



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE COUNCIL

WEDNESDAY 18TH MAY 2022

AT 6.00 P.M.

PARKSIDE SUITE - PARKSIDE

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 2022/23**
2. **Election of Vice Chairman 2022/23**
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. **To confirm the accuracy of the minutes of the meeting of the Council held on 20th April 2022 (Pages 1 - 18)**
6. **To receive any announcements from the Chairman and/or Head of Paid Service**
7. **To receive any announcements from the Leader**

8. **To receive comments, questions or petitions from members of the public**

A period of up to 15 minutes is allowed for members of the public to make a comment, ask questions or present petitions. Each member of the public has up to 3 minutes to do this. A councillor may also present a petition on behalf of a member of the public.

9. **Urgent Decisions**

10. **Appointments to Committees 2022/23** (Pages 19 - 42)

11. **Scheme of Delegations** (Pages 43 - 122)

12. **Member Code of Conduct - Recommendation from the Audit, Standards and Governance Committee** (Pages 123 - 150)

13. **Appointments to Outside Bodies 2022/23** (Pages 151 - 156)

14. **Questions on Notice** (Pages 157 - 158)

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

A period of up to 15 minutes is allocated for the asking and answering of questions. This may be extended at the discretion of the Chairman with the agreement of the majority of those present.

15. **Motions on Notice** (Pages 159 - 160)

A period of up to one hour is allocated to consider the motions on notice. This may only be extended with the agreement of the Council.

16. **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

10th May 2022

If you have any queries on this Agenda please contact
Jess Bayley-Hill or Jo Gresham

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GUIDANCE ON FACE-TO-FACE MEETINGS

At the current time, seating at the meeting will be placed in such a way as to achieve as much space as possible for social distancing to help protect meeting participants.

Please note that this is a public 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

Members and Officers who still have access to lateral flow tests (LFTs) are encouraged to take a test on the day of the meeting. Meeting attendees who do not have access to LFTs are encouraged not to attend a Committee if they have common cold symptoms or any of the following common symptoms of Covid-19 on the day of the meeting; a high temperature, a new and continuous cough or a loss of smell and / or taste.

Whilst the Council acknowledges that it is no longer a legal requirement to wear face masks, we would really appreciate it if the Members who attend a meeting in person would consider wearing a face covering throughout the meeting unless they are exempt or speaking.

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 be able to attend the meeting in person if they wish to do so. Seating will be placed in such a way as to achieve as much space as possible for social distancing to help protect meeting participants. Whilst the Council acknowledges that it is no longer a legal requirement to wear face masks, it would be really appreciated if members of the public who attend a meeting in person would consider wearing a face covering throughout the meeting unless they are exempt or speaking. It should be noted that members of the public who choose to attend in person do so at their own risk.

Members of the public who still have access to lateral flow tests (LFTs) are encouraged to take a test on the day of the meeting. Meeting attendees who do not have access to LFTs are encouraged not to attend a Committee if they have any of the following common symptoms of Covid-19 on the day of the meeting; a high temperature, a new and continuous cough or a loss of smell and / or taste.

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.



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

20TH APRIL 2022, 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, H. J. Jones, J. E. King, A. D. Kriss, L. C. R. Mallett, K.J. May, M. Middleton, P. M. McDonald, H. D. N. Rone-Clarke, C. J. Spencer, P.L. Thomas, M. Thompson, J. Till, K. J. Van Der Plank, S. A. Webb and P. J. Whittaker

Officers: Mr. K. Dicks, Mrs. S. Hanley, Mr J. Howse, Mrs. C. Felton and Mrs. J. Bayley-Hill

97\21 **TO RECEIVE APOLOGIES FOR ABSENCE**

Apologies for absence were received on behalf of Councillors R. Jenkins, A. Kent, S. Robinson and M. Sherrey.

98\21 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

99\21 **TO CONFIRM THE ACCURACY OF THE MINUTES OF THE MEETING OF THE COUNCIL HELD ON 23RD FEBRUARY 2022**

The minutes of the Council meeting held on 23rd February 2022 were submitted.

During consideration of this item, Councillor S. Douglas suggested that the record of the answer provided to the Question on Notice submitted by Councillor S. Robinson at the previous meeting should have been numbered throughout.

RESOLVED that, subject to the amendment detailed in the preamble above, the minutes of the Council meeting held on Wednesday 23rd February 2022 be approved as a true and correct record.

100\21 **TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRMAN AND/OR HEAD OF PAID SERVICE**

On behalf of the Council, the Chairman congratulated Councillor S. Robinson and her husband on the birth of their baby daughter, Aoife Josephine Robinson, in March 2022. Members were advised that both mother and baby were doing well.

The Head of Paid Service confirmed that he had no announcements to make on this occasion.

101\21 **TO RECEIVE ANY ANNOUNCEMENTS FROM THE LEADER**

The Leader confirmed that she had no announcements to make on this occasion.

102\21 **TO RECEIVE COMMENTS, QUESTIONS OR PETITIONS FROM MEMBERS OF THE PUBLIC**

The Chairman advised that no comments, questions or petitions had been received from members of the public for consideration at the meeting.

103\21 **URGENT DECISIONS**

Members were informed that two urgent decisions had been taken since the previous meeting of Council. These decisions related to the purchase of an asset located on Windsor Street from Worcestershire County Council, which had been undertaken as part of the Levelling Up project.

104\21 **OUTSIDE BODY APPOINTMENT**

Nominations were requested for the position of the Council's representative on the West Mercia Police and Crime Panel to replace Councillor A. Kent.

A nomination was received for Councillor H. Jones to be the Council's representative on the West Mercia Police and Crime Panel. This nomination was proposed by Councillor K. May and seconded by Councillor G. Denaro.

RESOLVED that Councillor H. Jones be appointed as the Council's representative on the West Mercia Police and Crime Panel.

105\21 **CONSTITUTION REVIEW WORKING GROUP RECOMMENDATIONS**

The Portfolio Holder for Finance and Enabling presented a report detailing recommendations that had been made at a meeting of the Constitution Review Working Group held on 28th February 2022.

Council was informed that the recommendations in the report focused on three distinct areas: the introduction of parental leave guidance for Councillors, the proposal to introduce additional delegated powers for officers to act in emergencies, including a cyber incident, and a proposal not to hold Council meetings during a pre-election period.

In relation to the introduction of parental leave guidance for Councillors, Members were advised that the guidance would enable the Council to provide support and guidance to Councillors on maternity, paternity and

adoption leave. This subject had been reviewed by the Constitution Review Working Group, following receipt of a Motion on the subject submitted by Councillor S. Robinson in January 2022. The introduction of the Parental Leave Guidance at Bromsgrove District Council would match best practice arrangements in place at other local authorities in the country. However, Members were asked to note that, despite the introduction of the guidance, there would remain a legal requirement for Councillors to attend at least one meeting every six months.

On the subject of the proposed delegations to the Chief Executive, Members were informed that Officers already had some limited powers to act in an emergency. However, there was a risk that civil emergencies could occur at any point and the Council would need to be able to respond swiftly under these circumstances. Increasingly, the Council, like other modern organisations, was reliant on IT software and systems and it was important to ensure that the authority did everything possible to keep these systems safe and secure from attack. Unfortunately, a cyber security incident at Gloucester City Council in December 2021 had demonstrated that smaller district Councils could be subject to a cyber attack as well as the damage that this could cause. By granting additional officer delegations to the Chief Executive to act in the event of an emergency, including a cyber attack, Bromsgrove District Council would be ensuring that the authority was better prepared to act in the event of an emergency and to minimise disruption to the vital services the Council delivered.

In respect of the proposal not to hold Council meetings during a pre-election period, Council was advised that it was important to note that it was not appropriate to set Council policy during a pre-election period. At Bromsgrove, there were elections every four years, and it was suggested that whichever administration was in control should have set Council policy prior to the start of the pre-election period at the end of those four years. Whilst a Council meeting had been booked in the 2022/23 calendar of meetings to take place in the pre-election period, if this recommendation was approved then officers would review the potential to reschedule the meeting prior to the start of the pre-election period. Members were also asked to note that the recommendation as printed, would provide an option to hold a Council meeting in a pre-election period should the Proper Officer conclude that a meeting was needed at that time.

Following the presentation of the report, Members discussed the proposals that had been made by the Constitution Review Working Group in detail. In doing so, Members welcomed the introduction of Parental Leave Guidance for Councillors. They noted that the guidance would help to provide clarity about the rules that would apply in the event that Councillors went on maternity, paternity or adoption leave.

However, concerns were raised about the proposal to not hold Council meetings during a pre-election period. Members commented that every Council meeting provided an opportunity for Councillors to express their

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different political views. Concerns were raised about the extent to which it would be appropriate for the Proper Officer to be involved in determining whether a Council meeting should be held during a pre-election period, although it was noted that meetings would only take place in these circumstances where urgent business needed to be considered. Members also raised concerns that there might be a risk that this arrangement could be extended to a decision not to hold Council meetings during the pre-election period for elections at Worcestershire County Council or at Parish Councils. Members commented that, should this occur, the frequency of Council meetings would reduce significantly.

Questions were also raised about the proposal to introduce further delegated authority for the Chief Executive to act in the event of an emergency. Members commented that this delegated authority would potentially help the Council to manage the impact of an emergency effectively. However, Members noted that these powers should only be used in exceptional circumstances where an emergency occurred and if this was the case, the report to Council should not just be to the next meeting of full Council but to an extraordinary meeting of Council that would need to take place as soon as possible.

At the end of the debate, separate votes were taken in respect of each of the recommendations in turn. In accordance with Procedure Rule 18.3 a recorded vote was taken on the third recommendation, in respect of holding Council meetings during a pre-election period, and the voting was as follows:

Members voting FOR the recommendation:

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

Members voting AGAINST the recommendation:

Councillors S. Baxter, S. Colella, S. Douglas, A. English, C. Hotham, L. Mallett, P. McDonald and H. Rone-Clarke (8).

Members ABSTAINING in the vote:

No Councillors (0).

The vote was therefore carried.

RESOLVED that

- 1) The Council should introduce Parental Leave Guidance for Councillors;

- 2) The Chief Executive should be granted delegated authority to act in the event of an emergency, including a cyber security attack on the Council; and
- 3) as a general rule there should be no full Council meetings in the pre-election period before a District Council election, unless the Proper Officer determines that a meeting is required.

106\21

TO RECEIVE AND CONSIDER A REPORT FROM THE PORTFOLIO HOLDER FOR ENVIRONMENTAL SERVICES AND COMMUNITY SAFETY

The Chairman explained that, in the absence of the Portfolio Holder for Environmental Services and Community Safety, the Portfolio Holder's report on the subject of Community Safety would be postponed for consideration at a Council meeting in June 2022. In the meantime, Members were urged to contact the Portfolio Holder for Environmental Services and Community Safety in writing regarding any urgent questions so that a response could be provided as soon as possible.

During consideration of this item, Members questioned the reasons why another Portfolio Holder could not present the report and answer questions in the absence of the Portfolio Holder for Environmental Services and Community Safety. Members were informed that the Portfolio Holder for Environmental Services and Community Safety had been keen to present the report but had unfortunately unexpectedly become poorly the night before Council.

Questions were also raised about the reasons for the report addressing only one part of the Portfolio. The Leader clarified that the Portfolio Holder for Environmental Services and Community Safety had presented a report on the subject of Environmental Services only at the Council meeting held in January 2022. This was because she had only very recently been appointed as the lead Portfolio Holder for Community Safety at that time. The Portfolio Holder report that had been included in the agenda for the meeting in April 2022, and which had been postponed to June 2022, would address the outstanding Community Safety element of her Portfolio.

In concluding the discussions on this item, reference was made to an issue that had been reported with dog fouling in Rock Hill ward, which had been raised by residents on a number of occasions. The Leader requested that further information should be provided to her in writing on this subject so that the matter could be raised with the relevant Officers.

107\21

RECOMMENDATIONS FROM THE CABINET

Members considered recommendations arising from the Cabinet meeting held on Wednesday 30th March 2022.

Land Drainage Watercourse Maintenance Operation

The Leader presented a report on the subject of the Land Drainage Watercourse Maintenance Operation.

Members were asked to note that this report was being presented in a context in which the climate was changing and there had been an increase in the number of flooding events. To help mitigate this and maintain healthy water courses, North Worcestershire Water Management (NWWM) had been working on a maintenance schedule for all the water courses within Bromsgrove District.

The Council owned approximately 8 km of watercourses, primarily through recreational areas and adopted open spaces. In addition, NWWM, on behalf of the Council, inspected and maintained several un-registered stretches of watercourses. This brought the total length of watercourses maintained for Bromsgrove to over 9 km. Keeping these watercourses well maintained would benefit the community and create an excellent habitat for wildlife including protected species, such as native crayfish, water voles, great crested newts, and nesting birds.

The aim of the plan was to proactively schedule routine inspections and maintenance of each section of a watercourse, to improve both the flood risk and the ecology. The first year was to be viewed as a pilot where there was likely to be more emphasis on inspections. Some activities might need to be undertaken more or less frequently, depending upon the season, and this could be refined over time.

The contractor would not replace the Parks and Place teams, who would still be responsible for wider landscaping maintenance and litter picking. In addition, NWWM would continue to routinely inspect sites on a frequency determined by the potential flood risk of each site. The estimated cost to the Council would be in the region of £45,000 per year.

The Leader concluded by commenting that she believed that the implementation of this plan would significantly improve the flood risk from water courses in the District and also benefit the wildlife that depended on them.

Members subsequently discussed the report in detail and in so doing welcomed the proposed action to address flooding in the District. It was noted that this followed flooding in recent years in parts of the District, including Wythall, which had had a devastating impact on the local community. The extension of the NWWM's work to undertake inspections of additional sites, including in Beoley and Hagley, was also welcomed and Members commented that flooding was increasingly a risk in areas that had not previously been affected by the phenomena.

During consideration of this item, Members noted that flooding had been the focus of a recent scrutiny Task Group. The report had also been pre-scrutinised at a meeting of the Overview and Scrutiny Board. Members

noted that it was important to ensure that action was monitored. For this reason, the Overview and Scrutiny Board would be revisiting the subject in a year's time when the impact of the planned works would be considered alongside the potential for the work to be delivered by Council staff rather than external contractors.

Reference was made to the responsibility that landowners had to take for flooding on their land, even in cases where this flooding had been caused by land mismanagement further upstream. Questions were raised about the extent to which this was morally acceptable. However, Members were advised that there were specific legal guidelines in relation to this matter and the Council and NWWM needed to work within this framework.

At the end of the debate in respect of this report, Members commented that the Oakalls had been spelt incorrectly within the plan. A request was made for this spelling to be addressed in the final plan.

The recommendations were proposed by Councillor K. May and seconded by Councillor A. Kriss.

RESOLVED that

- 1) an additional budget of £45,000 for Land Drainage – Watercourse Maintenance Operations be included in the general fund for the 2022/2023 financial year; and
- 2) a budget of £45,000 for Land Drainage – Watercourse Maintenance Operations be included in the Medium Term Financial Plan for future years.

Equality Strategy 2022 to 2026

The Portfolio Holder for Finance and Enabling presented the Equality Strategy 2022 to 2026.

Council was informed that Bromsgrove District Council was committed to eliminating unlawful discrimination, promoting equal opportunities and fostering good relations between people from all of the communities it served. By listening to and considering the different needs of residents and customers, the Council was better placed to design and deliver appropriate, coordinated, and relevant services to the people of Bromsgrove.

To this end, the Equality Strategy had been updated to support the organisation in the effective delivery of its equality work over the following four years, including the Equality Objectives, which were a requirement under the Public Sector Equality Duty. The strategy described how the Council would fulfil its moral, social and legal obligations and what the authority would do to make Bromsgrove a place where people got along with each other and treated each other with dignity and respect.

The strategy also set out the Council's corporate approach to equalities, which would be delivered by:

- supporting all sectors of the local community;
- carrying out internal equalities work;
- providing equalities training and;
- conducting legally required monitoring.

The strategy covered inequality in terms of age, disability, gender reassignment (transgender), marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation and was aimed at those who lived, worked and visited the District, as well as elected Councillors and employees of the Council.

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

RESOLVED that the Equality Strategy 2022 to 2026 be endorsed.

Equality Annual Report 2021

The Portfolio Holder for Finance and Enabling presented the Equality Annual Report 2021 for Members' consideration.

Council was informed that this report had been proposed by the Equalities Task Group in 2021. The Portfolio Holder for Finance and Enabling explained that he had been delighted to read the report and to learn about the amount of work that the Council had undertaken during the year.

Members welcomed the report and the good work that had been recorded in the document and it was noted that this had occurred at a challenging time in the midst of the Covid-19 pandemic.

Reference was made to the information that had been provided in the report in respect of the Household Support Fund, which noted that the fund had been oversubscribed. Members suggested that it would be helpful to receive further information about the number of people the fund had been oversubscribed by, the number of people who had been eligible to apply and the number of people who had received support through the fund. Members were advised that this information would be provided after the meeting.

The inclusion of information about food banks and the provision of food parcels was also discussed during the meeting. Concerns were raised about residents' need to access food banks, including residents who worked. It was suggested that action needed to be taken to ensure that food banks were not needed in the future.

Consideration was given to the information that had been provided about the Starting Well Partnership's Family Hubs and Members noted that volunteers had been recruited to support these hubs. Questions were

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raised about whether the volunteers had received any training and qualifications to enable them to fulfil these roles effectively. Council was informed that Worcestershire County Council had been undertaking work in respect of this initiative, which was designed to enable communities to become more sustainable and to help prevent referrals to Adult Social Care. Bromsgrove District Council had been working closely with Worcestershire County Council in respect of this matter.

Members discussed the appointment of Community Builders in Catshill and Rubery. Questions were raised about whether a tendering process had been carried out to procure a service provider for this. Members were advised that the Council had sought to progress Asset Based Community Development (ABCD) once the Council had successfully bid for Community Builder funding.

A range of community events had been listed within the report. Questions were raised about the reasons why no reference had been made to £5,000 funding that had been collected by residents in Rubery to support an upgrade of the BMX track. The Leader requested that further information on this subject be provided to her in writing so that the matter could be investigated accordingly.

The content and layout of the report were briefly discussed. Members welcomed the narrative that had been included in the report, which helped to provide useful background information. However, Members commented that in future editions it would be helpful for more figures and metrics to be provided to help clarify the context.

Reference was also made to the Equalities Small Grants Scheme. Members commented that, following the end of the Community Grants Scheme, the Equalities Grant Scheme was of increasing importance to local Voluntary and Community Sector (VCS) organisations. Officers were urged to provide more information to elected Members about this scheme in future so that it could be promoted accordingly to local community groups. The Portfolio Holder for Finance and Enabling explained that an email had been sent to all Members on this subject.

During consideration of this item, Members noted that in addition to the Council's equalities duties, the authority had a moral responsibility to act to address health inequalities. The potential for a report to be provided in future which focused on the work undertaken in Bromsgrove to address health inequalities was therefore suggested.

Consideration was given to the information that had been provided in the appendix to the report in respect of census data from 2011. Questions were raised about the reasons why figures had not been provided for people aged over 74 in the age categories. Members also queried the data that had been provided in respect of employment figures and whether this accurately reflected the number of households with dependent children that were in employment in the District. It was agreed

that Officers from the Policy Team should contact relevant Members to clarify the figures provided.

In concluding their discussions of this matter, Members thanked the officers that had contributed evidence during the course of the Equalities Task Group investigation. Officers were also thanked for acting on the recommendations from the group that had been endorsed by Cabinet.

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

RESOLVED that the Equality Annual Report 2021 be endorsed.

108\21

TO NOTE THE MINUTES OF THE MEETINGS OF THE CABINET HELD ON 23RD FEBRUARY AND 30TH MARCH 2022

The minutes of the Cabinet meetings held on Wednesday 23rd February and Wednesday 30th March 2022 were submitted.

RESOLVED that the minutes of the Cabinet meetings held on Wednesday 23rd February and Wednesday 30th March 2022 be noted.

109\21

QUESTIONS ON NOTICE

The Chairman explained that three Questions on Notice had been received for consideration at the meeting and would be taken in the order in which they had been included in the agenda. A maximum of 15 minutes had been allocated to the consideration of the Questions on Notice and the answers provided to those questions and no supplementary questions would be permitted.

Question Submitted by Councillor S. Robinson

Councillor R. Hunter asked the following question on behalf of Councillor S. Robinson:

“Do you agree with me that the levelling up funds awarded to Bromsgrove should stay in Bromsgrove and will you lobby Worcestershire County Council to invest the proceeds from the sale of the former Bromsgrove Library and fire station site into regenerating Bromsgrove High Street?”

The Leader responded by commenting that she regularly lobbied for Bromsgrove at the County level as did all Members who were both District and County Councillors. It was as a result of this lobbying at both the County Council and the Fire and Rescue Authority that the Council was able to secure the deal in very short timescales.

Question Submitted by Councillor R. Hunter

“Can you confirm what your plans are for the Stourbridge Road car park now that it is being decommissioned as a covid testing centre and what the timescales will be for returning the site to a car park?”

In response to this question, the Leader commented that the mobile units were still on site and not likely to be removed until May 2022. Once they had been removed, officers would survey the site and ensure that all reinstatement work was carried out. At this point, it would return to use as a car park.

Question Submitted by Councillor J. King

“What are your plans for regenerating the vacant plot of land on School Drive formerly occupied by the Sports Hall? Will you commit to putting it back in to use as a public space for the benefit of the local community and explore whether it could also make a contribution to enhancing the natural environment?”

The Leader explained that from the Council's perspective as landowner, information considered to date, suggested that this would be an ideal site for housing development. A business case was being developed that would be reported to Members in due course.

110\21

MOTIONS ON NOTICE (TO FOLLOW)

The Chairman advised that four Motions on Notice had been received for consideration at the meeting. An hour had been allocated to the consideration of the Motions.

In advance of the meeting, group leaders had agreed that the Motion submitted by Councillor G. Denaro, on the subject of remote meetings, should be agreed without debate. That Motion would not therefore be discussed during the meeting.

Prior to the debate in respect of the Motions, a request was received for the Motion in respect of the 144 bus route to be the first to be debated, to ensure that it could be considered within the time available for the consideration of Motions. The Chairman advised that, out of respect for the Councillors who had submitted Motions on Notice, they would be considered in the order in which they had been received. However, should it be necessary, the time dedicated to the discussion of Motions could potentially be extended.

Televising Council Meetings

Council considered the following Motion on Notice that was submitted by Councillor P. McDonald:

"A great number of local authorities televise their council meetings allowing residents to watch local democracy from the comfort of their homes. This opens the council to full scrutinisation of its actions in the council chamber and shows local democracy at work. Therefore, we call upon officers to present options as to how meetings of full Council can be televised by the next Council meeting."

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

In proposing the Motion, Councillor McDonald commented that since the Covid-19 pandemic, Councils had undertaken a lot of remote working and had made use of far more technology than in previous years. Many local authorities were live streaming their Council and Committee meetings and this enabled their residents to access meetings in a range of ways as well as to engage with the local democratic process, which helped to hold Members to account. For many people, it was more convenient to watch a Committee meeting at home on their personal devices, rather than to attend a meeting in person at Parkside. Live streaming also enabled people who had work, caring and other commitments to learn about the decisions that the Council was making. By televising Council meetings, Bromsgrove District Council would be taking action suitable for local democracy in the twenty-first century.

In seconding the Motion, Councillor Rone-Clarke advised that he had raised the possibility of live streaming Council and Committee meetings in 2019. There were many Councils that already live streamed their meetings and the Council had managed to live stream remote meetings when these were held in the 2020-2021 municipal year. By live streaming Council meetings, Bromsgrove District Council would be in a better position to enable certain groups within the local community to engage in the democratic process, including people with physical disabilities and residents who worked shifts.

In response to the Motion, the Portfolio Holder for Finance and Enabling explained that Bromsgrove District Council had already had some success with the live streaming of some Committee meetings. Generally, the decision to live stream a meeting was based on the likelihood of there being significant public interest in the business due to be conducted at that meeting. In particular, this had meant that the Council had live streamed a number of Planning Committee meetings in recent years, which had tended to attract more public interest than other meetings. Bromsgrove District Council had also successfully live streamed a number of Council meetings, particularly during the pandemic, when public access was restricted for safety reasons.

However, it was recognised that there were a number of different systems available in the wider marketplace. To this end, officers had been tasked with investigating what options were available to the Council. This was to ensure that arrangements continued to offer best value for the authority and for the communities it served, as well as providing opportunities for

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members of the public to observe some meetings, should they choose to do so. As this work progressed, Members would be kept fully engaged in discussions about the available options through consideration at meetings of the Constitution Review Working Group.

Members were asked to note that there were financial implications to consider if the Council purchased a dedicated live streaming system. The costs entailed varied between suppliers and types of system, with different packages being available, depending on the needs of the authority and local community. On this basis, the Council would need to carefully consider the most efficient and cost-effective option for the authority.

The Portfolio Holder for Finance and Enabling concluded by explaining that, whilst he supported the general aim to live stream Council meetings moving forward, he had some reservations about the potential for the available options to be investigated in time to report back to the following meeting of Council in May 2022. In this context, an amendment was proposed to the last five words of the Motion, to read as follows:

"A great number of local authorities televise their council meetings allowing residents to watch local democracy from the comfort of their homes. This opens the council to full scrutinisation of its actions in the council chamber and shows local democracy at work. Therefore, we call upon officers to present options as to how meetings of full Council can be televised and *refer this to the Constitution Review Working Group.*"

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

The extent to which the proposed changes to the wording of the Motion represented a legitimate amendment was briefly discussed. Officers clarified that the Council had previously agreed to refer the subject of a Motion for the consideration of another Council body. Therefore, the amendment was acceptable from a constitutional perspective.

Members subsequently debated the amendment in some detail and in doing so commented that the Constitution Review Working Group could only consider and debate the options available to the Council. A final decision on this subject would need to be taken by Council.

Consideration was given to the financial implications of the various options available. In order to achieve best value for the Council, Members suggested that consideration should be given to procuring a live streaming option jointly with Redditch Borough Council, in line with the two authorities' existing shared service arrangements.

In responding to the proposed amendment, Councillor McDonald questioned the extent to which the arrangements for live streaming meetings would be financially expensive. Members were advised that residents could and had recorded Council meetings directly from their

phones onto social media. Council was also asked to note that, given meetings had been live streamed when held remotely during the 2020 – 2021 municipal year, there would already be some familiarity amongst Officers with the options available.

On being put to the vote, the amendment was carried.

In concluding the discussions in respect of this Motion, Members discussed the extent to which it would be appropriate for the Constitution Review Working Group to review the options available to the Council in order to live stream meetings. Given the financial implications, the suggestion was made that it might be more appropriate for this matter to be considered further by the Finance and Budget Working Group. However, Members were advised that the Constitution Review Working Group had previously requested further investigation of this matter.

On being put to the vote the amended Motion was carried.

RESOLVED that a great number of local authorities televise their council meetings allowing residents to watch local democracy from the comfort of their homes. This opens the council to full scrutinisation of its actions in the council chamber and shows local democracy at work. Therefore, we call upon officers to present options as to how meetings of full Council can be televised and refer this to the Constitution Review Working Group.

Support for Ukraine

Council also considered the following Motion on Notice that was submitted by Councillor K. May:

“Bromsgrove District Council is saddened and disturbed by the aggression against Ukraine, which has caused horrific devastation, and created an escalating humanitarian crisis with millions displaced or affected. In light of this, and as a way of expressing support for the people of Ukraine and members of our communities who are from or who have ties with Ukraine this Council;

- a. Condemns the invasion of Ukraine and stands in solidarity with the people of Ukraine and their families and friends.
- b. Stands ready to provide support and assistance to innocent people displaced and affected.
- c. Will work with and support the efforts of our local communities to provide help, support and comfort to those in need.”

The Motion was proposed by Councillor May and seconded by Councillor C. Hotham.

In proposing the Motion, Councillor May noted that on 24th February 2022, Russia invaded Ukraine. Councillor May expressed the view that it was

important to demonstrate the Council's support for the Ukrainian population at this time. The support was echoed by local residents, many of whom had offered their homes to temporarily rehouse Ukrainian refugees. In providing this support, Members would be recognising that Ukrainian refugees had been displaced from their homes and livelihoods as a result of the war.

In seconding the Motion, Councillor Hotham commented that he welcomed the fact that this was a Motion that had received cross party support. Ukraine was in a desperately sad predicament. Ukrainian citizens had moved in the period of a few weeks from peace and relative stability to war. Unfortunately, there were reports of civilians suffering due to instances of bombings, rape and murders perpetrated by members of the Russian Army. In this context, there was a need to do everything possible to support Ukrainians and to stand up to Russia.

Council subsequently discussed the Motion and there was agreement that it was important to demonstrate solidarity with the people of Ukraine. Members expressed sympathy for the situation in which Ukrainian citizens had been placed. It was noted that many people in the UK had contributed to the humanitarian aid offered to Ukraine. Unfortunately, there had been some delays in terms of the provision of this aid and Members expressed hopes that this would be rectified soon. Members noted that there would be economic consequences to the war and the sanctions imposed on Russia as a consequence, however, people would be willing to make sacrifices.

Members praised the work of families and individuals living in the District who had already offered accommodation to Ukrainian refugees. In some cases, Ukrainian families were waiting for visas to be issued in order to travel to the UK. Members noted that hosts would be committed to providing accommodation to Ukrainians for up to six months. After this point, there was the possibility that alternative housing options might be required and the Council would need to work closely with Bromsgrove District Housing Trust (BDHT) to support people accordingly.

On being put to the vote the Motion was carried.

RESOLVED that Bromsgrove District Council is saddened and disturbed by the aggression against Ukraine, which has caused horrific devastation, and created an escalating humanitarian crisis with millions displaced or affected. In light of this, and as a way of expressing support for the people of Ukraine and members of our communities who are from or who have ties with Ukraine this Council;

- a. Condemns the invasion of Ukraine and stands in solidarity with the people of Ukraine and their families and friends.
- b. Stands ready to provide support and assistance to innocent people displaced and affected.

c. Will work with and support the efforts of our local communities to provide help, support and comfort to those in need.

144 Bus Service

The following Motion on Notice was submitted by Councillor H. Rone-Clarke for consideration at the meeting.

“Bromsgrove District Council condemns the proposal to cut the 144 bus service.

Council acknowledges how vital this service is to many of our residents, who use it to commute to Worcester and Birmingham.

Council therefore resolves to make known our support for this service and commits to lobby the relevant authorities to ensure its survival.”

The Motion was proposed by Councillor Rone-Clarke and seconded by Councillor K. May.

In proposing the Motion, Councillor Rone-Clarke commented that the 144 bus service had been in operation since early in the twentieth century. Like many residents, Councillor Rone-Clarke had utilised the service in his youth. Many local residents relied on the service to travel to and from college, to provide care in the community and to travel to and from work. A petition had been launched on this subject which was receiving a lot of support. Without access to the service, many vulnerable residents would be required to pay for a taxi or to spend extra on fuel for their own vehicles.

In seconding the Motion, Councillor May advised that she, like other colleagues, had been actively lobbying Worcestershire County Council on this subject. The Worcestershire County Council Cabinet Member with responsibility for Highways and Transport had sent the Leader the following statement, that day, on this subject:

“Worcestershire County Council are engaged in talks with two operators to offer possible timetables and costings to replace the 144 service. The deadline for these operators to come back to us is 3pm Friday 22nd and they will be discussed as priority on Monday 25th when the Transport Network Development Manager at Worcestershire County Council returns from leave.

With regards to the school children that would normally use the 144 into Bromsgrove, First have confirmed they will operate their existing S45 school service along the route of the 144 from 2nd May.”

The Leader expressed the view that this statement demonstrated that things were moving in the right direction. At a time when the Council was trying to encourage people to use their cars less frequently in order to

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reduce carbon emissions, it was important to ensure that public transport met the needs of local residents.

Members welcomed the cross-party support for the Motion and agreed that the action proposed in the Motion would benefit the local community. It was noted that Councillors needed to set an example in their communities and using public transport to travel around the District was a key element of this. The public transport options needed to be available to enable Members and the public to choose to travel in this way, rather than relying on personal vehicles.

Reference was made to the particular needs of elderly and vulnerable residents who might be unable to drive their own vehicles. Many residents in this position relied on public transport and it was therefore important to ensure they could access bus services at different times to attend hospital appointments, socialise and do essential shopping. Many Members noted that they had been contacted by local residents about this issue prior to the Council meeting, which had helped to raise awareness of the impact that the end of this service would have in the local community.

During consideration of this item, Members noted that there were parts of the District that were not served by a bus service. Residents living in these areas had limited incentives to encourage them to use public transport instead of their own vehicles. However, a reduction in car use would have a beneficial impact on carbon emissions. Members suggested that in order to achieve this, bus connectivity in rural areas needed to be addressed.

On being put to the vote the Motion was carried.

RESOLVED that Bromsgrove District Council condemns the proposal to cut the 144 bus service.

Council acknowledges how vital this service is to many of our residents, who use it to commute to Worcester and Birmingham.

Council therefore resolves to make known our support for this service and commits to lobby the relevant authorities to ensure its survival.

The meeting closed at 8.05 p.m.

Chairman

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Political Balance and Appointment to Committees 2022/23

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: Principal Democratic Services Officer Contact email: jess.bayley-hill@bromsgroveandredditch.gov.uk Contact Tel: (01527) 64252 Ext: 3072
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.
- 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 and allocation of Committee Places 2022-23

Appendix 2 Terms of reference of Boards and Committees

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POLITICAL BALANCE CALCULATION 2022/23

The figures in *italics* are the mathematical calculations.

Committee	Cons 18 <i>58.06% of total</i>	Lab 3 <i>9.68% of total</i>	Lib Dems Dem 3 <i>9.68% of total</i>	B'grove Ind 7 <i>22.58% of total</i>	Total
Overview and Scrutiny Board	6 <i>6.39</i>	1 <i>1.06</i>	1 <i>1.06</i>	3 <i>2.48</i>	11 11 members on Board <i>11</i>
Licensing Committee	6 <i>6.39</i>	1 <i>1.06</i>	1 <i>1.06</i>	3 <i>2.48</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>	2 <i>2.48</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>	2 <i>2.03</i>	9 9 members on Cttee 9

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Electoral Matters Cttee	4 4.06	1 0.68	1 0.68	1 1.58	7 7 members on Cttee 7
Appeals	3 2.90	1 0.48	0 0.48	1 1.13	5 5 members on Cttee 5
Appointments	3 2.90	0 0.48	1 0.48	1 1.13	5 5 members on Cttee 5
Statutory Officers	3 2.90	1 0.48	0 0.48	1 1.13	5 5 members on Cttee 5
TOTAL	37	7	6	14	64
<i>Exact Mathematical Entitlement</i>	37.16	6.20	6.20	14.45	64

APPENDIX 2: COMMITTEE TERMS OF REFERENCE

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.

APPENDIX 2: COMMITTEE TERMS OF REFERENCE

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

APPENDIX 2: COMMITTEE TERMS OF REFERENCE

	<p>of the other Chief Officers defined in 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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APPENDIX 2: COMMITTEE TERMS OF REFERENCE

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</p>

APPENDIX 2: COMMITTEE TERMS OF REFERENCE

	<p>non-financial performance to the extent it affects exposure to risk and poor internal control;</p> <p>c. the annual governance statement.</p> <p>d. The review of the annual statement of accounts, confirming the appropriate accounting policies have been followed, including the external auditor’s report to those charged with governance on issues arising from the audit of the accounts.</p> <p><u>Appointment of External Auditors</u></p> <p>e. To arrange the recruitment and operation of the Council’s Auditor Panel, in accordance with the requirements of the Audit and Accountability Act 2014.</p> <p><u>Standards</u></p> <p>f. Promote and maintain high standards of conduct by Councillors and any co-opted members of Council bodies.</p> <p>g. Assist Councillors and co-opted members to observe the Members’ Code of Conduct.</p> <p>h. Advise the Council on the adoption or revision of the Members’ Code of Conduct.</p> <p>i. Monitor the operation of the Members’ Code of Conduct.</p> <p>j. Advise, train or arrange to train Councillors and co-opted members on matters relating to the Members’ Code of Conduct.</p> <p>k. Formulate advice for Members and officers on declarations of gifts and hospitality and monitor and review the arrangements for recording interests, gifts and hospitality.</p> <p>l. Grant dispensations to Councillors and co-opted members from requirements relating to interests set out in the Members’ Code of Conduct.</p>
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APPENDIX 2: COMMITTEE TERMS OF REFERENCE

	<p>m. For both District and Parish Councils, deal with any report from the Monitoring Officer following an investigation into a complaint concerning the Members' Code of Conduct (statutory requirement).</p> <p>n. For both District and Parish Councils, consider and determine allegations that a Councillor or 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>

APPENDIX 2: COMMITTEE TERMS OF REFERENCE

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

APPENDIX 2: COMMITTEE TERMS OF REFERENCE

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>

APPENDIX 2: COMMITTEE TERMS OF REFERENCE

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

APPENDIX 2: COMMITTEE TERMS OF REFERENCE

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	Neither the Leader nor Deputy Leader may be a

APPENDIX 2: COMMITTEE TERMS OF REFERENCE

membership	member of the Licensing (Miscellaneous) Sub-Committee Only those Councillors who have undertaken appropriate training may sit on the Licensing (Miscellaneous) Sub-Committee.
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APPENDIX 2: COMMITTEE TERMS OF REFERENCE

OVERVIEW AND SCRUTINY BOARD

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

APPENDIX 2: COMMITTEE TERMS OF REFERENCE

	<ul style="list-style-type: none"> • Council Plan • 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). In extenuating circumstances and upon application to the Chairman of the Overview and Scrutiny Board, this may be waived. [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.

APPENDIX 2: COMMITTEE TERMS OF REFERENCE

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

APPENDIX 2: COMMITTEE TERMS OF REFERENCE

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

APPENDIX 2: COMMITTEE TERMS OF REFERENCE

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
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APPENDIX 2: COMMITTEE TERMS OF REFERENCE

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

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Scheme of Delegations

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 Jess Bayley-Hill	Job Title: Principal Democratic Services Officer Contact email: jess.bayley-hill@bromsgroveandredditch.gov.uk Contact Tel: (01527) 64252 Ext: 3072
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.

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 at 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.

Annual Council 2022

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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 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 2022.

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Bromsgrove District Council

Constitution

Officers and the Scheme of Delegation

Appendix 1 – 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.

	<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 take any action and to incur expenditure essential to meet any immediate needs created by an emergency, including a cyber security attack, in accordance with the Financial Regulations. 4. To take any decisions, including key decisions, where any delay in taking the decision would seriously prejudice the Council's or the public interest to the extent that it is appropriate to exercise emergency powers. The Chief Executive will report any such decision to the next meeting of Council. 	<p>1. - 3. Cabinet Leader.</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 Cabinet/ Leader is unavailable and in cases of extreme emergency only, the relevant Portfolio Holder. 4. Chief Executive or other Directors in his/her absence, following consultation with the Leader or, in his/her absence, the Deputy Leader
<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 		<ol style="list-style-type: none"> 1. Chief Executive or in his/her absence the Monitoring Officer.

	<p>paragraphs 4(1A) and 4(1B) of Schedule 12 to the Local Government Act 1972.</p> <p>2.To be appointed "Proper Officer" in relation to the following provisions of the Local Government Act 1972:</p>		
	<ul style="list-style-type: none"> a. Sections 83(1) to (4) - Witness and receipt of acceptance of office. b. Section 84 - Receipt of declaration of resignation of office. c. Section 89 (1) (b): Receipt of notice of casual vacancy from two local electors. d. Section 229(5): Certification of photographic copies of document. e. Sections 234(1) and (2): Authentication of documents. f. Section 88 (2): Convening of meeting to fill casual vacancy in the office of Chairman. g. Section 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". 		<ul style="list-style-type: none"> a. Chief Executive. b. Chief Executive. c. Head of Legal, Equalities and Democratic Services. d. Head of Legal, Equalities and Democratic Services. e. Head of Legal, Equalities and Democratic Services. f. Chief Executive. g. Head of Legal, Equalities and Democratic Services.

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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"> the felling of small trees. the removal of dead, dying or diseased trees. pruning for reasons of health and safety to trees of any size. minor pruning works. 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			
Enforcement & Fixed Penalty Notices for Environmental Services	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.	Cabinet/Leader	Head of Environmental Services
	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.	Cabinet/Leader	Head of Environmental Services
	3. To commence court proceedings where necessary including authorising court proceedings, or defending any action	Cabinet/Leader	Head of Environmental Services in consultation with Principal Solicitor.
	4. To administer Formal Cautions as an alternative to court Proceedings.	Cabinet/Leader	Officers authorised in writing by the Head of Environmental Services.
	(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.		

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> <ul style="list-style-type: none"> a. applicants who have not been granted tenancies but who have been selected under either sections 193 or 195 of the Housing Act 1996 and qualify for an offer of a secure tenancy from the Housing Register based on the Council's Allocations Scheme date order; and 	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.

	<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>
Processions and Assemblies.	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.	Cabinet/Leader.	Head of Legal, Equalities & Democratic Services.

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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.

	<p>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.</p>		
<p>2. Elections</p>			
<p>Subject</p>	<p>Detail</p>	<p>Delegated by:</p>	<p>Delegated to:</p>
<p>Fees for Election Duties.</p>	<p>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.</p>	<p>Electoral Matters Committee.</p>	<p>Returning Officer.</p>
<p>Re-organisation of Community Governance.</p>	<p>To make Orders under section 86 of the Local Government and Public Involvement in Health Act 2007 or any subsequent or amending legislation.</p>	<p>Electoral Matters Committee.</p>	<p>Head of Legal, Equalities and Democratic Services.</p>
<p>Alteration of Polling Places</p>	<p>To alter polling places outside compulsory review periods.</p>	<p>Electoral Matters Committee</p>	<p>(Acting) Returning Officer following consultation with the Portfolio Holder and ward members.</p>
<p>Proper Officer.</p>	<p>To be designated:</p> <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. 	<p>Council.</p>	<p>Chief Executive.</p>

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.

	<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. 		
<p>Planning Agreements and Unilateral Undertakings.</p>	<p>To approve the enforcement of a planning obligation.</p>	<p>Planning Committee.</p>	<p>Head of Planning and Regeneration.</p>
<p>Planning Applications.</p>	<p>1. To determine:</p> <ul style="list-style-type: none"> a) applications for dwelling houses where the number of houses to be provided is 10 or more. b) applications for the provision of a building or buildings with a floor space of 1000 square metres or more. c) other applications which have been called-in by a member for determination by Planning Committee provided that the application has been called-in in accordance with the procedure set out in paragraphs 6 - 7 of the introductory 	<p>1. Council</p>	<p>1. Planning Committee</p>

	<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>

	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: (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).	Top 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.

	<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"> 1. To agree terms for the acquisition of land or individual properties required for an approved scheme after consultation with Chief Officers concerned complete the purchases where a capital scheme for the acquisition has been approved by the Council. 2. 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"> 1. Cabinet/Leader. 2. Cabinet/Leader. 	<ol style="list-style-type: none"> 1. Executive Director - Finance and Corporate Resources 2. Executive Director - Finance and Corporate Resources.
Repurchase of Former Council Houses.	To waive the right to repurchase former Council houses under the pre-emption clauses and to substitute the discount provisions contained in the Housing Act 1980.	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.

Agenda Item 11

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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AUDIT, STANDARDS AND GOVERNANCE COMMITTEE
RECOMMENDATIONS TO THE COUNCIL

Audit, Standards and Governance Committee meeting 12th April 2022

New Model Code of Conduct

RECOMMENDED the Worcestershire-wide draft Code of Conduct be adopted by the Council.

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Audit, Standards and Governance Committee

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New Worcestershire-wide Member Code of Conduct

Relevant Portfolio Holder	Councillor Geoff Denaro – Portfolio Holder for Finance and Enabling
Portfolio Holder Consulted	Yes
Relevant Head of Service	Claire Felton
Report Author	Job Title: Clare Flanagan Contact email:clare.flanagan@bromsgroveandredditch.gov.uk Contact Tel: 01527 534112 x3173
Wards Affected	n/a
Ward Councillor(s) consulted	n/a
Relevant Strategic Purpose(s)	n/a
Key Decision / Non-Key Decision n/a	
If you have any questions about this report, please contact the report author in advance of the meeting.	

1. RECOMMENDATIONS

The Committee is asked:

- 1) to review the Worcestershire-wide draft Code of Conduct at Appendix 1 and its appendices, and consider whether it recommends its adoption by the Council**

2. BACKGROUND

2.1 The Committee will recall from previous reports that the National Committee on Standards and Public Life carried out a review of the operation of the Standards Regime under the Localism Act 2011. The report on the implementation of the Committee’s recommendations and resulting changes to the Council’s arrangements for handling member complaints was considered by this committee on 24 November 2020.

2.2 In December 2020 the Local Government Association (LGA) published a model Code of Conduct as part of its work in supporting the sector to continue to aspire to high standards of leadership and performance. It was broadly similar to the current Worcestershire-wide Code. The main areas where it differed were:

- The LGA Code included detailed guidance to explain the reasons for obligations and how they should be followed

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- It included a statement about a right to respectful behaviour from the public which is not referred to in the Worcestershire-wide Code
- It included an obligation to undertake Code of Conduct training provided by the local authority
- The value for registering gifts and hospitality is £50 compared to £15 in the Worcestershire Code
- There was more detail about registering and declaring **Other** Interests. The LGA Code states (in table 2) that Councillors have a personal interest in any business where it relates to or affects anybody of which a Councillor is in general control or management and to which they are nominated or appointed by the Council. This is in direct contrast to the current situation in the Worcestershire Code where appointment to an outside body by the Council does not automatically mean that an Other Interest should be declared.

2.2 The LGA Model was offered as a template and it was recognised that councils might either adopt it or make local amendments to it.

2.3 Members have previously expressed a preference for a Code of Conduct that applies to all councils across the County and at all tiers of local government, as is currently the case in Worcestershire and so resolved at its meeting on 11 March 2021 to refer the LGA Model Code to the Monitoring Officers across the County to consider the feedback from this and the other Standards Committees, and bring back a new pan-Worcestershire Code for consideration / adoption.

2.4 Attached at Appendix 1 is the draft Code of Conduct as proposed by the Monitoring Officers following their discussions. The changes and/or additions to the LGA Model Code are highlighted in the attached draft so that members can see what they are. There are a number of appendices, which support the core document. These are:

- Appendix A: The Ten Principles of Public Life;
- Appendix B: Guide to Registerable Interests set out in
 - Table A – Disclosable Pecuniary Interests
 - Table B – Other Registerable Interests;
- Appendix C: Best Practice Recommendations
- Appendix D: to be read alongside:
 - ACAS Guide and
 - Guidance on The Public Sector Equalities Duty

This suite of documents comprises the proposed Code of Conduct.

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These are being referred to all of the local authorities across Worcestershire for consideration and adoption.

3. FINANCIAL IMPLICATIONS

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

4. LEGAL IMPLICATIONS

4.1 Under the Localism Act 2011, the Council is required to adopt a Code of Conduct, which it has. Following a review of the operation of the Standards regime under the Localism Act, carried out by the Committee for Standards in Public Life, the Local Government Association issued a new Model Code for adoption or local amendment.

4.2 Adoption by the Council will ensure compliance with the requirements of the Localism Act and the Code proposed here will meet members' requirement for a pan-Worcestershire Code of Conduct.

5. STRATEGIC PURPOSES - IMPLICATIONS

Relevant Strategic Purpose

5.1 n/a

Climate Change Implications

5.2 n/a

6. OTHER IMPLICATIONS

Equalities and Diversity Implications

6.1 n/a

Operational Implications

6.2 n/a

7. RISK MANAGEMENT

8. APPENDICES and BACKGROUND PAPERS

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- Appendix 1 –Member Code of Conduct and supporting documents.

9. REPORT SIGN OFF

Department	Name and Job Title	Date
Portfolio Holder	Councillor Geoff Denaro – Portfolio Holder for Finance and Enabling	Various
Lead Director / Head of Service	Claire Felton	Various
Financial Services	N/A	
Legal Services	Claire Felton	Various
Policy Team (if equalities implications apply)	n/a	
Climate Change Officer (if climate change implications apply)	n/a	



Local Government Association

Model Councillor Code of Conduct 2020

Joint statement

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviors and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

The LGA Model Councillor Code of Conduct has been reviewed by councils across Worcestershire together with Hereford & Worcester Fire Authority and slightly amended to provide a pan-Worcestershire Code. The relevant Monitoring Officers will undertake further reviews of this Code should further significant changes be recommended by the LGA.

Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Ten Principles of Public Life](#), also known as the Nolan Principles. See Appendix A

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Where you act as a representative of the Council:

- (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
- (b) on any other body, you must, when acting for that other body, comply with the authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor **engaging in a political debate with other councillors** you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations, to personal attack.

The robust manner in which councillors engage with each other during political debate is not appropriate when engaging with local authority employees, employees and representatives of partner organisations and those volunteering for the local authority. As strategic leaders and employers, it is expected that councillors will set a positive example to staff by treating them with politeness and courtesy at all times.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any

conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services. **Councillors must not do anything that is likely to cause the Council to breach its public commitment to equality and fostering good relations with all communities.**

Appendix D sets out additional guidance that Councillors must read alongside this Code of Conduct.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would

undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

You must:

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

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i. I have received the consent of a person authorised to give it;**
 - ii. I am required by law to do so;**
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - iv. the disclosure is:**
 - 1. reasonable and in the public interest; and**
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - 3. I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include information relating to ongoing negotiations or personal data relating to individuals.

With regards to personal data relating to individuals, you must not do anything that is likely to cause your authority to breach Data Protection law. You must seek to ensure you are familiar with how the Data Protection Act applies to your role in handling personal data through training, and if you are not sure you should seek advice from the Monitoring Officer.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local authority or authorising their use by others:

- (a) act in accordance with the local authority's requirements.**
- (b) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed; and**
- (c) have regard to any applicable Local Authority Code of Publicity during elections.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority .

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think

that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £15 within 28 days of its receipt.**
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Agenda Item 12

Appendices

Appendix A – The **Ten** Principles of Public Life

The principles are:

Selflessness – Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity – Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should, on all occasions, avoid the appearance of such behaviour.

Objectivity – Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability – Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness – Members should be as open as possible about their actions and those of their Authority and should be prepared to give reasons for those actions.

Personal judgement – Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for others – Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

Duty to uphold the Law – Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship – Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership – Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register. **The Monitoring Officer may state on the register that the councillor has an interest the details of which are withheld.**

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. **If the interest has not already been recorded, notify the Monitoring Officer of the interest within 28 days beginning with the date of the meeting.** If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. [Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

8. Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative or close associate; or
 - c. a financial interest or wellbeing of a body included under Other Registerable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. [Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.

Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were
	spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You must register as an Other Registrable Interest :

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you not are **not** nominated or appointed by your authority
- c) any body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which you are a member or in a position of general control or management

Appendix C – the Committee on Standards in Public Life and Best Practice Recommendations

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

Best Practice Recommendations

As included in The Local Government Ethical Standards report. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.

Appendix D

This Code of Conduct must be read alongside:

ACAS Guidance “If You’re Treated Unfairly at Work”

<https://www.acas.org.uk/if-youre-treated-unfairly-at-work/being-bullied>

Equality and Human Rights Commission – Public Sector Equality Duty Guidance

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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE AUDIT, STANDARDS AND GOVERNANCE COMMITTEE

TUESDAY, 12TH APRIL 2022, AT 6.00 P.M.

PRESENT: Councillors L. C. R. Mallett (Chairman), P. J. Whittaker (Vice-Chairman), A. J. B. Beaumont, M. Glass (substituting for Councillor C. Spencer), J. E. King, A. D. Kriss, M. Middleton, K. J. Van Der Plank and Mr B. McEldowney

In attendance: Mr. N. Preece – Grant Thornton, Mr. J Murray – Grant Thornton (on Microsoft Teams)

Officers: Mr J. Howse, Mrs. C. Felton, Mr. A. Bromage (on Microsoft Teams), Mr P. Carpenter (on Microsoft Teams), Mrs J. Willis (on Microsoft Teams) and Mrs. J. Gresham

38/21

NEW MODEL CODE OF CONDUCT

The Monitoring Officer presented an update in respect of the New Model Code of Conduct. During consideration of the report, it was noted that the information provided to the Committee was as a result of work that had been undertaken since the publication of the new Local Government Association (LGA) model Code of Conduct in December 2020.

The new LGA model Code of Conduct had been used as a starting point for the pan-Worcestershire Code of Conduct presented for Members' attention. It was reported that Monitoring Officers across Worcestershire had been involved in making the changes and had agreed the final version for Members of the Committee to approve.

Members were pleased with the new document; however, they were particularly interested in how robustly the new Code would be implemented and enforced amongst Members. The Monitoring Officer confirmed that Members had to take responsibility for their own actions and that it was important that all Group Leaders worked closely with Members to ensure that this was cascaded appropriately.

There was a brief discussion in respect of the cost of items purchased by the Council and whether best value for money was always available. Officers explained that there was a robust procurement process in place

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when purchasing items for the Council that provided best value in this area; and that to buy items individually could result in the outcome of costs being disproportionately high.

It was confirmed to the Committee that the Advisory, Conciliation and Arbitration Service (ACAS) definition of bullying had been used as part of the new Model Code of Conduct, however individual cases would be considered on a case by case basis.

RECOMMENDED the Worcestershire-wide draft Code of Conduct be adopted by the Council.

The meeting closed at 7.15 p.m.

Chairman

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18th May

Outside Body Appointments 2022/23

Relevant Portfolio Holder		Councillor Geoff Denaro	
Portfolio Holder Consulted			
Relevant Head of Service			
Report Author Claire Felton	Job Title: Head of Legal, Democratic and Property Services Contact email: c.felton@bromsgroveandredditch.gov.uk Contact Tel: 01527 881429		
Wards Affected		All	
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**

It is recommended that Council considers nominating to the bodies listed at Appendix 1 as appropriate.

2. **BACKGROUND**

2.1 The Council makes appointments and nominations to a number of Outside Bodies each year. This report sets out the details of the appointments which are made by the Council.

3. **FINANCIAL IMPLICATIONS**

3.1 There are no financial implications arising from this report.

4. **LEGAL IMPLICATIONS**

4.1 No specific legislation governs the appointment or nomination of members to outside bodies by the Council. Depending on the nature of the relationship the Council has with the organisation, the legal status of the organisation, its corporate, charity or other status and its constitution, there are differing legal implications for the members sitting on these bodies.

4.2 The Local Authorities (Indemnities for Members and Officers) Order 2004 governs the Council's ability to indemnify members sitting on outside bodies.

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 Council reviews outside body appointments on an annual basis to ensure that those bodies to which the Council puts forward nominations continue to address the needs and aspirations of the District.

Climate Change Implications

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

7. **RISK MANAGEMENT**

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

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8. **APPENDICES and BACKGROUND PAPERS**

Appendices

Appendix 1 - list of appointments to outside bodies

Background Papers:

Terms of reference and governing documents of organisations are held by Democratic Services.

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APPENDIX 1 Council Appointments to Outside Bodies

18th May 2022

(LAST UPDATED APRIL 2022)

Organisation	No. of Appts & Length of Office	Appointed 2021/2022	Nominations 2022/2023
Amphlett Hall Management Committee	2 (previous years 4) 1 year	A. Beaumont S. Webb	
Citizens' Advice Bromsgrove and Redditch	2 1 year	J. Till S. Webb	
Greater Birmingham and Solihull Local Enterprise Partnership (LEP) – Joint Overview and Scrutiny Committee for the Supervisory Board	1 and a substitute 1 year	P. Thomas Substitute: A. Kriss	
Midlands Joint Council for Environmental Protection	2 1 year	M. Glass	
West Mercia Police and Crime Panel <i>Rep and sub must be from majority political group on the Council</i>	1 rep and 1 substitute	A. Kent H. Jones (appointed April 2022) Substitute: A. Beaumont	
Worcestershire County Council Corporate Parenting Board	1 1 year	M. Sherrey	
Worcestershire County Council Health Overview and Scrutiny Committee	1 1 year	Delegate to O&S Board (Cllr Baxter)	Delegate to O&S Board
Worcestershire Regulatory Services Board (previously Worcestershire Shared Services Joint Committee)	2 1 year To include relevant Portfolio holder and one other member of the controlling group and one substitute	A. Kent P. Thomas (appointed Feb 2022) H. Jones Substitute: M. Middleton	

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Bromsgrove District Council – 18th May 2022 Member Questions

**1. From Councillor H. Rone-Clarke
Question for the Leader**

“Could the leader or relevant portfolio holder update council on the progress of the strategic transport assessment promised at last April’s full council meeting, following the debate surrounding the Whitford Road development?”

With the proposed development along Whitford Road, and the cut to the 144, this is now more important than ever.”

**2. From Councillor P. McDonald
Question for the Leader**

“When will the Council purchase its first electric vehicle?”

**3. From Councillor S. Robinson
Question for the Leader**

“Do you agree that the latest proposal for the 144, which sees the route continue from Catshill to Longbridge but not onwards to Birmingham, is still inadequate and will you continue to lobby Worcestershire County Council to provide a full reinstatement of this vital service?”

**4. From Councillor R. Hunter
Question for the Portfolio Holder for Finance and Enabling**

“How many households in Bromsgrove that are eligible for the council tax rebate had received their payment by the end of April and how many have received it to date?”

**5. From Councillor J. King
Question for the Portfolio Holder for Leisure, Culture and Climate Change**

“Did Bromsgrove receive any payment from the NHS for the use of the Artrix as a vaccination centre and if so can the funds be put towards securing a sustainable future for the Artrix building as a thriving centre for arts and cultural activities in Bromsgrove?”

NOTICE OF MOTION

The following Notice of Motion has been submitted in accordance with Procedure Rule 10 by Councillor P. McDonald:

"That this Council erects a plaque in remembrance of those who died from Covid and the tremendous work carried out by key workers throughout the pandemic."

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