

BROMSGROVE DISTRICT COUNCIL

Council
2025

16th July

Constitution Review Working Party - Recommendations

Relevant Portfolio Holder	Councillor Karen May, Leader and Cabinet Member for Strategic Partnerships, Economic Development and Enabling
Portfolio Holder Consulted	Yes
Relevant Assistant Director	Claire Felton, Assistant Director for Legal, Democratic and Procurement Services
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Wards Affected	No specific ward relevance
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) An honorarium of £165.54 per meeting be paid to the Vice Chairman for chairing three Planning Committee meetings in 2024/25;**
- 2) A Special Responsibility Allowance of £174.78 per meeting be introduced in the Members' Scheme of Allowances to be paid to each Member who chairs a Licensing Sub-Committee hearing;**
- 3) A Special Responsibility Allowance of £174.78 per meeting be introduced in the Members' Scheme of Allowances to be paid to the Vice Chairmen of Committees to be paid in the event that they are required to chair a meeting;**
- 4) The Members' Scheme of Allowances 2025/26 be updated to amend the travelling allowance for cycling to 20 pence per mile, as detailed in Appendix 1;**

- 5) 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 2, for a trial period of three consecutive ordinary meetings of the Council; and**
- 6) The updates provided in respect of the outcomes of the Constitution Review Working Group meeting held on 4th July 2025 be noted.**

2. BACKGROUND

- 2.1 This report details the outcomes of discussions at a meeting of the Constitution Review Working Group (CRWG) held on Friday 4th July 2025.
- 2.2 Members are invited to consider the updates provided in this report and to determine whether to approve the recommendations arising from the CRWG meeting.

3. OPERATIONAL ISSUES

Honorary Payment

- 3.1 At the request of Group Leaders, the CRWG discussed the potential to pay an honorarium to the Vice Chairman of the Planning Committee for the meetings of the Planning Committee that he chaired in 2024/25.
- 3.2 The CRWG was advised that the Vice Chairman of the Planning Committee had chaired three of the 11 meetings of the Committee that took place in 2024/25 and chaired part of another meeting of the Committee in that municipal year.
- 3.3 The meetings of the Planning Committee that were chaired by the Vice Chairman of the Committee in 2024/25 were complex meetings that considered matters of significant public interest. Based on this information, members of the CRWG suggested that it would be reasonable for the Vice Chairman of the Planning Committee in 2024/25 to receive some remuneration for chairing those meetings.
- 3.4 The Scheme of Members' Allowances 2024/25 did not include any specific Special Responsibility Allowances (SRAs) payable to any Vice Chairmen of Committees at the Council. However, the 2024/25 scheme did include the following reference to Vice Chairmen of Committees:

“Where Special Responsibility Allowance is payable to a Chairman on an annual basis there are no formal arrangements for payment of Special Responsibility Allowance to a Vice-Chairman for chairing a committee meeting in the absence of the Chairman. Any such payments shall be determined on an informal basis.”

- 3.5 In this context, the CRWG are proposing that Council should agree to pay an honorarium to the Vice Chairman of the Planning Committee in the 2024/25 municipal year for the meetings that he chaired in that year.
- 3.6 In considering the proposed remuneration in the honorarium, the CRWG took into account that the Members’ Scheme of Allowances 2024/25 included payment of SRAs to the Chairmen of the Appointments and Electoral Matters Committees respectively per meeting. The suggestion was made at the CRWG meeting that it would be sensible to pay the honorarium to the Vice Chairman of the Planning Committee on a similar basis of a payment per meeting and at the level of payment per meeting that was made to the Chairmen of the Appointments and Electoral Matters Committees in 2024/25: £165.54 per meeting.

Chairmen of Licensing Sub-Committee Hearings

- 3.7 In the past, there was a constitutional requirement for either the Chairman or the Vice Chairman of the Licensing Committee to act as the Chairman of any Licensing Sub-Committee hearings that were convened. This requirement created challenges when attempting to arrange and secure membership for meetings of the Licensing Sub-Committees. There were also challenges that arose when both the Chairman and the Vice Chairman had conflicts of interest in relation to the application due to be considered. Council therefore agreed in an urgent decision made in November 2020 that there should no longer be a requirement for the Chairman or Vice Chairman of the Licensing Committee to chair Sub-Committee hearings and this is reflected in the terms of reference for the Licensing Sub-Committee and the Licensing (Miscellaneous) Sub-Committee in the Council’s constitution.
- 3.8 Licensing Sub-Committee hearings are scheduled at the start of the calendar year for the consideration of taxi licence applications. In addition, Licensing Sub-Committee hearings need to be scheduled on an ad hoc basis to consider premises applications as and when they are submitted. In 2024/25, there were six scheduled Licensing sub-Committee hearings in respect of taxi licence applications of which three meetings took place. An additional taxi Licensing hearing subsequently was booked so that a total of four taxi licensing hearings took place in 2024/25. In addition, one premises hearing took place. In total, three Councillors from the Licensing Committee chaired Licensing

Sub-Committee hearings, including the Chairman of the Licensing Committee.

- 3.9 At the CRWG meeting concerns were expressed that Licensing Sub-Committee hearings, although not as frequent as some other Committee meetings, can be lengthy and require Members to consider a lot of detailed information. For premises hearings, Members are encouraged to conduct a site visit in advance of the hearing so that they are familiar with the premise's area, and this adds to preparation time.
- 3.10 Based on the work required to chair Licensing Sub-Committee hearings, it is proposed that the Chairman of a Licensing Sub-Committee hearing should receive an SRA for doing so. As it is recognised that not all Licensing Committee members will chair a hearing during a municipal year, it is proposed that an SRA should be paid per meeting to Councillors for chairing Licensing Sub-Committee hearings. A payment of £174.78 per meeting has been identified as an appropriate level at which to set this SRA, in line with the SRA paid per meeting to the Chairmen of the Appointments and Electoral Matters Committees respectively.

Vice Chairmen of Committees

- 3.11 The CRWG discussed the potential for the Vice Chairmen of formal Committees to be paid an SRA for chairing meetings of Committees during a municipal year. Currently, as detailed at paragraph 3.4, Vice Chairmen are not entitled to claim an SRA, although informal consideration can be given to arrangements.
- 3.12 It was recognised by the CRWG that in some cases, the Chairman of a Committee will chair all meetings of a Committee during the year but in other cases, the Vice Chairman may be called upon to chair a number of meetings in the absence of the Chairman. For example, in 2024/25, a total of eight Committee meetings, across all formal public Committees, were chaired by the Vice Chairmen of those Committees, which included four meetings where the Vice Chairmen chaired part of a meeting because the Chairmen were unable to be present for the whole meeting. In this context, the CRWG proposed that an SRA should be payable to Vice Chairmen for chairing Committee meetings, to be paid on a per meeting basis.
- 3.13 In line with the figure identified as a proposed SRA for the Chairmen of Licensing Sub-Committee hearings, the CRWG is proposing that the SRA payable to Vice Chairmen of Committees should be £174.78 per meeting.

Members' Travel Expenses – Cycling

- 3.14 The Scheme of Members' Allowances 2025/26 also details the travel expenses that can be claimed by elected Members. Currently, the Scheme of Members' Allowances 2025/26 states that "*a cycling allowance may be paid at the same mileage rate as for vehicles*" which is 45 pence per mile.
- 3.15 At the CRWG meeting held on 4th July 2025, Members were advised that the current arrangement for claiming expenses for cycling is 25p a mile over the HMRC rate of 20p per mile for cycles. Based on this information, the CRWG concluded that this should be amended in the Scheme of Members' Allowances 2025/26 to a cycling allowance of 20 pence per mile.

Trial Restrictions on Motions and Questions on Notice

- 3.16 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.
- 3.17 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.
- 3.18 In this context, the CRWG proposed at the meeting in April 2025 to amend 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.
- 3.19 As part of the considerations in relation to 3.18 (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.
- 3.20 The recommendation in respect of this matter was reported to the Annual Council meeting in May 2025, as part of the review of the Council's constitution. At that meeting, the Leader announced that group leaders had agreed to refer this recommendation back to the CRWG for further consideration. No decision was therefore taken on this recommendation at the Annual Council meeting.
- 3.21 At the meeting of the CRWG held on 4th July 2025, this recommendation was subsequently discussed again. During consideration of this item, a majority of Members vote in favour of taking this recommendation back to Council for consideration. It should be noted that at both the April and July meetings, the proposed amendments did not receive unanimous support, although the majority of Members in attendance at both CRWG meetings were in support of the proposed change.
- 3.22 In recognition of the fact that unanimity had not been reached in considering this proposed change, the CRWG proposed 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. 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

- 3.23 During the meeting of the CRWG held on 4th July 2025, Members discussed the political balance at the Council. This discussion took place in a context in which under the current political balance there are two vacant seats, one each on the Audit, Standards and Governance Committee and on the Overview and Scrutiny Board respectively, that cannot be filled by a political group. This is because all the members of that political group have been appointed to Cabinet. Cabinet

Members are legally not permitted to be appointed to Overview and Scrutiny Committees. In addition, the terms of reference for the Audit, Standards and Governance Committee do not permit Cabinet Members to be appointed to the Committee, a rule which complies with national best practice.

3.24 At the CRWG meeting, Members raised concerns about the vacant seats on the Audit, Standards and Governance Committee and Overview and Scrutiny Board due to the important role of these bodies in challenging decision-making at the Council. To address this concern, Members discussed two potential solutions:

- a) To suspend the political balance, to enable a full complement of Members to be appointed to serve on the Audit, Standards and Governance Committee and the Overview and Scrutiny Board respectively. Legally, Councils can suspend the political balance as long as no Councillor votes against when the matter is debated at Council. However, at the CRWG meeting, concerns were raised that it would be difficult to reach consensus on which political groups should be allocated the vacant seats on these two Committees and some Members commented that it was unlikely that this could be successfully voted on at a Council meeting without at least one Member voting against the proposed distribution of seats.
- b) Increasing the number of seats on both the Audit, Standards and Governance Committee and the Overview and Scrutiny Board from 11 to 13. Members recognised that there would still be at least one vacant seat on both of these Committees in this scenario, as one political group would still not be able to take up seats on either Committee whilst all the members of that group remain members of the Cabinet. However, the increase in the number of seats would likely result in at least 11 Members being appointed to both Committees and it was suggested that this would strengthen the ability of both to challenge decision-making at the Council.

3.25 At the end of the debate in respect of the political balance, a majority of members of the CRWG voted to retain the existing arrangements for the membership of the Audit, Standards and Governance Committee and the Overview and Scrutiny Board respectively. This vote was agreed by three votes to two at the meeting.

4. FINANCIAL IMPLICATIONS

Members' Allowances

- 4.1 The Scheme of Members' Allowances details the allowances payable to elected Members during a financial year. The current scheme for 2025/26 was reviewed and agreed by Council in January 2025/26 following consideration of proposals made by the Independent Remuneration Panel (IRP). The scheme includes a basic allowance of £5,826 paid to all elected Members. In addition, SRAs are paid to Members in specific roles and the amounts paid in the SRAs, although varied, are based on a multiplier of the basic allowance.
- 4.2 It should be noted that the current SRA paid per meeting to the Chairmen of the Appointments Committee and Electoral Matters Committee is £174.78 per meeting, based on a multiplier of 0.03 times the basic allowance.
- 4.3 Members are not obliged to claim their allowances. Any Councillor who opts not to receive any allowance to which they are entitled, should notify the Democratic Services team in writing accordingly.
- 4.4 There is a budget for Members' allowances in Bromsgrove, which also covers payment of SRAs. Currently, there is no additional funding available for SRAs. However, the Leader appointed six Members to Cabinet in 2025/26, compared to seven Members in 2024/25, creating a small amount of flexibility in the budget for this financial year.

Honorarium Payment

- 4.5 The CRWG's proposal to pay the Vice Chairman of the Planning Committee in 2024/25 an honorarium for chairing three meetings in 2024/25 would have financial implications for the Council. Should this honorarium be paid at a rate of £165.54 per meeting, this would represent a total payment of £496.62.

Chairmen of Licensing Sub-Committee Hearings and Vice Chairmen of Committees

- 4.5 The CRWG is proposing that the SRA payable to both the Chairmen of Licensing Sub-Committee hearings and Vice Chairmen of Committees, where they are chairing a meeting, should be paid at a rate of £174.78 per meeting. This figure is slightly higher than the figure per meeting identified for the proposed honorarium for the Vice Chairman of the Planning Committee in 2024/25 because the honorarium figure is based on allowances paid to Members during the 2024/25 financial year.
- 4.6 At Bromsgrove District Council, Members are eligible to receive one SRA payment only at a time, which corresponds with best practice identified by the IRP. This means that there are therefore some SRAs that do not

get paid during a municipal year because the same Councillor is appointed to multiple positions that are eligible to receive SRA remuneration. Consequently, whilst recommendations 2 and 3 will have financial implications for the Council, payments will not need to be made on every occasion to the Chairmen of Licensing Sub-Committee hearings or to the Vice Chairmen of Committees for chairing meetings as some of those Members will already be in receipt of other SRAs.

Cycling Allowance for Members

- 4.7 Officers advised the CRWG that the current arrangements, whereby Councillors can claim expenses for a bicycle at the same level as for a car, is 25p a mile over the HMRC rate of 20p per mile for cycles. This would mean any payment in excess of the MRC rate is classed as a taxable benefit and Councillors receiving a higher rate for cycling may have to complete a self-assessment tax return. The CRWG therefore considered it to be prudent to amend the Scheme of Members' Allowances 2025/26 to allow for a cycling allowance of 20 pence per mile in line with the HMRC rate.
- 4.8 Members are asked to note that there have been no claims received from Councillors in the last ten years for a cycling allowance. This is therefore unlikely to have significant financial implications for either the Council or elected Members.

Trial Amendments to the Rules for Considering Motions and Questions on Notice

- 4.9 No specific financial implications have been identified arising from the proposed trial amendments to the rules for submission of Motions and Questions on Notice.

5. LEGAL IMPLICATIONS

Members' Allowances

- 5.1 Each Council is required by law to have an IRP which recommends the level of allowances for Councillors. The Panel is made up of suitably skilled members of the public who are completely independent of the District Council. It also makes recommendations to four other District Councils in Worcestershire (not including Wyre Forest District Council).
- 5.2 The Council is required to "have regard" to the recommendations of the Panel. However, it is not obliged to agree to them. It can choose to implement them in full or in part, or not to accept them.

- 5.3 If the Council decides to review its scheme of allowances for Councillors, it is also required to take into account recommendations from the Panel before doing so.
- 5.4 In 2024/25, when reviewing proposals for the Scheme of Members' Allowances for 2025/26, the IRP was asked to investigate the potential to pay Members an SRA for chairing Licensing Sub-Committee hearings. The IRP undertook this review, based on data for the 2023/24 municipal year.
- 5.5 The data provided to the IRP related to the Licensing Sub-Committee hearings held in 2023/24 at the five District Councils served by the IRP. The IRP was informed that out of 15 Licensing Sub-Committee hearings scheduled to take place in Bromsgrove District that year, six meetings were cancelled and nine went ahead. The meetings lasted an average of one hour ten minutes, with a total of ten hours 15 minutes required for all nine meetings combined. There was only one other District Council that held fewer Licensing Sub-Committee hearings in 2023/24, Malvern Hills District Council, which held eight meetings, although none of these were cancelled. All of the other District Councils held more Licensing Sub-Committee hearings in 2023/24 than Bromsgrove District Council, with the highest number held by Redditch Borough Council: a total of 27 hearings, none of which were cancelled, which lasted for a total 61 hours and 30 minutes over the course of that municipal year. Members are asked to note that Redditch Borough Council does not pay the Chairmen of their Licensing Sub-Committee hearings an SRA per meeting, although the Chairman of their Licensing Committee is eligible to receive an SRA.
- 5.6 Based on the evidence gathered, the IRP reported in their Annual Report and Recommendations for 2025/26 *"Upon request, the Panel reviewed a SRA to be paid to Licensing Committee members but having compared activity to that of the other councils, it did not feel a change was required."*

Political Balance

- 5.7 Sections 15 -17 of the Local Government and Housing Act 1989 place a duty on Councils to allocate the seats on certain committees in proportion to the size of the political groups on the Council.
- 5.8 The definition of a Political Group for these purposes is that it has a minimum of two members.

- 5.9 A review of the political balance must take place as soon as is reasonably possible after a change occurs to the Council's political balance. There is also a requirement for the political balance to be reviewed at the Annual Council meeting.
- 5.10 Under paragraph 17 (1) (b) of the Local Government and Housing Act 1989, the Council can suspend the political balance when making appointments to Committees as long as no Member votes against.
- 5.11 Under Part IV of Regulation 20 (2) of The Local Government (Committees and Political Groups) Regulations 1990, any proposal to suspend the political balance must be included in the summons to the Council meeting. The summons is included in the agenda, which in accordance with Section 100B of the Local Government Act 1972 (as amended) must be published five clear working days in advance of the meeting.

6. OTHER - IMPLICATIONS

Local Government Reorganisation

- 6.1 There are no specific implications for Local Government Reorganisation.

Relevant Council Priority

- 6.2 It is appropriate for the CRWG to review the Council's constitution from time to time to ensure that the content remains fit for purpose. The proposals detailed in this report are designed to support the Council's priority of sustainability.

Climate Change Implications

- 6.3 There are no specific climate change implications.

Equalities and Diversity Implications

- 6.4 There are no specific equalities and diversity implications.

7. RISK MANAGEMENT

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

- 7.2 In respect of the proposed changes to the cycling allowance for Members, if Councillors continue to be able to claim 45 pence per mile for cycling, this is a taxable benefit and Members would need to complete a self-assessment tax return.

8. APPENDICES and BACKGROUND PAPERS

Appendices

Appendix 1 – Members Scheme of Allowances 2025/26 (proposed changes in track changes)

Appendix 2 – Extract from the Council Procedure Rules (proposed changes in track changes)

Background Papers

Constitution Review Report to Annual Council, 14th May 2025:
[Agenda for Council, 14/05/2025](#)