



## **BROMSGROVE DISTRICT COUNCIL**

**YOU ARE HEREBY SUMMONED to attend a MEETING of BROMSGROVE DISTRICT COUNCIL to be held in the Council Chamber at The Council House, Burcot Lane, Bromsgrove at 6.00 p.m. on Wednesday 17th June 2015, when the business referred to below will be brought under consideration:-**

**The formal business will be preceded by a prayer.**

1. **To receive apologies for absence**

2. **Declarations of Interest**

To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.

3. **To confirm the accuracy of the minutes of the annual meeting of the Council held on 20th May 2015 (Pages 1 - 8)**

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

5. **To receive any announcements from the Leader**

6. **Recommendations from the Cabinet (Pages 9 - 10)**

To consider the recommendation from the meeting of the Cabinet held on 4th March 2015

*(Background information is included at the back of the Council Agenda book)*

7. **To receive the minutes of the meetings of the Cabinet held on 4th March 2015, 1st April 2015 and 3rd June 2015 (Pages 11 - 24)**

8. **Overview and Scrutiny Board Annual Report (Pages 25 - 46)**

9. **Council Constitution - Review (Pages 47 - 118)**

10. **Review of Delegations** (Pages 119 - 198)

11. **Appointment to Outside Bodies** (Pages 199 - 204)

12. **Questions on Notice**

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

13. **Notices of Motion (To Follow if any)**

Background Information on Recommendation from the Cabinet on 4th March 2015 - Financial Monitoring Report Quarter 3 2014/15\_(Pages 205 - 218)

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

MAY 2015 AT 6.00 P.M.

PRESENT: Councillors J. M. L. A. Griffiths (Chairman), S. J. Baxter, C. Allen-Jones, C. J. Bloore, M. T. Buxton, S. R. Colella, B. T. Cooper, G. N. Denaro, M. Glass, C.A. Hotham, R. E. Jenkins, H. J. Jones, P. Lamma, L. C. R. Mallett, K.J. May, C. M. McDonald, P. M. McDonald, S. R. Peters, S. P. Shannon, M. A. Sherrey, R. D. Smith, C. J. Spencer, C. B. Taylor, P.L. Thomas, M. Thompson, L. J. Turner, S. A. Webb and P. J. Whittaker

#### 1\15 ELECTION OF CHAIRMAN

Prior to the election of Chairman, the outgoing Chairman held a minutes silence in memory of two former Chairmen of the Council, Mr D. Hancox and Mr. C. J. Tidmarsh.

Members and officers stood in silence in tribute to their memories.

It was proposed by Councillor C. B. Taylor and seconded by Councillor B. T. Cooper and

**RESOLVED** that Councillor C. J. Spencer be elected Chairman of the Council for the ensuing year.

Councillor S. J. Spencer signed the Declaration of Acceptance of Office and thanked Members of the Council for electing her to the Office of Chairman.

**Councillor C.J Spencer – in the chair**

#### 2\15 ELECTION OF VICE-CHAIRMAN

It was proposed by Councillor M. A. Sherrey and seconded by Councillor P. L. Thomas and

**RESOLVED** that Councillor H. J. Jones be elected Vice-Chairman of the Council for the ensuring year.

Councillor H. J. Jones signed the Declaration of Acceptance of Office and thanked Members of the Council for electing her to the office of Vice Chairman.

## 3\15 **VOTE OF THANKS TO RETIRING OFFICE HOLDERS**

The Chairman paid tribute to the retiring Chairman, Councillor J. M. L. A. Griffiths and presented her with a bouquet of flowers as a mark of the Council's appreciation of her acting as Chairman over the past five years and it was proposed by the Chairman and

**RESOLVED** that the thanks of the Council be tendered to Councillor J. M. L. A. Griffiths for services rendered as Chairman of the Council.

Former Councillor J. A. Ruck having been presented by Councillor C. J. Spencer with a Past Civic Head's badge, then concluded his year in office.

It was proposed by the Chairman and

**RESOLVED** that the thanks of the Council be tendered to former Councillor J. A. Ruck for services rendered during his term of office as Civic Head.

The Chairman presented Ms. J. Putsman with a past consort's badge and a small gift as a mark of the Council's appreciation of her acting as consort to the Civic Head during the past year.

## 4\15 **ELECTION OF LEADER OF THE COUNCIL**

It was proposed by Councillor C. B. Taylor and seconded by Councillor R. D. Smith and

**RESOLVED** that Councillor M. A. Sherrey be elected as Leader of the Council for a period of four years until the Annual meeting of the Council following the local elections in 2019.

Councillor M. A. Sherrey thanked Members of the Council for electing her to the office of Leader of the Council.

## 5\15 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors R. J. Deeming, R. L. Dent and R. J. Laight.

## 6\15 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

## 7\15 **MINUTES**

The minutes of the meeting of the Council meeting held on 25<sup>th</sup> February 2015 were submitted.

**RESOLVED** that the minutes of the meeting of the Council held on 25<sup>th</sup> February 2015 be approved as a correct record.

8\15 **TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRMAN AND/OR HEAD OF PAID SERVICE**

The Chairman announced that her Chaplain for the year would continue to be Bev Robinson, who unfortunately was unable to attend this evening's meeting due to a prior engagement. Her Consort would be her husband, Mr John Spencer. The Chairman also announced that her charities for the ensuing year would be:

- The Basement Project; and
- Libby Mae's Little Angels – who provide resources for the Neo Natal unit at Birmingham Women's Hospital and other local units.

Representatives from both charities would be available at the end of the meeting to provide further information.

There were no other announcements.

9\15 **TO RECEIVE ANY ANNOUNCEMENTS FROM THE LEADER INCLUDING APPOINTMENT OF DEPUTY LEADER AND MEMBERSHIP OF THE CABINET**

- (a) The Leader announced that the Deputy Leader would be Councillor C. B. Taylor.
- (b) The Leader announced that the membership of the Cabinet would be as follows for the ensuing year:

Councillor M.A Sherrey	Leader of the Council and Portfolio Holder for Health and Wellbeing, Community Safety and Partnerships.
Councillor C.B Taylor	Deputy Leader of the Council and Portfolio Holder for Planning Services and Housing.
Councillor G. Denaro	Portfolio Holder for Finance, ICT, HR and Enabling Services.
Councillor R. Dent	Portfolio Holder for Economic Development, Regeneration and the Town Centre.
Councillor R. Laight	Portfolio Holder for Leisure and Culture services
Councillor P. Whittaker	Portfolio Holder for Environmental Services and Worcestershire Regulatory Services

10\15 **CHANGES TO THE CONSTITUTION**

This item was deferred and would be discussed at the meeting to be held on 17<sup>th</sup> June 2015.

11\15 **APPOINTMENT OF COMMITTEES 2015-16**

The Council adjourned for 10 minutes between 6.35 and 6.45pm in order to enable councillors to read the appendix to the report which set out proposals for the political balance of the Council.

The political balance calculations resulted in each political group being one place short, and each of the Planning and Licensing Committees and Overview and Scrutiny Board requiring one place to be filled in order to achieve balance. Councillor G. Denaro proposed that the political balance be agreed and that the Conservative group take its additional place on the Overview and Scrutiny Board.

Councillor L.C.R Mallett proposed, Councillor C. Bloore seconded an amendment, that the committee structure and sizes remain as currently set out. It was suggested that as the recent review of the constitution was due to be considered at the next meeting of the Council, it would be inappropriate to change the size of committees at this stage. Following the vote on the amendment it was declared lost.

In response to queries from Councillors, the Monitoring Officer confirmed that it was legitimate for the Council to review and determine the size of committees and this was included in the Council procedure rules for the annual meeting.

The substantive motion was put to the vote and declared carried.

**RESOLVED:**

- (a) That the Committees set out in appendix 1 to the minutes be appointed and that the representation of the different political groups on the Council on those committees be as set out in the 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, whichever is the earlier;
- (b) That members be appointed to the Committees and as substitute members in accordance with nominations made by Group Leaders.

12\15 **APPOINTMENTS TO OUTSIDE BODIES**

This item was deferred for consideration at the next Council meeting. However, in the meantime an appointment needed to be made to the Worcestershire Health Overview and Scrutiny Committee as the first meeting of this Committee was due to be held prior to the next Council meeting.

It was proposed by Councillor L. C. R. Mallett, seconded by Councillor M. A. Sherrey and

**RESOLVED:**

- (a) that Councillor B. T. Cooper be appointed as the Council's representative on the Worcestershire Health Overview and Scrutiny Committee; and
- (b) that the appointments to the remainder of the outside bodies be deferred until the meeting of the Council on 17<sup>th</sup> June 2015.

13\15

**SCHEME OF DELEGATION**

**RESOLVED:**

The current scheme of delegation be extended pending a report to the next meeting of the Council on 17<sup>th</sup> June 2015.

The meeting closed at 7.13 p.m.

Chairman

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# Agenda Item 3

## Bromsgrove District Council Annual Meeting 20<sup>th</sup> May 2015

### Agenda item no. 11 – Appointment of Committees 2015-16 – Appendix 1

The Council agrees the size of Committees and the political balance allocation to each of these. The number of Committees are the same as the last Municipal year but sizes are generally smaller to reflect the reduced size of the Council following the recent local elections. The exceptions are Audit Board and Standards Committee which remain at their current sizes pending a review of the future arrangements for both functions.

The figures in brackets are the mathematical calculations. + or – figures show where there is a change in the allocation to a group or total on a Committee.

<b>Committee</b>	<b>Cons</b>	<b>Lab</b>	<b>Independent Alliance</b>	<b>Comments</b>
	<b>18</b> <b>58.06% of total</b>	<b>7</b> <b>22.58% of total</b>	<b>6</b> <b>19.35% of total</b>	
Overview and Scrutiny Board	6 (6.39) Take <b>7</b> Councillors: Allen-Jones Cooper Glass Griffiths May Smith Thomas	<b>2</b> (2.48) Councillors: Mallett Bloore	<b>2</b> (2.13) Councillors: Steve Colella, Sue Baxter	<b>11</b> 11 members on Board
Licensing Committee	6 (6.39) Councillors: Cooper Griffiths Lammas May Thomas Webb	<b>2</b> (2.48) Take <b>3</b> Councillors: Shannon C McDonald Buxton	<b>2</b> (2.13) Councillors: Turner Peters	<b>11</b> 11 members on Cttee
Planning Committee	6 (6.39) Councillors: Allen-Jones Deeming Glass May Thomas Whittaker	<b>2</b> (2.48) Councillors: Buxton Shannon	<b>2</b> (2.13) Take <b>3</b> Councillors: Baxter Hotham Peters	<b>11</b> 11 members on Cttee

# Agenda Item 3

Audit Board	4 (4.06) Councillors: Jones Smith Thomas Webb	2 (1.58) Councillors: Thompson P McDonald	1 (1.35) TBC	7 members on Board
Standards Committee	5 (5.23) Councillors: Cooper Glass Griffiths Lammas Smith	2 (2.03) Councillors: Thompson P McDonald	2 (1.74) TBC	9 members on Committee
Electoral Matters Cttee	4 (4.06) Councillors: Allen-Jones Griffiths Jones May	2 (1.58) Councillors: Mallett Thompson	1 (1.35) Councillor Turner	7 members on Cttee
TOTAL Entitlement	<b>32 (32.52)*</b> *see note below	<b>13 (12.65)</b>	<b>11 (10.84)</b>	<b>56 places available</b>
Total mathematical calculation	<b>31 (-1)</b>	<b>12 (-1)</b>	<b>10 (-1)</b>	

\*Number of places rounded down as overall there are 56 places available and the numerical entitlement adds up to 57. .52 of a place is less than .65 and .84.

The mathematical calculation results in each of O&S, Licensing and Planning Committees being 1 place short.

Each of the political groups is 1 place short of their overall entitlement to places. These need to be allocated to each political group to achieve the political balance

## CABINET

### RECOMMENDATION TO THE COUNCIL

4TH MARCH 2015

1. FINANCE MONITORING REPORT – QUARTER 3 2014/15

The Cabinet has considered a report on the financial position for revenue and capital for the period April to December 2014.

It is RECOMMENDED:

That the Capital Programme for 2015/16 be increased by £40,000 in respect of S106 monies (from land off Regent Road, The Oakalls) and that this be utilised to improve the quality of parks and open spaces in and around The Oakalls.

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## BROMSGROVE DISTRICT COUNCIL

### MEETING OF THE CABINET

4TH MARCH 2015 AT 6.00 P.M.

PRESENT: Councillors M. A. Sherrey (Leader), M. A. Bullivant, R. L. Dent and M. J. A. Webb

Observers: Councillor R. A. Clarke

Officers: Mr K. Dicks, Ms A. De Warr, Ms S. Morgan, Mrs S. Sellers and Ms R. Cole

90/14 **APOLOGIES**

Apologies for absence were received from Councillors D. W. P. Booth and C. B. Taylor.

91/14 **DECLARATIONS OF INTEREST**

There were no declarations of interest on this occasion.

92/14 **OVERVIEW AND SCRUTINY BOARD**

The minutes of the Overview and Scrutiny Board held on 21st January 2015 were submitted.

It was noted that the recommendations in respect of the car parking Short Sharp Review had previously been considered by the Cabinet at its 4th February 2015 meeting.

**RESOLVED** that the minutes of the Overview and Scrutiny Board held on 21st January 2015 be noted.

93/14 **BROMSGROVE TOWNSCAPE HERITAGE INITIATIVE - GRANT APPLICATIONS**

The Cabinet considered a report relating to two applications under the Townscape Heritage Initiative. Under the Grant Scheme previously agreed these two grants required Cabinet approval because they were over £150,000.

Members were reminded that the Townscape Heritage Initiative (THI) was a Grant Scheme of £1.6m funded by the Heritage Lottery Fund and the County Council for the restoration of historic buildings on the High Street, including

parts of Worcester Road and New Road. Members noted that this Council is responsible for project managing the Grant Scheme .

It was noted that both of the current applications were in respect of Listed Buildings :

- 67 High Street (Oswald Bailey) – grant of £195,500 (to be capped at this level)
- 1-3 New Road (The Tudor House) – grant of £198,024 (to be capped at this level)

It was further noted that arrangements were in place for claw back to the Heritage Lottery Fund should the properties be sold following the works as set out in section 3.9 - 3.12 of the report. It was requested that the final grant figures be confirmed to Members when available.

Following discussion it was

**RESOLVED:**

- (a) that the offer of a THI Grant of £195,500 (capped) as set out in the report in respect of 67 High Street be approved;
- (b) that the offer of a THI Grant of £198,024 (capped) as set out in the report in respect of 1-3 New Road be approved.

94/14

**FINANCE MONITORING REPORT - QUARTER 3 2014/15**

The Cabinet considered a report on the financial position for revenue and capital for the period April to December 2014.

The Portfolio Holder referred to the total predicted saving against budget of £301,000 and it was confirmed that the majority of this was in relation to savings on interest payable on borrowing to support the capital programme which had not yet been required.

Reference was also made to a shortfall in income within Environmental Services which had arisen from the review of a previous decision to sell the Trade Waste service. Officers were now working on alternative options for the service which would be brought back to Members for consideration.

Following discussion it was

**RESOLVED** that the current financial position on revenue and capital be noted .

**RECOMMENDED** that the Capital Programme for 2015/16 be increased by £40,000 in respect of S106 monies ( from land off Regent Road, the Oakalls), and this be utilised to improve the quality of parks and public open spaces in and around the Oakalls.

95/14 **DISCRETIONARY WRITE OFF OF DEBTS**

The Cabinet considered a report requesting authorisation for discretionary write off in respect of a number of debts.

It was reported that the total value of discretionary write off was £28,141.49 with the majority of this arising from one Non Domestic Rates case. Officers confirmed that all actions had been taken in an attempt to recover the debts but there was no likelihood of recovery.

Following discussion it was

**RESOLVED** that the discretionary write off of debts totalling £28,141.49 as set out in Appendix 1 to the report be approved.

The meeting closed at 6.15 p.m.

Chairman

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## BROMSGROVE DISTRICT COUNCIL

### MEETING OF THE CABINET

1ST APRIL 2015 AT 6.00 P.M.

PRESENT: Councillors M. A. Sherrey (Leader), C. B. Taylor (Deputy Leader),  
D. W. P. Booth, M. A. Bullivant, R. L. Dent and M. J. A. Webb

Officers: Mr K. Dicks, Mr S. Singleton and Ms R. Cole

96/14 **APOLOGIES**

There were no apologies for absence.

97/14 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

98/14 **MINUTES**

The minutes of the meetings of the Cabinet held on 25th February 2015 and 4th March 2015 were submitted.

**RESOLVED** that the minutes of the meetings of the Cabinet held on 25th February 2015 and 4th March 2015 be approved as a correct record.

99/14 **OVERVIEW AND SCRUTINY BOARD**

The minutes of the Overview and Scrutiny Board held on 16th February 2015 and 16th March 2015 were submitted.

In relation to Minute No. 130/14 it was suggested it may be more appropriate for the Overview and Scrutiny Board to meet at an earlier time rather than for Cabinet to meet at a later time.

**RESOLVED** that the minutes of the meetings of the Overview and Scrutiny Board held on 16th February 2015 and 16th March 2016 be noted.

100/14 **WORCESTERSHIRE SHARED SERVICES JOINT COMMITTEE**

The minutes of the meeting of the Worcestershire Shared Services Joint Committee held on 19th March 2015 were submitted.

**RESOLVED** that the minutes of the meeting of the Worcestershire Shared Services Joint Committee held on 19th March 2015 be noted.

## 101/14 **RECOMMENDATION FROM LICENSING COMMITTEE**

It was reported that at its meeting on 23rd March 2015 the Council's Licensing Committee had approved a Street Amenity Policy in relation to street cafes within the High Street, Bromsgrove.

In addition the Licensing Committee had made a recommendation to the Cabinet in respect of the fees to be adopted for the Street Amenity Consents. The Cabinet approved the recommendation and it was therefore

**RESOLVED** that the following fees be adopted and added to the Fees and Charges Schedule:

- Street Amenity Policy (First Application) - £200
- Street Amenity Policy (Annual Renewal) - £55

## 102/14 **BROMSGROVE OUTDOOR MARKET**

The Cabinet considered a report on the possibility of exploring options for the future operation and management of Bromsgrove Market which was currently managed and operated by the North Worcestershire Economic Development and Regeneration Service.

Members noted it was proposed to invite informal expressions of interest from market operators to inform any future decisions on the future management of the market. Market operators would be invited to outline any proposed options for operating the market against the criteria set out in section 3.9 of the report. There would be a report back to a future Cabinet on the outcome of such expressions of interest received.

The Cabinet were in support of the approach to undertake some soft market testing and to take "soundings" from existing market operators. Members also requested that existing market stall holders be kept informed of the situation and of the initial steps to be taken.

Following discussion it was

**RESOLVED:**

- (a) that North Worcestershire Economic Development and Regeneration Service be requested to invite informal expressions of interest from market operators for the future management of Bromsgrove Market; and
- (b) that a report on the outcome of the process be submitted to the Cabinet in due course.

103/14

## **APPLICATION FOR INCLUSION ON REGISTER OF ASSET OF COMMUNITY VALUE - HAGLEY LIBRARY**

The Cabinet considered a report requesting consideration of an application from Hagley Parish Council that Hagley Library, Worcester Road, Hagley be listed as an Asset of Community Value.

The Cabinet noted that the application complied with the test for listing an Asset of Community Value as contained in Section 88 (1) of the Localism Act 2011, which was set out in section 3.9 of the report.

Members requested that when similar applications are considered in future, the accompanying report be as comprehensive as possible in respect of the background information available for each application.

Following discussion it was

**RESOLVED** that the listing of Hagley Library, Worcester Road, Hagley as an Asset of Community Value be supported.

104/14

## **GAMBLING ACT FEES AND CHARGES REPORT**

The Cabinet considered a report requesting agreement to an amendment to the Council's approved fees and charges in respect of the Gambling Act 2005.

It was reported that when the Cabinet considered the fees and charges schedule for 2015/16, due to an error in the report the charges agreed under the Gambling Act exceeded the maximum amount prescribed by statute.

In order to rectify this Members were requested to approve a set of amended charges. It was reported that no Applicant had been charged the incorrect fee.

**RESOLVED** that for 2015/16 the fees and charges under the Gambling Act 2005 be amended as follows:

- (a) Notification of Change - £50
- (b) Copy of a Licence - £25
- (c) Copy of a Temporary Use Notice - £25

The meeting closed at 6.20 p.m.

Chairman

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## BROMSGROVE DISTRICT COUNCIL

### MEETING OF THE CABINET

WEDNESDAY 3RD JUNE 2015 AT 6.00 P.M.

PRESENT: Councillors M. A. Sherrey (Leader), C. B. Taylor (Deputy Leader),  
R. L. Dent, R. J. Laight and P. J. Whittaker

Observers: Councillors M. Glass, H. J. Jones and K. May

Officers: Ms S. Hanley, Ms J. Pickering, Mrs S. Sellers, Mr M. Ashcroft  
and Ms R. Cole

1/15 **WELCOME**

The Leader welcomed Councillors R. J. Laight and P. J. Whittaker to the Cabinet.

2/15 **APOLOGIES**

An apology for absence was received from Councillor G. N. Denaro.

3/15 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

4/15 **MINUTES**

The minutes of the meeting of the Cabinet held on 1st April 2015 were submitted.

**RESOLVED** that the minutes of the meeting of the Cabinet held on 1st April 2015 be approved as a correct record.

5/15 **AUDIT BOARD**

The minutes of the meeting of the Audit Board held on 19th March 2015 were submitted.

**RESOLVED** that the minutes of the meeting of the Audit Board held on 19th March 2015 be noted.

6/15 **OVERVIEW AND SCRUTINY BOARD**

The minutes of the meeting of the Overview and Scrutiny Board held on 13th April 2015 were submitted.

**RESOLVED** that the minutes of the meeting of the Overview and Scrutiny Board held on 13th April 2015 be noted.

7/15 **APPOINTMENT TO OUTSIDE BODIES - BY OFFICE (EXECUTIVE APPOINTMENTS)**

The Cabinet considered a report on the appointment and nomination to a number of Outside Bodies which were for executive functions and were therefore made by the Cabinet.

**RESOLVED** that appointments be made to the bodies listed in the appendix attached to these minutes.

8/15 **LOCAL GOVERNMENT ACT 1972**

That under Section 100 I of the Local Government Act 1972, as amended, the public be excluded from the meeting during the consideration of the item of business the subject of the following minute on the grounds that it involves the disclosure of "Exempt Information" as defined in Part 1 of Schedule 12A to the Act, the relevant part being as set out below and that it is in the public interest to do so.

<u>Minute No</u>	<u>Paragraph</u>
9 /15	3

9/15 **DISPOSAL OF COUNCIL HELD ASSETS AT HANOVER STREET CAR PARK AND GEORGE HOUSE**

The Cabinet considered in detail a report on the outcome of the recent marketing exercise in relation to Council owned land and buildings at Hanover Street Car Park and George House.

The process which had been followed in order to select the preferred developer was outlined, including presentations from potential developers to an assessment panel made up of Members and officers who had then scored the bids in accordance with an agreed scoring matrix. Additionally further assessment had taken place of the highest scoring bids with input from external advisors as to valuation, build costs and deliverability.

It was reported that the Overview and Scrutiny Board had also considered the report in detail at a special meeting of the Board. Whilst a number of issues had been raised and discussed, there were no specific recommendations to the Cabinet from the Board.

**RESOLVED:**

- (a) that the contents of the report be noted;
- (b) that the freehold disposal of the site to Hinton Properties as the preferred developer for the sum referred to in the report be approved;
- (c) that delegated authority be granted to the Executive Director for Finance and Resources to agree the terms for the disposal of the site with the preferred developer and that delegated authority be granted to the Head of Legal, Equalities and Democratic Services to enter into the legal documents required for the purposes of implementing the recommendation (b) above;
- (d) that it be noted that the proposed freehold disposal of the site will result in the loss of car parking income equating to approximately £119,000 per annum and that this be considered as part of the long term financial plan.

The meeting closed at 6.15 p.m.

Chairman

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## Outside Bodies By Office (Executive appointments)

Organisation	Number of representatives and length of term	Representation 2015-16
Age Concern UK	Portfolio holder with responsibility for older people	Councillor Sherrey
Greater Birmingham and Solihull Local Enterprise Partnership (LEP)	One Leader and one Substitute nominated from 3 North Worcestershire Councils	Cllr J-P Campion, Wyre Forest DC  Sub: Cllr B Hartnett, Redditch BC
Local Transport Board for Greater Birmingham and Solihull Local Enterprise Partnership	One Councillor to represent Bromsgrove, Redditch and Wyre Forest Councils <i>Must be Leader or nominated substitute</i>	Cllr J-P Campion, Wyre Forest DC  Sub: Cllr R Laight, Bromsgrove DC
Greater Birmingham and Solihull LEP Supervisory Board	Leader by office  Substitute – Deputy Leader Check each year	Councillor Sherrey  Substitute Councillor Taylor
Greater Birmingham and Solihull LEP Area EU Structural and Investment Fund (ESIF) Committee	One representative and one substitute to represent the 3 North Worcestershire Districts	Cllr J Fisher, Redditch BC  Sub: Dean Piper, North Worcs Economic Devt
Bromsgrove Partnership (Local Strategic Partnership)	Leader (Portfolio holder)  Substitute – Deputy Leader Check each year	Councillor Sherrey  Councillor Taylor
District Councils Network	Leader  Substitute – Deputy Leader	Councillor Sherrey  Councillor Taylor
Improvement and Efficiency Social Enterprise <b>New – Council 20.11.13</b>	Leader	Councillor Sherrey
Local Government Association General Assembly	Leader  Substitute – Deputy Leader	Councillor Sherrey  Councillor Taylor
North Worcestershire Community Safety Partnership	Cabinet member	Councillor Sherrey

# Agenda Item 7

<b>Organisation</b>	<b>Number of representatives and length of term</b>	<b>Representation 2015-16</b>
PATROL	Portfolio Holder for Leisure, Cultural Services and Environmental Services  Substitute	Councillor Whittaker
West Midlands Employers (previously West Midlands Councils)	Portfolio Holder for Human Resources	Councillor Denaro  Sub: Councillor Laight
Shared Services Members Board ( by office and 2 further representatives appointed at Council)	Leader Deputy Leader	Councillor Sherrey  Councillor Taylor
Worcestershire Health and Wellbeing Board	1 rep for North Worcestershire and 1 substitute	Cllr M Sherrey  Sub: Cllr P Witherspoon, Redditch BC
Worcestershire Intermediate Body to Deliver European Structural Investment Funds (ESIF)	One representative and one substitute to represent the 3 North Worcestershire Districts	Cllr J Fisher (Redditch BC)  Sub: Dean Piper, (NWEDR)
Worcestershire Local Enterprise Partnership	One representative on behalf of the 3 North Worcestershire Councils – required by LEP constitution	Cllr M Sherrey  Sub: Leader from Wyre Forest or Redditch
Worcestershire Local Strategic Partnership	Leader Nominated substitute of the Deputy Leader	Councillor Sherrey  Councillor Taylor
Worcestershire Local Transport Body	One representative and one substitute from the North Worcestershire authorities	Cllr R Laight Sub: Cllr G Chance, Redditch BC



# Overview and Scrutiny **Annual Report**

**2014 - 2015**



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## **OVERVIEW AND SCRUTINY ANNUAL REPORT 2014-15**

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## **FOREWORD FROM THE CHAIRMAN**

Welcome to Bromsgrove District Council's Overview and Scrutiny Board's Annual Report for 2014/2015.

It is the first time for some years that the position of Chairman of the Overview and Scrutiny Board has not been held by a member of the controlling group within the Council. It is important that the Scrutiny Board both is, and is seen to be, independent of the Council's Cabinet and Administration and with it able to challenge and be a 'critical friend'.

It has certainly been a busy year for the Overview and Scrutiny Board with three additional meetings needing to be scheduled due to the volume and importance of the areas the Board wished and needed to consider. The past 12 months has seen a range of activity and discussion at the Overview and Scrutiny Board.

With a number of major projects underway at the Council, the Board has worked on specific scrutiny examinations of issues including delays and decisions within the Town Centre regeneration programme, and the replacement of the Dolphin Centre. Additionally a Task Group was completed into Leisure Provision within the District, led by Cllr Caroline Spencer, and a short, sharp review of car parking, led by Cllr Sean Shannon. Regrettably the cross party findings of the latter in respect of parking charges and allowing pay on foot in our car parks were all rejected by the Cabinet.

My thanks go to Cllr Rod Laight for his work representing Bromsgrove Council, supported by Cllr Peter Lammas, on the Worcestershire Regulatory Services Joint Scrutiny Task Group. Many on the Board were struck by the frank reality Cllr Laight's report brought to bear in terms of the impact of funding cuts on the viability of WRS and the risk to communities within Worcestershire as a result.

In relation to the function of the Board in driving improvement in public services, members of the Board have been very minded to the performance of the Development Control function at Bromsgrove Council. The designation of the Planning Authority by the Department of Communities and Local Government mid-way through the year served to increase the Board's focus on the operation of Development Control at Bromsgrove and any backlogs in determining applications.

Other areas of scrutiny have included the Staff Survey and approaches to tackling bullying and to strengthen HR systems at the Council; the decision to invest in iPADS for Councillors and the resulting issues with the roll out; and the proposed structural changes within Environmental Services. As in previous years the Board has scrutinised the North Worcestershire Community Safety Partnership as well as

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having received regular and thorough updates from our representative on the Health Overview and Scrutiny Committee, Cllr Brian Cooper.

At the end of the term of our Board we were extremely sorry to learn of the passing of one of our Members, Councillor John Tidmarsh. John had been a long standing Member of the Board and was always ready to make insightful contributions in our meetings. We will all miss him.

Finally, I would like to take this opportunity to thank all of the Members of the Board, and those Democratic Services Officers that have supported our work and enabled the Board to get through such a fulsome work programme this year.

**Councillor Luke Mallett  
Chairman**



## **INTRODUCTION**

We are pleased to present the Overview and Scrutiny Annual Report which outlines our work during 2014-15 and provides general information on the overview and scrutiny processes at Bromsgrove District Council.

Overview and Scrutiny is a key part of the democratic decision making process in local councils, where elected councillors outside of the Cabinet can contribute to shaping council policy, community well being and accountability. This is done by reviewing council services and policies, community issues and key decisions and making recommendations for improvement.

The four key principles of Overview and Scrutiny are:

- Provides a 'critical friend' challenge to executive policy makers and decision-makers.
- Enables the voice and concerns of the public to be heard.
- Is carried out by 'independent minded members' who lead and own the scrutiny role.
- Drives improvement in public services

The Members of the Board consider these principles when selecting topics to investigate whether it is holding the executive to account, reviewing policies, policy development or scrutiny of external bodies.

**MEMBERSHIP** (The Board is made up of 13 Members)



**Cllr. Luke Mallett – Chairman**



**Cllr. Helen Jones**  
(Vice Chairman to 20/01/15)



**Cllr. Rod Laight**  
(Vice Chairman wef 21/01/15)



**Cllr Chris Bloore**



**Cllr James Brogan**

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Cllr. Roy Clarke



Cllr. Steve Colella



Cllr. Brian Cooper



Cllr. Pete Lammas



Cllr. Chris Scurrell (from 21/01/15)

# Agenda Item 8



Cllr. Rory Shannon



Cllr. Sean Shannon



Cllr. Caroline Spencer



Cllr. John Tidmarsh  
(to 27/03/15)

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

Overview and Scrutiny is a key part of the Council's political structure and it plays a vital role in improving the services that people of the District use, whether a resident, employed here or just visiting. It does not just look at the way the Council does things, it can look at anything which affects the lives of people within the District and it allows citizens to have a greater say in Council matters.

Overview and Scrutiny allows Councillors to review and scrutinise decisions, look at existing practices and make recommendations to help ensure the residents of Bromsgrove District receive excellent services. The aim is to ensure overview and scrutiny adds value to the Council's decision-making process and makes a positive contribution towards policy development.

The detailed terms of reference and procedure rules for the Overview and Scrutiny Board can be found at Part 3 (Part C) and Part 8 of the Council Constitution. The Council Constitution can be accessed by using the following link.

<http://www.bromsgrove.gov.uk/cms/council-and-democracy/councillors-and-committees/decision-making/council-constitution.aspx>

### Number of Meetings

The Overview and Scrutiny Board met on a monthly basis during 2014-15 and there were a total of 13 meetings throughout the year. Ten meetings had been scheduled in to the Calendar of Meetings with an additional 3 meetings been arranged due to workload of the Board and pre scrutiny work on a late item, these were held in August, September and December.

## **REPORTS RECEIVED AND RECOMMENDATIONS MADE BY THE BOARD**

*During the course of the year the Board received a number of reports, including the following and made a number of recommendations:*

### Staff Survey

During discussion of its Work Programme, back in October 2013 the Board had requested a summary of the Staff Survey which had been undertaken. This was received, in the form of a presentation, at its meeting in June 2014. As part of the discussions following the presentation the Board agreed a number of recommendations and suggestions, with the requested that an update be received at a future meeting in order to ensure that the areas highlighted from the survey and subsequent suggestions which had come out of the steering group and theme groups which had been set up following the analysis of the responses received. This update was received at the February 2015 meetings when Members discussed actions which had come from the survey and what progress had been made in putting those actions in place. There were a number of points which Members continued to have concerns about and it was agreed that these would be addressed and a further response prepared by the relevant officers. It was also confirmed that a further survey would be issued in September 2015 and the Board requested to be kept updated following this.

### Task Group Guidelines Review

Task Group guidelines were removed from the Constitution during a review in early 2011. The Overview and Scrutiny Board adopted new guidelines which covered both Task Groups and Short Sharp inquiries at its meeting on 1<sup>st</sup> March 2011. It is good practice to review such guidelines at regular intervals and following discussion it was agreed that a review would take place at the Board's meeting on 14<sup>th</sup> July 2014 a number of changes were agreed, including the reintroduction of the guidelines to the Constitution. The outcome was that the revised guidelines were referred to the Constitution Working Group for consideration. That Group is currently working on a number of revisions to the Constitution and it is hoped that these guidelines will be included.

### Council Tax Support Scheme

This report was considered at an extra meeting which had been arranged following Full Council referred this back to Cabinet and following discussions with the Leader, it had been agreed that the Board would be given the opportunity to pre-scrutinise

the scheme, allowing any recommendations from the Board to be considered by Cabinet before a final decision was taken.

## Development Control

During consideration of the Making Experiences Count Quarter 4 Report Members highlighted that there had been an increase in the number of complaints that had been received during the period in respect of planning matters. In particular, there were concerns about the delays in resolving planning applications that appeared to be causing these complaints. Members therefore received a verbal update from the Head of Planning and Regeneration with the outcome being that the Board would receive a six monthly update containing data on the backlog of outstanding applications in order to monitor progress on this. The first of these reports was received by the Board at its January meeting, when a number of further points and concerns were raised. The Head of Planning and Regeneration and the Portfolio Holder attended the March meeting and discussed those concerns in more detailed.

## Overview of the Budget

For the first time, the Board has been able to take a more active role in the scrutiny of the Council's budget. They have considered a number of reports over five meetings, including an Overview of the Budget, Fees and Charges Report, Capital Budget and a pressures and savings report. Whilst considering these reports, Members had highlighted the difficulty in respect of timing, as often the Board did not receive them until after Cabinet had considered them, therefore rendering it unable to do any constructive pre-scrutiny work. With this in mind the meetings for 2015/16 have been scheduled a week prior to the Cabinet meetings to enable this work to be carried out more successfully.

The Board also continue to receive regular quarterly finance monitoring reports and this year put forward a number of recommendations in respect of the format of these reports. These recommendations were considered by Cabinet and will be incorporated within the quarterly monitoring reports from the new municipal year.

## Town Centre

Members continued to show an interest in the regeneration of the Town Centre and received an update from the Town Centre Regeneration Programme Manager at its meeting on 25<sup>th</sup> September followed by the attendance of the Leader of the Council and relevant Portfolio Holder at its October meeting. From the discussions held at those meetings it was agreed that the Board would be given the opportunity to pre-scrutinise the reports which were due to be considered by Cabinet in December, in respect of the Hanover Street Remarketing and the disposal of Stourbridge Road site. Further details in respect of this pre-scrutiny work are detailed below.

## George House/Hanover Street Car Park Site

It was highlighted at the Board's November meeting that Cabinet would be receiving a report on the Hanover Street Remarketing and the disposal of the Stourbridge Road site and it was agreed that the Board would hold an extra meeting, prior to Cabinet to pre-scrutinise these reports. A number of officers together with the Leader and relevant portfolio holder and a representative from the commercial property consultants involved, attended a very productive meeting, which led to a number of recommendations being considered and whilst the wording of those recommendations was slightly amended, they were agreed by Cabinet in principle.

## Scrutiny of Crime and Disorder Partnerships

The Board has a statutory duty to hold at least one meeting a year which covers the scrutiny of the work of the crime and disorder partnerships. In the case of Bromsgrove District Council this is the North Worcestershire Community Safety Partnership.

At its March meeting the Board received an update on the work of the North Worcestershire Community Safety Partnership (NWCSP) which had been the first merged community safety partnership to be approved by the West Mercia Police and Crime Commissioner (PCC). The NWCSP and the South Worcestershire Community Safety Partnership were due to be reviewed in 2015 to assess the extent to which both partnerships were fit for purpose. There was a statutory requirement for a 3 year rolling plan to be produced outlining how the partnership intended to address key crime and community safety priorities, as identified through its annual Strategic Assessment report.

Members discussed the funding available to the Partnership and how it managed to work towards its 5 key priorities with a limited budget which had to be applied for from the PCC on an annual basis. The amount of funding available had been based on previous year's allocations received from Central Government. Discussions had been held with the office of the PCC earlier in the year when the Partnership had raised concerns around Community Safety funding in future years. From those discussions it was hoped that this would be amended to bi-annually.



## **WORCESTERSHIRE HEALTH OVERVIEW & SCRUTINY COMMITTEE (HOSC)**

The Council's representative on this Committee must be a Member of the Overview and Scrutiny Board and provide the Board with regular updates on the work being carried out.

Councillor Brian Cooper has provided the Board with regular updates on what has been discussed at these meetings and where appropriate the minutes from a relevant meeting have been provided for Members' information.

Councillor Cooper highlighted the following areas and responded to questions from other Members during his updates:

- The Development of the Integrated Community Hubs
- The Acute Hospital Review
- Community Stroke Services
- Mental Health Liaison
- Hospital Treatment for patients based in North Worcestershire

Councillor Cooper provided Members with an overview of the work carried out by the Committee at its April meeting which Members found most helpful.

## **TASK GROUPS INVESTIGATIONS & SHORT, SHARP REVIEWS CARRIED OUT**

*The detailed final reports of all these investigations can be found on the Council's website within the Overview & Scrutiny section.*

### **Leisure Provision Group**

**Membership: Councillors Caroline Spencer (Chairman), June Griffiths, Helen Jones, Luke Mallett, Chris Scurrall, Elaine Shannon and Sean Shannon**

**Deadline: 17<sup>th</sup> November 2014**

A topic proposal completed by Councillor Rita Dent was submitted to the Overview and Scrutiny Board meeting held on 24<sup>th</sup> March 2014. The aim of Councillor Dent's proposal was to ensure that the Leisure Provision provided by the Council was what the residents wanted and met their needs, together with identifying any possible duplication of activities and any possible savings that could be made.

Following discussion it was agreed by the Overview and Scrutiny Board that a Task Group would be established to scrutinise the Leisure Provision and that Councillor Caroline Spencer would be appointed Chairman. At the Board meeting held on 14<sup>th</sup> April 2014 Members agreed both the Membership of the Task Group and its Terms of Reference and set a timescale for completion of the work of within 6 months of the date of its first meeting.

It should be noted that, although not within the terms of reference of the Task Group, but due to the fact that there was no Overview and Scrutiny Board meeting during May 2014, the Board asked Task Group Members to pre-scrutinise the Dolphin Centre Business Case which was due to be presented to Cabinet, on its behalf.

The Group held its first meeting on 19<sup>th</sup> May and at the following meeting duly considered the Business Case report and the Chairman of the Task Group provided a short interim report containing its findings and a number of suggested recommendations at the Overview and Scrutiny Board meeting held on 16<sup>th</sup> June 2014, which were then passed to Cabinet for its consideration.

The Task Group held 6 meetings in total and put forward a further 4 recommendations, which were considered by Cabinet at its meeting held on 3<sup>rd</sup> December 2014, whilst some slight amendments were made to the wording of 2 of the recommendations they received overall approval from Cabinet and will be implemented in due course.

## **Car Parking Short, Sharp Review**

**Membership: Councillors Sean Shannon (Chairman), Roy Clarke, Pete Lammas, Luke Mallett and Rory Shannon**

**Deadline: 21<sup>st</sup> January 2015**

Following consideration of the Finance Monitoring Quarter 1 Report at the Overview and Scrutiny Board meeting on 25<sup>th</sup> September 2014 it was noted that there appeared to be both a decline in revenue from Civil Parking Enforcement together with a decrease in use of car parking facilities within the Town Centre. Members discussed residents' preferences when parking in Bromsgrove and referred back to the Recreation Road South Car Parking Task Group Report which had recommended that the Pay on Foot system be introduced where possible at other Council owned car parks.

To ensure that car parking arrangements remained fit for purpose Members agreed that the contents of the Task Group's final report should be revisited as part of a Short Sharp Review. It was therefore resolved at that meeting that a Short Sharp Review of car parking arrangements in the district, made up of the members, and taking into account the findings, of that original Task Group's final report.

At its first meeting held on 22<sup>nd</sup> October the Members discussed the areas they wished to cover together with details of specific data they required from the Environmental Services Manager, who was invited to attend the following meeting of the Group.

The Review Group held a total of 3 meetings and made 3 recommendations which were considered by Cabinet at its meeting held on 4<sup>th</sup> February 2015. A notice of motion had been received at full Council in respect of free car parking in the evening, whilst the Review Group was carrying out its investigations. Unfortunately, circumstances overtook the work of the Group and the Cabinet chose to reject all recommendations.

## **JOINT OVERVIEW AND SCRUTINY INVESTIGATIONS**

### **Joint Worcestershire Regulatory Services Scrutiny Task Group**

**Bromsgrove District Council representatives: Councillors Rod Laight (lead) and Pete Lammas (substitute).**

**Deadline: June 2014.**

The Joint WRS Scrutiny Task Group was established in 2013 to review the shared Worcestershire Regulatory Services (WRS). Elected Members from each of the Councils in Worcestershire have been appointed to the review which is being hosted and chaired by the Council as the host authority for the shared service.

The key objectives of the review were for the group: to review the final business case for the shared service; to compare previous service levels at individual local authorities with current service levels in the shared service; to assess the performance of the services compared to previous performance levels; to investigate levels of customer satisfaction; and to review the governance arrangements for the shared service.

The final report, which contained 12 recommendations, was considered by all those participating authorities' Overview and Scrutiny Committees and by this Committee at its July 2014 meeting. The recommendations were passed to the Worcestershire Shared Services Joint Committee, the decision making body for WRS, in October 2014.

The Joint Committee approved a number of the group's proposals, though initially rejected all recommendations relating to changes to the governance arrangements for WRS. However, in February 2015 further proposals were brought forward by Officers in relation to the governance of the partnership and these were significantly influenced by the work of the Joint Scrutiny Task Group. These proposals are currently out to consultation. As the host authority for the review, we will be monitoring the implementation of the approved recommendations.

Members are asked to note that the Chairman and Vice Chairman of the Task Group are currently considering submitting this report in the Centre for Public Scrutiny's Good Scrutiny Awards 2015. It is likely that the report will be submitted in the category dedicated to "Working Together".

**Recommendations:** The Task Group proposed recommendations covering the following areas:

- Communications about the work of the partnership.
- Governance of the partnership.
- Finances and the sustainability of the partnership

*The final report is available to view on the Council's website within the Overview and Scrutiny section.*

### **Joint Integrated Waste Scrutiny Task Group**

A proposal form put forward by Worcestershire County Council was considered at the Board meeting in April 2014 and reconsidered at the June meeting. Members were informed that the first meeting had still not been arranged and it was understood that only one other District had agreed to join this Group. The Board debated the role of review and its potential outcomes. It was agreed that further information would be requested prior to the Board agreeing whether or not to participate. Following further discussion at the July meeting it was agreed that the Council would not take part in this Scrutiny Task Group.

## **FURTHER INFORMATION**

### Overview and Scrutiny Board Meetings

Overview and Scrutiny Board meetings are open to the public. To find out more visit our website at [www.bromsgrove.gov.uk/scrutiny](http://www.bromsgrove.gov.uk/scrutiny) or telephone 01527 881288 and ask to speak to the Democratic Services Officer.

### Public Involvement

If you would like to have your say on issues being considered by Overview and Scrutiny or to suggest a topic for consideration you can email [scrutiny@bromsgrove.gov.uk](mailto:scrutiny@bromsgrove.gov.uk) or complete the form on the Council's website <http://www.bromsgrove.gov.uk/cms/council-and-democracy/oands-welcome-page.aspx>

### Giving Evidence

Members of the public or organisations with a special interest or knowledge about a particular topic being considered by Overview and Scrutiny can put forward evidence to a committee or appear as a witness to give evidence for an investigation. If you think you or your organisation might be able to participate in an issue currently under review, please contact us.

If you have a personal issue with a council service you may find it more useful to contact your local ward councillor who can help you decide the best way to take it forward.

### Contact Overview and Scrutiny

If you would like to find out more about any aspect of the Overview and Scrutiny Board then you can email [scrutiny@bromsgrove.gov.uk](mailto:scrutiny@bromsgrove.gov.uk) or telephone 01527 881288 and ask to speak to the Committee Services Officer.

Further information can also be found on the Council's website. Please go to <http://www.bromsgrove.gov.uk/cms/council-and-democracy/oands-welcome-page.aspx>

**Overview and Scrutiny  
Legal, Equalities and Democratic Services  
Bromsgrove District Council  
The Council House  
Burcot Lane  
Bromsgrove B60 1AA**

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**This report can be provided in  
large print, braille, on audio CD or tape,  
or on computer disc.**

"Need help with English?" Contact Worcestershire HUB, Bromsgrove 01527 881288

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"İngilizce için yardıma ihtiyacınız var mı?" 01527 881288 numarayı arayıp Worcestershire HUB, Bromsgrove ile irtibata geçin

"ইংরেজির জন্য সাহায্য চাই?" 01527 881288 নম্বরে উস্টাশায়ার হাব [HUB] ব্রমসগ্রোভ [Bromsgrove]-এ টেলিফোন করুন

"ਅੰਗਰੇਜ਼ੀ ਵਿਚ ਮੱਦਦ ਚਾਹੁੰਦੇ ਹੋ?" ਫੁਰਸੈਸਟਰਸ਼ਾਇਰ ਹੱਬ [HUB] ਨੂੰ ਬਰੋਮਸਗ੍ਰੋ [Bromsgrove] ਵਿਖੇ 01527 881288 'ਤੇ ਟੈਲੀਫੋਨ ਕਰੋ

"انگریزی میں مدد چاہتے ہیں؟" ورسیسٹر شائر ہب [HUB]، برومزگرو [Bromsgrove] میں 01527 881288 پر رابطہ کریں



**Bromsgrove  
District Council**

[www.bromsgrove.gov.uk](http://www.bromsgrove.gov.uk)

### **Legal, Equalities and Democratic Services**

Bromsgrove District Council, The Council House, Burcot Lane, Bromsgrove, Worcestershire B60 1AA.

Telephone: (01527) 881288, Fax: (01527) 881414, DX: 17279 Bromsgrove

e-mail: [scrutiny@bromsgrove.gov.uk](mailto:scrutiny@bromsgrove.gov.uk)



### REVIEW OF THE CONSTITUTION

Relevant Portfolio Holder	Cllr Denaro
Portfolio Holder Consulted	Yes
Relevant Head of Service	Claire Felton, Head of Legal, Equalities and Democratic Services
Ward(s) Affected	All
Ward Councillor(s) Consulted	N/A
Key Decision / Non-Key Decision	Non-key

#### **1. SUMMARY OF PROPOSALS**

- 1.1 This report asks the Council to consider proposed changes to the Constitution arising from recommendations of a working group, which met in the months preceding the elections.

#### **2. RECOMMENDATIONS**

It is recommended that

- 2.1 The work of the Standards Committee is merged with that of the Audit Board with immediate effect and is called the Audit, Standards and Governance Committee;
- 2.2 The terms of reference of the Audit, Standards and Governance Committee be agreed as enclosed at appendix 1;
- 2.3 the Decision-making structure, size and quorum of committees be as set out in appendix 2;
- 2.4 the terms of reference for the Appointments and Appeals Panels and the Officer Employment Procedure rules be approved as set out in appendix 3;
- 2.5 the Council procedure rules at appendix 4 be approved for implementation from the next meeting of the Council, whether Ordinary or Extraordinary;
- 2.6 the Cabinet Procedure Rules at appendix 5 be approved for implementation from the next meeting of the Cabinet;
- 2.7 the Civic Head and Deputy Civic Head roles be removed from the Council's constitution and the responsibilities for civic duties be included within the role description for the Chairman and Vice Chairman of the Council as set out in appendix 6;

- 2.8 the political balance of committees arising from the implementation of the changes and attached at appendix 7 be approved and group leaders appoint to places on each committee accordingly;
- 2.9 following the introduction of public speaking and the ability for members of the public to present petitions at meetings of the council, the petition scheme be removed from the constitution with immediate effect, to be replaced with a protocol for the handling of petitions;
- 2.10 the Head of Legal, Equalities and Democratic Services be authorised to make any consequential changes to the Council's constitution arising from this report.
- 2.11 the principle of substitute members on the Planning and Licensing Committees undertaking the same training as the full members of the Committee be approved;
- 2.12 that in view of further proposals for changes to the constitution being raised, a working group consisting of the Leader and Deputy Leader of the Council and leaders of the other political groups on the Council be established to review the constitution and report back to the Council at future meetings.

### 3. **KEY ISSUES**

#### **Financial Implications**

- 3.1 The Council reduced in size from 39 to 31 members following the local elections in May this year. If the proposal to merge the Audit Board and Standards Committee is approved, this will save £1000 per year in the Members allowances budget because of the reduction in the number of Special Responsibility Allowances.

#### **Legal Implications**

- 3.3 The Council is required by law to maintain a constitution which sets out how the Council makes decisions.

#### **Service / Operational Implications**

- 3.4 In 2014 a small working group was set up to review the Constitution. The membership comprised the Leader, Deputy Leader and Group Leaders from the Labour and Independent Alliance political groups. The Chief Executive and Head of Legal, Equalities and Democratic Services supported the work of the Group.
- 3.5 The Group concentrated on the following issues:

- Decision-making structure and Size of committees – arising from the change in the size of the Council;
  - Council procedure rules – the aim being to make these clearer and to review the content of the Council meeting to try and encourage more constructive behaviour and outcomes.
- 3.6 Prior to carrying out the review, the Independent Person for the Council provided an overview of the operation of full Council, in particular the relationship between Councillors and the impact this had on the running of the meeting. The Group took the Independent Person's observations and recommendations into account during the review.
- 3.7 Whilst the members of the Group reached consensus on most of the proposals in this report, there were a few areas where this was not possible:
- Some members proposed that it should be a constitutional requirement for the Chairman of the Audit, Standards and Governance Committee not to be a member of the controlling group on the Council;
  - In the Procedure Rules, some members considered that at Council meetings Councillors should be able to ask a supplementary question arising from a Question on notice.

#### **Decision –making structure – Standards Committee**

- 3.8 The arrangements for dealing with Standards – the Code of Conduct and complaints about conduct of Parish and District Councillors – changed in 2012 under the Localism Act. Emphasis is now placed on early resolution of issues and fewer formal hearings. Since then, the workload of the Standards Committee has reduced – 2 out of 4 planned meetings in 2014-15 were cancelled.
- 3.9 The Working Group considered that the work of the Standards Committee remains important to the good governance of the Council but could be merged with another and that it would be most appropriate for it to be with the audit function. The Group recommends that the new Committee is called the Audit, Standards and Governance Committee. Proposed terms of reference are enclosed at Appendix 1.
- 3.10 As a consequence of the merging of the standards responsibilities into the one committee, it is recommended that the new Committee reviews the arrangements for standards hearings at an early meeting.
- 3.11 In addition, the group recommends that the new Committee maintains a “watching brief” of the democratic governance of the Council and this has been included in the summary of the duties of the Committee.
- 3.12 Whilst the Group agreed to recommend the new terms of reference to the Council, it did not agree on the chairing arrangements for this committee. Some

members considered that it should be a constitutional requirement for the committee to be chaired by a Councillor not from the controlling group. This approach was not agreed so is not shown in the draft terms of reference.

#### **Decision – making structure – size of Committees etc**

- 3.13 The recommended structure is enclosed at appendix 2. Apart from the merger of the Audit Board and Standards Committee, this is unchanged from last year.
- 3.14 The recommended size of Committees and Boards has been reduced from last year to reflect the reduction in the number of Councillors. However, the Group has noted that this is likely to lead to a demanding workload for Councillors, who may be appointed to two or more Committees.
- 3.15 The Group also considered the Quorum of Committees. Currently this is set at one quarter of the number of members. The groups considered that with the smaller number on each Committee this could be perceived as too small, particularly for the regulatory committees. It has therefore proposed that for each committee the quorum is increased from this figure to approximately half of the membership of each body. The recommended quorum is shown on the diagram in brackets.
- 3.16 Immediately prior to the elections the Local Authorities (Standing Orders) (England) (Amendment) Regulations were published and came into force immediately. These require the Council to change certain statutory standing orders for the discipline arrangements for the Chief Executive, Monitoring Officer and Chief Financial Officer (S101). Revised employment rules are enclosed at appendix 3; the content of these is set out in legislation and the Council is not able to change what is contained in them.
- 3.17 However, the Group proposes that instead of creating extra meetings/Panels to deal with this requirement, that current structures are amended to achieve this. Proposed terms of reference are enclosed at appendix 3. In short, it is proposed that the Council appoints to one Committee which will either sit as the appointments or Senior officers Disciplinary Panel. The Appeals Panel will remain as a separate body.

#### **Council Procedure Rules**

- 3.18 The Procedure rules have been reviewed with the aim of making them clearer.
- 3.19 The list below summarises the main changes that the Working Group has recommended:
- Increasing the quorum required for a Council meeting to proceed from 8 to 16;
  - Introducing an annual report from a portfolio holder at each Council meeting with the ability for Councillors to ask questions.
  - Introducing an opportunity for public participation at Council meetings;

- Enabling non-members of the Cabinet to speak at Cabinet meetings;
- Removing appointments to outside bodies from the Annual Council agenda – this item has been deferred in previous years due to the largely ceremonial nature of the Annual meeting;
- Simplifying definitions and the process for dealing with Notices of Motion and Questions.

The updated rules are enclosed at appendix 4 and the Council is asked to consider and approve these this evening. If approved, they will operate with effect from the next meeting of the Council – planned for 15<sup>th</sup> July. Where applicable they will also apply from the next meetings of each Committee this year.

- 3.20 In making the recommendations, the Group has tried to open up the decision-making process of the Cabinet, and Council in particular, to enhance the ability of all Councillors to participate at appropriate points. The introduction of a report from Portfolio holders increases the accountability of leading Councillors. It also gives them an opportunity to inform fellow Councillors and residents of important issues and developments in their areas of responsibility. The changes proposed to Questions and Notices of Motion aim to clarify the process and reduce the time spent on the administration of this by officers and the Councillors involved.
- 3.21 As referred to at paragraph 3.7 above, some members of the Group considered that procedure rule 9 (Questions from Councillors) should include the ability for a questioner to ask a supplementary question relating to the original question put. This was not agreed at the meetings of the Group so has not been included in the draft rules.

#### **Cabinet Procedure Rules**

- 3.22 The Working Group discussed the potential to enable non-members of the cabinet to speak at its meetings. The current procedure rules allow the following to speak:
- Members of the cabinet;
  - A member who has asked for an item to be included on the agenda for the cabinet meeting – to speak to that item;
  - The proposer and seconder of a motion which has been referred to the cabinet
- 3.23 The Group noted that the Leader has invited the Chairman of the Overview and Scrutiny Board to present recommendations and comments from the Board to the cabinet at its meetings. It also noted that other authorities allow non-members to speak at cabinet meetings to enable areas of concern or query to be addressed at the point the decision is being made.
- 3.24 The changes proposed to the Cabinet procedure rules at appendix 5 expand the list of those entitled to speak – but not vote - at cabinet meetings to include all

councillor non-members of the cabinet. The way in which this is handled at the meeting will be at the chairman's discretion – this will usually be the Leader.

#### **Substitute Members**

- 3.25 Currently the Council has a scheme for substitute members to attend meetings of a committee in the absence of a full member. In order that substitutes are able to fulfil this role most effectively, Council is asked to approve the principle that Councillors who are appointed as substitutes to the Planning and Licensing Committees (and sub-committees) will be trained.

#### **Chairman of the Council**

- 3.26 The Council reviewed the role of the Chairman in June 2011 and split the responsibilities between chairing the Council meetings and carrying out civic duties. The posts of Civic Head and Deputy Civic Head of the Council were introduced to undertake the civic aspects.
- 3.27 The Council Chairman receives an allowance of £4110 per year which increases at the same rate as any increases agreed for the level of basic allowance. The Civic Head does not receive an allowance but has access to a budget of £3,500 to meet incidental personal costs of the office. Both budgets were agreed at the time of the review in 2011. The Council also maintains a separate budget to support the costs of the civic role generally, such as paying for wreaths for Remembrance day, etc.
- 3.28 By law the Council must appoint a Chairman and Vice-Chairman at its Annual meeting. The Chairman's role as set out in law is to chair the Council meetings with the ability to exercise a casting vote.
- 3.29 The Working Group suggested that with immediate effect the chairing and civic roles could be combined once again. It is suggested that the Vice-Chairman could take on the majority of civic aspects of the role, in order that the Chairman can concentrate on ensuring that Council meetings and associated processes run smoothly and in accordance with the revised procedure rules.
- 3.30 The Group considered that the role of the Chairman of the Council is crucial in fostering positive working relationships across the Chamber and the office holder must be neutral when dealing with debate in the Council meetings. To support this role, the Group proposed that it should be a constitutional requirement that the Chairman cannot sit on Overview and Scrutiny Board or the Audit, Standards and Governance Committee.

#### **Other Issues**

- 3.31 The Working group was not able to consider other proposals for changes to the constitution; for example the Overview and Scrutiny Board asked it to consider including the procedures for task groups in the Board's procedure rules. Some members of the group would like to explore the possibility of including a

requirement for the chairman of the Overview and Scrutiny Committee to be a member not from the controlling group. Other aspects of the constitution have not been reviewed for some time and would benefit from updating. It is therefore suggested that the Group continues to meet in this municipal year to consider proposals for changes for onward recommendation to Council.

#### **4. Customer / Equalities and Diversity Implications**

There are no specific customer or equalities implications arising from this report.

#### **5. RISK MANAGEMENT**

4.1 In making the proposals in this report, the Working Group aimed to increase the ability for all councillors to be included in the decision-making processes of the Council.

4.2 Proposals to make some of the procedure rules less prescriptive than previously risk lengthening the Council meetings and making them less effective. To manage this, time limits are proposed for new elements such as public speaking and the operation of this will be kept under review. Also, the proposal to enable all members to speak at Cabinet meetings should reduce the demand to ask questions of clarification at subsequent Council meetings when the minutes are received.

#### **5. APPENDICES**

1. Terms of reference and procedure rules for Audit, Standards and Governance Committee;
2. Decision-making structure chart;
3. Officer employment procedure rules; terms of reference of the Appointments/Statutory Officer Disciplinary Action Panel; and Appeals Panel
4. Council procedure rules;
5. Cabinet procedure rules
6. Proposed role descriptions for Chairman and Vice-Chairman of the Council
7. Proposed political balance of Committees etc

#### **6. BACKGROUND PAPERS**

Report to Council, 22<sup>nd</sup> June 2011, regarding the review of Council Chairman and Vice-Chairman.

#### **7. KEY**

#### **AUTHOR OF REPORT**

Name: Sheena Jones

email: [sheena.jones@bromsgroveandredditch.gov.uk](mailto:sheena.jones@bromsgroveandredditch.gov.uk) Tel.: 01527 548240

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### Audit, Standards and Governance Committee

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

	<p>d. The review of the annual statement of accounts, confirming the appropriate accounting policies have been followed, including the external auditor's report to those charged with governance on issues arising from the audit of the accounts.</p> <p><u>Appointment of External Auditors</u></p> <p>e. To arrange the recruitment and operation of the Council's Auditor Panel, in accordance with the requirements of the Audit and Accountability Act 2014.</p> <p><u>Standards</u></p> <p>f. Promote and maintain high standards of conduct by Councillors and any co-opted members of Council bodies.</p> <p>g. Assist Councillors and co-opted members to observe the Members' Code of Conduct.</p> <p>h. Advise the Council on the adoption or revision of the Members' Code of Conduct.</p> <p>i. Monitor the operation of the Members' Code of Conduct.</p> <p>j. Advise, train or arrange to train Councillors and co-opted members on matters relating to the Members' Code of Conduct.</p> <p>k. Formulate advice for Members and officers on declarations of gifts and hospitality and monitor and review the arrangements for recording interests, gifts and hospitality.</p> <p>l. Grant dispensations to Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct.</p> <p>m. For both District and Parish Councils, deal with any report from the Monitoring Officer following an investigation into a complaint concerning the Members' Code of Conduct (statutory requirement).</p> <p>n. For both District and Parish Councils, consider and determine allegations that a Councillor or</p>
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## Appendix 1

	<p>co-opted Councillor may have failed to follow the Code of Conduct and where a breach of the Code is established, impose sanctions as delegated by full Council or make recommendations as to any sanctions to the appropriate person or body (statutory requirement).</p> <p>o. Monitor and review the operation of the Protocol on Member-Officer relations.</p> <p>p. Monitor and review the operation of the Protocol on Member-Member relations.</p>
Special provisions as to the Chairman	None
Whipping arrangements	The party whip must not be applied
Substitutes	<p>Trained substitutes are permitted</p> <p>A nominated trained substitute is permitted for the Co-opted Non-voting Parish Representative (who shall not be a member of the same Parish Council as either of the Parish members).</p>
Officer attendance	S151 Officer, Monitoring Officer and Audit Services Manager or their deputies <i>are</i> expected to attend each meeting
Special provisions as to membership	<p>Only those Councillors who have undertaken appropriate training may sit on the Audit, Standards and Governance Committee.</p> <p>Quasi-judicial meetings training will be required before members sit on hearings.</p>

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## **AUDIT, STANDARDS AND GOVERNANCE COMMITTEE PROCEDURE RULES – DRAFT**

### **1. Role of the Audit, Standards and Governance Committee**

- 1.1 The Council has established an Audit, Standards and Governance Committee.
- 1.2 The Committee works independently of the Council's Executive and Scrutiny to provide assurance to the Council on the effectiveness of its governance arrangements .
- 1.3 The ultimate responsibility for audit rests with the Portfolio Holder with responsibility for finance and the Section 151 Officer. Therefore the Audit, Standards and Governance Committee can make informed recommendations but it is not the role of the Committee to be a substitute for management of Internal Audit.
- 1.4 The Audit, Standards and Governance Committee does not have the power to make decisions with regard to Internal Audit or to direct officers with regard to Internal Audit.
- 1.5 The Committee shall work in partnership with the Council's Monitoring Officer, Deputy Monitoring Officer, Leaders of the Political Groups and the Portfolio Holder with responsibility for corporate governance to support the promotion and maintenance of high standards of conduct by Councillors and co-opted members of Council bodies.

### **2. Terms of Reference**

- 2.1 The terms of reference of the Audit, Standards and Governance Committee are as follows:

To provide independent assurance to the Council in relation to:

- a. The effectiveness of the Council's governance arrangements, risk management framework and internal control environment, including overseeing:
  - Risk management strategies;
  - Anti-fraud arrangements;
  - Whistle-blowing strategies;
  - Internal and external audit activity
  - Democratic Governance

### Appendix 1A

- b. the effectiveness of the Council's financial and non-financial performance to the extent it affects exposure to risk and poor internal control;
- c. the annual governance statement.
- d. The review of the annual statement of accounts, confirming the appropriate accounting policies have been followed, including the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

#### Appointment of External Auditors

- e. To arrange the recruitment and operation of the Council's Auditor Panel and to recommend the appointment of external auditors in accordance with the requirements of the Audit and Accountability Act 2014.

#### Standards

- f. Promote and maintain high standards of conduct by Councillors and any co-opted members of Council bodies.
- g. Assist Councillors and co-opted members to observe the Members' Code of Conduct.
- h. Advise the Council on the adoption or revision of the Members' Code of Conduct.
- i. Monitor the operation of the Members' Code of Conduct.
- j. Advise, train or arrange to train Councillors and co-opted members on matters relating to the Members' Code of Conduct.
- k. Formulate advice for Members and officers on declarations of gifts and hospitality and monitor and review the arrangements for recording interests, gifts and hospitality.
- l. Grant dispensations to Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct.
- m. For both District and Parish Councils, deal with any report from the Monitoring Officer following an investigation into a complaint concerning the Members' Code of Conduct.

### Appendix 1A

- n. For both District and Parish Councils, consider and determine allegations that a Councillor or co-opted Councillor may have failed to follow the Code of Conduct and where a breach of the Code is established, impose sanctions as delegated by full Council or make recommendations as to any sanctions to the appropriate person or body.
  - o. Monitor and review the operation of the Protocol on Member-Officer relations.
  - p. Monitor and review the operation of the Protocol on Member-Member relations.
- 2.2 Within those terms of reference, the Audit, Standards and Governance Committee will:

#### Audit

- a. agree the annual and strategic audit plans;
- b. review Internal Audit's progress against the audit plan and consider Internal Audit performance measures;
- c. receive and consider a summary of work undertaken by Internal Audit since the last meeting, plus current status;
- d. receive and consider executive summaries of financial process/procedures;
- e. receive and consider executive summaries of Value For Money reports;
- f. receive and consider executive summaries of contract audit reports;
- g. receive and consider executive summaries of any special investigations undertaken by Internal Audit.
- h. receive and consider a chronological summary of Internal Audit reports awaiting departmental response and address any evident problems.
- i. monitor the proportion of key recommendations actioned since the previous meeting.
- j. consider all external audit reports including the Annual Audit Letter.

#### Standards

- k. deal with any report from the Monitoring Officer following an investigation into a complaint concerning the Members' Code of Conduct.
- l. through the operation of a Hearings Sub-Committee, consider and determine allegations that a Councillor or co-opted member may have failed to follow the Code of Conduct and where a breach of the Code is established impose sanctions as delegated by Full Council or make recommendations as to any sanctions to the appropriate person or body.
- m. the exercise of k – l above in relation to the Parish Councils in the Council's area and the members of those Parish Councils.

### **3. Composition**

- 3.1 The Audit, Standards and Governance Committee will comprise 9 Councillors. All Councillors except members of the Cabinet may be members of the Audit, Standards and Governance Committee.
- 3.2 The Portfolio Holder with responsibility for finance shall be expected to attend each meeting of the Audit, Standards and Governance Committee. He/she may participate in the meeting but may not vote.

### **4. Co-optees**

- 4.1 The Audit, Standards and Governance Committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees of the Committee.
- 4.2 The Audit, Standards and Governance Committee will include among its membership 2 Parish Representatives, who may not also be District Councillors.

### **5. Chairman**

At its first meeting following the Annual Council Meeting the Audit and Governance Committee will:



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- a. appoint one of its members as Chairman; and
- b. appoint one of its members as Vice-Chairman.

#### **6. Meetings of the Audit, Standards and Governance Committee**

- 6.1 There shall be at least 4 ordinary meetings of the Audit, Standards and Governance Committee in each year.
- 6.2 Extraordinary meetings may be called from time to time as and when appropriate.
- 6.3 A meeting of the Audit, Standards and Governance Committee may be called by the Chairman of the Committee, by any 4 members of the Audit, Standards and Governance Committee or by the Chief Executive or Monitoring Officer if he/she considers it necessary or appropriate.
- 6.4 Where a Member of the Audit, Standards and Governance Committee is unable to attend a meeting of the Committee a trained substitute may to attend in his or her place.

#### **7. Quorum**

The quorum for a meeting of the Audit, Standards and Governance Committee shall be 5 voting members.

#### **8. Attendance of officers at meetings**

- 8.1 The Section 151 Officer or his/her deputy shall be expected to attend each meeting of the Audit, Standards and Governance Committee.
- 8.2 The Monitoring Officer or his/her deputy shall be expected to attend each meeting of the Audit, Standards and Governance Committee.
- 8.3 The Audit Services Manager or his/her deputy shall be expected to attend each meeting of the Audit, Standards and Governance Committee.

#### **9. Participation in Meetings**

No member of the Audit, Standards and Governance Committee may be involved in the consideration of a decision in which he/she has been

### Appendix 1A

directly involved. If any member of the Audit, Standards and Governance Committee finds that a decision in which he/she has been directly involved is to be considered, he/she shall declare the fact to the Committee and take no part in the discussion and voting in the part of the meeting which relates to that decision.

#### **10. Work Programme**

- 10.1 The Audit, Standards and Governance Committee will be responsible for setting its own work programme and in doing so shall take into account of:
- a. the views of members of the Audit, Standards and Governance Committee who are not members of the largest political group on the Council;
  - b. suggestions of matters for consideration made by the Cabinet;
  - c. suggestions of matters for consideration made by the Council;
  - d. the views of the Auditor Panel regarding the maintenance of an independent relationship with the local auditor appointed to audit the Council's accounts.

#### **11. Procedure at Audit, Standards and Governance Committee meetings**

The Audit, Standards and Governance Committee shall at each meeting consider the following business:

- a. consideration of the accuracy of the minutes of the last meeting;
- b. declarations of interest;
- c. responses of the Cabinet to reports of the Audit, Standards and Governance Committee; and
- d. matters set out on the agenda for the meeting in accordance with paragraph 12 below.

#### **12. Agenda items**

- 12.1 Any member of the Audit, Standards and Governance Committee shall be entitled to give notice to the Section 151 Officer or Monitoring Officer that

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he/she wishes an item relevant to the functions of the Audit, Standards and Governance Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request the Section 151 Officer or Monitoring Officer will ensure that it is included on the next available agenda.

12.2 Where a matter is referred to the Audit, Standards and Governance Committee by the Council, it shall be considered at either the first or second ordinary meeting of the Committee following the referral.

12.3 The Audit, Standards and Governance Committee shall also respond, as soon as its work programme permits, to requests from the Council or the Cabinet to review particular areas of Council activity. The Audit, Standards and Governance Committee shall report its findings and any recommendations back to Council or Cabinet (as appropriate).

### **13. Investigations and Enquiries**

The Audit, Standards and Governance Committee may

- a. hold enquiries and investigate the available options for the future direction of Internal Audit and may appoint advisers and assessors to assist them in this process;
- b. conduct site visits, conduct public surveys, hold public meetings, commission research and do all other things that it reasonably considers necessary to inform the Audit, Standards and Governance Committee in its deliberations;
- c. invite witnesses to attend to address the Audit, Standards and Governance Committee on any matter under consideration;
- d. pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so, provided that any budget set by the Council each year for such purposes is not exceeded.

### **14. Members and officers giving account**

14.1 The Audit, Standards and Governance Committee may review internal control mechanisms and systems that exist in any Council department. As well as reviewing documentation, in fulfilling its terms of reference, it may require any member of the Cabinet, the Chief Executive and/or any senior officer to attend before it to explain in relation to matters within their remit:

- a. any particular decision or series of decisions;

### Appendix 1A

- b. the extent to which the actions taken implement Council policy; and/or
  - c. his/her performance
- and it is the duty of those persons to attend if so required.
- 14.2 If any Councillor or officer is required to attend meetings of the Audit, Standards and Governance Committee under this provision, the Councillor or officer will be given reasonable notice in writing of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Audit, Standards and Governance Committee. Where the account to be given to the Audit, Standards and Governance Committee will require the production of a report, then the Councillor or officer concerned will be given sufficient notice to allow for preparation of that documentation
- 14.3 If the Councillor or officer is unable to attend on the required date, the Audit, Standards and Governance Committee shall in consultation with the Councillor or officer arrange an alternative date for attendance.
- 15. Attendance by others**
- 15.1 The Audit, Standards and Governance Committee may invite people other than those people referred to in paragraph 14 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend. The person invited will be given reasonable notice and the notice will state the nature of the item on which he/she is invited to attend and whether any papers are requested.
- 15.2 If the Audit, Standards and Governance Committee is to consider a motion referred to it by the Council meeting, the proposer and seconder of the motion shall (if they are not members of the Audit, Standards and Governance Committee) have the right to attend the relevant meeting and to explain the reasons for their motion, although they may not propose, second or vote on recommendations by the Committee which arise from that motion.
- 15.3 If the Audit, Standards and Governance Committee invites a person to address a meeting or to give evidence, the following principles will be observed:

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- a. the investigation will be conducted fairly and all members of the Audit, Standards and Governance Committee will be given the opportunity to ask questions of attendees, and to contribute and speak;
- b. those assisting the Audit, Standards and Governance Committee by giving evidence will be treated with respect and courtesy; and
- c. the investigation will be conducted so as to maximise the efficiency of the investigation or analysis.

### **16. Reports from Audit, Standards and Governance Committee**

- 16.1 Once it has formed recommendations on proposals for development, the Audit, Standards and Governance Committee will make its findings public and will report to the Cabinet.
- 16.2 The Audit, Standards and Governance Committee may report directly to full Council where the Section 151 Officer, the Monitoring Officer and/or Internal Audit Shared Services Manager advises the Audit, Standards and Governance Committee that it is appropriate to do so.
- 16.3 If the Audit, Standards and Governance Committee cannot agree on one single final report to the Council or Cabinet as appropriate, then no more than one minority report may be prepared and submitted for consideration by the Council or Cabinet with the majority report.
- 16.4 The Council or the Cabinet shall consider the report of the Audit, Standards and Governance Committee within two months of it being submitted.

### **17. Consideration of Audit, Standards and Governance Committee Reports by the Cabinet**

The agenda for Cabinet meetings shall include an item at which minutes and/or reports of the Audit, Standards and Governance Committee will be considered. The minutes and/or reports of the Audit, Standards and Governance Committee referred to the Cabinet shall be included at this point in the agenda (unless they have been considered in the context of the Cabinet's deliberations on a substantive item on the agenda).

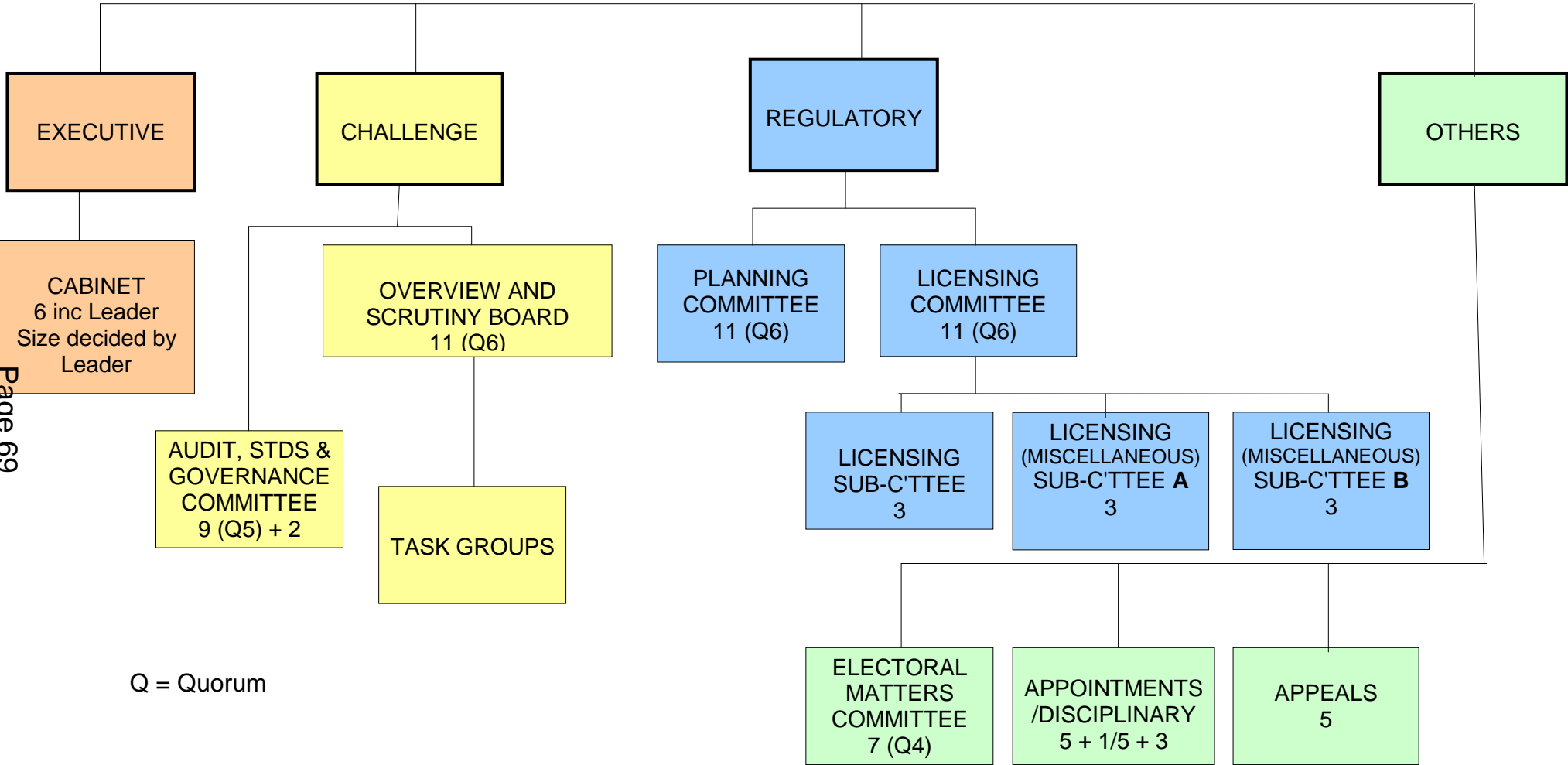
### **18. The party whip**

The party whip must not be applied at Audit, Standards and Governance Committee meetings.

#### 19. Finance.

The Audit, Standards and Governance Committee may exercise overall responsibility for any finances made available to it.

**COUNCIL**  
31



Q = Quorum





## OFFICER EMPLOYMENT PROCEDURE RULES

### Definitions

*(Mandatory provisions to be incorporated – The Local Authorities (Standing Orders) Regulations 2001(as amended) Schedule I Part II)*

1. In this Part:
  - "the 1989 Act" means the Local Government and Housing Act 1989;
  - "the 2000 Act" means the Local Government Act 2000;
  - "disciplinary action" has the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001(as amended);
  - "executive" and "executive leader" have the same meaning as in Part II of the 2000 Act;
  - "member of staff" means a person appointed to or holding a paid office or employment under the authority; and
  - "proper officer" means an officer appointed by the authority for the purposes of the provisions in this Part.

### Appointment and Dismissal of Staff

2. Subject to paragraphs 3 and 7, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the authority must be discharged, on behalf of the authority, by the officer designated under section 4(1) of the 1989 Act (designation and reports of head of paid service) as the head of the authority's paid service or by an officer nominated by him.
3. Paragraph 2 shall not apply to the appointment or dismissal of, or disciplinary action against:
  - (a) the officer designated as the head of the authority's paid service;
  - (b) a statutory chief officer within the meaning of section 2(6) of the 1989 Act (politically restricted posts);
  - (c) a non-statutory chief officer within the meaning of section 2(7) of the 1989 Act;
  - (d) a deputy chief officer within the meaning of section 2(8) of the 1989 Act; or
  - (e) a person appointed in pursuance of section 9 of the 1989 Act (assistants for political groups).
4. (1) Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the appointment of an officer designated as the head of the authority's paid service, the

### PART 13

authority must approve that appointment before an offer of appointment is made to that person

(1A) Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the dismissal of an officer designated as the head of the authority's paid service, as the authority's chief finance officer, or as the authority's monitoring officer, the authority must approve that dismissal before notice is given to that person.

(2) Where a committee or a sub-committee of the authority is discharging, on behalf of the authority, the function of the appointment or dismissal of any officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3, at least one member of the executive must be a member of that committee or sub-committee.

5. (1) In this paragraph, "appointer" means, in relation to the appointment of a person as an officer of the authority, the authority or, where a committee, sub-committee or officer is discharging the function of appointment on behalf of the authority, that committee, sub-committee or officer, as the case may be.

(2) An offer of an appointment as an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3 must not be made by the appointer until:

(a) the appointer has notified the proper officer of the name of the person to whom the appointer wishes to make the offer and any other particulars which the appointer considers are relevant to the appointment;

(b) the proper officer has notified every member of the executive of the authority of:

i. the name of the person to whom the appointer wishes to make the offer;

ii. any other particulars relevant to the appointment which the appointer has notified to the proper officer; and

iii. the period within which any objection to the making of the offer is to be made by the executive leader on behalf of the executive to the proper officer; and

(c) either:

i. the executive leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the

### PART 13

appointer that neither he nor any other member of the executive has any objection to the making of the offer;

- ii. the proper officer has notified the appointer that no objection was received by him within that period from the executive leader; or
- iii. the appointer is satisfied that any objection received from the executive leader within that period is not material or is not well-founded.

6. (1) In this paragraph, "dismissor" means, in relation to the dismissal of an officer of the authority, the authority or, where a committee, sub-committee or another officer is discharging the function of dismissal on behalf of the authority, that committee, sub-committee or other officer, as the case may be.

(2) Notice of the dismissal of an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3 must not be given by the dismissor until:

(a) the dismissor has notified the proper officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;

(b) the proper officer has notified every member of the executive of the authority of:

- i. the name of the person who the dismissor wishes to dismiss;
- ii. any other particulars relevant to the dismissal which the dismissor has notified to the proper officer; and
- iii. the period within which any objection to the dismissal is to be made by the executive leader on behalf of the executive to the proper officer; and

(c) either:

i. the executive leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the dismissor that neither he nor any other member of the executive has any objection to the dismissal;

ii. the proper officer has notified the dismissor that no objection was received by him within that period from the executive leader; or

### PART 13

- iii. the dismissor is satisfied that any objection received from the executive leader within that period is not material or is not well-founded.
7. Nothing in paragraph 2 shall prevent a person from serving as a member of any committee or sub-committee established by the authority to consider an appeal by:
- (a) another person against any decision relating to the appointment of that other person as a member of staff of the authority; or
  - (b) a member of staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

#### **Disciplinary Action**

*(Mandatory provisions to be incorporated – The Local Authorities (Standing Orders) Regulations 2001 (as amended) Schedule 3)*

8. In the following paragraphs –
- (a) “the 2011 Act” means the Localism Act 2011;
  - (b) “chief finance officer”, “disciplinary action”, “head of the authority’s paid service” and “monitoring officer” have the same meaning as in regulation 2 of the Local Authorities Standing Orders)(England) Regulations 2001;
  - (c) “independent person” means a person appointed under section 28(7) of the 2011 Act;
  - (d) “local government elector” means a persons registered as a local government elector in the register of electors in the authority’s area in accordance with the Representation of the People Acts;
  - (e) “the Panel” means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;
  - (f) “relevant meeting” means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and

### PART 13

(g) “relevant officer” meant the chief finance officer, head of the authority’s paid service or monitoring officer , as the case may be.

9. A relevant officer may not be dismissed by an authority unless the procedure set out in the following paragraphs is complied with.
10. The authority must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.
11. In paragraph 10 “relevant independent person” means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considered appropriate.
12. Subject to paragraph 13, the authority must appoint to the Panel such relevant independent persons who have accepted an invitation in accordance with paragraph in accordance with the following priority order-
  - (a) a relevant independent person who has been appointed by the authority and who is a local government elector;
  - (b) any other relevant independent person who has been appointed by the authority;
  - (c) a relevant independent person who has been appointed by another authority or authorities.
13. An authority is not required to appoint more than two relevant independent persons in accordance with paragraph 12 but may do so.
14. The authority must appoint any Panel at least 20 working days before the relevant meeting.
15. Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular\_
  - (a) Any advice, views or recommendations of the Panel;
  - (b) The conclusions of any investigation into the proposed dismissal; and
  - (c) Any representations from the relevant officer.
16. Any remuneration, allowance of fees paid by the authority to an independent person appointed to the Panel must not exceed the level

### PART 13

of remuneration, allowance or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act.

#### **Declarations – relatives of existing councillors and officers**

17. The Council will draw up a statement requiring any candidate for appointment as an Officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or Officer of the Council; or of the partner of such persons.
18. No candidate so related to a Councillor or an Officer will be appointed without the authority of the relevant Chief Officer or an Officer nominated by him/her.

#### **Seeking support for appointment**

19. The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
20. No Councillor will seek support for any person for any appointment with the Council.

#### **Recruitment of Head of Paid Service and Chief Officers**

21. Where the Council proposes to appoint a chief officer (within the meaning of the Local Authorities (Standing Orders) Regulations 1993) and it is not proposed that the appointment be made exclusively from among their existing officers, the Council shall—
  - (a) draw up a statement specifying—
    - (i) the duties of the officer concerned; and
    - (ii) any qualifications or qualities to be sought in the person to be appointed;
  - (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
  - (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.
22. (1) Where a post has been advertised as provided in rule 15(b), the Council shall—

### PART 13

- (a) interview all qualified applicants for the post, or
  - (b) select a short list of such qualified applicants and interview those included on the short list.
- (2) Where no qualified person has applied, the Council shall make further arrangements for advertisement in accordance with rule 15(b).
23. The steps under rule 21 or 22 above may be taken by a committee, sub-committee or chief officer of the Council;
24. Any chief officer may be appointed by the Council, a committee or sub-committee of the authority or a relevant joint committee.
25. Where the duties of a chief officer include the discharge of functions of two or more local authorities under section 101(5) of the Local Government Act 1972
- (a) the steps under rule 21 or 22 above may be taken by a joint committee of those authorities, a sub-committee of that committee or a chief officer of any of the authorities concerned; and
  - (b) any chief officer may be appointed by such a joint committee, a sub-committee of that committee or sub-committee of any of those authorities.

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### APPOINTMENTS COMMITTEE

Number of Members	6 made up of 5 members of Bromsgrove District Council and the Leader of Redditch Borough as co-optee
Politically Balanced Y/N	Y
Quorum	6
Procedure Rules applicable	Officer Employment Procedure Rules and Council Procedure Rules and applicable Council Procedure Rules
Terms of Reference	<p>a. To consider and recommend to Council matters relating to the appointment of the Head of Paid Service (Chief Executive), Monitoring Officer, Section 151 Officer and Chief Officers as defined in the Local Authorities (Standing Orders) Regulations 2001;</p> <p>b. For the same officers but excluding the head of paid service, monitoring officer and chief finance officer, to consider and decide on matters relating to disciplinary action.</p>
Provisions relating to appointment of Chairman	None
Special provisions as to membership	When considering the appointment or of the Head of Paid Service, monitoring officer or chief finance office, or the appointment or dismissal of the other Chief Officers defined in paragraph 3 of the Officer Employment

# Agenda Item 9

## Appendix 3A

	<p>Procedure Rules, one member of the Panel must be a member of the Cabinet (paragraph 4 (2) of the Rules).</p> <p>Only those Councillors who have undertaken appropriate training may sit on the Appointment Committee..</p> <p>The Shared Service arrangements between Bromsgrove District and Redditch Borough Councils require the Chief Executive, Monitoring Officer, Section 151 officer and other Chief Officers to carry out work for both authorities. In the light of this the Leader of Redditch Borough Council will be co-opted onto the Appointments Panel as a non-voting member.</p>
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### STATUTORY OFFICERS DISCIPLINARY ACTION PANEL

Number of Members	8 made up of 5 District Council Members, 2 Independent Persons with voting rights and the Leader of Redditch Borough Council as co-optee
Politically Balanced Y/N	Y
Quorum	7
Procedure applicable	Rules Officer Employment Procedure Rules (incorporating the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015) and applicable Council Procedure Rules
Terms of Reference	In relation to disciplinary action affecting the statutory posts of head of the authority's paid service, monitoring officer and chief finance officer, to consider the issues, including the conclusions of any investigation, and make recommendations to Full Council as to dismissal or alternative action.
Special provisions as to the Chairman	None
Officer attendance	When meeting to determine an issue relating to disciplinary action the committee will be supported by independent external legal advisors.

# Agenda Item 9

## Appendix 3A

<p>Special provisions as to membership</p>	<p>The shared service arrangements between Bromsgrove District and Redditch Borough Councils require the Chief Executive, Monitoring Officer, Section 151 officer and other Chief Officers to carry out work for both authorities. In the light of this the Leader of Redditch Borough Council will be co-opted onto the Committee as a non-voting member.</p> <p>Only those Councillors who have undertaken appropriate training may sit on the Statutory Officers Disciplinary Action Panel.</p>
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**APPEALS PANEL**

Number of Members	5
Politically Balanced Y/N	Y
Quorum	3
Procedure applicable	Rules Applicable Council Procedure Rules
Terms of Reference	To hear, consider and determine appeals in accordance with the Council's policies and procedures
Special provisions as to the Chairman	None
Special provisions as to membership	Only those Councillors who have undertaken appropriate training may sit on the Appeals Panel.

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## Bromsgrove District Council

### Procedure Rules

#### Index

Items marked with # also apply to Committee and Board meetings

Items marked with \* cannot be suspended

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## Appendix 4

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### Bromsgrove District Council

#### Procedure Rules for Council and Committee Meetings from May 2015

##### **1. Introduction**

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

##### **2. Annual Meeting of the Council**

Quorum: 16

- 2.1 In a year when there are ordinary elections the Annual Meeting will be held within 21 days of the retirement of the outgoing Councillors. In any other year, the Annual Meeting will take place in May. The meeting will usually start at 6.00pm.
- 2.2 The Annual Meeting will:
  - (a) elect a person to preside if the Chairman and Vice-Chairman are not present;
  - (b) elect the Chairman of the Council;
  - (c) elect the Vice-Chairman of the Council;
  - (d) receive any declarations of interest from Councillors;
  - (e) approve the minutes of the last meeting;
  - (f) receive any announcements from the new Chairman and/or the Chief Executive;
  - (g) in the year of ordinary elections of Councillors, or when there is a vacancy, elect the Leader;
  - (h) agree:
    - (i) the terms of reference of,
    - (ii) size and

## Appendix 4

(iii) appoint to, in accordance with political balance rules,

Committees and Boards as appropriate to deal with matters which are not functions of the Council or Cabinet;

- (i) agree the scheme of delegation;
- (j) consider other business required by legislation;
- (k) to consider any business set out in the notice for the meeting.

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

Quorum: 16

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

3.2 Ordinary meetings will:

- (a) Elect a person to preside if the Chairman and Vice-Chairman are not present;
- (b) Receive any declarations of interest from Councillors;
- (c) Approve the minutes of the last meeting;
- (d) receive any announcements from the Chairman and/or the Chief Executive;
- (e) receive any announcements from the Leader of the Council (*see also Procedure rule 14*);
- (f) receive comments, questions or petitions from members of the public and/or from Councillors on their behalf, in accordance with procedure rule 8;
- (g) deal with any business from the previous Council meeting;
- (h) deal with questions on notice from members of the Council in the order in which they have been received, in accordance with procedure rule xx;
- (i) receive minutes and/or reports from the Audit, Standards and Governance Committee;

## Appendix 4

- (j) consider reports and/or recommendations from the Cabinet. These may be presented as minutes of recent meetings of the Cabinet which contain recommendations and are also used to report on recent activity;
- (k) consider recommendations from any other Committees of the Council which require approval;
- (l) receive nominations and make appointments to outside bodies, except where appointment to the bodies has been delegated by Council or can be carried out only by the Cabinet. Details of ex-officio appointments will be set out in the agenda.
- (m) receive and consider reports from officers of the Council;
- (n) Receive and consider an annual report from one Portfolio Holder in accordance with Procedure rule 20;
- (o) Once a year, receive and consider an annual report from the Overview and Scrutiny Board about the work carried out by that Board, presented by its Chairman;
- (p) Once a year, receive and consider an annual report from the Audit, Standards and Governance Committee about the work carried out by that Committee, presented by its Chairman;
- (q) receive reports about activities of joint bodies to which the Council belongs, or other external organisations of interest to the District and ask questions about the report;
- (r) consider motions in the order in which they have been received, in accordance with procedure rule 10;
- (s) Consider any other business set out in the agenda;
- (t) To consider any urgent business not included in the agenda in accordance with legal requirements and subject to agreement with the Chairman prior to the meeting.
- (u) Other than items under paragraphs (a) – (c) the order of business may be varied by the Chairman or by Council resolution.

## Appendix 4

### **4. Extraordinary (“Special”) Meetings of the Council**

Quorum: 16

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

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

- (a) the Council by resolution;
- (b) the Chairman of the Council;
- (c) the Monitoring Officer;
- (d) the Chief Financial Officer
- (e) any 5 members of the Council if they have signed a notice presented to the Chairman asking him/her to call an Extraordinary meeting.

4.2 Business to be carried out at an Extraordinary meeting should:

- (a) Be about a matter for which the Council is responsible or affects the District of Bromsgrove;
- (b) Not be substantially the same as a question or issue which has been put at a meeting of the Council in the past 6 months;
- (c) Relate to the budget and policy framework; or
- (d) Relate to functions undertaken by the Council; or
- (e) Not be business which should more appropriately be dealt with by an officer.

4.3 On receiving a request under paragraph 4.1 (e) the Chairman may:

- (a) Convene an Extraordinary meeting of the Council to take place within 14 days after the date of the request, or on a date agreed between the Chairman and those who signed the request; or
- (b) Following consultation with the Chief Executive and Monitoring Officer, refer the matter to the next available meeting of the Council if the Chairman considers that the business set out in the request is not so urgent as to require an Extraordinary meeting to be called; or

## Appendix 4

- (c) Following consultation with the Chief Executive and Monitoring Officer, refer the matter to the next available meeting of Cabinet or a Committee if the Chairman considers that it would be more appropriate to deal with the business in this way; or
  - (d) Decline to arrange an Extraordinary meeting if the Chairman, following consultation with the Chief Executive and Monitoring Officer, considers that the business set out in the request does not meet legal or constitutional requirements.
- 4.5 Extraordinary meetings of the Council will only consider the business on the agenda for the meeting, as set out in the request to convene it, and any other business which in the opinion of the Chief Executive is relevant to it. Meetings will usually start at 6.00pm.
- 4.6 The agenda for an Extraordinary meeting will not include Motions on Notice or Questions.
- 4.7 The agenda for an Extraordinary meeting may include approval of the minutes of the previous Council meeting and minutes of the Cabinet or other Committee/Board meeting or such other items of business as may be appropriate to ensure the efficient administration of Council business.
- 5. Notice of and Summons to Meetings #**
- 5.1 The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules.
- 5.2 Except in cases of urgency, at least 5 clear days before a meeting, the Chief Executive will send an agenda and reports to each member of the Council/Committee etc.
- 5.3 The agenda will give the date, time and place of each meeting, the business to be carried out and include available reports.
- 6. Previous Decisions and Motions**
- 6.1 A motion, the effect of which is to rescind a decision made at a meeting of the Council within the previous 6 months (or has the same effect as one which has been rejected in the last 6 months) cannot be moved unless a Notice of Motion is signed by at least 7 Councillors, or is recommended by a meeting of the Cabinet or a Committee.

## Appendix 4

### 7. **Urgent Business #**

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

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

#### **What is included**

- 8.1 The agenda for each ordinary meeting of the Council will include a period of up to 15 minutes for members of the public to put comments about matters in the agenda and/or questions to the Council and to present petitions. The Chairman of the Council may agree to allow a similar arrangement at Extraordinary meetings of the Council.
- 8.2 The Chairman of the Council will have complete discretion as to how public participation is conducted and may agree to extend the time available under exceptional circumstances.
- 8.3 Comments, questions or petitions must be about matters for which the Council is responsible or which affect the District. The Council will not consider comments, questions or petitions that relate to specific planning or licensing matters. Neither will it consider matters which are confidential or exempt.
- 8.4 The Monitoring Officer may reject any comments, questions or petitions that:
- are, or appear to be, defamatory, racist or contain offensive language, or are otherwise not appropriate for consideration at a Council meeting;
  - are substantially the same as a question that has been put to a meeting of the Council in the last 6 months;
  - would more appropriately be considered at a meeting of the Cabinet or a Committee, in which case the request to participate will be passed to the relevant body.
- 8.5 Members of the public do not include:
- Employees of the Council or their representatives, on any matter relating to their employment;
  - Any applicants for, or recipients of, approvals, permissions or licenses;

## Appendix 4

- Any person in a contractual relationship with the Council on a matter relating to that contract;
- Councillors from a Local Authority on a matter concerning that local authority.

### How to Apply

8.6 A copy of the comment, question or terms of petitions must be provided to the Monitoring Officer by 9.00am on the seventh calendar day before a meeting (usually by 9.00am on the Wednesday of the week before a Council meeting on a Wednesday). This may be in writing or by e-mail and should include:

- The name of the person to whom it is addressed – at the meeting this will go to the Chairman in the first instance;
- The name and address of the person submitting it;
- In the case of petitions, the number of signatories with their names and addresses supplied.

8.7 The Chairman has discretion to allow a question and/or comment from a member of the public received after the deadline in exceptional circumstances.

### At the Meeting

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

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

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

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

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

- (a) An oral answer;

## Appendix 4

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

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

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

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

#### **Questions on Notice**

9.2 A Councillor may ask:

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

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

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

#### **Deadline for Questions**

9.3 The deadline for questions to be received by the Monitoring Officer is at least 2 clear working days before the meeting (usually 12.00 noon on the Friday before a meeting on the Wednesday).

9.4 A question must be submitted in writing.

9.5 If a question relates to an urgent matter, the Councillor should obtain the permission of the Chairman and submit the question to the Monitoring Officer not less than 2 hours before the start of the meeting at which it will be asked.



## Appendix 4

### Content

- 9.6 The Monitoring Officer may reject a question if:
- (a) it is defamatory, frivolous or offensive,
  - (b) it is substantially the same as one submitted within the previous six months;
  - (c) it asks the Council about a matter which is outside the powers or responsibility of the full Council;
  - (d) it relates to a specific planning or licensing matter;
  - (e) it does not relate to functions undertaken by the Council.
  - (f) It could be dealt with more appropriately by an officer;

### At the meeting

- 9.7 The question will be read out at the meeting by the Councillor who has asked it or by another Councillor on his/her behalf.
- 9.8 The answer may be given as:
- (a) A direct oral answer;
  - (b) A reference to information contained in a publication; or
  - (c) Where the answer cannot conveniently be given orally, a written answer, circulated to the questioner at the latest with the minutes of the Council meeting and appended to the signed copy of the minutes.
- 9.9 The Councillor who has been asked the question may, if appropriate, refer it to another member to answer.
- 9.10 Every question shall be put and answered without discussion.

### Time limit

- 9.11 At each meeting a maximum of 15 minutes will be allowed for the asking and answering of questions under this procedure rule.
- 9.12 The Chairman may at his/her discretion extend the time if s/he and the majority of those present agree.

## Appendix 4

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

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

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

#### **Deadline for Motions**

- 10.2 Notices of Motion must be submitted to the Monitoring Officer by 9.00am on the seventh calendar day before the date of the meeting (usually 9.00am on the Wednesday the week before a Council meeting on a Wednesday).

- 10.3 A Motion must be submitted in writing.

#### **Urgent Notice of Motion**

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

#### **Content**

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

## Appendix 4

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

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

### **Deferment of Motions**

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

### **Referral of Motions**

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

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

- 10.16 At each meeting up to one hour shall be allowed for consideration of all Motions on Notice. This may only be exceeded with the agreement of the Council.
- 10.17 At the end of the hour – or other time period if agreed by the Council – the Chairman will ask the Councillor speaking to conclude immediately.

## Appendix 4

- (a) If the speaker is proposing the motion then it can be formally seconded without comment;
- (b) If the speaker is moving an amendment, the Chairman will allow the amendment to be formally seconded, without comment, and the mover of the motion to exercise their right of reply;
- (c) If neither (a) nor (b) then the mover of the motion will be allowed to have their right of reply for up to 5 minutes.

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

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

- (a) treated as withdrawn and cannot be moved without fresh notice, although it will not be restricted by the 6 month rule set out at Procedure rule 6; or
- (b) with the consent of the Council, be postponed until the next Ordinary meeting.

## **11 Chairing the Meeting #**

- 11.1 The person presiding at the meeting may exercise any powers or duty of the Chairman.
- 11.2 Where these rules provide for a maximum time to be devoted to an item or speech or other process, the Chairman may, if s/he and the majority of Members present agree, extend that time if it felt appropriate in the interests of effective conduct of Council business.
- 11.3 Any ruling of the Chairman shall not be challenged.

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

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

## Appendix 4

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

### **Prevention of Disorderly Conduct #**

#### Prevention of Disorderly Conduct – Councillors and Public

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

## Appendix 4

### 13 Quorum #

- 13.1 The quorum of a meeting will be a proportion of the voting members of the Committee, Sub-Committee or Board etc, as agreed by the Council from time to time.
- 13.2 If at any time during the meeting the Chairman declares that there is not a quorum present, the meeting will adjourn immediately for 15 minutes.
- 13.3 If after that time there is still not a quorum present, the meeting shall end.
- 13.4 Any remaining business will be considered at the next meeting, whether ordinary or extraordinary, unless the Chairman makes other arrangements prior to the next meeting.

### 14. Announcements

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

### 15. Minutes #

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

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

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

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

### 17. **Rules of Debate**

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

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

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

#### **Speeches**

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

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

- 17.6 A Councillor may only speak once on a motion except:
- (a) to speak once on an amendment moved by another Councillor;
  - (b) if their first speech was on an amendment and that has now been dealt with, to speak on the main proposal;
  - (c) to exercise a right of reply as a mover of a motion (not an amendment);
  - (d) on a point of order or by way of personal explanation.

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(i) A point of order may only relate to an alleged breach of these Council procedure rules or the law and the Councillor must indicate the way in which s/he considers it has been broken. The ruling of the Chairman will be final and not open to discussion.

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

(e) to move a further amendment;

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

### **Amendments**

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

- (a) to refer the matter to an appropriate body or individual for consideration or reconsideration;
- (b) to leave out words
- (c) to leave out words and insert or add others; or
- (d) to insert or add words

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

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

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

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

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

### **Alteration of Motion**

17.12 An alteration to a motion must be either:

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



## Appendix 4

- (b) to leave out words;
- (c) to leave out words and add others;
- (d) to add words;

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

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

17.13 A motion may be altered:

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

### **Withdrawal of Motion**

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

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

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

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

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

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

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

## Appendix 4

### Procedural Motions without notice

17.18 The following procedural motions may be moved without notice:

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

### Closure Motions

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

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

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

17.21 **“That the question now be put”** – if seconded and the Chairman thinks the item has been sufficiently discussed, s/he will put the procedural motion to the

## Appendix 4

vote. If passed, the mover of the original motion has the right of reply before the motion is put to the vote.

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

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

### 18. Voting #

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

#### **Recorded Votes**

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

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

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

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

## Appendix 4

### **Voting on Appointments**

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

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

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

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

- 20.1 At each ordinary meeting of the Council there will be an item on the agenda to receive and consider an annual report from one portfolio holder.
- 20.2 The report will include important matters from the previous 12 months and forthcoming policy issues which the Portfolio holder wishes to raise with the Council.
- 20.3 Each report will be presented by the Portfolio Holder and their initial presentation shall not exceed 10 minutes.

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20.4 Councillors may ask questions of the Portfolio Holder. Questions and answers shall not exceed 3 minutes.

20.5 A maximum of 30 minutes will be allowed for this item at the meeting.

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

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

### **Suspension**

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

### **Amendment**

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

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

22.1 All of the preceding Council Rules of Procedure apply to meetings of full Council. None of the rules apply to meetings of the Cabinet.

22.2 All of the preceding Rules except Rules 2-4, 6, 8-10, 12.2-12.3, 14, 17, 19, 20 and 21 apply to meetings of committees and sub-committees. Rules 23 – 25 shall apply only to meetings of committees and sub-committees.

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

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

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

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### 24. Extraordinary Meetings of Committees #

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

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

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

### 26. Calculation of Time #

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

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

## **CABINET PROCEDURE RULES**

### **1. Time and Place of Meeting**

- 1.1 The Cabinet will meet at least 10 times per year at times to be agreed by the Leader.
- 1.2 The place of Cabinet meetings will be determined by the Chief Executive and notified in the agenda.

### **2. Notice of and Agenda for Meetings**

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules in Part 5 of this Constitution. At least five clear days before a meeting the Chief Executive will send an agenda to every member of the Cabinet. The agenda will give the date, time and place of each meeting. The agenda will specify the business to be transacted and will be accompanied by such reports as are available.

### **3. Who May Attend**

- 3.1 Councillors who are not members of the Cabinet may attend meetings of the Cabinet including any part of such a meeting from which the public is excluded in accordance with the Access to Information Rules in Part 5 of this Constitution.
- 3.2 If the Cabinet is to consider a motion referred to it by the Council the proposer and seconder of that motion (if they are not members of the Cabinet) shall have the right to attend and explain the reasons for the motion.
- 3.3 If the Cabinet is to consider a matter referred to it under paragraph 9.6 below the Councillor proposing the item for consideration will be entitled to attend and address the Cabinet.
- 3.4 All non-members of the Cabinet may attend and speak to any item on the agenda for the meeting, having indicated to the Leader prior to the start of the meeting. The Chairman of the meeting will be responsible for how this is handled.

#### **4. Exclusion of the Public**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 5 of this Constitution or Rule 12 below.

#### **5. Chairmanship**

The Leader will preside at the meeting. In his/her absence the Deputy Leader will preside. If both are absent those present will appoint a member of the Cabinet who is present to preside.

#### **6. Quorum**

6.1 The quorum for a meeting of the Cabinet will be 3.

6.2 The quorum for a meeting of a Cabinet committee shall be 2.

#### **7. Advice from Officers**

7.1 The Leader may invite officers to give advice at a meeting of the Cabinet or any Cabinet committee.

7.2 Whenever the Chief Executive, the Section 151 Officer or the Monitoring Officer considers it appropriate to give advice to the Cabinet they shall be at liberty to do so and the Cabinet shall hear such advice.

#### **8. Business to be Conducted**

At each meeting of the Cabinet the following business will be conducted:

- a. consideration of the accuracy of the minutes of the last meeting;
- b. declarations of interest;
- c. matters referred to the Cabinet (whether by the Overview and Scrutiny Board or the Council) for reconsideration by the Cabinet in accordance with the Budget and Policy Framework Rules or the



### Appendix 5

Overview and Scrutiny Procedure Rules set out in Parts 10 and 12 of this Constitution;

- d. consideration of minutes and/or reports from the Overview and Scrutiny Board;
- e. consideration of minutes and/or reports from the Audit Board;
- f. when appropriate, consideration of the Leader's report from his/her quarterly meeting with the Chairman of the Overview and Scrutiny Board and the Audit Board ;
- g. consideration of reports from the Leader and/or Portfolio Holders of any decisions taken by them individually pursuant to Article 7.6 of the Constitution;
- h. matters set out in the agenda for the meeting in accordance with paragraph 9 below.

#### **9. Items for Consideration by the Cabinet**

- 9.1 The Leader may put on the agenda of any Cabinet meeting any matter which he/she wishes whether or not it relates to a Cabinet function. The Chief Executive will comply with the Leader's requests in this respect.
- 9.2 Any member of the Cabinet may require the Chief Executive to place an item on the agenda of the next available Cabinet meeting for consideration.
- 9.3 The Council may require the Chief Executive to place on the agenda of the next available Cabinet meeting an item for consideration.
- 9.4 The Overview and Scrutiny Board may require the Chief Executive to place on the agenda of the next available Cabinet meeting an item for consideration.
- 9.5 The Audit Board may require the Chief Executive to place on the agenda of the next available Cabinet meeting an item for consideration.
- 9.6 A Councillor (who is not a member of the Cabinet) may request the Leader to place an item on the agenda of the next available meeting of the Cabinet for consideration and the Leader will decide whether the item should be placed on the agenda. In exercising his/her discretion the Leader should not act unreasonably and, if refused, reasons for his decision must be given in writing to the Councillor concerned. The Notice

### Appendix 5

- of the Meeting will give the name of the Councillor who requested the consideration of the item.
- 9.7 The Monitoring Officer and/or Section 151 Officer may include an item for consideration on the agenda of a meeting of the Cabinet and may require the Chief Executive to call such a meeting in pursuance of their statutory duties.
- 9.8 If any two of the Chief Executive, the Section 151 Officer and the Monitoring Officer are of the opinion that a meeting of the Cabinet needs to consider a matter that requires a decision they may jointly include an item on the agenda of the next available meeting of the Cabinet. If necessary, they may also require that a meeting of the Cabinet be specially convened for consideration of the matter.
- 9.9 The Chief Executive may place on the agenda of the next available meeting of the Cabinet an item to consider a report of a Chief Officer of the Council.
- 9.10 The Cabinet will consider all reports and recommendations presented by the Overview and Scrutiny Board and will provide the Board with a response.
- 9.11 An Overview and Scrutiny Board report which includes one or more proposals which would require a departure from the Budget and Policy Framework will be considered in the first instance by the Cabinet. The Cabinet will decide whether to recommend to the Council that those proposals be implemented. If the Cabinet decides not to recommend to Council that those proposals be implemented, its decision, together with the reasons for that decision, shall be reported back to the Board.

### 10. Urgent Items

When there is a need to consider items of urgent business which are not on the formal agenda the Councillor wishing to raise the same shall before the start of the meeting discuss the matter with the Leader, the Monitoring Officer and the Chief Executive, and their collective decision shall be conclusive. In the event that the decision required urgently is a Key Decision then the consultees shall also include those listed at paragraph 17 of Part 5 (Access to Information Rules).

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#### 11. Voting

- 11.1 Any matter will be decided by a simple majority of those present in the room at the time the question was put.
- 11.2 If there are equal numbers of votes for and against, the Chairman of the meeting will have a second or casting vote.
- 11.3 Each item of business requiring a decision by the Cabinet will be moved and seconded before the vote is taken.

#### 12. Disturbance by the Public

If a member of the public interrupts proceedings the Chairman of the meeting may warn the person concerned. If he/she continues to interrupt the Chairman of the meeting may order his/her removal from the meeting room.

#### 13. Minutes

The Chairman of each meeting will sign the minutes of the proceedings as the next suitable meeting.

#### 14. Publication of Cabinet Decisions

- 14.1 A decision made by the Cabinet, or a Key Decision made by an officer with delegated authority from the Cabinet or under joint arrangements, shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 3 working days of being made. All Councillors will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.
- 14.2 That notice (which may take the form of the minutes of a meeting of the Cabinet) will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless the Chairman of the Overview and Scrutiny Board or three members of the Overview and Scrutiny Board or five members of the Council who are not on the Cabinet object to it and calls it in.

### Appendix 5

#### 15. Exclusion of the Call-In Process

- 15.1 The call-in procedure set out in the Overview and Scrutiny Procedure Rules in Part 8 of this Constitution shall not apply where the decision being taken by the Cabinet, or a Key Decision made by an officer with delegated authority from the Cabinet, or under joint arrangements, is urgent.
- 15.2 A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests.
- 15.3 The record of the decision and notice by which it is made public shall state whether in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chairman of the Overview and Scrutiny Board must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairman of the Overview and Scrutiny Board, the Vice-Chairman's consent shall be required. In the absence of both, the Chief Executive or his/her nominee's consent shall be required.
- 15.4 Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

### Chairman of the Council

#### 1. Key Purpose of Role

- 1.1 The Chairman of the Council is elected on an annual basis. S/he will chair Council meetings and represent the Council at ceremonial, civic and other functions inside and outside of Bromsgrove.

#### 2. Key Duties and Responsibilities

- 2.1 To preside over meetings of the full Council, preserve order in meetings and ensure that proceedings are conducted impartially and in a proper manner and with regards to the rights of Councillors and the interests of the community.
- 2.2 To ensure that all councillors have the opportunity to contribute to debates subject to the relevant standing orders and constitution.
- 2.3 To uphold and promote the purposes of the constitution and interpreting it when necessary.
- 2.4 To ensure that the Council meeting is a forum for debate of matters of concern to the local community.
- 2.5 To determine that the Council meeting is properly constituted and that a quorum is present.
- 2.6 To inform himself/herself as to the business and objects of the meeting.
- 2.7 To ensure that discussions at Council are within the scope of the meeting and within the time limits provided.
- 2.8 To rule a point of order and other incidental questions which require decision at the time.
- 2.9 To put relevant questions to the meeting and take a vote on them; causing a named vote or ballot to be taken if demanded; if necessary to give a second or casting vote; to declare the result.
- 2.10 To adjourn the Council meeting when circumstances justify or require that course.
- 2.11 To declare the Council meeting closed when business is completed.
- 2.12 To act in a proper and dignified manner at all times as befits the office
- 2.13 To establish and maintain effective and efficient working relations with the leaders of other groups, the cabinet, chairmen of other committees/boards, other Members and officers as appropriate.
- 2.14 The Chairman can not:
- be a member of the Cabinet;
  - be a member of the Audit, Standards and Governance Committee
  - be a member of the Overview and Scrutiny Board.

### **Vice Chairman of the Council**

#### **1. Key Purpose of Role**

- 1.1 The Vice Chairman of the Council is elected to deputise and support the Chairman of Bromsgrove District and will represent the Council at ceremonial, civic and other functions inside and outside of Bromsgrove in that capacity as appropriate. He/she will receive civic guests, delegations and visitors, host civic occasions and provide civic hospitality as required.

#### **2. Key Duties and Responsibilities**

- 2.1 To provide support and deputise for the Chairman of the Council.
- 2.2 To act as an ambassador for the council both inside and external to Bromsgrove District.
- 2.3 To ensure that the Chairman of the Council is made aware of any Councillor wishing to speak at a Council meeting.

### Bromsgrove District Council

#### Political balance with Audit, Standards & Governance Committee and appointing to Appeals and Appointments

Committee	Cons  18 58.06% of total	Lab  7 22.58% of total	Independent Alliance  6 19.35% of total	Comments
Overview and Scrutiny Board	6 (6.39) Take 7	2 (2.48)	2 (2.13)	<b>11 members on Board</b>
Licensing Committee	6 (6.39)	2 (2.48) Take 3	2 (2.13)	<b>11 members on Committee</b>
Planning Committee	6 (6.39)	2 (2.48)	2 (2.13) Take 3	<b>11 members on Committee</b>
Audit, Governance and Standards Committee	5 (5.23)	2 (2.03)	2 (1.74)	<b>9 members on Committee</b>
Electoral Matters Cttee	4 (4.06)	2 (1.58)	1 (0.68)	<b>7 members on Committee</b>
Appeals	3 (2.9)	1 (1.13)	1 (0.97)	<b>5 members on Committee</b>
Appointments/Statutory Officers Disciplinary Appeals Panel	3 (2.9)	1 (1.13)	1 (0.97)	<b>5 members on Committee</b>
<b>TOTAL Entitlement</b>	<b>34 (34.26)</b>	<b>13 (13.32)</b>	<b>11 (11.42)* Take 12</b>	<b>59 places available</b>
Total mathematical calculation	<b>34</b>	<b>13</b>	<b>12</b>	

\*Number of places rounded up as overall there are 59 places available and the numerical entitlement adds up to 58. .42 of a place is more than .26 and .32.

The mathematical calculation results in each of O&S, Licensing and Planning Committees being 1 place short. Each groups takes one extra place on one committee.

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**DELEGATIONS**

Relevant Portfolio Holder	Cllr Denaro
Portfolio Holder Consulted	Yes
Relevant Head of Service	Claire Felton, Head of Legal, Equalities and Democratic Services
Ward(s) Affected	All
Ward Councillor(s) Consulted	N/A
Key Decision / Non-Key Decision	Non-key

**1. SUMMARY OF PROPOSALS**

- 1.1 The Council is required to review its scheme of delegations on an annual basis. This report presents the scheme for noting.

**2. RECOMMENDATIONS**

It is recommended that

- 2.1 The current version of the Officer scheme of Delegations is noted, as set out at Appendix 1.

**3. KEY ISSUES**

**Financial Implications**

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

**Legal Implications**

- 3.2 Review and revision of the Constitution is governed by Article 15 of the Constitution.
- 3.3 Section 101 of the Local Government Act 1972 (as amended) gives a general power to local authorities to discharge functions through officers. Local authorities are required by the same Act to maintain a list of these, which is referred to as the Scheme of Delegation. This sets out those powers of the Council which can be carried out by officers of the Council.

**Service / Operational Implications**

- 3.4 The Council's Constitution currently requires that the Officer Scheme of Delegations be approved by Members at the Annual Meeting of the Council. At the Annual meeting in May the Council agreed to defer this item to this meeting.
- 3.5 The Officer Scheme of Delegations is the part of the Constitution that gives authority for certain decisions to be delegated from Council, the

executive (Cabinet) 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.

- 3.6 The Scheme of Delegations is regularly altered and updated to reflect changes in the operation of the Council and changes to legislation. The alterations highlighted in yellow in the Appendix relate to the changes to the delegations previously agreed by the Council during the year. The changes have been made by the Monitoring Officer in accordance with the delegation that currently exists to amend the scheme to reflect changes in legislation, job titles and reallocation of functions. They do not extend the delegations.
- 3.7 Changes made during the year are to the delegations:
- to the Head of Regulatory Services arising from the adoption of a Street Amenity policy by the Licensing Committee;
  - to the Executive Director of Finance and Resources to administer the New Homes Bonus scheme;
  - updating the legislation involved in delegations for the appointment, discipline and dismissal of employees.

### **Customer / Equalities and Diversity Implications**

- 3.8 There are no specific customer or equalities implications arising from this report.

## **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 - scheme of delegations to officers revised June 2015

## **6. BACKGROUND PAPERS**

None

## **7. KEY**

### **AUTHOR OF REPORT**

Name: Sheena Jones

email: [sheena.jones@bromsgroveandredditch.gov.uk](mailto:sheena.jones@bromsgroveandredditch.gov.uk) Tel.: 01527 548240

## **Scheme of Delegation: Introduction**

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

### **Delegations to Committees and Sub-Committees**

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

### **Delegations to Officers**

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

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

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

### **Calling-In Procedure for 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.

### APPENDIX 1

<b>TRANSFORMATION AND HUMAN RESOURCES</b>			
<b>1. IT and Street naming and numbering</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
IT Development.	To monitor and update the Council's IT development strategy.	Executive/ Leader.	Head of Transformation and Organisational Development.
Street Naming, House Numbering and Locality Names.	To determine all matters relating to street naming, house numbering and locality names.	Executive/ Leader.	Head of Transformation and Organisational Development following consultation with the Ward Member and, where relevant, Parish Council.
Regulation of Investigatory Powers Act.	To maintain the central record of authorizations.	Council.	The Information Management Team under the supervision of the Head of Transformation and Organisational Development.

<b>2. Human Resources</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Grants and Honoraria.	To make decisions on the payment of gratuities and honoraria to Council employees undertaking additional duties, provided budgetary provision exists.	Council.	Executive Director Finance and Resources in consultation with the Portfolio Holder..
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	Executive/Leader.	Chief Executive.

### APPENDIX 1

	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.		
Posts - Grading.	Within the policy and budgets decided by the Council, to make decisions on the grading of posts and on adjustments to working conditions applying to particular posts (but not generally).	Executive/Leader.	Head of Transformation and Organisational Development
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 Transformation and Organisational Development) or a consultant selected by the Head of Transformation and Organisational Development

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<p>Appeals (Job Evaluation).</p>	<p>To consider and determine appeals in respect of salary grading.</p>	<p>Executive/Leader.</p>	<p>Any Officer of Head of Service level or above or a consultant selected by the Head of Transformation and Organisational Development</p>
<p>Careers Conventions.</p>	<p>To make decisions on Careers Conventions and the Council's involvement in work experience and similar schemes, relating to the training of young people.</p>	<p>Executive/Leader.</p>	<p>Head of Transformation and Organisational Development.</p>
<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 (as amended).</p>	<p>1. N/a.</p>	<p>1. Council.</p>

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	<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 (as amended).</p> <p>4. Within the Council's approved disciplinary and capability procedures, to take disciplinary action against (including dismissal of) any member of staff in the department concerned below Head of Service level.</p>	<p>2. Council.</p> <p>3. Council.</p> <p>4. Council.</p>	<p>2. Head of Paid Service.</p> <p>3. Chief Executive/ Head of Paid Service or Executive Directors.</p> <p>4. Heads of Service.</p>
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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 Transformation and Organisational Development 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 Transformation and Organisational Development
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.	Financial Services Manager.
Pay Protection.	To determine an appropriate pay protection policy for all staff.	Executive/Leader.	Head of Transformation and Organisational Development in consultation with the Chief Executive and Executive Director - Finance and Corporate Resources.

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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 Transformation and Organisational Development.
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 Transformation and Organisational Development.
Travel Allowances.	<ol style="list-style-type: none"> <li>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.</li> <li>2. To implement and review increases in respect of subsistence allowances on an annual basis.</li> </ol>	1. & 2. Executive/ Leader.	1. & 2. Finance Services Manager

### APPENDIX 1

<b>COMMUNITY SERVICES</b>			
<b>1. Strategic Housing</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
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"> <li>1. To approve, revoke and vary licences relating to houses in multiple occupation under the Housing Act 2004.</li> <li>2. To sign housing-related notices for houses in multiple occupation under the Housing Act 2004.</li> <li>3. To inspect conditions under the Housing Health and Safety Rating System - Housing Act 2004.</li> <li>4. To issue interim and final orders</li> </ol>	<ol style="list-style-type: none"> <li>1. Executive/ Leader</li> <li>2. Executive/ Leader.</li> <li>3. Executive/ Leader.</li> <li>4. Executive/ Leader</li> </ol>	<ol style="list-style-type: none"> <li>1. Strategic Housing Manager.</li> <li>2. Strategic Housing Manager.</li> <li>3. Strategic Housing Manager.</li> <li>4. Strategic Housing Manager</li> </ol>
Housing Act 1985 and Housing Act 2004.	<p style="text-align: center;">To exercise all functions relating to housing conditions, issue of licences, service of orders and notices and powers of entry.</p> <p style="text-align: center;">To institute legal proceedings</p>	Executive/ Leader.	<p style="text-align: center;">Strategic Housing Manager</p> <p style="text-align: center;">Strategic Housing Manager in consultation with Principal Solicitor</p>
Housing Associations - Nominations.	To deal with the nomination where necessary of homeless applicants to housing association dwellings.	Executive/ Leader.	Strategic Housing Manager.

### APPENDIX 1

<b>1. Strategic Housing</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Housing Capacity Study.	To update the site details and housing figures in the Housing Capacity Study on an annual basis using data from the Housing Land Availability Study.	Executive/ Leader.	Strategic Housing Manager.
Housing Corporation Social Housing Grant.	To administer and approve applications and to authorise payment of local authority grant and Housing Corporation Grant under the Housing Corporation IMS System.	Executive/ Leader.	Strategic Housing Manager.
Housing Grants.	To determine applications for housing grants under the Housing Grants, Construction and Regeneration Act 1996.	Executive/ Leader.	Strategic Housing Manager.
Low Cost Housing.	<ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>3. To revise fees in relation to low cost housing transactions.</li> </ol>	<ol style="list-style-type: none"> <li>1. Executive/ Leader.</li> <li>2. Executive/ Leader.</li> <li>3. Executive/ Leader.</li> </ol>	<ol style="list-style-type: none"> <li>1. Strategic Housing Manager.</li> <li>2. Principal Solicitor.</li> <li>2. Head of Legal, Equalities &amp; Democratic Services, Head of Community Services and Financial Services Manager in consultation with the</li> </ol>

### APPENDIX 1

			relevant Portfolio Holders.
Mandatory Disabled Facilities Grant.	<ol style="list-style-type: none"> <li>1. To determine applications for housing grants under the Housing Grants, Construction and Regeneration Act 1996.</li> <li>2. To grant extensions of time of up to six months within which improvements are to be completed.</li> </ol>	<ol style="list-style-type: none"> <li>1. Executive/ Leader.</li> <li>2. Executive/ Leader.</li> </ol>	<ol style="list-style-type: none"> <li>1. Strategic Housing Manager.</li> <li>2. Head of Community Services.</li> </ol>
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.	Executive Director Finance and Resources or Head of Community Services.
Regulation of Mobile Home Sites	<p>To institute legal proceedings under section 1 of the Caravan Sites and Control of Development Act 1960</p> <p>To take all steps to manage and regulate Mobile Home Sites, including the exercise of power of entry under the following legislation:-</p> <ul style="list-style-type: none"> <li>• Caravan Sites and Control of Development Act 1960</li> </ul>	<p>Council</p> <p>Executive/ Leader</p>	<p>Strategic Housing Manager in consultation with the Principal Solicitor</p> <p>Strategic Housing Manager</p>

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	<ul style="list-style-type: none"> <li>Caravan Sites Act 1968</li> </ul>		
Requisition for Information	To serve a requisition for information under section 16 of the Local Government (Miscellaneous Provisions Act 1976	Executive/ Leader	Strategic Housing Manager
Boarding up of dangerous buildings	To serve a notice under Section 9 of the Local Government (Miscellaneous Provisions) Act 1982	Executive/ Leader	Strategic Housing Manager
Statutory Nuisance	To take all necessary action in relation to statutory nuisance under the Environmental Protection Act 1990	Council	Strategic Housing Manager

## 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 in consultation with the ward members.
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.

### APPENDIX 1

<b>CORPORATE DELEGATIONS</b>			
<b>1. Corporate</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
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>

### APPENDIX 1

<p>Emergencies.</p>	<ol style="list-style-type: none"> <li>1. To act in accordance with the delegated procedures set out in the Emergency Plan.</li>   <li>2. To enable Officers to undertake appropriate communications activity during an emergency without recourse to members, should the situation require an immediate response.</li>   <li>3. To incur expenditure essential to meet any immediate needs created by an emergency in accordance with the Financial Regulations.</li> </ol>	<p>1. - 3. Executive/ Leader.</p>	<ol style="list-style-type: none"> <li>1. Chief Executive, Executive Directors, Deputy Chief Executive &amp; Heads of Service.</li>   <li>2. Chief Executive, Executive Directors, Deputy Chief Executive.</li>   <li>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.</li> </ol>
<p>Proper Officer.</p>	<ol style="list-style-type: none"> <li>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.</li>   <li>2. To be appointed "Proper Officer" in relation to the following provisions of the Local Government Act 1972:</li> </ol>		<ol style="list-style-type: none"> <li>1. Chief Executive or in his/her absence the Monitoring Officer.</li> </ol>



### APPENDIX 1

	<ul style="list-style-type: none"> <li>a. Sections 83(1) to (4) - Witness and receipt of acceptance of office.</li> <li>b. Section 84 - Receipt of declaration of resignation of office.</li> <li>c. Section 89 (1) (b): Receipt of notice of casual vacancy from two local electors.</li> <li>d. Section 229(5): Certification of photographic copies of document.</li> <li>e. Sections 234(1) and (2): Authentication of documents.</li> <li>f. Section 88 (2): Convening of meeting to fill casual vacancy in the office of Chairman.</li> <li>g. Section 204(3): Receipt of application for licence under Sch 2 of Licensing Act 1964.</li> <li>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".</li> <li>i. Section 212(1) and (2): Proper Officer to act as Local Registrar for Land Charges Act 1925.</li> </ul>		<ul style="list-style-type: none"> <li>a. Chief Executive.</li> <li>b. Chief Executive.</li> <li>c. Head of Legal, Equalities and Democratic Services.</li> <li>d. Head of Legal, Equalities and Democratic Services.</li> <li>e. Head of Legal, Equalities and Democratic Services.</li> <li>f. Chief Executive.</li> <li>g. Head of Legal, Equalities and Democratic Services.</li> <li>h. Head of Legal, Equalities and Democratic Services.</li> <li>i. Head of Legal, Equalities and Democratic Services.</li> </ul>
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### APPENDIX 1

	<p>j. Section 225: Deposit of documents.</p> <p>k. Section 236(9): To send copies of byelaws for parish records.</p> <p>l. Section 236(10): To send copies of byelaws to the County Council.</p> <p>m. Section 238: Certification of byelaws.</p> <p>n. Section 228 (3): Accounts of “any Proper Officer” to be open to inspection by any member.</p> <p>o. Section 191: Function with respect to ordnance survey.</p> <p>p. Schedule 16 para 28: Receipt on deposit of lists of protected buildings (Section 54(4) of the Town and Country Planning Act 1971).</p> <p>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>j. Head of Legal, Equalities and Democratic Services.</p> <p>k. Head of Legal Equalities and Democratic Services.</p> <p>l. Head of Legal, Equalities and Democratic Services.</p> <p>m. Head of Legal, Equalities and Democratic Services.</p> <p>n. Executive Director Finance and Resources.</p> <p>o. Head of Planning.</p> <p>p. Head of Planning.</p> <p>q. Executive Director Finance and Resources.</p> <p>r. Executive Director Finance and Resources.</p>
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### APPENDIX 1

<p>Regulation of Investigatory Powers Act.</p>	<ol style="list-style-type: none"> <li>1. To review revise and update the Council's RIPA policy.</li> <li>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).</li> <li>3. In relation to requests for Directed Surveillance, to sign all necessary documents and forms whether by way of Authorisation, Review, or Cancellation</li> <li>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.</li> <li>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.</li> </ol>	<p>1. – 7. Council</p>	<ol style="list-style-type: none"> <li>1. Head of Legal, Equalities and Democratic Services.</li> <li>2. Head of Legal, Equalities and Democratic Services.</li> <li>3. Heads of Service authorised to do so under Appendix 2 of the RIPA policy.</li> <li>4. Chief Executive or in his absence the Executive Director of Services.</li> <li>5. Chief Executive or in his absence the Executive Director of Services.</li> </ol>
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	<p>6. In relation to requests for Urgent Oral Authorisations.</p> <p>7. To maintain the central record of authorizations.</p>		<p>6. Heads of Service and senior managers authorised to do so under Appendix 2 of the RIPA policy.</p> <p>7. The Information Management Team under the supervision of the Head of Transformation and Organisational Development.</p>
<p>Urgent Business.</p>	<p>To determine matters requiring attention as a matter of such urgency that formal reporting to Council, Cabinet or Committee is not possible.</p>	<p>Council or Executive/ Leader (as appropriate).</p>	<p>Chief Executive in consultation with the Executive/ Leader, s151 Officer and the Monitoring Officer, together with, where appropriate, the Chairman of the Overview and Scrutiny Board.</p>

### APPENDIX 1

<b>2. Monitoring Officer</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Constitution and Scheme of Delegation - amendments.	1. 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.	Council.	Monitoring Officer.
	2. 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.		Monitoring Officer.
Independent Members of Standards Committee.	To undertake all the administrative arrangements in respect of the recruitment of the Independent Member on the Standards Committee, including <ul style="list-style-type: none"> <li>• Short listing of candidates in consultation with the Chairman of the Standards Committee for interview by the Appointments Committee;</li> <li>• Where only one candidate meets the essential criteria, in consultation with the Chairman of the Standards Committee to make recommendations to</li> </ul>	Council.	Monitoring Officer.

## APPENDIX 1

	Council.		
Outside Bodies.	To maintain and amend a list of external bodies and organisations to which Members have been appointed by the Council.	Council.	Monitoring Officer in consultation with the Leader.

### APPENDIX 1

<b>ENVIRONMENT</b>			
<b>1. Cemeteries</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Cemeteries.	<ol style="list-style-type: none"> <li>1. To operate the Bromsgrove Cemetery and North Bromsgrove Cemetery within the Budget and Policy Framework.</li> <li>2. To determine applications to sell flowers at Bromsgrove Cemetery and North Bromsgrove Cemetery and to determine a suitable charge.</li> <li>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.</li> </ol>	<ol style="list-style-type: none"> <li>1. Executive/Leader.</li> <li>2. Executive/Leader.</li> <li>3. Executive/Leader.</li> </ol>	<ol style="list-style-type: none"> <li>1. &amp; 2. Head of Environment.</li> <li>3. Head of Environment Services.</li> </ol>

### APPENDIX 1

<b>2. Use of land / dogs</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
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.
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"> <li>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.</li> <li>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.</li> <li>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.</li> </ol>	1. – 3. Executive/Leader.	1. – 3. Head of Environment.



### APPENDIX 1

<b>3. Car Parking and Transport</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
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.	<ol style="list-style-type: none"> <li>1. To make amendments to the Car Parking Order (other than alterations to car parking charges and excess penalty notice charges).</li> <li>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.</li> </ol>	<ol style="list-style-type: none"> <li>1. Executive/ Leader.</li> <li>2. Executive/ Leader.</li> </ol>	<ol style="list-style-type: none"> <li>1. Head of Environment.</li> <li>2. Head of Environment.</li> </ol>
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.

### APPENDIX 1

<b>4. Trees</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
High Hedges.	<p>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:</p> <ul style="list-style-type: none"> <li>a. such applications are submitted by or on behalf of any officer of the Council or any Parish Council within the District of Bromsgrove.</li> <li>b. such applications are submitted by or on behalf of any County, District or Parish Councillor whose ward is within the district of Bromsgrove.</li> <li>c. any County, District or Parish Councillor whose ward is within the District of Bromsgrove is affected by such an application.</li> </ul> <p>2. In all other circumstances to determine all High Hedge applications submitted in accordance with Part 8 of the Anti-Social Behaviour Act 2003 and to issue a remedial notice where appropriate.</p>	<p>1. Council.</p> <p>2. Planning Committee.</p>	<p>1. Planning Committee</p> <p>2. Head of Environment.</p>
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.	1. To be designated as the Proper Officer for the purposes of authorising persons to enter onto land in	1. Planning Committee.	1. Head of Environment.

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	<p>connections with the exercise of functions under sections 196A, 196B, 214B and 324 of the Town &amp; 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>	2. Planning Committee.	2. Senior Solicitor.
Tree Preservation Orders.	To initiate Tree Preservation Orders.	Council.	Head of Environment.
Tree Preservation Orders - Confirmation.	<p>1. To confirm Tree Preservation Orders under the provisions of the Town &amp; Country Planning Act 1990 in cases where objections have been received.</p> <p>2. To confirm Tree Preservation Orders in all other cases.</p>	<p>1. Council.</p> <p>2. Planning Committee.</p>	<p>1. Planning Committee.</p> <p>2. Head of Environment.</p>
Tree Preservation Orders - Applications to Fell.	To determine applications for the felling of large trees (i.e. mature or over-mature trees), major pruning operations (i.e. 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> <ol style="list-style-type: none"> <li>a. the felling of small trees.</li> <li>b. the removal of dead, dying or diseased trees.</li> <li>c. pruning for reasons of health and safety to</li> </ol>	<p>1. Planning Committee.</p> <p>2. Planning Committee.</p>	<p>1. Head of Environment.</p> <p>2. Head of Environment.</p>

### APPENDIX 1

	<p>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>		
Tree Preservation Orders - Contravention.	To institute proceedings under s210 of the Town & Country Planning Act 1990 in respect of contraventions of Tree Preservation Orders.	Council.	Planning Committee.
Tree Preservation Orders - revocation or variation.	<p>1. To revoke or vary a Tree Preservation Order where the original confirmation was made by Planning Committee.</p> <p>2. To revoke or vary in all other cases.</p>	<p>1. Council.</p> <p>2. Planning Committee.</p>	<p>1. Planning Committee.</p> <p>2. Head of Environment.</p>
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.

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<p>Trees - Dangerous.</p>	<p>1. Where notice is received under s23(2) of the Local Government (Miscellaneous Provisions) Act 1976 that trees are in such condition that they are likely to cause damage to persons or property on the land of the person giving notice:</p> <p>a. To take any steps necessary to make the trees safe (whether by felling or otherwise) where the owner of the land is not known.</p>	<p>1. Planning Committee.</p>	<p>1. Head of Environment.</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>

### APPENDIX 1

<b>HOUSING</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by</b>	<b>Delegated to</b>
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"> <li>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</li> </ul>	Executive/Leader.	Strategic Housing Manager.

**APPENDIX 1**

	<p>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.</p>		
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### APPENDIX 1

## 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 under the Contracts Procedure Rules).	To sign or seal any document, Order or Notice on behalf of the Council and to serve or receive any documents on behalf of the Council.	Council.	Head of Legal, Equalities & Democratic Services Or Principal Solicitor.
Footpaths.	<p>1. To deal with all matters relating to public footpaths where no objections to the proposal have been received.</p> <p>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.</p>	<p>1. Planning Committee.</p> <p>2. Planning Committee.</p>	<p>1. Principal Solicitor.</p> <p>2. Head of Planning and Regeneration.</p>
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.



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<p>Legal Advice and Assistance.</p>	<p>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.</p>	<p>Council/Executive/Leader (as appropriate).</p>	<p>Principal Solicitor.</p>
<p>Low Cost Housing Transactions.</p>	<ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>3. To revise fees in relation to low cost housing transactions.</li> </ol>	<p>1. – 3. Executive/Leader.</p>	<ol style="list-style-type: none"> <li>1. Head of Planning.</li> <li>2. Principal Solicitor.</li> <li>3. Head of Legal, Equalities &amp; Democratic Services, Head of Planning and Regeneration and Financial Services Manager in consultation with the relevant Portfolio Holders.</li> </ol>

### APPENDIX 1

<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. &amp; 2. Principal Solicitor or Head of Planning and Regeneration.</p>
<p>Police and Crime Panel – budget</p>	<p>To approve the budget for the administration of the West Mercia Police and Crime Panel, providing no financial contribution is sought.</p>	<p>Council</p>	<p>Head of Legal, Equalities and Democratic Services following consultation with the Leader of the Council.</p>

### APPENDIX 1

<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>1. Council.</p>	<p>1. Principal Solicitor.</p>
	<p>2. To prosecute or defend or to appear in or make arrangement for the Council to be represented in any proceedings before any court or tribunal and to deal with all procedural aspects of Court proceedings.</p>	<p>2. Council.</p>	<p>2. Principal Solicitor.</p>
	<p>3. To authorise Officers to sign statements of Truth, Statutory Declarations and Affidavits on behalf of the Council.</p>	<p>3. Council.</p>	<p>3. Principal Solicitor.</p>
	<p>4. To act as informant in the laying of an information to commence proceedings before the Magistrates Court.</p>	<p>4. Council.</p>	<p>4. Head of Legal, Equalities &amp; Democratic Services.</p>
	<p>5. To sign indictments in appropriate Crown Court proceedings.</p>	<p>5. Council.</p>	<p>5. Head of Legal, Equalities &amp; Democratic Services.</p>

### APPENDIX 1

	<p>6. To sign any document required as part of any court procedure including statutory demands or bankruptcy petitions.</p>	6. Council.	6. Principal Solicitor.
	<p>7. To select and authorise Officers to prosecute or defend on the council's behalf (subject to 9 below).</p>	7. Council.	7. Principal Solicitor.
	<p>8. To select and authorise Officers to appear on the Council's behalf in proceedings before a Magistrates' Court (subject to 9 below).</p>	8. Council	8. Principal Solicitor.
	<p>9. To select and authorise Officers to appear before Magistrates Courts and Tribunals to:</p> <p>(a) represent the Council in the recovery of Council Tax and non-domestic rates monies due to the Council;</p> <p>(b) represent the Council before a Valuation Tribunal in consideration of any appeals which may arise concerning Council Tax and non-domestic rates.</p>	9. Council.	9. Principal Solicitor or Head of Resources.
	<p>10. To prosecute or defend in respect of all environmental health related statutory provisions listed in Appendix EH1 of this scheme.</p>	10. Council.	10. Principal Solicitor.

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	<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>11. Council.</p> <p>12. Council.</p> <p>13. Council.</p> <p>14. Council.</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 &amp; Democratic Services.</p>

### APPENDIX 1

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

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"> <li>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.</li> <li>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.</li> <li>3. To give directions under section 77 of the Criminal Justice and Public Order Act 1994.</li> </ol>	1. – 4. Executive/Leader.	1. – 4. Principal Solicitor.
	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.		

### APPENDIX 1

<b>2. Elections</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
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.	<p>To be designated:</p> <ul style="list-style-type: none"> <li>a. Electoral Registration Officer under section 8 of the Representation of the People Act 1983;</li> <li>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.</li> </ul>	Council.	Chief Executive.



### APPENDIX 1

<b>3. Democratic Services</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
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' Expenses.	<ol style="list-style-type: none"> <li>1. To administer payments made under the Members' Allowance Scheme.</li> <li>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.</li> </ol>	<ol style="list-style-type: none"> <li>1. Council.</li> <li>2. Council.</li> </ol>	<ol style="list-style-type: none"> <li>1. Democratic Services Manager.</li> <li>2. Democratic Services Manager.</li> </ol>
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.

### APPENDIX 1

<b>LEISURE AND CULTURE</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Allotments.	To grant, transfer and accept the termination of allotment tenancies.	Executive/Leader.	Head of Leisure and Culture.
Bromsgrove Museum.	To determine requests for the loan of exhibits from the Bromsgrove Museum collection.	Executive/Leader.	Head of Leisure and Culture in consultation with the relevant Portfolio Holder.
Events on the High Street.	To determine requests to hold events in Bromsgrove High Street in accordance with policy.	Executive/Leader.	Head of Leisure and Culture.
Fairs, Circuses and Special Events.	Within the Budget and Policy Framework to determine arrangements for fairs, circuses and other special events on land or in buildings controlled by the Council.	Executive/Leader.	Head of Leisure and Culture.
Fees and Charges - Sports, Leisure, Community & Cultural services.	<ol style="list-style-type: none"> <li>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.</li> <li>2. To vary the charges at the Leisure &amp; Cultural facilities in response to additional competition and market demand.</li> <li>3. To approve and implement promotional activities at all Sports, Leisure &amp; Cultural facilities in order to maximise usage and /or income.</li> </ol>	1. to 3. Executive/Leader.	1. to 3. Head of Leisure and Culture.

### APPENDIX 1

National Health Campaigns.	To support regional & nationally recognised health an fitness campaigns in the Council's sorts, cultural and leisure facilities by the implementation of discounted sessions/fees as appropriate.	Executive/Leader.	Head of Leisure and Culture.
Flowers, Bulbs and Trees.	To approve requests from charitable organisations to plant flowers, bulbs and trees in support of the Charity at locations in parks and open spaces.	Executive/Leader.	Head of Leisure and Culture.
Play Areas.	<ol style="list-style-type: none"> <li>1. Day-to-day management of play areas including Health and Safety matters, maintenance and renewals.</li> <li>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.</li> </ol>	Executive/Leader.	Head of Leisure and Culture.
Public Open Space.	<ol style="list-style-type: none"> <li>1. To adopt Public Open Space on behalf of the Council which has previously been agreed as part of a Section 106 Agreement.</li> <li>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.</li> </ol>	Executive/Leader.	Head of Leisure and Culture.
Recreational, Sports, Community & Cultural Facilities	<ol style="list-style-type: none"> <li>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.</li> </ol>		1. - 3. Head of Leisure and Culture.

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	<p>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.</p> <p>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.</p> <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 &amp; 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>
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### APPENDIX 1

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.

### APPENDIX 1

## PLANNING AND REGENERATION

### 1. Assets of Community Value

Subject	Detail	Delegated by:	Delegated to:
Confirmation of valid application	To check validity of nominations of an asset of community value and reject if not appropriate or incomplete.	Cabinet.	Head of Planning and Regeneration
Consultation	To arrange consultation on valid nominations of an asset; consultees to include Ward members.	Cabinet.	Head of Planning and Regeneration
Recommend nomination	To recommend to Cabinet whether or not a nomination should be accepted and included on the list of Assets of Community Value.	Cabinet.	Head of Planning and Regeneration
Review of decision	To review a decision to list a property as an Asset of Community Value.	Cabinet.	Executive Director, Planning and Regeneration, Regulatory and Housing Services
Assess compensation claims	To assess claims for compensation.	Cabinet.	Head of Planning and Regeneration.
Review compensation claims	To review and decide initial decisions about compensation.	Cabinet.	Executive Director, Planning and Regeneration, Regulatory and Housing Services

### APPENDIX 1

<b>2. Building Control</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
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.

### APPENDIX 1

<b>3. Development Control</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
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.	Principal Solicitor.



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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 Unilateral Undertakings.	To negotiate with developers and to approve the amounts to be received by the Council as financial contributions in lieu of on-site provision of affordable housing or recreational facilities/open space and as contributions towards the costs of highways works, educational provision or any other kind of provision by the Council or County Council.	Planning Committee.	Head of Planning and Regeneration.
Planning Agreements and Unilateral Undertakings.	To negotiate the legal, drafting and all terms of the agreements and undertaking, except for those which involve planning gain, restriction of the development or use of the land, obligations relating to the land and financial contributions.  To execute and complete planning agreements.	Planning Committee.  Planning Committee.	Principal Solicitor.  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:  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	Planning Committee.	Head of Planning and Regeneration.

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	<p>transferred to the Council.</p> <p>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).</p> <p>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.</p> <p>e. A member makes a written request for a case to be considered by the Planning Committee.</p>		
<p>Planning Agreements and Unilateral Undertakings.</p>	<p>To approve the enforcement of a planning obligation.</p>	<p>Planning Committee.</p>	<p>Head of Planning and Regeneration.</p>

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<p>Planning Applications.</p>	<p>1. To determine:</p> <ul style="list-style-type: none"> <li>a. applications for dwelling houses where the number of houses to be provided is 10 or more.</li> <li>b. applications for the provision of a building or buildings with a floor space of 1000 square metres or more.</li> <li>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.</li> <li>d. applications by serving Officers and members.</li> </ul>	<p>1. Council.</p>	<p>1. Planning Committee.</p>
	<ul style="list-style-type: none"> <li>e. applications by the Council or by Council Service Areas or Council departments.</li> <li>f. The Head of Planning and Regeneration considers that the application should be considered by the Planning Committee.</li> </ul> <p>2. To determine all other planning applications.</p> <p>NB: For the avoidance of doubt the term 'planning applications' include</p>	<p>2. Planning Committee.</p>	<p>2. Head of Planning and Regeneration.</p>

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	<p>applications to vary or remove planning conditions attached to a planning permission, applications for development which has already been carried out and applications to extend the time for implementing planning permissions.</p>		
<p>Planning Applications.</p>	<p>To impose conditions on applications (for planning permission, listed building consent or Conservation area consent) which have been approved by the Planning Committee contrary to the Planning Officer's recommendation where such conditions are:</p> <ol style="list-style-type: none"> <li>a. Necessary.</li> <li>b. Relevant to planning.</li> <li>c. Relevant to the development which has been applied for.</li> <li>d. Enforceable.</li> <li>e. precise and</li> <li>f. Reasonable in all other aspects.</li> </ol>	<p>Planning Committee.</p>	<p>Head of Planning and Regeneration.</p>
<p>Listed Building and Conservation Area Consent.</p>	<p>To determine applications for listed building consent and Conservation Area consent unless they are:</p> <ol style="list-style-type: none"> <li>a. Applications for dwelling houses where the number of houses to be provided is 10 or more.</li> <li>b. Applications for the provision of a building or buildings with a floor space of 1000 square metres or more.</li> <li>c. Other applications which</li> </ol>	<p>Planning Committee.</p>	<p>Head of Planning and Regeneration.</p>

### APPENDIX 1

	<p>have been called-in by a member for determination by Planning Committee provided that the application has been called-in in accordance with the procedure set out in paragraphs 6 - 7 of the introductory paragraphs to the Scheme of Delegations.</p> <p>d. Applications by serving Officers and members.</p> <p>e. Applications by the Council or by Council Service Areas or Council departments.</p> <p>f. The Head of Planning and Regeneration considers that the application should be considered by the Planning Committee.</p>		
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	Planning Committee.	Head of Planning and Regeneration.

APPENDIX 1

	sections 81A and 81B of the Planning (Listed Buildings & Conservation Area Acts) 1990.		
Advertisements.	1. To determine applications for express advertisement consent.	1. Planning Committee.	1. Head of Planning and Regeneration.

### APPENDIX 1

<b>4. Economic Development</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Business Start - Up Grants.	To approve Business Start-Up Grants of up to £1,000 per individual applications.	Executive/Leader.	Head of Planning and Regeneration.
Farmers' Markets.	To determine applications for consent for Farmers' Markets.	Executive/Leader.	Head of Planning and Regeneration in consultation with the Executive/ Leader and Deputy Executive/Leader.
Financial Assistance to Small Businesses.	<ol style="list-style-type: none"> <li>1. To determine applications for grants of up to £500.</li> <li>2. To determine applications for grants of between £500 and £1,000.</li> </ol>	<ol style="list-style-type: none"> <li>1. Executive/ Leader.</li> <li>2. Executive/ Leader.</li> </ol>	<ol style="list-style-type: none"> <li>1. Head of Planning and Regeneration.</li> <li>2. Head of Planning and Regeneration in consultation with the relevant Portfolio Holder.</li> </ol>
Markets.	<ol style="list-style-type: none"> <li>1. To approve events to be held.</li> <li>2. To let stalls.</li> </ol>	<ol style="list-style-type: none"> <li>1. Executive/ Leader.</li> <li>2. Executive/ Leader.</li> </ol>	<ol style="list-style-type: none"> <li>1. Head of Planning and Regeneration.</li> <li>2. Head of Planning and Regeneration.</li> </ol>

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<b>5. Heritage</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Local Heritage List	<ol style="list-style-type: none"> <li>1. To administer the Local Heritage List for Bromsgrove;</li> <li>2. To approve draft selection criteria and final lists</li> </ol>	Council	<ol style="list-style-type: none"> <li>1. Head of Planning and Regeneration</li> <li>2. Head of Planning and Regeneration following consultation with the Portfolio Holder for Planning</li> </ol>



### APPENDIX 1

<b>5. Neighbourhood Planning</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Designation of Neighbourhood Area	To decide whether to accept and designate a Neighbourhood Area	Council	Head of Planning and Regeneration following consultation with the Ward Member(s) for the area affected and the Portfolio holder for Planning.
Designation of a Neighbourhood Forum	To decide whether to designate a community organisation as a Neighbourhood Forum		Head of Planning and Regeneration following consultation with the Ward Member(s) for the area affected and the Portfolio holder for Planning.
Assessing the validity and acceptance of plans	To decide the validity and acceptance of submissions for a Neighbourhood Development Plan or a Neighbourhood Development Order, including assessing the compliance of the Plan/Order with other relevant policies and legislation.		Head of Planning and Regeneration following consultation with the Ward Member(s) for the area affected and the Portfolio holder for Planning.
Repeat proposals	To decide whether to decline to accept repeat proposals for Neighbourhood Development Plans or Neighbourhood Development Orders		Head of Planning and Regeneration following consultation with the Ward Member(s) for the area affected and the Portfolio holder for Planning.
Appointment of Examiner	To appoint an Examiner for a Neighbourhood Development Plan or Order		Head of Planning and Regeneration following consultation with the Ward Member(s) for the area affected and the Portfolio holder for Planning.

### APPENDIX 1

<b>6. Planning Enforcement</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Article 4 Directions.	To make Directions under Article 4(1) of the Town & Country Planning (General Permitted Development) Order 1995 <sup>1</sup> .	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 <sup>2</sup> .	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 of the Town & Country Planning Act 1990.	Planning Committee.	Head of Planning and Regeneration.
Entry of Premises - Proper Officer.	To be designated as the Proper Officer for the purposes of authorising persons to enter onto land in connections with the exercise of functions under sections 196A and 196B, 214B, 324 and 325 of the Town & Country Planning Act 1990.	Planning Committee.	Head of Planning and Regeneration.
Inspection Notices.	To serve notices of intended inspection under sections 196A, 196B, 214B, 324 and 325 of the Town and Country Planning Act 1990.	Planning Committee.	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 <sup>3</sup> .	Planning Committee.	Head of Legal, Equalities and Democratic Services or Principal Solicitor in consultation with, where practicable, the Chairman of Planning Committee.

### APPENDIX 1

<p>Listed Buildings - Enforcement Notices.</p>	<ol style="list-style-type: none"> <li>1. To authorise the issue and service of Listed Building Enforcement Notices under section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</li>   <li>2. To authorise the issue and service of Listed Building Enforcement Notices under section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in circumstances in cases of urgency when, in the opinion of Head of Planning &amp; Environment Services, reporting to Planning Committee is impractical.</li> </ol>	<ol style="list-style-type: none"> <li>1. Council.</li>   <li>2. Planning Committee.</li> </ol>	<ol style="list-style-type: none"> <li>1. Planning Committee.</li>   <li>2. Head of Planning and Regeneration.</li> </ol>
<p>Planning Contravention Notices.</p>	<ol style="list-style-type: none"> <li>1. To serve Planning Contravention Notices under section 171C of the Town &amp; Country Planning Act 1990 (and any other statutory power which enables the Council to require information about land).</li>   <li>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.</li> </ol>	<ol style="list-style-type: none"> <li>1. Planning Committee.</li>   <li>2. Planning Committee.</li> </ol>	<ol style="list-style-type: none"> <li>1. Head of Planning and Regeneration.</li>   <li>2. Head of Planning and Regeneration.</li> </ol>
<p>Stop Notices.</p>	<ol style="list-style-type: none"> <li>1. To authorise the issue and service of Stop Notices under section 183 of the Town &amp; Country Planning Act 1990.</li> </ol>	<ol style="list-style-type: none"> <li>1. Council.</li> </ol>	<ol style="list-style-type: none"> <li>1. Planning Committee.</li> </ol>

### APPENDIX 1

	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.	2. 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.	<p>1. To authorise the issue of notices under section 215 of the Town and Country Planning Act 1990.</p> <p>2. To serve notices under section 215 of the Town and Country Planning Act 1990.</p>	Planning Committee.	<p>1. Head of Planning and Regeneration.</p> <p>2. Principal Solicitor.</p>
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.	<p>1. To authorise the service of an advertisement discontinuance notice.</p> <p>2. To take action for the control of advertisements (but not including the service of a discontinuance notice) in the interest of amenity and public safety under the Town and Country Planning (Control of Advertisements) Regulations 2007.</p>	<p>1. Council.</p> <p>2. Planning Committee.</p>	<p>1. Planning Committee.</p> <p>2. Head of Planning and Regeneration in consultation with the Principal Solicitor.</p>

### APPENDIX 1

<b>7. Strategic Planning</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
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.**

## APPENDIX 1

**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 grant consents for uncontested Street Amenity Consents under the Highways Act 1980**

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.

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#### **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 suspend Premises and Club Premises Licences following non payment of fees under sections 55A and 92A of the Licensing Act 2003 (as amended)**

#### **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.

### APPENDIX 1

- 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 2013.
- 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.



## APPENDIX 1

**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.

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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.

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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.

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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.

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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 2013.  
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.

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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.

### APPENDIX 1

<b>RESOURCES</b>			
<b>1. Finance</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
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.	Financial Services Manager.
Corporate Risk Register.	To monitor, review and update the corporate and departmental risk registers.	Executive/Leader.	Executive Director Finance and Resources in consultation with the Audit Board and the relevant Portfolio Holder.
Debts.	To write off irrecoverable debts: a. up to the value of £2,500. b. over £2,500.	a. & b. Executive/Leader.	a. Executive Director Finance and Resources  b. Executive Director Finance and Resources with the agreement of the Leader of the Council.

### APPENDIX 1

<p>Local Government and Housing Act 1989.</p>	<p>To make determinations under the following Schedules and Sections of the Act:</p> <ul style="list-style-type: none"> <li>• Part 1 Schedule 3</li> <li>• Paragraph 9 (1) (b) Schedule 3</li> <li>• Section 42 (2) (g)</li> <li>• Section 50 (3) (b)</li> <li>• Section 56 (1)</li> <li>• Section 60 (2)</li> <li>• Section 63 (1)</li> </ul>	<p>Executive/Leader.</p>	<p>Financial Services Manager</p>
<p>Maturity Mortgages.</p>	<p>To deal with requests for the premature repayment of monies secured by maturity mortgages/local bonds.</p>	<p>Executive/Leader.</p>	<p>Financial Services Manager.</p>
<p><b>New Homes Bonus scheme</b></p>	<p>1. To administer the New Homes Bonus scheme including initial assessment of applications.</p> <p>2. Following consultation with the Chairman of the New Homes Bonus Community Grants Panel, to reject applications which are ineligible or inappropriate.</p>	<p><b>Executive/Leader</b></p>	<p>1. <b>Executive Director Finance and Resources.</b></p> <p>2. <b>Following consultation with the Chairman of the New Homes Bonus Community Grants Panel</b></p>
<p>Tax Relief Reimbursement.</p>	<p>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.</p>	<p>Executive/Leader.</p>	<p>Head of Customer Access and Financial Support.</p>
<p>Utilities - Restoration or Continuance of Services.</p>	<p>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</p>	<p>Executive/Leader.</p>	<p>Financial Services Manager or Head of Planning &amp; Regeneration.</p>



**APPENDIX 1**

	of any payments made by the Council in pursuance of such arrangements.		
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### APPENDIX 1

<b>2. Procurement</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
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 Procedures.	To select contractors from an approved standing list of contractors.	Executive/Leader.	Chief Executive, Executive Directors and Heads of Service.
Tenders.	To engage in the formal tender process in accordance with Contract Procedure Rules.	Executive/Leader.	Heads of Service.

### APPENDIX 1

<b>3. Revenues and Benefits</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Cautions.	To administer cautions to offenders as an alternative to Court proceedings.	Council.	Officers authorised in writing by the Head of Customer Access and Financial Support.
Council Tax.	To act in Council Tax matters under the powers of Section 101 of the Local Government Act 1972.	Council.	Head of Customer Access and Financial Support.
Court Proceedings.	To select and authorise officers to appear before Magistrates Courts and Tribunals to: <ul style="list-style-type: none"> <li>(b) represent the Council in the recovery of Council Tax and non-domestic rates monies due to the Council;</li> <li>(b) represent the Council before a Valuation Tribunal in consideration of any appeals which may arise concerning Council Tax and non-domestic rates.</li> </ul>	Council.	Principal Solicitor or Head of Customer Access and Financial Support.
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 Customer Access and Financial Support .
Essential Living Fund	To administer the Essential Living Fund in accordance with Council policy	Executive/Leader	Head of Customer Access and Financial Support
General Rate Act 1967.	To sign agreements under section 72 of the Act on behalf of the Council.	Executive/Leader.	Head of Customer Access and Financial Support.

### APPENDIX 1

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 Customer Access and Financial Support.
Council Tax Reduction	To administer the Council Tax Reduction scheme in accordance with Council policy (as determined by the Members)	Executive/Leader.	Head of Customer Access and Financial Support.
Local Valuation Court.	To appear for the Council at sittings of the Local Valuation Court.	Executive/Leader.	Head of Customer Access and Financial Support.
Rate Relief (Mandatory).	To determine applications for mandatory rate relief under Section 43 of the Local Government Finance Act 1988.	Executive/Leader.	Head of Customer Access and Financial Support.

### APPENDIX 1

<b>4. Property Services</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
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.
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.	<ol style="list-style-type: none"> <li>1. To give notice to quit and other notices for formal demands which are required in the interests of the Council.</li> <li>2. To sign and serve notices and counter notice,;-</li> </ol>	Executive/Leader.	<ol style="list-style-type: none"> <li>1. Executive Director - Finance and Corporate Resources.</li> <li>2. Executive Director -</li> </ol>

### APPENDIX 1

	<p>(a) determining leases, tenancy agreements and licences to occupy (except residential premises held under Part V of the Housing Act 1957) and</p> <p>(b) under Part II of the Landlord and Tenant Act 1954 when the Council wishes to grant or oppose the grant of a new lease, tenancy or licence.</p>		Finance and Corporate Resources.
Purchase of Land.	<p>1. To agree terms for the acquisition of land or individual properties required for an approved scheme after consultation with Chief Officers concerned complete the purchases where a capital scheme for the acquisition has been approved by the Council.</p> <p>2. To buy buildings or land at the best price reasonably obtainable in accordance with the Assets Management Plan and relevant legislation.</p>	<p>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>
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 -	To determine requests for the	Executive/Leader.	Executive Director -

### APPENDIX 1

Postponement of Statutory Charge.	postponement of the Council's statutory charge on property sold under the Right to Buy scheme.		Finance and Corporate Resources.
Sale of Land.	<p>1. To determine applications for the purchase, grants of easements, rights of way and other minor licenses of small areas of land owned by the Council, which is defined as:</p> <ul style="list-style-type: none"> <li>- less than half a hectare in size and with a value of less than £49,999 plus VAT/fees)</li> <li>- all garden licenses or grazing licenses regardless of the size of land</li> </ul> <p>in accordance with Council policy for Minor Land Disposal.</p> <p>2. Following a Cabinet decision to declare as surplus, 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 Resources following consultation with the Ward Member(s).</p> <p>2. Executive Director - Finance and Resources.</p>
Spadesbourne Suite.	To grant to local charitable organisations free use of the Spadesbourne Suite on up to 4 occasions per year.	Executive/Leader.	Executive Director - Finance and 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 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 Resources.

# Agenda Item 10

## PART 6

### APPENDIX 1

Use of Land.	To determine applications for the use of small areas of land owned by the Council.	Executive/Leader.	Executive Director - Finance and Resources.
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### APPOINTMENTS TO OUTSIDE BODIES

Relevant Portfolio Holder	Cllr Denaro
Portfolio Holder Consulted	Yes
Relevant Head of Service	Claire Felton, Head of Legal, Equalities and Democratic Services
Ward(s) Affected	All
Ward Councillor(s) Consulted	N/A
Key Decision / Non-Key Decision	Non-key

#### 1. SUMMARY OF PROPOSALS

- 1.1 The Council makes appointments and nominations to a number of Outside Bodies each year. This report sets out the details of the appointments which are made by the Council and was deferred from the Annual meeting in May.

#### 2. RECOMMENDATIONS

It is recommended that that the Council nominates to the bodies listed in the appendix to the report.

#### 3. KEY ISSUES

##### Financial Implications

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

##### Legal Implications

- 3.2 No specific legislation governs the appointment or nomination of members to outside bodies by the Council. Depending on the nature of the relationship the Council has with the organisation, the legal status of the organisation, its corporate, charity or other status and its constitution, there are differing legal implications for the members sitting on these bodies.
- 3.3 The Local Authorities (Indemnities for Members and Officers) Order 2004 governs the Council's ability to indemnify members sitting on outside bodies.

##### Service / Operational Implications

- 3.4 A number of bodies ask the Council to make appointments to them for terms of office which vary from one year upwards.
- 3.5 The Council has previously agreed that a number of such appointments, usually to national or regional bodies, should be made by office. Where there are specific requirements for appointments these are shown against the organisations in the appendix.

**Customer / Equalities and Diversity Implications**

3.6 There are no specific customer or equalities implications arising from this report.

**4. RISK MANAGEMENT**

4.1 There would be risks arising if the Council failed to make appointments to the Outside Bodies listed in this report; the nature of the risk would vary depending on the type of body in question. The Council needs to participate in certain Outside Bodies to ensure that existing governance arrangements can be complied with. On other bodies the risk would be less severe but non-participation would detract from the Councils ability to shape and influence policies and activities which affect the residents of Bromsgrove.

**5. APPENDICES**

Appendix 1 - list of appointments to outside bodies

**6. BACKGROUND PAPERS**

Terms of reference and governing documents of organisations are held by Democratic services

**7. KEY**

**AUTHOR OF REPORT**

Name: Sheena Jones

email: [sheena.jones@bromsgroveandredditch.gov.uk](mailto:sheena.jones@bromsgroveandredditch.gov.uk)

Tel.: 01527 548240

## Appointments to Outside Bodies – Appendix 1

Organisation	No. of Appts	Length of Office	Appointed Reps	End of office
Amphlett Hall Management Committee	4	1 year	Councillors Boswell Griffiths Sherrey Jones	May 2015
Bromsgrove Arts Centre Trust – charitable company  (Artrix Operating Trust)  Note staggered terms of office from when the Trust was set up. Future terms of office to be 4 years. Appointees do not have to be members of the Council.	5	1. 4 yrs 2. 4 yrs 3. 4yrs 4. 3 yrs 5. 3 yrs	Councillors Boswell Grant-Pearce Spencer Brogan Griffiths	July 2018 July 2018 July 2018 July 2017 July 2017
Bromsgrove Arts Development Trust (Artrix holding Trust)  Appointees do not have to be members of the Council. Future terms of office to be 4 years.	6	1. 4yrs 2. 4yrs 3. 3yrs 4. 3yrs 5. 3yrs 6. 4yrs	Councillors 1. Booth 2. Sherrey 3. Clarke 4. Laight 5. Lammas 6. Ruck	June2018 June2018 June2015 June2015 June2015 June2018
Bromsgrove Citizens' Advice Bureau	2	1 year	Councillors Cooper Ruck	July 2015
Bromsgrove Sporting Board (observers only)	2	1 year	Councillors Lammas Whittaker	July 2015

Dem services/BDC/Ctteeservs/outsidebodies/master list

# Agenda Item 11

Organisation	No. of Appts	Length of Office	Appointed Reps	End of office
Greater Birmingham and Solihull Local Enterprise Partnership (LEP) – Joint Overview and Scrutiny Committee for the Supervisory Board	1	1 year	Councillor Brogan	May 2015
Shared Services Members Board (2 representatives also by office)	2 and a substitute	1 year	Councillors Clarke Webb Bullivant (substitute)	May 2015
Midlands Joint Council for Environmental Protection	2	1 year	Councillors Laight S Shannon	May 2015
West Mercia Police and Crime Panel	1 rep and 1 substitute  <i>Rep and sub must be from majority political group on the Council</i>	4 years	Councillors Sherrey  Taylor (sub)	May 2015  May 2015
Worcestershire County Council Corporate Parenting Steering Group	1	1 year	Councillor Sherrey	May 2015
Worcestershire County Council Highways (Bromsgrove) Partnership Forum	2	1 year	Councillors Dent Whittaker	May 2015

Dem services/BDC/Ctteeservs/outsidebodies/master list

# Agenda Item 11

<b>Organisation</b>	<b>No. of Appts</b>	<b>Length of Office</b>	<b>Appointed Reps</b>	<b>End of office</b>
Worcestershire Shared Services Joint Committee	2  To include relevant Portfolio holder and one other member of the controlling group and one substitute	1 year	Councillors Bullivant Dent Sherrey (named substitute)	May 2015

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# CABINET

4<sup>th</sup> March 2015

## APRIL - DECEMBER (QUARTER 3) FINANCE MONITORING REPORT 2014/15

<b>Relevant Portfolio Holder</b>	Councillor Mike Webb, Portfolio Holder for Finance, Partnerships and Economic Development
<b>Relevant Head of Service</b>	Jayne Pickering, Executive Director Finance and Corporate Resources
<b>Non-Key Decision</b>	

### **1. SUMMARY OF PROPOSALS**

- 1.1 To report to Cabinet on the Council's financial position for Revenue and Capital for the period April -December 2014 (Quarter 3 – 2014/15)

### **2. RECOMMENDATIONS**

- 2.1 That Cabinet note the current financial position on Revenue and Capital as detailed in the report.
- 2.2 To recommend an increase to the Capital Programme for 2015/16 of £40k S106 monies from land off Regent Road, Oakalls development site to improve the quality of parks and open spaces in the Oakalls.

### **3. KEY ISSUES**

- 3.1 This report provides details of the financial information across the Council. The aim is to ensure officers and members can make informed and considered judgement of the overall position of the Council. The report is currently based on the departments within the Council. The aim is to report the financial position across the strategic purposes from April 2015 when the new financial system is implemented.
- 3.2 This report includes both revenue and capital expenditure with a summary for the Council followed by the departmental analysis of expenditure.

**Revenue Budget summary  
Quarter 3 (April – December) 2014/15 – Overall Council**

3.3 Internal recharges have not been included in these figures to allow comparison for each service area. However Support costs have been included.

Service Head	Revised Budget 2014/15 £'000	Profiled Budget 2014-15 £'000	Actual Spend 2014-15 £'000	Variance to date £'000	Projected Outturn 2014/14 £'000	Projected Variance £'000
BDC Reg Client	154	88	36	-52	114	-40
Business Transformation	2,429	1,186	1,161	-25	2,375	-55
Community Services	2,378	1,104	1,050	-53	2,271	-107
Corporate Resources	1,993	1,440	1,394	-46	1,945	-48
Customer Access & Financial Support	567	-97	-151	-55	516	-51
Environmental Services	2,506	1,268	1,449	181	2,771	265
Finance & Resources	464	280	298	17	496	33
Legal & Democratic Services	832	485	497	12	846	14
Leisure & Cultural Services	2,369	1,562	1,548	-14	2,338	-31
Planning & Regeneration	712	584	580	-4	714	2
<b>SERVICE TOTAL</b>	<b>14,403</b>	<b>7,900</b>	<b>7,861</b>	<b>-40</b>	<b>14,385</b>	<b>-18</b>
Interest Payable	283	212	0	-212	0	-283
Interest on Investments	-58	-31	-30	0	-58	0
<b>COUNCIL SUMMARY</b>	<b>14,628</b>	<b>8,082</b>	<b>7,830</b>	<b>-252</b>	<b>14,327</b>	<b>-301</b>

**Financial Commentary:**

At the end of quarter 3 there is a predicted saving against budget of £301k. This includes a number of variances across services as detailed in this report. It also includes an shortfall in income relating to Environmental Services. The initial budget was based on £250k income realised from the potential sale of the Trade Waste service. Officers are now reviewing the position on Trade Waste to bring forward options that may be available for service delivery. It is anticipated that this will be presented to members in early 2015/16. In addition to the shortfall in income there has also been an increase in vehicle repairs and maintenance.

The savings on interest payable is due to an the initial budget including costs associated with borrowing to support the capital programme during 2014/15. This has not been required this year due to slippage on a number of capital schemes.



**CABINET**

4<sup>th</sup> March 2015

**Capital Budget summary  
Quarter 3 (April -December) 2014/15 – Overall Council**

Department	Revised Budget 2014- 15 £'000	Profiled budget April - Dec £'000	Actual spend April - Dec £'000	Variance to date £'000	Projected Outturn 2014-15 £'000	Projected Variance £'000
<b>Regulatory Services</b>	19	2	2	-0	19	-0
<b>Business Transformation</b>	90	90	70	-20	90	0
<b>Community Services</b>	562	562	400	-161	562	0
<b>Environmental Services</b>	235	235	235	-0	235	0
<b>Leisure &amp; Cultural Services</b>	577	577	254	-323	578	2
<b>Planning &amp; Regeneration</b>	4,327	4,327	4,306	-20	4,306	-20
Budget for Support Services Recharges to be allocated to the schemes at the end of 2014/15	25	0	0	0	25	0
<b>TOTAL</b>	<b>5,834</b>	<b>5,792</b>	<b>5,268</b>	<b>-524</b>	<b>5,816</b>	<b>-18</b>

**Financial Commentary**

Due to the review of Environmental Services, there has been a delay in the procurement of vehicles. Officers have now developed a programme for 15/16. This means that the capital budget has to be carried forward to 2015/16. The parkside project within Planning and Regeneration has also planned spend going into early 15/16.

**CABINET**

4<sup>th</sup> March 2015

**Regulatory - Client  
Quarter 3 (April - December) 2014/15**

**Revenue Budget summary**

Service Head	Revised Budget 2014/15 £'000	Profiled Budget 2014-15 £'000	Actual Spend 2014-15 £'000	Variance to date £'000	Projected Outturn 2014/14 £'000	Projected Variance £'000
BDC Reg Client	351	236	193	-43	304	-47
Environmental Health / Protection / Enforcement	-11	-8	-7	1	-8	3
Pest & Dog control	0	0	-4	-4	-4	-4
Public Health	0	0	0	0	0	0
Licenses (all)	-186	-139	-146	-7	-179	7
CMT	0	0	0	0	0	0
<b>Grand Total</b>	<b>154</b>	<b>88</b>	<b>36</b>	<b>-52</b>	<b>114</b>	<b>-40</b>

**Financial Commentary:**

There is currently an expected saving within the Worcestershire Regulatory Services function which will be shared across all partners and this represents the BDC share.

**Worcestershire Regulatory Services  
Quarter 3 (April - December) 2014/15**

**Capital Budget summary**

BDC share of Regulatory - WETT shared service	19	2	2	-0	19	-0
<b>Total</b>	<b>19</b>	<b>2</b>	<b>2</b>	<b>-0</b>	<b>19</b>	<b>-0</b>

**Financial Commentary:**

The expenditure for a new IT System is jointly funded by all partners in accordance with the business case. The £19k represents the financial cost for Bromsgrove and it is expected to be fully spent by the end of the financial year.

**CABINET**

4<sup>th</sup> March 2015

**Business Transformation  
Quarter 3 (April - December) 2014/15**

**Revenue Budget summary**

Service Head	Revised Budget 2014/15 £'000	Profiled Budget 2014-15 £'000	Actual Spend 2014-15 £'000	Variance to date £'000	Projected Outturn 2014/14 £'000	Projected Variance £'000
ICT	1,945	823	881	59	1,982	37
Human Resources	304	228	172	-55	239	-64
Transformation	65	49	40	-9	66	0
Equalities	34	25	35	10	32	-2
Policy	81	61	32	-29	55	-26
<b>Grand Total</b>	<b>2,429</b>	<b>1,186</b>	<b>1,161</b>	<b>-25</b>	<b>2,375</b>	<b>-55</b>

**Financial Commentary:**

There are a couple of posts within the HR department that are currently vacant and maternity leave cover is being provided internally. One of the posts has been filled and therefore the savings will not be as significant at the end of the financial year.

An in year saving has been identified of £40k on training, however a programme is in place moving forward.

**Capital Budget summary**

Capital Project Description	Revised Budget 2014-15 £'000	Profiled budget April - Dec £'000	Actual spend April - Dec £'000	Variance to date £'000	Projected Outturn 2014-15 £'000	Projected Variance £'000
Infrastructure refresh and PSN	90	90	70	-20	90	0
<b>Total</b>	<b>90</b>	<b>90</b>	<b>70</b>	<b>-20</b>	<b>90</b>	<b>0</b>

**Financial Commentary:**

Work continues with phase I of the PSN project, with work about to commence on Phase II.

**CABINET**

4<sup>th</sup> March 2015

**Community Services  
Quarter 3 (April - December) 2014/15**

**Revenue Budget summary**

Service Head	Revised Budget 2014/15 £'000	Profiled Budget 2014-15 £'000	Actual Spend 2014-15 £'000	Variance to date £'000	Projected Outturn 2014/14 £'000	Projected Variance £'000
Housing Strategy	1,769	696	681	-15	1,712	-58
Community Safety & Transport	497	303	252	-51	449	-48
Community Cohesion	111	104	117	13	110	-1
<b>Grand Total</b>	<b>2,378</b>	<b>1,104</b>	<b>1,050</b>	<b>-53</b>	<b>2,271</b>	<b>-107</b>

**Financial Commentary:**

There has been a reduction in the cost of running the community transport scheme due to the contract being renegotiated. There has been an increase in income for lifeline services due to changes in funding. Within Housing Strategy there is a saving due to reduced spending as the BDHT management fees have not increased as expected and some salary savings due to temp vacancy. There has been a saving on HOS costs due to post being recruited on a lower salary point. These savings which have been identified have been included in the 2015/16 - 2017/18 Medium term financial Plan.

**Capital Budget summary**

Capital Project Description	Revised Budget 2014-15 £'000	Profiled budget April - Dec £'000	Actual spend April - Dec £'000	Variance to date £'000	Projected Outturn 2014-15 £'000	Projected Variance £'000
Disabled facilities Grant	515	515	376	-139	515	0
Energy Efficiency Home Insulation Project	0	0	0	0	0	0
Grants - affordable housing	23	23	19	-4	23	0
Implementation of Localism Changes	5	5	0	-5	5	0
Discretionary Home Repair Assistance & Housing Renewal Grants	19	19	5	-14	19	0
<b>Total</b>	<b>562</b>	<b>562</b>	<b>400</b>	<b>-161</b>	<b>562</b>	<b>0</b>

**Financial Commentary:**

Officers are continuing to work with residents to ensure all support is in place in their homes. Affordable Housing grants relate to funds to support Registered Social Landlords and these have not yet been drawn on for 2014/15

**CABINET**

4<sup>th</sup> March 2015

**Corporate Services  
Quarter 3 (April - December) 2014/15**

**Revenue Budget summary**

Service Area	Revised Latest Budget 14-15 FY £'000	Budget April - Dec £'000	Actual Spend April - Dec £'000	Variance to date £'000	Projected Outturn 2014-15 £'000	Sum of Projected Variance £'000
Corporate Resources	1,709	1,231	1,198	-33	1,667	-42
Corporate Admin/ central post & printing	283	209	196	-14	278	-5
<b>Grand Total</b>	<b>1,993</b>	<b>1,440</b>	<b>1,394</b>	<b>-46</b>	<b>1,945</b>	<b>-48</b>

**Financial Commentary:**

Communications services have a saving of £14k on various budgets relating to marketing/promotion. Saving within Corporate Services is due to the vacant post of Executive Director Planning & Regulatory. These savings identified have been included in the 2015/16 - 2017/18 medium term financial plan.

**Customer Access & Financial Support  
Quarter 3 (April - December) 2014/15**

**Revenue Budget summary**

Service Head	Revised Budget 2014/15 £'000	Profiled Budget 2014-15 £'000	Actual Spend 2014-15 £'000	Variance to date £'000	Projected Outturn 2014/14 £'000	Projected Variance £'000
Customer service centre	330	234	235	1	341	11
Financial Support	72	46	42	-5	66	-6
Revenues & Benefits	149	-389	-440	-51	94	-54
Valuation Services	16	12	12	-0	15	-1
<b>Grand Total</b>	<b>567</b>	<b>-97</b>	<b>-151</b>	<b>-55</b>	<b>516</b>	<b>-51</b>

**Financial Commentary:**

During Quarter 3 it has been possible to reduce the expected overspend on customer services through management of resources made possible due to a reduction in demand being handled by the Customer Service Centre. The Revenues & Benefits underspend is due to savings achieved through Service Reviews and shared service arrangements with Redditch Borough Council, which has reduced the number of managers in the service.

**Environmental Services  
Quarter 3 (April - December) 2014/15**

**Revenue Budget Summary**

Service Head	Revised Budget 2014/15 £'000	Profiled Budget 2014-15 £'000	Actual Spend 2014-15 £'000	Variance to date £'000	Projected Outturn 2014/14 £'000	Projected Variance £'000
Car Parks/Civil Enforcement Parking	-623	-513	-484	30	-617	5
Cemeteries	32	27	15	-11	13	-19
Cesspools/Sewers	-108	-80	-24	56	-41	67
CMT	50	38	37	-1	50	0
Depot	690	499	369	-130	598	-91
Grounds Maintenance	441	294	307	13	416	-25
Highways	174	104	71	-32	125	-49
Refuse & Recycling	937	317	627	310	1,295	359
Street Cleansing	882	573	547	-26	896	14
Transport	-40	-42	-63	-21	-41	-1
Waste Management, policy, promotion, management	-5	-4	-2	2	-2	3
Climate Change	16	12	14	2	17	1
Land Drainage	61	45	35	-10	61	1
<b>Grand Total</b>	<b>2,506</b>	<b>1,268</b>	<b>1,449</b>	<b>181</b>	<b>2,771</b>	<b>265</b>

**Financial Commentary:**

- Income from off street/on street car parking enforcement is lower than anticipated. Officers will be meeting with Wychavon District Council who provides the parking service under an SLA agreement to discuss this and the SLA payments.
- Bromsgrove Bereavement Services income is more than budgeted and accounts for the projected surplus.
- Cesspools continue to show a deficit due to the removal of trade effluent at Frankley and other pumping stations.
- Salary savings due to vacant posts within Depot services account for most of the projected underspend.
- Savings within the Highways team are due to staff vacancies.
- A £250k saving was built into the Trade Waste Service for 2014-15 for the sale of the trade list. Members have asked Officers to look at some additional options for moving the service forward but due to the timescales, will result in the saving not being achievable in this financial year. Ongoing issues with vehicle breakdown within the service will continue until new freighters are received nearer the end of the financial year.

**CABINET**

4<sup>th</sup> March 2015

**Capital Budget Summary**

Capital Project Description	Revised Budget 2014-15 £'000	Profiled budget April - Dec £'000	Actual spend April - Dec £'000	Variance to date £'000	Projected Outturn 2014-15 £'000	Projected Variance £'000
North Cemetery Phase 2	2	2	2	0	2	0
Refuse collection vehicle replacement programme	126	126	126	0	126	0
Flooding Mitigation Measures	36	36	36	0	36	0
<b>Total</b>	<b>235</b>	<b>235</b>	<b>235</b>	<b>-0</b>	<b>235</b>	<b>0</b>

**Financial Commentary:**

North Cemetery Phase 2 - work is now at a the design stage therefore the budget has been reprofiled to reflect expenditure taking place at the beginning of 2015/16.  
 Refuse Vehicle replacement programme is for Environmental Services Vehicles. Some procurement of vehicles is taking place but the majority is on hold until the Environmental Services review .  
 Flood Mitigation Measures - replacement of culvert grilles - the work has been undertaken but invoices have not yet been received

**Finance and Resources  
Quarter 3 (April - December) 2014/15**

**Revenue Budget summary**

Service Head	Revised Budget 2014/15 £'000	Profiled Budget 2014-15 £'000	Actual Spend 2014-15 £'000	Variance to date £'000	Projected Outturn 2014/14 £'000	Projected Variance £'000
Accounts & Financial Management	434	250	266	16	465	32
Central Overheads	30	30	31	1	31	1
<b>Grand Total</b>	<b>464</b>	<b>280</b>	<b>298</b>	<b>17</b>	<b>496</b>	<b>33</b>

**Financial Commentary:**

The projected overspend is due to redundancy and pension strain costs following a service review. This has been reduced from Qtr 2 through vacant posts.

**CABINET**

4<sup>th</sup> March 2015

**Legal, Equalities and Democratic Services  
Quarter 3 (April - December) 2014/15**

**Revenue Budget Summary**

Service Head	Revised Budget 2014/15 £'000	Profiled Budget 2014-15 £'000	Actual Spend 2014-15 £'000	Variance to date £'000	Projected Outturn 2014/14 £'000	Projected Variance £'000
Democratic Services & Member Support	483	306	303	-3	478	-5
Election & Electoral Services	175	80	83	3	175	-0
Professional Legal Advice & Services	266	186	183	-3	267	1
Land Charges	-92	-87	-72	15	-74	18
<b>Grand Total</b>	<b>832</b>	<b>485</b>	<b>497</b>	<b>12</b>	<b>846</b>	<b>14</b>

**Financial commentary:**

Staffing vacancy within Democratic Services has resulted in a small saving. At the time of reporting the European Election accounts had not been finalised. Members are advised that there is a likelihood that this area will result in an underspend once the election accounts have been agreed - it is not however possible to identify the extent of this underspend at this stage. Search requests are considerably lower than predicted in this final quarter resulting in under achieved income. This is however driven by the market and outside of our control.

**Leisure and Cultural Services  
Quarter 3 (April – December) 2014/15**

**Revenue Budget summary**

Service Head	Revised Budget 2014/15 £'000	Profiled Budget 2014-15 £'000	Actual Spend 2014-15 £'000	Variance to date £'000	Projected Outturn 2014/14 £'000	Projected Variance £'000
Business Development	800	619	629	9	818	18
Cultural Services	272	301	295	-6	271	-1
Leisure & Cultural Mgt	119	89	94	5	118	-1
Parks & Green Space	354	117	122	5	355	1
Sports Services	824	443	404	-39	776	-49
<b>Grand Total</b>	<b>2,369</b>	<b>1,570</b>	<b>1,543</b>	<b>-26</b>	<b>2,338</b>	<b>-31</b>

**Financial Commentary:**

Business development income has reduced in relation to the Spadesbourne suite as we prepare to relocate to Parkside resulting in a predicted overspend. Sports services is predicting an underspend in sports development and car park refunds at the Dolphin Centre, however this may be offset during the busier months ahead.



# CABINET

4<sup>th</sup> March 2015

## Capital Budget summary

Capital Project Description	Revised Budget 2014-15 £'000	Profiled budget April - Dec £'000	Actual spend April - Dec £'000	Variance to date £'000	Projected Outturn 2014-15 £'000	Projected Variance £'000
Sports Facilities	74	74	64	-10	76	2
Play Areas	412	412	191	-221	412	-0
Other Schemes	91	91	-1	-92	91	0
<b>Total</b>	<b>577</b>	<b>577</b>	<b>254</b>	<b>-323</b>	<b>578</b>	<b>2</b>

### **Financial Commentary:**

Officers have advised that all schemes are scheduled to take place before the end of the financial year, so the budgets have been re-profiled to reflect the fact that expenditure will be in - Quarter 4 (Jan – March 2015).

The revised full year budget has been re profiled to reflect expenditure planned for 2015/16

There is a new project for approval: £40k of S106 funding to be utilised to improve the quality of the parks and public open spaces in and around the Oakalls.

**Planning and Regeneration  
Quarter 3 (April - December) 2014/15**

## Revenue Budget summary

Service Area	Revised Latest Budget 14-15 FY £'000	Budget April - Dec £'000	Actual Spend April - Dec £'000	Variance to date £'000	Projected Outturn 2014-15 £'000	Sum of Projected Variance £'000
Building Control	-128	-98	-72	25	-92	36
Development Control	213	147	149	2	169	6
Economic & Tourism Development	150	178	185	7	220	20
Emergency Planning / Business Continuity	14	10	10	-0	14	0
Strategic Planning	404	303	265	-38	351	-53
Town Centre Development	59	43	43	-0	53	-6
<b>Grand Total</b>	<b>712</b>	<b>584</b>	<b>580</b>	<b>-4</b>	<b>714</b>	<b>2</b>

### **Financial Commentary:**

Strategic Planning has had a number of vacancies which will not be filled until early 2015/16. There are also a number of budgets that will be underspent.

Building Controls income is projected to be slightly down due to less demand on services.

Development Control planning applications are lower than the previous year but have assumed income will increase to budget.

**Capital Budget summary**

Capital Project Description	Revised Budget 2014-15 £'000	Profiled budget April - Dec £'000	Actual spend April - Dec £'000	Variance to date £'000	Projected Outturn 2014-15 £'000	Projected Variance £'000
Town Centre Development - Project Management	38	38	38	0	38	0
Town Centre - Public Realm	1,652	1,652	1,632	-20	1,632	-20
Market Hall development site	18	18	18	0	18	0
Stourbridge Road development site	4	4	4	-0	4	-0
Parkside School	2,615	2,615	2,615	-0	2,615	-0
<b>Total</b>	<b>4,327</b>	<b>4,327</b>	<b>4,306</b>	<b>-20</b>	<b>4,306</b>	<b>-20</b>

**Financial Commentary:**

There are a number of projects that are under construction within this service area. The redevelopment of the High Street Improvements are committed to be fully spent by the end of the financial year. The parkside development has commenced and will be continued going into early 15/16.

**4. TREASURY MANAGEMENT**

- 4.1 The Council's Treasury Management Strategy has been developed in accordance with the Prudential Code for Capital Finance prudential indicators and is used to manage risks arising from financial instruments. Additionally treasury management practices are followed on a day to day basis.
- 4.2 The Council receives credit rating details from its Treasury Management advisers on a daily basis and any counterparty falling below the criteria is removed from the list of approved institutions.
- 4.3 Due to market conditions the Council has reduced its credit risk for all new investments by only investing in the highest rated instruments and has shortened the allowable length of investments in order to reduce risk.
- 4.4 At 31<sup>st</sup> December short term investments comprised:

	31st March 2014 £000	31 <sup>st</sup> December 2014 £000
Deposits	10,000	12,500
<b>Total</b>	<b>10,000</b>	<b>11,000</b>

## **CABINET**

**4<sup>th</sup> March 2015**

### **Income from investments and other interest**

- 4.5 An investment income target of £58k has been set for 2014/15 using a projected return rate of 0.5%. During the past financial year bank base rates have remained 0.5% and current indications are projecting minimal upward movement for the short term.
- 4.6 In the 6 months to 31<sup>st</sup> December the Council received income from investments of £30k.

### **5. REVENUE BALANCES**

#### **5.1 Revenue Balances**

The revenue balances brought forward at 1 April 2014 were £3.74m. Excluding the impact of any projected over or under spends it is anticipated that £301k will be transferred to balances during 2014/15.

#### **Legal Implications**

None.

#### **Service/Operational Implications**

All included in financial implications.

#### **Customer / Equalities and Diversity Implications**

None as a direct result of this report

### **7. RISK MANAGEMENT**

- 7.1 Risk considerations covered in the report. There are no Health & Safety considerations

### **8. APPENDICES**

None

### **9. BACKGROUND PAPERS**

Available from Financial Services

### **AUTHORS OF REPORT**

Name: Sam Morgan – Financial Services Manager  
Email: sam.morgan@bromsgroveandredditch.gov.uk  
Tel: (01527) 549130 ext 3790  
Name: Kate Goldey – Business Support Senior Accountancy Technician  
Email: k.goldey@bromsgroveandredditch.gov.uk  
Tel: (01527) 881208

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