

# additional papers 1



## Council

Mon 20 May  
2019  
7.00 pm

Council Chamber  
Town Hall  
Redditch

**REDDITCH** BOROUGH COUNCIL

*making  
a  
difference*

[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)

**If you have any queries on this Agenda please contact  
Jess Bayley**

**Town Hall, Walter Stranz Square, Redditch, B98 8AH  
Tel: (01527) 64252 (Extn 3268)**

**e.mail: [jess.bayley@bromsgroveandredditch.gov.uk](mailto:jess.bayley@bromsgroveandredditch.gov.uk)**



# Council

Monday, 20th May, 2019

7.00 pm

Council Chamber - Town Hall  
Redditch

## Agenda

### Membership:

Cllrs:	Juliet Brunner (Mayor)	Bill Hartnett
	Roger Bennett (Deputy Mayor)	Pattie Hill
	Salman Akbar	Ann Isherwood
	Joe Baker	Wanda King
	Tom Baker-Price	Anthony Lovell
	Joanne Beecham	Gemma Monaco
	Michael Chalk	Nyear Nazir
	Debbie Chance	Gareth Prosser
	Greg Chance	Mike Rouse
	Brandon Clayton	Mark Shurmer
	Matthew Dormer	Yvonne Smith
	John Fisher	David Thain
	Peter Fleming	Craig Warhurst
	Andrew Fry	Jennifer Wheeler
	Julian Grubb	

### **13. Constitution Updates - Including Scheme of Delegations** (Pages 1 - 138)

The appendices to this report can be viewed in the Additional Papers 1 pack for this meeting.

This page is intentionally left blank

REDDITCH BOROUGH COUNCIL

ANNUAL COUNCIL

20th May 2019

COUNCIL'S CONSTITUTION

Relevant Portfolio Holder	To be confirmed
Portfolio Holder Consulted	Not applicable
Relevant Head of Service	Claire Felton, Head of Legal, Equalities and Democratic Services
Ward(s) Affected	All
Ward Councillor(s) Consulted	N/A
Key Decision / Non-Key Decision	Non-key

**1. SUMMARY OF PROPOSALS**

- 1.1 The Council is required to review its scheme of delegations at the Annual Meeting. This report presents the scheme for noting together with updated procedure notes for the Audit, Governance and Standards, Licensing and Overview and Scrutiny Committees containing information in respect of public speaking at Committee meetings.

**2. RECOMMENDATIONS**

Members are asked to **RESOLVE** that

- 1) the current version of the Officer Scheme of Delegations is agreed as set out at Appendix 1;
- 2) the procedure rules for the Audit, Governance and Standards Committee, updated to include reference to public speaking at meetings of the Committee, be approved;
- 3) the procedure rules for the Licensing Committee, updated to include reference to public speaking at meetings of the Committee, be approved; and
- 4) the procedure rules for the Overview and Scrutiny Committee, updated to include reference to public speaking at meetings of the Committee, be approved.

**3. KEY ISSUES****Financial Implications**

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

**Legal Implications**

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

**REDDITCH BOROUGH COUNCIL****ANNUAL COUNCIL****20th May 2019**

---

- 3.3 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.

**Service / Operational Implications**

- 3.4 The Council's Constitution currently requires that the Officer Scheme of Delegations be approved by Members at the Annual Meeting of the Council.
- 3.5 The Officer Scheme of Delegations is the part of the Constitution that gives authority for certain decisions to be delegated from Council, the Executive Committee (Executive) 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 to officers. In relation to certain regulatory decisions, the delegation is from Council to the relevant committee, namely Planning Committee or Licensing Committee.
- 3.6 The Scheme of Delegations is regularly altered and updated to reflect changes in the operation of the Council and changes to legislation. Changes have been made by the Monitoring Officer in accordance with the delegation that currently exists to amend the scheme to reflect changes in legislation, job titles and reallocation of functions. They do not extend the delegations.
- 3.7 At a meeting of Council on 25<sup>th</sup> February 2019 Members agreed to introduce formal public speaking arrangements for all Committees where this was not already in place. The decision to introduce formal public speaking arrangements was made following receipt by the Council of a complaint from a local resident about the lack of opportunities to speak at some Committee meetings.
- 3.8 The introduction of formal public speaking arrangements had specific implications for the Audit, Governance and Standards Committee, the Licensing Committee and the Overview and Scrutiny Committee. All three Committees considered public speaking arrangements at meetings in March and April 2019 and concluded that the same public speaking arrangements already in place for the Planning Committee should be introduced. These arrangements are reflected in the updated procedure rules for the Audit, Governance and Standards, Licensing and Overview and Scrutiny Committees which Members are invited to approve.
- 3.9 The Constitutional Review Working Party will consider any further proposed changes to the Scheme of Delegations and Committee Procedural Rules at meetings during the year.

**Customer / Equalities and Diversity Implications**

- 3.10 There are no specific customer or equalities implications arising from this report.

**4. RISK MANAGEMENT**

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 appeal which may result in awards of damages and costs against the Council and loss of reputation.

**5. APPENDICES**

Appendix 1 - Scheme of delegations to officers revised May 2019.  
Appendix 2 – Audit, Governance and Standards Committee Procedure Rules  
Appendix 3 – Licensing Committee Procedure Rules  
Appendix 4 – Overview and Scrutiny Procedure Rules

**6. BACKGROUND PAPERS**

None

**7. KEY****AUTHOR OF REPORT**

Name: Claire Felton

email: [c.felton@bromsgroveandredditch.gov.uk](mailto:c.felton@bromsgroveandredditch.gov.uk)

This page is intentionally left blank



**CONSTITUTION – PART 5 – INTRODUCTION****Appendix 1 Redditch Borough Council****Scheme of Delegation**

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 a post holder shall be deemed to refer to any successor post holder(s) who is/are charged with the same responsibilities following any reorganisation or reallocation of functions, save that where there is any ambiguity as to who shall exercise a particular delegation of authority, the delegation shall refer to the higher-ranking Officer(s). For the avoidance of doubt, successor post holder(s) include Officers placed at the disposal of the Council under secondment arrangements pursuant to s113 of the Local Government Act 1972 or any other enactment or power.

**Delegations to Committees and Sub-Committees**

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

**Delegations to Officers**

3. All powers, duties and responsibilities appropriate and necessary for day to day operational activities shall be deemed to be delegated to the relevant Head of Service with the responsibility for the discharge of that function or the exercise of that power unless otherwise specifically prescribed and shall include authority to incur normal revenue expenditure in the discharge of day to-day operational activities in accordance with Financial Regulations and where budgetary provision has been made unless the Executive Committee 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 Deputy Chief Executive, Executive Directors, Monitoring Officer or Section 151 Officer as may be appropriate.

**CONSTITUTION – PART 5 – INTRODUCTION**

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.

**APPENDIX 1 - CONSTITUTION – PART 5.01 – Chief Executive**

<b>CHIEF EXECUTIVE’S OFFICE AND CORPORATE DELEGATIONS</b>			
<b>1. <u>Miscellaneous</u></b> See service-specific delegations elsewhere			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Secretariat / Civic Support	To agree expenditure in relation to civic support / civic events.	Council	[Chief Executive]
Town Twinning	To agree expenditure in relation to town-twinning events, based on the principle of equitable sharing of available funds over time between the Borough’s link towns, but with variation permitted to deal with exceptional events / activity.	Executive Committee	[Chief Executive]
Legal Proceedings – Occupation of Council Land	To pursue legal proceedings (whether by possession action, injunction or otherwise) to recover possession of Council-owned land occupied without consent, or to secure the removal from other land (not in the Council's ownership) of a person or persons (and his/her/their possessions, including motor or other vehicles) occupying such land without, or in contravention of, any authority or consent (statutory or otherwise), or to prevent or stop any activity in contravention of legislation which it is the responsibility of the Council to administer or enforce.	Council / Executive Committee	[Chief Executive] or in his/her absence the [Duty Officer (Deputy Chief Executive)] or in his/her absence – [another Director]
Flags	To agree variations to approved protocols for the flying of flags at the Town Hall.	Executive Committee	[Chief Executive] following consultation with [Portfolio Holder - Corporate Management]
National Care Standards – Responsible Individual	To identify and notify the National Care Standards Commission of the “Responsible Individual” for the purposes of the Care Standards Act 2000. See Community Services delegations for reference to the registered provider and manager.	Council	[Chief Executive]

**APPENDIX 1 - CONSTITUTION – PART 5.01 – Chief Executive**

Returning Officer / ERO Functions	To fulfil the duties of Returning Officer and Electoral Registration Officer for Redditch in accordance with statute.	External / Council	[Deputy Chief Executive]
Urgent Business	To determine urgent matters where there is insufficient time to convene a meeting of the Council, Executive or other Committee, or it would be disproportionate to do so in relation to the scale of the decision required.	Council or Executive Committee/Leader as appropriate	[Chief Executive] following consultation with the [Executive/Leader], [S 151 Officer] and the [Monitoring Officer].
General Delegations	<p>1) In the absence of the Chief Executive, to exercise the various specific delegations (referred to elsewhere within Scheme of Delegations to Officers, etc.)</p> <p>2) In the absence of the Chief Executive, to exercise the Proper Officer functions which are the responsibility of the Chief Executive.</p> <p>3) In the absence of the relevant Director, to exercise the various specific delegations set out in the Scheme, except in circumstances where statute debars such action.</p> <p>4) To reply on the Council's behalf, where time limits require, to all consultations from adjoining local authorities, the County Council, the LGA, the Government and other bodies.</p> <p>5) Other than as detailed elsewhere in this Scheme of Delegation to Officers and subject to the agreed policy of the Council to accept bookings of all other Council accommodation.</p>	<p>Council / Executive Committee</p> <p>Council / Executive Committee</p> <p>Council / Executive Committee</p> <p>Council / Executive Committee</p> <p>Executive Committee</p>	<p>[Duty Officer (Deputy Chief Executive)]</p> <p>[Deputy Chief Executive] or [other Chief Executive Nominee]</p> <p>[Chief Executive]/ [Duty Officer (Deputy Chief Executive)]</p> <p>Directors / relevant 3<sup>rd</sup> and 4<sup>th</sup> Tier Officers</p> <p>[Chief Executive]/ [Deputy Chief Executive]/ Directors</p>
Miscellaneous delegations	To apply for Licences, on behalf of the Council.	Executive Committee	Directors/Officers authorised by Directors

**APPENDIX 1 - CONSTITUTION – PART 5.01 – Chief Executive**

<b>2. <u>Proper Officer Delegations</u></b>			
<b>Subject:</b>	<b>Detail:</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Council Summons	To sign summonses to Council Meetings and to receive notices regarding addresses to which summons to meeting is to be sent under provisions of paragraphs 4(2)(b) and 4(3) of Schedule 12 to the Local Government Act 1972.		[Chief Executive] or in his/her absence the [Monitoring Officer]
Local Government Act 1972	To be appointed "Proper Officer" in relation to the following provisions of the Local Government Act 1972: <ul style="list-style-type: none"> <li>a. Sections 83(1) to (4) - Witness and receipt of acceptance of office</li> <li>b. Section 84 – Receipt of declaration of resignation of office</li> <li>c. Section 89 (1) (b): Receipt of notice of casual vacancy from two local electors</li> <li>d. Section 229(5): Certification of photographic copies of document</li> <li>e. Sections 234(1) and (2): Authentication of documents</li> <li>f. Section 88 (2): Convening of meeting to fill casual vacancy in the office of Mayor</li> <li>g. Section 210 (6) and (7): Charity functions of holders of offices with existing authorities transferred to holders of equivalent office with new authorities, or, if there is no such office to "Proper officers".</li> </ul>		<ul style="list-style-type: none"> <li>a. [Chief Executive]</li> <li>b. [Chief Executive]</li> <li>c. [Head of Legal, Equalities and Democratic Services]</li> <li>d. [Legal, Equalities and Democratic Services]</li> <li>e. [Head of Legal, Equalities and Democratic Services]</li> <li>f. [Chief Executive]</li> <li>g. [Head of Legal, Equalities and Democratic Services]</li> </ul>

**APPENDIX 1 - CONSTITUTION – PART 5.01 – Chief Executive**

	<p>h. Section 212(1) and (2): Proper Officer to act as Local Registrar for Land Charges Act 1925</p> <p>i. Section 225: Deposit of documents</p> <p>j. Section 236(9): To send copies of byelaws for parish records</p> <p>k. Section 236(10): To send copies of byelaws to the County Council</p> <p>l. Section 238: Certification of byelaws</p> <p>m. Section 228 (3): Accounts of “any Proper Officer” to be open to inspection by any member.</p> <p>n. Section 191: Function with respect to ordnance survey</p> <p>o. Sections 115(2) and 146(1)(a) and (b): Receipt of money due from officers declaration and certificates with regard to securities</p> <p>p. Section 151</p>		<p>h.[Head of Legal, Equalities and Democratic Services]</p> <p>i. [Head of Legal, Equalities and Democratic Services]</p> <p>j. [Head of Legal Equalities and Democratic Services]</p> <p>k. [Head of Legal, Equalities and Democratic Services]</p> <p>l. [Executive Director of Finance and Corporate Resources}</p> <p>m.[Head of Planning]</p> <p>n. [Head of Planning]</p> <p>o. [Executive Director of Finance and Resources]</p> <p>p. [Executive Director of Finance and Resources]</p>
--	---	--	--

**APPENDIX 1 - CONSTITUTION – PART 5.01 – Chief Executive**

<b>3. Regulation of Investigatory Powers Act (RIPA)</b>			
<b>Subject:</b>	<b>Detail:</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
	<ol style="list-style-type: none"> <li>1. To review, revise and update the Council's RIPA policy.</li> <li>2. Under the provisions of Part 1 chapter 2 of the Regulation of Investigatory Powers Act 2000 relating to the Accessing of Communications Data, to appoint officers to act as SPOCs (Single Point of Contact).</li> <li>3. To grant authorisations, subject to approval by the Magistrate's Court, under the Regulation of Investigatory Powers Act (RIPA) 2000 to conduct covert surveillance.</li> <li>4. In relation to requests for Directed Surveillance, including authorisation as referred to above, to sign all necessary documents and forms whether by way of Authorisation, Review, or Cancellation</li> <li>5. In relation to requests for Covert Human Intelligence Sources where the source is aged under 18, to sign all necessary documents and forms whether by way of Authorisation, Review, or Cancellation.</li> <li>6. To maintain the central record of documents relating to RIPA policy, including authorisations.  <i>(See also Transformation and Organisational Development delegations)</i></li> </ol>	1 – 7 Council	<ol style="list-style-type: none"> <li>1. [Head of Legal, Equalities and Democratic Services.]</li> <li>2. [Head of Legal, Equalities and Democratic Services.]</li> <li>3. Heads of Service authorised to do so under Appendix 2 of the RIPA policy.</li> <li>4. Heads of Service authorised to do so under Appendix 2 of the RIPA policy.</li> <li>5. [Chief Executive] or in his absence the [Deputy Chief Executive.</li> <li>6. The Information Management Team under the supervision of the [Head of Transformation and Organisational Development].</li> </ol>

**APPENDIX 1 - CONSTITUTION – PART 5.01 – Chief Executive**

	<p>7. To carry out all necessary action to ensure that the Office of Surveillance Commissioners is satisfied with the Council's Policy and Procedures in respect of RIPA.</p>		<p>7. [Head of Legal, Equalities and Democratic Services].</p>
--	---	--	--



## Appendix 1 Constitution Part 5 Table 5.02 – Transformation and OD

<b>TRANSFORMATION AND ORGANISATIONAL DEVELOPMENT</b>			
<b>1. <u>IT Services</u></b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Members' IT	To supply and maintain Members' IT facilities in accordance with approved Policy(-ies)	Executive Committee	[Head of Business Transformation and Organisational Development] / [IT Manager]
Land and Property Gazetteer	To keep and maintain the Council's Local Land & Property Gazetteer (LLPG) and act as "Custodian" for this purpose.	Executive Committee	[Head of Business Transformation and Organisational Development]
Street Naming	To be responsible for Street / Property naming, in accordance with Council-approved Policy, and to maintain a list of candidate street and property names.	Executive Committee	[Head of Business Transformation and Organisational Development], following consultation with Ward and other relevant Members /Portfolio Holder
Street Numbering	To prescribe street numbers and renumber premises where necessary, in accordance with approved policy.	Executive Committee	[Head of Business Transformation and Organisational Development]
Regulation of Investigatory Powers Act (RIPA) (See also Chief Executive's/ Corporate delegations)	To maintain the central record of documents relating to RIPA policy, including authorisations.  <b>(Moved from the previous "General Delegations" section).</b>	Council	The Information Management Team under the supervision of the [Head of Transformation and Organisational Development.]

## Appendix 1 Constitution Part 5 Table 5.02 – Transformation and OD

<b>2. <u>Policy, Performance &amp; Partnerships</u></b>			
<b><u>Subject:</u></b>	<b><u>Detail:</u></b>	<b><u>Delegated by:</u></b>	<b><u>Delegated to:</u></b>
Publicity & Communication	To determine applications for non-commercial organisations to use the Borough Crest or Logo.	Executive Committee	[Communications Manager]

## Appendix 1 Constitution Part 5 Table 5.02 – Transformation and OD

<b>3. Human Resources</b>			
<b><u>Employees</u></b>	<p><b><u>Staffing Matters</u></b></p> <p>Within the terms of the Council's agreed policies and employment objectives, to deal with the following matters without reference to Committee:</p> <p><b>a. Appointments:</b></p> <p>i) to appoint Executive Directors</p> <p>ii) to appoint Heads of Service</p> <p>iii) to appoint staff below the level of Head of Service</p> <p><b>b. Disciplinary and Capability Action</b></p> <p>i) Within the Council's approved disciplinary and capability procedures and National Conditions of Service, to dismiss the Head of Paid Service, s151 Officer or Monitoring Officer subject to compliance with the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended).</p> <p>ii) Within the Council's approved disciplinary and capability procedures, to take action against including (except in the case of the monitoring officer or the section 151 officer) 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</p>	<p>Council</p> <p>Council</p> <p>Council</p> <p>N/a</p> <p>Council</p>	<p>[Chief Executive]</p> <p>[Chief Executive]/ Executive Directors</p> <p>Heads of Service</p> <p>Council</p> <p>[Chief Executive]</p>

## Appendix 1 Constitution Part 5 Table 5.02 – Transformation and OD

	<p>Orders) (England) Regulations 2001.</p> <p>iii) Within the Council's approved disciplinary and capability procedures, to take action against including (except in the case of the monitoring officer or the section 151 officer) dismissal of Heads of Service and Assistant Chief Executive subject, in the case of any Officer designated as Chief Finance Officer or Monitoring Officer, to compliance with the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended).</p> <p>iv) Within the Council's approved disciplinary and capability procedures, to take disciplinary action against (including dismissal of) any member of staff in the department concerned below Head of Service level.</p> <p>v) To consider and determine appeals in respect of discipline and dismissal for staff below the level of Head of Service (<i>to be implemented subject to approval of replacement of the relevant HR policies</i>)</p> <p><u>Part (v) above agreed by Council on 25<sup>th</sup> February 2019</u></p> <p><b>c. Terms and conditions of employment</b></p> <p>To determine all employment/ HR policies and procedures and terms and conditions of employment (save where specified by statutory provisions) in respect of all staff (<u>except</u> the Chief Executive).</p>	<p>Council</p> <p>Council</p> <p>Council</p> <p>Council</p>	<p>[Chief Executive]/ Executive Directors</p> <p>Heads of Service</p> <p>Any one of the following: The Chief Executive, the Deputy Chief Executive or any Directors.</p> <p>[Head of Transformation and Organisational Development]</p>
--	---	---	---

## Appendix 1 Constitution Part 5 Table 5.02 – Transformation and OD

	<p><b>d. Restructures and Service Reviews</b></p> <p>i) Subject to the prior approval of the Executive Committee, and consultation with employees and/or their representatives, to carry out Restructures, as necessary, and implement outcomes;</p> <p>ii) 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 service review which is not associated with the setting of the Council's budget</p> <p><b>e. Appeals (job evaluation)</b></p> <p>To consider and determine appeals in respect of salary grading.</p> <p><b>f. Posts – Grading</b></p> <p>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).</p>	<p>Executive Cttee</p> <p>Council</p> <p>Council</p> <p>Council</p>	<p>[Chief Executive/ Deputy Chief Executive]/Executive Directors/ Heads of Service as appropriate</p> <p>[Chief Executive/ Deputy Chief Executive]/ Executive Directors/ Heads of Service as appropriate</p> <p>Any Officer of Head of Service level or above or a consultant selected by the [Head of Transformation and Organisational Development]</p> <p>[Head of Transformation and Organisational Development ]</p>
--	--	---	---

## Appendix 1 Constitution Part 5 Table 5.02 – Transformation and OD

	<p><b>g. Early Retirement Payments</b></p> <p>To exercise discretionary powers under the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006 to make a single lump sum payment (including any redundancy payment where necessary) of up to no more than 52 weeks actual pay to any employee in accordance with agreed criteria.</p>	Council	[Chief Executive] following consultation with Head of Transformation and Organisational Development and the relevant Portfolio Holder
	<p><b>h. Overtime Payments</b></p> <p>Within the budget determined by Council, to approve payments for overtime working where staff are required to work such overtime in pursuance of the Council's obligations or objectives.</p>	Council	[Chief Executive/ Deputy Chief Executive]/ Executive Directors/ Heads of Service
	<p><b>i. Pay Award</b></p> <p>Within the budget determined by Council, to implement increases in respect of the annual cost of living pay award as negotiated and agreed by the National Joint Councils or the Joint national Council for all staff.</p>	Council	[Financial Services Manager]
	<p><b>j. Pay Protection</b></p> <p>To determine an appropriate pay protection policy for all staff</p>	Council	[Head of Transformation and Organisational Development] in consultation with the Chief Executive and Executive Director - Finance and Corporate Resources



## Appendix 1 Constitution Part 5 Table 5.02 – Transformation and OD

	<p>c. The day-to-day discharge of functions not otherwise covered by this scheme in accordance with any requirements of the Chief Executive.</p> <p>d. To respond to miscellaneous enquiries for which no delegated authority currently exists and to determine whether further formal decision is required and, if so, what.</p>	<p>Executive Committee</p> <p>Executive Committee</p>	<p>[Chief Executive] or in his absence the Deputy Chief Executive</p> <p>[Chief Executive], in consultation with Group Leaders and Monitoring Officer</p>
Miscellaneous	<p><b><u>Operation of Scheme of Delegations</u></b></p> <p>a. Any Officer with a delegated power under this Scheme may authorise other Officers to exercise the powers on their behalf. Any such authorisation should be in writing, which in most cases, will be by way of Job Description.</p> <p>b. Any of the powers delegated to a specific Officer within this Scheme may be exercised by any of their line Managers, except where such exercise is not permitted in law or subject to other qualification. (Some powers may only be exercised by a specific type of Officer.)</p>	<p>Council / Executive Committee/ Planning / Licensing Committees</p> <p>Council / Executive Cttee/ Planning / Licensing Committees</p>	<p>[Chief Executive/ Deputy Chief Executive]/ Directors</p> <p>Various</p>



## Appendix 1 Constitution Part 5 Table 5.02 – Transformation and OD

<b>4. <u>Health and Safety</u></b>			
<b><u>Subject</u></b>	<b><u>Detail:</u></b>	<b><u>Delegated by:</u></b>	<b><u>Delegated to:</u></b>
Approval of Health and Safety policies	To determine all health and safety policies	Council	[Head of Transformation and Organisational Development], following consultation with the Corporate Management Team, the Joint Corporate Health, Safety and Welfare Committee (where applicable), the Leader of the Council and the relevant Portfolio Holder

This page is intentionally left blank

**Appendix 1 Constitution – Part 5 – Table 5.03 – Community Services**

<b>COMMUNITY SERVICES</b>			
<b>1.Community Safety</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Civil Injunctions	To seek a civil injunction in accordance with Sections 1 –21 of the Anti Social Behaviour, Crime and Policing Act 2014.	Council	[Head of Community Services] and [Head of Housing] in consultation with the [Principle Solicitor].
Community Protection Notices and Fixed Penalty Notices	To serve Community Protection notices (and Fixed Penalty Notices in the event of a breach) in accordance with Section 43 – 58 of the Anti Social Behaviour, Crime and Policing Act 2014.	Council	[Head of Community Services], [Head of Environmental Services] [Head of Worcestershire Regulatory Services] and the [Head of Planning and Regeneration].
Public Space Protection Orders (PSPOs)	To initiate and implement the consultation process required to make a Public Space Protection Order (PSPO) in accordance with Sections 59 – 75 of the Anti Social Behaviour, Crime and Policing Act 2014.	Council	[Head of Community Services], [Head of Housing Services], [Head of Environmental Services] and [Head of 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	[Head of Community Services], [Head of Housing], [Head of Environmental Services], [Head of Planning and Regeneration] and [Head of Worcestershire Regulatory Services].

**Appendix 1 Constitution – Part 5 – Table 5.03 – Community Services**

<b>1.Community Safety</b>			
Absolute Grounds for Possession of a Secure or Assured tenancy	To seek Absolute Grounds for Possession of a secure or assured tenancy where anti-social behaviour or criminality have been proven in court, subject to the required conditions being met in accordance with Sections 94 – 100 of the Anti Social Behaviour, Crime and Policing Act 2014.	Council	[Head of Community Services] and [Head of Housing]

**Appendix 1 Constitution – Part 5 – Table 5.03 – Community Services**

<b>2. Private Sector Housing</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Power of entry	To exercise the powers of Authorised Officers in respect of entry, inspection and investigation in relation to housing conditions as specified in any legislation the enforcement of which is delegated to Director of Leisure, Environment and Community Services	Executive Committee	[Head of Community Services]/[Housing Strategy Manager]/[Private Sector Housing Team Leader]/[Housing Strategy & Enabling Team Leader]/[Private Sector Housing Officer]
Service of Notices and obtaining warrants	To exercise the powers of Authorised Officers for the purposes of the legislation listed below, serve notices and obtain warrants of entry from a Justice of the Peace for the purposes of that legislation Housing Acts 1985, 2004 Management of Houses in Multiple Occupation Regulations 2006 Licensing & Management of HMO & other Houses (Miscellaneous Provisions) (England) Regulations 2006 Environmental Protection Act 1990 Building Act 1984 Local Government (Miscellaneous Provisions) Acts 1976, 1982 Prevention of Damage by Pests Act 1949 Public Health Act 1961 Licensing and Management of Houses in Multiple Occupation (additional provisions) (England) Regulations 2007 Mobile Homes Act 2013 Caravan Sites & Control of Development Act 1960		[Head of Community Services]/ [Housing Strategy Manager]/[Private Sector Housing Team Leader]/[Housing Strategy & Enabling Team Leader]/[Private Sector Housing Officer]

**Appendix 1 Constitution – Part 5 – Table 5.03 – Community Services**

<b>2. Private Sector Housing</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Caravan Site Licences	To approve a transfer or renewal of a Caravan Site Licence	Executive	[Head of Community Services]/ [Housing Strategy Manager]/[Private Sector Housing Team Leader]/[Housing Strategy & Enabling Team Leader]
Caravan Site Licences	To approve licence for new site	Council	[Head of Community Services]/ [Housing Strategy Manager]
Houses in multiple occupation - licences	To approve a Licence for House in Multiple Occupation under the provisions of the Housing Act 2004 Pt2.	Executive Committee	[Head of Community Services]/ [Housing Strategy Manager]/[Private Sector Housing Team Leader]/[Housing Strategy & Enabling Team Leader]
Houses in multiple occupation – licence	To refuse or revoke Licences for Houses in Multiple Occupation	Executive Committee	[Head of Community Services] in conjunction with the [relevant Portfolio Holder]
Housing Act 2004 – notices etc	To issue notices and orders in relation to improvement, prohibition, revocation, hazard awareness and emergency action under the Housing Act 2004, sections 11,12,14,16, 20,21,23,25,28,29,40,41 &43 and undertake default work in respect of such notices where necessary.	Executive Committee	[Head of Community Services]/ [Housing Strategy Manager]/[Private Sector Housing Team Leader]/[Housing Strategy & Enabling Team Leader]
Houses in Multiple Occupation – Management Orders	To issue interim and final management orders in relation to a House in Multiple Occupation under provisions of the Housing Act 2004 sections 101,103,112,113,121 & 122.	Executive Committee	[Head of Community Services/ Housing Strategy Manager]

**Appendix 1 Constitution – Part 5 – Table 5.03 – Community Services**

<b>2. Private Sector Housing</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Empty Dwellings - orders	To issue interim and final management orders in relation to empty dwellings under provisions of the Housing Act 2004 sections 133 & 136	Executive Committee	[Head of Community Services]/ [Housing Strategy Manager]
Mortgage Rescue Scheme	To Agree each case for purchase through the Government's Mortgage Rescue Scheme  Executive Committee October 2013	Executive Committee	[Head of Housing]
Overcrowding - notice	To issue notice in respect of overcrowding in non-licensable Houses in Multiple Occupation under provisions of the Housing Act 2004 section 139	Executive Committee	[Head of Community Services]/ [Housing Strategy Manager]/[Private Sector Housing Team Leader]/[Housing Strategy & Enabling Team Leader]
Property Tribunal	To make application to a Residential Property Tribunal in relation to enforcement or other provisions under the Housing Act 2004	Executive Committee	[Head of Community Services]/ [Housing Strategy Manager]
Illegal evictions and harassment	To institute legal proceedings in respect of illegal evictions and harassment under provisions of the Protection From Eviction Act 1977 and Housing Act 1988	Executive Committee	[Head of Community Services]/ [Housing Strategy Manager]/[Private Sector Housing Team Leader]/[Housing Strategy & Enabling Team Leader]
Building Act notices	To serve notices under the Building Act 1984, Sections 59, 63, 64, 70, 72(1)(a) & 76 in relation to housing conditions, to undertake work in default and recover expenses.	Executive Committee	[Head of Community Services]/ [Housing Strategy Manager]/[Private Sector Housing Team Leader]/[Housing Strategy & Enabling Team Leader]/[Private Sector Housing Officer]

**Appendix 1 Constitution – Part 5 – Table 5.03 – Community Services**

<b>2. Private Sector Housing</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Lifetime Grants - approval	To approve applications for Lifetime Grants under the Housing Assistance Scheme and any subsequent schemes for works of repair, improvement, adaptation or thermal efficiency and applications for Landlord (HMO) Lifetime Grant	Executive Committee	[Executive Director Leisure, Culture and Environmental Services]/[Head of Community Services]/[Strategic Housing Manager]/[Private Sector Housing Team Leader]/[Housing Strategy & Enabling Team Leader]
Disabled Facilities Grants	To approve applications for mandatory Disabled Facilities Grant	Executive Committee	[Head of Community Services]/[Strategic Housing Manager]/[Private Sector Housing Team Leader]/[Housing Strategy & Enabling Team Leader]
Disabled Facilities Grant - Repayment	To waive the condition requiring repayment of a Disabled Facilities Grant in accordance with the Government's Criteria set out in Section 5.19(b) of the report to the Executive Committee on 7 <sup>th</sup> January 1999	Executive Committee	[Head of Community Services] following consultation with the [relevant portfolio holder].
Lifetime Grants - cancellation	To cancel Lifetime Grant and recover interim payments for failure to complete eligible work within 12 months of approval date or to grant extensions of time for completion	Executive Committee	[Head of Community Services]/[Strategic Housing Manager]/[Private Sector Housing Team Leader]/[Housing Strategy & Enabling Team Leader]
Council land and premises - dealing with Trespassers	To authorise the exercise of Local Authority powers under the Criminal Justice & Public Order Act 1994 relating to occupation of council land and premises by trespassers.	Executive Committee	[Head of Community Services]/[Strategic Housing Manager]/[Private Sector Housing Team Leader]/[Housing Strategy and Enabling



**Appendix 1 Constitution – Part 5 – Table 5.03 – Community Services**

<b>2. Private Sector Housing</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
			Team Leader].
Proceedings for possession	To authorise the instigation of civil legal proceedings for possession of council land and premises occupied by trespassers without permission and further legal proceedings for their eviction from such land and premises.	Executive Committee	[Head of Community Services]/[Strategic Housing Manager]/[Private Sector Housing Team Leader]/[Housing Strategy & Enabling Team Leader].
Council land - bunding	In connection with the construction of bunding to prevent trespass on council land or removal of bunding provided for such purpose the Executive Director of Leisure, Environmental & Community Services shall, before taking action, consult with relevant Ward Members and residents in the vicinity likely to be affected. The decision to construct or remove bunding shall be delegated to the Director of Leisure, Environment & Community Services following consultation with the relevant Ward Members	Executive Committee	[Executive Director Leisure, Community and Environmental Services]/[Head of Community Services]/[Strategic Housing Manager]following consultation with Ward Members
Home Improvement Agency	To deal with day to day management of the Home Improvement Agency Service	Executive Committee	[Head of Community Services]/[Strategic Housing Manager]/[Private Sector Team Leader]

**Appendix 1 Constitution – Part 5 – Table 5.03 – Community Services**

<b>3. <u>Transport &amp; Concessionary Fares</u></b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Dial-a-Ride / Shop-mobility	To deal with day-to-day management of the Dial-a-Ride and Shopmobility Schemes.	Executive Committee	[Head of Community Services]/[Dial a Ride and Shopmobility Manager]

(Bus passes, concessionary fares operators and eligibility removed as functions passed to Worcestershire County Council)

**Appendix 1 Constitution – Part 5 – Table 5.03 – Community Services**

<b>4. <u>Miscellaneous other</u></b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
CCTV/Lifeline	Day to day management of the 24 hour CCTV/NEW Lifeline Monitoring Centre, Installation Team and telephone answering out of hours service, in accordance with the Council's adopted codes of practice and industry best practice. To include entering in to contracts to provide services on behalf of external organisations following consultations with Legal Services.	Executive Committee	[CCTV and Lifeline Manager]
License under Housing Act 2004	To issue and refuse licences as appropriate under the provisions of the Housing Act 2004.	Executive Committee	[Director of Leisure, Culture, Environment & Community]
Councillor Grants	To approve and to pay grants to Voluntary and Community Sector (VCS) organisations which have been recommended for approval by elected Members through the Councillor Community Grant Scheme (CCGS).  <i>This delegation was added in accordance with the Council's agreement to introduce a new grants scheme in October 2019.</i>	Executive Committee	[Head of community Services]
Concessionary Rents	To administer the Concessionary Rents Policy and approve rent Relief following consultation with the Grants Panel.	Executive Committee	[Head of Community Services] in consultation with the [Executive Director of Finance and Corporate Resources].

**Appendix 1 Constitution – Part 5 – Table 5.03 – Community Services**

**APPENDIX 1 CONSTITUTION – PART 5 – TABLE 5.04 – Env Services**

<b>ENVIRONMENTAL SERVICES</b>			
<b>1. <u>Cemeteries / Crematorium</u></b>			
<b><u>Subject:</u></b>	<b><u>Detail:</u></b>	<b><u>Delegated by:</u></b>	<b><u>Delegated to:</u></b>
Cemeteries & Crematorium.	To deal with day-to-day cemetery and crematorium matters.	Executive Committee.	[Head of Environmental Services]/[Environmental Services Manager]/ [Bereavement Services Manager].
Memorial Masons Registration Scheme.	To make decisions in accordance with the Memorial Masons Registration Scheme presented to Executive Committee on 25th September 2002 and approved by Council on 21st October 2002.	Executive Committee.	[Head of Environmental Services] / [Environmental Services Manager]/ [Bereavement Services Manager].
Unsafe Monuments.	To make decisions and take appropriate action in respect of unsafe memorials in the Abbey, Edgioake and Plymouth Road Cemeteries in accordance with Council policy.	Executive Committee.	[Head of Environmental Services] / [Bereavement Services Manager].

**APPENDIX 1 CONSTITUTION – PART 3 – TABLE 3.04**

<b>2. <u>Grounds Maintenance and Landscaping</u></b>			
<b><u>Subject:</u></b>	<b><u>Detail:</u></b>	<b><u>Delegated by:</u></b>	<b><u>Delegated to:</u></b>
Grounds Maintenance & Landscaping.	Day-to-day management of all Council-owned parks, woodlands and open spaces.	Executive Committee.	[Head of Environmental Services] / [Head of Leisure & Culture]/[Environmental Services Manager].
Tree Preservation Orders	<p>1. All planning decisions, actions or advice/responses on behalf of the Local Planning Authority that relate to the protection of trees and falls within the list of Planning and Associated legislation/regulations are considered to fall within the delegation scheme and will be determined by officers, unless:</p> <p>a. Objections have been received where it is proposed that a tree preservation order protects a tree/trees previously unprotected; or</p> <p>b. It is proposed that a tree be protected which is located on Council-owned land.</p> <p>In all cases relating to trees, decisions made using delegated powers shall be reported to members at</p>	Council	[Head of Environmental Services]

**APPENDIX 1 CONSTITUTION – PART 3 – TABLE 3.04**

	<p>Planning Committee within six months of the decision being made, for information purposes.</p> <p>2. To initiate Tree Preservation Orders.</p>	Council	[Head of Environmental Services]
Trees - Dangerous.	<p>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:</p> <p>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.</p> <p>b. to serve a notice under s23 (3) of the Act on the owner or occupier of the land on which the trees are growing where the name and address of such or occupier is known requiring the taking of steps to make the trees safe and if the</p>	Planning Committee.	[Head of Environmental Services].

**APPENDIX 1 CONSTITUTION – PART 3 – TABLE 3.04**

	<p>Notice is not complied with to take the steps specified therein and recover such expenses.</p> <p>2. To take any necessary action under s23 – 26 of the Local Government (Miscellaneous Provisions) Act 1976 to secure the removal of dangerous trees and to deal with dangerous excavations.</p>	Planning Committee.	[Head of Environmental Services].
High Hedges.	<p>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:</p> <p>a. such applications are submitted by or on behalf of any officer of the Council or any Parish Council within the Borough of Redditch.</p> <p>b. such applications are submitted by or on behalf of</p>	1. Council.	Planning Committee



**APPENDIX 1 CONSTITUTION – PART 3 – TABLE 3.04**

	<p>any County, District or Parish Councillor whose ward is within the Borough of Redditch.</p> <p>c. any County, District or Parish Councillor whose ward is within the Borough of Redditch is affected by such an application.</p> <p>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.</p>	<p>2. Planning Committee</p>	<p>[Head of Environmental Services].</p>
--	---	------------------------------	--

**APPENDIX 1 CONSTITUTION – PART 3 – TABLE 3.04**

<b>3. <u>Highways</u></b>			
<b><u>Subject:</u></b>	<b><u>Detail:</u></b>	<b><u>Delegated by:</u></b>	<b><u>Delegated to:</u></b>
Dedication of Land.	Acceptance of offers of dedication of land for highway purposes.	Executive Committee.	[Head of Environmental Services] in consultation with County Council.
New Street Byelaws.	Issue of consents under New Street Byelaws following approval of applications by the Executive Committee.	Executive Committee	[Head of Environmental Services] in consultation with County Council.
Licences to Plant trees / Dangerous Trees.	Issue of licences to plant trees, shrubs etc. and to deal with dangerous trees in a highway.	Executive Committee.	[Head of Environmental Services] in consultation with County Council.
Action – Highways Act 1989.	To take action in accordance with Highways Act 1989 Sections 219 – 225.	Executive Committee.	[Head of Environmental Services] / [Principal Solicitor], in consultation with County Council.
Street Signs and Bus Stops.	Siting of street signs and bus stops.	Executive Committee.	[Head of Environmental Services].
Street Furniture.	Siting of street furniture other than bus shelters.	Executive Committee.	[Head of Environmental Services].
Land Drainage.	To carry out the Council's function under the Land Drainage Act 1991 and Flood and Water Management Act 2010.	Executive Committee.	[Head of Environmental Services].
Traffic Management.	To approve or otherwise, local traffic management proposals and associated works.	Executive Committee.	[Head of Environmental Services] in consultation with Worcestershire County Council.

**APPENDIX 1 CONSTITUTION – PART 3 – TABLE 3.04**

Road Closures.	To deal with applications for temporary road closures for special events.	Executive Committee.	[Head of Environmental Services]
Orders – Town Police Clauses Act.	To make, in appropriate cases, Orders under Section 21 of the Town Police Clauses Act 1847.	Executive Committee.	[Principal Solicitor].

**CONSTITUTION – PART 3 – TABLE 3.04****SCHEME OF DELEGATION TO OFFICERS**

<b>4. <u>Waste Management</u></b>			
<b><u>Subject:</u></b>	<b><u>Detail:</u></b>	<b><u>Delegated by:</u></b>	<b><u>Delegated to:</u></b>
Abandoned Vehicle Notices.	To issue abandoned vehicles notices under the Refuse Disposal (Amenity) Act 1978.	Executive Committee.	[Head of Environmental Services].
Fixed Penalty Notices – Environmental Protection Act.	To exercise the powers, including the issuing of Fixed Penalty Notices, within Section 47ZA of the Environmental Protection Act 1990.	Executive Committee	[Head of Environmental Services] or his/her nominee(s)
Abandoned Vehicles.	Removal, storage and disposal of abandoned vehicles.	Executive Committee.	[Head of Environmental Services] / [Waste Management Manager].
Vehicle Amnesties.	To organise vehicle amnesties as and when required.	Executive Committee.	[Head of Environmental Services]/ [Waste Management Manager].
Garden Waste - Charges.	To set and/or vary the level of charges for the opt-in chargeable garden waste collection service, in relation to the overall agreed.	Executive Committee.	[Head of Environmental Services], following consultation with [Portfolio Holder for Local Environment].

**CONSTITUTION – PART 3 – TABLE 3.04**

<b>5. <u>Home Energy and Conservation</u></b>			
<b><u>Subject:</u></b>	<b><u>Detail:</u></b>	<b><u>Delegated by:</u></b>	<b><u>Delegated to:</u></b>
Home Energy Conservation Reports.	Home Energy Conservation Act 1996 - to prepare, publish and submit to the Secretary of State, the Council's Home Energy Conservation Reports.	Executive Committee.	[Head of Environmental Services].

This page is intentionally left blank

**Appendix 1 CONSTITUTION – PART 5 – TABLE 5.05 - Housing**

<b>HOUSING SERVICES</b>			
<b>1. Housing Management - General</b>			
<b><u>Subject:</u></b>	<b><u>Detail:</u></b>	<b><u>Delegated by:</u></b>	<b><u>Delegated to:</u></b>
Health & Social Care Act 2008	To identify and register with the Commission for Care Standards Inspection the “Registered Provider” and the “Registered Manager” for the purposes of the Health & Social Care Act 2008 and The Care Quality Commission Regulations 2009.	Executive Committee	[Deputy Chief Executive & Executive Director of Leisure, Environmental & Community Services]/[Head of Community Services]/[St. David’s House Manager]
Day to day management of St David’s House	Day to day management of St David’s House, Extra Care Housing Scheme	Executive Committee	[Head of Community Services]/[St. David’s House Manager]
Day-to-day management of housing stock	Day-to-day management of the Council’s housing stock, housing land and housing landlord services: <ul style="list-style-type: none"> <li>• Repairs and Maintenance*</li> <li>• Capital Works*</li> <li>• Voids management***</li> <li>• Allocations management (in accordance with the Housing Allocations Policy)**</li> <li>• Tenancy management**</li> <li>• Rent account management**</li> <li>• Equipment and Adaptations management***</li> <li>• Garage waiting list/allocation management**</li> </ul>	Executive Committee	[Chief Executive & Deputy Chief Executive & Executive Director for Leisure, Environment & Community Services] [Head of Housing]/[Head of Community Services]/ [Head of Environmental Services]  [Repairs & Maintenance and Capital Manager]*  [Housing Services Manager]**  Repairs & Maintenance /Housing Services managers***

**Appendix 1 CONSTITUTION – PART 5 – TABLE 5.05 - Housing**

Home Support Service	Day to day management of the Home Support Service to include the collection and recovery of support service charges	Executive Committee	[Head of Housing]/ [Head of Community Services]/[Housing Services Manager]/[Housing Performance and Database Manager]
Support Service Charges	To collect and recover support service charges within the Charging Policy adopted by the Council and to refer cases to the Head of Legal Equalities and Democratic Services to institute proceedings to recover such charges.	Executive Committee	[Head of Housing]/ [Head of Community Services] (with [Head of Legal Equalities and Democratic Services])
Day-to-day management of the housing register	Management of the Councils Housing Register in accordance with the Council's Allocations Policy.	Executive Committee	[Head of Housing] / [Head of Community Services]/ [Housing Options Manager] /[Housing Services Manager]
Housing Allocations Policy	To make any future amendments to the Council's Housing Allocations Policy that are deemed to be necessary and which do not trigger the statutory obligation to consult the persons affected by the changes pursuant to section 168(3) of the Housing Act 1996.	Executive Committee	[Deputy Chief Executive and Executive Director for Leisure, Environment and Community services] in conjunction with the [Principle Solicitor] following consultation with the relevant Portfolio Holder.
Staff/Elected Member relations Housing Applications	In accordance with the Council's Allocations Policy, to approve a housing application for staff members, Elected Members or relatives of either.  To make any offers of accommodation in above cases.	Executive Committee  Executive Committee	[Head of Housing]/[Head of Community Services]/ [Housing Options Manager]/ [Housing Services Manager]  [Chief Executive] & in their absence [Deputy Chief Executive & Executive Director for Leisure, Environment & Community Services] & in their absence [Executive Director of Finance & Corporate Resources]



**SCHEME OF DELEGATION TO OFFICERS**

<b><u>Subject:</u></b>	<b><u>Detail:</u></b>	<b><u>Delegated by:</u></b>	<b><u>Delegated to:</u></b>
Homelessness Cases	In accordance with the Council's stated policies and guidelines on homelessness, to deal with all such cases under the Housing Act 1985 (applications for accommodation, etc.).	Executive Committee	[Head of Housing] / [Head of Community Services]/ [Housing Options Manager]/ [Housing Strategy Manager]
Temporary Accommodation license breaches	In respect of the management of Temporary accommodation for the purposes temporary housing for homeless families let under licences to authorise: <ul style="list-style-type: none"> <li>• the service of notice to quit</li> <li>• Referral to the principle Solicitor to institute and complete proceedings for possession</li> </ul>	Executive Committee	[Head of Housing] / [Head of Community Services]/ [Housing Options Manager]
Housing Management: Introductory and Secure Tenancy breaches and unlawful occupiers	In respect of the management of Introductory and Secure housing tenancies to authorise: <ul style="list-style-type: none"> <li>• The Service of Notice Seeking Possession (introductory and secure tenancies)</li> <li>• Referral to the Principal Solicitor and complete proceedings for possession</li> </ul>	Executive Committee	[Head of Housing Services] / [Head of Community Services]/ [Housing Services Manager]
Enforcement of possession proceedings for introductory and secure tenancy breaches	To sanction applications for Warrants of Possession in above cases.	Executive Committee	[Deputy Chief Executive & Executive Director for Leisure, Environment & Community Services] / [Head of Housing]/ [Head of Community Services]/ [Housing Services Manager]  [Head of Environmental Services]/ Repairs &

**SCHEME OF DELEGATION TO OFFICERS**

	<u>Warrants for no access for adherence to Health &amp; Safety/ statutory requirements</u>		Maintenance/ Housing Services Managers
Offer of Alternative accommodation / Family of Deceased Tenant	To make one offer of suitable alternative accommodation to occupants who are members of the family of a deceased tenant and who have been in occupation for one year or more prior to the death of the tenant, and who are under-occupying property where they have no right of succession upon the death of the tenant; and,	Executive Committee	[Head of Housing Services] / [Head of Community Services]/ [Housing Services Manager] / [Head of Legal, Equalities and Democratic Services]
Multi-Agency Public Protection Arrangements and emergency re-housing requests	To accept cases referred to the Council by the Police and the Probation Service through the Multi-Agency Public Protection Arrangements and protocols	Executive Committee	[Head of Housing Services]/ [Head of Community Services]
Housing Management; Tenancy changes	In respect of secure tenancies authorise within the guidelines of the Housing Act 1985 and Housing Management policy and procedures <ul style="list-style-type: none"> <li>• Tenancy changes</li> <li>• Decants (temporary or permanent re-housing)</li> </ul>	Executive Committee	[Housing Services Manager]
Housing Rents / other Housing-related Debts	To collect and recover current housing rents and other housing-related debts.	Executive Committee	[Housing Services Manager]
Rent Account Write – offs of Debt and Credit balances	To authorise rent and sub-account credit balances and write-off's in accordance with Write-off policy.	Executive Committee	[Housing Services Manager]
Tenant Rent Account credit refunds	To authorise rent account credit refunds where a tenant has overpaid their rent leaving a credit in accordance with procedures up to £3,000.	Executive Committee	[Housing Performance and Database Manager] / [Housing Services Manager]

**SCHEME OF DELEGATION TO OFFICERS**

Right to Buy	In respect of the management of the right to buy process within the guidance of the Housing Act 1985 within policy and procedure to authorise: <ul style="list-style-type: none"> <li>• acceptance or denial of a Right to Buy application</li> <li>• To agree/disagree waiver of the discount period of a completed right to buy</li> </ul>	Executive Committee	[Head of Housing] / [Head of Community Services]/ [Housing Performance & Database Manager]/[Housing Services Manager]
Council Housing Growth Programme	To approve the necessary delivery agents for commissioning the construction of new HRA stock from the Council Housing Growth Programme budget.	Executive Committee	[Deputy Chief Executive & Executive Director for Leisure, Environment & Community Services] / [Head of Housing Services]/ [Head of Community Services]
Enforcement Action Inspection and Maintenance	To take enforcement action in relation to the Inspection and Maintenance e.g. gas, electrical and other statutory or essential inspections or maintenance  To gain entry to properties where a tenant does not permit access to the Council or Council's contractor to undertake safety inspections, routine servicing or maintenance .	Executive Committee  <u>Executive Committee</u>	[Head of Housing]/ [Head of Community Services] / [Head of Environmental Services] / [Repairs & Maintenance and Capital Manger] following consultation with [Principal Solicitor]  [Head of Housing Services] or [Repairs & Maintenance and Capital Manger], following consultation with the [Principal Solicitor].
Powers to Force Entry	To exercise the Councils powers within the guidelines of the Housing Act 1985 acting within policy and procedure to enforce entry to Council-owned properties in cases of emergency.	Executive Committee	[Deputy Chief Executive & Executive Director for Leisure, Environment & Community Services] / [Head of Housing] / [Head of Environmental Services]/[Head of Community Services]/

**SCHEME OF DELEGATION TO OFFICERS**

			[Housing Services Manager] / [Repairs & Maintenance and Capital Manager], in consultation with [Principal Solicitor] or if out of hours, the [Duty Officer]
To agree inspections and maintenance requirements to Council Housing Stock	Day to day repairs and maintenance of tenanted properties and voids	Executive Committee	[Head of Housing Services]/ [Head of Environmental Services]/ [Head of Community Services] and [Repairs & Maintenance and Capital Manager]
Improvements and Alternations	To approve an application of a secure tenant to make an alternation or improvement to their home	Executive Committee	[Head of Housing]/ [Head of Environmental Services]/ [Repairs & Maintenance and Capital Manager]
Major property Medical Adaptation works	To authorise major property works for OT recommended medical adaptations costing more than £5k	Executive Committee	[Head of Housing]/[Head of Environmental Services]/ [Repairs & Maintenance and Capital Manager]/[Housing Services Manager]
Major property void works	To authorise major void works costing more than £10k	Executive Committee	[Deputy Chief Executive & Executive Director for Leisure, Environment & Community Services] / [Head of Housing]/ [Head of Environmental Services].
Tenant Recharges	To authorise tenant recharges where works have been carried out and deemed as tenant responsibility	Executive Committee	[Head of Environmental Services]/ [Repairs & Maintenance and Capital Manager]

**APPENDIX 1 CONSTITUTION PART 5 - Table 5.06**

<b>LEGAL, EQUALITIES AND DEMOCRATIC</b>			
<b>1. <u>Democratic Services - General</u></b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Constitution	To make minor variations to the form, but not the substance, of the Council's Constitution and associated documents where errors or omissions (previously approved) are found, including those of a grammatical and typographical nature.	Council	[Head of Legal Equalities & Democratic Services] / [Senior Democratic Services Officer]
Scheme of Delegation	To make any necessary minor administrative amendments to the Scheme of Delegation, subject to report in due course to the relevant parent body.	Council / Executive Committee.	[Chief Executive] following consultation with [Portfolio Holder for Corporate Management]
Committee Membership	To accept nominations and fill vacancies which arise in any Council-approved Committee membership.	Various	[Chief Executive] following consultation with [Leader] / Group Leaders
Outside Bodies	To appoint Officer representatives to outside bodies.	Council	[Chief Executive]
Calendar of Meetings	To set the annual Calendar of Meetings, provided that existing agreed patterns and frequency of meetings are observed.	Council and Executive Committee	[Senior Democratic Services Officer] following consultation with relevant Chairs
Variations to the Calendar of Meetings	Within the municipal year, to set and vary dates for Council / Committee meetings, in accordance with relevant statutory and constitutional provisions.	Various	[Senior Democratic Services Officer], following consultation with relevant Members
Petitions	To respond to Petitions, in accordance with the approved Protocol.	Council	[Monitoring Officer]/ [Chief Executive]/ [Deputy Chief Executive] / Directors / Relevant Officers

**APPENDIX 1 CONSTITUTION PART 5 - Table 5.06**

<b>2. <u>Democratic Services - Members</u></b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Members Allowances	To keep, maintain, and operate the Scheme of Allowances to Members.	Exec.	[Senior Democratic Services Officer]
Outside Bodies - Members	To fill vacancies on outside bodies where there is no contest for places.	Council	[Chief Executive] in consultation with [Leader] / Group Leaders / [Senior Democratic Services Officer]
Outside Bodies - Members	To confirm nominations of Council representatives to outside bodies when any issues of liability have been satisfactorily resolved.	Council	[Chief Executive]
Outside Bodies	To maintain and amend a list of external bodies and organisations to which Members have been appointed by the Council.	Council	[Monitoring Officer], in following consultation with the [Leader]
Outside Bodies - Indemnity insurance	To issue forms of indemnity (to be agreed by Chief Executive) and to arrange insurance of any of the Council's Members or Officers in relation to work in connection with Outside Bodies (whether by attending meetings or otherwise) where it is lawful to do so.	Council / Standards Committee – 02.02.05	[Executive Director Finance & Corporate Resources]
Indemnity insurance – other circumstances	To agree indemnities, issue forms of indemnity and arrange insurance of any of the Council's Members and Officers in other circumstances where it is lawful to do so.	Council / Standards Committee – 02.02.05	[Executive Director Finance & Corporate Resources]

**APPENDIX 1 CONSTITUTION PART 5 - Table 5.06**

<b>3. <u>Legal Services</u></b> <i>(See also separate delegations in other Sections)</i>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Legal Advice / Legal Proceedings	To provide, on behalf of the Council, legal advice and to take all necessary action in relation thereto, including the institution and defending of proceedings in the courts and other tribunals.	Executive Committee Council	[Principal Solicitor]
Proceedings and prosecutions	To sign any document required as part of any court procedure including statutory demands or bankruptcy petitions.	Council	[Principal Solicitor]
Proceedings and Prosecutions - Authorising officers to appear in the Magistrate's Court	To authorise officers to appear on the Council's behalf in Court proceedings, including RIPA matters	Council	[Head of Legal, Equalities and Democratic Services]
Signature of Documents	To sign any document necessary to any legal procedure or proceedings on behalf of the Council (- unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person).	Council	[Chief Executive] or [Head of Legal, Equalities & Democratic Services] or [Principal Solicitor] or other person authorised by them.

**APPENDIX 1 CONSTITUTION PART 5 - Table 5.06**

<b>Subject:</b>	<b>Detail:</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Signature of Contracts	To sign any contract entered into on behalf of the local authority in the course of the discharge of an Executive Committee function or made under the common seal of the Council attested and duly attested.	Council (Constitution – Article 14.04).	[Chief Executive] or [Head of Legal, Equalities & Democratic Services] or [Principal Solicitor].
Independent Person Selection	To undertake the Independent Person selection process for the Standards Committee, in consultation with an elected Member Appointment Panel.	Council / Standards Committee	[Head of Legal, Equalities & Democratic Services] / [Principal Solicitor] / [Senior Democratic Services Officer]
Standards Committee Procedure	Together with the Standards Committee, to administer the Standards procedures and processes relating to the Code of Conduct and arrangements for managing Standards complaints as adopted by the Council.	Council/ Standards Committee	[Head of Legal, Equalities and Democratic Services]
Affidavits etc.	To authorise Officers to sign statements of truth, Statutory Declarations and Affidavits on behalf of the Council.	Council	[Principal Solicitor], or their nominees duly authorised by them in writing.
Authorised Officer – Misc Provisions	To act as an authorised Officer for the purposes of paragraph 14 of schedule 1 of the Local Government (Miscellaneous Provisions) Act 1982.		[Head of Legal, Equalities & Democratic Services] or nominee(s).



**APPENDIX 1 CONSTITUTION PART 5 - Table 5.06**

<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
House Purchase Advances	To make and to accept repayments and to authorise transfer of house purchase advances.	Council	[Principal Solicitor], in consultation with [Chief Executive]
Proceedings for Possession	To institute proceedings for possession following mortgage default (but no warrant of eviction to be issued without Executive Committee sanction).	Executive	[Principal Solicitor], in consultation with [Chief Executive]
Proceedings - Access to Neighbouring Land	To institute proceedings to seek an Order under the Access to Neighbouring Land Act 1992, where such proceedings are required urgently.	Council	[Head of Legal, Equalities & Democratic Services] or [Principal Solicitor], following consultation with [relevant Portfolio Holder]
Enforcement Action - Planning	To take enforcement action, including the instigation of legal proceedings if necessary, in respect of breaches of Planning Control, namely the display of any advertisement paraphernalia, without the express consent of the Local Planning Authority.	Council	[Head of Legal, Equalities & Democratic Services] in consultation with [Head of Planning and Regeneration]
Common Seal	In accordance with Article 14.5 (part 2 of the Constitution) to decide to which documents the common seal should be affixed and to attest the affixing of the common seal.	Council	[Chief Executive]/ [Executive Director Finance and Resources] / [Head of Legal, Equalities & Democratic Services] / [Principal Solicitor] / [Mayor] or, in his/her absence, the [Deputy Mayor].

**APPENDIX 1 CONSTITUTION PART 5 - Table 5.06**

Miscellaneous delegations	<p>1) Where an Officer has delegated powers to issue legal proceedings, they are also authorised to take action to enforce any judgment obtained.</p> <p>2) To pursue such urgent legal action when required in the future, in cases where existing authority is not sufficient, where the proposed action is not politically controversial, or in conflict with current decision, policy and practice, and where there are no other circumstances which, in the view of the Officer concerned or the Portfolio Holder, might suggest the need for a full Committee (or Council) decision.</p>	<p>Council / Exec / Planning / Licensing Committees</p> <p>Council / Exec / Planning / Licensing Committees</p>	<p>Various</p> <p>Various Officers, following consultation with [relevant Portfolio Holder]</p>
Local Land Charges	To keep and maintain the Register of Local Land Charges. To respond to applications for Searches on the Register, and to co-ordinate answers in respect of CON 29 and associated questions.	Executive Committee	[Head of Planning and Regeneration]
RIPA	See Chief Executive's / Corporate Delegations	-	-

**APPENDIX 1 CONSTITUTION PART 5 - Table 5.06**

<b>4. Monitoring Officer</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Constitution and Scheme of Delegation – amendments	1. To make amendments to the Scheme of Delegation and other areas of the Constitution in order to reflect changes in legislation or regulations, job titles and the reallocation of functions of the Council between departments, provided that the amendments do not extend or reduce the existing delegations or other powers and duties currently listed in the Constitution	Council	[Monitoring Officer]
	2. To make amendments to that part of the Constitution which comprises the Management Arrangements to the extent that such amendment reflects either a change in personnel or changes to the corporate structure which have been agreed by Council	Council	[Monitoring Officer]

This page is intentionally left blank

**APPENDIX 1 CONSTITUTION – PART 5 – TABLE 5.07 Leisure & Culture**

<b>LEISURE AND CULTURE</b>			
<b>1. <u>Leisure - General</u></b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Allotments – Notices to Quit, etc.	To grant, transfer and accept the termination of allotment tenancies.	Executive Committee.	[Head of Leisure and Cultural Services] / [Head of Environment]
Play Areas	Day-to-day management of play areas	Executive Committee	[Head of Leisure and Cultural Services]
Forge Mill / Bordesley Abbey Visitor Centre	Day-to-day operation and normal lettings in respect of the Forge Mill Museum and Bordesley Abbey Visitor Centre.	Executive Committee	Rubicon Leisure
Circuses / Fairs / Fetes / Rallies, etc	Applications, and negotiation of charges for, use of Leisure facilities and open spaces for circuses, fairs fetes, rallies, tournaments and display purposes, where Committee approval has been given in previous years and where any necessary planning permission, and/or relevant licence, has been obtained.	Executive Committee	[Head of Leisure and Cultural Services] for open spaces. Rubicon Leisure if their facilities
Annual Events	To approve the use of facilities for various annual events.	Executive Committee	[Head of Leisure and Cultural Services], or other appropriate Head of Service
Sports Development	Day-to-day operation of Sports Development, and the setting of fees and charges for their activities.	Executive Committee	[Head of Leisure and Cultural Services]

**APPENDIX 1 CONSTITUTION – PART 5 – TABLE 5.07 Leisure & Culture**

Play Areas – Representations	To determine representations (retrospective or otherwise) received which fall within the standards and policies to be applied for play areas within residential estates and that in all other cases they be referred to the Executive Committee for consideration.	Executive Committee	[Head of Leisure and Cultural Services]
Off-Peak Charges at Sports Facilities	To negotiate off-peak charges for specific amenity events at Sports Centres	Executive Committee	Rubicon Leisure
Varying Charges	To vary charges at Leisure Facilities, in response to additional competition over 5% from previous year	Executive Committee	Rubicon Leisure in consultation with [RBC Client Officer]
Palace Theatre / Arts Development / Negotiation of Fees	Day-to-day operation of the Palace Theatre and Arts Development function; normal lettings and negotiation with artists and organisations of performing fees where appropriate.	Exec	[Head of Leisure and Cultural Services] for Arts Development functions, Rubicon Leisure for Palace Theatre
Bank Holiday Closures	To determine dates for the closure of recreational facilities for the Christmas and New Year Holidays.	Exec	Rubicon Leisure in consultation with [RBC Client Officer]
Community Meeting Rooms	Normal lettings and day-to-day operation, in consultation with various Management Committees (where applicable), of the Community Meeting Rooms.	Executive Committee	Rubicon Leisure

**APPENDIX 1 CONSTITUTION – PART 5 – TABLE 5.07 Leisure & Culture**

Subject	Detail	Delegated by:	Delegated to:
Promotions – Short-Term / One-Off	To approve and implement short-term and one-off promotions at all Sports and Leisure facilities.	Executive Committee	Rubicon Leisure
Roundabout Sponsorship	To agree sponsorship fees with a maximum of 20% plus/minus variance of approved charges	Executive Committee	[Head of Leisure and Cultural Services] following consultation with the [appropriate Portfolio Holder].

**APPENDIX 1 CONSTITUTION – PART 5 – TABLE 5.07 Leisure & Culture**

<b>2. <u>Civic Suite Hire</u></b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Fees & Charges	To set charges in respect of the Civic Suite and to vary fees and charges set by the Council, in response to commercial considerations, in the light of experience of the new charges.	Executive Committee	[Head of Leisure and Cultural Services] following consultation with [Chief Executive]
Bookings	Subject to the agreed policies of the Council, to accept bookings of the Town Hall Civic Suite.	Executive Committee	[Head of Leisure and Cultural Services] following consultation with [relevant Portfolio Holder]
Concessionary Use	To agree requests for concessionary use of the Civic Suite.	Executive Committee	[Head of Leisure & Cultural Services] and his/her authorised Managers, following consultation with [relevant Portfolio Holder].



**APPENDIX 1 CONSTITUTION – PART 5 – TABLE 5.07 Leisure & Culture**

<b>2. <u>Parks and Open Spaces</u></b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Public Open Space	To adopt Public Open Space on behalf of the Council which has previously been agreed as part of a Section 106 Agreement.	Executive / Leader	[Head of Leisure and Cultural Services]
Playing Pitches	To grant hire agreements for the use of such facilities in line with the Budget and Policy Framework.	Executive	[Head of Leisure and Cultural Services]
Recreational Land	To decide on arrangements for the access, usage and leasing of recreational land or facilities to Parish councils and other organisations and to determine any applications for consents required by such leases.	Executive / Leader	[Executive Director of Finance and Corporate Resources] and [Head of Leisure and Cultural Services]

This page is intentionally left blank

**APPENDIX 1 CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen**

<b>PLANNING &amp; REGENERATION</b>			
<b>1. <u>Building Control</u></b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Applications	To approve or reject applications deposited under Building Regulations, except applications which require a relaxation of Reg. B1 (Means of Escape) and to determine matters arising from the following associated statutory provisions:-  Highways Act 1989 (Sections 169, 172 & 173)  Building Act 1984 (Sections 8, 15, 16, 18-30, 32, 33, 36, 71, 72 (1)(b), 80, 81.	Exec	[Head of Planning & Regeneration] / [Building Control Manager]
Taking Action	To take action as appropriate under the following enactments:-  Public Health Act 1936 Section 262.  Local Government (Miscellaneous Provisions) Act 1976 - Dangerous Excavations.  - Building Act 1984, Sections 77 and 78.	Exec	[Head of Planning & Regeneration] / [Building Control Manager]  As above  [Head of Planning & Regeneration] / [Building Control Manager] / [Principal Solicitor]
Entering Premises	To enter premises for the purposes of enforcement and administering the Building Regulations and appropriate provisions of the Building Act 1984 as set out above and additionally Section 94.	Exec	[Head of Planning & Regeneration] / [Building Control Manager]

**APPENDIX 1 CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen**

<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Issuing Notices	To issue notices of the Council's decisions on all applications and submissions made to it on Building Control Matters.	Exec	[Head of Planning & Regeneration] / [Building Control Manager]
Serving Requisitions	To serve requisitions for Information under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Exec	[Head of Planning & Regeneration] / [Building Control Manager]
Fees & Charges	Council's Scheme of Charges under the Building (Local Authority Charges) Regulations 1998 - To vary the standard fee scales of the Local Government Association Model Scheme by up to plus or minus 10%.	Exec	[Head of Planning and Regeneration] in consultation with the [Chief Executive]

**APPENDIX 1 CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen**

<b>2. <u>Development Management / Plans</u></b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Calling in procedure for Ward Members for Planning Committee	<p>When a ward member wishes to call in an application to Planning Committee for consideration, they will, within 21 days of receipt of the notification of that application, contact the case officer and set out their reasons for wanting the application to be considered at committee rather than by officer delegation. The Case Officer will, in writing, record the request and reasons and send a written record to the Portfolio Holder, Planning Committee Chair and any other ward member(s) for the area in which the application site is situated, of the request and reasons.</p> <p>If a request is made after the deadline set out above, the Planning Committee Chair shall make the final decision, taking into account all relevant matters, as to whether the application is considered by the Planning Committee, and will inform the Case Officer of his/her decision within 2 working days of receiving the request from the Case Officer. The ward member who made the request will also be informed of the Chair's decision.</p>		
Planning Applications	All planning decisions, actions or advice / responses on behalf of the Local Planning Authority within the list of Planning and Associated legislation / regulations, are considered to fall within the delegation scheme and will be determined by Officers,	Council	[Head of Planning & Regeneration]

**UNLESS:**

	<ol style="list-style-type: none"> <li>1. A Member makes a written request within 21 days of the application receipt for the application to be considered by the Planning Committee.  <i>(see procedure set out above)</i></li> <li>2. The Planning Officer considers that the application should be considered by Committee.</li> <li>3. The approval of the application would represent a departure from the policies of the statutory development plan.</li> <li>4. The proposal involves the Borough or County Council either as applicant or landowner.</li> <li>5. The applicant is a Councillor or known to</li> </ol>		[Head of Planning and Regeneration]/ Planning officers
--	---	--	---

**APPENDIX 1 CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen**

	<p>be an employee of either Redditch Borough Council or Bromsgrove District Council, or employed by other local authorities who provide services for or on behalf of Redditch Borough Council under shared service arrangements.</p> <p>6. There is a known involvement by a Council employee or other employee as in 5 above in any capacity - e.g. as agent or adviser</p> <p>7. The application is for major development (as defined in the BV109 returns i.e. more than 10 dwellings - more than 1000 sq m new industrial / commercial floor space) where the recommendation is for approval or where five or more letters of support have been received.</p>		
	<p>8. The Council will be required to become party to a Planning Legal Agreement under Section 106 (applies only to those agreements where RBC would be a signatory and bear an obligation under the agreement – not to Unilateral Undertakings)</p> <p>9. Two or more individual letters of objection from separate addresses and raising material planning considerations are received from separate members of the public and the Officer recommendation is for approval.</p> <p>10. The application has resulted in a formal objection being received (and has not been resolved through Officer negotiation) from a statutory consultee.</p> <p>11. The application seeks erection of a new, or Change of Use to, A3 use (restaurants and café) A4 (Pubs and wine bars), A5 (hot food take away), or D2 (assembly and leisure – cinemas, sports halls, dance halls etc), or seeks (change of use or erection of a new) consent for a night club, theatre or casino.</p> <p><i>Legislation / regulations under which decisions will be taken include:-</i></p> <ul style="list-style-type: none"> <li>• Town &amp; Country Planning Act 1990 (as amended)</li> </ul>		

**APPENDIX 1 CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen**

	<ul style="list-style-type: none"> <li>• Planning and Compensation Act 1991</li> <li>• Town &amp; Country Planning (General Permitted Development) Order 1995 (as amended)</li> <li>• Town &amp; Country Planning (General Development Procedure) Order 1995 (as amended)</li> <li>• Planning (Listed Buildings &amp; Conservation Areas) Act 1990 (as amended)</li> <li>• Building Act 1984 (as amended)</li> </ul>		
	<ul style="list-style-type: none"> <li>• Circular 5/2000: Planning Appeals: Procedures (including inquiries into Called in Planning Applications)</li> <li>• Circular 18/1984: Crown Land &amp; Crown Development</li> <li>• Town &amp; Country Planning (Environmental Impact Assessment) Regulations 2011</li> <li>• Highways Act 1980</li> <li>• Planning (Hazardous Substances) Act 1990</li> <li>• Hedgerow Regulations 1997</li> <li>• Goods Vehicles (Licensing of Operators) Act 1995</li> <li>• Goods Vehicles (Licensing of Operators) Regulations 1995</li> <li>• Town &amp; Country Planning (Control of Advertisements) Regulations 2007</li> <li>• Wildlife and Countryside Act 1981</li> <li>• Caravan Sites and Control of Development Act 1960</li> <li>• Acquisition of Land Act 1981</li> </ul>		

**APPENDIX 1 CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen**

	<ul style="list-style-type: none"> <li>• Telecommunications Act 1991</li> <li>• Electricity Act 1989</li> <li>• Planning and Compensation Act 1991</li> <li>• Flood and Water Management Act 2010</li> <li>• Ancient Monuments and Archaeological Areas Act 1979</li> </ul>		
	<ul style="list-style-type: none"> <li>• Local Government Planning and Land Act 1980</li> <li>• Planning Listed Buildings and Conservation Areas Regulations 1990 (as amended)</li> <li>• Planning Act 2000</li> <li>• Planning and Compulsory Purchase Act 2004</li> <li>• Clean Neighbourhoods and Environment Act 2005</li> <li>• Localism Act 2011</li> </ul>		
Development Plans	Preparation of scoping reports and consultation with statutory consultees as required in connection with the preparation of draft SPD Sustainability Appraisals.	Council	[Head of Planning & Regeneration] and/or [Development Plans Manager]
Planning Obligations	<p>All planning obligation variations and discharges, other actions or advice / responses on behalf of the Local Planning Authority within the list of Planning and Associated legislation / regulations, are considered to fall within the delegation scheme and will be enacted by Officers unless any of the following apply:-</p> <ol style="list-style-type: none"> <li>1. Deletion or addition of one or more of the heads of terms.</li> <li>2. Significant change in overall area of land to be transferred to Redditch Borough</li> </ol>	Council	[Head of Planning & Regeneration]



**APPENDIX 1 CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen**

	<p>Council.</p> <p>3. Significant change in financial contributions to be provided to Redditch Borough Council [except where this is a result of (an)other Member decision(s)].</p> <p>4. A Member makes a written request for a case to be considered by the Planning Committee, as set out above in the Calling in Procedure.</p>		
--	---	--	--

**APPENDIX 1 CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen**

<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Planning Enforcement	<p>All planning enforcement decisions, actions or advice / responses on behalf of the Local Planning Authority within the list of Planning and Associated legislation / regulations, are considered to fall within the delegation scheme and will be enacted by Officers unless they include the serving of any of the following notices; and/or in the following cases:-</p> <ol style="list-style-type: none"> <li>1. A Stop Notice (but not a Temporary Stop Notice)</li> <li>2. A Listed Building Enforcement Notice</li> <li>3. An Advertisement Discontinuance Notice</li> <li>4. A Tree Replacement Notice</li> <li>5. Prosecution proceedings (except for advertisement offences)</li> <li>6. Where direct action by Redditch Borough Council is required</li> <li>7. When a Member makes a written request for a case to be considered by the Planning Committee as set out above in the Calling in Procedure.</li> </ol>	Council	[Head of Planning & Regeneration]

**APPENDIX 1 CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen****3. Regeneration**

Subject	Detail	Delegated by:	Delegated to:
<b><u>Regeneration – Redditch Business Improvement District</u></b>	To exercise the Council’s vote in support of the proposed BID (Business Improvement District) in the ballot in respect of properties in the Council’s ownership/occupation within the BID area, which will be entitled to cast a vote in the ballot.  <u>New delegation added by Council on 28<sup>th</sup> January 2019</u>	Exec	Head of Planning & Regeneration and Portfolio Holder
<b><u>Regeneration - Business Centres:</u></b>			
Day-to-day Management / Fees & Charges	To manage and control the Centres and all lettings and licences, including: (a) Annual rent review – to set rent annually, any change to be limited to plus or minus 10% of the preceding year’s level, unless first approved by the Executive Committee; (b) To secure new lettings in times of decreased demand, to agree a rent-free period and/or a period of reduced rent up to 20% of the current year’s levy, judged on a case by case basis; (c) To maximise income from new lettings in times of increased demand, to increase rents by up to 20% of the current year’s levy, judged on a case by case basis; (d) To agree a period of reduced rent for specific licensees in response to evidence of hardship, from time to time during their tenancy, judged on a case by case basis.	Exec	[Head of Planning & Regeneration], [Business Centres Manager] and [Economic Development Manager], following consultation with the [Portfolio Holder]
Secretarial Services	Following consultation with the Portfolio Holder, to set fees annually, limited to plus or minus 10% of the preceding year’s level unless first approved by the Executive Committee.  To agree a discounted rate for bulk orders, judged on a case-by-case basis.	Executive	[Head of Planning & Regeneration], [Business Centres Manager] and [Economic Development

**APPENDIX 1 CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen**

			Manager]
<b><u>Regeneration - Redditch Market:</u></b>			
Day-to-day Management	To deal with the day-to-day management of the Redditch Market including the letting of stalls, kiosks and pitches.	Exec	[Head of Planning & Regeneration] and [Head of Economic Development and Regeneration – North Worcestershire]
Fees & Charges	The setting of fees / rents as published in the “Fees and Charges” booklet, or as agreed by the Executive Committee.	Executive Committee	[Head of Planning & Regeneration] and [Head of Economic Development and Regeneration – North Worcestershire]
Refund of Fees	To deal with the refund of fees / rents due to inclement weather or, in other exceptional circumstances.	Executive Committee	[Head of Planning & Regeneration], in consultation with [Chief Executive] or [Executive Director of Finance and Corporate Resources] and [Head of Economic Development and Regeneration – North Worcestershire]
Disruption	To apply discounts to Redditch Market stall	Executive	[Head of

**APPENDIX 1 CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen**

Discount	fees in cases where significant disruption to trading is experienced, up to a maximum of 50% of the otherwise applicable fee.	Committee	Planning & Regeneration] and [Head of Economic Development and Regeneration – North Worcestershire]
Charity Stalls	To allocate up to two stalls per day free of charge to charitable / not for profit organisations when stalls are not required by licensed or casual traders.	Executive Committee	[Head of Planning & Regeneration] and [Head of Economic Development and Regeneration – North Worcestershire]

**APPENDIX 1 CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen****4. Other Matters**

<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Community Right to Bid – Assets of Community Value	To manage the application process for Assets of Community Value in accordance with Council policy.	Executive	[Head of Planning & Regeneration]
	To assess and decide compensation claims.	Executive	[Head of Planning & Regeneration]

**APPENDIX 1 CONSTITUTION - PART 5 – TABLE 5.09 – Reg 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.

**APPENDIX 1 CONSTITUTION - PART 5 – TABLE 5.09 – Reg Services****To determine all matters under the Gambling Act 2005 except:**

- Determination of fee levels.
- Applications for variations 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 Driver's**

- 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 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.



**APPENDIX 1 CONSTITUTION - PART 5 – TABLE 5.09 – Reg Services**

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

**Operator's**

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

**Fares/Stand**

- 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.

**APPENDIX 1 CONSTITUTION - PART 5 – TABLE 5.09 – Reg Services**

- 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.

**APPENDIX 1 CONSTITUTION - PART 5 – TABLE 5.09 – Reg Services****2. ENVIRONMENTAL HEALTH****HEAD OF REGULATORY SERVICES (WORCESTERSHIRE REGULATORY SERVICES)**

**(i) In accordance with the legal agreement for Regulatory Services Shared Service, the Council has delegated to the Head of Service of Worcestershire Regulatory Services all the duties and functions listed below arising out of the legislation set out in Appendix RS 2.**

- (a) Appointment of Inspectors, Authorised Officers or similar designated persons.
- (b) Undertaking inspections and investigation of complaints.
- (c) Signing and service of notices.
- (d) Signing and issuing, revoking and varying, any licence, permit, order or other document.
- (e) Executing, or arranging for the execution of, works in default.
- (f) Purchasing or otherwise procuring samples, seize equipment, goods and animals.
- (g) The exercise of powers of entry.
- (h) The engagement of specialist advisors/contractors to support/supplement service activity.
- (i) The institution of legal proceedings (in consultation with the Head of Legal Services of the Relevant Authority).
- (j) The obtaining of warrants of entry.

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

**RS2**

Accommodation Agencies Act 1953.

Administration of Justice Act 1970 (Section 40).

Agriculture (Safety, Health & Welfare Provisions) Act 1956.

Agriculture Act 1970.

Agriculture Produce (Grading & Marking) Acts 1928 & 1931.

Animal Boarding Establishments Act 1963.

Animal By-Products Regulations 2005.

Animal Health & Welfare Act 1984.

Animal Health Act 1981.

Animal Health Act 2002.

Animal Welfare Act 2006.

Animals and Animal Products (Import & Export) (England) Regs 2006.

Anti-Social Behaviour Act 2003.

Avian Influenza (Preventative Measures)(England) Regulations 2006.

Avian Influenza (Vaccination)(England) Regulations 2006.

Biofuel (Labelling) Regulations 2004.

**APPENDIX 1 CONSTITUTION - PART 5 – TABLE 5.09 – Reg Services**

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 Wild Animals Act 1976.  
Dangerous Dogs Act 1990  
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.

**APPENDIX 1 CONSTITUTION - PART 5 – TABLE 5.09 – Reg Services**

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.

**APPENDIX 1 CONSTITUTION - PART 5 – TABLE 5.09 – Reg Services**

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.

**APPENDIX 1 CONSTITUTION - PART 5 – TABLE 5.09 – Reg Services**

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.

**APPENDIX 1 CONSTITUTION - PART 5 – TABLE 5.09 – Reg Services**

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.



**APPENDIX 1 CONSTITUTION – PART 5 – TABLE 5.10 - Resources**

<b>RESOURCES</b>			
<b>1. <u>Finance - Accounts, Financial Management &amp; Advice</u></b>			
<b><u>Subject:</u></b>	<b><u>Detail:</u></b>	<b><u>Delegated by:</u></b>	<b><u>Delegated to:</u></b>
Grant of Housing / Council Tax Reduction	Granting of Housing Benefit and Local Council Tax Reduction Scheme in all cases including matters of individual discretion and back-dating, except that, where a claimant is dissatisfied with the Officer's decision, the matter be referred to: The Social Security and Child Support Tribunal for Housing Benefit (and Council Tax Reduction) Valuation Office Agency for Local Council Tax Reduction Scheme.	Executive Committee	[Head of Customer Access and Financial Support]
Reduction of Council Tax payable	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	[Executive Director Finance and Resources] and [Financial Support Manager]
Debt Collection / Recovery	To collect and recover all debts, except housing rents.	Executive Committee	[Head of Customer Access and Financial Support]
Council Tax – Non – Domestic Rates - Refund of overpayments	To refund all overpayments of Council Tax and National Non-Domestic Rates including statutory interest.	Executive Committee	[Executive Director of Finance and Resources]
Council Tax Support Scheme	To carry out statutory consultation on draft Council Tax Support Schemes in accordance with legislative guidelines.	Council	[Head of Customer Access and Financial Support] following consultation

**APPENDIX 1 CONSTITUTION – PART 5 – TABLE 5.10 - Resources**

			with the [Portfolio Holder]
Discretionary Rate Relief	To grant applications under the Non-Domestic Rates – Discretionary Rate Relief Scheme recommended for approval by Executive Committee on 11th February 2004 where within budget with reference to Section 47 of the Local Government Finance Act 1988.	Executive Committee	{Financial Support Manager]
Local Discretionary Relief Scheme	To adjust the percentage relief awarded in order to ensure that the maximum level of support is provided to businesses and that the Government funding meets the overall costs of the relief.	Executive Committee / Council	[Executive Director of Finance and Resources] After consultation with the [relevant Portfolio Holder].
Collection Fund	To administer the Collection Fund in accordance with Section 89(3) of the Local Government Finance Act 1988.	Executive Committee	[Executive Director of Finance and Resources]
Offences under Social Security Administration Act	To administer formal cautions for offences under the Social Security Administration Act 1992.	Executive Committee	[Head of Customer Access and Financial Support] or [Principal Solicitor], as the cautioning Officer
Discretionary Housing Payments	To administer the scheme of Discretionary Housing Payments in accordance with the policy statement attached at Appendix 1 to the “Revised Discretionary Housing Payments” report presented to the Executive Committee on 23rd August 2011.	Executive Committee	Benefits Officers
Essential Living Allowance	To administer the Essential Living Allowance scheme in accordance with Council Policy (agreed 12 <sup>th</sup> March 2013)	Executive Committee	[Head of Customer Access and Financial Support] and [Head of Housing]

**APPENDIX 1 CONSTITUTION – PART 5 – TABLE 5.10 - Resources**

Stock Exchange Transactions	To seal Stock Exchange Transactions.	Executive Committee	[Executive Director of Finance and Resources]
Investment of Balances	To invest balances, other and special funds.	Executive Committee	[Executive Director of Finance and Resources]
Investments	To determine action to be taken in respect of the Council's funds invested by approved external Fund Managers.	Executive Committee	[Executive Director of Finance and Resources]
Legal Processes- Rates, Council Tax , NNDR	In respect of rates, Council Tax, penalties and the National Non-Domestic Rate and representation in the Valuation Tribunal, Issue of all legal processes, including applications for committal.	Executive Committee	[Executive Director of Finance and Resources]
Empty Property Rates - Exemptions	To determine legal exemption under the empty property rate provisions in accordance with Section 44(A) of the Local Government Finance Act 1988 in respect of national non-domestic rates except in cases of dispute.	Executive Committee	[Head of Customer Access and Financial Support]
Borrowing	To borrow money.	Executive Committee	[Executive Director of Finance and Resources]
Applications under LG Finance Act	To determine applications under Sections 43, 45, 49 and 64 of the Local Government Finance Act 1988.	Executive Committee	[Head of Customer Access and Financial Support]
Insolvency Procedures	To commence insolvency procedures, both against individuals and companies.	Executive Committee	[Head of Customer Access and Financial Support]/ [Principal Solicitor]

**APPENDIX 1 CONSTITUTION – PART 5 – TABLE 5.10 - Resources**

Debts - Write-off – Insolvency Cases	To write off any debt, irrespective of value, where insolvency proceedings have occurred and where the Council's claim has been formally acknowledged.	Executive Committee	[Head of Customer Access and Financial Support]/ [Head of Housing]
Debts - Write-off – Imprisonment Cases	To write off any debt, irrespective of value, where the Magistrates have remitted or committed an individual to prison at committal proceedings.	Executive Committee	[Head of Customer Access and Financial Support] / [Head of Housing]
West Mercia Police and Crime Panel	To agree the budget for administrative support to the West Mercia Police and Crime Panel, subject to no financial contribution being sought from the Council	Council	[Executive Director of Finance and Resources]
Sure Start - Accounting	To take on the accounting duties of the accountable body of the Sure Start Programme.	Executive Committee	[S151 Officer] or in his/her absence the [Financial Services Manager]/ Finance Team [Head of Housing], with assistance from [Sure Start Finance and Evaluation Officer]
Debts – Write off – Admin Orders	To write off the balance of all outstanding debts in cases where an Administration Order has been made without prior Executive Committee approval (Bankruptcy and Liquidation).	Executive Committee	[Head of Customer Access and Financial Support] / [Head of Housing]
Debts – Write-off - Irrecoverables	To write off debts due to the Council in accordance with Council policy.	Executive Committee	[S151 Officer] in consultation with other relevant Directors

**APPENDIX 1 CONSTITUTION – PART 5 – TABLE 5.10 - Resources**

Deputy Money Laundering Officer	To appoint a Deputy Money Laundering Officer to act in absence of Executive Director of Finance and Resources	Council	[Deputy S151 Officer]
Budgetary Control	1) To incur normal revenue expenditure, in accordance with Financial Procedure Rules and within the terms of budgets set by the Council.	Council / Executive Committee	[Chief Executive] / [Deputy Chief Executive / Directors
	2) To approve and submit tenders on behalf of the Council up to a value of £250,000. The inclusion of an item in the capital programme shall not confer authority to incur expenditure until a financial report in a form specified in the Council's Procedure rules has been submitted to and approved by the Executive Committee.	Executive Committee	[Chief Executive] / [Deputy Chief Executive/ Directors
	3) To adopt revised Statutory Fees and Charges, in cases where the Council has no discretion, subject to their annual notification to Members as part of the Fees and Charges Review report.	Executive Committee	[Chief Executive] / [Deputy Chief Executive] / Directors / Heads of Service
	4) In setting Fees and Charges, as a general principle, to round up or down to the nearest practical amount, any of the proposed fees and charges which it is felt would cause administrative difficulties.	Executive Committee	[Chief Executive] / [Deputy Chief Executive]/ Directors / Heads of Service
Tenders and Contracts	1) To invite tenders for contracts from the approved list in the case of selective tendering where provision had been made for those items within the revenue budget and capital budget.	Executive Committee	[Chief Executive]/[Deputy Chief Executive]/ Directors / Heads of Service
	2) Subject to Contract Procedure Rules, to engage the services of consultants operating within their	Executive Committee	[Chief Executive]/ [Deputy Chief Executive]/ Directors/Heads of

**APPENDIX 1 CONSTITUTION – PART 5 – TABLE 5.10 - Resources**

	own sphere of professional competence.		Service
	3) (In instances where professions in other Directorates are involved, the Director of that Directorate is to be contacted to establish whether the necessary expertise is available in-house and, if not, to advise and engage outside consultants accordingly.)	Council	Various
	4) If there is no available professional advice within the Council the Director is authorised to seek appropriate consultants direct.)	Council	Various
	5) Further separate delegations under the Contract Procedure Rules.	Council	Various

**APPENDIX 1 CONSTITUTION – PART 5 – TABLE 5.10 - Resources**

<b>2. <u>Property, Assets and Facilities Management - Estates &amp; Valuation</u></b>			
<b><u>Subject:</u></b>	<b><u>Detail:</u></b>	<b><u>Delegated by:</u></b>	<b><u>Delegated to:</u></b>
Day-to-Day Management	Day-to-day management of Land and Property matters including implementing management measures for assets detailed in the Asset Management Plan.	Executive Committee	[Head of Customer Access and Financial Support]
Acceptance of Offers at Auction	The acceptance of an offer when a sale is effected by auction.	Executive Committee	[Head of Customer Access and Financial Support]/ [Principal Solicitor]
Leased / Tenanted Properties - Management	To manage and control all leased / tenanted properties excluding houses / flats let on residential secure tenancies under the Housing Act including those available for letting and to include those held by the Council in advance of requirements or surplus or appropriated properties.	Executive Committee	[Head of Customer Access and Financial Support]
Agreements - Various	Easements / wayleaves / rights of way / garden licences / grazing licences / cultivation licences and all similar agreements – to enter into such agreements on behalf of the Council for any Council-owned land or property.	Executive Committee	[Head of Customer Access and Financial Support]/ [Principal Solicitor]
Agreements - Minor	To enter into miscellaneous agreements of a minor nature affecting any land and / or property not provided for elsewhere including street trading licences.	Executive Committee	[Head of Customer Access and Financial Support]/ [Principal Solicitor]
Disturbance / Home Loss Payments	To negotiate and settle all disturbance or home loss payments, within prior approved budgets, or where such payments are to be funded from a capital receipt.	Executive Committee	[Head of Customer Access and Financial Support]/ [Principal Solicitor]

**APPENDIX 1 CONSTITUTION – PART 5 – TABLE 5.10 - Resources**

Assignment / Sub-letting – Leased Properties	The assignment or sub-letting of leased properties, subject to appropriate satisfactory references.	Executive Committee	[Head of Customer Access and Financial Support]/ [Principal Solicitor]
Rent Review Notices	To serve Rent Review Notices and agree new rents where proposal is to review rent to market value.	Executive Committee	[Head of Customer Access and Financial Support]
Voluntary and Community Sector Rent Relief	To agree applications for up to 70% rent relief for voluntary and community sector organisations, following recommendation from the Grants Panel	Executive Committee	[Executive Director, Finance and Resources]
New Leases, Lettings and Rents	To approve new leases, lettings and rents, where the proposal is to rent at market value, and accept surrenders, where a re-grant to the same or different tenant is requested.	Executive Committee	[Head of Customer Access and Financial Support]
Breach of Terms – Obtaining Possession, etc.	To obtain possession of premises, terminate agreements, authorise distraint or to institute proceedings to forfeit business leases, licences and agreements if the rent, payment or other terms are being breached.	Executive Committee	[Head of Customer Access and Financial Support]
Notices under Landlord and Tenant Act	To serve notices under the Landlord and Tenant Act 1954 to renew or terminate business tenancies and to serve other notices on any tenant for the remedy of any breaches of other covenants under the terms of leases as appropriate.	Executive Committee	Head of Customer Access and Financial Support/ Principal Solicitor
Sub-letting-Business Tenants	To approve applications from business tenants to sub-let maisonettes and garages no longer required in connection with shop premises, subject to satisfactory references and details of the sub-lease being approved by the Head of Legal, Equalities and Democratic Services / Head of Customer Access and Financial Support to include that vacant possession be granted to Council on determination of the lease.	Executive Committee	[Head of Customer Access and Financial Support with Head of Legal, Equalities and Democratic Services]



**APPENDIX 1 CONSTITUTION – PART 5 – TABLE 5.10 - Resources**

District Centres – Commercial Leases	To negotiate delays in exercising the redevelopment clause within a commercial lease for units in the Council's District Centres in appropriate cases.	Executive Committee	[Head of Customer Access and Financial Support]/ [Principal Solicitor]
Miscellaneous Delegation	1) To serve requisitions for information as to ownership of property.	Executive Cttee	All Directors / or in their absence, other relevant Heads of Service / Managers
	2) To seek Planning Permission on behalf of the Council.	Council	Directors and Heads of Service, subject to prior consultation with Ward Members

**APPENDIX 1 CONSTITUTION – PART 5 – TABLE 5.10 - Resources**

<b><u>Subject:</u></b>	<b><u>Detail:</u></b>	<b><u>Delegated by:</u></b>	<b><u>Delegated to:</u></b>
Disposals of Surplus Assets	To deal fully with all disposals of surplus assets approved by the Executive Committee / Council, subject to reports being submitted to the Executive Committee on the receipts generated from major land or building sales.	Executive Committee	[Director of Finance & Resources] / [Head of Customer Access and Financial Support]
'Minor Land' * Sales	<p><i>* Defined as any land and/or building of less than half a hectare where the value is £49,999 or less, plus VAT / fees, but excluding land previously designated as a play area or sites to be developed for one or more dwellings, unless it has specifically been declared surplus by the Executive Committee in accordance with the Minor Land Disposal Policy.</i></p> <p>To conduct and conclude negotiations for the sale of the freehold or leasehold interest of any land or property falling within the limits described above (or such limit that may be revised at any time by the Executive Committee, to reflect rising prices).</p>	Executive Committee	[Head of Customer Access and Financial Support]/ [Principal Solicitor]
Dedication of Council Land	To approve, and complete documentation in respect of, the dedication of Council land for the purposes of either footpaths, bridleways, cycle routes or roads, as requested in consultation with Worcestershire County Council.	Executive Committee	[Principal Solicitor]
Public Open Space	To accept, on behalf of the Council, land for Public Open Space, or land for other public purposes, in connection with the provisions of Section 106 of the Town & Country Planning Act 1990, or Section 111 of the Local Government Act 1972, following consultation with other appropriate Officers.	Executive Committee	[Head of Customer Access and Financial Support]/ [Principal Solicitor]

**CONSTITUTION – PART 5 – TABLE 5.10**

<b>4. Right to Buy</b>			
<b><u>Subject:</u></b>	<b><u>Detail:</u></b>	<b><u>Delegated by:</u></b>	<b><u>Delegated to:</u></b>
Right to Buy	To administer the Right-to-Buy scheme and carry out valuations of dwellings under the Right to Buy Scheme and for repurchases, including the interest to be sold with any necessary rights of way over Council land, as appropriate.	Executive Committee	[Head of Customer Access and Financial Support]
Notices re Right to Buy	To serve notices in association with the Right to Buy Scheme.	Executive Committee	[Head of Customer Access and Financial Support]/ [Principal Solicitor]
Buy Back	To refuse (but not accept) requests to buy back properties sold under the Right to Buy Scheme, in accordance with Council policy.	Executive Committee	[Head of Customer Access and Financial Support]
Repayment of Discount	To refuse (but not to agree) to waive the Council's entitlement to repayment of discount.	Executive Committee	[Head of Customer Access and Financial Support]
Discount for Disposals	To determine the level of discount to be repaid for relevant disposals under the Housing Act 2004.	Executive Committee	[Head of Customer Access and Financial Support]

This page is intentionally left blank

APPENDIX 2 - AUDIT, GOVERNANCE AND STANDARDS  
COMMITTEE PROCEDURE RULES**1. Role of the Audit, Governance and Standards Committee**

- 1.1 The Council has established an Audit, Governance and Standards Committee.
- 1.2 The Audit, Governance and Standards Committee will work in partnership with the Executive Committee and Officers to ensure good stewardship of the Council's resources and deliver better outcomes for the people of the Borough.
- 1.3 The ultimate responsibility for Audit rests with the Council's Section 151 Officer. Therefore the Audit, Governance and Standards Committee can make informed recommendations but it is not the role of the Audit, Governance and Standards Committee to be a substitute for management of Internal Audit.
- 1.4 The Audit, Governance and Standards Committee does not have the power to make decisions with regard to Internal Audit or to direct Officers with regard to Internal Audit.

**2. Terms of Reference**

- 2.1 The Terms of Reference of the Audit, Governance and Standards Committee are as follows:

Audit and Governance  
Internal and External Audit

- a. To review and monitor the annual audit plans of both the internal and external auditors;
- b. To receive and comment upon the external auditors' reports;
- c. To monitor the adequacy and effectiveness of the Council's system of internal control by ensuring that an adequate and effective system of internal financial controls is maintained, that financial procedures are regularly reviewed;
- d. To consider, monitor and review the Council's overall corporate governance arrangements;
- e. To enhance the profile, status and authority of the internal audit function which will demonstrate its independence;

- f. To focus audit resources by agreeing, and periodically reviewing, audit plans and monitoring delivery of the audit service;
- g. To receive and consider such internal audit reports that the Chair and/or Deputy Chief Executive considers necessary;

#### Risk

- h. To consider, monitor and review the effectiveness of the Council's risk strategies, policies and management arrangements and seek assurances that action is being taken to address identified risk related issues;

#### Finance and Value for Money

- i. To consider and approve the Council's Annual Statements of Accounts;
- j. To consider any report from the Internal Audit Manager in pursuance of Financial Regulations;
- k. To ensure good stewardship of the Council's resources and assist the Council to achieve value for money in the provision of its services;
- l. To keep under review, and make recommendations on, proposed amendments to Financial Regulations;
- m. To consider and make recommendations if appropriate on, the Annual Governance Statement;

#### Standards

- n. To promote and maintain high standards of conduct by Councillors and any co-opted members of Council bodies;
- o. To assist the Councillors and co-opted members to observe the Members' Code of Conduct;
- p. To advise the Council on the adoption or revision of the Members' Code of Conduct;
- q. To monitor the operation of the Members' Code of Conduct;
- r. To advise, train or arrange to train Councillors and co-opted members on matters relating to the Members' Code of Conduct;
- s. To grant dispensations to Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
- t. To deal with any report from the Monitoring Officer following an investigation into a complaint concerning the Members' Code of Conduct;

- u. To 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 making recommendations as to any sanctions to the appropriate person or body;
  - v. The exercise of t – u above in relation to the Parish Councils in the Council's area and the members of those parish Councils; and
  - w. To monitor and review the operation of the Member Officer Relations Protocol.
- 2.2 Within those Terms of Reference, the Audit, Governance and Standards Committee will:
- a. agree annual and strategic audit plans;
  - b. review Internal Audit's progress against the audit plan and consider Internal Audit performance measures;
  - c. receive and consider a summary of work undertaken by Internal Audit since the last meeting, plus current status;
  - d. receive and consider executive summaries of financial process / procedures;
  - e. receive and consider executive summaries of Value For Money reports;
  - f. receive and consider executive summaries of contract audit reports;
  - g. receive and consider executive summaries of any special investigations undertaken by Internal Audit;
  - h. receive and consider a chronological summary of Internal Audit reports awaiting departmental response and address any evident problems;
  - i. monitor the proportion of key recommendations actioned since the previous meeting; and
  - j. consider all external audit reports including the Annual Audit Letter.

### **3. Composition**

The Audit, Governance and Standards Committee will comprise such number of Councillors as are determined at the Council's Annual Meeting. All Councillors except for Party Group Leaders may be members of the Audit, Governance and Standards Committee or act as substitutes for members of the Committee.

**4. Co-optees**

The Audit, Governance and Standards Committee shall be entitled to appoint a number of people as non-voting co-optees.

**5. Chair**

- a. The Committee's Chair and Vice-Chair will normally be appointed at the Council's Annual Meeting.
- b. If the Chair / Vice-Chair are not so appointed, they shall be appointed at the first meeting of the Audit, Governance and Standards Committee.

The Chair and Vice-Chair shall not be members of the controlling political group.

**6. Meetings of the Audit, Governance and Standards Committee**

- 6.1 There shall be at least 4 ordinary meetings of the Audit, Governance and Standards 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, Governance and Standards Committee may be called by the Chair of the Audit, Governance and Standards Committee, by any 3 members of the Audit, Governance and Standards Committee or by the Chief Executive if s/he considers it necessary or appropriate.

**7. Quorum**

The quorum for a meeting of the Audit, Governance and Standards Committee shall be 4 members (to include at least one member of the Majority Group).

**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, Governance and Standards Committee.
- 8.2 The Audit Services Manager shall be expected to attend each meeting of the Audit, Governance and Standards Committee.



- 8.3 The Monitoring Officer shall be expected to attend each meeting of the Audit, Governance and Standards Committee when Standards issues are included on the agenda.

**9. Participation in Meetings**

No member of the Audit, Governance and Standards Committee may be involved in the consideration of a decision in which s/he has been directly involved. If any member of the Audit, Governance and Standards Committee finds that a decision in which s/he has been directly involved is to be considered, s/he shall declare the fact to the Audit, Governance and Standards Committee and take no part in the discussion and voting in the part of the meeting which relates to that decision.

**10. Work Programme**

The Audit, Governance and Standards 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, Governance and Standards Committee who are not members of the largest political group on the Council;
- b. suggestions of matters for consideration made by the Executive Committee; and
- c. suggestions of matters for consideration made by the Council.

**11. Procedure at Audit, Governance and Standards Committee meetings**

The Audit, Governance and Standards Committee shall at each meeting consider the following business:

- a. consideration of the accuracy of the minutes of the previous meeting;
- b. declarations of interest;
- c. responses of the Executive Committee to reports of the Audit, Governance and Standards 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, Governance and Standards Committee shall be entitled to give notice to the Section 151 Officer that s/he wishes an item relevant to the functions of the Audit, Governance and Standards 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 will ensure that it is included on the next available agenda.

- 12.2 Where a matter is referred to the Audit, Governance and Standards Committee 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 Audit, Governance and Standards Committee following the referral.
- 12.3 The Audit, Governance and Standards Committee shall also respond, as soon as its work programme permits, to requests from the Council or the Executive Committee to review particular areas of Council activity. The Audit, Governance and Standards Committee shall report its findings and any recommendations back to Council or Executive Committee (as appropriate).

### **13. Investigations and Enquiries**

The Audit, Governance and Standards 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, Governance and Standards Committee in its deliberations;
- c. invite witnesses to attend to address the Audit, Governance and Standards Committee on any matter under consideration; and / or
- d. pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so, provided that any such budget set by the Council each year for such purposes is not exceeded.

### **14. Members and Officers giving account**

- 14.1 The Audit, Governance and Standards 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 Executive Committee, 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, Governance and Standards Committee under this provision, the Councillor or Officer will be given reasonable notice in writing of the meeting at which s/he is required to attend. The notice will state the nature of the item on which s/he is required to attend to give account and whether any papers are required to be produced for the Audit, Governance and Standards Committee. Where the account to be given to the Audit, Governance and Standards 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, Governance and Standards Committee shall in consultation with the Councillor or Officer arrange an alternative date for attendance.
- 15. Attendance by others**
- 15.1 The Audit, Governance and Standards 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. Any such 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, Governance and Standards 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, Governance and Standards 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 Audit, Governance and Standards Committee which arise from that motion.
  - 15.3 If the Audit, Governance and Standards 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, Governance and Standards Committee will be given the opportunity to ask questions of attendees, and to contribute and speak;

- b. those assisting the Audit, Governance and Standards 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 the Audit, Governance and Standards Committee**

- 16.1 Once it has formed recommendations on proposals for development, the Audit, Governance and Standards Committee will make its findings public and will report to the Executive Committee.
- 16.2 The Audit, Governance and Standards Committee may report directly to full Council where the Section 151 Officer and/or Audit Services Manager advises the Audit, Governance and Standards Committee that it is appropriate to do so.
- 16.3 If the Audit, Governance and Standards Committee cannot agree on one single final report to the Council or Executive Committee as appropriate, then no more than one minority report may be prepared and submitted for consideration by the Council or Executive Committee with the majority report.
- 16.4 The Council or the Executive Committee shall consider the report of the Audit, Governance and Standards Committee within two months of it being submitted.

#### **17. Consideration of Audit, Governance and Standards Committee Reports by the Executive Committee**

The agenda for Executive Committee meetings shall (when appropriate) include an item at which minutes and/or reports of the Audit, Governance and Standards Committee will be considered. The minutes and/or reports of the Audit, Governance and Standards Committee referred to the Executive Committee shall be included at this point in the agenda (unless they have been considered in the context of the Executive Committee's deliberations on a substantive item on the agenda).

#### **18. The party whip**

The party whip must not be applied at Audit, Governance and Standards Committee meetings.

#### **19. Finance**

The Audit, Governance and Standards Committee may exercise overall responsibility for any finances made available to it.

**20. Public speaking**

- 20.1 *Members of the public, and other interested parties, shall be entitled to participate in Audit, Governance and Standards Committee meetings.*
- 20.2 *A person wishing to address the Audit, Governance and Standards Committee must give notice to the Democratic Services Team of his or her intention to do so by 12 noon on the day of the Audit, Standards and Governance Committee meeting in question.*
- 20.3 *Members of the public who register to speak at meetings of the Audit, Governance and Standards Committee will each be allowed to speak for no more than three minutes.*
- 20.4 *At any meetings not more than 15 minutes in total shall be devoted by the Audit, Governance and Standards Committee to Public Speaking, provided that the Chair may at his or her discretion extend the time if the chair and a majority of those present agree.*
- 20.5 *The Committee Chair shall have the discretion:*
- (i) In exceptional circumstances, to allow late additions to the list of public speakers.*
  - (ii) To decide not to allow speeches, which merely repeat representations made in earlier speeches and which are inaccurate.*
  - (iii) Depending on circumstances, to vary the periods of time referred to in paragraphs 20.3 and 20.4 where s/he deems it appropriate.*
- 20.5 *Direct or open questioning and discussion / debate between Public speakers and either Members or Officers will not be allowed during Public Speaking. Any such matters raised may be answered by Members / Officers only after the close of Public Speaking, or will be addressed during the subsequent debate. At no time will direct discussion between Members or Officers with a Public Speaker be permitted.*

*After the close of Public Speaking, no other inputs will be permitted from the 'public gallery', other than at the discretion of the Chair, and subject to relevant Officer advice, if exceptional circumstances warrant this.*

This page is intentionally left blank

**APPENDIX 3 - CODE OF PRACTICE IN RELATION TO  
LICENSING MATTERS UNDER THE LICENSING 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 if 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 and the extent to which they can or

can not participate in a meeting and should seek advice from the Monitoring Officer as soon as they can.

### 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.
- 3.2 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

### 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 Committee 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 set out above – 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 make 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 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 Committee member being called into question.

### 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 avoid 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.

**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 Licensing Policy Statement.
- 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 clearly 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 The 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.

**10. Public speaking – Licensing Committee Meetings**

- 10.1 *Members of the public, and other interested parties, shall be entitled to participate in parent Licensing Committee meetings.*
- 10.2 *A person wishing to address the Licensing Committee must give notice to the Democratic Services Team of his or her intention to do so by 12 noon on the day of the Licensing Committee meeting in question.*
- 10.3 *Members of the public who register to speak at meetings of the Licensing Committee will each be allowed to speak for no more than three minutes.*
- 10.4 *At any meetings not more than 15 minutes in total shall be devoted by the Licensing Committee to Public Speaking, provided that the Chair may at his or her discretion extend the time if the Chair and a majority of those present agree.*
- 10.5 *The Committee Chair shall have the discretion:*
- (i) In exceptional circumstances, to allow late additions to the list of public speakers.*
  - (ii) To decide not to allow speeches, which merely repeat representations made in earlier speeches and which are inaccurate.*
  - (iii) Depending on circumstances, to vary the periods of time referred to in paragraphs 10.3 and 10.4 where s/he deems it appropriate.*
- 10.6 *Direct or open questioning and discussion / debate between Public Speakers and either Members or Officers will not be allowed during Public Speaking. Any such matters raised may be answered by Members / Officers only after the close of Public Speaking, or will be addressed during the subsequent debate. At no time will direct discussion between Members or Officers with a Public Speaker be permitted.*
- 10.7 *After the close of Public Speaking, no other inputs will be permitted from the ‘public gallery’, other than at the discretion of the Chair, and subject to relevant Officer advice, if exceptional circumstances warrant this.*

**APPENDIX 4 - OVERVIEW AND SCRUTINY PROCEDURE RULES****1. Arrangements for Overview and Scrutiny**

- 1.1 The Council will appoint an Overview and Scrutiny Committee as set out in Article 6 of this Constitution, with responsibility for:
- a. the Council's overview functions;
  - b. the Council's scrutiny and call-in functions;
  - c. scrutiny of the budget, Councillor Calls for Action and of the Crime and Disorder Reduction Partnership; and
  - d. receipt of relevant petitions submitted under the Council's Petitions Protocol.
- 1.2 The Overview and Scrutiny Committee will comprise the number of Councillors agreed annually at the Council Annual Meeting. All Councillors except members of the Executive Committee may be members of the Overview and Scrutiny Committee.
- 1.3 The Committee may (except in relation to call-ins) appoint such Task and Finish Groups ('Task Groups') as it considers appropriate to enable it to perform the overview and scrutiny functions on behalf of the Council. Task Groups will operate in accordance with the Task Group Procedure Rules appended to these Overview and Scrutiny Procedure Rules at Appendix A.
- 1.4 Allocation of members to Task and Finish Groups shall be agreed by the Committee, in consultation with Leaders of Party Groups.
- 1.5 The Committee will appoint a standing Crime and Disorder Scrutiny Panel, as a formal 'sub-committee' of the Overview and Scrutiny Committee, as detailed separately at Appendix B.

**2. Co-optees**

- 2.1 The Overview and Scrutiny Committee and its Task Groups, subject to O&S Committee approval, shall be entitled to appoint such non-voting co-optees as they consider appropriate for the conduct of their business.
- 2.2 Two standing co-optees shall be appointed from the Unison Trade Union, who will have a role only in relation to matters which have employee relations considerations.

**3. Meetings of the Committee**

- 3.1 The Overview and Scrutiny Committee will normally meet a minimum of 9 times a year at times to be agreed by the Chair. However, in consultation with relevant Officers, the Chair may review this pattern at any time during the municipal year.
- 3.2 Extraordinary meetings may be called from time to time as and when appropriate.
- 3.4 An extraordinary meeting may be called by the Committee Chair or by any three Committee members.

**4. Quorum**

The quorum for meetings of the Overview and Scrutiny Committee shall be 3.

**5. Participation in Meetings**

No member may be involved in scrutinising a decision in which he/she has been directly involved. If any Committee or Task Group member finds that a decision in which he/she has been directly involved is to be scrutinised, he/she shall declare the fact and take no part in the discussion and voting in the part of the meeting which relates to that decision.

**6. Chair**

- 6.1 The appointment of the Chair and Vice-Chair of the Overview and Scrutiny Committee shall be by the Council. Terms of office shall be as the Council shall determine (unless otherwise agreed, this will be until the Council's next Annual Meeting).
- 6.2 The Chair and Vice-Chair of the committee shall not be members of the controlling political group.

**7. Work Programme**

- 7.1 The committee will be responsible for setting its own work programme and in doing so shall take into account of:
  - a. the views of committee members who are not members of the largest political group on the Council;

- b. the Forward Plan;
- c. suggestions of matters for scrutiny made by the Council or by the Executive Committee;
- d. suggestions of matters for scrutiny made by councillors, members of the public or partner organisations;
- e. updates from the Council's representative on the County Health Overview & Scrutiny Committee.

and in doing so shall make provision for considering:

- i. Councillor Calls for Action;
- ii. Scrutiny of the Crime and Disorder Reduction Partnership;
- iii. Petitions referred to the Committee in accordance with the adopted Petitions Protocol;
- iv. Scrutiny of the budget (Medium Term Financial Plan);
- v. the Council Plan and the Sustainable Community Strategy.

## **8. Procedure at meetings**

- 8.1 The 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 (including whipping declarations);
  - c. minutes of recent Executive Committee meetings and responses of the Executive Committee to the Committee's reports.
  - d. the Forward Plan;
  - e. progress on ongoing Task and Finish Reviews;
  - f. any petitions referred to the Committee under the Council's adopted Petitions Protocol.
  - g. any Councillor Calls for Action which have been received;
  - h. scrutiny of the Medium Term Financial Plan ( if appropriate);
  - i. scrutiny of the Crime and Disorder Reduction Partnership, via reports of the Crime and Disorder Scrutiny Panel;
  - j. other matters set out on the agenda for the meeting in accordance with paragraph 9 below.

**9. Agenda items**

- 9.1 Any member of the Committee shall be entitled to give notice to the Chief Executive that s/he wishes an item relevant to the functions of the Committee to be included on the agenda for the Committee's next available meeting. 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 Committee by the Council (including a matter referred by the Monitoring Officer under Council Procedure Rule 11.10 – Motion on Notice), it shall be considered at either the first or second ordinary meeting of the Committee following the referral.
- 9.3 The Committee shall also respond, as soon as its work programme permits, to requests to review particular areas of Council activity from the Council, the Executive Committee or the Leader (arising from his/her quarterly meeting with the committee Chair).

**10. Rights of committee members to documents**

- 10.1 In addition to their general rights as Councillors, members of the Committee have the right to documents and to notice of meetings as set out in the Access to Information Procedure Rules in part 8 of the Constitution.

**11. Policy review and development**

- 11.1 The role of the Overview and Scrutiny Committee 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 9 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 Committee may make proposals to the Executive Committee for developments in so far as they relate to matters within their terms of reference.



- 11.3 The Committee 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 Committee 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 Executive Committee, 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, subject to paragraph 12.2 below, it is the duty of those persons to attend if so required.
- 12.2 If any councillor or officer is required to attend a meeting of the Committee, 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 Committee or Task Group. Where the account to be given to the 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
- 12.3 If the councillor or officer is unable to attend on the required date, the Committee or Task Group shall, in consultation with the councillor or officer, arrange an alternative date for attendance.

**13. Attendance by others**

- 13.1 The Committee 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 Committee is to consider a motion referred to it by the Council, the proposer and seconder of the motion shall (if they are not members of the Overview and Scrutiny 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.
- 13.3 If the Committee 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 Committee or Task Group will be given the opportunity to ask questions of attendees, and to contribute and speak;
  - b. those assisting the Committee or Task Group by giving evidence will be treated with respect and courtesy (Witness Guidance notes are attached at Appendix C); and
  - c. the investigation will be conducted so as to maximise the efficiency of the investigation or analysis.

**14. Reports from the Committee**

- 14.1 Once it has formed recommendations on proposals for development, the Committee will make its report and findings public and will submit a formal report to the Chief Executive for consideration by the Executive Committee.
- 14.2 If the Committee cannot agree on one single final report to the Council or Executive Committee, as appropriate, then no more than one minority report may be prepared and submitted for consideration by the Council or Executive Committee with the majority report.

- 14.3 The Executive Committee shall consider the Overview and Scrutiny Committee report 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 Committee reports by the Executive Committee**

- 15.1 The agenda for Executive Committee meetings shall include an item to consider Overview and Scrutiny Committee minutes and/or reports and reports of the Overview and Scrutiny Committee referred to the Executive Committee shall be included at this point in the agenda (unless they have been considered in the context of the Executive Committee's deliberations on a substantive item on the agenda) within two months of the Overview and Scrutiny Committee completing its report/recommendations.
- 15.2 The Executive Committee will consider all reports and recommendations presented by the Overview and Scrutiny Committee and will provide the Overview and Scrutiny Committee with a response.
- 15.3 An Overview and Scrutiny Committee 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 Executive Committee. The Executive Committee will decide whether to recommend to the Council that those proposals be implemented.

If the Executive Committee 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 Committee.

The Overview and Scrutiny Committee 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 Executive Committee and/or the Council, and any questions or issues raised by the Executive Committee and/or Council have been resolved, the Overview and Scrutiny Committee will disband any Task Group appointed in connection with the preparation of that report.

**16. Review of Overview and Scrutiny Committee reports**

The Overview and Scrutiny Committee will review implementation of recommendations made in any report not sooner than 12 months after consideration of its report by the Executive Committee.

**17. Call-in**

17.1 Call-in should be used in only exceptional circumstances when members of the Overview and Scrutiny Committee have evidence which suggests that the Executive Committee did not take a decision in accordance with the principles of Decision Making in Article 13. Those principles are:-

- a. consideration of the full facts of a matter;
- b. proportionality (i.e. the action must be proportionate to the proposed outcome);
- c. due consultation and the taking of professional advice from officers;
- d. respect for human rights;
- e. a presumption in favour of openness;
- f. clarity of aims and desired outcomes;
- g. due regard for the Council's environmental objectives;
- h. due regard for the Council's duties in relation to crime and disorder;
- i. clear explanations of the options considered and the reasons for the decision reached.

17.2 When a decision is made by the Executive Committee, or a Key Decision is made by an Officer with delegated authority from the Executive Committee, 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 Executive Committee) 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 D) giving the reasons for the request for call-in and must be:-

- signed by the Overview and Scrutiny Committee Chair; OR
- signed by any other 3 members of the Overview and Scrutiny Committee; OR
- signed by any 5 members of the Council who are not members of the Executive Committee.

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 Overview and Scrutiny Committee Chair. 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 Committee.
- 17.6 The call-in will be considered by the Overview and Scrutiny Committee at either:
- a. the next scheduled meeting of the Committee; or
  - b. a special meeting of the Committee 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 Overview and Scrutiny Committee Chair.
- 17.7 The Overview and Scrutiny Committee 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 Committee.

If more detailed evidence or consideration of the issues is required to

- determine the call-in, the Overview and Scrutiny Committee may during that period hold one or more additional meetings to determine the call-in.
- 17.8 The Overview and Scrutiny Committee may require the relevant Executive Committee member with responsibility or another member of the Executive Committee, if appropriate, to attend any meeting and explain the decision taken by Executive Committee.
- 17.9 Having considered the decision subject to the call-in, the Overview and Scrutiny Committee 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 Committee considers:-
- a. the Executive Committee 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 Committee 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 Committee refers the decision to the Executive Committee for reconsideration under paragraph 17.9b implementation of the decision is deferred pending the meeting of the Executive Committee at which it is reconsidered.
- 17.13 If the Overview and Scrutiny Committee 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 Executive Committee to reconsider the decision, implementation of the decision remains deferred until the Executive Committee has reconsidered the matter.

- 17.14 Any report of the Overview and Scrutiny Committee or Council pursuant to paragraph 17.9b or c will be submitted to the Executive Committee 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 Executive Committee must give reasons for its decision. The decision taken by the Executive Committee following consideration of the report of the Overview and Scrutiny Committee or Council on the call-in is final.

- 17.15 The Chair or Vice-Chair of the Overview and Scrutiny Committee or, with the Chair's agreement, the Chair or other designated representative of a relevant Task and Finish Group, may attend any meeting of the Executive Committee at which a report of the Overview and Scrutiny Committee is being considered and may speak but not vote.
- 17.16 A decision of the Executive Committee may be called in only once.
- 17.17 The call-in procedure shall not apply where the decision being taken by the Executive Committee 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 Mayor 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 Mayor, the Deputy Mayor'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 Committee, 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 any of the Overview and Scrutiny Committee 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 Committee'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**

- 19.1 All petitions submitted to the Council will be dealt with in accordance with the adopted Petitions Protocol.
- 19.2 The Overview and Scrutiny Committee will consider relevant petitions, and determine whether any further action is required, which may be action by Officers, by the Executive Committee, or by the full Council.

**20. Public speaking**

- 20.1 *Members of the public, and other interested parties, shall be entitled to participate in Overview and Scrutiny Committee meetings.*
- 20.2 *A person wishing to address the Overview and Scrutiny Committee must give notice to the Democratic Services Team of his or her intention to do so by 12 noon on the day of the Overview and Scrutiny Committee meeting in question.*
- 20.3 *Members of the public who register to speak at meetings of the Overview and Scrutiny Committee will each be allowed to speak for no more than three minutes.*
- 20.4 *At any meetings not more than 15 minutes in total shall be devoted by the Overview and Scrutiny Committee to Public Speaking, provided that the Chair may at his or her discretion extend the time if the chair and a majority of those present agree.*
- 20.5 *The Committee Chair shall have the discretion:*
- (i) In exceptional circumstances, to allow late additions to the list of public speakers.*
  - (ii) To decide not to allow speeches, which merely repeat representations made in earlier speeches and which are inaccurate.*



- (iii) Depending on circumstances, to vary the periods of time referred to in paragraphs 20.3 and 20.4 where s/he deems it appropriate.*
- 20.5 *Direct or open questioning and discussion / debate between Public speakers and either Members or Officers will not be allowed during Public Speaking. Any such matters raised may be answered by Members / Officers only after the close of Public Speaking, or will be addressed during the subsequent debate. At no time will direct discussion between Members or Officers with a Public Speaker be permitted.*
- 20.6 *After the close of Public Speaking, no other inputs will be permitted from the 'public gallery', other than at the discretion of the Chair, and subject to relevant Officer advice, if exceptional circumstances warrant this.*

**APPENDIX A****TASK GROUPS PROCEDURE NOTES****1. Appointment of Chair**

The Chair of a Task Group will be a member of the Overview and Scrutiny Committee and will be appointed by the Overview and Scrutiny Committee.

**2. Appointment to and membership of Task Groups**

2.1 The Overview and Scrutiny Committee will arrange for written notice of the establishment of a Task Group, together with a general description of the nature of the work to be undertaken by the Task Group, to be given to;

- Party Group Leaders; and
- all Councillors who are not members of the Executive Committee

2.2 Members of the Executive Committee cannot become members of Task Groups.

2.3 The size of each Task Group may vary but as a general rule Task Groups should have a minimum of three members (for instance for 'short, sharp reviews) and normally no more than five members.

2.4 For purposes of continuity, Task Group members who cannot attend a meeting of a Task Group may not appoint a substitute member.

**3. Co-opted members**

3.1 The Overview and Scrutiny Committee or, with their agreement, a Task and Finish Group, may co-opt members to the Task Group who are not elected Councillors.

3.2 Co-opted members will have no voting rights.

**4. Proportional allocation of seats**

Task Groups are not covered by the requirement for seats to be allocated on the basis of political group proportionality.

**5. Terms of reference**

- 5.1 The Overview and Scrutiny Committee will determine the terms of reference for the Task Group by approving a 'Scoping Document' for each review (Appendix E refers).
- 5.3 The Overview and Scrutiny Committee will consider any request from the Task Group for modification of its terms of reference.
- 5.4 The Task Group will be responsible for identifying those witnesses who need to be called to give evidence.

**6. Working**

- 6.1 A Task Group should carry out its investigation in accordance with the Overview and Scrutiny Procedure Rules.
- 6.2 A Task Group does not have any powers to take any decisions. It should consider the issues it has been asked to investigate and submit a report to the Overview and Scrutiny Committee which will then decide whether or not to make any recommendations to the Executive Committee.

**7. Timescales**

Timescales for the work of Task and Finish Groups will be established in the approved Scoping Document for any given review. Task Groups will not be disbanded until the report of the Overview and Scrutiny Committee has been considered by the Executive Committee and any questions or issues raised by the Executive Committee have been resolved.

**8. Monitoring**

Task Groups will, normally via their Chair, provide the Overview and Scrutiny Committee with regular updates on their work. In considering those regular updates the Overview and Scrutiny Committee may suggest areas of work or issues for consideration or investigation by the Task Group which fall within the terms of reference.

**9. Final report**

- 9.1 The Overview and Scrutiny Committee will consider in detail the final report of the Task Group and the Task Group will respond to any requests by the Overview and Scrutiny Committee to substantiate and justify any proposals it brings forward.

- 9.2 Final Overview and Scrutiny Committee reports will be prepared and submitted in a form which the Committee agrees. However, all standard elements required in general Officer reports to the Executive Committee (such as Financial, Legal and other Implications sections) will be expected to be provided by the Overview and Scrutiny Committee, in adequate detail, before the Executive Committee considers a report.
- 9.2 Members of the Task Group who disagree with the majority report of the Task Group may produce one minority report, which may put forward alternative proposals. This will then be considered alongside the report of the Task Group by the Overview and Scrutiny Committee. The Overview and Scrutiny Committee will then decide which recommendations it wishes to support.
- 9.3 A Task Group Chair shall be responsible for ensuring that the recommendations in the final report of the Task Group fairly and accurately reflect the findings of the Task Group.

**10. Agenda, Minutes of and Public Access to Task Group meetings**

- 10.1 Agendas for Task Group meetings are usually only circulated to members of the Task Group, and relevant support / professional Officers / co-optees.
- 10.2 Members of the Overview and Scrutiny Committee are entitled to attend and participate in meetings of the Task Group at the discretion of the Task Group Chair but have no voting rights at Task Group meetings. The Task Group Chair will balance demand for such participation against the need to maintain the small size of the Task Group.
- 10.3 The public has no right to attend Task Group meetings, nor a right of access to the agendas and minutes (beyond those rights provided by the Freedom of Information Act). However, wider publication may be permitted, if the Task Group so determines, subject to the agreement of the Overview and Scrutiny Committee Chair.

**APPENDIX B****CRIME AND DISORDER SCRUTINY PANEL****Terms of Reference****CONSTITUTION**

The Panel will operate as a formal 'Sub-Committee' of the Overview and Scrutiny Committee and will be Redditch Borough Council's designated Crime and Disorder Scrutiny Committee in accordance with Sections 19 and 20 of the Police and Justice Act 2006.

The Panel shall comprise such number of Members as may be determined at the Annual Meeting of the Council.

The Chair of the Panel will be a member of a political group not forming part of the ruling administration. The Chair will also be a member of the parent Overview and Scrutiny Committee.

The Panel will have the power to commission specific policy reviews relating to the work of the Community Safety Partnership. These could be undertaken as Task and Finish Groups. Each Task and Finish Group established by the Crime and Disorder Scrutiny Panel will be led by an identified member of the Crime and Disorder Scrutiny Panel.

For the purposes of continuity, substitute membership on Task and Finish Groups is discouraged and allowed only at the Chair's discretion.

**RULES OF OPERATION**

The Panel has power to discuss, but no power to make decisions on, matters listed in the Terms of Reference below.

It shall meet as often as necessary, though it shall have at least 1 scheduled meeting per year.

Meetings shall normally take place early evening.

The Panel shall advise and make recommendations to the Overview and Scrutiny Committee. The Chair of the Scrutiny Panel will report on the work of the Panel at meetings of the Overview and Scrutiny Committee.

For the purpose of accountability, adequate notes shall be taken of business transacted, which shall be available for inspection by other Members of the Council, subject to proper control, in accordance with the Code of Conduct, of information deemed by the Proper Officer to be exempt.

TERMS OF REFERENCE

The Crime and Disorder Scrutiny Panel will be Redditch Borough Council's designated Crime and Disorder Scrutiny Panel in accordance with Sections 19 and 20 of the Police and Justice Act 2006.

The Panel will carry out the following functions:

- a) to hold the Redditch Community Safety Partnership to account for its decision making;
- b) to scrutinise the performance of the Redditch Community Safety Partnership;
- c) to undertake policy reviews of specific crime and disorder issues;
- d) to highlight and challenge people's perceptions of crime and disorder in the local area;
- e) to undertake community engagement and consultation to establish local people's priorities for crime and disorder issues; and
- f) to promote the positive work of the Redditch Community Safety Partnership.

OFFICER SUPPORT

The work of the Crime and Disorder Scrutiny Panel will be supported by Democratic Services Officers.

**APPENDIX C****WITNESS GUIDANCE NOTES****Guidance for Witnesses Giving Evidence at Overview and Scrutiny Committee Meetings****What is Overview and Scrutiny?**

The Councillors at Redditch Borough Council work to represent the interests of local residents. The Councillors on the Overview and Scrutiny Committee review local policies and make recommendations that are designed to improve existing services. The Committee often delegates review work to Task Groups which investigate an issue in detail and are dissolved once a project has been completed.

The Overview and Scrutiny process draws on evidence from Councillors, Council Officers and from sources outside the Council. The Overview and Scrutiny Committee cannot work successfully in isolation. The Council therefore often calls on the expertise of local people, service partners and community groups.

**Why have I been invited to act as a witness?**

You have been invited to act as a witness because your views are important to the Councillors. Your expert opinion can help Councillors to gain an understanding of the issue that they are reviewing. As a guest of the Committee you will not be interrogated or asked questions that seek to catch you out. The Councillors will attempt to put you at your ease as they realise that you have given up your time to help them. Notes will be taken of the proceedings. This is merely for the purpose of producing minutes of the meeting.

**Is it compulsory to attend?**

It depends on who you are. Councillors and Council Officers must attend meetings if requested by Overview and Scrutiny Committee members. Attendance is not compulsory for any other witnesses who are asked to attend a meeting.

**Can someone be nominated to attend on my behalf?**

If you cannot attend, you can nominate another person to come on your behalf. That person must be fully briefed on the issue. Committees sometimes invite an organisation to give evidence. In this case, it is up to you to decide who should attend.

It may be possible for the Committee to consider a written submission from you. The Committee may then come back to you at a later date if there are matters that have not been dealt with or where the Councillors would appreciate clarification about points you have raised in your written submission. This is something you can discuss with a Democratic Services Officer.

### **What if I cannot attend on the date of the Committee meeting?**

If you are unable to attend the Committee meeting on the date suggested please contact the Democratic Services Officer to discuss whether attendance on a different date might be an option. Alternatively, if the Officer advises that it is important for the discussions to go ahead on this date you could nominate a representative to attend the meeting on your behalf.

### **Do witnesses get paid for attending Overview and Scrutiny meetings?**

You will not be paid for giving evidence at an Overview and Scrutiny Committee meeting. However, we will reimburse reasonable expenses. Please retain your receipts and hand these to a Democratic Services Officer. The Officer will ensure that you are reimbursed for these costs.

### **Where are Overview and Scrutiny meetings held?**

Most of Redditch Borough Council's Overview and Scrutiny meetings are held at Redditch Town Hall. The Town Hall is located in Walter Stranz Square in the Town Centre. The Town Hall's Committee Rooms are air-conditioned and have full access for people with disabilities. Parking facilities are available at the Town Hall during evenings and weekends. During office hours Car Park 2 is available adjacent to the Town Hall. The Democratic Services Officer will inform you of the exact arrangements for your meeting.

When you arrive at the Town Hall please report to reception and ask for the Democratic Services Officer. The Officer will provide you with an ID card, will discuss the proceedings with you and will show you to your seat in the Committee room. .

### **Who will be present at the meeting?**

A number of Councillors and Council Officers, including the Democratic Services Officer, will be present at the meeting. Co-opted members may also attend the meeting if it addresses a topic which is of interest to them. Other witnesses may also have been invited to give evidence at the meeting.



Many Overview and Scrutiny Committee meetings are open to the public. You may therefore find that members of the public or press attend the proceedings. If you feel that the presence of the public or press would make you feel uncomfortable please contact the Democratic Services Officers to discuss the matter further.

Following recent changes in legislation it is now possible for people present at a public Committee meeting to film or record the proceedings. If you would prefer not to feature in any video recording please contact the Democratic Services Officer in advance of the meeting to discuss the matter further. These filming rights do not extend to Task Group meetings which are held in private.

### **Will I have to give a presentation?**

Sometimes the Committee asks witnesses to give a short presentation.. The Democratic Services Officers will inform you in advance if you have been invited to deliver a presentation. On other occasions the Councillors will ask you to answer a number of questions. If you are expected to answer questions at the meeting you will be sent a copy of the questions in advance. You may find it convenient to prepare your answers before the meeting takes place. The Councillors may ask you some additional questions based on the answers that you provide. They may also ask for your opinion about evidence provided by other witnesses at the meeting.

Alternatively, you may be asked to submit written evidence to the meeting. Any written evidence should include the main points of your opinion about the subject being discussed. If you submit the written evidence in advance please assume that the Councillors have read the document before the meeting takes place.

### **How are witnesses treated at Overview and Scrutiny Committee meetings?**

Redditch Borough Council is committed to treating witnesses in a respectful and courteous manner. Please be aware that information about individuals who give evidence, such as addresses, is only available to senior Officers. The Council will not give your personal details to other organisations or individuals.

### **What will happen after the meeting?**

Once the Councillors have finished collecting evidence, they will produce a report summarising their findings. The report will make recommendations for future action. This report will acknowledge any sources of written and oral evidence provided to the Councillors.

As a valued contributor to the Committee the Council will keep you informed on future progress. We will send you a copy of the Overview and Scrutiny Committee's final report with its recommendations.

The Councillors will monitor the implementation of the group's recommendations. You may be invited to attend future meetings that monitor the outcomes of the proceedings.

### **Further Information:**

If you have any concerns or wish to have an informal chat about contributing to the Overview and Scrutiny process at Redditch Borough Council please contact one of the Democratic Services Officers.

### **Contacts**

Jess Bayley  
Democratic S's Officer  
Tel: (01527) 64252  
Extension: 3268

Amanda Scarce  
Democratic S's Officer  
Tel: (01527) 881443

E-mails: [jess.bayley@bromsgroveandredditch.gov.uk](mailto:jess.bayley@bromsgroveandredditch.gov.uk) /  
[a.scarce@bromsgroveandredditch.gov.uk](mailto:a.scarce@bromsgroveandredditch.gov.uk) .

Address: Redditch Borough Council, Town Hall, Walter Stranz Square, Redditch,  
Worcestershire B98 8AH

**APPENDIX D****CALL- IN REQUEST FORM**

I am / We are exercising the right to call in a decision in accordance with the Overview & Scrutiny Procedure Rules, on the basis that:

**1. Details of the decision to be called in**

1.1 The decision to be called in is that taken on *[insert date]*:

1.2 and the decision was to:

- 1.3 The decision was: *[delete as appropriate]*
- an Executive Committee Decision; OR
  - a Key Decision made by an Officer under delegated powers.

**2. Grounds for Call In**

2.1 The reason for the request for call-in is that I / We have evidence which suggests that the decision was not taken in accordance with one or more of the principles of Decision Making in Article 13 of the Constitution, as indicated below:

*[delete as appropriate]*

- Decisions based on consideration of the full facts.
- Proportionality (action must be proportionate to the proposed outcome).
- Due consultation and the taking of professional officer advice.
- Respect for Human Rights.
- A presumption in favour of openness.
- Clarity of aims and desired outcomes.
- Due regard for the Council's environmental objectives.
- Due regard to the Council's duties in respect of Crime and Disorder.
- Clear explanations of the options considered and the reason for the decisions taken.

2.2 The evidence suggesting the decision was not taken in accordance with the principles indicated in 2.1 above is that:

**3. Councillors requesting Call In**

3.1 This request is delivered by:

Name: Signed:	
Name: Signed:	
Name: Signed:	
Name: Signed:	
Name: Signed:	
Name: Signed:	

Date:	
-------	--

**Note:**

**A request for Call-in may only be made by:**

- **The Chair of the Overview & Scrutiny Committee; OR**
- **3 members of the Overview and Scrutiny Committee; OR**
- **Any 5 members of the Council, who are not members of either the Overview and Scrutiny Committee or the Executive Committee.**

**Please return this form, by hand, post or e.mail, within 5 clear working days of publication of the decision to:**

**The Overview and Scrutiny Support Team,  
Redditch Borough Council,  
Town Hall, Walter Stranz Square,  
Redditch, B98 8AH  
Email: [democratic@redditchbc.gov.uk](mailto:democratic@redditchbc.gov.uk)**

**APPENDIX E**

**SCOPING DOCUMENT**

**Scrutiny Proposal Form**

(This form should be completed by sponsoring Member(s), Officers and / or members of the public when proposing an item for Scrutiny).

**Note:** The matters detailed below have not yet received any detailed consideration. The Overview and Scrutiny Committee reserves the right to reject suggestions for scrutiny that fall outside the Borough Council's remit.

Proposer's name and designation		Date of referral	
Proposed topic title			
Link to national, regional and local priorities and targets			
Background to the issue			
Key Objectives Please keep to SMART objectives (Specific, Measurable, Achievable, Relevant and Timely)			
How long do you think is needed to complete this exercise? (Where possible please estimate the number of weeks, months and meetings required)			

**Please return this form to:**

**The Overview and Scrutiny Support Team,  
Redditch Borough Council,  
Town Hall,  
Walter Stranz Square,  
Redditch, B98 8AH  
Email: [democratic@redditchbc.gov.uk](mailto:democratic@redditchbc.gov.uk)**