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BROMSGROVE DISTRICT COUNCIL

CONSTITUTION

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INTRODUCTION TO THE CONSTITUTION

Bromsgrove District Council
www.bromsgrove.gov.uk

INTRODUCTION

1.1 Under the Local Government Act 2000 the Council is required to adopt a formal Constitution when operating executive arrangements. A number of Regulations have also been made under the Act which prescribe in considerable detail how the Council should draw up the content of its Constitution, how it allocates functions and how it conducts its business. The Constitution, therefore, has to contain a large number of provisions and in this respect it reflects, generally, the legislation, Government Guidance and model documents.

1.2 Because it has to be comprehensive and meet legal requirements and address technical concepts, the Constitution is both long and complex. It is not a user-friendly document!

1.3 The purpose of this Guide is not to summarise all the provisions of the Constitution. This Guide seeks to assist Members and Officers by outlining how the Constitution works, and to focus on some of the practical consequences, both in relation to the role of Members of the Council, and that of employees.

1.4 The guide describes the component parts of the Constitution, outlining the main features of each and addressing some working or practical consequences of the Constitution.

1.5 Of necessity, the Guide has to simplify the complexities of the Constitution and in some instances what it says will be a general rule rather than explain all the exceptions to the rule. So if the reader is in any doubt, reference must be made to the Constitution itself or advice taken from Legal and Democratic Services. Cross-references are provided to help.

2. THE FRAMEWORK OF THE CONSTITUTION

2.1 The Council

2.1.1 The structure diagram inside the front cover shows the formal relationships between the Council, the Executive (the Cabinet), the other Committees and Boards (Non -executive) and the officer structure.

2.1.2 A fundamental point is that the legislation provides that the Leader and Cabinet are responsible for what are called 'executive functions' (which cover most of the day to day political decisions), and the Council and committees are responsible for 'non-executive' functions.

2.2 Officer Structure and Shared Services

2.2.1 The Council has agreed to the appointment of a shared Chief Executive with Redditch Borough Council and a shared management team. Under this arrangement services are be shared and delivered by one single team across both Councils.

2.2.2 Further details of the shared management team are set out at para 9 of this document and at Part 18. The shared management team has been in place since April 2010. The co-operation between the two Councils on sharing services is reflected by a legal agreement (Overarching Framework Agreement). Proposals for shared services between Redditch and Bromsgrove are considered in the first instance by a panel of members from both Councils who make up the Shared Services Board. The Board has no decision making powers on behalf of the two Councils, and any new arrangements for delivery of services require the approval of Full Council.

2.2.3 Notwithstanding the move to delivery of services jointly across both Councils, each Council retains its sovereignty and ability to make decisions for its own constituents independently. Therefore in terms of decision making and the Constitution, each Council continues to be politically independent and to make its own decisions in accordance with the provisions of its own Constitution. There is no intention at this juncture for decision making to be passed to a "joint Council" for the two districts.

2.2.4 Further details of the arrangements for shared services with Redditch Borough Council are set out in Part 7 of the Constitution.

2.3 Other arrangements for joint working

2.3.1 In addition to the shared arrangements with Redditch Borough Council, the Council is involved in other joint arrangements for provision of services with other Councils in Worcestershire. Since June 2010 Bromsgrove District Council has been the host authority for Worcestershire Regulatory Services. This is service was created to carry out the Environmental Health and Licensing functions of the six District Councils. The staff for the service is employed by BDC and it is governed by a Joint Committee made up of two members from each of the authorities involved.

2.3.2 In relation to other service areas, Internal Audit Services are now delivered for BDC as part of a shared services hosted by Worcester City Council. The Council has entered into an arrangement with Worcestershire County Council for the County Council to provide an Assets Management Service for the Council. The Council has entered into an arrangement with Redditch Borough Council and Wyre Forest District Council for there to be one shared service for economic development and regeneration hosted by Wyre Forest District Council. The Council has entered into a similar arrangement with Redditch and

Wyre Forest in relation to Building Control Shared service which is hosted by Bromsgrove. The Council has agreed to an arrangement with Wyre Forest District Council and Redditch Borough Council under which Wyre Forest is hosting a shared service for Land Drainage. Finally, the three authorities are collaborating on a shared service for Emergency Planning which is hosted by Wyre Forest District Council.

3. THE FULL COUNCIL

3.1 Composition and Role

3.1.1 The Council comprises 31 elected members.

3.1.2 The job of the full Council is to approve the Council's main policies (the policy framework as set out in Part 2 the Articles of the Constitution) and the Annual Budget (both revenue and capital). There are other matters reserved to the full Council to decide. These are set out in the Articles at 4.2 and include the appointment of the Leader of the Council.

3.1.3 The Council receives minutes from the Cabinet, which may include recommendations to the Council and also record the business it has considered. In most cases the Cabinet, because of its decision-making role, and the breadth of, its responsibilities will be reporting to the Council on matters where it has already made a decision under its delegated powers.

3.1.4 The Council may also receive reports/recommendations from its other Committees.

3.1.5 The dates of the Council meetings will be published well in advance. Its annual meeting will be in May and it will decide its budget in February to allow Council Tax calculations for the new financial year from April.

3.1.6 Members of the Council have the ability to requisition an extraordinary meeting of the Council under part 8 of the Constitution (Council Procedure Rules).

3.1.7 The Chief Executive, the Monitoring Officer and the section 151 officer have the right to submit reports directly to the full Council.

3.1.8 It should be noted that unless the matter is one which:-

- is for the full Council or its Committees to determine (as set out in Parts 3 - 7 - Responsibility for functions)
- is contrary to the policy framework or not wholly in accordance with the Council's budget
- cannot in law be the responsibility of the Cabinet

then the Council or its other Committees cannot take a decision about that matter (or overturn a decision of Cabinet). That responsibility rests with the Cabinet. Similarly, the Cabinet cannot take a decision which the responsibility of the Council or its Committees.

3.2 Meetings of the Council

3.2.1 Meetings of the Council are relatively formal. The Council's Procedure Rules (Part 8 of the Constitution) govern how a meeting of the Council is conducted. The same rules also apply to certain committee meetings; other committees have their own procedure rules including Cabinet, Overview and Scrutiny Board, Planning Committee and Audit Board.

3.2.2 At Council Meetings the agenda will include presentation of recommendations from Cabinet to Council and reports on any issues to be decided by the Council. Individual Members can ask questions of the Leader or propose motions for debate.

4. THE CABINET

4.1 Composition and Role

4.1.1 The Council is required by law to have an 'Executive', and has chosen the "Leader and Cabinet" model. The Leader is responsible for making arrangements to discharge functions which fall to the executive, whether through the leader personally, individual Cabinet members, or officers.

4.1.2 The Cabinet is not a Committee and is not required to be politically balanced. Meetings are held in public but the Cabinet must comply with the Access to Information Rules as set out in Part 9.

4.1.3 The Council appoints (and can subsequently remove) the Leader at the first Annual Meeting of the Council after elections for the life of the Council. All members of the Council are re-elected every 4 years.

4.1.4 The Cabinet comprises the Leader of the Council and a minimum of 2 and maximum of 8 Members of the Council.

4.1.5 The Leader presides at meetings of the Cabinet. A Deputy Leader presides in the Leader's absence. In the absence of both, a member nominated by those present at the meeting will preside.

4.1.6 The Leader determines the number of areas of political responsibility or "portfolios" and their allocation to members of the Cabinet (Portfolio Holders).

4.1.7 The Leader has determined that Cabinet will take decisions collectively. No individual members of the Cabinet have delegated powers to take decisions on behalf of the Cabinet.

4.1.8 The Cabinet takes decisions on all matters relating to the functions of the Council except those which –

- are reserved to the full Council (e.g. Budget and Policy Framework, Members' Allowances and Code of Conduct)
- are ones which by law the Cabinet cannot take (e.g. deciding Planning applications and Standards matters)
- by choice may not and have not been allocated to the Cabinet.

4.1.9 In general terms, it is therefore the Cabinet who will take the main political decisions in relation to services.

4.1.10 Many decision-making powers continue to be delegated to officers to allow the day to day operation of services to continue. Officers will not be taking 'Key Decisions' (see below). Part 6 contains the scheme of delegation to committees and officers.

4.1.11 Collectively and individually the Cabinet are subject to the overview and scrutiny arrangements which the Council has established (Section 5 below).

4.2 Key Decisions

4.2.1 Certain types of decision which are the responsibility of the Leader and Cabinet are called 'Key Decisions'. It is important to know what they are because only the Cabinet will be taking Key Decisions; and (generally) advance notice has to be given of Key Decisions to be taken through the procedure known as the Forward Plan (4.3 below).

4.2.2 Key Decisions are ones which are likely:-

(i) To result in the Council incurring expenditure, foregoing income or the making of savings in excess of £50,000 or which are otherwise significant having regard to the Council's budget for the service or function to which the decision relates; or

(ii) be significant in terms of its effect on communities living or working in an area comprising two or more wards in the district.

4.3 The Cabinet Work Programme

4.3.1 The Leader of the Council has to publish the Cabinet Work Programme each month, which contains a list of what Key Decisions the Cabinet are likely to take in the following months; when the decision is likely to be taken by the Cabinet; a list of the documents which the Cabinet will consider including any background documents; and the steps to be taken by any person who wants to make representations to the Cabinet about the matter. For transparency, the Cabinet Work Programme also includes non-Key Decisions going to Cabinet.

4.3.2 The purpose of the Cabinet Work Programme is to alert the public and members to when Key Decisions are to be taken by the Cabinet so that they can raise matters of concern with the local Councillor or members of the Cabinet or attend.

4.3.3 The Cabinet Work Programme has to be updated monthly so that as more details become available, more information can be included in it.

4.3.4 The detailed requirements in relation to the Cabinet Work Programme are set out in Part 9 (Access to Information Rules).

4.3.5 There are detailed procedures in Part 9 of the Constitution about taking Key Decisions which for some reason have not been included in a Cabinet Work Programme or which are very urgent The Overview and Scrutiny Board also has a right to require the Cabinet to report to the Council on Key Decisions which they believe to have been taken otherwise than in accordance with the required procedures – and the Leader has to report to the full Council quarterly on all special urgency decisions.

4.4 Meetings of the Cabinet

4.4.1 The Cabinet will normally meet monthly in public, unless the matter to be discussed is confidential or exempt.

4.4.2 The Cabinet may also meet privately (with no public or local members present) when the business will only be the discussion of matters with officers and not the taking of decisions. They may also meet for informal briefings.

4.4.3 The Constitution allows Members to speak at Cabinet meetings, but not to vote.

4.4.4 The Cabinet will consider reports from Cabinet Members or more usually from Chief Officers, making recommendations for Cabinet to consider.

4.4.5 Decisions taken by the Cabinet are subject to the call-in procedures referred to in Section 5 below. Save in the limited circumstances referred to, they will not take effect until the fifth working day after publication of the Minutes of the relevant meeting of the Cabinet to members of the Council. Due allowance must be made for this in the preparation of any reports to the Cabinet which require a prompt decision as the minutes must say whether implementation is so urgent that it cannot await the outcome of possible call-in – and why (see paragraph 4.4.8 below). Urgency of implementation may need to be specifically addressed in reports.

4.4.6 The Chief Officers (or their representatives) will be entitled to be present at all meetings of the Cabinet.

4.4.7 All meetings of the Cabinet will be minuted and every member will receive a copy. These Minutes are the formal record of decisions and also the “trigger” for the call-in procedure. They will also indicate which items (if any) are urgent so that they are not subject to ‘call-in’ but fall to be dealt with under the urgency procedures in the Access to Information procedure rules of the Constitution, summarised in 4.4.8 below.

4.4.8 Urgent cases will be those where delay likely to be caused by the call-in process could seriously prejudice either the interest of the Council or the public, and the Chairman (or in his absence Vice-Chairman) of the Overview and Scrutiny Board agrees that the decision is urgent and cannot reasonably be deferred. If those members referred to are unable to act, then the agreement of the Chief Executive or his/her nominee will suffice. These provisions allow a 'check and balance' allowing a person outside the Cabinet to decide whether or not there should be implementation without the risk of call-in suspending the decision.

4.4.9 The Cabinet’s own procedures are governed by Part 11 of the Constitution. The Cabinet is not a Committee of the Council and can largely govern its own procedure.

5. OVERVIEW AND SCRUTINY ARRANGEMENTS

5.1 Composition and Role

5.1.1 The Council is required by law to have arrangements for Overview and Scrutiny by which recommendations on the development of policies can be made and the Cabinet be held to account for their actions.

5.1.2 Any bodies established to carry out Overview and Scrutiny have no delegated powers to take decisions on behalf of the Council.

5.1.3 The Council operates a single Overview and Scrutiny Board. From time to time the Board will establish Scrutiny Task Groups to carry out scrutiny exercises.

5.1.4 The Overview and Scrutiny Board comprises a Chairman and such other members as the Council appoints. The Board is politically balanced.

5.1.5 The size of any Scrutiny Task Group will vary according to the purpose for which it is established. The places on each Task Group need not be allocated strictly in accordance with the political balance of the Council so as to allow Members with a particular knowledge or interest or commitment to take part.

5.1.6 Cabinet Members cannot serve on the Overview and Scrutiny Board, or any Scrutiny Task Group.

5.1.7 The general terms of reference of the Overview and Scrutiny Board are to perform all overview and scrutiny functions on behalf of the Council in relation to any matter affecting the District and its inhabitants

The specific terms of reference include:-

a. To receive and consider Councillor Calls for Action
b. To perform the functions relating to Crime and Disorder Scrutiny (in accordance with the Police and Justice Act 2006)
c. To receive and consider Petitions
d. To monitor performance improvement
e. To scrutinise the Budget
f. To identify unsatisfactory progress or performance and make recommendations on remedial action to the Cabinet;
g. To monitor the following Council documents/strategies
h. Council Plan
i. Council Annual Report
j. Performance Management Strategy/Data Quality Strategy
k. Quarterly Finance & Performance Monitoring report

5.1.8 The Overview and Scrutiny Bodies have extensive powers to conduct research, carry out consultations, hold investigations, undertake visits, encourage community participation, liaise with other organisations, gather evidence, invite advisers and experts to assist them and question members of the Cabinet and (in some circumstances) Chief and senior officers about their decisions and performance.

5.1.9 Particular action taken by a Chief or senior officer under delegated powers, which is taken in furtherance of the day to day administration of the service for which the officer is responsible, cannot be called-in or scrutinised. This does not however prevent a questioning of a Chief or senior officer as part of a wider scrutiny exercise.

5.1.10 Scrutiny arrangements are governed by the Overview and Scrutiny Procedure Rules in Part 12 of the Constitution. These include an obligation to declare any party whipping arrangements.

5.2 Call-in

5.2.1 The Council recognises that the right of call-in should only be used in exceptional circumstances when there is evidence to suggest that the Cabinet has departed from the principles for decision-making. It is not there to be used just because members do not agree with the decision of Cabinet. .

5.2.2 There is a right to call-in decisions taken by the Cabinet before they are implemented. Within three working days of a meeting of the Cabinet the

minutes of that meeting will be circulated to all members of the Council and will be available for inspection at the Council House. Unless it is identified as urgent in the Minutes, the decision which the Cabinet has taken will not take effect until five working days have expired after the circulation of the minutes. During the intervening period:-

- not less than three members of the Overview and Scrutiny Board; or
- The Chairman of the Overview and Scrutiny Board; or
- five members of the Council who are not members of the Cabinet;

may "call-in" (with reasons) the decision. It will then be referred to a meeting of the Overview and Scrutiny Board which will decide on the most appropriate way of dealing with the call-in.

5.2.3 The called-in Cabinet decision is then not implemented until either

- the Overview and Scrutiny Board has accepted the decision (with or without comment) or
- the Overview and Scrutiny Board has considered the matter, has proposed modifications and/or referred it back to the Cabinet for reconsideration (or in certain circumstances referred it to the full Council), and the matter has been reconsidered by Cabinet.

5.2.4 The right of call-in is important in enabling members who are not Cabinet members to challenge Cabinet decisions before they are implemented.

5.2.5 The time for call-in is very important, as any Cabinet decision can be implemented on the expiry of the fifth working day after circulation of the Cabinet's Minutes, if it is not called-in before then. However, restrictions on call-in apply in cases of urgency which are set out in Section 4.4.8 above.

5.2.6 Reference to the full Council would only be appropriate if the decision called-in is one which the Overview and Scrutiny Board believes:-

- the Cabinet cannot in law take; or
- is reserved to the full Council; or
- is contrary or not wholly in accordance with the Budget and Policy Framework.

5.2.7 Details of the call-in procedure are included in the Overview and Scrutiny Procedure Rules (Part 12 of the Constitution).

5.2.8 The operation of call-in will be monitored annually by the Overview and Scrutiny Board.

6. OTHER BOARDS AND COMMITTEES

6.1 Composition and Roles

6.1.1 Certain matters cannot by law be dealt with by the Cabinet. Apart from those reserved to the full Council, these are in the main planning and regulatory functions, though there are some others.

6.2 Audit, Standards & Governance Committee

6.2.1 The Audit, Standards & Governance Committee's main role is to ensure good stewardship of the Council's resources and to assure the Council about the objectivity and fairness of the financial reporting and performance of the Council, the adequacy of the risk management framework and associated controls within the Council, and that any issues arising from the drawing up, auditing and certifying of the Council's accounts are properly dealt with. The Audit, Standards & Governance Committee meets at least four times a year, usually quarterly. The arrangements for the Audit, Standards & Governance Committee are set out in the Audit, Standards & Governance Committee Procedure Rules in Part 13 of the Constitution.

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6.3 Planning Committee

6.3.1 The Planning Committee will carry out the planning functions which cannot be the responsibility of the Cabinet. The main function of the Committee is to decide applications relating to development control, trees and planning enforcement. Meetings will take place in accordance with the Planning Committee Procedure Rules in Part 14 of the Constitution.

6.4 Licensing Committee

6.4.1 The Licensing Committee and its sub committees carry out the Licensing functions on behalf of the Council including deciding Licensing policies and considering applications in relation to licensed premises, taxis, street trading and gambling.

6.5 Appeals Panel and Appointments Committee

6.5.1 The Council has an Appeals Panel to determine appeals and an Appointments Committee to consider the appointment of Chief Officers and disciplinary matters involving any of the 3 statutory officers of the Council.

7. AREA ARRANGEMENTS

7.1 The Council participates in the Local Strategic Partnership for Bromsgrove. This involves working alongside professionals from the

County Council and other public bodies in order to improve outcomes for the community.

7.2 The Council also has a role to support the work of the Parish Councils in its areas including advice and support regarding ethical standards and Code of Conduct and electoral matters.

8. MEMBERS

8.1 Service on the Cabinet

8.1.1 Every member of the Council, except the Chairman and Vice-Chairman of the Council, is eligible to serve on the Cabinet.

8.2 Service on the other boards and committees

8.2.1 The eligibility of Members to serve on the Council's boards and committees is set out in the terms of reference for these at Part 5 of the Constitution.

8.3 Substitution

8.3.1 There can be no substitution for members of the Cabinet.

8.3.2 There can be substitution on the Overview and Scrutiny Board, subject to certain conditions; substitution is not permitted for Task Groups.

8.3.3 Substitution may be allowed on any other Committee provided the substitute member is eligible to serve subject to requirements set out in the terms of reference at Part 5 of the Constitution.

8.4 Budget and Policy Framework Procedure Rules

8.6.1 The Budget and Policy Framework Procedure Rules are set out in Part 10. These set out the procedure by which the Cabinet will draw up proposals for the budget and policy framework of the Council.

8.7 Member Allowances

8.7.1 Members may receive the allowances contained in the Scheme of Members Allowances (Part 19 of the Constitution and on the Council's website). These are set by Council following recommendations made by an Independent Remuneration Panel.

8.8 Ethical Framework

8.8.1 Part 20 sets out the Members' Code of Conduct and Part 21 the Code of Conduct relating to the acceptance of gifts and hospitality by Members.

8.9 Access to Information

8.9.1 The Constitution sets out in Part 9 (Access to Information Procedure Rules) arrangements for public access to information and to which members are also entitled.

8.9.2 The Rules also prescribe other information available in connection with overview and scrutiny arrangements and additional rights of access for members.

8.10 Member - Member and Member - Officer Relations

810.1 The Council and the public are entitled to expect high standards of conduct from members. In addition to the Member's Code of Conduct, Members are subject to the Member- Officer Protocol in Part 22 of the Constitution and the Member- Member Protocol in Part 23 of the Constitution.

8.11 Member involvement in making regulatory decisions

8.11.1 Members need to ensure that they take particular care in their dealings with members of the public and businesses when they are members of either of the Council's regulatory committees, i.e. Planning Committee and Licensing Committee (and its sub committees). This is because Members of these committees will be called upon to make decisions on applications which may be made by people they know or with whom they have had contact either personally or in their role as a Councillor.

8.11.2 Additional guidance for Members relating to planning and Licensing is set out in the Code of Practice for Planning Services at Part 25 and the Code of Practice for Licensing Services at Part 26.

8.12 Member use of ICT

8.12.1 Members are encouraged to use ICT to access Council and Committee agendas and to enable them to carry out their duties effectively and efficiently. The rules around use of ICT by Members are set out in the Policy on Members ICT Facilities at Part 27 of the Constitution.

8.13 Outside Bodies

8.13.1 The Council appoints or nominates Members to sit on a wide range of outside bodies and organisations. Further information and guidance to Members in relation to their role on any Outside Bodies is set out in the Protocol on Members Representation on Outside Bodies in Part 29 of the Constitution.

8.13 Members Roles and Responsibilities

8.13.1 A number of role descriptions have been produced setting out the duties and responsibilities of a councillor and various other positions held (such

as the Leader, Chairman of Committees etc). These are included in Part 30 of the Constitution.

9. OFFICERS

9.1 Designations

9.1.1 By law the Council must designate officers to hold three statutory offices. These are –

- Head of Paid Service
- Monitoring Officer
- Section 151 Officer

9.1.2 Under the arrangements for the shared management team with Redditch Borough Council it has been agreed that the persons appointed to the posts of Monitoring Officer and Section 151 Officer will carry out that function for both authorities.

9.1.3 The Council has appointed the Chief Officers set out in the management structure at part 18 of the constitution. Details are also available on the Council's website.

Each Chief Officer has staff to undertake the tasks of delivering the Council's services and supporting the corporate management of the Council.

9.1.4 To enable the professional and operational work of the Council to be undertaken, Chief Officers have delegated powers to take a range of decisions on behalf of the Cabinet and the other Committees etc. with decision making powers. In turn Chief Officers can empower certain of their staff to exercise delegated powers on their behalf in respect of particular kinds of decisions.

9.2 Delegations

9.2.1 Part 6 sets out the scheme of delegation to officers.

9.3 Financial Regulations

9.3.1 Financial Regulations are set out in Part 15 and establish a framework for the administration and control of the Council's financial affairs.

9.3.2 In essence, the Financial Regulations set out the frameworks for:-

- Financial Administration
- Accounting Systems / Accounting Records
- Audit
- Budget Responsibilities

- Budget Preparation
- Procurement of Works, Goods, Materials and Services
- Payment for Works, Goods, Materials and Services
- Payments to Employees and Former Employees
- Income
- Banking
- Borrowings, Other Capital Financing and Investments
- Trustees, Receivers, Appointees and Agents
- Assets
- Insurance
- Ex Gratia Payments
- Preparation of Statutory Financial Statements
- Applications and Claims for Grant or Subsidy

9.4 Contract Procedure Rules

9.4.1 Part 16 includes the Council's Current Contract Procedure Rules which set the framework for the acquisition and disposal of goods, works and services.

9.5 Employment Procedures

9.5.1 Part 17 of the Constitution sets out the Officer Employment Procedure Rules.

9.5.2 In essence, all appointments other than the Chief Executive, Directors and Heads of Service reporting directly to Directors must be made by officers and cannot be made by members.

9.5.3 There are specific and procedural rules about appointments of the officers named in paragraph 9.5.2, which are made by the Appointments Committee. The Appointments Committee also deals with the discipline and dismissal of those officers subject, where necessary, to any procedural or legal restrictions.

10. CITIZENS

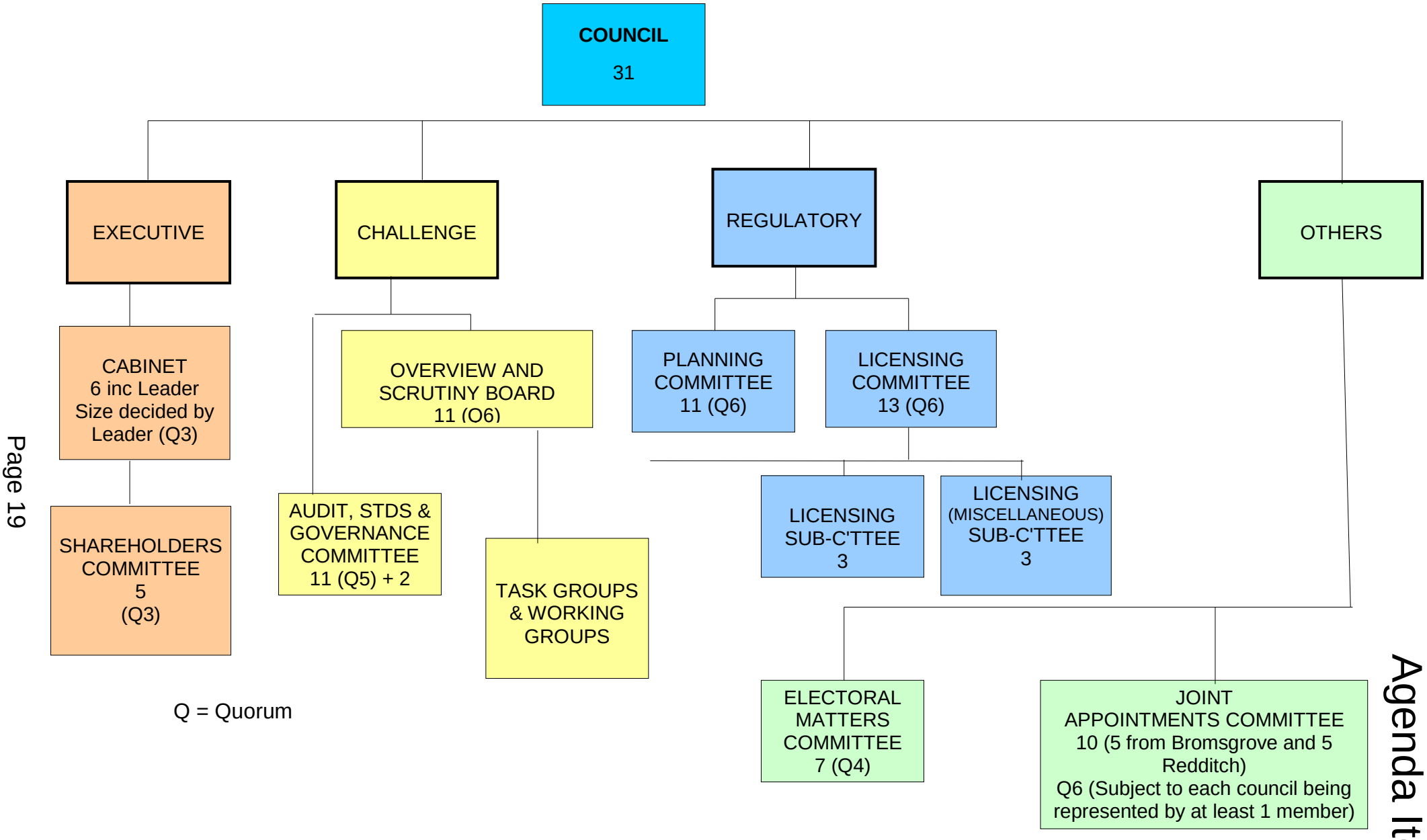
10.1 The involvement of citizens with the Council is summarised in Article 3 of the Articles of the Constitution (Part 2 of the Constitution). Citizens are able to attend meetings of the Council which are held in public and obtain information and reports. Citizens can also submit Petitions to the Council. In relation to Petitions, the Council has agreed a petitions protocol.

11 CONCLUSION

11.1 This Guide seeks to simplify some of the complexities of the Constitution for members and officers of the Council but is not a substitute - reference must be made to the Constitution for the detailed

provisions applicable in any situation or circumstance under discussion. The Constitution is available on the Council's website.

11.2 The Head of Legal, Equalities and Democratic Services will always try to assist on any point of interpretation of the Constitution.


COUNCIL
31
EXECUTIVE
CHALLENGE
REGULATORY
OTHERS
CABINET
6 inc Leader
Size decided by
Leader (Q3)
SHAREHOLDERS
COMMITTEE
5
(Q3)
OVERVIEW AND
SCRUTINY BOARD
11 (Q6)
AUDIT, STDS &
GOVERNANCE
COMMITTEE
11 (Q5) + 2
TASK GROUPS
& WORKING
GROUPS
PLANNING
COMMITTEE
11 (Q6)
LICENSING
COMMITTEE
13 (Q6)
LICENSING
SUB-C'TTEE
3
LICENSING
(MISCELLANEOUS)
SUB-C'TTEE
3
ELECTORAL
MATTERS
COMMITTEE
7 (Q4)
JOINT
APPOINTMENTS COMMITTEE
10 (5 from Bromsgrove and 5
Redditch)
Q6 (Subject to each council being
represented by at least 1 member)

Q = Quorum

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THE ARTICLES OF CONSTITUTION

Article No.	
1	The Constitution
2	Members of the Council
3	Citizens and the Council
4	The Full Council
5	Chairing the Council
6	Overview and Scrutiny
7	The Cabinet
8	Regulatory and other Committees
9	Area Committees
10	The Audit, Standards and Governance Committee
11	Joint Arrangements
12	Officers
13	Decision-Making
14	Finance, Contracts and Legal Matters
15	Review and Revision of the Constitution
16	Suspension, Interpretation and Publication of the Constitution

ARTICLE 1 - THE CONSTITUTION

1.1 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.2 The Constitution

This Constitution and all its parts are the Constitution of Bromsgrove District Council.

1.3 Purpose of the Constitution

The purpose of the Constitution is to:

a. enable the Council to provide clear leadership to the community in partnership with citizens, businesses, and other organisations;

b. support the active involvement of citizens in the process of local authority decision-making;

c. help Councillors represent their constituents more effectively;

d. enable decisions to be taken efficiently and effectively;

e. create a powerful and effective means of holding decision-makers to public account;

f. ensure that no-one will review or scrutinise a decision in which they were directly involved;

g. ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions; and

h. provide a means of improving the delivery of services to the community.

1.4 Interpretation and Review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above. The Council will monitor and evaluate the operation of the Constitution as set out in Article 16.

ARTICLE 2 - MEMBERS OF THE COUNCIL

2.1 Composition and eligibility

The Council will comprise 31 Members, otherwise called Councillors. One or more Councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Electoral Commission and approved by the Secretary of State. Only registered voters of the District, or those living or working or owning property in the District, will be eligible to hold the office of Councillor.

2.2 Election and terms of Councillors

The regular election of Councillors will be held on the first Thursday in May every four years beginning in 2003. The terms of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

2.3 Roles and functions of all Councillors

All Councillors will:-

a. collectively be the ultimate policy makers and carry out a number of strategic and corporate management functions;

b. represent their communities and bring their views into the Council's decision-making process ie become the advocate for their communities;

c. deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;

d. balance different interests identified within their ward and represent the ward as a whole;

e. contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;

f. participate in the governance and management of the Council; and

g. maintain the highest standards of conducts and ethics.

h. be available to represent the Council on other bodies

The roles and responsibilities of Councillors are set out in more detail in Part 30 of this Constitution.

2.4 Councillors' Rights and Duties

Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.

Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than another member of this Council or officer entitled to know it and any information so divulged to a councillor or officer is to be strictly on a confidential basis

For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 9 of this Constitution.

2.5 Conduct

Councillors will at all times observe the Members' Code of Conduct, Gifts and Hospitality Code of Conduct, the Protocol on Member-Officer Relations and the Protocol on Relations Between Members set out in Parts 20, 21, 22 and 23 of this Constitution.

2.6 Allowances

Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 19 of this Constitution.

ARTICLE 3 – CITIZENS AND THE COUNCIL

3.1 Citizens' rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 9 of this Constitution:

a. **Voting** Citizens on the electoral roll for the area have the right to vote

b. Petitions Citizens on the electoral roll have the right to sign a petition to request a referendum for an elected mayor form of Constitution. More generally citizens have the right to sign petitions relating to other issues which affect the District. In order to deal effectively with Petitions the Council has agreed a protocol on petitions, which is available on the Council's website.

c. **Information** Citizens have the right to:

(i) attend meetings of the Council and its committees or Boards except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;

(ii) attend meetings of the Cabinet except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;

(iii) find out from the Cabinet Work Programme what key decisions will be taken by the Cabinet and when;

(iv) see reports and background papers, and any minutes of decisions made by the Council and the Cabinet (other than those comprising confidential or exempt information); and

(v) inspect the Council's accounts and make their views known to the external auditor.

c. **Participation**

(i) Citizens may be invited to contribute to investigations by the Overview and Scrutiny Board or Overview and Scrutiny Board Task Groups.

(ii) Citizens who attend any meeting of the Council are entitled to take a copy of the Agenda and associated reports available in the public gallery.

(iii) Citizens may be entitled to address committee meetings but only where public participation has been agreed by the Council.

(iv) film/record meetings, when open to the public, in accordance with the Council's protocol;

(v) Citizens may be invited from time to time to contribute to other community forums.

d. **Complaints** Citizens have the right to complain to:

(i) the Council itself under its Customer Feedback scheme;

(ii) the Commissioner for Local Government Ombudsman;

(iii) the Monitoring Officer about a breach of the Council's Code of Conduct.

3.2 Citizens' responsibilities

Citizens may not disrupt or cause undue disturbance at meetings. Citizens must not be violent, abusive, or threatening to Councillors or officers and must not wilfully harm things owned by the Council, Councillors, or officers.

ARTICLE 4 – THE FULL COUNCIL

4.1 Meanings

"Policy Framework"
The policy framework means the following plans and strategies:-

- The Development Plan;
- The Council Plan;
- Carbon Reduction Strategy
- Contract Procedure Rules
- Inclusive Equalities Scheme

"Budget"
The budget includes the allocation of financial resources to different services and projects, the medium-term financial plan, proposed contingency funds, setting the Council tax, decisions relating to the control of the Council's borrowing requirements, the control of its capital expenditure and the setting of virement limits.

4.2 Functions of the full Council

Only the Council will exercise the following functions:

a. adopting and changing the Constitution;

b. approving or adopting the Budget and the Policy Framework and any application to the Secretary of State in respect of any Housing Land Transfer;

c. subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 9 of this Constitution, making decisions about any matter in the discharge of a Cabinet function which could have been (but was not) covered by the Budget and Policy Framework or where the decision maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to/or not wholly in accordance with the Budget

d. appointing or removing from office:-

    (i) the Leader;

    (ii) the Chairman or Vice-Chairman;

e. confirming the appointment of the Chief Executive, Monitoring Officer and Section 151 Officer;

f. agreeing and/or amending the terms of reference for committees and Boards, deciding on their composition and, subject to Article 8.3, making appointments to them;

g. the appointment and revocation of appointments of representatives to outside bodies unless the appointment is a Cabinet function or has been delegated by the Council;

h. adopting the Members' allowances scheme;

j. changing the name of the area or conferring the title of honorary alderman;

k. making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;

l. all local choice functions set out in Part 3 of this Constitution (Responsibilities for Functions) which the Council decides should be undertaken by itself rather than the Cabinet; and

m. all other matters which, by law, must be reserved to Council.

4.3 Council meetings

There are three types of Council meeting:

a. the annual meeting;

b. ordinary meetings;

c. extraordinary meetings

and they will be conducted in accordance with the Council Procedure Rules in Part 8 of this Constitution.

4.4 Responsibility for functions

The Council will maintain the tables in Parts 3 - 7 of this Constitution setting out:

a. those functions which are the responsibility of the Council;

b. those functions which are the responsibility of the Council and which it has delegated to committees or officers.

ARTICLE 5 – CHAIRING THE COUNCIL

5.1 Role and function of the Chairman

The Chairman and Vice-Chairman of the Council will be elected by the Council annually and neither the Chairman nor the Vice-Chairman will be

a member of the Cabinet. The Chairman, and in his/her absence the Vice-Chairman, will have the following roles and functions:

a. To preside over meetings of the full Council, preserve order in meetings and ensure that proceedings are conducted impartially and in a proper manner and with regards to the rights of Councillors and the interests of the community.

b. To ensure that all councillors have the opportunity to contribute to debates subject to the relevant standing orders and constitution.

c. To uphold and promote the purposes of the constitution and interpreting it when necessary.

d. To ensure that the Council meeting is a forum for debate of matters of concern to the local community.

e. To determine that the Council meeting is properly constituted and that a quorum is present.

f. To inform himself/herself as to the business and objects of the meeting.

g. To ensure that discussions at Council are within the scope of the meeting and within the time limits provided.

h. To rule a point of order and other incidental questions which require decision at the time.

i. To put relevant questions to the meeting and take a vote thereon; causing a named vote or ballot to be taken if demanded; if necessary to give a second or casting vote; to declare the result.

j. To adjourn the Council meeting when circumstances justify or require that course.

k. To declare the Council meeting closed when business is completed.

l. To act in a proper and dignified manner at all times as befits the office

m. To establish and maintain effective and efficient working relations with the leaders of other groups, the cabinet, chairmen of other committees/boards, other Members and officers as appropriate.

n. The Chairman cannot:

- Be a member of the Cabinet;
- Be a member of the Audit, Standards and Governance Committee
- Be a member of the Overview and Scrutiny Board.

ARTICLE 6 – OVERVIEW AND SCRUTINY

6.1 Discharge of overview and scrutiny functions

The Council will appoint an Overview and Scrutiny Board to discharge the functions conferred by:

a. section 21 of the Local Government Act 2000 or any regulations made under section 32 of the Local Government Act 2000;

b. sections 119, 236 and 237 of the Local Government and Public Involvement in Health Act 2007; and

c. section 19 of the Police and Justice Act 2006 and the Crime and Disorder (Overview & Scrutiny) Regulations 2009.

6.2 Composition

The Overview and Scrutiny Board will be composed of Councillors, none of whom shall be members of the Cabinet;

The Chairman of the Overview and Scrutiny Board may be a member of the non-controlling political group.

6.3 Terms of reference

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.

6.4 General role of the Overview and Scrutiny Board

The Overview and Scrutiny Board will:

a. make reports and/or recommendations to the full Council and/or the Cabinet in connection with the discharge of any functions;

b. consider any matter affecting the area or its inhabitants;

c. review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;

d. exercise the right to call-in for reconsideration, decisions made but not yet implemented by the Cabinet (which right shall not arise before the Cabinet has made a decision).

e. receive and consider Councillor Calls for Action;

f. receive and consider Councillor Calls for Action in relation to crime and disorder matters;

g. review and/or scrutinise decisions made, or other action taken, in connection with the discharge by the Council of its crime and disorder functions;

h. receive and consider petitions (other than petitions relating to regulatory matters); and

i. assist the Council and the Cabinet in the development of the Budget.

6.5 Specific functions of the Overview and Scrutiny Board

The Overview and Scrutiny Board may:

a. review and scrutinise the decisions made by the Cabinet, committees (but not decisions of regulatory committees) and Council Officers.
b. assist the Council and the Cabinet in the development of its Budget and Policy Framework by in-depth analysis of policy issues;
c. conduct research, community consultation and other consultation in the analysis of policy issues and possible options;
d. consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
e. question members of the Cabinet and chief officers;
f. liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working;
g. review and scrutinise the performance of the Council in relation to its policy objectives and/or particular service areas;
h. question members of the Cabinet, committees or Boards and chief officers about their decisions whether generally in comparison with service plans and targets over a period of time, or in relation to particular decision, initiatives or projects;
i. make recommendations to the Cabinet and/or the Council arising from the outcome of the overview and scrutiny process
j. review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the

Overview Board, the Scrutiny Board or Task Groups and local people about their activities and performance; and

k. question and gather evidence from any person (with their consent).

6.6 Finance.

The Board will exercise overall responsibility for any finances made available to it.

6.7 Officers.

The Head of Legal, Equalities and Democratic Services will in consultation with the Chairman of the Board exercise overall responsibility for the work programme of any officers specifically employed to support the work of the Board.

6.8 Proceedings of the Overview and the Scrutiny Board

The Overview and Scrutiny Board will conduct its proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 12 of this Constitution.

6.9 Annual Report

The Overview and Scrutiny Board will provide an annual report to Council on the work of the Board together with recommendations for future work programmes and amended working methods if appropriate.

ARTICLE 7 – THE LEADER OF THE COUNCIL AND THE CABINET

7.1 Role

The Council has adopted the Leader and Cabinet Executive (England) governance model for its executive arrangements. The Leader of the Council is responsible for the discharge of such functions as are the responsibility of the Executive of the Council i.e. all functions which by law must be the responsibility of the Executive or which are not the responsibility of any other part of the Council whether by law or under this Constitution ('executive functions'). The Leader may make such arrangements as the Leader thinks fit from time to time for the delegation and discharge of executive functions.

7.2 Composition of the Cabinet

a) Leader of the Council is responsible for the appointment of the Cabinet which will consist of the Leader and not less than 2 nor more than 9 other councillors, as the Leader shall determine. The Leader may change the size of Cabinet (within the above parameters) and appointments to it at any time.

b) One of the members of the Cabinet will be designated by the Leader as Deputy Leader, to hold office until the end of the Leader's term of office, unless the Deputy Leader resigns, ceases to be a member, is disqualified, or is removed by the Leader at any time.

c) If for any reason the Leader is unable to act, or the office of Leader is vacant, the Deputy Leader must act in the Leader's place. If the Deputy Leader is unable to act or the office is vacant, the Cabinet must act in the Leader's place or arrange for a member of the Cabinet to do so.

d) The Cabinet is not a Committee of the Council. Its composition is not required to be in accordance with the political balance of the Council.

e) The Cabinet collectively, individual members of the Cabinet or officers will be responsible for the discharge of such functions of the executive as are allocated by the Leader of the Council from time to time. The Leader will maintain a List in Parts 3 - 7of this Constitution (Scheme of Delegation) setting out which Cabinet members, officers or joint or local arrangements are responsible for the exercise of particular Cabinet functions

7.3 Leader

The Leader will be a Councillor elected to the position of Leader by the Council at its annual meeting. The Leader shall hold office for a period of 4 years starting on the day of his/her election and ending on the day of the post-election annual meeting unless:

a) he or she resigns from the office of Leader; or

b) he or she is disqualified from being or remaining a councillor; or

c) he or she is no longer a councillor of the Council for any reason; or

d) he or she is removed from office by a resolution of Full Council during the Leader's term of office (and in which case Council will elect a new Leader at that or a subsequent meeting).

7.4 Other Cabinet Members

A Cabinet Member shall hold office until:

a) he or she resigns from the office; or

b) he or she is disqualified from being or remaining a councillor; or

c) he or she is no longer a councillor of the Council for any reason; or

d) he or she is removed from office by the Leader of the Council

7.5 Proceedings of the Cabinet

Proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules set out in Part 11 of this Constitution.

7.6 Responsibility for functions

a) The Leader will decide on the number, and extent of areas of responsibility, of Cabinet members and will decide to which members of the Cabinet such areas of responsibility shall be allocated; and

b) The Leader will decide the extent to which responsibility for formal decision-making for functions of the executive may be held collectively by the Cabinet, by individual members of the Cabinet or Officers. The functions assigned to the Cabinet and officers are set out in Parts 3 - 7 of this constitution (Allocation of Functions).

c) Unless delegated to an individual officer or Cabinet member the Leader may determine that the responsibility of the Cabinet for the exercise of an executive function and decision-making is collective.

d) The Leader may delegate any responsibility of the Leader or the Cabinet for the exercise of an executive function to any Cabinet Member with Responsibility or any other individual member of the Cabinet, or officer;

e) The Leader or Cabinet, in relation to an executive function, may specify that a particular decision which would otherwise fall within a power delegated to an officer in accordance with the Scheme of delegation to officers shall not be exercised by that officer but shall be reserved or referred to the Leader, Cabinet or an individual Cabinet member for that decision to be made. An officer may decide not to exercise any executive function delegated to him/her and invite the Leader or Cabinet to take a particular decision in relation to that function.

f) Where under the Scheme of Delegations a decision-making function has been delegated to the Cabinet the following provisions will apply:-

(i) In the case of decisions required to be made urgently such that formal reporting to Cabinet is not possible, the Leader may take that decision in consultation with the relevant Portfolio Holders, the Chief Executive, the Section 151 Officer and the Monitoring Officer;

(ii) In the case of decisions made in principle, the Cabinet may authorise the Leader or Portfolio Holder with responsibility to finalise outstanding details in agreement with the appropriate Director or Head of Service.

(iii) The Cabinet may arrange for the further delegation of that decision making function to a Cabinet committee or an officer or by way of joint local arrangements.

g. The Leader or the Cabinet may request the Overview and Scrutiny Board to consider including issues within their work programme.

ARTICLE 8 - REGULATORY AND OTHER COMMITTEES

8.1 Regulatory and other committees

The Council will appoint the committees and boards set out in in Part 5 of this Constitution (Committees) to discharge the functions described in that Table.

8.2 Proceedings of Regulatory and Other Committees

Unless otherwise specifically provided for in Part 5 of this Constitution (Committees), in Parts 12, 13 and 14 (Overview and Scrutiny Procedure Rules, Audit, Standards and Governance Committee Procedure Rules, and Planning Committee Procedure Rules) or elsewhere in this

Constitution, regulatory and other committees will conduct their proceedings in accordance with the Council Procedure Rules in Part 8 of this Constitution.

8.3 Appointment to Seats of Regulatory and other Committees

When the Council allocates seats on a regulatory or other committee to a political group, the appointment of Councillors to those seats shall be at the discretion of the leader of the appropriate political group who shall confirm in writing to the Chief Executive the appointment or removal of any member of that group to any regulatory or other committee.

8.4 Qualifications for sitting on Regulatory and other Committees

a) The Leader may not sit on any regulatory committee or sub-committee, nor may they act as substitute for another member of a regulatory committee or sub-committee.

b) The Chairman of the Council cannot be a member of Cabinet, Audit, Standards & Governance Committee or Overview and Scrutiny Board.

c) The terms of reference of committees at Part 5 of the Constitution set out membership requirements.

ARTICLE 9 - AREA COMMITTEES

The Council may establish Area Committees which may take the form of:

(i) consultative forums; or

(ii) decision-making bodies to which either executive functions or non-executive functions may be delegated in which case the Area Committee must operate in accordance with the Council's Constitution including the Access to Information Rules.

ARTICLE 10 - THE AUDIT, STANDARDS AND GOVERNANCE COMMITTEE

10.1 Standards

The Council meeting will establish a Committee to promote and maintain high standards of conduct of Members and to assist in the discharge of

the functions conferred by sections 27 to 37 of the Localism Act 2011. The Committee will be politically balanced under the Local Government Act 1972. This function is carried out by the Audit, Standards and Governance Committee.

10.2 Composition

a. **Membership.** The Audit, Standards and Governance Committee will be composed of:

(i) nine District Councillors;

(ii) two co-opted non-voting Parish Representatives who must be members of Parish Councils within the Council's area (and who shall not be members of the District Council).

b. **Appointment of the Parish Representative.** Parish Representatives shall be appointed by the Council in accordance with such process as the Council shall from time to time determine. In addition to the two Parish Representatives, the Council may appoint a nominated substitute Parish Representative.

c. **Voting.** Only District Councillors will be entitled to vote at meetings.

d. **Parish members.** At least one Parish Member or the substitute Parish Member must be present when matters relating to parish councils are being considered.

e. **Chairing the Committee.** At the first meeting of the Municipal Year one of the District Council members will be appointed as Chairman for the ensuing Municipal Year.

f. Substitutes. District Councillors who are unable to attend a meeting of the Audit, Standards and Governance Committee may appoint a District Councillor to attend the meeting as his/her substitute and who may attend, participate in and vote at the Committee meetings in the absence of the District Councillor. A Parish Representative may appoint the nominated substitute Parish Representative who may attend, participate in and vote at Audit, Standards and Governance Committee and sub-committee meetings in the absence of the Parish Representative. Nominated substitutes may in an observational capacity attend meetings of the Audit, Standards and Governance Committee when they are not acting as substitutes. The Audit, Standards and Governance Committee will from time to time determine provisions for appointing substitutes to attend Sub-Committee meetings.

10.3 General Role

The Audit, Standards and Governance Committee will have the following roles and functions:

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

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.

<u>Appointment of External Auditors</u>

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.

<u>Standards</u>

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 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.

ARTICLE 11 - JOINT ARRANGEMENTS

11.1 General Power of Competence

The Council or the Cabinet may:

a. enter into arrangements or agreements with any person or body;

b. co-operate with, or facilitate or co-ordinate the activities of, any person or body;

c. exercise on behalf of that person or body any functions of that person or body

where legally permissible.

11.2 Joint arrangements

a. The Council may establish joint arrangements with one or more local authorities in order to exercise functions which are not Cabinet functions in any of the participating authorities, or in order to advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.

b. The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are Cabinet functions. Such arrangements may involve the appointment of joint committees with these other local authorities.

c. Except as set out below, the Cabinet may only appoint Cabinet members to a joint committee and those members need not reflect the political composition of the local authority as a whole.

d. The Cabinet may appoint members to a joint committee from outside the Cabinet, where the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Cabinet may appoint to the joint committee any Councillor who is a member for a ward which is wholly or partly contained within the area. In such circumstances the political balance requirements do not apply to such appointments.

e. Details of any joint arrangements including any delegations to joint committees will be found in Part 7 of this Constitution (Responsibility for Functions – Joint Arrangements).

11.3 Access to information

a. The Access to Information Rules in Part 9 of this Constitution apply.

b. If all the members of a joint committee are members of the Cabinet in each of the participating authorities then its access to information regime is the same as that applied to the Cabinet.

c. If the joint committee contains members who are not on the Cabinet of any participating authority then the Access to Information Procedure Rules in Part V of the Local Government Act 1972 will apply.

11.4 Delegation to and from other local authorities

a. The Council may delegate non-Cabinet functions to another local authority or, in certain circumstances, the Cabinet of another local authority.

b. The Cabinet may delegate Cabinet functions to another local authority or the Cabinet of another local authority in certain circumstances.

c. The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

11.5 Contracting out

The Cabinet may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under Section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

ARTICLE 12 - OFFICERS

12.1 Management structure

a. General

The full Council may engage officers as it considers necessary to carry out its functions. The Council has agreed to the appointment of a shared Chief Executive with Redditch Borough Council and a shared management team. The establishment of the Council will include the posts set out in part 18 of the constitution, which form part of the shared management team and, who will be designated chief officers.

b. Head of Paid Service, Monitoring Officer and Section 151 Officer

The Council must appoint to these positions and designates the following posts as shown:

- Chief Executive – Head of Paid Service
- Head of Legal, Equalities and Democratic Services – Monitoring Officer
- Executive Director – Finance and Corporate Resources – Section 151 Officer

These posts will have the functions described in Articles 12.2 – 12.4 below.

c. Structure

The Chief Executive will determine, publicise and keep up to date a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Part 18 of this Constitution.

(Note: The Council has agreed that as part of the shared management arrangements with Redditch Borough Council, the officers appointed to the posts of Monitoring Officer and Section 151 Officer will carry out that function for both authorities)

12.2 Functions of the Head of Paid Service

a. The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

b. The Head of Paid Service may not be the Monitoring Officer but may hold the post of Section 151 Officer if a qualified accountant.

12.3 Functions of the Monitoring Officer

a. **Maintaining the Constitution** The Monitoring Officer will maintain an up to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.

b. **Ensuring lawfulness and fairness of decision making** After consulting with the Head of Paid Service and Section 151 Officer, the Monitoring Officer will report to the full Council, or to the Cabinet in relation to an Cabinet function, if he/she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposals or decision being implemented until the report has been considered.

c. **Supporting the Audit, Standards and Governance Committee in relation to Standards matters** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Committee.

e. **Conducting investigations** The Monitoring Officer will conduct investigations into member complaints and make reports or recommendations in respect of them to the Committee.

f. **Proper Officer for access to information** The Monitoring Officer will ensure that Cabinet decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

g. **Advising whether Cabinet decisions are within the Budget and Policy Framework** The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the Budget and Policy Framework.

h. **Providing advice** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Councillors.

i. **Restrictions on post** The Monitoring Officer cannot be the Section 151 Officer or the Head of Paid Service.

12.4 Functions of the Section 151 Officer

a. **Ensuring lawfulness and financial prudence of decision making** After consulting with the Head of Paid Service and the Monitoring Officer, the Section 151 Officer will report to the full Council, or to the Cabinet in relation to an Cabinet function, and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

b. **Administration of financial affairs** The Section 151 Officer will have responsibility for the administration of the financial affairs of the Council.

c. **Contributing to Corporate Management** The Section 151 Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

d. **Providing advice** The Section 151 Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues

to all Councillors and will support and advise Councillors and officers in their respective roles.

e. **Give financial information** The Section 151 Officer will provide financial information to the media, members of the public and the community.

12.5 Duty to provide sufficient resources to the Monitoring Officer and Section 151 Officer

The Council will provide the Monitoring Officer and Section 151 Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

12.6 Conduct

Officers will comply with any Officers' Code of Conduct and the Protocol on Member-Officer Relations set out in Part 22 of this Constitution.

12.7 Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 17 of this Constitution.

ARTICLE 13 - DECISION MAKING

13.1 Responsibility for decision-making

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Parts 3 - 7 of this Constitution.

13.2 Principles of decision-making

All decisions of the Council will be made in accordance with the following principles:

a. proportionality (i.e. the action must be proportionate to the proposed outcome);

b. due consultation and the taking of professional advice from officers;

c. respect for human rights;

d. a presumption in favour of openness;

e. clarity of aims and desired outcomes;

f. due regard for the Council's environmental objectives;

g. due regard for the Council's duties in relation to crime and disorder;

h. clear explanations of the options considered and the reasons for the decision reached.

13.3 Types of decision

a. Decisions relating to the functions listed in Article 4.2 will be made by the full Council and not delegated.

b. Key Decisions are those executive decisions which are likely to:

(i) result in the Council incurring expenditure, foregoing income or the making of savings in excess of £200,000 or which are otherwise significant having regard to the Council's budget for the service or function to which the decision relates; or

(ii) be significant in terms of its effect on communities living or working in an area comprising two or more wards in the district.

In considering whether a decision is likely to be significant, a decision-maker will need to consider the strategic nature of the decision and whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the Council to a significant number of people living or working in the locality affected. This is not intended to capture day-to-day operational management decisions covered by the Council's Scheme of Delegation to Officers.

Key Decisions will include:

(1) a decision which would result in any expenditure or saving by way of a reduction in expenditure of £200,000 provided the expenditure

or saving is specifically approved in the Medium Term Financial Plan;

(2) a virement of any amount exceeding £200,000 provided it is within any virement limits approved by the Council;

(3) any proposal to dispose of any Council asset with a value of £200,000 or more or which is otherwise considered significant by the Corporate Property Officer;

(4) Any proposal to cease to provide a Council service (other than a temporary cessation of service of not more than 6 months);

(5) Any proposal which would discriminate for or against any minority group.

c. A Key Decision must be made in accordance with the requirements of the Cabinet Procedure Rules set out in Part 11 of this Constitution.

13.4 Decision making by the full Council

Subject to Article 13.8, each Council meeting will follow the Council Procedures Rules set out in Part 8 of this Constitution when considering any matter.

13.5 Decision-making by the Cabinet.

Subject to Article 13.8, the Cabinet will follow the Cabinet Procedure Rules set out in Part 11 of this Constitution when considering any matter.

13.6 Decision-making by the Overview and Scrutiny Board

The Overview and Scrutiny Board, will follow the Overview and Scrutiny Procedures Rules set out in Part 12 of this Constitution when considering any matter.

13.7 Decision making by other committees and sub-committees established by the Council

Subject to Article 13.8 other Council committees and sub-committees will follow those parts of the Council Procedure Rules set out in Part 8 of this Constitution as apply to them or such other Procedure Rules as are set out in Parts 12, 13 and 14 or elsewhere in this Constitution or as otherwise agreed by the Council.

13.8 Decision making by Council bodies acting as tribunals

The Council, a Councillor or an officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

ARTICLE 14 - FINANCE, CONTRACTS AND LEGAL MATTERS

14.1 Financial management

The management of the Council's financial affairs will be conducted in accordance with the Financial Regulations set out in Part 15 of this Constitution.

14.2 Contracts

Every contract made by the Council will comply with the Contract Procedure Rules and Procurement Code set out in Part 16 of this Constitution.

14.3 Legal proceedings

The Chief Executive and the Head of Legal, Equalities and Democratic Services are authorised to institute, defend or participate in any legal proceedings or action in any case where such action is necessary to give effect to decisions of the Council or in any case where they consider that such action is necessary to protect the Council's interests.

14.4 Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Chief Executive or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

14.5 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Head of Legal, Equalities and Democratic Services. A

decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Head of Legal, Equalities and Democratic Services should be sealed. The affixing of the Common Seal will be attested by the Head of Legal, Equalities and Democratic Services or some other person authorised by him/her.

ARTICLE 15 - REVIEW AND REVISION OF THE CONSTITUTION

15.1 Duty to Monitor and Review the Constitution

a. The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

b. A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the constitution adopted by the Council and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:

(i) observe meetings of different parts of the member and officer structure;

(ii) undertake an audit trail of a sample of decision;

(iii) record and analyse issues raised with him/her by Councillors, officers, the public and other relevant stakeholders; and

(iv) compare practices in the Council with those in other comparable authorities, or national examples of best practice

15.2 Changes to the Constitution

a. Changes to the Constitution shall not be approved unless approved by a majority of the number of Councillors present, save that the Monitoring Officer may amend Part 18 of the Constitution (Management Arrangements) but only to the extent that such changes reflect either changes to the corporate structure which have been agreed by Council or a change in staffing arrangements.

b. The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals

for a change from a Leader and Cabinet form of government to alternative arrangements, or vice versa or as otherwise prescribed by statutory requirement.

c. The Constitution Review Working Group will review the Council's constitution, reporting any recommended changes on to Council, as the final decision maker in respect of any changes to the constitution. The membership of the Constitution Review Working Group will reflect the Council's political balance, though will not form part of the formal political balance calculations.

ARTICLE 16 - SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

16.1 Suspension of the Constitution

The Articles of this Constitution may not be suspended.

16.2 Suspension of Rules

The Rules specified below may be suspended by the full Council to the extent permitted within those Rules and the law:

(i) Council Procedure Rules
(ii) Overview and Scrutiny Board Procedure Rules
(iii) Audit, Standards and Governance Committee Procedure Rules
(iv) Cabinet Procedure Rules
(v) Officer Employment Procedure Rules
(vi) Financial Regulations
(vii) Contracts Procedure Rules
(viii) Budget and Policy Framework Procedure Rules
(ix) Planning Committee Procedure Rules.

16.3 Procedure for Suspension of Rules

A motion to suspend any Rules will not be moved without notice unless approved by a majority of the number of Councillors present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1*.*

16.4 Interpretation

Reference in any provision of this Constitution to the appointment of a person or a Member to an office shall be taken to include the removal of

that person or Member from that office (subject to compliance with the Officer Employment Procedure Rules or other provision whether statutory or otherwise relating to the employment of staff).

16.5 Chairman's Ruling

The ruling of the Chairman of Council as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

16.6 Publication

The Chief Executive will ensure that an update copy of the Constitution is available on the Council's website and a printed copy in the Members' Room.

The Chief Executive will ensure that copies are available for inspection and can be purchased by members of the local press and the public on payment of a reasonable fee.

ALLOCATION OF RESPONSIBILITY FOR FUNCTIONS: INTRODUCTION

1. Introduction

1.1 Part 3 of this Constitution deals with the allocation of responsibility for undertaking functions. The Council consists of a number of distinct parts, the key ones being the Executive (Leader and Cabinet) and the Council. Between them these two parts bear the primary responsibility for the function and powers of the Council. In order to operate effectively powers are delegated from the Executive and Council to Committees and officers.

1.2 The Council has adopted the “new-style” Leader and Cabinet executive (England) governance model from after its elections in May 2011. The Executive therefore consists of the Leader of the Council (who is appointed by full Council and may be removed by it) and 2 or more councilors appointed to the Cabinet from time to time by that Leader. The executive of Bromsgrove District Council is described as 'the Cabinet'.

1.3 In accordance with the law, any function of the Council which is not otherwise specified in legislation is an executive function and is the responsibility of the Leader and the Cabinet. The Leader may personally discharge functions which are the responsibility of the executive or arrange for their discharge by the Cabinet, another member of the Cabinet, a committee of the Cabinet or by an officer. The Leader may change these arrangements from time to time. Unless the Leader otherwise directs the Cabinet itself may arrange for the discharge of any of its functions by a committee of itself, a joint committee or by an officer.

1.4 The Leader has decided that all Executive functions will be carried out by the Cabinet collectively.

1.5 Parts 3 - 7 set out the way the functions and powers are distributed at Bromsgrove District Council. They are divided into a number of sections each of which deals with different elements of the distribution of functions and exercise of powers.

1.6 Parts 3 – 7 of the Constitution should be read in conjunction with the rest of the Constitution, in particular Part 2 Articles of the Constitution.

1.7 Parts 3 - 7 of this Constitution shall be interpreted in accordance with the relevant provisions of the Local Government Act 2000, in particular Section 13 (Functions which are the responsibility of an executive) and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).

2. Functions

2.1 The Council's functions may be lawfully exercised by:-

- Full Council
- The Leader
- The Cabinet
- Cabinet Members
- Committees and sub-committees of the Council and Cabinet
- Joint Committees
- Officers of the Council
- Others persons so authorised where the law permits

3. Categories

The Councils function fall into four categories:-

1. those functions that are by law the responsibility of Full Council unless delegated (sole Council responsibility);
2. those functions that are by law partly the responsibility of Full Council and partly the responsibility of the Council's Executive (shared responsibility);
3. those functions where there is a local choice whether they are the responsibility of the Councils Executive (local choice functions);
4. all other functions, being by law the responsibility of the Council's Executive (default Executive functions).

Non - Executive functions include all those functions that are the responsibility of the Council under paragraphs 1, 2 and 3 above.

Executive functions include all those functions that are the responsibility of the Executive under paragraphs 2, 3 and 4 above.

4. Sole Responsibility of Full Council

4.1 Decisions about the Council's policy framework and budget, and other constitutional matters may only be taken by Full Council. A list of these matters is shown in Part 2 Article 4 of the Constitution. Article 4.1 lists the policies which make up the "policy framework"; Article 4.2 lists the functions which may only be exercised by Full Council. The exercise of these functions may not be delegated to a committee or officer.

4.2 In most cases Full Council is also responsible for the regulatory functions. Full Council has established regulatory committees such as Planning and Licensing to discharge these Full Council only functions.

4.3 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) gives effect to section 13 of the Local Government Act 2000 by specifying in Schedule 1 to the regulations which functions are not to be the responsibility of the Executive. In other

words the Executive cannot by law make the decision. For reference these functions fall under the following headings:-

A	Functions relating to town and country planning and development control
B	Functions relation to Licensing and Registration
C	Functions relating to health and safety at work
D	Functions relating to elections
E	Functions relating to name and status of areas and individuals
F	Power to make, amend, re-enact or enforce byelaws
G	Power to promote or oppose local or personal Bills
H	Functions relating to pensions
I	Miscellaneous functions

5. Shared Responsibility

5.1 Some functions are partly the responsibility of the Full Council and partly the responsibility of the Executive. These are:

(a) the budget and any plan or strategy for the control of the borrowing or capital expenditure (capital plan);
(b) the policy framework, that is the plans and strategies which the Council approves and adopts.

5.2 The Executive will be responsible for preparing the draft budget, draft plans and strategies and proposing them to Full Council.

5.3 Full Council will be responsible for:-

(a) adopting or approving the draft budget, plan or strategy:

(b) asking the Executive to reconsider it: or

(c) amending the budget, plan or strategy.

5.4 The Executive will be responsible for implementing the Councils policies and spending the budget in accordance with the Council's financial rules ands regulations.

5.5 Some plans and strategies require ministerial approval after the Council has approved them. If the minister requires any amendments to those plans and/or strategies, the Executive will be responsible for making those arrangements.

6. Local Choice Functions

6.1 In some cases there is a local choice as to whether the function is to be the responsibility of the Council or the Executive and Table 1 sets out whether the function is to be the responsibility of the Council or the Executive.

7. Default Executive Functions

7.1 All other functions not so specified are to be the responsibility of the Executive.

7.2 If a decision is the responsibility of the Executive, Council cannot overrule the Executive or give instructions on how the decision should be made. However, in certain circumstances, Council can ask the Executive to reconsider decisions.

APPENDIX 1

LOCAL CHOICE FUNCTIONS

FUNCTIONS WHERE THE AUTHORITY HAS A CHOICE OF EXERCISING THEM THROUGH EITHER THE EXECUTIVE OR THE FULL COUNCIL, AND CHOICE MADE

FUNCTION	EXECUTIVE OR FULL COUNCIL
1. Any function under a local Act	Executive.
2. The determination of an appeal against any decision made by or on behalf of the authority	Executive in respect of Executive functions and Council in respect of Council functions
3. The appointment of review boards under regulations under subsection (4) of section 34 (Determination of Claims and Reviews) of the Social Security Act 1998	(No longer relevant)
4. Making arrangements for appeal against exclusion of pupils	(County Function)
5 – 6. Making of arrangements for admissions appeals by pupils and Governing Bodies	(County Function)
7 - 8. Functions relating to a Police Authority	(Not Applicable)
9. The conducting of best value reviews. (Repealed)	(Not Applicable)
10. Any function relating to contaminated land.	Council
11. The discharge of any function relating to the control of pollution or the management of air quality	Council
12. The service of abatement notice in respect of a statutory nuisance	Council
13. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Council
14. The inspection of the authority's area to detect any statutory nuisance	Council
15. The investigation of any complaint as to the existence of a statutory nuisance	Council
16. The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land	Council
17. The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Council

18. The making of agreements for the execution of highways works	(County Function)
19. The appointment of any individual – (a) to any office other than an office in which he or she is employed by the authority; (b) to any body other than - (i) the authority; (ii) a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body and the revocation of any such appointment.	Executive in respect of Executive functions and Council in respect of Council functions
20. The making of arrangements with other local authorities for the placing of staff at the disposal of those other authorities	Executive
21. Any function of a local authority in their capacity as a harbour authority	(Not Applicable)

CABINET

1.0 The Cabinet will collectively:

(a) Carry out all of the Council's functions, including Local Choice functions except those which are required by the law or this Council's Constitution to be the responsibility of the Council itself or any other non-executive part of the Council. It will therefore have responsibility for all executive functions and functions which are responsibility of the executive;

(b) Consider and recommend for approval by the Council the budget ;

(c) Consider and recommend for approval by the Council any plan and strategy forming part of the Policy Framework of the Council;

(d) Consider and recommend for approval by the Council any plan or strategy which the Council has chosen to reserve itself;

(e) Subject to the urgency provisions in the Budget and Policy Framework Rules (Part 10), consider and recommend to Council the determination of any matter relating to the Council's budget or approved policy framework, if it is minded to determine the matter in a manner contrary to or not wholly in accordance with the budget, policy framework as the case may be or if it is not authorised by the Council's constitutional arrangements, standing orders, financial regulations, procedure rules or protocols;

(f) Consider and respond to overview and scrutiny reports and recommendations;

(g) Carry out such other functions as are set out in the Council's Constitution or allocated to it by the Leader, Council or legislation from time to time.

NOTES

1. The Leader has determined that decisions on behalf of the Executive will continue to be made collectively by the Cabinet. Delegations to officers in relation to executive functions continue as set out in the Allocation of Responsibility for Functions as updated from time to time.
2. Individual Cabinet members will continue to hold responsibility for political leadership in their assigned areas insofar as they are the responsibility of the executive.
3. The Leader of the Council decide the size of the Cabinet and the number of Portfolio Holders.

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AUDIT, STANDARDS AND GOVERNANCE COMMITTEE

Number of Members	11, 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 Rules applicable	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
Terms of Reference	1. Stewardship and Audit 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 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. 2. Annual statement of accounts/ recommendations to Council a. To consider and approve the Council's annual statement of account. b. To review the annual strategy, treasury management policy and procedures and make recommendations to Council. 3. Appointment of External Auditors a. To arrange the recruitment and operation of the Council's Auditor Panel, in accordance with the requirements of the Audit and Accountability Act 2014. 4. Standards a. Promote and maintain high standards of conduct by Councillors and any co-opted members of Council bodies. b. Assist Councillors and co-opted members to observe the Members' Code of Conduct. c. Advise the Council on the adoption or revision of the Members' Code of Conduct. d. Monitor the operation of the Members' Code of Conduct. f. Advise, train or arrange to train Councillors and co-opted members on matters relating to the Members' Code of Conduct. g. Formulate advice for Members and officers on declarations of gifts and hospitality and monitor and review the arrangements for recording interests, gifts

	and hospitality. h. Grant dispensations to Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct. i. For both District and Parish Councils, deal with any report from the Monitoring Officer following an investigation into a complaint concerning the Members' Code of Conduct (statutory requirement). j.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).k.Monitor and review the operation of the Protocol on Member-Officer relations. l. Monitor and review the operation of the Protocol on Member-Member relations.
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	Substitutes are permitted 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).
Officer attendance	S151 Officer, Monitoring Officer and Audit Services Manager or their deputies are expected to attend each meeting.
Special provisions as to membership	Quasi-judicial meetings training will be required before members sit on hearings. Members of the Cabinet or the Chairman of the Council may not be a member of or substitute on the Audit, Standards & Governance Committee.

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

JOINT APPOINTMENTS COMMITTEE FOR BROMSGROVE DISTRICT COUNCIL AND REDDITCH BOROUGH COUNCIL

Local Authority Membership	Bromsgrove District Council and Redditch Borough Council
Functions	• Appointment of Chief Executive/Head of Paid Service • Appointment of Joint Statutory Officer Posts
Number of Members	10 made up of the Leaders of Bromsgrove District Council and Redditch Borough Council plus 4 members appointed by Bromsgrove District Council and 4 members appointed by Redditch Borough Council.
Politically Balanced	Yes
Quorum	6 subject to each Council being represented at a meeting by at least 1 member.
Procedure Rules applicable	The Joint Appointments Committee Composition and Terms of Reference in Part 17, together with all other applicable rules set out under the Constitution and all applicable law.

Terms of Reference	**1. <u>Appointment of Chief Executive/ Head of Paid Service</u>** a. Subject to (b) below, to undertake and determine on behalf of the Councils the recruitment and selection of the Joint Chief Executive/Head of Paid Service including the final approval of terms and conditions of employment for that post. b. The final decision as to the appointment of the Joint Chief Executive/ Head of Paid Service shall be reserved to full meetings of both Councils. c. To confirm into post or otherwise, the successful candidate following any probationary or trial period. **2. <u>Appointment of Joint Statutory Officers Post</u>** a. Subject to (b) below, to undertake and determine on behalf of the Councils the recruitment and selection of any Joint Statutory Officer Posts. (including the final approval of terms and conditions of employment for that post.) b. The final decision as to the appointment of the Joint Statutory Officer Posts shall be reserved to full meetings of both Councils. **3. General** a. To be responsible for ad-hoc employment matters affecting any Joint Statutory Officer Posts, except for any disciplinary matters which would be determined by the Statutory Officers Disciplinary Panel.

Special provisions as to Chairmanship	To be chaired alternately between the respective Leaders.
Special provisions as to membership	All members of the Committee must have undertaken appropriate training on recruitment and selection with the respective Council, prior to participating in the recruitment process. No substitutes shall be permitted.
Additional information	There will be one standing Sub-Committee of the Joint Appointment Committee known as the Statutory Officer's Disciplinary Panel

LICENSING COMMITTEE

Number of Members	13
Politically Balanced Y/N	Y
Quorum	6
Procedure Rules applicable	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)
Terms of Reference	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 and the Local Government (Miscellaneous) Provisions Act 1976.
Special provisions as to the Chairman	None
Whipping arrangements	No whipping is permitted
Special provisions as to membership	The Leader, the Deputy Leader and the Chairman of the Council may not be a member of the Licensing Committee

LICENSING SUB-COMMITTEE
(Parent Committee – Licensing Committee)

Number of Members	3 (from the membership of the Licensing Committee) with a fourth reserve Member on standby for each meeting
Politically Balanced Y/N	N
Quorum	3
Procedure Rules applicable	Council Procedure Rules (with the exception of Council Procedure Rules 2-4, 6, 8-10, 12.2-12.3, 14, 17, 19, 20, 21 and 25)
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 the training specified below may sit on the Licensing Sub- Committee: - 1. Committee Process and Quasi-judicial principles training 2. Licensing Act/Gambling Act, taxi licensing and other licensing functions covered by Worcestershire Regulatory Services The Leader, the Deputy Leader and the Chairman of the Council may not be a member of the Licensing Sub-Committee

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

Number of Members	3 (from the membership of the Licensing Committee)
Politically Balanced Y/N	N (but to include where possible a member of the opposition)
Quorum	3
Procedure Rules applicable	Council Procedure Rules (with the exception of Council Procedure Rules 2-4, 6, 8-10, 12.2-12.3, 14, 17, 19, 20, 21 and 25)
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): 1. private hire and hackney carriage driver, operator and vehicle licensing; 2. street trading consents; 3. sex establishment applications; 4. street amenity consents
Special provisions as to the Chairman	None
Whipping arrangements	No whipping is permitted
Special provisions as to membership	The Leader, the Deputy Leader and the Chairman of the Council may not be a member of the Licensing (Miscellaneous) Sub-

	Committee Only those Councillors who have undertaken the training specified below may sit on the Licensing (Miscellaneous) Sub-Committee. 1. Committee Process and Quasi-judicial principles training 2. Licensing Act/Gambling Act, taxi licensing and other licensing functions covered by Worcestershire Regulatory Services

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 Rules applicable	Overview and Scrutiny Procedure Rules and Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 9-11, 13.4, 13.5, 14, 18.2, 20.1 and 22) – where there is any conflict, Overview and Scrutiny Procedure Rules to take precedence
Terms of Reference	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 The specific terms of reference include:- a. To receive and consider Councillor Calls for Action b. To perform the functions relating to Crime and Disorder Scrutiny (in accordance with the Police and Justice Act 2006) c. To receive and consider Petitions d. To scrutinise the Budget e. To monitor performance improvement f. To identify unsatisfactory progress or performance and make recommendations on remedial action to the Cabinet; g. To monitor the following Council documents/strategies • Council Plan

	• Council Annual Report • Improvement Plan • Performance Management Strategy/Data Quality Strategy • Quarterly Finance & Performance Monitoring report
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. 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. [Substitutes cannot be used for Task Group meetings.]
Special provisions as to membership	Members of the Cabinet or the Chairman of the Council may not be a member of or substitute on the Overview & Scrutiny Board.

PLANNING COMMITTEE

Number of Members	11
Politically Balanced Y/N	Y
Quorum	6
Procedure Rules applicable	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	1. To exercise all powers and duties of the Council on all matters relating to development control, including but not limited to:- a. considering and determining applications for planning permission b. enforcement of planning control c. building preservation, Listed Buildings and Conservation areas d. Tree preservation orders e. Control of advertisements f. Footpath diversion orders under the Town and Country Planning legislation g. Certificates of Lawfulness h. Operational planning policies 2. To comment on proposals for development submitted by Worcestershire County Council and other public authorities 3. To determine High Hedges applications in accordance with Part 8 of the Anti-Social Behaviour Act 2003
Special provisions as to	The Chairman of Planning cannot be a member of

the Chairman	Cabinet.
Substitutes	Trained substitutes are permitted
Special provisions as to membership	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.

SHAREHOLDERS COMMITTEE – TERMS OF REFERENCE

Number of members	5 (must all be members of the Cabinet)
Politically Balanced Y/N	N
Quorum	3
Procedure Rules applicable	Cabinet Procedure Rules
Terms of Reference	1) To approve Spadesbourne Homes Limited's business plan, including any material amendments to the business plan. This should be determined in the financial year prior to the application of the plan. 2) To approve any new development not contemplated in the agreed Spadesbourne Homes Limited business plan. 3) To approve the appointment and dismissal of all directors, including Alternate Directors and senior employees, at Spadesbourne Homes Limited. 4) To approve the terms and conditions of employment and severance package for any Executive Directors and senior employees of the Spadesbourne Homes Limited. 5) To approve the pay framework and job evaluation scheme for Spadesbourne Homes Limited. 6) To adopt the Governance Agreement between the Council and Spadesbourne Homes Limited and to approve any material changes to that agreement. 7) To monitor the performance of Spadesbourne Homes Limited. Quarterly Performance Monitoring Reports should be presented for Members' consideration at every meeting of the Committee. 8) To monitor Spadesbourne Homes Limited's budget position. Quarterly Budget Monitoring Reports should be

	presented for Members' consideration at every meeting of the Committee. 9) To consider the risks and opportunities faced by Spadesbourne Homes Limited and impact on the Council. 10) Reporting and making recommendations to Cabinet on areas outside of the Shareholder Committee's delegated authority. 11) Reporting to Full Council annually on the performance of the trading activities of Spadesbourne Homes Limited. 12) To undertake all other functions divested in the Committee as shareholder of Spadesbourne Homes Limited, including reserved matters, on behalf of the Council. 13) Reviewing the Terms of reference annually and making any necessary recommendations to Cabinet. 14) The Shareholder Committee will not have operational control over Spadesbourne Homes Limited. All decisions regarding the day-to-day operation and management of Spadesbourne Homes Limited rests with the Spadsbourne Homes Board of Directors, which must ensure that Spadesbourne Homes Limited's business is conducted in accordance with the Shareholders' Agreement entered into between the Council and Spadesbourne Homes Limited and in accordance with the Spadesbourne Homes Limited Articles of Association.
Special provisions as to the Chairman	The Chair must be a member of the Cabinet.
Special provisions as to membership	Members of the Committee must all be members of the Cabinet. Only members of the Cabinet can sit as substitutes. The Leaders of each opposition group or their nominated substitute will be invited to attend meetings and be given full rights to participate in meetings although they will not be entitled to vote.

	Members, including substitute Members, should receive suitable training in respect of their roles on the Committee prior to participate in meetings.

Bromsgrove

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 Assistant Director with the responsibility for the discharge of that function or the exercise of that power unless otherwise specifically prescribed and shall include authority to incur normal revenue expenditure in the discharge of day to-day operational activities in accordance with Financial Regulations and where budgetary provision has been made unless the Cabinet or Section 151 Officer has placed a conditional approval on any such item. The Scheme of Delegations is not intended to be an exhaustive and complete list of delegations to officers.

4. Notwithstanding that functions are delegated to an officer, the relevant parent committee or other member body with decision-making powers will retain concurrent powers. An officer may decide not to exercise any function in relation to a particular matter and invite the relevant committee or member body with decision-making powers to do so instead.

5. Where an officer whose post is named under this Scheme is unable to act or is absent the powers delegated to him/her may be exercised by any officer authorised by him in writing or by any more senior officer in that officer's hierarchical line of management up to and including the Chief Executive except where this is not permitted in law or is subject to other qualification. Any delegation to the Chief Executive may in his/her

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

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

Interpretation of the Scheme of Delegations

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

TRANSFORMATION AND HUMAN RESOURCES			
1. IT and Street naming and numbering			
Subject	**Detail**	**Delegated by:**	**Delegated to:**
IT Development.	To monitor and update the Council's IT development strategy.	Cabinet/ Leader.	Assistant Director – Corporate Services and Transformation
Street Naming, House Numbering and Locality Names.	To determine all matters relating to street naming, house numbering and locality names.	Cabinet/ Leader.	Assistant Director – Corporate Services and Transformation following consultation with the Ward Member and, where relevant, Parish Council.
Regulation of Investigatory Powers Act.	See Corporate delegations	Council.	See corporate delegations

2. Human Resources

Subject	Detail	Delegated by:	Delegated to:
Grants and Honoraria.	To make decisions on the payment of gratuities and honoraria to Council employees undertaking additional duties, provided budgetary provision exists.	Council.	Director of Finance 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.	Assistant Director - Corporate Services and Transformation
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.	Assistant Directors.
Appointment of Assistant Directors.	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 Assistant Director).	To make appointments (where appropriate in consultation with the Executive Director(s)).	Council.	Directors.

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 Assistant Director.	Council.	Any one of the following: Chief Executive, Deputy Chief Executive, Executive Directors, Directors (other than Assistant Director - Corporate Services and Transformation) or a consultant selected by the Assistant Director - Corporate Services and Transformation.
Appeals (Job Evaluation).	To consider and determine appeals in respect of salary grading.	Council.	Any Officer of Assistant Director level or above or a consultant selected by the Assistant Director -Corporate Services and Transformation.
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.	Assistant Director - Corporate Services and Transformation.

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.

	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.	2. Council.	2. Head of Paid Service.
	3. Within the Council's approved disciplinary and capability procedures, [to take action against including] dismissal of Assistant Directors 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).	3. Council.	3. Chief Executive/ Head of Paid Service or Executive Directors.
	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 Assistant Director level.	4. Council.	4. Directors.

Early Retirement Payments.	To exercise discretionary powers under the Local Government (Early Termination	Council.	Chief Executive in consultation with the

	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.		Director of Finance, Assistant Director - Corporate Services and Transformation 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.	Assistant Directors in consultation with Assistant Director - Corporate Services and Transformation
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, Deputy chief Executive, Executive Directors, and Directors.
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.	Assistant Director - Corporate Services and Transformation in consultation with the Chief Executive and Director ofFinance.
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.	Assistant Director - Corporate Services and Transformation

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.	Assistant Director - Corporate Services and Transformation.
Travel Allowances.	1. To implement increases in respect of the lump sum and mileage allowance payable to all staff in accordance with circulars issued by the Joint National Council and National Joint Council. 2. To implement and review increases in respect of subsistence allowances on an annual basis.	Council.	1. & 2. Financial Services Manager

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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 Services Manager.
Home improvement Agency	To deal with day to day management of the Home Improvement Agency Service	Cabinet	Assistant Director of Community and Housing Services/ Strategic Housing Services Manager/Private Sector Housing Manager
General regulatory and enforcement activity for private sector housing (including Houses of Multiple Occupation	1. To exercise all local authority regulation and enforcement functions under the legislation listed below:- • Housing Act 1985 • Housing Act 1988 • Housing Act 2004 (and associated regulations) • Housing and Planning Act 2016 • Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 • Environment Protection Act 1990 section 79(1)(a) • Building Act 1984 • Local Government (Miscellaneous Provisions) Acts 1976, 1982	Cabinet/ Leader.	Strategic Housing Manager

	• Prevention of Damage by Pests Act 1949 • Public Health Act 1961 2. To institute legal proceedings for offences under the legislation listed above. 3, To impose a financial penalty for an offence as an alternative to bringing a prosecution.		2 and 3 Strategic Housing Manager in consultation with Principal Solicitor
Housing Associations - Nominations.	To deal with the nomination where necessary of homeless applicants to housing association dwellings.	Cabinet/ Leader.	Strategic Housing Services 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 Services 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 Services Manager.
Housing Grants.	To determine applications for housing grants under the Housing Grants, Construction and Regeneration Act 1996.	Cabinet/ Leader.	Strategic Housing Services Manager.
Low Cost Housing.	1. To administer the Council's low cost housing scheme including the making of nominations and the sale of the Council's interest in dwellings. 2. To take all necessary action including the institution of legal proceedings to recover deferred payments from the purchases of low cost homes who are in	1. Cabinet/ Leader. 2. Cabinet/ Leader.	1. Strategic Housing Services Manager. 2. Principal Solicitor.

	breach of covenants made in the purchase of low cost housing. 3. To revise fees in relation to low cost housing transactions.	3. Cabinet/ Leader.	3. Assistant Director of Legal, Democratic and Procurement Services, Assistant Director of Community and Housing Services and Financial Services Manager in consultation with the relevant Portfolio Holders.
Low-Cost Housing Capital Receipts	To approve individual proposals for new developments or the purchase of existing satisfactory dwellings and flipping Shared Ownership to affordable or social rented properties and the spend relating to these, as and when they were brought forward.	Council	The Assistant Director Community and Housing Services following consultation with the Portfolio Holder for Strategic Housing.
Mandatory Disabled Facilities Grant.	1. To determine applications for housing grants under the Housing Grants, Construction and Regeneration Act 1996. 2. To grant extensions of time of up to six months within which improvements are to be completed.	1. Cabinet/ Leader. 2. Cabinet/ Leader.	1. Strategic Housing Services Manager. 2. Assistant Director of Community and Housing Services.
Protection from Eviction Act.	1. To institute legal proceedings in respect of illegal evictions and harassment under the provisions of the Protection From Eviction Act 1977 and Housing Act 1988 (as amended	Cabinet/ Leader	1 and 2 Assistant Director of Community and Housing Services in consultation

	by the Renters Right Act 2025). 2. To impose a financial penalty for an offence under section 1 of the Protection from Eviction Act (as amended) as an alternative to bringing a prosecution.		with Principal Solicitor.
Discrimination in the rental market	To take enforcement action under Chapter 3 of the Renters Rights Act 2025, including the imposition of financial penalties in accordance with the Councils Enforcement and Civil Penalties Notice Policy	Cabinet/ Leader	Assistant Director of Community and Housing Service
Stating the proposed rent and rental bidding	To take enforcement action under Chapter 6 of the Renters Rights Act 2025, including the imposition of financial penalties in accordance with the Councils Enforcement and Civil Penalties Notice Policy	Cabinet/Leader	Assistant Director of Community and Housing Service
Renters Rights Act 2025 – investigatory powers	To exercise all powers in respect of entry, inspection, investigation, service of notices and other functions for the purposes of the following legislation: - Renters Rights Act 2025 sections 114 to 132 (investigatory powers) and section 110 (reporting to government)	Cabinet / Leader	Assistant Director of Community and Housing Services] / [Housing Strategy Manager] / [Private Sector Housing Team Leader] / [Housing Strategy & Enabling Team Leader] / [Private Sector Housing Officer]
Renters Rights Act 2025 Investigations	To undertake investigations into potential offences under sections 33, 34, 39 and 56 of the Renters Rights Act 2025	Cabinet / Leader	[Assistant Director of Community and Housing Services] / [Housing Strategy Manager] /

			[Private Sector Housing Team Leader] / [Housing Strategy & Enabling Team Leader] / [Private Sector Housing Officer]
Private Sector Housing Enforcement and Civil Penalty Policy	To update the Policy in line with any legislative or government guidance updates	Cabinet / Leader	Assistant Director of Community and Housing Service following consultation with the Portfolio Holder for Housing
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 or Assistant Director of Community and Housing Services
Regulation of Mobile Home Sites	To institute legal proceedings under section 1 of the Caravan Sites and Control of Development Act 1960 To take all steps to manage and regulate Mobile Home Sites, including the exercise of power of entry under the following legislation:- • Caravan Sites and Control of Development Act 1960 • Caravan Sites Act 1968	Council Cabinet/Leader	Strategic Housing Services Manager in consultation with the Principal Solicitor Strategic Housing Services Manager

	• Mobile Homes Act 2013		
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	Assistant Director of Community and Housing Services
First Homes	To make amendments to Council's the First Homes Policy to reflect future Government guidance	Cabinet	Assistant Director of Community and Housing Services following consultation with the Portfolio Holder for Strategic Housing
Local Lettings Plan	To agree and adopt future Local Lettings Policies	Cabinet	Assistant Director of Community and Housing 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 Services Manager
Boarding up of dangerous buildings	To serve notice under Section 9 of the Local Government (Miscellaneous Provisions) Act 1982	Cabinet/Leader	Strategic Housing Services Manager
Statutory Nuisance	To take all necessary action in relation to statutory nuisance under the Environmental Protection Act 1990.	Council	Strategic Housing Services Manager

COMMUNITY SERVICES			
1.Community Safety			
Subject	**Detail**	**Delegated by:**	**Delegated to:**
Civil Injunctions	To seek a civil injunction in accordance with Sections 1 –21 of the Anti Social Behaviour, Crime and Policing Act 2014.	Council	Assistant Director of Community and Housing Services in consultation with the Principal Solicitor and where appropriate following consultation with 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	Assistant Director of Community and Housing Services, Assistant Director of Environmental and Housing Property Services, and the Assistant Director of Planning, Leisure and Cultural Services.
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	Assistant Director of Community and Housing Services, Assistant Director of Environmental and Housing Property Services and Assistant Director of Planning, Leisure and Cultural Services
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	Assistant Director of Community and Housing Services, Assistant Director of Environmental and Housing Property Services, Assistant

			Director of Planning, Leisure and Cultural Services and Director of Worcestershire Regulatory Services

2. CCTV/Lifeline and others

Subject	Detail	Delegated by	Delegated to
CCTV/Lifeline	Day to day management of the 24 hour CCTV/NEW Lifeline Monitoring Centre, , in accordance with the Council's adopted codes of practice and industry best practice, and including the submission of tenders for additional services	Cabinet/Leader	CCTV and Lifeline Manager
Climate Change and Biodiversity	To deal with day-to-day management of Climate Change and Biodiversity, including the submission of funding bids to support this work.	Cabinet	[Assistant Director Community and Housing Services]/[Strategic Services Manager]/[Climate Change and Biodiversity Manager]
Community Transport and Shopmobility	To deal with day-to-day management of BURT and Shopmobility Schemes	Cabinet	[Assistant Director of Community and Housing Services] / [Community Services Manager]

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CORPORATE DELEGATIONS

1. Corporate

Subject	Detail	Delegated by:	Delegated to:
Authentication of Documents.	To sign any document necessary to any legal procedure or proceedings on behalf of the Council.	Council.	Chief Executive (unless any enactment otherwise authorises or requires or the Council has given requisite authority to some other person).
Consultation Documents.	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. [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.] 2. To respond to consultations by the County Council in respect of proposals to carry out alterations to schools in the District or nearby.	1. & 2. Council	1. The Leader and Chief Executive in consultation with the relevant Director. 2. Chief Executive following consultation with the relevant Ward Members.

Emergencies.	1. To act in accordance with the delegated	1. - 3. Cabinet Leader.	1. Chief Executive,

	procedures set out in the Emergency Plan. 2. To enable Officers to undertake appropriate communications activity during an emergency without recourse to members, should the situation require an immediate response. 3. To take any action and to incur expenditure essential to meet any immediate needs created by an emergency, including a cyber security attack, in accordance with the Financial Regulations. 4. To take any decisions, including key decisions, where any delay in taking the decision would seriously prejudice the Council's or the public interest to the extent that it is appropriate to exercise emergency powers. The Chief Executive will report any such decision to the next meeting of Council.		Deputy Chief Executive, Directors. 2. Chief Executive, Deputy Chief Executive, Executive Director. 3. Assistant Directors with agreement of the Cabinet/ Leader or, if the Cabinet/ Leader is unavailable and in cases of extreme emergency only, the relevant Portfolio Holder. 4. Chief Executive or other Directors in his/her absence, following consultation with the Leader or, in his/her absence, the Deputy Leader
Proper Officer.	1. To sign summonses to Council Meetings and to receive notices regarding addresses to which		1. Chief Executive or in his/her absence the

	summons to meeting is to be sent under provisions of paragraphs 4(1A) and 4(1B) of Schedule 12 to the Local Government Act 1972. 2.To be appointed "Proper Officer" in relation to the following provisions of the Local Government Act 1972: a. Sections 83(1) to (4) - Witness and receipt of acceptance of office. b. Section 84 - Receipt of declaration of resignation of office. c. Section 89 (1) (b): Receipt of notice of casual vacancy from two local electors. d. Section 229(5): Certification of photographic copies of document. e. Sections 234(1) and (2): Authentication of documents. f. Section 88 (2): Convening of meeting to fill casual vacancy in the office of Chairman. g. Section 210 (6) and (7): Charity functions of holders of offices with existing authorities transferred to		Monitoring Officer. a. Chief Executive. b. Chief Executive. c. Assistant Director of Legal, Democratic and Procurement Services. d. Assistant Director of Legal, Democratic and Procurement Services. e. Assistant Director of Legal, Democratic and Procurement Services. f. Chief Executive. g. Assistant Director of Legal, Democratic and

	holders of equivalent office with new authorities, or, if there is no such office to "Proper Officers".		Procurement Services.
	h. Section 225: Deposit of documents.		h. Assistant Director of Legal, Democratic and Procurement Services.
	i. Section 236(9): To send copies of byelaws for parish records.		i. Assistant Director of Legal, Democratic and Procurement Services.
	j. Section 236(10): To send copies of byelaws to the County Council.		j. Assistant Director of Legal, Democratic and Procurement Services.
	k. Section 238: Certification of byelaws.		k. Assistant Director of Legal, Democratic and Procurement Services.
	l. Section 228 (3): Accounts of "any Proper Officer" to be open to inspection by any member.		l. Director of Finance.
	m. Section 191: Function with respect to ordnance survey.		m. Assistant Director of Planning, Leisure and Cultural Services.
	n. Sections 115(2) and 146(1) (a) and (b): Receipt of money due from Officers declaration and certificates with regard to securities.		n. Director of Finance.
	o. Section 151.		o. Director of Finance.

Regulation of Investigatory Powers Act.	1. To review, revise and update the Council's RIPA policy. 2. Under the provisions of Part 1 chapter 2 of the Regulation of Investigatory Powers Act 2000 relating to the Accessing of Communications Data, to appoint officers to act as SPOCs (Single Point of Contact). 3. To grant authorisations, subject to approval by the Magistrate's Court, under the Regulation of Investigatory Powers Act (RIPA) 2000 to conduct covert surveillance. 4. In relation to requests for Directed Surveillance, including authorisation as referred to above, to sign all necessary documents and forms whether by way of Authorisation, Review, or Cancellation 5. In relation to requests for Covert Human Intelligence Sources where the source is aged under 18, to sign all necessary documents and forms whether by way of Authorisation, Review, or Cancellation.	1. – 7. Council	1. Assistant Director of Legal, Democratic and Procurement Services. 2. Assistant Director of Legal, Democratic and Procurement Elections Services. 3. Assistant Directors authorised to do so under Appendix 2 of the RIPA policy. 4. Assistant Directors authorised to do so under Appendix 2 of the RIPA policy. 5. Chief Executive or in his/her absence the Deputy Chief Executive.

	6. To maintain the central record of documents, relating to RIPA policy, including authorisations. 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.		6. The Information Management Team under the supervision of the Assistant Director - Corporate Services and Transformation. 7. Assistant Director of Legal, Democratic and Procurement Services.
Urgent Business.	To determine matters requiring attention as a matter of such urgency that formal reporting to Council, Cabinet or Committee is not possible.	Council or Cabinet/ Leader (as appropriate).	Chief Executive in consultation with the Cabinet/ Leader, s151 Officer and the Monitoring Officer, together with, where appropriate, the Chairman of the Overview and Scrutiny Board.

2. Monitoring Officer

Subject	Detail	Delegated by:	Delegated to:
Constitution and Scheme of Delegation - amendments.	1. To make amendments to the Scheme of Delegation and other areas of the Constitution in order to reflect changes in legislation or regulations, job titles and the reallocation of functions of the Council between departments, provided that the amendments do not extend or reduce the existing delegations or other powers and duties currently listed in the Constitution.	Council.	Monitoring Officer.
	2. To make amendments to that part of the Constitution which comprises the Management Arrangements to the extent that such amendment reflects either a change in personnel or changes to the corporate structure which have been agreed by Council.		Monitoring Officer.
Independent Members of Audit, Standards & Governance Committee.	To undertake all the administrative arrangements in respect of the recruitment of the Independent Member on the Committee, including • Short listing of candidates in consultation with the Chairman of the Committee for interview by the Appointments Committee; • Where only one candidate meets the essential criteria, in consultation with the Chairman of the Committee to make recommendations to Council.	Council.	Monitoring Officer.
Independent Person	To make any future appointments to the role of Independent Person.	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 following consultation with the Leader.

ENVIRONMENT

1. Business Waste Collection and Recycling Service

Subject	Detail	Delegated by:	Delegated to:
Varying charges for the Business Waste Collection and Recycling service.	To vary charges for the Business Waste Collection service when agreeing terms with customers within a variance of plus or minus 25%	Council	Assistant Director of Environmental and Housing Property Services

2. Cemeteries

Cemeteries.	1. To operate the Bromsgrove Cemetery and North Bromsgrove Cemetery within the Budget and Policy Framework. 2. To determine applications to sell flowers at Bromsgrove Cemetery and North Bromsgrove Cemetery and to determine a suitable charge. 3. To remove and dispose of floral tributes remaining on a grave where the grave owner has not complied with two written requests to remove tributes.	1. Cabinet/ Leader. 2. Cabinet/ Leader. 3. Cabinet/ Leader.	1. & 2. Assistant Director of Environmental and Housing Property Services; Environmental Services Manager and Bereavement Services Manager 3 Assistant Director of Environmental and Housing Property Services; Environmental Services Manager and Bereavement Services Manager

3. Use of land / dogs			
Subject	**Detail**	**Delegated by:**	**Delegated to:**
Flowers, Bulbs and Trees.	To approve requests from charitable organisations to plant flowers, bulbs and trees in support of the Charity in parks and open spaces.	Cabinet/Leader.	Assistant Director of Environmental and Housing Property 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.	Assistant Director of Environmental and Housing Property 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.	Assistant Director of Planning, Leisure and Cultural Services.
Dogs.	To make decisions connected with the control of dogs under the Clean Neighbourhoods and Environment Act 2005 and associated regulations.	Cabinet/ Leader.	Assistant Director of Planning, Leisure and Cultural Services.

4. Car Parking and Transport

Subject	Detail	Delegated by:	Delegated to:
Car Parks - Holding of Events.	To determine requests to hold events on any Council car park.	Cabinet/Leader.	Assistant Director Regeneration and Property Services following consultation with the relevant Parish Council (if any).
Car Parking Order.	1. To make amendments to the Car Parking Order (other than alterations to car parking charges and excess penalty notice charges). 2. To make amendments to the Car Parking Order to alter car parking charges and excess penalty notice charges where such alterations have been approved by Council or Executive/ Leader, as appropriate.	1. Cabinet/ Leader. 2. Cabinet/ Leader.	1. Assistant Director Regeneration and Property Services 2. Assistant Director Regeneration and Property Services
Off Street Parking - Removal of Vehicles.	To arrange for the removal of any vehicle left in a parking place in contravention of an Order made by the Council under the Road Traffic Regulation Act 1984 relating to off-street parking or to arrange for the alteration of the position of any vehicle so its position complies with the provision of such an Order.	Cabinet/Leader.	Assistant Director of Environmental and Housing Property Services; and Environmental Services Manager
Goods Vehicles - Operators Licences.	To comment or object to applications made under the Goods Vehicles (Licensing of Operators) Act 1985.	Council.	Assistant Director of Environmental and Housing Property Services; Environmental Services Manager.

5. Trees

Subject	Detail	Delegated by:	Delegated to:
High Hedges.	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: a. such applications are submitted by or on behalf of any officer of the Council or any Parish Council within the District of Bromsgrove. b. such applications are submitted by or on behalf of any County, District or Parish Councillor whose ward is within the district of Bromsgrove. c. any County, District or Parish Councillor whose ward is within the District of Bromsgrove is affected by such an application. 2. In all other circumstances to determine all High Hedge applications submitted in accordance with Part 8 of the Anti-Social Behaviour Act 2003 and to issue a remedial notice where appropriate.	1. Council. 2. Planning Committee.	1. Planning Committee 2. Assistant Director of Environmental and Housing Property Services.
Inspection Notices.	To serve notices of intended inspection under sections 196A, 196B, 214B and 325 of the Town and Country Planning Act 1990.	Planning Committee.	Principal Solicitor.
Rights of Entry - Proper Officer.	1. To be designated as the Proper Officer for the purposes of authorising persons to enter onto land in connections with the	1. Planning Committee.	1. Assistant Director Planning, Leisure and

	exercise of functions under sections 196A, 196B and 214B and of the Town & Country Planning Act 1990. 2. To issue and serve notices of intended inspection under sections 196A and 214B, of the Act.	 2. Planning Committee.	Cultural Services. 2. Principal Solicitor.
Tree Preservation Orders.	To initiate Tree Preservation Orders.	Council.	Assistant Director of Environmental and Housing Property Services.
Tree Preservation Orders - Confirmation.	1. To confirm Tree Preservation Orders under the provisions of the Town & Country Planning Act 1990 in cases a) where objections have been received b) it is proposed that a tree be protected which is located on Council-owned land. 2. To confirm Tree Preservation Orders in all other cases.	1. Council. 2.Council	1. Planning Committee. 2. Assistant Director of Environmental and Housing Property Services
Tree Preservation Orders - Applications for consent to carry out works regulation 16 Town and country planning (Tree Preservation) (England) Regulations 2012 N.B applications in this category fall under the national scheme of delegations	1. To determine applications for consent to the cutting down, topping, lopping or uprooting of any tree which do not involve any of the following features: a) The tree(s) to be felled/removed have been deemed by officers to have a CA VAT value of £150,000 or more and officers are minded to remove the application; b) Permission is sought for major works consisting of a full crown reduction of greater than 20% and officers are minded to refuse the application. 2.Any applications not falling under paragraph (1) will be referred to the nominated officer and nominated member	1. Council 2. Council	Planning Committee 2b. Assistant Director for Environmental and

schedule 2 para 10.	for consideration under the Gateway Test and shall be determined as follows: a. Where outcome of Gateway test is referral for determination by Members at Planning Committee; b. Where outcome of Gateway test is for determination by officers.		Housing Property Services.
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.	1. To revoke or vary a Tree Preservation Order where the original confirmation was made by Planning Committee. 2. To revoke or vary in all other cases	1. Council 2. Planning Committee	1. Planning Committee 2. Assistant Director of Environmental Housing Property Services
Trees & Shrubs overhanging the Highway.	To serve notices under section 154 of the Highways Act 1980 requiring the lopping or cutting of the hedge, tree or shrub on the owner of a hedge, tree or shrub, or on the occupier of land on which a hedge tree or shrub is growing, which overhangs a highway or any other road or footpath to which the public has access so as to endanger or obstruct the passage of vehicles or pedestrians or obstructs or interferes with the view of drivers of vehicles or the light from a public lamp so as to remove the cause of danger, obstruction or interference.	Leader/Executive	Assistant Director of Environmental and Housing Property Services

Trees - Dangerous.	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: a. To take any steps necessary to make the trees safe (whether by felling or otherwise) where the owner of the land is not known. 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.	1. Planning Committee	1. Assistant Director of Environmental and Housing Property Services
	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.	2. Planning Committee	2. Assistant Director of Environmental and Housing Property Services

6. Enforcement and Fixed Penalty Notices within Environmental Services			
Enforcement & Fixed Penalty Notices for Environmental Services	1. To take enforcement action in relation to the Council's enforcement powers under the legislation detailed in (a) below, including the issuing of Fixed Penalty Notices.	Cabinet/Leader	Assistant Director of Environmental and Housing Property 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	Assistant Director - of Environmental and Housing Property Services
	3. To commence court proceedings where necessary including authorising court proceedings, or defending any action	Cabinet/Leader	Assistant Director of Environmental and Housing Property Services consultation with Principal Solicitor.
	4. To administer Formal Cautions as an alternative to court Proceedings. (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.	Cabinet/Leader	Officers authorised in writing by the Assistant Director of Environmental and Housing Property Services

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HOUSING

Subject	Detail	Delegated by	Delegated to
Allocation of Accommodation	To approve nominations for housing applicants qualifying under the Council's Housing Allocations Policy.	Cabinet /Leader.	Strategic Housing Manager.
Housing Allocations Policy	To make amendments to the Council's Housing Allocations Policy that are deemed to be necessary to comply with Government guidance and which do not trigger the statutory duty to consult the persons affected by the changes pursuant to Section 163(8) of the Housing Act 1986.	Cabinet /Leader	Assistant Director of Community and Housing Services and the Assistant Director of Legal Democratic and Procurement Services
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: 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 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.	Cabinet/Leader.	Strategic Housing Manager.

LEGAL, DEMOCRATIC AND PROCUREMENT SERVICES

1. Legal

Subject	Detail	Delegated by:	Delegated to:
Appeals.	To appeal on behalf of the Council against decisions of courts, tribunals or other decision-making bodies.	Council.	Principal Solicitor.
Dedications.	To approve dedications of cycleways, bridleways, footways, footpaths and highways where no objections to the proposal have been received.	Cabinet/Leader.	Assistant Director of Legal, Democratic and Procurement 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.	Assistant Director of Legal, Democratic and Procurement Services Or Principal Solicitor.
Footpaths.	1. To deal with all matters relating to public footpaths where no objections to the proposal have been received. 2. To comment on consultation to correct know errors to the definitive footpath maps and to comment on proposals to stop up or extinguish existing footpaths or to create new footpaths.	1. Planning Committee. 2. Planning Committee.	1. Principal Solicitor. 2. Assistant Director of Planning, Leisure and Cultural Services.
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.

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.	1. To administer the Council's Low Cost Housing Scheme, including the making of nominations and the sale of the Council's interest in dwellings. 2. To take all necessary action, including the institution of legal proceedings to recover deferred payments from the purchases of low cost homes who are in breach of covenants made in the purchase of these homes. 3. To revise fees in relation to low cost housing transactions.	1. – 3. Cabinet/ Leader.	1. Assistant Director of Planning, Leisure and Cultural Services. 2. Principal Solicitor. 3. Assistant Director of Legal, Democratic and Procurement Services, Assistant Director of Planning, Leisure and Cultural Services and Financial Services Manager in consultation with the relevant Portfolio Holders.

Planning Consultants.	1. To engage the services of consultants to advise officers and given evidence at public local enquiries. 2. To engage the services of consultants in such cases as may be considered appropriate in appeals on planning and planning enforcement issues.	1. Cabinet/ Leader. 2. Cabinet/ Leader	1. & 2. Principal Solicitor or Assistant Director of Planning, Leisure and Cultural Services.
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	Assistant Director of Legal, Democratic and Procurement Services following consultation with the Leader of the Council.

Proceedings and Prosecutions.	1. To commence any proceedings/prosecutions considered necessary in relation to frauds or attempted frauds against the Council.	1. Council.	1. Principal Solicitor.
	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.	2. Council.	2. Principal Solicitor.
	3. To authorise Officers to sign statements of Truth, Statutory Declarations and Affidavits on behalf of the Council.	3. Council.	3. Principal Solicitor.
	4. To act as informant in the laying of an information to commence proceedings before the Magistrates Court.	4. Council.	4. Assistant Director of Legal, Democratic and Procurement Services.
	5. To sign indictments in appropriate Crown Court proceedings.	5. Council.	5. Assistant Director of Legal, Democratic and Procurement Services.

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

	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. 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. 13. To institute proceedings relating to contravention of bye-laws. 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.	11. Council. 12. Council. 13. Council. 14. Council.	11. Principal Solicitor. 12. Principal Solicitor. 13. Principal Solicitor. 14. Principal Solicitor.
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.	Assistant Director of Legal, Democratic and Procurement Services.
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 Assistant Director 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.	1. To take action including the institution of legal proceedings in relation to trespass or unauthorized encampments on any land or premises owned by the Council. 2. To take action including the institution of legal proceedings in relation to trespass or unauthorized encampments on any land or premises in the District insofar as the Council is empowered to do so. 3. To give directions under section 77 of the Criminal Justice and Public Order Act 1994.	1. – 4. Cabinet / Leader.	1. – 4. Principal Solicitor.
	4. To institute proceedings for an Order requiring the removal of any vehicle or other property on land within the District and any person residing in such vehicle in contravention of a direction given under section 77 of that Act.		
2. Elections			

Subject	Detail	Delegated by:	Delegated to:
Fees for Election Duties.	To set within the approved budget the fees for various election duties and to make payments to those employed by the Returning Officer to carry out the duties related to an election.	Electoral Matters Committee.	Returning Officer.
Re-organisation of Community Governance.	To make Orders under section 86 of the Local Government and Public Involvement in Health Act 2007 or any subsequent or amending legislation.	Electoral Matters Committee.	Assistant Director of Legal, Democratic and Procurement Services.
Alteration of Polling Places	To alter polling places outside compulsory review periods.	Electoral Matters Committee	Returning Officer following consultation with the Portfolio Holder and ward members.
Proper Officer.	To be designated: a. Electoral Registration Officer under section 8 of the Representation of the People Act 1983; b. Returning Officer for elections of Councillors of the district and for elections for Councillors of parishes within the District under S53 of the Representation of the People Act 1983.	Council.	Assistant Director of Legal, Democratic and Procurement Services
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.	Council	Chief Executive as Proper Officer

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.	Assistant Director of Legal, Democratic and Procurement Services following consultation with the Executive/Leader and relevant Portfolio Holder.
Members' Expenses.	1. To administer payments made under the Members' Allowance Scheme. 2. To approve attendance at and payment of expenses for Members at conferences organised by external bodies in accordance with the Council's agreed policy and criteria.	1. Council. 2. Council.	1. Principal Democratic Services Officer. 2. Principal Democratic Services Officer.
Remuneration Panel Members.	To undertake all the administrative arrangements, including short-listing of candidates, in respect of the recruitment of members to the Independent Remuneration Panel.	Council.	Principal Democratic Services Officer.

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LEISURE AND CULTURE

Subject	Detail	Delegated by:	Delegated to:
Allotments.	To grant, transfer and accept the termination of allotment tenancies.	Cabinet/Leader.	Assistant Director of Planning, Leisure and Cultural Services.
Events on the High Street.	To determine requests to hold events in Bromsgrove High Street in accordance with policy.	Cabinet/Leader.	Assistant Director of Planning, Leisure and Cultural 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.	Assistant Director of Planning, Leisure and Cultural Services.
Fees and Charges - Sports, Leisure, Community & Cultural services.	1. To review and amend the agreed maximum scale of fees and charges for sports and leisure activities as appropriate within the Budget and Policy Framework. 2. To vary the charges at the Leisure & Cultural facilities in response to additional competition and market demand. 3. To approve and implement promotional activities at all Sports, Leisure & Cultural facilities in order to maximise participation usage and /or income.	1. to 3. Cabinet/ Leader.	1. to 3. Assistant Director of Planning, Leisure and Cultural Services.
National Health Campaigns.	To support regional & nationally recognised health and fitness campaigns in the Council's sorts, cultural and leisure facilities by the implementation of additional	Cabinet/Leader.	Assistant Director of Planning, Leisure and Cultural Services.

	activities/discounted sessions/fees as appropriate.		
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.	Assistant Director of Planning, Leisure and Cultural Services.
Play Areas.	1. Day-to-day management of play areas including Health and Safety matters, maintenance and renewals. 2. To determine representations/applications (retrospective or otherwise) received which fall within the standards and policies to be applied for play areas within residential estates.	Cabinet/Leader.	Assistant Director of Planning, Leisure and Cultural Services.
Public Open Space.	1. To adopt Public Open Space on behalf of the Council which has previously been agreed as part of a Section 106 Agreement. 2. To negotiate the adoption of Public Open Space on behalf of the Council which has previously not been part of a Section 106 agreement.	Cabinet/Leader.	Assistant Director of Planning, Leisure Cultural Services.
Recreational, Sports, Community & Cultural Facilities	1. To determine applications for the free use of Council recreational facilities by non-commercial organisations which fall within the Budget and Policy Framework or other policies. 2. To determine applications for the use of the Recreation Ground, Bromsgrove and the Boleyn Road Recreation Ground Frankley by fun fairs which		1. - 3. Assistant Director of Planning, Leisure and Cultural Services.

	fall within established policy. 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. 4. To determine applications for the bookings of the Council's recreational and sports facilities. 5. To determine applications from partners organisations relating to contract or SLA arrangement in line with relevant agreement & Council Policy frameworks. 6. To determine dates for the closure of recreational facilities for Bank Holidays, Christmas and New Year Holidays.		4. Assistant Director of Planning, Leisure and Cultural Services except that the agreement of the relevant Portfolio Holder is required to agree to any bookings by political or religious groups. 5. Assistant Director of Planning, Leisure and Cultural Services. 6. Assistant Director of Planning, Leisure and Cultural Services.
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	Director of Finance and Assistant Director of Planning, Leisure and Cultural 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	Assistant Director of Planning, Leisure and Cultural Services.
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	Assistant Director of Planning, Leisure and Cultural 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	Assistant Director - Planning, Leisure and Cultural Services.

PLANNING

1. Assets of Community Value

Subject	Detail	Delegated by:	Delegated to:
Confirmation of valid application	To check validity of nominations of an asset of community value and reject if not appropriate or incomplete.	Cabinet.	Assistant Director of Planning, Leisure and Cultural Services.
Consultation	To arrange consultation on valid nominations of an asset; consultees to include Ward members.	Cabinet.	Assistant Director of Planning, Leisure and Cultural 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.	Assistant Director of Planning, Leisure and Cultural Services.
Review of decision	To review a decision to list a property as an Asset of Community Value.	Cabinet.	Executive Director of Environment and Communities
Assess compensation claims	To assess claims for compensation.	Cabinet.	Assistant Director of Planning, Leisure and Cultural Services.
Review compensation claims	To review and decide initial decisions about compensation.	Cabinet.	Executive Director of Environment and Communities

2. Building Control			
Subject	**Detail**	**Delegated by:**	**Delegated to:**
Building Regulations - Applications.	To determine applications under the Building Regulations 1991 and 2000.	Council.	Assistant Director of Planning, Leisure and Cultural 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.	Assistant Director of Planning, Leisure and Cultural 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.	Assistant Director of Planning, Leisure and Cultural 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.	Assistant Director of Planning, Leisure and Cultural 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.	Assistant Director of Planning, Leisure and Cultural Services.

3. Development Management			
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.	Planning Committee.	Assistant Director of Planning, Leisure and Cultural Services.
Development Proposals by other Public Authorities.	To comment on proposals for development submitted by Worcestershire County Council and other public authorities.	Council.	Assistant Director of Planning, Leisure and Cultural 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, 324 and 325 of the Town & Country Planning Act 1990.	Planning Committee.	Assistant Director of Planning, Leisure and Cultural Services.
Inspection Notices.	To serve notices of intended inspection under sections 324 and 325 of the Town and Country Planning Act 1990.	Planning Committee.	Principal Solicitor.
Landscaping Schemes.	To approve landscaping/tree planting schemes submitted as a result of planning permissions subject to such conditions as may be appropriate.	Planning Committee.	Assistant Director of Planning, Leisure and Cultural 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.	Assistant Director of Planning, Leisure and Cultural Services.
Planning Agreements and	To negotiate the legal, drafting and all terms of the agreements and undertaking, except for	Planning Committee.	Principal Solicitor.

Unilateral Undertakings.	those which involve planning gain, restriction of the development or use of the land, obligations relating to the land and financial contributions. To execute and complete planning agreements.	Planning Committee.	Principal Solicitor.
Planning Agreements and Unilateral Undertakings.	To approve the enforcement of a planning obligation.	Planning Committee.	Assistant Director of Planning, Leisure and Cultural Services.
Planning Applications.	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: a. Necessary. b. Relevant to planning. c. Relevant to the development which has been applied for. d. Enforceable. e. precise and f. Reasonable in all other aspects.	Planning Committee.	Assistant Director of Planning, Leisure and Culture Services.
Appeals.	To take all action to defend the Council where there has been an appeal against a refusal to grant planning permission, listed building consent conservation area consent or any appeal arising out of the taking of enforcement action	Planning Committee.	Assistant Director of Planning, Leisure and Cultural Services in consultation with the Principal Solicitor.
Revocation and modification.	To revoke or modify planning permissions, listed building or conservation area consent under section 97 of the Town and Country Planning Act 1990 and sections 23 and 74 of the	Planning Committee.	Assistant Director of Planning, Leisure and Cultural Services.

	Planning (Listed Buildings & Conservation Area Acts) 1990		
Completion Notice.	To authorise and serve a completion notices under section 93H of the Town and Country Planning Act 1990	Planning Committee.	Assistant Director of Planning, Leisure and Cultural 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.	Assistant Director of Planning, Leisure and Cultural Services.

3. Development Management Further Delegations			
National Scheme of Delegations			
Subject	Detail	Delegated by	Delegated to
National Scheme of Delegations – Regulation 3 – nominated members and officers	1. To act as the nominated officer under the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026	Council	Assistant Director of Planning, Leisure and Culture Service or their nominated deputy
	2. To act as the nominated member under the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026	Council	Chair of Planning Committee or in his/ her absence Vice Chair of Planning Committee
National Scheme of Delegations – Regulation 4 – applications that must be determined by an officer (Schedule 1)	To determine planning applications set out in Schedule 1 of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 [See list of Schedule 1 delegations at Appendix 1.]	Council	Assistant Director of Planning, Leisure and Culture Service or their nominated deputy
National Scheme of Delegations – Regulation 5 – Applications that may be determined by a committee or by an	1. To carry out the function of agreeing whether a Schedule 2 application referred to the Gateway Test should be determined by officers under delegated	Council	Assistant Director of Planning, Leisure and Culture Service or their nominated deputy (acting as the nominated officer)

officer – The Gateway Test		powers or determined by Planning Committee based on the test in set out on grounds a. and b. of regulation 5(3) 2. To determine any application referred to the Gateway Test where agreement cannot be reached between the nominated officer and the nominated member	Council	following consultation with Chair of Planning Committee or in his/ her absence Vice Chair (acting as the nominated member) Assistant Director of Planning, Leisure and Culture Service
Schedule 2 applications [* from Schedule 2]				
Para no *	Subject	Detail	Delegated by	Delegated to
1, 2 and 3	Applications for listed building consent (under section 10(1) of the Listed Buildings Act Applications for variation or discharge of listed building consent under section 19(1) of the Listed Buildings Act Applications for planning permission connected to an application made under section 10(1)	1. To determine applications described in paras 1, 2 and 3 of Schedule 2 which do not involve any of the following features: - a. Complete or significant demolition of a listed building. b. That are linked to planning application for dwelling houses where the number of houses to be provided is 10 or more. c. That are linked to a planning application for the provision of a building or buildings with a floor space of 1000 square metres or more. 2. Any applications of the type identified in a., b. or c.	Council	Assistant Director of Planning Leisure and Culture Services

	or 19(1) of the Listed Buildings Act	above will be referred to the nominated officer and nominated member for consideration under the Gateway Test and shall be determined as follows: a. Where outcome of Gateway Test is referral for determination by Members at Planning Committee b. Where outcome of Gateway Test is for determination by officers	Council Council	Planning Committee Assistant Director Planning Leisure and Culture Services
4	Applications made under paragraph 4 of Schedule 2 (and not identified separately under any other provisions of Schedule 2)	To determine an application for planning permission that is not: a. A householder application b. A minor commercial application c. A minor residential application	Council	Planning Committee following agreement by the nominated officer and nominated member that the application meets either ground a or ground b in the Gateway Test. In all other cases, Assistant Director of Planning, Leisure and Culture Services
5	An application made under section 73 (1) of the Town and Country Planning Act 1990 - application to vary existing planning conditions	1. To determine applications made under Section 73 (1).	Council	Planning Committee following agreement by the nominated officer and nominated member that the application meets either ground a or ground b in the Gateway Test. In all other cases, Assistant Director of Planning, Leisure and Culture Services.

6	Applications made under section 73A (1) of the Town and Country Planning Act 1990 – retrospective application for planning permission	1. To determine applications made under Section 73A (1) for schemes which meet the following definitions: - • A householder application • A minor commercial application • A minor residential application 2. Any other retrospective applications will be referred to the nominated officer and nominated member for consideration under the Gateway Test and shall be determined as follows: a. Where outcome of Gateway Test is referral for determination by Members at Planning Committee b. Where outcome of Gateway Test is for determination by officers	Council Council Council	Assistant Director Planning Leisure and Culture Services Planning Committee Assistant Director Planning Leisure and Culture Services
7	Applications to modify or discharge a planning obligation under (a) section 106A(1) or (b) section 106A(3)	1. To determine applications made under the Town and Country Planning Act 1990 to modify or discharge a planning obligation under section 106A(1) or section 106A(3) where the application is connected to a Schedule 2 approval.	Council	Planning Committee following agreement by the nominated officer and nominated member that the application meets either ground a or ground b in the Gateway Test. In all other cases, Assistant Director of

				Planning, Leisure and Culture Services.
8	Large outline permission – reserved matter approval application	To determine applications for reserved matters approvals in relation to a large outline permissions [involving the provision of 500 or more dwellings or the provision of a building or buildings where the floorspace to be created by the development is 50,000 square metres or more]	Council	Planning Committee following agreement by the nominated officer and nominated member that the application meets either ground a or ground b in the Gateway Test. In all other cases, Assistant Director of Planning, Leisure and Culture Services.
9	Applications for advertisement consent made under section 9 (1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007	1. To determine applications made under Section 9 (1) which do not involve any of the following features: - • Public safety objection from the Highway authority • Objection from a statutory consultee 2. Any applications not falling under paragraph (1) will be referred to the nominated officer and nominated member for consideration under the Gateway Test and shall be determined as follows: a. Where outcome of Gateway Test is referral for determination by Members at Planning Committee	Council Council Council	Assistant Director Planning Leisure and Culture Services Planning Committee Assistant Director Planning Leisure and Culture Services

		b. Where outcome of Gateway Test is for determination by officers		
10	Applications for consent to carry out works on or remove trees protected by TPOs (under regulation 16.1 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012	SEE SEPARATE DELEGATIONS UNDER ENVIRONMENT SERVICES FOR TREES		

Own-Interest Applications

Subject	Detail	Delegated by	Delegated to
Own Interest Applications as defined by Regulation 6 of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026	To carry out the function of agreeing whether an own-interest application should be determined by Planning Committee or referred for an officer delegated decision	Council	Assistant Director of Planning, Leisure and Culture Service or their nominated deputy (acting as the nominated officer) following consultation with Chair of Planning Committee or in his/ her absence Vice Chair (acting as the nominated member)
National Scheme of Delegations – Regulation 6 – additional classes of own interest under Regulation 6 (1) (b)	To discharge the function of identifying whether the authority, a member of the authority, or an officer of the authority “otherwise” has an interest in an application under Regulation 6 (1) of the Town and Country Planning (Discharge of Local Planning	Council	Assistant Director of Planning, Leisure and Culture Service or their nominated deputy following consultation with Chair of Planning Committee or in his/

	Authority Functions) (England) 2026		her absence Vice Chair
Relating to functions not listed in Schedule 1 or Schedule 2 or in other parts of Scheme of Delegation			
Subject	Detail	Delegated by	Delegated to
Planning Applications for functions not listed in Schedule 1 or 2, or specifically identified in the Scheme of Delegations	1. To determine planning applications for functions not listed in Schedule 1 or 2, or specifically identified in the Scheme of Delegations	Council	Assistant Director of Planning, Leisure and Culture Services, following consultation with the Chair or Vice Chair of Planning Committee
For the avoidance of doubt this section applies only to planning functions which are not listed in either Schedule 1 or Scheule 2 or not specifically mentioned elsewhere in the Scheme of Delegations	2. To determine applications which in the opinion of the Assistant Director of Planning, Leisure and Culture Services, following consultation with the Chair and Vice Chair of Planning Committee, should be considered by Planning Committee	Council	Planning Committee

4. Heritage

Subject	Detail	Delegated by:	Delegated to:
Local Heritage List	1. To administer the Local Heritage List for Bromsgrove; 2. To approve draft selection criteria and final lists; 3. To publish for consultation draft sections of the Local Heritage List.	Council	1. Assistant Director of Planning, Leisure and Cultural Services. 2. Assistant Director of Planning, Leisure and Cultural Services following consultation with the Portfolio Holder for Planning. 3. Assistant Director of Planning, Leisure and Cultural Services

5.Neighbourhood Planning

Subject	Detail	Delegated by:	Delegated to:
Designation of Neighbourhood Area	To decide whether to accept and designate a Neighbourhood Area	Council	Assistant Director of Planning, Leisure and Cultural 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		Assistant Director of Planning, Leisure and Cultural 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		Assistant Director of Planning, Leisure and Cultural Services following consultation with the

	assessing the compliance of the Plan/Order with other relevant policies and legislation.		Ward Member(s) for the area affected and the Portfolio holder for Planning.
Repeat proposals	To decide whether to decline to accept repeat proposals for Neighbourhood Development Plans or Neighbourhood Development Orders		Assistant Director of Planning, Leisure and Cultural 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		Assistant Director of Planning, Leisure and Cultural Services following consultation with the Ward Member(s) for the area affected and the Portfolio holder for Planning.

6. 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	Assistant Director of Planning, Leisure and Cultural 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.	Assistant Director of Planning, Leisure and Cultural Services.

Note: All delegations to Assistant Director of Planning, Leisure and Cultural Services are to include any designated deputy, such designation to be in writing.

REGENERATION

1. Economic Development

Subject	Detail	Delegated by:	Delegated to:
Business Start - Up Grants.	To approve Business Start-Up Grants of up to £1,000 per individual applications.	Cabinet/Leader.	Assistant Director of Regeneration and Property Services.
Farmers' Markets.	To determine applications for consent for Farmers' Markets.	Cabinet/Leader.	Assistant Director of Regeneration and Property Services following consultation with the Leader or the relevant Portfolio Holder.
Financial Assistance to Small Businesses.	1. To determine applications for grants of up to £500. 2. To determine applications for grants of between £500 and £1,000.	1. Cabinet/ Leader. 2. Cabinet/ Leader.	1. Assistant Director of Regeneration and Property Services. 2. Assistant Director of Regeneration and Property Services following consultation with the relevant Portfolio Holder.
Markets.	1. To approve events to be held. 2. To let stalls.	1. Cabinet/ Leader. 2. Cabinet/ Leader.	1. Assistant Director of Regeneration and Property Services. 2. Assistant Director of Regeneration and Property Services.

REGULATORY SERVICES

1. LICENSING

HEAD OF REGULATORY SERVICES (WORCESTERSHIRE REGULATORY SERVICES)

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

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

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

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

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

To determine applications for house to house and street collections.

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

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

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

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

- Animal Boarding Establishments Act 1963.
- Breeding of Dogs Act 1973.
- Gambling Act 2005.

- Licensing Act 2003.
- Local Government (Miscellaneous Provisions) Acts 1976 and 1982.
- Town Police Clauses Act 1847.
- Zoo Licensing Act 1981.

To determine all matters under the Gambling Act 2005 except:

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

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

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

Hackney Carriage and Private Hire Drivers

- Determination of applications where the applicant does not meet the Council's application criteria.
- "Suspension / revocation of a drivers licence, where suspension / revocation is required with immediate effect (in consultation with the Licensing Committee Chairman / Vice-Chairman) that since the grant of the licence they have:-

  (i) been convicted of an offence involving dishonesty, indecency or violence; or
  (ii) been convicted of an offence under or has failed to comply with the provision of the Act of 1847 or section 61 of the Local Government (Miscellaneous Provisions) Act 1976; or
  (iii) any other reasonable cause.

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

Hackney Carriage and Private Hire Vehicles

- Determination of an application where the vehicle does not meet the Council's application criteria.
- "Suspension / revocation / refuse to renew a vehicle licence, where suspension / revocation is required with immediate effect (in consultation

with the Licensing Committee Chairman / Vice-Chairman) on any of the following grounds:-

(i) that the vehicle is unfit for use as a hackney carriage or private hire vehicle;
(ii) any offence under, or non-compliance with, the provision of the Act of 1847 or section 60 of the Local Government (Miscellaneous Provisions) Act 1976; or
(iii) any other reasonable cause.

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

Operator's

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

Fares/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.
- 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 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 Assistant Director of Legal Services of the Relevant Authority).
(j) The obtaining of warrants of entry.

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

RS2

Accommodation Agencies Act 1953.
Administration of Justice Act 1970 (Section 40).
Agriculture (Safety, Health & Welfare Provisions) Act 1956.
Agriculture Act 1970.
Agriculture Produce (Grading & Marking) Acts 1928 & 1931.
Animal Boarding Establishments Act 1963.
Animal By-Products Regulations 2005.
Animal Health & Welfare Act 1984.
Animal Health Act 1981.
Animal Health Act 2002.
Animal Welfare Act 2006.
Animals and Animal Products (Import & Export) (England) Regs 2006.
Anti-Social Behaviour Act 2003.
Avian Influenza (Preventative Measures) (England) Regulations 2006.
Avian Influenza (Vaccination) (England) Regulations 2006.
Biofuel (Labelling) Regulations 2004.
Bluetongue Regulations 2008.
Breeding and Sale of Dogs (Welfare) Act 1999.
Breeding of Dogs Act 1973 and 1991.
Building Act 1984.
Business Protection from Misleading Marketing Regulations 2008.

Cancellation of Contracts made in a Consumers House or Place of Work etc Regulations 2008.
Caravan Sites Act 1968.
Caravan Sites and Control of Development Act 1960.
Cat and Dog Fur (Control of Import, Export and Placing on Market) Regulation 2008.
Cattle Identification Regs 2007.
Charities Act 1993.
Children & Young Persons (Protection from Tobacco) Act 1991.
Children & Young Persons Act 1933.
Chronically Sick and Disabled Persons Act 1970.
Cinemas Act 1985.
Civic Amenities Act 1967.
Civil Defence Act 1948 and Regulations made thereunder.
Clean Air Act 1993.
Clean Neighbourhoods and Environment Act 2005.
Construction Products Regulations 1991.
Consumer Credit Act 1974.
Consumer Protection (Distance Selling) Regulations 2000.
Consumer Protection Act 1987.
Consumer Protection from Unfair Trading Regulations 2008.
Control of Pollution Act 1974.
Copyright, Designs and Patents Act 1988.
Criminal Justice and Immigration Act 2008.
Criminal Justice and Public Order Act 1994.
Crystal Glass (Descriptions) Regs 1973.
Dangerous Dogs Act 1990
Dangerous Wild Animals Act 1976.
Deer Act 1991.
Defective Premises Act 1972.
Development of Tourism Act 1969 (Section 18).
Disabled Persons Act 1981.
Distance Selling Regulations 2000.
Ecodesign for Energy-Using Product Regulations 2007.
Education Reform Act 1988.
Eggs (Marketing Standards) Regulations 2005.
Eggs and Chicks (England) Regulations 2008.
Electromagnetic Compatibility Regs 1992.
Electro-medical Equipment (EEC Requirements) Regs 1988.
Energy Act 1976 (Section 18).
Energy Conservation Act 1981 (Section 20).
Energy Efficiency (Refrigerators and Freezers) Regs 1997.
Energy Information (Combined Washer-driers) Regs 1997.
Energy Information (Dishwashers) Regs 1999.
Energy Information (Household Air Conditioners) (No.2) Regulations 2005.
Energy Information (Household Electric Ovens) Regulations 2003.
Energy Information (Household Refrigerators and Freezers) Regs 2004.
Energy Information (Lamps) Regs 1999.
Energy Information (Tumble Driers) Regs 1996.
Energy Information (Washing Machines) Regs 1996.

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

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

Products of Animal Origin (Third Country Imports) (England) Regulations 2006.
Property Mis-descriptions Act 1991.
Protection of Animals Act 1911 as amended.
Protection of Children (Tobacco) Act 1986.
Public Health (Control of Disease) Act 1984.
Public Health Acts (Amendment) Act 1907.
Public Health Acts 1875, 1925, 1936 & 1961.
Quick Frozen Food Stuffs (England) Regulations 2007.
Radio Equipment and Telecommunications Terminal Equipment Regs 2000.
REACH Enforcement Regulations 2008.
Refuse Disposal (Amenity) Act 1978.
Regulation (EC) No. 178/2002.
Regulation (EC) No. 852/2004.
Regulation (EC) No. 853/2004.
Regulation (EC) No. 854/2004.
Regulation (EC) No. 2073/2005.
Rent Act 1977.
Rice Products (Restrictions on First Packaging on the Market) (England) Regs 2006.
Riding Establishments Acts 1964 & 1970.
Road Traffic (Consequential Provisions) Act 1988.
Road Traffic (Foreign Vehicles) Act 1972.
Road Traffic Acts 1988 and 1991.
Road Traffic Offenders Act 1988.
Road Traffic Regulation Act 1984 (Section 5).
Safety of Sports Grounds Act 1975.
Sale of Goods Act 1979.
Scotch Whisky Act 1988.
Scrap Metal Dealers Act 2013.
Simple Pressure Vessels (Safety) Regs 1991.
Slaughter of Poultry Act 1967.
Slaughterhouses Act 1974.
Smokefree (Exemptions and Vehicles) Regulations 2007.
Smokefree (Penalties and Discounted Amounts) Regulations 2007.
Smoke-free (Premises and Enforcement) Regulations 2006.
Smokefree (Signs) Regulations 2007.
Smokefree (Vehicle Operators and Penalty Notices) Regulations 2007.
Sunday Trading Act 1994.
Supply of Goods and Services Act 1982.
Supply of Machinery (Safety) Regs 1992.
Telecommunications Act 1984.
Textile Products (Indications of Fibre Content) Regs 1986.
Theft Acts 1968 and 1978.
Timeshare Act 1992.
Town Police Clauses Act 1847.
Trade Descriptions Act 1968.
Trade Marks Act 1994.
Trading Standards - Agricultural (Miscellaneous Provisions) Act 1968.
Transmissible Spongiform Encephalopathies (England) Regulations 2008.
Unfair Terms in Consumer Contracts Regulations 1999.

Unsolicited Goods and Services Acts 1971 and 1975.
Video Recordings Acts 1984 and 1993.
Warm Homes & Energy Conservation Act 2000.
Water Acts 1973-2003.
Water Industry Act 1991.
Water Industry Act 1999.
Weeds Act 1959.
Weights and Measures Act 1985.
Wildlife and Countryside Act 1981.
Wine Regulations 2009.
Worcester City Act 1985.
Zoo Licensing Act 1981.

3. ENVIROCRIME AND PLANNING ENFORCEMENT

HEAD OF REGULATORY SERVICES (WORCESTERSHIRE REGULATORY SERVICES)

(i) In accordance with the Agreement for the Provision of Additional Shared Services dated 28th May 2025, the Council has delegated to the Head of Worcestershire Regulatory Services the discharge of the additional duties and functions listed below arising out of the legislation set out in Appendix RS 3.

(a) Undertaking inspections and investigation of complaints

(b) Signing and service of notices

(c) Signing and issuing, revoking and varying, any licence, permit, order or other document

(d) Executing, or arranging for the execution of, works in default

(e) The exercise of powers of entry

(f) The engagement of specialist advisors/contractors to support/ supplement service activity

(g) To determine the most suitable disposal following investigation (including use of written warnings, Fixed Penalty Notices and Cautions), or to refer matters to legal services for consideration for commencing prosecutions

(h) The obtaining of warrants of entry

Arising out of or in connection with the following: -

- Planning Enforcement
- Community Protection Warnings and Notices in respect of waste issues

or planning only

- Fly-tipping
- Dog Fouling
- Littering
- Duty of Care for Waste

(ii) The Head of Regulatory Services 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.

RS3

Town and Country Planning Act 1990 (as amended).
Town and Country Planning (Control of Advertisement) Regulations 2007.
Planning (Listed Buildings and Conservation Areas) Act 1990.
Environment Protection Act 1990.
Anti-Social Behaviour, Crime and Policing Act 2014 (sections 43-58).
Clean Neighbourhoods and Environment Act 2005.
Control of Pollution (Amendment) Act 1989.

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RESOURCES

1. Finance

Subject	Detail	Delegated by:	Delegated to:
Capital Programme.	To place with private firms any projects within the Capital Programme which it is not possible to undertake within the Council.	Cabinet/Leader.	Assistant Directors in consultation with the Procurement Manager.
Corporate Risk Register.	To monitor, review and update the corporate and departmental risk registers.	Cabinet/Leader.	Director of Finance 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. Director of Finance and Assistant Director of Finance and Customer Services money b. Director of Finance 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: • Part 1 Schedule 3 • Paragraph 9 (1) (b) Schedule 3 • Section 42 (2) (g) • Section 50 (3) (b) • Section 56 (1) • Section 60 (2) • Section 63 (1)	Cabinet/Leader.	Financial Services Manager
Maturity Mortgages.	To deal with requests for the premature repayment of monies secured by maturity mortgages/local bonds.	Cabinet/Leader.	Financial Services Manager.

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.	Assistant Director of Finance and Customer Services
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.	Assistant Director of Finance and Customer Services or Assistant Director of Planning, Leisure and Cultural Services.
S106 Monies	Authority to spend S106 monies up to a value of £200k to spend in line with the S106 agreement which caused the receipt of the S106 monies.	Council	The S151 Officer, after consultation with the Ward Member.
2. Procurement			
Subject	**Detail**	**Delegated by:**	**Delegated to:**
Approved Officers.	To nominate Approved Officers to undertake procurement on behalf of the Council accordance with Contract Procedure Rules.	Cabinet/Leader.	Chief Executive, Deputy Chief Executive, Executive Directors and Directors.
Contracts.	To enter into contracts in accordance with Contract Procedure Rules.	Cabinet/Leader.	Directors.
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 Directors.
Selective Tendering Procedures.	To select contractors from an approved standing list of contractors.	Cabinet/Leader.	Chief Executive, Executive Directors and Directors.

Tenders.	To engage in the formal tender process in accordance with Contract Procedure Rules.	Cabinet/Leader.	Directors.

3. Revenues and Benefits

Subject	**Detail**	**Delegated by:**	**Delegated to:**
Cautions.	To administer cautions to offenders as an alternative to Court proceedings.	Council.	Officers authorised in writing by the Assistant Director 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.	Assistant Director 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	Assistant Director 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: (a) 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 Assistant Director 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.	Assistant Director of Finance and Customer Services.
Essential Living Fund	To administer the Essential Living Fund in accordance with Council policy	Cabinet/Leader	Assistant Director of Finance and Customer Services and the Assistant

			Director of Community and Housing Services
Housing Benefit.	To deal with housing benefit determinations and notifications including the issue of written explanations and confirmations or amendments of previous determinations.	Cabinet/Leader.	Assistant Director of Finance and Customer Services and the Welfare Support Manager.
Council Tax Reduction	To administer the Council Tax Reduction scheme in accordance with Council policy (as determined by the Members)	Cabinet/Leader.	Assistant Director 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	Director of Finance and 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.	Assistant Director 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.	Assistant Director of Finance and Customer Services.
Council Tax Discretionary Council Tax Reduction Policy (including the long term empty premium) - 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.	Council	Assistant Director of Finance and Customer Services and the Welfare Support Manager

4. Property Services

Subject	Detail	Delegated by:	Delegated to:
Applications for Planning Consent.	To submit planning applications on behalf of the Council where necessary for any project.	Council.	Director of Finance
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.	Director ofFinance
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.	Director of Finance/ Assistant Director of Regeneration and Property
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.	Director of Finance / Assistant Director of Regeneration and Property
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.	Director of Finance / Assistant Director of Regeneration and Property
Minor Matters affecting land.	To deal with minor matters affecting lands and to authorise the signing or sealing of any related documents.	Cabinet/Leader.	Director of Finance / Assistant Director of Regeneration and Property
Notices relating to Land.	1. To give notice to quit and other notices for formal demands which are required in the interests of the Council. 2. To sign and serve notices and counter notice,:-	Cabinet/Leader.	1. Director of Finance / Assistant Director of Regeneration and Property 2. 2. Director of Finance / Assistant Director of

	(a) determining leases, tenancy agreements and licences to occupy (except residential premises held under Part V of the Housing Act 1957) and (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.		Regeneration and Property
Purchase of Land.	1. To agree terms for the acquisition of land or individual properties required for an approved scheme after consultation with Chief Officers concerned complete the purchases where a capital scheme for the acquisition has been approved by the Council. 2. To buy buildings or land at the best price reasonably obtainable in accordance with the Assets Management Plan and relevant legislation.	1. Cabinet/ Leader. 2. Cabinet/ Leader.	1. Director of Finance 2. Director of Finance
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.	Director of Finance
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.	Director of Finance and Assistant Director of Planning, Leisure and Cultural Services.
Right to Buy - Postponement of	To determine requests for the postponement of the Council's	Cabinet/Leader.	Director of Finance

Statutory Charge.	statutory charge on property sold under the Right to Buy scheme.		
Sale of Land.	1. To determine applications for the purchase, grants of easements, rights of way and other minor licenses of small areas of land owned by the Council, which is defined as: - less than half a hectare in size and with a value of less than £49,999 plus VAT/fees) - all garden licenses or grazing licenses regardless of the size of land in accordance with Council policy for Minor Land Disposal. 2. Following a Cabinet decision to declare as surplus, to sell buildings and land at the best price reasonably obtainable in accordance with the Assets management Plan and relevant legislation.	1. Cabinet/ Leader. 2. Cabinet/ Leader.	1. Director of Finance following consultation with the Ward Member(s). 2. Director of Finance
Parkside Suite	To grant to local charitable organisations free use of the Parkside Suite on up to 4 occasions per year.	Cabinet/Leader.	Director of Finance
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.	Director of Finance
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.	Director of Finance

Use of Land.	To determine applications for the use of small areas of land owned by the Council.	Cabinet/Leader.	Director of Finance / Assistant Director of Regeneration and Property

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

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.

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.

TABLE 1

DELEGATIONS TO WORCESTERSHIRE REGULATORY SERVICES JOINT COMMITTEE

Subject to the terms of the Worcestershire Shared Services Partnership Agreement to:

(i) Oversee the implementation, development and on-going operation of the shared services

(ii) Ensure the effective delivery of the shared service functions in accordance with the terms of the agreement

(iii) Monitor the effectiveness of those arrangements and make recommendations to the Participating Authorities e.g. in the event of any changes to legislation, developments in best practice or the requirements imposed on Member Authorities

(iv) On an annual basis, agree a three year business plan for each shared service including:
- Service delivery, service development & financial objectives
- Performance improvement & efficiency targets
- Staffing
- Business continuity planning
- Risk management

(v) Set annual capital, revenue and staffing budgets for each shared service and no later than 1st December in each year submit these to the Member Authorities for approval as part of the business plan

(vi) Monitor the operational performance of the shared services on [a quarterly basis]

(vii) Ensure service delivery is in accordance with the key performance indicators and agreed national, regional and local priorities

(viii) Ensure effective action is taken to remedy any under-performance in the delivery of services

(ix) Monitor the financial performance of each shared service – quarterly report and monthly updates

(x) Determine the terms of employment of all staff within the shared service functions

(xi) Determine the arrangements for support services in agreement with the Host Authority and participating Authorities, in consultation with the Head of Shared Service

(xii) Produce an annual report to the member Authorities by no later than 30th June in each year covering the performance of the shared services in the 12 month period ending on the preceding 31st March

(xiii) Co-operate with and participate in Overview and Scrutiny exercises of the Member Authorities

(xiv) Review the operation and effectiveness of the shared service arrangements at least every two years, consider ways in which the Shared Services partnership can be expanded and make recommendations to the Member Authorities as appropriate.

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Bromsgrove District Council

Procedure Rules

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Items marked with # also apply to Committee and Board meetings

Items marked with * cannot be suspended

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Bromsgrove District Council

Procedure Rules for Council and Committee Meetings

1. Introduction

1.1 These procedure rules apply to the Council and other meetings.

1.2 When a rule applies to a Committee, Sub-committee or Board, this is shown by # next to the heading.

1.3 The rules do not apply to the Cabinet or to Joint Committees or other meetings which operate under separate constitutions.

1.4 Nothing in these procedure rules overrides legal requirements which apply to the conduct of meetings.

2. Annual Meeting of the Council

Quorum: 16

2.1 In a year when there are ordinary elections the Annual Meeting will be held within 21 days of the retirement of the outgoing Councillors. In any other year, the Annual Meeting will take place in May. The meeting will usually start at 6.00pm.

2.2 The Annual Meeting will:

(a) elect a person to preside if the Chairman and Vice-Chairman are not present;

(b) elect a member who where possible is not a member of a political group represented in Cabinet, as the Chairman of the Council;

(c) elect the Vice-Chairman of the Council;

(d) receive any declarations of interest from Councillors;

(e) approve the minutes of the last meeting;

(f) receive any announcements from the new Chairman and/or the Chief Executive;

(g) in the year of ordinary elections of Councillors, or when there is a vacancy, elect the Leader;

(h) consider questions on notice from members of the Council in the order in which they have been received, in accordance with procedure rule 9;

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

(i) agree:

(i) the terms of reference of,

(ii) size and

(iii) appoint to, in accordance with political balance rules,

Committees and Boards as appropriate to deal with matters which are not functions of the Council or Cabinet;

(i) agree the scheme of delegation;

(j) consider other business required by legislation;

(k) to consider any business set out in the notice for the meeting.

3. <u>Ordinary Meetings of the Council</u>
Quorum: 16

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

3.2 Ordinary meetings will:

(a) Elect a person to preside if the Chairman and Vice-Chairman are not present;

(b) Receive any declarations of interest from Councillors;

(c) Approve the minutes of the last meeting;

(d) receive any announcements from the Chairman and/or the Chief Executive;

(e) receive any announcements from the Leader of the Council (*see also Procedure rule 14*);

(f) receive comments, questions or petitions from members of the public and/or from Councillors on their behalf, in accordance with procedure rule 8;

(g) deal with any business from the previous Council meeting;

(h) deal with questions on notice from members of the Council in the order in which they have been received, in accordance with procedure rule 9;

(i) receive minutes and/or reports from the Audit, Standards and Governance Committee;

(j) consider reports and/or recommendations from the Cabinet. These may be presented as minutes of recent meetings of the Cabinet which contain recommendations and are also used to report on recent activity;

(k) consider recommendations from any other Committees of the Council which require approval;

(l) receive nominations and make appointments to outside bodies, except where appointment to the bodies has been delegated by Council or can be carried out only by the Cabinet. Details of ex-officio appointments will be set out in the agenda.

(m)receive and consider reports from officers of the Council;

(n) Receive and consider an annual report from one Portfolio Holder in accordance with Procedure rule 20;

(o) Once a year, receive and consider an annual report from the Overview and Scrutiny Board about the work carried out by that Board, presented by its Chairman;

(p) Once a year, receive and consider an annual report from the Audit, Standards and Governance Committee about the work carried out by that Committee, presented by its Chairman;

(q) receive reports about activities of joint bodies to which the Council belongs, or other external organisations of interest to the District and ask questions about the report;

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

(s) Consider any other business set out in the agenda;

(t) To consider any urgent business not included in the agenda in accordance with legal requirements and subject to agreement with the Chairman prior to the meeting.

(u) Other than items under paragraphs (a) – (c) the order of business may be varied by the Chairman or by Council resolution.

4. <u>Extraordinary Meetings of the Council</u>

Quorum: 16

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

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

(a) the Council by resolution;

(b) the Chairman of the Council;

(c) the Monitoring Officer;

(d) the Chief Financial Officer

(e) any 5 members of the Council if they have signed a requisition presented to the Chairman of the Council asking him/her to call an Extraordinary meeting and he/she has either refused to call such a meeting, or has failed to do so within seven days of the presentation of the requisition.

Business to be transacted:

4.2 Extraordinary meetings of the Council will only consider the business on the agenda for the meeting, as set out in the requisition to convene it, and any other business which in the opinion of the Chief Executive is relevant to it. Meetings will usually start at 6.00pm.

4.3 The agenda for an Extraordinary meeting will not include Motions on Notice or Questions.

4.4 The agenda for an Extraordinary meeting may include approval of the minutes of the previous Council meeting and minutes of the Cabinet or other Committee/Board meeting or such other items of business as may be appropriate to ensure the efficient administration of Council business.

5. Notice of and Summons to Meetings #

5.1 The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules.

5.2 Except in cases of urgency, at least 5 clear days before a meeting, the Chief Executive will send an agenda and reports to each member of the Council/Committee etc.

5.3 The agenda will give the date, time and place of each meeting, the business to be carried out and include available reports.

6. Previous Decisions and Motions

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

7. Urgent Business #

7.1 If a Councillor wishes to raise an item of urgent business which is not set out in the agenda for a meeting, s/he must discuss the issue before the meeting with the Chairman, Leader, Chief Executive and Monitoring Officer.

7.2 Having taken advice, the Chairman will decide whether or not the issue can be considered at the meeting.

8. Public Participation at Council Meetings

What is included

8.1 The agenda for each ordinary meeting of the Council will include a period of up to 15 minutes for members of the public to put comments about matters in the agenda and/or questions to the Council and to present petitions. The Chairman of the Council may agree to allow a similar arrangement at Extraordinary meetings of the Council.

8.2 The Chairman of the Council will have complete discretion as to how public participation is conducted and may agree to extend the time available under exceptional circumstances.

8.3 Comments, questions or petitions must be about matters for which the Council is responsible or which affect the District. The Council will not consider comments, questions or petitions that relate to specific planning or

licensing matters. Neither will it consider matters which are confidential or exempt.

8.4 The Monitoring Officer may reject any comments, questions or petitions that:

- are, or appear to be, defamatory, racist or contain offensive language, or are otherwise not appropriate for consideration at a Council meeting;
- are substantially the same as a question that has been put to a meeting of the Council in the last 6 months;
- would more appropriately be considered at a meeting of the Cabinet or a Committee, in which case the request to participate will be passed to the relevant body.

8.5 Members of the public do not include:

- Employees of the Council or their representatives, on any matter relating to their employment;
- Any applicants for, or recipients of, approvals, permissions or licenses;
- Any person in a contractual relationship with the Council on a matter relating to that contract;
- Councillors from a Local Authority on a matter concerning that local authority.
- Political parties or persons asking question on behalf of a political party. For the purposes of this section a political party is an organisation that has been registered as such by the Electoral Commission.

How to Apply

8.6 A copy of the comment, question or terms of petitions must be provided to the Monitoring Officer by12 noon seven clear working days prior to but not including the date of the meeting (). This may be in writing or by e-mail and should include:

- The name of the person to whom it is addressed – at the meeting this will go to the Chairman in the first instance;
- The name and address of the person submitting it;
- In the case of petitions, the number of signatories with their names and addresses supplied.

8.7 The Chairman has discretion to allow a question and/or comment from a member of the public received after the deadline in exceptional circumstances.

At the Meeting

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

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

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

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

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

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

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

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

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

9. Questions from Councillors at Council Meetings

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

Questions on Notice

9.2 A Councillor may ask:

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

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

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

Deadline for Questions

9.3 The deadline for questions to be received by the Monitoring Officer is 12 noon, seven clear working days prior to but not including the date of the meeting

9.4 A question must be submitted in writing.

9.5 If a question relates to an urgent matter, the Councillor should obtain the permission of the Chairman and submit the question to the Monitoring Officer not less than 2 hours before the start of the meeting at which it will be asked.

Content

9.6 The Monitoring Officer may reject a question if:

(a) it is defamatory, frivolous or offensive,

(b) it is substantially the same as one submitted within the previous six months;

(c) it asks the Council about a matter which is outside the powers or responsibility of the full Council;

(d) it relates to a specific planning or licensing matter;

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

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

At the meeting

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

9.8 The answer may be given as:

(a) A direct oral answer;

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

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

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

9.10 Every question shall be put and answered without discussion.

Supplementary Questions

9.11 A Member asking a question under rule 9.2 may, without notice, ask one supplementary question of the member to whom the first question was addressed. The supplementary question must arise directly out of the original question or the reply.

Time limit

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

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

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

10 Motions on Notice at Council Meetings

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

Deadline for Motions

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

10.3 A Motion must be submitted in writing.

Urgent Notice of Motion

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

Content

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

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

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

(a) it is defamatory, frivolous or offensive,

(b) it is substantially the same as one submitted within the previous six months;

(c) it requests the Council to make a decision which is outside the powers or responsibility of the full Council;

(d) it is not of a strategic nature;

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

At the meeting – Proposal and Withdrawal of Motion

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

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

Deferment of Motions

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

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

Referral of Motions

10.12 If a Notice of Motion relates to an Executive function and is proposed and seconded, the Council may discuss the matter in order to inform the Cabinet's consideration of it. It cannot decide the matter.

10.13 Motions which relate to matters reserved to the Council or to non-Executive functions may be debated and decided by the Council.

10.14 If the motion is not debated, it will be referred to the Cabinet or appropriate body to consider and report back to the Council with recommendations on how to proceed.

10.15 If a Motion is referred to the Cabinet or another Committee for consideration, then the Proposer of the Motion will be invited to attend the relevant meeting when it is discussed to introduce and speak to it.

Time Limit for Motions on Notice

10.16 At each meeting up to one hour shall be allowed for consideration of all Motions on Notice. This may only be exceeded with the agreement of the Council.

10.17 At the end of the hour – or other time period if agreed by the Council – the Chairman will ask the Councillor speaking to conclude immediately.

(a) If the speaker is proposing the motion then it can be formally seconded without comment;

(b) If the speaker is moving an amendment, the Chairman will allow the amendment to be formally seconded, without comment, and the mover of the motion to exercise their right of reply;

(c) If neither (a) nor (b) then the mover of the motion will be allowed to have their right of reply for up to 5 minutes.

10.18 The Chairman will put to the vote, without further discussion, all questions necessary to dispose of the motion being debated and put the Motion to the vote.

10.19 If as a result of reaching the time limit a motion is not moved by either the Councillor who gave notice or another Councillor on their behalf, it shall be either:

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

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

11 Chairing the Meeting

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

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

11.3 Any ruling of the Chairman shall not be challenged.

12 Councillor Conduct # 12.1 only

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

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

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

Prevention of Disorderly Conduct #

Prevention of Disorderly Conduct – Councillors and Public

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

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

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

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

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

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

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

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

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

13 Quorum

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

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

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

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

14. Announcements

14.1 Each person entitled to make an announcement may speak for a total of five minutes.

14.2 Announcements must not relate to items on the agenda or exempt or confidential items.

14.3 In respect of Leader's announcements only, Councillors may ask questions by way of clarification. Up to five minutes in total may be devoted to Councillors' questions to the Leader.

15. Minutes

15.1 The Chairman will sign the minutes of the proceedings at the next suitable meeting.

15.2 The Chairman will propose that the minutes of the previous meeting be signed as a correct record. The only aspects of the minutes which can be discussed is their accuracy.

15.3* If the next meeting is an Extraordinary meeting (called under Para 3 of Schedule 12 to the Local Government Act 1972) then the minutes will usually be signed at the next following Ordinary meeting.

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

16. Advice from Officers

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

17. Rules of Debate

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

Dealing with Motions and Amendments

17.1 A motion or amendment must be proposed and seconded before it can be discussed.

17.2 The Chairman may require any procedural motion to be written down and handed to him/her before it is discussed.

Speeches

17.3 Speeches may not exceed 5 minutes without the consent of the Chairman and a majority of those present.

17.4 Speeches must be about the item being discussed or about a point of order or personal explanation.

17.5 When seconding a motion or amendment, a Councillor may reserve their speech until later in the debate.

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

17.6 A Councillor may only speak once on a motion except:

(a) to speak once on an amendment moved by another Councillor;

(b) if their first speech was on an amendment and that has now been dealt with, to speak on the main proposal;

(c) to exercise a right of reply as a mover of a motion (not an amendment);

(d) on a point of order or by way of personal explanation.

(i) A point of order may only relate to an alleged breach of these Council procedure rules or the law and the Councillor must indicate the way in which s/he considers it has been broken. The ruling of the Chairman will be final and not open to discussion.

(ii) Personal explanation may only relate to some material part of an earlier speech by the Councillor at the same meeting which may appear to have been misunderstood in the current debate. The ruling of the Chairman on the admissibility of a personal explanation will be final and not open to discussion.

(e) to move a further amendment;

(e) to make a motion to close the debate.

Amendments

17.7 An amendment must be relevant to the motion and will be:

(a) to refer the matter to an appropriate body or individual for consideration or reconsideration;

(b) to leave out words

(c) to leave out words and insert or add others; or

(d) to insert or add words

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

17.8 Only one amendment may be dealt with at a time.

17.9 Amendment not carried – a further amendment to the motion may be moved.

17.10 Amendment carried – the amended motion takes the place of the original motion. It is known as the "substantive motion" and further amendments may be moved to this.

17.11 After an amendment is carried the Chairman will read out the amended motion before accepting any amendments. If there are no further amendments the substantive motion is debated before being put to the vote.

Alteration of Motion

17.12 An alteration to a motion must be either:

(a) to refer the matter to an appropriate body or individual for consideration or reconsideration;

(b) to leave out words;

(c) to leave out words and add others;

(d) to add words;

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

When a motion can be altered

17.13 A motion may be altered:

(a) before it has been moved by the Councillor who submitted it (or another Councillor on his/her behalf) if the majority of those present agree;

(b) after it has been moved and seconded if both the mover and seconder and the majority of those present agree.

Withdrawal of Motion

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

Rights of Reply – motions and amendments

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

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

Motions which may be moved during debate

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

(a) to amend a motion;

(b) closure motions – see procedure rule 17.19 below;

(c) under Procedure rule 12.4 that a Councillor is not heard further; or that a Councillor leave the meeting;

(d) to exclude the public and press in accordance with the Access to Information rules.

Procedural Motions without notice

17.18 The following procedural motions may be moved without notice:

(a) to appoint a Chairman of the meeting;

(b) in relation to the accuracy of the minutes;

(c) to change the order of business in the agenda;

(d) to refer something to an appropriate body or individual;

(e) to appoint a committee or a member arising from an item on the agenda for the meeting;

(f) to receive reports or adopt recommendations from Committees or Officers and any resolutions following from them;

(g) closure motions under procedure rule 17.18;

(m) to suspend a particular procedure rule;

(n) to exclude the public and press in accordance with Access to Information Rules;

(o) to not hear further a member named under rule 12.4 or to exclude them from the meeting;

(p) to give the consent of the Council where it is required under this constitution.

Closure Motions

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

(a) to proceed to next business;

(b) that the question now be put to the vote;

(c) to adjourn a debate;

(d) to adjourn a meeting.

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

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

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

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

18. <u>Voting</u> #

18.1 Unless a recorded vote is demanded or required, voting shall be by general assent or by show of hands. Any matter will be decided by a simple majority of those present and entitled to vote in the meeting at the time the question was put.

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

Recorded Votes

18.3 If before the Chairman has called for a show of hands, any Councillor present at a meeting demands it, the vote shall be recorded to show the names of those who voted for or against the motion and those who abstained.

18.4* Where any member requests it immediately after a vote is taken, their vote will be recorded in the minutes to show whether they voted for or against the matter or abstained from voting.

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

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

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

Voting on Appointments

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

18.7 Should there be an equality of votes in a vote on the appointment of the Chairman of a Committee, lots will be drawn at the meeting, through the selection of the name of one of the remaining two candidates from a hat, to appoint a Chairman to preside at that meeting. The appointment of the Chairman of that Committee for the remainder of the municipal year will then be included as the first item on the agenda for consideration at the following meeting.

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

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

19.2 Other speeches shall not exceed 5 minutes.

19.3 The member of the Cabinet presenting the report or recommendation may, with the consent of the Chairman, respond to all questions raised or points made during the debate.

19.4 The member of the Cabinet presenting the report or recommendation has a right to reply at the end of the debate on the recommendation immediately before it is put to the vote.

19.5 The member of the Cabinet presenting the report or recommendation may alter or amend the recommendation if the majority of members present agree, provided such alteration or amendment is one which could be made as an amendment to a motion under Rule 17.7 – 17.11.

19.6 An amendment to a report or recommendation from Cabinet may be made provided such amendment is one which could be made as an amendment to a motion under Rule 17.7 and the procedure set out in Rule 17 insofar as it applies to amendments to motions shall apply to amendments to recommendations from Cabinet.

20. Annual Reports from Portfolio Holders

20.1 At each ordinary meeting of the Council there will be an item on the agenda to receive and consider an annual report from one portfolio holder.

20.2 The report will include important matters from the previous 12 months and forthcoming policy issues which the Portfolio holder wishes to raise with the Council.

20.3 Each report will be presented by the Portfolio Holder and their initial presentation shall not exceed 10 minutes.

20.4 Councillors may ask questions of the Portfolio Holder. Questions and answers shall not exceed 3 minutes.

20.5 A maximum of 30 minutes will be allowed for this item at the meeting.

20.6 Councillors will not take any decisions in connection with or vote on the report. The main issues raised during discussion of the reports will be minuted.

21. Suspension and Amendment of Council Procedure Rules

Suspension

21.1 All of these Council Rules of Procedure except Rule 15.3, 18.4 and 18.5 may be suspended by motion on notice or without notice if a majority of those present and entitled to vote agree. Suspension shall last until such time as the meeting agrees to reinstate the suspended rule(s), or the end of the meeting, whichever is the earlier.

Amendment

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

22. Application to Committees and Sub-Committees

22.1 All of the preceding Council Rules of Procedure apply to meetings of full Council. None of the rules apply to meetings of the Cabinet.

22.2 All of the preceding Rules except Rules 2-4, 6, 8-10, 12.2-12.3, 14, 17, 19, 20 and 21 apply to meetings of committees and sub-committees. Rules 23 – 25 shall apply only to meetings of committees and sub-committees.

23. Election of Chairmen and Vice-Chairmen of Committees

23.1 Every Committee will, at its first meeting following the Annual Meeting of the Council, before proceeding to any other business, elect a Chairman and Vice-Chairman for the municipal year. If both the Chairman and Vice-Chairman are absent from a meeting of that Committee during the municipal year, the Committee may elect a member to chair that particular meeting.

23.2 In the event of a vacancy arising in the office of Chairman or Vice-Chairman of a committee, the committee will at its next meeting following the declaration of the vacancy appoint a member to fill the vacancy for the remainder of the municipal year.

23.3 Where possible the Chairman of the Overview and Scrutiny Board and the Chairman of the Audit, Standards and Governance Committee shall not be a member of a political group represented in Cabinet.

24. Extraordinary Meetings of Committees

24.1 The Chairman of a committee or the Chairman of the Council may summon an extraordinary meeting of the committee at any time.

24.2 An extraordinary meeting shall also be summoned on the requisition in writing of a quarter of the members of the committee. The summons shall set out the business to be considered at the extraordinary meeting, and no other business than that set out shall be considered at that meeting.

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

25.1 When a member of the Council is unable to attend a particular meeting of a committee or sub-committee, he/she may appoint another member *from the pool of substitute members for that Committee or sub-committee,* to attend the meeting as his/her substitute. Members may not arrange for substitutes to attend in their place at Cabinet.

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

25.3 Substitute members may attend meetings in that capacity only:

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

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

26. Calculation of Time

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

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

ACCESS TO INFORMATION PROCEDURE RULES

1. **SCOPE**

These rules apply to all meetings of the Council, the Cabinet, the Overview and Scrutiny Board, the Audit, Standards and Governance Committee, Area Committees and other committees, boards and panels ("meetings") unless a statutory exemption applies. Overview and Scrutiny Task Groups are not covered by these Rules.

These rules also apply to Executive Decisions made by individual officers.

2. **ADDITIONAL RIGHTS TO INFORMATION**

These Rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

3. **RIGHTS TO ATTEND MEETINGS**

Members of the public may attend all meetings subject only to the exceptions in these rules.

4. **NOTICES OF MEETING**

4.1 The Council will give at least 5 clear days notice of any meeting by posting details of the meeting on the Council website.

4.2 However, in cases of exceptional urgency the Chief Executive, having consulted with the Chairman of the Council or the Chairman of the relevant Committee, Board or Panel, may convene a meeting giving less than 5 clear days' notice. The agenda and minutes of the meeting shall specify the nature of the exceptional urgency.

4.3 For the avoidance of doubt, where the term "clear days" is used, this does not include statutory and concessionary holidays, the day on which notice is given, the day of the meeting or any Saturday or Sunday.

5. **ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING**

5.1 The Council will make copies of the agenda and reports open to the public available for inspection at Parkside at least 5 clear days before the meeting. Copies of the agenda and reports for all meetings will be sent to all members of the Council at least 5 clear days before the meeting.

5.2 Items will only be added to an agenda less than 5 clear days before the date of the meeting in cases of exceptional urgency and only if the officer or member presenting the item has, before the meeting, submitted to the Head of Legal,

Equalities a & Democratic Services a form signed or approved by the Chairman of the Council or the relevant Committee as appropriate giving reasons why:

(a) the item could not have been included on the agenda; and

(b) the item required a decision before the next scheduled meeting of the Council or Committee.

5.3 If an item is added to the agenda less than 5 clear days before the date of the meeting, the revised agenda will be open to inspection from the time the item was added to the agenda.

5.4 In cases of exceptional urgency where less than 5 days' notice of a meeting is given, copies of the agenda and reports will be made available and shall be open to inspection from the time the meeting is convened.

6. SUPPLY OF COPIES

The Council will supply copies of:

(a) any agenda and reports which are open to public inspection;

(b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and

(c) if the Chief Executive thinks fit, copies of any other documents supplied to councillors in connection with an item

to any person on payment of a charge for postage and any other costs.

7. WITHDRAWAL OF ITEMS FROM AN AGENDA

Items on the agenda for meetings of the Council, Cabinet, Audit, Standards and Governance Committee and Overview and Scrutiny Board will not be withdrawn less than 3 clear calendar days before the date of the meeting except in exceptional circumstances and only when the Chairman of the Council, the Leader or the Chairman of the Board as appropriate has agreed to the item being withdrawn at that time.

8. ACCESS TO MINUTES ETC. AFTER THE MEETING

The Council will make available copies of the following for 6 years after a meeting:

(a) the minutes of the meeting, or records of decisions taken, together with reasons, for all meetings of the Cabinet, excluding any part of the

minutes of proceedings which disclose exempt or confidential information;

(b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a coherent record;

(c) the agenda for the meeting; and

(d) reports relating to items when the meeting was open to the public.

9. BACKGROUND PAPERS

9.1 List of background papers

The Chief Executive will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

(a) disclose any facts or matters on which the report of an important part of the report is based; and

(b) which have been relied on to a material extent in preparing the report

but does not include published works or those which disclose exempt or confidential information (as defined in Rule 11), and in respect of Cabinet reports, the advice of a political advisor.

9.2 Public inspection of background papers

When a report for a meeting is made available for Cabinet meetings the Council will also make available at its office and on its website, one copy of each of the background papers referred to in the list prepared under rule 9 above.

These background papers will be available for public inspection for 4 years after the date of the meeting. Copies of background papers will be supplied to any person on payment of a charge for postage and any other costs.

10. SUMMARY OF THE RIGHTS OF THE PUBLIC

These Rules constitute a summary of the rights of the public to attend meetings and to inspect and copy documents. These Rules will be kept at and available to the public at Parkside, Bromsgrove. .

11. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

11.1 Confidential information - requirement to exclude public

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

11.2 Exempt information - discretion to exclude public

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

11.3 Meaning of confidential information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

11.4 Meaning of exempt information

Exempt information means information falling within the following categories (subject to any condition):

Category	Condition
1. Information relating to any individual.	Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992. Information is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

2. Information which is likely to reveal the identity of any individual.	Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General regulations 1992. Information is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	"Financial or business affairs" includes contemplated, as well as past or current, activities. Information falling within paragraph 3 is not exempt by virtue of that paragraph it if required to be registered under: a) the Companies Act 1985 b) the Friendly Societies Act 1974 c) the Friendly Societies Act 1992 d) the Industrial and Provident Societies Acts 1965 to 1978 e) the Building Societies Act 1986 f) the Charities Act 1993. "Registered" in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act). Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992. Information is exempt information if and so long, as in all the

	circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	"Employee" means a person employed under a contract of service. "Labour relations matter" means: a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or b) any dispute about a matter falling within paragraph (a) above; and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority. "office holder", in relation to the authority means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority. Information is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
5. Information in respect of which a claim to legal professional privilege	Information is not exempt information if it relates to proposed development for which the local planning authority

could be maintained in legal proceedings.	may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992. Information is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
6. Information which reveals that the authority proposes: (a) to give, under any enactment, a notice under, or by virtue of, which requirements are imposed on a person; or (b) to make an order or direction under any enactment.	Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992. Information is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
7. Information relating to any action taken, or be taken, in connection with the prevention, investigation or prosecution of crime.	Information is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

12. **EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS**

If the Chief Executive thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 11, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

In some cases the Council may consider an item in public although the report it is discussing contains some exempt information. In all cases a public summary of the item will be provided after the meeting, usually as part of the minutes of the meeting.

The Cabinet will indicate on its Work programme where it is likely to exclude the public from a meeting or part of a meeting. Members of the public can make representations to the Council if they feel that the item should be considered in public. Rule 15 below refers to this in more detail.

13. APPLICATION OF RULES TO THE CABINET

Rules 14-24 apply to the Cabinet and its committees. If the Cabinet or its committees meet to take a Key Decision then it must also comply with Rules 1-12 unless either Rule 16 (General Exception) or Rule 17 (Special Urgency) applies. A Key Decision is as defined in Article 13.3 of this Constitution.

14. PROCEDURE BEFORE TAKING KEY DECISIONS

Subject to Rule 16 (General Exception) and Rule 17 (Special Urgency), a Key Decision may not be taken unless:

(a) a notice (called here a Work Programme) has been published in connection with the matter in question;

(b) at least 28 days have elapsed since the publication of the Work Programme.

15. THE WORK PROGRAMME

15.1 Period of Work Programme

Work Programmes will be prepared by the Leader to cover a period of at least 28 days. They will be prepared on an approximately monthly basis and published at least 28 days before the first meeting of the Cabinet to which Key decisions on the Programme relate.

15.2 Contents of the Work Programme

The Work Programme will contain matters which the Leader has reason to believe will be subject of a Key Decision to be taken by the Cabinet, a committee of the Cabinet, individual members of the Cabinet, officers or under joint arrangements in the course of the discharge of an Cabinet function during the period covered by the Programme. It will describe the following items in so far as the information is available or might reasonably be obtained:

(a) the matter in respect of which a key decision is to be made;

(b) where the decision taker is an individual, his/her name and title, if any and where the decision taker is a body, its name and details of membership;

(c) the date on which, or the period within which, the decision will be taken;

(d) a list of the documents submitted to the decision-maker for consideration in relation to the matter in respect of which the key decision is to be made;

(e) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;

(f) that other documents relevant to those matters may be submitted to the decision maker; and

(g) the procedure for requesting details of those documents (if any) as they become available..

(h) which of the key decisions outlined may involve the consideration of exempt or confidential information, the reasons why and how the public may make representations when they consider the item should be considered in public.

The Work Programme must be published at least 28 days before the start of the period covered.

Exempt information need not be included in the Work Programme and confidential information cannot be included.

16. **GENERAL EXCEPTION**

If a matter which is likely to be a key decision has not been included in the Work Programme, then subject to Rule 17 (Special Urgency), the decision may still be taken if:

(a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next Work Programme;

(b) the Chief Executive has informed the Chairman of the Overview and Scrutiny Board, or in his/her absence each member of the Board by notice, of the matter about which the decision is to be made;

(c) the Chief Executive has made copies of that notice available to the public at the offices of the Council and published it on the Council's website; and

(c) at least 5 clear days have elapsed since the Chief Executive complied with (a) and (b).

The notice should include reasons why it has not been possible to include the item on the Work Programme.

17. **SPECIAL URGENCY**

If the date by which a decision must be taken means that Rule 16 (General Exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the chairman of the body making the decision, obtains the agreement of the Chairman of the Overview and Scrutiny Board, or in his/her absence the Vice-Chairman, that the taking of the decision is urgent and cannot be reasonably deferred.

If the Chairman of the Overview and Scrutiny Board, or in his/her absence the Vice-Chairman, is unable to act, then the agreement of the Chairman of the Council, or in his/her absence the Vice-Chairman, will suffice.

As soon as reasonably practicable after the decision-maker has agreement that the decision is urgent and cannot reasonably be deferred, they must publish a notice on the Council's website setting out the reasons why the meeting is urgent. The notice must also be available at the Council's offices for members of the public to see.

18. **REPORT TO COUNCIL**

18.1 **When the Overview and Scrutiny Board can require a report**

If the Overview and Scrutiny Board considers that a Key Decision has been taken which was not:

(a) included in the Work Programme; or

(b) the subject of the general exception procedure (Rule 16); or

(c) the subject of an agreement with the Chairman of the Overview and Scrutiny Board, or in his/her absence the Vice-Chairman, or the Chairman/Vice-Chairman of the Council under the Special Urgency procedure (Rule 17)

the Overview and Scrutiny Board may, subject to Rule 18.2, require the Cabinet to submit a report to the next available meeting of the Council. The power to require a report rests with the Overview and Scrutiny Board, but is also delegated to the Chief Executive, who shall require such a report on behalf of the Overview and Scrutiny Board when so requested by the Chairman or Vice-Chairman of the Overview and Scrutiny Board or any three members of the Overview and Scrutiny Board. Alternatively the requirement may be raised by resolution passed at a meeting of the Overview and Scrutiny Board.

18.2 **Cabinet 's report to Council**

The Cabinet will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council falls within 7 days of receipt of the written notice or the resolution of the Overview and Scrutiny Board, then the report may be submitted to the following meeting of the Council. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the Leader is of the opinion that it was not a Key Decision, the reasons for that opinion.

18.3 **Quarterly reports on special urgency decisions**

In any event the Leader will submit quarterly reports to the Council on the Cabinet decisions taken in the circumstances set out in Rule 17 (Special Urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

19. **RECORD OF DECISIONS**

19.1 **Meetings**

After any meeting of the Cabinet or any of its committees, whether held in public or private, the Chief Executive or, where no officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable. The record will include:

- a statement of the reasons for each decision;
- any alternative options considered and rejected at that meeting;
- A record of any conflict of interest relating to the matter declared by any member of the decision-making body;
- For any declared conflict of interest, a note of dispensation granted by the Head of Paid Service (the Chief Executive).

19.2 **Officer Decisions**

From time to time, Officers will make decisions that would otherwise be made at meetings of the Cabinet. As soon as practicable after the decision is made the officer will provide a written statement which will include:

- A record of the decision and the date it was made;
- The reasons for the decision;
- Details of alternative options considered and rejected when making the decision;
- Any conflict of interest declared by any executive member who is consulted by the officer which relates to the decision;
- A note of dispensation granted by the Council's Head of Paid Service (the Chief Executive) relating to any declared conflicts of interest.

The Decisions recorded will be those where a matter has been delegated to an officer/s at a meeting of the Cabinet or involves expenditure above £50,000.

19.3 **Publication of Decisions**

Once a decision is made under paragraphs 19.1 and 19.2 above, copies of the record of the decision will be published, as soon as reasonably practicable, on the Council's website. Copies will also be available for inspection by members of the public at the Council's offices.

20. CABINET MEETINGS RELATING TO MATTERS WHICH ARE NOT KEY DECISIONS

Meetings of the Cabinet relating to matters which are not Key Decisions will be held in public and must comply with Rules 1-12.

21. ATTENDANCE AT MEETINGS OF THE CABINET

21.1 All members of the Council are entitled to attend a meeting of the Cabinet. Members of the Council who are not members of the Cabinet may speak at meetings of the Cabinet. Only members of the Cabinet may vote.

21.2 All members of the Council are entitled to attend a meeting of a committee of the Cabinet. Members of the Council who are not members of the Cabinet and who are not members of the committee may speak at such meetings. Only members of the committee may vote.

21.3 The Head of Paid Service, the Section 151 Officer and the Monitoring Officer, and their nominees are entitled to attend any meeting of the Cabinet and its committees. The Cabinet may not meet unless the Chief Executive has been given reasonable notice that a meeting is to take place.

21.4 A meeting of the Cabinet or any of its committees may only take place in the presence of the Chief Executive or his/her nominee with responsibility for recording and publicising the decisions.

21.5 In all cases, the provisions of Rule 19 (Record of Decisions) will apply.

22. OVERVIEW AND SCRUTINY BOARD - ACCESS TO DOCUMENTS

22.1 **Rights to copies**

Subject to Rule 22.2 below, members of the Overview and Scrutiny Board will be entitled to copies of any document which is in the possession or control of the Cabinet or its committees and which contains material relating to:

(a) any business transacted at a meeting of the Cabinet or its committees; or

(b) any decision taken by an individual member of the Cabinet; or

(c) Any decision made by an officer in accordance with executive arrangements.

Subject to paragraph 22.2 below, the Cabinet must provide the document requested as soon as reasonably practicable and in any case no later than 10 clear days after the Cabinet receives the request.

22.2 **Limit on rights**

The Overview and Scrutiny Board will not be entitled to:

(a) any document that is in draft form;

(b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or

(c) the advice of a political adviser.

23. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

23.1 Material relating to previous business

All members will be entitled to inspect any document which is in the possession or under the control of the Cabinet or its committees and contains material relating to any business previously transacted at a meeting or to a decision made by an officer in accordance with Executive arrangements, unless (a) (b) or (c) below applies:

(a) it contains exempt information, unless it is exempt under paragraphs 3 or 6 of the categories of exempt information. However, information which is exempt under paragraph 3 does not have to be disclosed if it related to terms proposed or to be proposed by or to the authority in the course of negotiations for a contract;

(b) it contains confidential information; or

(c) it contains the advice of a political adviser.

23.2 Material relating to Key Decisions

All members of the Council will be entitled to inspect any document in the possession or under the control of the Cabinet or its committees, except those

available only in draft form, which relates to any key decision unless paragraph (a) (b) or (c) above applies.

23.3 **Nature of rights**

These rights of a member are additional to any other right he/she may have.

BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

1. **Definitions**

In these Rules:

"Cabinet" and "Leader" have the same meaning as "executive" and "executive leader" in Part II of the Local Government Act 2000; and
"plan or strategy" and "working day" have the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001.

2. **The framework for Cabinet decisions**

The Council will be responsible for the adoption of its Budget and Policy Framework as set out in Article 4. Once a Budget or a Policy Framework is in place, it will be the responsibility of the Cabinet to implement it.

3. **Process for developing the Framework**

The process by which the Budget and Policy Framework shall be developed is:

(a) The Cabinet will publicise, by including in the Work Programme, a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms or will form part of the Budget and Policy Framework, and its arrangements for consultation after publication of those initial proposals. The Chairman of the Overview and Scrutiny Board will also be notified. The consultation period shall in each instance be not less than 4 weeks.

(b) At the end of that period, the Cabinet will then draw up a draft plan or strategy having regard to the responses to that consultation. If the Overview and Scrutiny Board wishes to respond to the Cabinet in that consultation process then it may do so. As the Board has responsibility for fixing its own work programme, it is open to the Board to investigate, research or report in detail with policy recommendations before the end of the consultation period. The Cabinet will take any response from the Board into account in drawing up the draft plan or strategy for submission to the Council, and its report to Council will reflect the comments made by consultees and the Cabinet's response.

(c) Once the Cabinet has approved the draft plan or strategy, the proper officer will refer them at the earliest opportunity to the Council for decision.

(d) In reaching a decision, the Council may:

(i) adopt the Cabinet's draft plan or strategy, in which case, the Council may make a decision which has immediate effect; or

(ii) agree minor amendments to the Cabinet's draft plan or strategy, and in which case the Council may make a decision which has immediate effect.

(e) Where the Cabinet has submitted a draft plan or strategy to the Council for its consideration and following consideration of that draft plan or strategy, the Council has significant objections to it, the Council must take the action set out in paragraph (f).

(f) Before the Council

(i) amends the draft plan or strategy; or

(ii) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or

(iii) adopts (with or without modification) the plan or strategy,

it must inform the Leader of any objections which it has to the draft plan or strategy and must give to him/her instructions requiring the Cabinet to reconsider, in the light of those objections, the draft plan or strategy submitted to it.

(g) Where the Council gives instructions in accordance with paragraph (f), it must specify a period of at least 5 working days, beginning on the day after the date on which the Leader receives the instructions on behalf of the Cabinet, within which the Leader may

(i) submit a revision of the draft plan or strategy as amended by the Cabinet (the "revised draft plan or strategy"), with the Cabinet's reasons for any amendments made to the draft plan or strategy, to the Council for the Council's consideration; or

(ii) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.

(h) Where the period specified by the Council, referred to in paragraph (g), has expired, the Council must when

(i) amending the draft plan or strategy or, if there is one, the revised draft plan or strategy;

(ii) approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or

(iii) adopting (with or without modification) the plan or strategy,

take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Cabinet's reasons for those amendments, any disagreement that the Cabinet has with any of the authority's objections and the Cabinet's reasons for that disagreement, which the Leader has submitted to the Council, or informed the Council of, within the period specified.

(i) Subject to Paragraph (m) below, where, before 8th February in any financial year, the Cabinet submits to the Council for consideration in relation to the following financial year:

(i) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49 of the Local Government Finance Act 1992;

(ii) estimates of other amounts to be used for the purposes of such a calculation;

(iii) estimates of such a calculation; or

(iv) amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992,

and following consideration of those estimates or amounts the Council has any objections to them, it must take the action set out in paragraph (j).

(j) Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph (i) (i), or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the Leader of any objections which it has to the Cabinet's estimates or amounts and must give to him instructions requiring the Cabinet to reconsider, in the light of those objections, those estimates and amounts in accordance with the authority's requirements.

(k) Where the Council gives instructions in accordance with paragraph (j), it must specify a period of at least five working days beginning on the day after the date on which the Leader receives the instructions on behalf of the Cabinet within which the Leader may -

(i) submit a revision of the estimates or amounts as amended by the Cabinet ("revised estimates or amounts"), which have been reconsidered in accordance with the Council's requirements, with the Cabinet's reasons for any amendments made to the estimates or amounts, to the Council for the Council's consideration; or

(ii) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.

(l) When the period specified by the Council, referred to in paragraph (k), has expired, the Council must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in paragraph (i) (i), or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account -

(i) any amendments to the estimates or amounts that are included in any revised estimates or amounts;
(ii) the Cabinet's reasons for those amendments;
(iii) any disagreement that the Cabinet has with any of the Council's objections; and
(iv) the Cabinet's reasons for that disagreement,

which the Leader submitted to the Council, or informed the Council of, within the period specified.

(m) Paragraphs (i) to (l) shall not apply in relation to -

(i) calculations or substitute calculations which the Council is required to make in accordance with section 52I, 52J, 52T or 52U of the Local Government Finance Act 1992; and

(ii) amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with section 52J or 52U of that Act.

(n) In approving the Budget and Policy Framework, the Council will also specify the extent of virement within the Budget and degree of in-year changes to the Policy Framework which may be undertaken by the Cabinet, in accordance with paragraphs 5 and 6 of these Rules (virement and in-year adjustments). Any other changes to the Budget and Policy and Framework are reserved to the Council.

4. **Decisions outside the Budget or Policy Framework**

(a) Subject to the provisions of paragraph 6 (virement) the Cabinet, committees of the Cabinet, individual members of the Cabinet and any officers or joint arrangements discharging Cabinet functions may only take decisions which are in line with the Budget and Policy Framework. If any of these bodies or persons wishes to make a decision which is contrary to the Policy Framework, or contrary to or not wholly in accordance with the Budget approved by full Council, then that decision may only be taken by the Council, subject to paragraph 5 below.

(b) If the Cabinet, committees of the Cabinet, individual members of the Cabinet and any officers or joint arrangements discharging Cabinet functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Section 151 Officer as to whether the decision they want to make would be contrary to the Policy Framework, or contrary to or not wholly in accordance with the Budget. If the advice of either of those officers is that the decision would not be in line with the existing Budget and/or Policy Framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 5 (urgent decisions outside the Budget and Policy Framework) shall apply.

5. **Urgent decisions outside the Budget or Policy Framework**

(a) The Cabinet, a committee of the Cabinet, an individual member of the Cabinet or officers or joint arrangements discharging Cabinet functions may take a decision which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the Budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:

i) if it is not practical to convene a quorate meeting of the full Council; and

ii) if the Chairman of the Overview and Scrutiny Board agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council and the Chairman of the Overview and Scrutiny Board's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chairman of the Overview and Scrutiny Board, the consent of the Chairman of the Council, and in the absence of both the Vice-Chairman of the Council, will be sufficient.

(b) Following the decision, the decision-taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

6. **Virement**

(a) In approving its revenue budget each year, the Council will decide the headings (services) into which the Budget is to be divided, and will allocate an amount for expenditure under each heading.

(b) Steps taken by the Cabinet, a committee of the Cabinet, an individual member of the Cabinet, officers or joint arrangements discharging Cabinet functions to implement Council policy shall not exceed those amounts allocated to each budget head. However, the Cabinet shall be entitled to vire across budget

heads up to a maximum, and within a limit per individual virement specified each year by the Council under Rule 3 (n). Beyond those limits, approval to any virement across budget heads shall require the approval of the full Council.

7. **In-year changes to Policy Framework**

The responsibility for agreeing the Budget and Policy Framework lies with the Council, and decisions by the Cabinet, a committee of the Cabinet, an individual member of the Cabinet or officers or joint arrangements discharging Cabinet functions must be in line with it. No changes to any policy and strategy which make up the Policy Framework may be made by those bodies or individuals except those changes:

(a) which will result in the closure or discontinuance of a service or part of service to meet a Budgetary constraint;

(b) necessary to ensure compliance with the law, ministerial direction or government guidance;

(c) in relation to the Policy Framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration.

8. **Call-in of decisions outside the Budget or Policy Framework**

(a) Where the Overview and Scrutiny Board is of the opinion that a Cabinet decision is, or if made would be, contrary to the Policy Framework, or contrary to or not wholly in accordance with the Council's Budget, then it shall seek advice from the Monitoring Officer and/or Section 151 Officer.

(b) In respect of functions which are the responsibility of the Cabinet, the Monitoring Officer's report and/or Section 151 Officer's report shall be to the Cabinet with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the Monitoring Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the Section 151 Officer conclude that the decision was a departure, and to the Overview and Scrutiny Board if the Monitoring Officer or the Section 151 Officer conclude that the decision was not a departure.

(c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Section 151 Officer is that the decision is or would be contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, the Overview and Scrutiny Board may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The

Council shall meet within 10 working days of the request by the Overview and Scrutiny Board. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Section 151 Officer. The Council may either:

i) endorse a decision or proposal of the Cabinet decision-taker as falling within the existing Budget and Policy Framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or

ii) amend the Council's Financial Regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that Cabinet function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or

iii) where the Council accepts that the decision or proposal is contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, and does not amend the existing Framework or Budget to accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of either the Monitoring Officer/Section 151 Officer.

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CABINET PROCEDURE RULES

1. Time and Place of Meeting

1.1 The Cabinet will meet at least 10 times per year at times to be agreed by the Leader.

1.2 The place of Cabinet meetings will be determined by the Chief Executive and notified in the agenda.

2. Notice of and Agenda for Meetings

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules in Part 5 of this Constitution. At least five clear days before a meeting the Chief Executive will send an agenda to every member of the Cabinet. The agenda will give the date, time and place of each meeting. The agenda will specify the business to be transacted and will be accompanied by such reports as are available.

3. Who May Attend

3.1 Councillors who are not members of the Cabinet may attend meetings of the Cabinet including any part of such a meeting from which the public is excluded in accordance with the Access to Information Rules in Part 5 of this Constitution.

3.2 If the Cabinet is to consider a motion referred to it by the Council the proposer and seconder of that motion (if they are not members of the Cabinet) shall have the right to attend and explain the reasons for the motion.

3.3 If the Cabinet is to consider a matter referred to it under paragraph 9.6 below the Councillor proposing the item for consideration will be entitled to attend and address the Cabinet.

3.4 All non-members of the Cabinet may attend and speak to any item on the agenda for the meeting, having indicated to the Leader prior to the start of the meeting. The Chairman of the meeting will be responsible for how this is handled.

4. Exclusion of the Public

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 5 of this Constitution or Rule 12 below.

5. Chairmanship

The Leader will preside at the meeting. In his/her absence the Deputy Leader will preside. If both are absent those present will appoint a member of the Cabinet who is present to preside.

6. Quorum

6.1 The quorum for a meeting of the Cabinet will be 3.

6.2 The quorum for a meeting of a Cabinet committee shall be 2.

7. Advice from Officers

7.1 The Leader may invite officers to give advice at a meeting of the Cabinet or any Cabinet committee.

7.2 Whenever the Chief Executive, the Section 151 Officer or the Monitoring Officer considers it appropriate to give advice to the Cabinet they shall be at liberty to do so and the Cabinet shall hear such advice.

8. Business to be Conducted

At each meeting of the Cabinet the following business will be conducted:

a. consideration of the accuracy of the minutes of the last meeting;

b. declarations of interest;

c. matters referred to the Cabinet (whether by the Overview and Scrutiny Board or the Council) for reconsideration by the Cabinet in accordance with the Budget and Policy Framework Rules or the Overview and

Scrutiny Procedure Rules set out in Parts 10 and 12 of this Constitution;

d. consideration of minutes and/or reports from the Overview and Scrutiny Board;

e. consideration of minutes and/or reports from the Audit, Standards & Governance Committee;

f. when appropriate, consideration of the Leader's report from his/her quarterly meeting with the Chairman of the Overview and Scrutiny Board and the Audit, Standards & Governance Committee ;

g. consideration of reports from the Leader and/or Portfolio Holders of any decisions taken by them individually pursuant to Article 7.6 of the Constitution;

h. matters set out in the agenda for the meeting in accordance with paragraph 9 below.

9. Items for Consideration by the Cabinet

9.1 The Leader may put on the agenda of any Cabinet meeting any matter which he/she wishes whether or not it relates to a Cabinet function. The Chief Executive will comply with the Leader's requests in this respect.

9.2 Any member of the Cabinet may require the Chief Executive to place an item on the agenda of the next available Cabinet meeting for consideration.

9.3 The Council may require the Chief Executive to place on the agenda of the next available Cabinet meeting an item for consideration.

9.4 The Overview and Scrutiny Board may require the Chief Executive to place on the agenda of the next available Cabinet meeting an item for consideration.

9.5 The Audit, Standards & Governance Committee may require the Chief Executive to place on the agenda of the next available Cabinet meeting an item for consideration.

9.6 A Councillor (who is not a member of the Cabinet) may request the Leader to place an item on the agenda of the next available meeting of the Cabinet for consideration and the Leader will decide whether the item should be placed on the agenda. In exercising his/her discretion the Leader should not act unreasonably and, if refused, reasons for his decision must be given

in writing to the Councillor concerned. The Notice of the Meeting will give the name of the Councillor who requested the consideration of the item.

9.7 The Monitoring Officer and/or Section 151 Officer may include an item for consideration on the agenda of a meeting of the Cabinet and may require the Chief Executive to call such a meeting in pursuance of their statutory duties.

9.8 If any two of the Chief Executive, the Section 151 Officer and the Monitoring Officer are of the opinion that a meeting of the Cabinet needs to consider a matter that requires a decision they may jointly include an item on the agenda of the next available meeting of the Cabinet. If necessary, they may also require that a meeting of the Cabinet be specially convened for consideration of the matter.

9.9 The Chief Executive may place on the agenda of the next available meeting of the Cabinet an item to consider a report of a Chief Officer of the Council.

9.10 The Cabinet will consider all reports and recommendations presented by the Overview and Scrutiny Board and will provide the Board with a response.

9.11 An Overview and Scrutiny Board report which includes one or more proposals which would require a departure from the Budget and Policy Framework will be considered in the first instance by the Cabinet. The Cabinet will decide whether to recommend to the Council that those proposals be implemented. If the Cabinet decides not to recommend to Council that those proposals be implemented, its decision, together with the reasons for that decision, shall be reported back to the Board.

10. Urgent Items

When there is a need to consider items of urgent business which are not on the formal agenda the Councillor wishing to raise the same shall before the start of the meeting discuss the matter with the Leader, the Monitoring Officer and the Chief Executive, and their collective decision shall be conclusive. In the event that the decision required urgently is a Key Decision then the consultees shall also include those listed in Part 9 (Access to Information Rules relating to special urgency).

11. Voting

11.1 Any matter will be decided by a simple majority of those present in the room at the time the question was put.

11.2 If there are equal numbers of votes for and against, the Chairman of the meeting will have a second or casting vote.

11.3 Each item of business requiring a decision by the Cabinet will be moved and seconded before the vote is taken.

12. Disturbance by the Public

If a member of the public interrupts proceedings the Chairman of the meeting may warn the person concerned. If he/she continues to interrupt the Chairman of the meeting may order his/her removal from the meeting room.

13. Minutes

The Chairman of each meeting will sign the minutes of the proceedings as the next suitable meeting.

14. Publication of Cabinet Decisions

14.1 A decision made by the Cabinet, or a Key Decision made by an officer with delegated authority from the Cabinet or under joint arrangements, shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 3 working days of being made. All Councillors will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.

14.2 That notice (which may take the form of the minutes of a meeting of the Cabinet) will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless the Chairman of the Overview and Scrutiny Board or three members of the Overview and Scrutiny Board or five members of the Council who are not on the Cabinet object to it and calls it in.

15. Exclusion of the Call-In Process

15.1 The call-in procedure set out in the Overview and Scrutiny Procedure Rules in Part 8 of this Constitution shall not apply where the decision being taken by the Cabinet, or a Key Decision made by an officer with delegated authority from the Cabinet, or under joint arrangements, is urgent.

15.2 A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests.

15.3 The record of the decision and notice by which it is made public shall state whether in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call-in**.** The Chairman of the Overview and Scrutiny Board must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairman of the Overview and Scrutiny Board, the Vice-Chairman's consent shall be required. In the absence of both, the Chief Executive or his/her nominee's consent shall be required.

15.4 Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

OVERVIEW AND SCRUTINY PROCEDURE RULES

1. Arrangements for Overview and Scrutiny

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

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.

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. 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

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.

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 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 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 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 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 organsations;

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.

8. Procedure at Overview and Scrutiny Board 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 Chairman 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;

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

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

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

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

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 programme permits, to requests to review particular areas of Council activity from the Council, the Cabinet or the Leader.

10. Rights of Board members to documents

10.1 In addition to their rights as Councillors, members of the Overview and Scrutiny Board have the additional right to documents and to notice of meetings as set out in the Access to Information Procedure Rules in part 9 of the Constitution.

10.2 Nothing in this paragraph prevents more detailed liaison between the Cabinet and/or the Overview and Scrutiny Board as appropriate depending on the particular matter under consideration.

11. Policy review and development

11.1 The role of the Overview and Scrutiny Board in relation to the development of the Council's Budget and Policy Framework is set out in detail in the Budget and Policy Framework Procedure Rules in Part 10 of the Constitution.

11.2 In relation to the development of the Council's approach to other matters not forming part of its Budget and Policy Framework, the Overview and Scrutiny Board may make proposals to Cabinet for developments in so far as they relate to matters within their terms of reference.

11.3 The Overview and Scrutiny Board and any Task Group may:

a. hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process;

b. conduct site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations;

c. ask witnesses to attend to address them on any matter under consideration;

d. pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so, provided that the budget set by the Council each year for such purposes is not exceeded.

12. Members and officers giving account

12.1 The Overview and Scrutiny Board or a Task Group may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Cabinet, the Chief Executive and/or any senior officer to attend before it to explain in relation to matters within their remit:

a. any particular decision or series of decisions;

b. the extent to which the actions taken implement Council policy; and/or

c. his/her performance

and it is the duty of those persons to attend if so required.

12.2 If any Councillor or officer is required to attend meetings of the Overview and Scrutiny Board, or a Task Group under this provision, the Councillor or officer will be given reasonable notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Overview and Scrutiny Board or Task Group. Where the account to be given to the Overview and Scrutiny Board will require the production of a report, then the Councillor or officer concerned will be given sufficient notice to allow for preparation of that documentation.

12.3 If the Councillor or officer is unable to attend on the required date, the Overview and Scrutiny Board or Task Group shall in consultation with the Councillor or officer arrange an alternative date for attendance.

13. Attendance by others

13.1 The Overview and Scrutiny Board and/or Task Groups may invite people other than those people referred to in paragraph 12 above to attend a meeting to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend. The person invited will be given reasonable notice and the notice will state the nature of the item on which he/she is invited to attend and whether any papers are requested.

13.2 If the Overview and Scrutiny Board is to consider a motion referred to it by the Council meeting, the proposer and seconder of the motion shall (if they are not members of the Overview and Scrutiny Board) have the right to attend the relevant meeting and to explain the reasons for their motion, although they may not propose, second or vote on recommendations by the Overview and Scrutiny Board which arise from that motion.

13.3 If the Overview and Scrutiny Board or a Task Group invites a person to address a meeting or to give evidence, the following principles will be observed:

a. the investigation will be conducted fairly and all members of the Overview and Scrutiny Board or Task Group will be given the opportunity to ask questions of attendees, and to contribute and speak;

b. those assisting the Overview and Scrutiny Board or Task Group by giving evidence will be treated with respect and courtesy; and

c. the investigation will be conducted so as to maximise the efficiency of the investigation or analysis.

14. Reports from the Overview and Scrutiny Board

14.1 Once it has formed recommendations on proposals for development, the Overview and Scrutiny Board will make its report and findings public and will submit a formal report to the Chief Executive for consideration by the Cabinet.

14.2 If the Overview and Scrutiny Board cannot agree on one single final report to the Council or Cabinet as appropriate, then no more than one minority report may be prepared and submitted for consideration by the Council or Cabinet with the majority report.

14.3 The Cabinet shall consider the report of the Overview and Scrutiny Board within two months of it being submitted to the Chief Executive and shall issue a formal response to the report.

15. Consideration of Overview and Scrutiny Board Reports by the Cabinet

15.1 The agenda for Cabinet meetings shall include an item to consider minutes and/or reports from the Overview and Scrutiny Board and reports of the Overview and Scrutiny Board referred to the Cabinet shall be included at this point in the agenda (unless they have been considered in the context of the Cabinet's deliberations on a substantive item on the agenda) within two months of the Overview and Scrutiny Board completing its report/recommendations.

15.2 The Cabinet will consider all reports and recommendations presented by the Overview and Scrutiny Board and will provide the Overview and Scrutiny Board with a response.

15.3 A Overview and Scrutiny Board report which includes one or more proposals which would require a departure from the Budget and Policy Framework will be considered in the first instance by the Cabinet. The Cabinet will decide whether to recommend to the Council that those proposals be implemented. If the Cabinet decides not to recommend to Council that those proposals be implemented, its decision, together with the reasons for that decision, shall be reported back to the Overview and Scrutiny Board. The Overview and Scrutiny Board may then request the Chief Executive to place an item on the next available meeting of the Council to enable the Council to consider those proposals.

15.4 Once a report has been considered by the Cabinet and/or Council, and any questions or issues raised by the Cabinet and/or Council have been resolved, the Overview and Scrutiny Board will disband any Task Group appointed in connection with the preparation of that report.

16. Review of Overview and Scrutiny Board Reports

The Overview and Scrutiny Board will review implementation of recommendations made in any report not sooner than 12 months after consideration of its report by the Cabinet.

17. Call-in

17.1 Call-in should only be used in exceptional circumstances when members of the Overview and Scrutiny Board have evidence which suggests that the Cabinet did not take a decision in accordance with the principles of Decision Making in Article 13. Those principles are:-

a. proportionality (i.e. the action must be proportionate to the proposed outcome);

b. due consultation and the taking of professional advice from officers;

c. respect for human rights;

d. a presumption in favour of openness;

e. clarity of aims and desired outcomes;

f. due regard for the Council's environmental objectives;

g. due regard for the Council's duties in relation to crime and disorder;

h. clear explanations of the options considered and the reasons for the decision reached.

17.2 When a decision is made by the Cabinet, or a key decision is made by an officer with delegated authority from the Cabinet, or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 3 working days of being made. All members of the Council will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.

17.3 That decision (which may take the form of the minutes of a meeting of the Cabinet) will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless the decision is the subject of a valid request for call-in.

17.4 A valid request is required to initiate call-in a decision referred to at 17.3 above. The request must be in writing addressed to the Monitoring Officer on the approved form (at Appendix B) giving the reasons for the request for call-in and must be:-

- signed by the Chairman of the Overview and Scrutiny Board; or
- signed by any other 3 members of the Overview and Scrutiny Board; or
- signed by any 5 members of the Council who are not members of the Cabinet

and in any case must:-

- state the reason(s) for the call-in; and
- be delivered to the Monitoring Officer by hand, post or email, within 5 clear working days of the publication of the decision.

The decision on whether the call-in is valid will be taken by the Monitoring Officer following consultation with the Chairman of the Overview and Scrutiny Board. The final decision shall rest with the Monitoring Officer. If the Monitoring Officer decides the call-in is valid the Monitoring Officer will notify the Chief Executive, who will notify the decision-taker of the request for call-in.

17.5 Implementation of the decision which is the subject of the call-in will be suspended from the date of receipt of the request for call-in pending consideration by the Overview and Scrutiny Board.

17.6 The call-in will be considered by the Overview and Scrutiny Board at either:

a. the next scheduled meeting of the Overview and Scrutiny Board; or

b. a special meeting of the Overview and Scrutiny Board to be convened by the Chief Executive within 10 working days of receipt of the request to call-in, or such other date as may be agreed by the Chief Executive in consultation with the author of the call-in and the Chairman of the Overview and Scrutiny Board.

17.7 The Overview and Scrutiny Board will determine the call-in in such manner as it considers appropriate but in any event expeditiously and within a maximum of 20 working days from the date of the meeting at which the call-in is first considered by the Overview and Scrutiny Board. If more detailed evidence or consideration of the issues is required to determine the call-in, the Overview and Scrutiny Board may during that period hold one or more additional meetings to determine the call-in.

17.8 The Overview and Scrutiny Board may require the relevant Cabinet member with responsibility or another member of the Cabinet, if appropriate, to attend any meeting and explain the decision taken by Cabinet.

17.9 Having considered the decision subject to the call-in the Overview and Scrutiny Board will either:

a. accept the decision without qualification or comment; or

b. require reconsideration of the decision setting out its reasons in a report; or

c. in exceptional circumstances refer the decision to the Council to consider whether the decision should be accepted without qualification or comment or reconsidered.

17.10 Exceptional circumstances referred to in paragraph 17.9c include, but are not limited to, decisions which the Overview and Scrutiny Board considers:-

a. the Cabinet cannot in law take; or

b. is reserved to the Council; or

c. is contrary or not wholly in accordance with the Budget and Policy Framework.

17.11 If the Overview and Scrutiny Board accepts the decision without qualification or comment under paragraph 17.9a the decision may be implemented with immediate effect.

17.12 If the Overview and Scrutiny Board refers the decision to the Cabinet for reconsideration under paragraph 17.9b implementation of the decision is deferred pending the meeting of the Cabinet at which it is reconsidered.

17.13 If the Overview and Scrutiny Board refers the decision to the Council under paragraph 17.9c implementation of the decision is deferred pending the meeting of the Council at which it is considered. If the Council decides to request the Cabinet to reconsider the decision, implementation of the decision remains deferred until the Cabinet has reconsidered the matter.

17.14 Any report of the Overview and Scrutiny Board or Council pursuant to paragraph 17.9b or c will be submitted to the Cabinet which will consider that report within 10 working days and either:-

a. confirm the decision without modification; or

b. confirm the decision with modification; or

c. rescind the decision and if considered appropriate take a new one.

In each case the Cabinet must give reasons for its decision. The decision

taken by the Cabinet following consideration of the report of the Overview and Scrutiny Board or Council on the call-in is final.

17.15 The Chairman or Vice-Chairman of the Overview and Scrutiny Board may attend any meeting of the Cabinet at which a report of the Overview and Scrutiny Board is being considered and may speak but not vote.

17.16 Any decision may be called in only once in respect any decision.

17.17 The call-in procedure shall not apply where the decision being taken by the Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the interest of either the Council or public. The record of the decision and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in*.* The Chairman of the Overview and Scrutiny Board must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairman of the Overview and Scrutiny Board, the Vice-Chairman's consent shall be required. In the absence of both, the Chief Executive or his/her nominees' consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

17.18 The operation of the provisions relating to call-in and urgency shall be monitored annually by the Overview and Scrutiny Board, and a report submitted to Council with proposals for review if necessary.

18. The party whip

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 Board's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

19. Petitions

All petitions shall be dealt with in accordance with the Council's Petition Protocol.

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AUDIT, STANDARDS AND GOVERNANCE COMMITTEE PROCEDURE RULES

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.

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.

2. Terms of Reference

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

1. Stewardship and Audit

   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

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.

a. 2. Annual statement of accounts/ recommendations to CouncilTo consider and approve the Council's annual statement of account.

b. To review the annual strategy, treasury management policy and procedures and make recommendations to Council.

3. Appointment of External Auditors

a. 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.

4. Standards

a. Promote and maintain high standards of conduct by Councillors and any co-opted members of Council bodies.

b. Assist Councillors and co-opted members to observe the Members' Code of Conduct.

c. Advise the Council on the adoption or revision of the Members' Code of Conduct.

d. Monitor the operation of the Members' Code of Conduct.

e. Advise, train or arrange to train Councillors and co-opted members on matters relating to the Members' Code of Conduct.

f. Formulate advice for Members and officers on declarations of gifts and hospitality and monitor and review the arrangements for recording interests, gifts and hospitality.

g. Grant dispensations to Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct.

h. 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.

i. 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.

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

k. Monitor and review the operation of the Protocol on Member-Member relations.

2.2 Within those terms of reference, the Audit, Standards and Governance Audit 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 financialprocess/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 specialinvestigations 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

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.

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

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.

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.

3. Composition

3.1 The Audit, Standards and Governance Committee will comprise 11 Councillors. All Councillors except members of the Cabinet may be members of the Audit, Standards and Governance Committee.

3.2 The Portfolio Holder with responsibility for finance shall be expected to attend each meeting of the Audit, Standards and Governance Committee. He/she may participate in the meeting but may not vote.

4 Co-optees

4.1 The Audit, Standards and Governance Committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees of the Committee.

4.2 The Audit, Standards and Governance Committee will include among its membership 2 Parish Representatives, who may not also be District Councillors.

5 Chairman

5.1 At its first meeting following the Annual Council Meeting the Audit and, Governance Committee will:

a. appoint one of its members as Chairman; and

b. appoint one of its members as Vice-Chairman.

6 Meetings of the Audit, Standards and Governance Committee

6.1 There shall be at least 4 ordinary meetings of the Audit, Standards and

Governance Committee in each year.

6.2 Extraordinary meetings may be called from time to time as and when appropriate.

6.3 A meeting of the Audit, Standards and Governance Committee may be called by the Chairman of the Committee, by any 4 members of the Audit, Standards and Governance Committee or by the Chief Executive or Monitoring Officer if he/she considers it necessary or appropriate.

6.4 Where a Member of the Audit, Standards and Governance Committee is unable to attend a meeting of the Committee a substitute may attend in his or her place. -

7 Quorum

The quorum for a meeting of the Audit, Standards and Governance Committee shall be 5 voting members.

8 Attendance of officers at meetings

8.1 The Section 151 Officer or his/her deputy shall be expected to attend each meeting of the Audit, Standards and Governance Committee.

8.2 The Monitoring Officer or his/her deputy shall be expected to attend each meeting of the Audit, Standards and Governance Committee.

8.3 The Audit Services Manager or his/her deputy shall be expected to attend each meeting of the Audit, Standards and Governance Committee.

9 Participation in Meetings

No member of the Audit, Standards and Governance Committee may be involved in the consideration of a decision in which he/she has been directly involved. If any member of the Audit, Standards and Governance Committee finds that a decision in which he/she has been directly involved is to be considered, he/she shall declare the fact to the Committee and take no part in the discussion and voting in the part of the meeting which relates to that decision.

10 Work Programme

10.1 The Audit, Standards and Governance Committee will be responsible for setting its own work programme and in doing so shall take into account of:

a. the views of members of the Audit, Standards and Governance Committee who are not members of the largest political group on the Council;

b. suggestions of matters for consideration made by the Cabinet;

c. suggestions of matters for consideration made by the Council;

d. the views of the Auditor Panel regarding the maintenance of an independent relationship with the local auditor appointed to audit the Council's accounts.

11 Procedure at Audit, Standards and Governance Committee meetings

The Audit, Standards and Governance Committee shall at each meeting consider the following business:

a. consideration of the accuracy of the minutes of the last meeting;

b. declarations of interest;

c. responses of the Cabinet to reports of the Audit, Standards and Governance Committee; and

d. matters set out on the agenda for the meeting in accordance with paragraph 12 below.

12 Agenda items

12.1 Any member of the Audit, Standards and Governance Committee shall be entitled to give notice to the Section 151 Officer or Monitoring Officer that he/she wishes an item relevant to the functions of the Audit, Standards and Governance Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request the Section 151 Officer or Monitoring Officer will ensure that it is included on the next available agenda.

12.2 Where a matter is referred to the Audit, Standards and Governance Committee by the Council, it shall be considered at either the first or second ordinary meeting of the Committee following the referral.

12.3 The Audit, Standards and Governance Committee shall also respond, as soon as its work programme permits, to requests from the Council or the Cabinet to review particular areas of Council activity. The Audit, Standards and Governance Committee shall report its findings and any recommendations back to Council or Cabinet (as appropriate).

13 Investigations and Enquiries

The Audit, Standards and Governance Committee may

a. hold enquiries and investigate the available options for the future direction of Internal Audit and may appoint advisers and assessors to assist them in this process;

b. conduct site visits, conduct public surveys, hold public meetings, commission research and do all other things that it reasonably considers necessary to inform the Audit, Standards and Governance Committee in its deliberations;

c. invite witnesses to attend to address the Audit, Standards and Governance Committee on any matter under consideration;

d. pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so, provided that any budget set by the Council each year for such purposes is not exceeded.

14 Members and officers giving account

14.1 The Audit, Standards and Governance Committee may review internal control mechanisms and systems that exist in any Council department. As well as reviewing documentation, in fulfilling its terms of reference, it may require any member of the Cabinet, the Chief Executive and/or any senior officer to attend before it to explain in relation to matters within their remit:

a. any particular decision or series of decisions;

b. the extent to which the actions taken implement Council policy; and/or

c. his/her performance

and it is the duty of those persons to attend if so required.

14.2 If any Councillor or officer is required to attend meetings of the Audit, Standards and Governance Committee under this provision, the Councillor or officer will be given reasonable notice in writing of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Audit, Standards and Governance Committee. Where the account to be given to the Audit, Standards and Governance Committee will require the production of a report, then the Councillor or officer concerned will be given sufficient notice to allow for preparation of that documentation

14.3 If the Councillor or officer is unable to attend on the required date, the Audit, Standards and Governance Committee shall in consultation with the Councillor or officer arrange an alternative date for attendance.

15 Attendance by others

15.1 The Audit, Standards and Governance Committee may invite people other than those people referred to in paragraph 14 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend. The person invited will be given reasonable notice and the notice will state the nature of the item on which he/she is invited to attend and whether any papers are requested.

15.2 If the Audit, Standards and Governance Committee is to consider a motion referred to it by the Council meeting, the proposer and seconder of the motion shall (if they are not members of the Audit, Standards and Governance Committee) have the right to attend the relevant meeting and to explain the reasons for their motion, although they may not propose, second or vote on recommendations by the Committee which arise from that motion.

15.3 If the Audit, Standards and Governance Committee invites a person to address a meeting or to give evidence, the following principles will be observed:

a. the investigation will be conducted fairly and all members of the Audit, Standards and Governance Committee will be given the opportunity to ask questions of attendees, and to contribute and speak;

b. those assisting the Audit, Standards and Governance Committee by giving evidence will be treated with respect and courtesy; and

c. the investigation will be conducted so as to maximise the efficiency of the investigation or analysis.

16 Reports from Audit, Standards and Governance Committee

16.1 Once it has formed recommendations on proposals for development, the Audit, Standards and Governance Committee will make its findings public and will report to the Cabinet.

16.2 The Audit, Standards and Governance Committee may report directly to full Council where the Section 151 Officer, the Monitoring Officer and/or Internal Audit Shared Services Manager advises the Audit, Standards and Governance Committee that it is appropriate to do so.

16.3 If the Audit, Standards and Governance Committee cannot agree on one single final report to the Council or Cabinet as appropriate, then no more than one minority report may be prepared and submitted for consideration by the Council

or Cabinet with the majority report.

16.4 The Council or the Cabinet shall consider the report of the Audit, Standards and Governance Committee within two months of it being submitted.

17 Consideration of Audit, Standards and Governance Committee Reports by the Cabinet

The agenda for Cabinet meetings shall include an item at which minutes and/or reports of the Audit, Standards and Governance Committee will be considered. The minutes and/or reports of the Audit, Standards and Governance Committee referred to the Cabinet shall be included at this point in the agenda (unless they have been considered in the context of the Cabinet's deliberations on a substantive item on the agenda).

18 The party whip

The party whip must not be applied at Audit, Standards and Governance Committee meetings.

19 Finance.

The Audit, Standards and Governance Committee may exercise overall responsibility for any finances made available to it.

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

2.1 The time and place of Planning Committee meetings will be determined by the Chief Executive and notified in the agenda.

3. Composition of the Planning Committee

3.1 The Planning Committee will comprise 11 Councillors.

3.2 Article 8.4 of the Articles at Part 2 of this Constitution applies to the Planning Committee.

3.3 Members of the Planning Committee who cannot attend a particular meeting may arrange for a substitute to attend in his or her place provided that they have completed the appropriate training.

3.4 The Leader of the Council cannot be a member of the Planning Committee and cannot sit as a substitute on the Planning Committee.

4. Chairman

4.1 The Planning Committee will appoint one of its members as Chairman at its first meeting following the Annual Council Meeting.

4.2 The Chairman of the Planning Committee cannot be a member of the Cabinet.

5. Quorum

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

6. Application of Council Procedure Rules

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

7 Procedure for Determining Applications for Planning Permission

7.1 An officer will present the report of the Head of Planning, 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 Assistant Director Planning Leisure and Culture 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 Assistant Director Planning Leisure and Culture 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 Assistant Director Planning Leisure and Culture Services or an alternative recommendation.

8. Public Speaking at Planning Committee

8.1 The Council has 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. For the avoidance of doubt the rules around public speaking include the ability to speak either for or against in relation to matters concerning Tree Preservation Orders ("TPOs") that come before Planning Committee.

8.2 The four classes of speaker who may exercise the opportunity to speak publicly at Planning Committee are:

a. objector (or agent/ spokesperson on behalf of objectors);
b. applicant, or their agent (or supporter);
c. Parish Council representative (if applicable);
d. 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 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 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 to 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 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.

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.

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.

8.8 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.

8.9 . 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.

8.10 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.

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

9.1 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 the earliest stage.

10 Procedure for referral of planning applications to Planning Committee

Although previously Members had an ability to ask for planning applications to be “called-in” to Planning Committee to be determined, under the provisions of the “National Scheme of Delegations” this is no longer possible. The Town and Country (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (“the regulations”) which come into force on 01 November 2026 impose new rules regarding the allocation of planning applications as between delegated officer decisions and decisions taken by Members sitting on Planning Committee.

The regulations provide that certain applications can only be decided by officers under delegated powers. These are generally Scheule 1 applications. There is a separate list of applications, known as Schedule 2 applications, which may be decided either by officers under delegated powers or by Planning Committee. The regulations and guidance make clear that for Schedule 2 applications there is a presumption that decisions

will be made under delegated powers by officers unless certain tests are met.

The tests are known as the “Gateway Test” and the regulations state that a Schedule 2 application should only be referred to Planning Committee if the application raises: -

- One or more issues of economic, social or environmental significance to the local area (Ground A); or

- One or more significant planning matters having regard to the development plan and any other material considerations (Ground B),

It is for individual Local Planning Authorities to make arrangements to ensure that Schedule 2 applications are filtered into those applications that will be decided under delegated powers and those that will be referred to Planning Committee. The arrangements that will apply for Bromsgrove District Council are set out in Appendix 1 to these committee procedure rules and in the relevant sections of the Scheme of Delegations.

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Planning Committee Procedure Rules – Appendix 1

The Town and Country (Discharge of Local Planning Authority Functions) (England) Regulations 2026

Arrangements for the National Scheme of Delegations

Background

1. This Appendix sets out the arrangements that the Council has adopted in order to implement the provisions of the new National Scheme of Delegations ("the new scheme"). The relevant regulations are the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 ("the regulations"). Guidance for Local Authorities is set out in the Planning Committees and the National Scheme of Delegations of Planning Functions: Guidance for Local Planning Authorities in England ("the guidance").

2. Alongside this Appendix, further provisions relating to the National Scheme of Delegations are set out in the constitution in the following sections: -

Part Number	Document	Detail
6.9	Scheme of Delegations – Planning - section for Development Management	Changes for development management decisions
6.5	Scheme of Delegations - Environment - trees	Changes for decisions for works to trees under regulation 16.1 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012
24	Planning Code of Practice	Updated for new scheme of delegations and own-interest applications

3. Under the Regulations planning applications are divided into Schedule 1 and Schedule 2 depending on type, scale and complexity of the application.

Schedule 1 applications	**Schedule 2 applications**

Must be delegated to officers	**Presumption of delegation to officers unless certain conditions are met by applying what is known as the Gateway Test.**
Examples: householder, minor residential, minor commercial, discharge of conditions, prior approval	*Examples: major applications, listed building consent matters, reserved matters applications for large scale permissions*

4. From 31st October 2026 the two categories will form the basis of the Scheme of Delegations for planning applications for all Local Planning Authorities in England. It is mandatory that the Council adopt and comply the new scheme; failure to comply may give rise to legal challenges being brought against the Council by way of judicial review.

5. Under the new scheme, the ability of Members to "call-in" planning applications in their wards will cease to apply. The new arrangements will also abolish any other previous trigger points for referral to Planning Committee such as the number of objections received.

6. Applications will be determined as follows: -

By Planning Committee

- Schedule 2 applications which meet the Gateway Test
- Own-interest applications

By officers under delegated powers

- All Schedule 1 applications
- Schedule 2 applications which do not meet the Gateway Test

<u>Regulation 3 – Nominated Members and Nominated Officers</u>

7. The Council has made arrangements for the position of "nominated member" to be held by the Chairman of Planning Committee or in his/her absence the Vice Chairman. See Scheme of Delegations part xx

8. The Council has made arrangements for the position of "nominated officer" to be held by the Assistant Director of Planning, Leisure and Culture Services or in her absence a nominated deputy. See Scheme of Delegations part xx

9. The nominated member and the nominated officer are new positions created under the regulations. The holders of these positions will carry out the function of assessing whether or not Schedule 2 planning applications meet the conditions set out in the Gateway Test. Where the conditions are met the application will be referred to Planning Committee to be determined. Where the test is not met the application will be decided by officers under delegated powers.

Regulation 4 – Applications that must be determined by an officer

10. Schedule 1 applications must be decided by officers under delegated powers. The Council has made arrangements for this in the Scheme of Delegations for Development Management and a copy of Schedule 1 is included as an Appendix in the Scheme of Delegations.

Regulation 5 - Applications that may be determined by a committee or by an officer

11. Schedule 2 applications may be determined either by officers under delegated powers or by committee.

12. There is a presumption in favour of all Schedule 2 applications being delegated to officers. However, if certain conditions apply there may be cases where it is appropriate for applications to be decided by Planning Committee.

13. Under regulation 5 (3) a planning application should only be referred to planning committee if the proposal raises:
    - Ground A - one or more issues of economic, social or environmental significance to the local area, or
    - Ground B - one of more significant planning matters having regard to the development plan and any other material considerations.

    This is known as the Gateway Test.

14. As noted at paragraph 9, the task of assessing which Schedule 2 applications should be referred to Planning Committee, or in other words applying the Gateway Test, falls to the nominated member and the nominated officer.

Exceptions to Schedule 2 process for matters previously decided under delegated powers

15. The regulations and guidance recognise that some local planning authorities already operate under well thought out Schemes of Delegation that provide for a large percentage of routine matters to be decided by officers under delegated

powers. This is regarded as good practice as it allows Planning Committee to concentrate on deciding the most complex and high profile planning applications.

16. To enable authorities already exercising good levels of delegation to continue to do so, the new scheme recognises that not all planning applications included in Schedule 2 need to be referred to the Gateway Test. This is particularly the case for types of applications that the government has placed into Category 2 that were traditionally decided by officers under delegated powers.[1]

17. The version of the Scheme of Delegations adopted by the Council for Scheule 2 applications therefore directs that applications previously decided by officers under the old scheme of delegations may continue to be decided by officers without the need for referral to the Gateway Test. In circumstances where the applications would previously have been referred to Planning Committee under the old scheme of delegations, then the Gateway Test will be applied to assess whether grounds exist for those matters to be referred to Planning Committee or whether they are suitable to be decided by officers under delegated powers.

Regulation 6 – Own-interest Applications

18. Separate provision is made in the Regulations for the determination of planning applications made by either the Council or by officers or members. These are referred to as “own-interest” applications.

19. The definition in regulation 6(1) covers applications of a type specified in Schedule 1 or Schedule 2 made by the local authority, by members of the local authority and by officers of the local authority.

20. Additionally, under Regulation 6 (1)(b) the nominated officer and nominated member may take the view that where the authority, or any of its members or officers “otherwise” has an interest in an application, then that application must also be treated as an own-interest application. For example, this may cover an application made by a close relative of an officer or a member.

21. Under Regulation 6 (4) the nominated officer and nominated member may decide to refer an own-interest applications to committee. In any situation where a referral to committee is not made then by default the application will be determined by officers.

[1] Guidance for Local Authorities is set out in the Planning Committees and the National Scheme of Delegations of Planning Functions: Guidance for Local Planning Authorities in England – para 13

22. Whilst the guidance indicates that there is discretion for own-interest applications to be decided by officers under delegated powers, officers are proposing that for reasons of openness and transparency own-interest applications should in the majority of cases be decided by committee. This will represent a continuation of the existing practice and be in compliance with the Planning Code of Practice. The specific parts of the Planning Code of Practice that link to own-interest applications are paragraphs 10.6 (applications by serving members), 10.9 (applications by serving officers) and 10.10 (applications made by the Council).

23. There may occasionally be exceptions to the presumption in favour of determination by planning committee when the nominated officer and nominated member may form the view that a minor or technical matter would be appropriate to be decided by officers under delegated powers.

Practical arrangements to implement the regulations

24. The following process will apply: -

24.1 Applications will be categorised by officers upon validation into one of the following categories: -

- Schedule 1 applications - for delegated decision
- Schedule 2 applications – identified in the Constitution for delegated decision
- Schedule 2 applications – for referral to the Gateway Test
- Own-interest applications

24.2 The nominated officer and the nominated member will meet no less than once a month to review Schedule 2 applications for referral to the Gateway Test. This will be known as the Gateway Meeting.

24.3 Officers will prepare a case summary for applications being considered at the Gateway Meeting to indicate whether in their view the application raises issues under either Ground A or Ground B.

24.4 Ward members who wish to make planning related comments or representations that a Schedule 2 application should be referred to Planning Committee may submit written representations to the Assistant Director of Planning, Leisure and Culture Services as set out below: -

Stage of process	Action	Time limit
Stage 1 and Stage 2– Application, Validation and Initial Consultation	Ward Members may make written representations for	Written representations must be received within 21

	consideration through the Gateway process using the Gateway Submission Form. Any submission received will be placed on the planning application file and made available through Public Access.	days of the Ward member having been notified of the application.
Stage 4 and Stage 5 Application Ready for Determination / Second Ward Member Consultation	Ward Members will be notified by the case officers when all material planning considerations have been adequately assessed, and the application is ready for determination. The Ward Member will have a further opportunity to submit comments or to amend, supplement or reaffirm any previous Gateway submission. Any submission received will be added to the planning application file and published through Public Access.	Written representations must be received within 14 days of the case officer's notification.

24.5 Written representations for consideration at the Gateway Meeting must address the criteria in Ground A and Ground B.

24.6 The decision of the nominated officer and nominated member on allocation of a Schedule 2 application under the Gateway Test will be final. The aim will be for a consensus to be reached but in any cases where this is not possible the application must be determined by an officer of the authority.[2]

24.7 Officers will keep a written record of decisions made under the Gateway Test. A schedule of decisions made will be available to view online and be reported back to members of Planning Committee on a regular basis.

24.8 The Gateway Meeting will also consider any new own-interest applications that have been made, regardless of whether these fall into Schedule 1 or Schedule 2. The nominated officer and the nominated member may agree to refer such applications to committee.

[2] Regulation 5 (2)

24.9 As noted in paragraphs 22 above, and for reasons of openness and transparency, there will be a presumption in favour of referral to committee for own-interest applications.

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Section 1 - Financial Procedure Rules

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PART A FINANCIAL REGULATION POLICY (1.0)

Background

1.1 Section 151 of the Local Government Act 1972 *requires that "Every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their Officers has responsibility for the administration of those affairs".*

1.2 The person with overall responsibility for Bromsgrove District Council financial affairs under the act is the Chief Financial Officer (CFO) or Section 151 Officer. Bromsgrove District Council uses the Chartered Institute of Public Finance (CIPFA) guidance in defining the role of their Section 151 Officer:

- is a key member of the leadership team, helping it to develop and implement strategy and to resource and deliver the authority's strategic objectives sustainably and in the public interest;
- must be actively involved in, and able to bring influence to bear on, all material business decisions to ensure immediate and longer-term implications, opportunities and risks are fully considered, and alignment with the authority's financial strategy; and
- must lead the promotion and delivery by the whole authority of good financial management so that public money is safeguarded at all times and used appropriately, economically, efficiently and effectively.

1.3 To deliver these responsibilities the Section 151 Officer:

- must lead and direct a finance function that is resourced to be fit for purpose; and
- must be professionally qualified and suitably experienced and adhere to ethical standards, ensuring compliance with legislation and codes of practice.

1.4 In accordance with the provisions set out in the Local Government Finance Act 1988 the Section 151 Officer has appointed a Deputy to act if they are unable to due to absence or illness.

1.5 The Financial Procedure Rules consist of this policy, the Financial Regulations and the Financial Guidance and apply to every Member and Officer of the Council and anyone acting on its behalf.

Purpose

1.6 The purpose of the Financial Procedures Rules are:

- Promote best value and improve service delivery;
- Set out procedures for employees and members to meet the Council's expected standards;
- Demonstrate that controls are in place.

PART B FINANCIAL REGULATIONS (2.0)

2.1 All Members and Officers must comply with these Financial Procedure Rules at all times as applicable.

2.2 All Members and Officers must at all times when engaged on Council activities act in the interest of the Council.

2.3 All activities must comply with legislation, approved service plans and other Council policies or procedure documents.

2.4 All activities must seek to achieve value for money.

2.5 Managers must ensure that there are controls in place for every system under their management.

2.6 Adequate records must be kept for all transactions in all systems.

2.7 Members and Officers have a general responsibility for taking reasonable action to provide for the security of assets under their control and for ensuring that the use of these resources is legal, properly authorised, provide value for money and achieves best value.

2.8 The Chief Executive, Directors, Auditors and other Officers designated by them must have unrestricted access to all assets and records held on behalf of the Council.

2.9 Members, Officers and others acting on behalf of the Council are required to have proper regard to the advice and guidance issued by the Section 151 Officer on the Financial Procedure Rules.

2.10 Every report to Members require approval by the Section 151 Officer, or a nominee designated by the Section 151 Officer, setting out the financial implications of the recommendation(s) proposed.

2.11 The Council's expectation of propriety and accountability is that Members and Officers at all levels shall lead by example in ensuring adherence to financial and legal requirements, rules, procedures and practices.

2.12 Members and Officers at all levels shall act in accordance with the Council's anti-fraud and anti-corruption policies.

2.13 The Council also expects that individuals and organisations (e.g. suppliers, contractors, service providers) that it comes into contact with, shall act towards the Council with integrity and without thought or actions involving fraud or corruption and to ensure this will seek to include appropriate contractual provision and include provision in its tendering specifications wherever possible.

2.14 The Council's Scheme of Delegation is the formal record of delegation of financial decision making. This is available in Part 6 of the Constitution.

2.15 These rules will be formally reviewed every five years. The revised rules will be considered by Councillors before reporting to Council for approval. In the meantime, if material changes make a review of the Rules necessary, this must be subject of a report by the Section 151 Officer.

2.16 Should an instance of non-compliance with these rules be discovered, the Section 151 Officer will, after consultation with the Chief Executive, make a report to the Leader, Full Council and / or Cabinet, as appropriate. Non-compliance with financial rules may also lead to disciplinary action being taken.

2.17 Any departure from these Financial Procedure Rules may only be made with the prior written approval of the Section 151 Officer. All requests must set out the rule to be departed from, the reason for the request, the risks and the proposed mitigating controls. All dispensations shall be recorded and reported to Audit, Standards and Governance Committee as appropriate.

PART C FINANCIAL GUIDANCE

3. Emergency decisions

3.1 In accordance with the Council's Scheme of Delegation to Officers and the Contract Procedure Rules, the Chief Executive and in his/her absence the S151 Officer/Monitoring Officer or Executive Director, are empowered to take all necessary decisions in cases of emergency.

3.2 Any decisions made under the 'emergency decision' arrangements shall be reported to Cabinet and Council.

3.3 Nothing in these finance procedure rules shall prevent expenditure required to meet immediate needs caused by a sudden emergency to which the Civil Contingencies Act 2004 applies, provided that such expenditure shall be reported as soon as possible to the appropriate Cabinet member and the Cabinet and subsequently Council.

4.0 Income charging policy.

4.1 Local authorities have a wide discretion to levy charges for services. Where charges can be set at the discretion of the Council, Assistant Directors must comply with the income and charging principles, including:

a) The Council must aim to charge for all services where it is appropriate to do so, unless there are conflicting policies or legal reasons not to do so.

b) The Council must (subject to market conditions) aim to maximise income from fees and charges by ensuring that the full cost of provision and enforcement is recovered, unless there are contrary policies, legal or contractual reasons. Where the Council continues to subsidise the cost of services provided to customers, the level of subsidy must be clearly understood by the Service along with the impact on residents and partners.

c) Decisions to subsidise services, or to not make a charge for a service must be clearly linked to Council objectives, and the potential income that is not earned

must be a consideration in the decision. Cabinet is responsible for setting of fees and charges for services as part of the annual budget setting process. Any changes to fees and charges during the year will need to be approved by Council.

d) Any concessionary scheme must be based on ability to pay and be applied in a consistent and transparent approach across all Council services.

e) Where appropriate annual inflationary uplifts will be applied through the budget setting process, this will be agreed by Members as part of the budget setting process.

5.0 Income collection

5.1 The Section 151 Officer shall agree arrangements for the collection of all income and approve procedures and systems. In order to achieve this, the following controls must be followed:

a) All income due to the Council is identified, charged correctly and billed promptly.

b) All money received by an employee on behalf of the Council is paid without delay to the Section 151 Officer or to a nominated Officer or into the Council's specified bank account and is properly recorded.

c) All receipts given for money must be on an official receipt form.

d) All income is collected from the correct person, at the right time using the correct procedures and appropriate stationery and effective recovery action to pursue outstanding sums is taken within defined timescales.

e) A formal approval process for write-offs of uncollectable debts must be followed using the criteria detailed in Section 5.2.

f) Personal cheques shall not be cashed out of money held on behalf of the Council.

g) All income received shall be receipted immediately.

h) Officers shall record all cash received immediately; its use for either personal or official purposes is strictly forbidden.

i) All paying in records shall be retained securely in line with the Council's policies on the retention of documents.

j) It is important that VAT shall be properly recorded and that advice must be sought from the Section 151 Officer or their nominee as appropriate. Failure to do so may result in the Council being unable to reclaim VAT and, in some circumstances, a penalty payment imposed by HMRC.

k) Interest must be charged on unpaid debts, in accordance with the debt recovery policy.

l) Legal fees incurred in the recovery of unpaid debt must be charged to the debtor in accordance with the debt recovery policy subject to any court order.

m) Where use of recovery agents is permitted any costs from these agents must be recovered from the debtor (normally by the agents) where possible.

5.2 The Section 151 Officer has determined the following authorisations for writing off uncollectable debt:

Value	**Recommendation**	**Examined/ Approved**	**Authorised**
Credit balances	Income Officer Rents Team Leader Neighbourhood & Tenancy Team Leader, Senior and Officers Housing Experience manager Housing Business Support Officer Housing Benefits Overpayments Officer	Appropriate Service Supervisors/ Team Leaders	Appropriate Service Managers
Debts up to £5,000	Rent Officer Rent Team Leader Charging Team Leader Charging Officer Revenue Officer Housing Benefits Overpayments Officers	Service Managers	Section 151 / Deputy Section 151
Debts over £5,000	Rent Officer Rent Team Leader Charging Team Leader Charging Officer Revenue Officer Housing Benefits Overpayments Officers	Service Managers	Cabinet or another delegated Committee

Debts remitted by Magistrates or where a term of imprisonment has been served	Rent Officer Rent Team Leader Charging Team Leader Charging Officer Revenue Officer Housing Benefits Overpayments Officers	N/A	Section 151 / Deputy Section 151
Insolvency proceedings Administration Order (where claim has been formally acknowledged)	Rent Officer Rent Team Leader Charging Team Leader Charging Officer Revenue Officer Housing Benefits Overpayments Officers	N/A	Section 151 / Deputy Section 151 Officer
Debtor is deceased no prospect of dividend from estate	Rent Officer Rent Team Leader Charging Team Leader Charging Officer Revenue Officer Housing Benefits Overpayments Officers	N/A	Section 151 / Deputy Section 151 Officer
Debt matching agreements	Appropriate Service Managers		Section 151 / Deputy Section 151 Officer
Cases of hardship or discretionary write offs – up to £5,000	Appropriate Service Managers		Section 151 following consultation with the Portfolio Holder for Finance
Cases of hardship or discretionary write offs – over £5,000	Appropriate Service Managers	Section 151	Cabinet

5.3 Once raised, a debtor's invoice may not be cancelled except by full payment, the issue of a credit note or by its formal writing off. A credit note must only be issued to correct a factual inaccuracy or administrative error in the calculation and/or billing of the original debt, or to recognise that an overpayment of housing benefit is being recovered from an on-going benefit entitlement.

5.4 The value of unrecoverable debts written off will be charged back against the cost centre / service from which the original invoice was raised, thus cancelling the original credit to the service. This must only be overwritten in exceptional circumstances with the approval of the Section 151 Officer.

5.5 A record will be maintained by the Section 151 Officer of all bad debts written off under delegated approval given by the Financial rules under Section 5.

5.6 Where a debt is considered no longer valid (for example when an invoice has been raised in error) this debt must be cancelled with the authority of the Section 151 Officer or nominated deputy.

6.0 Orders for goods, works and services

6.1 Orders shall not be issued for goods, work or services unless the cost is covered by an approved budget. No payment will be made without an authorised order, unless otherwise agreed by the Section 151 Officer or Assistant Director of Finance and Customer Services.

6.2 All orders given on behalf of the Council shall be approved in electronic or written form in accordance with signatory limits as outlined in the scheme of delegation and within the Contract Procedure Rules and clearly detailing the nature and quantity of the works or services required and any relevant contract or agreed prices. All orders are to be authorised by Officers nominated by the appropriate Assistant Director who shall be responsible for official orders issued from his or her Service.

6.3 The key controls for ordering and paying for work, goods and services are:

a) All works, goods and services are ordered only by appropriate persons and recorded.

b) All works, goods and services shall be ordered in accordance with the Contracts Procedure rules unless they are purchased from internal sources within the Council. Waivers must only be used in exceptional circumstances as outlined in the Contract Procedure Rules.

c) Works, goods and services received are checked to ensure they are in accordance with the order.

d) Payments are authorised by Officers who must certify that goods have been received to price, quantity and quality.

e) All payments are made to the correct person, for the correct amount and are properly recorded, regardless of the payment method.

f) All appropriate payment documents are retained and stored for the defined period in accordance with the Bromsgrove District Council Records Management Policy'.

g) All expenditure is accurately recorded against the right budget and any exceptions corrected, including VAT.

h) That processes are in place to maintain the security and integrity of data for transacting business electronically.

7.0 Payments

7.1 Individual Officers shall ensure that payments are authorised by appropriate Officers who must certify that goods and services have been received and that price, quantity and quality are in accordance with the initial order.

7.2 Assistant Directors shall maintain for their area a list of Authorised Officers showing their signing levels with specimen signatures, this is to be held on the Council intranet (The Orb). This list must be reviewed at intervals to ensure is up to date and accurate and any changes being reported promptly.

7.3 The payment of all monies from the Council, with the exception of sums payable from advance accounts or GPC cards shall be by BACS or other instruments drawn on the Council's bank account by the Section 151 Officer, including cheques when payment by BACS is not possible for appropriate.

7.4 Payment will only be made if an invoice is addressed to Bromsgrove District Council. Payment will not be made on the basis of a statement or reminder unless an exception is approved by the Section 151 Officer/Deputy Section 151 Officer.

7.5 Prepayment for goods or services must be avoided where possible, in order to minimise risk to the Council. If a prepayment is unavoidable then it must be approved by the Deputy S151 Officer.

7.6 Where an electronic file contains multiple payments, an Officer may authorise the whole file with one signature if his or her authorised limit is at least the value of the highest individual amount within that file.

7.7 Once certified, all accounts paid through the centralised payment system must be passed to the Payments Section that shall ensure that the required payment is made to the correct person by the agreed method of payment and that all expenditure including VAT is accurately recorded against the correct budget.

7.8 The use of feeder systems to generate payments will only be allowed if the Section 151 Officer is satisfied that the data integrity of the corporate financial system would not be compromised and that the feeder system works in accordance with these financial procedures.

7.9 Invoices do not need specific authorisation for payment in an electronic system where the invoice matches the authorised order and goods receipt, and all three are correctly entered into the system.

7.10 In accordance with the Public Contract Regulations 2015 and the Late Payment of Commercial Debts Regulations 2013, and to maximise performance under the contract; the Council has to process all undisputed invoices within 30 days of receipt. The same shall apply to contractors in respect of any subcontractor arrangements applied under the applicable Council contract(s). All Council contracts shall contain provisions to this effect. All accounts received must be recorded with the day of receipt. In the event of a claim for damages/interest for late payment, the amount will be charged to the budget of the Directorate responsible.

7.11 The Section 151 Officer shall ensure that all appropriate payment documentation is retained for the required period of time in accordance with the Bromsgrove District Council Records Management Policy.

Direct Debits

7.12 Payment for goods and services by use of direct debit must only be for those services where a monthly or periodic charge is applied (for example: utility bills). Direct debits from any Council bank account must be applied for by the relevant service and must only be set up with the authority of the Assistant Director Finance and Customer Services, or in their absence by the Section 151 Officer.

7.13 The Assistant Director Finance and Customer Services is responsible for maintaining and regularly reviewing a list of direct debits that are drawn from the Council's bank accounts. Assistant Directors are responsible for checking and confirming the accuracy of direct debits within their service areas and are to inform the Assistant Director Finance and Customer Servies of any irregularities and also if a direct debit is no longer required.

8.0 Salaries, wages, pensions, travel and subsistence

8.1 Assistant Directors shall maintain for their area a list of Authorised Officers showing their signing levels with specimen signatures, this is to be held on the Council intranet. This list must be reviewed at intervals to ensure is up to date and accurate and any changes being reported promptly.

8.2 All claims for payment of allowances, subsistence, travelling and expenses must be submitted within two months of the period they relate to (and always by the end of April following the financial year end) on the approved form, duly certified in a form approved by the Section 151 Officer with all required supporting evidence including VAT receipts for expenses submitted where appropriate. Any exceptions shall require individual certification by both the Section 151 Officer and the Assistant Director.

8.3 The certification of claims by or on behalf of an Assistant Director shall be taken to mean that the Certifying Officer is satisfied that the journeys and the expenses incurred were necessary and authorised as being in line with the council's policies on travel and subsistence claims.

8.4 The Payroll Manager shall ensure that all appropriate payroll documents are retained for the required period of time in accordance with the Council Records Management Policy.

8.5 The Deputy Section 151 Officer will be responsible for the signing off of the payroll run prior to payment.

8.6 The Council reserves the right not to pay any travel and / or expense claims that are not submitted in a timely manner, without good reason. Line Managers are responsible for approving or not approving all claims. Any issues must be considered in accordance with established HR arrangements. .

9.0 Imprest accounts

9.1 The Section 151 Officer may provide petty cash advance / Imprest accounts for such employees as may need them for the purpose of defraying petty cash or other expenses. Petty cash shall be maintained in the Imprest account to meet minor expenditure on behalf of the Council. Payments in reimbursement of travelling or subsistence must not be paid out of petty cash accounts.

9.2 The Assistant Director of Finance and Customer Services will maintain a record of all advances made and reconcile to the Council's main financial system.

In summary Officers operating an Imprest account will comply with the following procedures:

a) Obtain and retain vouchers to support each payment from the Imprest account including official VAT receipts where appropriate.

b) Make adequate arrangements in their office for the safe custody of the account including vouchers and any other supporting documentation.

c) Produce upon demand by the Assistant Director of Finance and Customer Services cash and all vouchers to the total value of the Imprest account.

d) Record transactions promptly.

e) Reconcile and balance the account at least monthly with reconciliation sheets to be signed and retained by the Imprest holder.

f) Provide the Assistant Director of Finance and Customer Services with a certificate of the value of the account held at 31st March each year.

g) Ensure that the Imprest is never used to cash personal cheques or to make personal loans.

h) Ensure that the only payments into the account are the reimbursement payments and any notes/coinage relating to purchases made by a cash advance from the Imprest account.

i) Ensure income due to the Council is collected and banked as provided in accordance with the Council's Financial Procedure Rules and not through an Imprest account.

j) On leaving the Council's employment, ceasing to be entitled to hold an Imprest advance or no longer requiring an Imprest advance, Officers must request that the Assistant Director of Finance and Customer Services close the account. All funds and account documentation must be returned to the Assistant Director of Finance and Customer Services.

k) A bank Imprest account cannot become overdrawn.

l) Submit a claim for reimbursement at least monthly or return a nil claim.

10.0 Banking arrangements and Government Procurement cards

10.1 All arrangements with the Council's bank concerning the Council's bank accounts and for the ordering and issue of cheques shall be made by, or under arrangements approved by, the Section 151 Officer. The Section 151 Officer shall be authorised to open and operate such banking accounts, as he or she may consider necessary. This authority shall include the power to give the necessary directions to the bank as to signatures for withdrawals.

10.2 Apart from payments from Government Procurement cards, petty cash, Imprest accounts, the normal method of payment due from the Council shall be by BACS or cheque. Direct debit and periodical payment arrangements shall require the prior agreement and authorisation of the Section 151 Officer or Assistant Director of Finance and Customer Services.

10.3 All cheques and cheque stationery shall be ordered only on the authority of the Section 151 Officer or Assistant Director of Finance and Customer Services who shall be satisfied that proper arrangements are in place for their safe custody. Where the

signature is printed on the cheque by a Council system, the signature shall be that of the Section 151 Officer.

10.4 The Section 151 Officer or Assistant Director of Finance and Customer Services shall be responsible for authorising the issue of Government Procurement cards and determining spending limits. Cardholders are required to comply with the policy issued by the Section 151 Officer regulating the use of corporate credit cards as shown in Appendix B. Purchases must be made in accordance with the Contract Procedure rules. This policy will include the requirement for cardholders to provide the Exchequer Services Manager with a receipt and complete the online system with details of all items purchased including the general ledger code: this is due by 17th of each month.

10.5 See section 7 for regulations on the use of Direct Debits from the Council's bank accounts.

11.0 Preventing financial irregularities

11.1 All Officers are required under their contractual obligation to report financial irregularities at the earliest opportunity to their Manager or Section 151 Officer. The Section 151 Officer will report financial irregularities to the Chief Executive, Cabinet and the Audit, Standards and Governance Committee. Providers of services are required to highlight financial irregularities immediately as stipulated under the contract procedure rules.

11.2 The Section 151 Officer, in conjunction with audit, will determine the scope of any internal enquiries or investigations, subject to consultation with the relevant member of the Senior Leadership Team.

11.3 The Section 151 Officer, in consultation with the relevant member of the Senior Leadership Team, will decide whether any matter under investigation must be referred for Police investigation and take recovery action as appropriate on such matters.

11.4 The Section 151 Officer will inform the Chief Executive and Monitoring Officer if a suspected irregularity occurs involving Officers who are his or her responsibility.

11.5 All Officers and members must report financial irregularities to the Section 151 Officer.

11.6 The Section 151 Officer will advise the relevant Assistant Director if the outcome of an audit investigation indicates improper behaviour by a member of staff; or the Monitoring Officer if the outcome of an audit investigation indicates improper behaviour by an Elected Member. The Assistant Director or Monitoring Officer will then instigate the relevant disciplinary/standards procedure.

12.0 Money laundering

12.1 The Section 151 Officer is appointed as the Money Laundering Reporting Officer (MLRO). This Officer shall ensure that all Officers likely to receive payments from the public, businesses or professions are aware of the Authority's responsibilities under the Proceeds of Crime Act 2002, the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017. and any other relevant acts and

regulations, such as the Terrorism Act 2000. The Assistant Director of Finance and Customer Services is appointed as the Deputy Money Laundering Reporting Officer.

12.2 The MLRO shall receive reports from Officers about suspicious payments of any value for any purpose and payments in cash in excess of £10,000 including in aggregate.

12.3 The MLRO shall report any instance of suspected money laundering to the serious organised crime agency.

13.0 Asset management

Introduction

13.1 The asset management section of the Council's Financial Procedure Rules provides a framework of principles, minimum requirements, levels of authority and delegations to ensure that the Council's asset portfolio is managed effectively to achieve maximum value for money.

Overarching principles

13.2 A set of overarching principles govern the operation of this section of the Council's Financial Procedure Rules.

13.3 These are:

Property

a) All property owned or leased by Bromsgrove District Council is held corporately.

b) Full Council is responsible for deciding the extent of the Property Portfolio and for agreeing acquisitions and disposals in line with the Council's Policy.

c) The Section 151 Officer, is responsible for ensuring that the occupation of all Bromsgrove District Council property by Directorates or other tenants is in the interests of the Council as a whole.

d) The Section 151 Officer has the authority to intervene in property matters to protect Bromsgrove District Council's overall interests.

e) Resolution of disputes on property matters is overseen by the Chief Executive.

f) All property transactions must be referred to the Section 151 Officer who shall seek the comments of all interested parties, including relevant Cabinet members, Directorates and local members, before the decision is taken to proceed. All decisions must be taken in accordance with the delegations set out in this section of the Council's Financial Procedure Rules, the functions scheme, and the decision-making procedures set out in the Council's Constitution.

General

g) Capital investment on assets must be linked to priorities identified through the corporate planning process using a clear and objective prioritisation policy.

h) Capital investment must be directed to obtain maximum benefit from available resources, taking account of economy, efficiency and effectiveness.

i) Revenue implications of capital investment must be considered, including the revenue costs of any borrowing required, and spend to save funding may be available to pump prime investment that must demonstrate a clear financial pay back.

Acquisitions and improvements to assets

13.4 Before an asset is acquired or improved the need for investment must be clearly identified and appraised.

13.5 Prior to allocation of resources a business case must be prepared and approved by the relevant Assistant Director.

13.6 The Section 151 Officer will present the scored business case to the Corporate Leadership Team. Where the acquisition proposed is part of the annual budget setting process the Strategic Leadership Team will make recommendations to Cabinet for inclusion in the Medium-Term Financial Plan. Where the proposal is outside of the budget setting process the approval will follow the Council's virement procedures provided that the capital budget approved by Council is not exceeded.

13.7 The use of compulsory purchase powers must be approved by Cabinet.

Property

13.8 Property is to be used efficiently, effectively and economically with due regard to legislative requirements.

13.9 The occupation and use of property by a Directorate is subject to the Section 151 Officer approving all material changes to property, including change of use, appropriations, granting/taking of interests, alterations or additions. Such changes must then be reported to the Assistant Director of Finance and Customer Services for correct accounting treatment and apportionment of charges.

13.10 The Section 151 Officer has the authority to undertake reviews of the property portfolio, or parts of it, to determine if it is optimised in terms of its utilisation, cost and value and within this to challenge the retention or use of existing properties occupied by Directorates or other tenants.

Disposals

13.11 Land, property and any other assets which are surplus to operational need are either to be reallocated to meet alternative needs or disposed of in line with statutory requirements and/or Bromsgrove District Council policies.

13.12 Directorates shall notify the Section 151 Officer of:

a) Any property (or part) that is:

- Vacant.
- Held against a future operational need.
- Not used for the principal purpose for which it is held.
- Likely to be surplus to requirements (with estimated timescale).

b) Any statutory/process issues relevant to its disposal (e.g. prescribed consultation processes, reference to the Secretary of State, etc.).

c) Any other issues which need to be considered prior to disposal.

13.13 The Cabinet must be informed of any surplus property to enable it to declare as surplus and further agree to the marketing of any surplus assets subject to any delegation in the scheme of delegations.

13.14 Any proposal to dispose of any Council asset with a value of £200,000 or more, or which is otherwise considered significant by the Assistant Director Regeneration and Property must be considered by Cabinet.

13.15 Any disposal below market value must be agreed in advance by the Section 151 Officer. Any disposal that is more that £2 million below market value will require approval from the Secretary of State.

Treatment of capital receipts

13.14 All capital receipts from disposals are deemed to be a corporate capital resource available for allocation in line with corporate priorities.

Financial Procedure Rules

13.15 All of the protocols set out in the Council's Financial Procedure Rules and the Financial Guidance (Part 3) and Chief Executive Schemes of Delegation must be adhered to. No transaction must be approved unless specific budgetary provision is identified,

except where the purchase is approved under the authority given in Paragraph 3.0 for emergency decisions.

14.0 Audit

14.1 The Section 151 Officer has responsibility for maintaining an adequate and effective internal audit service. This service has been delegated to the Worcestershire Internal Audit Shared Services (WIASS).

14.2 The Section 151 Officer shall maintain strategic and annual audit plans that take account of the relative risks of the activities involved. He/she shall liaise with the Corporate Leadership Team on the audit strategy and plan.

14.3 WIASS is responsible for providing the Audit, Standards and Governance Committee with regular assurance reports that highlight any areas of concern regarding the effectiveness or level of compliance with agreed systems of internal control.

14.4 WIASS shall submit an annual report to the Audit, Standards and Governance Committee detailing internal audit activity for the previous year and reporting significant findings and areas of concern. WIASS shall also submit a quarterly progress report to the Audit, Standards and Governance Committee detailing progress against the audit programme.

14.5 WIASS shall provide a regular summary to the Leader, Chairman of Audit, Standards and Governance Committee and relevant Cabinet Member(s) of audit review reports following sharing of the detailed reports with Assistant Directors beforehand.

14.6 The Section 151 Officer, in conjunction with the Monitoring Officer, is responsible for producing an Annual Governance Statement (AGS) for inclusion with the annual Statement of Accounts based on assurances provided by WIASS and also on risks and areas for improvement identified by Corporate Leadership Team. The AGS shall be reviewed by the Senior Leadership Team and Audit, Standards and Governance Committee.

14.7 Officers shall ensure that internal and external auditors are provided with:

a) Access at reasonable times to premises or land used by the Council.

b) Access at reasonable times to any employee or employees.

c) Access to all assets, records, documents, correspondence and control systems relating to any matter or business of the Council.

d) Any information and explanation considered necessary concerning any matter under examination.

14.8 Officers must account for cash, stores or any other Council property under their control and produce such items for inspection if required by WIASS.

14.9 Officers are required to consider and respond to audit reports and audit recommendations within two weeks.

14.10 Officers must ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient manner.

14.11 Where an appropriate response to audit recommendations has not been made within the agreed period, the Section 151 Officer shall refer the matter to the Chief Executive and/or the Audit, Standards and Governance Committee.

14.12 Officers are responsible for notifying the Section 151 Officer or WIASS immediately in writing/electronic medium of any suspected or alleged fraud, theft, irregularity, improper use or misappropriation of Council property or resources. Pending investigation, all necessary steps must be taken to prevent further loss and secure records and documents against removal, destruction or alterations.

14.13 The Section 151 Officer is to investigate promptly all apparent, suspected or reported irregularity or fraud he/she becomes aware of. He/she shall report his/her findings to the Chief Executive to discuss and agree appropriate legal proceedings and/or disciplinary action, consulting with the relevant member(s) of the Corporate Leadership Team as appropriate.

14.14 Officers are responsible for ensuring that new systems for maintaining financial records, or records of assets, or changes to such systems are discussed and agreed with the Section 151 Officer prior to implementation.

14.15 Officers are responsible for ensuring that all paperwork and systems are up to date, kept securely and are made available for inspection by audit.

14.16 Officers shall ensure that all fundamental systems and other financial systems are reconciled on a regular basis and that records are up to date and available for audit inspection when required.

15.0 Revenue budget management

15.1 The Assistant Director of Finance and Customer Services shall prepare and review annually a Medium-Term Financial Plan and strategy to provide an estimate of resources available to the Council and identify budget pressures.

15.2 Proposed budgets over periods of one year or longer shall be prepared by Assistant Directors, in consultation with the Section 151 Officer, for consideration by the Cabinet, having regard to the views of the Overview and Scrutiny Committees, before submission to Council.

15.3 The Cabinet shall recommend an annual budget to Council that includes the following:

a) Annual capital and revenue budget.

b) Proposed contingencies, general reserves and specific reserves.

c) Council Tax requirement.

d) Treasury Management Policy and borrowing limits.

e) The Section 151 Officer statutory declaration on budget setting (section 25 statement on adequacy of balances and robustness of estimates).

15.4 Budget management ensures that resources allocated by Members are used for their intended purposes and that these resources are properly accounted for. Budgetary control is a continual process enabling the Council to review and adjust its budget

targets during the financial year. It also provides the mechanism to call to account Managers responsible for defined elements of the budget.

15.5 The structure and format of the revenue budget must be sufficient to permit effective financial management.

15.6 The overall budget setting process for both revenue and capital is controlled by the S151 Officer.

15.7 Budgets will be distributed to budget holders for consultation. Budget holders will work with Finance Officers to prepare detailed income and expenditure estimates for the forthcoming year, taking into account known service level changes, contractual commitments and financial constraints.

15.8 Budget holders must provide information on any legislative changes, statutory duties, demographic changes, which impact upon service trends and activity levels to inform the financial planning and budget setting process.

16.0 Capital budget management

16.1 The Cabinet shall, following the submission of proposals by the Corporate Leadership Team, recommend to Council:

a) A capital programme for each financial year.

b) A future indication of a capital programme over a four-year period.

c) The recommended funding method for each capital project (including the use of prudential borrowing, capital receipts, revenue or other financing methods).

16.2 Following the approval of a capital programme, and subject to any conditions specified in that programme, or specified by the relevant Cabinet member, the relevant Assistant Director shall take all appropriate action to carry into effect the approved schemes, within the budget and timescale agreed in the capital programme. Any material variation in cost or timescale shall be reported to the Cabinet.

16.3 Cabinet Members will monitor capital expenditure once budgets are approved by Council.

16.4 If a project has not started within the specified timeframe, being two years behind the intended start date it will require resubmitting before proceeding.

16.5 Any report for a project or policy of a capital nature shall include details of:

a) The estimated cost of the proposal.

b) Any phasing of the capital expenditure.

c) The proposed method of financing, whether by loan, revenue or otherwise.

d) The effect on the revenue estimates in the first and subsequent years.

e) The additional staff and grades required both initially and ultimately.

f) An assessment and measurement of the need for the scheme and the benefits it will produce.

g) A technical and financial appraisal of the alternative approaches to meeting the need. (larger projects only)

h) Milestones for the project to include the opportunity for gateway reviews

17.0 Budgetary Control

17.1 Each Assistant Director shall be responsible for monitoring the revenue and any capital budget relevant to his/her Directorate to ensure that such budgets are properly spent and not exceeded.

17.2 Any new proposal or variation which would materially affect the finances of the Council shall require approval by the Cabinet. Any budget virements must comply with the Council's scheme of budget virement.

17.3 The Council operates within an overall annual cash limit. As a result, all individual budgets are cash limited. Each budget holder is required to operate within their cash limit.

17.4 Assistant Directors shall monitor spend and income against budgets monthly and ensure, so far as practicable, that expenditure in excess of their net approved budgets is not incurred without prior approval. If actual income is expected to be below budget, this must also be actively managed.

17.5 If it appears to an Assistant Director that his/her overall cash limited budget may be exceeded, he/she shall report the details as soon as practicable and identify mitigating action**.** The overall position is then reported to the Cabinet.

17.6 Action plans must be put in place by each Directorate at an early stage in the financial year in order to manage potential overspendings (e.g. due to additional spending or below target income). Assistant Directors must ensure Officers adhere to the savings targets and take mitigating action if delivery is deemed to be at risk.

17.7 It is the duty of Assistant Directors to ensure that responsibility for budgetary control is clearly allocated to appropriate Officers in their Directorates. Assistant Directors shall nominate a Budget Manager for each cost centre. As a general principle budget responsibility must be aligned as closely as possible to the decision-making processes that commits expenditure.

17.8 Budget Managers are accountable for their budgets and the level of service to be delivered and must understand their financial responsibilities. Budget Managers must be responsible only for income and expenditure that they can influence.

17.9 Budget Managers are required to;

a) Follow an approved process for all expenditure.

b) Ensure that income and expenditure are properly recorded and accounted for.

c) Ensure that expenditure is committed only against an appropriate budget head.

d) Monitor performance levels/levels of service in conjunction with the budget and necessary action is taken to align service outputs and budget.

e) Monitor and control the gross expenditure budget position.

f) Investigate and report significant variances from approved budgets.

17.10 The Section 151 Officer shall establish an appropriate framework of budgetary control, monitored and reported through the financial system.

17.11 The Section 151 Officer shall provide Assistant Directors, budget holders and Cabinet members with quarterly financial management information reports in line with the Forward Plan.

17.12 The Section 151 Officer shall ensure that each Assistant Director has available timely information on receipts and payments on each budget which is sufficiently detailed to enable managers to fulfil their budgetary responsibilities.

17.13 The Financial Services Manager shall provide financial management training courses that all budget managers must attend.

17.14 All carry forwards or underspends or treatment of overspends at year end shall be subject to approval in accordance with arrangements determined by the Section 151 Officer approved by members as part of the budget process.

18.0 Virement

18.1 The Council operates a scheme of budget virement. This enables budget holders to manage budgets with a degree of flexibility within the overall policy framework determined by the Council and therefore optimise available use of resources.

18.2 Assistant Directors have authority to vire expenditure between individual budget heads in accordance with the virement policy.

18.3 Key controls for the virement policy are:

a) Any variation from this policy requires the approval of Council.

b) That the overall budget is developed by Cabinet and approved by Council. Assistant Directors and budget holders are authorised to incur expenditure in accordance with the estimates contained within the annual budget. The rules below cover virement; that is switching resources between budget heads. For the purposes of these rules a budget head is considered to be the standard service subdivision as defined by CIPFA. The scheme applies equally to a reduction in income as to an increase in expenditure.

18.4 All virements must be entered onto the finance system for approval by an authorised Officer. There will be no virements below £10,000 unless authorised by the Section 151 Officer or Assistant Director of Finance and Customer Services.

18.5 All virements below £200,000 and above £10,000 and within a single Cabinet Member Portfolio and a single Directorate budget must be approved by the service Assistant Director, following consultation with the relevant Portfolio Holder and the Assistant Director of Finance and Customer Services. Virements below £200,000 between two Directorate budgets or two Cabinet Member areas will require agreement of the Assistant Directors following consultation with the Cabinet Members as well as the Section 151 Officer. Capital and corporate budgets above £10,000 and up to £200,000 will require the approval of the Assistant Director of Finance and Customer Services. All virements of above £200,000 shall be reported in the budget monitoring report provided to Cabinet.

18.6 There will be no virements from salary budget to other types of expenditure without approval from Cabinet.

18.7 Virements must not be aggregated or disaggregated in order to avoid the virement rules.

18.8 Where an approved budget is a lump sum budget or contingency intended for allocation during the year, its allocation will not be treated as a virement provided that the amount is used in accordance with the purposes for which it has been established and that Cabinet and / or Council has approved the basis and the terms including financial limits on which it will be allocated. Individual allocations in excess of the financial limits must be reported to Cabinet or Council as required.

18.9 All virements must be properly documented and approved.

18.10 Budget adjustments. Where there is a need to move a budget to a more appropriate cost centre or nominal code, without changing the purpose of the budget, then this is considered a 'budget adjustment' and must be made by the finance Officers with the authority of the Assistant Director of Finance and Customer Services

Supplementary Estimates

18.11 In-year increases in budgets are referred to as supplementary estimates and any request for additional budget that increases the Council's cost of provision of services (net revenue or capital budget) must only be approved by Council (as with the annual budget setting).

18.12 Where a request for additional expenditure budget is matched by additional grant or contribution income and therefore there is no increase to the net revenue or capital budget, then the expenditure budget must be increased and the income or financing budget increased equally with no impact on the Council's net cost of services. This must be authorised by the Section 151 Officer and must be reported to Cabinet in the next available budget update report.

19.0 Insurance and risk management

19.1 All organisations, whether they are in the private or public sector, face risks to people, property and continued operations. Risk is defined as the chance or possibility of loss, damage or injury caused by an unwanted or uncertain action or event. Risk management is the planned and systematic approach to the identification, evaluation and control of risk.

19.3 Insurance has been the traditional means of protecting against loss, but this cannot be seen as the complete answer. By reducing or even preventing the incidence of losses (whether they result from crime or accident), the Council shall benefit from reduced costs of providing insurance cover and shall also avoid the disruption and wasted time caused by losses and insurance claims.

19.3 Through quarterly performance monitoring Audit, Standards and Governance Committee must be kept informed of items listed on the corporate risk registers.

19.4 The key controls for risk management and insurance are:

a) Robust systems are in place to identify, assess, prevent or contain significant operational risks on an integrated basis and these systems are promoted throughout the organisation.

b) Acceptable levels of retained risk are identified and evaluated and arrangements are in place for their funding, either by internal provision or external insurance as appropriate.

c) Managers know that they are responsible for managing relevant risks and are provided with appropriate and timely information on claims experience and risk management initiatives relating to their areas of responsibility.

d) Procedures are in place to investigate and process claims within required timescales.

e) A monitoring process is in place to review regularly the effectiveness of risk reduction strategies and the operation of these controls. The risk management process must be conducted on a continuing basis.

19.5 The Section 151 Officer shall effect all insurance cover and negotiate all claims in consultation with the relevant Officer where appropriate.

19.6 Assistant Directors shall give prompt notification to the Section 151 Officer of all new risks, properties, vehicles and other assets that are required to be insured or any alterations affecting existing insurances.

19.7 Assistant Directors shall promptly notify the Section 151 Officer in writing of any actual or potential loss, liability or damage or any event likely to lead to an insurance claim by or against the Council.

20.0 Loans, leasing and investments

20.1 The Section 151 Officer shall report to Cabinet, on an annual basis, with recommendations to Council to determine the limits for the borrowing of monies.

20.2 The Section 151 Officer shall borrow as necessary to finance the approved capital programme and deal with all matters in connection with the raising or repayment of loans and is authorised to borrow for meeting expenses pending the receipt of revenues.

20.3 All investments and all borrowing shall be made in the name of the Council.

20.4 Assistant Directors shall not enter into financial leasing arrangements except with the consent of the Section 151 Officer. Before entering into any lease agreement Assistant Directors shall submit details to the Assistant Director of Finance and Customer Services to enable a financial appraisal to be undertaken, including alternative financing options and implications for accounting treatment.

20.5 Loans to third parties will only be made in exceptional circumstances, and having followed the Council's decision-making process.

20.6 The Section 151 Officer shall arrange the borrowing and investment activities of the Council in such a manner as to comply with the CIPFA Code of Practice on Treasury Management and the Authority's Treasury Management Policy Statement.

20.7 The Section 151 Officer shall prepare an annual strategy with regard to investments, borrowing and the repayment of external debt. These are set out in the Treasury Management Strategy approved by full Council before the start of the new financial year.

20.8 The Treasury Management Strategy will include the following:

- Prospects for the economy and for interest rates;
- Borrowing requirement and strategy;
- Investment policy and strategy;
- Capital Financing Requirement (CFR)
- MRP statement;
- Prudential indicators for the next three years providing assurance that the Council's capital plans are affordable, prudent and sustainable; and
- The Treasury Management Policy Statement.

20.9 In addition, Cabinet will receive an annual treasury management report after the end of the financial year and will recommend to full Council for approval.

20.10 Cabinet will also receive treasury management reports as part of the quarterly budget monitoring updates.

21.0 Trust funds

21.1 The Section 151 Officer shall:

a) Arrange for all trust funds to be held wherever possible in the name of the Authority. All Officers acting as trustees by virtue of their official position, as declared in register of interest, shall deposit securities, etc. relating to the trust with the Section 151 Officer unless the deed otherwise provides.

b) Arrange where funds are held on behalf of third parties for their secure administration approved by the Section 151 Officer and to maintain written records of all transactions.

c) Ensure that trust funds are operated within any relevant legislation and the specific requirement for each trust.

22.0 Inventories and stocks and stores

22.1 The Section 151 Officer shall:

a) Advise on the form, layout and content of inventory records to be maintained by the Council.

b) Advise on the arrangements for the care and custody of stocks and stores in Directorates.

22.2 Assistant Directors shall:

a) Maintain inventories in a form approved by the Section 151 Officer to adequately record and describe all furniture, fittings and equipment, plant and machinery under their control. Disposable items such as stationery, goods for sale or materials may be held in store. They must be properly controlled and accounted for to ensure they are used only for Council purposes.

b) Be responsible for the care and custody of the stocks and stores within his or her services and arrange for periodical test examinations of stocks, ensure insurance cover is adequately provided and ensure that all stocks are checked at least once a year, where appropriate, as determined by the Section 151 Officer. This is to be under the supervision of persons without direct responsibility for the custody of the stocks or stores being checked.

c) Ensure attractive and portable items, such as computers, cameras and mobile technology devices are identified with security markings as belonging to the Council and appropriately controlled and secured.

d) Make sure that property is only used in the course of the Council's business unless the Assistant Director concerned has given permission otherwise.

e) Assistant Directors are responsible for investigating discrepancies and pursuing them to a satisfactory conclusion. Where this is not possible or the amount is over £250, this must be reported to the Section 151 Officer and Head of Internal Audit.

f) Adjustments in respect of stock deficiencies and surpluses shall be subject to the approval of the Section 151 Officer or Assistant Director of Finance and Customer Services.

g) Ensure that assets are identified, their location recorded and that they are appropriately marked and insured.

h) Ensure stocks are maintained at reasonable levels and subject to a regular independent physical check. All discrepancies must be investigated and pursued to a satisfactory conclusion.

i) Record the reasons for the chosen method of disposing of redundant stocks and equipment if not by competitive quotation or auction.

22.3 At any one time up to £5,000 may be written out of stock records with the Section 151 Officer approval. If the accumulated amount to be written out exceeds £10,000 during the financial year, a report must be made to Cabinet. Individual amounts in excess of £5,000 shall be approved by Cabinet.

22.4 Limit of the Council to write off and/or dispose of obsolete stock, per individual item:

- Estimated residual value up to £250 – Assistant Director
- Estimated residual value over £250 – Section 151 Officer

23.0 Working for third parties and shared services

23.1 Current legislation enables the Council to provide a range of services to certain other bodies. Such work may enable the Directorate to maintain economies of scale and existing expertise. Arrangements must be in place to ensure that any risk associated with this work is minimised.

23.2 All proposals for the Council to undertake work for a third party shall be properly costed in accordance with guidance provided by the Section 151 Officer. Financial advice must be obtained from the Assistant Director of Finance and Customer Services on the cost of providing the service.

23.3 All decisions for the Council to undertake work for a third party shall be made in accordance with the Council's formal decision-making processes and as set out in the Council's functions scheme and before any negotiations to work for third parties are concluded.

23.4 Officers must obtain statutory authority legal advice on the implications of providing the proposed service to the third party. All contracts for providing work for a third party shall be drawn up using guidance provided by the Council's Legal Services team.

23.5 Officers shall ensure that:

a) All contracts are properly documented and a register of all contracts to supply goods and services to third parties is maintained by each Directorate.

b) Appropriate identity checks on the third party are carried out in accordance with the Council's Anti-Money Laundering Policy and Guidance.

c) Appropriate insurance arrangements are in place for the third-party work.

d) The Council is not put at any risk of bad debts as a result of any third-party work.

e) Wherever possible, payment is received in advance of the delivery of the service under a third-party contract.

24.0 Value Added Tax

24.1 The Section 151 Officer is responsible for advising, in the light of guidance by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the Council. Written advice shall be made available to all relevant employees.

24.2 The Section 151 Officer is responsible for maintaining the Council's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

24.3 The Section 151 Officer or his / her authorised representative shall be responsible for liaising with HM Revenue and Customs on all VAT related matters and for submitting and signing the necessary returns / claims in a timely manner.

24.4 VAT must be correctly claimed on expenditure (input tax) and valid tax invoices retained by the Council.

24.5 VAT must be correctly charged on income from works, goods and services supplied by the Council (output tax) and a valid VAT invoice or VAT receipt issued to any party outside of the Council, in accordance with the form approved by the Section 151 Officer.

24.6 Under no circumstances shall an Officer or Member use the auspices of the Council to purchase goods or services for their own private purposes to avoid paying VAT. To do so will result in disciplinary action.

25.0 Trading Accounts

25.1 All trading accounts shall be subject to the same standards of financial control and audit as core council services. The Section 151 Officer shall ensure that appropriate systems are in place for income recognition, expenditure control and performance monitoring.

25.2 Each trading service shall prepare an annual budget and medium-term financial forecast, approved by the relevant committee or delegated officer. These shall include projected income, expenditure, capital investment and net contribution to the Council's overall financial position.

25.3 Charges for trading services shall be reviewed annually as part of the annual budget setting process and approved by the Council or delegated committee. Income shall be recorded promptly and accurately, with appropriate segregation of duties and reconciliation procedures.

26.0 Funding Bids

26.1 Any funding bids need to be signed off by the Section 151 Officer, or in their absence, the Deputy S151 Officer. The Section 151 Officer must have been involved in the discussion of any funding bids from the initiation of the bid.

27. Accountable Bodies

27.1 Where the Council is required to act as an Accountable Body for external funding or partnership arrangements, the Section 151 officer must be satisfied that the appropriate financial control, audit, reporting and risk management arrangements are in place before funds are accepted and distributed.

27.2 Where the Council holds or administers monies on behalf of third parties or individuals, such funds must be accounted for separately from Council funds, subject to appropriate controls and open to inspection and audit.

28. Grant Claim Approval

28.1 All material grant claims, funding returns or requests for draw-down of external funding shall be submitted under arrangements approved by the Section 151 Officer. The Section 151 Officer, or a nominated deputy, must be satisfied as to accuracy, eligibility and compliance with grant conditions before submission.

29 Annual Assurance Statements on internal controls

29.1 Assistant Directors shall provide annual assurance statements to the Section 151 Officer confirming the adequacy and effectiveness of financial controls within their areas of responsibility, to support the Annual Governance Statement.

30. Decision-making and member led financial risk

30.1 Where Members choose to proceed with a course of action contrary to, or materially increasing risk beyond, the advice of the Section 151 Officer, this shall be explicitly recorded in the relevant decision report.

Appendix A

Responsibilities under the Financial Procedure Rules

This Appendix provides details of responsibilities under the Financial Procedure Rules. It lists in a single place responsibilities that would otherwise be repeated in various sections of the Financial Procedure Rules. It confirms the overall responsibilities of the Council's Section 151 Officer, the Audit, Standards and Governance Committee and Members of the Corporate Leadership Team within the Financial Procedure Rules.

A1 Audit, Standards and Governance Committee responsibilities

A1.1 Day to day responsibility for the Council's finances rests with Assistant Directors and their Managers as set out in these Financial Procedure Rules with some functions delegated to the Audit, Standards and Governance Committee.

A1.2 Audit, Standards and Governance Committee shall oversee compliance with the Council's Financial Procedure Rules for those functions within their Terms of Reference. Corporate Leadership Team are responsible for ensuring those functions within their Terms of Reference operate within the Council's Financial Procedure Rules.

A2 Chief Financial Officer (Section 151 Officer) responsibilities

A2.1 The Section 151 Officer has been appointed under Section 151 of the Local Government Act 1972 as the Officer with responsibility for the proper administration of the Council's financial affairs.

A2.2 Reference in these Financial Procedure Rules to the Section 151 Officer shall be taken to include any Officer nominated by the Section 151 Officer to act on his/her behalf.

A2.3 The Section 151 Officer shall be entitled to attend a meeting of any body on which Members are represented where matters affecting the financial affairs of the Council are being discussed.

A2.4 The Section 151 Officer, under the general direction of Cabinet, is responsible for determining the basis for all accounting procedures and financial records for the Council and for exercising a check over all financial matters.

A2.5 The Section 151 Officer is responsible for maintaining a continuous review of the Financial Procedure Rules and advising the Audit & Governance Committee and Council of any additions or changes necessary.

A2.6 The Section 151 Officer is responsible for reporting, where appropriate, breaches of the Financial Procedure Rules or any other element of the Constitution that relates to the proper administration of the Council's financial affairs to the Council and/or Audit, Standards and Governance Committee.

A2.7 The Section 151 Officer is responsible for issuing advice and guidance to underpin the Financial Procedure Rules.

A2.8 The Section 151 Officer is responsible for maintaining adequate and effective audit arrangements for the Council and for ensuring that audit services complies with the public sector internal audit standards.

A2.9 The Section 151 Officer is responsible for ensuring, in conjunction with the relevant member of the Senior Leadership Team, that the Council's disciplinary procedures are followed where the outcome of an audit or other investigation indicates fraud or irregularity.

A2.10 The Section 151 Officer is responsible for ensuring that any case of fraud or loss or financial irregularity or bribery or corruption discovered or suspected to exist which involves the Council's interest shall be dealt with in accordance with the Council's Anti-Fraud and Anti-Corruption Policy.

A2.11 The Section 151 Officer is the Council's Money Laundering Reporting Officer and is also responsible for appointing a senior officer to be the Deputy to the Council's Money Laundering Reporting Officer.

A2.12 The Section 151 Officer has overall responsibility for making payments on behalf of the Council.

A2.13 The Section 151 Officer has overall responsibility for the Council's income and collection functions.

A2.14 The Section 151 officer is responsible through the collection account to advise whether or not the Council should enter into a business rates (BR) pooling arrangement with other councils, having taken appropriate advice on the matter.

A2.15 The Section 151 Officer is responsible for making payments to employees, former employees and Members on behalf of the Council.

A3 Corporate Leadership Team responsibilities

A3.1 Members of the Corporate Leadership Team are responsible for ensuring that all employees are aware of the content of the Financial Procedure Rules and other internal regulatory documents and that they are complied with.

A3.2 Members of the Corporate Leadership Team are responsible for consulting with the Section 151 Officer on any matter within their area of responsibility that is liable to materially affect the finances of the Council before any provisional or other commitment is incurred or before reporting the matter to a Cabinet member.

A3.3 Members of the Corporate Leadership Team are responsible for supplying the Section 151 Officer with all information necessary for the proper administration of the Council's affairs.

A3.4 Members of the Corporate Leadership Team shall allow the Section 151 Officer and his/her authorised representatives access to all documents and records on demand.

A3.5 Members of the Corporate Leadership Team shall maintain a sound system of internal control.

A3.6 Members of the Corporate Leadership Team are responsible for ensuring those functions within their Terms of Reference operate within the Council's Financial Procedure Rules.

A3.7 Members of the Corporate Leadership Team are responsible for informing Cabinet members promptly if the Council's Financial Procedure Rules are not being complied with.

Appendix B

GOVERNMENT PROCUREMENT CARDS (GPC)

GUIDANCE FOR CARDHOLDERS

Contact Details

Natwest Cardholder Helpline

Telephone:	0370 010 1152
Mon - Fri	8.00 a.m. - 6.00 p.m.
Sat	9.00 a.m. - 1.00 p.m.

Fax:

Lost or Stolen Cards

The Natwest General Procurement Card Loss Centre

Telephone: 0370 010 1152

Open 24 hours, 7 days a week.

Introduction

You have been selected to participate in the Government Procurement Card scheme (GPC). This scheme is designed to make it easier and more cost effective for employees to make low value purchases of goods and services for Council use. A low value purchase is not likely to exceed £250 and is likely to be substantially less. Using GPC you can purchase goods and services from suppliers who accept Mastercard.

GPC are not to be used to obtain cash except in exceptional circumstances and then only with the written permission of the Assistant Director of Finance and Customer Services / Deputy Section 151 Officer.

We have implemented this new purchasing concept for lower value purchases because we feel it will help you to more quickly and easily obtain the goods and services you need to get your job done. It will reduce paperwork associated with the traditional purchase order process resulting in cost savings for the Council and a saving in time for you.

Your feedback will help us to fine-tune the scheme as we integrate it into our purchasing processes. If you have any comments or questions about the GPC scheme, please contact your Administrator who is:

Exchequer Services Manager on 01527 64252 ext. 3614 or Steven Dodd on 01527 64252

You must contact immediately if your card is

- **Lost or Stolen**
- **Changes to current limits required**
- **Changes to Merchant Category Codes**
- **You are leaving us**
- **You Change your name or address**
- **You have a change of job**
- **You no longer require a GPC Card**

If your card is lost or stolen please also contact:

Nicola.parry@bromsgroveandredditch.gov.uk and steven.dodd@bromsgroveandredditch.gov.uk

What We Expect From You

- Your Purchasing Card is personal to you, no one else is authorised to use your card. Do not allow any other employee to use your card or quote its number when ordering.
- The card number must always be kept confidential.
- Do not share your PIN number with anyone.
- The card must be used in accordance with this user/procedure guide, and the Employee Agreement.
- It is to be used for business related purchases only, where there is not a more cost effective way of making the purchase.
- Suppliers that have contracts on the ERP system must be used via that portal. GPC must not be used outside of the purchasing system unless prior agreement is sought from the Exchequer Services Manager and the Deputy Section 151 officer.
- The types and values of purchases must be within the limits set. You are responsible for achieving best value for money.
- You are responsible for ensuring the security of the card.
- The card is restricted and officers are not permitted to obtain cash back facilities offered when making authorised purchases.
- You are responsible for reporting its loss, theft or misuse to The Royal Bank of Scotland Card Loss Centre Telephone 0370 010 1152 and your Administrator as soon as you notice your card is missing.

- You will be asked to sign an Employee Agreement to this effect.
- Misuse of the card as determined by non-compliance with this cardholder guide may result in action being taken under the Council's disciplinary procedures. In such circumstances the Card Administrator has authorisation to cancel your card without further notice.
- Under no circumstance must the Card be used for paying an invoice.
- You will be responsible for keeping a record and receipts for all your transactions these must be entered onto the online system each time you use your card completing all of the fields including the Cost Centre and Account Code information. Failure to complete this will result in your card being cancelled.
- Full training and a username password will be given to you so that you can use the online system to record any purchases you make utilising the card. If you forget your password please contact the Card Administrator.
- You must retain all VAT receipts along with the credit card receipt and produce these monthly
- The responsibility of coding the statement is bestowed on the card holder.
- The compliance agreement which is sent at the time of the application must be signed and read. The agreement is to ensure all responsibility is adhered to and the consequences of misuse or none coding are clearly explained.

What is a Purchasing card?

GPC cards is an alternative method to the current buying process of paying for low value, high volume goods or services. By simplifying transaction processing, it assists purchasing efficiency and will save RBC time and money. The current indicated savings from the Audit Office equate to £28 per transaction however this does not include the paper and other associated print/environmental savings when the need not to produce orders, delivery note and invoices is taken into account.

The Purchasing card looks like any normal debit/credit card, but is a procurement card, which means your total balance on your monthly statement must be settled in full.

It also means that the supplier is paid much more quickly (typically 3 to 5 days) rather than waiting for us to settle their invoice.

The card can be used at any establishment displaying the Mastercard symbol, in the UK. But we are looking for you to use suppliers who are capable of providing VAT reporting to level 3, this to facilitate further efficiency savings as the banks monthly returns of purchases made ca be used to reclaim VAT from HMC&R. We are currently working with the Bank and the Suppliers we most commonly use to increase their VAT reporting capabilities to level 3.

Embossed on the card is the following:

Bromsgrove District Council
Your Name
Expiry Date
Card Number

Your Purchasing card offers the opportunity to improve both the focus and flexibility of purchasing procedures whilst reducing the volume of purchase orders, invoices and associated paperwork for small value purchases, improving the cost effectiveness of processing these types of transactions.

Your card is to be used for business expenditure only.

Controls

Each card has a maximum monthly expenditure limit and individual transaction limit.

Monthly Expenditure limit

The total amount you can spend on your card each month.

Transaction Limit

The total amount you can spend on any single purchase.

Both of these limits are inclusive of VAT and any carriage.

The limits were set on your card application form based upon your estimated spend pattern.

Merchant Category Group code blocking

A further control has been applied to your Purchasing card.

Each supplier capable of accepting your GPC card will be classified by a certain Merchant Category Group code. By the way of an additional control, any number of these codes can be blocked or left unblocked to ensure compliance with business policies and to mirror each cardholder's buying profile.

Please make a note of these limits/controls.

If you try to purchase goods and services that are outside of these limits, your transaction will be declined and could lead to embarrassment. If you can prove that your limits are unrealistic to your work or the purchases you have to regularly make using the card please discuss with your line manager prior to requesting any increase in same

As detailed above, if you try to use your card with a supplier whose Merchant Category Group code has been blocked on your Purchasing card, this will also lead to your card being declined.

If this occurs, please contact the Administrator immediately to discuss how your card can be updated to reflect your requirements.

Queries on Goods

Faulty or damaged goods supplied

If the cardholder rejects the goods purchased as unsatisfactory, he/she must inform the supplier immediately, and try to reach an agreement to return the goods and obtain a refund. The Royal Bank of Scotland is unable to become involved in any disputes between purchaser and supplier over the quality or suitability of goods purchased.

The supplier must arrange for a credit (refund) to be made to The Royal Bank of Scotland Purchasing Card Account which will then appear on a subsequent statement. To aid reconciliation, we suggest the cardholder retains a record of the credit at the time the goods are returned, rather than waiting for the statement to arrive.

Please note that refunds from abroad may vary from the original transaction amount due to exchange rates.

Goods not supplied/wrong goods supplied

If an item is charged to the cardholder's account but the goods or services ordered have not been received or are incorrect, the cardholder must contact the supplier to confirm that the goods have been supplied or the correct goods are being despatched.

A refund can be claimed from the supplier only after allowing 60 days from the transaction date for delivery of the correct goods.

APPENDIX 1

Employee Agreement

a) I, …….. Hereby accept a Purchasing Card. As a cardholder I agree to comply with the terms of the attached policy regarding my use of the Card.

b) I have received and understood that I am being entrusted with a corporate charge card and will be making financial commitments on behalf of the company. I understand that the RBC is liable to the card provider for all the charges made on the card.

c) I agree to use this card for business purchases only and agree not to charge personal purchases. I understand that the RBC will audit the use of this card and report and take appropriate action on any discrepancies.

d) I will follow the established procedures for the use of the card. Failure to do so will result in cancellation of my card and disciplinary actions, including termination of employment.

e) I have been given a copy of the Purchasing Card Policy and User Guide and understand the requirements for the Card's use.

f) I agree to return the Card immediately upon request or upon termination of employment (including retirement). Should there be any organisational change, which cause my purchasing requirements to change, I agree to return my card and arrange for a new one, if appropriate.

g) If the card is lost or stolen, I agree to notify Royal Bank of Scotland immediately by telephone and the Card Administrator as soon as possible thereafter.

Employees Signature…… Date…….

Card Number……..

Card Administrators Signature……. Date……

Appendix C

Glossary of terms

In the Financial Procedure Rules the words and phrases in the left hand column have the meaning given in the right hand column;

Asset	Something the Council owns that has value, such as premises, vehicles, equipment or cash.
Audit	A specialist team that examines, evaluates and reports on the adequacy of internal control systems.
Budget	A statement of the authority's plans for revenue and capital expenditure and income over a specified period of time.
Capital	Spending, usually on major assets like a building, where the benefit of the asset lasts for more than one year.
Capital Programme	A budget generally covering a 3-5 year period relating to items of capital expenditure.
Capital receipts	Proceeds from the sale of fixed assets, such as land or buildings.
Cash Limit	The most that can be spent in an area in one year.
CIPFA	The Chartered Institute of Public Finance and Accountancy is the leading professional accountancy body for public services in the UK. CIPFA has responsibility for setting good practice accounting standards for local government.
Financial Irregularities	Financial irregularities refer to actions or transactions that deviate from established financial rules, procedures or legal standards – often indicating errors, mismanagement or potential fraud.
Gross Expenditure	The total cost of providing the Council's services before taking into account income from government grants and fees and charges for services.
Imprests	Bank and petty cash floats.
Internal Control	The systems of control that help ensure the Council's objectives are achieved in an economical, efficient and effective way and consistent with safeguarding the Council's assets.
Inventory	A list of equipment and furniture.
Money Laundering	The practice of engaging in financial transactions in order to conceal the identity, source, and/or destination of money.
Officer	A person employed or appointed as a member of staff, including temporary staff and contractors.

Revenue budget	Budget relating to the day-to-day expenses associated with the provision of services.
Treasury Management	Management of the Council's cash balances on a daily basis, to obtain the best return while maintaining an acceptable level of risk.
Treasury Management Strategy	A document stating how the Council plans to borrow and optimise its return on its cash and investments in the coming financial year whilst ensuring the over-riding criterion of security of public money.
Virement	Transfers of budgets between one area and another.

Clarification of Post titles

Chief Executive	The Council's Head of Paid Service
S151 Officer	The Council's Chief Financial Officer (CFO) or Section 151 Officer
Assistant Director of Finance and Customer Services	The Council's Deputy Section 151 Officer

PART [16]

CONTRACT PROCEDURE RULES PART 1

1. INTRODUCTION

What are Contract Procedure Rules?

1.1 The Contract Procedure Rules (CPRs), the [Financial Procedure Rules] together with the Procurement Act 2023 (PA 2023) and the Procurement Regulations 2024 provide the framework for procurement activity across the Council, setting out how contracts for goods, works and services should be procured and managed, and detailing the record keeping and reporting requirements related to procurement and contract management activity. The CPRs apply to all Officers across the Council.

1.2 The CPRs should not be seen in isolation, but rather as part of the overall regulatory framework of the Council as set out in the Constitution.

Why are CPRs needed?

1.3 The Local Government Act 1972 requires the Council to have standing orders for how it enters into contracts. The Local Government Act 2000 (Constitutions) Direction requires the Council's constitution to include its rules, regulations and procedures in respect of contracts. These CPRs are the standing orders required by the Local Government 1972 Act and The Local Government Act 2000 (Constitutions) Direction. These CPRs form part of the Council's Constitution and are, in effect, the instructions of the Council to Officers when dealing with contracts on behalf of the Council. In acting on behalf of the Council, Officers must also have regard to any guidance and procedures issued to support compliance with the CPRs.

1.4 The Council is under a legal duty to promote Best Value and to consider the Public Services (Social Value) Act 2012 and comply with Public Sector Equality Duty under the Equality Act 2010. Every Officer engaged in the letting of contracts shall have regard to these duties and associated Council policies. Where compliance with these duties contradicts the requirements of any statutory legislation or specific best practice guidance, advice from Legal and Democratic Services must be obtained.

1.5 The CPRs apply to all contracts for the supply of works, goods and services, (including consultancy, utilities and concessions) to the Council, regardless of value

Exemptions

1.6 The following arrangements are exempted contracts under Schedule 2 of the Procurement Act 2023 (PA 2023) and therefore the sections in these CPRs which relate to procurements subject to the PA 2023 do not apply, including, without limitation:

1.6.1 The acquisition (by whatever means) (or the acquisition of an interest in or right over) of land, buildings or any other complete work or a contract

concerning an interest or right over any such things. In this instance, the financial regulations apply except where services or works are required by the Council as part of the land transaction. e.g. development agreements. **Note** that this does not apply to any external professional services linked to the purchase or sale.

1.6.2 Contracts of employment for the appointment of individual members of staff, including members of staff sourced through employment agencies under a corporate contract or contracts with individuals appointed to a public office (which may include the appointment of non-executive directors). Any ambiguity on whether a contract is an employment contract or a consultancy contract covered by these CPRs should be referred to HR.

1.6.3 Grant agreements.

1.6.4 Supply of works, goods and services by the Council to a third party. However, the Assistant Director Legal Democratic and Procurement Services must be consulted where the Council is contemplating this route.

1.6.5 Contacts procured with an entity over which the Council has a form of 'control' as defined in Schedule 2 of the PA 2023.

1.6.6 Contracts procured with another contracting authority (or contracting authorities) with the intention to achieve common goals in the exercise of public functions, solely in the public interest and where no more than 20% of the activities intended to be carried out are for reasons other than for the purpose of public functions.

1.6.7 Contracts procured in collaboration with other local authorities where the Council is not the lead authority (subject to the necessary approvals having been obtained from the appropriate decision maker at the Council). The CPRs of the lead authority shall apply. Assurance should be sought that the lead authority is in compliance with its own contract procedure rules and the PA 2023.

1.6.8 Purchases made at public auction.

1.6.9 Contracts relating to the placement of deposits or raising loans under the Financial Procedure Rules.

Note 1: Exemptions are not waivers. For waivers see Rule 2.16 – 2.22.

Note 2: These CPRs apply to any sponsorship agreement the Council is a party to and/or any arrangements in relation to or in connection with sponsorship.

Authority to conduct procurement activity

1.7 The authority for an Officer who needs to:

1.7.1 Undertake a procurement;

1.7.2 Award a contract;

1.7.3 Extend or vary a contract;

1.7.4 Terminate a contract during a contract period (early contract termination)

1.8 Will emanate from a function of the Council that is delegated to them by either of the following:

1.8.1 The Scheme of Delegation; or,

1.8.2 A bespoke decision taken by members.

Basic principles

Procurements below the WTO/GPA tender threshold

1.9 All procurement procedures below the WTO/GPA tender threshold must:

1.9.1 Support all relevant Council priorities and policies including the Medium Term Financial Plan,

1.9.2 Comply with all legislative requirements including the Human Rights Act 1998 and the Equality Act 2010,

1.9.3 Be funded through the allocation of an appropriately established budget or external grant funding.

1.9.4 Respect confidentiality during all stages of the formal tendering process. Officers must not disclose any information they have about potential suppliers to other persons/suppliers potentially competing for the same contract.

1.9.5 Where the estimated value of the contract exceeds £30,000 including VAT but is below the WTO/GPA tender threshold, comply with the obligations set out Part 6 of the PA 2023.

Procurements above the WTO GPA tender threshold

1.10 In addition to the above, all procurement procedures above the WTO/GPA tender threshold must:

1.10.1 Have regard to the importance of the objectives under the PA 2023 which are as follows:

(a) to deliver value for money by seeking to achieve the optimum combination of whole life costs and quality of outcome/s,

(b) to act, and be seen to act, with integrity,

(c) to maximise public benefit,

(d) to share information for the purpose of allowing suppliers and others to understand the Council's procurement policies and decisions,

(e) to treat suppliers the same unless a difference between the suppliers justifies different treatment. If this is the case, the Council must take all reasonable steps to ensure it does not put a supplier at an unfair advantage or disadvantage,

(f) to have regard to the fact that small and medium-sized enterprises may face particular barriers to participation and consider whether such barriers can be removed or reduced,

1.10.2 Have regard to the national procurement policy statement,

1.11 Ensure that all reasonable steps are taken to identify and keep under review any actual or potential conflicts of interest and where a conflict of interest is identified, ensure that all reasonable steps are taken to ensure the conflict does not put a supplier at an unfair advantage or disadvantage.

1.12 Where the estimated value of a procurement exceeds the WTO/GPA tender threshold, all Authorised Officers must comply with the relevant procurement legislation and have regard to the applicable Cabinet Office guidance. Under the UK Government's transitional arrangements, procurements that commence after the entry into force of the PA 2023 on 24 February 2025 must be conducted by reference to the PA 2023 only (together with the regulations made under the PA 2023 and any guidance published by the UK Government), whilst those that were commenced under the Public Contracts Regulations 2015 must continue to be procured and managed under those regulations. Any contracts awarded under the Public Contracts Regulations 2015 will continue to be managed under the Public Contracts Regulations 2015 until such a time as the contract or commercial tool (i.e. framework, dynamic purchasing system) ceases to exist.

All procurements

1.13 These CPRs shall be applied to the contracting activities of any arrangement for which the Council is the accountable body unless these CPRs state otherwise or the Council expressly agrees otherwise.

1.14 Records of procurement activity must be maintained as required by these CPRs and the award of contract must be published in accordance with the [Access to Information Rules] and the PA 2023

1.15 All contracts over £25,000 are to be entered on the Council's contracts register. This information must be updated if there is a change in the contract value. Contract Managers are responsible for notifying the Procurement Team of any updates and any additional contracts that need to be added to the register as soon as possible after they are awarded.

Authority to act

1.16 Where a new contract is required, or the variation or extension of an existing contract is required, the scheme of delegations in Part 2 of these CPRs provides the authority to take operational, executive and non-executive decisions relating to the area of responsibility.

Service specifications and options appraisal

1.17 At the start of any procurement activity, the Authorised Officer must develop the service specification and/or existing service design together with the requisite business case or service plan that identifies as a minimum:

1.17.1 Why the service is being commissioned; what is the need?

1.17.2 The budget available and the length of the proposed contract;

1.17.3 Assessment of the risks associated with the procurement and how they can be successfully managed;

1.17.4 What is the best form of community or service-user engagement or consultation? Consideration should be given to how service users can actively participate in the designing, delivery and quality-monitoring of their service;

1.17.5 Which, if any, social value outcomes will be achieved from the commissioning exercise, and how they can contribute towards meeting the Council's overall priorities;

1.17.6 Alternative options that have been considered;

1.17.7 Financial implications;

1.17.8 Where the procurement involves a potential change to services provided by the Council, ensures compliance with the Council's duty to consult under Section 3 of the Local Government Act 1999, and the Equality Act 2010;

1.17.9 Ensures that the application of the Transfer of Undertaking Protection of Employment Regulations 2006 (TUPE) is considered and obtain advice from the Procurement Team and Legal and Democratic Services before proceeding with ITT / ITQ;

1.17.10 Identifies the contract to be used for the procurement. Seek advice from the Procurement Team and Legal and Democratic Services at an early stage in the process;

1.17.11 Ensures contract management is considered early and that the mechanisms for monitoring the contract are embedded in the specification and contract.

1.18 The provision of CPR 1.17.5 above may apply to services contracts, or services together with the purchase or hire of goods or the carrying out of works, where it is proportionate and relevant to do so to enable or facilitate compliance with the duty imposed by section 1 of the Public Services (Social Value) Act 2012.

1.19 Decisions taken during the procurement process must be clearly documented and show options considered and recommendations to be taken forward.

Reserving below UK Threshold procurements

1.20 On a case by case basis, procurements below the WTO/GPA tender threshold may be reserved:

1.20.1 By supplier location: This means being able to run a competition and specify that only suppliers located in a geographical area can bid; or

1.20.2 By supplier type: For Small and Medium Sized Enterprises (SMEs) / Voluntary, Community and Social Enterprises (VCSEs), this means being able to run a competition and specify that only SMEs and VCSEs can bid.

1.21 Specific considerations and criteria must be met when using the provision of CPR 1.20 above, therefore Authorised Officers must engage with the Procurement Team and /or Legal and Democratic Services. for further guidance and written approval to use this provision. When opting to reserve a procurement by supplier location or supplier type, Authorised Officers are required to record the rationale / approval of their decision and keep with other procurement documents.

2. EVALUATION CRITERIA

Tender/Quotation acceptance

2.1 The Council shall only accept a Tender/Quote and award a contract to the bidder submitting the most advantageous Tender/Quote within budget.

2.2 For procurements of £50,000 and above the Authorised Officer shall produce a procurement evaluation report showing:

2.2.1 The subject matter, value and term (including potential extensions) of the contract;

2.2.2 The procurement route followed and the reason why that procurement route was chosen;

2.2.3 The name of each bidder who submitted a Tender and the result of each assessed Tender (i.e. total score);;

2.2.4 Any conflicts of interest detected and subsequent measures taken;

2.2.5 Details of due diligence checks carried out;

2.2.6 The recommendation on which bidder should be awarded the contract..

2.3 Written notification to successful and unsuccessful bidders of the outcome of a procurement process should be provided as soon as practicable and where applicable, in accordance with the PA 2023.

2.4 For procurements above the WTO/GPA tender threshold or where the relevant legislation provides for a standstill period, the contract cannot be formally awarded until the bidders have been informed and the mandatory standstill period has elapsed.

2.5 The successful bidder will not be allowed to commence provisions of the goods, services or works until a formal written contract has been completed. The Authorised Officer must ensure that a completed copy of the contract is added to the Council's contract register.

2.6 Where necessary the contract award notice and contract details notice must be published on the central digital platform. The contract details notice must be published within 30 days of the contract being entered into.

Authority to procure, award, sign / seal, vary or extend a contract

2.7 Officers are authorised to procure, award, sign or seal, vary or extend a contract pursuant to the delegations set out in Part 2 of these CPRs.

2.8 Authority to award, sign or seal, vary or extend a contract of a value of £200,000 or above (the Key Decision threshold) must be obtained from the Cabinet.

2.9 Contracts must be executed as deeds by affixing the common seal of the Council in the following circumstances:

2.9.1 Contracts of £200,000 or above (the Key Decision threshold) – unless agreed otherwise by Legal and Democratic Services;

2.9.2 Setting up a new framework;

2.9.3 All building and works-related contracts – unless agreed otherwise by Legal and Democratic Services; and

2.9.4 Other high risk contracts (as advised by Legal and Democratic Services) where a longer limitation period of 12 years is required.

2.10 Before a contract can be sealed by the Council, the Authorised Officer must provide the Legal and Democratic Services with the relevant decision to award in writing from the appropriate decision maker. The sealing of the contract by Legal and Democratic Services is simply affixing the common seal and does not indicate that legal advice has been sought or that the Legal and Democratic Services approve the contract.

2.11 Authorised Officers shall ensure that each contract is on one of the Council's standard contract templates or that the terms and conditions or the contract are/is approved by Legal and Democratic Services prior to going out to tender/quote.

Extension or variation of contracts under the Procurement Act 2023

2.12 Any extension or variation of a contract must comply with these CPRs, the PA 2023 and all applicable legislation.

Modifications to Contracts under the Public Contracts Regulations 2015 or Concessions Contract Regulations 2016

2.13 Modification to contracts under the Contracts awarded under the Public Contracts Regulations 2015 or the Concessions Contract Regulations 2016 must comply with these CPRs, the Contracts under the Public Contracts Regulations 2015 or Concessions Contract Regulations 2016 and all applicable legislation and will only be considered where they comply with Regulation 72 of the Public Contracts Regulations 2015 or Regulation 43 of the Concessions Contract Regulations 2016.

Direct Awards

2.14 A direct award is only to be used in exceptional circumstances and where expressly permitted under the PA 2023. Authorised Officers and/or Contract Managers are responsible for ensuring that direct awards are approved in advance of any action undertaken in all instances. As part of the approval process for use of a direct award, the Authorised Officer or Contract Manager must demonstrate that the price obtained is not in excess of the market price and that the contract represents best value.

2.15 Direct awards are governed by Chapter 3 of the PA 2023 which covers situations where a non-exempt contract above the WTO/GPA tender threshold is awarded without a competitive tendering procedure and is awarded directly to a supplier of the Council's choosing. The grounds for direct award under the PA 2023 include, but not limited to:

2.15.1 **Urgency**

(a) An urgent decision is required, for example for the protection of life or property, or to maintain the delivery of a public service, and in the opinion of the Monitoring Officer and the Deputy Chief Executive and Section 151 Officer, the waiver is in the Council's best interests, or necessary to meet the Council's obligations;

(b) The Council must be able to evidence that it is a genuine emergency, that the events causing extreme urgency were unforeseeable, that is impossible to comply with the usual timescales for a procurement including through a framework or accelerated procurement, and that the situation is not attributable to the Council;

(c) Such emergency contracts should be let for as short a period as possible to allow their replacement with a contract that is fully compliant with these CPRs at the earliest practicable opportunity.

2.15.2 **Single suppliers**

(a) Where the suppliers, works or services:

(i) Concerns the creation of acquisition of unique work or art or artistic performance;

(ii) Where a particular supplier s in possession of intellectual property or other exclusive rights and there are no reasonable alternatives, which means only the supplier with those rights can deliver the goods, services or works; or

(iii) Where, due to an absence of competition for technical reasons and provided there are no reasonable alternatives, only a particular supplier can supply the goods, services or works required.

Additional or repeat goods, services or works

2.15.3 Where the Council wishes to award a contract above the WTO/GPA tender threshold to an existing supplier, including:

(a) where the Council wises to buy additional or to partly replace existing goods, services or works which are the same or compatible with existing provisions (both those already supplied or that are contracted to be supplied); or

(b) where a contract has previously been awarded under a competitive tendering procedure and the tender notice or tender documents set out that the intention was to carry out a subsequent procurement of similar goods, services or works by direct award within five years of the original competitively tendered contract being awarded.

Waivers

2.16 A wavier to the CPRs should only be granted in exceptional circumstances.

2.17 A further waiver to the CPRs will generally not be granted where a waiver has previously been granted in respect of a contract.

2.18 A waiver to the CPRs is not required in the circumstances of instructing a barrister to provide specialist legal advice or for professional subscriptions.

2.19 A waiver to the CPRs must be approved in writing by the Deputy CEO S151 Officer Where the contract is £50,000 or above, the relevant Portfolio Holder must also be consulted.

2.20 A “waiver to the CPRs form” must be completed by the Authorised Officer or Contract Manager seeking the waiver and must be signed by the relevant Executive Director. Evidenced reasons as to the legitimate need for the waiver must be provided. The form is available from the Procurement Team.

2.21 The Authorised Officer or Contract Manager must ensure the waiver form is signed by the Monitoring Officer and the Deputy Chief Executive and Section 151 Officer [or the Chief Executive] and returned to the Procurement Team for recording on the waivers register.

2.22 Assistant Directors must monitor the use of waivers relevant to their department.

2.23 No waiver from the CPRs can be granted in respect of contracts above the WTO GPA tender threshold under the PA 2023.

3. RECORD KEEPING

3.1 Where the total value of a contract is up to £49,999 the Authorised Officer must maintain a record of:

3.1.1 ITQs / ITTs and quotations / tenders received;

3.1.2 Any exemption obtained and the reasons for the exemption;

3.1.3 Award criteria [in descending order of importance];

3.1.4 Written communications with the bidders during the procurement process; contractor awarded the contract;

3.1.5 Written communications with the successful contractor during the term of the contract.

3.2 Where the total value of a contract is £50,000 or above, the Authorised Officer must maintain a record of:

3.2.1 The information detailed in the procurement evaluation report produced in accordance with Rule 2.2 above;

3.2.2 The management of the contract;

3.2.3 Any exemption granted and the reasons for the exemption;

3.2.4 An evaluation of the contractor's performance;

3.2.5 Any other information as required under section 98 of the PA 2023 (where the contract is above the WTO/GPA tender threshold).

PART [16]

Appendix 3 Contract Procedure Rules Part 2

Rules, Regulations and Procedure for Contracts pursuant to The Local Government Act 1972 and the Local Government Act 2000 (Constitutions) (England) Direction 2000

Total Value of Whole Contract Period Including VAT*	**Competition Requirements**	**Requirements**	**Authority to Procure**	**Authority to Award Contract / Appoint Contractor**	**Sign / Seal**
Up to £3,000	Evidence of Best Value	Must consider using existing corporate contract or an existing framework agreement provided costs are competitive and meets the Council's requirements for that contract; Consider local suppliers and/or local voluntary, charity and social enterprise (VCSE) sector interest; Competitive enquires must be undertaken and evidenced; Documents relating to the award of the contract must be recorded and retained for not less than 1 year (this can be in the form of an email); Award can be on price alone, but if the selected supplier is not the	Officers authorised by managers who report to Assistant Directors under the Scheme of Delegation	Officers authorised by managers who report to Assistant Directors under the Scheme of Delegation	Signature

*Estimating contract values is to be inclusive of VAT for the purpose of applying thresholds. The publication of procurement notices is to be exclusive of VAT.

**Procurement WTO / GPA Thresholds were last updated on 1 January 2026

May 2026

		lowest quote, MAT evaluation should justify the selection; Consider using the Due North Electronic Portal Quick Quote Process.			
£3,001 - £29,999	3 Written Quotes	Must consider using existing corporate contract or an existing framework agreement provided costs are competitive and meets the Council's requirements for that contract; **OR** A minimum of 3 written quotations must be obtained from appropriately qualified and competent suppliers. Include 2 local suppliers and/or local VCSE and/or SME sector interest where appropriate; Consider using the Invitation to Quote/Tender by Advertisement procedure if appropriate; Consider using the Due North Electronic Portal Quick Quote Process; Where 3 suppliers cannot be	Assistant Directors(as defined by AD pay grades) under the Scheme of Delegation	Assistant Directors(as defined by AD pay grades) under the Scheme of Delegation	Signature

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May 2026

		identified, the contract must be: • Openly advertised using the Due North Electronic Portal Quick Quote Process; or • Procured via a compliantly let framework agreement which meets the Council's requirements for that contract via the Due North Electronic Portal Quick Quote Process; Where the contract is advertised the Council's advertisement documentation must be used.			
£30,000 - £50,000	Invitation to Quote by Advertisement	Must consider using existing corporate contract or an existing framework agreement provided costs are competitive and meets the requirements of the Council for that contract; **OR** Must advertise the contract via a below-threshold tender notice on the central digital platform. Adverts on the central digital platform or such other platform as may be	Service Unit Managers, Executive Directors (as defined by pay grades) and the Chief Executive under the Scheme of Delegation	Service Unit Managers, Executive Directors (as defined by pay grades) and the Chief Executive under the Scheme of Delegation	Seal

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May 2026

		prescribed must include full, unrestricted and free direct internet access to relevant contract documents; Once a below-threshold tender notice has been published, must advertise the contract and invite expressions of interest via the Due North Electronic Portal. Contract must be advertised for a minimum of 15 working days; The Council's invitation to quote by advertisement documentation must be used. A contract details notice must be published on central digital finder; The Authorised Officer must consult the Procurement Team and the Legal, Democratic and Property Services Team to determine the procurement exercise.			
£50,001 – WTO / GPA tender threshold: Goods & Services	Invitation to Tender by Advertisement	Must consider using existing corporate contract or an existing framework agreement provided costs are competitive and meets	**Up to £199,000**: Service Unit Managers, Executive	**Up to £199,000**: Service Unit Managers, Executive	Seal

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**Procurement WTO / GPA Thresholds were last updated on 1 January 2026

May 2026

above • £173,100 (excl. VAT) • £207,720 (incl. VAT) Works above: • £4,327,500 (excl. VAT) • £5,193,000 (incl. VAT)		the Council's requirements for that contract; **OR** Must advertise the contract via a below-threshold tender notice on the central digital platform or such other platform as may be prescribed. Adverts on the central digital platform must include full, unrestricted and free direct internet access to relevant contract documents; Once a below-threshold tender notice has been published, Officers must advertise the contract and invite expressions of interest via the Due North Electronic Portal; Contract must be advertised for a minimum of 15 working days; The Council's invitation to tender by advertisement documentation must be used; A below-threshold tender notice must be published on central digital platform; The Authorised Officer must	Directors (as defined by pay grades) and the Chief Executive under the Scheme of Delegation **£200,000 and above (Key Decision threshold):** Cabinet or as otherwise delegated by Cabinet	Directors (as defined by pay grades) and the Chief Executive under the Scheme of Delegation **£200,000 and above (Key Decision threshold):** Cabinet or as otherwise delegated by Cabinet	Seal

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**Procurement WTO / GPA Thresholds were last updated on 1 January 2026

		consult early the Procurement Team and the Legal, Democratic and Property Services Team to determine procurement exercise.			
Above WTO / GPA Threshold** Goods & Services above • £173,100 (excl. VAT) • £207,720 (incl. VAT) Works above: • £4,327,500 (excl. VAT) • £5,193,000 (incl. VAT)	Compliant Procurement Procedure or by Invitation to Tender by Advertisement	Must consider using existing corporate contract or an existing framework agreement provided costs are competitive which meets the Council's requirements for that contract; **OR** The contract must also be advertised via a tender notice on the central digital platform; By the Invitation to Tender by Advertisement procedure using the Due North Electronic Portal. The Council's invitation to tender by advertisement documentation must be used; Adverts place on the central digital platform must include full, unrestricted and free direct internet access to relevant contract documents; The contract must be advertised for the periods specified in the	**Up to £199,000**: Service Unit Managers, Executive Directors (as defined by pay grades) and the Chief Executive under the Scheme of Delegation **£200,000 and above (Key Decision threshold):** Cabinet or as otherwise delegated by Cabinet	**Up to £199,000**: Service Unit Managers, Executive Directors (as defined by pay grades) and the Chief Executive under the Scheme of Delegation **£200,000 and above (Key Decision threshold):** Cabinet or as otherwise delegated by Cabinet.	Seal Seal

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**Procurement WTO / GPA Thresholds were last updated on 1 January 2026

		Procurement Act 2024; The Authorised Officer must consult early the Procurement Team and the Legal, Democratic and Property Services Team to determine the procurement exercise;			
Light Touch Regime	UK compliant Light Touch procurement process	Contracts involving the below supplies and services are subject to the 'light touch regime' if the value of the contract is above the WTO / GPA Threshold: • Health, social and related services (unless included in the Health Care Services (Provider Selection Regime) Regulations 2023); • Administrative social, educational, healthcare and cultural services; • Compulsory social security services; • Benefit services; • Other community, social	**Up to £199,000**: Service Unit Managers, Executive Directors (as defined by pay grades) and the Chief Executive under the Scheme of Delegation **£200,000 and above (Key Decision threshold):** Cabinet or as otherwise delegated by Cabinet	**Up to £199,000**: Service Unit Managers, Executive Directors (as defined by pay grades) and the Chief Executive under the Scheme of Delegation **£200,000 and above (Key Decision threshold):** Cabinet or as otherwise delegated by Cabinet	Seal Seal

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**Procurement WTO / GPA Thresholds were last updated on 1 January 2026

		and personal services including services furnished by trade unions, political organisations, youth associations and 9 other membership organisation services; • Legal Services (subject to not being an exempt contract under the PA 23) ; • Other administrative services and government services; • Provision of services to the community; • Prison related services, public security and rescue services; • Investigation and security services; • International services; • Postal services; • Miscellaneous services listed in Schedule 1 of The			

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May 2026

		Procurement Regulations 2024. The Authorised Officer must consult the Procurement Team and the Legal, Democratic and Property Services Team undertaking procurement under the Light Touch Regime.			
Concessions	Compliant procurement process under the Concessions Contracts Regulations 2016	A concession contract is an agreement where suppliers are given the right to exploit works or services provided for their own gain. Suppliers can either receive consideration for their services: • Solely through third party sources; or • Partly through payment from the Council along with income from third parties (e.g. a services concession is where a supplier has a contract to manage a local authority's subsidised catering services for staff). The risk in the concession making a profit rests with the supplier, not	As above	As above	As above

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May 2026

		the Council. The Authorised Officer must consult the Procurement Team and the Legal, Democratic and Property Services Team before undertaking a Concession procurement.			
Contracting under a Framework	Use the award procedure(s) as set out in the framework	• When calling off a contract from a framework, a contract award notice must first be published. • After the call off from a framework, a contract details notice must be published. • Where the value of the call of contract is below the WTO / GPA tender threshold, a contract details notice must be published in relation to that notifiable below-threshold contract. • The contract must purchased via a compliantly let framework; • Procedures set out in the	Not applicable.	**Up to £199,000**: Service Unit Managers, Executive Directors (as defined by pay grades) and the Chief Executive under the Scheme of Delegation **£200,000 and above (Key Decision threshold):** Cabinet or as otherwise delegated by Cabinet	Seal Seal

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**Procurement WTO / GPA Thresholds were last updated on 1 January 2026

May 2026

		framework must be followed for direct awards and mini-competitions; • The Authorised Officer must consult early the Procurement Team and the Legal, Democratic and Property Services Team to determine the procurement exercise.			

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**Procurement WTO / GPA Thresholds were last updated on 1 January 2026

May 2026

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PART 17

OFFICER EMPLOYMENT PROCEDURE RULES

Definitions

(Mandatory provisions to be incorporated – The Local Authorities (Standing Orders) Regulations 2001(as amended) Schedule I Part II)

1. In this Part:

- "the 1989 Act" means the Local Government and Housing Act 1989;
- "the 2000 Act" means the Local Government Act 2000;
- "disciplinary action" has the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001(as amended);
- "executive" and "executive leader" have the same meaning as in Part II of the 2000 Act;
- "member of staff" means a person appointed to or holding a paid office or employment under the authority; and
- "proper officer" means an officer appointed by the authority for the purposes of the provisions in this Part.

Appointment and Dismissal of Staff

2. Subject to paragraphs 3 and 7, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the authority must be discharged, on behalf of the authority, by the officer designated under section 4(1) of the 1989 Act (designation and reports of head of paid service) as the head of the authority's paid service or by an officer nominated by him.

3. Paragraph 2 shall not apply to the appointment or dismissal of, or disciplinary action against:

(a) the officer designated as the head of the authority's paid service;
(b) a statutory chief officer within the meaning of section 2(6) of the 1989 Act (politically restricted posts);
(c) a non-statutory chief officer within the meaning of section 2(7) of the 1989 Act;
(d) a deputy chief officer within the meaning of section 2(8) of the 1989 Act; or
(e) a person appointed in pursuance of section 9 of the 1989 Act (assistants for political groups).

4. (1) Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the appointment of an officer designated as the head of the authority's paid service, the

authority must approve that appointment before an offer of appointment is made to that person

(1A) Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the dismissal of an officer designated as the head of the authority's paid service, as the authority's chief finance officer, or as the authority's monitoring officer, the authority must approve that dismissal before notice is given to that person.

(2) Where a committee or a sub-committee of the authority is discharging, on behalf of the authority, the function of the appointment or dismissal of any officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3, at least one member of the executive must be a member of that committee or sub-committee.

5. (1) In this paragraph, "appointer" means, in relation to the appointment of a person as an officer of the authority, the authority or, where a committee, sub-committee or officer is discharging the function of appointment on behalf of the authority, that committee, sub-committee or officer, as the case may be.

(2) An offer of an appointment as an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3 must not be made by the appointer until:

(a) the appointer has notified the proper officer of the name of the person to whom the appointer wishes to make the offer and any other particulars which the appointer considers are relevant to the appointment;

(b) the proper officer has notified every member of the executive of the authority of:

i. the name of the person to whom the appointer wishes to make the offer;

ii. any other particulars relevant to the appointment which the appointer has notified to the proper officer; and

iii. the period within which any objection to the making of the offer is to be made by the executive leader on behalf of the executive to the proper officer; and

(c) either:

i. the executive leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the

appointer that neither he nor any other member of the executive has any objection to the making of the offer;

ii. the proper officer has notified the appointer that no objection was received by him within that period from the executive leader; or

iii. the appointer is satisfied that any objection received from the executive leader within that period is not material or is not well-founded.

6. (1) In this paragraph, "dismissor" means, in relation to the dismissal of an officer of the authority, the authority or, where a committee, sub-committee or another officer is discharging the function of dismissal on behalf of the authority, that committee, sub-committee or other officer, as the case may be.

(2) Notice of the dismissal of an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3 must not be given by the dismissor until:

(a) the dismissor has notified the proper officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;

(b) the proper officer has notified every member of the executive of the authority of:

i. the name of the person who the dismissor wishes to dismiss;

ii. any other particulars relevant to the dismissal which the dismissor has notified to the proper officer; and

iii. the period within which any objection to the dismissal is to be made by the executive leader on behalf of the executive to the proper officer; and

(c) either:

i. the executive leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the dismissor that neither he nor any other member of the executive has any objection to the dismissal;

ii. the proper officer has notified the dismissor that no objection was received by him within that period from the executive leader; or

iii. the dismissor is satisfied that any objection received from the executive leader within that period is not material or is not well-founded.

7. Nothing in paragraph 2 shall prevent a person from serving as a member of any committee or sub-committee established by the authority to consider an appeal by:

(a) another person against any decision relating to the appointment of that other person as a member of staff of the authority; or

(b) a member of staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

Disciplinary Action

(Mandatory provisions to be incorporated – The Local Authorities (Standing Orders) Regulations 2001 (as amended) Schedule 3)

8. In the following paragraphs –

(a) "the 2011 Act" means the Localism Act 2011;

(b) "chief finance officer", "disciplinary action", "head of the authority's paid service" and "monitoring officer" have the same meaning as in regulation 2 of the Local Authorities Standing Orders)(England) Regulations 2001;

(c) "independent person" means a person appointed under section 28(7) of the 2011 Act;

(d) "local government elector" means a persons registered as a local government elector in the register of electors in the authority's area in accordance with the Representation of the People Acts;

(e) "the Panel" means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;

(f) "relevant meeting" means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and

(g) "relevant officer" meant the chief finance officer, head of the authority's paid service or monitoring officer , as the case may be.

9. A relevant officer may not be dismissed by an authority unless the procedure set out in the following paragraphs is complied with.

10. The authority must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.

11. In paragraph 10 "relevant independent person" means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considered appropriate.

12. Subject to paragraph 13, the authority must appoint to the Panel such relevant independent persons who have accepted an invitation in accordance with paragraph in accordance with the following priority order-

(a) a relevant independent person who has been appointed by the authority and who is a local government elector;
(b) any other relevant independent person who has been appointed by the authority;
(c) a relevant independent person who has been appointed by another authority or authorities.

13. An authority is not required to appoint more than two relevant independent persons in accordance with paragraph 12 but may do so.

14. The authority must appoint any Panel at least 20 working days before the relevant meeting.

15. Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular_

(a) Any advice, views or recommendations of the Panel;
(b) The conclusions of any investigation into the proposed dismissal; and
(c) Any representations from the relevant officer.

16. Any remuneration, allowance of fees paid by the authority to an independent person appointed to the Panel must not exceed the level

of remuneration, allowance or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act.

Declarations – relatives of existing councillors and officers

17. The Council will draw up a statement requiring any candidate for appointment as an Officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or Officer of the Council; or of the partner of such persons.

18. No candidate so related to a Councillor or an Officer will be appointed without the authority of the relevant Chief Officer or an Officer nominated by him/her.

Seeking support for appointment

19. The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.

20. No Councillor will seek support for any person for any appointment with the Council.

Recruitment of Head of Paid Service and Chief Officers

21. Where the Council proposes to appoint a chief officer (within the meaning of the Local Authorities (Standing Orders) Regulations 1993) and it is not proposed that the appointment be made exclusively from among their existing officers, the Council shall—

(a) draw up a statement specifying—

(ii) the duties of the officer concerned; and

(ii) any qualifications or qualities to be sought in the person to be appointed;

(b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

(c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

22. (1) Where a post has been advertised as provided in rule15(b), the Council shall—

(a) interview all qualified applicants for the post, or

(b) select a short list of such qualified applicants and interview those included on the short list.

(2) Where no qualified person has applied, the Council shall make further arrangements for advertisement in accordance with rule15(b).

23. The steps under rule 21 or 22 above may be taken by a committee, sub-committee or chief officer of the Council;

24. Any chief officer may be appointed by the Council, a committee or sub-committee of the authority or a relevant joint committee.

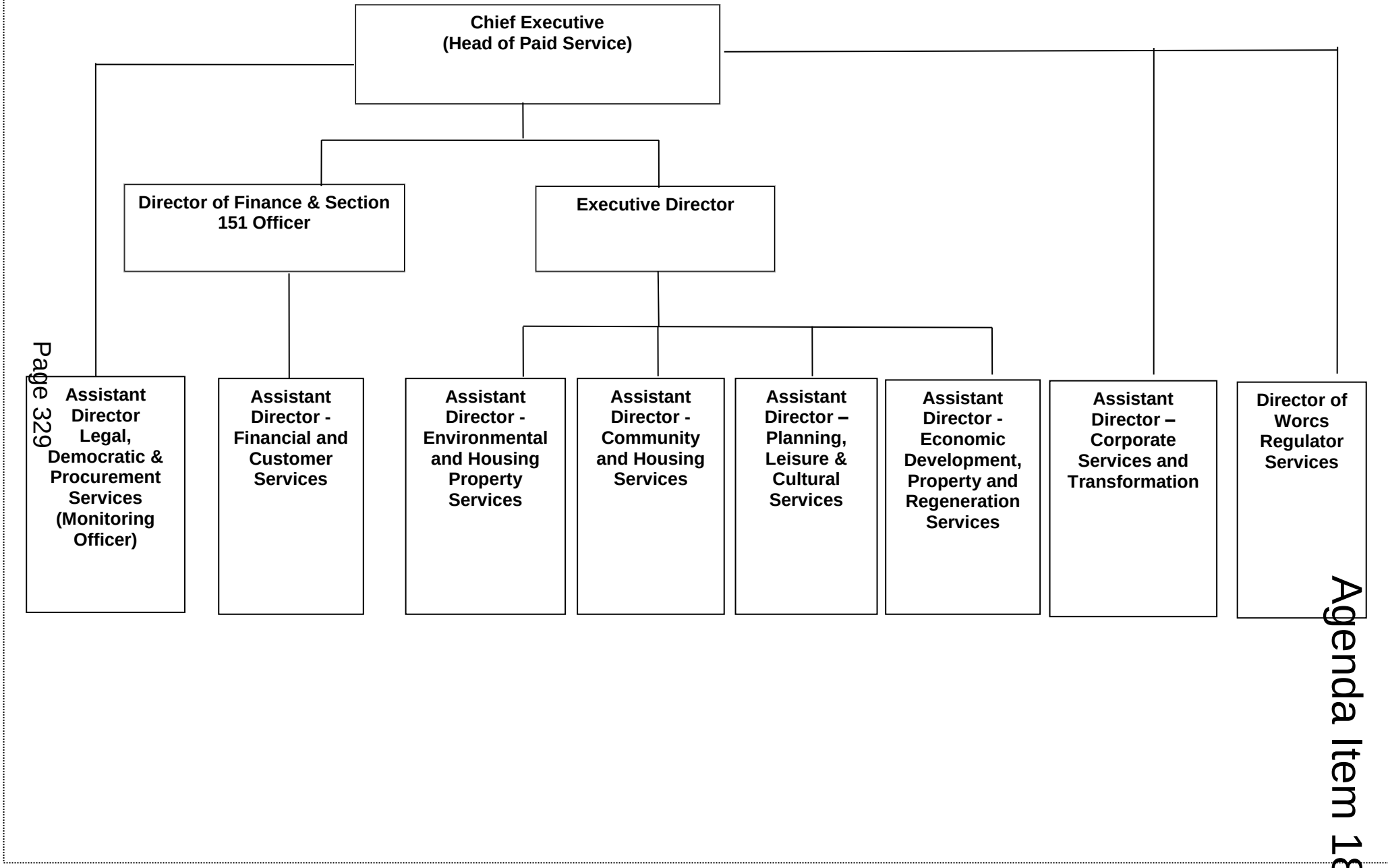
25. Where the duties of a chief officer include the discharge of functions of two or more local authorities under section 101(5) of the Local Government Act 1972

(a) the steps under rule 21 or 22 above may be taken by a joint committee of those authorities, a sub-committee of that committee or a chief officer of any of the authorities concerned; and

(b) any chief officer may be appointed by such a joint committee, a sub-committee of that committee or sub-committee of any of those authorities.

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Bromsgrove District Council and Redditch Borough Council
Single Management Structure



Chief Executive

- Communications, Marketing and Promotion (including oversight of web content)
- Printing & Reprographics
- Civic/Mayoral Support
- Corporate Administration/ Central Post Opening

Assistant Director – Corporate Services and Transformation

- I.C.T.
- Business Development
- 5G / Digital Champion
- Web Development
- Land and Property Gazetteer / GIS / Street Naming and Numbering
- Transformation, Business Process Re-engineering and Lean Systems
- Information Management
- Freedom of Information, Data Protection, Records Management
- Organisational Development (including Workforce Planning and Succession Planning)
- Training & Development (strategy)
- Performance Management & Improvement
- Policy (excluding service specific strategy)
- Consultation & Community Engagement
- Customer Insight
- Human Resources
- Training & Organisational Development
- Health & Safety
- Equalities & Diversity
- Commercialism – Operational efficiency

Director of Worcs Regulatory Services

- Health & safety
- Food Safety
- Food Standards
- Licenses (all)
- Pest & Dog Control
- Animal Health and Welfare
- Contaminated land
- Fair Trading
- Consumer and Business Advice
- Air Quality
- Metrology
- Product Safety
- Rogue Trading and Counterfeiting
- Underage Sales
- Statutory Nuisances
- Infectious Diseases

Assistant Director – – Legal, Democratic and Procurement Services

- Professional Legal Advice & Services
- Election & Electoral Services, Periodic Electoral Review
- Democratic Services & Member Support
- Monitoring Officer Role, Probity & Standards
- Governance
- Advice to Parishes
- Member Development
- Land Charges
- Procurement

Assistant Director – – Economic Development, Property and Regeneration

- Assets & Facilities Management
- Property
- Economic Development
- Town Centre Regeneration

Assistant Director – – Financial and Customer Services

- Accounts & Financial Management & Advice
- Audit
- Risk Management
- Payroll (RBC, BDC, WFDC)
- Revenues including corporate Income & Debt Management
- Benefits
- Customer Services including:
  - Centres and One Stop Shops
  - Complaints and Customer Feedback
  - Customer Service Strategy
  - Cashiers
  - Reception Services
  - Switchboard Services

Assistant Director – – Environmental & Housing Property Services

- Waste Management
- Place teams including:
  - Street Scene / Street Cleansing
  - Grounds Maintenance/ Landscaping
- Bereavement Services
- Stores and Depots
- Cesspools/Sewers
- Engineering and Design
- Fleet Management/Workshops
- Minor Works Team
- Abandoned Vehicles
- Street Naming and Numbering (operational)
- Tree management inc TPOs
- Land Drainage
- Car Parks/Civil Parking Enforcement
- Housing Property Capital and Compliance
- Repairs & Maintenance (including voids and Equipment and Adaptations)
- Mechanical and Electrical
- Commercialism – income Generation / cost reduction

Assistant Director – –Community and Housing Services

- Community Cohesion (Older and Young People) / Social Inclusion
- Community Safety
- Anti Social Behaviour Team
- CCTV & Lifeline Operation & Development
- Voluntary Sector & Community Networks, Grant Aid
- Transport
- Community Transport / Dial A Ride
- Bus Passes / Concessionary Fares
- Grant Aid
- Housing Strategy and Enabling
- Private Sector Housing
- Disabled Facilities Grants
- Travellers
- Shopmobility
- Children's Centres
- Climate Change / Energy Efficiency
- Homelessness
- Housing Options/Choice Based Lettings
- Housing Performance and Database
- Right to Buy
- St David's House Extra Care Housing
- Tenancy Management
- LSP & Other Strategic Partnerships

Assistant Director – – Planning, Leisure and Cultural Services

- Strategic Planning (Planning & Local Development Framework)
- Development Management (including Planning Enforcement)
- Building Control
- Emergency Planning / Business Continuity
- Conservation
- Leisure and Cultural Services Strategy incorporating
- Development Services (Sports and Arts Development)
- Parks and Events

BROMSGROVE DISTRICT COUNCIL

SCHEME OF MEMBERS' ALLOWANCES 2026/27

The Council's Scheme of Members' Allowances was reviewed at the meeting of the Council held on 21st January 2026 following recommendations made by the Independent Remuneration Panel for Worcestershire District Councils. It is the Council's intention that the Scheme should be reviewed annually.

The scheme for the financial year 2026/27 includes the following:

Basic Allowance and Special Responsibility Allowance

(a) A Basic Allowance payable to all Members of the Council of £6,095 which includes a payment for communications costs.

(b) Special Responsibility Allowances to be paid to the holders of the following Offices, in addition to the Basic Allowance referred to above:

Position	**Multiplier of Basic Allowance for 2026/27**	**Special Responsibility Allowance**
Leader of the Council	3.0	£18,285
Deputy Leader (including SRA as a Portfolio Holder)	1.75	£10,666.25
Executive Members (Cabinet Portfolio Holders)	1.5	£9,142.50
Chairman of Overview and Scrutiny Board	1.5	£9,142.50
Chairman of Planning Committee	1.0	£6,095
Chairman of Licensing Committee	0.3	£1,828.50
Chairman of Audit, Standards and Governance Committee	0.3	£1,828.50
Chairmen of Overview and Scrutiny Task Groups	0.25	£1,523.75
Chairman of Electoral Matters Committee	0.03	£182.85 per meeting

Chairman of Licensing Sub-Committee Hearing	0.03	£182.85 per meeting
Vice Chairmen of Committees	0.03	£182.85 (per meeting chaired)
Leaders of political groups	0.25	£1,523.75

Where Special Responsibility Allowance is payable per meeting, this will be payable to the person chairing that meeting.

In addition to the allowances set out above, an allowance of £6,095 is payable to the Chairman of the Council. This allowance is permitted in the Local Government Act 1972 and is separate to those which are reviewed by the Independent Remuneration Panel.

Local Government Pension Scheme

Since 11th May 2026, councillors in England have been eligible to join the Local Government Pension Scheme. This is on an opt-in basis and membership is not automatic. Councillors need to actively choose to opt in.

It should be noted that a Member's basic allowance or special responsibility allowance (or both, as the case may be) shall be treated as an amount in respect of which such a pension is payable.

Childcare and Dependant Care Allowances

Childcare and dependent care allowances are payable to cover reasonable and legitimate costs incurred as a result of attendance at Approved Duties, **as defined in Appendix 1.** Evidence of costs incurred should be submitted with any claim.

Travelling and Subsistence Allowances

(a) Travelling and subsistence allowances are payable for attendance at Approved Duties, **as defined in Appendix 1**.

(b) Travelling expenses are paid in accordance with the approved HM Revenue and Customs mileage allowance rate which is currently 45p per mile, irrespective of vehicle engine capacity, subject to the production of valid VAT receipts for fuel purchased.

(c) Councillors may claim actual expenditure incurred on tolls or parking fees, in addition to travelling allowances. Proof of expenditure must be provided.

(d) The rate for travel by Taxi Cab shall not exceed:

(i) In cases of urgency or where no public transport is reasonably available, the amount of the actual fare and any reasonable gratuity paid, and

(ii) In any other case, the amount of the fare for travel by appropriate public transport.

(e) Claims for travel by public transport must not exceed the ordinary standard class fare (or any available cheap fare as incurred).

(f) If you are using your private vehicle for attendance at Council meetings, Committees, etc you should advise your insurance company and ensure that you have the necessary cover in place for such business journeys.

(g) A cycling allowance may be paid at the same mileage rate as for vehicles.

(h) Subsistence allowances are paid for duties over 4 hours where no refreshments have been provided. Members are reimbursed for actual expenses incurred up to the following maximum amounts, subject to the production of receipts:-

Breakfast	£ 8.00
Lunch	£ 12.00
Evening Meal	£ 25.00
Overnight Stay (accommodation only)	
London and annual conferences	£150.00
Other	£100.00

In very exceptional circumstances, these maximum amounts may be exceeded, subject to prior approval being obtained from the Head of Financial Services in each case and the action being reported to the Overview and Scrutiny Board.

Claims for Allowances

Members should submit claims for allowances on a monthly basis within the deadlines specified.

Forgoing an Allowance

Any Member may elect to forgo their entitlement to all or part of their allowances if they so wish. If a Member has made this decision, he/she can change his/her mind, but not retrospectively.

Repayment of Allowance

A Councillor will be required to repay any allowances which they have already been paid in respect of any period during which they have:

(a) Ceased to be a Member of the Council; or
(b) Been in any other way not entitled to receive the allowance in respect of that period.

General Support for Councillors

In addition to the allowances set out in this scheme, Councillors are provided with IT equipment to support them in carrying out their Council duties.

Councillors may also claim up to £100 per year towards broadband costs; full details about this are included in the Policy for Members' IT in the constitution.

Appendix 1

APPROVED DUTIES

1. Attendance at meetings of the Council or any of its committees or sub-committees as a member of that body, observer, invited attendee or to address such a body

2. Attendance at meetings of the Executive Cabinet or any of its committees or sub-committees as a member of that body, observer, invited attendee or to address such a body

3. Meetings of Working Groups or Panels established by the authority, any of its committees or sub-committees or by the Leader of the Council provided that members of at least two political groups have been invited to attend

4. Any duty undertaken by the Chairman of the Council, the Vice-Chairman of the Council, the Civic Head, the Deputy Civic Head or by the Leader of the Council in that role

5. Attendance by Portfolio Holders, Committee Chairmen and Vice-Chairmen at preparation or briefing meetings for formally convened meetings of the Council.

6. Meetings of area or neighbourhood committees or forums

7. Other Bodies to which the authority makes appointments or nominations, or any committee or sub-committee of such a body

8. Meetings of any association of authorities of which the Council is a member

9. Site visits, provided these are in connection with the discharge of the functions of the authority or any of its committees or sub-committees

10. Joint meetings with other local authorities, conferences, seminars, presentations, training or induction sessions, provided these are in connection with the discharge of the functions of the authority or of any of its committees or sub-committees.

11. Any other special duties which the Council may wish to approve from time to time, provided these are in connection with the discharge of the functions of the authority or any of its committees or sub-committees

Note: Members may not claim allowances from more than one body in respect of any duty.

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PART 20

CODE OF CONDUCT

Definitions

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

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

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

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

Purpose of the Code of Conduct

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

General principles of Councillor conduct

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

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

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

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

In undertaking my role:

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

Application of the Code of Conduct

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

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

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

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

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

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

Where you act as a representative of the Council:

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

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

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

Standards of Councillor conduct

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

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

General Conduct

1. Respect

As a councillor:

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

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

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

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

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

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. Bullying, harassment and discrimination

As a Councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

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

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in

emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

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

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

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

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

3. Impartiality of officers of the Council

As a councillor:

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

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

You must:

(a) when reaching decisions on any matter have regard to any relevant advice provided to you by the Council's officers and in particular by the Monitoring Officer and Section 151 Officer; and

(b) give reasons for all decisions in accordance with any statutory requirement and any reasonable additional requirements imposed by the Council.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- **a. given to me in confidence by anyone**
- **b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
  - **i. I have received the consent of a person authorised to give it;**
  - **ii. I am required by law to do so;**
  - **iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third**

party agrees not to disclose the information to any other person; or

iv. the disclosure is:

1. **reasonable and in the public interest; and**
2. **made in good faith and in compliance with the reasonable requirements of the local authority; and**
3. **I have consulted the Monitoring Officer prior to its release.**

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

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

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

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

5. Disrepute

As a Councillor:

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

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

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

6. Use of position

As a Councillor:

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

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

7. Use of local authority resources and facilities

As a Councillor:

7.1 I do not misuse Council resources.

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

(a) act in accordance with the local authority's requirements.

(b) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed; and

(c) have regard to any applicable Local Authority Code of Publicity during elections.

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

Examples include:

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

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

8. Complying with the Code of Conduct

As a Councillor:

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

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

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

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

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

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

9.1 I register and disclose my interests.

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

You need to register your interests so that the public, local authority employees and fellow Councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other Councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

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

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

10. Gifts and hospitality

As a Councillor:

10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £15 within 28 days of its receipt.

10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

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

Appendices

Appendix A – The Ten Principles of Public Life

The principles are:

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

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

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

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

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

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

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

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

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

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

Appendix B Registering interests

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

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

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

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.

2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the Councillor, being subject to violence or intimidation.

3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register. The Monitoring Officer may state on the register that the councillor has an interest the details of which are withheld.

Non participation in case of disclosable pecuniary interest

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

Disclosure of Other Registerable Interests

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

the nature of the interest.

Disclosure of Non-Registerable Interests

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

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

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

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

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

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

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

Table 1: Disclosable Pecuniary Interests

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

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the Councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a Councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the Councillor or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the Councillor or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer
Corporate tenancies	Any tenancy where (to the Councilor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the Councillor, or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.

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

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

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

Table 2: Other Registrable Interests

You must register as an Other Registerable Interest :

a) any unpaid directorships

b) any body of which you are a member or are in a position of general control or management and to which you not are not nominated or appointed by your authority

c) any body
- (i) exercising functions of a public nature
- (ii) directed to charitable purposes or
- (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

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

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

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

The recommendations cover:

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

Best Practice Recommendations

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

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

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

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

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

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

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

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

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

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

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

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

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

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

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

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

Appendix D

This Code of Conduct must be read alongside:

ACAS Guidance “If You’re Treated Unfairly at Work”
https://www.acas.org.uk/if-youre-treated-unfairly-at-work/being-bullied

Equality and Human Rights Commission – Public Sector Equality Duty Guidance

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STATUTORY INSTRUMENTS

2012 No. 1464

LOCAL GOVERNMENT, ENGLAND

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

Made - - - -	*6th June 2012*
Laid before Parliament	*8th June 2012*
Coming into force - -	*1st July 2012*

The Secretary of State, in exercise of the powers conferred by sections 30(3) and 235(2) of the Localism Act 2011(**a**), makes the following Regulations.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and shall come into force on 1st July 2012.

(2) In these regulations—

"the Act" means the Localism Act 2011;

"body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

"director" includes a member of the committee of management of an industrial and provident society;

"land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

"M" means a member of a relevant authority;

"member" includes a co-opted member;

"relevant authority" means the authority of which M is a member;

"relevant period" means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

"relevant person" means M or any other person referred to in section 30(3)(b) of the Act;

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

(**a**) 2011 c.20.
(**b**) 2000 c. 8.

Specified pecuniary interests

2. The pecuniary interests which are specified for the purposes of Chapter 7 of Part 1 of the Act are the interests specified in the second column of the Schedule to these Regulations.

Signed by authority of the Secretary of State for Communities and Local Government

Grant Shapps
Minister of State
Department for Communities and Local Government

6th June 2012

SCHEDULE

Regulation 2

Subject	*Prescribed description*
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(**a**).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of

(**a**) 1992 c. 52.

business or land in the area of the relevant authority; and
(b) either—

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 30 of the Localism Act 2011 provides that a member or co-opted member of a relevant authority as defined in section 27(6) of the Localism Act 2011, on taking office and in the circumstances set out in section 31, must notify the authority's monitoring officer of any disclosable pecuniary interest which that person has at the time of notification. These Regulations specify what is a pecuniary interest. Section 30(3) of the Act sets out the circumstances in which such an interest is a disclosable interest.

A full impact assessment has not been produced for these Regulations as no impact on the private or voluntary sectors is foreseen.

GIFTS AND HOSPITALITY

A CODE OF CONDUCT FOR COUNCILLORS

The acceptance of gifts and hospitality by Councillors is not merely an administrative issue. It reflects directly upon the perception of Councillors and of the authority as acting in the public interest or as acting for the personal advantage of friends and for what personal benefit Councillors can get out of their position.

The law on the acceptance of gifts and hospitality is set out in the Bribery Act 2010. These legal requirements are supplemented by the procedures which have been adopted by this authority, to provide a clear set of rules for the protection of both Councillors and the authority. This Code is to be read in conjunction with the Council's Code of Conduct for Members and the Council's Corporate Anti-Bribery Policy.

This Code of Conduct sets out:

(a) the principles which you should apply whenever you have to decide whether it would be proper to accept any gift or hospitality

(b) a procedure for obtaining consent to accept a gift or hospitality, when you consider that it would be proper to accept it

(c) a procedure for declaring any gift or hospitality which you receive and for accounting for any gift to the authority

This Code does not apply to the acceptance of any facilities or hospitality which may be provided to you by this authority.

1 General Principles

In deciding whether it is proper to accept any gift or hospitality, you should apply the following principles. Even if the gift or hospitality comes within one of the general consents set out in Section 2, you should not accept it if to do so would be in breach of one or more of these principles:

(a) Never accept a gift or hospitality as an inducement or reward for anything you do as a Councillor

As a Councillor, you must act in the public interest and must not be swayed in the discharge of your duties by the offer, prospect of an offer, or the non-offer of any inducement or reward for discharging those duties in a particular manner.

The Bribery Act 2010 makes it an offence for an individual to bribe another person or to accept a bribe. The maximum penalty

for a conviction for one of these offences is up to 10 years imprisonment. There is an additional offence which applies to organisations of failing to prevent bribery. On a conviction for this offence the organisation could face an unlimited fine.

Further, the authority's Code of Conduct for Members provides that you must act in the public interest, serving the authority and the whole community, rather than acting in the interests of any particular individual or section of the community, and that you must not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

(b) You should only accept a gift or hospitality if there is a benefit to the authority

The only proper reason for accepting any gift or hospitality is that there is a benefit for the authority which would not have been available but for the acceptance of that gift or hospitality.

Acceptance of hospitality can confer an advantage on the authority, such as an opportunity to progress the business of the authority expeditiously through working lunch, or to canvass the interests of the authority and its area at a meeting. Acceptance of a gift is much less likely to confer such an advantage. But unless the benefit to the authority is clear, and is commensurate with the value of the gift or hospitality, the presumption must be that the gift or hospitality is purely for your personal benefit.

As set out above, the authority's code provides that you must not improperly confer any advantage on anyone, including yourself. Acceptance as a Councillor of a gift or hospitality for your own benefit or advantage, rather than for the benefit to the authority, would be a breach of the Code.

(c) Never accept a gift or hospitality if acceptance might be open to misinterpretation

The appearance of impropriety can be just as damaging to the authority and to you as a Councillor as actual impropriety. The authority's ability to govern rests upon its reputation for acting fairly and in the public interest. You must therefore consider whether the acceptance of the gift or hospitality is capable of being interpreted as a sign that you or the authority favours any particular person, company or section of the community or as placing you under any improper obligation to any person or organisation. If there is any possibility that it might be so interpreted, you must either refuse the gift or hospitality or take

appropriate steps to ensure that such a misunderstanding cannot arise.

Certain occasions are particularly sensitive and require the avoidance of any opportunity for such misunderstanding. These include:

(i) occasions when the authority is going through a competitive procurement process, in respect of any indication of favour for a particular tenderer.

(ii) determinations of planning applications or planning policy, in respect of any person or organisation which stands to gain or lose from the determination.

(iii) funding decisions, when the authority is determining a grant application by any person or organisation.

(d) Never accept a gift or hospitality which puts you under an improper obligation

Recognise that some commercial organisations and private individuals see the provision of gifts and hospitality as a means of buying influence. If you accept a gift or hospitality improperly, it is possible that they may seek to use this fact to persuade you to determine an issue in their favour. Equally, if others note that you have been prepared to accept a gift or hospitality improperly, they may feel that they will no longer be able to secure impartial consideration from the authority.

(e) Never solicit a gift or hospitality

You must never solicit or invite an offer of a gift or hospitality in connection with your position as a Councillor unless the acceptance of that gift or hospitality would be permitted under this Code. You should also take care to avoid giving any indication that you might be open to such any improper offer.

2 Consent Regimes

(a) General consent provisions

For clarity, the authority has agreed that, provided the General Principles set out in Section 1 are not breached, you may accept gifts and hospitality in the following circumstances:

(i) civic hospitality provided by another public authority

(ii) modest refreshment in connection with any meeting in the ordinary course of your work, such as tea, coffee, soft drinks and biscuits

(iii) tickets for sporting, cultural and entertainment events which are sponsored by the authority

(iv) small gifts of low intrinsic value, branded with the name of the company or organisation making the gift, such as pens, pencils, mouse pads, calendars and diaries. However, you should take care not to display any such branded items when this might be taken as an indication of favour to a particular supplier or contractor, for example in the course of a procurement exercise

(v) a modest alcoholic or soft drink on the occasion of an accidental social meeting, such as a pint of beer from an employee of a contractor or party with whom you have done business on behalf of the authority if you meet accidentally in a public house, cafe or bar. In such cases, you should make reasonable efforts to return the offer where this is practicable

(vi) a modest working lunch in the course of a meeting in the offices of a party with whom the authority has an existing business connection where this is required in order to facilitate the conduct of that business.

(vii) modest souvenir gifts with a value from another public authority given on the occasion of a visit by or to the authority

(viii) Hospitality received in the course of an external visit or meeting which has been duly authorised by the authority. Councillors should not make such arrangements themselves, and officers are under instruction to make it clear that any such hospitality for Councillors and officers is to be no more that commensurate with the nature of the visit

(ix) other unsolicited gifts, where it is impracticable to return them to the person or organisation making the gift, provided that the Councillor deals with the gift strictly in accordance with the following procedure: The Councillor must, as soon as practicable after the receipt of the gift, pass it to the Secretary to the Chairman of the Council together with a written statement identifying the information set out in Paragraphs 2(b) below. The Secretary will then write to the person or organisation making the gift thanking them on your behalf for the gift

and informing them that you have donated the gift to the Chairman's charity Fund, on whose behalf it will be raffled or otherwise disposed of in due course, the proceeds being devoted to a charitable cause chosen by the Chairman.

(b) Special consent provisions

If you wish to accept any gift or hospitality which is in accordance with the General Principles set out in Paragraph 1, but is not within any of the general consents set out in Paragraph 2(a), you may only do so if you have previously obtained specific consent in accordance with the following procedure:

You must make an application in writing to the Monitoring Officer, setting out:

(i) the nature and your estimate of the market value of the gift or hospitality

(ii) who the invitation or offer has been made by or on behalf of

(iii) the connection which you have with the person or organisation making the offer or invitation, such as any work which you have undertaken for the authority in which they have been involved

(iv) any work, permission, concession or facility which you are aware that the person or organisation making the offer or invitation may seek from the authority

(v) any special circumstances which lead you to believe that acceptance of the gift or hospitality will not be improper

You must not accept the gift or hospitality until you have received the appropriate consent.

The Monitoring Officer will enter details of any approval in a register which will be available for public inspection on the occasion of the public inspection of the authority's accounts for the relevant year. But note that this does not relieve you of the obligation to register the receipt of gifts and hospitality in accordance with Paragraph 3, below.

3. Reporting

Where you accept any gift or hospitality, you must, as soon as possible after receipt of the gift or hospitality, make a declaration in writing to the Monitoring Officer, setting out the information set out in Paragraphs 2(b) above. A form for this purpose is attached to this Code, but you can send the same information by any convenient means. The Monitoring Officer will retain a copy of any such declaration in a register which will be available for public inspection until the approval of the authority's accounts for the year in question.

4 Gifts to the authority

Gifts to the authority may take the form of the provision of land, goods or services, either to keep or to test with a view to future acquisition, an offer to carry out works or sponsorship of a function which is organised or supported by the authority. You should not solicit any such gift on behalf of the authority except where the authority has formally identified the opportunity for participation by an external party and how that participation is to be secured, for example in relation to sponsorship of public musical and theatrical performances and developers' contributions under Section 106 Agreements. If you receive such an offer on behalf of the authority, you must first consider whether it is appropriate for he authority to accept the offer (in terms of whether the acceptance of the gift might be seen as putting the authority under any improper obligation, whether there is a real benefit to the authority which would outweigh any disbenefits). If you do not have delegated authority to accept the gift, you should report the offer directly to the Monitoring Officer who has such delegated authority, together with your recommendation. The Monitoring Officer will then write back to the person or organisation making he offer, to record the acceptance or non-acceptance of the gift, record the gift for audit purposes and ensure that the gift is properly applied for the benefit of the authority. If you have any concerns about the motives of the person or organisation making the offer, or whether it would be proper for the authority to accept the gift, you should consult the Monitoring Officer directly.

5 Definitions

(a) "Gift or hospitality" includes:

(i) the free gift of any goods or services.

(ii) the opportunity to acquire any goods or services at a discount or on terms which are more advantageous than those which are available to the general public.

(iii) the opportunity to obtain any goods or services which are not available to the general public.

(iv) the offer of food, drink, accommodation or entertainment, or the opportunity to attend any cultural, sporting or entertainment event.

(b) References to the "value" or "cost" of any gift or hospitality are references to the higher of:

(i) your estimate of the cost to the person or organisation of providing the gift or consideration

(ii) the open market price which a member of the public would have to pay for the gift or hospitality, if it were made available commercially to the public, less the cash sum of any contribution which you would be required to make toward that price to the person or organisation providing or offering the gift or hospitality.

To:

Declaration of Receipt of Gifts or Hospitality

Name	
What was the gift or hospitality?	
Who provided it?	
When and where did you receive it?	
Does it come within one of the general consents set out in the Policy? If so, which?	
Did you get the consent of any officer before accepting it? If so, who?	
Were there any special circumstances justifying acceptance of this gift or hospitality?	
Do you have any contact in your job with the person or organisation providing the gift or hospitality?	
Signed:	Date:

Please return to the Democratic Services Team at Bromsgrove

Reviewed May 2016
Reviewed Sept 2022

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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)
- 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 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.

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.

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 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.

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.

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 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.

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.

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

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.

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.

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

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

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

- 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.

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

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.

Conclusion

19.1 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.

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

19.3 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



Bromsgove District Council
www.bromsgrove.gov.uk

REDDITCH BOROUGH COUNCIL
making a difference
www.redditchbc.gov.uk

Best practice for handling member enquiries

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 consistence 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 3rd 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.

LOCAL PROTOCOL ON RELATIONS BETWEEN MEMBERS

1. INTRODUCTION

1.1 The Council will best serve the interests of local people if there are clear arrangements between the Members and Political Groups represented on the Council. The interests of local people will also be best served if the working relationship between Members of all Political Groups is characterized by mutual respect, informality and trust, whilst recognizing the need for healthy and constructive political debate within a vibrant democratic process. Such a relationship will mean that Members will speak to one another openly and honestly whilst political differences will be aired in an appropriate manner and not personalised.

1.2 This Protocol is intended to facilitate such a working relationship and to help Members to perform effectively. This Protocol gives guidance on Members' roles and on what to do on the occasions when things go wrong.

1.3 This Protocol must be read in the context of the Council's Constitution, the Members' Code of Conduct and the Officer-Member Protocol.

1.4 The Council will formally adopt this Protocol and a copy will be issued to all Members and Senior Officers.

2. INTERPRETATION

2.1 In this Protocol "Member" includes all elected Members of the Council and all non-elected Members of any Committee (including the Audit, Standards and Governance Committee and any Overview and Scrutiny Task Group) (or any Sub-Committee) irrespective of whether or not they have any voting rights.

3. GUIDING PRINCIPLES

3.1 In their dealings with one another, Members will:

(a) serve only the public interest;

(b) behave properly and not place themselves in situations where their honesty and integrity may be questioned;

(c) make decisions on merit;

(d) be open about (and be prepared to give reasons for) their actions;

(e) promote equality by not discriminating against any person;

(f) treat each other with dignity and respect, accepting a strong presumption that everyone is acting in good faith, and show courtesy in all meetings and contacts, both formal and informal;

(g) uphold the law;

(h) seek to ensure that the Council uses its resources prudently;

(i) promote and support all these general principles by example, and act in a way that secures or preserves public confidence in local government; and

(j) respect the decisions and authority of the Chair and Vice-Chair of the Council.

3.2 In their dealings with one another, Members will also uphold the Members' Code of Conduct. The following provisions of the Code are particularly relevant to relations between Members:

(a) paragraph 3(1) of the Code:
"You must treat others with respect"

(b) paragraph 5 of the Code:
"You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute."

4. POLITICAL DIFFERENCES AND PERSONAL CRITICISM

4.1 This Protocol is not intended to restrict or discourage legitimate, political debate. However, it is also in the interests of local people that there is a working relationship between Political Groups. That working relationship will be assisted if it is supported by a clear set of guidelines and it is these that this Protocol is intended to provide. The relationship between the Political Groups will also be supported if all Members adhere to high standards of courtesy and mutual respect in their dealings with one another.

4.2 As with their relations with officers in their dealings with fellow Members, it is important that robust debate of the issues at stake does not deteriorate

into personal criticism of another person who holds a different point of view. Courtesy and civility must be maintained at all times.

4.3 Members' integrity should not be questioned in public in any media nor should they be subject to any name-calling or abuse. Questioning a fellow Member's integrity is a particularly serious matter and must never occur unless there is very clear documentary evidence to substantiate any allegation made, and even in these circumstances it will rarely be appropriate to question a Member's integrity publicly without first pursuing other established procedures which are available for the investigation of allegations of ethical misconduct. The principles contained in this paragraph must be adhered to in meetings of the Council, the Cabinet and any Committee meeting, or any other meeting at which members of the public or third parties are present. This principle must also be observed in all dealings with the press and other media which should not under any circumstances be used to undermine or personally criticize fellow Members whether or not those Members are named or identified in any press or other media article or briefing.

5. RELATIONSHIPS BETWEEN NEIGHBOURING WARD MEMBERS

5.1 Members contacted by a constituent of a Fellow Member's ward should refer the constituent to the appropriate Ward Member unless:

(a) the Ward Member is absent or otherwise unable to deal with the query. In such cases the Members should ensure that the matter is referred to the Ward Member as soon as possible; or

(b) the Ward Member has expressly consented.

5.2 Members should not hold surgeries or open sessions within the ward of a Fellow Member unless that Member has given prior express consent to the proposal. This provision shall not apply in the six weeks before a District Council election.

6. MEETINGS BETWEEN GROUP LEADERS

6.1 The Leader of any Group may request a meeting with the other Group Leader(s) (or Deputy Group Leader(s) in cases where the issue relates to a complaint/concern about a Group Leader) at any reasonable time to discuss issues relating to current and/or forthcoming Council business. The Group Leaders will use all reasonable endeavours to meet as soon as is reasonably practicable thereafter.

6. 2 Group Leaders may invite a fellow Member to be present at these meetings. Actions agreed at these meetings will be minuted or otherwise recorded (unless the Group Leaders agree otherwise). The record of the meetings may be made by an officer appointed by the Monitoring Officer who, if not present for the whole meeting, will be invited in to record the agreed outcomes and actions.

6. 3 These provisions may all be varied by agreement between the Group Leaders.

7. MEMBERS' ACCESS TO INFORMATION AND TO COUNCIL DOCUMENTS

7.1 This is covered in the Council's Constitution in the Access to Information Procedure Rules and in the Member- Officer Protocol.

7.2 Members may share with other Members of the Council (but not third parties) exempt information unless expressly prohibited from doing so by the person or body providing the information, but must ensure that any recipient Member is aware that the information may not be disclosed to any party outside the Council (see paragraph 8.3 below).

8. WHEN THINGS GO WRONG

8.1 From time to time the relationship between Members may break down or become strained. Whilst it will always be preferable to resolve matters informally through conciliation, if necessary by the Group Leaders, this is not always possible. Where this is the case, and a Member considers that another Member has acted in breach of this Protocol, the following procedure will be followed.

8.2 If attempts at resolving matters informally have not been successful where a Member considers that another Member has acted in breach of this Protocol, the following procedure will be followed:-

(a) the Member must make a written complaint to the other Member and copy that complaint to Group Leaders. This must specify all incidents that the complainant intends to raise and set out the alleged breach of this Protocol;

(b) the Member who has been complained about shall (within 10 working days) respond in writing to the complainant and copy that response to Group Leaders;

(c) Group Leaders shall (within 10 working days (or as soon thereafter as is reasonably practicable)) meet to discuss the complaint. If they both consider that the complaint is unreasonable, frivolous, or vexatious, that shall be the end of the matter. If they both consider that the complaint is of a purely technical or minor nature, they may invite the Member who has been complained against to make a written apology, in a form (and within a timescale) agreed between the Group Leaders. Once that apology has been made that shall be the end of the matter unless the Member subsequently acts in a manner at variance with that apology;

(d) if either Group Leader considers the complaint is of a more serious nature than mentioned in the previous paragraph, or if the Member complained against fails to give the requisite apology, the Group Leaders shall agree a suitable course of action;

(e) both the Complainant and the Member complained about shall be advised in writing by the Group Leaders of their decision;

(f) a Complainant may at any time withdraw a complaint by notice in writing to the other Member and copy that notice to Group Leaders.

8.3 Exceptions may be made to the procedures outlined in paragraphs 7.2 above if to do otherwise would conflict with the Council's policy on "Whistle blowing" or potentially prejudice a criminal investigation (whether in progress or reasonably contemplated in the future).

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CODE OF PRACTICE - PLANNING SERVICES

1. INTRODUCTION

1.1 The role of a Member serving on the Planning Committee involves balancing the representation of the needs and interests of individual constituents and the community, with the need to maintain an ethic of impartial decision-making on what can be highly controversial proposals.

1.2 This document has been prepared to guide Members and Officers in dealing with planning matters in a manner consistent with good practice, including the conduct of Members in its processes and procedures and should be read alongside the Councillors' Code of Conduct.

1.3 Failure to follow the recommendations set out in this Code of Practice, without good reason, may be regarded as being incompatible with good administration by the Local Government Ombudsman and affect how the Council, its Officers or Members may be perceived by others.

1.4 By setting out clearly what is expected of both Members and Officers, it is anticipated that this Code will engender greater mutual understanding and support between all those involved in the planning process. The Code has been produced in the spirit of looking for continuous improvements in the delivery of services, discharging duties responsibly in an open, professional and consistent way compatible with the Councillors' Code of Conduct and its Protocol for Members/Officer relations.

1.5 Both Members and Officers dealing with planning matters and advising Committees will be required to observe all the provisions of this Code.

1.6 The Code is set out in the form of a series of headings followed by a brief discussion of the issues involved and best practice advice.

2. THE ROLE OF COUNCILLORS

2.1 The role of Members is central to the planning system, which operates within a political arena. It is well recognised that planning is not an exact science and, provided that Members are properly briefed by Officers, they are well placed to make decisions.

Ward Interests

2.2 Members have a special duty to their ward constituents but their overriding responsibility is to the whole community. In terms of the planning process, this can produce a conflict of interest between Members legitimately and effectively giving vent to local, sometimes individual, concerns and the need to reflect the interests of the wider

community in decisions reached on planning merits alone. Much is often at stake in this process, and opposing views are often strongly held by those involved. Whilst Members should take account of these views, they should not favour any person, company, group or locality above the wider community interest, nor put themselves in a position where they appear to do so. Members should be mindful of the need to carefully weigh up all of the arguments before deciding what view to take. Where a Member of Planning Committee takes the view that they would wish to speak in relation to an application affecting their ward they may do so as Ward Councillor under the procedure for Public Speaking at Planning Committee. However, they will have to remain in the public gallery after they have spoken and take no part in the debate or vote on the application.

2.3 Members should also be very cautious about accepting gifts and hospitality. Members should abide by the Council's Code of Conduct for Gifts and Hospitality, including recording offers and/or acceptance of these in the register as required.

Interests arising from the Code of Conduct

2.4 Under the Council's Member Code of Conduct, Members will need to make sure they are clear whether they have a discloseable pecuniary interest or other discloseable interest when involving themselves in planning matters.

2.5 Members who are unsure as to whether an interest should be declared should seek the advice of the Council's Monitoring Officer **at an early stage.**

Lobbying

2.6 It is a fact of public life that Members will be subject to varying degrees of lobbying. This is part of the democratic process. However, when individuals or groups seek to influence the outcome of a planning decision, which should be treated upon its individual planning merits in the wider public interest, the impartiality of the decision may be questioned. Such problems might arise if Members indicate their voting intention or support for a particular cause in advance of all the relevant information and Officer advice. However, section 25 the Localism Act states that a member is not to be regarded as having a closed mind about a decision simply because they have previously expressed a view on it.

2.7 When being lobbied, Members should take care about expressing an opinion that may be taken as indicating that they have already made up their mind on the likely outcome of a planning application before they have heard all the evidence and arguments. If they do express an opinion, they should make it clear that they will only be in a position to make a final decision when all the facts are known and they have heard both sides of the argument at Committee. On occasion, the Member may

respond to lobbying by deciding to go public in support of a particular outcome, or even campaigning actively for it.

2.8 However, Members must not have a closed mind when they make a decision. Decisions taken by those with pre-determined views are vulnerable to successful legal challenge. At the point of making a decision, members must carefully consider all the evidence that is put before them and be prepared to modify or change their initial view in the light of the arguments and evidence presented. Then they must make their final decision at the meeting with an open mind based on all the evidence.

2.9 Where a Member has campaigned for or come to a final view prior to a meeting, the member should not take part in the decision making process. Depending on the circumstance and to preserve the appearance of propriety, the member should also consider whether or not to withdraw from the public gallery, after making his or her representations to the planning committee.

2.8 Members should not represent an applicant or individual objector and should not organise support or opposition for a planning application or other planning decision. In particular, they should avoid representing applicants or objectors in discussions with Planning Officers which may take place before an application is considered by the Planning Committee. Instead they should suggest to those who are lobbying, that they should speak or write to the relevant Planning Officer, in order that their opinions can be included in the officer's report to committee. Any letters referred to and relied upon by Councillors in speaking on an application should be given to the Assistant Director Planning Leisure and Culture Services to be placed on the respective planning file immediately after the meeting.

2.9 Members should not lobby other Members in relation to planning applications. The process is apolitical and no political group meeting must take place prior to the committee meeting to discuss the planning applications. Members must not put pressure on Officers to make a particular recommendation or to exercise a delegation in a particular way. Following the introduction of the National Scheme of Delegation, Members should not place pressure on officers, or attempt to influence them in relation to their assessment of Schedule 2 applications for the purposes of the Gateway Test. Likewise, Members should not lobby the Chair and Vice Chair of Planning in relation to decision making regarding the Gateway Test.

2.10 Members of the Planning Committee need to take account of the general public's expectation that a planning application will be processed and determined in an open and fair manner. There is the possibility that an aggrieved party may seek judicial review on the way in which a decision has been arrived at, or complain to the Local Government Ombudsman on the grounds of maladministration.

3. MEMBERSHIP OF PARISH COUNCILS

3.1 Parish Councils are consulted and asked to comment on planning applications prior to their being considered by the Borough Council's Planning Committee. Sometimes, a member of the Planning Committee will also be a member of a Parish Council and such a situation could give rise to a perception that there is a conflict between these two roles.

3.2 Members of the Planning Committee may participate in the formulation of their Parish Council's comments on a planning application and may vote on motions put forward in connection with the making of such comments. However, in doing so, they must recognise that they have not yet received full information about the application e.g. the planning history, comments by other consultees and officer recommendation. They should therefore declare, at the Parish Council's meeting, that in assisting in the formulation of the Parish Council's comments, that they are only forming a preliminary view on the application, that they recognise that there is further information about the application which they have not yet received, and that they reserve the right to change their preliminary view, in the light of such further information, when the application is considered by the Borough Council's Planning Committee.

3.3 In this way, members of the Planning Committee, who are also members of Parish Councils, will avoid any perception that they have fettered their judgment on an application before knowing the full facts about it.

3.4 Members are advised to let the planning committee know any ward interest, participation in parish council responses to applications or any significant lobbying at the meeting, whether or not they decide that it is appropriate to participate in the debate and determination regarding an application.

4. PLANNING SITE VISITS PROCEDURE

4.1 Members of Planning Committee will have the opportunity to attend site visits for some of the planning applications which are decided by the Planning Committee.

4.2 The purpose of site visits is to allow Members to consider the general setting of the application site so that they will be in the best position to decide whether or not planning permission should be granted. In particular Members will be able to:-

- Observe the geography of the site including the boundaries and its relationship to adjoining properties;

- Consider the scale and impact of the proposed development in relation to the site;
- Use the visit to assess whether any planning conditions might need to be considered.

4.3 Site visits will not be arranged for sites that have been the subject of a site visit within the preceding 6 months.

4.4 The site visit does not constitute a meeting of the Planning Committee. Accordingly, Members should not form a collective view on the issue.

4.5 Since Members are attending a site merely to "see what is to be seen"; it is inappropriate to hear from either the applicant or his representative during the site visit. Similarly, it is inappropriate to hear from anybody else who wishes to make representations. This includes the Ward councillor for the area in which the site is located. The occasion is not a local hearing. Members should leave each site with no collective view – the occasion is simply to assist them individually to form a view.

4.6 When the application is next considered by the Planning Committee, the Chair of the Committee should remind Members that the application was the subject of a site visit, and then let the debate proceed normally.

5. THE ROLE OF OFFICERS

5.1 Officers, as the paid employees of the Council, have the principal responsibility for carrying out the Council's work. They should provide professional and impartial advice to Members to assist them in reaching their decisions and to the public at large on all planning matters. It is very important that such advice is consistent with the provisions of the prevailing planning policies and guidance so that the planning system is seen to be fair whatever the outcome.

5.2 The Planning Committee has given delegated authority to the Assistant Director Planning Leisure and Culture Services to approve certain categories of planning application as set out in the Council's Scheme of Delegation.

5.3 Any decisions delegated to Officers should be clearly recorded.

6. OFFICER REPORTS TO COMMITTEE

6.1 All reports shall provide a clear technical appraisal of the application including site location and description, planning history, consultations received and the policy contents for the recommendation, which should be justified in the Officers' written comments.

6.2 Reports should have a written recommendation of action; oral reporting (except to update a report) should be avoided and carefully minuted.

6.3 Reports should contain technical appraisals, which clearly justify a recommendation.

6.4 If the report's recommendation is contrary to the provisions of the development plan or Local Development Framework, the material considerations, which justify the departure, must be clearly stated.

6.5 Terms for Planning Obligations (Section 106 Agreements) must be clearly set out, discussed openly and recorded in the minutes.

6.6 The Monitoring Officer or his or her representative shall attend all Planning Committee meetings and provide advice, together with legal advice as required.

7. PRE-APPLICATION DISCUSSIONS

7.1 Officers are often asked informally during meetings whether planning permission is required for changes of use and/or for new development.

7.2 Officers will always endeavour to be as helpful as they can in this matter but can only offer an informal opinion as to whether or not planning permission is required for the development someone wishes to undertake, whether it is a new building, an extension to a home, or a change of use of land or building. Any advice that they offer in this respect is an individual opinion based on the information the enquirer has provided at the time. It is not binding on the Council.

7.3 For an official decision, enquirers should be invited to apply for a Certificate of Lawfulness of Proposed Use or Development, under Section 192 of the Town and Country Planning Act 1990. A fee is payable for the processing of such an application but the enquirer will be presented with a legally binding determination, in other words, an official decision of the Council telling him/her whether or not planning permission is required.

7.4 The fee varies according to the type of development proposed and staff will be able to advise on the amount payable. It is in the interests of the enquirer to have an official written determination relating to development should he/she want to sell his/her land/property or should any legal challenge arise relating to the work which has been undertaken.

7.5 The following guidelines have been adopted to ensure that all parties involved are treated fairly and that the Planning Officers' role is clearly understood:

- Planning Officers will give informal advice in the spirit of helpfulness. It is however only informal advice which is not binding on the Local Planning Authority;

- Planning Officers will negotiate and offer advice to overcome problems at application stage where a solution is apparent and the proposal can be determined within the statutory time limit as a consequence;

- The onus to negotiate falls upon the applicant/agent to offer alternatives to the original submission;

- Planning Officers cannot advise what a potential recommendation will be should an application be made.

8. DECISIONS CONTRARY TO THE DEVELOPMENT PLAN/ LOCAL DEVELOPMENT FRAMEWORK

8.1 The law requires that where the development plan/Local Development Framework is relevant, decisions should be taken in accordance with it, unless material planning considerations indicate otherwise. Members will receive training and guidance from officers as to what constitutes material planning considerations. In certain situations, legislation requires the Council to notify the relevant Secretary of State before granting permission contrary to the development plan. Officers will advise members if this process is necessary and will carry out the process.

9. DECISIONS CONTRARY TO OFFICER RECOMMENDATION

9.1 Members are perfectly entitled to reach different decisions to those recommended to them by Officers by attaching different weight to the various relevant planning criteria. That this happens from time to time is inevitable but it is essential that the public be left in no doubt as to how the decision was reached. Officer reports must be well structured and the public should not be given the impression that decisions reached contrary to advice are made hastily or new conditions imposed on the spur of the moment. A full detailed minute of the Committee's reasons should be made. The Officer should also be given an opportunity to explain the implications of the contrary decision.

9.2 Where a Member is minded to raise new issues, information or questions, they are advised to contact the respective Planning Officer or Assistant Director Planning Leisure and Culture Services before the meeting wherever possible.

9.3 Where a Member is minded to make a recommendation, which is contrary to the Officer recommendation, then the reasons should be clearly set out, particularly in the case of a refusal and in the case of an approval, the type of conditions proposed should be indicated.

9.4 If an imminent decision is thought to be perverse, the Assistant Director Planning Leisure and Culture Services or the Monitoring Officer should

so advise the Committee, but it remains the role of the Chair to decide whether or not it would be preferable to defer consideration to allow for a period of reflection on the advice given before proceeding.

9.5 Where an application is refused or conditions imposed contrary to an officer recommendation, it may not be in the Council's best interests for the Case Officer to give evidence at any subsequent public inquiry or hearing resulting from an appeal. In such circumstances it will be a matter for the Assistant Director Planning Leisure and Culture Services in consultation with the Head of Legal, Equalities and Democratic Services to establish whether a suitably experienced and qualified Officer exists within his establishment who is able to concur professionally with the decision taken. If so, then they will act as the Council's professional witness. If not, then the use of planning consultants will be explored. It is rarely in the Council's best interests for individual Members to represent the Council but this may be appropriate where factual evidence is in dispute particularly in enforcement appeals.

9.6 All planning approvals and refusals shall be fully minuted. Unless otherwise stated, these should accord with those set out in the Agenda subject to the incorporation of any further conditions or reasons (or variations) thought to be necessary by the Head of Planning & Regeneration to give full effect to the Council's wishes about any particular application.

10. DEALING WITH APPLICATIONS SUBMITTED BY MEMBERS AND OFFICERS AND COUNCIL SERVICE AREAS

General principles

10.1 The submission of planning applications and/or development plan proposals by serving Members, Officers, or their close friends and relatives can easily give rise to suspicions of impropriety, including proposals for the Council's own development. The following points should be taken into account:

Members

10.2 Serving Members of the Council who act as agents for people pursuing planning matters shall not be Members of the Planning Committee.

10.3 Members should take no part in the processing of their own applications or those of their immediate family or close friends or anyone with whom the Member has a close personal association.

10.4 As soon as a planning application is received from a Member, the Assistant Director Planning Leisure and Culture Services must inform the Council's Monitoring Officer, who will take such steps as are necessary to ensure that applications for dispensations from other

Members of the Planning Committee are considered as soon as possible.

10.5 Members who are members of the Planning Committee should declare an interest in respect of applications prepared by them or on their behalf and leave the meeting while such applications are under consideration.

10.6 Applications of currently serving Members should not be dealt with under delegated powers and should be decided by the Planning Committee.

Officers

10.7 Serving Officers in the planning department should never act as agents for people pursing a planning matter. If an officer in another department acts as such agent for people pursing a planning matter, the matter cannot be dealt with under delegated powers and should be decided by the Planning Committee.

10.8 Officers should take no part in the processing of their own planning applications or those of their immediate family or close friends.

10.9 Applications for Planning Consents made to Redditch Borough Council by Officers currently working for either Bromsgrove District Council or Redditch Borough Council or their family members, whether or not directly employed by them and should be decided by the Planning Committee.

Developments by the Council

10.10 Planning applications made by Council Service Areas must be processed in accordance with existing policy and treated in the same way as a private application except that all such applications shall be considered by the Planning Committee and not determined under delegated powers.

Applications submitted by former Members and former employees

10.11 There has been some considerable concern about former employees setting up their own consultancies and providing planning advice in the Redditch Borough area and about the consideration of applications by or on behalf of former Members. Both circumstances occur from time to time and the guiding principles should be that:-

(i) applications by former Members will be treated in the same way as any other application;

(ii) applications by former employees whether they are acting for themselves or an agent for others will be treated in exactly the same way as any other application.

Applications by Members of Political Associations

10.12 Where a planning application is made by someone who is not a Member, but is known to be a member of the same Political Association as some

of the members of the Planning Committee, those Members will need to give consideration as to whether they should declare an interest when the application is considered.

10.13 In some cases, no declaration will be necessary, but in other cases the relationship between the parties may be close enough to warrant a declaration of interest. Councillors should have regard to the Councillors' Code of Conduct and should err on the side of safety.

Implications of Introduction of National Scheme of Delegations

10.14 Since this Code was originally written the government has introduced the National Scheme of Delegations of Planning Functions. The relevant documents are: -

- The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 ("the regulations") – made on 15th July 2026 - in force from 31st October 2026.
- The Planning Committees and the National Scheme of Delegations of Planning Functions: Guidance for Local Planning Authorities in England ("the guidance") – issued on 1st June 2026

10.15 The main effect of the regulations is to impose a mandatory scheme of delegation for the making of planning decisions on Councils in England. In summary applications are divided into Schedule 1 matters which must be decided by officers, and Schedule 2 matters which may be decided by officers or by Planning Committee. A test has been introduced ("the Gateway Test") to enable those Schedule 2 applications that might need to go to Planning Committee to be assessed against set criteria.

10.16 The Council has made arrangements to implement the provisions of the regulations. The changes are set out in the following updated parts of the constitution: -

- Scheme of Delegations for Development Management Part 6.9
- Scheme of Delegation for Trees (in relation to the carrying out of work on/ felling of TPO protected trees) Part 6.5
- Planning Committee Procedure Rules Part 14

10.17 Regulation 6 relates to planning applications made by serving Members, Officers or the Council itself. It introduces the term of "own-interest application" which is defined as an application to a relevant planning authority of a kind specified in Schedule 1 or Schedule 2 made by or on behalf of that authority, a member of that authority or an officer of that authority.

10.18 For ease of reference, the new term of own-interest applications encompasses the applications described in this code in the following paragraphs: -

- 10.6 - applications made by currently serving members or immediate family or close friends of members
- 10.9 – applications made by currently serving officers or immediate family or close friend of officers
- 10.10 – applications made by the Council

10.19 Whilst the regulations and guidance indicate that there is discretion for own-interest applications to be decided by officers under delegated powers, for reasons of openness and transparency the majority of own-interest applications should continue to be decided by committee in accordance with the practice that was in place prior to the introduction of the regulations. There may occasionally be exceptions to this when the nominated officer and nominated member may form the view that a minor or technical matter would be appropriate to be decided by officers under delegated powers.

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CODE OF PRACTICE IN RELATION TO LICENSING MATTERS UNDER THE LICENSNING ACT 2003 AND THE GAMBLING ACT 2005

1. Introduction

1.1 The Licensing Act 2003 and the Gambling Act 2005 gave local authorities responsibility for deciding on licences for regulated entertainment, and the use of premises for gambling activities.

1.2 Elected Members fulfil different roles: being a Ward councillor representing their communities, is one of them.

1.3 Members of the Licensing Committee constitute the Local Licensing Authority and are charged with discharging the licensing functions of the Council. This is a broad and strategic role, discharged within the statutory licensing framework.

1.4 When sitting on a Licensing Sub-Committee the role of the elected member is to balance the multiple needs and interests of the community, while prioritising the licensing objectives of the relevant Act, as a member of the Local Licensing Authority.

1.5 Good decision making relies on ensuring that councillors act in a way that is lawful and is clearly seen to be fair, open and impartial.

1.6 This guidance should be read in conjunction with other parts of the Constitution, including the Member Code of Conduct and the procedure rules for meetings. It is intended to assist councillors to participate in any of these roles at Licensing Committee, without:

a) opening up the local authority to accusations of pre-determination, bias or maladministration; or
b) leaving themselves open to allegations under the Members' Code of Conduct.

2. Declaration of Interests

2.1 Members must always declare their interests in accordance with the Council's Code of Conduct. Whether they can participate and to what extent will depend on the nature of any interest, which will ideally need to be considered prior to a meeting or raised at the time with the Legal Advisor.

2.2 Each Councillor is personally responsible for deciding whether s/he has an interest that should be declared, although advice should be sought in advance from the Monitoring Officer, rather than having to have a discussion in the open forum at the meeting

3. Improper Influence

3.1 Members are also reminded of their obligation under the Code of Conduct not to use their positions as members to confer on or secure for themselves any advantage or disadvantage. This means that Members should not use anything which is available to them as Members (but which is not available to members of the public) e.g. access to officers or other Council members, or access to papers, to influence the outcome of a licensing application. Should a Councillor have an interest in respect of an item before the Committee, they must observe the provisions of the Code of Conduct regarding their declaration of any such interest/s.

4. Bias

4.1 Bias has been defined as "an attitude of mind which prevents the [decision-maker] from making an objective determination of the issues that he has to resolve". The test for bias is "whether a fair-minded and informed observer, having considered the facts would conclude that there was a real possibility of bias". The appearance of bias is sufficient to result in 'procedural impropriety'

4.2 Predisposition and Predetermination: Localism Act 2011

The law on bias and predetermination (which is a particular form of bias) is part of the general legal obligation to act fairly. The Localism Act 2011 codified the case law on predisposition and predetermination that had developed in the preceding years. Decision makers are entitled to be **predisposed** to particular views as it is acknowledged that it is almost inevitable that councillors may form some kind of prior view about the merits of a particular proposal. However, **predetermination** occurs where someone closes their mind to any other possibility beyond that predisposition, with the effect that they are unable to apply their judgment fully and properly to the issue requiring a decision.

4.3 Even where a councillor may have expressed a view about a matter, provided they demonstrate that they have come to the Committee "with an open mind", and will listen to all the material presented at the meeting before deciding on how to exercise their vote, this is acceptable. 'Predetermination' however, is not acceptable and would leave the decision open to challenge by Judicial Review.

4.4 It is each individual councillor's responsibility to consider whether their involvement with a particular matter / people / group, or their past comments or conduct before the decision-making stage, is such that it could give rise to a public perception that the councillor might not have an open mind. A councillor in this position will be judged on the objective test referred to above – that is, whether the reasonable onlooker with

knowledge of the facts, would consider that s/he was biased. If in any doubt, early advice should be sought as to whether or not the councillor should be part of the decision-making process.

4.5 There will also be occasions when a Licensing Sub-Committee considers an application made by the Council itself, in respect of one of its buildings or a piece of its land. In such a situation, Members would not normally be excluded from the Sub-Committee in these circumstances, as it would render the decision-making process unworkable, but any Member who has been a leading advocate for or against the application, or who is the Portfolio Holder responsible for the building or land concerned, should not sit on the Sub-Committee when such an application is considered. Applications made by the Council itself will always be referred to the Sub-Committee even where there are no representations, to minimise any potential appearance of bias on the part of the Council.

5. Lobbying of or by Councillors

5.1 The Licensing Act 2003 and the Gambling Act 2005 set out the grounds for making representations on licence applications and limits the parties which may make such representations. It should be borne in mind that one of the key aims of both pieces of legislation is to localise decision-making or 'democratise' the process and Members are therefore legitimately concerned with their locality and the needs/wishes of its constituents, including both the needs for entertainment facilities and employment, as well as the undesirability of crime and public nuisance.

5.2 Once a proposal is in the public domain, interested parties may seek to persuade Committee members, to either approve or refuse an application. Lobbying is a normal and perfectly acceptable part of the political process, but unless care and common sense is exercised by all parties, lobbying can lead to the impartiality and integrity of a member of the Committee being called into question and this could put the decision at risk of challenge.

5.3 GUIDANCE

To avoid an appearance of bias the following rules should be adhered to:

- No Member sitting on the Licensing Sub-Committee can represent an applicant or another party. If s/he wishes to do so s/he must excuse him/herself from membership of the Sub-Committee which is considering the application and address the Sub-Committee as an Interested Party.

- If a Member who sits on the Licensing Sub-Committee is approached by persons wishing to lobby him/her as regards the

licence application then that Member must politely explain that they cannot discuss the matter and refer the lobbyist to his/her Ward Member or the Licensing Officer who can explain the process of decision making. If the Member who sits on the Licensing Sub-Committee wishes to represent them then s/he will need to excuse him/herself from the Licensing Sub-Committee.

- Members who are part of the Licensing Sub-Committee must avoiding expressing personal opinions prior to Licensing Sub-Committee decision. To do so will indicate that the Member has made up his/her mind before hearing all the evidence and that their decision may not be based upon the licensing objectives relating to each piece of legislation, nor the Licensing Authority's policy statements.

- Political group meetings should never be used to decide how any Members on the Licensing Sub-Committee should vote. The view of the Ombudsman is that using political whips in this manner may well amount to findings of maladministration.

- Councillors must not be members of the Licensing Sub-Committee if they are involved in campaigning on the particular application.

- Other Members (i.e. those which do not sit on the Licensing Sub-Committee) need to be careful when discussing issues relating to matters which may come before the Licensing Sub-Committee Members as this can easily be viewed as bias or pressure and may well open that Sub-Committee Member to accusations of such. There is no prohibition on discussing such issues with Committee Members but members should avoid taking measures which might be viewed as excessive e.g. attempting to obtain a commitment as to how the Member might vote.

6. Pre-application / pre-decision discussions

6.1 Although all applicants will be advised that all pre-decision discussions should be addressed to the officers in the Council's Licensing Section, Members of the Licensing Committee or Sub-Committee may also be approached by applicants before the meeting at which the application is to be decided. In such circumstances, a member should inform the person making the approach that they are unable to discuss the matter with him/her prior to the meeting at which the application will be decided and that he/she should address any enquiries to the relevant officer.

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7. Role of the Licensing Officer

7.1 Licensing Officers have no ability under the Licensing Act 2003 to make representations or to be a party to the hearing of an application by the

Sub-Committee. In presenting applications to the Licensing Committee or Sub-Committee, the Licensing Officer will provide a summary report of the application, the representations, and his/her comments as to how these relate to the Licensing Act 2003, the Guidance and the local Statement of Licensing Policy.

7.2 Decisions taken by officers, e.g. as to whether an application is vexatious or frivolous, will be fully recorded, together with the reasons for them.

8. Decision making

8.1 Reasons for decisions made by a Licensing Sub-Committee must be fully documented in the Decision Notice, setting out clearly the rationale for the decision and also to ensure that any subsequent accusations of bias or predetermination can be defended.

9. Site visits

9.1 A site visit will not normally be undertaken by members of a Licensing Sub-Committee in respect of premises licence applications unless for some particular reason members consider that it would be helpful to their consideration of the application.

9.2 A site visit does not constitute a meeting of the Licensing Sub-Committee and members of a Sub-Committee must not discuss the merits of the application during the site visit, before or after the site visit or at any time until the Sub-Committee meets to consider the application. Members should leave each site with no 'collective' view.

9.3 Since Members are attending a site merely to "see what is to be seen"; it is inappropriate to hear either the applicant or his representative. Similarly, it is inappropriate to hear anybody else who wishes to make representations such as the Ward Member or a Parish Councillor.

9.4 The Democratic Services Officer will report the site visit to the meeting of the Licensing Sub-Committee which considers the application.

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Policy Document

Members' ICT Facilities

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1 Policy Statement

Bromsgrove District Council Members require access to information that enables them to perform their duties as a councillor. Much of this information can be provided electronically via email, word processing and spread sheet files. The Council's general presumption is for electronic provision of information / transaction of business.

2 Purpose

The purpose of this policy is to ensure that Bromsgrove District Councillors can access Information and Communication Technology (ICT) facilities whilst maintaining compliance with Central Government's Public Service Network (PSN) and other related policies.

The Council holds large amounts of personal and restricted information. Information security is very important to help protect the interests and confidentiality of the Council and its customers. Information security cannot be achieved by technical means alone. Information security must also be enforced and applied by the people who use it and those who provide support for it.

3 Scope

This policy applies to any Councillor that requires access to Council information systems such as email or other documents, whether it is a temporary or permanent arrangement.

4 Definition

The Council understands that to reduce the risk of theft, fraud or inappropriate use of its information systems, anyone that is given access to Council information systems **must**:

- Be suitable for their roles.
- Fully understand their responsibilities for ensuring the security of the information.
- Only have access to the information they need.
- Request that this access be removed as soon as it is no longer required.
- Complete Data Protection training to ensure Members are clear on how information can be used when they are working on behalf of the council and when they are working on behalf of constituents, and how it should be stored.
- Ensure that no personal information that could be in breach of the Data Protection Act, is stored on their laptop or other unencrypted device.

This policy must therefore be applied prior, during and after any user's access to information or information systems used to deliver Council business.

5 Provision for ICT equipment.

The Council recognises that individual Councillors have a requirement to access electronic information.

Due to a zero tolerance approach to the PSN code of connection, this has led to implementing innovative methods of accessing ICT, whilst remaining within the budget and work with the resource limitations of the Authority. Should the limits of the budget be reached, the Leader of the Council will revisit current ICT needs for the future.

The council will not automatically forward Council emails to personal email accounts such as Hotmail, Google mail etc. This is to ensure the authority complies with the Government's code of connection.

Option1

The Authority will provide an Apple iPad that is technically secure, to enable the Councillor to access corporate email, corporate calendars, Modern.Gov, Office suite and necessary documents. Additional security may be added at a future date to keep in line with new PSN policy requirements.

Broadband services are to be provided by the Councillor and expenses for these claimed through the normal expenditure claim process at £100 per year (maximum 1 per household).

Support for this Apple iPad will be provided by the authority's ICT department by telephoning 01527 881766 Mon-Fri 8:30 to 17:00.

All internet usage and emails sent and received via the corporate device, will be subject to automated scanning, monitoring and filtering to assist with ICT security and adherence to additional policies as described in section 9.

It is the Councillor's responsibility to ensure their password for accessing any Corporate Information service is not shared with any other person and that connection to such services is ended by logging off the system, as soon as work is completed or the connection is left unattended. This is to prevent unauthorised access to information.

If it suspected that someone else may know their password, or any security problem has occurred, Councillors must report this to the helpdesk immediately so it can be rectified.

The Councillor shall make reasonable arrangements for the safe-keeping of the iPad.

Insurance for the iPad is provided by the council but a £100 excess is payable for loss, theft or damage.

The Council provides the Apple iPad together with ancillary equipment and materials required, for the Councillor's functions as a Councillor. Use of this equipment for any other reason, including personal use or use by anyone other than a Councillor is not permitted.

All ICT equipment provided by the authority remains the property of the Council and must be returned at the end of the election term.

Option 2

The Authority will provide a Windows based Laptop/Tablet that is technically secure, to enable the Councillor to access corporate email, corporate calendars, Modern.Gov, Office suite and necessary documents. Additional security may be added at a future date to keep in line with new PSN policy requirements.

Broadband services are to be provided by the Councillor and expenses for these claimed through the normal expenditure claim process at £100 per year (maximum 1 per household).

Support for the Windows based Laptop/Tablet will be provided by the authority's ICT department by telephoning 01527 881766 Mon-Fri 8:30 to 17:00.

All internet usage and emails sent and received via the corporate device, will be subject to automated scanning, monitoring and filtering to assist with ICT security and adherence to additional policies as described in section 9.

It is the Councillor's responsibility to ensure their password for accessing any Corporate Information service is not shared with any other person and that connection to such services is ended by logging off the system, as soon as work is completed or the connection is left unattended. This is to prevent unauthorised access to information.

If it suspected that someone else may know their password, or any security problem has occurred, Councillors must report this to the helpdesk immediately so it can be rectified.

The Councillor shall make reasonable arrangements for the safe-keeping of the Laptop/Tablet.

Insurance for the Windows based Laptop/Tablet is provided by the council but a £100 excess is payable for loss, theft or damage.

The Council provides the Windows based Laptop/Tablet together with ancillary equipment and materials required, for the Councillor's functions as a Councillor. Use of this equipment for any other reason, including personal use or use by anyone other than a Councillor is not permitted.

All ICT equipment provided by the authority remains the property of the Council and must be returned at the end of the election term.

Option 3 (can be in addition to Option 1 or 2)

The Authority will provide the Blackberry Software that is technically secure, to enable the Councillor to access Corporate email, Corporate calendars and necessary documents stored on the network, to be accessed from an Android or Apple device not owned by the council.

Additional security may be added at a future date to keep in line with new PSN policy requirements.

Broadband services are to be provided by the Councillor and expenses for these claimed through the normal expenditure claim process at £100 per year (maximum 1 per household).

Support for the Blackberry Software, but not the device it is installed on, will be provided by the authority's ICT department by telephoning 01527 881766 Mon-Fri 8:30 to 17:00.

All internet usage and emails sent and received via the Blackberry Software, will be subject to automated scanning, monitoring and filtering to assist with ICT security and adherence to additional policies as described in section 9.

No scanning, monitoring and filtering of any activity outside of the Blackberry Software will take place.

It is the Councillor's responsibility to ensure their password for accessing any Corporate Information service is not shared with any other person and that connection to such services is ended by logging off the system, as soon as work is completed or the connection is left unattended. This is to prevent unauthorised access to information.

If it suspected that someone else may know their password, or any security problem has occurred, Councillors must report this to the helpdesk immediately so it can be rectified.

All ICT equipment (including software licenses) provided by the authority remains the property of the Council and must be returned at the end of the election term.

6 Policy Compliance

If any Member is found to have breached this policy, IT provision will be withdrawn. If a criminal offence is considered to have been committed further action may be taken to assist in the prosecution of the offender(s).

If you do not understand the implications of this policy or how it may apply to you, please seek advice from Members' Services or ICT.

7 Policy Governance

The following table identifies who within the council is Accountable, Responsible, Informed or Consulted with regards to this policy. The following definitions apply:

- **Responsible** – the person(s) responsible for developing and implementing the policy.
- **Accountable** – the person who has ultimate accountability and authority for the policy.
- **Consulted** – the person(s) or groups to be consulted prior to final policy implementation or amendment.
- **Informed** – the person(s) or groups to be informed after policy implementation or amendment.

Responsible	ICT Transformation Manager
Accountable	Head of Business Transformation
Consulted	Corporate Management Team, Members' Services
Informed	All Councillors.

8 Review and Revision

This policy will be reviewed as it is deemed appropriate, but no less frequently than every 12 months.

Policy review will be undertaken by the ICT Manager.

9 References

The following Bromsgrove District Council policy documents are directly relevant to this policy.

- Central Government's PSN Policy
- Information Security Policy.
- Members' Code of Conduct and related Codes and Protocols.

Receipt and acceptance statement

I, Councillor _____ agree to comply with the policy items as stated within this document.

Signed _____ Date _____

PLEASE RETURN COMPLETED STATEMENT AS SOON AS POSSIBLE TO :

Democratic Services
Bromsgrove District Council
Parkside

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PROCEDURES FOR AUDITING OF THE COUNCIL

1. Local Authorities are subject to both internal and external audit.

2. Internal Audit

2.1 The requirement for an Internal Audit function for local authorities is implied by Section 151 of the Local Government Act 1972, which requires that authorities “make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs".

2.2 Regulation 6 of the Accounts and Audit Regulations 2006 more specifically requires that "a relevant body shall maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control in accordance with the proper practices in relation to internal control”.

2.3 Internal audit can be defined as an “independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes”.

2.4 In 2010 the Council agreed to enter into arrangements with Malvern Hills District Council, Redditch Borough Council, Worcester City Council and Wychavon District Council for the authorities to 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. The shared service is known as Worcestershire Internal Audit Shared Service. The Council retains a team of auditors based at Bromsgrove who are managed centrally by the Service Manager of the shared service.

2.5 Under the current arrangements the Service Manager for Worcestershire Internal Audit Shared Service reports direct to the Council’s Section 151 Officer, the Executive Director (Finance & Corporate Resources).
However, the Service Manager can also report direct to the Chief Executive, if required.

3. External Audit

3.1 The Audit Commission is a government body, which has the right to approve and select providers of the external audit function. Government legislation

(Audit Commission Act 1998) refers to accounts and audit, and section 2 states that all accounts:

- shall be made up each year to 31st March or such other date as the Secretary of State may generally or in any special case direct; and

- shall be audited in accordance with this Act by an auditor or auditors appointed by the Commission.

3.2 Section 4 of the Act (Code of audit practice) details that:

3.3 The Commission shall prepare, and keep under review, a code of audit practice prescribing the way in which auditors are to carry out their functions under this Act.

3.4 Section 5 of the Act (General duties of auditors) states that:

3.5 In auditing accounts required to be audited in accordance with this Act, an auditor shall by examination of the accounts and otherwise satisfy himself:

- that they are prepared in accordance with regulations under section 27;

- that they comply with the requirements of all other statutory provisions applicable to the accounts;

- that proper practices have been observed in the compilation of the accounts;

- that the body whose accounts are being audited has made proper arrangements for securing economy, efficiency and effectiveness in its use of resources; and

- that that body, if required to publish information in pursuance of a direction under section 44 (performance information), has made such arrangements for collecting and recording the information and for publishing it as are required for the performance of its duties under that section.

3.6 The auditor shall comply with the code of audit practice applicable to the accounts being audited as that code is for the time being in force.

3.7 The auditor shall consider whether, in the public interest, he should make a report on any matter coming to his notice. An audit management letter summarising the outcome of the annual audit is submitted to the Council for consideration.

3.8 The Council's external auditors are appointed by the Audit Commission. Information and contact details regarding the Council's current external auditors can be obtained from Financial Services.

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PROTOCOL ON MEMBER REPRESENTATION ON OUTSIDE BODIES

1. Introduction – Two Categories of Organisation

1.1. As Members will be aware, the Council appoints or nominates Members to sit on a wide range of outside bodies and organisations. These appointments broadly fall into two categories:

(a) those where the Councillor is appointed to represent the views of this Authority and to speak on our behalf

e.g. The Local Government Association
Joint Local Authority Committees

(b) those where he/she is appointed because they are a Councillor but once appointed, their duty is as a member of that outside organisation rather than as a representative of the Council

e.g. The Artrix

1.2 As a general rule, an appointment is likely fall into the second of the above categories if the organisation concerned is a distinct legal entity (i.e. if it can sue and be sued in its own name). Such an entity can take many forms e.g.

- Company
- Industrial & Provident Society
- Public Authority

This second category would also include charitable trusts

2. Category (a) – the Representative Role

2.1 Very little needs to be said about appointments to bodies within category (a). The Councillor is there to represent the views of the District Council, to speak up for the Council's interests, and those of the District as a whole.

2.2 As a general rule, it is unlikely that Councillors will be at risk of personal liability as a result of being appointed to any of the category (a) organisations. The nature of those organisations is not such as to be likely to give rise to additional liabilities.

2.3 However, Councillors should bear in mind to take care how they approach conflicts of interest and declarations of those interests, and if in doubt to seek guidance.

3. Category (b) – The Director/Trustee/Board Member role

3.1 It is the appointment of Councillors to positions within Category (b) organisations which potentially cause most difficulty. The most important point to bear in mind is that although the Council makes the initial nomination/appointment, after appointment the Councillor holds office according to the constitution of that other organisation. Appendix A sets out some further guidance notes for Members acting as Directors. In practice, various issues arise of which the following are the most common:

3.1.1 Period of appointment and removal

a) Once appointed, the Council can only remove a person from office if the constitution of the particular organisation gives the Council that power. The situation differs from organisation to organisation and it is therefore necessary for the Councillor to check the particular constitution, (or articles of association of a company, etc) of the organisation concerned.

3.1.2 To whom is the Councillor Responsible?

a) In the case of category (b) organisations, once a Councillor accepts an appointment as a director, board member, trustee etc of that organisation then they take on all the responsibilities of that position and their duty *when acting as a director or trustee etc* is to that organisation, not to the Council. They must act in accordance with what they consider to be the best interests of that organisation and are not there as a representative on behalf of the Council.

b) It would, for example, be a breach of their duty to an outside organisation to disclose confidential information about that organisation to the Council, even if it were relevant to something that the Council was discussing. This point about confidentiality applies both ways and it would be equally wrong to disclose confidential information belonging to the Council to an outside body.

c) The duty towards the outside organisation only applies when the Councillor is acting in their capacity as a director/trustee/board member of that organisation. When at Council meetings or acting in a Councillor role, he/she must act in the best interests of the Council (subject to the above point about confidentiality). It is therefore very important that Members have a clear understanding of “which hat they are wearing” at any time.

d) It may often be the case that a Councillor has been appointed to an outside body because he/she has a particular interest in the subject matter e.g. housing. In those circumstances it would not be unusual if the Councillor’s own views and those of the particular organisation

were closely aligned. Alternatively, a Councillor may have gained particular knowledge about a subject because of their involvement on another body. It is perfectly proper that the Councillor should express those views/use that special knowledge during Council debates *because they are his/her own views.* However, a Councillor should never be seen to use their position on the Council to act as an advocate on behalf of an outside organisation during Council debates, because that would be putting the other organisations interests ahead of the Council's. This applies regardless of whether or not they were appointed by the Council.

3.1.3 Conflicts of Interest

a) Where a director, trustee or member of an outside body has a conflict of interest because they are also a Councillor, then that interest must always be disclosed at any meeting of that outside organisation (this also applies where the person has an interest because of their personal circumstances). Whether or not he/she should continue to participate in that meeting will depend on the rules of that organisation: as a general guide, if there are no rules or procedures specified then he/she should abide by the same rules as apply at Council meetings.

b) Where a matter under discussion at a Council meeting concerns another local authority or an outside organisation to which a Councillor has been appointed as the Council's representative, the Council's Code of Conduct says that this does not have to be declared as a *Disclosable* interest unless a Member of the Public, knowing the circumstances, would reasonably regard membership of the body concerned as being likely to prejudice the Councillor's judgment of what is in the public interest.

However, there may be circumstances where the conflict of interest would be so great as to make it impossible for the person to act both as a Councillor and a member of the other organisation – for example, in the case of negotiations involving confidential information on both sides. In that situation the person should declare an interest and take no part in the matter in one or other forum i.e. decide whether to act as a Councillor or as a director/trustee in relation to the particular matter but not both. Equally, it could never be right for a Councillor to participate in the determination of a planning application made by an outside organisation of which s/he was a director or board member, even though nominated by the Council.

c) This advice in relation to potential conflicts of interest applies to both category (a) and (b) organisations.

3.2 Personal Liability

3.2.1 A Councillor who accepts appointment to a Category (b) outside body takes on a responsibility to act in accordance with the particular obligations and requirements applicable to that type of organisation, and so should ensure that they are fully understood. The Council's Legal Section will provide general guidance on these matters, but the outside organisation itself (or their advisors) is likely to be better placed to advise on the specific issues concerning that organisation. Appendix A contains some notes exploring the rights, duties and responsibilities of company directors.

3.2.2 Assuming that Councillor nominees to outside organisations understand and comply with the relevant legal obligations applicable to that type of organisation, Councillors are unlikely to incur personal liability as a result of their appointment.

3.2.3 In order to guard against personal liability, Councillors should:

- Make sure they understand the obligations and responsibilities they have taken on (see above);
- Ensure that the organisation concerned is properly advised and managed;
- Ensure that the organisation has appropriate insurance cover, including Directors' Liability insurance;
- Make sure that the legal framework of the organisation is appropriate to the activities that it conducts e.g. it would be inadvisable for bare trustees to be undertaking significant trading activities;
- Be diligent – attend Board meetings and make sure they know what is happening, and do not assume that legal formalities are being attended to by other people.

3.3 Indemnity

3.3.1 The question is sometimes raised as to whether the Council should indemnify Councillors against any personal liability as a result of being appointed as a member of an outside organisation. Whilst it is theoretically possible to give an indemnity to Councillors who are acting on the Council's behalf, the law is not ideally clear and a blanket approach is not appropriate

a) In the majority of instances, the Council's involvement ends once the nomination has been made. Although appointed by the Council, the Councillor is not acting as the Council's representative because the Councillor's responsibility is to act in the best interests of the Company rather than the Council.

b) The Council cannot regulate how Councillors behave on outside bodies or what decisions are made by those bodies. Therefore the Council cannot accept responsibility for matters over which it has no control.

c) There is still some uncertainty as to the extent of any indemnities which could be given. The Council could not, for example, indemnify Councillors

against their own fraud or wilful misconduct. It could potentially cause greater problems and create a false sense of security to give indemnities which later proved to be invalid.

d) In many instances the nature of the organisation's activities are low risk and an indemnity ought not to be necessary.

e) Many of these issues are better addressed by the organisations themselves taking out appropriate insurance cover and ensuring they have proper management procedures in place.

APPENDIX A

Guidance Notes for Members acting as Directors of Outside Bodies

Duties

1. Members who are appointed as directors of outside bodies should note that when acting as a director, their prime duty is to that outside body. Members should therefore take careful note of which capacity they are acting in, at any given time.

2. A Director owes a fiduciary duty to the body to act honestly, in good faith, and in the best interests of the body as a whole. Directors are in the position of quasi-trustees who must take proper care of the assets of the body. The fiduciary duty of a director towards a body is very similar in nature to the fiduciary duty of a Councillor to Council Tax payers.

3. A Director owes a general duty of care and skill to the body, but no more than might reasonably be expected of someone of that person's particular knowledge and experience. A Director is not deemed to be an expert but is expected to use due diligence and to obtain expert advice if necessary.

4. In the same way as a Councillor in respect of Council decisions, a Director is under a duty to exercise independent judgment, although they may take account of third party interests which they represent. In such cases, a Director must disclose that position to the body and must strike a fine balance between the interests of the body and the interests of the third party (e.g. the Council). The Director cannot simply vote in accordance with a Council mandate since to do so would be a breach of duty.

5. The Director may encounter actual or potential situations where there is a conflict between the interests of the Council on the one hand, and those of the body on the other. In such circumstances the only proper manner to resolve the conflict is for the Member to resign from either the body or the Council.

6. Directors must not make a private profit from their position. They must disclose any interests they or their family have in relation to contracts entered into by the body. Whether they may vote on such matters will depend on the Articles or Constitution of that body.

7. Directors must ensure that they comply with the Companies Act in relation to keeping accounts, and making relevant returns to the Registrar of Companies. Failure to do so may incur fines and persistent default may lead to disqualification as a director.

Modern Councillor Programme – Job Roles

Updated June 2015

	Role	*Page number*
1	Leader of the Council	*2*
2	Deputy Leader	*6*
3	Chairman of the Audit, Standards and Governance Committee and Overview and Scrutiny Board	*8*
4	Member of the Audit, Standards and Governance Committee and Overview and Scrutiny Board	*11*
5	Ward Councillor	*13*
6	Cabinet Member	*15*
7	Chairmen of Committees	*18*
8	Vice Chairman of Committees	*20*
9	Chairman of the Council	*22*
10	*Vice Chairman of the Council*	*23*

Leader of the Council

1. Key Purpose of the Role

1.1 The Leader of the Council will provide visible strategic leadership and direction for the Council. In doing so, he/she will adopt and promote the principles of mutual respect, constructive engagement and a recognition that the common good of Bromsgrove and its citizens is paramount.

1.2 The Leader of the Council, with the Chief Executive and the Monitoring Officer and Chairman, will determine the agendas for Council meetings.

1.3 The Leader of the Council will work with Cabinet Members to ensure the effective delivery of services against agreed policies of the Council and ensure the delivery of the Cabinet's responsibilities.

1.4 The Leader of the Council has such delegated powers as is authorised by the Constitution.

1.5 The Leader of the Council will be the primary link between the Chief Executive and Executive Directors.. The Heads of Service will work closely with the Cabinet in the formulation and development of new policies and objectives.

1.6 The Leader of the Council will report regularly to Council and the Committees and Boards to engender corporate ownership and awareness.

1.7 The Leader of the Council will act as an ambassador of the whole Council, its citizens and businesses on external bodies that enhance the reputation and standing of the District of Bromsgrove (outside civic and ceremonial roles and functions).

2. Duties and Responsibilities

2.1 To act as the Chairman of the Cabinet.

2.2 To appoint the Cabinet members and allocate areas of responsibility – known as portfolios to Cabinet members.

2.3 To lead in the performance appraisal procedures for the Chief Executive and through the Cabinet, to agree the method of appraisal and frequency.

2.4 To lead on the development of local, regional, national and European policy and strategic initiatives (including area –wide strategic partnerships) covered by Portfolio functions. In doing so, to promoting the Council's interests and the interests of the citizens and businesses of Bromsgrove District.

2.5 In the absence of the relevant Cabinet Councillor at any cabinet meeting, to undertake the functions/responsibilities of the same as appropriate.

2.6 To liaise with the relevant chairman(men) of the Overview and Scrutiny Board and Audit Board as required, when items arise which are not in the Forward Plan but which the Cabinet need to consider as a matter of urgent business.

2.7 To attend meetings of the Boards as required and be subject to examination in respect of any aspect of Council policies and objectives.

2.8 To ensure that the recommendations of Boards are fully considered in the formulation and development of Council policy.

2.9 To ensure the effective communication and explanation of all Cabinet decisions and recommendations to Council and to the public.

2.10 To ensure that the Cabinet manages the business of the Council within the financial limits set by the Council

2.11 To meet with the Council's External Auditor and the Chief Executive, with other members of the Cabinet, to discuss the annual Audit Management Letter and report, as necessary, from there to Council or the Cabinet.

2.12 To meet regularly with the Chief Executive to monitor and review the progress of the Council towards it achieving it's approved objectives and priorities.

2.13 To agree the business to be included in the agenda for each meeting of the Cabinet, in conjunction with the Chief Executive.

2.14 To report to the Council on decisions taken by the Cabinet.

2.15 The Leader of the Council will have overall responsibility for:

- The political leadership of the Council
- Developing and implementing the policy framework (subject to the approval of the Council)
- Determining revenue and capital budget strategies and priorities (subject to the approval of the Council)
- Ensuring probity and financial monitoring
- Acting as Chief Spokesperson for the Council
- Representing the views of the Council on matters of corporate or strategic policy to Government and other bodies relevant to the Council's work
- The delivery of agreed Council priorities, strategies and policies
- Ensuring the production of a Community Strategy with other key organisations in the public, private and voluntary sectors (subject to the approval of the Council) and acting as spokesperson on behalf of the community as a whole
- Monitoring the work of the individual portfolio holders within the Cabinet

- Ensuring that learning opportunities for Councillors are in place and that they are relevant and effective.
- Promoting the work of the Council
- Acting as a final arbitrator between portfolio holders within the Cabinet

2.16 To establish and maintain effective and efficient working relations with the leaders of other groups, the cabinet, chairs of other committees/boards, overview and scrutiny, other Members and officers as appropriate.

3. Corporate Decision Making

In addition to his or her role as Leader of the Council, the Leader will be a full voting member of the Council which will:-

- be the principal forum of debate for matters of community and public interest
- determine the overall policies and finances which will guide and direct the delivery of services.

4. Local Representative Role

4.1 The Councillor will perform a local representational role for his or her constituents. Councillors will develop their own methods and arrangements to keep in touch with their local communities and neighbourhoods so that local views come to have a bearing on policy development and formulation and the decision making process. These may include

- Conducting regular ward surgeries as appropriate
- Attending community/Parish Council meetings (where appropriate)
- Direct canvassing of ward residents

4.2 Through these methods, Councillors will play a significant part in the consultations on:

- The development of Council plans
- Fundamental reviews of services
- Local initiatives, for example on community safety
- The community planning process, generally

4.3 Councillors will respond to constituents' enquiries and representations, fairly and impartially and effectively represent the interests of their wards and of individual constituents.

5.0 **Ways of Working**

5.1 To comply with the Council's Code of Conduct and protocols or such other code of conduct / protocols as the Council may from time to time adopt

5.2 To comply with the Member/ Officer protocol as set out in the Constitution

5.3 To promote the Council's policies on equality and diversity in the workplace, in partnerships and in service provision.

5.4 To keep abreast of national best practice/new initiatives relating to local government so as to ensure the continuous improvement of Council services.

5.5 To take part in training and development programmes and to ensure that this role is undertaken as effectively as possible.

5.6 To make use of technology as an effective means of communication.

Deputy Leader

1. Key Purpose of the Role

1.1 To support and deputise for the Leader of the Council in his/her executive functions.

2. Key Duties and Responsibilities

2.1 To lead and chair the cabinet where appropriate and ensure their overall effectiveness in the absence of the Leader of the Council.

2.2 To support and deputise for the Leader of the Council in his/her community liaison responsibilities.

2.3 To assist the Leader in co-ordinating the work of the Cabinet.

2.4 To establish and maintain effective and efficient working relations with the leaders of other groups, the cabinet, chairmen of other committees/boards, other Members and officers as appropriate.

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4.2 To comply with the Member/Officer protocol as set out in the Constitution

4.3 To promote the Council's policies on equality and diversity in the workplace, in partnerships and in service provision.

4.4 To keep abreast of national best practice/new initiatives relating to local government so as to ensure the continuous improvement of Council services.

4.5 To take part in training and development programmes and to ensure that this role is undertaken as effectively as possible.

4.6 To make use of technology as an effective means of communication.

Chairmen of the Audit, Standards and Governance Committee and Overview and Scrutiny Board

1. Key Purpose of the Role

1.1 To chair a Board/Committee covering the areas of responsibility determined by the Council and in particular;

- To scrutinise budgets, plans, policies and strategies proposed by the Cabinet to ensure that it is effectively held to account for its decisions and performance.
- To monitor and review policies, strategies and budget decisions and implementation of proposals.
- To monitor performance and any consequential proposals or recommendations.
- To identify and pursue cross-cutting strategy issues and ensure a corporate approach to overview and scrutiny.
- To ensure Councillors information needs are met so that they can contribute fully to decision making with the panel.

1.2 To initiate and develop constructive relationships with Members of the Cabinet and Senior Officers.

2. Key Duties and Responsibilities

2.1 To establish a manageable programme of work for the Board which reflects the wishes of the Members of the Panel.

2.2 To liaise and communicate on a regular basis with relevant officers and specialists to ensure the receipt of appropriate advice to inform effective overview and scrutiny.

2.3 To set up mechanisms to ensure regular contact with Non Cabinet Councillors, community representatives and local stakeholders to inform effective overview and scrutiny.

2.4 To share good practice, promote the work and independence of the process and further develop the overview and scrutiny role.

2.5 To assist in the development or review of policy or practice in specific areas either which have been referred by the Cabinet or which the Board themselves have identified and to make recommendations to the Cabinet on them.

2.6 To contribute on the development or review of policies and practices in areas that cover more than one Board.

2.7 To establish and maintain effective and efficient working relations with the leaders of other groups, the Cabinet, chairmen of other committees/boards, other Members and officers as appropriate.

2.8 To undertake scrutiny functions in a positive and constructive manner which enhances the image and reputation of the Council.

2.9 To ensure that the Board only acts within its terms of reference.

3. Specific Duties for Chairman of the Audit, Standards and Governance Committee

3.1 To ensure that the Committee monitors the good stewardship of the Council's resources through the work of the Internal Audit function.

3.2 To ensure that the Committee monitors both internal and external audit performance including the implementation of audit recommendations and monitoring of annual accounts.

3.3 To ensure the Committee works in partnership with the Cabinet, Overview and Scrutiny and officers to ensure that good stewardship of the Council's resources deliver better outcomes for the people of Bromsgrove District.

3.3 To ensure that the Committee complies with the Council's Audit, Standards and Governance Procedure Rules.

4. Local Representative Role

4.1 The Councillor will perform a local representational role for his or her constituents. Councillors will develop their own methods and arrangements to keep in touch with their local communities and neighbourhoods so that local views come to have a bearing on policy development and formulation and the decision making process. These may include

- Conducting regular ward surgeries as appropriate
- Attending community/Parish Council meetings (where appropriate)
- Direct canvassing of ward residents

4.2 Through these methods, Councillors will play a significant part in the consultations on:

- The development of Council plans
- Fundamental reviews of services
- Local initiatives, for example on community safety
- The community planning process, generally

4.3 Councillors will respond to constituent's enquiries and representations, fairly and impartially and effectively represent the interests of their wards and of individual constituents.

5. Ways of Working

5.1 To comply with the Council's Code of Conduct and protocols or such other code of conduct / protocols as the Council may from time to time adopt.

5.2 To comply with the Member/ Officer protocol as set out in the Constitution.

5.3 To promote the Council's policies on equality and diversity in the workplace, in partnerships and in service provision.

5.4 To keep abreast of national best practice/new initiatives relating to local government so as to ensure the continuous improvement of Council services.

5.5 To take part in training and development programmes and to ensure that this role is undertaken as effectively as possible.

5.6 To make use of technology as an effective means of communication.

Member of the Audit, Standards and Governance Committee and Overview and Scrutiny Board

1. Key Purpose of the Role

1.1 To contribute actively in the work of the Council when he/she is not a member of the Cabinet.

2. Key Duties and Responsibilities

2.1 In relation to any Board/Committee of which he/she is a member

- To scrutinise budgets, plans, policies and strategies proposed by the Cabinet to ensure that it is effectively held to account for its decision and performance.
- To monitor and review policies, strategies and budget decisions and implementation of proposals.
- To monitor performance and any consequential proposals or recommendations.
- To assist in the identification and examination of cross-cutting issues.
- To assist in the development or review of policy and practice in specific areas either which have been referred by the Cabinet or which a Board has identified.

2.2 To initiate and develop constructive relationships with Members of the Cabinet and officers.

2.3 To contribute to the development of a manageable programme of work for the Committee which is based on an identified need and which reflects the wishes of Members of the Committee.

2.4 To liaise and communicate on a regular basis with relevant officers and specialists to ensure the receipt of appropriate advice to inform effective overview and scrutiny.

2.5 To establish and maintain effective and efficient working relations with the leaders of other groups, the Cabinet, chairmen of other committees/boards, other Members and officers as appropriate.

3. Specific Duties of a Member of the Audit, Standards and Governance Committee

3.1 To contribute effectively to the monitoring of both internal and external audit performance including the implementation of audit recommendations and monitoring of annual accounts.

3.2 To comply with the Council's Audit, Standards and Governance Committee Procedure Rules

4. Local Representative Role

4.1 The Councillor will perform a local representational role for his or her constituents. Councillors will develop their own methods and arrangements to keep in touch with their local communities and neighbourhoods so that local views come to have a bearing on policy development and formulation and the decision making process. These may include

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- Local initiatives, for example on community safety
- The community planning process, generally

4.3 Councillors will respond to constituents' enquiries and representations, fairly and impartially and effectively represent the interests of their wards and of individual constituents.

5. Ways of Working

5.1 To comply with the Council's Code of Conduct and protocols or such other code of conduct / protocols as the Council may from time to time adopt

5.2 To comply with the Member/Officer protocol as set out in the Constitution

5.3 To promote the Council's policies on equality and diversity in the workplace, in partnerships and in service provision.

5.4 To keep abreast of national best practice/new initiatives relating to local government so as to ensure the continuous improvement of Council services.

5.5 To take part in training and development programmes and to ensure that this role is undertaken as effectively as possible.

5.6 To make use of technology as an effective means of communication.

Ward Councillor

1. Key Purpose of the Role

1.1 To participate constructively and effectively in the good governance of the Council and the local area.

2. Key Duties and Responsibilities

2.1 To deal effectively with the concerns of local residents on issues pertaining to the Council and its partners.

2.2 To represent effectively the interests of the ward for which he/she is elected.

2.3 To participate effectively in all relevant consultative processes with the local community and with other organisations.

2.4 To develop and maintain a working knowledge of the organisations, services and activities and other matters which affect and impact on the local community.

2.5 To participate actively and effectively as a member on any scrutiny, regulatory or other Committee/Board, assembly or forum to which the Councillor is appointed and respect the role of the Chairman. To undertake appropriate training in relation to this role.

2.6 To participate, where appropriate in the scrutiny of the services and policies of the authority and their effectiveness in meeting the strategic objectives of the authority and the needs of its residents.

2.7 To participate, where appropriate, in the scrutiny of services provided by external organisations or bodies.

2.8 To fulfil the statutory requirements of an elected member of a local authority and to participate in those decisions and activities reserved to the full Council.

2.9 To develop and maintain a working knowledge of the authority's services, management arrangements, powers, duties and constraints.

2.10 To establish and maintain effective and efficient working relations with the leaders of other groups, the Cabinet, chairmen of other committees/boards, other Members and officers as appropriate.

2.11 To always act in a manner which ensures that challenge to policy is kept at a political level and does not damage the public reputation of individual officers.

2.12 To represent the Council on external bodies, acting in the best interests of the Bromsgrove District Council.

2.13 To respond to planning application notifications as appropriate.

3. Local Representative Role

3.1 The Councillor will perform a local representational role for his or her constituents. Councillors will develop their own methods and arrangements to keep in touch with their local communities and neighbourhoods so that local views come to have a bearing on policy development and formulation and the decision making process. These may include

- Conducting regular ward surgeries as appropriate
- Attending community /Parish Council meetings (where appropriate)
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- The development of Council plans
- Fundamental reviews of services
- Local initiatives, for example on community safety
- The community planning process, generally

3.3 Councillors will respond to constituents' enquiries and representations, fairly and impartially and effectively represent the interests of their wards and of individual constituents.

4. Ways of Working

4.1 To comply with the Council's Code of Conduct and protocols or such other code of conduct / protocols as the Council may from time to time adopt

4.2 To comply with the Member/Officer protocol as set out in the Constitution

4.3 To promote the Council's policies on equality and diversity in the workplace, in partnerships and in service provision.

4.4 To keep abreast of national best practice/new initiatives relating to local government so as to ensure the continuous improvement of Council services.

4.5 To take part in training and development programmes and to ensure that this role is undertaken as effectively as possible.

4.6 To make use of technology as an effective means of communication.

Cabinet Member

1. Key Purpose of the Role

1.1 To provide visible leadership in the area of their portfolio functions and responsibilities to the Council. To form the link between Members and Officers. To assist in the development of appropriate new policies for consideration by Cabinet. To ensure policies are implemented effectively.

2. Key Duties and Responsibilities

2.1 To take the lead role in:

- Overseeing strategies and plans for the services for which they are responsible.
- Examining and agreeing with heads of Service the departmental budget prior to submission to Cabinet.
- Meeting not less than bi-monthly with Head of Service to ensure budget spending profile is in accordance with agreed budget approvals.
- Ensuring budget corrective action taken is in line with defined strategy and policy.
- Ensuring delivery of plans and strategies are efficient and effective to provide the agreed standard of service.

2.2 To be the principal spokesman for the services for which they are responsible.

2.3 To ensure that officers consult and keep informed, as necessary, Members, Residents and businesses of Bromsgrove District on all matters covered by the Portfolio functions/ responsibilities.

2.4 To ensure appropriate representation for the Council on District wide, regional and national bodies, or at events or conferences for the services for which they are responsible.

2.5 To work in collaboration with the Leader, other Cabinet Members and other relevant Members of the Council, MPs and external bodies, to enhance the image and reputation of Bromsgrove and, where appropriate, advocate for resources/inward investment and regeneration for the benefit of the residents of Bromsgrove District.

2.6 To refer, as necessary, to the appropriate Officer any issues which fall within the scope of their duties.

2.7 To establish and maintain effective and efficient working relations with the leaders of other groups, the cabinet, chairmen of other committees/boards, other Members and officers as appropriate.

2.8 To take collective and individual responsibility to work with other Cabinet Members so as to ensure the effective and efficient operation of the Council.

2.9 To agree with Heads of Services, appropriate performance objectives and targets for services for which they are responsible

2.10 To assist the Council's Board by ensuring that their recommendations are fully considered.

2.11 To provide support and assistance to the Leader of the Council.

2.12 To work with the Leader, Chief Executive, Executive Directors and Heads of Service to ensure effective and efficient delivery of the Council's corporate plan and, in particular, the continuous improvement of all services covered by their portfolio.

2.13 To ensure compliance with any relevant legislative provisions, best practice and good governance arrangements with regard to local government.

2.14 To promote the Council's policies on equality and diversity in the workplace and in service provision.

3. Local Representative Role

3.1 The Councillor will perform a local representational role for his or her constituents. Councillors will develop their own methods and arrangements to keep in touch with their local communities and neighbourhoods so that local views come to have a bearing on policy development and formulation and the decision making process. These may include

- Conducting regular ward surgeries as appropriate
- Attending community/Parish Council meetings (where appropriate)
- Direct canvassing of ward residents

3.2 Through these methods, Councillors will play a significant part in the consultations on:

- The development of Council plans
- Fundamental reviews of services
- Local initiatives, for example on community safety
- The community planning process, generally

3.3 Councillors will respond to constituent's enquiries and representations, fairly and impartially and effectively represent the interests of their wards and of individual constituents.

4. Ways of Working

4.1 To comply with the Council's Code of Conduct and protocols or such other code of conduct / protocols as the Council may from time to time adopt

4.2 To comply with the Member/Officer protocol as set out in the Constitution

4.3 To promote the Council's policies on equality and diversity in the workplace, in partnerships and in service provision.

4.4 To keep abreast of national best practice/new initiatives relating to local government so as to ensure the continuous improvement of Council services.

4.5 To take part in training and development programmes and to ensure that this role is undertaken as effectively as possible.

4.6 To make use of technology as an effective means of communication.

Chairman of Committees

1. Key Purpose of the Role

1.1 To preside over Committee meetings in a manner that encourages contributions and achieves the objectives of the meeting; including the resolution of conflict.

2. Key Duties and Responsibilities

2.1 To be accountable to the Council for the efficiency and effectiveness of Committee meetings.

2.2 To ensure that the Committee only acts within its terms of reference.

2.3 To ensure that the Committee complies with the requirements of Standing Orders, Financial Regulations, Council policies and relevant legislation.

2.4 To present recommendations of the Committee/Board to Cabinet/Council as required through minutes or attendance at appropriate meetings.

2.5 To act as spokesperson for the Council for matters within the jurisdiction of the Committee, liaising with the Council's media office and relevant Cabinet members where appropriate.

2.6 To work with officers to enable efficient and effective decision making.

2.7 To ensure the overall integrity of the decision making process within the Committee and that the process operates fairly and openly.

2.8 To hold pre meetings/briefings with Vice Chairman and officers where appropriate.

2.9 To approve draft minutes and agree agendas etc with officers.

2.10 To establish and maintain effective and efficient working relations with the leaders of other groups, the Cabinet, chairmen of other committees/boards, other Members and officers as appropriate.

3. Specific Duties for Chairmen of Planning and Licensing Committees

3.1 To ensure a thorough knowledge and understanding of the functions of the Committee.

3.2 To manage the agenda of the Committee and chair its meetings.

3.3 To oversee the function of the Committee and to ensure the efficient discharge of its business.

3.4 To monitor the preparation and presentation of reviews of the work of the Committee and to ensure that the outcomes of them are fully taken into account in the policy formulation to the Council.

3.5 To ensure Councillor's information needs are met e.g. through background papers so that they can fully contribute to the decision making process.

4. Local Representative Role

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- The community planning process, generally

4.3 Councillors will respond to constituents' enquiries and representations, fairly and impartially and effectively represent the interests of their wards and of individual constituents.

5. Ways of Working

5.1 To comply with the Council's Code of Conduct and protocols or such other code of conduct / protocols as the Council may from time to time adopt.

5.2 To comply with the Member/ Officer protocol as set out in the Constitution.

5.3 To promote the Council's policies on equality and diversity in the workplace, in partnerships and in service provision.

5.4 To keep abreast of national best practice/new initiatives relating to local government so as to ensure the continuous improvement of Council services.

5.5 To take part in training and development programmes and to ensure that this role is undertaken as effectively as possible.

5.6 To make use of technology as an effective means of communication.

Vice Chairmen of Committees

1.0 Key Purpose of the Role

1.1 To support and deputise for the Chairman in his/her roles and responsibilities.

2. Key Duties and Responsibilities

2.1 To lead and chair the committee and its overall effectiveness in the absence of the chairman.

2.2 To establish and maintain effective and efficient working relations with the leaders of other groups, the cabinet, chairmen of other committees/boards, other Members and officers as appropriate.

2.3 To attend pre meetings/briefings with the Chairman and officers where appropriate.

3. Local Representative Role

3.1 The Councillor will perform a local representational role for his or her constituents. Councillors will develop their own methods and arrangements to keep in touch with their local communities and neighbourhoods so that local views come to have a bearing on policy development and formulation and the decision making process. These may include

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4.5 To take part in training and development programmes and to ensure that this role is undertaken as effectively as possible.

4.6 To make use of technology as an effective means of communication.

Chairman of the Council

1. Key Purpose of Role

1.1 The Chairman of the Council is elected on an annual basis. S/he will chair Council meetings and represent the Council at ceremonial, civic and other functions inside and outside of Bromsgrove.

2. Key Duties and Responsibilities

2.1 To preside over meetings of the full Council, preserve order in meetings and ensure that proceedings are conducted impartially and in a proper manner and with regards to the rights of Councillors and the interests of the community.

2.2 To ensure that all councillors have the opportunity to contribute to debates subject to the relevant standing orders and constitution.

2.3 To uphold and promote the purposes of the constitution and interpreting it when necessary.

2.4 To ensure that the Council meeting is a forum for debate of matters of concern to the local community.

2.5 To determine that the Council meeting is properly constituted and that a quorum is present.

2.6 To inform himself/herself as to the business and objects of the meeting.

2.7 To ensure that discussions at Council are within the scope of the meeting and within the time limits provided.

2.8 To rule a point of order and other incidental questions which require decision at the time.

2.9 To put relevant questions to the meeting and take a vote on them; causing a named vote or ballot to be taken if demanded; if necessary to give a second or casting vote; to declare the result.

2.10 To adjourn the Council meeting when circumstances justify or require that course.

2.11 To declare the Council meeting closed when business is completed.

2.12 To act in a proper and dignified manner at all times as befits the office

2.13 To establish and maintain effective and efficient working relations with the leaders of other groups, the cabinet, chairmen of other committees/boards, other Members and officers as appropriate.

2.14 The Chairman can not:

- be a member of the Cabinet;
- be a member of the Audit, Standards and Governance Committee
- be a member of the Overview and Scrutiny Board.

Vice Chairman of the Council

1. Key Purpose of Role

1.1 The Vice Chairman of the Council is elected to deputise and support the Chairman of Bromsgrove District and will represent the Council at ceremonial, civic and other functions inside and outside of Bromsgrove in that capacity as appropriate. He/she will receive civic guests, delegations and visitors, host civic occasions and provide civic hospitality as required.

2. Key Duties and Responsibilities

2.1 To provide support and deputise for the Chairman of the Council.

2.2 To act as an ambassador for the council both inside and external to Bromsgrove District.

2.3 To ensure that the Chairman of the Council is made aware of any Councillor wishing to speak at a Council meeting.

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Bromsgrove District Council
www.bromsgrove.gov.uk

Corporate Anti-Bribery Policy
Bribery Act 2010

BUILDING PRIDE

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Introduction

The Bribery Act 2010 came into force on 01 July 2011. The act makes it an offence for a United Kingdom citizen or resident to pay or receive a bribe, either directly or indirectly. The act applies to transactions that take place in the UK and abroad, and both in the public and private sectors.

Bromsgrove District Council through myself and the Senior Management Team is determined to maintain it's reputation as an authority which will not tolerate fraud, bribery, corruption or abuse of position for personal gain, wherever it may be found in any area of Council activity.

To achieve this goal the Council will work to identify and eliminate any form of bribery through the introduction of this anti-bribery policy and through a risk assessment process and ongoing monitoring and review.

Elected Members and employees should play a key role in counter-fraud initiatives. This includes providing a corporate framework within which counter-fraud arrangements can flourish, and the promotion of an anti-fraud culture across the whole Council. This should provide a sound defence against internal and external abuse of public funds.

Under the terms of this policy all employees and elected Members are prohibited from soliciting, arranging or accepting bribes intended for the benefit of the Council, or for their personal benefit, or for the benefit of the employee's family, associates or acquaintances. This Policy extends to all the Council's business dealings, transactions and decisions.

Through the 'Whistle Blowing Policy' employees are encouraged to report any suspicion of bribery, safe in the knowledge that they are able to report concerns in confidence and without risk of reprisal

Kevin Dicks
Chief Executive
Bromsgrove District Council
November 2011

Policy Statement

Bribery is a criminal offence. The Council through its employees and elected Members does not, and will not, pay bribes or offer improper inducements to anyone for any purpose or, accept bribes or improper inducements. It is the Council's policy to conduct all business in an honest and ethical manner. The Council takes a zero-tolerance approach to bribery and corruption and is committed to acting professionally, fairly and with integrity in all business dealings and relationships. The Council will operate and enforce effective systems to counter bribery.

To use a third party as a conduit to channel bribes to others is a criminal offence. The Council does not, and will not, engage indirectly in or otherwise encourage bribery.

In this policy, **third party** means any individual or organisation we come into contact with during the course of our work. This includes actual and potential customers, suppliers, advisers, contractors, government and public bodies (including their advisers, representatives and officials), politicians and political parties. This list is not exhaustive.

This policy applies to all individuals, working at all levels and grades, including senior managers, officers, employees (whether permanent, fixed term or temporary), elected members (including independent Members), consultants, contractors, agents, trainees, seconded staff, casual and agency staff, volunteers, or any other person associated with the Council, wherever located.

This policy also applies to all of the Council's activities. For partners, joint ventures and suppliers, we will seek to promote the adoption of policies consistent with the principles set out in this document.

What is Bribery?

Bribery is an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage.

It is unacceptable to:

- give, promise to give, or offer a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given

- give, promise to give, or offer a payment, gift or hospitality to a government official, agent or representative to "facilitate" or expedite a routine procedure

- accept payment from a third party that you know or suspect that it is offered or provided with an expectation that a business advantage will be provided by the Council in return
- retaliate against or threaten a person who has refused to commit a bribery offence or who has raised concerns under this policy

- engage in activity in breach of this policy

Objective of the Policy

This policy provides a coherent and consistent framework to enable Bromsgrove Council employees and elected Members to understand and implement arrangements enabling compliance. In conjunction with related policies and key documents it will also enable employees to identify and effectively report a potential breach.

Role of Employees

Employees are governed in their work by the various policies, protocols, codes, rules and procedures, particularly regarding conduct issues and are responsible for ensuring that they follow any instructions given to them by management, particularly in relation to the safekeeping of assets.

The Council requires that all staff, including those permanently employed, temporary agency staff and contractors:

- act honestly with integrity, at all times, and to safeguard the organisations resources for which they are responsible

- comply with the spirit, as well as the letter, of the laws and regulations of all jurisdictions in which the Council operates, in respect of the lawful and responsible conduct of activities

- read, understand and comply with this policy

- avoid any activity that may lead to, or suggest, a breach of this policy

Staff must notify the Corporate Anti-Fraud Team as soon as possible if they believe or suspect that a conflict with this policy has occurred, or may occur in the future.

Any employee who breaches this policy will face disciplinary action, which could result in summary dismissal for gross misconduct. Disciplinary action will be taken in addition to, or instead of, criminal proceedings, depending on the circumstances of each individual case. The Council reserves the right to terminate it's contractual relationship with other workers if they breach this policy.

Role of Elected Members

As elected representatives, all Members of the Council have a duty to the citizens of the District to protect the Council from any acts of fraud and bribery and ensure that resources are used prudently and within the law to safeguard public money, including ensuring they do not procure an advantage improperly. Elected Members are required to operate and adhere to the Council's Constitution, which incorporates a Code of Conduct for Members (Part 16 of the Constitution).

The Code includes rules regarding:

- The disclosure of relationships
- The declaration of gifts and hospitality
- Registering personal interests

Elected Members are also referred to the Code of Conduct for Councilors in relation to Gifts and Hospitality set out at Part 21 of the Constitution. This sets out the process that should be followed by elected Members when declaring gifts. See further below under "Record Keeping".

The Council's commitment to action

The Council commits to:

- setting out a clear anti-bribery policy and keeping it up to date
- making all employees aware of their responsibilities under the terms of this policy
- training all employees so that they can recognise and avoid the use of the bribery by themselves or others
- encouraging employees to be vigilant and to report any suspicions of bribery, providing suitable lines of communication with the Corporate Anti-Fraud Team
- ensuring that sensitive information is treated appropriately
- rigorously investigating allegations of bribery, taking such cases to prosecution where relevant
- assisting the Police or other authorities in more complex cases
- taking action against any individual found to be involved in bribery
- provide information to all employees to report breaches and suspected breaches of this policy
- include appropriate clauses in contracts to prevent bribery

Facilitation Payments

These are illegal, and will not be tolerated. Facilitation payments are unofficial payments made to public officials in order to secure or expedite actions.

Gifts and Hospitality

The Council's policy on gifts and hospitality for staff has been updated and is now found within the Officers' Code of Conduct. A copy is included in the Council's Constitution and can be found on the Orb at insert link (Corporate/Policies/BDC Policies/HR).

The Officer's Code of Conduct makes it clear that:

You should not accept significant personal gifts from contractors and service providers such as food, drink, cars, clothes and jewellery.

Inexpensive calendars, diaries, blotting pads, pens etc (perhaps marked with the donor's name) are acceptable. If in any doubt about whether you should accept a gift, it is best to refuse it.

However, you are prohibited from accepting a gift, or giving a gift to a third party if the following requirements are met:

- it is made with the intention of influencing a third party to obtain or retain business or a business advantage, or to reward the provision or retention of business or a business advantage, or in explicit or implicit exchange for favours or benefits;
- it is given in the Council's name, not in your name
- it includes cash or a cash equivalent (such as gift certificates or vouchers)
- if it is inappropriate for the circumstances
- if the gift received is an inappropriate type and value, and given at an inappropriate time;
- it is given secretly and not openly
- gifts should not be offered to, or accepted from, government officials or representatives, or politicians or political parties, without the prior approval of your Head of Service.

Public Contracts and failure to prevent bribery

Under the Public Contract Regulations 2006 (which gives effect to EU law in the UK) a company is automatically and perpetually debarred from competing for public contracts where it is convicted of a corruption offence. There are no plans to amend the 2006 Regulations for this to include the crime of failure to prevent bribery. Organisations that are convicted of failing to prevent bribery are not automatically barred from participating in tenders for public contracts.

However, the Council has the discretion to exclude organisations convicted of this offence.

Record Keeping

We must keep records and have appropriate internal controls in place which will evidence the business reasons for:-

- Receiving or declining gifts and hospitality which are offered to staff or elected Members
- Providing gifts or hospitality on behalf of the Council to third parties

Staff must ensure that any gift or hospitality for employees that is accepted, offered or refused, should be recorded in the Corporate Gift and Hospitality Register. The Register is held centrally by the Information Management Team.

Any gifts or hospitality received by elected Members must be reported to the Council's Monitoring Officer in accordance with Part 21 of the Constitution (Gifts and Hospitality – Code of Conduct for Councillors).

How to raise a concern

All elected Members and employees have a responsibility to help detect, prevent and report instances of bribery. If you have a concern, **please speak up** – your information and assistance will help. The sooner you act, the sooner it can be resolved.

Please refer to the Whistle-blowing (Confidential Reporting Code) Policy for the procedure of how to make your concerns known. It can be found on the Orb at insert link - (Director of Finance and Corporate Resources/Head of Resources/Corporate Fraud/Team Documents/Corporate Fraud).

Staff who do not have access to the intranet can contact the Corporate Anti-Fraud team directly on:

Email	fraud@bromsgrove.gov.uk
Telephone	01527 881221
Web	www.bromsgrove.gov.uk/fraud

Preferably your disclosure will be made and resolved internally. However where this proves inappropriate and you are not happy to speak with the Corporate Anti-Fraud Team, your concerns can be raised externally. Raising concerns in these ways may be more likely to be considered reasonable than making disclosures publicly (e.g. to the media),

Concerns can be anonymous. We will act as soon as possible to evaluate the situation. We have a clearly defined Corporate Anti-Fraud and Corruption Strategy which sets out procedures for investigating fraud, bribery and corruption. It is however, easier and quicker to evaluate allegations, if they are not anonymous, as your assistance may be well be needed to clarify elements of the allegation made.

Bribery Act Offences

There are four key offences under the Act:

- bribing of another person (Section 1)
- accepting a bribe (Section 2)
- bribing a foreign official (Section 6)
- failing to prevent bribery (Section 7)

Section 7 is a corporate offence but an organisation will have a defence to this offence if it can show that it had in place 'adequate procedures' designed to prevent bribery by or of persons associated with the organisation.

Bribery Act Penalties

An individual guilty of an offence under sections 1, 2 or 6 is liable:

- on conviction in a magistrates court, to imprisonment for a maximum term of 12 months, or to a fine not exceeding £5000, or to both
- on conviction in a crown court, to imprisonment for a maximum term of ten years, or to an unlimited fine, or both.

Organisations, if found guilty of an offence under section 7 are liable to an unlimited fine.

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