



## **BROMSGROVE DISTRICT COUNCIL**

### **MEETING OF THE COUNCIL**

**WEDNESDAY 24TH MAY 2023**

**AT 6.00 P.M.**

**PARKSIDE SUITE - PARKSIDE**

#### **ATTENDEES:**

Mr R. Laight (Chairman)

#### **MEMBERS:**

Councillors S. S. Ammar, A. Bailes, R. Bailes, S. J. Baxter, S. R. Colella, A. M. Dale, J. Elledge, S. M. Evans, D. J. A. Forsythe, E. M. S. Gray, D. Hopkins, C.A. Hotham, R. J. Hunter, H. J. Jones, B. Kumar, R. Lambert, M. Marshall, K.J. May, P. M. McDonald, B. McEldowney, D. J. Nicholl, S. Nock, S. R. Peters, J. Robinson, S. A. Robinson, H. D. N. Rone-Clarke, J. D. Stanley, D. G. Stewart, C. B. Taylor, S. A. Webb and P. J. Whittaker

### **AGENDA**

#### **WELCOME**

##### **1. Election of Chairman 2023/24**

Following election the Chairman will make a Declaration of Acceptance of Office.

##### **2. Election of Vice Chairman 2023/24**

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

##### **3. Vote of thanks to retiring Office Holders**

4. **Election of Leader of the Council**

5. **To receive apologies for absence**

6. **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.

7. **To confirm the accuracy of the minutes of the meeting of the Council held on 22nd February 2023 (Pages 7 - 32)**

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

9. **To receive any announcements from the Leader including Appointment of Deputy Leader and membership of the Cabinet**

10. **Urgent Decisions**

11. **Appointments to Committees 2023/24 (Pages 33 - 54)**

Appendix 1 to the report will follow in a supplementary pack for the meeting.

12. **Appointments to the Artrix Holding Trust - Outside Body Appointment (Pages 55 - 60)**

13. **Scheme of Delegations (Pages 61 - 144)**

14. **Questions on Notice**

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 145 - 146)**

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. **Officer Appointments (Pages 147 - 152)**

17. **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

16th May 2023

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

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## **GUIDANCE ON FACE-TO-FACE MEETINGS**

**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 officers named above.**

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Meeting attendees and members of the public are encouraged not to attend the meeting 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.

#### **Notes:**

**Although this is a public meeting, there are circumstances when Council might have to move into closed session to consider exempt or confidential information. For agenda items that are exempt, the public are excluded.**



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

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## **BROMSGROVE DISTRICT COUNCIL**

### **MEETING OF THE COUNCIL**

**WEDNESDAY 22ND FEBRUARY 2023, AT 6.00 P.M.**

PRESENT: Councillors R. J. Laight (Chairman), A. J. B. Beaumont (Vice-Chairman), S. R. Colella, R. J. Deeming, G. N. Denaro, S. P. Douglas, A. B. L. English, C.A. Hotham, R. J. Hunter, R. E. Jenkins, H. J. Jones, J. E. King, A. D. Kriss, 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, S. A. Webb and P. J. Whittaker

Officers: Mr. K. Dicks, Mrs. S. Hanley, Mr P. Carpenter, Mrs. R. Bamford, Mrs. C. Felton, Mrs. J. Bayley-Hill and Mrs J. Gresham

85\22 **TO RECEIVE APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors S. Baxter, S. Hession, M. Glass, A. Kent and K. Van Der Plank.

86\22 **DECLARATIONS OF INTEREST**

Councillors C. Hotham, J. King, P. McDonald, M. Sherrey and P. Whittaker declared a pecuniary interest in respect of Minute Item 93/22 – specifically in relation to consideration of the alternative budget from the Liberal Democrat group - as Members of the Artrix Holding Trust. All five Councillors left the room during consideration of that item and took no part in the debate or vote thereon.

87\22 **TO CONFIRM THE ACCURACY OF THE MINUTES OF THE MEETING OF THE COUNCIL HELD ON 25TH JANUARY 2023**

The minutes of the meeting of Council held on 25<sup>th</sup> January 2023 were submitted for Members' consideration.

**RESOLVED** that the minutes of the meeting of Council held on 25<sup>th</sup> January 2023 be approved as a true and accurate record.

88\22 **TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRMAN AND/OR HEAD OF PAID SERVICE**

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

89\22 **TO RECEIVE ANY ANNOUNCEMENTS FROM THE LEADER**

The Leader announced that since the last meeting of the Council, Councillor M. Thompson had stepped down from his role as Portfolio Holder for Leisure, Culture Services and Climate Change.

It was reported to Council that Councillor S. Webb and Councillor P. Thomas would oversee Leisure and Culture Services and Climate Change respectively for the remainder of the municipal year.

The Leader also took the opportunity to thank all Members of the Council for their work over the previous four years. It was noted that this had been a difficult few years, which had been impacted on greatly by the Covid-19 pandemic.

Councillor R. Hunter thanked the Leader for her work over this period. It was noted that it had been a challenging job over a very difficult period.

90\22 **TO RECEIVE COMMENTS, QUESTIONS OR PETITIONS FROM MEMBERS OF THE PUBLIC**

The Chairman informed Council that a question had been received from Ms. S. Wheeler to the Leader prior to the meeting. As Ms. Wheeler was not in attendance at the meeting, the question was read out for Members' information.

*"I would like to know what measures will be taken to prevent land that is currently undergoing development on Whitford from creating flooding issues on Whitford Road, Timberhonger Lane and Sanders Park?"*

The Leader provided a response and informed Council that a team from North Worcestershire Water Management (NWWM) had, over several years, commented on many Planning Applications received by the Council as a Local Planning Authority. The team at NWWM had reviewed various Flood Risk Assessments (FRAs) and drainage strategies, and generally had sent numerous versions of plans back and forth with developers to ensure NWWM were content with the proposals, including flood risk, water quality, and sustainable drainage.

It was reported that NWWM had been involved with the Whitford Road site from pre-application stage and were currently still involved for reserved matters and the discharge of conditions.

The latest / final drainage strategy for the site had included various Sustainable urban Drainage Systems (SuDS) features, including swales, porous paving and a SuDS basin (the latter of which was installed to help with drainage during construction); with an outfall to the Battlefield Brook restricted to greenfield rates (subject to Environment Agency approval as this was a main river).

There were still a few matters outstanding and NWWM were working closely with the Planning Case Officer to achieve the best outcome.

Members were asked to note that if residents had a specific concern, NWWM could investigate this in more detail.

91\22

## **URGENT DECISIONS**

The Chairman confirmed that there had been no urgent decisions taken since the previous meeting of Council.

92\22

## **INDEPENDENT REMUNERATION PANEL RECOMMENDATIONS** **2023/24**

The Portfolio Holder for Finance and Governance presented the Independent Remuneration Panel's recommendations for Members' allowances in 2023/2024.

Council was informed that when considering the recommendations from the Independent Remuneration Panel (IRP), Members were advised that the Administration were not proposing to implement the first or second IRP recommendations, which related to an increase in the Basic Allowance for Members for 2023/2024 and Special Responsibility Allowances (SRAs) for 2023/2024.

It was highlighted that recommendations 3 – 6 from the IRP related to matters such as claiming travel and carer's allowances. It was noted that as no changes were proposed to the existing arrangements in these recommendations, they would be put forward in order to ensure that existing arrangements remained in place.

No changes were proposed to the Council's existing multipliers for the SRAs, with one exception. It had been suggested that the eligibility criteria for the SRA for political group leaders should be changed to enable any leader of a political group, except the Leader of the Council, to claim this SRA if they had 3 or more members in their group. If this suggestion was to be taken forward, it needed to be formally proposed as a change to the SRAs for the Council in an additional recommendation on Members' allowances.

The recommendations were proposed by Councillor G. N. Denaro and seconded by Councillor K. May.

Although some Members queried the proposals as outlined in the preamble above, it was confirmed that it seemed appropriate to make the change in respect of the SRA for political group leaders.

Questions were raised with regard to the implications of not increasing the Basic Allowance and it was commented that this would potentially make it difficult to get new candidates to stand for election in the future, if the financial remuneration was not appealing. It was with this in mind that Councillor S. R. Colella proposed an amendment to approve the increase to the Basic Allowance of 7.37% as recommended in the IRP report. However, it was noted by some Members that a 7.37% pay rise did not seem appropriate in light of the current Cost of Living Crisis. This proposed amendment was therefore not seconded.

**RESOLVED** that

1. travel allowances for 2023/2024 continue to be paid in accordance with the HMRC mileage allowance;
2. subsistence allowances for 2023/2024 remain unchanged;
3. the Dependent Carer's Allowance remain unchanged;
4. for Parish Councils in the District, if travel and subsistence should be paid, the Panel recommends that it be paid in accordance with the rates paid by the District Council and in accordance with the relevant Regulations; and
5. the eligibility criteria for the SRA for political Group Leaders be changed to enable any leader of a political group, except the Leader of the Council, to claim this SRA when having 3 or more members in their Group.

93\22

## **RECOMMENDATIONS FROM THE CABINET MEETING HELD ON 15TH FEBRUARY 2023 (TO FOLLOW)**

### **Pay Policy 2023/2024**

The Portfolio Holder for Finance and Governance presented the Pay Policy report for Members' consideration. It was explained that the Pay Policy needed to be approved by Council on a yearly basis and that the Statement needed to set out the relationship between the highest and lowest paid staff at the Council. Included within the report was the breakdown of remuneration of all Officers across the Council.

Council was informed that the Officer structure within the Council was as follows:

- Officer Grades 1-11
- 2 Manager Grades
- 3 Head of Service Grades
- Executive Director
- Deputy Chief Executive
- Chief Executive

It was highlighted in this Pay Policy Structure that the Council were part of the National Pay Bargaining Framework. Furthermore, Members were advised that Manager posts were evaluated by an external assessor (West Midlands Employers).

In respect of new appointments, it was noted that these would normally be made at the minimum of the relevant grade and that there was a system of annual progression to the next point on pay scales. The Council did not apply bonuses or performance related pay to its Chief Officers and progression through the incremental scale of a relevant grade was subject to satisfactory performance assessed on an annual basis. It was noted that the pay related allowances were subject to either national or local negotiated rates.

Members were advised that posts that were remunerated at over £50,000 per annum were also required to be published in the Statement of Accounts and it was reported that the current lowest salary at the Council, as at 1<sup>st</sup> April 2022, was £20,441 Full Time Equivalent (FTE).

The Appointments Committee was responsible for recommending to Council matters relating to the appointment of the Chief Executive, Monitoring Officer, Section 151 Officer and other Chief Officers.

The recommendations were proposed by Councillor G. N. Denaro and seconded by Councillor K. May.

**RESOLVED** that the Pay Policy 2023/2024 be approved.

**Budget and Medium Term Financial Plan 2023/24 to 2025/26 (Including Treasury Management Strategy and Capital Programme)**

The Portfolio Holder for Finance and Governance presented the Budget and Medium Term Financial Plan 2023/24 to 2025/26 (Including Treasury Management Strategy and Capital Programme) proposed by the Cabinet for Council's consideration. In doing so, it was noted that the report set out the final 2023/24 to 2025/26 budgets for the Council as its Medium Term Financial Plan (MTFP).

Members were reminded that this year the Council had followed a two Tranche approach to the Budget setting process. In the initial stages of the Budget setting process, the Council had an ongoing £1.6m gap to be closed. The Tranche 1 proposals set out progress made and £1.6m of proposed savings had been identified. However, pressures of £1.6m, mainly due to significant inflationary increases, had resulted in a £1.6m gap remaining to address. It was noted that these Tranche 1 savings and pressures had been agreed by Council at its meeting on 7<sup>th</sup> December 2022.

The Portfolio Holder for Finance and Governance stated that in reviewing basic assumptions (following the Provisional Local Government Settlement on 19<sup>th</sup> December 2022):

- The Council would increase Council Tax by 1.99%. This was less than the additional percentage that the Government had permitted the Council. The rationale behind this was that it was hoped that this smaller amount of increase would strike the right balance between raising much needed income for the Council whilst still recognising the increased bills people were facing during the current cost of living crisis.
- The adjustment of pay inflation increases to the actual award levels which were applied to employees pay budgets in December. This adjustment amounted to £718,000. It was noted that future pay awards were assumed at 2%.

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- An assumption of general inflation increases of 10% had been made and that there would be a 200% increase on utilities fees. Members were reminded that this assumption had not changed since Tranche 1.

In terms of the Provisional Local Government Settlement that had been announced on 19<sup>th</sup> December 2022, it was reported that the Council had received a settlement totalling £1.198m. This included New Homes Bonus funding (£127,000), Services Grant (£68,000), Funding Guarantee (£1.027m) and a £24,000 reduction in the Council Tax Base.

This was positive for the Council and was in line with previous years' overall amounts. However, it was stated that as this was only a one-year settlement, an assumption of an ongoing amount of £1m had been made for the final 2 years of the MTFP.

In addition to the positive news in respect of the Local Government Settlement, further positives were highlighted for Members' attention. These were as follows:

- The final Triennial Pension Fund amounts had added a further £356,000 of ongoing savings for the next three years.
- Officers had reviewed Earmarked Reserves, reallocating £1m to cover half of the 200% utilities increase assumption and reducing budgetary amounts by £351,000 a year.
- Business Rates had many factors impacting on them, including reliefs from the Covid-19 pandemic period. Overall, £517,000 would support the base budget, £100,000 the General Fund and £638,000 to the Financial Services Reserve. As this was assessed by the Government on a yearly basis, only £400,000 benefit had been assumed in future years, £200,000 for the base budget-and £200,000 for the general fund.

This had the combined effect to move the £1.6m deficit position that the Council had been in when Tranche 1 savings had been considered into an £857,000 surplus. However, there were £1.1m of pressures to add to this. Consequently, the bottom-line figure for each year in the MTFP would be:

- A £250,000 deficit in 2023/24
- A £44,000 surplus in 2024/25
- A £431,000 deficit in 2025/26

Council was asked to note that, as set out at the Cabinet meeting held on 18<sup>th</sup> January 2023, the revenue amounts needed to be increased from 2024/25 by £6,000 to fund the CCTV upgrade increases, which were approved by Council in January 2023.

Further information regarding key pressures that remained were provided, these included:

- Refurbishment of the fleet – This refurbishment would extend the life of the existing vehicles for five years and would enable the Council to buy replacement vehicles in 2028 when the supply would be more stable.
- Leisure Contract – It was reported that this was a £550,000 net payment to the Council. However, it was only delivering a £100,000 surplus. It was noted that this had been reviewed with the contractor and budgets adjusted to a £150,000 surplus in 2023/24, increasing to £209,000 in 2024/25, and £275,000 in 2025/26. Members were further informed that this included absorbing the present costs of utilities. If these costs reduced, which seemed to be the case at the time of the meeting, these savings would come to the Council in addition to the above amounts.
- Fund for apprentices £50,000 – This had been allocated in order for the Council to take advantage of apprenticeship levies and “grow” the Council’s own staff.
- Funding of a Data Analyst at a cost of £25,000 – It was reported that currently there was only one staff member who could lead on this kind of work. As the Council moved forward with work on automation and robotics this role would provide support in this area. It was noted that this would indirectly lead to further savings as these processes/changes were embedded in future years’ budgets.
- The extension of the use of Worcestershire Regulatory Services (WRS) to expedite the Planning Enforcement process at a cost of £25,000.
- The increased costs of WRS due to the pay award and other inflationary increases at a cost of £39,000.
- Bringing employee budgets up to the full 2% level for pay awards in 2023/24 and 2024/25 at a cost of £140,000.
- The cost of all out elections in Bromsgrove. This expense was incurred every 4 years and was forecast to be £167,000 in 2023/24.
- The Council Tax Collection Fund was projected to under-recover by £1.020 million. The Council portion of this was 13% which was £132,000 for 2023/24.

Officers had reviewed Earmarked Reserves, which had seen little movement in recent years:

- £1.053m had been able to be reallocated to a Utilities Reserve and £2.682m transferred to the General Fund.
- The majority of funding to support these changes had come from the Covid-19 Pandemic Reserve (£1.177m), the Finance Reserve (£1.000m), and the Economic Regeneration Reserve (£0.600m).
- It was assumed that the Utilities Reserve would reduce to £0 over the MTFP period.

The significant issue for the General Fund was the impact of the 2022/23 overspend position which, as reported in the Quarter 2 Monitoring Report, was £1.472m. The impact of all these factors was that at the end of the MTFP period, the 31<sup>st</sup> March 2026, General Fund Reserve levels were projected to be £5.558m. This was above the 5% level suggested by the Department of Levelling Up Housing and Communities (DHLUC) of £1.4m, although given the overspend in 2022/23, it was noted that a level of 10% would be considered a more prudent benchmark.

The Financial Strategy, as set out in Tranche 1 of the budget setting process, needed to move the Council to financial sustainability in its Revenue Accounts by the 2024/25 financial year. To get to this position there would be the need for investment and possibly the requirement to fund redundancy (both from reserves). These requirements would arise as a result of the Council having to implement changes to the way it operated and in order to continue to become a viable entity going forward. This would take 18 months to implement fully.

The Capital Programme for the next three years was set out in the report. Many of these schemes were already in partial delivery in the 2022/23 financial year. By approving this list, the Council were also agreeing for sums not spent in 2022/23 to be carried forward into 2023/24. The programme was significant, however it was supported by substantial external funding:

- In 2023/24, of the £10.8m programme, £9.1m was externally funded.
- In 2024/25, of the £4.9m programme, £2.7m was externally funded.
- In 2025/26, of the £3.1m programme, £1.6m was externally funded.

The significant Council investment had been the Burcot Housing initiative, which would move to completion towards the middle of 2023.

Linked to the Capital Programme was the Council's Capital Strategy, Treasury Management Strategy, Minimum Revenue Provision Strategy and Investment Strategy. These strategies detailed how the Council could invest surplus funds and borrow to fund its capital investments. Members were asked to note that if Councils "invest for gain", then they could not use the Public Works Loans Board (PWLB) to fund expenditure – which had significantly lower interest rates than private finance. Members were advised that the Council did not "invest for gain".

Council was advised that the opinion of the Interim Chief Finance Officer was that the 2023/24 budget estimates contained considerable risk due to the continued level of uncertainty in the Council's operating environment and a single year financial settlement, making it problematic to develop meaningful assumptions. Key risks to be aware of included:

- The Council had not yet closed its 2021/22 accounts, with the Period 11 Monitoring Report estimated outturn of £367,000 underspend still to be validated.
- The 2022/23 financial monitoring was showing an overspend position of £1.472m.
- The core risks of implementation of any MTFP.
- Loss of key personnel, with the average age of staff being 49. As a result, mitigation plans were being drawn up as part of the Council's Workforce Planning approach.
- The time limited nature of the large Levelling Up and UK Shared Prosperity Funds. If programmes were not delivered within the Government's specified timescales, then the Council would be liable for ongoing delivery expenditure.
- Business Rates Income – especially with the 1st April 2023 revaluations that were being undertaken, actual income received would vary depending on actual Business Rates growth, and levels of appeals.
- The ongoing impact of inflation, especially around utilities.
- Possible change of corporate direction/priorities following the elections in May 2023.

It was the Chief Financial Officer's opinion that the estimates were robust and the level of Reserves adequate.

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The Cabinet's proposals in respect of the Budget and Medium Term Financial Plan 2023/24 to 2025/26 (Including Treasury Management Strategy and Capital Programme) were proposed by Councillor. G. N. Denaro and seconded by Councillor K. May.

During consideration of this item, Councillor P. McDonald proposed an alternative budget on behalf of the Labour Group, as detailed in the main agenda pack. The alternative budget from the Labour Group was seconded by Councillor H. D. N. Rone-Clarke.

In proposing the Motion, Councillor McDonald explained that the alternative budget was based on the figures provided in the MTFP report. However, it did not include an increase to Council Tax. A balanced position with no increase to Council Tax would be achieved by removing the following from the budget:

<b>Savings</b>	<b>£</b>
Play Audit	£11,750
Data Analyst	£25,000
Climate Change Officer	£30,000
<b>Subtotal</b>	<b>£66,750</b>

Withdrawal from Town Hall	£68,000
Withdrawal from Crossgates	£20,000
Withdrawal from General Fund	£29,250
<b>Sub-Total</b>	<b>£117,250</b>

<b>Total</b>	<b>£184,000</b>
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During consideration of this proposal, Councillor McDonald highlighted the current cost of living crisis and the impact on local residents, including the increased use of foodbanks and difficulty in paying households bills. He stated that a Play Audit would be an unnecessary cost that could be carried out by Officers already at the Council rather than paying consultants to undertake the work. Furthermore, it was queried whether the new proposed roles of the Data Analyst and Climate Change Officer were necessary, and he commented that again potentially the Officers in current roles would be able to carry out these duties.

Council was informed that withdrawing payments to Redditch Town Hall and Crossgates would also result in savings.

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It was reported that the withdrawal of £29,250 from the General Fund for 2023/24, although not sustainable in future years, coupled with the savings made as outlined above, would ensure that there was no increase in Council Tax to help alleviate financial pressures of local residents in the short term during the cost of living crisis.

In seconding the proposal, Councillor H. D. N. Rone-Clarke reiterated that the alternative budget proposed by the Labour Group had identified a number of ways that would result in not having to raise Council Tax. It was also suggested that the use of consultants was not always the most effective use of the Council's finances.

Members subsequently discussed the alternative budget from the Labour Group in detail and in doing so commented on the following:

- The potential to use consultancy services, when necessary, in Council operations in order to increase specialist knowledge.
- The role of the Play Audit, to ensure Health and Safety in Council owned recreational places.
- The importance of the Climate Change Officer and Data Analyst posts. These posts would ensure that the Council made stronger progress towards the 'green' targets as set out in the Council's Carbon Reduction Strategy and to develop data collection further in order to improve services to residents and make savings if possible.
- The lack of sustainability of withdrawing money from the General Fund.
- The need for greater collaborative cross party working within the Council in order to provide the best services for residents.

In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, the alternative budget from the Labour Group was subject to a named vote.

Members voting FOR the alternative budget from the Labour Group:

Councillors P. McDonald and H. D. N. Rone-Clarke (2)

Members voting AGAINST the alternative budget from the Labour Group:

Councillors A. Beaumont, S. Colella, R. Deeming, G. N. Denaro, S. Douglas, A. English, C. Hotham, R. Hunter, R. Jenkins, H. Jones, J. King, A. Kriss, K. May, M. Middleton, S. Robinson, M. Sherrey, C.

Spencer, P. Thomas, M. Thompson, J. Till, S. Webb, P. Whittaker and R. Laight (23)

Members ABSTAINING in the vote:

No Councillors (0).

The vote on the alternative budget from the Labour Group was therefore lost.

Members subsequently considered an alternative budget submitted by The Bromsgrove Independent Group. The alternative budget was proposed by Councillor C. Hotham and seconded by Councillor S. Colella.

In proposing the alternative budget Councillor C. Hotham commented that he was disappointed in the lack of a community grants funding scheme in the budget proposed by the Cabinet and explained that these had been successful in the past and had helped to alleviate the pressures on local communities. Therefore, it was proposed in the Bromsgrove Independent Group's alternative budget that the net surplus from the Burcot Lane development, which was likely to be around £10,000 per annum, be used to support a community grants funding scheme in the future.

Council was informed that another proposal in the alternative budget included increasing Council Tax by the full 2.99% as permitted by the Government. It was proposed that the £92,000 raised from the 2.99% increase should be ringfenced and used to invest in youth services within the District. It was hoped that this could result in established Community Safety programmes such as the Friday Night Diversionary Programme and Empowering Young People projects potentially being taken to other parts of the District.

During consideration of this alternative budget the following was discussed by Members:

- The increase in Council Tax of 2.99% and whether this was too great during a cost of living crisis and would impact directly on residents living within the District.
- The assumption that had been made in the alternative budget about the use of the surplus from the Burcot Lane Development. It was highlighted that the plan had been for any surplus to stay

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with the Housing Company in order to impact on the local Housing Market.

- The importance of the work the Community Safety Team undertook in respect of young people and that it was felt that their work needed to be extended across the District. It was however, highlighted that increasing the Council Tax by 2.99% to fund Youth Services could be considered double taxation. This suggestion was made in light of Worcestershire County Council (WCC) providing £530,000 to fund youth services annually. Furthermore, it was stated that WCC had also provided £350,000 from the Contain Outbreak Management Fund (COMF) for the years 2021/2024 to provide additional detached or targeted youth work to support recovery from the Covid-19 pandemic.

In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, the alternative budget from the Bromsgrove Independent Group was subject to a named vote.

Members voting FOR the alternative budget from the Bromsgrove Independent Group:

Councillors S. Colella, A. English, C. Hotham, R. Jenkins and J. King (5)

Members voting AGAINST the alternative budget from the Bromsgrove Independent Group:

Councillors A. Beaumont, R. Deeming, G. N. Denaro, S. Douglas, R. Hunter, H. Jones, K. May, P. McDonald, M. Middleton, S. Robinson, H. Rone-Clarke, M. Sherrey, C. Spencer, P. Thomas, M. Thompson, J. Till, S. Webb, P. Whittaker and R. Laight (19)

Members ABSTAINING in the vote:

No Councillors (0).

The vote on the alternative budget from The Bromsgrove Independent Group was therefore lost.

(Councillor A. Kriss left the room during the vote on the alternative budget from The Bromsgrove Independent Group and as such he did not participate in the vote thereon).

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Members subsequently considered an alternative budget submitted by The Liberal Democrat Group. The alternative budget was proposed by Councillor R. Hunter and seconded by Councillor S. Robinson.

This alternative budget was based on the figures provided in the MTFP report. However, it proposed an increase to Council Tax by an additional 1% (2.99% in total). The £92,000 generated as a result of the increase would be used for an annual subsidy for the Artrix.

In proposing the alternative budget, Councillor Hunter highlighted the lack of support for the Artrix and that the proposed Council Tax increase (which equated to an additional 20p per week on the average Band D property) would raise revenue that could provide financial support. It was noted that the Finance and Budget Working Group had looked at the Council Tax Support Scheme in detail and particularly those residents on the lowest incomes.

During consideration of this alternative budget the following was discussed by Members:

- That the Artrix was not a Council run entity and that a business plan was to be commissioned by The Artrix Holding Trust and considered by the Council in the near future. It was commented that until this happened no one could establish the financial support that would be necessary, and it was suggested that it was therefore premature to assume that the £92,000 of revenue raised by the increase of Council Tax would provide the necessary financial support. In addition to this, the Council Tax bills were to be issued within the following 4 weeks and that an amendment such as this would result in delays to sending this information to residents.
- Residents and Members cared deeply for the Artrix. However, there had been problems with the financial situation when it was open as audiences were not attending in great numbers. Issues had also been experienced with parking and high running costs. Members commented that there had been changes made to the fixtures and fittings of the building, including in relation to carbon reduction measures which had been undertaken as a result of grant funding received.
- The effect on the mental health of residents as a result of having no arts provision in the town. This, it was highlighted could particularly impact on young people in the town who had no provision to showcase their skills and talents in an arts setting.

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Members once again commented that they could not support the increase in Council Tax to 2.99%, at a time when residents were struggling to pay bills and provide food for their families.

In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, the alternative budget from the Liberal Democrat Group was subject to a named vote.

Members voting FOR the alternative budget from the Liberal Democrats:

Councillors S. Colella, S. Douglas, A. English, R. Hunter, R. Jenkins and S. Robinson (6)

Members voting AGAINST the alternative budget from the Liberal Democrats:

Councillors A. Beaumont, R. Deeming, G. N. Denaro, H. Jones, A. Kriss, K. May, M. Middleton, H. Rone-Clarke, C. Spencer, P. Thomas, M. Thompson, J. Till, S. Webb, and R. Laight (14)

Members ABSTAINING in the vote:

No Councillors (0).

The vote on the alternative budget was therefore lost.

[Prior to the consideration of the alternative budget from the Liberal Democrat Group, Councillors C. Hotham, J. King, P. McDonald, M. Sherrey and P. Whittaker declared a pecuniary interest due to their role as members of the Artrix holding Trust. They left the meeting room prior to consideration of this alternative budget and took no part in the vote thereon].

Following consideration of the three alternative budgets, the Portfolio Holder for Finance and Governance asked Members once again to consider the content of the MTFP recommendations from the Cabinet meeting held on 15<sup>th</sup> February 2023.

Members were advised that this had been a difficult three years for the Council as a result of the Covid-19 pandemic. However, there were opportunities for the future and the Levelling Up Funding of £14.5m, the UK Shared Prosperity Funding of £2.8m and the Centres Strategy would be catalysts for regeneration.

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In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, the MTFP 2023/24 to 2025/26 was subject to a named vote.

Members voting FOR the recommendations in the Budget and Medium Term Financial Plan 2023/24 to 2025/26 (Including Treasury Management Strategy and Capital Programme)

Councillors A. Beaumont, R. Deeming, G. N. Denaro, S. Douglas, H. Jones, A. Kriss, K. May, M. Middleton, M. Sherrey, C. Spencer, P. Thomas, M. Thompson, J. Till, S. Webb, P. Whittaker and R. Laight (16)

Members voting AGAINST the recommendations in the Budget and Medium Term Financial Plan 2023/24 to 2025/26 (Including Treasury Management Strategy and Capital Programme)

Councillors P. McDonald and H. D. N. Rone-Clarke (2)

Members voting to ABSTAIN in the vote on the recommendations in the Budget and Medium Term Financial Plan 2023/24 to 2025/26 (Including Treasury Management Strategy and Capital Programme)

Councillors S. Colella, A. English, C. Hotham, R. Hunter, R. Jenkins, J. King and S. Robinson (7)

The vote on the Budget and Medium Term Financial Plan 2023/24 to 2025/26 (Including Treasury Management Strategy and Capital Programme) was therefore carried.

**RESOLVED** that Council approve the:

1. Tranche 2 growth proposals.
2. additional funding to the Council as per the Local Government Settlement on 19th December 2022, including the estimated levels for 2024/25 and 2025/26.
3. Tranche 2 savings proposals, including an Increase of Council Tax at 1.99%.
4. Capital Programme 2023/24 to 2025/26 and associated projects where outstanding budgets to be allowed to be carried forward at the end of the 2022/23 financial year.

5. levels of reserve being carried forward into future years.
6. level of General Fund balances being used to balance budgets over the Medium-Term Financial Plan (MTFP) period.

And that Council **NOTE**

7. The Chief Financial Officer (CFO) Opinion on Estimates and Reserve Levels – the Robustness Statement (Section 25 Statement).

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## **RECOMMENDATIONS FROM THE CABINET MEETING HELD ON 22ND FEBRUARY 2023 (TO FOLLOW)**

### **Council Tax Resolutions**

The Portfolio Holder for Finance and Governance presented the Cabinet's recommendations on the Council Tax Resolutions 2023/24, which had been made at a meeting of the Cabinet held immediately prior to the Council meeting.

Council was informed that this report was seeking the formal approval of the Council Tax Resolutions for 2023/2024. The report took into account the spending requirements of Bromsgrove District Council, Worcestershire County Council (WCC), the Police and Crime Commissioner for West Mercia, Hereford and Worcester Fire Authority and the various Parish Councils. There were nine recommendations contained within the report.

The recommendations were proposed by Council G. N. Denaro and seconded by Councillor K. May.

In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, the Council Tax Resolutions 2023/24 was subject to a named vote.

### **Members voting FOR the Council Tax Resolutions 2023/24:**

Councillors A. Beaumont, S. Colella, R. Deeming, G. N. Denaro, S. Douglas, A. English, C. Hotham, R. Jenkins, H. Jones, A. Kriss, K. May, M. Middleton, M. Sherrey, C. Spencer, P. Thomas, M. Thompson, J. Till, S. Webb, P. Whittaker and R. Laight (20)

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## Members voting AGAINST the Council Tax Resolutions 2023/24:

Councillors P. McDonald and H. D. N. Rone-Clarke (2)

## Members who ABSTAINED in the vote on the Council Tax Resolutions 2023/24:

Councillors R. Hunter, J. King and S. Robinson (3).

The vote on the Council Tax Resolutions was therefore carried.

## **RESOLVED** that Council approve

- 1) The calculation for the Council Tax requirement for the Council's own purposes for 2023/24 (excluding Parish precepts) as **£9,204,565**.
- 2) That the following amounts be calculated for the year 2023/24 in accordance with sections 31 to 36 of the Act:
  - (a) £46,449,077 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (2) of the Act (taking into account all precepts issued to it by Parish Councils) (*i.e.*, *Gross expenditure*)
  - (b) £36,113,337 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (3) of the Act. (*i.e.*, *Gross income*)
  - (b) £10,335,740 being the amount by which the aggregate of 1.2.2(a) above exceeds the aggregate at 1.2.2(b) above, calculated by the Council, in accordance with Section 31A (4) of the Act, as its Council Tax requirement for the year. (Item R in the formula in Section 31B of the Act).
  - (d) £272.57 being the amount at 1.2.2 (c) above (Item R), all divided by Item T (1.1(a) above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts).

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- (e) £1,131,175 being the aggregate amount of all special items (Parish precepts) referred to in Section 34 (1) of the Act (as per the attached **Schedule 3**).
  - (f) £242.74 being the amount at 1.2.2 (d) above less the result given by dividing the amount at 1.2.2 (e) above by Item T (1.1 (a) above), calculated by the Council, in accordance with Section 34 (2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates.
  - (g) The amounts shown in Column 3 of **Schedule 1**. These are the basic amounts of the council tax for the year for dwellings in those parts of the Council's area shown in Column 1 of the schedule respectively to which special items relate, calculated by the Council in accordance with Section 34(3) of the Act. (District and Parish combined at Band D).
  - (h) The amounts shown in Column 5 of **Schedule 1** being the amount given by multiplying the amounts at 2.2.2(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands;
- 1) It be noted that for the year 2023/24, Worcestershire County Council, Police and Crime Commissioner for West Mercia and Hereford and Worcester Fire Authority had issued precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each category of dwelling in the Council's area as indicated below:

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	Valuation Bands							
	A	B	C	D	E	F	G	H
	£	£	£	£	£	£	£	£
Worcestershire County Council	977.19	1,140.05	1,302.92	<b>1,465.78</b>	1,791.51	2,117.24	2,442.97	2,931.56
Police and Crime Commissioner for West Mercia	176.33	205.72	235.11	<b>264.50</b>	323.28	382.06	440.83	529.00
Hereford and Worcester Fire Authority	62.93	73.42	83.91	<b>94.40</b>	115.38	136.36	157.33	188.80

- 4) That having calculated the aggregate in each case of the amounts at 1.2.2(h) and 1.2.3 above, that Bromsgrove District Council in accordance with Sections 30 and 36 of the Local Government Finance Act 1992 hereby sets the amounts shown in **Schedule 2** as the amounts of Council Tax for 2023/24. for each part of its area and for each of the categories of dwellings.
- 5) That the Interim Director of Finance be authorised to make payments under Section 90(2) of the Local Government Finance Act 1988 from the Collection Fund by ten equal instalments between April 2023 to March 2024 as detailed below:

	Precept £	Deficit on Collection Fund £	Total to pay £
Worcestershire County Council	55,581,557.00	(715,149.00)	54,866,408.00
Police and Crime Commissioner for West Mercia	10,029,691.88	(127,825.00)	9,901,866.88
Hereford & Worcester Fire Authority	3,579,733.94	(45,773.00)	3,533,960.94

- 7) That the Interim Director of Finance be authorised to make transfers under Section 97 of the Local Government Finance Act 1988 from the Collection Fund to the General Fund the sum of £10,199,253 being the Council's own demand on the Collection Fund (£9,204,565) and Parish Precepts (£1,131,175) and the distribution of the Deficit on the Collection Fund (-£136,487).

- 8) That the Interim Director of Finance be authorised to make payments from the General Fund to Parish Councils the sums listed on **Schedule 3** by two equal instalments on 1 April 2023 and 1 October 2023 in respect of the precept levied on the Council.
- 9) That the above resolutions to be signed by the Chief Executive for use in legal proceedings in the Magistrates Court for the recovery of unpaid Council Taxes.
- 10) Notices of the making of the said Council Taxes signed by the Chief Executive be given by advertisement in the local press under Section 38(2) of the Local Government Finance Act 1992.

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**TO NOTE THE MINUTES OF THE MEETING OF THE CABINET HELD ON 15TH FEBRUARY 2023 (TO FOLLOW)**

The minutes of the Cabinet meeting held on 15<sup>th</sup> February 2023 were noted.

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**QUESTIONS ON NOTICE**

The Chairman explained that one Question on Notice had been received for the meeting.

**Question submitted by Councillor S. Douglas**

"My question concerns Bromsgrove's unemployment. I am asking because the statistics tell a different story from the apparently amazing current rate that is frequently trumpeted at PMQs. Recent reports say that there is an additional 300.800 unemployed in our region. These people are involuntarily out of work but are now classed as economically inactive, thus 'hidden'. Jobseeker's rate stands at 5.1% not the 3% quoted in Parliament, with the 'hidden' unemployed the figure for the region actually is 14.3%.

What is Bromsgrove's unemployment rate including those 'hidden'? How does this breakdown across age groups?"

The Leader provided the response to the question and in doing so reported that Bromsgrove's unemployment rate was 3.9% as reported by the Office of National Statistics (ONS) from October 2021 - September 2022. It was highlighted that the unemployment figures were model based, and that the unemployment rate was for the 'unemployed as a

percentage of the economically active population' as defined by the ONS in 2023. The economically active population included 'people who were either in employment or unemployed' as defined by the ONS in 2023.

The unemployed population 'referred to people without a job who were available to start work in the two weeks following their interview and who had either looked for work in the four weeks prior to interview or were waiting to start a job they had already obtained.' as defined by the ONS in 2023.

The ONS classification of the 'economically inactive population' was defined as 'people who were neither in employment nor unemployed including students, people looking after family/home, temporary sick, long term-sick, discouraged, retired and other' There was no breakdown across age groups available.

The percentage of economically inactive population in Bromsgrove was reported by the ONS in October 2021 – September 2022 as 22.4%. The percentage represented a proportion of those aged 16-64. The estimated number of economically inactive people was 12,700 (the number was for those aged 16-64). This included 4,500 students and 2,900 retired people. The number of economically inactive people for the remaining categories could not be estimated, as sample sizes were too small to produce reliable estimates or were disclosive. Of the estimated 12,700 economically inactive people (aged 16-64), 12,300 or 97% did not want a job. People not wanting a job were 'people who were neither in employment nor unemployed and who did not want a job.'

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## **MOTIONS ON NOTICE**

The Chairman explained that there had been two Motions on Notice received for this meeting.

### **Worcestershire Unitary Authority**

Council considered the following Motion on Notice that was submitted by Councillor C. Hotham

"This Council asks Officers to fully appraise and report back on the implications for Bromsgrove residents of the introduction of either a whole Worcestershire unitary authority or a smaller North Worcestershire unitary authority."

The Motion was proposed by Councillor Hotham and seconded by Councillor S. Colella.

In proposing the Motion, Councillor Hotham highlighted the financial deficit that had been discussed earlier in the meeting at the Council. He also stated that this was the picture across many Councils across the County. It was noted that these financial difficulties would almost certainly result in cuts to services and impact residents.

Research had been carried out by PricewaterhouseCoopers in 2020 outlining the savings that could potentially be made over five years if a Single or Dual Unitary Authority were to be created. In respect of a Single County Unitary, it was reported that this could potentially generate savings of £126m for a mid-sized county area over five years. For a Dual Unitary Authority, it was reported that the potential savings could be £51m for a mid-sized County area.

Council was advised that Central Government seemed to be pushing for a Unitary approach across the country and there was a danger that if something was not done to start this process, Bromsgrove District Council could be left behind.

During consideration of this Motion, Members raised the positive impacts of having a District Council in a two-tier authority area rather than a unitary authority. It was stated that at District Council level, Members knew communities and understood its needs. It was highlighted that as there were Shared Services operating across both Bromsgrove and Redditch Councils, this would already have a positive impact on savings.

The Portfolio Holder for Finance and Governance stated that there needed to be a unanimous agreement across all local authorities for this Motion to proceed, however this was not the case currently. Research and appraisal would cost time and money and was something Bromsgrove District Council would certainly not consider solely funding.

It was outlined that as there were only three months until District Council elections took place, this would be a decision for the new administration.

On being put to the vote the Motion was lost.

## **Bromsgrove Town Relief Road**

Council considered the following Motion on Notice that was submitted by Councillor R. Hunter:

“We believe a detailed study into alternative options for a Bromsgrove Town relief road is now urgently required in order that chronic traffic congestion can be addressed. It is requested that officers prepare a brief for such a study together with an estimate of the cost and present the brief to the Cabinet for their consideration as soon as possible.”

The Motion was proposed by Councillor Hunter.

In proposing the Motion Councillor Hunter stated that the traffic congestion around Bromsgrove town centre was a critical issue. Local businesses and air quality were being impacted significantly as a result of this and it was noted that this was detrimental to the growth of Bromsgrove in the future.

During consideration of this Motion, Members were advised that WCC was undertaking an extensive piece of work around traffic modelling which would take into account current traffic levels and form part of a Strategic Transport Assessment for the whole of Worcestershire. This included work in relation to the future infrastructure requirements for Bromsgrove District.

It was important for Members to understand that any decisions on future infrastructure needed to consider a wide range of factors, including the role that sustainable modes of transport such as walking, cycling and passenger transport, as well as emerging new technology could play, in reducing the need to travel. Similarly, the impact on the environment of all these interventions needed to be taken into account. A stand-alone assessment of a new route for a road would have limited value without being able to factor in all the other relevant elements fully. It was noted that there needed to be more focus on the reduction in use of cars. This would encourage residents to take alternative modes of transport and reduce the numbers of cars on the roads, thereby improving congestion.

Members once again raised their concerns in respect of the congestion in and around Bromsgrove town centre and highlighted that the large developments at Perryfields and Whitford Road, that had been approved by the Planning Inspectorate, would only compound the issues that were already problematic. In addition, it was raised that there had been discussions regarding a Strategic Transport Assessment which was due to be carried out in 2021. This had still not been received for Council to consider. As a result of this, it was felt that the plans for the relief road were still no further forward than they were prior to the approval by the Planning Inspectorate of those two developments.

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It was with this in mind that Councillor H. D. N. Rone-Clarke proposed the following amendment to the Motion.

'We believe a detailed study into alternative options for a Bromsgrove Town relief road is now urgently required, *as well as a timeline for the release of the new Strategic Transport Assessment (promised by Sep 2022) and the delayed green belt review for Council's consideration*, in order that chronic traffic congestion can be addressed. It is requested that Officers prepare a brief for such a study together with an estimate of the cost and present the brief to the Cabinet for their consideration as soon as possible.'

Councillor Hunter indicated, as the proposer of the original Motion, that he was happy to accept this amendment. Councillor H. D. N. Rone-Clarke subsequently seconded the amended Motion.

On being put to the vote the Motion was lost.

The meeting closed at 9.47 p.m.

Chairman

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**Political Balance and Appointment of Committees**

Relevant Portfolio Holder		Councillor To Be Confirmed	
Portfolio Holder Consulted		No	
Relevant Head of Service		Claire Felton, Head of Legal, Democratic and Property Services	
Report Author Claire Felton	Job Title: Head of Legal, Democratic ad Property Services Contact <a href="mailto:c.felton@bromsgroveandredditch.gov.uk">c.felton@bromsgroveandredditch.gov.uk</a> Contact Tel: (01527) 64252	email:	
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**

**Council is asked to RESOLVE that:-**

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

**2. BACKGROUND**

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

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- 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. OPERATIONAL ISSUES**

- 3.1 The Council is required by law and/or its own Constitution to appoint various Boards and Committees, agree their terms of reference and to agree the allocation of seats which are subject to the rules of political proportionality. It must review the political balance on an annual basis.
- 3.2 The rules of political proportionality mean that the political balance of the Council needs to be reflected in the political composition of individual Boards and Committees. In addition, the total number of seats allocated to each group must reflect the political balance of the Council.
- 3.3 The proposed allocation of seats on each Board/Committee is done on a strict mathematical basis.
- 3.4 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.
- 3.5 For all other committees, substitutes will be notified to the Democratic Services Officers, as required, on the instruction of the Group concerned.

### **4. FINANCIAL IMPLICATIONS**

- 4.1 There are no specific financial implications.

### **5. LEGAL IMPLICATIONS**

- 5.1 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.

### **6. OTHER - IMPLICATIONS**

#### **Relevant Strategic Purpose**

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- 6.1 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**

- 6.2 There are no specific climate change implications.

#### **Equalities and Diversity Implications**

- 6.3 There are no specific equalities and diversity implications.

### **7. RISK MANAGEMENT**

- 7.1 Given there is a legal duty on Councils to allocate the seats on certain Committees in proportion to the size of the political groups on the Council Members do need to agree the political balance.
- 7.2 There is a risk that if a political balance is not agreed for the Council this could cause reputational damage.

### **8. APPENDICES and BACKGROUND PAPERS**

Appendix 1 – Political Balance (To follow)

Appendix 2 – Committee Terms of Reference

### **9. REPORT SIGN OFF**

<b>Department</b>	<b>Name and Job Title</b>	<b>Date</b>
Lead Director / Head of Service	Claire Felton, Head of Legal, Democratic and Property Services	May 2023
Financial Services	Pete Carpenter, Interim Section 151 Officer	May 2023
Legal Services	Claire Felton, Head of Legal, Democratic and Property Services	May 2023

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### APPEALS PANEL

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

### APPOINTMENTS COMMITTEE

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

	<p>paragraph 3 of the Officer Employment Procedure Rules, one member of the Panel must be a member of the Cabinet (paragraph 4 (2) of the Rules).</p> <p>Only those Councillors who have undertaken appropriate training may sit on the Appointment Committee..</p> <p>The Shared Service arrangements between Bromsgrove District and Redditch Borough Councils require the Chief Executive, Monitoring Officer, Section 151 officer and other Chief Officers to carry out work for both authorities. In the light of this the Leader of Redditch Borough Council will be co-opted onto the Appointments Panel as a non-voting member.</p>
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### AUDIT, STANDARDS AND GOVERNANCE COMMITTEE

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

	<p>exposure to risk and poor internal control;</p> <p>c. the annual governance statement.</p> <p>d. The review of the annual statement of accounts, confirming the appropriate accounting policies have been followed, including the external auditor’s report to those charged with governance on issues arising from the audit of the accounts.</p> <p><u>Appointment of External Auditors</u></p> <p>e. To arrange the recruitment and operation of the Council’s Auditor Panel, in accordance with the requirements of the Audit and Accountability Act 2014.</p> <p><u>Standards</u></p> <p>f. Promote and maintain high standards of conduct by Councillors and any co-opted members of Council bodies.</p> <p>g. Assist Councillors and co-opted members to observe the Members’ Code of Conduct.</p> <p>h. Advise the Council on the adoption or revision of the Members’ Code of Conduct.</p> <p>i. Monitor the operation of the Members’ Code of Conduct.</p> <p>j. Advise, train or arrange to train Councillors and co-opted members on matters relating to the Members’ Code of Conduct.</p> <p>k. Formulate advice for Members and officers on declarations of gifts and hospitality and monitor and review the arrangements for recording interests, gifts and hospitality.</p> <p>l. Grant dispensations to Councillors and co-opted members from requirements relating to interests set out in the Members’ Code of Conduct.</p> <p>m. For both District and Parish Councils, deal with</p>
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	<p>any report from the Monitoring Officer following an investigation into a complaint concerning the Members' Code of Conduct (statutory requirement).</p> <p>n. For both District and Parish Councils, consider and determine allegations that a Councillor or co-opted Councillor may have failed to follow the Code of Conduct and where a breach of the Code is established, impose sanctions as delegated by full Council or make recommendations as to any sanctions to the appropriate person or body (statutory requirement).</p> <p>o. Monitor and review the operation of the Protocol on Member-Officer relations.</p> <p>p. Monitor and review the operation of the Protocol on Member-Member relations.</p>
Special provisions as to the Chairman	None
Whipping arrangements	The party whip must not be applied
Substitutes	<p>Substitutes are permitted</p> <p>A substitute is permitted for the Co-opted Non-voting Parish Representative (who shall not be a member of the same Parish Council as either of the Parish members).</p>
Officer attendance	S151 Officer, Monitoring Officer and Audit Services Manager or their deputies are expected to attend each meeting.
Special provisions as to membership	<p>Quasi-judicial meetings training will be required before members sit on hearings.</p> <p>Members of the Cabinet or the Chairman of the Council may not be a member of or substitute on the Audit, Standards &amp; Governance Committee.</p>

### ELECTORAL MATTERS COMMITTEE

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

### LICENSING COMMITTEE

Number of Members	11
Politically Balanced Y/N	Y
Quorum	6
Procedure applicable	Rules Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10-11, 13.4, 13.5, 14 and 21)
Terms of Reference	<ol style="list-style-type: none"> <li>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</li> <li>2. Enforcement of licensing and registration</li> <li>3. To determine street amenity consents</li> </ol>
Special provisions as to the Chairman	None
Whipping arrangements	No whipping is permitted
Special provisions as to membership	<p>Only those Councillors who have undertaken appropriate training may sit on the Licensing Committee.</p> <p>Neither the Leader nor Deputy Leader may be a member of the Licensing Committee</p>

### LICENSING SUB-COMMITTEE (Parent Committee – Licensing Committee)

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

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

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

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

	<p>Committee</p> <p>Only those Councillors who have undertaken appropriate training may sit on the Licensing (Miscellaneous) Sub-Committee.</p>
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### OVERVIEW AND SCRUTINY BOARD

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

	<ul style="list-style-type: none"> <li>• Council Annual Report</li> <li>• Improvement Plan</li> <li>• Performance Management Strategy/Data Quality Strategy</li> <li>• Quarterly Finance &amp; Performance Monitoring report</li> </ul>
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.

### 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"> <li>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"> <li>a. considering and determining applications for planning permission</li> <li>b. enforcement of planning control</li> <li>c. building preservation, Listed Buildings and Conservation areas</li> <li>d. Tree preservation orders</li> <li>e. Control of advertisements</li> <li>f. Footpath diversion orders under the Town and Country Planning legislation</li> <li>g. Certificates of Lawfulness</li> <li>h. Operational planning policies</li> </ol> </li> <li>2. To comment on proposals for development submitted by Worcestershire County Council and other public authorities</li> <li>3. To determine High Hedges applications in accordance with Part 8 of the Anti-Social Behaviour Act 2003</li> </ol>
Special provisions as to	The Chairman of Planning cannot be a member of

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

### STATUTORY OFFICERS DISCIPLINARY ACTION PANEL

Number of Members	8 made up of 5 District Council Members, 2 Independent Persons with voting rights and the Leader of Redditch Borough Council as co-optee
Politically Balanced Y/N	Y
Quorum	7
Procedure applicable	Rules Officer Employment Procedure Rules (incorporating the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015) and applicable Council Procedure Rules
Terms of Reference	In relation to disciplinary action affecting the statutory posts of head of the authority's paid service, monitoring officer and chief finance officer, to consider the issues, including the conclusions of any investigation, and make recommendations to Full Council as to dismissal or alternative action.
Special provisions as to the Chairman	None
Officer attendance	When meeting to determine an issue relating to disciplinary action the committee will be supported by independent external legal advisors.
Special provisions as to membership	The shared service arrangements between Bromsgrove District and Redditch Borough Councils require the Chief Executive, Monitoring Officer, Section 151 officer and other Chief Officers to carry out work for both authorities. In the light of this the Leader of Redditch Borough Council will be co-opted onto the Committee as a non-voting

	<p>member.</p> <p>Only those Councillors who have undertaken appropriate training may sit on the Statutory Officers Disciplinary Action Panel.</p>
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**Annual Council**  
2023

24<sup>th</sup> May

### Appointments to the Artrix Holding Trust

Relevant Portfolio Holder	To be confirmed
Portfolio Holder Consulted	No
Relevant Head of Service	Claire Felton, Head of Legal, Democratic and Property Services
Report Author Claire Felton	Job Title: Head of Legal, Democratic and Property Services Contact email: <a href="mailto:c.felton@bromsgroveadredditch.gov.uk">c.felton@bromsgroveadredditch.gov.uk</a> Contact Tel: (01527) 64252
Wards Affected	Bromsgrove Central
Ward Councillor(s) consulted	No
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 consider nominating up to six Members to serve on the Artrix Holding Trust for a four-year term up to 2027.**

#### 2. **BACKGROUND**

- 2.1 The Council makes appointments and nominations to a number of Outside Bodies each year, including to the Artrix Holding Trust.
- 2.2 This report details the reasons why the nominations to the Artrix Holding Trust need to be considered at the Annual Council meeting and invites Members to consider proposing nominations to serve on the Trust.

#### 3. **OPERATIONAL ISSUES**

- 3.1 Members are invited to make nominations to serve on outside bodies each year.
- 3.2 A detailed report concerning outside body nominations is due to be considered at the meeting of Council scheduled to take place on 19<sup>th</sup> July 2023.
- 3.3 However, nominations need to be discussed urgently to the Artrix Holding Trust prior to this date as the terms of office of those Members who were previously appointed to the Trust have now ended.

- 3.4 The terms of the Trust Deed require trustees nominated by the Council to be appointed to serve on the Artrix Holding Trust.
- 3.5 A total of six Members can be appointed to the Artrix Holding Trust and nominations are requested to fill these spaces.
- 3.6 The Council has been made aware by the Trust that operationally they intend to review the existing Trust structure and that the term of appointment for trustees may be amended as part of that process.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 There are no specific financial implications.

#### **5. LEGAL IMPLICATIONS**

- 5.1 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.
- 5.2 The Local Authorities (Indemnities for Members and Officers) Order 2004 governs the Council's ability to indemnify members sitting on outside bodies.

#### **6. OTHER - IMPLICATIONS**

##### **Relevant Strategic Purpose**

- 6.1 The action proposed in this report supports the strategic purpose "an effective and sustainable Council".
- 6.2 By making appointments to the Artrix Holding Trust the Council will also enable the Trust to continue to operate effectively.

##### **Climate Change Implications**

- 6.3 There are no specific climate change implications.

##### **Equalities and Diversity Implications**

- 6.4 There are no specific equalities and diversity implications.

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#### 7. RISK MANAGEMENT

7.1 There would be risks arising if the Council failed to make appointments to the Artrix Holding Trust. The Council needs to participate to ensure that existing governance arrangements can be complied with. In addition, non-participation could detract from the Council's ability to shape and influence policies and activities which affect the residents of Bromsgrove.

#### 8. APPENDICES and BACKGROUND PAPERS

Appendix 1 – Information regarding the nomination

#### 9. REPORT SIGN OFF

Department	Name and Job Title	Date
Lead Director / Head of Service	Claire Felton, Head of Legal, Democratic and Property Services	May 2023
Financial Services	Interim Section 151 Officer	May 2023
Legal Services	Claire Felton, Head of Legal, Democratic and Property Services	May 2023

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## Appendix 1 Council Appointments to Outside Bodies – nominations to the Artrix Holding Trust

Organisation	No. of Appts & Length of Office	Appointments 2022/2023	Nominations May 2023
Bromsgrove Arts Development (Holding Trust)	<b>6</b> 4 years  <b>(note previous four year period ended 2023)</b>	M. Sherrey M. Glass P. Whittaker C. Hotham  P. McDonald replaced H. Rone-Clarke on 19.05.21  J. King replaced M. Middleton on 25.01.23	

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**Annual Council**  
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**Report title: Scheme of Delegations**

Relevant Portfolio Holder	Councillor TBC
Portfolio Holder Consulted	
Relevant Head of Service	Claire Felton, Head of Legal, Democratic and Property Services
Report Author Claire Felton	Job Title: Head of Legal, Democratic and Property Services Contact email: <a href="mailto:c.felton@bromsgroveandredditch.gov.uk">c.felton@bromsgroveandredditch.gov.uk</a> Contact Tel: (01527) 64252
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**

**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 current scheme for noting.

**3. OPERATIONAL ISSUES**

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

3.2 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.

### Annual Council 2023

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- 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.

#### **4. FINANCIAL IMPLICATIONS**

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

#### **5. LEGAL IMPLICATIONS**

- 5.1 Review and revision of the Constitution is governed by Article 15 of the Constitution.
- 5.2 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.

#### **6. OTHER - IMPLICATIONS**

##### **Relevant Strategic Purpose**

- 6.1 The action proposed in this report supports the strategic purpose “an effective and sustainable Council”.
- 6.2 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**

- 6.3 There are no specific climate change implications.

##### **Equalities and Diversity Implications**

- 6.4 There are no specific equalities and diversity implications.

## Annual Council 2023

24th May

### 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 as of May 2023

### 9. **REPORT SIGN OFF**

<b>Department</b>	<b>Name and Job Title</b>	<b>Date</b>
Lead Director / Head of Service	Claire Felton, Head of Legal, Democratic and Property Services	May 2023
Financial Services	Pete Carpenter, Interim Section 151 Officer	May 2023
Legal Services	Claire Felton, Head of Legal, Democratic and Property Services	May 2023

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## APPENDIX 1

### Scheme of Delegation: Introduction

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

#### Delegations to Committees and Sub-Committees

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

#### Delegations to Officers

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

absence be exercised by the Executive Directors, Deputy Chief Executive, Monitoring Officer or Section 151 Officer as may be appropriate.

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

### **Calling-In Procedure for Ward Members for Planning Committee**

7. When a ward member wishes to call in an application to Planning Committee for consideration, they will, within 21 days of receipt of the notification of that application, contact the case officer and set out their reasons for wanting the application to be considered at committee rather than by officer delegation. The case officer will, in writing, record the request and reasons and send a written record to the Portfolio Holder, Chairman of the Planning Committee and any other ward member(s) for the area in which the application site is situated, of the request and reasons.
8. If a request is made after the deadline set out in paragraph 7 above, the Chairman of the Planning Committee shall make the final decision, taking into account all relevant matters, as to whether the application is considered by the Planning Committee, and will inform the case officer of his decision within 2 working days of receiving the request from the case officer. The ward member who made the request will also be informed of the Chairman's decision.

### **Interpretation of the Scheme of Delegations**

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

## Bromsgrove District Council

### Constitution

#### Chapter 10 – Officers and the Scheme of Delegation

#### Appendix 3A – The Scheme of Delegations

<b>TRANSFORMATION AND HUMAN RESOURCES</b>			
<b>1. IT and Street naming and numbering</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
IT Development.	To monitor and update the Council’s IT development strategy.	Cabinet/ Leader.	Head of Transformation, OD and Digital Services.
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, OD and Digital Services following consultation with the Ward Member and, where relevant, Parish Council.
Regulation of Investigatory Powers Act.	See Corporate delegations	Council.	See corporate delegations

<b>2. Human Resources</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Grants and Honoraria.	To make decisions on the payment of gratuities and honoraria to Council employees undertaking additional duties, provided budgetary provision exists.	Council.	Executive Director Finance and Resources in consultation with the Portfolio Holder.
Posts - Addition, Deletion.	Within the policy and budgets decided by the Council, to make decisions on the addition and deletion of posts and on adjustments to working 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, OD and Digital Services.
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.

# Agenda Item 13

## PART 6

Appeals.	To consider and determine appeals in respect of discipline, dismissal, the exercising of delegations (in respect of pension matters) for staff below the level of Head of Service.	Council.	Any one of the following: Chief Executive, Deputy Chief Executive Directors, Heads of Service (other than Head of Transformation, OD and Digital Services) or a consultant selected by the Head of Transformation, OD and Digital Services.
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, OD and Digital Services.
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, OD and Digital Services.
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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# Agenda Item 13

## PART 6

<p>Early Retirement Payments.</p>	<p>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.</p>	<p>Council.</p>	<p>Chief Executive in consultation with The Executive Director, Finance and Resources, Head of Transformation, OD and Digital Services and the relevant Portfolio Holder.</p>
<p>Examination Success and other Achievements.</p>	<p>Within the budget determined by Council, to make decisions on matters arising from examination success or other special achievements by Council employees.</p>	<p>Cabinet/Leader.</p>	<p>Heads of Service in consultation with Head of Transformation, OD and Digital Services</p>
<p>Overtime Payments.</p>	<p>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.</p>	<p>Council.</p>	<p>Chief Executive, Executive Directors, Deputy Chief Executive, Heads of Service.</p>
<p>Pay Award.</p>	<p>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.</p>	<p>Council.</p>	<p>Financial Services Manager.</p>
<p>Pay Protection.</p>	<p>To determine an appropriate pay protection policy for all staff.</p>	<p>Council.</p>	<p>Head of Transformation, OD and Digital Services in consultation with the Chief Executive and Executive Director - Finance and Corporate Resources.</p>

# Agenda Item 13

## PART 6

Recruitment Scheme of Allowances.	To review on a regular basis the Council's policy and allowance rate in respect of the recruitment scheme of allowances (moving house).	Council.	Head of Transformation, OD and Digital Services.
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, OD and Digital Services.
Travel Allowances.	<ol style="list-style-type: none"><li>1. To implement increases in respect of the lump sum and mileage allowance payable to all staff in accordance with circulars issued by the Joint National Council and National Joint Council.</li><li>2. To implement and review increases in respect of subsistence allowances on an annual basis.</li></ol>	Council.	1. & 2. Finance Services Manager

<b>COMMUNITY SERVICES</b>			
<b>1. Strategic Housing</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Discretionary Housing Assistance Grants.	To determine applications for Housing Assistance Grants under the Regulatory (Housing Assistance Grants) (England and Wales) Order 2002.	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"> <li>1. To approve, revoke and vary licences relating to houses in multiple occupation under the Housing Act 2004.</li> <li>2. To sign housing-related notices for houses in multiple occupation under the Housing Act 2004.</li> <li>3. To inspect conditions under the Housing Health and Safety Rating System - Housing Act 2004.</li> <li>4. To issue interim and final orders</li> </ol>	<ol style="list-style-type: none"> <li>1. Cabinet/ Leader</li> <li>2. Cabinet/ Leader.</li> <li>3. Cabinet/ Leader.</li> <li>4. Cabinet/ Leader</li> </ol>	<ol style="list-style-type: none"> <li>1. Strategic Housing Manager.</li> <li>2. Strategic Housing Manager.</li> <li>3. Strategic Housing Manager.</li> <li>4. Strategic Housing Manager</li> </ol>
Housing Act 1985 and Housing Act 2004.	<p>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"> <li>1. To administer the Council's low cost housing scheme including the making of nominations and the sale of the Council's interest in dwellings.</li> <li>2. To take all necessary action including the institution of legal proceedings to recover deferred payments from the purchases of low cost homes who are in breach of covenants made in the purchase of low cost housing.</li> <li>3. To revise fees in relation to low cost housing transactions.</li> </ol>	<ol style="list-style-type: none"> <li>1. Cabinet/ Leader.</li> <li>2. Cabinet/ Leader.</li> <li>3. Cabinet/ Leader.</li> </ol>	<ol style="list-style-type: none"> <li>1. Strategic Housing Manager.</li> <li>2. Principal Solicitor.</li> <li>3. Head of Legal, Democratic and Property Services, Head of Community Services and Financial Services Manager in</li> </ol>

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			consultation with the relevant Portfolio Holders.
Mandatory Disabled Facilities Grant.	<ol style="list-style-type: none"> <li>1. To determine applications for housing grants under the Housing Grants, Construction and Regeneration Act 1996.</li> <li>2. To grant extensions of time of up to six months within which improvements are to be completed.</li> </ol>	<ol style="list-style-type: none"> <li>1. Cabinet/ Leader.</li> <li>2. Cabinet/ Leader.</li> </ol>	<ol style="list-style-type: none"> <li>1. Strategic Housing Manager.</li> <li>2. Head of Community Services.</li> </ol>
Protection from Eviction Act.	To take appropriate action (including the institution of criminal or civil proceedings).	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 entry under the following legislation:-</p> <ul style="list-style-type: none"> <li>• Caravan Sites and Control of Development Act 1960</li> <li>• Caravan Sites Act 1968</li> </ul>	<p>Council</p> <p>Cabinet/Leader</p>	<p>Strategic Housing Manager in consultation with the Principal Solicitor</p> <p>Strategic Housing Manager</p>

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Energy Efficiency (Private Rented Sector) (England & Wales) Regulations 2015	To implement enforcement powers under the Energy Efficiency (Private Rented Sector) (England & Wales) Regulations 2015  <i>(Delegation agreed by Members in October 2022)</i>	Cabinet	Head of Community Services
First Homes	To make amendments to Council's the First Homes Policy to reflect future Government guidance  <i>(Delegation agreed by Members in October 2022)</i>	Cabinet	Head of Community Services following consultation with the Portfolio Holder for Strategic Housing
Local Lettings Plan	To agree and adopt future Local Lettings Policies  <i>(Delegation agreed by Members in October 2022)</i>	Cabinet	Head of Community Services following consultation with the Portfolio Holder for Strategic Housing
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

<b>COMMUNITY SERVICES</b>			
<b>1.Community Safety</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
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 Principal 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, Regeneration and Leisure Services and 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 Planning, Regeneration and Leisure 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,

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			Regeneration and Leisure Services and Head of Worcestershire Regulatory Services and where appropriate the Ward Member.
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<b>3. CCTV/Lifeline</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by</b>	<b>Delegated to</b>
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

<b>CORPORATE DELEGATIONS</b>			
<b>1. Corporate</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Authentication of Documents.	To sign any document necessary to any legal procedure or proceedings on behalf of the Council.	Council.	Chief Executive (unless any enactment otherwise authorises or requires or the Council has given requisite authority to some other person).
Consultation Documents.	<p>1. To respond on behalf of the Council to consultation documents where there is insufficient time for a response to be agreed by Full Council and where it affects the District of Bromsgrove.</p> <p>[NOTE: For the purposes of this delegation a consultation shall not be regarded as affecting the District of Bromsgrove if it relates to a national issue and would have no more 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"> <li>1. To act in accordance with the delegated procedures set out in the Emergency Plan.</li> <li>2. To enable Officers to undertake appropriate communications activity during an emergency without recourse to members, should the situation require an immediate response.</li> <li>3. To 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.</li> <li>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.</li> </ol>	<p>1. - 3. Cabinet Leader.</p>	<ol style="list-style-type: none"> <li>1. Chief Executive, Executive Directors, Deputy Chief Executive, Executive Director &amp; Heads of Service.</li> <li>2. Chief Executive, Deputy Chief Executive, Executive Director.</li> <li>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.</li> <li>4. Chief Executive or other Directors in his/her absence, following consultation with the Leader or, in his/her absence, the Deputy Leader</li> </ol>
<p>Proper Officer.</p>	<ol style="list-style-type: none"> <li>1. To sign summonses to Council Meetings and to receive notices regarding addresses to which summons to meeting is to be sent under provisions of paragraphs 4(1A) and 4(1B) of Schedule 12 to the Local Government Act 1972.</li> </ol>		<ol style="list-style-type: none"> <li>1. Chief Executive or in his/her absence the Monitoring Officer.</li> </ol>

	<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"> <li>a. Sections 83(1) to (4) - Witness and receipt of acceptance of office.</li> <li>b. Section 84 - Receipt of declaration of resignation of office.</li> <li>c. Section 89 (1) (b): Receipt of notice of casual vacancy from two local electors.</li> <li>d. Section 229(5): Certification of photographic copies of document.</li> <li>e. Sections 234(1) and (2): Authentication of documents.</li> <li>f. Section 88 (2): Convening of meeting to fill casual vacancy in the office of Chairman.</li> <li>g. Section 210 (6) and (7): Charity functions of holders of offices with existing authorities transferred to holders of equivalent office with new authorities, or, if there is no such office to "Proper Officers".</li> </ul>		<ul style="list-style-type: none"> <li>a. Chief Executive.</li> <li>b. Chief Executive.</li> <li>c. Head of Legal, Democratic and Property Services.</li> <li>d. Head of Legal, Democratic and Property Services.</li> <li>e. Head of Legal, Democratic and Property Services.</li> <li>f. Chief Executive.</li> <li>g. Head of Legal, Democratic and Property Services.</li> </ul>

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

<b>2. Monitoring Officer</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Constitution and Scheme of Delegation - amendments.	1. To make amendments to the Scheme of Delegation and other areas of the Constitution in order to reflect changes in legislation or regulations, job titles and the reallocation of functions of the Council between departments, provided that the amendments do not extend or reduce the existing delegations or other powers and duties currently listed in the Constitution.	Council.	Monitoring Officer.
	2. To make amendments to that part of the Constitution which comprises the Management Arrangements to the extent that such amendment reflects either a change in personnel or changes to the corporate structure which have been agreed by Council.		Monitoring Officer.
Independent Members of 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"> <li>• Short listing of candidates in consultation with the Chairman of the Committee for interview by the Appointments Committee;</li> <li>• Where only one candidate meets the essential criteria, in consultation with the Chairman of the Committee to make recommendations to Council.</li> </ul>	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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<b>ENVIRONMENT</b>			
<b>1. Business Waste Collection and Recycling Service</b>			
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
<b>2. Cemeteries</b>			
Cemeteries.	<ol style="list-style-type: none"> <li>1. To operate the Bromsgrove Cemetery and North Bromsgrove Cemetery within the Budget and Policy Framework.</li> <li>2. To determine applications to sell flowers at Bromsgrove Cemetery and North Bromsgrove Cemetery and to determine a suitable charge.</li> <li>3. To remove and dispose of floral tributes remaining on a grave where the grave owner has not complied with two written requests to remove tributes.</li> </ol>	<ol style="list-style-type: none"> <li>1. Cabinet/ Leader.</li> <li>2. Cabinet/ Leader.</li> <li>3. Cabinet/ Leader.</li> </ol>	<ol style="list-style-type: none"> <li>1. &amp; 2. Head of Environmental Services; Environmental Services Manager and Bereavement Services Manager, Head of Environmental Services; Environmental Services Manager and Bereavement Services Manager</li> </ol>

<b>3. Use of land / dogs</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Flowers, Bulbs and Trees.	To approve requests from charitable organisations to plant flowers, bulbs and trees in support of the Charity 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 Planning, Regeneration and Leisure 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.

<b>4. Car Parking and Transport</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Car Parks - Holding of Events.	To determine requests to hold events on any Council car park.	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"> <li>1. To make amendments to the Car Parking Order (other than alterations to car parking charges and excess penalty notice charges).</li> <li>2. To make amendments to the Car Parking Order to alter car parking charges and excess penalty notice charges where such alterations have been approved by Council or Executive/ Leader, as appropriate.</li> </ol>	<ol style="list-style-type: none"> <li>1. Cabinet/ Leader.</li> <li>2. Cabinet/ Leader.</li> </ol>	<ol style="list-style-type: none"> <li>1. Head of Environmental Services.</li> <li>2. Head of Environmental Services.</li> </ol>
Off Street Parking - Removal of Vehicles.	To arrange for the removal of any vehicle left in a parking place in contravention of an Order made by the Council under the Road Traffic Regulation Act 1984 relating to off-street parking or to arrange for the alteration of the position of any vehicle so its position complies with the provision of such an Order.	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.

<b>5. Trees</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
High Hedges.	<ol style="list-style-type: none"> <li>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"> <li>a. such applications are submitted by or on behalf of any officer of the Council or any Parish Council within the District of Bromsgrove.</li> <li>b. such applications are submitted by or on behalf of any County, District or Parish Councillor whose ward is within the district of Bromsgrove.</li> <li>c. any County, District or Parish Councillor whose ward is within the District of Bromsgrove is affected by such an application.</li> </ol> </li> <li>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.</li> </ol>	<ol style="list-style-type: none"> <li>1. Council.</li> <li>2. Planning Committee.</li> </ol>	<ol style="list-style-type: none"> <li>1. Planning Committee</li> <li>2. Head of Environmental Services.</li> </ol>
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, Regeneration and Leisure Services.

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	<p>324 of the Town &amp; Country Planning Act 1990.</p> <p>2. To issue and serve notices of intended inspection under sections 196A, 214B, 324 and 325 of the Act.</p>	<p>2. Planning Committee.</p>	<p>2. 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 &amp; Country Planning Act 1990 in cases where objections have been received.</p> <p>2. To confirm Tree Preservation Orders in all other cases.</p>	<p>1. Council.</p> <p>2. Planning Committee.</p>	<p>1. Planning Committee.</p> <p>2. Head of 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"> <li>a. the felling of small trees.</li> <li>b. the removal of dead, dying or diseased trees.</li> <li>c. pruning for reasons of health and safety to trees of any size.</li> <li>d. minor pruning works.</li> <li>e. the felling of conifers and pioneer trees species (including but not limited to birch, ash, rowan and hawthorn).</li> </ol>	<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"> <li>1. To revoke or vary a Tree Preservation Order where the original confirmation was made by Planning Committee.</li> <li>2. To revoke or vary in all other cases</li> </ol>	<ol style="list-style-type: none"> <li>1. Council</li> <li>2. Planning Committee</li> </ol>	<ol style="list-style-type: none"> <li>1. Planning Committee</li> <li>2. Head of Environmental Services</li> </ol>
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"> <li>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"> <li>a. To take any steps necessary to make the trees safe (whether by felling or otherwise) where</li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>1. Planning Committee</li> </ol>	<ol style="list-style-type: none"> <li>1. Head of Environmental Services</li> </ol>

	<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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<b>6. Enforcement and Fixed Penalty Notices within Environmental Services</b>			
<p>Enforcement &amp; Fixed Penalty Notices for Environmental Services</p>	<p>1. To take enforcement action in relation to the Council’s enforcement powers under the legislation detailed in (a) below, including the issuing of Fixed Penalty Notices.</p>	<p>Cabinet/Leader</p>	<p>Head of Environmental Services</p>
	<p>2. To select and authorise officers to take enforcement action in relation to the Council’s enforcement powers under the legislation detailed in (a) below, including the power to give advice to offenders, to issue verbal warning and written warnings and issue Fixed Penalty Notices.</p>	<p>Cabinet/Leader</p>	<p>Head of Environmental Services</p>
	<p>3. To commence court proceedings where necessary including authorising court proceedings, or defending any action</p>	<p>Cabinet/Leader</p>	<p>Head of Environmental Services in consultation with Principal Solicitor.</p>
	<p>4. To administer Formal Cautions as an alternative to court Proceedings.</p>	<p>Cabinet/Leader</p>	<p>Officers authorised in writing by the Head of Environmental Services.</p>
	<p>(a) Refuse Disposal (Amenity) Act 1978, Control of Pollution (Amendment) Act 1989, Environmental Protection Act 1990, Anti-social Behaviour Act 2003 and Clean Neighbourhoods and Environment Act 2005.</p>		

<b>HOUSING</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by</b>	<b>Delegated to</b>
Allocation of Accommodation	To approve nominations for housing applicants qualifying under the Council's Allocation Policy.	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"> <li>a. applicants who have not been granted tenancies but who have been selected under either sections 193 or 195 of the Housing Act 1996 and qualify for an offer of a secure tenancy from the Housing Register based on the Council's Allocations Scheme date order; and</li> </ul>	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, Democratic and Property 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, Democratic and Property 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, Regeneration and Leisure Services.</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"> <li>1. To administer the Council's Low Cost Housing Scheme, including the making of nominations and the sale of the Council's interest in dwellings.</li> <li>2. To take all necessary action, including the institution of legal proceedings to recover deferred payments from the purchases of low cost homes who are in breach of covenants made in the purchase of these homes.</li> <li>3. To revise fees in relation to low cost housing transactions.</li> </ol>	<p>1. – 3. Cabinet/ Leader.</p>	<ol style="list-style-type: none"> <li>1. Head of Planning, Regeneration and Leisure Services.</li> <li>2. Principal Solicitor.</li> <li>3. Head of Legal, Democratic and Property Services, Head of Planning, Regeneration and Leisure Services and Financial Services Manager in consultation with the relevant Portfolio Holders.</li> </ol>
<p>Planning Consultants.</p>	<ol style="list-style-type: none"> <li>1. To engage the services of consultants to advise officers and given evidence at public local enquiries.</li> <li>2. To engage the services of consultants in such cases as</li> </ol>	<ol style="list-style-type: none"> <li>1. Cabinet/ Leader.</li> <li>2. Cabinet/ Leader</li> </ol>	<p>1. &amp; 2. Principal Solicitor or Head of Planning, Regeneration and Leisure Services.</p>

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

	<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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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"> <li>1. To take action including the institution of legal proceedings in relation to trespass or unauthorized encampments on any land or premises owned by the Council.</li> <li>2. To take action including the institution of legal proceedings in relation to trespass or unauthorized encampments on any land or premises in the District insofar as the Council is empowered to do so.</li> <li>3. To give directions under section 77 of the Criminal Justice and Public Order Act 1994.</li> </ol>	1. – 4. 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><b>2. Elections</b></p>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
<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, Democratic and Property 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"> <li>a. Electoral Registration Officer under section 8 of the Representation of the People Act 1983;</li> <li>b. Returning Officer for elections of Councillors of the district and for elections for Councillors of parishes within the District under S53 of the Representation of the People Act 1983.</li> </ul>	<p>Council.</p>	<p>Chief Executive.</p>

<b>3. Democratic Services</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Programme of Council and Committee meetings.	To agree the programme of Council and Committee meetings.	Council.	Head of Legal, Democratic and Property Services following consultation with the Executive/Leader and relevant Portfolio Holder.
Members' Expenses.	<ol style="list-style-type: none"> <li>1. To administer payments made under the Members' Allowance Scheme.</li> <li>2. To approve attendance at and payment of expenses for Members at conferences organised by external bodies in accordance with the Council's agreed policy and criteria.</li> </ol>	<ol style="list-style-type: none"> <li>1. Council.</li> <li>2. Council.</li> </ol>	<ol style="list-style-type: none"> <li>1. Principal Democratic Services Officer.</li> <li>2. Principal Democratic Services Officer.</li> </ol>
Remuneration Panel Members.	To undertake all the administrative arrangements, including short-listing of candidates, in respect of the recruitment of members to the Independent Remuneration Panel.	Council.	Principal Democratic Services Officer.

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

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

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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 &amp; Council Policy frameworks.</p> <p>6. To determine dates for the closure of recreational facilities for Bank Holidays, Christmas and New Year Holidays.</p>		<p>4. Head of Planning, Regeneration and Leisure Services 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 Planning, Regeneration and Leisure Services.</p> <p>6. Head of Planning, Regeneration and Leisure Services.</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 Planning, Regeneration and Leisure Services.
Recreational Provision.	Within the Budget and Policy Framework to make decisions on recreational provision which is	Cabinet	Head of Planning, Regeneration and Leisure Services.

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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 Planning, Regeneration and Leisure Services.
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 Planning, Regeneration and Leisure Services.

### 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, Regeneration and Leisure Services.
Consultation	To arrange consultation on valid nominations of an asset; consultees to include Ward members.	Cabinet.	Head of Planning, Regeneration and Leisure Services.
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, Regeneration and Leisure Services.
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, Regeneration and Leisure Services.
Review compensation claims	To review and decide initial decisions about compensation.	Cabinet.	Executive Director

<b>2. Building Control</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Building Regulations - Applications.	To determine applications under the Building Regulations 1991 and 2000.	Council.	Head of Planning, Regeneration and Leisure Services.
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, Regeneration and Leisure Services.
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, Regeneration and Leisure Services 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, Regeneration and Leisure Services.
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, Regeneration and Leisure Services.

<b>3. Development Control</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Prior Notification Procedure.	To require further details from the applicant when an application for prior determination is submitted in respect of permitted development for agricultural, forestry and telecommunications development.	Planning Committee.	Head of Planning, Regeneration and Leisure Services.
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, Regeneration and Leisure Services.
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, Regeneration and Leisure Services.
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, Regeneration and Leisure Services.
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, Regeneration and Leisure Services.
Inspection Notices.	To serve notices of intended inspection under sections 196A, 196B, 214B, 324 and 325 of the Town and Country Planning Act 1990.	Planning Committee.	Principal Solicitor.

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Landscaping Schemes.	To approve landscaping/tree planting schemes submitted as a result of planning permissions subject to such conditions as may be appropriate.	Planning Committee.	Head of Planning, Regeneration and Leisure Services.
Minor Amendments.	To determine applications for minor amendments to approved plans.	Planning Committee.	Head of Planning, Regeneration and Leisure Services.
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, Regeneration and Leisure Services.
Planning Agreements and Unilateral Undertakings.	<p>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.</p> <p>To execute and complete planning agreements.</p>	<p>Planning Committee.</p> <p>Planning Committee.</p>	<p>Principal Solicitor.</p> <p>Principal Solicitor.</p>
Planning Agreements and Unilateral Undertakings.	<p>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:</p> <p>a. Deletion, addition or variation of one or more of the heads of terms originally approved by the Planning Committee.</p>	Planning Committee.	Head of Planning, Regeneration and Leisure Services.

	<ul style="list-style-type: none"> <li>b. Significant change in the overall area of land to transferred to the Council.</li> <li>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).</li> <li>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.</li> <li>e. A member makes a written request for a case to be considered by the Planning Committee.</li> </ul>		
<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, Regeneration and Leisure Services.</p>
<p>Planning Applications.</p>	<p>1. To determine:</p> <ul style="list-style-type: none"> <li>a) applications for dwelling houses where the number of houses to be provided is 10 or more.</li> <li>b) applications for the provision of a building or buildings with a floor space of 1000 square metres or more.</li> <li>c) other applications which have been called-in by a member for determination by Planning Committee provided that the application has been called-in in accordance with the procedure set out in paragraphs 6 - 7 of the introductory</li> </ul>	<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, Regeneration and Leisure Services.</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, Regeneration and Leisure Services.</p>

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

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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, Regeneration and Leisure Services.
Completion Notice.	To authorise and serve a completion notices.	Planning Committee.	Head of Planning, Regeneration and Leisure Services.
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, Regeneration and Leisure Services.
Advertisements.	To determine applications for express advertisement consent	Planning Committee.	Head of Planning, Regeneration and Leisure Services.

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

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

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			Regeneration and Leisure Services following consultation with the Portfolio Holder for Planning.
<b>6.Neighbourhood Planning</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Designation of Neighbourhood Area	To decide whether to accept and designate a Neighbourhood Area	Council	Head of Planning, Regeneration and Leisure Services 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, Regeneration and Leisure Services 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, Regeneration and Leisure Services 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		Head of Planning, Regeneration and Leisure Services following consultation

	Plans or Neighbourhood Development Orders		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, Regeneration and Leisure Services following consultation with the Ward Member(s) for the area affected and the Portfolio holder for Planning.
<b>7. Planning Enforcement</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Article 4 Directions.	To make Directions under Article 4(1) of the Town & Country Planning (General Permitted Development) Order 1995 1.	Planning Committee.	Head of Planning, Regeneration and Leisure Services.
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, Regeneration and Leisure Services 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, Regeneration and Leisure Services.
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, Regeneration and Leisure Services.
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, Regeneration and Leisure Services.
Inspection Notices.	To serve notices of intended inspection under sections 196A, 196B, 214B, 324 and 325 of the	Planning Committee.	Principal Solicitor.

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	Town and Country Planning Act 1990.		
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, Democratic and Property Services or Principal Solicitor in consultation with, where practicable, the Chairman of Planning Committee.

Listed Buildings - Enforcement Notices.	<ol style="list-style-type: none"> <li>To authorise the issue and service of Listed Building Enforcement Notices under section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</li> <li>To authorise the issue and service of Listed Building Enforcement Notices under section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in circumstances in cases of urgency when, in the opinion of Head of Planning &amp; Environment Services, reporting to Planning Committee is impractical.</li> </ol>	<ol style="list-style-type: none"> <li>Council.</li> <li>Planning Committee.</li> </ol>	<ol style="list-style-type: none"> <li>Planning Committee.</li> <li>Head of Planning, Regeneration and Leisure Services.</li> </ol>
Planning Contravention Notices.	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).	1. Planning Committee.	1. Head of Planning, Regeneration and Leisure Services

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## PART 6

	2. To respond to offers to apply for planning permission or to refrain from carrying out any operations or activities following the service of a Planning Contravention Notice.	2. Planning Committee.	2. Head of Planning, Regeneration and Leisure Services
Stop Notices.	1. To authorise the issue and service of Stop Notices under section 183 of the Town & Country Planning Act 1990.	1. Council.	1. Planning Committee.

	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, Regeneration and Leisure Services 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, Regeneration and Leisure Services 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, Regeneration and Leisure Services.  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	Planning Committee.	Head of Planning, Regeneration and Leisure Services in

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	building consent or conservation area consent.		consultation with the Principal Solicitor.
Advertisement Controls.	<ol style="list-style-type: none"> <li>To authorise the service of an advertisement discontinuance notice.</li> <li>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.</li> </ol>	<ol style="list-style-type: none"> <li>Council.</li> <li>Planning Committee.</li> </ol>	<ol style="list-style-type: none"> <li>Planning Committee.</li> <li>Head of Planning, Regeneration and Leisure Services in consultation with the Principal Solicitor.</li> </ol>

### 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, Regeneration and Leisure Services.
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, Regeneration and Leisure Services.

**Note: All delegations to Head of Planning, Regeneration and Leisure 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.

<b>RESOURCES</b>			
<b>1. Finance</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Capital Programme.	To place with private firms any projects within the Capital Programme which it is not possible to undertake within the Council.	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"><li>• Part 1 Schedule 3</li><li>• Paragraph 9 (1) (b) Schedule 3</li><li>• Section 42 (2) (g)</li><li>• Section 50 (3) (b)</li><li>• Section 56 (1)</li><li>• Section 60 (2)</li><li>• Section 63 (1)</li></ul>	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"> <li>1. To administer the New Homes Bonus scheme including initial assessment of applications.</li> <li>2. Following consultation with the Chairman of the New Homes Bonus Community Grants Panel, to reject applications which are ineligible or inappropriate.</li> </ol>	Cabinet/Leader	<ol style="list-style-type: none"> <li>1. Executive Director Finance and Resources.</li> <li>2. Following consultation with the Chairman of the New Homes Bonus Community Grants Panel</li> </ol>
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 and Leisure Services.
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.

<b>2. Procurement</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Approved Officers.	To nominate Approved Officers to undertake procurement on behalf of the Council accordance with Contract Procedure Rules.	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.

<b>3. Revenues and Benefits</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Cautions.	To administer cautions to offenders as an alternative to Court proceedings.	Council.	Officers authorised in writing by the Head of Finance and Customer Services.
Council Tax.	To act in Council Tax matters under the powers of S101 of the Local Government Act 1972.	Council.	Head of Finance and Customer Services.
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 Finance and Customer Services following consultation with the Portfolio Holder.
Court Proceedings.	To select and authorise officers to appear before Magistrates Courts and Tribunals to: <ul style="list-style-type: none"> <li>(b) represent the Council in the recovery of Council Tax and non-domestic rates monies due to the Council;</li> <li>(b) represent the Council before a Valuation Tribunal in consideration of any appeals which may arise concerning Council Tax and non-domestic rates.</li> </ul>	Council.	Principal Solicitor or Head of Finance and Customer Services.
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 Finance and Customer Services.
Essential Living Fund	To administer the Essential Living Fund in accordance with Council policy	Cabinet/Leader	Head of Finance and Customer Services.
Housing Benefit.	To deal with housing benefit determinations and notifications including the issue of written explanations and confirmations or	Cabinet/Leader.	Head of Finance and Customer Services.

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	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 Finance and Customer Services.
Local Valuation Court.	To select and authorise officers to appear for the Council at sittings of the Local Valuation Court.	Cabinet/Leader.	Head of Finance and Customer Services.
Rate Relief (Mandatory).	To determine applications for mandatory rate relief under Section 43 of the Local Government Finance Act 1988.	Cabinet/Leader.	Head of Finance and Customer Services.

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

	<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"> <li>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.</li> <li>2. To buy buildings or land at the best price reasonably obtainable in accordance with the Assets Management Plan and relevant legislation.</li> </ol>	<ol style="list-style-type: none"> <li>1. Cabinet/Leader.</li> <li>2. Cabinet/Leader.</li> </ol>	<ol style="list-style-type: none"> <li>1. Executive Director - Finance and Corporate Resources</li> <li>2. Executive Director - Finance and Corporate Resources.</li> </ol>
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 Planning, Regeneration and Leisure Services.

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## PART 6

Right to Buy - Postponement of Statutory Charge.	To determine requests for the postponement of the Council's statutory charge on property sold under the Right to Buy scheme.	Cabinet/Leader.	Executive Director - Finance and Corporate Resources.
Sale of Land.	<ol style="list-style-type: none"> <li>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"> <li>- less than half a hectare in size and with a value of less than £49,999 plus VAT/fees)</li> <li>- all garden licenses or grazing licenses regardless of the size of land</li> </ul> in accordance with Council policy for Minor Land Disposal. </li> <li>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.</li> </ol>	<ol style="list-style-type: none"> <li>Cabinet/Leader.</li> <li>Cabinet/Leader.</li> </ol>	<ol style="list-style-type: none"> <li>Executive Director Finance and Resources following consultation with the Ward Member(s).</li> <li>Executive Director - Finance and Resources.</li> </ol>
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 13

## PART 6

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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**NOTICE OF MOTION**

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

“We call upon the officers of the Council to prepare a report into the transition of the Council from a Cabinet System to that of a Committee System. The report to be presented to an Extraordinary Meeting to be held in September.”

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### Extension of Appointment of s151 Officer

Relevant Portfolio Holder	TBC
Portfolio Holder Consulted	N/A
Relevant Head of Service	Kevin Dicks
Report Author	Job Title: Chief Executive Contact email: k.dicks@bromsgroveandredditch.gov.uk Contact Tel: 01527 881484
Wards Affected	All
Ward Councillor(s) consulted	N/A
Relevant Strategic Purpose(s)	All
Non-Key Decision	
If you have any questions about this report, please contact the report author in advance of the meeting.	

#### 1. **RECOMMENDATIONS**

The Council **RESOLVE** that:-

**The appointment of the Interim Chief Finance Officer and Section 151 officer approved by Council for twelve months on 22<sup>nd</sup> June 2022 be extended for up to a further six months until 22<sup>nd</sup> December 2023.**

#### 2. **BACKGROUND**

- 2.1 The Council is required to nominate an officer under section 151 of the Local Government Act 1972 to be responsible for the proper administration of its financial affairs, a role designated as part of the Director of Resources position.
- 2.2 Members will recall that in June 2022 a report was considered by full council recommending the appointment of Peter Carpenter as Interim section 151 officer. This was necessary following the resignation of the former Director of Resources, James Howse. The staff structure assigns the role of section151 officer to the post of Director of Resources, and with this post vacant a separate appointment to the section 151 officer role had to be made.

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- 2.3 At the time of the June 2022 report, Peter Carpenter had already been working in the finance team to cover the vacant Head of Finance and Customer Services post since February 2022 and had assumed the role of deputy section 151 officer. Although the Head of Finance and Customer Services post had recently been recruited to, the report set out the need for continuity of support for the new post holder, and other newly appointed officers in the finance team. The report also highlighted the length of time it would take to carry out a full recruitment of a new Director of Resources and recommended the appointment of Peter Carpenter as Interim Chief Finance Officer and interim section 151 officer for 12 months.
- 2.4 Members resolved to appoint Peter Carpenter and this has been facilitated through West Midlands Employers. The appointment period expires on 22<sup>nd</sup> June 2023.
- 2.5 The current position is that the Head of Finance and Customer Services has been in post since 21st June 2022 and the staff recruitment of more junior posts referred to in the June 2022 report has resulted in the strengthening of the team. Although there still remains some gaps within the structure this is primarily the result of a significant shortage of appropriate staff within both the public sector and the finance profession.
- 2.6 Recruitment to the post of Director of Resources was started earlier this calendar year however the feedback from a couple of the recruitment agencies that were approached to undertake the process was that it was not a good time to be recruiting to a permanent Section 151 Officer and that it was best to wait until after the elections. This was discussed with the Leaders at the time and it was agreed to delay the permanent recruitment until after the election.
- 2.7 As members will be aware the council has in place a detailed Finance Recovery Plan which seeks to address the issues the Section 24 and the 2020/21 Interim Annual Audit Report recommendations and as such it is important to continue to have in place an experienced Section 151 Officer to oversee delivery. Whilst the recruitment process of the permanent Section 151 is now being prioritised, the Council remains subject to the legal requirement to have a section 151 officer in place, and the recommendation therefore is to extend the current appointment of Peter Carpenter for a further six month period.

**3. OPERATIONAL ISSUES**

- 3.1 This proposal will secure continuity of operations in a critical function. The finance team is currently operating with Peter Carpenter in post and the recommendation will allow this arrangement to continue pending appointment of a new Director of Resources.

**4. FINANCIAL IMPLICATIONS**

- 4.1 The report in June 2022 set out the financial implications. The cost of the further 6 month extension is £72,500 compared to the budget for the substantive Director of Resources post of £71,025. The small additional cost can be met from within existing budgets. These costs will be split equally between Bromsgrove District Council and Redditch Borough Council.

**5. LEGAL IMPLICATIONS**

- 5.1 Section 151 of the Local Government Act 1972, sets out that “Without prejudice to section 111 above, every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs.”
- 5.2 Section 6 of the Local Government and Housing Act 1989, further sets out that “ (1) On and after the commencement day the Common Council shall – (a) make arrangements for the proper administration of such of its financial affairs as relate to it in its capacity as a local authority, police authority, or pot health authority, and (b) secure that one of its officers has responsibility for the administration of those affairs”.
- 5.3 Part 1, introduction to the Constitution - Section 9 Officers – Functions Reserved to the Council, paragraph 9.1.1 of the Council’s Constitution states that it is the Council’s responsibility to appoint “statutory officers”. The role of the Section 151 officer is a statutory Chief Officer to the Council.
- 5.4 Section 113 of the Local Government Finance Act 1988 requires that the officer appointed as the Chief Finance Officer (CFO) must be a member of a specified accountancy body.

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**6. OTHER - IMPLICATIONS**

**Relevant Strategic Purpose**

- 6.1 Effective financial management underpins all the Council’s operation and achievement of strategic purposes.

**Climate Change Implications**

- 6.2 None

**Equalities and Diversity Implications**

- 6.3 None related to the appointment of Section 151 Officer.

**7. RISK MANAGEMENT**

- 7.1 The recommendation set out in this report will mitigate the risks associated with a lack of continuity and senior capacity. Through the continued engagement of a senior and experienced Section 151 officer the Council will continue to support the strengthening of the finance team and will also ensure that the Council is complying with its legal obligations.

**8. BACKGROUND PAPERS**

Report to Council “Appointment of Section 151 Officer” dated 22<sup>nd</sup> June 2022.

**9. REPORT SIGN OFF**

Department	Name and Job Title	Date
Lead Director / Head of Service	Report author	N/A
Financial Services	Michelle Howell – Head of Finance and Customer Services	15/5/23
Legal Services	Claire Felton – Head of Legal and Property Services	15/5/23

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