported to members at the meeting of the Full Council in July
- 7.5 The Hearings Sub-Committee will which decide whether the subject Member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the Member.
- 7.6 Where a local hearing is to take place, the Monitoring Officer will conduct a 'pre-hearing process' which is aimed at facilitating the smooth running of the hearing. As part of this process the subject Member will be asked to give his/her response to the Investigating Officer's report in order to identify what is agreed and what is likely to be in contention at the hearing. The Chairman of the Hearings Sub-Committee may also issue directions as to the manner in which the hearing will be conducted.
- 7.7 At the hearing, the Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the subject Member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask the complainant to attend and give evidence to the Hearings Sub-Committee. The subject

Member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Sub-Committee as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

- 7.8 The Hearings Sub-Committee may, with the benefit of any advice from the Independent Person, conclude that the subject Member did not fail to comply with the Code of Conduct, and dismiss the complaint. If the Sub-Committee concludes that the subject Member did fail to comply with the Code of Conduct, the Chairman will inform the subject Member of this finding and the Sub-Committee will then consider what action, if any, should be taken as a result of the Member's failure to comply with the Code of Conduct. In doing this, the Sub-Committee will give the subject Member an opportunity to make representations in relation to the failure and will consult the Independent Person, and will then decide what action, if any, to take in respect of the matter.

8. Action the Hearings Sub-Committee can take where a Member has failed to comply with the Code of Conduct

- 8.1 The Council has delegated to the Hearings Sub-Committee such of its powers to take action in respect of individual Members as may be necessary to promote and maintain high standards of conduct. Accordingly the Hearings Sub-Committee may:

- 8.1.1 Publish its findings in respect of the Member's conduct;
- 8.1.2 Report its findings to Council, or to the Parish Council, for information;
- 8.1.3 Recommend to the Member's Group Leader (or in the case of un-grouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- 8.1.4 Recommend to the Leader of the Council that the Member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- 8.1.5 Instruct the Monitoring Officer to, or recommend that the Parish Council, arrange training for the Member;
- 8.1.6 Remove, or recommend to the Parish Council that the Member be removed, from all outside appointments to which he/she has been appointed or nominated by the authority or by the Parish Council;
- 8.1.7 Withdraw, or recommend to the Parish Council that it withdraws, facilities provided to the Member by the Council, such as a computer, website and/or email and internet access; or
- 8.1.8 Exclude, or recommend that the Parish Council exclude, the Member from the Council's offices or other premises, with the

exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

- 8.2 The Hearings Sub-Committee has no power to suspend or disqualify the Member or to withdraw Members' or special responsibility allowances.

9. Decision of the Hearings Sub-Committee

- 9.1 At the end of the hearing, the Chairman will state the decision of the Hearings Sub-Committee as to whether the Member failed to comply with the Code of Conduct and any actions which the Sub-Committee resolves to take.
- 9.2 As soon as reasonably practicable after the hearing, the Legal Advisor to the Hearings Sub-Committee will prepare a formal decision notice in consultation with the Chairman of the Sub-Committee. A copy of the decision notice will be sent to the complainant, the subject Member, and if the complaint relates to a Parish Councillor to the Parish Council Clerk. The decision notice will be made available for public inspection and the decision will be reported to the next convenient meeting of the Council.

10. The Hearings Sub-Committee

- 10.1 The Hearings Sub-Committee is a Sub-Committee of the Council's Standards Committee.
- 10.2 The Independent Person will be invited to attend all meetings of the Hearings Sub-Committee and his/her views will be sought and taken into consideration before the Sub-Committee takes any decision on whether the subject Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

11. The Independent Person

The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is appointed by a positive vote from a majority of all the members of Council.

A person cannot be "independent" if he/she:

- 11.1 Is, or has been within the past 5 years, a Member, co-opted Member or Officer of the authority or the County Council, Fire Authority or Police Authority.
- 11.2 Is or has been within the past 5 years, a Member, co-opted Member or Officer of a parish council within the authority's area, or
- 11.3 Is a relative, or close friend, of a person within paragraph 11.1 or 11.2 above. For this purpose, "relative" means –

- 11.3.1 Spouse or civil partner;
 - 11.3.2 Living with the other person as husband and wife or as if they were civil partners;
 - 11.3.3 Grandparent of the other person;
 - 11.3.4 A lineal descendent of a grandparent of the other person;
 - 11.3.5 A parent, sibling or child of a person within paragraphs 11.3.1 or 11.3.2;
 - 11.3.6 A spouse or civil partner of a person within paragraphs 11.3.3, 11.3.4 or 11.3.5; or
 - 11.3.7 Living with a person within paragraphs 11.3.3, 11.3.4 or 11.3.5 as husband and wife or as if they were civil partners.
- 11.4 Is actively engaged in local party political activity.

12. Revision of these arrangements

The Council may, by resolution, agree to amend these arrangements, and has delegated to the Chairman of the Hearings Sub-Committee the right to depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

13. Appeals

- 13.1 There is no right of appeal for a complainant or the subject Member of a decision of the Monitoring Officer or of the Hearings Sub-Committee. Any decision would however, be open to judicial review by the High Court if it was patently unreasonable, or if it were taken improperly, or if it sought to impose a sanction which the Council had no power to impose.
- 13.2 If a complainant feels that the authority has failed to deal with his/her complaint properly, he/she may make a complaint to the Local Government Ombudsman.

Appendix 1 The authority's Code of Conduct

To follow for approval at Full Council in July

Procedure for Investigations
Procedure for Hearings
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BROMSGROVE DISTRICT COUNCIL

ANNUAL COUNCIL

16th May 2012

APPOINTMENT OF COMMITTEES 2012/13

Relevant Portfolio Holder	Councillor R Hollingworth
Portfolio Holder Consulted	Yes
Relevant Head of Service	Claire Felton, Head of Legal, Equalities & Democratic Services
Wards Affected	All Wards
Ward Councillor Consulted	
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 2012/13 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.
- 2.3 That the Head of Legal, Equalities and Democratic Services be authorised to make any consequential changes to the Council's Constitution arising from 2.1.

Financial Implications

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

Legal Implications

- 3.2 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.

Service / Operational Implications

- 3.3 The Council is required 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.
- 3.4 The rules of political proportionality mean that the political balance of the Council needs to be reflected in the political composition of individual Boards and Committees. In addition, the total number of seats allocated to each group must reflect the political balance of the Council.
- 3.5 The proposed proportional allocation of seats to Boards and Committees for 2012/13 is set out in Appendix 1.
- 3.6 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.
- 3.7 Under the new Standards regime (as referred to elsewhere on the Annual Council agenda) the Council's new Standards Committee will be required to be politically balanced. It is proposed that the new Committee will comprise 9 district councillors and 2 non-voting parish councillors. The proposed allocation of district councillor seats for the new Committee is included within Appendix 1.
- 3.8 It is proposed that the Local Development Framework Working Party will cease to exist. It should be noted that the Working Party has not met formally since August 2010. Informal consideration of matters in relation to the Core Strategy will take place at briefing events convened by the Strategic Planning team to which all Members of the Council will be invited to attend.

Customer / Equalities and Diversity Implications

- 3.9 No implications have been identified.

4. RISK MANAGEMENT

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

BROMSGROVE DISTRICT COUNCIL

ANNUAL COUNCIL

16th May 2012

5. APPENDICES

Appendix 1 Proposed Committees & allocation of Committee Places
2012/13

6. BACKGROUND PAPERS

None

AUTHOR OF REPORT

Name: Karen Firth
E Mail: k.firth@bromsgroveandredditch.gov.uk
Tel: (01527) 881625

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**PROPOSED COMMITTEES AND ALLOCATION OF
COMMITTEE PLACES 2012/13**

Committee	Conservative	Labour	Wythall Residents' Association	Total	Comments
	27 Members = 69.23% of total	10 Members = 25.64% of total	2 Members =5.13% of total		
Overview and Scrutiny Board	9 (8.9999)	3 (3.3332)	1 (0.6669)	13	
Licensing Committee	9 (8.9999)	3 (3.3332)	1 (0.6669)	13	
Planning Committee	9 (8.9999)	3 (3.3332)	1 (0.6669)	13	
Standards Committee	6 (6.2307)	2 (2.3076)	1 (0.4617)	9	Membership also includes 2 non-voting parish representatives
Audit Board	5 (4.8461)	2 (1.7948)	0 (0.3591)	7	
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	
TOTAL	54	20	4	78	
% of seats in proportion to total no. of seats	69.23%	25.64%	5.13%		

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Annual Council

16th May 2012

CONSTITUTION CHANGES AND SCHEME OF DELEGATIONS

Relevant Portfolio Holder	Councillor M. A. Bullivant, Portfolio Holder for Policy, Performance, Communications, Customer Services, Legal, Equalities, Democratic Services and Human Resources
Portfolio Holder Consulted	Yes
Relevant Head of Service	Claire Felton, Head of Legal, Equalities and Democratic Services
Wards Affected	All
Ward Councillor Consulted	
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 Council is asked to approve the amendments to the Constitution outlined in this report and to approve the Officer Scheme of Delegations which forms part of the Constitution.

2. RECOMMENDATIONS

It is recommended:

- 2.1 That Council considers and approves the proposed amendments of the Constitution:
- (a) That section 9.8 of the Council Procedure Rules be removed with the result that it will not now be possible to ask a supplementary question.
 - (b) That paragraph 5 of part 9 (Audit Board Procedure Rules) of the Council's Constitution be amended so as to remove the current requirement that the Chairman shall not be a member of the controlling group.
- 2.2 That the current version of the Officer Scheme of Delegations as set out at Appendix 1 be agreed by Members.

3. KEY ISSUES

Financial Implications

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

Legal Implications

- 3.2 Review and revision of the Constitution is governed by Article 15 of the Constitution.
- 3.3 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.

Service / Operational Implications

- 3.3 The Constitution is a working document which is regularly amended and updated to reflect changes to the way in which the Council operates and carries out its functions.
- 3.4 The Monitoring Officer has been asked to report two proposed changes to the Council's Constitution by the Leader of the Council.
- 3.5 It is being proposed that where the current drafting allows for a member who has submitted a question to another member under section 9 of the Council's Procedure Rules to ask a supplementary question under 9.8, that this be removed so as to make it possible for only a single direct question to be made.
- 3.6 It is also being proposed that whereas historically it has been a requirement of the Council's Constitution that the Chairman of the Audit Board be not a member of the controlling group that this be removed as a requirement. This will result in the decision as to Chairman being a matter for the Board to decide in the same way that currently operates for other Constituted Boards and Committees.
- 3.7 The Council's Constitution requires that the Officer Scheme of Delegations be approved by Members at the Annual Meeting of the Council. Accordingly, this report presents for approval the current version of the Officer Scheme of Delegations.
- 3.8 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.

- 3.9 The Scheme of Delegations is regularly altered and updated to reflect changes in the operation of the Council and changes to legislation. The only new changes introduced in Appendix 1 relate to the delegations for Tree Preservation Orders as highlighted on the document. The changes give greater clarity around the issues of non-confirmation and variation.

Customer / Equalities and Diversity Implications

- 3.10 The recommendations will have minimal impact on internal/external customers. No Equality and Diversity implications have been identified.

4. RISK MANAGEMENT

- 4.1 The main risks associated with the details included in this report are failure to comply with governance requirements which may expose the Council to the risk of challenge by way of judicial review or appeal which may result in awards of damages and costs against the Council and loss of reputation

5. APPENDICES

Appendix 1 – Officer Scheme of Delegations

6. BACKGROUND PAPERS

Council's Constitution

AUTHOR OF REPORT

Name: Claire Felton
E Mail: c.felton@bromsgroveandredditch.gov.uk
Tel: 01527 881249

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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

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any officer authorised by him in writing or by any more senior officer in that officer's hierarchical line of management up to and including the Chief Executive except where this is not permitted in law or is subject to other qualification. Any delegation to the Chief Executive may in his/her absence be exercised by the Executive Directors, Assistant Chief Executive, Monitoring Officer or Section 151 Officer as may be appropriate.

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

Calling-In Procedure for Ward Members for Planning Committee

7. When a ward 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 any other ward member(s) for the area in which the application site is situated, of the request and reasons.
8. 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 ward member who made the request will also be informed of the Chairman's decision.

Interpretation of the Scheme of Delegations

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

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

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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

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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	<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 purchases of low cost homes who are in breach of covenants made in the purchase of low cost housing</p> <p>3. To revise fees in relation to low cost housing transactions</p>	<p>1. Executive/Leader</p> <p>2. Executive/Leader</p> <p>3. Executive/Leader</p>	<p>1. Strategic Housing Manager</p> <p>2. Principal Solicitor</p> <p>3. Head of Legal, Equalities & Democratic Services, Head of Community Services and Head of Resources in consultation with the relevant Portfolio Holders</p>
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

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	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) and 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 in consultation with the ward member members

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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	<p>1. To respond on behalf of the Council to consultation documents where there is insufficient time for a response to be agreed by Full Council and where it affects the District of Bromsgrove.</p> <p>[NOTE: For the purposes of this delegation a consultation shall not be regarded as affecting the District of Bromsgrove if it relates to a national issue and would have no more affect on Bromsgrove than it would on any other area.]</p> <p>2. To respond to consultations by the County Council in respect of proposals to carry out alterations to schools in the District or nearby</p>	1. & 2. Council	<p>1. The Leader and Chief Executive in consultation with the relevant Head of Service or Director.</p> <p>2. Chief Executive in consultation with the relevant Ward Members</p>
Emergencies	<p>1. To act in accordance with the delegated procedures set out in the Emergency Plan</p> <p>2. To enable officers to undertake appropriate communications activity during an emergency without recourse to members, should the situation require an immediate respons</p>	1. – 3. Executive/ Leader	<p>1. Chief Executive, Executive Directors, Deputy Chief Executive & Heads of Service</p> <p>2. Chief Executive, Executive Directors, Deputy Chief Executive</p>

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	<p>3. To incur expenditure essential to meet any immediate needs created by an emergency in accordance with the Financial Regulations</p>		<p>3. 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</p>
<p>Proper Officer</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> <ul style="list-style-type: none"> a. Sections 83(1) to (4) - Witness and receipt of acceptance of office b. Section 84 – Receipt of declaration of resignation of office c. Section 89 (1) (b): Receipt of notice of casual vacancy from two local electors d. Section 229(5): Certification of photographic copies of document e. Sections 234(1) and (2): Authentication of documents f. Section 88 (2): Convening of meeting to fill casual vacancy in the office of Chairman g. Section 204(3): Receipt 		<p>1. Chief Executive or in his/her absence the Monitoring Officer</p> <ul style="list-style-type: none"> a. Chief Executive b. Chief Executive c. Head of Legal, Equalities and Democratic Services d. Head of Legal, Equalities and Democratic Services e. Head of Legal, Equalities and Democratic Services f. Chief Executive g. Head of Legal,

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	of application for licence under Sch 2 of Licensing Act 1964		Equalities and Democratic Service
	h. Section 210 (6) and (7): Charity functions of holders of offices with existing authorities transferred to holders of equivalent office with new authorities, or, if there is no such office to “Proper officers”		h. Head of Legal, Equalities and Democratic Services
	i. Section 212(1) and (2): Proper Officer to act as Local Registrar for Land Charges Act 1925		i. Head of Legal, Equalities and Democratic Services
	j. Section 225: Deposit of documents		j. Head of Legal, Equalities and Democratic Services
	k. Section 236(9): To send copies of .byelaws for parish records		k. Head of Legal Equalities and Democratic Services
	l. Section 236(10): To send copies of byelaws to the County Council		l. Head of Legal, Equalities and Democratic Services
	m. Section 238: Certification of byelaws		m. Head of Legal, Equalities and Democratic Services
	n. Section 228 (3): Accounts of “any Proper Officer” to be open to inspection by any member.		n. Head of Resources
	o. Section 191: Function with respect to ordnance survey		o. Head of Planning
	p. Schedule 16 para 28: Receipt on deposit of lists of protected		p. Head of Planning

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	<p>buildings (Section 54(4) of the Town and Country Planning Act 1971)</p> <p>q. Sections 115(2) and 146(1)(a) and (b): Receipt of money due from officers declaration and certificates with regard to securities</p> <p>r. Section 151</p>		<p>q. Head of Resources</p> <p>r. Head of Resources</p>
<p>Regulation of Investigatory Powers Act</p>	<ol style="list-style-type: none"> 1. To review revise and update the Council's RIPA policy 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) 3. In relation to requests for Directed Surveillance, to sign all necessary documents and forms whether by way of Authorisation, Review, or Cancellation 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 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>1. – 7. Council</p>	<ol style="list-style-type: none"> 1. Head of Legal, Equalities and Democratic Services 2. Head of Legal, Equalities and Democratic Services 3. Heads of Service authorised to do so under Appendix 2 of the RIPA policy 4. Chief Executive or in his absence the Executive Director of Services 5. Chief Executive or in his absence the Executive Director of Services

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	6. In relation to requests for Urgent Oral Authorisations 7. To maintain the central record of authorisations		6. Heads of Service and senior managers authorised to do so under Appendix 2 of the RIPA policy 7. The Information Management Team under the supervision of the 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	To undertake all the administrative	Council	Monitoring Officer

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<p>Members of Standards Committee</p>	<p>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 Committee; • where only one candidate meets the essential criteria, in consultation with the Chairman of the Standards Committee to make recommendations to Council 		
<p>Outside Bodies</p>	<p>To maintain and amend a list of external bodies and organisations to which Members have been appointed by the Council</p>	<p>Council</p>	<p>Monitoring Officer in consultation with the Leader</p>

Environment

1. Cemeteries

Subject	Detail	Delegated by:	Delegated to:
Cemeteries	<p>1. To operate the Bromsgrove Cemetery and North Bromsgrove Cemetery within the Budget and Policy Framework</p> <p>2. To determine applications to sell flowers at Bromsgrove Cemetery and North Bromsgrove Cemetery and to determine a suitable charge</p> <p>3. 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</p>	<p>1. Executive/ Leader</p> <p>2. Executive/ Leader</p> <p>3. Executive/ Leader</p>	<p>1. & 2. Head of Environment</p> <p>3. Head of Environment Services</p>

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

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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

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	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	2. 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 Council or any Parish Council within the District of Bromsgrove b. such applications are	1. Council	1. Planning Committee

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	<p>submitted by or on behalf of any County, District or Parish Councillor whose ward is within the district of Bromsgrove</p> <p>c. any County, District or Parish Councillor 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>	2. Planning Committee	2. Head of Environment
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
Rights of Entry – Proper Officer	<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>
Tree Preservation Orders	To initiate Tree Preservation Orders	Council	Head of Environment
Tree Preservation Orders – Confirmation	1. To confirm Tree Preservation Orders under the provisions of the Town & Country Planning Act 1990	1. Council	1. Planning Committee

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	<p>in cases where objections have been received</p> <p>2. To confirm Tree Preservation Orders in all other cases</p> <p>3. To approve the non-confirmation of Tree Preservation Orders</p>	<p>2. Planning Committee</p> <p>3. Planning Committee</p>	<p>2. Head of Environment</p> <p>3. Head of Environment</p>
Tree Preservation Orders – Applications to Fell	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	Council	Planning Committee
Tree Preservation Orders – Works to Protected Trees	<p>1. To authorise certain categories of works to protected trees</p> <p>2. To determine applications to carry out the following work:</p> <p>a. the felling of small trees</p> <p>b. the removal of dead, dying or diseased trees,</p> <p>c. pruning for reasons of health and safety to trees of any size</p> <p>d. minor pruning works</p> <p>e. the felling of conifers and pioneer trees species (including but not limited to birch, ash, rowan and hawthorn)</p>	<p>1. Planning Committee</p> <p>2. Planning Committee</p>	<p>1. Head of Environment</p> <p>2. Head of Environment</p>
Tree Preservation Orders – Contravention	To institute proceedings under s210 of the Town & Country Planning Act 1990 in respect of contraventions of Tree	Council	Planning Committee

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	Preservation Orders		
Tree Preservation Orders – revocation or variation	<p>1. To confirm the variation of a Tree Preservation Order where new trees or woodlands are to be added and objections are received.</p> <p>2. To confirm the variation of a Tree Preservation Order in all other cases.</p> <p>3. Revocation of a Tree Preservation Order in all cases</p>	<p>1. Council</p> <p>2. Planning Committee</p> <p>3. Planning Committee</p>	<p>1. Planning Committee</p> <p>2. Head of Environment</p> <p>3. Head of Environment</p>
Trees & Shrubs overhanging the Highway	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	Leader/ Executive	Head of Environment
Trees – Dangerous	<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</p>	1. Planning Committee	1. Head of Environment

	<p>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 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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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	<p>To make nominations in respect of secure tenancies to:</p> <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

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	Principal 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 Principal 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. Principal 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	Principal 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)	Principal Solicitor

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<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 purchases 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. Principal 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. Principal 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</p>	<p>1. Council</p> <p>2. Council</p>	<p>1. Principal Solicitor</p> <p>2. Principal Solicitor</p>

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	all procedural aspects of court proceedings		
3.	To authorise officers to sign statements of Truth, Statutory Declarations and Affidavits on behalf of the Council	3. Council	3. Principal Solicitor
4.	To act as informant in the laying of an information to commence proceedings before the Magistrates Court	4. Council	4. Head of Legal, Equalities & Democratic Services
5.	To sign indictments in appropriate Crown Court proceedings	5. Council	5. Head of Legal, Equalities & Democratic Services
6.	To sign any document required as part of any court procedure including statutory demands or bankruptcy petitions	6. Council	6. Principal Solicitor
7.	To select and authorise officers to prosecute or defend on the council's behalf (subject to 9 below)	7. Council	7. Principal Solicitor
8.	To select and authorise officers to appear on the Council's behalf in proceedings before a Magistrates' Court (subject to 9 below)	8. Council	8. Principal Solicitor
9.	To select and authorise officers to appear before Magistrates Courts and Tribunals to:	9. Council	9. Principal Solicitor or Head of Resources
(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		

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	<p>Council Tax and non-domestic rates</p> <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. Principal Solicitor</p> <p>11. Principal Solicitor</p> <p>12. Principal Solicitor</p> <p>13. Principal Solicitor</p> <p>14. Principal Solicitor</p>
<p>Processions and Assemblies</p>	<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>

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<p>Regulation of Investigatory Powers Act</p>	<ol style="list-style-type: none"> 1. To review revise and update the Council's RIPA policy 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) 3. In relation to requests for Directed Surveillance, to sign all necessary documents and forms whether by way of Authorisation, Review, or Cancellation 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 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. 6. In relation to requests for Urgent Oral Authorisations 	<p>1. – 7. Council</p>	<ol style="list-style-type: none"> 1. Head of Legal, Equalities and Democratic Services 2. Head of Legal, Equalities and Democratic Services 3. Directors, Heads of Service or Senior Managers authorised to do so under Appendix 2 of the RIPA policy 4. Chief Executive or in his absence the Deputy Chief Executive 5. Chief Executive or in his absence the Deputy Chief Executive 6. Directors, Heads of Service or senior managers authorised to do so under Appendix 2 of the RIPA policy
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	7. To maintain the central record of authorisations		7. The Data Protection Officer under 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	Principal 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	Principal 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	Principal 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 unauthorized 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 unauthorized 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 	<ol style="list-style-type: none"> 1. – 4. Executive/ Leader 	1. – 4. Principal Solicitor

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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
Members'	1. To administer payments made	1. Council	1. Democratic

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Expenses	<p>under the Members' Allowance Scheme</p> <p>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</p>	2. Council	<p>Services Manager</p> <p>2. Democratic Services Manager</p>
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

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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	<p>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.</p> <p>2. To vary the charges at the Leisure & Cultural facilities in response to additional competition and market demand.</p> <p>3. To approve and implement promotional activities at all Sports, Leisure & Cultural facilities in order to maximise usage and /or income.</p>	1. to 3. Executive/ Leader	1. to 3. Head of Leisure and Culture
National Health Campaigns	To support regional & nationally recognised health and fitness campaigns in the Council's sports, 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	Executive/ Leader	Head of Leisure and Culture

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	locations in parks and open spaces		
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 		1. – 3. Head of Leisure and Culture

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	<p>4. To determine applications for the bookings of the Council's recreational and sports facilities</p> <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>4. Head of Leisure and Culture except 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

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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

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

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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.	Planning Committee	Principal Solicitor
	To execute and complete planning agreements.	Planning Committee	Principal 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: <ul style="list-style-type: none"> 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

	<p>where such conditions are:</p> <ul style="list-style-type: none"> 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>Listed Building and Conservation Area Consent</p>	<p>To determine applications for listed building consent and Conservation Area consent unless they are :</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>Planning Committee</p>	<p>Head of Planning and Regeneration</p>

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

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

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Financial Assistance to Small Businesses	<p>1. To determine applications for grants of up to £500</p> <p>2. To determine applications for grants of between £500 and £1,000</p>	<p>1. Executive/Leader</p> <p>2. Executive/Leader</p>	<p>1. Head of Planning and Regeneration</p> <p>2. Head of Planning and Regeneration in consultation with the relevant Portfolio Holder</p>
Markets	<p>1. To approve events to be held</p> <p>2. To let stalls</p>	<p>1. Executive/Leader</p> <p>2. Executive/Leader</p>	<p>1. Head of Planning and Regeneration</p> <p>2. Head of Planning and Regeneration</p>

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 Principal 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	Planning Committee	Head of Planning and

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	of the Town & Country Planning Act 1990		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	Principal Solicitor
Injunctions	To seek injunctions in the High Court under Section 187B of the Town & Country Planning Act 1990 or any other relevant statutory power restraining breaches of planning control 3	Planning Committee	Head of Legal, Equalities and Democratic Services or Principal 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 	<ol style="list-style-type: none"> Planning Committee 	<ol style="list-style-type: none"> Head of Planning and Regeneration

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	information about land) 2. To respond to offers to apply for planning permission or to refrain from carrying out any operations or activities following the service of a Planning Contravention Notice.	2. Planning Committee	2. Head of Planning and Regeneration
Stop Notices	1.To authorise the issue and service of Stop Notices under section 183 of the Town & Country Planning Act 1990 2.To authorise the issue and service of Stop Notices under section 183 of the Town & Country Planning Act 1990 in cases of urgency when, in the opinion of Head of Planning & Environment Services, reporting to Planning Committee is impractical	1. Council 2. Planning Committee	1. Planning Committee 2 Head of Planning and Regeneration in consultation with the Principal 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 Principal Solicitor
Proper Maintenance of Land	1. To authorise the issue of notices under section 215 of the Town and Country Planning Act 1990 2. To serve notices under section 215 of the Town and Country Planning Act 1990	Planning Committee	1. Head of Planning and Regeneration 2. Principal 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 Principal Solicitor
Advertisement Controls	1. To authorise the service of an advertisement discontinuance notice 2. To take action for the control of advertisements (but not including the service of a discontinuance notice) in the interest of amenity and public safety	1..Council 2. Planning Committee	1. Planning Committee 2. Head of Planning and Regeneration in consultation

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	under the Town and Country Planning (Control of Advertisements) Regulations 2007.		with the Principal Solicitor
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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	Principal Solicitor
Local Plan Enquiry	To provide direction on behalf of the Council to any Local Plan/Local Development Framework Inquiry on policy issues and site details	Council	Head of Planning and 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

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.

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

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

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

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

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

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

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

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

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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: 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

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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) and 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 Benefirs			
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: (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	Principal 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	Executive/ Leader	Head of Resources

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(PART D)**

	Council		
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)	To 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 of 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 style="padding-left: 40px;">(a) determining leases, tenancy agreements and licences to occupy (except residential premises held under Part V of the Housing Act 1957) and</p> <p style="padding-left: 40px;">(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	1. Executive/ Leader	1. Executive Director - Finance and Corporate Resources

**PART 3
(PART D)**

	<p>concerned complete the 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>	2. Executive/ Leader	2. Executive Director - Finance and Corporate Resources
Repurchase of Former Council Houses	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	Executive/ Leader	Executive Director - Finance and Corporate Resources
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
Right to Buy – Postponement of Statutory Charge	To determine requests for the postponement of the Council's statutory charge on property sold under the Right to Buy scheme	Executive/ Leader	Executive Director - Finance and Corporate Resources
Sale of Land	<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>
Spadesbourne Suite	To grant to local charitable organisations free use of the Spadesbourne Suite on up to 4	Executive/ Leader	Executive Director - Finance and Corporate

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	occasions per year		Resources
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	Executive/ Leader	Head of Resources

**PART 3
(PART D)**

	and on adjustments to working conditions applying to particular posts (but not generally)		
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

**PART 3
(PART D)**

<p>Disciplinary and Capability Action</p>	<p>1. Within the Council's approved disciplinary and capability procedures and National Conditions of Service, to take 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>1. N/a</p> <p>2. Council</p> <p>3. Council</p> <p>4. Council</p>	<p>1. 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>
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**PART 3
(PART D)**

Early Retirement Payments	To exercise discretionary powers under the Local Government (Early Termination of Employment) (Discretionary 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	Executive/ Leader	Chief Executive in consultation with Head of Resources and 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

**PART 3
(PART D)**

Terms and Conditions of Employment	To determine HR policies and procedures and terms and conditions of employment (save where specified by statutory provisions) in respect of all staff (except the Chief Executive)	Executive/ Leader	Head of Resources
Travel Allowances	<ol style="list-style-type: none"> 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 2. To implement and review increases in respect of subsistence allowances on an annual basis 	1. & 2. Executive/ Leader	1. & 2. Head of Resources

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ESTABLISHMENT OF A POLICE AND CRIME PANEL

**Relevant Cabinet Member
Relevant Officer
Recommendation**

Councillor R Hollingworth

1. Recommendations:

- (a) that the Council approve the establishment of a West Mercia Police and Crime Panel (PCP) as a joint committee of the 10 principal local authorities in the West Mercia police force area, to be administered by Worcestershire County Council as lead authority;
- (b) that the Council approve the proposed membership of the PCP, the Panel Arrangements as set out in the Appendix to the report and any consequential actions required under the Act;
- (c) that the Council appoint a Member to the PCP for a term of office expiring May 2013; and
- (d) that the Council authorises the Head of Legal, Equalities and Democratic Services to finalise any necessary details of the proposals in consultation with the Leader.

Setting up the Police and Crime Panel for West Mercia

- 2. The Police Reform and Social Responsibility Act 2011 introduced significant changes in police governance and accountability. These changes include the election of a Police and Crime Commissioner (PCCs) from November 2012 and the placing of a statutory duty on local authorities (including District Councils) in each police force area to establish and maintain a PCP as a formally constituted joint committee of the local authorities in that area.
- 3. The PCP will be set up to support, challenge and monitor the effectiveness of the PCC. It will have powers to scrutinise decisions of the PCC and make recommendations in respect of the PCC's functions. The Panel will also have powers to veto the police precept and review certain senior appointments. The proposed Panel Arrangements including terms of reference are attached as an Appendix.
- 4. The PCP will be a joint committee composed of at least 1 Councillor from each local authority area in West Mercia and two co-opted lay independent members. Composition of the PCP will need to take account of political and geographical proportionality (the 'balanced appointment objective') as well as have the necessary skills and experience required to fulfil the role.

5. The minimum number of members for a PCP is 10 councillors (1 from each authority) and 2 co-opted lay independent members, and up to a maximum of 20 members through co-option to achieve the balanced appointment objective. In order to ensure that objective, it has been proposed that in addition to the 1 member from each of the 10 authorities in the West Mercia force area, 5 further councillors be co-opted to the PCP from the three non-Worcestershire authorities in the area (3 Shropshire, 1 Telford and Wrekin and 1 Herefordshire). Each local authority will need to agree this proposed composition and, as additional co-options are being sought, further approval will be required from the Home Secretary. These proposals are still under discussion with the other authorities.
6. Worcestershire County Council has agreed that it will take responsibility for the establishment, setting up and operation of the PCP on behalf of the West Mercia Local Authorities.
7. Although further regulations and guidance is still awaited from the Home Office, the County's Director of Adult and Community Services and the County's Head of Legal and Democratic Services and their staff are actively developing procedures and operating protocols for the future PCP. This includes consideration of training and induction requirements for Panel members and establishing a timeline and framework for the nomination of Panel members. The intention is that the PCP will operate in shadow form from Summer 2012 in advance of the election of the PCC in November 2012, at which point the Panel will receive its statutory functions.
8. Agreement from all the 10 local authorities to the Panel arrangements (including composition) is required to establish the PCP in shadow form in time for the Home Office deadline of 1 July 2012. Should there be a failure to reach an agreement, the Secretary of State could invoke backstop powers to allow the Home Office to step in and appoint the PCP. The clear intention is for the local authorities themselves to agree the arrangements for the PCP, and further discussion will be needed to get to a consensus position. Arrangements are in place with the 10 local authorities in the West Mercia force to ensure that the establishment of the PCP is considered by the full Council of each local authority in advance of the 1 July 2012 deadline.

Supporting Information

- Panel Arrangements

Contact Points

County Council Contact Points

Worcester (01905) 763763, Kidderminster (01562) 822511
or Minicom: Worcester (01905) 766399

Background Papers

Police Reform and Social Responsibility Act 2011

Police and Crime Panels – Guidance on role and
composition (Local Government Association 2011)

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WEST MERCIA POLICE AND CRIME PANEL AGREEMENT

This Agreement is dated the day of 2012.

The Agreement is made between the following:

Worcestershire County Council
Shropshire Council
Telford and Wrekin Council
Herefordshire Council
Bromsgrove District Council
Malvern Hills District Council
Redditch Borough Council
Worcester City Council
Wychavon District Council
Wyre Forest District Council

In the Agreement the above Authorities are referred to together as ‘the Authorities’.

1.0 Background

- 1.1 The Police Reform and Social Responsibility Act 2011 (‘the Act’) introduces new structural arrangements for national policing, strategic police decision-making, neighbourhood policing and police accountability.
- 1.2 The Act provides for the election of a Police and Crime Commissioner (‘PCC’) for a police force area, responsible for securing an efficient and effective police force for their area, producing a police and crime plan, recruiting the Chief Constable for an area, and holding him/her to account, publishing certain information including an annual report, setting the force budget and police precept and requiring the Chief Constable to prepare reports on police matters. The PCC must co-operate with local community safety partners and criminal justice bodies.
- 1.3 The Act requires the local authorities in each police force area to establish and maintain a Police and Crime Panel (‘the Panel’) for its police force area. It is the responsibility of the Authorities for the police force area to make arrangements for the Panel (‘Panel Arrangements’).
- 1.4 West Mercia is a multi-authority police force area (‘the police force area’). The Authorities, as the relevant local authorities within the area, must agree to the making and modification of the Panel Arrangements.
- 1.5 Each Authority and each member of the Panel must comply with the Panel Arrangements.
- 1.6 The functions of the Panel must be exercised with a view to supporting the effective exercise of the functions of the PCC for that police force area.

- 1.7 The Panel must have regard to the Policing Protocol issued by the Home Secretary, which sets out the ways in which the Home Secretary, the PCC, the Chief Constable and the Panel should exercise, or refrain from exercising, functions so as to encourage, maintain or improve working relationships (including co-operative working), and limit or prevent the overlapping or conflicting exercise of functions.
- 1.8 The Panel has responsibility for scrutinising the PCC and promoting openness in the transaction of police business in the police force area.
- 1.9 The Panel is a statutory joint committee of the Authorities.
- 1.10 The Authorities agree the Panel Arrangements as set out in the Appendix.
- 1.11 These arrangements may be varied from time to time by the Authorities acting together.

INSERT SIGNATURE/EXECUTION CLAUSE

PANEL ARRANGEMENTS

2.0 Functions of the Police and Crime Panel

- 2.1 The functions of the Panel are set out in the Terms of Reference attached as an Annexe.
- 2.2 The Panel may not exercise any functions other than those conferred by the Act.
- 2.3 The Panel may appoint Committees or Sub Committees as it considers appropriate but the functions of the Panel set out at paragraphs 2.4-2.9 below may not be discharged by a Committee or Sub-Committee of the Panel.
- 2.4 The Panel is a statutory consultee on the development of the Police and Crime Commissioner's (PCC's) Police and Crime Plan and must:
- a) review the draft Police and Crime Plan (or a variation to it), and
 - b) report or make recommendations on the draft Plan which the PCC must take into account.
- 2.5 The Panel must comment upon the Annual Report of the PCC, and for that purpose must:
- a) arrange for a public meeting of the Panel to be held as soon as practicable after the Panel is sent an Annual Report under Section 12 of the Act
 - b) ask the PCC at that meeting such questions about the Annual Report as the members of the Panel think appropriate
 - c) review the Annual Report, and
 - d) make a report or recommendations on the Annual Report to the PCC.
- 2.6 The Panel:
- a) must undertake a review of a precept proposed by the PCC in accordance with the requirements set out in Schedule 5 of the Act
 - b) must report to the PCC on the proposed precept (which may include reasons), and
 - c) may exercise its right of veto in respect of the precept in accordance with the Act and Regulations made under it .
- 2.7 Within three weeks of receipt of notification of the proposed appointment by the PCC of a Chief Constable, the Panel:
- a) must undertake a review of the proposed appointment in accordance with the requirements set out in Schedule 8 of the Act
 - b) must hold a public confirmation meeting
 - c) must make a report to and make recommendations to the PCC in relation to the appointment of a Chief Constable by the PCC.

- d) may exercise its right of veto in respect of the appointment in accordance with the Act and Regulations made under it.
- 2.8 The right of veto in paragraphs 2.6 and 2.7 requires that at least two-thirds of the persons who are members of the Panel at the time when the decision is made vote in favour of that veto.
- 2.9 Within three weeks of receipt of the notification of the proposed appointment by the PCC of a Chief Executive, Chief Finance Officer and/or the Deputy PCC, the Panel:
- a) must undertake a review of the appointment by the PCC in accordance with the requirements set out in Schedule 1 of the Act
 - b) must hold a public confirmation meeting
 - c) must make a report to and make recommendations to the PCC in relation to the appointment of the PCC's Chief Executive, Chief Finance Officer and the Deputy PCC.
- 2.10 The following functions may be delegated to a Committee or Sub-Committee of the Panel:
- 2.11 The Panel shall receive notification from the PCC of any suspension of the Chief Constable, or any proposal to call upon a Chief Constable to retire or resign. In the case of the latter the Panel must hold a private scrutiny hearing and must make a recommendation to the PCC as to whether or not the PCC should call for the retirement or resignation in accordance with the procedures set out in Schedule 8 of the Act. The Panel's recommendation must be given within six weeks of receipt of such notification and published.
- 2.12 The Panel must review or scrutinise the decisions or actions of the PCC in the discharge of his/her functions and make reports or recommendations to the PCC with respect to the discharge of the PCC's functions. The Panel may carry out investigations into the decisions of the PCC, and into matters of particular interest or public concern.
- 2.13 The Panel must publish any reports or recommendations made by it to the PCC in a manner which the Panel determines and must also send copies to the Authorities.
- 2.14 The Panel may require the PCC or a member of his/her staff to attend the Panel to answer questions the Panel considers necessary for it to undertake its functions, provided that such questions shall not:
- a) relate to advice provided to the PCC by his/her staff
 - b) in the view of the PCC
 - i) be against the interests of national safety
 - ii) jeopardise the safety of any person
 - iii) prejudice the prevention or detection of crime, the apprehension or prosecution of offenders, or the administration of justice, or
 - c) be prohibited by any other enactment.

- 2.15 If the Panel requires the PCC to attend the Panel, the Panel may (at reasonable notice) request the Chief Constable to attend before the Panel on the same occasion to answer any question which appears to the Panel to be necessary in order for it to carry out its functions.
- 2.16 The Panel may require the PCC to respond in writing with a reasonable period set by the Panel to a report or recommendation from the Panel to the PCC.
- 2.17 The Panel may suspend the PCC if he/she is charged with an offence carrying a maximum term of imprisonment exceeding two years.
- 2.18 The Panel will have any other powers and duties set out in the Act or other legislation or Regulations made under the Act.

3.0 Membership

General

- 3.1 The Panel is a joint committee of the Authorities. Subject to paragraph 3.8 the Panel will consist of a total of 15 elected members nominated by the Authorities as set out below (10 substantive and 5 co-opted) plus 2 lay independent co-opted members.
- 3.2 Membership of the Panel will consist of elected members appointed as follows:
- Worcestershire County Council (1 substantive member)
 - Shropshire Council (4 members) {1 substantive and 3 co-opted members}
 - Telford and Wrekin Council (2 members) {1 substantive and 1 co-opted member}
 - Herefordshire Council (2 members) {1 substantive and 1 co-opted member}
 - Bromsgrove District Council (1 substantive member)
 - Malvern Hills District Council (1 substantive member)
 - Redditch Borough Council (1 substantive member)
 - Worcester City Council (1 substantive member)
 - Wychavon District Council (1 substantive member)
 - Wyre Forest District Council (1 substantive member).
- 3.3 Appointments of elected substantive members and nominations to the Panel of co-opted members shall be made by each of the Authorities in accordance with their own procedures but which must ensure that the 'balanced appointment objective' is met so far as is reasonably practicable. Substantive members will be directly appointed by each of the Authorities and co-opted members will be nominated by Authorities (as outlined in paragraph 3.2) for co-option by the Panel.
- 3.4 The Lead Authority shall take steps to co-ordinate the Authorities with a view to ensuring that the balanced appointment objective is achieved. The balanced appointment objective requires that the local authority members of the Panel (which includes members appointed by the Authorities and co-opted members who are elected members of any of the Authorities) when taken together should:

- a) represent all parts of the police force area
 - b) represent the political make-up of the Authorities (when taken together), and
 - c) have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively.
- 3.5 The Panel must, in co-opting elected members, secure that as far as reasonably practicable, the balanced appointment objective is met.
- 3.6 The Panel shall also include 2 lay independent members co-opted by the Panel.
- 3.7 In appointing lay independent co-opted members (who are not elected members of any of the Authorities) the Panel must secure, so far as is reasonably practicable, that the appointed and co-opted members of the Panel, when taken together, have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively.
- 3.8 The Panel will keep under review the number of co-opted members and whether a variation in their numbers would assist in meeting the balanced appointment objective. The Panel may also resolve to co-opt further or fewer members with the agreement of the Secretary of State provided that the number of co-opted members included in the membership of the Panel shall not exceed 20.

Appointed Substantive Members

- 3.9 The Authorities shall each nominate the appropriate number of elected members to be a member of the Panel (see 3.2 above). If a nominated member agrees to the appointment the Authority may appoint the member as a member of the Panel.
- 3.10 In the event that an Authority does not appoint a member or members in accordance with these requirements, the Secretary of State must appoint a member to the Panel from the defaulting authority in accordance with the provisions in the Act.
- 3.11 Each authority may remove or change their appointed member from time to time but with a view to ensuring continuity of membership as far as possible it is anticipated that an appointed member would be a member of the Panel for a term of four years unless s/he ceases to be an elected member, or is removed by their Authority, at which point Panel memberships ceases.
- 3.12 An Authority may decide in accordance with their procedures to remove their appointed member from the Panel at any point and on doing so shall give written notice to the Head of Legal and Democratic Services, Worcestershire County Council.
- 3.13 An appointed member may resign from the Panel by giving written notice to the Head of Legal and Democratic Services, Worcestershire County Council on behalf of the Panel.

- 3.14 In the event that any appointed member resigns from the Panel, or is removed from the Panel by an Authority, the relevant Authority shall immediately take steps to nominate and appoint an alternative member to the Panel and provide written notification to the Head of Legal and Democratic Services, Worcestershire County Council.
- 3.15 Members appointed to the Panel may be re-appointed to the Panel for a further term of four years provided that the balanced appointment objective is met by that re-appointment.

Co-opted Members

- 3.16 The Panel will co-opt 5 elected members and 2 lay independent members.
- 3.17 The following may not be co-opted members of the Panel:
- a) the PCC for the Police Area
 - b) a member of staff of the Police and Crime Commissioner for the area
 - c) a member of the civilian staff of the Police Force for the area
 - d) a Member of Parliament
 - e) a Member of the National Assembly for Wales
 - f) a Member of the Scottish Parliament
 - g) a Member of the European Parliament.
- 3.18 An Authority may decide in accordance with their procedures to rescind their nomination of a co-opted member at which point the co-option by the Panel will be deemed to have been terminated.
- 3.19 At least 2 lay independent co-opted members must be appointed and these may not be members of any principal authorities.
- 3.20 A lay independent co-opted member shall be an appointed member of the Panel for four years but may resign or be removed by the Panel as set out in 3.25 below.
- 3.21 The Panel shall put in place arrangements to ensure that appointments of lay independent co-opted members are undertaken following public advertisement in accordance with the following principles:
- a) The appointment will be made on merit of candidates whose skills, experience and qualities are considered best to ensure the effective functioning of the Panel
 - b) The selection process must be fair, objective, impartial and consistently applied to all candidates who will be assessed against the same pre determined criteria, and
 - c) The selection process will be conducted transparently with information about the requirements for the appointment and the process being publicly advertised and made available with a view to attracting a strong and diverse field of suitable candidates.

- 3.22 A lay independent co-opted member must not be an elected member or officer of a principal local authority (or has been so in the preceding five years).
- 3.23 A co-opted member of the Panel may resign from the Panel by giving written notice to the Head of Legal and Democratic Services, Worcestershire County Council.
- 3.24 The Panel must from time to time decide whether the Panel should exercise its power to change the number of co-opted members of the Panel to enable the balanced appointment objective to be met, so far as is reasonably practicable.
- 3.25 The Panel may decide to terminate the appointment of a co-opted member of the Panel if the majority of the Panel at the time when the decision is made vote in favour of making that decision at any time for the reasons set out below and on doing so shall give written notice to the co-opted member. The Panel will consider termination in any appropriate circumstances but in particular:
- a) if the co-opted member has been absent from the panel for more than six months without the consent of the Panel
 - b) if the co-opted member has been convicted of a criminal offence but not automatically disqualified
 - c) if the co-opted member is deemed to be incapacitated by physical or mental illness or is otherwise unable or unfit to discharge his or her functions as a co-opted member of the Panel; or
 - d) (for elected member co-optees only) if the co-opted member's membership of the Panel no longer achieves the meeting of the balanced appointment objective.
- 3.26 In the event that a lay independent co-opted member resigns from the Panel or is removed from the Panel following a decision of the Panel, the Panel shall ensure that at least two lay independent co-opted members remain appointed to the Panel.
- 3.27 Lay independent co-opted members appointed to the Panel may be re-appointed for a further term of four years subject to the requirements under paragraph 3.21.

4.0 Budget and Costs of the Panel

- 4.1 The annual costs of the Panel, reduced by the figure of any grant from the Home Office or any other source, shall be borne between the upper-tier Authorities on the basis of population, and further also on the basis of the Worcestershire County Council and the respective District Council for a Worcestershire District Area sharing equally the cost pro-rata to the population of that Area.
- 4.2 The population shall be determined by reference to the population data (mid-year estimates) issued by the Office of National Statistics for the year in which this agreement is made, and reviewed in accordance with that data every four years.

4.3 Other than in the first year of operation, a draft budget for the operation of the Panel shall be drawn up by the Lead Authority in February each year, and shall be approved by the Authorities in advance of 1 April. The Panel must then operate within the approved budget.

5.0 Lead Authority

5.1 Worcestershire County Council shall be the lead authority for the Panel and shall provide such administrative support through its Head of Legal and Democratic Services and other professional support through the Adult and Community Services Directorate as will be necessary to enable the Panel to undertake its functions which will be funded by Home Office grant.

6.0 Rules of Procedure

6.1 The Panel shall determine its Rules of Procedure which shall include arrangements in relation to the:

- a) the appointment, resignation and removal of the Panel Chairman
- b) the formation of sub-committees
- c) the making of decisions
- d) the arrangements for convening meetings
- e) the circulation of information.

7.0 Allowances

7.1 All members of the Panel may reclaim travel and other appropriate out of pocket expenses incurred in the undertaking of approved duties relating to their role on the Panel in accordance with the rates adopted from time to time by Worcestershire County Council, up to a maximum cumulative value of £920 per annum. No allowances are payable for being a member of the Panel or chairing it.

7.2 Claims will be administered by Worcestershire County Council and will be paid subject to receipt within three months of the date of the duty.

8.0 Promotion of the Panel

8.1 The Panel arrangements shall be promoted by:

- a) The establishment and maintenance of a dedicated webpage including information about the role and work of the Panel, Panel membership, all non-confidential Panel and sub-committee meeting papers, press releases and other publications, and
- b) The issuing of regular press releases about the Panel and its work, and
- c) The Authorities will each include information about the Panel on their websites, which will also include a link to the Panel webpages.

8.2 Support and guidance shall be provided to members and officers of the Authorities in relation to the functions of the Panel by the provision of briefings as appropriate.

9.0 Validity of Proceedings

9.1 The validity of the proceedings of the Panel shall not be affected by a vacancy in the membership of the Panel or a defect in appointment.

9.2 The conduct of the Panel and the content of these arrangements shall be subject to the legislative provisions in the Police Reform and Social Responsibility Act 2011, and any Regulations made in accordance with that Act. In the event of any conflict between the Act or Regulations and these arrangements, the requirements of the legislation will prevail.

V.0.5 CSC/SPM Final

**WEST MERCIA POLICE AND CRIME PANEL
TERMS OF REFERENCE**

- 1) To support the effective exercise of the functions of the Police and Crime Commissioner (PCC) and exercise its functions with a view to such support.
- 2) To review and make a report or recommendations to the PCC on the draft police and crime plan, or draft variation, given to the Panel by the PCC.
- 3) To review and make a report or recommendation to the PCC on the annual report.
- 4) To review and hold a public confirmation hearing in respect of, a 'proposed senior appointment' as defined in the Police Reform and Social Responsibility Act 2011 and report to the PCC with a recommendation as to whether or not the candidate should be appointed.
- 5) To review and hold a public confirmation hearing in respect of, the proposed appointment of the Chief Constable and report to the PCC with a recommendation as to whether or not the candidate should be appointed or exercise the Panel's right to veto the appointment.
- 6) To hold a scrutiny meeting in private in respect of a proposal by the PCC to call upon the Chief Constable to retire or resign and make a recommendation to the PCC in respect of the proposal.
- 7) To review and make a report (which may include recommendations) on the PCC's proposed precept or exercise the Panel's right to veto the proposed precept.
- 8) To review or scrutinise decisions made, or other action taken, by the PCC in connection with the discharge of the PCC's functions.
- 9) To make reports or recommendations to the PCC with respect to the discharge of the PCC's functions.
- 10) To fulfil any further function in relation to complaints about conduct matters, in accordance with any responsibilities accorded to the Panel by or under the Police Reform and Social Responsibility Act 2011.
- 11) To appoint an Acting PCC if necessary.
- 12) To consider suspending the PCC if it appears to the Panel that the PCC has been charged in the United Kingdom, Channel Islands or Isle of Man with an offence which carries a maximum term of imprisonment exceeding two years.
- 13) To fulfil any other function of the Police and Crime Panel as provided by the Police Reform and Social Responsibility Act 2011 or associated primary or secondary legislation.

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