

**Annual Council
2025**

14th May

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

Relevant Portfolio Holder		Councillor Karen May
Portfolio Holder Consulted		Yes
Relevant Assistant Director		Claire Felton, Assistant Director of Legal, Democratic and Property Services
Report Author Claire Felton	Job Title: Assistant Director of Legal, Democratic and Property Services Contact c.felton@bromsgroveandredditch.gov.uk email:	
Wards Affected		No specific ward relevant
Ward Councillor(s) consulted		N/A
Relevant Council Priority		Sustainability
Non-Key Decision		
If you have any questions about this report, please contact the report author in advance of the meeting.		

1. RECOMMENDATIONS

Council is asked to RESOLVE that:-

- 1) The current version of the Officer Scheme of Delegations is agreed as set out at Appendix 1.**
- 2) The Council's constitution be updated to restrict the Chairman of the Council from sitting on the Licensing Committee as detailed in Appendix 2.**
- 3) Paragraph 8.5 of the Council Procedure Rules be amended to include the following additional category in terms of people not regarded as members of the public for the purposes of registering to speak at Council meetings: "Political parties or persons asking questions 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."**
- 4) The grounds under which the Monitoring Officer might reject Questions and Motions on Notice submitted for consideration at Council meetings, be amended as detailed in Appendix 3, for a trial period of three consecutive ordinary meetings of the Council.**

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2. BACKGROUND

- 2.1 The Council is required to review its scheme of delegations on an annual basis. This report presents the current scheme for noting.
- 2.2 This report also details the outcomes of the latest meetings of the Constitution Review Working Group (CRWG), held on 29th January and 10th April 2025, at which various changes to the Council's constitution were discussed and recommended.
- 2.3 Members are invited to consider the background to the recommendations proposed by the CRWG and to determine whether to endorse the group's recommendations.

3. OPERATIONAL ISSUES

Scheme of Delegations

- 3.1 The Council's Constitution currently requires that the Officer Scheme of Delegations be approved by Members at the Annual Meeting of the Council.
- 3.2 The Officer Scheme of Delegations is the part of the Constitution that gives authority for certain decisions to be delegated from Council, the Executive (Cabinet) or other committees to certain specified officers. It sets out the decisions which are delegated by Council to officers and the decisions which are delegated by the Executive / Leader to officers. In relation to certain regulatory decisions, the delegation is from Council to the relevant Committee, namely Planning Committee or Licensing Committee.
- 3.3 The Scheme of Delegations is regularly altered and updated to reflect changes in the operation of the Council and changes to legislation. Changes have been made by the Monitoring Officer in accordance with the delegation that currently exists to amend the scheme to reflect changes in legislation, job titles and the reallocation of functions. They do not extend the delegations.

Membership of the Licensing Committee

- 3.4 During the meeting of the CRWG held on 29th January 2025, Members discussed the various Committees that the Chairman of the Council can serve on during a municipal year.

- 3.5 There are already some restrictions in terms of Committees that the Chairman of the Council cannot be appointed to. Some of these restrictions reflect legal requirements, such as a restriction preventing the Chairman of the Council from serving on the Cabinet.
- 3.6 Currently, the Chairman of the Council is permitted to serve as a member on the Licensing Committee at Bromsgrove District Council.
- 3.7 However, during the CRWG meeting, Members raised concerns that this could create a conflict for the Chairman of the Council. For example, it was noted that the Chairman of the Council might be invited to attend civic events hosted by licensed premises.
- 3.8 To reduce the potential for a conflict of interest to occur, the CRWG recommended that the terms of reference for the Licensing Committee should be updated to restrict the Chairman of the Council from serving as a member of the Committee. It should be noted that if the Chairman of the Council is not permitted to serve on the Licensing Committee, then they will also be unable to serve on any of the Licensing Sub-Committee hearings.
- 3.9 The proposed updated terms of reference for the Licensing Committee and Licensing Sub-Committees are attached at Appendix 2 to the report.

Council Procedure Rules – Public Speaking

- 3.10 Members of the public are permitted to register to speak at ordinary meetings of Council. The rules in respect of public speaking at Council meetings are detailed at paragraph 8 of the Council Procedure Rules in the Council's constitution.
- 3.11 The public speaking arrangements provide local residents with an opportunity to contribute their views on local issues of interest for the consideration of elected Members. This is recognised as a valuable part of the local democratic process.
- 3.12 However, the CRWG is keen to ensure that public speaking arrangements are not used by political parties to make political points, which can instead be raised by elected Members during Council debates. For this reason, the CRWG is recommending that clarification should be provided at paragraph 8.5 in the Council Procedure Rules that members of the public do not include political parties or people asking questions on behalf of political parties.

Trial Restrictions on Motions and Questions on Notice

- 3.13 Questions on Notice can be submitted by both Councillors and members of the public for consideration at ordinary Council meetings. In addition, elected Members can also submit Motions on Notice for consideration at ordinary Council meetings. The current rules in respect of considering Questions on Notice from the public, Questions on Notice from Members and Motions on Notice can be viewed at paragraphs 8, 9 and 10 of the Council Procedure Rules in the Council's constitution.
- 3.14 There are already some restrictions, as detailed in the Council Procedure Rules, in respect of Questions and Motions on Notice that the Monitoring Officer may reject. However, at the meeting of the CRWG held on 10th April 2025, Members raised concerns that some of these restrictions could be viewed as subjective and therefore open to interpretation. The suggestion was therefore made by Members at this meeting that the rules needed to be strengthened in order to ensure that Questions and Motions on Notice considered at ordinary Council meetings focus on issues that the authority can influence and thereby make best use of Council resources.
- 3.15 In this context, the CRWG proposed amending the Council Procedure Rules to clarify that Questions and Motions on Notice would not be regarded as affecting the District of Bromsgrove if they:
- (a) Relate to national issues and would have no more effect on the District of Bromsgrove than on any other area; or
 - (b) Relate to actions or statements made by a body or individual connected with the District of Bromsgrove, but those actions or statements are not specifically related to the District.
- 3.16 It should be noted that amendment 3.15 (a) in particular did not receive unanimous support, although the majority of Members in attendance at the CRWG meeting were in support of the proposed change.
- 3.17 As part of the considerations in relation to 3.15 (a) it is expected that those issues that local government is responding to nationally will be picked up as appropriate by the District Council as business as usual and reported through the normal democratic processes for Members to engage with where relevant.

- 3.18 In recognition of the fact that unanimity had not been reached in considering this proposed change, the CRWG agreed that these amendments should be implemented for a trial period. Subject to Council's agreement, this trial period will be in place for three consecutive ordinary Council meetings in 2025. At the end of the trial period, the CRWG has agreed to review the outcomes of the trial. The CRWG has also asked to view all the Motions on Notice that may have been rejected during the trial period when Members review the outcomes of the trial. The discussions at this meeting of the CRWG will inform any future recommendations made by the group on this subject.

Additional Issues Discussed by the CRWG

- 3.19 During the meeting of the CRWG held on 10th April 2025 there were other issues that were discussed that did not result in any recommendations to Annual Council.
- 3.20 This included consideration of the Motion on Notice that was submitted by Councillor R. Hunter for consideration at the Council meeting held on 19th February 2025 and which was referred, at the request of group leaders, to the CRWG for consideration. The Motion focused on the process and timing of the appointment of Chairmen of Committees at the Council, with the Motion having called for these appointments to be agreed at Annual Council.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no specific financial implications.

5. LEGAL IMPLICATIONS

- 5.1 Review and revision of the Constitution is governed by Article 15 of the Constitution.
- 5.2 Section 101 of the Local Government Act 1972 (as amended) gives a general power to local authorities to discharge functions through officers. Local Authorities are required by the same Act to maintain a list of these, which is referred to as the Scheme of Delegation. This

sets out those powers of the Council which can be carried out by officers of the Council.

- 5.3 Whilst the CRWG meets throughout the year to review the Council's constitution, the group does not have the authority to make changes to the constitution. Instead, any suggested changes are recommended on to Council for determination.

6. OTHER - IMPLICATIONS

Relevant Council Priority

- 6.1 The actions proposed in this report support the organisational priority of sustainability. It is important to ensure that the Council's constitution is reviewed on a regular basis so that the content remains up to date and enables the authority to operate efficiently and effectively.

Climate Change Implications

- 6.2 There are no specific climate change implications.

Equalities and Diversity Implications

- 6.3 There are no specific equalities and diversity implications.

7. RISK MANAGEMENT

- 7.1 The main risks associated with the details included in this report are failure to comply with governance requirements which may expose the Council to the risk of challenge by way of judicial review or which may result in awards of damages and costs against the Council and loss of reputation.

8. APPENDICES and BACKGROUND PAPERS

Appendices

Appendix 1 – Scheme of Delegations

Appendix 2 – Committee Terms of Reference Extract – Licensing Committee

Appendix 3 – Council Procedure Rules Extract – Public Speaking Rules, Motions on Notice and Questions on Notice

BROMSGROVE DISTRICT COUNCIL

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Background Papers

Council Constitution

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9. REPORT SIGN OFF

Department	Name and Job Title	Date
Portfolio Holder	Councillor Karen May	6 th May 2025
Lead Director / Assistant Director	Claire Felton, Assistant Director of Legal, Democratic and Procurement Services	1 st May 2025
Financial Services	Bob Watson, Section 151 Officer	2 nd May 2025
Legal Services	Claire Felton, Assistant Director of Legal, Democratic and Procurement Services	1 st May 2025