

# Public Document Pack



## **BROMSGROVE DISTRICT COUNCIL**

### **MEETING OF THE COUNCIL**

**WEDNESDAY 15TH MAY 2024**

**AT 6.00 P.M.**

**PARKSIDE SUITE - PARKSIDE**

**MEMBERS:** Councillors S. Ammar (Chairman), B. Kumar (Vice-Chairman), 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, C.A. Hotham, D. Hopkins, R. J. Hunter, H. J. Jones, R. Lambert, M. Marshall, K.J. May, P. M. McDonald, B. McEldowney, S. T. Nock, D. J. Nicholl, S. R. Peters, J. Robinson, S. A. Robinson, H. D. N. Rone-Clarke, J. D. Stanley, D. G. Stewart, K. Taylor, S. A. Webb and P. J. Whittaker

## **AGENDA**

### **WELCOME**

#### **1. Election of Chairman 2024/25**

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

Members are asked to note that in line with paragraph 2.2(b) of the Council's Procedure Rules, the Councillor elected to this position, where possible, should not be a member of a political group represented in Cabinet.

2. **Election of Vice-Chairman 2024/25**

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

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

4. **To receive apologies for absence**

5. **Declarations of Interest**

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

6. **To confirm the accuracy of the minutes of the meeting of the Council held on 10th April 2024 (Pages 7 - 22)**

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

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

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

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

10. **Urgent Decisions (Pages 23 - 26)**

11. **Appointments to Committees 2024/25 (Pages 27 - 48)**

12. **Outside Bodies (Pages 49 - 54)**

13. **Constitution Review (Pages 55 - 186)**

14. **Questions on Notice (To Follow)**

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.

A single supplementary question may be asked by each Councillor scheduled to ask a question on notice at this meeting. The supplementary question must be based on the original question or the answer provided to that question.

15. **Motions on Notice (To Follow)**

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

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

Sue Hanley  
Chief Executive

Parkside  
Market Street  
BROMSGROVE  
Worcestershire  
B61 8DA

7th May 2024

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

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[joanne.gresham@bromsgroveandredditch.gov.uk](mailto:joanne.gresham@bromsgroveandredditch.gov.uk)**

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

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

### **GUIDANCE FOR ELECTED MEMBERS AND MEMBERS OF THE PUBLIC ATTENDING MEETINGS IN PERSON**

Meeting attendees and members of the public are encouraged not to attend a Committee if they have 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.**



## **INFORMATION FOR THE PUBLIC**

### **Access to Information**

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

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

You can access the following documents:

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

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

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## BROMSGROVE DISTRICT COUNCIL

### MEETING OF THE COUNCIL

WEDNESDAY 10TH APRIL 2024, AT 6.00 P.M.

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

Officers: Mrs. S. Hanley, Mr P. Carpenter, Mrs. C. Felton, Ms. N Cummings and Mrs. J. Bayley-Hill

103/23 **TO RECEIVE APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors A. Bailes, H. Jones and S. Evans.

104/23 **DECLARATIONS OF INTEREST**

Councillors A. Bailes and M. Marshall each declared an interest in the first Question at minute number 114/23, as they were members of Worcestershire Wildlife Trust.

Councillor K. Taylor also declared an interest in this item as he was a member of the National Gamekeepers Organisation.

Councillor S. Webb declared an interest in the recommendations from Cabinet at minute number 112/23 relating to the Cost of Living Funding Proposal, as she was a Council representative as a trustee on the Citizen's Advice Bureau. She left the room during the debate in respect of that recommendation and did not participate in the debate nor vote thereon.

Councillor S. Ammar also declared an interest in the recommendations from Cabinet at minute number 112/23 relating to the Cost of Living Funding Proposals as she was a trustee of the Citizens Advice Bureau. Councillor Ammar advised the Council that the Vice-Chairman would chair

the meeting for this item as she would leave the meeting during its consideration and determination.

105\23

**TO CONFIRM THE ACCURACY OF THE MINUTES OF THE MEETING OF THE COUNCIL HELD ON 21ST FEBRUARY 2024**

The minutes of the meeting held on 21<sup>st</sup> February 2024 were presented for Members' consideration.

In relation to minute number 96/23, Recommendations From The Cabinet Meeting Held on 14<sup>th</sup> February Medium Term Financial Plan, an alteration was made to the final sentence of the sixth bullet point, so that it read "Councillor Hunter reported that he believed the Liberal Democrat Group had a mandate to seek additional resources from the Council."

**RESOLVED** that

The minutes of the meeting of the Council held on 21<sup>st</sup> February 2024 be approved as a correct record, subject to the final sentence in the sixth bullet point in Minute Number 96/23, Medium Term Financial Plan, being amended to read "Councillor Hunter reported that he believed the Liberal Democrat Group had a mandate to seek additional resources from the Council."

106\23

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

Chairman

The Chairman made the following announcements:

She thanked all those who had supported the recent Comedy Night in support of Age UK which had raised approximately £700 for the charity. The next event would be a golf tournament on 10<sup>th</sup> May which would be followed by a dinner in the evening for the participants and others to enjoy.

Head of Paid Service

There were no announcements from the Head of Paid Service.

107\23

**TO RECEIVE ANY ANNOUNCEMENTS FROM THE LEADER**



As this was the last meeting of the Municipal year, the Leader thanked all members and officers for their support during the first year of the administration since the elections in 2023.

108\23 **TO RECEIVE COMMENTS, QUESTIONS OR PETITIONS FROM MEMBERS OF THE PUBLIC**

There were no comments, questions or petitions from members of the public.

109\23 **URGENT DECISIONS**

The Chairman advised that there had been no urgent decisions since the last meeting of the Council.

110\23 **POLITICAL BALANCE**

Council considered a report which had been prepared following changes to the political balance of the Council in February 2024. Councillor C.A. Hotham proposed the recommendations in the report and these were seconded by Councillor K. May.

**RESOLVED** that

- 1) for the remainder of the 2023/24 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; and
- 2) Members be appointed to the Committees and as substitute members in accordance with nominations to be made by Group Leaders as attached in the appendix to these minutes.

111\23 **TO RECEIVE AND CONSIDER A REPORT FROM THE PORTFOLIO HOLDER FOR FINANCE AND ENABLING SERVICES**

Councillor C.A. Hotham presented the annual report for his portfolio. In doing so he thanked the officers who had supported the work of the function over the previous year.

Members asked questions of the Cabinet Member on the following items:

- When the Council's accounts would be signed off. The Cabinet member responded that currently the difference in balances between the two financial software systems used by the Council was £3,000. The transfer of balances had been the cause of delays to the signing off of the accounts over the last 3 years. The details of the balancing work had been forwarded to the Council's auditors and he believed that that they were close to agreeing an acceptable position. Once the balance for the 2020/21 financial year had been agreed, the Cabinet Member hoped that the unaudited 2021/22 financial year accounts could be completed by June, the 2022/23 accounts by August and the 2023/24 accounts by October. However, a risk remained as the Government had introduced a deadline for the completion of the outstanding accounts in 700 Councils, and a capacity issue remained among the companies undertaking audits of local authority accounts.
- Arising from a question about property services and what action was being taken to introduce water fountains in parks as discussed at the budget meeting of the Council, the Leader of the Council undertook to report back on the current situation.
- In response to a question about the use of AI technology, the Cabinet Member undertook to provide further details about how this was being used in Council services. It was suggested that Overview and Scrutiny might wish to consider an item on this issue.
- Reference to Tribepad related to a new HR recruitment package.
- Whether the level of employee vacancies across the Council had an impact on work being carried out. The Cabinet Member responded that funding for some of the vacancies was being applied to other areas of Council work. The Leader also reported that a review was being carried out to ensure the establishment matched the budget for employees.
- The success of the Electoral Matters Working Group in its submission to the Local Government Boundary Commission being quoted as an example of best practice. Members thanked officers in the Elections Team for their hard work.
- In response to a question from Councillor E. Gray about the upgrade of public toilets in Rubery, the Cabinet Member undertook to find more details and report back to her.
- Why the Council was responsible for resurfacing footpaths in St John's churchyard. The Cabinet Member would obtain further details for Councillor S. Peters.

112\23

## **RECOMMENDATIONS FROM THE CABINET**

Recommendations from the meeting of the Cabinet held on 13<sup>th</sup> March 2024 were presented for the Council's consideration.

### Cost of Living Funding Proposal

The Leader of the Council introduced the report and in doing so updated the information which had been circulated with the agenda for the meeting.

The recommendation before the Council included figures for a 12-month period, but the content of the report had recommended funding should be provided for a 14-month period. Updates to the figures quoted would therefore be required as follows:

- a) Citizen's Advice Specialist Housing Adviser - £62,000 (Instead of £52,000)
- b) Voluntary Sector Money Adviser - £38,000 (instead of £32,000) and
- c) Enhancing the support of the Council's Financial Inclusion Team - £50,000 (instead of £42,000)

The Leader then proposed the recommendation but with the exclusion of the Voluntary Sector Money Adviser at (b) consideration of which would be deferred. She explained that she had asked for the areas proposed to be covered by this work to be mapped to avoid potential duplication and to understand where there were gaps in provision.

Further to a query raised at the Cabinet meeting, the Leader reported that the Council had been awarded funds from the Household Support Fund Round 5 of £106,570 for a 6-month period. £29,500 would be spent on supporting Food Banks in the District.

Councillor S. Baxter seconded the recommendation.

During consideration of this item the following were the main points raised:

- How the potential duplication of housing advice with the role of new posts recently agreed in the budget would be avoided.
- Whether the proposals to enhance the Financial Inclusion Team would include outreach work in the community as residents were not always aware of where they could go for help.

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Council  
10th April 2024

- In response to these queries, the Leader gave an assurance that the proposal relating to housing advice was aimed to support and advise landlords to reduce the likelihood of evictions. The principle of outreach work lay behind the proposal for the Financial Inclusion Team.
- A member referred to the essential living fund as an example of good practice and suggested that the proposed extra resource to tackle the cost of living pressures was welcome.
- A member expressed concern at the proposal to remove the Voluntary Sector Money Adviser from the proposal. In response to a request for further details, the Leader reported that she wanted to understand the outcomes from the work the post would undertake and the needs it would address in the community. For example, she was aware that some voluntary organisations in the District were currently also providing money advice. Members also expressed the view that the voluntary sector currently carried out a range of work effectively and it was important that any additional resource provided should not undermine this.
- The view was expressed that the proposed Citizen's Advice (CAB) Specialist Housing Adviser should carry out outreach work to reach communities across the District. A member suggested that the proposed funding would act as a lever to achieve outreach work by the CAB.
- The additional funding for foodbanks was welcomed and members were urged to promote its availability.
- Councillor B.M. McEldowney suggested that additional funding should be awarded to support the white goods scheme. The Leader responded that NewStarts ran a scheme for this and would provide further detail to him outside the meeting.
- When the details about the Voluntary Sector Money Adviser would be brought back to the Cabinet for consideration. The Leader responded that officers were carrying out research at the moment and she was aiming to have a report back as soon as possible. In the meantime, the funding would be ringfenced.
- The work of the Food Bank Task Group could help inform members' understanding of the situation across the District.

**RESOLVED** that £150,000 contained within earmarked reserves be allocated as a one-off investment to support the estimated costs of the following cost of living initiatives:

- a) Citizen's Advice specialist housing adviser - £62k, and
- b) Enhancing the support of the Council's Financial Inclusion Team - £50k

(Prior to consideration of the recommendation in respect of the Cost of Living Funding Proposal, Councillor S. Ammar declared an interest due to her membership as a trustee of the Citizens Advice Bureau – CAB. She left the room and did not participate in the debate on this recommendation nor vote thereon.

During the consideration of this item, Councillor B. Kumar, Vice Chairman of the Council, chaired the meeting. Councillor Ammar returned to chair the meeting once this matter had been resolved.)

## Quarter 3 2023-24 – Financial and Performance Report

The Cabinet Member for Finance and Enabling reported that the proposed changes to the Worcestershire Regulatory Services (WRS) charges resulted from changes to statutory fees since the fees and charges had been agreed in the Council's budget.

Councillor K. May seconded the recommendation.

Arising from consideration of this item, the lack of performance information being presented to member meetings relating to planning was discussed. A member referred in particular to the Government performance requirements for speed and quality of decision making and the risks to the Council of being placed in 'designation' if these were not met. Concerns were raised that Councillors would not currently be aware of planning performance in full and as a consequence whether it was at risk of being put into special measures. An agreed Council resolution from October 2023 for planning appeal and performance information to be reported to the Planning Committee had not yet been actioned.

The Cabinet Member and Chairman of the Planning Committee also expressed concern at this and undertook to pursue the inclusion of the two measures in performance reporting to both the Planning Committee and Cabinet.

A member also raised the performance measure relating to affordable housing and queried the definition of affordable housing when property prices had risen. Members expressed the view that housing in the District was expensive, especially in relation to average (mean) earnings. Reference was made to the Council's First Home policy which aimed to enable local people to get a home in the area where they grew up and had family connections.

In response to a query from a member, the Chief Executive outlined the difference between the definition of market rental and affordable housing.

**RESOLVED** that the updated WRS 2023/4 charges be approved.

113\23

**TO NOTE THE MINUTES OF THE MEETINGS OF THE CABINET HELD ON 21ST FEBRUARY AND 13TH MARCH 2024**

The minutes of the meetings of the Cabinet held on 21<sup>st</sup> February and 13<sup>th</sup> March 2024 were noted.

114\23

**QUESTIONS ON NOTICE**

The Chairman advised that four questions on notice had been received for this meeting.

**Question submitted by Councillor D. Nicholl**

“Bromsgrove District is home to a rich and diverse range of plants, shrubs, and trees. Does the portfolio holder agree with me that we should be doing everything in our power to protect and enhance the biodiversity in our district, and could they confirm what planning tools they intend to use to ensure this happens?”

The Cabinet Member for Planning and Regulatory Services responded that “The Bromsgrove District Plan contains policy BDP21 Natural Environment and BDP 24 Green Infrastructure, which are used alongside the National Planning Policy Framework to ensure that the District’s biodiversity is protected and enhanced by the planning system. The approach of the Development Management team is to ensure that mandatory Biodiversity Net Gain (BNG) is secured, when required. BNG requires a minimum 10% biodiversity gain calculated using a Biodiversity Metric and approval of a biodiversity gain plan. BNG became mandatory for major applications submitted as of 12th February 2024 and for applications for small sites, submitted as of 2<sup>nd</sup> April 2024.”

Councillor Nicholl asked a supplementary question about whether the Council could compare the metrics on biodiversity used to those of neighbouring Districts. The Cabinet Member responded that there was no need to compare the District to others.

## **Question submitted by Councillor S. Robinson**

“As the local planning authority, please could the portfolio holder tell me what role Bromsgrove District Council has in making sure that unregistered land is adequately maintained to prevent issues such as blocked drains or other nuisances?”

The Cabinet Member for Planning and Regulatory Services responded that unregistered land did not mean that the land did not have an owner but that it had not been registered for 70 years. The Council did not have a specific role. However, there were circumstances in which the Council could take action to establish who owned the land if it was in the wider public interest, but this would depend on the specific circumstances of each case.

Councillor Robinson asked a supplementary question about who would be ultimately responsible for repairs or issues affecting safety in areas of land where the Council was not sure who the owner was.

The Cabinet Member replied that the Council would endeavour to find the owner of the land. If public safety was involved this would potentially be a District or County Council issue.

## **Question submitted by Councillor J. Robinson**

“Residents across Bromsgrove have been asking when the new homes on Burcot Lane will be occupied. Can the portfolio holder please confirm what the hold-up has been and when they expect to see the first homes occupied?”

The Cabinet Member for Strategic Housing and Health and Wellbeing replied that the Council had issued all contracts and transfer documents to BDHT for the sale of the affordable housing to be completed and was waiting on BDHT to finalise their due diligence in the matter. Officers were in regular contact with BDHT to ensure this matter was concluded without delay. This would then enable Spadesbourne Homes to lease the remaining properties and estate management responsibilities. The Cabinet Member confirmed that the first open market sale property was due to complete on the 25<sup>th</sup> April. The Council had accepted offers on 3 other open market dwellings and was working with Solicitors to bring these to completion.

Councillor Robinson asked a supplementary question that barriers around the site were removed to improve the appeal of the site. The Cabinet

Member replied that these would be removed as the first sale was completed.

## **Question submitted by Councillor R. Hunter**

“Could the cabinet member please inform me if there are any laws or regulations to prevent tree felling during bird nesting season and what powers does Bromsgrove District Council have, planning or otherwise, to enforce these?”

The Cabinet Member for Environmental Services and Community Safety replied:

“The Wildlife and Countryside Act 1981 protects nesting birds and other protected species, though it isn’t to prevent the felling of a tree per se, although it may indeed stop the removal of a tree until a nesting bird is gone.

Unfortunately, Bromsgrove District Council do not have any powers to act or enforce the Act. This would be a matter for the police or a wildlife inspector as sanctioned by the Department of the Environment, Food and Rural Affairs (DEFRA).

Tree Preservation Orders (as part of the Town and Country Planning Act 1990 and within the Town and Country Planning (Tree Preservation (England) Regulations 2012) are made by the local planning authority to protect specific trees, groups of trees or woodlands. Anyone that is in contravention of an Order by damaging or carrying out work on a tree protected by an Order without prior permission from the local planning authority is guilty of an offence and may be fined.”

Councillor Hunter asked a supplementary question about whether Councillor Whittaker supported the submission to make a tree preservation order on a poplar tree on Stratford Road. Councillor Whittaker responded that he would provide a written response to Councillor Hunter.

115\23

## **MOTIONS ON NOTICE**

The Chairman reported that no Motions on Notice had been received for this meeting.

The meeting closed at 8.03 p.m.

Chairman



# Agenda Item 6

## APPENDIX 1 POLITICAL BALANCE CALCULATION February 2024

The figures in *italics* are the mathematical calculations.

Committee	Cons 11 <i>35.48% of total</i>	Lab 8 <i>25.81% of total</i>	Lib Dems Dem 5 <i>16.13% of total</i>	2023 Independents 6 <i>19.35% of total</i>	Non-aligned 1 <i>3.23% of total</i>	Total
Overview and Scrutiny Board	4 <i>3.90</i>	3 <i>2.84</i>	2 <i>1.77</i>	2 <i>2.13</i>	0 <i>0.36</i>	<b>11</b> <b>11</b> members on Board <i>11</i>
Licensing Committee	4 <i>3.90</i>	3 <i>2.84</i>	2 <i>1.77</i> <i>* Take 1</i>	2 <i>2.13</i> <i>* Take 3</i>	0 <i>0.36</i>	<b>11</b> <b>11</b> members on Cttee <i>11</i>
Planning Committee	4 <i>3.90</i>	3 <i>2.84</i>	2 <i>1.77</i>	2 <i>2.13</i>	0 <i>0.36</i>	<b>11</b> <b>11</b> members on Cttee <i>11</i>
Audit, Stds & Gov'ce Committee	4 <i>3.90</i> <i>* Take 3</i>	3 <i>2.84</i>	2 <i>1.77</i>	2 <i>2.13</i>	0 <i>0.36</i> <i>* Take 1</i>	<b>11</b> <b>11</b> members on Cttee <i>11</i>
Electoral Matters Cttee	2 <i>2.48</i>	2 <i>1.81</i>	1 <i>1.13</i>	1 <i>1.35</i>	0 <i>0.23</i> <i>* Take 1</i>	<b>6</b> <b>7</b> members on Cttee <i>7</i>
Appeals	2 <i>1.77</i>	1 <i>1.29</i>	1 <i>0.81</i>	1 <i>0.97</i>	0 <i>0.16</i>	<b>5</b> <b>5</b> members on Cttee <i>5</i>
Appointm ents	2 <i>1.77</i>	1 <i>1.29</i>	1 <i>0.81</i>	1 <i>0.97</i>	0 <i>0.16</i>	<b>5</b> <b>5</b> members on Cttee <i>5</i>
Statutory Officers	2 <i>1.77</i>	1 <i>1.29</i>	1 <i>0.81</i>	1 <i>0.97</i>	0 <i>0.16</i>	<b>5</b> <b>5</b> members on Cttee <i>5</i>
Entitled to TOTAL seats allocated initially	<b>23</b> 24	<b>17</b> 17	<b>11</b> 12	<b>13</b> 12	<b>2</b> 0	<b>66</b> 65
<i>Exact Mathematical Entitlement</i>	<i>23.42</i>	<i>17.03</i>	<i>10.65</i>	<i>12.77</i>	<i>2.13</i>	66
Final seat allocation	23	17	11	13	2	66

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# Agenda Item 6

## Bromsgrove District Council

### Composition of Committees 2023 - 24

Committee	Cons	Lab	Lib Dem	2023 Indps	Non-aligned	Comments
Overview and Scrutiny Board	<p><b>4</b> Cllrs Dale, Kumar, Nock and Stanley</p> <p>(Subs: Cllrs Forsythe and Lambert)</p>	<p><b>3</b> Cllrs Gray, McDonald and Rone-Clarke</p> <p>(Subs: Cllr Stewart)</p>	<p><b>2</b> Cllrs Hunter and S. Robinson</p> <p>Subs: Cllrs Evans, Nicholl and J Robinson</p>	<p><b>2</b> Cllrs A Bailes and R Bailes</p> <p>Subs: Cllrs</p>	<b>0</b>	<b>11 Members on Board</b>
Licensing Committee	<p><b>4</b> Cllrs Dale, Forsythe, Jones and Kumar</p> <p>(Subs: for parent committee Cllrs Lambert and Nock)</p>	<p><b>3</b> Cllr Elledge, Hopkins and Rone-Clarke</p> <p>Subs (for parent Committee) Cllr</p>	<p><b>1</b> Cllr S. Robinson</p> <p>Subs: (for parent Committee)</p> <p>Cllrs Evans, Hunter, Nicholl and J. Robinson</p>	<p><b>3</b> Cllrs Colella, Hotham and McEldowney</p> <p>Subs: (for parent Committee)</p> <p>Cllr</p>	<b>0</b>	<b>11 Members on Committee</b>

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Planning Committee	<p><b>4</b> Cllrs Forsythe, Jones, Lambert and Stanley</p> <p>(Subs:., Cllrs Kumar, Nock + trained Cabinet Members excluding Leader)</p>	<p><b>3</b> Cllrs Gray, Marshall and Stewart</p> <p>Subs: Cllrs Elledge and McDonald</p>	<p><b>2</b> Cllrs S. Evans and J. Robinson</p> <p>Sub: Cllrs Hunter, Nicholl and S. Robinson</p>	<p><b>2</b> Cllrs A. Bailes, and McEldowney</p> <p>Subs: Cllrs Baxter and Hotham</p>	<b>0</b>	<b>11 Members on Committee</b>
Audit, Standards and Governance Committee	<p><b>3</b> Cllrs Forsythe, Nock and Stanley</p> <p>(Subs: Cllrs Dale and Lambert)</p>	<p><b>3</b> Cllrs Hopkins, Rone-Clarke and Stewart</p> <p>Subs: Cllrs Gray</p>	<p><b>2</b> Cllrs Evans and Nicholl</p> <p>Sub: Cllrs Hunter, J. Robinson and S. Robinson</p>	<p><b>2</b> Cllrs R. Bailes and McEldowney</p> <p>Subs:</p>	<b>1</b> Cllr Peters	<b>11 Members on Committee</b>
Electoral Matters Committee	<p><b>2</b> Cllrs Jones and Lambert</p>	<p><b>2</b> Cllrs Gray and Rone-Clarke</p>	<p><b>1</b> Cllr J. Robinson</p> <p>Subs:  Cllrs Evans, Hunter, Nicholl and S. Robinson</p>	<p><b>1</b> Cllr Colella</p>	<b>1</b> Cllr Peters	<b>7 Members on Committee</b>
Appeals Committee	<p><b>2</b> Cllrs May and Whittaker</p>	<p><b>1</b> Cllr Elledge</p>	<p><b>1</b> Cllr Hunter</p> <p>Subs: Cllrs</p>	<p><b>1</b> Cllr Colella</p>	<b>0</b>	<b>5 Members on Committee</b>

# Agenda Item 6

			Evans, Nicholl, J. Robinson and S. Robinson			
Appointments Committee  (nominees as and when necessary)	<b>2</b> Cllrs May and Whittaker	<b>1</b> Cllr McDonald  Sub: Cllr Ammar	<b>1</b> Cllr Hunter Subs: Cllrs Evans, Nicholl, J. Robinson and S. Robinson	<b>1</b> Cllr Hotham Subs: Cllr Baxter	<b>0</b>	<b>5 Members on Committee</b>
Statutory Officers  (nominees accepted as and when necessary)	<b>2</b> Cllrs May and Whittaker	<b>1</b> Cllr McDonald	<b>1</b> Cllr Hunter Subs: Cllrs Evans, Nicholl, J. Robinson and S. Robinson	<b>1</b> Cllr Colella	<b>0</b>	<b>5 Members on Committee</b>
<b>TOTAL</b>	<b>23</b>	<b>17</b>	<b>11</b>	<b>13</b>	<b>2</b>	<b>66 Places</b>

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## BROMSGROVE DISTRICT COUNCIL

### RECORD OF DECISION TAKEN UNDER URGENCY PROCEDURES

**Subject:** Confirmation of the final version of table of car parking charges to be introduced in the (Bromsgrove District Council (Off- Street Places) Order 2024

**Brief Statement of Subject Matter:**

At Cabinet on 14<sup>th</sup> February and at Council on 21<sup>st</sup> February Members considered and approved the report on the Medium Term Financial (including Treasury Management Strategy, Capital Strategy, Minimum Revenue Provision and Investment Strategy) (Tranche 2). Part of the report included provision for an increase in car parking income alongside other measures including making 0 to 30 minute parking stays free of charge, extending the non-chargeable hours of operation and free parking for blue badge holders.

In working through the practical steps to draft the new parking order and implement it, officers have noticed some small discrepancies between the table that was presented to Members on 21<sup>st</sup> February and the final version that will need to be publicised to meet the consultation requirements under the car parking legislation. In summary the points picked up on are: -

- That the charging band of 3 hours for Windsor Street is new and is a change from the previous charges.
- Taking into consideration that charging hours are being reduced to apply from 08:00 to 18:00 only, the charging bands on the original table for Recreation Road South Car Park have had to be amended. The maximum charging period on the new pricing structure will be 10 hours (as opposed to 14 previously). The proposed charging point for this period is £11.00.
- For clarity of reference, officers are proposing to include the prices for parking permits in the amended table. As agreed by members the prices of parking permits are being held at £320 with the exception of Churchfields Multi Storey which is not currently in use and will be removed temporarily from the Car Parking Order. Under the new order the term used for the remaining parking permits will be "Season Tickets".

The revised table of charges is attached as an appendix to this decision. Essentially it has been expanded for clarity and to support the consultation exercise/ introduction of the new order and to reflect the reduction in charging hours at Recreation Road South. Officers are mindful that the information publicised regarding the new charges should be as accurate as possible so as to be clear for car park users and to minimise the risk of any challenge to the new charges being introduced.

**Decision:** That the revised parking charges for as set out in the updated table attached above be approved and be included in the new Bromsgrove District Council (Off Street Parking Places) Order 2024

**Date:**

**RESOLVED:**

## Grounds for Urgency:

There is a statutory consultation process set out in the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996 which must be followed where a local authority seeks to introduce a new parking order. This process takes a minimum of at least 6 weeks to complete and includes publicising the new order to residents and car park users, placing a press notice in the local paper, a 21 day consultation period and a further period to allow for consideration of any comments received. Officers are working to launch the process as soon as possible to enable the new charges to come into effect at the end of the 6 week period. In the circumstances waiting until the next Council meeting on 15<sup>th</sup> May to seek Member approval for the decision is not felt to be appropriate and would add an additional 4 weeks to the process of introducing the new charges.

## DECISION APPROVED BY:

### DECISION APPROVED BY:

.....  
Chief Executive

.....  
Dated

.....  
Section 151 Officer

.....  
Dated

.....  
Monitoring Officer

.....  
Dated

.....  
Leader

.....  
Dated

.....  
Chairman, Overview & Scrutiny Board

.....  
Dated

.....  
Chairman

.....  
Dated



# Agenda Item 10

<b>Car Parks</b>	<b>23/24</b>	<b>24/25</b>
<b>New Road, North Bromsgrove, Parkside, School Drive, Stourbridge Road</b>		
Up to 30 minutes	£0.40	0
Up to 1 hour	£0.80	£1.00
Up to 2 hours	£1.60	£2.00
Up to 3 hours	£2.40	£3.00
All day	£5.00	£6.00
<b>St John Street</b>		
Up to 30 minutes	£0.50	0
Up to 1 hour	£1.00	£1.30
Up to 2 hours	£2.00	£2.50
Up to 3 hours	£3.00	£3.80
<b>Windsor Street</b>		
Up to 30 minutes	£0.50	0
Up to 1 hour	£1.00	£1.30
Up to 2 hours	£2.00	£2.50
Up to 3 hours (new price band)	N/A	£3.80
<b>Recreation Road South</b>	<b>Former charges 23/24</b>	
Up to 30 minutes	£0.40	
Up to 1 hour	£0.80	
Up to 2 hours	£1.60	
Up to 3 hours	£2.40	
Up to 4 hours	£3.20	
Up to 5 hours	£4.00	
Up to 8 hours	£6.40	
Up to 11 hours	£8.80	
Up to 14 hours	£11.20	
<b>Recreation Road South</b>	<b>New charges 24/25</b>	
Up to 30 minutes	0	
Up to 1 hour	£1.00	
Up to 2 hours	£2.00	
Up to 3 hours	£3.00	
Up to 4 hours	£4.00	
Up to 5 hours	£5.00	
Up to 6 hours	£8.00	
Up to 10 hours (new maximum price band due to change to no charges from 18:00)	£11.00	
<b>Parking Permits</b>	<b>23/24</b>	<b>24/25</b>
Season Ticket long stay car parks	£320.00	£320.00
Season Ticket Aston Fields	£320.00	£320.00
Churchfields Multi Storey (not currently in use)	£215.00	Not available

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**Council**  
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### Political Balance and Committee Allocations Report

Relevant Portfolio Holder		Councillor Charlie Hotham	
Portfolio Holder Consulted		Yes	
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 ensuring 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.

3.6 During the 2023/24 municipal year, difficulties were experienced in terms of convening Licensing Sub-Committee meetings that were quorate.

3.7 Three Members are appointed as members of each Licensing Sub-Committee meeting plus an additional reserve Member and these members are allocated from the overall membership of the Licensing Committee.

3.8 Meetings of Licensing Sub-Committees are held during the day, which is designed to accommodate the working commitments of taxi drivers and holders of premises licences.

3.9 Unfortunately, during the 2023/24 municipal year, some members of the Licensing Committee struggled to attend meetings of the Licensing Sub-Committee during the day due to work and other commitments.

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Members are asked to consider their availability to attend meetings during the day when determining whether to serve as members of the Licensing Committee in 2024/25.

3.10 The Committee Terms of Reference, from Part 5 of the constitution, are attached at Appendix 2 for Members to confirm.

3.11 This Appendix does not include reference to the terms of reference for the Licensing (Miscellaneous) Sub-Committees A and B. This is because the terms of reference for those sub-committees have been reviewed and an amendment has been proposed, as detailed in a separate report to the Annual Council meeting concerning review of the Council's constitution. Members will be invited in that separate report to endorse those terms of reference.

#### **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.

5.2 The definition of a Political Group for these purposes is that it has a minimum of 2 members. The current composition of the Council is 11 Conservative group members, 8 Labour Group members, 6 2023 Independent group members, 5 Liberal Democrat group members and 1 non-aligned member.

5.3 A review of the political balance must take place as soon as is reasonably possible after a change occurs to the Council's political balance.

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

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

6.1 This review of the Council's political balance is required following changes to political group membership at the authority. The review will help to ensure that the Council remains effective and sustainable.

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

6.2 There are no specific climate change implications.

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**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 May 2024

Appendix 2 – Committee Terms of Reference

**9. REPORT SIGN OFF**

<b>Department</b>	<b>Name and Job Title</b>	<b>Date</b>
Lead Portfolio Holder	Councillor Charlie Hotham, Portfolio Holder for Finance and Enabling	May 2024
Lead Director / Head of Service	Claire Felton, Head of Legal, Democratic and Property Services	April 2024
Financial Services	Pete Carpenter, Interim Section 151 Officer	April 2024
Legal Services	Claire Felton, Head of Legal, Democratic and Property Services	April 2024

# Agenda Item 11

## APPENDIX 1 POLITICAL BALANCE CALCULATION May 2024

The figures in *italics* are the mathematical calculations.

Committee	Cons 11 <i>35.48% of total</i>	Lab 8 <i>25.81% of total</i>	Lib Dems Dem 5 <i>16.13% of total</i>	2023 Independents 6 <i>19.35% of total</i>	Non-aligned 1 <i>3.23% of total</i>	Total
Overview and Scrutiny Board	4 <i>3.90</i>	3 <i>2.84</i>	2 <i>1.77</i>	2 <i>2.13</i>	0 <i>0.36</i>	<b>11</b> <b>11</b> members on Board <i>11</i>
Licensing Committee	4 <i>3.90</i>	3 <i>2.84</i>	2 <i>1.77</i> <b>* Take 1</b>	2 <i>2.13</i> <b>* Take 3</b>	0 <i>0.36</i>	<b>11</b> <b>11</b> members on Cttee <i>11</i>
Planning Committee	4 <i>3.90</i>	3 <i>2.84</i>	2 <i>1.77</i>	2 <i>2.13</i>	0 <i>0.36</i>	<b>11</b> <b>11</b> members on Cttee <i>11</i>
Audit, Stds & Gov'ce Committee	4 <i>3.90</i> <b>* Take 3</b>	3 <i>2.84</i>	2 <i>1.77</i>	2 <i>2.13</i>	0 <i>0.36</i> <b>* Take 1</b>	<b>11</b> <b>11</b> members on Cttee <i>11</i>
Electoral Matters Cttee	2 <i>2.48</i>	2 <i>1.81</i>	1 <i>1.13</i>	1 <i>1.35</i>	0 <i>0.23</i> <b>* Take 1</b>	<b>6</b> <b>7</b> members on Cttee <i>7</i>
Appeals	2 <i>1.77</i>	1 <i>1.29</i>	1 <i>0.81</i>	1 <i>0.97</i>	0 <i>0.16</i>	<b>5</b> <b>5</b> members on Cttee <i>5</i>
Appointments	2 <i>1.77</i>	1 <i>1.29</i>	1 <i>0.81</i>	1 <i>0.97</i>	0 <i>0.16</i>	<b>5</b> <b>5</b> members on Cttee <i>5</i>
Statutory Officers	2 <i>1.77</i>	1 <i>1.29</i>	1 <i>0.81</i>	1 <i>0.97</i>	0 <i>0.16</i>	<b>5</b> <b>5</b> members on Cttee <i>5</i>
Entitled to TOTAL seats allocated initially	<b>23</b> 24	<b>17</b> 17	<b>11</b> 12	<b>13</b> 12	<b>2</b> 0	<b>66</b> 65
<i>Exact Mathematical Entitlement</i>	<i>23.42</i>	<i>17.03</i>	<i>10.65</i>	<i>12.77</i>	<i>2.13</i>	66
Final seat allocation	23	17	11	13	2	66

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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.

## APPENDIX 2 - COMMITTEE TERMS OF REFERENCE PART 5

### 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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## APPENDIX 2 - COMMITTEE TERMS OF REFERENCE PART 5

	<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	The Chairman shall where possible not be a member of a political group represented in Cabinet
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>

## APPENDIX 2 - COMMITTEE TERMS OF REFERENCE PART 5

### ELECTORAL MATTERS COMMITTEE

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

## APPENDIX 2 - COMMITTEE TERMS OF REFERENCE PART 5

### 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>



## APPENDIX 2 - COMMITTEE TERMS OF REFERENCE PART 5

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

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

## APPENDIX 2 - COMMITTEE TERMS OF REFERENCE PART 5

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

The terms of reference for the Licensing (Miscellaneous) Sub-Committees A and B are not attached to this appendix as amendments to these terms of reference have been proposed in a separate report to the Annual Council focusing on review of the Council's constitution. Members will be invited to consider and endorse the terms of reference for this Sub-Committee in that report.

### OVERVIEW AND SCRUTINY BOARD

Number of Members	11, none of whom shall be members of the Cabinet
Politically Balanced Y/N	Y
Quorum	6
Procedure applicable	<p>Rules</p> <p>Overview and Scrutiny Procedure Rules and Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 9-11, 13.4, 13.5, 14, 18.2, 20.1 and 22) – where there is any conflict, Overview and Scrutiny Procedure Rules to take precedence</p>
Terms of Reference	<p>The general terms of reference of the Overview and Scrutiny Board will be to perform all overview and scrutiny functions on behalf of the Council in relation to any matter affecting the District and its inhabitants</p> <p>The specific terms of reference include:-</p> <ol style="list-style-type: none"> <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>

## APPENDIX 2 - COMMITTEE TERMS OF REFERENCE PART 5

	<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	The Chairman shall where possible not be a member of a political group represented in Cabinet
Officer attendance	A Director is expected to attend each meeting. The relevant Head of Service is expected to attend for consideration of any item within his/her area of responsibility
Whipping arrangements	When considering any matter in respect of which a member of the Overview and Scrutiny Board is subject to a party whip, the Councillor must declare the existence of the whip, and the nature of it before the commencement of the Overview and Scrutiny Board's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.
Substitutes	Substitutes are permitted subject to the restriction that each member of the Board may only nominate a substitute on up to two occasions during each municipal year (as set out in rule 1.3 of the Overview and Scrutiny Procedure Rules). In extenuating circumstances and upon application to the Chairman of the Overview and Scrutiny Board, this may be waived. [Substitutes cannot be used for Task Group meetings.]
Special provisions as to membership	Members of the Cabinet or the Chairman of the Council may not be a member of or substitute on the Overview & Scrutiny Board.

## APPENDIX 2 - COMMITTEE TERMS OF REFERENCE PART 5

### 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

## APPENDIX 2 - COMMITTEE TERMS OF REFERENCE PART 5

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

## APPENDIX 2 - COMMITTEE TERMS OF REFERENCE PART 5

### 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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**Council**  
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### Outside Body Appointments 2024/25

Relevant Portfolio Holder		Councillor C. Hotham	
Portfolio Holder Consulted		Yes	
Relevant Head of Service		Claire Felton	
Report Author Claire Felton	Job Title: Head of Legal, Democratic and Property Services Contact <span style="float: right;">email:</span> <a href="mailto:c.felton@bromsgroveandredditch.gov.uk">c.felton@bromsgroveandredditch.gov.uk</a> Contact Tel: 01527 881429		
Wards Affected		All	
Ward Councillor(s) consulted		N/A	
Relevant Strategic Purpose(s)		An Effective and Sustainable Council	
Non-Key Decision			
If you have any questions about this report, please contact the report author in advance of the meeting.			

#### 1. **RECOMMENDATIONS**

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

#### 2. **BACKGROUND**

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

#### 3. **FINANCIAL IMPLICATIONS**

3.1 There are no financial implications arising from this report.

#### 4. **LEGAL IMPLICATIONS**

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

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

### **5. STRATEGIC PURPOSES - IMPLICATIONS**

#### **Relevant Strategic Purpose**

- 5.1 The action proposed in this report supports the strategic purpose “an effective and sustainable Council”.
- 5.2 Council reviews outside body appointments on an annual basis to ensure that those bodies to which the Council puts forward nominations continue to address the needs and aspirations of the District.

#### **Climate Change Implications**

- 5.3 There are no specific climate change implications.

### **6. OTHER IMPLICATIONS**

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

- 6.1 There are no specific equalities and diversity implications.

#### **Operational Implications**

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

### **7. RISK MANAGEMENT**

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

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**8. APPENDICES and BACKGROUND PAPERS**

**Appendices**

Appendix 1 - list of appointments to outside bodies

**Background Papers:**

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

**9. REPORT SIGN OFF**

Department	Name and Job Title	Date
Portfolio Holder	Councillor C. Hotham	
Lead Director / Head of Service	Claire Felton, Head of Legal, Democratic and Property Services	
Financial Services	Peter Carpenter	
Legal Services	Claire Felton, Head of Legal, Democratic and Property Services	

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## Council Appointments to Outside Bodies

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Organisation	No. of Appts & Length of Office	Appointed 2023/2024	Nominations 2024/2025
Amphlett Hall Management Committee	<b>2 (previous years 4)</b> 1 year	H. Rone-Clarke S. Webb	
Citizens' Advice Bromsgrove and Redditch	<b>2</b> 1 year	S. Ammar S. Webb	
Hereford & Worcestershire Integrated Care Partnership Assembly	<b>1 and a substitute (new group first appointment made by Council on 17<sup>th</sup> October 2022)</b>	S. Webb  Substitute: S. Baxter	
Midlands Joint Council for Environmental Protection	<b>2</b> 1 year	H. Rone-Clarke	
West Mercia Police and Crime Panel  <i>Rep and sub must be from the same political group on the Council (usually the majority group)</i>	<b>1 rep and 1 substitute</b>	H. Jones  Substitute: S. Colella B. Kumar (Council 24 <sup>th</sup> Jan 2024)	
Worcestershire County Council Corporate Parenting Board	<b>1</b> 1 year	E. Gray	
Worcestershire County Council Health Overview and Scrutiny Committee	<b>1</b> 1 year	B. Kumar (Overview & Scrutiny Board 11 <sup>th</sup> Sept 2023)	Delegate to the next meeting of the O&S Board to determine
Worcestershire Regulatory Services Board (previously Worcestershire Shared Services Joint Committee)	<b>2</b> 1 year To include relevant Portfolio holder and one other member of the controlling group and one substitute	K. Taylor  H. Jones  Substitute: M. Marshall	



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**Constitution Review Including Review of Scheme of Delegations –  
Report to Council**

Relevant Portfolio Holder		Councillor Charlie Hotham, Portfolio Holder for Finance and Enabling
Portfolio Holder Consulted		Yes
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>	
Wards Affected		No specific ward relevance
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) The current version of the Officer Scheme of Delegations is agreed as set out at Appendix A;**
- 2) The Joint Arrangements, at Part 7 of the constitution, be updated, as detailed in Appendix B;**
- 3) The Planning Procedure Rules, at Part 14 of the constitution, be updated, as detailed in Appendix C and the Planning Call in process be removed from the Officer Scheme of Delegations at Part 6 of the constitution;**
- 4) The Scrutiny Procedure Rules, at Part 12 of the constitution, be updated as detailed in Appendix D;**
- 5) The Audit, Standards and Governance Committee Procedure Rules, at Part 13 of the constitution, be updated as detailed in Appendix E;**
- 6) The amendments to the Member Officer Relations Protocol, at Part 22 of the constitution, whereby the Member Enquiries Guidance should be added as an appendix to that part of the constitution, be approved; and**

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**7) The Committee terms of reference for the Licensing (Miscellaneous) Sub-Committees A and B for the number of Councillors be amended as detailed in Appendix G.**

**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.
- 2.2 This report also details the outcomes of the latest meeting of the Constitution Review Working Group (CRWG), held on 12<sup>th</sup> March 2024, at which various changes to the Council's constitution were discussed.
- 2.3 These proposed recommendations were considered at a meeting of the Overview and Scrutiny Board held on 22<sup>nd</sup> April 2024. The Board endorsed the recommendations made by the CRWG, subject to an amendment to the proposed changes to the Scrutiny Procedure Rules, as detailed below.
- 2.4 Members are invited to consider the background to the recommendations proposed by the CRWG and to determine whether to endorse the group's recommendations.

**3. OPERATIONAL ISSUES**

Scheme of Delegations

- 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.
- 3.3 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 the reallocation of functions. They do not extend the delegations.



- 3.4 One proposed change has been highlighted in Appendix A, to remove reference to the Planning Call in process from the Scheme of Delegations. The Planning Call-in process will remain part of the constitution, but it is suggested that it would be more logical for this to be included in the Planning Procedural Rules, as detailed below at paragraphs 3.10 – 3.13.

#### Joint Arrangements

- 3.5 Part 7 of the Council's constitution details joint arrangements in place with which Bromsgrove District Council has some involvement, such as shared service arrangements.
- 3.6 The content of the Joint Arrangements section in the constitution has been reviewed by Officers and changes are being proposed to update the information that is provided, as detailed at Appendix B to the report.
- 3.7 This includes the proposal to remove reference to the former Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP) from the Joint Arrangements document, as this LEP no longer exists.
- 3.8 A further change is proposed to remove reference to the Joint Worcestershire Regulatory Services (WRS) Board from the Joint Arrangements section. This proposal is being made in a context in which Officers are proposing to update the Committee Terms of Reference, at Part 5 of the constitution. It is suggested that in future the updated Committee Terms of Reference should be divided into two parts; Part A will focus on the terms of reference for "internal Committees", such as the Planning Committee, and Part B will focus on the terms of reference for joint bodies with which the Council has some involvement.
- 3.9 The review of the content of the Committee Terms of Reference is currently still taking place and will be reported for Members' consideration in due course.

#### Planning Procedure Rules

- 3.10 There is a process at Bromsgrove District Council that enables Members to call in particular Planning applications for the consideration of the Planning Committee.
- 3.11 Currently, the guidance in respect of the call in process for planning applications is listed at Paragraphs 7 – 8 in the Introduction to the Officer Scheme of Delegations, at Part 6 of the constitution.

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- 3.12 The ongoing review of the Council's constitution has highlighted that this is not the most logical location for this information about the Planning call in process to be located.
- 3.13 In this context, to enhance the clarity and transparency of the process, it is proposed that the guidance in respect of the Planning Call in process should be incorporated into the Planning Procedure Rules at Part 14 of the constitution, as detailed in Appendix C to this report.
- 3.14 Further changes are proposed to the Planning Procedure Rules in relation to removing reference to the temporary process that was in place for planning site visits held during the Covid-19 pandemic. These temporary arrangements no longer need to be in place.
- 3.15 Members are asked to note that the Council's existing procedures for planning site visits continue to feature in the Planning Code of Practice, at Part 24 of the constitution. As no changes are proposed to the process for carrying out site visits, this has not been included as an appendix to this report, but this part can be viewed as a background paper to the report.

#### Scrutiny Procedure Rules

- 3.16 Part 12 of the Council's constitution is the Scrutiny Procedure Rules, which details the procedural rules for the Council's Overview and Scrutiny process.
- 3.17 The Scrutiny Procedure Rules include guidance with respect to the types of items that may be included on the Overview and Scrutiny Work Programme.
- 3.18 The CRWG considered two proposed changes to the rules that would help to clarify the types of items that would not be accepted for consideration by the Overview and Scrutiny Board:
- Anybody can add an item for consideration at a meeting of the Overview and Scrutiny Board. There is a risk that an individual could call for the same subject to be debated at consecutive meetings of the Board over a period of time, which would take up time at meetings of the Board at the expense of debating other issues that might be of particular concern to the local community. It is therefore proposed that the Overview and Scrutiny Procedure Rules should be amended so as to clarify that a subject may not be considered at a meeting if it has previously been debated at a meeting of the Board held in the preceding 6 months. Originally, a caveat was suggested that a subject could be debated more than once in a 6-month period if significant changes had occurred since

the issue was previously debated. However, at the request of the Overview and Scrutiny Board, this was redrafted in Appendix D to this report to provide greater clarity about when such circumstances could occur, which would be in cases where the Chairman of the Board determines, following receipt of advice from Officers, that changes in respect of a subject previously debated by the Board are significant.

- There is a legal restriction preventing Overview and Scrutiny of specific planning and licensing applications. It is proposed that, to ensure transparency in the process, this should be clarified in the Scrutiny Procedure Rules.

3.19 Presently, Procedure Rule 1.3 stipulates that a member of the Overview and Scrutiny Board may appoint a substitute to attend Board meetings on their behalf on only two occasions during a municipal year. The rationale for this proposal was that, due to the importance of the Overview and Scrutiny function and the need for continuity, Members of the Board should attend meetings wherever possible and limit their absences.

3.20 Concerns were raised at the CRWG meeting about the restrictions arising from this procedural rule in respect of substitutions at meetings of the Board. As an alternative, the CRWG is proposing that each member of the Board should have a designated named substitute who would be kept informed of the work of the Board and could step in to attend meetings on behalf of the Board member should they be unable to attend a meeting.

3.21 Reference was also made at the CRWG meeting to procedure rule 7.2, which relates to holding quarterly meetings between the Leader, Chairman of the Overview and Scrutiny Board and Chairman of the Audit, Standards and Governance Committee to co-ordinate work programmes. Members noted that these meetings had not been taking place and the group concluded that, as there are many other opportunities for Members to enter into dialogue, both formally and informally, these meetings were not considered to be necessary. Therefore, the CRWG proposed that this requirement should be removed from the Scrutiny Procedure Rules.

#### Audit, Standards and Governance Committee Procedure Rules

3.22 Part 13 of the Council's constitution contains the Audit, Standards and Governance Committee's Procedure Rules.

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- 3.23 Included within these rules is a requirement for the Monitoring Officer's report to be considered as a regular item on the agenda for meetings of this Committee. The Monitoring Officer's report provides updates on key matters relating to the Council's standards regime as well as on Member training and the work of the CRWG.
- 3.24 In most years, the Audit, Standards and Governance Committee meets four times a year. However, since the Council was issued with a Section 24 Notice in 2022, the Committee has been meeting six times a year and this meeting regularity is due to continue until all of the points in the Section 24 recommendations have been addressed.
- 3.25 The CRWG was advised that Monitoring Officer reports have been prepared for consideration at all of the Audit, Standards and Governance Committee meetings held during the 2023/24 municipal year. However, there have not been significant changes from a standards perspective in the time that has elapsed between meetings during the year.
- 3.26 In this context, it is proposed that it would be more appropriate in future for the Monitoring Officer's reports to be presented for the consideration of the Audit, Standards and Governance Committee on a quarterly basis. There would remain the potential for additional copies of this report to be drafted during the year should circumstances require.

#### Member Officer Relations Protocol – Addition of Member Enquiries Guidance

- 3.27 In recent months, Group Leaders have discussed the process followed at the Council for consideration and resolution of enquiries raised by Members with staff.
- 3.28 The Council's Business improvement Team (BIT) reviewed the arrangements that were in place, in terms of staff responding to queries received from Members. This review identified that there were a range of approaches adopted by teams across the Council. Whilst many staff had positive working relationships with Councillors, approaches to responding to Members varied and there was a lack of consistency. In addition, timescales for responding to Members varied.
- 3.29 In this context, Officers have drafted guidance for staff in respect of responding to Member enquiries. The intention of this guidance is to enable greater consistency to emerge in respect of the processes that staff are expected to follow when responding to Members' queries. This guidance should also provide clarity about timescales and

expectations, to the benefit of elected Members and the residents that they serve.

- 3.30 Part 22 of the Council's constitution contains the Member Officer Relations Protocol. This protocol outlines the appropriate working relationships between Members and Officers at Bromsgrove District Council. It is suggested that the guidance would be appropriate to attach as an appendix to this protocol in the Council's constitution.
- 3.31 In considering this matter, Members are asked to note that the Corporate Management Team (CMT) will be monitoring data arising from the Member enquiries that are reported through this process so that any trends or areas of concern can be addressed as they emerge.

#### Committee Terms of Reference – Licensing Miscellaneous Sub-Committees A and B

- 3.32 In the past, there was a constitutional requirement for either the Chairman or the Vice Chairman of the Licensing Committee to act as the Chairman of any Licensing Sub-Committee meetings that were convened.
- 3.33 This requirement created challenges when attempting to arrange and secure membership for meetings of the Licensing Sub-Committees. There were also challenges that arose when both the Chairman and the Vice Chairman had conflicts of interest in relation to the application due to be considered. Council therefore agreed in an urgent decision made in November 2020 that there should no longer be a requirement for the Chairman or Vice Chairman of the Licensing Committee to chair meetings of the Sub-Committees.
- 3.34 Reference is still made in the terms of reference to the Chairman or Vice Chairman of the Committee Licensing Committee forming one of the number of members serving on a Licensing Sub-Committee. This creates challenges in terms of organising meetings of the Licensing Sub-Committee as the Chairman and Vice Chairman may not always be available in the day on the dates when meetings need to be held. They may also have potential conflicts of interest relating to the applications on the agenda.
- 3.35 This is not specified as a requirement in the special provisions as to membership for the Licensing Sub-Committee and an amendment to the information about the number of Councillors on Licensing Sub-Committees would help to provide useful clarity in respect of this rule.

- 3.36 It is therefore proposed that the information relating to the number of Councillors on a Licensing Sub-Committee in the terms of reference for the Licensing Sub-Committee should be updated to remove reference to the Chairman and Vice Chairman of the Licensing Committee, as detailed in Appendix G.

#### General Updates to the Constitution

- 3.37 It is important to note that these recommendations have been made in a context in which a comprehensive review continues to be undertaken on behalf of the Council. This review has taken on board the findings arising from the Governance Systems Task Group, whilst also aiming to simplify and reduce the current length of the constitution.

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

- 4.1 There are no specific financial implications arising 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.
- 5.3 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) highlights functions which cannot by law be the responsibility of the Executive which cannot be subject to scrutiny. This category includes functions relating to town and country planning and development control and functions relating to licensing and regulation.
- 5.4 There is no legal requirement for the Chairman or the Vice Chairman of the Licensing Committee (parent) to also be a member serving on a Licensing Sub-Committee meeting.

#### **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**

- 6.2 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 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.

- 7.2 There is a risk that if the proposed changes to the constitution are not approved the document will remain lengthy and in some places both out of date and lacking in clarity. This is because the changes proposed in this report are designed to enhance the transparency of this constitution and to make the layout and content more user friendly.

**8. APPENDICES and BACKGROUND PAPERS**

Appendices

Appendix A – Scheme of Delegations

Appendix B – Joint Arrangements – Updated in Track Changes

Appendix C – Planning Procedure Rules – Updated in Track Changes

Appendix D – Scrutiny Procedure Rules – Updated in Track Changes

Appendix E – Audit, Standards and Governance Committee Procedure Rules – Updated in Track Changes

Appendix F – Member Officer Relations Protocol, Including Member Enquiries Guidance at Appendix 1 – Updated in Track Changes

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Appendix G – Extract from Committee Terms of Reference – Licensing (Miscellaneous) Sub-Committees A and B

Background Papers

Planning Code of Practice, at Part 24 of the Council’s Constitution: [24 Planning Code of Practice 2018 \(bromsgrove.gov.uk\)](https://www.bromsgrove.gov.uk/planning-code-of-practice-2018)

**9. REPORT SIGN OFF**

<b>Department</b>	<b>Name and Job Title</b>	<b>Date</b>
Portfolio Holder	Councillor Charlie Hotham.	May 2024
Lead Director / Head of Service	Claire Felton, Head of Legal, Democratic and Property Services	April 2024
Financial Services	Pete Carpenter, Director of Finance and Resources	April 2024
Legal Services	Claire Felton, Head of Legal, Democratic and Property Services	April 2024



## PART 6

### APPENDIX A

#### 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

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## PART 6

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**

~~9.7.~~ The Monitoring Officer shall be the final arbiter in relation to the interpretation and application of the Scheme.

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**PART 6**

**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

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<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.

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Appeals.	To consider and determine appeals in respect of discipline, dismissal, the exercising of delegations (in respect of pension matters) for staff below the level of Head of Service.	Council.	Any one of the following: Chief Executive, Deputy Chief Executive Directors, Heads of Service (other than Head of Transformation, 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.

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	<p>2. Within the Council's approved disciplinary and capability procedures, to take action against, (including dismissal of), Executive Directors, subject, in the case of any Officer designated as Chief Finance Officer or Monitoring Officer, to compliance with the Local Authorities (Standing Orders) (England) Regulations 2001.</p>	<p>2. Council.</p>	<p>2. Head of Paid Service.</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>3. Council.</p>	<p>3. Chief Executive/ Head of Paid Service or Executive Directors.</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>4. Council.</p>	<p>4. Heads of Service.</p>

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## PART 6

Early Retirement Payments.	To exercise discretionary powers under the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006 to make a single lump sum payment (including any redundancy payment where necessary) of up to no more than 52 weeks actual pay to any employee in accordance with agreed criteria.	Council.	Chief Executive in consultation with The Executive Director, Finance and Resources, Head of Transformation, OD and Digital Services and the relevant Portfolio Holder.
Examination Success and other Achievements.	Within the budget determined by Council, to make decisions on matters arising from examination success or other special achievements by Council employees.	Cabinet/Leader.	Heads of Service in consultation with Head of Transformation, OD and Digital Services
Overtime Payments.	Within the budget determined by Council, to approve payments for overtime working where staff are required to work such overtime in pursuance of the Council's obligations or objectives.	Council.	Chief Executive, Executive Directors, Deputy Chief Executive, Heads of Service.
Pay Award.	Within the budget determined by Council, to implement increases in respect of the annual cost of living pay award as negotiated and agreed by the National Joint Councils or the Joint national Council for all staff.	Council.	Financial Services Manager.
Pay Protection.	To determine an appropriate pay protection policy for all staff.	Council.	Head of Transformation, OD and Digital Services in consultation with the Chief Executive and Executive Director - Finance and Corporate Resources.

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## 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



## PART 6

COMMUNITY SERVICES			
1. Strategic Housing			
Subject	Detail	Delegated by:	Delegated to:
Discretionary Housing Assistance Grants.	To determine applications for Housing Assistance Grants under the Regulatory (Housing Assistance Grants) (England and Wales) Order 2002.	Cabinet/ Leader.	Strategic Housing Manager.
Home improvement Agency	To deal with day to day management of the Home Improvement Agency Service	Cabinet	Head of Community Services/ Strategic Housing Manager/Private Sector Team Leader
Houses in Multiple Occupation.	<ol style="list-style-type: none"> <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>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	Cabinet	Head of Community Services
First Homes	To make amendments to Council's the First Homes Policy to reflect future Government guidance	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	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

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## PART 6

<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.	Cabinet	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

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**PART 6**

<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>

## PART 6

<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>

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	<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>

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	<p>h. Section 225: Deposit of documents.</p> <p>i. Section 236(9): To send copies of byelaws for parish records.</p> <p>j. Section 236(10): To send copies of byelaws to the County Council.</p> <p>k. Section 238: Certification of byelaws.</p> <p>l. Section 228 (3): Accounts of “any Proper Officer” to be open to inspection by any member.</p> <p>m. Section 191: Function with respect to ordnance survey.</p> <p>n. Sections 115(2) and 146(1) (a) and (b): Receipt of money due from Officers declaration and certificates with regard to securities.</p> <p>o. Section 151.</p>		<p>h. Head of Legal, 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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## PART 6

<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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**PART 6**

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

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## PART 6

<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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## PART 6

Independent Person	To make any future appointments to the role of Independent Person.  <i>(Delegation added in the 2023/24 municipal year following agreement at Council).</i>	Council	Monitoring Officer
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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**PART 6**

<b>ENVIRONMENT</b>			
<b>1. Business Waste Collection and Recycling Service</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
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>To operate the Bromsgrove Cemetery and North Bromsgrove Cemetery within the Budget and Policy Framework.</li> <li>To determine applications to sell flowers at Bromsgrove Cemetery and North Bromsgrove Cemetery and to determine a suitable charge.</li> <li>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>Cabinet/ Leader.</li> <li>Cabinet/ Leader.</li> <li>Cabinet/ Leader.</li> </ol>	<ol style="list-style-type: none"> <li>&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>

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## PART 6

<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.

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## PART 6

<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>To make amendments to the Car Parking Order (other than alterations to car parking charges and excess penalty notice charges).</li> <li>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>Cabinet/ Leader.</li> <li>Cabinet/ Leader.</li> </ol>	<ol style="list-style-type: none"> <li>Head of Environmental Services.</li> <li>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.

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## PART 6

<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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## PART 6

	<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>the felling of small trees.</li> <li>the removal of dead, dying or diseased trees.</li> <li>pruning for reasons of health and safety to trees of any size.</li> <li>minor pruning works.</li> <li>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>

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

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<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.	To make nominations in respect of secure tenancies to: <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.

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	<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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## PART 6

<b>LEGAL, EQUALITIES AND DEMOCRATIC SERVICES</b>			
<b>1. Legal</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
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.	<ol style="list-style-type: none"> <li>To deal with all matters relating to public footpaths where no objections to the proposal have been received.</li> <li>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.</li> </ol>	<ol style="list-style-type: none"> <li>Planning Committee.</li> <li>Planning Committee.</li> </ol>	<ol style="list-style-type: none"> <li>Principal Solicitor.</li> <li>Head of Planning, Regeneration and Leisure Services.</li> </ol>
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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Legal Advice and Assistance.	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.	Council/Cabinet / Leader (as appropriate).	Principal Solicitor.
Low Cost Housing Transactions.	<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>	1. – 3. Cabinet/ Leader.	<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>
Planning Consultants.	<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>	1. & 2. Principal Solicitor or Head of Planning, Regeneration and Leisure Services.

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## PART 6

	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>

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	<p>6. To sign any document required as part of any court procedure including statutory demands or bankruptcy petitions.</p>	<p>6. Council.</p>	<p>6. Principal Solicitor.</p>
	<p>7. To select and authorise Officers to prosecute or defend on the council's behalf (subject to 9 below).</p>	<p>7. Council.</p>	<p>7. Principal Solicitor.</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>8. Council</p>	<p>8. Principal Solicitor.</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>9. Council.</p>	<p>9. Principal Solicitor or Head of Resources.</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>10. Council.</p>	<p>10. Principal Solicitor.</p>

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

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Regulation of Investigatory Powers Act.	See Under Corporate Delegations	-	-
Road Closures - Temporary.	To determine requests to make Orders under section 21 of the Town and Police Clauses Act 1847.	Cabinet/Leader.	Principal Solicitor In consultation with Head of Environmental Services.
Seal.	To decide to which documents the common seal should be affixed and to attest the affixing of common seal.	Council.	Principal Solicitor.
Section 106 Agreements - Fees.	To determine the fee to be charged to commercial organizations for legal work undertaken in respect of Section 106 Agreements to which a commercial organization is a party.	Cabinet/Leader.	Principal Solicitor.
Trespassers and Unauthorised Encampments.	<ol style="list-style-type: none"> <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.

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## PART 6

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

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## PART 6

Councillor post vacancies	To declare the office of Councillor vacant immediately after a person has ceased to be a Councillor where they have not attended a Council or Committee meeting for six months or more.  <i>(Added to the Scheme with the agreement of Members at Council in 2023/24)</i>	Council	Chief Executive as Proper Officer
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3. Democratic Services			
Subject	Detail	Delegated by:	Delegated to:
Programme of Council and Committee meetings.	To agree the programme of Council and Committee meetings.	Council.	Head of Legal, Democratic and Property Services following consultation with the Executive/Leader and relevant Portfolio Holder.
Members' Expenses.	<ol style="list-style-type: none"> <li>To administer payments made under the Members' Allowance Scheme.</li> <li>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>Council.</li> <li>Council.</li> </ol>	<ol style="list-style-type: none"> <li>Principal Democratic Services Officer.</li> <li>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.

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## PART 6

<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.

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## PART 6

Flowers, Bulbs and Trees.	To approve requests from charitable organisations to plant flowers, bulbs and trees in support of the Charity at locations in parks.	Cabinet/Leader.	Head of Planning, Regeneration and Leisure Services.
Play Areas.	<ol style="list-style-type: none"> <li>Day-to-day management of play areas including Health and Safety matters, maintenance and renewals.</li> <li>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>To adopt Public Open Space on behalf of the Council which has previously been agreed as part of a Section 106 Agreement.</li> <li>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>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>To determine applications for the use of the Recreation Ground, Bromsgrove and the Boleyn Road Recreation Ground Frankley by fun fairs which fall within established policy.</li> </ol>		1. - 3. Head of Planning, Regeneration and Leisure Services.

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## PART 6

	<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 being made in partnership with other organisations.	Cabinet	Head of Planning, Regeneration and Leisure Services.

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## PART 6

Sanders Park & Open Spaces– Use by Hot Air Balloons.	To determine applications for the use of Sanders Park and Open Spaces for hot air balloon flights.	Cabinet	Head of 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.

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## PART 6

<b>PLANNING AND REGENERATION</b>			
<b>1. Assets of Community Value</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
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

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## PART 6

<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.

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## PART 6

<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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## PART 6

Landscaping Schemes.	To approve landscaping/tree planting schemes submitted as a result of planning permissions subject to such conditions as may be appropriate.	Planning Committee.	Head of Planning, 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.	To negotiate the legal, drafting and all terms of the agreements and undertaking, except for those which involve planning gain, restriction of the development or use of the land, obligations relating to the land and financial contributions.	Planning Committee.	Principal Solicitor.
	To execute and complete planning agreements.	Planning Committee.	Principal Solicitor.
Planning Agreements and Unilateral Undertakings.	To determine applications or requests for discharge or modification of planning agreements or undertakings (whether by approval or further agreement) unless it includes the following:  a. Deletion, addition or variation of one or more of the heads of terms originally approved by the Planning Committee.	Planning Committee.	Head of Planning, Regeneration and Leisure Services.

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	<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>		
Planning Agreements and Unilateral Undertakings.	To approve the enforcement of a planning obligation.	Planning Committee.	Head of Planning, Regeneration and Leisure Services.
Planning Applications.	<ol style="list-style-type: none"> <li>1. To determine:               <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> </li> </ol>	<ol style="list-style-type: none"> <li>1. Council</li> </ol>	<ol style="list-style-type: none"> <li>1. Planning Committee</li> </ol>

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	<p>paragraphs to the Scheme of Delegations.</p> <p>d) applications by serving Officers and members</p> <p>e) applications by the Council or by Council Service Areas or Council departments.</p> <p>f) The Head of Planning and Regeneration considers that the application should be considered by the Planning Committee.</p> <p>2. To determine all other planning applications.</p> <p>NB: For the avoidance of doubt the term 'planning applications' include applications to vary or remove planning conditions attached to a planning permission, applications for development which has already been carried out and applications to extend the time for implementing planning permissions.</p>	<p>2. Planning Committee</p>	<p>2. Head of Planning, 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>

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	f. Reasonable in all other aspects.		
Listed Building and Conservation Area Consent.	<p>To determine applications for listed building consent and Conservation Area consent unless they are:</p> <ul style="list-style-type: none"> <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>	Planning Committee.	Head of Planning, Regeneration and Leisure Services.
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.
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.

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<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>To determine applications for grants of up to £500.</li> <li>To determine applications for grants of between £500 and £1,000.</li> </ol>	<ol style="list-style-type: none"> <li>Cabinet/ Leader.</li> <li>Cabinet/ Leader.</li> </ol>	<ol style="list-style-type: none"> <li>Head of Planning, Regeneration and Leisure Services..</li> <li>Head of Planning, Regeneration and Leisure Services in consultation with the relevant Portfolio Holder.</li> </ol>
Markets.	<ol style="list-style-type: none"> <li>To approve events to be held.</li> <li>To let stalls.</li> </ol>	<ol style="list-style-type: none"> <li>Cabinet/ Leader.</li> <li>Cabinet/ Leader.</li> </ol>	<ol style="list-style-type: none"> <li>Head of Planning, Regeneration and Leisure Services.</li> <li>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>To administer the Local Heritage List for Bromsgrove;</li> <li>To approve draft selection criteria and final lists;</li> </ol>	Council	<ol style="list-style-type: none"> <li>Head of Planning, Regeneration and Leisure Services.</li> <li>Head of Planning,</li> </ol>

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	<p>3. To publish for consultation draft sections of the Local Heritage List.</p> <p><i>(Added to the Scheme of Delegations in the 2023/24 municipal year.)</i></p>		<p>Regeneration and Leisure Services following consultation with the Portfolio Holder for Planning.</p> <p>3. Head of Planning, Regeneration and Leisure Services</p>
<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.

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Repeat proposals	To decide whether to decline to accept repeat proposals for Neighbourhood Development Plans or Neighbourhood Development Orders		Head of Planning, Regeneration and Leisure Services following consultation with the Ward Member(s) for the area affected and the Portfolio holder for Planning.
Appointment of Examiner	To appoint an Examiner for a Neighbourhood Development Plan or Order		Head of Planning, Regeneration and Leisure Services following consultation with the Ward Member(s) for the area affected and the Portfolio holder for Planning.

### 7. Planning Enforcement

Subject	Detail	Delegated by:	Delegated to:
Article 4 Directions.	To make Directions under Article 4(1) of the Town & Country Planning (General Permitted Development) Order 1995 1.	Planning Committee.	Head of Planning, 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,	Planning Committee.	Head of Planning, Regeneration and Leisure Services.

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	324 and 325 of the Town & Country Planning Act 1990.		
Inspection Notices.	To serve notices of intended inspection under sections 196A, 196B, 214B, 324 and 325 of the Town and Country Planning Act 1990.	Planning Committee.	Principal Solicitor.
Injunctions.	To seek injunctions in the High Court under Section 187B of the Town & Country Planning Act 1990 or any other relevant statutory power restraining breaches of planning control 3.	Planning Committee.	Head of Legal, 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.	<ol style="list-style-type: none"> <li>To serve Planning Contravention Notices under section 171C of the Town &amp;</li> </ol>	<ol style="list-style-type: none"> <li>Planning Committee.</li> </ol>	<ol style="list-style-type: none"> <li>Head of Planning, Regeneration and Leisure Services</li> </ol>

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	<p>Country Planning Act 1990 (and any other statutory power which enables the Council to require information about land).</p> <p>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.</p>	<p>2. Planning Committee.</p>	<p>2. Head of Planning, Regeneration and Leisure Services</p>
Stop Notices.	<p>1. To authorise the issue and service of Stop Notices under section 183 of the Town &amp; Country Planning Act 1990.</p> <p>2. To authorise the issue and service of Stop Notices under section 183 of the Town &amp; Country Planning Act 1990 in cases of urgency when, in the opinion of Head of Planning &amp; Environment Services, reporting to Planning Committee is impractical.</p>	<p>1. Council.</p> <p>2. Planning Committee.</p>	<p>1. Planning Committee.</p> <p>2. Head of Planning, Regeneration and Leisure Services in consultation with the Principal Solicitor.</p>
Temporary Stop Notice.	<p>The issue and service Temporary Stop Notices under ss171E-H of the Town &amp; Country Planning Act 1990.</p>	<p>Planning Committee.</p>	<p>Head of Planning, Regeneration and Leisure Services in consultation with the Principal Solicitor.</p>
Proper Maintenance of Land.	<p>1. To authorise the issue of notices under section 215 of the Town and Country Planning Act 1990.</p> <p>2. To serve notices under section 215 of the Town and Country Planning Act 1990.</p>	<p>Planning Committee.</p>	<p>1. Head of Planning, Regeneration and Leisure Services.</p> <p>2. Principal Solicitor.</p>
Appeals.	<p>To take all action to defend the Council where there has been an appeal against a refusal to grant planning permission, listed building consent or conservation area consent.</p>	<p>Planning Committee.</p>	<p>Head of Planning, Regeneration and Leisure Services in consultation with the Principal Solicitor.</p>

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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>
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8. Strategic Planning			
Subject	Detail	Delegated by:	Delegated to:
Inspection Notices.	To serve notices of intended inspection under sections 196A, 196B, 214B, 324 and 325 of the Town and Country Planning Act 1990.	Planning Committee.	Principal Solicitor.
Local Plan Enquiry.	To provide direction on behalf of the Council to any Local Plan/Local Development Framework Inquiry on policy issues and site details.	Council	Head of Planning, 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.**

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## PART 6

### REGULATORY SERVICES

#### 1. LICENSING

##### HEAD OF REGULATORY SERVICES (WORCESTERSHIRE REGULATORY SERVICES)

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

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

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

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

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

To determine applications for house to house and street collections.

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

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

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

To authorise the entry of premises for the purpose of enforcing the provisions of the following legislation on behalf of the Council:

- Animal Boarding Establishments Act 1963.
- Breeding of Dogs Act 1973.
- Gambling Act 2005.
- Licensing Act 2003.
- Local Government (Miscellaneous Provisions) Acts 1976 and 1982.
- Town Police Clauses Act 1847.
- Zoo Licensing Act 1981.

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### To determine all matters under the Gambling Act 2005 except:

- Determination of fee levels.
- Applications for aviations to premises licences, provisional statements, club gaming/club machine permits and other permits where representations have been received and not withdrawn.
- Applications for transfer of premises licences where representations have been made by the Gambling Commission.
- Review of premises licenses.
- Decision to give a counter notice to a temporary use notice.
- Refusal of applications for registration by societies wishing to promote lotteries.

### Hackney Carriages and Private Hire Operators', Vehicles and Drivers'

### To determine all matters in relation to Hackney Carriage Drivers and Private Hire Operators, Vehicles and Drivers except:

#### 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.

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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/Stands

- 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.

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- 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.

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**(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.

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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).

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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## PART 6

<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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## PART 6

	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.

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## PART 6

<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.

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## PART 6

<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:  (b) represent the Council in the recovery of Council Tax and non-domestic rates monies due to the Council;  (b) represent the Council before a Valuation Tribunal in consideration of any appeals which may arise concerning Council Tax and non-domestic rates.	Council.	Principal Solicitor or Head of 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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## PART 6

	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.
Reduction of Council Tax Payable	The powers to reduce the Council Tax payable on a case-by-case basis, as provided by Section 13A 1(c) of the Local Government Finance Act 1992	Cabinet/Leader	Executive Director of Finance and Resources and the Revenue Services Manager
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.
Council Tax Discretionary Council Tax Reduction Policy - Council Section 13a1(C) Policy	To reduce the Council Tax payable on a case-by-case basis, as provided by Section 13A 1 (c) of the Local Government Finance Act 1992.  <i>(Delegation agreed during the 2023/24 municipal year).</i>	Council	Head of Finance and Customer Services and the Financial Support Manager

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## PART 6

<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>

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	<p>(a) determining leases, tenancy agreements and licences to occupy (except residential premises held under Part V of the Housing Act 1957) and</p> <p>(b) under Part II of the Landlord and Tenant Act 1954 when the Council wishes to grant or oppose the grant of a new lease, tenancy or licence.</p>		
Purchase of Land.	<p>1. To agree terms for the acquisition of land or individual properties required for an approved scheme after consultation with Chief Officers concerned complete the purchases where a capital scheme for the acquisition has been approved by the Council.</p> <p>2. To buy buildings or land at the best price reasonably obtainable in accordance with the Assets Management Plan and relevant legislation.</p>	<p>1. Cabinet/Leader.</p> <p>2. Cabinet/Leader.</p>	<p>1. Executive Director - Finance and Corporate Resources</p> <p>2. Executive Director - Finance and Corporate Resources.</p>
Repurchase of Former Council Houses.	To waive the right to repurchase former Council houses under the pre-emption clauses and to substitute the discount provisions contained in the Housing Act 1980.	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 in accordance with Council policy for Minor Land Disposal.</li> </ul> </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.

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Use of Land.	To determine applications for the use of small areas of land owned by the Council.	Cabinet/Leader.	Executive Director - Finance and Resources.
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## APPENDIX B - JOINT ARRANGEMENTS

### PART 7

#### **JOINT ARRANGEMENTS**

This section sets out the joint arrangements the Council has entered into with other local authorities, and is divided into the following parts:-

- Shared Services with Redditch Borough Council
- Other arrangements

[Further information in relation to Joint Committees that the Council participates in are referenced in Part B of the Committee Terms of Reference]

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#### **1. Shared Services with Redditch Borough Council**

The Council operates shared services with Redditch Borough Council. Whilst both councils are politically independent, they have a joint chief executive and a joint management team. The shared services arrangement is facilitated primarily by the Local Government Act 1972 and the Local Government Act 2000, and operates in accordance with service specific agreements and the Overarching Framework Agreement between the two councils.

In 2009 Bromsgrove District Council and Redditch Borough Council took the decision to work in partnership. The first step was the appointment of a joint chief executive and in 2010 this was followed by the appointment of a joint management team. The co-operation between the Council was formally recorded in a legal agreement known as the "Overarching Framework Agreement" which was signed in 2011.

The overall aim was to introduce collaborative working, bringing teams together to provide services jointly across the two councils, and delivering savings and efficiencies for both councils. From the outset both Councils chose to remain politically independent, with separate processes for decision making and operating independent budgets and spending.

Working practices have been put in place through the Overarching Framework Agreement and under the relevant local government legislation, and officers employed by one Council may carry out functions for the other in accordance with the Councils' respective Schemes of Delegation.

Since the introduction of shared services savings and efficiencies have been found by the reduction in senior management posts and subsequent re-structures as teams have been brought together.

Other benefits have included increased resilience for teams, cultivation of greater expertise and specialism amongst staff and economies of scale. As collaborative working has developed over time, further savings and efficiencies have been achieved from procurement initiatives, services reviews and service re-designs.

## PART 7

### **2. Other arrangements**

The Council has agreed to enter into other arrangements for sharing services with local authorities. These are summarised below: -

#### **a. Worcestershire Internal Audit Shared Service**

The Council operates a shared service arrangement with Malvern Hills District Council, Redditch Borough Council, Worcester City Council, and Wychavon District Council under which the authorities collaborate and provide one shared Internal Audit Service for all the authorities. The service is hosted by Worcester City Council and is regulated by a formal agreement.

#### **b. Payroll Service**

The Council has entered into an arrangement with Redditch Borough Council and Wyre Forest District Council for the authorities to collaborate and provide one shared service for Payroll services across the three authorities.

The service is hosted by Redditch Borough Council and regulated by a formal agreement.

#### **c. North Worcestershire Building Control Service**

The Council has agreed to enter into an arrangement with Redditch Borough Council and Wyre Forest District Council for the authorities to collaborate and provide one shared service for building control services across the three authorities. The shared service is hosted by Bromsgrove District Council and is regulated by a formal agreement.

#### **d. North Worcestershire Water Management**

The Council has agreed to enter into an arrangement with Redditch Borough Council and Wyre Forest District Council for the authorities to collaborate and provide one shared service for land drainage service across the three authorities. The shared service is hosted by Wyre Forest District Council and is regulated by a formal agreement.

#### **e. North Worcestershire Emergency Planning**

The Council has agreed to enter into an arrangement with Redditch Borough Council and Wyre Forest District Council for the authorities to collaborate and provide one shared service for emergency planning across the three authorities. The shared service is hosted by Wyre Forest District Council and is regulated by a formal agreement.

## PART 14

### APPENDIX C PLANNING COMMITTEE PROCEDURE RULES

1.  
**Terms of Reference of Planning Committee**
  - 1.1 The Council will appoint a Planning Committee.
  - 1.2 The Terms of Reference of the Planning Committee are set out in Part 5 of the Constitution.
2.  
**Time and Place of Meetings**
  - 1.1 There shall be at least 10 meetings of the Planning Committee each year.
  - 1.2 The time and place of Planning Committee meetings will be determined by the Chief Executive and notified in the agenda.
3.  
**Composition of the Planning Committee**
  - 3.1 The Planning Committee will comprise 11 Councillors.
  - 3.2 Article 8.4 of the Articles at Part 2 of this Constitution applies to the Planning Committee.
  - 3.3 Members of the Planning Committee who cannot attend a particular meeting may arrange for a substitute to attend in his or her place provided that they have completed the appropriate training.
  - 3.4 The Leader of the Council cannot be a member of the Planning Committee and cannot sit as a substitute on the Planning Committee.
4.  
**Chairman**
  - 4.1 The Planning Committee will appoint one of its members as Chairman at its first meeting following the Annual Council Meeting.
  - 4.2 The Chairman of the Planning Committee cannot be a member of the Cabinet.
5.  
**Quorum**

The quorum for a meeting of the Planning Committee is 6.
6.  
**Application of Council Procedure Rules**

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

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## PART 14

### 7 Procedure for Determining Applications for Planning Permission

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

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## PART 14

### 8. Public Speaking at Planning Committee

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

Members of the public who register to address a meeting of the Planning Committee can do so using one of the three options below:-

- By attending in person and addressing the ~~the~~ committee verbally;
  - By joining the meeting virtually by video link and addressing the committee verbally; or
  - By providing a written statement in advance of the meeting to be read out by an officer.
- 8.4 A total of three minutes shall be allocated to the applicant and/or his/her agent (or to a member of the public) who wish speak in favour of a planning application; if more than one person wishes to speak the time will be allocated in accordance with the Council's Guidance for Public Speaking at Planning Committee.
- 8.5 A total of three minutes shall be allocated to ~~a person~~ ~~members of the public~~ who wishes to either speak or provide a written statement, against a planning application; if more than one person wishes to either speak or provide a written statement, the time will be allocated in accordance with the Council's Guidance for Public Speaking at Planning Committee:-

~~Written statements will be read out by the Democratic Services Officer at the meeting. The written statement should be a length that would take no longer than the allotted time to read. The Democratic Services Officer when reading the written statement will not speak for more than the allotted time, when doing so.~~

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## PART 14

8.6 ~~Written statements will be read out by the Democratic Services Officer at the meeting. The written statement should be a length that would take no longer than the allotted time to read. The Democratic Services Officer when reading the written statement will not speak for more than the allotted time, when doing so.~~

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8.7 A total of three minutes public speaking time shall be allocated to the representative of the local Parish Council; if more than one Parish Council representative wishes to speak the time will be divided equally between them. The time limits for public speaking may be extended at the discretion of the Chairman but only in exceptional circumstances.

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8.87 A total of three minutes shall be allocated to Ward Councillors who wish to speak in relation to a planning application or proposed confirmation of a Tree Preservation Order (TPO) in their ward; if more than one Ward Councillor wishes to speak the time will be divided equally between them. In the event that a Ward Councillor is unable for any reason to exercise their Ward Councillor speaking rights they may nominate a substitute member to represent the views of the ward residents.

8.98 Guidance for public participation at Planning Committee is published from time to time by the Council. The Chairman of the Planning Committee will retain the discretion to decide at the meeting in which order the public speakers will address the Committee.

8.109 The Chairman shall invite the representative of Head of Planning and Regeneration at the conclusion of public speaking on planning applications to correct any factual inaccuracies.

8.119 The Council has also decided to introduce a public speaking scheme to allow members of the public and other parties to EITHER give their views in person OR in writing on the subject of an application in respect of a Tree Preservation Order (TPO).

8.124 The public and other parties will be permitted to register to speak publicly at meetings of the Planning Committee either in opposition to or in support of a TPO.

8.132 A person wishing to address the Planning Committee either in person or in writing the Planning Committee in respect of TPOs must give notice to the Democratic Services team in accordance with the timescales set out at paragraph 8.3.

8.143 A total of three minutes shall be allocated to a person member of the public who wishes to speak or provide a written statement to be read out in respect of a TPO. If more than one person wishes to either speak or provide a written statement, the time will be allocated in accordance with the Council's Guidance for Public Speaking at Planning Committee.

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8.1~~54~~ Where a planning application is fully considered at Planning Committee and public speaking rights are exercised, in the event that Members decide to defer application there will be no further public speaking rights. This rule will apply to all classes of public speaker listed at paragraphs 8.2. and 8.1~~32~~ above.

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

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

### 10 Site Visits

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

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

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

10.1 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,

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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.

10.2 If a request is made after the deadline set out in paragraph 10.1 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.

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## PART 12

### APPENDIX D OVERVIEW AND SCRUTINY PROCEDURE RULES - EXTRACT

#### 1. Arrangements for Overview and Scrutiny

The Council will appoint an Overview and Scrutiny Board, as set out in Article 6 of this Constitution.

- a. The Overview and Scrutiny Board will have responsibility for the Council's overview and scrutiny and call-in functions, scrutiny of the budget, petitions, Councillor Calls for Action and scrutiny of the Crime and Disorder Reduction Partnership.
- b. The Overview and Scrutiny Board will establish time limited Task Groups, the terms of reference of which will be agreed by the Board, to investigate issues in depth and agree reports prepared by the Task Groups; or itself undertake selected reviews.
- c. The Overview and Scrutiny Board will have responsibility for monitoring performance improvement, identifying unsatisfactory progress or performance and making recommendations on remedial action to the Cabinet
- d. The Overview and Scrutiny Board will have responsibility for monitoring the Council Plan and the Sustainable Community Strategy and making recommendations to Cabinet.

1.1 The Overview and Scrutiny Board will comprise 11 Councillors. All Councillors except members of the Cabinet may be members of the Overview and Scrutiny Board.

1.2 Where a Member of the Overview and Scrutiny Board is unable to attend a board meeting a substitute may attend in his or her place. There will be a named substitute for each member of the Board who will be kept informed of all of the business of the Overview and Scrutiny Board, including receiving copies of the agenda for meetings of the Board, so that they are fully informed when attending meetings on behalf of the lead Member. ~~The ability to appoint a substitute may only be exercised by Overview and Scrutiny Board members on up to two occasions during each municipal year. In extenuating circumstances and upon application to the Chairman of the Overview and Scrutiny Board, this may be waived. This rule does not apply to task group meetings.~~

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#### 1.2

1.3 The Overview and Scrutiny Board may (except in relation to call-ins) appoint such Task Groups as it considers appropriate to enable it to perform the overview and scrutiny functions on behalf of the Council. The size of each Task Group will vary according to the purpose for which it is established.

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## PART 12

The terms of reference, the chairmanship and membership [of a Task Group](#) shall be agreed by the [Overview and Scrutiny](#) Board.

### 2. Co-optees

- 2.1 The [Overview and Scrutiny](#) Board shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees of the [Overview and Scrutiny](#) Board.

### 3. Meetings of the [Overview and Scrutiny Board](#) Boards

- 3.1 There shall be at least 9 ordinary meetings of the Overview and Scrutiny Board in each year.
- 3.2 There shall be not less than 1 meeting every 12 month period of the Overview and Scrutiny Board in its capacity to scrutinise and review the Council's responsibilities for the crime and disorder functions.
- 3.3 Extraordinary meetings may be called from time to time as and when appropriate.
- 3.4 An extraordinary meeting may be called by the Chairman [or any 3 members](#) of the [Overview and Scrutiny](#) Board, ~~or by any 3 members of the Board.~~

### 4. Quorum

The quorum for meetings of the Overview and Scrutiny Board shall be 6.

### 5. Participation in Meetings

No member may be involved in scrutinising a decision in which he/she has been directly involved. If any member of ~~a~~ [the Overview and Scrutiny](#) Board finds that a decision in which he/she has been directly involved is to be scrutinised, he/she shall declare the fact to the [relevant Overview and Scrutiny](#) Board and take no part in the discussion and voting in the part of the meeting which relates to that decision.

### 6. Chairman

- 6.1 At its first meeting following the Annual Council Meeting the [Overview and Scrutiny](#) Board will:
- a. appoint one of its members as Chairman; and
  - b. appoint one of its members as Vice-Chairman.

### 7. Work Programme

- 7.1 The Overview and Scrutiny Board will be responsible for setting its own work

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programme and in doing so shall make provision for:-

- a. the views of members of the Overview and Scrutiny Board who are not members of the largest political group on the Council;
- b. the Cabinet Work Programme;
- c. suggestions of matters for scrutiny made by the Council or by Cabinet;
- d. suggestions of matters for scrutiny made by the Leader arising from his/her quarterly meeting with the ~~Chairmen~~ Chairman of the Overview and Scrutiny Board and the Chairman of Audit, Standards & Governance Committee in accordance with paragraph 7.2 below;
- e. suggestions of matters for scrutiny made by Councillors, members of the public or partner organizations;
- f. Councillor Calls for Action;
- g. Scrutiny of the Crime and Disorder Reduction Partnership;
- h. Petitions referred to the Overview and Scrutiny Board by the Chief Executive and Monitoring Officer;
- i. Scrutiny of the budget (Medium Term Financial Plan);

### 7.2 The placing of items on the work programme is subject to the following limitations: -

- a. That no item that has previously been considered in the preceding 6 months be placed on the work programme unless, in the opinion of the Chairman of the Board, having taken advice from Officers, there has been a significant change in circumstances.
- b. That the Overview and Scrutiny function does not permit the scrutiny of individual applications for example in relation to the granting of planning permission, or of licences or other regulatory processes. In accordance with The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) scrutiny of functions which cannot by law be the responsibility of the Executive cannot be undertaken. This category includes functions relating to town and country planning and development control and functions relating to licensing and regulation.

~~7.2 The Leader shall meet quarterly with the Chairman of the Overview and Scrutiny Board and the Chairman of the Audit, Standards & Governance Committee with appropriate officers in attendance to review and, where appropriate, co-ordinate their respective work programmes.~~

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### 8. Procedure at [Overview and Scrutiny Board](#) ~~M~~meetings

8.1 The Overview and Scrutiny Board shall at each meeting consider the following business:

- a. consideration of the accuracy of the minutes of the last meeting;
- b. declarations of interest (including whipping declarations);
- c. responses of the Cabinet to reports of the Overview and Scrutiny Board;
- d. the Cabinet Work Programme;
- e. progress on on-going overview and scrutiny exercises (if appropriate);
- f. reports from the quarterly meetings between the Leader and Chairmen of the Overview and Scrutiny Board and [the Chairman of the Audit, Standards & Governance Committee](#) (if appropriate);

g. matters set out on the agenda for the meeting in accordance with paragraph 9 below;

~~g.~~ h. consideration of any matters referred to the Overview and Scrutiny Board in relation to call-in of a decision;

~~h.~~ i. any petitions referred by the Chief Executive or the Monitoring Officer;

~~i.~~ j. any Councillor Calls for Action which have been received;

~~j.~~ k. scrutiny of the Medium Term Financial Plan ( if appropriate);and

~~k.~~ l. scrutiny of the Crime and Disorder Reduction Partnership.

### 9. Agenda items

9.1 Any member of the [Overview and Scrutiny](#) Board shall be entitled to give notice to the Chief Executive that he/she wishes an item relevant to the functions of the [Overview and Scrutiny](#) Board to be included on the agenda for the next available meeting of the [Overview and Scrutiny](#) Board. On receipt of such a request the Chief Executive will ensure that it is included on the next available agenda.

9.2 Where a matter is referred to the [Overview and Scrutiny](#) Board by the Council (including a matter referred by the Monitoring Officer under Council Procedure Rule 11.10), it shall be considered at either the first or second ordinary meeting of the [Overview and Scrutiny](#) Board following the referral.

9.3 The [Overview and Scrutiny](#) Board shall also respond, as soon as their work

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programme permits, to requests to review particular areas of Council activity from the Council, the Cabinet or the Leader ~~(arising from his/her quarterly meeting with the Chairmen of the Overview and Scrutiny Board, and the Chairman of the Audit, Standards & Governance Committee).~~

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### APPENDIX E - AUDIT, STANDARDS AND GOVERNANCE COMMITTEE

#### PROCEDURE RULES - EXTRACT

#### 1.

##### Role of the Audit, Standards and Governance Committee

##### 1.1

The Council has established an Audit, Standards and Governance Committee.

##### 1.2

The Audit, Standards and Governance Committee works independently of the Council's Executive and Scrutiny to provide assurance to the Council on the effectiveness of its governance arrangements .

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##### 1.3

The ultimate responsibility for audit rests with the Portfolio Holder with responsibility for finance and the Section 151 Officer. Therefore the Audit, Standards and Governance Committee can make recommendations but it is not the role of the Audit, Standards and Governance Committee to be a substitute for management of Internal Audit.

##### 1.4

The Audit, Standards and Governance Committee do not have the power to make decisions with regard to Internal Audit or to direct officers with regard to Internal Audit.

##### 1.5

The Audit, Standards and Governance Committee shall work in partnership with the Council's Monitoring Officer, Deputy Monitoring Officer, Leaders of the Political Groups and the Portfolio Holder with responsibility for corporate governance to support the promotion and maintenance of high standards of conduct by Councillors and co-opted members of Council bodies.

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#### 2. Terms of Reference

##### 2.1

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

To provide independent assurance to the Council in relation to:

a. The effectiveness of the Council's governance arrangements, risk management framework and internal control environment, including overseeing:

- Risk management strategies;
- Anti-fraud arrangements;
- Whistle-blowing strategies;
- Internal and external audit activity
- Democratic Governance

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

### Appointment of External Auditors

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

### Standards

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



## PART 13

Code of Conduct and where a breach of the Code is established, impose sanctions as delegated by full Council or make recommendations as to any sanctions to the appropriate person or body.

- o. Monitor and review the operation of the Protocol on Member-Officer relations.
- p. Monitor and review the operation of the Protocol on Member-Member relations.

2.2 Within those terms of reference, the Audit, Standards and Governance Committee will:

### Audit

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

### Standards

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k. receive and consider a quarterly report from the Monitoring Officer detailing any Code of Conduct issues which have arisen since the last quarterly report, an update on Member training and any requests for dispensations.

k.l. deal with any report from the Monitoring Officer following an investigation into a complaint concerning the Members' Code of Conduct.

l.m. through the operation of a Hearings Sub-Committee, consider and determine allegations that a Councillor or co-opted member may have failed to follow the Code of Conduct and where a breach of the Code is established impose sanctions as delegated by Full Council or make recommendations as to any sanctions to the appropriate person or body.

m.n. the exercise of k – m above in relation to the Parish Councils in the Council's area and the members of those Parish Councils.

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## APPENDIX F

### PART 22

#### MEMBER - OFFICER PROTOCOL

##### Introduction and Principles

- 1.1 The purpose of this Protocol is to guide Members and Officers of the Council in their relations with one another in such a way as to ensure the smooth running of the Council.
- 1.2 Given the variety and complexity of such relations, this Protocol does not seek to be either prescriptive or comprehensive. Its objectives are
- To promote trust, openness, fairness and honesty by establishing some ground rules
  - To define roles so as to clarify responsibilities (i.e. who does what), avoid conflict and prevent duplication or omission
  - To secure compliance with the law, codes of conduct and the Council's own practices
  - To lay down procedures for dealing with concerns by members or officers.

Although the protocol offers guidance on some of the issues which most commonly arise, it forms part of the Council's Constitution and as such must be followed by Members and Officers. It is hoped, however, that the approach which it adopts to these issues will serve as a guide to dealing with other circumstances. Except as specifically set out in this Protocol, questions of interpretation will be determined by the Monitoring Officer unless the particular provision requiring interpretation relates to a matter to be determined by the Chief Executive.

- 1.3 This Protocol is to a large extent a written statement of current practice and convention. It seeks to promote greater clarity and certainty. If the Protocol is followed it should ensure that Members receive objective and impartial advice and that Officers are protected from accusations of bias and any undue influence from Members.
- 1.4 It also seeks to reflect the principles underlying the Code of Conduct which applies to Members. These are:
- Selflessness – serving only the public interest
  - Honesty and integrity – not allowing these to be questioned
  - Not behaving improperly
  - Objectivity – taking decisions on merit
  - Accountability – to the public; being open to scrutiny
  - Openness – giving reasons for decisions
  - Personal judgement – reaching one's own conclusions and acting accordingly
  - Respect for others – promoting equality; avoiding discrimination; respecting others (member/member as well as member/officer)

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- Duty to uphold the law – not acting unlawfully
- Stewardship – ensuring the prudent use of the Council's resources
- Leadership – acting in a way which has public confidence

These principles underpin this protocol. Officers are bound by the Council's own code of conduct for staff and, in some cases, by their professional associations. The purpose of this code is to enhance and maintain the integrity (real and perceived) of local government and the Code, therefore, demands very high standards of personal conduct.

- 1.5 This Protocol should be read in conjunction with the Members' Code of Local Government Conduct, the Council's Constitution and any guidance issued by the Audit, Governance and Standards and/or Monitoring Officer. The protocol has been approved by the Council's Standards Committee (now the Audit, Standards & Governance Committee), which will monitor its operation and which is responsible for reviewing the practical application of the Protocol, and making suggestions for its improvement and development. Breaches of the protocol by a member may result in a complaint to the Standards Board for England if it appears the Members' Code of Conduct has also been breached. Breaches by an officer may lead to disciplinary action.

### **The Role of Members**

- 2.1 Members have a number of roles and need to be alert to the potential for conflicts of interest which may arise between the roles. Where such conflicts are likely, Members may wish to seek the advice of senior colleagues, the relevant senior officer(s), and/or the Monitoring Officer.
- 2.2 Collectively, Members are the ultimate policy-makers determining the core values and priorities of the Council and approving the authority's policy framework, strategic plans and budget.
- 2.3 Members represent the community, act as community leaders, and promote the social, economic and environmental well-being of the community, often in partnership with other agencies.
- 2.4 Every elected Member represents the interests of, and is an advocate for, his/her ward and individual constituents. He/she represents the Council in the ward, responds to the concerns of constituents, meets with partner agencies, and often serves on local outside bodies.
- 2.5 Some Members have roles relating to their position as members of the Executive, overview and scrutiny committees, or other committees of the Council.
- 2.6 Members of the Executive may have individual delegated powers, but will often work closely with officers in relevant departments in preparing policies and decisions which are subsequently approved by the Executive. Although

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Executive members may, to a significant extent, determine matters within their portfolios, the implementation of their decisions is the responsibility of officers.

- 2.7 Members serving on overview and scrutiny committees monitor the effectiveness of the Council's policies and services, develop policy proposals and examine community issues. They also monitor service provision by other bodies insofar as it affects the District, e.g. local health service provision.
- 2.8 Members who serve on other committees and sub-committees collectively have delegated responsibilities, e.g. deciding planning applications, licensing applications and other quasi-judicial matters, which by law are excluded from the remit of the Executive.
- 2.9 Some Members may be appointed to represent the Council on local, regional or national bodies. Guidance for Members on their participation with external bodies is contained within the protocol "Guidance for Members on Outside Bodies".
- 2.10 As politicians, Members may express the values and aspirations of the party political groups to which they belong, recognising that in their role as members they have a duty always to act in the public interest.
- 2.11 Members are not authorised to instruct officers other than in the circumstances set out below, and should take care to ensure that their conduct is not open to misinterpretation in this regard. Instructions may legitimately be given:-
  - Through the formal decision-making process;
  - To request the provision of consumable resources provided by the Council for members' use
  - Where an Executive Member is indicating to a Senior Officer the way in which policies and decisions might be prepared, but any such instruction given must not compromise an officer's professional judgement and must not be inconsistent with the Council's established policies and procedures
  - Where staff have been specifically allocated to give support to a member or group of members; and
  - In the case of political assistants
- 2.12 Members are not authorised to initiate or certify financial transactions, or to enter into a contract on behalf of the Council.
- 2.13 Members must avoid taking actions which are unlawful, financially improper, or likely to amount to maladministration. Members have an obligation under their code of conduct to have regard, when reaching decisions, to any advice provided by the Monitoring Officer or the Chief Financial Officer.
- 2.14 Members must respect the impartiality of officers and do nothing to compromise it, e.g. by insisting that an officer change his/her professional advice.

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### **The Role of Officers**

- 3.1 Officers are responsible for giving advice to Members to enable them to fulfil their roles. In doing so, officers will take into account all available relevant factors.
- 3.2 Under the direction and control of the Council (including, as appropriate, the Executive and committees), officers manage and provide the Council's services within the framework of responsibilities delegated to them. This includes the effective management of employees and operational issues.
- 3.3 Officers have a duty to implement decisions of the Council, the Executive and committees which are lawful and which have been properly approved in accordance with the requirements of the law and the Council's constitution, and duly minuted.
- 3.4 Officers have a contractual and legal duty to be impartial. They must not allow their professional judgement and advice to be influenced by their own personal views.
- 3.5 Officers must assist and advise all parts of the Council. They serve the Council as a whole. They must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions.
- 3.6 Officers must be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for Members, the media or other sections of the public.
- 3.7 Officers have the right not to support Members in any role other than that of member, and not to engage in actions incompatible with this protocol. In particular, there is a statutory limitation on senior officers' involvement in political activities.

### **The Relationship: General Points**

- 4.1 Both Councillors and Officers are servants of the public and they are indispensable to one another, but their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council. Their job is to give advice to Councillors and the Council, and to carry out the Council's work under the direction and control of the Council, the Executive, their committees, and subcommittees.
- 4.2 At the heart of the Code, and this Protocol is the importance of mutual respect, confidence, and trust. Member/Officer relationships are to be conducted in a positive and constructive way. Therefore, it is important that any dealings between Members and Officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.

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- 4.3 A key element in the relationship is a recognition of and a respect for each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately. Informal and collaborative two-way contact between Members and officers is encouraged, but personal familiarity can damage the relationship, as might a family or business connection. Members and officers should inform the Monitoring Officer of any relationship which might be seen as unduly influencing their work in their respective roles. Inappropriate relationships can be inferred from language/style. When attending formal meetings, officers and Members should use formal forms of address to each other – e.g. Members should be addressed as "Councillor XX" or "Chairman", while Officers should generally be addressed as "Mr. XX" or "Mrs. XX". A greater level of informality may be appropriate in other circumstances, e.g. a one to one between a Head of Service and their respective Cabinet Member but it is safer to err on the side of formality.
- 4.4 It is not enough to avoid actual impropriety. Members and officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict could be perceived. Specifically, an officer should not sit on a body or participate in any decision which directly affects the officer on a personal basis. Members are bound by the Code of Conduct which contains a similar restriction.
- 4.5 A Member should not raise matters relating to the conduct or capability of an Officer in a manner that is incompatible with the objectives of this Protocol. This is a long-standing tradition in public service because an Officer has no means of responding to such criticisms in public. If a Member feels he/she has not been treated with proper respect or, courtesy or has any concern about the conduct or capability of an Officer, and fails to resolve it through direct discussion with the Officer, he/she should raise the matter with the respective senior officer. The senior officer will then look into the facts and report back to the Member. If the Member continues to feel concern, then he/she should raise the issue with the Chief Executive who will look into the matter afresh. Any action taken against an Officer in respect of a complaint will be in accordance with the provisions of the Council's Disciplinary Rules and Procedures.
- 4.6 An Officer shall not discuss with a Member personal matters affecting himself/herself or matters relating to the conduct or capability of another Officer or to the internal management of a Section/Division. This does not prevent an officer raising on a personal basis, and in his/her own time, a matter with his/her ward member.
- 4.7 Where an Officer feels that s/he has not been properly treated with respect and courtesy by a Member, he/she should raise the matter with his/her senior officer or the Chief Executive as appropriate, especially if they do not feel able to discuss it directly with the Member concerned. In these circumstances the senior officer or Chief Executive will take appropriate action either by

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approaching the individual Member and/or group leader or by referring the matter to the Monitoring Officer in the context of the Council's Code of Conduct.

- 4.8 With the exception of political assistants, officers work to the instructions of their senior officers, not individual Members. It follows that whilst such officers will always seek to assist a Member, they must not be asked to exceed the bounds of authority they have been given by their managers. Except when the purpose of an enquiry is purely to seek factual information, Members should normally direct their requests and concerns to a senior officer, at least in the first instance.
- 4.9 Officers will do their best to give timely responses to Members' enquiries. However, officers should not have unreasonable requests placed on them. Their work priorities are set and managed by senior managers. Members should avoid disrupting officers' work by imposing their own priorities. Members will endeavour to give timely responses to enquiries from officers.
- 4.10 Members and officers should respect each other's free (i.e. non-Council) time.
- 4.11 Members seeking advice, information, or support from officers should as a normal rule make contact firstly with the Head of Service for the department in question, and although the Head of Service may refer the matter to another officer care should be taken to ensure that the other officer is supported in whatever manner may be required. In the event that officers receive direct contact from Members and are uncertain how to respond, they should immediately seek advice from their own Manager or Head of Paid Service. It is acceptable for a custom-and-practice arrangement to develop whereby Members approach other officers direct, but all parties should take care to ensure that the Member, the Officer, and the Head of Service are content with the arrangement.

### **The Relationship: Officer Support to Members: General Points**

- 5.1 Certain statutory officers – the Chief Executive, the Monitoring Officer and the Chief Financial Officer – have specific roles and these are addressed in the Constitution. Their roles need to be understood and respected by all Members.
- 5.2 The following key principles reflect the way in which the Council's staffing body generally relates to Members:
- all officers are employed by and accountable to the authority as a whole;
  - support from officers is needed for all the authority's functions including Full Council, Overview and Scrutiny, the Executive, individual Members representing their constituents etc;
  - the authority will seek to avoid potential conflicts of interest for officers arising from the separation of the Executive and Overview and Scrutiny role; and
  - all officers will be provided with training and development to help them support the various Member roles effectively and to understand the Council's structures.

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- 5.3 On occasion, a decision may be reached which authorises named Officers to take action between meetings following consultation with a Member or Members. It must be recognised that it is the Officer, rather than the Member or Members, who takes the action and it is the Officer who is accountable for it.

### **The Relationship: The Council as Employer**

- 6.1 Officers are employed by the Council as a whole
- 6.2 Members' roles in employment matters are limited to
- The appointment of specified posts as defined in the Council's Officer Employment Procedure Rules and Scheme of Delegation
  - Approving human resources policies and conditions of employment; and
  - Hearing and determining appeals

Members should not act outside these roles.

- 6.3 If participating in the appointment of officers, members should
- Remember that the sole criterion is merit (other than in the case of political assistants, where political considerations may apply)
  - Never canvass support for a particular candidate
  - Not take part where one of the candidates is a close friend or relative
  - Not be influenced by personal preferences, and
  - Not favour a candidate by giving him/her information which is not available to other candidates
- 6.4 A member should not sit on an appeal hearing if the appellant is a friend, a relative or an officer with whom the Member has had a working relationship.

### **The Relationship: Officer Support to Members and Party Groups**

- 7.1 It must be recognised by all Officers and Members that in discharging their duties and responsibilities Officers serve the Council as a whole and not any political group, combination of groups, or any individual Member of the Council.
- 7.2 There is now statutory recognition for party groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision-making body. Officers may properly be called upon to support and contribute to such deliberations by party groups but must at all times maintain political neutrality. All Officers must, in their dealings with political groups and individual Members, treat them in a fair and even-handed manner.
- 7.3 The support provided by Officers can take many forms. Whilst in practice such Officer support is likely to be in most demand from whichever party group is for the time being in control of the Council, such support is available to all party groups.

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- 7.4. Certain points, must, however, be clearly understood by all those participating in this type of process, Members and Officers alike. In particular:
- Officer support must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if Officers are not present at meetings or parts of meetings, when matters of party business are to be discussed;
  - Party group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such; and
  - similarly, where Officers provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice when the matter in question is formally considered by the relevant part of the Council.
- 7.5 Special care needs to be exercised whenever Officers are involved in providing information and advice to a party group meeting which includes persons who are not Members of the Council. Such persons are not bound by the Council's Code of Conduct (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons, Officers must not attend and/or give advice to such meetings and Members should not ask officers to do so.
- 7.6 Officers must respect the confidentiality of any party group discussions at which they are present and, unless requested to do so by that party group, should not relay the content of any such discussion to another party group or to any other members. This must not prevent an officer providing feedback to other senior officers on a need-to-know basis.
- 7.7 Members must not do anything which compromises or is likely to compromise an officer's impartiality. The duration of an officer's attendance at a party group meeting will be at the discretion of the group, but an officer may leave at any time if he/she feels it is no longer appropriate to be there.
- 7.8 An officer accepting an invitation to the meeting of one party group shall not decline an invitation to advise another group about the same matter. He/she must give substantially the same advice to each. An officer should be given the opportunity of verifying comments and advice attributed to him/her in any written record of a party group meeting. No Member will refer in public or at meetings of the Council to advice or information given by officers to a party group meeting.
- 7.9 An officer who is not a senior officer shall not be invited to attend a party group meeting, but a senior officer may nominate another officer to attend on his/her behalf. It is recommended that a Group wishing to invite any officer to address

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it must seek the approval of the relevant Corporate Director before approaching the officer.

7.10 In relation to budget proposals:

- the Executive Cabinet shall be entitled to confidential discussions with Officers regarding options and proposals. These will remain confidential until determined by the Executive Cabinet or until published in advance of Committee/Council meetings, whichever is the earlier; and
- the opposition groups shall also be entitled to confidential discussions with Officers to enable them to formulate alternative budget proposals. These will remain confidential until determined by the respective opposition groups or until published in advance of Committee/Council meetings, whichever is the earlier.

7.11 It must not be assumed by any party group or Member that any Officer is supportive of any policy or strategy developed because of that Officer's assistance in the formulation of the policy or strategy.

7.12 Any particular cases of difficulty or uncertainty in this area of Officer advice to party groups should be raised with the Chief Executive who will discuss them with the relevant group leader(s).

### **The Relationship: Officer Support: The Executive**

- 8.1 It is clearly important that there should be a close working relationship between Executive Members and the Officers who support and/or interact with them. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officer's ability to deal impartially with other Members and other party groups.
- 8.2 Executive Members will take collective decisions in accordance with the constitution and will not otherwise direct staff except in such circumstances as may be permitted by the Scheme of Delegations. Senior officers will be responsible for instructing staff to implement the Executive's decisions.
- 8.3 In addition to individual members of the Executive, senior officers have the right to submit papers to the Executive as a whole or to individual Executive members for consideration. Whilst Executive Members will routinely be consulted as part of the process of drawing up proposals for consideration or the agenda for a forthcoming meeting, it must be recognised that in some situations an officer will be under a professional duty to submit a report. Similarly, a senior officer will always be fully responsible for the contents of any report submitted in his/her name. This means that any such report will be amended only where the amendment reflects the professional judgement of the author of the report. This is to be distinguished from a situation where there is a value judgement to be made. Any issues arising between an Executive Member and a senior officer in this area should be referred to the Chief Executive for resolution in conjunction with the Leader of the Council.

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- 8.4 Senior officers and Executive members shall agree mutually convenient methods of regular contact. Before taking any formal decisions, the Executive will seek appropriate professional advice including that of the Monitoring Officer and Chief Financial Officer, and will not direct officers in the framing of recommendations.
- 8.5 Before any formal decisions with a financial implication are taken by the Executive, the Chief Financial Officer and the senior officer(s) for the service(s) concerned must be consulted. This is to ensure that those officers who are budget holders:
- are aware of the proposed decision
  - have had the opportunity to offer advice, and
  - are subsequently able properly to authorise the financial transactions needed to implement decisions.
- 8.6 An individual Executive member who is minded to write or commission a report about a matter within his/her portfolio must ensure that those other members and officers who need to know of the matter are so informed. There is a particular requirement to involve other Executive members on cross-cutting issues.
- 8.7 When making decisions, Executive members must state the reasons for those decisions. The written record of the decisions must include the reasons.
- 8.8 Where functions which are the responsibility of the Executive are delegated to Officers or other structures outside the Executive, the Executive will nevertheless remain accountable to the Council, through Overview and Scrutiny Committees, for the discharge of those functions. That is to say, the Executive will be held to account for both its decision to delegate a function and the way that the function is being carried out. Officers taking decisions under delegated powers must consider the advisability of informing the relevant Executive member(s) of their intentions in advance when the matter to which the decisions relate is likely to be sensitive or contentious, or has wider policy implications.
- 8.9 Officers will continue to work for and serve the local authority as a whole. Nevertheless, as the majority of functions will be the responsibility of the Executive, it is likely that in practice many Officers will be working to the Executive for most of their time. The Executive must respect the political neutrality of the Officers. Officers must ensure that, even when they are predominantly supporting the Executive, their political neutrality is not compromised.
- 8.10 In organising support for the Executive, there is a potential for tension between senior officers and Cabinet Members with portfolios. All Members and Officers need to be constantly aware of the possibility of such tensions arising and Officers and Members need to work together to avoid such tensions and conflicts existing or being perceived.

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### **The Relationship: Officer Support: Overview and Scrutiny**

- 9.1 Chairmen and other leading overview and scrutiny members shall maintain regular contact with the officer(s) providing the principal support to the overview and scrutiny function. In consultation with chairmen, it shall be the responsibility of those officers to ensure that those who need to know of matters being considered or for possible future consideration are so informed.
- 9.2 An overview and scrutiny committee or its chairman acting on its behalf may require officers to attend overview and scrutiny meetings. Regard must be had to the provisions of the Council's Overview and Scrutiny Procedure Rules in respect of the periods of notice which must be given about such attendance. Members should not normally expect junior officers to give evidence. All requests should be made to senior officers in the first instance.
- 9.3 It is recognised that officers required to appear before an overview and scrutiny committee may often be those who have advised the Executive or another part of the Council on the matter under investigation. In these circumstances, the officer may have a conflict of interest. Both members and officers need to consider the severity of the conflict. If deemed appropriate, research and advice may be sought from external sources.
- 9.4 Subject to 9.3 above, officers should be prepared to justify advice given to the Council, the Executive, or other committees, even when the advice was not accepted. Officers must also be prepared to justify decisions they have taken under delegated powers.
- 9.5 In giving evidence, officers must not be asked to give political views.
- 9.6 Officers should respect Members in the way in which they respond to Members' questions.
- 9.7 Members should not ask questions of officers or other witnesses in a way which could be interpreted as harassment. Neither should they ask about matters of a disciplinary nature. It is not overview and scrutiny's role to act as a disciplinary tribunal in relation to the actions of Members or officers. Neither is it the role of officers to become involved in what would amount to disciplinary investigations on a Panel's behalf. This is the Chief Executive's function alone in relation to staff, the Monitoring Officer's and the Audit, Governance and Standards as regards the conduct of Members. This means:
  - Whilst overview and scrutiny may seek to establish the facts about what occurred in the making of decisions or implementing of Council policies, their questioning should not be directed to the conduct of individuals in such a way that there is the implication of allocating criticism or blame;
  - In these circumstances, it is for the Chief Executive to institute a formal enquiry, and overview and scrutiny may ask (but not require) him/her to do so.
- 9.8 Overview and scrutiny proceedings must not be used to question the capability or competence of officers. Chairmen and Members need to make a distinction

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between reviewing the policies and performance of the Council and its services, and appraising the personal performance of staff. The latter is not an overview and scrutiny function.

- 9.9 Overview and scrutiny should not act as a 'court of appeal' against decisions or to pursue complaints by individuals (Councillors, Officers, or members of the public) as other procedures exist for this. Some of these are internal, e.g. the Corporate Complaints Procedure, and others are external/statutory, e.g. Commissioner for Local Administration or appeal to the Courts. That said,
- Overview and scrutiny may investigate the manner in which decisions are made
  - They can comment on the merits of a particular policy affecting individuals.
- 9.10 It would be unfair to invite someone to appear before a Panel without telling them in general terms what they will be asked, or not giving them adequate time to prepare. Overview and scrutiny Members ought to provide written questions ('Indicative Topics') beforehand, so that the answers can form the basis of the questioning and discussion. In addition, speakers ought to be told the general line that further questioning is likely to take. Questioning should not stray outside the subject area that the Panel had previously indicated.

### **The Relationship: Officer Support: Regulatory Committees**

- 10.1 The appropriate senior officers will offer to arrange regular informal meetings with chairmen, vice-chairmen, and spokesmen of regulatory committees and sub-committees.
- 10.2 Senior officers have the right to present reports and give advice to regulatory committees.
- 10.3 Members of a regulatory committee or sub-committee shall take decisions within the remit of that committee or sub-committee, and will not otherwise instruct officers to act.
- 10.4 At some regulatory committee or sub-committee meetings, a resolution may be passed which authorises a named officer to take action between meetings in consultation with the chairman. In these circumstances it is the officer, not the chairman, who takes the action and is responsible for it. A chairman has no legal power to take decisions on behalf of a committee or sub-committee, neither should he/she apply inappropriate pressure on the officer.

### **Local Members and Officers**

- 11.1 To enable them to carry out their ward role effectively, Members need to be fully informed about matters affecting their ward. Senior officers must ensure that all relevant staff are aware of the requirement to keep local Members informed, thus allowing Members to contribute to the decision-making process and develop their representative role.

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11.2 This requirement is particularly important:

- During the formative stages of policy development, where practicable
- In relation to significant or sensitive operational matters
- Whenever any form of public consultation exercise is undertaken, and
- During an overview and scrutiny investigation

Issues may affect a single ward but where they have a wider impact, officers should ensure that all relevant Ward Members are informed.

11.3 Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the wards affected should be invited to attend the meeting as a matter of course.

11.4 If a local Member intends to arrange a public meeting on a matter concerning some aspect of the Council's work, he/she should inform the relevant officer. Provided that the meeting has not been arranged on a party political basis:

- An officer may attend and
- The meeting may be held in Council-owned premises

No such meetings should be arranged or held in the immediate run-up to Council elections (i.e. from the date on which Notice of Election is issued).

11.5 Whilst support for Members' ward work is legitimate, care should be taken if staff are asked to accompany Members to ward surgeries. In such circumstances:

- The surgeries must be open to the general public, and
- Officers should not be requested to accompany Members to surgeries held in the offices or premises of political parties.

11.6 Officers must never be asked to attend ward or constituency political party meetings.

11.7 It is acknowledged that some Council staff (e.g. those providing dedicated support to Executive members) may receive and handle messages for Members on topics unrelated to the Council. Whilst these will often concern diary management, care should be taken to avoid Council resources being used for private or party political purposes.

11.8 In seeking to deal with constituents' queries or concerns, Members should not seek to jump the queue but should respect the Council's procedures. Officers have many pressures on their time. They may not be able to carry out the work required by Members in the requested timescale, and may need to seek instructions from their managers.

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### **Members' Access to Information and to Council Documents**

- 12.1 This part of the protocol should be read in conjunction with the Access to Information Rules in the Council's constitution. Regard should also be had to the provisions of the Freedom of Information Act, and the rights of Members described in this section of the protocol are supplementary to their rights as members of the public under that Act.
- 12.2 Members have the ability to ask for such information explanation and advice as they may reasonably need in order to assist them in discharging their role as a Member of the Council. This can range from a request for general information about some aspect of the Council's activities to a request for specific information on behalf of a constituent. Where information is requested on behalf of a third party, it will only be provided if:
- It is in the public domain, and
  - the Data Protection Act does not prevent disclosure
- 12.3 Every member of the Executive, an overview and scrutiny committee, and/or any other committee or sub-committee, has a right to inspect documents about the business of that overview and scrutiny committee, other committee or sub-committee or the Executive. In relation to business of the Executive, by virtue of Regulation 17 of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000:
- where there is a meeting (e.g. Cabinet) and there is a document which is in the possession/under the control of the Executive relating to the business to be conducted at that meeting, that document shall be available for inspection;
  - there are exceptions for exempt and confidential material and any document that contains advice provided by a political advisor or assistant.
- 12.4 A Member who is not a member of a specific overview and scrutiny committee, other committee or sub-committee, or the Executive may have access to any document of that specific part of the Council provided:
- He/she can demonstrate a reasonable need to see the documents in order to carry out his/her role as a member (the "need to know" principle), and
  - The documents do not contain "confidential" or "exempt" information as defined by law.
- 12.5 The exercise of the "need to know" principle depends upon an individual Member being able to demonstrate that he/she has the necessary 'need to know'. In this respect a Member has no right to 'a roving commission' to go and examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the 'need to know'. This question must initially be determined by the particular senior officer whose Division holds the document in question (with advice from the Head of Legal & Democratic Services). In the event of dispute, the question falls to be determined by the Head of Paid Service

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- 12.6 A member should obtain advice from the Monitoring Officer and/or Head of Legal & Democratic Services in circumstances where he/she wishes to have access to documents or information:
- Where to do so is likely to be in breach of the Data Protection Act, or
  - Where the subject matter is one in which he/she has a disclosable pecuniary or other disclosable interest as defined in the Members' Code of Conduct.
- 12.7 Any Council information given to a Member must only be used by the Member for the purpose for which it was requested, i.e. in connection with the proper performance
- 12.8 Whilst the term 'Council document' is very broad and includes for example, any document produced with Council resources, it is accepted by convention that a Member of one party group will not have a 'need to know' and therefore a right to inspect a document which forms part of the internal workings of another party group.
- 12.9 Members and officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so. When requested to do so, officers will keep confidential from other Members advice requested by a Member.
- 12.10 Further and more detailed advice regarding Members' rights to inspect Council documents may be obtained from the Head of Legal & Democratic Services.

### **Media Relations**

- 13.1 Local authorities are accountable to their electorate. Accountability requires local understanding. This will be promoted by the Authority, explaining its objectives and policies to the electors and rate-payers. In recent years, all local authorities have increasingly used publicity to keep the public informed and to encourage public participation. Every Council needs to tell the public about the services it provides. Increasingly, local authorities see this task as an essential part of providing services. Good effective publicity aimed to improve public awareness of a Council's activities is, in the words of the Government, to be welcomed.
- 13.2 Publicity is, however, a sensitive matter in any political environment because of the impact it can have. Expenditure on publicity can be significant. It is essential, therefore, to ensure that local authority decisions on publicity are properly made in accordance with clear principles of good practice. The Government has issued a Code of Recommended Practice on Local Authority Publicity. The purpose of the Code is to set out such principles. The Code affects the conventions that should apply to all publicity at public expense and which traditionally have applied in both central and local government. The Code is issued under the provisions of the Local Government Act 1986 as amended by the Local Government Act 1988 which provides for the Secretary

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of State to issue Codes of Recommended Practice as regards the content, style, distribution and cost of local authority publicity, and such other matters as he/she thinks appropriate. That section requires that all local authorities shall have regard to the provisions of any such Code in coming to any decision on publicity. The following is extracted from the Code:-

*“The period between the notice of election and the election itself should preclude proactive publicity in all its forms of candidates and other politicians involved directly in the election. Publicity should not deal with controversial issues or report views, proposals or recommendations in such a way that identifies them with individual members or groups of members. However, it is acceptable for the authority to respond in appropriate circumstances to events and legitimate service enquiries provided that their answers are factual and not party political. Members holding key political or civic positions should be able to comment in an emergency or where there is a genuine need for a member level response to an important event outside the authority’s control. Proactive events arranged in this period should not involve members likely to be standing for election.”*

- 13.3 All formal relations with the media therefore must be conducted in accordance with the Council’s agreed procedures, with the law on local authority publicity, and with the Government’s Code of Recommended Practice on Local Authority Publicity.
- 13.4 Press releases or statements made by officers must promote or give information on Council policy or services. They will be factual and consistent with Council policy. They must not be used to promote a party group.
- 13.5 Officers will keep relevant Members informed of media interest in the Council’s activities, especially regarding strategic or contentious matters. Likewise officers will inform the Council’s Press Officer of issues likely to be of media interest, since that unit is often the media’s first point of contact.
- 13.6 If any Member is contacted by, or contacts the media, on an issue, he/she should
- Indicate in what capacity he/she is speaking (e.g. as Portfolio Holder, as Ward Member, on behalf of the Council, or on behalf of a party group)
  - If necessary (and always when he/she would like a press release to be issued), seek assistance from the Council’s Press Officer and/or relevant senior officer, except in relation to a statement which is party political in nature, in which case the statement should not be issued under the Council’s name
  - Consider the likely consequences for the Council of his/her statement (e.g. commitment to a particular course of action, image, allegations of jumping to conclusions or pre-determining a decision)
  - Never give a commitment in relation to matters which may be subject to claims from third parties and/or are likely to be an insurance matter

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- Consider whether to consult other relevant Members
- Take particular care in what he/she says in the run up to local or national elections (i.e. from the date on which Notice of Election is issued) to avoid giving the impression of electioneering, unless he/she has been contacted as an election candidate or as a political party activist

### **Correspondence**

- 14.1 Correspondence between an individual Member and an Officer should not normally be copied (by the Officer) to any other Member. Where exceptionally it is necessary to copy the correspondence to another Member, this should be made clear to the original Member. In other words, a system of 'silent copies' should not be employed.
- 14.2 Official letters on behalf of the Council should normally be sent in the name of the appropriate Officer, rather than in the name of a Member. It may be appropriate in certain limited circumstances (e.g. representations to a Government Minister) for a letter to appear in the name of a Cabinet Member or the Leader, but this should be the exception rather than the norm. Letters which, for example, create legal obligations or give instructions on behalf of the Council should never be sent out in the name of a Member, Executive or otherwise. The Chairman of the Council may initiate correspondence in his/her own name.
- 14.3 When writing in an individual capacity as a ward Member, a Member must make clear that fact.

### **Access to Premises**

- 15.1 Officers have the right to enter Council land and premises to carry out their work. Some officers have the legal power to enter property in the ownership of others.
- 15.2 Members have a right of access to Council land and premises to fulfil their duties. When making visits as individual Members, Members should
- Except in the case of visiting The Council House, and wherever practicable, notify and make advance arrangements with the appropriate manager or officer in charge;
  - Comply with health and safety, security and other workplace rules;
  - Not interfere with the services or activities being provided at the time of the visit.

### **Use of Council Resources**

- 16.1 The Council provides all Members with services such as IT,, printing and photocopying, and goods such as stationery and computer equipment, to assist them in discharging their roles as Members of the Council. These goods and services are paid for from the public purse. They should not be used for private purposes or in connection with party political or campaigning activities.

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- 16.2 Members should ensure that they understand and comply with the Council's own rules about the use of such resources, particularly
- Where facilities are provided in Members' homes at the Council's expense
  - In relation to locally-agreed arrangements, e.g. payment for private photocopying; and
  - Regarding ICT security
- 16.3 Members should not put pressure on staff to provide resources or support which officers are not permitted to give. Examples include:
- Business which is solely to do with a political party
  - Work in connection with a ward or constituency party political meeting
  - Electioneering
  - Work associated with an event attended by a Member in a capacity other than as a member of the Council
  - Work in connection with another body or organisation where a Member's involvement is other than as a Member of the Council
  - Support to a Member in his/her capacity as a councillor of another authority

### **Interpretation, complaints and allegations of breaches**

- 17.1 This part of the protocol should be read in conjunction with the Council's Confidential Reporting Code.
- 17.2 Members or officers with questions about the implementation or interpretation of any part of this protocol should seek the guidance of the Monitoring Officer.
- 17.3 A Member who is unhappy about the actions taken by or conduct of an officer should:
- Avoid personal attacks on or abuse of the officer at all times
  - Ensure that any criticism is well-founded and constructive
  - Never make a criticism in public, and
  - Take up the concern with the officer privately.
- 17.4 If direct discussion with the officer is inappropriate (e.g. because of the seriousness of the concern) or fails to resolve the matter, the Member should raise the issue with the officer's manager or the relevant senior officer.
- 17.5 A serious breach of this protocol by an officer may lead to an investigation under the Council's disciplinary procedure. Members may not themselves undertake investigations under the Council's disciplinary procedure and such investigations must be undertaken solely by the Head of Paid Service or other officer acting under his/her direction.
- 17.6 An officer who believes a Member may have acted other than in accordance with this protocol or the Members' Code of Conduct should raise his/her concerns with the Monitoring Officer, who will consider how the complaint or

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allegation should be handled. At a minor level, this may be no more than informally referring the matter to the leader of the relevant party group, but more serious complaints may be referred to the Standards Board for England.

### Member Enquiries

18.1 Officers will respond to enquiries received from Members in accordance with the 'Best Practice for Handling Member Enquiries', attached at Appendix 1 to this part of the constitution.

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### Conclusion

189.1 Mutual understanding, openness on these sort of sensitive issues, and basic respect for each other are the greatest safeguard of the integrity of the Council, its Members and Officers.

189.2 This Protocol was first adopted by the Council as part of the Constitution on 5<sup>th</sup> July 2005 and revised in September 2006 and again in January 2014.

198.3 Copies of the Protocol are available on the Council's website as part of the Constitution.

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# Best practice for handling member enquiries

## Appendix 1



# Best practice for handling member enquiries

## Agenda Item 13

Members routinely make enquiries to the corporate and operational teams on behalf of constituents and/or centred around issues relating to their wards, with an expectation that we reply in a timely and accurate manner. Whilst the range of enquiries vary in complexity and type, the nature of which we deal with these should be courtesy and consistent.

**Please note: member complaints will follow the corporate complaint route i.e. when normal service routes have failed.**

Service areas can still be flexible and have fluidity in relation to professional judgement along with system management, although it is an expectation that certain standards of best practice are adhered to. The guidance below is to be followed by all for all member enquiries across both authorities:

- Acknowledgement of member enquiry is undertaken within **2 working days** with clarity being provided on the next steps along with person dealing with enquiry.
- Full response to initial enquiry should be provided at the **earliest opportunity** and should be clear and concise to ensure that repeat demand or escalation is preventable. **Maximum response time for a full reply should be no more than 10 working days (10 working days should apply in exceptional or complex cases only).**
- Whilst having a consistent approach to replying should be paramount, some member enquiries will naturally fall within an 'urgent' and/ or 'high importance' level and immediacy of response will need to be applied in these cases.
- Any member enquiry received must adhere to GDPR standards and cautious to be given in relation to confidential or highly sensitive matters. If you have any doubts, then please check before replying.
- Where the enquiry is complex in nature, requires multiple or 3<sup>rd</sup> party response or will take a longer time period for reply, **members are to be kept informed of progress and timescales on a regular basis (frequency jointly agreed between officer and member) and lines of communication remain open and two-way.**
- Where the member enquiry requires escalation to assist in resolving the matter internally i.e. not satisfied with response, delays in acknowledgement or routine updates, then these will be forwarded to the PAs or external escalation mechanism (WRS) where this will be logged formally on the corporate complaints system (as a councillor complaint) and assigned to the relevant member of the corporate management team. **These escalations will be routinely reviewed by CMT as part of the quarterly monitoring.**
- Acknowledgement and full responses should be dealt with in a professional manner, ensuring the use of formal writing and correct use of language.
- To aid members in contacting the correct managers/officers when raising enquiries, contact information should be pro-actively and routinely shared with members (especially when changes to personnel or process occurs) via mod.gov and it is expected that ALL out of office replies are activated with signposting to alternative contact in their absence.
- You are encouraged to be proactive with your portfolio holders and members on service changes especially where you have identified potential impacts to local residents and businesses, so that thorough and clear responses and channels of communication directly to service areas are easily accessible.
- Political awareness training to be rolled out to **ALL** staff who deal with member enquiries.

The purpose of this guidance is to have a clear, consistent and courteous approach across both authorities to member enquiries and to build and maintain good working relationships. The corporate management team expect that member enquiries are dealt with promptly and professionally, with escalations being raised on a rare and exceptional basis.



## APPENDIX G - COMMITTEE TERMS OF REFERENCE - EXTRACT      PART 5

### 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) <del>including either the Chairman or Vice-Chairman of the Licensing Committee</del> (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-

## APPENDIX F - COMMITTEE TERMS OF REFERENCE - EXTRACT PART 5

	<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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