



# Council

Mon 15 Jun  
2015  
7.00 pm

Council Chamber  
Town Hall  
Redditch

**REDDITCH** BOROUGH COUNCIL

*making  
difference*

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**If you have any queries on this Agenda please contact  
Democratic Services  
Democratic Services**

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# Council

Monday, 15th June, 2015

7.00 pm

Council Chamber Town Hall

## Agenda

### Membership:

Cllrs:	Pattie Hill (Mayor)	Gay Hopkins
	Joe Baker (Deputy Mayor)	Wanda King
	Tom Baker-Price	Jane Potter
	Roger Bennett	Gareth Prosser
	Natalie Brookes	Antonia Pulsford
	Juliet Brunner	Mark Shurmer
	David Bush	Rachael Smith
	Michael Chalk	Yvonne Smith
	Greg Chance	Paul Swansborough
	Anita Clayton	Debbie Taylor
	Brandon Clayton	David Thain
	Matthew Dormer	Jennifer Wheeler
	John Fisher	Pat Witherspoon
	Andrew Fry	Nina Wood-Ford
	Bill Hartnett	

<b>1. Welcome</b>	The Mayor will open the meeting and welcome all present.
<b>2. Apologies</b>	To receive any apologies for absence on behalf of Council members.
<b>3. Declarations of Interest</b>	To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.
<b>4. Minutes</b> (Pages 1 - 22) Kevin Dicks, Chief Executive	To confirm as a correct record the minutes of the Annual meeting of the Council held on 21 <sup>st</sup> May 2015.

# Council

Monday, 15th June, 2015

<p><b>5. Announcements</b></p>	<p>To consider Announcements under Procedure Rule 10:</p> <ul style="list-style-type: none"><li>a) Mayor's Announcements</li><li>b) Leader's Announcements</li><li>c) Chief Executive's Announcements.</li></ul> <p>(Oral report)</p>
<p><b>6. Questions on Notice</b> Kevin Dicks, Chief Executive</p>	<p>No questions have been submitted to date under Procedure Rule 9.2.</p>
<p><b>7. Motions on Notice</b> Kevin Dicks, Chief Executive</p>	<p>No Motions have been submitted under Procedure Rule 11.</p>
<p><b>8. Executive Committee</b> (Pages 23 - 38) Kevin Dicks, Chief Executive</p>	<p>To receive the minutes and consider the recommendations and/or referrals from the following meetings of the Executive Committee:</p> <p>14<sup>th</sup> April 2015 – there are no recommendations from this meeting;</p> <p>9<sup>th</sup> June 2015 – there are likely to be recommendations from this meeting about the Equal Opportunity Policy.</p> <p>Reports are attached. Minutes from 14<sup>th</sup> April in minute book no.1, those from the 9<sup>th</sup> June to follow.</p>
<p><b>9. Regulatory Committees</b> Kevin Dicks, Chief Executive</p>	<p>To formally receive the minutes of the following meetings of the Council's Regulatory Committees:</p> <p>Licensing Committee: 2<sup>nd</sup> March 2015</p> <p>Planning Committee: 11<sup>th</sup> March 8<sup>th</sup> April 29<sup>th</sup> April</p> <p>Minutes in Minute book no.1 2015-16</p>

# Council

Monday, 15th June, 2015

<p><b>10. Constitution update - Officer Employment Rules</b>  (Pages 39 - 50)</p>	<p>To consider a report updating the Officer Employment Rules as required by new legislation.</p>
<p><b>11. Appointment to the Joint Scrutiny Committee for the GBSLEP Supervisory Board</b></p>	<p>To appoint one representative and one substitute to the Joint Committee.</p>
<p><b>12. Membership of Licensing Committee</b></p>	<p>To note that Councillor King has been appointed to the Licensing Committee in place of Councillor Y Smith.</p>
<p><b>13. Urgent Business - Record of Decisions</b>  Kevin Dicks, Chief Executive</p>	<p>To note any decisions taken in accordance with the Council's Urgency Procedure Rules (Part 6, Paragraph 5 and/or Part 7, Paragraph 15 of the Constitution), as specified.</p> <p>(None to date).</p>
<p><b>14. Urgent Business - general (if any)</b></p>	<p>To consider any additional items exceptionally agreed by the Mayor as Urgent Business in accordance with the powers vested in her by virtue of Section 100(B)(4)(b) of the Local Government Act 1972.</p> <p>(This power should be exercised only in cases where there are genuinely special circumstances which require consideration of an item which has not previously been published on the Order of Business for the meeting.)</p>

## 15. Exclusion of the Public

Should it be necessary, in the opinion of the Chief Executive, to consider excluding the public from the meeting in relation to any items of business on the grounds that exempt information is likely to be divulged it may be necessary to move the following resolution:

**“that, under S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following matter(s) on the rounds that it/they involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs (*to be specified*) of Part 1 of Schedule 12 (A) of the said Act, as amended.”**

**[Subject to the “public interest” test, information relating to:**

- **Para 1 – any individual;**
- **Para 2 – the identity of any individual;**
- **Para 3 – financial or business affairs;**
- **Para 4 – labour relations matters;**
- **Para 5 – legal professional privilege;**
- **Para 6 – a notice, order or direction;**
- **Para 7 – the prevention, investigation or prosecution of crime;**

**may need to be considered as ‘exempt’.]**

## 16. -

(Note: Anyone requiring copies of any previously circulated reports, or supplementary papers, should please contact Committee Services Officers in advance of the meeting.)



# Council

Thursday, 21 May 2015

## MINUTES

### Present:

Councillor Pat Witherspoon (Mayor), Councillor Pattie Hill (Deputy Mayor) and Councillors Joe Baker, Tom Baker-Price, Roger Bennett, Natalie Brookes, Juliet Brunner, David Bush, Michael Chalk, Greg Chance, Anita Clayton, Brandon Clayton, Matthew Dormer, John Fisher, Andrew Fry, Bill Hartnett, Gay Hopkins, Wanda King, Jane Potter, Gareth Prosser, Antonia Pulsford, Mark Shurmer, Rachael Smith, Yvonne Smith, Paul Swansborough, Debbie Taylor, David Thain, Jennifer Wheeler and Nina Wood-Ford.

### Officers:

Kevin Dicks, Sue Hanley and Claire Felton

### Committee Services Officer:

Sheena Jones

### 1. APOLOGIES

There were no apologies for absence.

### 2. DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

### 3. MAYOR'S OPENING REMARKS

The Mayor commented that she had had an incredible year representing the people of Redditch across Worcestershire and beyond and had attended nearly 200 events accompanied by her husband and family. She had met people from Redditch who worked tirelessly for others and highlighted some of her special moments which included brass bands, youth music, the Older Tones (a group of over 80 year olds) and events such as Morton Stanley Festival and the Arrow Valley events, also the Freedom for the 37<sup>th</sup> Signals and the commemoration of WW1.

The Mayor gave her thanks to her husband, John and her family, to the Scouts and Guides and their leaders for their support, together

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Chair

with her Chaplin for the year, Paul Lowlor and Steve Lovett. The Mayor also thanked her deputy, Councillor Pattie Hill for standing in for her when needed. Special thanks were also given for the support provided by the Civic Team.

a) Award for outstanding Service to the Community

The Mayor's Annual Award for outstanding contribution to the community, which had been instituted in 2010, was this year awarded to two people. The first recipient was Ms Judith Scott in recognition for her work in the community and in particular over 50 years' service to the scouting movement. The second recipient of the award was Mr Nitin Sodah for his outstanding contribution to health care within the community and the development and support of multi faith events such as the recent Faith Walk.

b) Mayoral Charities

The Mayor informed the Council that a total of £7,019.06 had been raised throughout the year for her charities, Redditch Mental Health Action Group and Friends of Redditch Dementia. Representatives of each of these were presented with a cheque for £3,000. The Mayor explained that she would like the remainder of the money raised to go to the Charlotte and Craig Saving Hearts Foundation to continue the work to put defibrillators in schools, clubs and other public places and presented the cheque to Robert and Maggie Underwood.

#### **4. ELECTION OF THE MAYOR FOR 2015-16**

Councillor Pattie Hill was elected Mayor of the Borough for the forthcoming year, following which she made the statutory declaration of Acceptance of Office and was then invested with the Chain of Office by the outgoing Mayor, Councillor Pat Witherspoon. Councillor Hill thanked the outgoing Mayor and, on behalf of the Council, expressed gratitude for the work she had carried out as an ambassador for the town.

Councillor Hill informed the Council that she was privileged to be taking on the role of Mayor and that last year, the 50<sup>th</sup> anniversary of Redditch becoming a new town, had enabled her to meet many previously unknown people who had helped shape the town. She had chosen three charities to support, these being Redditch First Responders, who work on behalf of West Midlands Ambulance Service; Redditch Cat Rescue, who had helped within her ward to ensure the safety and wellbeing of animals; and Touchstones who provided a brighter future for all children and young people by helping them to cope with the loss of someone close.

The Mayor was pleased to be able to announce that the Sea Cadets would be supporting her during her mayoral year and



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presented cadets badges to Lance Corporal Charlie Schroeder and Leading Cadet Chris Adams.

The new Mayor announced that she had asked the Reverend Paul Lawlor of St Stephens Church to be her Chaplin for the coming year. In respect of forthcoming events, the Mayor highlighted a trip to Auxerre commencing the next day and a variety of mayoral engagements.

## **RESOLVED that**

- 1) **Councillor Pattie Hill be, and hereby is, elected Mayor of the Borough of Redditch to serve until the next Annual Meeting of the Council; and**
- 2) **the Council formally express, and record, its gratitude to Councillor Pat Witherspoon for her excellent service to the town over the last 12 months as Mayor.**

**Councillor Pattie Hill, Mayor, in the Chair**

## **5. ELECTION OF DEPUTY MAYOR**

Councillor Joe Baker was elected Deputy Mayor of the Borough of Redditch for the forthcoming year, following which he made the statutory declaration of Acceptance of Office and was then invested with the Deputy Mayor's Badge of Office by the Mayor, Councillor Pattie Hill.

## **RESOLVED that**

**Councillor Joe Baker be, and hereby is, appointed Deputy Mayor of the Borough of Redditch to serve until the next Annual Meeting of the Council.**

## **6. ANNOUNCEMENTS**

### a) Mayor

The Mayor had no further announcements.

### b) Leader

The Leader's Announcements were as follows:

- The Leader gave his thanks to the outgoing Mayor for the work carried out during her year of office, together with congratulations to the new Mayor and her Deputy.
- Following the recent elections, the new and re-elected Councillors were welcomed to the Council and congratulated on their success.

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- The Leader had attended a number of events including the Redditch Faith walk which took place across 3 venues and was attended by 200 people.
- The Leader had also attended the Alex Rally, the Leaders Board of the Greater Birmingham and Solihull LEP, where funding from the business rates pool to fund 3 skills co-ordinators had been discussed. It was the Leader's intention that this be used to facilitate the Council's ambition for an engineering academy to be based in the Borough.
- The staff awards ceremony, the VE 70<sup>th</sup> Anniversary exhibition and the Cycle Race had also been attended by the Leader, together with a meeting with Friends of Gruchet-le-Valasse.
- The Leader also provided Members of the Council with the Bandstand programme for the summer and explained that whilst there were a reduced number of events, each event would now last 4 hours and cover a particular theme.

Councillor Juliet Brunner also took the opportunity to thank the outgoing Mayor and new Mayor together with welcoming the new Councillors to the Chamber.

c) Chief Executive

The Chief Executive had no announcements.

## 7. MINUTES

### RESOLVED that

**The minutes of the meeting of the Council held on 30<sup>th</sup> March 2015 be agreed as a correct record and signed by the Mayor.**

## 8. RETURNING OFFICER'S REPORT

The report of the Returning Officer in respect of the recent elections was received by the Council.

### RESOLVED that

**the report be noted.**

## 9. LEADER'S APPOINTMENTS

The Leader announced his appointments as set out below:

The Executive Committee

Leader of the Council by office, Councillor Bill Hartnett and Deputy Leader by office, Councillor Greg Chance and Councillors John Fisher, Mark Shurmer, Yvonne Smith, Debbie Taylor and Pat Witherspoon.

With Councillors Juliet Brunner and Brandon Clayton sitting without portfolios.

Portfolio Holders

Community Leadership & Partnership inc. Vol. Sector and Health services – Cllr Bill Hartnett

Local Environment – aligned to Keep My Place Safe and Looking Good – Cllr Debbie Taylor

Licensing impacts \*, Better Environment, Cleansing & Waste Management, Regulatory Services, Climate Change, Landscape including trees, woodland and grounds maintenance and bereavement services.

Corporate Management – aligned to Help me to be financially independent (including education & skills) & Enabling – Cllr John Fisher

Internal systems, support services: Administration, Audit, Finance, Human Resources, IT, Conduct of Council, Committee business, Local Democracy and Licensing process\*, Revenues and Benefits.

Planning, Regeneration, Economic Development and Transport – aligned to Help me run a successful business – Cllr Greg Chance

Planning & Land use, Economic Development, Public Transport

Community Safety and Regulatory Services – aligned to Help me to live my life independently (including health & activity) – Cllr Yvonne Smith

Children, Youth, Children's Centres, Community Safety, Crime & Disorder, Safer Communities, Corporate Parenting and Emergency Planning

Housing – aligned to Help me find somewhere to live in my locality – Cllr Mark Shurmer

Housing Services

Leisure and Tourism – aligned to Provide good things for me to see, do & visit – Cllr Pat Witherspoon

Culture & Recreation including management of facilities including sports centre, theatres and community centres, parks and open spaces strategy including allotments, playing pitches and play areas, Sports, Arts & Physical Activity Development ; Community Training, Education, Learning & Skills.

**RESOLVED that**

**The appointment by the Leader of Members to the Executive Committee as detailed in the preamble above be noted.**

**10. APPOINTMENT OF COMMITTEES, PANELS ETC AND THEIR CHAIRS AND VICE-CHAIRS**

The Council considered the report setting out the proposed political balance of the Council's Committees and lists of nominations to Committees, Sub-Committees and other bodies.

**RESOLVED that**

- a) **the Political balance of the Committees of the Council be agreed as set out in the report;**
- b) **the arrangement where the seats on the Overview and Scrutiny Committee are not allocated in accordance with the political balance requirements be continued;**
- c) **the arrangement where the seats on the Crime and Disorder Scrutiny Panel are not allocated in accordance with the political balance requirements be continued;**
- d) **appointments by political group leaders to the places on each Committee etc. as attached at Appendix 1 to these minutes, be noted;**
- e) **the Council appoints the non-aligned Councillor to the Overview and Scrutiny and Crime and Disorder Committees;**
- f) **the Council appoints Chairs and Vice-Chairs to the Committees and other bodies as set out in Appendix 1; and**

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- g) appointments to Working Groups and other bodies listed in the appendix be agreed.

**11. OUTSIDE BODIES****RESOLVED that**

**Appointments by political group leaders to the places on each of the Outside Bodies as detailed in Appendix 2 attached to these Minutes be noted.**

**12. URGENT BUSINESS - GENERAL (IF ANY)**

There were no additional items of urgent business.

**13. URGENT BUSINESS - RECORD OF DECISIONS**

There were no urgent decisions to note.

The Meeting commenced at 7.00 pm  
and closed at 7.47 pm



## Annual Meeting of the Council

21st May 2015

### Appointments to Committees, Sub-Committees etc.

Committee / Sub-Committee etc.	Size (Members)	Labour	Conservative	Other
<b>Audit, Governance and Standards Committee</b>	<b>9</b>	5 Cllrs Brookes Fisher Fry R Smith Witherspoon	4 Cllrs Thain (Ch) Potter (V-Ch) Chalk Prosser	0  Plus 2 non-voting independent co-optees
<b>Licensing Committee</b>	<b>11</b>	6 Cllrs Brookes Fry (V-Ch) R Smith Y Smith Wheeler Witherspoon (Ch)	5 Cllrs A Clayton Baker-Price Bennett Hopkins Pulsford	0
<b>Planning Committee</b>	<b>9</b>	5 Cllrs Baker Fry (Ch) King Y Smith (V-Ch) Wood-Ford	4 Cllrs Bennett Chalk Dormer Thain	0
<b>Overview and Scrutiny Committee</b>	<b>9</b>	4 Cllrs Baker Fry Wheeler Wood-Ford	4 Cllrs Potter (Ch) Hopkins (V-Ch) Bush Prosser	1 Cllr Swansborough
<b>Crime and Disorder Scrutiny Panel</b>	<b>5</b>	2 Cllrs King Wood-Ford	2 Cllrs Prosser Potter	1 Cllr Swansborough

REDDITCH BOROUGH COUNCIL**Annual Meeting  
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<b>Committee / Sub- Committee etc.</b>	<b>Size (Members)</b>	<b>Labour</b>	<b>Conservative</b>	<b>Other</b>
<b>LGBT Community Task Group</b>	<b>4</b>	2 Cllrs Baker (Ch) Brookes	2 Cllrs Hopkins Thain	-
<b>Employment Appeals Committee</b>	<b>5</b>	3 Members Cllrs Chance (Ch) Witherspoon (V-Ch) Wood-Ford	2 Members (from pool) Cllrs Baker-Price Bennett Brunner Bush Chalk A Clayton B Clayton Dormer Hopkins Potter Prosser Pulsford Thain	
<b>Corporate Health, Safety and Welfare Committee</b>	<b>1</b>	1 Member Y Smith	-	-
<b>Licensing Sub- Committee A</b>	<b>3</b> Terms of reference require Panels to be made up of 3 Members to be selected from the Licensing Committee	From: Cllrs Brookes Fry (V-Ch) R Smith Y Smith Wheeler Witherspoon (Ch)	From: Cllrs A Clayton Baker-Price Bennett Hopkins Pulsford	-



REDDITCH BOROUGH COUNCIL**Annual Meeting  
of the Council**

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<b>Committee / Sub- Committee etc.</b>	<b>Size (Members)</b>	<b>Labour</b>	<b>Conservative</b>	<b>Other</b>
<b>Licensing Sub- Committee B</b>	<b>5</b>	3 Members Cllrs Fry (V-Ch) R Smith Witherspoon (Ch)	2 Members Cllrs Baker- Price Pulsford	-
<b>Shared Services Board</b>	<b>4</b>	3 Members Cllrs Hartnett (Ch) Chance Taylor (Cllrs Fisher, Shurmer and Y Smith Substitutes).	1 Member Cllr Brunner	-
<b>Members' Support Steering Group</b>	<b>5</b>	3 Members Cllrs Brookes Fisher (Ch) Hartnett (V-Ch)	2 Members Cllrs Brunner Baker-Price	-
<b>Worcestershire Shared Services Joint Committee</b>	<b>2 (+ 2 subs)</b>	1 Member Cllr Fisher (Cllr Witherspoon – Substitute)	1 Member Cllr B Clayton (Cllr Hopkins Substitute)	-
<b>Economic Theme Group</b>	<b>5</b>	3 Members Cllrs Chance (V-Ch) Hartnett (Ch) Taylor	2 Members Cllrs Bush Thain	-

REDDITCH BOROUGH COUNCIL**Annual Meeting  
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<b>Committee / Sub- Committee etc.</b>	<b>Size (Members)</b>	<b>Labour</b>	<b>Conservative</b>	<b>Other</b>
<b>Housing Advisory Panel</b>	<b>5</b>	3 Members Cllrs Chance Hartnett (V-Ch) Shurmer (Ch)	2 Members Cllrs B Clayton Potter	-
<b>Planning Advisory Panel</b>	<b>5</b>	3 Members Cllrs Chance (Ch) Hartnett (V-Ch) Taylor	2 Members Cllrs Bush Dormer	-
<b>Constitutional Review Working Party</b>	<b>5</b>	3 Members Cllrs Baker Fisher (V-Ch) Hartnett (Ch)	2 Members Cllrs Brunner Potter	-
<b>Grants Panel</b>	<b>5</b>	3 Members Cllrs Chance (V-Ch) Shurmer Y Smith	2 Members Cllrs Bush (Ch) B Clayton	-
<b>Holocaust Memorial Steering Group</b>	<b>5</b>	3 Members Cllrs Hartnett (Ch) Wheeler (V- Ch) Witherspoon	2 Members Cllrs A Clayton Pulsford	-
<b>Redditch Matters Editorial Panel</b>	<b>3</b>	2 Members Cllrs Hartnett (Ch) Taylor (V-Ch)	1 Member Cllr Baker-Price	-

REDDITCH BOROUGH COUNCIL**Annual Council**21<sup>st</sup> May 2015**BOROUGH COUNCIL REPRESENTATIVES ON  
OUTSIDE BODIES - NOMINATIONS****STRATEGIC APPOINTMENTS – TO NOTE:**

<b>Body</b>	<b>2014/15 Representative(s)</b>	<b>Notes / Terms</b>	<b>Nominees for 2015/16</b>
Local Government Association General Assembly	<b>Cllr B Hartnett</b>	1 Representative for 2014/15 (must be a Councillor) Term : 1 year No liability issues identified.	<b>Cllr B Hartnett</b>
West Mercia Police and Crime Panel	<b>Cllr Y Smith</b> <b>(as of Council on 15<sup>th</sup> Sept.14</b> <b>Cllr B Hartnett</b> <b>(Substitute as of Council on 8<sup>th</sup> Dec.14)</b>	1 representative (Relevant Portfolio Holder) and 1 substitute Term: 1 year No liability issues identified	<b>Cllr Y Smith</b>  <b>Sub: Cllr B Hartnett</b>
West Midlands Employers	<b>Cllr P Witherspoon</b>	1 Nominated Representative. Either Relevant Portfolio Holder responsible for Resources and / or Employment or alternatively, the Leader of the Council. Term: To each RBC AGM No liability issues envisaged.	<b>Cllr J Fisher</b>  <b>Sub: Cllr P Witherspoon</b>
Assembly of the District Councils' Network	<b>Cllr B Hartnett</b> <b>(as Leader of the Council)</b>	1 Nomination To represent the Council on the Assembly of this body which is a voice for District Councils within the Local Government Association. The Assembly of the DCN comprises the Leaders of the Member Authorities or equivalent. Term : 1 year No liability issues identified.	<b>Cllr B Hartnett</b>

REDDITCH BOROUGH COUNCIL**Annual Council**21<sup>st</sup> May 2015

Improvement and Efficiency Social Enterprise (IESE)	<b>Leader of the Council</b>	1 Council Voting Delegate (Leader) to be nominated.	<b>Cllr B Hartnett</b>
Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP)	<b>Cllr J-P Champion, Wyre Forest DC</b>  <b>(Cllr B Hartnett)</b> <b>(substitute)</b>	1 (plus 1 Substitute)	<b>Cllr J-P Champion, Wyre Forest DC</b>  <b>Sub: Cllr B Hartnett</b>
GBSLEP – Joint Committee (Local Supervisory Board)	<b>Leader Ex-officio for Redditch Borough Council.</b> <b>Deputy Leader Ex-officio for Redditch Borough Council</b>	1 Member (Leader) from each constituent Authority plus substitute	<b>Cllr B Hartnett</b>  <b>Sub: Cllr G Chance</b>
GBSLEP – Joint Committee (Local Transport Board)	<b>Councillor J. P. Champion representing, Bromsgrove, Redditch &amp; Wyre Forest Councils.</b> <b>Cllr P Mould(substitute representative)</b>	1 Member plus 1 substitute to represent the 3 North Worcestershire Councils.  Must be the Leader or nominated substitute.	<b>Cllr J-P Champion, Wyre Forest DC</b>  <b>Sub: Cllr R Laight, Bromsgrove DC</b>
GBSLEP - Local Enterprise Partnership - EU Structural and Investment Fund Strategy Committee (ESIF)	<b>Cllr John Fisher</b> <b>(Substitute as of Council on 8<sup>th</sup> Dec.14)</b>  Bromsgrove District Cllr Mike Webb  (Representative as of Cabinet on 7 <sup>th</sup> Jan.15)	1 Representative and 1 Substitute from the three North Worcestershire Districts.	<b>Cllr J Fisher</b>  <b>Sub: Dean Piper, North Worcs Economic Development &amp; Regeneration</b>

REDDITCH BOROUGH COUNCIL**Annual Council**21<sup>st</sup> May 2015

Worcestershire Local Enterprise Partnership (LEP)	<b>Councillor Sherrey, Bromsgrove District Council</b>	1 representative on behalf of the 3 North Worcestershire authorities – required by LEP constitution.	<b>Cllr M Sherrey, Bromsgrove DC</b>
Worcestershire LEP Area EU Structural and Investment Fund Strategy Committee (ESIF)	<b>Cllr John Fisher (Substitute as of Council on 8<sup>th</sup> Dec.14)</b> Bromsgrove District Cllr Mike Webb (Representative as of Cabinet on 7 <sup>th</sup> Jan. 15)	1 Representative and 1 Substitute to represent the three North Worcestershire Districts.	<b>Cllr J Fisher</b>  <b>Dean Piper, North Worcs Economic Development &amp; Regeneration</b>
Corporate Parenting Steering Group (Worcestershire County Council)	<b>Cllr Y Smith as of Council on 15<sup>th</sup> Sept. 14 following change in Portfolio Holder</b>	1 RBC Representative (elected) <u>Must be relevant Portfolio Holder</u> Until next RBC Annual Meeting. (Monthly meetings – approx. 2 hrs each time – generally Friday mornings – 9.30a.m. start) No liability issues identified.	<b>Cllr Y Smith</b>
Redditch Partnership (Local Strategic Partnership)	<b>Leader by Office</b>	1 Member Representative Leader Term : 1 year No liability issues identified.	<b>Cllr B Hartnett</b>
North Worcestershire Community Safety Partnership	<b>Cllr Y Smith</b>	1 representative and one named substitute Term: 1 year Terms of Reference indicate the representative should be the relevant Portfolio Holder, for each district Council has a place on the Partnership Board as an Invitee to Participate. No liability issues identified.	<b>Cllr Y Smith</b>

REDDITCH BOROUGH COUNCIL**Annual Council**21<sup>st</sup> May 2015

Waste Management Board (Lead Officer – Guy Revans)	<b>Cllr Debbie Taylor (as relevant Portfolio Holder)</b>	1 representative (Representative must be a Councillor and relevant Portfolio Holder) Term : 1 year <u>Note</u> : Meets Friday <u>mornings</u> - 4 times per year  No liability issues identified	<b>Cllr D Taylor</b>
Worcestershire Care & Repair Performance Board	<b>Cllr M Shurmer</b>	1 RBC Representative (elected) Until next RBC Annual Meeting. (Normally to be Housing Portfolio Holder)  Liability issues to be determined. No information to hand at present time. Unlikely to be an issue.	<b>Cllr M Shurmer</b>
Worcestershire Health and Wellbeing Board	<b>Cllr A Hingley, Wyre Forest DC</b> <b>Sub: Cllr M Sherrey, Bromsgrove DC</b>	1 rep from North Worcestershire District Councils plus 1 substitute	<b>Cllr M Sherrey</b>  <b>Sub: Cllr P Witherspoon</b>
Worcestershire Local Transport Body (WLTB)	<b>Cllr P Mould (Representative)</b> As of Council on 8/12/14  Cllr J. Champion – now substitute – noted at Council on 8 <sup>th</sup> Dec.14	1 representative from North Worcestershire Councils plus one substitute.	<b>Cllr R Laight, Bromsgrove DC</b>  <b>Sub: Cllr G Chance, Redditch BC</b>

**Annual Council**21<sup>st</sup> May 2015**LOCAL APPOINTMENTS**

<p>Health Overview and Scrutiny Committee (Worcestershire County Council)</p>	<p><b>Cllr P Witherspoon</b></p>	<p>1 representative (<b>Must be a member of Redditch Borough Council's Overview and Scrutiny Committee</b>).</p> <p>Term : 1 year.</p> <p>Comprises 8 County Councillors and 6 District Councillors who take on the role of scrutinising the local NHS and be consulted with by the NHS on any proposed substantial changes to local health services.</p> <p>Liability issues to be determined but <u>unlikely to be an issue</u>.</p>	<p><b>Cllr N Wood-Ford</b></p>
<p>Redditch Highways &amp; Transportation Forum Members Discussion Group (Worcestershire County Council)</p>	<p><b>Cllr A Mason</b> <b>Cllr J Brunner</b></p>	<p>Up to 2 Representatives (Must be Councillors)</p> <p>Term: To RBC AGM</p> <p>Role is that of non-voting observers only.</p> <p>No liability issues identified.</p>	<p><b>Labour nomination: Cllr P Hill</b></p> <p><b>Conservative nomination: Cllr</b></p>
<p>Worcestershire Local Access Forum (Worcestershire County Council)</p>	<p><b>Cllr A Mason</b></p> <p>Membership comprises 1 County Council Member; one Member drawn from North District Councils : Redditch or Wyre Forest; and one Member drawn from the Southern Districts = Malvern Hills, Worcester or Wychavon.</p> <p>Bromsgrove DC no longer participate.</p>	<p>1 nomination for further election (must be a Councillor)</p> <p>Term : 1 year</p> <p>(<u>Note</u>: Would be beneficial if the representative had a keen interest in countryside access and recreation issues.)</p> <p><i>Redditch BC 2013/14</i> <i>Wyre Forest 2014/15 (not taken up)</i> <i>Redditch BC 2015/16</i></p> <p><b>Liability issues to be determined. No information to hand at present time. <u>Unlikely to be an issue</u>.</b></p>	<p><b>Cllr P Witherspoon</b></p>

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Redditch Children's Centres Advisory Board (Contact Officer: Judith Willis)	<b>Cllr P Hill</b>	1 Representative (must be a Councillor) Term : 1 year  Informally advised that there are unlikely to be any liability issues for members of the Advisory Board.	<b>Cllr P Hill</b>
Town Centre Partnership (Lead Officer – Lyndsey Hadley)	<b>Cllr A Mason Cllr A Brazier</b>	2 Representatives (must be Councillors – one from each Political Group) Term : 1 year No liability issues identified.	<b>Cllr A Fry Cllr A Clayton</b>
Age Concern Redditch and District Board	<b>Cllr Witherspoon</b>  *Chief Executive is authorised to appoint Officer representatives.	1 Councillor plus 1 Officer * Term : 1 year Advised that Age Concern is a Limited company and an official representative from the Council cannot be a full Trustee / Director. Representation is therefore that of a co-opted non-voting Board Member.	<b>Cllr P Witherspoon</b>
Disability Action Redditch	<b>Cllr N Brookes</b>  (+ 1 Conservative vacancy)	2 Representatives Must be Councillors Term : 1 year <b>Advised advisory and representative only, no decision-making role.</b> <b>No liability issues identified.</b>	<b>Cllrs N Brookes and G Prosser</b>
Eadie Mews Trust (Formerly known as the Smallwood Almshouses Trust)	<b>Cllr Fry</b> (to AGM 2017)	1 Nomination (must be a Councillor). Term: 4 years (or to each AGM if preferred) <b>Nature of representation: to represent the Borough Council but note Trustee status.</b> <b>No indemnity referred to.</b>	<b>No nomination required unless wish to review.</b>



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		<b>Liabilities of Trustees therefore presumed to be governed by Charities legislation.</b>	
Feckenham Education Endowment (Blue Coat School)	<b>Cllr J Potter</b>	<p>1 Representative</p> <p>Need not be a Councillor</p> <p>Term: 4 years to AGM 2018, although the Council may review representation.</p> <p>No specific information on nature of representation or liabilities but letter confirming limited annual funds available for donation and capital invested with the Charity Commission. Regular financial advice taken and auditing of accounts.</p>	<b>No nomination required unless wish to review.</b>
Federation of Burial and Cremation Authorities (FBCA) – Executive Committee	<b>Cllr Debbie Taylor</b>	<p>1 nomination must be a Councillor</p> <p>Potential appointment for relevant Portfolio Holder but not a requirement. Nominations to be submitted by mid-June <b><u>at the latest</u></b> for submission to their AGM in September for consideration.</p> <p>Term : 3 years</p> <p><b>No liability issues identified.</b></p>	<b>No nomination required unless wish to review.</b>
Redditch Co-operative Homes	<b>Cllrs A Brazier, B Hartnett, D Thain and P Witherspoon</b>	<p>4 Nominations (must be Councillors)</p> <p>Term : 1 year</p> <p>Nature of representation: to primarily represent the Organisation and not the Borough Council. Notified in 2014 that only 4 nominations were now required.</p> <p><b>Liability appears appear to be limited providing there are no breaches of duty or trust.</b></p>	<b>Cllrs B Hartnett, P Witherspoon, A Pulsford and D Thain</b>

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Redditch Arts Council	<b>Cllrs Brazier, Fisher and Mould</b>	3 Representatives Must be Councillors Term : 1 year <b>No liabilities identified / unlikely to be any liabilities.</b>	<b>Cllrs J Fisher, M Shurmer, A Pulsford</b>
Redditch One World Link Executive Committee	<b>Cllr Mason and Cllr R Smith</b> <b>Mr E Ebanks (non-elected representative)</b> <b>(one non-elected representative vacancy)</b>	4 Representatives 2 Councillors, 1 Council Officer and 2 non-elected representative Nominations should not include the Mayor who is a Member ex-officio*. Term : 1 year Liability appears to be limited, provided there are no breaches of duty or trust.	<b>Cllrs R Smith and N Brookes</b> <b>Mr A Mason</b>
St Stephen's Church, Redditch Project Group  (Lead Officer – Lyndsey Berry)	<b>Cllr P Witherspoon</b>	1 Member Representative (Must be a Councillor) Term: not specified by Group but suggest AGM to AGM Day time meetings. Full nature of role and issues of liability not determined. Advised in 2010 the Group was seeking legal advice regarding measures to indemnify Project Group members. No update received to date.	<b>Cllr P Witherspoon</b>
Tardebigge Relief in Need and Sickness Charity	<b>Cllr Fry to AGM 2015</b> <b>Cllr D Thain (to AGM 2018)</b>	(2 Representatives - (Must be Councillors) Term : 4 years. (or to each AGM if preferred) <b>The Charity is governed in accordance with the Charity Commission Scheme and strict rules apply.</b>	<b>Cllr P Hill</b>

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PATROL Traffic Penalty Tribunal (Civil Parking Enforcement)	<b>Cllr P Mould</b>  <b>(Deputy – Cllr Braley)</b>	1 Representative plus 1 Deputy (must be Councillors) Term: AGM to AGM No liabilities identified / unlikely to be any liabilities.	<b>Cllr J Baker</b>
'Where Next' Association	<b>Cllr W King</b> <b>Cllr G Hopkins</b>	2 Representative must be Councillors – <i>2 places variation previously agreed</i> Term : 1 year to Council's AGM Nature of representation: to represent the Borough Council. Liability appears to be limited.	<b>Cllr W King</b>  <b>Cllr Dormer</b>

**NOTES:**

- 1) This list does not include **all** Council appointments to outside bodies, since some are made at other times during the year, or less frequently than once per year.
- 2) Nominations marked "Not required" because current memberships are mid-term, **may still be reviewed** if the Council wishes, and may clearly need to be reviewed where Council membership has changed.
- 3) The Council has delegated authority to the Chief Executive to make Officer appointments as appropriate; and to fill Member vacancies, in consultation with Party Group Leaders, where the full Council has agreed which party(ies) is/are due which places.
- 5) This list does not contain reference to places on those bodies which are occupied by the Mayor by virtue of his/her official capacity, namely:-

**Twinning Bodies:**

The Mayor is appointed to the following bodies by office:

**Friends of Auxerre (FoA) – President**

**Friends of Gruchet-le-Valasse (FroG) – President.**

**Redditch One World Link (ROWL - Mtwara Twinning) – President**



**EXECUTIVE  
COMMITTEE**9<sup>th</sup> June 2015**EQUAL OPPORTUNITY POLICY**

Relevant Portfolio Holder	Councillor John Fisher
Portfolio Holder Consulted	Yes
Relevant Head of Service	Deb Poole, Head of Business Transformation & Organisational Development
Ward(s) Affected	N/A
Key Decision	No

**1. SUMMARY OF PROPOSALS**

- 1.1 To agree for recommendation to Council the new Equal Opportunity Policy.

**2. RECOMMENDATIONS**

- 2.1 **The Committee is asked to RECOMMEND to the Council**

**that the Equal Opportunity Policy attached at Appendix 1 be approved and adopted.**

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

- 3.1 There are no financial implications arising directly from this report; however, having an effective Equal Opportunity Policy will ensure that the Council has considered the impact of equalities issues on employees and the wider Council's role in supporting our employees. Any mitigation of issues will contribute towards keeping people in employment, maintaining skills within our organisation and reducing potential grievances.

**Legal Implications**

- 3.3 The Equal Opportunity Policy contributes to how we meet the Public Sector Equality Duty established in the Equality Act 2010.

It requires public bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
- advance equality of opportunity between people who share a protected characteristic and those who do not; and
- foster good relations between people who share a protected characteristic and those who do not

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- 3.4 The policy consolidates ongoing work around the Equality Act 2010 which included an extensive programme of workshops during 2013 and 2014, developed after the different parts of the Equality Act had come into legal effect. Further training and workshops will be scheduled from autumn 2015.
- 3.5 Union representatives have been consulted on the Policy and amendments have been made as a result.
- 3.6 The Policy will be reviewed every two years or sooner to comply with changes to the law or policy and practice. The Policy and any subsequent revisions will be subject to standard consultation processes with the aim of reaching agreement on the content of the Policy and commitment to abide by the Policy between :-
- Corporate Management Team
  - Staff and their representatives
  - The Council Executive

**Service / Operational Implications**

- 3.7 The Policy will help all parts of the Council, staff and Elected Members, in ensuring that we treat individuals equally and fairly in relation to recruitment and selection, training, promotion and career management and that these decisions are based solely on objective and job related criteria. All members of staff will be bound by this policy. Managers will be required to ensure that they abide by the standards set out in this policy at all times and that all staff are made aware of their responsibilities under the policy. It should be noted however that there could be instances within specific service areas where a Genuine Occupational Requirement (GOR) applies. These cases will be very rare and specialist advice must be sought in every such instance from HR.

**Customer / Equalities and Diversity Implications**

- 3.8 There are no customer implications arising directly from this report; however, ensuring that we treat employees equally and fairly could contribute to a positive perception of the Council amongst our customers. There is also a section on our commitment to equality which is relevant to how we treat our customers not only our role as an employer.
- 3.9 The Equal Opportunity Policy relates directly to how the Council approaches equality and diversity and will form overarching principles for how we engage with all aspects of employment and vocational training (including work experience). The Policy also incorporates a specific Disability Policy, providing direction and guidance around disability, where it is recognised that treating disabled people differently and more favourably may be justified in order to create an equal opportunity for that person compared to a non disabled person.

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**4. RISK MANAGEMENT**

4.1 There are no risk management implications arising directly from this report.

**5. APPENDICES**

Appendix 1 - Draft Equal Opportunity Policy

**AUTHOR OF REPORT**

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Tel.: 01527 881616







## **(Draft) Equal Opportunity Policy**

### **1. Introduction**

The Equal Opportunity Policy is an important document for all staff and Elected Members (Councillors) as it forms the overarching principles that guide how we approach everything we do as a Council.

The Council believes that it is in the Council's interests and in the interests of all who work for the Council that we ensure that the human resources, talents and skills available throughout the community are considered when employment opportunities arise.

Every possible step will be taken to ensure that individuals are treated equally and fairly and that decisions in recruitment and selection, training, promotion and career management are based solely on objective and job related criteria.

### **2. Scope**

The Equal Opportunity Policy applies to all aspects of employment and vocational training including work experience within the remit of the Council.

It applies to all aspects of

- Recruitment, selection and appointment of staff
- Training and development of staff including appraisal
- Disciplinary and grievance procedures and their application
- Sickness absence and performance management
- Promotion including temporary or permanent and secondment opportunities
- Selection for redundancy and all other forms of dismissal
- Dignity at Work

All members of staff are bound by this policy. Managers are required to ensure that they abide by the standards set out in this policy at all times and that all staff are made aware of their responsibilities under the policy.

### 3. The Equality Act 2010

The Equality Act of 2010 establishes the Public Sector Equality Duty (PSED) which is comprised of a General Equality Duty and Specific Duties.

The General Equality Duty has three aims: it requires public bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
- advance equality of opportunity between people who share a protected characteristic and those who do not; and
- foster good relations between people who share a protected characteristic and those who do not

For further details of these Duties refer to the Managers Guide to the Equality Act 2010 – see link to ORB <http://orb.bromsgrove.gov.uk/corporate/equality/Equality%20Act%20-%20Resource%20and%20Information%20Pack/Shared%20Documents/Forms/AllItems.aspx>

### 4. The Protected Characteristics

The Equality Act establishes protection against discrimination, harassment and victimisation because of

- Age (1)
- Disability (2)
- Gender Re-assignment (3)
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race – includes colour, nationality, ethnic or national origins
- Religion or belief – includes lack of belief
- Sex
- Sexual Orientation
- Equal Pay (in relation to Sex only)

(1) only applies to those aged 18 or over

(2) see ANNEX ONE for definition of disability

(3) before, during and after transition

This protection will not apply where a Genuine Occupational Requirement (GOR) applies or where some other justification applies. These cases will be very rare and specialist advice must be sought in every such instance from HR.

In addition, staff will be protected from discrimination and any unfair treatment based on Trade Union membership or activity.

Sensitive personal data will be processed in line with the Data Protection Act 1998. Sensitive personal data is defined in the Data Protection Act 1998 as information pertaining to:

- Racial or ethnic origin
- Political opinions
- Religious beliefs or beliefs of a similar nature
- Membership of a trade union
- Physical or mental health or condition
- Sexual life
- Commission or alleged commission of an offence
- Proceedings for any offence or alleged offence, or sentence of court

## **5. Our Commitment**

As a Council we recognise and accept that intentionally or unintentionally, some individuals, groups or communities can and do experience discrimination, social exclusion or unequal treatment. However it is our commitment that we will do everything we can to prevent this from happening.

Where we do find inequality, we will take steps to challenge it in all its forms.

We will show our commitment to equality by

- Promoting equality in all that we do
- Challenging discrimination, inequality and social exclusion
- Providing responsive and accessible services to all who want or need them wherever possible
- Considering the needs of the public first and operate a fair and accountable local government
- Giving everyone a fair and equal chance of obtaining employment, promotion, development and training opportunities with the council while aiming for a workforce that reflects the make up of the local population
- Ensuring that contractors and other organisations that are providing a service to or on behalf of the Council are required to meet, and are complying with The Equality Act and with the equality policies of the Council as set out in our terms of contracts or agreements with suppliers
- Acting promptly on any complaints of harassment, discrimination or bullying
- Monitoring, reviewing and assessing our policies and procedures for their impact on equality on an ongoing basis
- Consult with and seek out the views of citizens, service users and potential users and partner agencies on the quality and relevance of the services that we provide
- By being an exemplary employer and employer of choice, create an organisation that values all staff and is fair, supportive and free from discrimination, harassment or bullying
- Regularly consulting our staff and listening to what they say

## 6. Leadership

The Council's leadership takes full responsibility for this Equal Opportunity Policy. It is the responsibility of the Council's Executive and Senior Management Team to ensure that we are meeting our legal obligations under the Equality Act 2010.

The Leader of the Council and the Chief Executive are fully committed to the implementation of this policy. The Head of Business Transformation is responsible for all procedures relating to recruitment, selection, career development, discipline and grievance, and for ensuring that these are carried out in accordance with the Equal Opportunity Policy.

Managers are responsible for fostering a culture in which compliance with this policy is regarded as integral to their area of work. Managers are expected to actively promote the principles of equality and take account of the need to ensure equality of access and opportunity in the planning and delivery of their services. In managing staff, managers are expected to identify appropriate development for themselves and their staff to meet the needs of their respective areas in relation to equality.

All staff are expected to behave in a respectful and fair manner to everyone that works for the Council, visits the Council or receives a service from the Council. All breaches of this policy will be taken very seriously and the Council will deal with individuals through the staff disciplinary procedures.

Staff are made aware of Council policies and the standards that are expected of them through induction, regular reviews and training.

## 7. Consultation

This Policy and any subsequent revisions will be subject to standard consultation processes with the aim of reaching agreement on the content of the Policy and commitment to abide by the Policy between :-

- Corporate Management Team
- Staff and their representatives
- The Council Executive

## 8. Policy Approval

This Policy was approved and ratified on [ date ] by [ ] and is fully in effect from [ date ].

We will review this policy at least every two years, or sooner to comply with changes to the law or policy and practice.

## APPENDIX ONE

### Disability Policy (Employment and Training including Work Experience)

#### 1. Introduction

The Disability Discrimination Act of 1995 (as amended in 2005) has now been rescinded and all provisions can now be found in the Equality Act 2010.

The Office for Disabilities Guidance on the Equality Act 2010 on matters to be taken into account in determining questions relating to the definition of disability states

**“The Equality Act 2010 states that a person has a disability for the purposes of the Act if he or she has a physical or mental impairment and the impairment has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.”**

The Office for Disabilities Guidance on the Equality Act 2010 states that a disability can arise from a wide range of impairments which can be:

- sensory impairments, such as those affecting sight or hearing;
- impairments with fluctuating or recurring effects such as rheumatoid arthritis, myalgic encephalitis (ME)/chronic fatigue syndrome (CFS), fibromyalgia, depression and epilepsy;
- progressive, such as motor neurone disease, muscular dystrophy, forms of dementia and lupus (SLE);
- organ specific, including respiratory conditions, such as asthma, and cardiovascular diseases, including thrombosis, stroke and heart disease;
- developmental, such as autistic spectrum disorders (ASD), dyslexia and dyspraxia;
- learning difficulties;
- mental health conditions and mental illnesses, such as depression, schizophrenia, eating disorders, bipolar affective disorders, obsessive compulsive disorders, as well as personality disorders and some self-harming behaviour;
- produced by injury to the body or brain.

This is not an exhaustive list and the definition of disability covers a wide range of physical and mental impairments whether they are from birth or have been acquired during a person's lifetime.

The protection against discrimination because of a disability is from the date of a diagnosis regardless of whether any symptoms are having an effect on the person's ability to carry out “Day to day activities” as defined in the Equality Act and the associated Guidance.

See Guidance on “Day to day activities” in paragraphs **7. to 9.**

**This policy applies to all staff employed by the Council, including those employed on a temporary or part-time basis, or on work experience.**

## 2. Equality of Treatment – Statement

The Council will take all reasonable steps to ensure that treatment of disabled people enables equality with non disabled people. We will provide fair and equal access to employment, training and development (including work experience) for disabled people by taking account of their disabilities and making reasonable adjustments.

This may mean treating disabled people differently and more favourably in order to create an equal opportunity for that person compared to a non disabled person.

## 3. Responsibilities

**It is the responsibility of the Human Resources Department to:**

- Advise and support line managers in a consistent and timely way, in cases where further action by the line manager may be required.
- Provide specialist advice and training to managers/supervisors to assist them to manage the Council's disability policy.
- Provide line managers with advice on the application of the disability provisions of the Equality Act and any other relevant legislation.

## 4. Discrimination arising from Disability

The Equality Act says that treatment of a disabled person amounts to discrimination where

- an employer treats the disabled person unfavourably;
- this treatment is because of something arising in consequence of the disabled person's disability; and
- the employer cannot show that this treatment is a proportionate means of achieving a legitimate aim (formerly described as "justifiable")
- unless the employer does not know, and could not reasonably be expected to know, that the person has the disability.
- Failure to make reasonable adjustments for disabled persons
- Enquiries about disability and health before the offer of a job is made

## 5. Types of Disability Discrimination

- **Direct Discrimination**

Direct discrimination occurs when a person treats another less favourably than they treat or would treat others because of a protected characteristic. Direct discrimination is generally unlawful. However, it may be lawful in relation to the protected characteristic of disability, where a disabled person is treated more favourably than a non-disabled person.

The Act only protects disabled people from discrimination. This means that it is not discrimination to treat a disabled person more favourably than a non-disabled person.

- **Indirect Discrimination**

Indirect discrimination may occur when an employer applies an apparently neutral provision, criterion or practice which puts workers sharing a protected characteristic at a particular disadvantage. In relation to disability, this would not be about disabled people as a whole but people with a particular disability – for example, with an equivalent level of sight impairment.

## 6. Reasonable Adjustments

The Employment Statutory Code of Practice Equality Act gives examples of the type of adjustments which an employer may have to make:-

- Making adjustments to premises
- Providing information in accessible formats
- Allocating some of the disabled person's duties to another worker
- Transferring the disabled worker to fill an existing vacancy
- Altering the disabled worker's hours of work or training
- Assigning the disabled worker to a different place of work or training or arranging home working
- Allowing the disabled worker to be absent during working or training hours for rehabilitation, assessment or treatment
- Giving, or arranging for, training or mentoring (whether for the disabled person or any other worker)
- Acquiring or modifying equipment
- Modifying procedures for testing or assessment
- Providing a reader or interpreter
- Providing supervision or other support
- Allowing a disabled worker to take a period of disability leave
- Participating in supported employment schemes, such as Workstep
- Employing a support worker to assist a disabled worker
- Modifying disciplinary or grievance procedures for a disabled worker
- Adjusting redundancy selection criteria for a disabled worker
- Modifying performance-related pay arrangements for a disabled worker

The Act lists a number of factors which will have a bearing on whether it will be reasonable for an employer to have to make a particular adjustment.

- the effectiveness of the adjustment in preventing the disadvantage
- the practicality of the step
- the financial and other costs of the adjustment and the extent of any disruption caused
- the extent of the employer's financial or other resources
- the availability to the employer of financial or other assistance to help make an adjustment.

Guidance on the Equality Act 2010 has been issued by the Office for Disability Issues and can be accessed through this link

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/85010/disability-definition.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/85010/disability-definition.pdf)

## **7. Meaning of 'normal day-to-day activities'**

The Equality Act does not define what is to be regarded as a 'normal day-to-day activity'. It is not possible to provide an exhaustive list of day-to-day activities, although guidance on this matter is given here and illustrative examples of when it would, and would not, be reasonable to regard an impairment as having a substantial adverse effect on the ability to carry out normal day-to-day activities are shown in the Appendix.

In general, day-to-day activities are things people do on a regular or daily basis, and examples include shopping, reading and writing, having a conversation or using the telephone, watching television, getting washed and dressed, preparing and eating food, carrying out household tasks, walking and travelling by various forms of transport, and taking part in social activities.

The term 'normal day-to-day activities' is not intended to include activities which are normal only for a particular person, or a small group of people. In deciding whether an activity is a normal day-to-day activity, account should be taken of how far it is normal for a large number of people, and carried out by people on a daily or frequent and fairly regular basis. In this context, 'normal' should be given its ordinary, everyday meaning.

A normal day-to-day activity is not necessarily one that is carried out by a majority of people. For example, it is possible that some activities might be carried out only, or more predominantly, by people of a particular gender, such as applying make-up or using hair curling equipment, and cannot therefore be said to be normal for most people. They would nevertheless be considered to be normal day-to-day activities.

## **8. Work-related and other specialised activities**

Normal day-to-day activities do not include work of any particular form because no particular form of work is 'normal' for most people. In any individual case, the activities carried out might be highly specialised. For example, carrying out delicate work with specialised tools may be a normal working activity for a watch repairer, whereas it would not be normal for a person who is employed as a semi-skilled worker. The Act only covers effects which go beyond the normal differences in skill or ability.

The same is true of other specialised activities such as playing a musical instrument to a high standard of achievement; taking part in a particular game or hobby where very specific skills or level of ability are required; or playing a particular sport to a high level of ability, such as would be required for a professional footballer or athlete.

However, many types of work or specialised hobby, sport or pastime may still involve normal day-to-day activities. For example; sitting down, standing up, walking, running, verbal interaction, writing, making a cup of tea, using everyday objects such as a keyboard, and lifting, moving or carrying everyday objects such as chairs. The effects experienced by a person as a result of environmental conditions, either in the workplace or in another location where a specialised activity is being carried out, should not be discounted simply because there may be a work-related or other specialised activity involved. It is important to consider whether there may also be an adverse effect on the ability to carry out a normal day-to-day activity.



## 9. Indirect effects

An impairment may not directly prevent someone from carrying out one or more normal day-to-day activities, but it may still have a substantial adverse long-term effect on how he or she carries out those activities. For example:

- pain or fatigue: where an impairment causes pain or fatigue in performing normal day-to-day activities the person may have the ability to do something but suffer pain in doing so; or the impairment might make the activity more than usually fatiguing so that the person might not be able to repeat the task over a sustained period of time.
- medical advice: where a person has been advised by a medical practitioner or other health professional, as part of a treatment plan, to change, limit or refrain from a normal day-to-day activity on account of an impairment or only do it in a certain way or under certain conditions.

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**APPENDIX TWO**

**All Council Policies support this Equal Opportunity Policy but the main ones are listed below with relevant Codes of Practice and Guidance**

1. The Equality Act 2010 – Equality and Human Rights Commission Guidance and Codes of Practice – for details see <http://www.equalityhumanrights.com/advice-and-guidance/>
2. Policies and procedures covering Recruitment Selection and Employment
3. Harassment and Bullying Policy
4. Members Code of Conduct
5. Dignity at Work Policy
6. Procurement, Tendering and Contractor Policies/ Strategy
7. Disability Two Ticks Symbol
8. Access to Sports and Leisure Facilities and Services for Trans Gender People (under development)

**APPENDIX THREE**

**Relevant legislation – please note that this is not an exhaustive list**

1. The Equality Act 2010
2. Work and Families Act 2006
3. Human Rights Act 1998
4. Civil Partnerships Act 2004
5. Rehabilitation of Offenders Act 1974
6. The Gender Recognition Act 2004
7. The Marriage (Same Sex Couples Act) 2013

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**Constitution Update – Officer Employment Rules**

Relevant Portfolio Holder	Cllr John Fisher
Portfolio Holder Consulted	Yes
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 This report sets out revised Officer Employment Rules and seeks Council's approval to them.

**2. RECOMMENDATIONS**

The Council is requested to RESOLVE

1. that the Officer Employment Rules and Terms of Reference for the Senior Officer Disciplinary Panel be approved;
2. that the Borough Council's membership of the Panel comprises 5 Councillors, politically balanced (currently 3 Labour, 2 Conservatives)

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

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

**Legal Implications**

- 3.2 The content of parts of the Council's constitution are set out in law. The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 were published on election day. These require the Council to amend a statutory standing order about employment rules for the most senior officers of the Council. It also requires changes to the arrangements for dealing with disciplinary matters for the three "Statutory Officers" – the Head of Paid Service, Monitoring Officer and Chief Finance Officer (often referred to as the Section 151 officer)
- 3.3 The content of the standing order for Officer Employment is set out in the legislation. The enclosed draft follows the legislative requirements.

- 3.4 The main change to previous arrangements is that the Panel which deals with disciplinary matters for the statutory officers must now include at least two independent persons. Updated terms of reference for the Panel which deals with this aspect are enclosed.
- 3.5 Previously appointments to bodies dealing with personnel matters have been made as and when a meeting is required. The new legislation imposes a timescale on the procedures and requires political balance for the Panel. It is suggested that the Panel is made up of 5 Borough Councillors, which under the current arrangements requires 3 Labour appointments and 2 Conservative. As officers operate in the shared service with Bromsgrove District Council it is proposed that the Leader of Bromsgrove is a non-voting appointee to the Panel. A reciprocal arrangement exists with the District Council for their equivalent Panel.

**Service / Operational Implications**

- 3.6 There are no direct implications arising from this report.

**Customer / Equalities and Diversity Implications**

- 3.7 There are no specific implications arising from this report.

**4. RISK MANAGEMENT**

There are no specific high level risks arising from this report.

**5. APPENDICES**

Appendix 1 - Revised Officer Employment Rules.

Appendix 2 - terms of reference for the Statutory Officers Disciplinary Panel

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**6. BACKGROUND PAPERS**

The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015

**AUTHOR OF REPORT**

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**OFFICER EMPLOYMENT PROCEDURE RULES****Definitions**

*(Mandatory provisions to be incorporated – The Local Authorities (Standing Orders) Regulations 2001(as amended) Schedule I Part II)*

1. In this Part:
  - "the 1989 Act" means the Local Government and Housing Act 1989;
  - "the 2000 Act" means the Local Government Act 2000;
  - "disciplinary action" has the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001(as amended);
  - "executive" and "executive leader" have the same meaning as in Part II of the 2000 Act;
  - "member of staff" means a person appointed to or holding a paid office or employment under the authority; and
  - "proper officer" means an officer appointed by the authority for the purposes of the provisions in this Part.

**Appointment and Dismissal of Staff**

2. Subject to paragraphs 3 and 7, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the authority must be discharged, on behalf of the authority, by the officer designated under section 4(1) of the 1989 Act (designation and reports of head of paid service) as the head of the authority's paid service or by an officer nominated by him.
3. Paragraph 2 shall not apply to the appointment or dismissal of, or disciplinary action against:
  - (a) the officer designated as the head of the authority's paid service;
  - (b) a statutory chief officer within the meaning of section 2(6) of the 1989 Act (politically restricted posts);
  - (c) a non-statutory chief officer within the meaning of section 2(7) of the 1989 Act;
  - (d) a deputy chief officer within the meaning of section 2(8) of the 1989 Act; or
  - (e) a person appointed in pursuance of section 9 of the 1989 Act (assistants for political groups).
4. (1) Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the appointment of an officer designated as the head of the authority's paid service, the authority must approve that appointment before an offer of appointment is made to that person

- (1A) Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the dismissal of an officer designated as the head of the authority's paid service, as the authority's chief finance officer, or as the authority's monitoring officer, the authority must approve that dismissal before notice is given to that person.
- (2) Where a committee or a sub-committee of the authority is discharging, on behalf of the authority, the function of the appointment or dismissal of any officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3, at least one member of the executive must be a member of that committee or sub-committee.
5. (1) In this paragraph, "appointer" means, in relation to the appointment of a person as an officer of the authority, the authority or, where a committee, sub-committee or officer is discharging the function of appointment on behalf of the authority, that committee, sub-committee or officer, as the case may be.
- (2) An offer of an appointment as an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3 must not be made by the appointer until:
- (a) the appointer has notified the proper officer of the name of the person to whom the appointer wishes to make the offer and any other particulars which the appointer considers are relevant to the appointment;
  - (b) the proper officer has notified every member of the executive of the authority of:
    - i. the name of the person to whom the appointer wishes to make the offer;
    - ii. any other particulars relevant to the appointment which the appointer has notified to the proper officer; and
    - iii. the period within which any objection to the making of the offer is to be made by the executive leader on behalf of the executive to the proper officer; and
  - (c) either:
    - i. the executive leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the appointer that neither s/he nor any other member of the executive has any objection to the making of the offer;
    - ii. the proper officer has notified the appointer that no objection was received by him within that period from the executive leader; or



- iii. the appointer is satisfied that any objection received from the executive leader within that period is not material or is not well-founded.
- 6.
- (1) In this paragraph, "dismissor" means, in relation to the dismissal of an officer of the authority, the authority or, where a committee, sub-committee or another officer is discharging the function of dismissal on behalf of the authority, that committee, sub-committee or other officer, as the case may be.
  - (2) Notice of the dismissal of an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3 must not be given by the dismissor until:
    - (a) the dismissor has notified the proper officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;
    - (b) the proper officer has notified every member of the executive of the authority of:
      - i. the name of the person who the dismissor wishes to dismiss;
      - ii. any other particulars relevant to the dismissal which the dismissor has notified to the proper officer; and
      - iii. the period within which any objection to the dismissal is to be made by the executive leader on behalf of the executive to the proper officer; and
    - (c) either:
      - i. the executive leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the dismissor that neither s/he nor any other member of the executive has any objection to the dismissal;
      - ii. the proper officer has notified the dismissor that no objection was received by him within that period from the executive leader; or
      - iii. the dismissor is satisfied that any objection received from the executive leader within that period is not material or is not well-founded.
7. Nothing in paragraph 2 shall prevent a person from serving as a member of any committee or sub-committee established by the authority to consider an appeal by:

- (a) another person against any decision relating to the appointment of that other person as a member of staff of the authority; or
- (b) a member of staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

### **Disciplinary Action**

*(Mandatory provisions to be incorporated – The Local Authorities (Standing Orders) Regulations 2001 (as amended) Schedule 3)*

8. In the following paragraphs –

- (a) “the 2011 Act” means the Localism Act 2011;
- (b) “chief finance officer”, “disciplinary action”, “head of the authority’s paid service” and “monitoring officer” have the same meaning as in regulation 2 of the Local Authorities (Standing Orders)(England) Regulations 2001;
- (c) “independent person” means a person appointed under section 28(7) of the 2011 Act;
- (d) “local government elector” means a persons registered as a local government elector in the register of electors in the authority’s area in accordance with the Representation of the People Acts;
- (e) “the Panel” means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;
- (f) “relevant meeting” means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and
- (g) “relevant officer” meant the chief finance officer, head of the authority’s paid service or monitoring officer , as the case may be.

- 9. . A relevant officer may not be dismissed by an authority unless the procedure set out in the following paragraphs is complied with
- 10. The authority must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.

11. In paragraph 10 “relevant independent person” means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considered appropriate.
12. Subject to paragraph 13, the authority must appoint to the Panel such relevant independent persons who have accepted an invitation in accordance with paragraph in accordance with the following priority order-
  - (a) a relevant independent person who has been appointed by the authority and who is a local government elector;
  - (b) any other relevant independent person who has been appointed by the authority;
  - (c) a relevant independent person who has been appointed by another authority or authorities.
13. An authority is not required to appoint more than two relevant independent persons in accordance with paragraph 12 but may do so.
14. The authority must appoint any Panel at least 20 working days before the relevant meeting.
15. Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular\_
  - (a) Any advice, views or recommendations of the Panel;
  - (b) The conclusions of any investigation into the proposed dismissal; and
  - (c) Any representations from the relevant officer.
16. Any remuneration, allowance of fees paid by the authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowance or fees payable to that independent person in respect of that person’s role as independent person under the 2011 Act”.

#### **Declarations – relatives of existing councillors and officers**

17. The Council will draw up a statement requiring any candidate for appointment as an Officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or Officer of the Council; or of the partner of such persons.

18. No candidate so related to a Councillor or an Officer will be appointed without the authority of the relevant Chief Officer or an Officer nominated by him/her.

#### **Seeking support for appointment**

19. The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
20. No Councillor will seek support for any person for any appointment with the Council.

#### **Recruitment of Head of Paid Service and Chief Officers**

21. Where the Council proposes to appoint a chief officer (within the meaning of the Local Authorities (Standing Orders) Regulations 1993) and it is not proposed that the appointment be made exclusively from among their existing officers, the Council shall—
  - (a) draw up a statement specifying—
    - (i) the duties of the officer concerned; and
    - (ii) any qualifications or qualities to be sought in the person to be appointed;
  - (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
  - (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.
22. (1) Where a post has been advertised as provided in rule 15(b), the Council shall—
  - (a) interview all qualified applicants for the post, or
  - (b) select a short list of such qualified applicants and interview those included on the short list.

(2) Where no qualified person has applied, the Council shall make further arrangements for advertisement in accordance with rule 15(b).
23. The steps under rule 22 or 23 above may be taken by a committee, sub-committee or chief officer of the Council;
24. Any chief officer may be appointed by the Council, a committee or sub-committee of the authority or a relevant joint committee.

25. Where the duties of a chief officer include the discharge of functions of two or more local authorities under section 101(5) of the Local Government Act 1972
- (a) the steps under rule 22 or 23 above may be taken by a joint committee of those authorities, a sub-committee of that committee or a chief officer of any of the authorities concerned; and
  - (b) any chief officer may be appointed by such a joint committee, a sub-committee of that committee or sub-committee of any of those authorities.



**STATUTORY OFFICERS DISCIPLINARY ACTION PANEL**

Number of Members	8 made up of 5 District Council Members, 2 Independent Persons with voting rights and the Leader of Bromsgrove District Council as co-optee
Politically Balanced Y/N	Y
Quorum	7
Procedure applicable	Rules Officer Employment Procedure Rules (incorporating the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015) and applicable Council Procedure Rules
Terms of Reference	In relation to disciplinary action affecting the statutory posts of head of the authority's paid service, monitoring officer and chief finance officer, to consider the issues, including the conclusions of any investigation, and make recommendations to Full Council as to dismissal or alternative action.
Special provisions as to the Chairman	None
Officer attendance	When meeting to determine an issue relating to disciplinary action the committee will be supported by independent external legal advisors.

<p>Special provisions as to membership</p>	<p>The shared service arrangements between Bromsgrove District and Redditch Borough Councils require the Chief Executive, Monitoring Officer, Section 151 officer and other Chief Officers to carry out work for both authorities. In the light of this the Leader of Bromsgrove District Council will be co-opted onto the Committee as a non-voting member.</p> <p>Only those Councillors who have undertaken appropriate training may sit on the Statutory Officers Disciplinary Action Panel.</p>
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