



BROMSGROVE DISTRICT COUNCIL

YOU ARE HEREBY SUMMONED to attend a MEETING of BROMSGROVE DISTRICT COUNCIL to be held in the Council Chamber at Parkside Suite - Parkside at 6.00 p.m. on Wednesday 17th May 2017, when the business referred to below will be brought under consideration:-

The formal business will be preceded by a prayer.

1. Election of Chairman for the Ensuing Year

Following election the Chairman will make a Declaration of Acceptance of office

2. Election of Vice-Chairman for the Ensuing Year

Following election the Vice-Chairman will make a Declaration of Acceptance of Office

3. Vote of thanks to retiring Office Holders

4. To receive apologies for absence

5. 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.

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

7. To receive any announcements from the Leader (including Membership of the Cabinet)

8. Appointment of Committees 2017- 18 (Pages 1 - 24)

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

9. **Appointments to Outside Bodies** (Pages 25 - 28)

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

10. **Scheme of Delegation** (Pages 29 - 112)

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

K. DICKS
Chief Executive

Parkside
Market Street
BROMSGROVE
Worcestershire
B61 8DA

TO ALL MEMBERS OF THE BROMSGROVE DISTRICT COUNCIL

ANNUAL COUNCIL

17th May 2017

APPOINTMENT OF COMMITTEES 2017-18

Relevant Portfolio Holder	Councillor G. Denaro
Portfolio Holder Consulted	Yes
Relevant Head of Service	Claire Felton, Head of Legal, Equalities & Democratic Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 Members are asked to approve the appointment and composition of the Council's Boards and Committees for the 2017 - 18 Municipal Year.

2. RECOMMENDATIONS

- 2.1 That for the ensuing Municipal Year, the Committees set out in the table in Appendix 1 of the report be appointed and that the representation of the different political groups on the Council on those Committees be as set out in that table until the next Annual Meeting of the Council, or until the next review of political representation under Section 15 of the Local Government and Housing Act 1989, whichever is the earlier.
- 2.3 That Members be appointed to the Committees and as substitute members in accordance with nominations to be made by Group Leaders.
- 2.4 That the terms of reference for the Boards and Committees as set out at appendix 2 be confirmed.

Financial Implications

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

Legal Implications

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

ANNUAL COUNCIL

17th May 2017

Service / Operational Implications

- 3.3 The Council is required by law and/or its own Constitution to appoint various Boards and Committees, agree their terms of reference and to agree the allocation of seats which are subject to the rules of political proportionality. It must review the political balance on an annual basis.
- 3.4 The rules of political proportionality mean that the political balance of the Council needs to be reflected in the political composition of individual Boards and Committees. In addition, the total number of seats allocated to each group must reflect the political balance of the Council.
- 3.5 The proposed allocation of seats on each Board/Committee is done on a strict mathematical basis. There has been a small change to the size of the political groups due to the resignation of a councillor, giving rise to a vacancy (as identified in Appendix 1), this does not directly affect the political balance or the size of the Committees since the balance was agreed at the Council in June 2016.
- 3.6 When the Council reviewed the constitution in June 2015, it agreed the principle of substitute members on the Planning and Licensing Committees undertaking the same training as the full members of the Committees. In order that such training can be run effectively by including all Councillors for whom it is most relevant, group leaders area asked to identify who will act as substitute members for the Licensing and Planning Committees for this municipal year.
- 3.7 For all other committees substitutes will be notified to the Democratic Services Officers, as required on the instruction of the Group concerned.

Customer / Equalities and Diversity Implications

- 3.6 No implications have been identified.

4. RISK MANAGEMENT

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

5. APPENDICES

- Appendix 1 Proposed Committees & allocation of Committee Places
2017-18

ANNUAL COUNCIL

17th May 2017

Appendix 2 Terms of reference of Boards and Committees

6. BACKGROUND PAPERS

None

AUTHOR OF REPORT

Name: Amanda Scarce

E Mail: a.scarce@bromsgroveandredditch.gov.uk

Tel: (01527) 881443

This page is intentionally left blank

Bromsgrove District Council

Political balance 2017-18

Committee	Cons 17 58.06% of total	Lab 7 22.58% of total	Independent Alliance 6 19.35% of total	Comments
Overview and Scrutiny Board	6 (6.03) Take 7	2 (2.48)	2 (2.13)	11 members on Board
Licensing Committee	6 (6.03)	2 (2.48) Take 3	2 (2.13)	11 members on Committee
Planning Committee	6 (6.03)	2 (2.48)	2 (2.13) Take 3	11 members on Committee
Audit, Governance and Standards Committee	5 (5.00)	2 (2.03)	2 (1.74)	9 members on Committee
Electoral Matters Cttee	4 (3.84)	2 (1.58)	1 (0.68)	7 members on Committee
TOTAL Entitlement	28 (26.87)	11 (11.06)	10 (9.48)	49 places available

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

*There is 1 vacant seat (3.23% of the total of 31 seats).

This page is intentionally left blank

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.

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

	<p>paragraph 3 of the Officer Employment 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>
--	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

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"> • Risk management strategies; • Anti-fraud arrangements; • Whistle-blowing strategies; • Internal and external audit activity • Democratic governance <p>b. the effectiveness of the Council’s financial and non-financial performance to the extent it affects</p>

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

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

ELECTORAL MATTERS COMMITTEE

Number of Members	7
Politically Balanced Y/N	Y
Quorum	4
Procedure Rules applicable	Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 9 - 11, 13.4, 13.5, 14, 15, 18.2, 20.1 and 22)
Terms of Reference	To exercise powers and undertake functions relating to electoral matters and elections
Special provisions relating to appointment of Chairman	None
Special provisions as to membership	None

LICENSING COMMITTEE

Number of Members	11
Politically Balanced Y/N	Y
Quorum	6
Procedure applicable	Rules Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10-11, 13.4, 13.5, 14 and 21)
Terms of Reference	<ol style="list-style-type: none"> 1. To exercise all powers and duties of the Council in licensing and registration except the determination of applications and other matters relating to licences or licence applications delegated to Licensing Sub-Committees; in particular (but not limited to) the exercise of all powers and duties conferred by the Licensing Act 2003 and the Gambling Act 2005 2. Enforcement of licensing and registration 3. To determine street amenity consents
Special provisions as to the Chairman	None
Whipping arrangements	No whipping is permitted
Special provisions as to membership	<p>Only those Councillors who have undertaken appropriate training may sit on the Licensing Committee.</p> <p>Neither the Leader nor Deputy Leader may be a member of the Licensing Committee</p>

LICENSING SUB-COMMITTEE (Parent Committee – Licensing Committee)

Number of Members	3 (from the membership of the Licensing Committee)
Politically Balanced Y/N	N
Quorum	3
Procedure applicable	Rules Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 9-11, 13.4, 13.5, 14, 18.2, 20.1 and 22)
Terms of Reference	To consider and determine applications and hearings arising from the Licensing Act 2003 and the Gambling Act 2005
Special provisions as to the Chairman	None
Special provisions as to membership	Only those Councillors who have undertaken appropriate training may sit on the Licensing Sub-Committee. Neither the Leader nor Deputy Leader may be a member of the Licensing Committee

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

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

Number of Members	3 (from the membership of the Licensing Committee) including either the Chairman or Vice-Chairman of the Licensing Committee (with a fourth Member on standby for each meeting)
Politically Balanced Y/N	N (but to include where possible a member of the opposition)
Quorum	3
Procedure applicable	Rules Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 9-11, 13.4, 13.5, 14, 18.2, 20.1 and 22)
Terms of Reference	To determine licensing applications (other than those arising under the Licensing Act 2003 and the Gambling Act 2005) including (but not limited to): <ol style="list-style-type: none"> 1. private hire and hackney carriage driver, operator and vehicle licensing; 2. street trading consents; 3. sex shop applications; 4. pet shop licences; 5. animal boarding licences; 6. riding establishment licences; 7. charitable collections; 8. street amenity consents.
Special provisions as to the Chairman	The Chairman shall be either the Chairman or Vice-Chairman of the Licensing Committee
Whipping arrangements	No whipping is permitted
Special provisions as to	Neither the Leader nor Deputy Leader may be a

membership	<p>member of the Licensing (Miscellaneous) Sub-Committee</p> <p>Only those Councillors who have undertaken appropriate training may sit on the Licensing (Miscellaneous) Sub-Committee.</p>
------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

OVERVIEW AND SCRUTINY BOARD

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

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

PLANNING COMMITTEE

Number of Members	11
Politically Balanced Y/N	Y
Quorum	6
Procedure applicable	Rules Planning Procedure Rules and Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 9-11, 13.4, 13.5, 14, 18.2, 20.1 and 22) – where there is any conflict, Planning Procedure Rules to take precedence
Terms of Reference	<ol style="list-style-type: none"> 1. To exercise all powers and duties of the Council on all matters relating to development control, including but not limited to:- <ol style="list-style-type: none"> a. considering and determining applications for planning permission b. enforcement of planning control c. building preservation, Listed Buildings and Conservation areas d. Tree preservation orders e. Control of advertisements f. Footpath diversion orders under the Town and Country Planning legislation g. Certificates of Lawfulness h. Operational planning policies 2. To comment on proposals for development submitted by Worcestershire County Council and other public authorities 3. To determine High Hedges applications in accordance with Part 8 of the Anti-Social Behaviour Act 2003
Special provisions as to	The Chairman of Planning cannot be a member of

the Chairman	Cabinet.
Substitutes	Trained substitutes are permitted
Special provisions as to membership	<p>Only those Councillors who have undertaken appropriate training may sit on the Planning Committee.</p> <p>The Leader may not be a member or act as a substitute for a member of the Planning Committee.</p>

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.
Special provisions as to membership	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

	<p>member.</p> <p>Only those Councillors who have undertaken appropriate training may sit on the Statutory Officers Disciplinary Action Panel.</p>
--	----------------------------------------------------------------------------------------------------------------------------------------------------

This page is intentionally left blank

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.

2. RECOMMENDATIONS

It is recommended that that the Council considers nominating to the bodies listed in the appendix to the report as appropriate.

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:

email:

Tel.:

Appointments to Outside Bodies - nominations

Organisation	No. of Appts & Length of Office	Current appointments/ Nominations Councillors	Nominations
Amphlett Hall Management Committee	4 1 year	M. Buxton J. Griffiths R. Laight S. Webb	
Bromsgrove Citizens' Advice Bureau	2 1 year	B. Cooper S. Webb	
Greater Birmingham and Solihull Local Enterprise Partnership (LEP) – Joint Overview and Scrutiny Committee for the Supervisory Board	1 and a substitute 1 year	C Allen-Jones Substitute: P Thomas	
Shared Services Members Board (2 representatives also by office)	2 and a substitute 1 year	(G. Denaro & K. May by office) R. Deeming S. Baxter Substitute: B Cooper	
Midlands Joint Council for Environmental Protection	2 1 year	K. May S. Shannon	
West Mercia Police and Crime Panel <i>Rep and sub must be from majority political group on the Council</i>	1 rep and 1 substitute	K. May K. Taylor	
Worcestershire County Council Corporate Parenting Board	1 1 year	M. Sherrey	
Worcestershire County Council Health Overview and Scrutiny Committee Rep must be a member of the O and S Board	1 1 year	S. Webb	

Agenda Item 9

Organisation	No. of Appts & Length of Office	Current appointments/ Nominations Councillors	Nominations
Worcestershire County Council Highways (Bromsgrove) Partnership Forum	2 1 year	S. Baxter P. Whittaker	
Worcestershire Shared Services Joint Committee	2 1 year To include relevant Portfolio holder and one other member of the controlling group and one substitute	R. Laight P. Whittaker R. Dent (sub)	

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.
- 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. 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 The only changes made are detailed below and have previously been agreed by Council:
- Environment – Enforcement and fixed penalty notices for Environmental Services.
 - Environment – delegation to vary the charges for the Business Waste Collection and Recycling Service.
 - Elections – adding a delegation to the (Acting) Returning Officer to alter polling places outside compulsory review periods, as agreed by the Electoral Matters Committee.
 - Council tax – adding a delegation to the Head of Customer Access and Financial Support to carry out statutory consultation on the draft Council Tax Support Scheme in accordance with legislative guidelines.

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 May 2017.

6. BACKGROUND PAPERS

None

7. KEY

AUTHOR OF REPORT

Name: Claire Felton

email: c.felton@bromsgroveandredditch.gov.uk

This page is intentionally left blank

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, Deputy 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.

TRANSFORMATION AND HUMAN RESOURCES			
1. IT and Street naming and numbering			
Subject	Detail	Delegated by:	Delegated to:
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.	See Corporate delegations	Council.	See corporate delegations

2. Human Resources			
Subject	Detail	Delegated by:	Delegated to:
Grants and Honoraria.	To make decisions on the payment of gratuities and honoraria to Council employees undertaking additional duties, provided budgetary provision exists.	Council.	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 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.	Council..	Chief Executive.
Posts - Grading.	Within the policy and budgets decided by the Council, to make decisions on the grading of posts and on adjustments to working conditions applying to particular posts (but not generally).	Council.	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.

Agenda Item 10

PART 6

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

Agenda Item 10

PART 6

	<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>
--	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------

Agenda Item 10

PART 6

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.	Council.	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.	Council.	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.	Council.	Financial Services Manager.
Pay Protection.	To determine an appropriate pay protection policy for all staff.	Council.	Head of Transformation and Organisational Development in consultation with the Chief Executive and Executive Director - Finance and Corporate Resources.

Agenda Item 10

PART 6

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).	Council.	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).	Council.	Head of Transformation and Organisational Development.
Travel Allowances.	<ol style="list-style-type: none"> 1. To implement increases in respect of the lump sum and mileage allowance payable to all staff in accordance with circulars issued by the Joint National Council and National Joint Council. 2. To implement and review increases in respect of subsistence allowances on an annual basis. 	Council.	1. & 2. Finance Services Manager

COMMUNITY SERVICES			
1. Strategic Housing			
Subject	Detail	Delegated by:	Delegated to:
Discretionary Housing Assistance Grants.	To determine applications for Housing Assistance Grants under the Regulatory (Housing Assistance Grants) (England and Wales) Order 2002.	Executive/ Leader.	Strategic Housing Manager.
Houses in Multiple Occupation.	<ol style="list-style-type: none"> 1. To approve, revoke and vary licences relating to houses in multiple occupation under the Housing Act 2004. 2. To sign housing-related notices for houses in multiple occupation under the Housing Act 2004. 3. To inspect conditions under the Housing Health and Safety Rating System - Housing Act 2004. 4. To issue interim and final orders 	<ol style="list-style-type: none"> 1. Executive/ Leader 2. Executive/ Leader. 3. Executive/ Leader. 4. Executive/ Leader 	<ol style="list-style-type: none"> 1. Strategic Housing Manager. 2. Strategic Housing Manager. 3. Strategic Housing Manager. 4. Strategic Housing Manager
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.

Agenda Item 10

PART 6

1. Strategic Housing			
Subject	Detail	Delegated by:	Delegated to:
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"> 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. 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. 3. To revise fees in relation to low cost housing transactions. 	<ol style="list-style-type: none"> 1. Executive/ Leader. 2. Executive/ Leader. 3. Executive/ Leader. 	<ol style="list-style-type: none"> 1. Strategic Housing Manager. 2. Principal Solicitor. 2. Head of Legal, Equalities & Democratic Services, Head of Community Services and Financial Services Manager in consultation with the

Agenda Item 10

PART 6

			relevant Portfolio Holders.
Mandatory Disabled Facilities Grant.	<ol style="list-style-type: none"> 1. To determine applications for housing grants under the Housing Grants, Construction and Regeneration Act 1996. 2. To grant extensions of time of up to six months within which improvements are to be completed. 	<ol style="list-style-type: none"> 1. Executive/ Leader. 2. Executive/ Leader. 	<ol style="list-style-type: none"> 1. Strategic Housing Manager. 2. Head of Community Services.
Protection from Eviction Act.	To take appropriate action (including the institution of criminal or civil proceedings).	Executive/ Leader.	Head of Community Services or Senior Solicitor.
Utilities - Restoration or Continuance of Services.	To deal in consultation with the relevant Portfolio Holder and generally in accordance with emergency procedures with applications received pursuant to the arrangements according to section 33 of the Local Government (Miscellaneous Provision) Act 1976 (Public Utility Services to Dwellings) and to take such action as may be necessary for the recovery of any payments made by the Council in pursuance of such arrangements.	Executive/ Leader.	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"> • Caravan Sites and Control of Development Act 1960 	<p>Council</p> <p>Executive/ Leader</p>	<p>Strategic Housing Manager in consultation with the Principal Solicitor</p> <p>Strategic Housing Manager</p>

Agenda Item 10

PART 6

	<ul style="list-style-type: none"> • Caravan Sites Act 1968 		
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.

CORPORATE DELEGATIONS			
1. Corporate			
Subject	Detail	Delegated by:	Delegated to:
Authentication of Documents.	To sign any document necessary to any legal procedure or proceedings on behalf of the Council.	Council.	Chief Executive (unless any enactment otherwise authorises or requires or the Council has given requisite authority to some other person).
Consultation Documents.	<p>1. To respond on behalf of the Council to consultation documents where there is insufficient time for a response to be agreed by Full Council and where it affects the District of Bromsgrove.</p> <p>[NOTE: For the purposes of this delegation a consultation shall not be regarded as affecting the District of Bromsgrove if it relates to a national issue and would have no more affect on Bromsgrove than it would on any other area.]</p> <p>2. To respond to consultations by the County Council in respect of proposals to carry out alterations to schools in the District or nearby.</p>	1. & 2. Council	<p>1. The Leader and Chief Executive in consultation with the relevant Head of Service or Director.</p> <p>2. Chief Executive in consultation with the relevant Ward Members.</p>

Agenda Item 10

PART 6

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

Agenda Item 10

PART 6

	<p>a. Sections 83(1) to (4) - Witness and receipt of acceptance of office.</p> <p>b. Section 84 - Receipt of declaration of resignation of office.</p> <p>c. Section 89 (1) (b): Receipt of notice of casual vacancy from two local electors.</p> <p>d. Section 229(5): Certification of photographic copies of document.</p> <p>e. Sections 234(1) and (2): Authentication of documents.</p> <p>f. Section 88 (2): Convening of meeting to fill casual vacancy in the office of Chairman.</p> <p>g. Section 204(3): Receipt of application for licence under Sch 2 of Licensing Act 1964.</p> <p>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".</p> <p>i. Section 212(1) and (2): Proper Officer to act as Local Registrar for Land Charges Act 1925.</p>		<p>a. Chief Executive.</p> <p>b. Chief Executive.</p> <p>c. Head of Legal, Equalities and Democratic Services.</p> <p>d. Head of Legal, Equalities and Democratic Services.</p> <p>e. Head of Legal, Equalities and Democratic Services.</p> <p>f. Chief Executive.</p> <p>g. Head of Legal, Equalities and Democratic Services.</p> <p>h. Head of Legal, Equalities and Democratic Services.</p> <p>i. Head of Legal, Equalities and Democratic Services.</p>
--	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Agenda Item 10

PART 6

	<ul style="list-style-type: none"> j. Section 225: Deposit of documents. k. Section 236(9): To send copies of byelaws for parish records. l. Section 236(10): To send copies of byelaws to the County Council. m. Section 238: Certification of byelaws. n. Section 228 (3): Accounts of “any Proper Officer” to be open to inspection by any member. o. Section 191: Function with respect to ordnance survey. p. Schedule 16 para 28: Receipt on deposit of lists of protected buildings (Section 54(4) of the Town and Country Planning Act 1971). q. Sections 115(2) and 146(1) (a) and (b): Receipt of money due from Officers declaration and certificates with regard to securities. r. Section 151. 		<ul style="list-style-type: none"> j. Head of Legal, Equalities and Democratic Services. k. Head of Legal Equalities and Democratic Services. l. Head of Legal, Equalities and Democratic Services. m. Head of Legal, Equalities and Democratic Services. n. Executive Director Finance and Resources. o. Head of Planning. p. Head of Planning. q. Executive Director Finance and Resources. r. Executive Director Finance and Resources.
--	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Agenda Item 10

PART 6

<p>Regulation of Investigatory Powers Act.</p>	<ol style="list-style-type: none"> 1. To review, revise and update the Council's RIPA policy. 2. Under the provisions of Part 1 chapter 2 of the Regulation of Investigatory Powers Act 2000 relating to the Accessing of Communications Data, to appoint officers to act as SPOCs (Single Point of Contact). 3. To grant authorisations, subject to approval by the Magistrate's Court, under the Regulation of Investigatory Powers Act (RIPA) 2000 to conduct covert surveillance. 4. In relation to requests for Directed Surveillance, including authorisation as referred to above, to sign all necessary documents and forms whether by way of Authorisation, Review, or Cancellation 5. In relation to requests for Covert Human Intelligence Sources where the source is aged under 18, to sign all necessary documents and forms whether by way of Authorisation, Review, or Cancellation. 	<p>1. – 7. Council</p>	<ol style="list-style-type: none"> 1. Head of Legal, Equalities and Democratic Services. 2. Head of Legal, Equalities and Democratic Services. 3. Heads of Service authorised to do so under Appendix 2 of the RIPA policy. 4. Heads of Service authorised to do so under Appendix 2 of the RIPA policy. 5. Chief Executive or in his absence the Deputy Chief Executive.
------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Agenda Item 10

PART 6

	<p>6. To maintain the central record of documents, relating to RIPA policy, including authorisations.</p> <p>7. To carry out all necessary action to ensure that the Office of Surveillance Commissioners is satisfied with the Council's Policy and Procedures in respect of RIPA.</p>		<p>6. The Information Management Team under the supervision of the Head of Transformation and Organisational Development.</p> <p>7. Head of Legal, Equalities and Democratic Services.</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>

Agenda Item 10

PART 6

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

Agenda Item 10

PART 6

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.
-----------------	------------------------------------------------------------------------------------------------------------------------	----------	-----------------------------------------------------

ENVIRONMENT			
1. Business Waste Collection and Recycling Service			
Subject	Detail	Delegated by:	Delegated to:
Varying charges for the Business Waste Collection and Recycling service.	To vary charges for the Business Waste Collection service when agreeing terms with customers within a variance of plus or minus 25%	Council	Head of Environmental Services
2. Cemeteries			
Cemeteries.	<ol style="list-style-type: none"> 1. To operate the Bromsgrove Cemetery and North Bromsgrove Cemetery within the Budget and Policy Framework. 2. To determine applications to sell flowers at Bromsgrove Cemetery and North Bromsgrove Cemetery and to determine a suitable charge. 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. 	<ol style="list-style-type: none"> 1. Executive/ Leader. 2. Executive/ Leader. 3. Executive/ Leader. 	<ol style="list-style-type: none"> 1. & 2. Head of Environmental Services. 3. Head of Environmental Services.

3. Use of land / dogs			
Subject	Detail	Delegated by:	Delegated to:
Flowers, Bulbs and Trees.	To approve requests from charitable organisations to plant flowers, bulbs and trees in support of the Charity (other than in parks and open spaces).	Executive/Leader.	Head of Environmental Services.
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 Environmental Services.
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 Environmental Services.
Dogs.	<ol style="list-style-type: none"> 1. To act on behalf of the Council as regards the seizure of dangerous dogs in any public place under section 5 of the Dangerous Dogs Act 1991. 2. To be responsible under s149 of the Environment Protection Act 1990 for the discharge of the Council's functions in respect of stray dogs found within the district. 3. To make decisions connected with the control of dogs and fouling nuisance including the designation of areas of land under The Dogs (Fouling of Land) Act 1996. 	1. – 3. Executive/Leader.	1. – 3. Head of Environmental Services.

4. Car Parking and Transport			
Subject	Detail	Delegated by:	Delegated to:
Car Parks - Holding of Events.	To determine requests to hold events on any Council car park.	Executive/Leader.	Head of Environmental Services following consultation with the relevant Parish Council (if any).
Car Parking Order.	<ol style="list-style-type: none"> 1. To make amendments to the Car Parking Order (other than alterations to car parking charges and excess penalty notice charges). 2. To make amendments to the Car Parking Order to alter car parking charges and excess penalty notice charges where such alterations have been approved by Council or Executive/ Leader, as appropriate. 	<ol style="list-style-type: none"> 1. Executive/ Leader. 2. Executive/ Leader. 	<ol style="list-style-type: none"> 1. Head of Environmental Services. 2. Head of Environmental Services.
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 Environmental Services.
Goods Vehicles - Operators Licences.	To comment or object to applications made under the Goods Vehicles (Licensing of Operators) Act 1985.	Council.	Head of Environmental Services.

Agenda Item 10

PART 6

	<p>connections with the exercise of functions under sections 196A, 196B, 214B and 324 of the Town & Country Planning Act 1990.</p> <p>2. To issue and serve notices of intended inspection under sections 196A, 214B, 324 and 325 of the Act.</p>	2. Planning Committee.	2. Senior Solicitor.
Tree Preservation Orders.	To initiate Tree Preservation Orders.	Council.	Head of Environmental Services.
Tree Preservation Orders - Confirmation.	<p>1. To confirm Tree Preservation Orders under the provisions of the Town & Country Planning Act 1990 in cases where objections have been received.</p> <p>2. To confirm Tree Preservation Orders in all other cases.</p>	<p>1. Council.</p> <p>2. Planning Committee.</p>	<p>1. Planning Committee.</p> <p>2. Head of Environmental Services.</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"> a. the felling of small trees. b. the removal of dead, dying or diseased trees. c. pruning for reasons of 	<p>1. Planning Committee.</p> <p>2. Planning Committee.</p>	<p>1. Head of Environmental Services.</p> <p>2. Head of Environmental Services.</p>

Agenda Item 10

PART 6

	<p>health and safety to trees of any size.</p> <p>d. minor pruning works.</p> <p>e. the felling of conifers and pioneer trees species (including but not limited to birch, ash, rowan and hawthorn).</p>		
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 Environmental Services</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 Environmental Services.

Agenda Item 10

PART 6

<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 Environmental Services.</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 Environmental Services.</p> <p>3. Head of Environmental Services.</p>

6. Enforcement and Fixed Penalty Notices within Environmental Services

<p>Enforcement & Fixed Penalty Notices for Environmental Services</p>	<p>1. To take enforcement action in relation to the Council's enforcement powers under the legislation detailed in (a) below, including the issuing of Fixed Penalty Notices.</p>	<p>Executive/Leader</p>	<p>Head of Environmental Services</p>
	<p>2. To select and authorise officers to take enforcement action in relation to the Council's enforcement powers under the legislation detailed in (a) below, including the power to give advice to offenders, to issue verbal warning and written warnings and issue Fixed Penalty Notices.</p>	<p>Executive/Leader</p>	<p>Head of Environmental Enforcement</p>
	<p>3. To commence court proceedings where necessary including authorising court proceedings, or defending any action</p>	<p>Executive/Leader</p>	<p>Head of Environment in consultation with Senior Solicitor</p>
	<p>4. To administer Formal Cautions as an alternative to court Proceedings.</p>	<p>Executive/Leader</p>	<p>Officers authorised in writing by the Head of Environment.</p>
	<p>(a) Refuse Disposal (Amenity) Act 1978, Control of Pollution (Amendment) Act 1989, Environmental Protection Act 1990, Anti-social Behaviour Act 2003 and Clean Neighbourhoods and Environment Act 2005.</p>		

HOUSING			
Subject	Detail	Delegated by	Delegated to
Allocation of Accommodation	To approve nominations for housing applicants qualifying under the Council's Allocation Policy.	Executive/Leader.	Strategic Housing Manager.
Asylum Seekers.	To approve the allocation of dwellings through nomination rights to asylum seekers to suit the requirements of individual cases.	Executive/Leader.	Strategic Housing Manager.
Homeless Persons.	To implement the provisions of the Housing Act 1996 and the Homelessness Act 2002.	Executive/Leader.	Strategic Housing Manager.
Housing Waiting List.	To approve nominations and arrangements where necessary to applicants on the Housing Needs Register in accordance with the Council's Allocation Policy.	Executive/Leader.	Strategic Housing Manager.
Secure Tenancies.	<p>To make nominations in respect of secure tenancies to:</p> <p style="margin-left: 40px;">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</p>	Executive/Leader.	Strategic Housing Manager.

Agenda Item 10

PART 6

	<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>		
--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--	--

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.

Agenda Item 10

PART 6

<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"> 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. 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. 3. To revise fees in relation to low cost housing transactions. 	<p>1. – 3. Executive/Leader.</p>	<ol style="list-style-type: none"> 1. Head of Planning. 2. Principal Solicitor. 3. Head of Legal, Equalities & Democratic Services, Head of Planning and Regeneration and Financial Services Manager in consultation with the relevant Portfolio Holders.

Agenda Item 10

PART 6

Planning Consultants.	<ol style="list-style-type: none">1. To engage the services of consultants to advise officers and given evidence at public local enquiries.2. To engage the services of consultants in such cases as may be considered appropriate in appeals on planning and planning enforcement issues.	<ol style="list-style-type: none">1. Executive/ Leader.2. Executive/ Leader	1. & 2. Principal Solicitor or Head of Planning and Regeneration.
Police and Crime Panel – budget	To approve the budget for the administration of the West Mercia Police and Crime Panel, providing no financial contribution is sought.	Council	Head of Legal, Equalities and Democratic Services following consultation with the Leader of the Council.

Agenda Item 10

PART 6

<p>Proceedings and Prosecutions.</p>	<ol style="list-style-type: none"> 1. To commence any proceedings/prosecutions considered necessary in relation to frauds or attempted frauds against the Council. 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. 3. To authorise Officers to sign statements of Truth, Statutory Declarations and Affidavits on behalf of the Council. 4. To act as informant in the laying of an information to commence proceedings before the Magistrates Court. 5. To sign indictments in appropriate Crown Court proceedings. 	<ol style="list-style-type: none"> 1. Council. 2. Council. 3. Council. 4. Council. 5. Council. 	<ol style="list-style-type: none"> 1. Principal Solicitor. 2. Principal Solicitor. 3. Principal Solicitor. 4. Head of Legal, Equalities & Democratic Services. 5. Head of Legal, Equalities & Democratic Services.
--------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Agenda Item 10

PART 6

	<p>6. To sign any document required as part of any court procedure including statutory demands or bankruptcy petitions.</p> <p>7. To select and authorise Officers to prosecute or defend on the council's behalf (subject to 9 below).</p> <p>8. To select and authorise Officers to appear on the Council's behalf in proceedings before a Magistrates' Court (subject to 9 below).</p> <p>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> <p>10. To prosecute or defend in respect of all environmental health related statutory provisions listed in Appendix EH1 of this scheme.</p>	<p>6. Council.</p> <p>7. Council.</p> <p>8. Council</p> <p>9. Council.</p> <p>10. Council.</p>	<p>6. Principal Solicitor.</p> <p>7. Principal Solicitor.</p> <p>8. Principal Solicitor.</p> <p>9. Principal Solicitor or Head of Resources.</p> <p>10. Principal Solicitor.</p>
--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Agenda Item 10

PART 6

	<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 & Democratic Services.</p>

Agenda Item 10

PART 6

Regulation of Investigatory Powers Act.	See Under Corporate Delegations	-	-
Road Closures - Temporary.	To determine requests to make Orders under section 21 of the Town and Police Clauses Act 1847.	Executive/Leader.	Principal Solicitor In consultation with Head of Environment.
Seal.	To decide to which documents the common seal should be affixed and to attest the affixing of common seal.	Council.	Principal Solicitor.
Section 106 Agreements - Fees.	To determine the fee to be charged to commercial organizations for legal work undertaken in respect of Section 106 Agreements to which a commercial organization is a party.	Executive/Leader.	Principal Solicitor.
Trespassers and Unauthorised Encampments.	<ol style="list-style-type: none"> 1. To take action including the institution of legal proceedings in relation to trespass or unauthorized encampments on any land or premises owned by the Council. 2. To take action including the institution of legal proceedings in relation to trespass or unauthorized encampments on any land or premises in the District insofar as the Council is empowered to do so. 3. To give directions under section 77 of the Criminal Justice and Public Order Act 1994. 	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.		

Agenda Item 10

PART 6

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

Agenda Item 10

PART 6

3. Democratic Services			
Subject	Detail	Delegated by:	Delegated to:
Programme of Council and Committee meetings.	To agree the programme of Council and Committee meetings.	Council.	Head of Legal, Equalities & Democratic Services following consultation with the Executive/Leader and relevant Portfolio Holder.
Members' Expenses.	<ol style="list-style-type: none"> 1. To administer payments made under the Members' Allowance Scheme. 2. To approve attendance at and payment of expenses for Members at conferences organised by external bodies in accordance with the Council's agreed policy and criteria. 	<ol style="list-style-type: none"> 1. Council. 2. Council. 	<ol style="list-style-type: none"> 1. Democratic Services Manager. 2. Democratic Services Manager.
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.

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

Agenda Item 10

PART 6

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

Agenda Item 10

PART 6

	<p>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 & 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>
<p>Recreational Land.</p>	<p>To decide on arrangements for the access, usage & leasing of recreational land or facilities to parish Councils and other organisations and to determine any applications for consents required under such leases.</p>	<p>Executive/Leader.</p>	<p>Executive Director - Finance and Corporate Resources and Head of Leisure and Culture.</p>
<p>Recreational Provision.</p>	<p>Within the Budget and Policy Framework to make decisions on recreational provision which is being made in partnership with other organisations.</p>	<p>Cabinet.</p>	<p>Head of Leisure and Culture.</p>

Agenda Item 10

PART 6

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.

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
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

Agenda Item 10

PART 6

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

3. Development Control			
Subject	Detail	Delegated by:	Delegated to:
Prior Notification Procedure.	To require further details from the applicant when an application for prior determination is submitted in respect of permitted development for agricultural, forestry and telecommunications development.	Planning Committee.	Head of Planning and Regeneration.
Article 4 Directions.	To make Directions under Article 4(1) of the Town & Country Planning (General Permitted Development) Order 1995.	Planning Committee.	Head of Planning and Regeneration.
Certificate of Lawfulness.	To determine applications for Certificates of Lawfulness of Proposed Use of Development or Certificates of Existing Use of Development under sections 191 and 192 of the Town & Country Planning Act 1990.	Planning Committee.	Head of Planning and Regeneration.
Development Proposals by other Public Authorities.	To comment on proposals for development submitted by Worcestershire County Council and other public authorities.	Council.	Head of Planning and Regeneration
Entry of Premises - Proper Officer.	To be designated as the Proper Officer for the purposes of authorising persons to enter onto land in connections with the exercise of functions under sections 196A, 196B, 214B, 324 and 325 of the Town & Country Planning Act 1990.	Planning Committee.	Head of Planning and Regeneration.
Inspection Notices.	To serve notices of intended inspection under sections 196A, 196B, 214B, 324 and 325 of the Town and Country Planning Act 1990.	Planning Committee.	Principal Solicitor.

Agenda Item 10

PART 6

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.	Planning Committee.	Principal Solicitor.
	To execute and complete planning agreements.	Planning Committee.	Principal Solicitor.
Planning Agreements and Unilateral Undertakings.	To determine applications or requests for discharge or modification of planning agreements or undertakings (whether by approval or further agreement) unless it includes the following: 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.

Agenda Item 10

PART 6

	<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>

Agenda Item 10

PART 6

<p>Planning Applications.</p>	<p>1. To determine:</p> <ul style="list-style-type: none"> a. applications for dwelling houses where the number of houses to be provided is 10 or more. b. applications for the provision of a building or buildings with a floor space of 1000 square metres or more. c. other applications which have been called-in by a member for determination by Planning Committee provided that the application has been called-in in accordance with the procedure set out in paragraphs 6 - 7 of the introductory paragraphs to the Scheme of Delegations. d. applications by serving Officers and members. 	<p>1. Council.</p>	<p>1. Planning Committee.</p>
	<ul style="list-style-type: none"> e. applications by the Council or by Council Service Areas or Council departments. f. The Head of Planning and Regeneration considers that the application should be considered by the Planning Committee. <p>2. To determine all other planning applications.</p> <p>NB: For the avoidance of doubt the term 'planning applications' include</p>	<p>2. Planning Committee.</p>	<p>2. Head of Planning and Regeneration.</p>

Agenda Item 10

PART 6

	<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> <ul style="list-style-type: none"> a. Necessary. b. Relevant to planning. c. Relevant to the development which has been applied for. d. Enforceable. e. precise and f. Reasonable in all other aspects. 	<p>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> <ul style="list-style-type: none"> a. Applications for dwelling houses where the number of houses to be provided is 10 or more. b. Applications for the provision of a building or buildings with a floor space of 1000 square metres or more. c. Other applications which 	<p>Planning Committee.</p>	<p>Head of Planning and Regeneration.</p>

Agenda Item 10

PART 6

	<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.

Agenda Item 10

PART 6

Declining Planning Applications.	To decide to decline to determine application on the grounds set out in sections 70A and 70B of the Town and Country Planning Act 1990 and sections 81A and 81B of the Planning (Listed Buildings & Conservation Area Acts) 1990.	Planning Committee.	Head of Planning and Regeneration.
Advertisements.	1. To determine applications for express advertisement consent.	1. Planning Committee.	1. Head of Planning and Regeneration.

Agenda Item 10

PART 6

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

Agenda Item 10

PART 6

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

Agenda Item 10

PART 6

5. Neighbourhood Planning			
Subject	Detail	Delegated by:	Delegated to:
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.

Agenda Item 10

PART 6

6. Planning Enforcement			
Subject	Detail	Delegated by:	Delegated to:
Article 4 Directions.	To make Directions under Article 4(1) of the Town & Country Planning (General Permitted Development) Order 1995 ¹ .	Planning Committee.	Head of Planning and Regeneration.
Breach of Condition Notices.	To authorise the issue and service of Breach of Condition Notices under section 187A of the Town & Country Planning Act 1990 ² .	Planning Committee.	Head of Planning and Regeneration in consultation with the Principal Solicitor.
Cautions.	To administer formal cautions to offenders as an alternative to Court proceedings.	Planning Committee.	Officers authorised in writing by the Head of Planning and Regeneration.
Enforcement Notices.	To authorise the issue and service of Enforcement Notices under section 172 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 ³ .	Planning Committee.	Head of Legal, Equalities and Democratic Services or Principal Solicitor in consultation with, where practicable, the Chairman of Planning Committee.

Agenda Item 10

PART 6

Listed Buildings - Enforcement Notices.	<ol style="list-style-type: none"> 1. To authorise the issue and service of Listed Building Enforcement Notices under section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990. 2. To authorise the issue and service of Listed Building Enforcement Notices under section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in circumstances in cases of urgency when, in the opinion of Head of Planning & Environment Services, reporting to Planning Committee is impractical. 	<ol style="list-style-type: none"> 1. Council. 2. Planning Committee. 	<ol style="list-style-type: none"> 1. Planning Committee. 2. Head of Planning and Regeneration.
Planning Contravention Notices.	<ol style="list-style-type: none"> 1. To serve Planning Contravention Notices under section 171C of the Town & Country Planning Act 1990 (and any other statutory power which enables the Council to require information about land). 2. To respond to offers to apply for planning permission or to refrain from carrying out any operations or activities following the service of a Planning Contravention Notice. 	<ol style="list-style-type: none"> 1. Planning Committee. 2. Planning Committee. 	<ol style="list-style-type: none"> 1. Head of Planning and Regeneration. 2. Head of Planning and Regeneration.
Stop Notices.	<ol style="list-style-type: none"> 1. To authorise the issue and service of Stop Notices under section 183 of the Town & Country Planning Act 1990. 	<ol style="list-style-type: none"> 1. Council. 	<ol style="list-style-type: none"> 1. Planning Committee.

Agenda Item 10

PART 6

	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>

7. Strategic Planning			
Subject	Detail	Delegated by:	Delegated to:
Inspection Notices.	To serve notices of intended inspection under sections 196A, 196B, 214B, 324 and 325 of the Town and Country Planning Act 1990.	Planning Committee.	Principal Solicitor.
Local Plan Enquiry.	To provide direction on behalf of the Council to any Local Plan/Local Development Framework Inquiry on policy issues and site details.	Council	Head of Planning and Regeneration.
Rights of Entry - Proper Officer.	To be designated as the Proper Officer for the purposes of authorising persons to enter onto land in connections with the exercise of functions under section 324 and 325 of the Town & Country Planning Act 1990.	Planning Committee.	Head of Planning and Regeneration.

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

REGULATORY SERVICES

1. LICENSING

HEAD OF REGULATORY SERVICES (WORCESTERSHIRE REGULATORY SERVICES)

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

To determine applications for the registration of animal trainers and exhibitors.

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

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

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

To determine applications for house to house and street collections.

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

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

To 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.

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.

- 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.

2. ENVIRONMENTAL HEALTH

HEAD OF REGULATORY SERVICES (WORCESTERSHIRE REGULATORY SERVICES)

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

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

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

RS2

Accommodation Agencies Act 1953.
 Administration of Justice Act 1970 (Section 40).
 Agriculture (Safety, Health & Welfare Provisions) Act 1956.
 Agriculture Act 1970.
 Agriculture Produce (Grading & Marking) Acts 1928 & 1931.
 Animal Boarding Establishments Act 1963.
 Animal By-Products Regulations 2005.
 Animal Health & Welfare Act 1984.
 Animal Health Act 1981.
 Animal Health Act 2002.
 Animal Welfare Act 2006.
 Animals and Animal Products (Import & Export) (England) Regs 2006.
 Anti-Social Behaviour Act 2003.
 Avian Influenza (Preventative Measures) (England) Regulations 2006.
 Avian Influenza (Vaccination) (England) Regulations 2006.
 Biofuel (Labelling) Regulations 2004.

Bluetongue Regulations 2008.
Breeding and Sale of Dogs (Welfare) Act 1999.
Breeding of Dogs Act 1973 and 1991.
Building Act 1984.
Business Protection from Misleading Marketing Regulations 2008.
Cancellation of Contracts made in a Consumers House or Place of Work etc Regulations 2008.
Caravan Sites Act 1968.
Caravan Sites and Control of Development Act 1960.
Cat and Dog Fur (Control of Import, Export and Placing on Market) Regulation 2008.
Cattle Identification Regs 2007.
Charities Act 1993.
Children & Young Persons (Protection from Tobacco) Act 1991.
Children & Young Persons Act 1933.
Chronically Sick and Disabled Persons Act 1970.
Cinemas Act 1985.
Civic Amenities Act 1967.
Civil Defence Act 1948 and Regulations made thereunder.
Clean Air Act 1993.
Clean Neighbourhoods and Environment Act 2005.
Construction Products Regulations 1991.
Consumer Credit Act 1974.
Consumer Protection (Distance Selling) Regulations 2000.
Consumer Protection Act 1987.
Consumer Protection from Unfair Trading Regulations 2008.
Control of Pollution Act 1974.
Copyright, Designs and Patents Act 1988.
Criminal Justice and Immigration Act 2008.
Criminal Justice and Public Order Act 1994.
Crystal Glass (Descriptions) Regs 1973.
Dangerous Wild Animals Act 1976.
Deer Act 1991.
Defective Premises Act 1972.
Development of Tourism Act 1969 (Section 18).
Disabled Persons Act 1981.
Distance Selling Regulations 2000.
Ecodesign for Energy-Using Product Regulations 2007.
Education Reform Act 1988.
Eggs (Marketing Standards) Regulations 2005.
Eggs and Chicks (England) Regulations 2008.
Electromagnetic Compatibility Regs 1992.
Electro-medical Equipment (EEC Requirements) Regs 1988.
Energy Act 1976 (Section 18).
Energy Conservation Act 1981 (Section 20).
Energy Efficiency (Refrigerators and Freezers) Regs 1997.
Energy Information (Combined Washer-driers) Regs 1997.
Energy Information (Dishwashers) Regs 1999.
Energy Information (Household Air Conditioners) (No.2) Regulations 2005.
Energy Information (Household Electric Ovens) Regulations 2003.
Energy Information (Household Refrigerators and Freezers) Regs 2004.
Energy Information (Lamps) Regs 1999.

Energy Information (Tumble Driers) Regs 1996.
Energy Information (Washing Machines) Regs 1996.
Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007.
Enterprise Act 2002.
Environment Act 1995.
Environmental Protection (Controls on Substances that Deplete the Ozone Layer) Regs 2002.
Environmental Protection Act 1990.
Estate Agents Act 1979.
Explosives Act 1875.
Export Restrictions (Foot and Mouth Disease) Regulations 2007.
Factories Act 1961.
Fair Trading Act 1973.
Farm and Garden Chemicals Act 1967.
Feed (Hygiene and Enforcement) (England) Regulations 2005.
Firework Act 2003.
Firework Regulations 2004.
Food & Environmental Protection Act 1985.
Food (Jelly Mini-Cups) (Emergency Control) (England) Regulations 2009.
Food (Suspension of the use of E128 Red 2G as food colour) (England) Regulations 2007.
Food Act 1984.
Food Hygiene (England) Regulations 2006.
Food of Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) (England) Regs 2009.
Food Safety Act 1990.
Food Standards Act 1999.
Forgery and Counterfeiting Act 1981 Part 1.
Fraud Act 2006.
Game Act 1831.
General Food Regulations 2004.
General Product Safety Regulations 2005.
Guard Dogs Act 1975.
Hallmarking Act 1973.
Health & Safety at Work etc Act 1974.
Health Act 2006.
Highways Act 1980.
Home Energy Conservation Act 1995.
Home Information Pack Regulations 2007.
Home Safety Act 1961.
Horse Passports Regulations 2009.
House to House Collections Act 1939.
Housing & Planning Act 1986.
Housing Act 1980, 1985, 2004.
Hypnotism Act 1952.
Imported Food Regulations 1997.
Imported Food Regulations 2007.
Intoxicating Substances (Supply) Act 1985.
Land Drainage Acts 1976 & 1991.
Litter Act 1983.
Local Government & Housing Act 1989.

Local Government (Miscellaneous Provisions) Acts 1976 & 1982.
Manufacturing and Storage of Explosives Regulations 2005.
Materials and Articles in Contact with Food England Regs 2007.
Measuring Instruments (Automatic Catchweighers) Regulations 2006.
Measuring Instruments (Automatic Discontinuous Totalisers) Regulations 2006.
Measuring Instruments (Automatic Gravimetric Filling Instruments) Regulations 2006.
Measuring Instruments (Beltweighers) Regulations 2006.
Measuring Instruments (Capacity Serving Measures) Regulations 2006.
Measuring Instruments (Cold Water Meters) Regulations 2006.
Measuring Instruments (Liquid Fuel and Lubricants) Regulations 2006.
Measuring Instruments (Liquid Fuel delivered from Road Tankers) Regulations 2006.
Measuring Instruments (Material Measures of Length) Regulations 2006.
Measuring Instruments (Non prescribed Instruments) Regulations 2006.
Measuring Instruments (Rail - Weighbridges) Regulations 2006.
Medicines Act 1968.
Mobile Homes Acts 1975 & 1993.
Motor Cycle Noise Act 1987.
National Assistance Act 1948 Sec 47.
Natural Mineral Water, Spring Water & Bottled Water England Regs 1999.
Noise & Statutory Nuisance Act 1993.
Noise Act 1996.
Non-Automatic Weighing Instruments (EEC Requirements) Regs 2000.
Offensive Weapons Act 1996.
Offices, Shops & Railway Premises Act 1963.
Official Controls (Animal Feed and Food) (England) Regs 2006.
Official Feed & Food Controls (England) Regs 2007.
Olive Oil (Marketing Standards) Regs 2003.
Olympic Symbol etc. (Protection) Act 1995.
Organic Product Regulations 2009.
Package Travel, Package Holidays & Package Tours Regs 1992.
Packaging (Essential Requirements) Regs 2003.
Party Wall Act 1966.
Performing Animals (Regulation) Act 1925.
Personal Protective Equipment Regulations 2002.
Pet Animals Act 1951.
Petroleum (Transfer of Licences) Act 1936.
Petroleum Consolidation Act 1928.
Planning (Hazardous substances) Act 1990.
Plastic Materials and Articles in Contact with Food England Regs 2009.
Poisons Act 1972.
Police, Factories etc (Miscellaneous Provisions) Act 1916.
Pollution Prevention and Control Act 1999.
Poultry Meat (Water Content) Regs 1984.
Prevention of Damage by Pests Act 1949.
Prices Acts 1974 and 1975.
Private Security Industries Act 2001.
Proceeds of Crime Act 2002.
Products of Animal Origin (Disease Control) (England) Regulations 2008.
Products of Animal Origin (Import and Export) Regulations 1996 (as amended).
Products of Animal Origin (Third Country Imports) (England) Regulations 2006.

Property Mis-descriptions Act 1991.
 Protection of Animals Act 1911 as amended.
 Protection of Children (Tobacco) Act 1986.
 Public Health (Control of Disease) Act 1984.
 Public Health Acts (Amendment) Act 1907.
 Public Health Acts 1875, 1925, 1936 & 1961.
 Quick Frozen Food Stuffs (England) Regulations 2007.
 Radio Equipment and Telecommunications Terminal Equipment Regs 2000.
 REACH Enforcement Regulations 2008.
 Refuse Disposal (Amenity) Act 1978.
 Regulation (EC) No. 178/2002.
 Regulation (EC) No. 852/2004.
 Regulation (EC) No. 853/2004.
 Regulation (EC) No. 854/2004.
 Regulation (EC) No. 2073/2005.
 Rent Act 1977.
 Rice Products (Restrictions on First Packaging on the Market) (England) Regs 2006.
 Riding Establishments Acts 1964 & 1970.
 Road Traffic (Consequential Provisions) Act 1988.
 Road Traffic (Foreign Vehicles) Act 1972.
 Road Traffic Acts 1988 and 1991.
 Road Traffic Offenders Act 1988.
 Road Traffic Regulation Act 1984 (Section 5).
 Safety of Sports Grounds Act 1975.
 Sale of Goods Act 1979.
 Scotch Whisky Act 1988.
 Scrap Metal Dealers Act 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.

Agenda Item 10

PART 6

Water Acts 1973-2003.
Water Industry Act 1991.
Water Industry Act 1999.
Weeds Act 1959.
Weights and Measures Act 1985.
Wildlife and Countryside Act 1981.
Wine Regulations 2009.
Worcester City Act 1985.
Zoo Licensing Act 1981.

RESOURCES			
1. Finance			
Subject	Detail	Delegated by:	Delegated to:
Capital Programme.	To place with private firms any projects within the Capital Programme which it is not possible to undertake within the Council.	Executive/Leader.	Heads of Service in consultation with the Procurement Manager.
Car Loans.	To deal with all applications for car loans including requests for the transfer of outstanding balances in the case of new appointments.	Executive/Leader.	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.

Agenda Item 10

PART 6

<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"> • Part 1 Schedule 3 • Paragraph 9 (1) (b) Schedule 3 • Section 42 (2) (g) • Section 50 (3) (b) • Section 56 (1) • Section 60 (2) • Section 63 (1) 	<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>New Homes Bonus scheme</p>	<ol style="list-style-type: none"> 1. To administer the New Homes Bonus scheme including initial assessment of applications. 2. Following consultation with the Chairman of the New Homes Bonus Community Grants Panel, to reject applications which are ineligible or inappropriate. 	<p>Executive/Leader</p>	<ol style="list-style-type: none"> 1. Executive Director Finance and Resources. 2. Following consultation with the Chairman of the New Homes Bonus Community Grants Panel
<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</p>	<p>Executive/Leader.</p>	<p>Financial Services Manager or Head of Planning & Regeneration.</p>

Agenda Item 10

PART 6

	be necessary for the recovery of any payments made by the Council in pursuance of such arrangements.		
--	------------------------------------------------------------------------------------------------------	--	--

Agenda Item 10

PART 6

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

3. Revenues and Benefits			
Subject	Detail	Delegated by:	Delegated to:
Cautions.	To administer cautions to offenders as an alternative to Court proceedings.	Council.	Officers authorised in writing by the Head of 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.
Council Tax Support Scheme – Consultation	To carry out statutory consultation on the draft Council Tax Support Scheme in accordance with legislative guidelines.	Council	Head of Customer Access and Financial Support following consultation with the Portfolio Holder.
Court Proceedings.	To select and authorise officers to appear before Magistrates Courts and Tribunals to: <ul style="list-style-type: none"> (b) represent the Council in the recovery of Council Tax and non-domestic rates monies due to the Council; (b) represent the Council before a Valuation Tribunal in consideration of any appeals which may arise concerning Council Tax and non-domestic rates. 	Council.	Principal Solicitor or Head of 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	Executive/Leader.	Head of Customer Access and

Agenda Item 10

PART 6

	of the Council.		Financial Support.
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.

4. Property Services			
Subject	Detail	Delegated by:	Delegated to:
Applications for Planning Consent.	To submit planning applications on behalf of the Council where necessary for any project.	Council.	Executive Director - Finance and Corporate Resources.
Erection of Structures on Council land.	To determine applications for consent for the erection of structures on land/properties on any land owned or managed by the Council, erection of which requires (under a covenant on the sale or lease of the properties), consent by the Council.	Executive/Leader.	Executive Director - Finance and Corporate Resources.
Leasehold Reform Act Notices.	To serve notices and counter notices, institute proceedings and take any other necessary action under the Leasehold Reform Act 1967.	Executive/Leader.	Executive Director - Finance and Corporate Resources.
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"> 1. To give notice to quit and other notices for formal demands which are required in the interests of the Council. 2. To sign and serve notices and counter notice,:- 	Executive/Leader.	<ol style="list-style-type: none"> 1. Executive Director - Finance and Corporate Resources. 2. Executive Director -

Agenda Item 10

PART 6

	<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.

Agenda Item 10

PART 6

Right to Buy - Postponement of Statutory Charge.	To determine requests for the postponement of the Council's statutory charge on property sold under the Right to Buy scheme.	Executive/Leader.	Executive Director - Finance and Corporate Resources.
Sale of Land.	<p>1. To determine applications for the purchase, 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"> - less than half a hectare in size and with a value of less than £49,999 plus VAT/fees) - all garden licenses or grazing licenses regardless of the size of land <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>
Parkside Suite	To grant to local charitable organisations free use of the Parkside 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.

Agenda Item 10

PART 6

Use of Council facilities by the public.	To approve the use of the Committee Room and Parkside suite by external organisations and the public.	Executive/Leader.	Executive Director - Finance and Resources.
Use of Land.	To determine applications for the use of small areas of land owned by the Council.	Executive/Leader.	Executive Director - Finance and Resources.

This page is intentionally left blank