



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE COUNCIL

WEDNESDAY 19TH MAY 2021
AT 6.00 P.M.

THE RYLAND CENTRE, NEW ROAD, BROMSGROVE B60 2JS

MEMBERS: Councillors R. J. Laight (Chairman), A. J. B. Beaumont (Vice-Chairman), S. J. Baxter, S. R. Colella, R. J. Deeming, G. N. Denaro, S. P. Douglas, A. B. L. English, M. Glass, S. G. Hession, C.A. Hotham, R. J. Hunter, R. E. Jenkins, H. J. Jones, A. D. Kent, J. E. King, A. D. Kriss, L. C. R. Mallett, K.J. May, M. Middleton, P. M. McDonald, S. A. Robinson, H. D. N. Rone-Clarke, M. A. Sherrey, C. J. Spencer, P.L. Thomas, M. Thompson, J. Till, K. J. Van Der Plank, S. A. Webb and P. J. Whittaker

AGENDA

Welcome

- 1. Election of Chairman**
- 2. Election of Vice Chairman**
- 3. To receive apologies for absence**
- 4. 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.

- 5. Minutes of the Council meeting held on 21st April 2021 (Pages 1 - 14)**
- 6. To receive any announcements from the Chairman and/or Head of Paid Service**

7. **To receive any announcements from the Leader**
8. **Urgent Decisions** (Pages 15 - 46)
9. **Appointments of Committees 2021/22** (Pages 47 - 70)
10. **Scheme of Delegations** (Pages 71 - 150)

To consider whether to hold a break in proceedings

11. **Appointments to Outside Bodies**

To approve the extension of existing appointments to Outside Bodies pending consideration of a report at the next meeting of the full Council.

The exception to this is in respect of a vacancy on the Artrix Holding Trust, following Councillor H. Rone-Clarke's resignation from the Holding Trust.

To consider nominations to fill the vacant position on the Artrix Holding Trust. A nomination has been received in respect of Councillor P. McDonald.

12. **Questions on Notice** (Pages 151 - 152)

There will be a maximum of 15 minutes dedicated to consideration of Questions on Notice. There will be no supplementary questions.

13. **Motions on Notice**

The Motions that were deferred from the meeting of Council held on Wednesday 21st April 2021 will be considered at the next Council meeting due to take place in June.

The exception to this will be the Motion in respect of Waseley Hills Country Park, which group leaders have agreed will be referred initially for debate at the meeting of the Overview and Scrutiny Board.

14. **To consider any urgent business, details of which have been notified to the Head of Legal, Democratic and Property Services prior to the commencement of the meeting and which the Chairman, by reason of special circumstances, considers to be of so urgent a nature that it cannot wait until the next meeting**

K. DICKS
Chief Executive

Parkside
Market Street
BROMSGROVE
Worcestershire
B61 8DA

11th May 2021

If you have any queries on this Agenda please contact
Jess Bayley

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GUIDANCE ON FACE-TO-FACE MEETINGS

Due to the current Covid-19 pandemic Bromsgrove District Council will be holding this meeting in accordance with the relevant social distancing arrangements for holding face-to-face meetings at a local authority.

Please note that this is a public meeting and will be live streamed for general access via the Council's YouTube channel.

You are able to see and hear the livestream of the meeting from the Committee Pages of the website, alongside the agenda for the meeting.

If you have any questions regarding the agenda or attached papers, please do not hesitate to contact the officer named above.

GUIDANCE FOR ELECTED MEMBERS ATTENDING MEETINGS IN PERSON

In advance of the Committee meeting, Members are encouraged to consider taking a lateral flow test, which can be obtained for free from the NHS website. Should the test be positive for Covid-19 then the Member should not attend the Committee meeting, should provide their apologies to the Democratic Services team and should self-isolate in accordance with national rules.

Members and officers are encouraged to wear face masks during the Council/Committee meeting, unless exempt. Face masks should only be removed temporarily if the Councillor/ officer requires a sip of water and should be reapplied as soon as possible. Refreshments will not be provided by the venue, therefore Members and officers are encouraged to bring your own supply of water.

Hand sanitiser will be provided for Members to use throughout the meeting.

The meeting venue will be fully ventilated and Members and officers may need to consider wearing appropriate clothing in order to remain comfortable during proceedings.

PUBLIC ATTENDANCE

Members of the public will still be able to access meetings of Council/ Planning Committee in person if they wish to do so. However, due to social distancing requirements to ensure the safety of participants during the Covid-19 pandemic there will be limited capacity and members of the public will be allowed access on a first come, first served basis. Members of the public in attendance are encouraged to wear face-masks, to use the hand sanitiser that will be provided and will be required to sit in a socially distance manner at the meetings. It should be noted that members of the public who choose to attend in person do so at their own risk.

Alternatively, members of the public may prefer to observe the meeting safely on the Council's YouTube channel.

In line with Government guidelines, any member of the public who has received a positive result in a Covid-19 test on the day of a meeting should not attend in person and should self-isolate in accordance with the national rules.

Notes:

Although this is a public meeting, there are circumstances when Council might have to move into closed session to consider exempt or confidential information. For agenda items that are exempt, the public are excluded and for any such items the live stream will be suspended and that part of the meeting will not be recorded.



INFORMATION FOR THE PUBLIC

Access to Information

The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Recently the Freedom of Information Act 2000 has further broadened these rights, and limited exemptions under the 1985 Act.

- You can inspect agenda and public reports at least five days before the date of the meeting.
- You can inspect minutes of the Council, Cabinet and its Committees/Boards for up to six years following a meeting.
- You can have access, upon request, to the background papers on which reports are based for a period of up to six years from the date of the meeting. These are listed at the end of each report.
- An electronic register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees etc. is available on our website.
- A reasonable number of copies of agendas and reports relating to items to be considered in public will be made available to the public attending meetings of the Council, Cabinet and its Committees/Boards.
- You have access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned, as detailed in the Council's Constitution, Scheme of Delegation.

You can access the following documents:

- Meeting Agendas
- Meeting Minutes
- The Council's Constitution

at www.bromsgrove.gov.uk

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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE COUNCIL

21ST APRIL 2021, AT 6.00 P.M.

PRESENT: Councillors R. J. Laight (Chairman), A. J. B. Beaumont (Vice-Chairman), S. J. Baxter, S. R. Colella, R. J. Deeming, G. N. Denaro, S. P. Douglas, A. B. L. English, M. Glass, S. G. Hession, C.A. Hotham, R. J. Hunter, R. E. Jenkins, H. J. Jones, A. D. Kent, J. E. King, A. D. Kriss, L. C. R. Mallett, K.J. May, M. Middleton, P. M. McDonald, S. A. Robinson, H. D. N. Rone-Clarke, M. A. Sherrey, C. J. Spencer, P.L. Thomas, M. Thompson, J. Till, K. J. Van Der Plank, S. A. Webb and P. J. Whittaker

Observers:

Officers: Mr. K. Dicks, Mrs. S. Hanley, J Howse, Mrs. R. Bamford, Mrs. C. Felton, Mr C. Forrester, Ms. C. Flanagan and Ms. J. Bayley

78\20 **TO OBSERVE A MINUTE SILENCE AS A MARK OF RESPECT FOR HIS ROYAL HIGHNESS, PRINCE PHILIP, DUKE OF EDINBURGH**

At the start of the meeting the Chairman led Members in paying tribute to His Royal Highness, Prince Phillip, Duke of Edinburgh, by observing a minute silence.

79\20 **TO RECEIVE APOLOGIES FOR ABSENCE**

There were no apologies for absence.

80\20 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

81\20 **TO CONFIRM THE ACCURACY OF THE MINUTES OF THE MEETING OF THE COUNCIL HELD ON 24TH FEBRUARY 2021**

The minutes of the meeting of Council held on Wednesday, 24th February 2021 were submitted.

During consideration of the minutes, Councillor S. Douglas commented that her name had not been recorded for the vote in respect of the alternative budget that had been submitted at the meeting by the Liberal

Democrat, Bromsgrove Independents East District and the Bromsgrove Independents West and Central District Groups. Officers clarified that Councillor Douglas's name had not been recorded in the minutes for this vote as she had experienced connection issues and had therefore not take part in the vote.

RESOLVED that the minutes of the meeting of Council held on Wednesday, 24th February 2021 be approved.

82\20

TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRMAN AND/OR HEAD OF PAID SERVICE

There were no announcements from either the Chairman or the Head of Paid Service on this occasion.

83\20

TO RECEIVE ANY ANNOUNCEMENTS FROM THE LEADER

There were no announcements from the Leader.

84\20

TO RECEIVE COMMENTS, QUESTIONS OR PETITIONS FROM MEMBERS OF THE PUBLIC

The Chairman welcomed Mr Bob Powell to the meeting, and advised that, in line with the Council's process for managing petitions, the petitioner had 3 minutes to present his petition. Members were advised that as the subject of the petition was also addressed in a Motion due for consideration at the meeting, the subject matter would be debated at that point in the meeting.

Mr Powell thanked Council for providing him with an opportunity to speak on behalf of the Whitford Vale Voice group, which had organised the petition on behalf of residents living on the western side of Bromsgrove and beyond. Residents who had signed the petition had been concerned for some time that the western route around Bromsgrove, through Catshill, Stourbridge Road, Whitford Road, Perryfields Road and Fox Lane was becoming an established alternative to the B04091 route through Worcester Road, Market Street and Stourbridge Road in the town centre. Mr Powell expressed the view that congestion on the Perryfields Road junction with Kidderminster Road, during peak times, had often overlapped congestion on the Fox Lane junction with Rock Hill even 10 years previously.

Members were informed that when residents had become aware that there were plans for housing development off Whitford Road, Whitford Vale Voice had been founded with the primary objective of seeking the introduction of a Western Relief Road, as proposed in paragraph 31.5 of the Local Plan. This was proposed when land at Whitford Road, Perryfields and Norton Farm had been redesignated as land for development, in order to divert through traffic from the existing western route.

Residents had calculated that the 490 dwellings in the Whitford Road planning application would translate into an additional 800 vehicles using Whitford Road and Fox Lane. Many of these journeys would take place at peak times which would exacerbate congestion levels.

Members were asked to note that at present there was nowhere else for vehicles in the western part of Bromsgrove to go, unless through the town centre, which could be congested, or by using the Perryfields Road and Whitford Road route. Planning consent for 1,300 dwellings and industrial units proposed for Perryfields would further exacerbate the situation. Furthermore, Members were informed that the proposed Perryfields spine road would force drivers to use either the town centre route or residential streets instead. For example, Mr Powell commented that this could include the undesirable use of Broad Street, which had traffic calming measures, All Saints Road, which had extensive on street parking and Millfield Road, which was narrow and without pavements.

Over the years developers had suggested amendments to the existing road system in order to address concerns amongst local residents about the impact of development on traffic and congestion. However, residents had been concerned about the potential effectiveness of these measures.

In the petition the signatories were asking for a Western Relief Road route to be included in the District Plan review. Members were advised that time was critical but it would not be too late to designate this route so that the land required would not be subject to development.

Mr Powell concluded by stating that the only satisfactory solution to the issues raised by the petitioners would be the introduction of a Western Relief Road.

85\20

CONSTITUTION REVIEW WORKING GROUP - RECOMMENDATION

The Portfolio Holder for Finance and Enabling explained that he had been contacted 30 minutes prior to the start of the Council meeting regarding a suggested amendment to the recommendation from the Constitution Review Working Group detailed in the report. To provide Members with sufficient time to consider the amendment, Members were advised that the item would be deferred for consideration at the following meeting of Council.

86\20

AMENDMENTS TO THE OFFICER SCHEME OF DELEGATIONS (REPORT TO FOLLOW)

The Portfolio Holder for Finance and Enabling presented a report which detailed proposed changes to the Officer Scheme of Delegations in respect of the administration of Government funding that was received by the Council to help manage the impact of Covid-19 on the community.

Members were advised that the Council had received many different forms of grant funding from the Government during the Covid-19 pandemic to help the community. Frequently, these sources of funding needed to be spent within tight timescales. However, due to the Committee timetable, it was not always possible for the Council to respond in a timely manner when decisions were taken through the usual decision-making process. Unfortunately, any delays to the distribution of grant funding within the community could have a detrimental impact. By contrast, Officers would be able to respond promptly should the Council agree to grant the proposed delegated authority.

The proposals detailed in the report were briefly discussed and there was general consensus that a streamlined approach to funding distribution, that ensured eligible groups received funding as quickly as possible, would be welcomed. However, concerns were raised about the late publication of the report, which had been issued to Members in a supplementary pack for the meeting. Members commented that they were required to submit Questions and Motions some time in advance of a Council meeting to ensure that these could be included in the main agenda and it was suggested that the same approach should be adopted for all reports to Council. The Leader acknowledged Members' concerns and explained that the delay had been partly caused by the fact that the guidance for many of the grants was issued to the Council after the funding, making it difficult to assess and plan in advance of the date when the report had been issued.

The recommendation was proposed by Councillor G. Denaro and seconded by Councillor K. May.

RESOLVED that authority be delegated to the Executive Director of Resources to accept, administer and distribute any Government Funding, or Funding from bodies acting on behalf of Government, relating to or in response to the Covid 19 emergency and to make the necessary and corresponding adjustments to the MTFP following consultation with the relevant portfolio holder and where applicable Ward Councillor(s) and subject to meeting the conditions of grant funding.

87\20

URGENT DECISIONS

The Chairman advised that there had been two urgent decisions taken since the previous meeting of Council and he reminded Members that these were not for debate.

Council was informed that in respect of the urgent decision that had been taken on Green Homes Funding, this had been debated at meetings of the Overview and Scrutiny Board and Cabinet in March. However, as the Council had needed to make a decision on this subject by 15th April 2021, the proposals in respect of this matter had had to be approved through the urgent decision process.

During consideration of this item, Councillor S. Robinson requested further information about the delegation that had been granted to Officers in respect of the Green Homes Funding item. As this item was not subject to debate, the Chairman proposed that this matter should be discussed with relevant Officers outside the meeting.

88\20

RECOMMENDATIONS FROM THE CABINET

Financial Monitoring Report – Quarter 3 2020/21

The Portfolio Holder for Finance and Enabling presented the Financial Monitoring Report – Quarter 3 2020/21. Members were advised that the Council was anticipating a deficit of £774,000 by the end of the financial year. However, there remained £786,000 of the £1.255 million that the Council had received in Covid-19 grant funding from the Government which could be used to help address this gap. Members were also informed that a further tranche of grant funding had been announced by the Government and Bromsgrove District Council was due to receive £411,000 in this contribution.

During consideration of this item, further information was requested about the Schools Financial Literacy Programme and potential for this scheme to be rolled out to all secondary schools in the District. The Portfolio Holder for Finance and Enabling explained that 2 schools had participated in the scheme the previous year and 2 different schools would be participating in the next year.

The recommendations in respect of the Financial Monitoring Report – Quarter 3 2020/21 were proposed by Councillor G. Denaro and seconded by Councillor K. May.

RESOLVED that

- 1) an increase to the Capital programme 2020/21 of match funding from PCC for digital upgrade of CCTV of £19,000 be approved;
- 2) the increase in the capital programme of £30,000 for 2021/22, £20,000 2022/23 for Welfare and business improvements at Bromsgrove Sporting be approved; and
- 3) an increase to the revenue budget by £4,000, to be funded by reserves to help fund a school's financial literacy programme, be approved.

89\20

TO NOTE THE MINUTES OF THE MEETINGS OF THE CABINET HELD ON 24TH FEBRUARY AND 31ST MARCH 2021

The minutes of the meetings of Cabinet held on 24th February and 31st March 2021 were noted.

90\20

QUESTIONS ON NOTICE

The Chairman advised that 6 questions had been submitted for consideration at the meeting. There would be no subsidiary questions.

Question Submitted by Councillor P. McDonald

“The Institute for Employment Rights (IER) report, compiled by 11 specialists in occupational health and safety and labour law, claims that Covid-19 guidance is not being properly enforced by the Health and Safety Executive (HSE).

The government’s approach to enforcing its guidance in the workplace has been underfunded, light-touch and run by an understaffed HSE. As a result, researchers claim that workplace risk has not been managed properly, and is not in line with the government’s claim that is making workplaces Covid-secure. Researchers said there has been widespread failure to control risks of airborne and surface transmission in workplaces, shown by the emergence of infection clusters.

Considering this what action is the Council taking to ensure the Council is Covid secure?”

The Portfolio Holder for Finance and Enabling explained that the COVID-19 pandemic brought with it many challenges, many of which required swift action to put in place safety measures to ensure that the Council could continue to deliver its services in an efficient way, whilst also minimising the risks to staff of transmission of the virus. The Council had, during the previous twelve months, followed Government guidance in relation to working from home, the wearing of masks, social distancing, testing and all other guidance issued by central Government. The Council had also taken a number of actions and continued to implement any changes required by Government in order to ensure compliance. Some of these actions included:

- All business continuity plans were checked and updated as the pandemic developed in the early part of 2020.
- All staff who could work from home were told to do so with additional infrastructure and equipment provided by IT services.
- Specific risk management was undertaken for all staff in customer-facing and frontline roles.
- A frequently asked questions update had been maintained for staff throughout the pandemic, with updates based on changing Government guidance.
- Regular communications had been issued across the organisation to highlight changed guidance or the need for compliance.
- Communications reminding staff where the nearest testing centres were had been issued.
- General risk management was undertaken for all colleagues, ensuring those frontline colleagues with identified vulnerabilities were either safely redeployed or permitted to work from home.

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- PPE was provided along with advice on how to best utilise it and dispose of it safely after use.
- In buildings, COVID-secure measures were put in place, such as:
 - teams being split into cohort groups to reduce transmission through the mixing of groups.
 - hand sanitiser stations provided at various points throughout buildings.
 - social distancing markings and reminder posters put in buildings.
 - limited numbers of staff allowed in offices ensuring compliance with social distancing.
 - social distancing was further enabled through the introduction of one-way systems, restricted access points, QR code posters for track and trace, signing in/out books and a desk booking system requiring staff who needed to work in the office to book a desk to ensure social distancing was maintained.
 - enhanced cleaning regimes were put in place utilising a red/green card system, where staff had used desks or other areas.
 - single person access to shared areas such as toilet facilities, had been introduced.
 - screens used in public facing areas.
- Vehicle sharing had been limited other than within cohort groups with the use of face coverings when in vehicles with windows open and reduced conversations or speaking.
- In early 2021, all staff, contractors, and visitors had been required to wear face coverings in common areas, with frontline teams such as those in the Place and Waste teams having daily temperature checks.
- From April 2021, all frontline staff were supplied with 2 home kits of Lateral Flow Tests (covering 7 weeks) and were encouraged, in line with government guidance, to test twice a week.
- A plan had been developed to conduct a thorough clean and removal of items in the workspaces such as old paperwork and items of clothing in order to ensure the work environment was as clean, uncluttered, and hygienic as possible. Clear office spaces would make cleaning regimes more effective when more staff were able to return to the workplace.
- Officers would also be expected to bring their laptops into the workspace to minimise the sharing of any equipment. Desks would have a large screen, keyboard and phone which would be regularly cleaned. Staff laptops would connect to these peripheral devices.
- Any other equipment that did not belong in the office would be removed. Staff would have access to designated clean kitchen spaces to make drinks and other refreshments again to ensure the enhanced cleaning regimes were made as effective as possible.

All measures had been published and communicated throughout the organisation and were regularly reviewed when there were significant changes, such as updates to guidance from Central Government, when entering national lockdowns or regional tiering systems. Controls were

managed locally by frontline team leaders and managers as appropriate, with regular reminders, poster campaigns and toolbox talks, with support from the Senior Health and Safety Officer.

Question from Councillor R. Hunter

“Please could you clarify what this council’s policy is on grass mowing and how regularly residents of estates that are maintained by this council can expect mowing to take place?”

The Portfolio Holder for Environmental Services replied by advising that the Council carried out grass cutting alongside its other duties for cleanliness across the District using the Place Team. The team did not work to a fixed schedule for grass cutting and there was some variance in the grass cutting frequency each year that reflected the level and speed of growth, as well as other priorities on the service resources.

The Council received funds from Worcestershire County Council towards the maintenance of their verges to meet highway safety, which was equivalent to 3 cuts a year. This was topped up to a higher standard at Bromsgrove District Council’s expense.

Officers aimed to cut verges between 6 and 9 times a year, depending on the growth that season and resources available. This equated to an average of 4-6 weeks between each cut. Open Spaces, Play Areas and ornamental areas were maintained to a greater frequency to reflect their usage.

Question from Councillor S. Robinson

“With High Street shops reopening this month, in order to entice shoppers back to support our High Streets, please may we have an update about when the promised car park refurbishments will be completed?”

The Leader responded by informing Members that A 5-year programme for the maintenance of the car parks was proposed and approved by Cabinet on 25th November 2020 and Full Council on 2nd December 2020. This report provided a comprehensive schedule of planned works and associated costs which ensured that all the car parks were improved and maintained to a safe and high standard.

Work already undertaken since the report was approved included the introduction of cashless payments and a virtual permit system. The work planned to take place in 2021/22 included resurfacing and the introduction of new machines and lights on Parkside and New Road Car parks. Some work planned to take place unfortunately had been delayed due to Covid restrictions in place in the early part of 2021 and would therefore be undertaken in the new financial year. This would include the installation of CCTV and the upgrading of machines to

accept car payments for North Bromsgrove Car Park and the upgrading of the lifts and lighting in the Multistorey car park.

The planned replacement of the Pay on Foot system had been delayed while negotiations took place with interested parties.

The work planned to take place in 2022/23 included resurfacing, new machines and lights on School Drive Car park together with an extension to the existing Shopmobility office.

A detailed breakdown of the works planned for 2023/24 and 2024/25 could be found as an appendix to the original report.

Question from Councillor J. King

“At a time when residents’ interest in the progress of our council’s work to mitigate climate change is very high, could the council website and social media be used much more effectively to communicate the achievements and progress made to date please?”

The Portfolio Holder for Environmental Services replied by explaining that action was already being taken to update the relevant pages on the Council’s website. Information about the Council work to encourage carbon reduction did already exist, though was featured on the pages for a range of service areas on the website. The Climate Change Officers had spoken to the Communications Team about optimising and linking specific search words to enable ease of access, and as such Officers had designed an updated map of pages relating to carbon reduction work and would be taking this back to the Communications team for review shortly.

Officers always put out relevant and updated messages on social media as and when there were newsworthy or interesting things to note. Recent activity included regular messages being issued regarding various waste streams, with the most recent focusing on reduction and recycling correctly over Easter. In addition, the electric vehicles charging project was advertised on social media in early April 2021 to inform interested parties about installations. Information had also been issued on social media in respect of the Burcot Lane low carbon development in March 2021.

There was insufficient time available to consider 2 further questions that had been submitted for consideration at the meeting. A proposal was made for the time available to consider Questions to be extended but this was not taken forward.

91\20

MOTIONS ON NOTICE

The Chairman opened the debate in respect of Motions that had been submitted for consideration at the meeting and in doing so reminded

Members that they could not discuss specific planning applications when commenting on the Motions.

A Western Distributor Road for Bromsgrove

Members considered the following Motion on Notice submitted by Councillor L. Mallett:

Council notes the WCC JMP Western Bypass Report, 2015. This report was subsequently discredited as a basis for understanding the feasibility of such a scheme in research commissioned by Bromsgrove Council in 2018.

Council resolves to urgently review the case and formally assess the feasibility of the Western Distributor /Relief Road. This would allow the incorporation of this scheme, should it be found to be feasible, into all relevant planning documents and funding opportunities, at the earliest opportunity.

The Motion was proposed by Councillor L. Mallett and seconded by Councillor H. Rone-Clarke.

In proposing the Motion, Councillor Mallett commented that the subject of the Motion was not new to the District, having been discussed for 2 decades and he thanked Whitford Vale Voice for the petition that they had submitted on this subject and the people who had signed the petition.

Members were advised that what was being discussed was a distributor road, not a bypass. The purpose of a distributor road would be to enable traffic to progress round to the west of the town without having to go through the town centre. Councillor Mallett noted that there was a distributor road in Worcester, between the north and south M5 junctions, which set a precedent for towns in the county to have distributor roads. Councillor Mallett commented that the introduction of a distributor road would also help to address problems with congestion in the town centre, the issues arising from vehicles using residential streets, such as All Saints Road, to travel through the town, the impact of high traffic volumes on air pollution, which impacted on the health of local residents and would have a beneficial impact on economic growth in the town.

When sites to the west of Bromsgrove were designated as suitable for development in 2004, Bromsgrove District Council had requested that a Western Relief Road should be considered. However, Councillor Mallett commented that no assessment appeared to have subsequently been undertaken by Worcestershire County Council in respect of this matter. Consequently, since then, a number of developments had been approved, though without the mitigating action that had been intended when those sites were first earmarked for development.

In 2014 Councillor Mallett had proposed a Motion which had resulted in the Council agreeing unanimously that a relief road should be

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considered. This decision had ultimately triggered the JMP report, commissioned by Worcestershire County Council. Councillor Mallett questioned the appropriateness of the brief that had been provided to JMP for this report and he commented that it did not give proper consideration to local road infrastructure and traffic volumes, did not assess the economic benefits arising from easing congestion and did not take into account the potential contributions that could be made by developers, either in the form of land or a financial contribution.

Councillor Mallett suggested that if a Western Relief Road had been incorporated into plans in 2014 it would have been a more sensible solution to resolving traffic issues on the western end of Bromsgrove than further investment in the A38. Partly, this was because traffic needed to travel through the town centre to reach the A38 and this was where he suggested the main traffic problems were located.

In 2018, Mott Macdonald, consultants that had been commissioned by Bromsgrove District Council, concluded that the report issued by JMP could not be relied upon when determining whether a Western Relief Road was needed in Bromsgrove. Mott Macdonald had concluded that a full feasibility study should be carried out to answer any outstanding questions on this subject. In the meantime, the Western Relief Road was added as a scheme for future consideration to Local Transport Plan 4. Councillor Mallett suggested that by 2021 it would be timely to undertake this feasibility study, prior to further development taking place.

In seconding the Motion, Councillor Rone-Clarke thanked Whitford Vale Voice for their grassroots organisation in respect of this matter. Councillor Rone-Clarke commented that Bromsgrove was a growing town, and the Western Relief Road would be vital to the future development of the town and would help to address issues with air pollution. A Western Relief Road would also help to relieve congestion in the town centre, which would potentially provide greater capacity to focus on measures that would have a beneficial impact on the local environment, such as the introduction of more cycle lanes in the town.

During the debate in respect of the Motion, the Portfolio Holder for Planning and Regulatory Services commented that in June 2019 Members had considered a Motion which proposed that the Council should seek solutions through a strategic transport assessment. This assessment would have been difficult to undertake over the previous 12-month period, due to the Covid-19 pandemic. In particular, Members were advised that it would not have been appropriate to conduct such an assessment at that time, as traffic volume was significantly reduced during the lockdowns and would have made the assessments unrepresentative.

However, Members were advised that in April 2021 Bromsgrove District Council and Worcestershire County Council had commissioned a strategic transport assessment. This assessment would take into account the transport needs of the whole district, not just the town of

Bromsgrove and would be completed in 3 parts, starting with a focus on cycling and walking. As part of the assessment process, consideration would be given to the potential for alternative forms of transport to be explored further in the District, such as walking, buses and cycle lanes as well as vehicular access requirements. This would help to offer greater flexibility moving forward. Members would be kept informed about the assessment process and there would be briefings, at meetings of the Strategic Planning Group. It was anticipated that the strategic transport assessment would be completed by December 2021.

The Portfolio Holder for Planning and Regulatory Services acknowledged that there was a need to address traffic congestion where this arose. In addition, there was a need to encourage a reduction in reliance on use of cars for journeys in the District whilst embracing new ways of working that had been introduced during the Covid-19 pandemic.

Members subsequently discussed the Motion in detail and in so doing commented on the following points:

- The announcement of the strategic transport assessment for Bromsgrove, which was welcomed by some Members.
- The need for the strategic transport assessment to take into account the potential for future housing growth and the impact that this could have on traffic in the District.
- The financial implications of introducing a Western Relief Road.
- The number of people who had signed the petition, at approximately 5,000 by the date of the meeting, and the strength of feeling in the community demonstrated by this petition.
- The previous improvement works that had been undertaken on the A38 and the extent to which this had impacted on traffic and congestion in Bromsgrove town centre.
- The impact that the reopening of schools in March 2021 had had on traffic in the District.
- The potential for the strategic transport assessment to identify whether a Western Relief Road was needed.
- The timeframes for the completion of the strategic transport assessment.
- The potential for houses to be built in the location where a Western Relief Road might otherwise be situated.
- The potential for lessons to be learned from other recent housing developments when reaching a decision on the possible introduction of a Western Relief Road.
- The issues with air pollution arising from traffic congestion. Members noted that there were three Air Quality Management Areas (AQMAs) in Bromsgrove District.
- The Council declaration of a climate emergency and the need for action to be taken, including action that would encourage use of sustainable forms of transport, to help reduce carbon emissions in the District.

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- The potential impact that the introduction of an additional road might have on carbon emissions in the District.
- The timeframes involved in commissioning the strategic transport assessment and the delays that would occur should an alternative feasibility study or assessment be required.
- The timeframes in which the work to commission the strategic transport assessment had been completed.
- The financial costs involved in commissioning strategic transport assessments and feasibility studies.
- The availability of new modelling data to enable the Council to assess the impact of developments on traffic in Bromsgrove.
- The potential for there to be a reduction in car ownership in the long-term and the impact that increasing demand for electric vehicles would have on carbon emissions. Alternative views were provided that car ownership was likely to increase.

In summing up, Councillor Mallett commented that there was a need to take action soon in order to avoid losing the opportunity to introduce a Western Relief Road. Councillor Mallett questioned why the strategic transport assessment had taken time to be commissioned. Concerns were raised that the strategic transport assessment might conclude that a Western Relief Road was needed but that this proposal would be too late to shape the development of the west of the town.

In accordance with Procedure Rule 18.3 a recorded vote was taken and the voting was as follows:

Members voting FOR the Motion:

Councillors S. Colella, S. Douglas, A. English, C. Hotham, R. Hunter, R. Jenkins, J. King, L. Mallett, P. McDonald, S. Robinson, H. Rone-Clarke, K. Van Der Plank (12)

Members voting AGAINST the Motion:

Councillors A. Beaumont, R. Deeming, G. Denaro, M. Glass, S. Hession, H. Jones, A. Kent, A. Kriss, R. Laight, K. May, M. Middleton, M. Sherrey, C. Spencer, P. Thomas, M. Thompson, J. Till, S. Webb and P. Whittaker (18)

Members ABSTAINING in the vote:

No Councillors (0)

On being put to the vote the Motion was lost.

Other Motions

The debate in respect of the Western Relief Road lasted for 57 minutes. Suggestions were made that the remaining Motions should be debated at the following meeting or that the next Motion on the agenda should be

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debated before the meeting closed. However, concerns were raised that it would be unfair to only debate some Motions.

During consideration of this item Councillor R. Hunter proposed that the debate in respect of the Motions should be extended by an hour to provide time to debate them all. This was seconded by Councillor P. McDonald.

On being put to the vote this proposal was lost.

The meeting closed at 8.02 p.m.

Chairman

BROMSGROVE DISTRICT COUNCIL

RECORD OF DECISION TAKEN UNDER URGENCY PROCEDURES

Subject: Public Participation at Physical Full Council and Planning Committee meetings

Brief Statement of Subject Matter:

The following urgent decision is required to facilitate the continued functioning of Council business during the continuing Covid-19 outbreak.

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, which permitted Committee meetings to be held remotely, does not apply to meetings on or after 7 May 2021.

Local authority Committee meetings, including Full Council meetings, will now take place physically, with the public and most officers able to attend virtually. Whilst the public must be provided with an opportunity to attend a meeting in person if they wish to do so, subject to the availability of space to accommodate the public in compliance with social distancing requirements, many members of the public will not feel comfortable participating in person. This urgent decision therefore provides the public with the flexibility to be able to choose to participate remotely. It also enables members of the public who are not comfortable attending in person and who have a poor or no internet connection, to participate through submitting a written statement, submitted in advance, to be read out on their behalf at a Committee meeting.

The Annual Council meeting, due to take place on 19th May 2021, will have restricted business, in line with Government guidance, to help reduce the risks of spreading Covid-19. It is proposed therefore that there should be no public speaking at this meeting. The Council procedure rules at Appendix 1 have been updated to reflect this request, though Members should not that this will not be a permanent change to the Council Procedure Rules but will instead only apply to the Annual Council meeting in May 2021.

There is a risk that if the public are only permitted to speak verbally during public participation at a physical meeting, as currently stipulated in the Council Procedure Rules and Planning Procedure rules, this could prevent participation by members of the public due to the limited number (of members of the public) that will be allowed to attend physical meetings due to Covid-19 restrictions on social distancing. Whilst action will be taken to try to mitigate risks, residents who choose to attend meetings in person should be aware that they will do so at their own risk.

The amended procedure rules can be found at appendices 1 and 2.

Decision: To amend the public speaking rules for meetings of full Council and the Planning Committee to allow remote attendance by the public.

Date: May 2021

RESOLVED:

- 1) For Full Council meetings as from 7th May 2021, the attached Council Procedure Rules, amended in respect of Public Participation at Council Meetings, should apply;**

- 2) For Planning Committee meetings from 7th May 2021, the attached Planning Committee procedure rules, amended in respect of Public Participation at Council Meetings, should apply; and
- 3) There should be no public speaking at the Annual Council meeting on 19th May 2021.

Grounds for Urgency:

This decision is required urgently due to the forthcoming meetings of the Council taking place **physically** as from 7th May 2021 and in the context of the Covid-19 outbreak.

DECISION APPROVED BY:

..... Chief Executive – K Dicks Dated
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..... Section 151 Officer - J. Howse Dated
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..... Monitoring Officer – C Felton Dated
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..... Leader – K May Dated
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..... Chairman, Overview & Scrutiny Board C Hotham Dated
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..... Chairman - R Laight Dated
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Appendix 1 Bromsgrove District Council

Procedure Rules

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Items marked with # also apply to Committee and Board meetings

Items marked with * cannot be suspended

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Bromsgrove District Council

Procedure Rules for Council and Committee Meetings

1. Introduction

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

2. Annual Meeting of the Council

Quorum: 16

- 2.1 In a year when there are ordinary elections the Annual Meeting will be held within 21 days of the retirement of the outgoing Councillors. In any other year, the Annual Meeting will take place in May. The meeting will usually start at 6.00pm.
- 2.2 The Annual Meeting will:
 - (a) elect a person to preside if the Chairman and Vice-Chairman are not present;
 - (b) elect the Chairman of the Council;
 - (c) elect the Vice-Chairman of the Council;
 - (d) receive any declarations of interest from Councillors;
 - (e) approve the minutes of the last meeting;
 - (f) receive any announcements from the new Chairman and/or the Chief Executive;
 - (g) in the year of ordinary elections of Councillors, or when there is a vacancy, elect the Leader;
 - (h) ~~receive comments, questions or petitions from members of the public and/or from Councillors on their behalf, in accordance with procedure rule 8~~
 - (i) consider questions on notice from members of the Council in the order in which they have been received, in accordance with procedure rule 9;

- (j) consider motions in the order in which they have been received, in accordance with procedure rule 10;

- (i) agree:
 - (i) the terms of reference of,
 - (ii) size and
 - (iii) appoint to, in accordance with political balance rules,Committees and Boards as appropriate to deal with matters which are not functions of the Council or Cabinet;
- (i) agree the scheme of delegation;
- (j) consider other business required by legislation;
- (k) to consider any business set out in the notice for the meeting.

3. Ordinary Meetings of the Council

Quorum: 16

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

3.2 Ordinary meetings will:

- (a) Elect a person to preside if the Chairman and Vice-Chairman are not present;
- (b) Receive any declarations of interest from Councillors;
- (c) Approve the minutes of the last meeting;
- (d) receive any announcements from the Chairman and/or the Chief Executive;
- (e) receive any announcements from the Leader of the Council (*see also Procedure rule 14*);
- (f) receive comments, questions or petitions from members of the public and/or from Councillors on their behalf, in accordance with procedure rule 8;

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- (g) deal with any business from the previous Council meeting;
- (h) deal with questions on notice from members of the Council in the order in which they have been received, in accordance with procedure rule 9;
- (i) receive minutes and/or reports from the Audit, Standards and Governance Committee;
- (j) consider reports and/or recommendations from the Cabinet. These may be presented as minutes of recent meetings of the Cabinet which contain recommendations and are also used to report on recent activity;
- (k) consider recommendations from any other Committees of the Council which require approval;
- (l) receive nominations and make appointments to outside bodies, except where appointment to the bodies has been delegated by Council or can be carried out only by the Cabinet. Details of ex-officio appointments will be set out in the agenda.
- (m) receive and consider reports from officers of the Council;
- (n) Receive and consider an annual report from one Portfolio Holder in accordance with Procedure rule 20;
- (o) Once a year, receive and consider an annual report from the Overview and Scrutiny Board about the work carried out by that Board, presented by its Chairman;
- (p) Once a year, receive and consider an annual report from the Audit, Standards and Governance Committee about the work carried out by that Committee, presented by its Chairman;
- (q) receive reports about activities of joint bodies to which the Council belongs, or other external organisations of interest to the District and ask questions about the report;
- (r) consider motions in the order in which they have been received, in accordance with procedure rule 10;
- (s) Consider any other business set out in the agenda;

- (t) To consider any urgent business not included in the agenda in accordance with legal requirements and subject to agreement with the Chairman prior to the meeting.
- (u) Other than items under paragraphs (a) – (c) the order of business may be varied by the Chairman or by Council resolution.

4. Extraordinary Meetings of the Council

Quorum: 16

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

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

- (a) the Council by resolution;
- (b) the Chairman of the Council;
- (c) the Monitoring Officer;
- (d) the Chief Financial Officer
- (e) any 5 members of the Council if they have signed a requisition presented to the Chairman of the Council asking him/her to call an Extraordinary meeting and he/she has either refused to call such a meeting, or has failed to do so within seven days of the presentation of the requisition.

Business to be transacted:

- 4.2 Extraordinary meetings of the Council will only consider the business on the agenda for the meeting, as set out in the requisition to convene it, and any other business which in the opinion of the Chief Executive is relevant to it. Meetings will usually start at 6.00pm.
- 4.3 The agenda for an Extraordinary meeting will not include Motions on Notice or Questions.
- 4.4 The agenda for an Extraordinary meeting may include approval of the minutes of the previous Council meeting and minutes of the Cabinet or other Committee/Board meeting or such other items of business as may be appropriate to ensure the efficient administration of Council business.

5. Notice of and Summons to Meetings #

- 5.1 The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules.
- 5.2 Except in cases of urgency, at least 5 clear days before a meeting, the Chief Executive will send an agenda and reports to each member of the Council/Committee etc.
- 5.3 The agenda will give the date, time and place of each meeting, the business to be carried out and include available reports.

6. Previous Decisions and Motions

- 6.1 A motion, the effect of which is to rescind a decision made at a meeting of the Council within the previous 6 months (or has the same effect as one which has been rejected in the last 6 months) cannot be moved unless a Notice of Motion is signed by at least 7 Councillors, or is recommended by a meeting of the Cabinet or a Committee.

7. Urgent Business #

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

8. Public Participation at Council Meetings

What is included

- 8.1 The agenda for each ordinary meeting of the Council will include a period of up to 15 minutes for members of the public to put comments about matters in the agenda and/or questions to the Council and to present petitions. The Chairman of the Council may agree to allow a similar arrangement at Extraordinary meetings of the Council.
- 8.2 The Chairman of the Council will have complete discretion as to how public participation is conducted and may agree to extend the time available under exceptional circumstances.

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- 8.3 Comments, questions or petitions must be about matters for which the Council is responsible or which affect the District. The Council will not consider comments, questions or petitions that relate to specific planning or licensing matters. Neither will it consider matters which are confidential or exempt.
- 8.4 The Monitoring Officer may reject any comments, questions or petitions that:
- are, or appear to be, defamatory, racist or contain offensive language, or are otherwise not appropriate for consideration at a Council meeting;
 - are substantially the same as a question that has been put to a meeting of the Council in the last 6 months;
 - would more appropriately be considered at a meeting of the Cabinet or a Committee, in which case the request to participate will be passed to the relevant body.
- 8.5 Members of the public do not include:
- Employees of the Council or their representatives, on any matter relating to their employment;
 - Any applicants for, or recipients of, approvals, permissions or licenses;
 - Any person in a contractual relationship with the Council on a matter relating to that contract;
 - Councillors from a Local Authority on a matter concerning that local authority.

How to Apply

- 8.6 A copy of the comment, question or terms of petitions must be provided to the Monitoring Officer by 12 noon seven clear working days prior to but not including the date of the meeting (). This may be in writing or by e-mail and should include:
- The name of the person to whom it is addressed – at the meeting this will go to the Chairman in the first instance;
 - The name and address of the person submitting it;
 - In the case of petitions, the number of signatories with their names and addresses supplied.
- 8.7 The Chairman has discretion to allow a question and/or comment from a member of the public received after the deadline in exceptional circumstances.

At the Meeting

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

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

Members of the public who register to participate in a meeting of Council under the rules set out in this section can do so using one of the three options below:-

- By attending in person and addressing the committee verbally;
- By joining the meeting virtually by video link and addressing the committee verbally; or
- By providing a written statement in advance of the meeting to be read out by an officer.

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

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

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

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

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

9. Questions from Councillors at Council Meetings

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

Questions on Notice

- 9.2 A Councillor may ask:

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

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

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

Deadline for Questions

- 9.3 The deadline for questions to be received by the Monitoring Officer is 12 noon, seven clear working days prior to but not including the date of the meeting
- 9.4 A question must be submitted in writing.
- 9.5 If a question relates to an urgent matter, the Councillor should obtain the permission of the Chairman and submit the question to the Monitoring Officer not less than 2 hours before the start of the meeting at which it will be asked.

Content

- 9.6 The Monitoring Officer may reject a question if:
- (a) it is defamatory, frivolous or offensive,
 - (b) it is substantially the same as one submitted within the previous six months;
 - (c) it asks the Council about a matter which is outside the powers or responsibility of the full Council;
 - (d) it relates to a specific planning or licensing matter;

(e) it does not relate to functions undertaken by the Council.

(f) It could be dealt with more appropriately by an officer;

At the meeting

9.7 The question will be read out at the meeting by the Councillor who has asked it or by another Councillor on his/her behalf.

9.8 The answer may be given as:

(a) A direct oral answer;

(b) A reference to information contained in a publication; or

(c) Where the answer cannot conveniently be given orally, a written answer, circulated to the questioner at the latest with the minutes of the Council meeting and appended to the signed copy of the minutes.

9.9 The Councillor who has been asked the question may, if appropriate, refer it to another member to answer.

9.10 Every question shall be put and answered without discussion.

Time limit

9.11 At each meeting a maximum of 15 minutes will be allowed for the asking and answering of questions under this procedure rule.

9.12 The Chairman may at his/her discretion extend the time if s/he and the majority of those present agree.

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

10 Motions on Notice at Council Meetings

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

Deadline for Motions

10.2 Notices of Motion must be submitted to the Monitoring Officer by 12 noon seven clear working days, prior to but not including the date of the meeting

10.3 A Motion must be submitted in writing.

Urgent Notice of Motion

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

Content

10.5 The Notice must contain a written notice of the motion;

10.6 Motions must be about matters for which the Council is responsible or which affect the District.

10.7 The Monitoring Officer may reject a Notice of Motion if:

- (a) it is defamatory, frivolous or offensive,
- (b) it is substantially the same as one submitted within the previous six months;
- (c) it requests the Council to make a decision which is outside the powers or responsibility of the full Council;
- (d) it is not of a strategic nature;
- (e) it does not relate to functions undertaken by the Council.

At the meeting – Proposal and Withdrawal of Motion

10.8 The Motion can be moved by the Signatory to the Notice or another Councillor on their behalf.

10.9 If a Motion is not moved at a Council meeting, it will lapse and can only be moved again if Notice is given in accordance with these procedure rules.

Deferment of Motions

10.10 If, having taken advice from the Chief Executive and Monitoring Officer, the Chairman considers that the Motion should be dealt with in conjunction with a report from an Officer, the Motion will be deferred until this can be arranged.

10.11 No Motion shall be deferred for longer than one Ordinary meeting of the Council. The Chairman will inform the Council under his/her Announcements of any such deferrals.

Referral of Motions

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

Time Limit for Motions on Notice

- 10.16 At each meeting up to one hour shall be allowed for consideration of all Motions on Notice. This may only be exceeded with the agreement of the Council.
- 10.17 At the end of the hour – or other time period if agreed by the Council – the Chairman will ask the Councillor speaking to conclude immediately.
- (a) If the speaker is proposing the motion then it can be formally seconded without comment;
 - (b) If the speaker is moving an amendment, the Chairman will allow the amendment to be formally seconded, without comment, and the mover of the motion to exercise their right of reply;
 - (c) If neither (a) nor (b) then the mover of the motion will be allowed to have their right of reply for up to 5 minutes.
- 10.18 The Chairman will put to the vote, without further discussion, all questions necessary to dispose of the motion being debated and put the Motion to the vote.
- 10.19 If as a result of reaching the time limit a motion is not moved by either the Councillor who gave notice or another Councillor on their behalf, it shall be either:

(a) treated as withdrawn and cannot be moved without fresh notice, although it will not be restricted by the 6 month rule set out at Procedure rule 6; or

(b) with the consent of the Council, be postponed until the next Ordinary meeting.

11 Chairing the Meeting #

11.1 The person presiding at the meeting may exercise any powers or duty of the Chairman.

11.2 Where these rules provide for a maximum time to be devoted to an item or speech or other process, the Chairman may, if s/he and the majority of Members present agree, extend that time if it felt appropriate in the interests of effective conduct of Council business.

11.3 Any ruling of the Chairman shall not be challenged.

12 Councillor Conduct # 12.1 only

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

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

12.3 When the Chairman stands during debate, any Councillor speaking at the time must stop and sit down. The meeting must be silent.

Prevention of Disorderly Conduct #

Prevention of Disorderly Conduct – Councillors and Public

12.4 The Chairman may take the following action if a Councillor persists in misconduct:

(a) forbid the Councillor from speaking for all or part of the meeting;

(b) tell the Councillor to leave all or part of the meeting;

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(c) order the Councillor to be removed from the meeting;

(d) adjourn the meeting for an appropriate time to try and resolve the situation.

12.5 Similar action can be taken if a member of the public disrupts the meeting.

12.6 If there is more general disorder in any part of the room where the meeting is being held which is open to the public, the Chairman may order that part to be cleared and may adjourn the meeting as appropriate.

12.7 Members of the public are permitted to take photographs, films, video record or audio record a Council and other meetings open to the public, provided that they do not intimidate public speakers or cause disruption and abide by any directions given by the Chairman. Oral commentary is not permitted. Members of the public intending to record meetings should notify the Democratic Services Manager in advance of the meeting. The Council's protocol is on the website and explains this further.

12.8 The taking of photographs, filming, video or audio recording is not permitted at private meetings or where the public have been excluded. Recording equipment must not be left in a meeting room after the public have been excluded.

13 Quorum #

13.1 The quorum of a meeting will be a proportion of the voting members of the Committee, Sub-Committee or Board etc, as agreed by the Council from time to time.

13.2 If at any time during the meeting the Chairman declares that there is not a quorum present, the meeting will adjourn immediately for 15 minutes.

13.3 If after that time there is still not a quorum present, the meeting shall end.

13.4 Any remaining business will be considered at the next meeting, whether ordinary or extraordinary, unless the Chairman makes other arrangements prior to the next meeting.

14. Announcements

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

15. Minutes #

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

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

16. Advice from Officers #

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

17. Rules of Debate

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

Dealing with Motions and Amendments

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

Speeches

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

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

- 17.6 A Councillor may only speak once on a motion except:
 - (a) to speak once on an amendment moved by another Councillor;
 - (b) if their first speech was on an amendment and that has now been dealt with, to speak on the main proposal;
 - (c) to exercise a right of reply as a mover of a motion (not an amendment);
 - (d) on a point of order or by way of personal explanation.
 - (i) A point of order may only relate to an alleged breach of these Council procedure rules or the law and the Councillor must indicate the way in which s/he considers it has been broken. The ruling of the Chairman will be final and not open to discussion.
 - (ii) Personal explanation may only relate to some material part of an earlier speech by the Councillor at the same meeting which may appear to have been misunderstood in the current debate. The ruling of the Chairman on the admissibility of a personal explanation will be final and not open to discussion.
 - (e) to move a further amendment;
 - (e) to make a motion to close the debate.

Amendments

- 17.7 An amendment must be relevant to the motion and will be:
- (a) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (b) to leave out words
 - (c) to leave out words and insert or add others; or
 - (d) to insert or add words

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

- 17.8 Only one amendment may be dealt with at a time.
- 17.9 Amendment not carried – a further amendment to the motion may be moved.
- 17.10 Amendment carried – the amended motion takes the place of the original motion. It is known as the “substantive motion” and further amendments may be moved to this.
- 17.11 After an amendment is carried the Chairman will read out the amended motion before accepting any amendments. If there are no further amendments the substantive motion is debated before being put to the vote.

Alteration of Motion

- 17.12 An alteration to a motion must be either:
- (a) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (b) to leave out words;
 - (c) to leave out words and add others;
 - (d) to add words;

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

When a motion can be altered

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

Withdrawal of Motion

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

Rights of Reply – motions and amendments

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

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

Motions which may be moved during debate

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

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

Procedural Motions without notice

17.18 The following procedural motions may be moved without notice:

- (a) to appoint a Chairman of the meeting;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or a member arising from an item on the agenda for the meeting;
- (f) to receive reports or adopt recommendations from Committees or Officers and any resolutions following from them;

- (g) closure motions under procedure rule 17.18;
- (m) to suspend a particular procedure rule;
- (n) to exclude the public and press in accordance with Access to Information Rules;
- (o) to not hear further a member named under rule 12.4 or to exclude them from the meeting;
- (p) to give the consent of the Council where it is required under this constitution.

Closure Motions

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

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

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

17.21 **“That the question now be put”** – if seconded and the Chairman thinks the item has been sufficiently discussed, s/he will put the procedural motion to the vote. If passed, the mover of the original motion has the right of reply before the motion is put to the vote.

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

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

18. Voting #

18.1 Unless a recorded vote is demanded or required, voting shall be by general assent or by show of hands. Any matter will be decided by a simple majority

of those present and entitled to vote in the meeting at the time the question was put.

- 18.2 If there is an equal number of votes for and against, the Chairman may use a second or casting vote. There is no restriction on how the Chairman chooses to use a casting vote.

Recorded Votes

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

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

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

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

Voting on Appointments

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

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

- 19.1 Each report or recommendation from Cabinet will be presented by a member of the Cabinet whose initial presentation shall not exceed 10 minutes.
- 19.2 Other speeches shall not exceed 5 minutes.

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- 19.3 The member of the Cabinet presenting the report or recommendation may, with the consent of the Chairman, respond to all questions raised or points made during the debate.
- 19.4 The member of the Cabinet presenting the report or recommendation has a right to reply at the end of the debate on the recommendation immediately before it is put to the vote.
- 19.5 The member of the Cabinet presenting the report or recommendation may alter or amend the recommendation if the majority of members present agree, provided such alteration or amendment is one which could be made as an amendment to a motion under Rule 17.7 – 17.11.
- 19.6 An amendment to a report or recommendation from Cabinet may be made provided such amendment is one which could be made as an amendment to a motion under Rule 17.7 and the procedure set out in Rule 17 insofar as it applies to amendments to motions shall apply to amendments to recommendations from Cabinet.

20. Annual Reports from Portfolio Holders

- 20.1 At each ordinary meeting of the Council there will be an item on the agenda to receive and consider an annual report from one portfolio holder.
- 20.2 The report will include important matters from the previous 12 months and forthcoming policy issues which the Portfolio holder wishes to raise with the Council.
- 20.3 Each report will be presented by the Portfolio Holder and their initial presentation shall not exceed 10 minutes.
- 20.4 Councillors may ask questions of the Portfolio Holder. Questions and answers shall not exceed 3 minutes.
- 20.5 A maximum of 30 minutes will be allowed for this item at the meeting.
- 20.6 Councillors will not take any decisions in connection with or vote on the report. The main issues raised during discussion of the reports will be minuted.

21. Suspension and Amendment of Council Procedure Rules

Suspension

- 21.1 All of these Council Rules of Procedure except Rule 15.3, 18.4 and 18.5 may be suspended by motion on notice or without notice if a majority of those present and entitled to vote agree. Suspension shall last until such time as

the meeting agrees to reinstate the suspended rule(s), or the end of the meeting, whichever is the earlier.

Amendment

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

22. Application to Committees and Sub-Committees

- 22.1 All of the preceding Council Rules of Procedure apply to meetings of full Council. None of the rules apply to meetings of the Cabinet.
- 22.2 All of the preceding Rules except Rules 2-4, 6, 8-10, 12.2-12.3, 14, 17, 19, 20 and 21 apply to meetings of committees and sub-committees. Rules 23 – 25 shall apply only to meetings of committees and sub-committees.

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

- 23.1 Every Committee will, at its first meeting following the Annual Meeting of the Council, before proceeding to any other business, elect a Chairman and Vice-Chairman for the municipal year. If both the Chairman and Vice-Chairman are absent from a meeting of that Committee during the municipal year, the Committee may elect a member to chair that particular meeting.
- 23.2 In the event of a vacancy arising in the office of Chairman or Vice-Chairman of a committee, the committee will at its next meeting following the declaration of the vacancy appoint a member to fill the vacancy for the remainder of the municipal year.

24. Extraordinary Meetings of Committees #

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

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

- 25.1 When a member of the Council is unable to attend a particular meeting of a committee or sub-committee, he/she may appoint another member *from the*

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pool of substitute members for that Committee or sub-committee, to attend the meeting as his/her substitute. Members may not arrange for substitutes to attend in their place at Cabinet.

25.2 Substitute members will have all the powers and duties of any ordinary member of the committee.

25.3 Substitute members may attend meetings in that capacity only:

(a) where the ordinary member will be absent for the whole of the meeting; and

(b) after notifying the Head of Legal, Equalities & Democratic Services before or at the commencement of the meeting of the intended substitution.

26. Calculation of Time #

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

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

APPENDIX 2 - PLANNING COMMITTEE PROCEDURE RULES

1. Terms of Reference of Planning Committee

- 1.1 The Council will appoint a Planning Committee.
- 1.2 The Terms of Reference of the Planning Committee are set out in Part 5 of the Constitution.

2. Time and Place of Meetings

- 1.1 There shall be at least 10 meetings of the Planning Committee each year.
- 1.2 The time and place of Planning Committee meetings will be determined by the Chief Executive and notified in the agenda.

3. Composition of the Planning Committee

- 3.1 The Planning Committee will comprise 11 Councillors.
- 3.2 Article 8.4 of the Articles at Part 2 of this Constitution applies to the Planning Committee.
- 3.3 Members of the Planning Committee who cannot attend a particular meeting may arrange for a substitute to attend in his or her place provided that they have completed the appropriate training.
- 3.4 The Leader of the Council cannot be a member of the Planning Committee and cannot sit as a substitute on the Planning Committee.

4. Chairman

- 4.1 The Planning Committee will appoint one of its members as Chairman at its first meeting following the Annual Council Meeting.
- 4.2 The Chairman of the Planning Committee cannot be a member of the Cabinet.

5. Quorum

The quorum for a meeting of the Planning Committee is 6.

6. Application of Council Procedure Rules

The Council Procedure Rules (as specified in Council Procedure Rule 22) will apply to all meetings of the Planning Committee except as modified by these Rules.

7 Procedure for Determining Applications for Planning Permission

- 7.1 An officer will present the report of the Head of Planning and Regeneration Services.
- 7.2 Members of the public who have registered to speak may address the meeting when invited to do so by the Chairman and in accordance with the public speaking rules.
- 7.3 Ward members who have registered to speak may then address the meeting when invited to do so by the Chairman and in accordance with both the public speaking rules and these Procedure Rules.
- 7.4 The Chairman will invite members of the Committee to address the meeting. With the consent of the Chairman, members of the Committee are entitled to address the meeting more than once.
- 7.5 Before taking the vote the Chairman will read out the recommendation of the Head of Planning and Regeneration Services and ascertain if any member of the Committee wishes to put forward an alternative recommendation.
- 7.6 If no alternative recommendation is put forward the Chairman will proceed to the vote.
- 7.7 If one or more alternative recommendations are put forward the Chairman will:
- (a) request each member who puts forward an alternative recommendation to read out the alternative recommendation and specify the reasons for the alternative recommendation;
 - (b) invite the Head of Planning and Regeneration Services to advise the Committee on the extent to which the alternative recommendation and reasons for it fall within or outside planning policy;
 - (c) consider whether an adjournment is required to enable the member proposing the alternative recommendation to take advice from officers;
- and only then proceed to the vote.
- 7.8 Each member of the Committee may vote only once in favour of either the recommendation proposed by the Head of Planning and Regeneration Services or an alternative recommendation.

8. Public Speaking at Planning Committee

- 8.1 The Council has decided to introduce a public speaking scheme to allow members of the public and other parties to EITHER give their views in person OR in writing about an application for planning permission which affects them when it is being considered by the Planning Committee.
- 8.2 The four classes of speaker who may exercise the opportunity to speak publicly at Planning Committee are:
- objector (or agent/ spokesperson on behalf of objectors);
 - applicant, or their agent (or supporter);
 - Parish Council representative (if applicable);
 - Ward Councillor
- 8.3 A person wishing to address either in person or in writing the Planning Committee must give notice to the Democratic Services Team of his or her intention to do so by 12.00 noon two working days prior to the Planning Committee meeting in question. Members of the public registering to submit comments in writing must submit the written statement by the same deadline.

Members of the public who register to address a meeting of the Planning Committee ~~EITHER can do so using one of the three options below: - verbally at the meeting OR by providing a written statement in advance of the meeting.~~

- By attending in person and addressing the the committee verbally;
- By joining the meeting virtually by video link and addressing the committee verbally; or
- By providing a written statement in advance of the meeting to be read out by an officer.

- 8.4 A total of three minutes shall be allocated to the applicant and/or his/her agent (or to a member of the public) who wish speak in favour of a planning application; if more than one person wishes to speak the time will be allocated in accordance with the Council's Guidance for Public Speaking at Planning Committee.
- 8.5 A total of three minutes shall be allocated to members of the public who wish to either speak or provide a written statement, against a planning application; if more than one person wishes to either speak or provide a written statement, the time will be allocated in accordance with the Council's Guidance for Public Speaking at Planning Committee.

Written statements will be read out by the Democratic Services Officer at the meeting. The written statement should be a length that would take no longer than the allotted time to read. The Democratic Services

Officer when reading the written statement will not speak for more than the allotted time, when doing so.

- 8.6 A total of three minutes public speaking time shall be allocated to the representative of the local Parish Council; if more than one Parish Council representative wishes to speak the time will be divided equally between them. The time limits for public speaking may be extended at the discretion of the Chairman but only in exceptional circumstances.
- 8.7 A total of three minutes shall be allocated to Ward Councillors who wish to speak in relation to a planning application in their ward; if more than one Ward Councillor wishes to speak the time will be divided equally between them. In the event that a Ward Councillor is unable for any reason to exercise their Ward Councillor speaking rights they may nominate a substitute member to represent the views of the ward residents.
- 8.8 Guidance for public participation at Planning Committee is published from time to time by the Council. The Chairman of the Planning Committee will retain the discretion to decide at the meeting in which order the public speakers will address the Committee.
- 8.9 The Chairman shall invite the representative of Head of Planning and Regeneration at the conclusion of public speaking on planning applications to correct any factual inaccuracies.
- 8.10 Where a planning application is fully considered at Planning Committee and public speaking rights are exercised, in the event that Members decide to defer application there will be no further public speaking rights. This rule will apply to all classes of public speaker listed at paragraph 8.2. above.

9 Members of the Planning Committee with Disclosable Pecuniary Interests (DPI) or other disclosable interests and Public Speaking

Any Member who considers they have a DPI or other disclosable interest in any planning matter, whether or not as a Planning Committee Member, should seek advice from the Monitoring Officer, deputy Monitoring Officer or a member of the Democratic Services Team at an early stage.

10 Site Visits

During the pandemic, formal site visits will not be possible. Officers will endeavour to provide as much information as necessary, to assist members in their understanding of the site. Should any member of the Committee decide to go on a personal visit to see a site, then they must observe the following:

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- Only view the site from the public highway (you do not have the authority to enter a site);
- Do not engage in any conversation with any person you may see at the site, nor disclose the purpose of your visit . If you are approached, explain that the purpose of the visit is to view the site and its surroundings and that you cannot enter into any discussion about the merits of the application.
- Do not take photographs or make recordings with any device including your phone.
- View alone - no third parties may accompany you. Someone can travel with you in your car, but must not be with you when viewing the site.

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Annual Council
2021

19th May

Committee Appointments and Political Balance 2021/22

Relevant Portfolio Holder		Councillor Geoff Denaro
Portfolio Holder Consulted		No
Relevant Head of Service		Claire Felton, Head of Legal, Democratic and Property Services
Report Author	Job Title: Senior Democratic Services Officer Contact email: jess.bayley@bromsgroveandredditch.gov.uk Contact Tel: (01527) 64252 Ext: 3268	
Wards Affected		N/A
Ward Councillor(s) consulted		N/A
Relevant Strategic Purpose(s)		An Effective and Sustainable Council
Non-Key Decision		
If you have any questions about this report, please contact the report author in advance of the meeting.		

1. RECOMMENDATIONS

Council is asked to RESOLVE that:-

- 1) 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) Members be appointed to the Committees and as substitute members in accordance with nominations to be made by Group Leaders.**
- 3) the terms of reference for the Boards and Committees as set out at appendix 2 be confirmed.**

2. BACKGROUND

- 2.1 The political balance is reported for Members' consideration at Annual Council meetings.

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19th May

- 2.2 Further reports in respect of the political balance may be presented for Council's consideration during the municipal year should there be a change to the political composition of the authority.

3. FINANCIAL IMPLICATIONS

- 3.1 There are no specific financial implications.

4. LEGAL IMPLICATIONS

- 4.1 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.

5. STRATEGIC PURPOSES - IMPLICATIONS

Relevant Strategic Purpose

- 5.1 The review of the political balance is undertaken as a standard part of the Annual council meeting process. This helps to ensure that the Council remains effective and sustainable.

Climate Change Implications

- 5.2 there are no climate change implications.

6. OTHER IMPLICATIONS

Equalities and Diversity Implications

- 6.1 There are no specific equalities and diversity implications.

Operational Implications

- 6.2 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.

- 6.3 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.

- 6.4 The proposed allocation of seats on each Board/Committee is done on a strict mathematical basis.

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6.5 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 are asked to identify who will act as substitute members for the Licensing and Planning Committees for this municipal year.

6.6 For all other committees substitutes will be notified to the Democratic Services Officers, as required on the instruction of the Group concerned.

7. RISK MANAGEMENT

7.1 There are no significant risks associated with this item.

8. APPENDICES and BACKGROUND PAPERS

Appendix 1 Proposed Committees & allocation of Committee Places
2019-20

Appendix 2 Terms of reference of Boards and Committees

9. REPORT SIGN OFF

Department	Name and Job Title	Date
Lead Director / Head of Service	Claire Felton, Head of Legal, Democratic and Property Services	April 2021
Legal Services	Claire Felton, Head of Legal, Democratic and Property Services	April 2021

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POLITICAL BALANCE CALCULATION 2021/22

The figures in *italics* are the mathematical calculations.

Committee	Cons 18 <i>58.06%</i> of total	Lab 3 <i>9.68%</i> of total	Lib Dems Dem 3 <i>9.68%</i> of total	B'grove Ind East 4 <i>12.90%</i> of total	B'grove Ind West & Central 3 <i>9.68%</i> of total	Total
Overview and Scrutiny Board	6 <i>6.39</i>	1 <i>1.06</i>	1 <i>1.06</i>	2 <i>1.42</i>	1 <i>1.06</i>	11 11 members on Board <i>11</i>
Licensing Committee	6 <i>6.39</i>	2 <i>1.06</i>	1 <i>1.06</i>	1 <i>1.42</i>	1 <i>1.06</i>	11 11 members on Cttee <i>11</i>
Planning Committee	7 <i>6.39</i>	1 <i>1.06</i>	1 <i>1.06</i>	1 <i>1.42</i>	1 <i>1.06</i>	11 11 members on Cttee <i>11</i>
Audit, Stds & Gov'ce Committee	5 <i>5.23</i>	1 <i>0.87</i>	1 <i>0.87</i>	1 <i>1.16</i>	1 <i>0.87</i>	9 9 members on Cttee <i>9</i>
Electoral Matters Cttee	4 <i>4.06</i>	1 <i>0.68</i>	1 <i>0.68</i>	0 <i>0.90</i>	1 <i>0.68</i>	7 7 members on Cttee <i>7</i>
Appeals	3 <i>2.90</i>	0 <i>0.48</i>	1 <i>0.48</i>	1 <i>0.65</i>	0 <i>0.48</i>	5 5 members on Cttee <i>5</i>
Appointments	3 <i>2.90</i>	0 <i>0.48</i>	1 <i>0.48</i>	1 <i>0.65</i>	0 <i>0.48</i>	5 5 members on Cttee <i>5</i>
Statutory Officers	3 <i>2.90</i>	0 <i>0.48</i>	0 <i>0.48</i>	1 <i>0.65</i>	1 <i>0.48</i>	5 5 members on Cttee <i>5</i>
TOTAL	37	6	7	8	6	64
Exact Mathematical Entitlement	<i>37.16</i>	<i>6.20</i>	<i>6.20</i>	<i>8.26</i>	<i>6.20</i>	64

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APPEALS PANEL

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

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>
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AUDIT, STANDARDS AND GOVERNANCE COMMITTEE

Number of Members	9, none of whom may be members of the Cabinet + 2 co-opted non voting Parish Council representatives, who may not also be District Councillors, for the purpose of Standards
Attendance by other Councillors	Portfolio Holder with responsibility for finance expected to attend each meeting
Politically Balanced Y/N	Y
Quorum	5
Procedure applicable	<p>Rules</p> <p>Audit, Standards and Governance Committee Procedure Rules and Council Procedure Rules (with the exception of Council Procedure Rules 2-4, 6, 8-10, 12.2 – 12.3, 14, 17,19, 20 and 21) – if there is any conflict, Audit, Standards and Governance Committee Procedure Rules to take precedence</p>
Terms of Reference	<p><u>Stewardship and Audit</u></p> <p>To provide independent assurance to the Council in relation to:</p> <p>a. The effectiveness of the Council’s governance arrangements, risk management framework and internal control environment, including overseeing:</p> <ul style="list-style-type: none"> • 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>
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	<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	None
Whipping arrangements	No whipping is permitted
Special provisions as to membership	Neither the Leader nor Deputy Leader may be a member of the Licensing (Miscellaneous) Sub-

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

19th May 2021

Scheme of Delegations

Relevant Portfolio Holder		Councillor Geoff Denaro
Portfolio Holder Consulted		Yes
Relevant Head of Service		Claire Felton, Head of Legal, Democratic and Property Services
Report Author Jess Bayley	Job Title: Senior Democratic Services Officer Contact email: jess.bayley@bromsgroveandredditch.gov.uk Contact Tel: (01527) 64252 Ext: 3268	
Wards Affected		N/A
Ward Councillor(s) consulted		N/A
Relevant Strategic Purpose(s)		An Effective and Sustainable Council
Non-Key Decision		
If you have any questions about this report, please contact the report author in advance of the meeting.		

1. RECOMMENDATIONS

Council is asked to RESOLVE that:-

The current version of the Officer Scheme of Delegations is agreed as set out at Appendix 1.

2. BACKGROUND

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

3. FINANCIAL IMPLICATIONS

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

4. LEGAL IMPLICATIONS

4.1 Review and revision of the Constitution is governed by Article 15 of the Constitution.

4.2 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.

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5. STRATEGIC PURPOSES - IMPLICATIONS

Relevant Strategic Purpose

- 5.1 The action proposed in this report supports the strategic purpose “an effective and sustainable Council”.
- 5.2 A report in respect of the current Officer Scheme of Delegations is considered at the Annual Council meeting, in line with requirements set out Article 15 of the Council's constitution. This provides an opportunity for Members to review those delegations to ensure that they continue to meet the needs of the Council and communities it serves.

Climate Change Implications

- 5.2 There are no specific climate change implications.

6. OTHER IMPLICATIONS

Equalities and Diversity Implications

- 6.1 There are no specific equalities and diversity implications.

Operational Implications

- 6.2 The Council's Constitution currently requires that the Officer Scheme of Delegations be approved by Members at the Annual Meeting of the Council.
- 6.3 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.
- 6.4 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.

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7. RISK MANAGEMENT

7.1 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 appear which may result in awards of damages and costs against the Council and loss of reputation.

8. APPENDICES and BACKGROUND PAPERS

Appendix 1 – Officer Scheme of Delegations Revised April 2021.

9. REPORT SIGN OFF

Department	Name and Job Title	Date
Portfolio Holder		
Lead Director / Head of Service		
Financial Services		
Legal Services		

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Bromsgrove District Council

Constitution

Chapter 10 – Officers and the Scheme of Delegation

Appendix 3A – The Scheme of Delegations

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.	Cabinet/ 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.	Cabinet/ 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.	Cabinet/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.

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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.	Cabinet/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.

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	<p>2. Within the Council's approved disciplinary and capability procedures, to take action against, (including dismissal of), Executive Directors, subject, in the case of any Officer designated as Chief Finance Officer or Monitoring Officer, to compliance with the Local Authorities (Standing Orders) (England) Regulations 2001.</p> <p>3. Within the Council's approved disciplinary and capability procedures, [to take action against including] dismissal of Heads of Service and Assistant Chief Executive subject, in the case of any Officer designated as Chief Finance Officer or Monitoring Officer, to compliance with the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended).</p> <p>4. Within the Council's approved disciplinary and capability procedures, [to take disciplinary action against (including) dismissal of any member of staff in the department concerned below Head of Service level.</p>	<p>2. Council.</p> <p>3. Council.</p> <p>4. Council.</p>	<p>2. Head of Paid Service.</p> <p>3. Chief Executive/ Head of Paid Service or Executive Directors.</p> <p>4. Heads of Service.</p>
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Early Retirement Payments.	To exercise discretionary powers under the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006 to make a single lump sum payment (including any redundancy payment where necessary) of up to no more than 52 weeks actual pay to any employee in accordance with agreed criteria.	Council.	Chief Executive in consultation with The Executive Director, Finance and Resources, 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.	Cabinet/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.

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Recruitment Scheme of Allowances.	To review on a regular basis the Council's policy and allowance rate in respect of the recruitment scheme of allowances (moving house).	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.	Cabinet/ Leader.	Strategic Housing Manager.
Home improvement Agency	To deal with day to day management of the Home Improvement Agency Service	Cabinet	Head of Community Services/ Strategic Housing Manager/Private Sector Team Leader
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. Cabinet/ Leader 2. Cabinet/ Leader. 3. Cabinet/ Leader. 4. Cabinet/ 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>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>	Cabinet/ Leader.	<p>Strategic Housing Manager</p> <p>Strategic Housing Manager in consultation with Principal Solicitor</p>

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Housing Associations - Nominations.	To deal with the nomination where necessary of homeless applicants to housing association dwellings.	Cabinet/ Leader.	Strategic Housing Manager.
Housing Capacity Study.	To update the site details and housing figures in the Housing Capacity Study on an annual basis using data from the Housing Land Availability Study.	Cabinet/ 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.	Cabinet/ Leader.	Strategic Housing Manager.
Housing Grants.	To determine applications for housing grants under the Housing Grants, Construction and Regeneration Act 1996.	Cabinet/ 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. Cabinet/ Leader. 2. Cabinet/ Leader. 3. Cabinet/ Leader. 	<ol style="list-style-type: none"> 1. Strategic Housing Manager. 2. Principal Solicitor. 3. Head of Legal, Equalities & Democratic Services, Head of Community

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			Services and Financial Services Manager in consultation with the relevant Portfolio Holders.
Mandatory Disabled Facilities Grant.	<ol style="list-style-type: none"> To determine applications for housing grants under the Housing Grants, Construction and Regeneration Act 1996. To grant extensions of time of up to six months within which improvements are to be completed. 	<ol style="list-style-type: none"> Cabinet/ Leader. Cabinet/ Leader. 	<ol style="list-style-type: none"> Strategic Housing Manager. Head of Community Services.
Protection from Eviction Act.	To take appropriate action (including the institution of criminal or civil proceedings).	Cabinet/ Leader	Head of Community Services or Principal 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.	Cabinet/ 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</p>	<p>Council</p> <p>Cabinet/Leader</p>	<p>Strategic Housing Manager in consultation with the Principal Solicitor</p> <p>Strategic Housing Manager</p>

	entry under the following legislation:- <ul style="list-style-type: none"> • Caravan Sites and Control of Development Act 1960 • Caravan Sites Act 1968 		
Requisition for Information	To serve a requisition for information under section 16 of the Local Government (Miscellaneous Provisions Act 1976	Cabinet/Leader	Strategic Housing Manager
Boarding up of dangerous buildings	To serve notice under Section 9 of the Local Government (Miscellaneous Provisions) Act 1982	Cabinet/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

COMMUNITY SERVICES

1.Community Safety

Subject	Detail	Delegated by:	Delegated to:
Civil Injunctions	To seek a civil injunction in accordance with Sections 1 –21 of the Anti Social Behaviour, Crime and Policing Act 2014.	Council	Head of Community Services and Head of Housing in consultation with the Principle Solicitor and where appropriate the Ward Member.
Community Protection Notices and Fixed Penalty Notices	To serve Community Protection notices (and Fixed Penalty Notices in the event of a breach) in accordance with Section 43 – 58 of the Anti Social Behaviour, Crime and Policing Act 2014.	Council	Head of Community Services, Head of Environmental Services, Head of Worcestershire Regulatory Services and the Head of Planning and Regeneration and

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			where appropriate the Ward Member.
Public Space Protection Orders (PSPOs)	To initiate and implement the consultation process required to make a Public Space Protection Order (PSPO) in accordance with Sections 59 – 75 of the Anti Social Behaviour, Crime and Policing Act 2014.	Council	Head of Community Services, Head of Housing Services, Head of Environmental Services and Head of Leisure and Cultural Services and where appropriate the Ward Member.
Closure Notices and Closure Orders	To issue Closure notices (up to 48 hours) and to apply for a Closure Order in accordance with Sections 76 – 93 of the Anti Social Behaviour, Crime and Policing Act 2014.	Council	Head of Community Services, Head of Housing, Head of Environmental Services, Head of Planning and Regeneration and Head of Worcestershire Regulatory Services and where appropriate the Ward Member.

3. CCTV/Lifeline			
Subject	Detail	Delegated by	Delegated to
CCTV/Lifeline	Day to day management of the 24 hour CCTV/NEW Lifeline Monitoring Centre, Installation Team and telephone answering out of hours service, in accordance with the Council's adopted codes of practice and industry best practice.	Cabinet/Leader	CCTV and Lifeline Manager

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 effect 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>

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<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. CabinetLeader.</p>	<ol style="list-style-type: none"> 1. Chief Executive, Executive Directors, Deputy Chief Executive , Executive Director & Heads of Service. 2. Chief Executive, Deputy Chief Executive, Executive Director. 3. Heads of Service with agreement of the Cabinet/ Leader or, if the Cabibnet/ 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(1A) and 4(1B) 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.

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	<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 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>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>
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	<p>h. Section 225: Deposit of documents.</p> <p>i. Section 236(9): To send copies of byelaws for parish records.</p> <p>j. Section 236(10): To send copies of byelaws to the County Council.</p> <p>k. Section 238: Certification of byelaws.</p> <p>l. Section 228 (3): Accounts of “any Proper Officer” to be open to inspection by any member.</p> <p>m. Section 191: Function with respect to ordnance survey.</p> <p>n. Sections 115(2) and 146(1) (a) and (b): Receipt of money due from Officers declaration and certificates with regard to securities.</p> <p>o. Section 151.</p>		<p>h. Head of Legal, Equalities and Democratic Services.</p> <p>i. Head of Legal Equalities and Democratic Services.</p> <p>j. Head of Legal, Equalities and Democratic Services.</p> <p>k. Head of Legal, Equalities and Democratic Services.</p> <p>l. Executive Director Finance and Resources.</p> <p>m. Head of Planning and Regeneration.</p> <p>n. Executive Director Finance and Resources.</p> <p>o. Executive Director Finance and Resources.</p>
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<p>Regulation of Investigatory Powers Act.</p>	<ol style="list-style-type: none"> 1. To review, revise and update the Council’s RIPA policy. 2. Under the provisions of Part 1 chapter 2 of the Regulation of Investigatory Powers Act 2000 relating to the Accessing of Communications Data, to appoint officers to act as SPOCs (Single Point of Contact). 3. 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/her absence the Deputy Chief Executive.
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	<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>
Urgent Business.	To determine matters requiring attention as a matter of such urgency that formal reporting to Council, Cabinet or Committee is not possible.	Council or Cabinet/ Leader (as appropriate).	Chief Executive in consultation with the Cabinet/ Leader, s151 Officer and the Monitoring Officer, together with, where appropriate, the Chairman of the Overview and Scrutiny Board.

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.

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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.
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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. Cabinet/ Leader. 2. Cabinet/ Leader. 3. Cabinet/ Leader. 	<ol style="list-style-type: none"> 1. & 2. Head of Environmental Services; Environmental Services Manager and Bereavement Services Manager Head of Environmental Services; Environmental Services Manager and Bereavement Services Manager

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 in parks and open spaces.	Cabinet/Leader.	Head of Environmental Services and Environmental Services Manager
Inland Revenue Mobile Advice Centre.	To determine requests to site a mobile tax advice centre on the Recreation Road South Car Park.	Cabinet/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.	Cabinet/Leader.	Head of Leisure and Cultural Services
Dogs.	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.	Cabinet/ Leader.	Head of Worcestershire Regulatory 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.	Cabinet/Leader.	Head of Environmental Services following consultation with the relevant Parish Council (if any). Environmental Services Manager
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. Cabinet/ Leader. 2. Cabinet/ 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.	Cabinet/Leader.	Head of Environmental Services.; Environmental Services Manager
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; Environmental Services Manager.

5. Trees			
Subject	Detail	Delegated by:	Delegated to:
High Hedges.	<ol style="list-style-type: none"> 1. To determine High Hedge applications submitted in accordance with Part 8 of the Anti-Social Behaviour Act 2003 and to issue a remedial notice where appropriate when: <ol style="list-style-type: none"> a. such applications are submitted by or on behalf of any officer of the Council or any Parish Council within the District of Bromsgrove. b. such applications are submitted by or on behalf of any County, District or Parish Councillor whose ward is within the district of Bromsgrove. c. any County, District or Parish Councillor whose ward is within the District of Bromsgrove is affected by such an application. 2. In all other circumstances to determine all High Hedge applications submitted in accordance with Part 8 of the Anti-Social Behaviour Act 2003 and to issue a remedial notice where appropriate. 	<ol style="list-style-type: none"> 1. Council. 2. Planning Committee. 	<ol style="list-style-type: none"> 1. Planning Committee 2. Head of Environmental Services.
Inspection Notices.	To serve notices of intended inspection under sections 196A, 196B, 214B and 325 of the Town and Country Planning Act 1990.	Planning Committee.	Principal Solicitor.
Rights of Entry - Proper Officer.	1. To be designated as the Proper Officer for the purposes of authorising persons to enter onto land in connections with the exercise of functions under sections 196A, 196B, 214B and	1. Planning Committee.	1. Head of Planning and Regeneration

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	<p>324 of the Town & Country Planning Act 1990.</p> <p>2. To issue and serve notices of intended inspection under sections 196A, 214B, 324 and 325 of the Act.</p>	<p>2. Planning Committee.</p>	<p>1. Principal Solicitor.</p>
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 health and safety to trees of any size. d. minor pruning works. e. the felling of conifers and pioneer trees species (including but not limited to birch, ash, rowan and hawthorn). 	<p>1. Planning Committee.</p> <p>2. Planning Committee.</p>	<p>1. Head of Environmental Services.</p> <p>2. Head of Environmental Services.</p>

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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.	<ol style="list-style-type: none"> 1. To revoke or vary a Tree Preservation Order where the original confirmation was made by Planning Committee. 2. To revoke or vary in all other cases 	<ol style="list-style-type: none"> 1. Council 2. Planning Committee 	<ol style="list-style-type: none"> 1. Planning Committee 2. Head of Environmental Services
Trees & Shrubs overhanging the Highway.	To serve notices under section 154 of the Highways 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
Trees - Dangerous.	<ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> a. To take any steps necessary to make the trees safe (whether by felling or otherwise) where 	<ol style="list-style-type: none"> 1. Planning Committee 	<ol style="list-style-type: none"> 1. Head of Environmental Services

	<p>the owner of the land is not known.</p> <p>b. to serve a notice under s23 (3) of the Act on the owner or occupier of the land on which the trees are growing where the name and address of such or occupier is known requiring the taking of steps to make the trees safe and if the Notice is not complied with to take the steps specified therein and recover such expenses.</p> <p>2. To take any necessary action under s23 – 26 of the Local Government (Miscellaneous Provisions) Act 1976 to secure the removal of dangerous trees and to deal with dangerous excavations.</p>	<p>2. Planning Committee</p>	<p>2. Head of Environmental Services</p>
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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>Cabinet/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>Cabinet/Leader</p>	<p>Head of Environmental Services</p>
	<p>3. To commence court proceedings where necessary including authorising court proceedings, or defending any action</p>	<p>Cabinet/Leader</p>	<p>Head of Environmental Services in consultation with Principal Solicitor.</p>
	<p>4. To administer Formal Cautions as an alternative to court Proceedings.</p>	<p>Cabinet/Leader</p>	<p>Officers authorised in writing by the Head of Environmental Services.</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.	Cabinet /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.	Cabinet/Leader.	Strategic Housing Manager.
Homeless Persons.	To implement the provisions of the Housing Act 1996, the Homelessness Act 2002 and the Homelessness Reduction Act 2017.	Cabinet/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.	Cabinet/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>	Cabinet/Leader.	Strategic Housing Manager.

	<p>b. applicants who have been selected under sections 193 or 195 of the Housing Act 1996 and have become non-secure tenants and qualify from the Housing Register to be made secure tenants of their existing property based on the Council's Allocations Scheme date order.</p>		
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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.	Cabinet/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.	Cabinet/Leader.	Principal Solicitor.

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<p>Legal Advice and Assistance.</p>	<p>To provide legal advice, support and guidance (including the conduct of court proceedings) on behalf of external clients, including local authorities or other bodies to which the Council is empowered by legislation to provide legal advice.</p>	<p>Council/Cabinet / 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. Cabinet/ 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.
<p>Planning Consultants.</p>	<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 	<ol style="list-style-type: none"> 1. Cabinet/ Leader. 2. Cabinet/ Leader 	<p>1. & 2. Principal Solicitor or Head of Planning and Regeneration.</p>

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	in appeals on planning and planning enforcement issues.		
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.
Proceedings and Prosecutions.	<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.

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	<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>
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	<p>11. To take such action (including but not limited to the institution of criminal or civil proceedings, or the prosecution or defence of proceedings, judicial review and any proceedings under section 222 of the Local Government Act 1972) as is considered appropriate, or to effect the wishes of the Council or to protect the interests of the Council.</p> <p>12. To take all necessary action, including the institution of legal proceedings, to recover deferred payments from the purchasers of low cost homes who are in breach of covenants.</p> <p>13. To institute proceedings relating to contravention of bye-laws.</p> <p>14. To lodge and prosecute applications to, and the defence of, proceedings in any statutory and administrative tribunal in connection with the employment of an Officer or a servant of the Council.</p>	<p>11. Council.</p> <p>12. Council.</p> <p>13. Council.</p> <p>14. Council.</p>	<p>11. Principal Solicitor.</p> <p>12. Principal Solicitor.</p> <p>13. Principal Solicitor.</p> <p>14. Principal Solicitor.</p>
<p>Processions and Assemblies.</p>	<p>To apply to the Secretary of State under section 14A of the Public Order Act 1986 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>Cabinet/Leader.</p>	<p>Head of Legal, Equalities & Democratic Services.</p>

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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.	Cabinet/Leader.	Principal Solicitor In consultation with Head of Environmental Services.
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.	Cabinet/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. Cabinet / Leader.	1. – 4. Principal Solicitor.

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	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.		
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 S53 of the Representation of the People Act 1983. 	Council.	Chief Executive.

3. Democratic Services			
Subject	Detail	Delegated by:	Delegated to:
Programme of Council and Committee meetings.	To agree the programme of Council and Committee meetings.	Council.	Head of Legal, Equalities & Democratic Services 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. Senior Democratic Services Officer. 2. Senior Democratic Services Officer.
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.	Senior Democratic Services Officer.

LEISURE AND CULTURE			
Subject	Detail	Delegated by:	Delegated to:
Allotments.	To grant, transfer and accept the termination of allotment tenancies.	Cabinet/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.	Cabinet/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.	Cabinet/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 participation usage and /or income. 	1. to 3. Cabinet/Leader.	1. to 3. Head of Leisure and Culture.
National Health Campaigns.	To support regional & nationally recognised health an fitness campaigns in the Council's sports, cultural and leisure facilities by the implementation of additional activities/discounted sessions/fees as appropriate.	Cabinet/Leader.	Head of Leisure and Culture.

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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. Open Spaces now comes under Environmental Services	Cabinet/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. 	Cabinet/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. 	Cabinet/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 		1. - 3. Head of Leisure and Culture.

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	<p>which fall within established policy.</p> <p>3. To determine applications for the use of non-commercial events of Council owned or managed recreational and sports facilities and/or parks and open spaces.</p> <p>4. To determine applications for the bookings of the Council's recreational and sports facilities.</p> <p>5. To determine applications from partners organisations relating to contract or SLA arrangement in line with relevant agreement & Council Policy frameworks.</p> <p>6. To determine dates for the closure of recreational facilities for Bank Holidays, Christmas and New Year Holidays.</p>		<p>4. Head of Leisure and Culture except that the agreement of the relevant Portfolio Holder is required to agree to any bookings by political or religious groups.</p> <p>5. Head of Leisure and Culture.</p> <p>6. Head of Leisure and Culture.</p>
Recreational Land.	To decide on arrangements for the access, usage & leasing of recreational land or facilities to parish Councils and other organisations and to determine any applications for consents required under such leases.	Cabinet/Leader	Executive Director - Finance and Corporate Resources and Head of Leisure and Culture.
Recreational Provision.	Within the Budget and Policy Framework to make decisions on recreational provision which is	Cabinet	Head of Leisure and Culture.

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	being made in partnership with other organisations.		
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, licenses or lease arrangements 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

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.

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.
Landscaping Schemes.	To approve landscaping/tree planting schemes submitted as a	Planning Committee.	Head of Planning and Regeneration.

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	result of planning permissions subject to such conditions as may be appropriate.		
Minor Amendments.	To determine applications for minor amendments to approved plans.	Planning Committee.	Head of Planning and Regeneration.
Planning Agreements and Unilateral Undertakings.	To negotiate with developers and to approve the amounts to be received by the Council as financial contributions in lieu of on-site provision of affordable housing or recreational facilities/open space and as contributions towards the costs of highways works, educational provision or any other kind of provision by the Council or County Council.	Planning Committee.	Head of Planning and Regeneration.
Planning Agreements and Unilateral Undertakings.	To negotiate the legal, drafting and all terms of the agreements and undertaking, except for those which involve planning gain, restriction of the development or use of the land, obligations relating to the land and financial contributions. To execute and complete planning agreements.	Planning Committee. Planning Committee.	Principal Solicitor. Principal Solicitor.
Planning Agreements and Unilateral Undertakings.	To determine applications or requests for discharge or modification of planning agreements or undertakings (whether by approval or further agreement) unless it includes the following: a. Deletion, addition or variation of one or more of the heads of terms originally approved by the Planning Committee.	Planning Committee.	Head of Planning and Regeneration.

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	<ul style="list-style-type: none"> b. Significant change in the overall area of land to transferred to the Council. c. Significant change in financial contributions to be provided to the Council (except where this is as a result of a subsequent decision by the Planning Committee). d. Significant change in the any obligation to be performed by the developer or any restriction on the developer or the development or use in land. e. A member makes a written request for a case to be considered by the Planning Committee. 		
Planning Agreements and Unilateral Undertakings.	To approve the enforcement of a planning obligation.	Planning Committee.	Head of Planning and Regeneration.
Planning Applications.	<ol style="list-style-type: none"> 1. To determine: <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 	<ol style="list-style-type: none"> 1. Council 	<ol style="list-style-type: none"> 1. Planning Committee

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	<p>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> <p>2. To determine all other planning applications.</p> <p>NB: For the avoidance of doubt the term 'planning applications' include applications to vary or remove planning conditions attached to a planning permission, applications for development which has already been carried out and applications to extend the time for implementing planning permissions.</p>	<p>2. Planning Committee</p>	<p>2. Head of Planning and Regeneration</p>
<p>Planning Applications.</p>	<p>To impose conditions on applications (for planning permission, listed building consent or Conservation area consent) which have been approved by the Planning Committee contrary to the Planning Officer's recommendation where such conditions are:</p> <p>a. Necessary.</p> <p>b. Relevant to planning.</p> <p>c. Relevant to the development which has been applied for.</p> <p>d. Enforceable.</p> <p>e. precise and</p>	<p>Planning Committee.</p>	<p>Head of Planning and Regeneration.</p>

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	f. Reasonable in all other aspects.		
Listed Building and Conservation Area Consent.	<p>To determine applications for listed building consent and Conservation Area consent unless they are:</p> <ul style="list-style-type: none"> a. Applications for dwelling houses where the number of houses to be provided is 10 or more. b. Applications for the provision of a building or buildings with a floor space of 1000 square metres or more. c. Other applications which have been called-in by a member for determination by Planning Committee provided that the application has been called-in in accordance with the procedure set out in paragraphs 6 - 7 of the introductory paragraphs to the Scheme of Delegations. d. Applications by serving Officers and members. e. Applications by the Council or by Council Service Areas or Council departments. <p>The Head of Planning and Regeneration considers that the application should be considered by the Planning Committee.</p>	Planning Committee.	Head of Planning and Regeneration.
Appeals.	To take all action to defend the Council where there has been an appeal against a refusal to grant planning permission, listed	Planning Committee.	Head of Planning and Regeneration in

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

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.	Cabinet/Leader.	Head of Planning and Regeneration.
Farmers' Markets.	To determine applications for consent for Farmers' Markets.	Cabinet/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. Cabinet/ Leader. 2. Cabinet/ 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. Cabinet/ Leader. 2. Cabinet/ Leader. 	<ol style="list-style-type: none"> 1. Head of Planning and Regeneration. 2. Head of Planning and Regeneration.

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.

6. 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.

7. 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.

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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.

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

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8. 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:

Hackney Carriage and Private Hire Drivers

- Determination of applications where the applicant does not meet the Council's application criteria.
- "Suspension / revocation of a drivers licence, where suspension / revocation is required with immediate effect (in consultation with the Licensing Committee Chairman / Vice-Chairman) that since the grant of the licence they have:-
 - (i) been convicted of an offence involving dishonesty, indecency or violence; or
 - (ii) been convicted of an offence under or has failed to comply with the provision of the Act of 1847 or section 61 of the Local Government (Miscellaneous Provisions) Act 1976; or
 - (iii) any other reasonable cause.

subject to a report being presented to a meeting of the Licensing Sub-Committee."

Hackney Carriage and Private Hire Vehicles

- Determination of an application where the vehicle does not meet the Council's application criteria.
- "Suspension / revocation / refuse to renew a vehicle licence, where suspension / revocation is required with immediate effect (in consultation with the Licensing Committee Chairman / Vice-Chairman) on any of the following grounds:-
 - (i) that the vehicle is unfit for use as a hackney carriage or private hire vehicle;
 - (ii) any offence under, or non-compliance with, the provision of the Act of 1847 or section 60 of the Local Government (Miscellaneous Provisions) Act 1976; or
 - (iii) any other reasonable cause.

subject to a report being presented to a meeting of the Licensing Sub-Committee.

Operator's

- Determination of an application where the applicant does not meet the Council's criteria in respect of character.

Fares/Stand's

- Revisions to the Council's Table of Hackney Carriage Fares.
- Appointment of Hackney Carriage stands/revisions to existing Hackney Carriage stands.

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 Dogs Act 1990

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.
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.	Cabinet/Leader.	Heads of Service in consultation with the Procurement Manager.
Corporate Risk Register.	To monitor, review and update the corporate and departmental risk registers.	Cabinet/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. Cabinet/Leader.	a. Executive Director Finance and Resources b. Executive Director Finance and Resources with the agreement of the Leader of the Council.
Local Government and Housing Act 1989.	To make determinations under the following Schedules and Sections of the Act: <ul style="list-style-type: none"> • Part 1 Schedule 3 • Paragraph 9 (1) (b) Schedule 3 • Section 42 (2) (g) • Section 50 (3) (b) • Section 56 (1) • Section 60 (2) • Section 63 (1) 	Cabinet/Leader.	Financial Services Manager
Maturity Mortgages.	To deal with requests for the premature repayment of monies	Cabinet/Leader.	Financial Services Manager.

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	secured by maturity mortgages/local bonds.		
New Homes Bonus scheme	<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. 	Cabinet/Leader	<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
Tax Relief Reimbursement.	To be an authorized signatory of the purpose of making formal claims to the Inland Revenue for the periodic reimbursement of tax relief granted by the Council.	Cabinet/Leader.	Head of Customer Access and Financial Support.
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.	Cabinet/Leader.	Financial Services Manager or Head of Planning & Regeneration.
S106 Monies to the value of £15k	Authority to spend S106 monies up to a value of £50k to spend in line with the S106 agreement which caused the receipt of the S106 monies.	Council	The S151 Officer, after consultation with the Ward Member.

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.	Cabinet/Leader.	Chief Executive, Executive Directors, Deputy Chief Executive and Heads of Service.
Contracts.	To enter into contracts in accordance with Contract Procedure Rules.	Cabinet/Leader.	Heads of Service.
Select List.	To decide the composition of Select Lists of contractors which are relevant to the Cabinet's work.	Cabinet/Leader.	Chief Executive, Executive Directors and Heads of Service.
Selective Tendering Procedures.	To select contractors from an approved standing list of contractors.	Cabinet/Leader.	Chief Executive, Executive Directors and Heads of Service.
Tenders.	To engage in the formal tender process in accordance with Contract Procedure Rules.	Cabinet/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 S101 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.	Cabinet/Leader.	Head of Customer Access and Financial Support
Essential Living Fund	To administer the Essential Living Fund in accordance with Council policy	Cabinet/Leader	Head of Customer Access and Financial Support
Housing Benefit.	To deal with housing benefit determinations and notifications including the issue of written	Cabinet/Leader.	Head of Customer Access and Financial Support

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	explanations and confirmations or amendments of previous determinations.		
Council Tax Reduction	To administer the Council Tax Reduction scheme in accordance with Council policy (as determined by the Members)	Cabinet/Leader.	Head of Customer Access and Financial Support
Local Valuation Court.	To select and authorise officers to appear for the Council at sittings of the Local Valuation Court.	Cabinet/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.	Cabinet/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.	Cabinet/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.	Cabinet/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.	Cabinet/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.	Cabinet/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.	Cabinet/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,- 	Cabinet/Leader.	<ol style="list-style-type: none"> 1. Executive Director - Finance and Corporate Resources. 2. Executive Director - Finance and Corporate Resources.

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	<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>		
Purchase of Land.	<ol style="list-style-type: none"> 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. To buy buildings or land at the best price reasonably obtainable in accordance with the Assets Management Plan and relevant legislation. 	<ol style="list-style-type: none"> Cabinet/Leader. Cabinet/Leader. 	<ol style="list-style-type: none"> Executive Director - Finance and Corporate Resources Executive Director - Finance and Corporate Resources.
Repurchase of Former Council Houses.	To waive the right to repurchase former Council houses under the pre-emption clauses and to substitute the discount provisions contained in the Housing Act 1980.	Cabinet/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.	Cabinet/Leader.	Executive Director - Finance and Corporate Resources and Head of Leisure and Culture.

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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.	Cabinet/Leader.	Executive Director - Finance and Corporate Resources.
Sale of Land.	<ol style="list-style-type: none"> 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: <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 in accordance with Council policy for Minor Land Disposal. 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. 	<ol style="list-style-type: none"> 1. Cabinet/Leader. 2. Cabinet/Leader. 	<ol style="list-style-type: none"> 1. Executive Director Finance and Resources following consultation with the Ward Member(s). 2. Executive Director - Finance and Resources.
Parkside Suite	To grant to local charitable organisations free use of the Parkside Suite on up to 4 occasions per year.	Cabinet/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.	Cabinet/Leader.	Executive Director - Finance and Resources.
Use of Council facilities by the public.	To approve the use of the Committee Room and Parkside suite by external organisations and the public.	Cabinet/Leader.	Executive Director - Finance and Resources.

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Use of Land.	To determine applications for the use of small areas of land owned by the Council.	Cabinet/Leader.	Executive Director - Finance and Resources.
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Bromsgrove District Council – 19th May 2021 Member Questions

1. From Councillor K. Van Der Plank Question for the Leader of the Council

On 20th March a new 'Welcome Back Fund' was announced by Government to help boost the look and feel of high streets and prepare for the safe return of shoppers. I see from the government website that Bromsgrove have been allocated £88,668. Please can the leader tell me how this fund is going to be used and how we are going to make sure it reaches all of our high streets – especially those on the outskirts of our district, not just the main Bromsgrove town centre.

2. From Councillor A. English Question for the Portfolio Holder for Planning and Regulatory Services

Could the Portfolio Holder for Planning and Regulatory Services please inform the council of how many Planning Enforcement cases we have active at the moment and how many are more than two years old?

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