



## **REDDITCH BOROUGH COUNCIL**

# **CONSTITUTION**

## **CONTENTS AND OVERVIEW**

### **OVERVIEW**

The full Council of 29 Members meeting together is responsible for determining the budget and policy framework of the Council.

#### **Political Representation**

The Council comprises 29 elected Members, representing 12 Wards.

#### **Elections**

Elections are held by thirds, three years out of every four.

#### **Democratic Arrangements**

Some Council members are in full-time employment and therefore most Council business is conducted in the evening. The full Council meets approximately every 6 - 7 weeks. Meetings are normally open to the public.

A body called the Executive Committee often referred to as the Executive is responsible for implementing Council policies, taking decisions about them and spending the budget. The Executive is responsible for decisions on all matters which are not allocated to the Council's Regulatory Committees or other Committees such as Audit, Governance and Standards, Licensing or Planning Committees; or decisions which are not reserved to be dealt with by the full Council. All Executive Committee meetings are held in public.

The Executive Chair is the Leader of the Council who is elected by the Council for a 4 – year term. The Council can decide to remove the Leader at any time. The Executive has a number of other members, appointed by the Leader. The Leader also looks after the Community Leadership portfolio, which includes the voluntary sector and health.

The Leader appoints other Executive Committee Members who each have responsibility for a Portfolio which comprises a themed group of Council services. The Portfolio Holders are all members of the Controlling Group.

The Overview & Scrutiny Committee (O&S) has been established to monitor the decisions of the Executive Committee and, via the appointment of Task Groups, to assist in policy development and review. All matters that are due to go to the Executive Committee or full Council for decision may be considered by the O&S Committee. All political Groups are, by unanimous decision of the Council, not proportionately represented on this Committee.

#### **The Council's Directorates**

The Chief Executive, as "Head of the Paid Service" is in overall charge of the services provided by the Officers of the Council.

Under the Shared Services management arrangements with Bromsgrove District Council, the Council has appointed a Shared Chief Executive. A Deputy Chief Executive has also been appointed and a new single shared senior management team for both Councils put in place, with effect from April 2010.

(Further information on Management Arrangements is to be found in Part 17 of this Constitution.)

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# **INTRODUCTION TO THE CONSTITUTION**

## **A BRIEF GUIDE**

## **1. INTRODUCTION**

- 1.1 Under the Local Government Act 2000 the Council is required to adopt a formal Constitution when operating executive arrangements. A number of Regulations have also been made under the Act which prescribe in considerable detail how the Council should draw up the content of its Constitution, how it allocates functions and how it conducts its business. The Constitution, therefore, has to contain a large number of provisions and in this respect it reflects, generally, the legislation, Government Guidance and model documents.
- 1.2 Because it has to be comprehensive and meet legal requirements and address technical concepts, the Constitution is both long and complex. It is regrettably not a user-friendly document!
- 1.3 The purpose of this Guide is not to summarise all the provisions of the Constitution. This Guide seeks to assist Members and Officers by outlining how the Constitution works, and to focus on some of the practical consequences, both in relation to the role of Members of the Council, and that of employees.
- 1.4 The guide describes the component parts of the Constitution, outlining the main features of each and addressing some working or practical consequences of the Constitution.
- 1.5 Of necessity, the Guide has to simplify the complexities of the Constitution and in some instances what it says will be a general rule rather than explain all the exceptions to the rule. So if the reader is in any doubt, reference must be made to the Constitution itself or advice taken from Legal and Democratic Services. Cross-references are provided to help.

## **2. THE FRAMEWORK OF THE CONSTITUTION**

### **2.1 The Council**

- 2.1.1 The structure diagram attached to this Introduction shows the formal relationships between the Council, the Executive Committee and the Council's other Committees.
- 2.2 A fundamental point is that the legislation provides that the Leader and Executive Committee are responsible for what are called 'executive functions' (which cover most of the day to day political decisions), and the Council and committees are responsible for 'non-executive' functions.

### **2.2 Officer Structure and Shared Services**

- 2.2.1 The Council has agreed to the appointment of a shared Chief Executive and a shared management team which it shares with Bromsgrove District Council. Under the arrangements services will be shared and delivered by one single team across both Councils.
- 2.2.2 Further details of the shared management team are set out at Part 17 of the constitution. The shared management team has been in place since April 2010. The co-operation

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between the two Councils on sharing services is reflected by a legal agreement (Overarching Framework Agreement).

Proposals for shared services between Redditch and Bromsgrove are considered in the first instance by a panel of senior members of both Councils who make up the Shared Services Board. The Board has no decision making powers on behalf of the two Councils, and any new arrangements for delivery of services require the approval of the full Council.

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

### **2.3 Other arrangements for joint working**

- 2.3.1 In addition to the shared arrangements with Bromsgrove District Council, the Council is involved in other joint arrangements for provision of services with other Councils in Worcestershire. Since June 2010 Bromsgrove District Council has been the host authority for Worcestershire Regulatory Services. This service carries out the Environmental Health and Licensing functions of the six Worcestershire District Councils. Initially the service included the trading standards function for the County Council, but this was withdrawn in 2016. The staff for the service is employed by Bromsgrove District Council and it is governed by a Joint Board made up of two members from each of the 6 authorities involved.
- 2.3.2 In relation to other service areas, Internal Audit Services are now delivered for Redditch Borough Council as part of a shared service hosted by Worcester City Council. New shared services in Economic Development, Emergency Planning, Land Drainage and Building Regulations are operated jointly with Bromsgrove and Wyre Forest District Councils. In 2015 the Council agreed to establish a Joint Property Vehicle with other public bodies to manage effectively all public sector property in the Borough.

## **3. THE FULL COUNCIL**

### **3.1 Composition and Role**

- 3.1.1 The Council comprises 29 elected Councillors (often referred to as ‘Members’).
- 3.1.2 The job of the full Council is to approve the Council’s main policies (the Policy Framework as set out in Part 2 the Articles of the Constitution) and the Annual Budget (both revenue and capital). There are other matters reserved to the full Council to decide. These are set out in the Articles at 4.2 and include the appointment of the Leader of the Council.
- 3.1.3 The Council receives minutes from the Executive Committee (Executive or Exec’ for short), which may include recommendations to the Council and also record the business it has considered. In most cases the Executive, because of its decision-making role, and the breadth of its responsibilities will be reporting to the Council on matters where it has already made a decision under its delegated powers.

- 3.1.4 The Council may also receive reports / recommendations from its other Committees.
- 3.1.5 The dates of full Council meetings will be published well in advance. The Annual Council Meeting will be in May and the Council will decide its budget in February to allow Council Tax calculations for the new financial year from April.
- 3.1.6 Members of the Council have the ability to requisition an extraordinary meeting of the Council under paragraph 3 of part 7 of the Constitution (Council Procedure Rules).
- 3.1.7 The Chief Executive, the Monitoring Officer and the Section 151 Officer (Senior Financial Officer) have the right to submit reports directly to the full Council.
- 3.1.8 It should be noted that unless the matter is one which:-
- is for the full Council or its Committees to determine (as set out in Parts 3 - 6)
  - is contrary to the Policy Framework or not wholly in accordance with the Council's budget
  - cannot in law be the responsibility of the Executive Committee,

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

## **3.2 Meetings of the Council**

- 3.2.1 Meetings of the Council are relatively formal. The Council's Procedure Rules (Part 7 of the Constitution) govern how a meeting of the Council is conducted. The same rules also apply to certain committee meetings; other committees have their own procedure rules including the Executive Committee, Overview and Scrutiny Committee, Planning Committee and Audit, Governance and Standards Committee.
- 3.2.2 At full Council Meetings the agenda will include presentation of recommendations from the Executive Committee to Council and reports on any issues to be decided by the Council. Individual Members can ask questions of the Leader or propose motions for debate.

## **4. THE EXECUTIVE COMMITTEE**

### **4.1 Composition and Role**

- 4.1.1 The Council is required by law to have an 'Executive', and has chosen the "Leader and Cabinet" model. The Leader is responsible for making arrangements to discharge functions which fall to the Executive, whether through the Leader personally, individual Executive Committee members, or officers.
- 4.1.2 The Executive Committee is not required to be politically balanced. Meetings are held in public but the Executive Committee must comply with the Access to Information Rules as set out in Part 8.
- 4.1.3 The Council appoints (and can subsequently remove) the Leader at the Annual Meeting of the Council. The Leader's initial appointment is for a 4-year term, but this is reviewable at least annually at the Council's Annual Meeting. Members of Redditch Borough Council

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are elected 'by thirds', in other words, a third of the Council members retire each year in rotation. They then have a four-year term of office. (In the fourth year County Council elections are held.)

- 4.1.4 The Executive Committee comprises the Leader of the Council and a minimum of 2 and maximum of 9 Members of the Council of his/her choice.
- 4.1.5 The Leader presides at meetings of the Executive Committee. The Deputy Leader presides in the Leader's absence. In the absence of both, a Member nominated by those present at the meeting will preside.
- 4.1.6 The Leader determines the number of areas of political responsibility or "portfolios" and their allocation to members of the Executive Committee (Portfolio Holders).
- 4.1.7 The Leader has determined that the Executive Committee will take decisions collectively. No individual members of the Executive Committee have delegated powers to take decisions on behalf of the Executive Committee.
- 4.1.8 The Executive Committee takes decisions on all matters relating to the functions of the Council except those which –
  - are reserved to the full Council (such as the Budget and Policy Framework, Members' Allowances and Code of Conduct)
  - are ones which by law the Executive Committee cannot take (such as deciding Planning applications and Standards matters)
  - by choice may not and have not been allocated to the Executive Committee.
- 4.1.9 In general terms, it is therefore the Executive Committee which will take the main political decisions in relation to services.
- 4.1.10 Many decision-making powers continue to be delegated to officers to allow the day to day operation of services to continue. Parts 3 to 6 contain the scheme of delegation to committees and officers.
- 4.1.11 Collectively and individually the Executive Committee are subject to the overview and scrutiny arrangements which the Council has established (Section 5 below).

**4.2 'Key Decisions'**

- 4.2.1 Certain types of decision which are the responsibility of the Leader and Executive Committee are called 'Key Decisions'. It is important to know what they are because only the Executive Committee will be taking Key Decisions; and (generally) advance notice has to be given of Key Decisions to be taken through the procedure known as the Work Programme (4.3 below).
- 4.2.2 Key Decisions are ones which are likely to:-
  - (i) result in the Council incurring expenditure, foregoing income or the making of savings in excess of £50,000 or which are otherwise significant having regard to the Council's budget for the service or function to which the decision relates; or
  - (ii) be significant in terms of its effect on communities living or working in an area comprising two or more wards in the Borough.

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- (iii) Involve any proposal to cease to provide a Council service (other than a temporary cessation of service of not more than 6 months).

**4.3 The Work Programme**

- 4.3.1 The Leader of the Council has to publish the Work Programme each month, which contains a list of what Key Decisions the Executive Committee are likely to take in the following months; when the decision is likely to be taken by the Executive Committee; a list of the documents which the Executive Committee will consider; whether any decisions are likely to be considered without the public being present and the steps to be taken by any person who wants to make representations to the Executive Committee about the matter. For transparency, the Work Programme also includes non-Key Decisions going to Executive Committee.
- 4.3.2 The purpose of the Work Programme is to alert the public and members to when Key Decisions are to be taken by the Executive Committee so that they can raise matters of concern with the local Councillor or members of the Executive Committee or attend.
- 4.3.3 The Work Programme has to be updated monthly so that as more details become available, more information can be included in it.
- 4.3.4 The detailed requirements in relation to the Work Programme are set out in Part 8, Access to Information Rules.
- 4.3.5 There are detailed procedures in Part 8 of the Constitution about taking Key Decisions which for some reason have not been included in a Work Programme or which are very urgent. The Overview and Scrutiny Committee also has a right to require the Executive Committee to report to the Council on Key Decisions which they believe to have been taken otherwise than in accordance with the required procedures – and the Leader has to report to the full Council quarterly on all special urgency decisions.

**4.4 Meetings of the Executive Committee**

- 4.4.1 The Executive Committee meets regularly in public, unless the matter to be discussed is confidential or exempt.
- 4.4.2 The Executive Committee may also meet privately (with no public or local members present) when the business will only be the discussion of matters with officers and not the taking of decisions. They may also meet for informal briefings.
- 4.4.3 The Constitution allows certain members to speak at Executive Committee meetings (but not to vote), for instance the Chair or Vice-Chair of the Overview and Scrutiny Committee or a lead Member of a Task Group.
- 4.4.4 The Executive Committee will consider Officer reports, which make recommendations for the Executive Committee to consider.
- 4.4.5 Decisions taken by the Executive Committee are subject to the call-in procedures referred to in Section 5 below. Save in the limited circumstances referred to, they will not take effect until the fifth working day after publication of the minutes of the relevant meeting of the Executive Committee to members of the Council. Due allowance must be made for this in the preparation of any reports to the Executive Committee which require a prompt decision as the minutes must say whether implementation is so urgent that it

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cannot await the outcome of possible call-in – and why (see paragraph 4.4.8 below). Urgency of implementation may need to be specifically addressed in reports.

- 4.4.6 Chief Officers (or their representatives) will be entitled to be present at all meetings of the Executive Committee.
- 4.4.7 All meetings of the Executive Committee will be minuted and every member will receive a copy. These minutes, which are issued electronically with a note indicating the date of dispatch, are the formal record of decisions and also the “trigger” for the call-in procedure. They will also indicate which items (if any) are urgent so that they are not subject to ‘call-in’ but fall to be dealt with under the urgency procedures.
- 4.4.8 Urgent cases will be those where delay likely to be caused by the call-in process could seriously prejudice either the interest of the Council or the public, and the Chair (or in his/her absence Vice-Chair) of the Overview and Scrutiny Committee agrees that the decision is urgent and cannot reasonably be deferred. If those members referred to are unable to act, then the agreement of the Chief Executive or his/her nominee will suffice. These provisions allow a ‘check and balance’ allowing a person outside the Executive Committee to decide whether or not there should be implementation without the risk of call-in suspending the decision.
- 4.4.9 The Executive Committee’s own procedures are governed by Appendix 7 of the Constitution. But the Executive Committee can largely govern its own procedure.

## **5. OVERVIEW AND SCRUTINY ARRANGEMENTS**

### **5.1 Composition and Role**

- 5.1.1 The Council is required by law to have arrangements for Overview and Scrutiny by which recommendations on the development of policies can be made and the Executive Committee be held to account for its actions.
- 5.1.2 No bodies established to carry out Overview and Scrutiny have any powers to take decisions on behalf of the Council.
- 5.1.3 The Council operates a single Overview and Scrutiny Committee. From time to time the Committee will establish Task Groups to carry out scrutiny exercises.
- 5.1.4 The Overview and Scrutiny Committee comprises a Chair and other members. The Committee is not politically balanced – the Council has to agree to this arrangement each year.
- 5.1.5 The size of any Task Group will vary according to the purpose for which it is established. The places on each Task Group need not be allocated strictly in accordance with the political balance of the Council so as to allow Members with a particular knowledge or interest or commitment to take part.
- 5.1.6 Executive Committee Members cannot serve on the Overview and Scrutiny Committee, or on any Task Group.

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

The specific terms of reference include:-

- a. To receive and consider Councillor Calls for Action.
- b. To perform the functions relating to Crime and Disorder Scrutiny (in accordance with the Police and Justice Act 2006).
- c. To receive and consider certain Petitions, under the Council's Petitions Protocol.
- d. To monitor performance improvement .
- e. To scrutinise the Budget.
- f. To identify unsatisfactory progress or performance and make recommendations on remedial action to the Executive Committee.
- g. To monitor Council documents / strategies, including:
  - The Council Plan
  - The Council Annual Report
  - The Sustainable Community Strategy
  - The Sustainable Community Strategy Annual Report
  - Performance Management Strategy / Data Quality Strategy
  - Quarterly Finance & Performance Monitoring reports.

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

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

5.1.10 Scrutiny arrangements are governed by the Overview and Scrutiny Procedure Rules in Part 11 of the Constitution. These include an obligation to declare any party whipping arrangements.

## **5.2 Call-in**

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

5.2.2 There is a right to call-in decisions taken by the Executive Committee before they are implemented. Within three working days of a meeting of the Executive Committee the minutes of that meeting will be circulated to all members of the Council and will be



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available for inspection. Unless it is identified as urgent in the Minutes, the decision which the Executive Committee has taken will not take effect until five working days have expired after the circulation of the minutes. During the intervening period:-

- not fewer than three members of the Overview and Scrutiny Committee; or
- the Chair of the Overview and Scrutiny Committee; or
- five members of the Council who are not members of the Executive Committee;

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

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

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

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

5.2.5 The time for call-in is very important, as any Executive Committee decision can be implemented on the expiry of the fifth working day after circulation of the Executive Committee’s minutes, if it is not called-in before then. However, restrictions on call-in apply in cases of urgency.

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

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

5.2.7 Details of the call-in procedure are included in the Overview and Scrutiny Procedure Rules (Part 11 of the Constitution).

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

**6. OTHER COMMITTEES****6.1 Composition and Roles**

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

**6.2 Audit, Governance and Standards Committee**

- 6.2.1 The Audit, Governance and Standards Committee's main role is to ensure good stewardship of the Council's resources and to assure the Council about the objectivity and fairness of the financial reporting and performance of the Council, the adequacy of the risk management framework and associated controls within the Council, and that any issues arising from the drawing up, auditing and certifying of the Council's accounts are properly dealt with. The Committee also deals with Standards items and is responsible for the ethical framework within the Council. It promotes and upholds the Council's Code of Conduct which sets out how Councillors behave. It meets at least four times a year, usually quarterly. The arrangements for the Audit, Governance and Standards Committee are set out in the Procedure Rules in Part 12 of the Constitution.

**6.3 Planning Committee**

- 6.3.1 The Planning Committee will carry out the planning functions which cannot be the responsibility of the Executive Committee. The main function of the Committee is to decide applications relating to development control, trees and planning enforcement. Meetings will take place in accordance with the Planning Committee Procedure Rules in Part 13 of the Constitution.

**6.4 Licensing Committee**

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

**6.5 Appeals Committee**

- 6.5.1 The Council has an Appeals Committee to determine appeals in relation to Employment Appeals.

- 6.6** Details relating to all the above Committees etc are contained in Parts 3 - 6 of the Constitution. The Members' Code of Conduct is set out in Part 19 of the Constitution.

**7. AREA ARRANGEMENTS**

- 7.1 The Council participates in the Local Strategic Partnership. This involves working alongside professionals from the County Council and other public bodies in order to improve outcomes for the community.

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- 7.2 The Council also has a role to support the work of its only Parish Council - Feckenham - including providing advice and support regarding ethical standards and Code of Conduct and electoral matters.

**8. MEMBERS****8.1 Service on the Executive Committee**

- 8.1.1 Every member of the Council, except the Mayor and Deputy Mayor, is eligible to serve on the Executive Committee.

**8.2 Service on other committees**

- 8.2.1 Every member is eligible to serve on the Council's committees save that Executive Committee Members may not serve on the Overview and Scrutiny Committee and its Task Groups.

**8.3 Substitution**

- 8.3.1 There can be no substitution for members of the Executive Committee.
- 8.3.2 Other substitution rules are as detailed in the Terms of Reference of Committees at Part 4 of the Constitution.

**8.4 Budget and Policy Framework Procedure Rules**

- 8.6.1 The Budget and Policy Framework Procedure Rules are set out in Part 9. These set out the procedure by which the Executive Committee will draw up proposals for the budget and policy framework of the Council.

**8.7 Members' Allowances**

- 8.7.1 Members may receive the allowances contained in the Scheme of Members Allowances (Part 18 of the Constitution). These are set by Council following recommendations made by an Independent Remuneration Panel.

**8.8 Ethical Framework**

- 8.8.1 Part 19 sets out the Members' Code of Conduct and Part 20 the Code of Conduct relating to the acceptance of gifts and hospitality by Members.

**8.9 Access to Information**

- 8.9.1 The Constitution sets out in Part 8 (Access to Information Procedure Rules) arrangements for public access to information and to which members are also entitled.
- 8.9.2 The Rules also prescribe other information available in connection with overview and scrutiny arrangements and additional rights of access for members.

**8.10 Member - Officer Relations**

- 810.1 The Council and the public are entitled to expect high standards of conduct from members. In addition to the Members' Code of Conduct, Members are subject to the Member-Officer Protocol in Part 21 of the Constitution.

**8.11 Member involvement in making Regulatory decisions**

- 8.11.1 Members need to ensure that they take particular care in their dealings with members of the public and businesses when they are members of either of the Council's Planning Committee and Licensing Committee and its sub-committees. This is because members of these committees will be called upon to make decisions on applications which may be made by people they know or with whom they have had contact either personally or in their role as a Councillor.
- 8.11.2 Additional guidance for members relating to Planning and Licensing is set out in the Codes of Practice for Planning at Part 23 and the Code of Practice for Licensing at Part 24.

**8.12 Member use of IT facilities**

- 8.12.1 Members are encouraged to use IT (or ICT) facilities to access Council and Committee agendas and to enable them to carry out their duties effectively and efficiently. The rules around use of IT by members are set out in the Protocol in the use of ICT Facilities in Part 22 of the Constitution.

**8.13 Outside Bodies**

- 8.13.1 The Council appoints or nominates Members to sit on a wide range of outside bodies and organisations.

Further information and guidance to Members in relation to their role on any Outside Bodies is set out in the Protocol on Members Representation on Outside Bodies in Part 24 of the Constitution.

**8.13 Members Roles and Responsibilities**

- 8.13.1 A number of 'role descriptions' have been produced setting out the potential range of duties and responsibilities of a councillor and various other positions held (such as the Leader, Committee Chairs, etc). These are included in Part 25 of the Constitution.

**9. OFFICERS****9.1 Designations**

- 9.1.1 By law the Council must designate officers to hold three statutory offices. These are –
- Head of Paid Service
  - Monitoring Officer
  - Section 151 Officer.

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

9.1.3 The Council has appointed a number of Chief Officers.

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

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

## **9.2 Delegations**

9.2.1 Part 3 sets out the Scheme of Delegation to Officers.

## **9.3 Financial Regulations**

9.3.1 Financial Regulations are set out in Part 11 and establish a framework for the administration and control of the Council's financial affairs.

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

- Financial Administration
- Accounting Systems / Accounting Records
- Audit
- Budget Responsibilities
- Budget Preparation
- Procurement of Works, Goods, Materials and Services
- Payment for Works, Goods, Materials and Services
- Payments to Employees and former Employees
- Income
- Banking
- Borrowings, Other Capital Financing and Investments
- Trustees, Receivers, Appointees and Agents
- Assets
- Insurance
- Ex Gratia Payments
- Preparation of Statutory Financial Statements
- Applications and Claims for Grant or Subsidy.

## **9.4 Contract Procedure Rules**

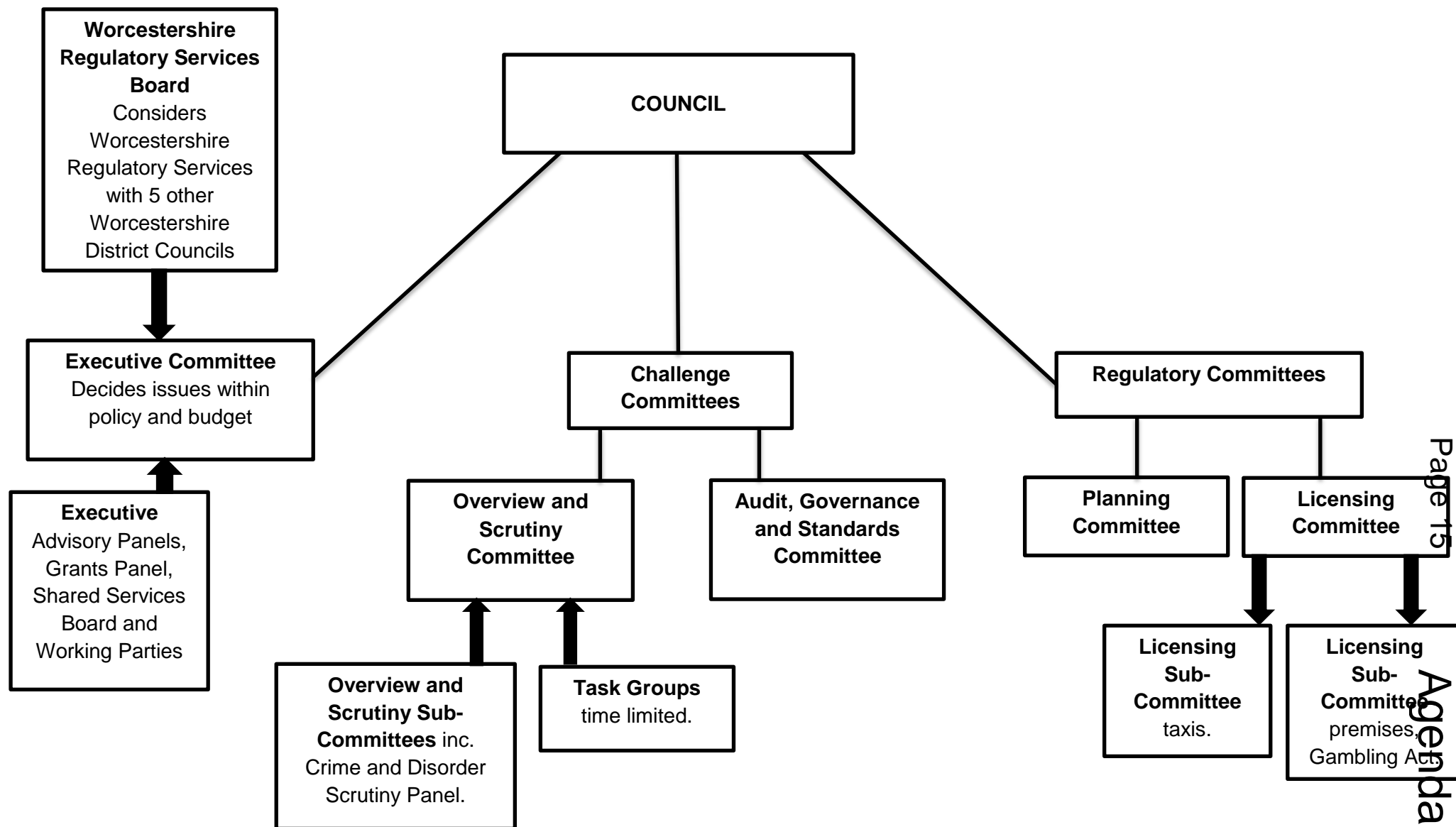
9.4.1 Part 12 includes the Council's Current Contract Procedure Rules which set the framework for the acquisition and disposal of goods, works and services.

**9.5 Employment Procedures**

- 9.5.1 Part 13 of the Constitution sets out the Officer Employment Procedure Rules.
- 9.5.2 In essence, all appointments other than the Chief Executive, Directors and Heads of Service reporting directly to Directors must be made by officers and cannot be made by members.
- 9.5.3 There are specific and procedural rules about appointments of the officers named in paragraph 9.5.2, which are made by an Appointments Panel. An Appointments Panel may also deal with the discipline and dismissal of those officers subject, where necessary, to any procedural or legal restrictions. Any such Panel is set up as and when required, rather than by standing arrangement.

**10. CONCLUSION**

- 10.1 This Guide seeks to simplify some of the complexities of the Constitution for members and officers of the Council but is not a substitute - reference must be made to the full Constitution for the detailed provisions applicable in any situation or circumstance under discussion. A copy of the Constitution is made available to every member of the Council and officers.
- 10.2 The Head of Legal, Equalities and Democratic Services will always try to help with any point of interpretation of the Constitution.



## Redditch Borough Council – Decision Making Structure

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### THE ARTICLES OF CONSTITUTION

Article No.	
1	The Constitution
2	Members of the Council
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14	Finance, Contracts and Legal Matters
15	Review and Revision of the Constitution
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## **ARTICLE 1 - THE CONSTITUTION**

### **1.1 Powers of the Council**

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

### **1.2 The Constitution**

This Constitution and all its appendices are the Constitution of the Redditch Borough Council.

### **1.3 Purpose of the Constitution**

The purpose of the Constitution is to:

- a. enable the Council to provide clear leadership to the community in partnership with citizens, businesses, and other organisations;
- b. support the active involvement of citizens in the process of local authority decision-making;
- c. help Councillors represent their constituents more effectively;
- d. enable decisions to be taken efficiently and effectively;
- e. create a powerful and effective means of holding decision-makers to public account;
- f. ensure that no-one will review or scrutinise a decision in which they were directly involved;
- g. ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions; and
- h. provide a means of improving the delivery of services to the community.

### **1.4 Interpretation and Review of the Constitution**

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above. The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

## **ARTICLE 2 - MEMBERS OF THE COUNCIL**

### **2.1 Composition and eligibility**

The Council will comprise 29 Members, otherwise called Councillors. Two or three Councillors will be elected by the voters of each ward in accordance with the scheme drawn up by the Electoral Commission and approved by the Secretary of State. Only registered voters of the Borough, or those living or working or owning property in the Borough, will be eligible to hold the office of Councillor.

### **2.2 Election and terms of Councillors**

The regular election of Councillors will usually be held on the first Thursday in May each year, in three out of every four years. The Borough operates a system of 'election by thirds' which means one third of the membership of the Council is elected at each round of Borough Council elections (in the fourth year, County Council elections take place). The terms of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

### **2.3 Roles and functions of all Councillors**

All Councillors will:

- a. collectively be the ultimate policy makers and carry out a number of strategic and corporate management functions;
- b. represent their communities and bring their views into the Council's decision-making process, in other words become the advocate for their communities;
- c. deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- d. balance different interests identified within their ward and represent the ward as a whole;
- e. contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
- f. participate in the governance and management of the Council;
- g. maintain the highest standards of conduct and ethics; and
- h. be available to represent the Council on other bodies

The roles and responsibilities of Councillors are set out in more detail in Part 28 of this Constitution.

#### **2.4 Councillors' Rights and Duties**

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

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

For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 8 of this Constitution.

#### **2.5 Conduct**

Councillors will at all times observe the Members' Code of Conduct, the Gifts and Hospitality Code, the Protocol on Member-Officer Relations set out in Parts 19, 20 and 21 of this Constitution.

#### **2.6 Allowances**

Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 18 of this Constitution.

## ARTICLE 3 – CITIZENS AND THE COUNCIL

### 3.1 Citizens' rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Procedure Rules in Part 8 of this Constitution:

- a. **Voting and petitions** Citizens on the electoral register for the area have the right to vote and sign a petition to request a referendum for an Elected Mayor form of Constitution.

Further rights are afforded by the Council's Petitions Protocol.

- b. **Information** Citizens have the right to:

- (i) attend meetings of the Council and its committees, except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (ii) attend meetings of the Executive Committee, except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (iii) find out from the Executive Work Programme what key decisions will be taken by the Executive and when;
- (iv) see reports and background papers, and any minutes of decisions made by the Council and the Executive (other than those comprising confidential or exempt information); and
- (v) inspect the Council's accounts and make their views known to the external auditor.

- c. **Participation**

- (i) Citizens may be invited to contribute to investigations undertaken by the Overview and Scrutiny Committee or by any of its Task and Finish Groups.
- (ii) Citizens who attend any meeting of the Council are entitled to take a copy of the Agenda and associated reports available in the public gallery.

- (iii) Citizens may be entitled to address committee meetings but only where public participation has been agreed by the Council and on the terms relevant to such meetings.
  - (iv) Citizens may record meetings of the Council, Committees and other meetings open to the public and in accordance with the law and the Council's protocol.
  - (v) Citizens may be invited from time to time to contribute to other community forums.
- d. **Complaints** Citizens have the right to complain to:
- (i) the Council itself under its formal complaints process;
  - (ii) the Commissioner for Local Administration after using the Council's own complaints process;
  - (iii) the Standards Committee about a breach of the Councillor's Code of Conduct.

### 3.2 Citizens' responsibilities

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

## ARTICLE 4 – THE FULL COUNCIL

### 4.1 Meanings

"Policy Framework"

The policy framework means the following plans and strategies:-

- Annual Performance Plan;
- Climate Change Strategy
- Community Safety Partnership Plan
- Council Plan;
- Plans and strategies which together comprise the Local Development Framework;
- Development Plan;
- Emergency Plan;
- Enforcement Policy;
- Food Law Enforcement Service Plan;
- The plan and strategy which comprise the Housing Investment Programme;
- Local Transport Plan;
- Procurement Strategy;
- Single Equalities Scheme;
- Sustainable Community Strategy.

"Budget"

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

### 4.2 Functions of the full Council

Only the Council will exercise the following functions:

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

- c. subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 8 of this Constitution, making decisions about any matter in the discharge of an Executive function which could have been (but was not) covered by the Budget and Policy Framework or where the decision maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to/or not wholly in accordance with the Budget;
- d. appointing or removing from office:-
  - (i) the Leader;
  - (ii) the Mayor or Deputy Mayor;
- e. confirming the appointment of the Chief Executive, Monitoring Officer and Section 151 Officer;
- f. agreeing and/or amending the terms of reference for the Council's committees, sub-committees, etc., deciding on their composition and, subject to Article 8.3, making appointments to them;
- g. the appointment and revocation of appointments of representatives to outside bodies unless the appointment is an Executive function or has been delegated by the Council;
- h. adopting an allowances scheme;
- j. changing the name of the area or conferring the title of Honorary Alderman or Freeman of the Borough;
- k. making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- l. all local choice functions set out in Part 3 of this Constitution (Responsibilities for Functions) which the Council decides should be undertaken by itself rather than the Executive; and
- m. all other matters which, by law, must be reserved to Council.



**4.3 Council meetings**

There are three types of Council meeting:

- a. the annual meeting;
- b. ordinary meetings;
- c. extraordinary meetings, including the Council Tax-setting meeting of the Council

and they will be conducted in accordance with the Council Procedure Rules in Part 7 of this Constitution.

**4.4 Responsibility for functions**

The Council will maintain the tables in Parts 3 - 6 of this Constitution setting out:

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

**ARTICLE 5 – CHAIRING THE COUNCIL****5.1 Role and function of the Mayor**

The Mayor and Deputy Mayor of the Council will be elected by the Council annually and neither the Mayor nor the Deputy Mayor will be a member of the Executive. The Mayor, and in his/her absence the Deputy Mayor, will have the following roles and functions:

- a. to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- b. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
- c. to ensure that the Council meeting is the forum for the debate of matters of concern to the local community and the place at which members who are not on the Executive or do not hold committee chair positions are able to hold the Executive and Committee Chairs to account;
- d. to promote public involvement in the Council's activities;
- e. to be the conscience of the Council; and
- f. to attend such civic and ceremonial functions as the Council and he/she determines appropriate.

The roles and responsibilities of the Mayor and Deputy Mayor are set out in more detail in Part 28 of this Constitution.

## **ARTICLE 6 – OVERVIEW AND SCRUTINY**

### **6.1 Discharge of overview and scrutiny functions**

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

- a. section 21 of the Local Government Act 2000 or any regulations made under section 32 of the Local Government Act 2000;
- b. sections 119, 236 and 237 of the Local Government and Public Involvement in Health Act 2007; and
- c. section 19 of the Police and Justice Act 2006 and the Crime and Disorder (Overview & Scrutiny) Regulations 2009.

For this latter purpose the Overview and Scrutiny Committee appoints a separate Crime and Disorder Scrutiny Panel.

### **6.2 Composition**

The Overview and Scrutiny Committee will be composed of the number of Councillors determined at each Annual Council meeting, none of whom shall be members of the Executive Committee.

The Chair and Vice-Chair of the Overview and Scrutiny Committee must not be a member of the controlling political group.

### **6.3 Terms of reference**

The general terms of reference of the Overview and Scrutiny Committee will be to perform all overview and scrutiny functions on behalf of the Council in relation to any matter affecting the Borough and its inhabitants.

### **6.4 General roles of the Overview and Scrutiny Committee**

The Overview and Scrutiny Committee will:

- a. make reports and/or recommendations to the full Council and/or the Executive in connection with the discharge of any functions;
- b. consider any matter affecting the area or its inhabitants;
- c. review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;

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

## **6.5 Specific functions of the Overview and Scrutiny Committee**

The Overview and Scrutiny Committee may:

- a. assist the Council and the Executive in the development of the Council's Budget and Policy Framework by in-depth analysis of policy issues;
- b. conduct research, community consultation and other consultation in the analysis of policy issues and possible options;
- c. consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- d. question members of the Executive and chief officers;
- e. liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working;
- f. review and scrutinise the performance of the Council in relation to its policy objectives and/or particular service areas;
- g. question members of the Executive and other committees and chief officers about their decisions whether generally in comparison with service plans and targets over a period of time, or in relation to particular decision, initiatives or projects;
- h. make recommendations to the Executive and/or the Council arising from the outcome of the overview and scrutiny process;
- i. review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny Committee or its Task Groups and local people about their activities and performance;
- j. question and gather evidence from any person (with their consent);
- k. review and scrutinise the decisions made by the Executive Committee (but not decisions of regulatory committees) and Council Officers;
- l. receive and consider relevant petitions (other than petitions relating to regulatory matters) under the approved Petitions Protocol;
- m. assist the Council and the Executive in the development of the Budget; and
- n. receive and consider Councillor Calls for Action.

**6.6 Functions of the Overview and Scrutiny Committee exercised via the Crime and Disorder Scrutiny Panel**

The Crime and Disorder Scrutiny Panel will

- a. receive and consider Councillor Calls for Action in relation to crime and disorder matters; and
- b. review and/or scrutinise decisions made, or other action taken, in connection with the discharge by the Council of its crime and disorder functions.

**6.7 Finance.**

The Chair of the Overview & Scrutiny Committee will advise Officers in the exercise of their delegated responsibility for finances made available to the Committee.

**6.8 Officers.**

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

**6.9 Proceedings of the Overview and Scrutiny Committee**

The Overview and Scrutiny Committee will conduct its proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 11 of this Constitution.

**6.10 Annual Report**

The Overview and Scrutiny Committee will contribute to an annual report to the Council on its workings, together with recommendations for future work programmes and amended working methods if appropriate.

## ARTICLE 7 – THE LEADER OF THE COUNCIL AND THE EXECUTIVE COMMITTEE

### 7.1 Role

The Council has adopted the 'Leader and Cabinet' Executive (England) governance model for its executive arrangements. In Redditch the Cabinet is referred to as the Executive Committee.

The Leader of the Council (*'Strong Leader'*) is responsible for the discharge of such functions as are the responsibility of the Executive of the Council. This means all functions which by law must be the responsibility of the Executive or which are not the responsibility of any other part of the Council whether by law or under this Constitution ('executive functions').

The Leader may make such arrangements as s/he thinks fit from time to time for the delegation and discharge of executive functions.

### 7.2 Composition of the Executive Committee

- a) The Leader of the Council is responsible for the appointment of the Executive Committee which will consist of the Leader and not less than 2 nor more than 9 other Councillors, as the Leader shall determine. The Leader may change the size of Executive Committee (within the above parameters) and appointments to it at any time.
- b) One of the members of the Executive Committee will be designated by the Leader as Deputy Leader, to hold office until the end of the Leader's term of office, unless the Deputy Leader resigns, ceases to be a member, is disqualified, or is removed by the Leader at any time.
- c) If for any reason the Leader is unable to act, or the office of Leader is vacant, the Deputy Leader must act in the Leader's place. If the Deputy Leader is unable to act or the office is vacant, the Executive Committee must arrange for another member of the Executive Committee to do so.
- d) The Executive Committee is not a normal Committee of the Council. Its composition is not required to be in accordance with the political balance of the Council.

- e) The Executive Committee collectively, individual members of the Committee or Officers will be responsible for the discharge of such functions of the executive as are allocated by the Leader of the Council from time to time. The Leader will maintain a List in Parts 3 – 6 of this Constitution (Scheme of Delegation) setting out which Executive Committee members, officers or joint or local arrangements are responsible for the exercise of particular Executive functions.

### **7.3 Leader / Opposition Leader**

#### **A. Executive Leader (*“Strong Leader”*)**

The Leader will be a Councillor elected to the position of Leader by the Council at its annual meeting. The Leader will be elected for an initial four year term, starting on the day of his/her election as Leader and ending on the day of the post-election annual meeting, subject to annual review at each Annual Council Meeting. The Leader will otherwise hold office until:

- a) s/he resigns from the office of Leader; or
- b) s/he is disqualified from being or remaining a Councillor; or
- c) s/he is no longer a member of the Council for any reason; or
- d) s/he is removed from office by a resolution of the full Council during the Leader's term of office (and in which case Council will elect a new Leader at that or a subsequent meeting).

#### **B. Opposition Leader**

The Opposition Leader shall automatically, by dint of office, be the Leader of the largest Minority Group.

### **7.4 Other Executive members**

Other Executive members shall hold office until:

- a. they resign from office; or
- b. they are no longer Councillors; or
- c. they are removed from office by the Leader who must give written notice of any removal to the proper officer. The removal will take effect two working days after receipt of the notice by the proper officer.

**7.5 Proceedings of the Executive Committee**

The proceedings of the Executive shall be in accordance with the Executive Procedure Rules set out in Part 10 of this Constitution.

**7.6 Responsibility for functions**

All Executive decisions will be taken by the Executive acting collectively except:

- a. when the Executive has made a decision in principle it may delegate to the Leader, or to the relevant Portfolio Holder, authority to finalise outstanding details in agreement with the appropriate Head of Service;
- b. when a decision regarding an Executive function requires attention as a matter of such urgency that formal reporting to Executive is not possible, the Leader may take that decision in consultation with the relevant Portfolio Holder(s), the Chief Executive, the Section 151 Officer and the Monitoring Officer (and, if a Key Decision, the Chair of the Overview and Scrutiny Committee); such decisions to be subject to report to the next available meeting of the Executive Committee.
- c. when the Leader requests the Overview and Scrutiny Committee and the Audit, Standards and Governance Committee to consider including issues within their work programme;
- d. when the Executive has arranged for an Executive function to be discharged by an Executive Sub-Committee or an officer or by way of joint or local arrangements.

A list will be maintained in Parts 3 - 6 of this Constitution (Scheme of Delegation) setting out which Executive Sub-Committee, officers or joint or local arrangements are responsible for the exercise of particular Executive functions.



## **ARTICLE 8 - REGULATORY AND OTHER COMMITTEES**

### **8.1 Regulatory and other Committees**

The Council will appoint the committees set out in Parts 3 and 4 of this Constitution (Committees) to discharge the functions described in that Table.

### **8.2 Proceedings of Regulatory and Other Committees**

Unless otherwise specifically provided for in Part 3 of this Constitution (Committees), in Parts 11, 12 and 13 (Overview and Scrutiny Procedure Rules, Audit, Standards and Governance Procedure Rules and Planning Committee Procedure Rules) or elsewhere in this Constitution, regulatory and other committees will conduct their proceedings in accordance with the Council Procedure Rules in this Constitution.

### **8.3 Appointment of Seats on Regulatory and other Committees**

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

### **8.4 Qualifications for sitting on Regulatory and other Committees**

Only those Councillors who have undertaken appropriate training may sit on relevant committees, sub-committees or panels.

**ARTICLE 9 - AREA COMMITTEES**

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

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

However, no such Area Committees are currently appointed.

**Local Strategic Partnership**

The Council participates in the Local Strategic Partnership. This involves working alongside professionals from the County Council and other public bodies in order to improve outcomes for the community.

**Feckenham Parish Council**

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

## ARTICLE 10 - THE AUDIT, STANDARDS AND GOVERNANCE COMMITTEE

### 10.1 Audit, Standards and Governance Committee

The Council will establish a Standards Committee to discharge the functions conferred by the Localism Act 2011. Currently this function carried out by the Audit, Standards and Governance Committee. The Committee may establish Sub-Committees to carry out some or all of its functions and it is for the Committee to determine the composition, size and terms of reference of its sub-committees.

### 10.2 Composition

- a. **Membership.** The Standards Committee will comprise the number of Borough Councillors as decided at its Annual meeting. The Committee also includes 1 Independent non-voting Member for the purpose of Audit and Governance and 1 Parish Representative, who may not also be a Borough Councillor, for the purpose of Standards.
- b. **Appointment of the Parish Member.** The Parish Member shall be appointed by the Council in accordance with such process as the Council shall from time to time determine.
- c. **Voting.** Borough Councillors will be entitled to vote at meetings.
- d. **Parish member.** At least one Parish Member must be present when matters relating to Feckenham Parish Council are being considered.
- d. **Parish Councils.** The Audit, Governance and Standards Committee may establish a sub-committee to exercise the function of dealing with complaints about Borough or Parish Councillors.
- e. **Chairing the Committee.** The Standards Committee is chaired by a Borough Councillor.
- f. **Substitutes.** The use of substitutes is not encouraged.

However, Borough Councillors who are unable to attend a meeting of the Audit, Governance and Standards Committee or a sub-committee may appoint a nominated Borough Councillor to attend the meeting as his/her substitute. The substitute may attend, participate in and vote at the Audit, Governance and Standards Committee and sub-committee meetings in the absence of the Borough Councillor.

### 10.3 General Role

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

#### 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 u – v above in relation to the Parish Councils in the Council's area and the members of those parish Councils;
- w. To monitor, and review the operation of the Protocols on Member-Officer and Member-Member relations.

## ARTICLE 11 - JOINT ARRANGEMENTS

### 11.1 Arrangements to promote well-being

The Council or the Executive, in order to promote the economic, social or environmental well-being of its area, may, where legally permissible:

- a. enter into arrangements or agreements with any person or body;
- b. co-operate with, or facilitate or co-ordinate the activities of, any person or body;
- c. exercise on behalf of that person or body any functions of that person or body.

### 11.2 Joint arrangements

- a. The Council may establish joint arrangements with one or more local authorities in order to exercise functions which are not Executive functions in any of the participating authorities, or in order to advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- b. The Executive may establish joint arrangements with one or more local authorities to exercise functions which are Executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- c. Except as set out below, the Executive may only appoint Executive members to a joint committee and those members need not reflect the political composition of the local authority as a whole.
- d. The Executive may appoint members to a joint committee from outside the Executive, where the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population.

In such cases, the Executive may appoint to the joint committee any Councillor who is a member for a ward which is wholly or partly contained within the area. In such circumstances the political balance requirements do not apply to such appointments.

- e. Details of any joint arrangements including any delegations to joint committees will be found in Parts 3 and 6 of this Constitution.

**11.3 Access to information**

- a. The Access to Information Rules in Part 8 of this Constitution apply.
- b. If all the members of a joint committee are members of the Executive in each of the participating authorities then its Access to Information regime is the same as that applied to the Executive.
- c. If the joint committee contains members who are not on the Executive of any participating authority then the Access to Information Rules in Part V of the Local Government Act 1972 will apply.

**11.4 Delegation to and from other local authorities**

- a. The Council may delegate non-Executive functions to another local authority or, in certain circumstances, the Executive of another local authority.
- b. The Executive may delegate Executive functions to another local authority or, in certain circumstances, the Executive of another local authority.
- c. The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

**11.5 Contracting out**

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

## ARTICLE 12 - OFFICERS

### 12.1 Management structure

The full Council may engage officers as it considers necessary to carry out its functions.

The Council will designate the Chief Executive as Head of Paid Service and will designate officers as Monitoring Officer and Section 151 Officer. These posts will have the functions described in Articles 12.2 – 12.4 below. All three of these statutory Officers are provided under the shared services arrangements with Bromsgrove District Council.

The Chief Executive will determine, publicise and keep up to date a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Part 14 of this Constitution and is available on the Council's website.

### 12.2 Functions of the Head of Paid Service

- a. The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- b. The Head of Paid Service may not be the Monitoring Officer but may hold the post of Section 151 Officer if a qualified accountant.

### 12.3 Functions of the Monitoring Officer

- a. **Maintaining the Constitution** The Monitoring Officer will maintain an up to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.
- b. **Ensuring lawfulness and fairness of decision making** After consulting with the Head of Paid Service and Section 151 Officer, the Monitoring Officer will report to the full Council, or to the Executive in relation to an Executive function, if he/she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposals or decision being implemented until the report has been considered.



- c. **Supporting High Standards** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Audit, Governance and Standards Committee. This includes dealing with complaints about Members.
- d. **Proper Officer for access to information** The Monitoring Officer will ensure that Executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- e. **Advising whether Executive decisions are within the Budget and Policy Framework** The Monitoring Officer will advise whether decisions of the Executive are in accordance with the Budget and Policy Framework.
- f. **Providing advice** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Councillors.
- g. **Restrictions on post** The Monitoring Officer cannot be the Section 151 Officer or the Head of Paid Service.

#### 12.4 Functions of the Section 151 Officer

- a. **Ensuring lawfulness and financial prudence of decision making** After consulting with the Head of Paid Service and the Monitoring Officer, the Section 151 Officer will report to the full Council, or to the Executive in relation to an Executive function, and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- b. **Administration of financial affairs** The Section 151 Officer will have responsibility for the administration of the financial affairs of the Council.
- c. **Contributing to Corporate Management** The Section 151 Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- d. **Providing advice** The Section 151 Officer will provide advice on the scope of powers and authority to take decisions, maladministration,

financial impropriety, probity and Budget and Policy Framework issues to all Councillors and will support and advise Councillors and officers in their respective roles.

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

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

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

#### **12.6 Conduct**

Officers will comply with any Officers' Code of Conduct and the Protocol on Member-Officer Relations set out in Parts 22 and 21 of this Constitution.

#### **12.7 Employment**

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 16 of this Constitution.

**ARTICLE 13 - DECISION MAKING****13.1 Responsibility for decision-making**

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

**13.2 Principles of decision-making**

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

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

**13.3 Types of decision**

- a. Decisions relating to the functions listed in Article 4.2 will be made by the full Council and not delegated.
- b. 'Key Decisions' are those Executive decisions which are likely to:
  - 1. (i) result in any variation to the approved budget (capital and revenue) and/or Policy Framework for any service or function which requires the approval of the Council; or
  - (ii) result in expenditure or savings amounting in total to £50,000 or more;

OR

2. be significant in terms of their effect on a community or communities living or working in an area comprising one or more Wards in the Council's area, even where there may not be any financial implications; OR
3. Any proposal to cease to provide a Council service (other than a temporary cessation of service of not more than 6 months).

#### **13.4 Decision making by the full Council**

Subject to Article 13.8, each Council meeting will follow the Council Procedure Rules set out in Part 7 of this Constitution when considering any matter.

#### **13.5 Decision-making by the Executive Committee**

Subject to Article 13.8, the Executive will follow the Executive Procedure Rules set out in Part 10 of this Constitution when considering any matter.

#### **13.6 Decision-making by the Overview and Scrutiny Committee**

The Overview and Committee will follow the Overview and Scrutiny Procedures Rules set out in Part 8 of this Constitution when considering any matter.

#### **13.7 Decision making by other Committees and Sub-Committees established by the Council**

Subject to Article 13.8 other Council committees and sub-committees will follow those parts of the Council Procedure Rules set out in Part 7 of this Constitution as apply to them or such other Procedure Rules or elsewhere in this Constitution or as otherwise agreed by the Council.

#### **13.8 Decision making by Council bodies acting as tribunals**

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

**ARTICLE 14 - FINANCE, CONTRACTS AND LEGAL MATTERS****14.1 Financial management**

The management of the Council's financial affairs will be conducted in accordance with the Financial Regulations set out in Part 11 of this Constitution.

**14.2 Contracts**

Every contract made by the Council will comply with the Contract Procedure Rules and Procurement Code set out in Part 15 of this Constitution.

**14.3 Legal proceedings**

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

**14.4 Authentication of documents**

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

**14.5 Common Seal of the Council**

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

**ARTICLE 15 - REVIEW AND REVISION OF THE CONSTITUTION****15.1 Duty to Monitor and Review the Constitution**

- a. The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.
- b. A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the constitution adopted by the Council and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:
  - (i) observe meetings of different parts of the Member and Officer structure;
  - (ii) undertake an audit trail of a sample of decision;
  - (iii) record and analyse issues raised with him/her by Councillors, officers, the public and other relevant stakeholders; and
  - (iv) compare practices in the Council with those in other comparable authorities, or national examples of best practice.

**15.2 Changes to the Constitution**

- a. Changes to the Constitution shall not be approved unless approved by a majority of the number of Councillors present, save that the Monitoring Officer may amend Part 17 of the Constitution (Management Arrangements) but only to the extent that such changes reflect either changes to the corporate structure which have been agreed by Council or a change in staffing arrangements.
- b. The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals for a change from a 'Leader and Cabinet' (= 'Executive Committee') form of government to alternative arrangements, or vice versa or as otherwise prescribed by statutory requirement.

**ARTICLE 16 - SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION****16.1 Suspension of the Constitution**

The Articles of this Constitution may not be suspended.

**16.2 Suspension of Rules**

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

- (i) Council Procedure Rules
- (ii) Overview and Scrutiny Procedure Rules
- (i) Audit, Governance and Standards Committee Procedure Rules
- (ii) Executive Procedure Rules
- (iii) Officer Employment Procedure Rules
- (iv) Financial Regulations
- (v) Contracts Procedure Rules
- (ix) Budget and Policy Framework Procedure Rules
- (x) Planning Committee Procedure Rules.

**16.3 Procedure for Suspension of Rules**

A motion to suspend any Rules will not be moved without notice unless approved by a majority of the number of Councillors present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1. The advice of the Chief Executive and/or Monitoring Officer, or their representatives, shall be considered before any decision to suspend Rules may be taken.

**16.4 Interpretation**

Reference in any provision of this Constitution to the appointment of a person or a Member to an office shall be taken to include the removal of that person or Member from that office (subject to compliance with the Officer Employment Procedure Rules or other provision whether statutory or otherwise relating to the employment of staff).

**16.5 Mayor's Ruling**

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

**16.6 Publication**

The Chief Executive will make available a copy of this Constitution to each Councillor upon delivery to him/her of that individual's Declaration of Acceptance of Office on the Councillor first being elected to the Council. Full hard copies will be provided in each Members' Room and on request

The Chief Executive will ensure that copies are available for inspection at Council offices, libraries and other appropriate locations.

The Chief Executive will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.



### RESPONSIBILITY FOR FUNCTIONS

#### 1. Council Functions

- 1.1 The **Council** will be responsible for those functions which under Regulation 2 of and Schedule 1 to the Responsibility for Functions Regulations (as amended) (“the Regulations”) shall not be the responsibility of the Executive Committee.
- 1.2 Only the following functions which under Regulation 3(1) of and Schedule 2 to the Regulations may (but need not) be the responsibility of the Executive Committee, shall be the responsibility of the **Council**:

In respect of a Council function, the appointment of any individual to any body other than the authority, a joint committee of two or more authorities or to any committee or subcommittee of such a body and the revocation of such an appointment

Any function relating to contaminated land

The discharge of any function relating to the control of pollution or the management of air quality

The service of an abatement notice in respect of a statutory nuisance

The investigation of any complaint as to the existence of a statutory nuisance

The inspection of the authority’s area to detect any statutory nuisance

The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interest in land

The obtaining of particulars of person interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976

The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Council’s area

The determination of an appeal against any decision made by or on behalf of the Council in respect of a function reserved to the Council

### 1.3 Council Functions delegated to Committees and Officers

The Council has delegated functions to Committees and Officers as detailed in Part 5 ('Scheme of Delegations').

## 2. Executive Committee Functions

- 2.1 All executive functions shall be the responsibility of the **Executive Committee** which shall take decisions in accordance with paragraph 7.6 of the Articles of Constitution (Part 2).
- 2.2 All functions not specifically reserved to Council or to any other committee or body by statute or other legislative enactment shall be the responsibility of the **Executive Committee**.
- 2.3 The following functions which under the Regulations may (but need not) be the responsibility of the Executive Committee, shall be the responsibility of the **Executive Committee**:

Any function under a local Act other than a function specified or referred to in Regulation 2 or Schedule 1 of the Regulations.
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In respect of a Executive Committee function only, the appointment of any individual to any body other than the authority, a joint committee of two or more authorities or to any committee or sub-committee of such a body and the revocation of such an appointment
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The determination of an appeal against any decision made by or on behalf of the Council in respect of a function reserved to the Executive Committee
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### 2.4 Executive Committee Functions delegated to Committees and Officers

The Executive Committee has delegated functions to Committees and Officers as detailed in Part 5 ('Scheme of Delegations').

# **AUDIT, GOVERNANCE AND STANDARDS COMMITTEE TERMS OF REFERENCE**

Number of members	9 Councillors
Number of Co-opted, non-voting members	<p>1 Independent non-voting Member for the purpose of Audit and Governance.</p> <p>1 Parish Representative, who may not also be a Borough Councillor, for the purpose of Standards.</p>
Politically Balanced Y/N	Y
Quorum	4 (to include at least one member of the Majority Group)
Procedure Rules applicable	Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 18.2, 20.1 and 22)
Chair	The Chair and Vice-Chair of the Committee and any of its Sub-Committees will be a Borough Councillor.
Special provisions as to the Chair	For the sake of independence, the Chair and Vice-Chair shall not be a member of the controlling political group.
Terms of Reference	<p><u>Audit and Governance</u> <u>Internal and External Audit</u></p> <p>a. To review and monitor the annual audit plans of both the internal and external auditors.</p> <p>b. To receive and comment upon the external auditors' reports.</p> <p>c. To monitor the adequacy and effectiveness of the Council's system of internal control by</p>

	<p>ensuring that an adequate and effective system of internal financial controls is maintained, that financial procedures are regularly reviewed.</p> <ul style="list-style-type: none"> <li>d. To consider, monitor and review the Council's overall corporate governance arrangements.</li> <li>e. To enhance the profile, status and authority of the internal audit function which will demonstrate its independence.</li> <li>f. To focus audit resources by agreeing, and periodically reviewing, audit plans and monitoring delivery of the audit service.</li> <li>g. To receive and consider such internal audit reports that the Chair and/or Deputy Chief Executive considers necessary.</li> </ul> <p><u>Risk</u></p> <ul style="list-style-type: none"> <li>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.</li> </ul> <p><u>Finance and Value for Money</u></p> <ul style="list-style-type: none"> <li>i. To consider and approve the Council's Annual Statements of Accounts.</li> <li>j. To consider any report from the Internal Audit Manager in pursuance of Financial Regulations.</li> <li>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.</li> <li>l. To keep under review, and make recommendations on, proposed amendments to Financial Regulations.</li> <li>m. To consider and make recommendations if appropriate on, the Annual Governance Statement.</li> </ul> <p><u>Standards</u></p> <ul style="list-style-type: none"> <li>n. To promote and maintain high standards of conduct by Councillors and any co-opted members of Council bodies.</li> <li>o. To assist the Councillors and co-opted</li> </ul>
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	<p>members to observe the Members' Code of Conduct.</p> <ul style="list-style-type: none"> <li>p. To advise the Council on the adoption or revision of the Members' Code of Conduct.</li> <li>q. To monitor the operation of the Members' Code of Conduct.</li> <li>r. To advise, train or arrange to train Councillors and co-opted members on matters relating to the Members' Code of Conduct.</li> <li>s. To grant dispensations to Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct.</li> <li>t. To deal with any report from the Monitoring Officer following an investigation into a complaint concerning the Members' Code of Conduct.</li> <li>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.</li> <li>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.</li> <li>w. To monitor and review the operation of the Member Officer Relations Protocol.</li> </ul>
Special provisions as to membership	<p>The Committee to comprise elected Members representing all interests of the Authority, preferably with relevant areas of expertise, where possible (such areas as accountancy, audit, business and commerce.)</p> <p>Can be members of the Executive Committee, but Party Group Leaders may not be, or act as substitutes for, members of the Committee.</p>

**CRIME & DISORDER SCRUTINY PANEL**

Number of Members	5
Politically Balanced Y/N	N
Quorum	3
Procedure Rules applicable	Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 18.2, 20.1 and 22)
Terms of Reference	<ul style="list-style-type: none"> <li>a. to hold the Redditch Community Safety Partnership to account for its decision making;</li> <li>b. to scrutinise the performance of the Redditch Community Safety Partnership;</li> <li>c. to undertake policy reviews of specific crime and disorder issues;</li> <li>d. to highlight and challenge people's perceptions of crime and disorder in the local area;</li> <li>e. to undertake community engagement and consultation to establish local people's priorities for crime and disorder issues; and</li> <li>f. to promote the positive work of the Redditch Community Safety Partnership.</li> </ul>
Provisions relating to appointment of Chair	<p>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.</p> <p>Cannot be members of the Executive</p>

	Committee.
Special provisions as to membership	Training is highly recommended for members who sit on the Crime & Disorder Scrutiny Panel.

**EMPLOYMENT APPEALS COMMITTEE**

Number of members	5
Politically Balanced Y/N	N
Quorum	3
Procedure Rules applicable	Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 18.2, 20.1 and 22). Quasi-Judicial Meeting Rules apply.
Terms of Reference	To consider appeals against dismissal, grading and grievances by employees of the Council.
Special provisions as to the Chair	None
Special provisions as to membership	<p>Only those Councillors who have undertaken appropriate training * may sit on the Appeals Panel.</p> <p><i>* Quasi-Judicial meetings training.</i></p>



**EXECUTIVE COMMITTEE**

Number of Members	9, including the Leader and the Deputy Leader
Politically Balanced Y/N	N
Quorum	4
Procedure Rules applicable	Executive Committee Procedure Rules
Terms of Reference	To carry out all the Council's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution.
Special rules as to the Chair	The Leader to preside; in his/her absence the Deputy Leader to preside
Whipping arrangements	N/A
Special Provisions as to membership	Cannot be members of the Overview and Scrutiny Committee. Named substitutes not permitted.

**LICENSING COMMITTEE**

Number of Members	11
Politically Balanced Y/N	Y
Quorum	3
Procedure Rules applicable	Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 19.1, 19.2 and 21)
Terms of Reference	Functions relating to the Licensing Act 2003 (Premises and Personal Licences), the Gambling Act 2005, and miscellaneous other licensing and enforcement matters.
Special provisions as to the Chair	None
Whipping arrangements	N/A
Special provisions as to membership	None

**LICENSING SUB-COMMITTEE A****LICENSING SUB-COMMITTEE - Personal/Premises/Gambling Act  
Parent Committee – Licensing Committee**

Number of Members	3 members of the Licensing Committee  <i>Membership to be agreed by Officers, in consultation with the Chair, as required per application and to include a 4th reserve member.</i>
Politically Balanced Y/N	N
Quorum	3
Procedure Rules applicable	Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 18.2, 20.1 and 22). Quasi-judicial meetings rules apply.
Terms of Reference	To determine applications referred to it arising from the Licensing Act 2003, the Gambling Act 2005 and the Scrap Metal Dealers Act 2013.
Special provisions as to the Chair	None – the Chair to be elected for each meeting of the Sub-Committee.
Special provisions as to membership	Only those Councillors who have undertaken *appropriate training may sit on the Licensing Sub-Committee.  <i>*Quasi-Judicial meetings training / Licensing and Gambling Act requirements training.</i>

**LICENSING SUB-COMMITTEE B****Taxis/sex establishments/other****Parent Committee – Licensing Committee**

Number of Members	3 members of the Licensing Committee  <i>Membership to be agreed by Officers, in consultation with the Chair, as required per application and to include a 4th reserve member.</i>
Politically Balanced Y/N	N
Quorum	3
Procedure Rules applicable	Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 18.2, 20.1 and 22). Quasi-judicial meetings rules apply.
Terms of Reference	To determine all matters referred to it including (but not limited to):- (1) private hire and hackney carriage driver, operator and vehicle licensing; (2) street trading consents; (3) sex shop applications; (4) pet shop licences; (5) animal boarding licences; (6) riding establishment licences.
Special provisions as to the Chair	Chair or Vice-Chair of the Licensing (Parent) Committee.
Special provisions as to membership	Only those Councillors who have undertaken *appropriate training may sit on the Licensing Sub-Committee.  <i>*Quasi-Judicial meetings training..</i>

**OVERVIEW AND SCRUTINY COMMITTEE**

Number of Members	9 Members of the Overview and Scrutiny Committee, or of any of its Task and Finish Groups, shall not be members of the Executive Committee.
Politically Balanced Y/N	Currently N (by annual <u>Council resolution to vary</u> )
Quorum	3
Procedure Rules applicable	Overview and Scrutiny Procedure Rules and Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 18.2, 20.1 and 22).
Terms of Reference	<ul style="list-style-type: none"> <li>a. agree the scrutiny programme and the terms of reference for each scrutiny;</li> <li>b. establish time limited Task and Finish Groups to investigate issues in depth; or itself undertake selected reviews;</li> <li>c. agree reports prepared by the Task and Finish Groups;</li> <li>d. act as an interface with the Executive Committee;</li> <li>e. receive, comment and advise on the Council's policy framework such as the Corporate Plan and on other major policies;</li> <li>f. have responsibility for budget scrutiny and performance management scrutiny issues (with Task and Finish Groups established as necessary to take up any detailed work over the year);</li> <li>g. review and /or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions whether or not the responsibility of the Executive Committee;</li> <li>h. exercise the right to call in, for reconsideration of decisions made but not yet implemented by the Executive Committee;</li> <li>i. decide how to deal with call ins (with Task and Finish Groups established as necessary to take</li> </ul>

	<p>up any detailed work);</p> <ul style="list-style-type: none"> <li>j. Undertake the role of a Crime and Disorder Overview and Scrutiny Committee under the Police and Justice Act 2006 through the Crime and Disorder Scrutiny Panel, a Sub Committee of the main Committee;</li> <li>k. Establish arrangements for any review of the performance of relevant external organisations which impact on the Council's functions and services and submit reports after comment, as appropriate, by the Executive and external organisations, to the Council;</li> <li>l. Monitor the quality of scrutinies;</li> <li>m. Monitor the implementation of any scrutiny recommendations accepted by the Executive Committee; and</li> <li>n. Oversee the development of Member skills and competencies in scrutiny.</li> </ul>
Special provisions as to the Chair	The Chair and Vice-Chair will be a Member of a political group not forming part of the ruling administration.
Whipping arrangements	When considering any matter in respect of which a member of the Overview 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 Committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.
Special provisions as to membership	All Councillors except members of the Executive Committee may be Overview and Scrutiny members. However, no Member may be involved in scrutinising a decision in which he / she has been directly involved.

**PLANNING COMMITTEE**

Number of Members	9
Politically Balanced Y/N	Y
Quorum	3
Procedure Rules applicable	Planning Procedure Rules and Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 18.2, 20.1 and 22).
Terms of Reference	<ol style="list-style-type: none"> <li>1. To exercise all powers and duties of the Council on all matters relating to development control, including but not limited to:- <ol style="list-style-type: none"> <li>a. considering and determining applications for planning permission</li> <li>b. enforcement of planning control</li> <li>c. building preservation, Listed Buildings and Conservation areas</li> <li>d. Tree preservation orders</li> <li>e. Control of advertisements</li> <li>f. Footpath diversion orders under the Town and Country Planning legislation</li> <li>g. Certificates of Lawfulness</li> </ol> </li> <li>2. To comment on proposals for development submitted by Worcestershire County Council and other public authorities</li> <li>3. To determine High Hedges applications in accordance with Part 8 of the Anti-Social Behaviour Act 2003</li> </ol>
Special provisions as to the Chair	The Chair and the Vice-Chair, if members of the controlling Party Group, shall not be members of the Executive Committee.

Special provisions as to membership	Only those Councillors who have undertaken appropriate training as agreed by the Member Support Steering Group may sit on the Planning Committee.
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**STANDARDS HEARINGS SUB-COMMITTEES**  
**(Parent Committee – Audit, Governance and Standards Committee)**

Number of Members	3  The Audit, Governance and Standards Committee may from time to time determine procedures for membership of its sub-committees.
Politically Balanced Y/N	N
Quorum	3
Procedure Rules applicable	Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 18.2, 20.1 and 22)
Terms of Reference	To carry out assessment of allegations that a Borough Councillor or co-opted Parish Councillor with voting rights may have failed to follow the Code of Conduct.
Chair	A member of the Audit, Governance and Standards Committee. When assessing a complaint, the Chair will not be from the same political group as the Councillor who is the subject of the complaint.
Whipping arrangements	N/A
Substitutes	The Audit, Governance and Standards Committee may from time to time determine procedures for substitution at meetings of the Standards Hearings Sub-Committees.
Special provisions as to membership	Only those Councillors who have undertaken *appropriate training may sit on the Standards Hearings Sub-Committees.  * <i>Specific Standards Hearing-related training.</i>

**STATUTORY OFFICERS DISCIPLINARY ACTION PANEL**

Number of Members	8 made up of 5 Borough 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 Rules applicable	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.
Special provisions as to membership	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.

	Only those Councillors who have undertaken appropriate training may sit on the Statutory Officers Disciplinary Action Panel.
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**CONSTITUTION – PART 5 – INTRODUCTION****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.

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**CONSTITUTION – PART 5 – TABLE 5.00C - Proformas**

Scheme of Delegation to Officers <b><u>AUTHORISED SIGNATORIES PROFORMA</u></b> PAGE ONE OF TWO						
<b><u>EMPLOYEES</u></b>						
LETTER OF APPOINTMENT						
MILEAGE CLAIMS						
STAFF RETURNS / LEAVERS						
PRE-PLANNED OVERTIME						
SALARY ADVANCES						
SALARY AMENDMENTS						
STARTER FORMS						
TIMESHEETS						
TRAINING EXPENSES FORMS						
<b><u>PETTY CASH</u></b>						
VOUCHERS						
RE-IMBURSEMENT						
<b><u>PROCUREMENT</u></b>						
CONTRACT CERTIFICATES						
CONTRACT DOCUMENTS						
INVOICE CERTIFICATION						
PRINT & STATIONERY REQUISITIONS						
PURCHASE REQUESTS						
STORES REQUISITIONS						
<b><u>OTHER</u></b>						
MEMBERS' ALLOWANCES						
OFFICERS' ALLOWANCES						
PAYMENTS TO COURT						
A = MAY SIGN IN ABSENCE OF SUPERIOR ONLY				* = WITHIN £500 LIMIT		

Authorised Approval ..... Director .....

Date: .....

**CONSTITUTION – PART 5 – TABLE 5.00C - Proformas**

PAGE TWO OF TWO

**Scheme of Delegation to Officers**

DIRECTORATE: .....

NAME	
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## Constitution Part 5.00C – General, Miscellaneous and Proper Officer Delegations

**GENERAL DELEGATIONS**

<b><u>Subject:</u></b>	<b><u>Detail:</u></b>	<b><u>Delegated by:</u></b>	<b><u>Delegated to:</u></b>
Budgetary Control	<p>To incur normal revenue expenditure, in accordance with Financial Procedure Rules and within the terms of budgets set by the Council.</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>Council / Executive Committee</p> <p>Executive Committee</p> <p>Executive Committee</p> <p>Executive Committee</p>	<p>Chief Executive / Deputy Chief Executive / Directors</p> <p>Chief Executive / Deputy Chief Executive/ Directors</p> <p>Chief Executive / Deputy Chief Executive / Directors / Heads of Service</p> <p>Chief Executive / Deputy Chief Executive/ Directors / Heads of Service</p>
Employees	<p>To control and manage own Directorates.</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>a) to engage employees within budget provision / establishment;</p> <p>b) to deal with the recruitment, suspension, and dismissal of employees in accordance with</p>	<p>Council/Executive Committee</p> <p>Council</p> <p>Council</p>	<p>Chief Executive/ Deputy Chief Executive/Directors or their nominated Manager(s)</p> <p>Chief Executive/ Deputy Chief Executive/ Directors</p> <p>Chief Executive/ Deputy Chief Executive/</p>

**Constitution Part 5.00C – General, Miscellaneous and Proper Officer Delegations**

	agreed procedures;		Directors/Heads of Service as appropriate
	c) subject to negotiation with employees and/or their representatives, to vary the conditions of service, salaries and hourly rates (including the level of bonus payments) where in their judgement such variations are in the interest of the service, where the terms of employment permit this. In exercising this authority, CX / DCX / Directors shall observe national agreements and shall not depart from individual terms and contracts of employment;	Council	Chief Executive/ Deputy Chief Executive/ Directors
	d) subject to the prior approval of the Executive Committee, and consultation with employees and/or their representatives, to carry out Service Reviews, as necessary, and implement outcomes;	Executive Cttee	Chief Executive/ Deputy Chief Executive/ Directors
	e) to provide an overview of training activities for the Council and, in accordance with the Council's stated requirements, direct provision of training via in-house and external resources (Human Resources);	Executive Cttee	Chief Executive/ Deputy Chief Executive/ Directors
	f) to settle claims of up to £150 for damage to and/or loss of employee's clothing and personal property.	Executive Cttee	Chief Executive/ Deputy Chief Executive/ Directors
	g) to exercise the various delegations defined hereunder.	Various	All employees, including all employees of Bromsgrove District Council seconded to Redditch Borough Council under shared services arrangements.

## Constitution Part 5.00C – General, Miscellaneous and Proper Officer Delegations

			or employed by other local authorities who provide services for or on behalf of Redditch Borough Council under shared service arrangements
Tenders & Contracts	<p>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.</p> <p>Subject to Contract Procedure Rules, to engage the services of consultants operating within their own sphere of professional competence.</p> <p>(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.</p> <p>If there is no available professional advice within the Council the Director is authorised to seek appropriate consultants direct.)</p> <p>Further separate delegations under the Contract Procedure Rules.</p>	<p>Executive Committee</p> <p>Executive Committee</p> <p>Council</p>	<p>Chief Executive/Deputy Chief Executive/ Directors / Heads of Service</p> <p>Chief Executive/ Deputy Chief Executive/ Directors/Heads of Service</p> <p>Various</p>
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/leader as appropriate	Chief Executive following consultation with the Executive/Leader, S 151 Officer and the Monitoring Officer.

**Constitution Part 5.00C – General, Miscellaneous and Proper Officer Delegations**

Service Managers (4th Tier and below)	In the absence of any specific delegation and subject to supervision by their immediate line Managers, Service Managers are authorised to perform the duties for which they are employed, including the day-to-day management of their specific Service.	Council/Executive Committee	Various
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## Constitution Part 5.00C – General, Miscellaneous and Proper Officer Delegations

**ALL DIRECTORATES – MISCELLANEOUS DELEGATIONS**

<b><u>Subject:</u></b>	<b><u>Detail:</u></b>	<b><u>Delegated by:</u></b>	<b><u>Delegated to:</u></b>
Miscellaneous. Delegations	1) The day-to-day discharge of functions not otherwise covered by this scheme in accordance with any requirements of the Chief Executive.	Executive Committee	Chief Executive or in his absence the Deputy Chief Executive
	2) 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.	Exec	Chief Executive, in consultation with Group Leaders and Monitoring Officer
	3) In the absence of the Chief Executive, to exercise the various specific delegations (referred to elsewhere within Scheme of Delegations to Officers, etc.)	Council / Exec	Duty Officer (Deputy Chief Executive)
	4) In the absence of the Chief Executive, to exercise the Proper Officer functions which are the responsibility of the Chief Executive.	Council / Exec	Deputy Chief Executive or other Chief Executive Nominee
	5) 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.	Council / Exec	Chief Executive/ Duty Officer (Deputy Chief Executive)
	6) To serve requisitions for information as to ownership of property.	Executive Cttee	All Directors / Head of Finance & Revenues, or in their absence, other relevant Heads of Service / Managers
	7) To seek Planning Permission on behalf of the Council.	Council	Directors and Heads of Service, subject to prior consultation with Ward Members

## Constitution Part 5.00C – General, Miscellaneous and Proper Officer Delegations

<b><u>Subject:</u></b>	<b><u>Detail:</u></b>	<b><u>Delegated by:</u></b>	<b><u>Delegated to:</u></b>
	8) To seek Building Regulation Consent, on behalf of the Council, for carrying out development.	Exec	Directors / Ho Resources and Finance / Ho Planning & Regeneration
	9) To apply for Licences, on behalf of the Council.	Executive Committee	Directors/Officers authorised by Directors
	10) To respond to Petitions, in accordance with the approved Protocol.	Council	Monitoring Officer/ Chief Executive/ Deputy Chief Executive / Directors / Relevant Officers
	11) 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.	Council / Executive Cttee	Directors / relevant 3 <sup>rd</sup> and 4 <sup>th</sup> Tier Officers
	12) 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.	Executive Committee	Chief Executive/ Deputy Chief Executive/ Directors
	13) 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. In other cases, please see Form of Authorisation at Appendix 1.	Council / Executive Committee/ Planning / Licensing Committees	Chief Executive/ Deputy Chief Executive/ Directors
	14) 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.)	Council / Executive Cttee/ Planning / Licensing Committees	Various



**Constitution Part 5.00C – General, Miscellaneous and Proper Officer Delegations**

	<p>15) Where an Officer has delegated powers to issue legal proceedings, they are also authorised to take action to enforce any judgment obtained.</p> <p>16) 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, in consultation with relevant Portfolio Holder</p>
Regulation of Investigatory Powers Act (RIPA)	<p>1. To review, revise and update the Council's RIPA policy.</p> <p>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).</p> <p>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.</p> <p>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</p>	1 – 7 Council	<p>1. Head of Legal, Equalities and Democratic Services.</p> <p>2. Head of Legal, Equalities and Democratic Services.</p> <p>3. Heads of Service authorised to do so under Appendix 2 of the RIPA policy.</p> <p>4. Heads of Service authorised to do so under Appendix 2 of the RIPA policy.</p>

**Constitution Part 5.00C – General, Miscellaneous and Proper Officer Delegations**

	<p>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.</p> <p>6. To maintain the central record of documents relating to RIPA policy, including authorisations.</p> <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>5. Chief Executive or in his absence the Deputy Chief Exec.</p> <p>6. The Information Management Team under the supervision of the Head of Transformation and Organisational Development.</p> <p>7. Head of Legal, Equalities and Democratic Services.</p>
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## Constitution Part 5.00C – General, Miscellaneous and Proper Officer Delegations

**PROPER OFFICER DELEGATIONS**

<b><u>Subject:</u></b>	<b><u>Detail:</u></b>	<b><u>Delegated by:</u></b>	<b><u>Delegated to:</u></b>
Council Summons	1. 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	<p>2. To be appointed "Proper Officer" in relation to the following provisions of the Local Government Act 1972:</p> <p>a. Sections 83(1) to (4) - Witness and receipt of acceptance of office</p> <p>b. Section 84 – Receipt of declaration of resignation of office</p> <p>c. Section 89 (1) (b): Receipt of notice of casual vacancy from two local electors</p> <p>d. Section 229(5): Certification of photographic copies of document</p> <p>e. Sections 234(1) and (2): Authentication of documents</p> <p>f. Section 88 (2): Convening of meeting to fill casual vacancy in the office of Mayor</p> <p>g. Section 204(3): Receipt of application for licence under Sch 2 of Licensing Act 1964</p>		<p>a. Chief Executive</p> <p>b. Chief Executive</p> <p>c. Head of Legal, Equalities and Democratic Services</p> <p>d. Legal, Equalities and Democratic Services</p> <p>e. Head of Legal, Equalities and Democratic Services</p> <p>f. Chief Executive</p> <p>g. Head of Legal, Equalities and Democratic Service</p>

## Constitution Part 5.00C – General, Miscellaneous and Proper Officer Delegations

<b><u>Subject:</u></b>	<b><u>Detail:</u></b>	<b><u>Delegated by:</u></b>	<b><u>Delegated to:</u></b>
	<p>h. 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”.</p> <p>i. Section 212(1) and (2): Proper Officer to act as Local Registrar for Land Charges Act 1925</p> <p>j. Section 225: Deposit of documents</p> <p>k. Section 236(9): To send copies of byelaws for parish records</p> <p>l. Section 236(10): To send copies of byelaws to the County Council</p> <p>m. Section 238: Certification of byelaws</p> <p>n. Section 228 (3): Accounts of “any Proper Officer” to be open to inspection by any member.</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. Head of Legal, Equalities and Democratic Services</p> <p>m. Head of Legal, Equalities and Democratic Services</p> <p>n. Head of Resources</p>

<b><u>Subject:</u></b>	<b><u>Detail:</u></b>	<b><u>Delegated by:</u></b>	<b><u>Delegated to:</u></b>
	<p>o. Section 191: Function with respect to ordnance survey</p> <p>p. Schedule 16 para 28: Receipt on deposit of lists of protected buildings (Section 54(4) of the Town and Country Planning Act 1971)</p> <p>q. Sections 115(2) and 146(1)(a) and (b): Receipt of money due from officers declaration and certificates with regard to securities</p> <p>r. Section 151</p>		<p>o. Head of Planning</p> <p>p. Head of Planning</p> <p>q. Head of Resources</p> <p>r. Head of Resources</p>
<b>Monitoring Officer</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Constitution and Scheme of Delegation – amendments	<p>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</p> <p>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</p>	Council	Monitoring Officer
Outside Bodies	To maintain and amend a list of external bodies and organisations to which Members have been appointed by the Council	Council	Monitoring Officer, in consultation with the Leader

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**CONSTITUTION – PART 5.01 – Chief Executive**

<b>CHIEF EXECUTIVE'S OFFICE</b>			
<b>Miscellaneous</b> See "General Delegations" and 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 - other Director
Flags	To agree variations to approved protocols for the flying of flags at the Town Hall.	Executive Committee	Chief Executive in 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

**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
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## 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 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 Transformation and Organisational Development, in 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 Transformation and Organisational Development
<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

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

<b>COMMUNITY SERVICES</b>			
<b>1. Care Standards</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Day-to Day management – Care & Repair	To deal with the day to day management of the Care & Repair Service.	Executive Committee	Head of Community Services
Care Standards Act 2000	To identify and register with the Commission for Care Standards Inspection the “Registered Provider” and the “Registered Manager” for the purposes of the Care Standards Act 2000.	Executive Committee	Executive Director of Leisure, Environmental & Community Services
Statements of Purpose	To register up-to-date Statements of Purpose with the Commission for Care Standards Inspection.	Executive Committee	Head of Community Services
Supporting People Charges	To collect and recover Supporting People 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.	Exec	Head of Housing (with Head of Legal Equalities and Democratic Services)

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

<b>2. Community Safety</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Designated Public Places Orders	To implement Designated Public Places Orders, as required, in accordance with agreed procedures.	Executive Committee.	Executive Director of Leisure, Culture, Environmental & Community Services and, in his/her absence, Head of Community Services, following consultation with Portfolio Holder for Community Safety and local Ward Members.
Anti-social behaviour - Applications for Injunctions	To make applications for injunctions under the Housing Act 1996 as amended by Section 13 of the Anti-Social Behaviour Act 2003 to prohibit Anti-Social Behaviour that affects the management of the Council's housing stock including applications for Exclusion and Power of Arrest.	Executive Committee	Principal Solicitor, in consultation with Head of Community Services / ASB Manager / Head of Housing
Anti-social behaviour - Breaches of Injunctions	To take action to enforce breaches of injunctions made under Section 13 of the Anti-Social Behaviour Act 2003	Executive Committee	Principal Solicitor, in consultation with Head of Community Services / ASB Manager / Head of Housing
Voluntary Acceptable Behaviour Contracts / Voluntary Parental Commitment	To enter into voluntary Acceptable Behaviour Contracts and voluntary Parental Commitment.	Executive Committee	H o Community Services / ASB Manager / Tenancy Manager / Anti-Social Behaviour Co-ordinators

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

<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
ASB - Police Requests	To give consent on behalf of the Council to requests from the Police for authorisations and to be consulted upon requests for the withdrawal of authorisations under Part IV of the Anti-Social Behaviour Act 2003 for the dispersal of groups and removal of persons under 16 to their place of residence.	Executive Committee.	Executive Director of Leisure, Culture, Environmental & Community Services or, in her/his absence, Head of Community Services
Injunctions / Power of Arrest	To make applications for injunctions under Section 222 of the Local Government Act 1972, to include application for Power of Arrest as amended by the Police and Justice Act 2006.	Executive Committee	Principal Solicitor, in consultation with Head of Community Services / ASB Manager
ASB – Statutory Consultation with Police	To carry out statutory consultation with the police and respond to consultation by the police with regards to applications for Anti-Social Behaviour Orders under Section 1 of the Crime and Disorder Act 1998.	Executive Committee	Head of Community Services / ASB Manager
ASB – Applications for ASB Orders	To make applications for Anti-Social Behaviour Orders under Section 1 of the Crime and Disorder Act 1998 and Section 85 of the Anti-Social Behaviour Act 2003.	Executive Committee	Principal Solicitor, in consultation with Head of Community Services/ ASB Manager
ASB – Parenting Contracts / Orders	To enter into Parenting Contracts and Parenting Orders under Sections 25A and 26 of the Anti-Social Behaviour Act 2003, as amended by Sections 23 and 24 of the Police and Justice Act 2006.	Executive Committee	Head of Community Services / ASB Manager
ASB – Response to Police Consultation	To respond to consultation from the Police under Part I of the Anti-Social Behaviour Act 2003 for the closure of premises where drugs are used unlawfully.	Executive Committee	Director of Leisure, Culture, Environment & Community, or in her/his absence, Head of Community Services

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

<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Warrants of Possession – Proceedings	To institute such proceedings and obtain such Warrants of Possession.	Executive Committee	Principal Solicitor
Warrants of Possession - Applications	To sanction applications for Warrants of Possession in above cases		Head of Housing
Possession Proceedings – Secure Tenancies	<p>In respect of dwelling houses let under secure tenancies: to serve Notices of Possession Proceedings or Notices Before Proceedings for a Demotion Order; and warrants</p> <p>to refer cases to Principal Solicitor to institute proceedings for possession. take and complete proceedings for possession.</p>	Executive Committee	<p>Head of Community Services / ASB Manager</p> <p>Head of Housing</p>

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

<b>3. 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

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

<b>3. 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 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
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



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

<b>3. Private Sector Housing</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
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
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

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

<b>3. Private Sector Housing</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
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 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	Executive Committee	Executive Director Leisure, Community and Environmental Services following consultation with Ward Members

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

<b>3. Private Sector Housing</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
	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		
Home Improvement Agency	To deal with day to day management of the Home Improvement Agency Service	Executive Committee	Head of Community Services

**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

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

**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 CCTV Control Room in accordance with the Council's adopted Code of Practice	Executive Committee	Control Centre Manager
Fixed Penalty Notices – Clean Neighbourhoods and Environment Act	To exercise the relevant powers, including the issuing of Fixed Penalty Notices, within the Clean Neighbourhoods and Environment Act 2005, in accordance with Council policy.	Executive Committee	Head of Community Services
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
Voluntary Sector Minor Grants	To pay Minor Grants.	Executive Committee	Executive Director Leisure, Culture, Environment and Community
Voluntary Sector Major Grants	To pay Major Grants to community and voluntary organisations following consultation with the Grants Panel. (major grants recommended to Executive Committee)	Executive Committee	Director of Leisure, Culture and Environment in consultation with the Chief Executive

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**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.	Executive Director Leisure, Environmental & Community Services/Head of Env'tal Services/Env'tal 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.	Executive Director Leisure, Env'tal & Community Services/Head of Env'tal Services /Env'tal 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.	Executive Director Leisure, Environmental & Community Services/Head of Environmental Services / Bereavement Services Manager.

**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.	Executive Director Leisure, Environmental & Community Services / Head of Environmental Services / Head of Leisure & Culture/Env'tal Services Manager.



**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.	Executive Director Leisure, Environmental & Community 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	Executive Director Leisure, Environmental & Community 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.	Executive Director Leisure, Environmental & Community Services, in consultation with County Council.
Action – Highways Act 1989.	To take action in accordance with Highways Act 1989 Sections 219 – 225.	Executive Committee.	Executive Director, Leisure, Environmental & Community Services / Principal Solicitor, in consultation with County Council.
Street Signs and Bus Stops.	Siting of street signs and bus stops.	Executive Committee.	Executive Director, Leisure, Environmental & Community Services / Head of Environmental Services.
Street Furniture.	Siting of street furniture other than bus shelters.	Executive Committee.	Executive Director, Leisure, Environmental & Community / Head of Environmental Services.

**CONSTITUTION – PART 3 – TABLE 3.04**

Land Drainage.	To carry out the Council's function under the Land Drainage Act 1991 and <i>Flood and Water Management Act 2010</i> .	Executive Committee.	Executive Director, Leisure, Environmental Services & Community / Head of Environmental Services.
Traffic Management.	To approve or otherwise, local traffic management proposals and associated works.	Executive Committee.	Executive Director, Leisure, Environmental & Community / Head of Environmental Services in consultation with Worcestershire County Council.
Road Closures.	To deal with applications for temporary road closures for special events.	Executive Committee.	Director of Leisure, Culture Environment & Community / Head of Environment.
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.

**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.	Executive Director, Leisure, Environmental & Community Services/ 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.	Executive Director Leisure, Environmental & Community Services / Head of Environmental Services.

**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>
Day-to-day management of housing stock	Day-to-day management of the Council's housing stock, housing land and housing matters.	Executive Committee	Executive Director Planning & Regeneration, Regulatory and Housing / Head of Housing
Day-to-day management of housing stock	In accordance with existing Council policies and practices, to deal with the registration and allocation of tenancies of Council accommodation where rent arrears are less than £100.	Executive Committee	Head of Housing / Tenancy Manager / Tenancy Officers).
Registration and Allocation of Tenancies > £100 arrears	In accordance with existing Council policies and practices, to deal with the registration and allocation of tenancies of Council accommodation where rent arrears are more than £100.	Executive Committee	Executive Director Planning & Regeneration, Regulatory and Housing
Equipment and Adaptations	Day-to-day management of the Equipment and Adaptations Service.	Executive Committee	Head of Housing / Tenancy Manager
Communal Rooms	Lettings and day-to-day operation of the Communal Rooms in warden-controlled schemes.	Executive Committee	Executive Director Planning & Regeneration, Regulatory and Housing / H o Housing / Community Warden Team Leader(s)

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

<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	Executive Director Planning & Regeneration, Regulatory and Housing / Head of Housing / Housing Options Manager / Housing Options Officers
Notices of Possession Proceedings / Notices to Quit	In respect of dwelling houses let under secure tenancies: to serve Notices of Possession Proceedings or Notices to Quit and to refer cases to the Principal Solicitor to institute and complete proceedings for possession.	Executive Committee	Executive Director Planning & Regeneration, Regulatory and Housing/ Head of Housing / Tenancy Manager / Income, Recovery and Welfare Manager
Warrants of Possession	To sanction applications for Warrants of Possession in above cases.	Executive Committee	Executive Director Planning & Regeneration, Regulatory and Housing / Head of Housing
Demotion of Tenancies	To sanction the demotion (= loss of security of tenure) of tenancies.	Executive Committee	Head of Housing

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

<b><u>Subject:</u></b>	<b><u>Detail:</u></b>	<b><u>Delegated by:</u></b>	<b><u>Delegated to:</u></b>
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	Head of Housing Services
Squatters and Unauthorised Occupiers	<p>In respect of squatters and unauthorised occupiers:</p> <p>To serve Notice Seeking Possession or Notice to Quit and refer to the Principal Solicitor to institute and complete proceedings for possession.</p> <p>To sanction applications for Warrants of Possession in above cases.</p>	<p>Executive Committee</p> <p>Executive Committee</p>	<p>Head of Housing Services / Tenancy Manager / Income, Recovery and Welfare Manager</p> <p>Executive Director Planning &amp; Regeneration, Regulatory and Housing / Head of Housing</p>
Right to Succeed / Notice to Quit	Where, on the death of a secure tenant, a right to succeed does not arise or is not exercised, to serve Notice to Quit and refer to the Principal Solicitor to institute proceedings for possession.	Executive Committee	Head of Housing Services/ Tenancy Manager / Income, Recovery and Welfare Manager
Offer of Alternative accommodation / Family of Deceased Tenant	<p>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, if the offer is refused:</p> <p>To serve Notice to Quit</p>	<p>Executive Committee</p> <p>Executive Committee</p>	<p>Head of Housing Services</p> <p>Hd of Housing Services</p>

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

	<p>To institute proceedings for possession</p> <p>To sanction applications for Warrants of Possession in above cases.</p> <p>To institute such proceedings and obtain such Warrants of Possession.</p>	<p>Executive Committee</p> <p>Executive Committee</p> <p>Executive Committee</p>	<p>Hd of Legal, Equalities and Democratic Services</p> <p>Executive Director Planning &amp; Regeneration, Regulatory and Housing / H o Housing Services</p> <p>Principal Solicitor</p>
Norgrove House / occupants of Temporary accommodation	To institute proceedings against occupants of Norgrove House or guest bedrooms or housing stock dwellings let on licence as temporary accommodation and to institute possession proceedings; to obtain eviction warrants and arrange for the execution of the same, where such occupants refuse to vacate the accommodation when requested and obtain warrants for possession.	Executive Committee	Principal Solicitor
Leased Garages / Breach of Covenant	<p>To instigate proceedings for possession in respect of leased garages where a breach of covenant causing serious nuisance occurs;</p> <p>To apply for Warrants of Possession in such cases.</p>	Executive Committee	Principal Solicitor, in consultation with Hd of Housing / Tenancy Manager
Housing Rents / other Housing-related Debts	To collect and recover current housing rents and other housing-related debts within the overall Debt Prevention Strategy.	Executive Committee	Income, Recovery and Welfare Manager



## 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>
Enforcement Action - Gas Maintenance Contracts	<p>To take enforcement action in relation to the Gas Maintenance Contracts.</p> <p>To gain entry to properties where a tenant does not permit access to the Council's contractor to undertake safety inspections and routine servicing.</p>	Executive Committee	Head of Housing Services, following consultation with Principal Solicitor
"Asylum Seekers - Providing Support"	To make decisions on negotiating the contract referred to in para's 5.4 - 5.6 of the "Asylum Seekers - Providing Support" report presented to the Housing Committee on 31 July 2000 and, subject to decision of the Executive Committee, to employ personnel or commissioning agencies or Services to implement the work on behalf of the Council, subject to costs being recovered.	Executive Committee	Executive Director Planning & Regeneration, Regulatory and Housing
Multi-Agency Public Protection Arrangements	To accept cases referred to the Council by the Police and the Probation Service through the Multi-Agency Public Protection Arrangements.	Executive Committee	Head of Housing Services
Powers to Force Entry	To exercise the Council's powers to force entry to Council-owned properties in cases of emergency.	Executive Committee	Executive Director Planning & Regeneration, Regulatory and Housing / HF&R / H o Housing Services/ Tenancy Manager, in consultation with Principal Solicitor
Grants from British Gas Trading Limited	To accept grants from British Gas Trading Limited to assist in the upgrading of the heating systems of Council stock in accordance with Council approval of 11.12.06	Executive Committee	Executive Director Planning & Regeneration, Regulatory and Housing

## SCHEME OF DELEGATION TO OFFICERS

Grants Various – Approval / Refusal	To approve and refuse grant applications for house renovation grants, common parts grants, houses in multiple occupation, grants for providing facilities for persons with a disability and reinstatement grants, where mandatory.	Executive Committee	Director of Planning, Regeneration, Regulation and Housing / H o Regulatory Services
Home Repairs Grants – Care & Repair clients	To authorise and to grant Home repairs assistance grants in cases where the applicants are clients of the Care and Repair Agency.	Executive Committee	Director of Planning, Regeneration, Regulation and Housing / H o Regulatory Services
Home Assistance Grants	To approve and pay Home Assistance grants up to the budget provided, in accordance with approved scheme.	Executive Committee	Director of Planning, Regeneration, Regulation and Housing / H o Regulatory Services
Grants - Cancellations	To cancel grants where the work has not been completed within 12 months of date of approval.	Executive Committee	Director of Planning, Regeneration, Regulation and Housing / H o Regulatory Services
Grants - Extensions	To authorise grant extensions in extenuating circumstances where eligible work has not been completed within 12 months of grant approval being given.	Executive Committee	Director of Planning, Regeneration, Regulation and Housing / H o Regulatory Services
Notices – Housing Act 1985	To issue notices under the Housing Act 1985 Sections 189, 190, 190 (1a and b) and (b), and 1A (a and b) and to carry out works arising from such notices.	Executive Committee	Director of Planning, Regeneration, Regulation and Housing / H o Regulatory Services / Environmental Health Officers
Notices / Orders – Various other	To issue notices or orders applying management code and for the provision of amenities repairs, the abatement of overcrowding in Houses in Multiple occupation and the provision of means of escape in case of fire under the Housing Act 1985.	Executive Committee	Director of Planning, Regeneration, Regulation and Housing / H o Regulatory Services / Environmental Health Officers

**SCHEME OF DELEGATION TO OFFICERS**

Repairs Notices / Deferred Action Notices - vacant or rented accommodation	To consider and decide on the most appropriate course of action in relation to Repairs Notices and Deferred Action Notices for vacant or rented accommodation.	Executive Committee	Director of Planning, Regeneration, Regulation and Housing / H o Regulatory Services / Environmental Health Officers
“Minded to” Notices	To serve “minded to” notices under the Housing (Fitness Enforcement Proceedings) Order 1996.	Executive Committee	Director of Planning, Regeneration, Regulation and Housing / H o Regulatory Services / Environmental Health Officers
Deferred Action Notices	To serve Deferred Action Notices under the Housing Grants, Construction and Regeneration Act 1996.	Executive Committee	Dir of Planning, Regeneration, Regulation and Housing / H o Regulatory Services / Environmental Health Officers
HMO – Enforcement Procedures	To serve works notices under the provisions of the Housing (Enforcement Procedures for Houses in Multiple Occupation) Order 1997.	Executive Committee	Director of Planning, Regeneration, Regulation and Housing / H o Regulatory Services / Environmental Health Officers

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**CONSTITUTION – PART 5 – TABLE 5.06 – L.E.D**

<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 / Democratic Services Manager
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 in 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 in 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	Democratic Services Manager, in 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	Democratic Services Manager, in consultation with relevant Members
Overview and Scrutiny budget	To approve expenditure from Overview & Scrutiny Budgets, to assist with scrutiny reviews.	Executive	Democratic Services Manager in consultation with Chair of O&S Cttee

**CONSTITUTION – PART 5 – TABLE 5.06 – L.E.D**

<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.	Democratic Services Manager
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 Democratic Services Manager
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 - 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

**CONSTITUTION – PART 5 – TABLE 5.06****3. Legal Services** *(See also separate delegations in other Sections)*

<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.

**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 /Democratic Services Manager
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.		H o Legal, Equalities & Democratic S's or nominee(s)



**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 S's or Principal Solicitor, in 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

<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
RIPA	See General (Miscellaneous) delegations	-	-

**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 sign notices to quit and tenancy agreements relating to allotments	Executive Committee.	Head of Leisure and Cultural Services / Head of Environment
Play Areas	Day-to-day management of play areas	Executive Committee	Head of of Leisure and Cultural Services
Arrow Valley Lake - Fishing	To negotiate additional fishing matches at the Arrow Valley Lake during existing off-peak and under-utilised periods.	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	Head of Leisure and Cultural Services
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
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

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

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
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	Head of Leisure and Cultural Services
Varying Charges	To vary charges at Leisure Facilities, in response to additional competition, to a maximum of 30% above or below the charge.	Executive Committee	Head of Leisure and Cultural Services in consultation with the Chief Executive
Varying Charges II	To vary fees and charges in accordance with market conditions	Executive Committee	Head of Leisure and Cultural Services
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
Bank Holiday Closures	To determine dates for the closure of recreational facilities for the Christmas and New Year Holidays.	Exec	Head of Leisure and Cultural Services

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

<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
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	Head of Leisure and Cultural Services
Promotions – Short-Term / One-Off	To approve and implement short-term and one-off promotions at all Sports and Leisure facilities.	Executive Committee	Head of Leisure and Cultural Services
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

**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	Director of Leisure Cultural and Community Services, in consultation with Chief Executive
Bookings	Subject to the agreed policies of the Council, to accept bookings of the Town Hall Civic Suite.	Executive Committee	Director of Leisure Cultural and Community Services, in consultation with 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, in consultation with relevant Portfolio Holder.

**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	<p>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:-</p> <p>Highways Act 1989 (Sections 169, 172 &amp; 173)</p> <p>Building Act 1984 (Sections 8, 15, 16, 18-30, 32, 33, 36, 71, 72 (1)(b), 80, 81.</p>	Exec	Head of Planning & Regeneration / Building Control Manager
Taking Action	<p>To take action as appropriate under the following enactments:-</p> <p>Public Health Act 1936 Section 262.</p> <p>Local Government (Miscellaneous Provisions) Act 1976</p> <ul style="list-style-type: none"> <li>- Dangerous Excavations.</li> <li>- Building Act 1984, Sections 77 and 78.</li> </ul>	Exec	<p>Head of Planning &amp; Regeneration / Building Control Manager</p> <p>As above</p> <p>Head of Planning &amp; Regeneration / Building Control Manager / Principal Solicitor</p>
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

**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	Director of Planning, Regeneration, Regulation and Housing, in consultation with CX)



**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.  (see procedure set out above)</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
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**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 <u>to</u>, 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>		

**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>		

**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>• Anti Social Behaviour Act 2003</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> <p>1. Deletion or addition of one or more of the</p>	Council	Head of Planning & Regeneration

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

	<p>heads of terms.</p> <p>2. Significant change in overall area of land to be transferred to Redditch Borough 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>		
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**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

**3. Local Land Charges**

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 & Regeneration
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**CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen****4. Regeneration**

<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
<b><u>Regeneration - Business Centres:</u></b>			
Day-to-day Management / Fees & Charges	<p>To manage and control the Centres and all lettings and licences, including:</p> <p>(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;</p> <p>(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;</p> <p>(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;</p> <p>(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.</p>	Exec	Head of Planning & Regeneration, Business Centres Manager and Economic Development Manager, following consultation with the Portfolio Holder
Secretarial Services	<p>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.</p> <p>To agree a discounted rate for bulk orders, judged on a case-by-case basis.</p>	Executive	Head of Planning & Regeneration, Business Centres Manager and Economic Development 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	Executive Director - Planning, Regeneration,

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

			Regulatory, Housing Services/ Head of Planning & Regeneration
Fees & Charges	The setting of fees / rents as published in the “Fees and Charges” booklet, or as agreed by the Executive Committee.	Executive Committee	Executive Director - Planning, Regeneration, Regulatory, Housing Services/ Head of Planning & Regeneration
Refund of Fees	To deal with the refund of fees / rents due to inclement weather or, in other exceptional circumstances.	Executive Committee	Executive Director - Planning, Regeneration, Regulatory, Housing Services/ Head of Planning & Regeneration, in consultation with Chief Executive or Head of Resources
Disruption Discount	To apply discounts to Redditch Market stall fees in cases where significant disruption to trading is experienced, up to a maximum of 50% of the otherwise applicable fee.	Executive Committee	Head of Planning & Regeneration
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



**CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen****5. Tree Preservation Orders**

<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Tree Preservation Orders	<p>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> <ol style="list-style-type: none"> <li>1. Objections have been received where it is proposed that a tree preservation order protects a tree/trees previously unprotected; or</li> <li>2. It is proposed that a tree be protected which is located on Council-owned land.</li> </ol> <p>In all cases relating to trees, decisions made using delegated powers shall be reported to members at Planning Committee within six months of the decision being made, for information purposes.</p>	Council	Head of Planning & Regeneration

**6. 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	Executive Director, (Planning, Regeneration, Regulatory and Housing Services)

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**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 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.

**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:**

- Determination of applications where the applicant does not meet the Council's application criteria.
- Suspension or revocation of a licence, unless suspension is required with immediate effect because there are grounds to show that the driver or operator has ceased to meet the Council's requirements as to medical condition or in any case where the holder has been convicted of an offence involving violence, indecency or the misuse/trafficking of drugs, or for any other material reason, subject to a report being made to the next meeting of the Licensing Committee.
- Determination of an application where the vehicle does not meet the Council's criteria as to mechanical and general condition and to determine how many passengers may be carried, unless suspension is required with immediate effect because there are grounds to show that the vehicle is not fit for purpose in accordance with section 60 or 68 of the Local Government (Miscellaneous Provisions) Act 1976, subject to a report being made to the next meeting of the Licensing Committee.
- Revocation of a licence where the applicant knowingly or recklessly gave false information or failed to reveal a material particular on his application.
- Revisions to the Council's Table of Hackney Carriage Fares.
- Appointment of Hackney Carriage stands/revisions to existing Hackney Carriage stands.
- Applications for Operator's licenses where the applicant has not met the Council's criteria in respect of character.

**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.

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

- Application to vary premises licences/ club premises certificates if representations are made.
- Applications to review premises/ club premises certificate.
- Any interim steps following an application for an expedited review.
- Determination of Temporary Event Notices where representations have been made by the Police.
- Applications to transfer premises licences if representations are made.
- Applications for minor variations if representations are made by the Police.

**To determine all matters relating to Market and Street Trading except:**

- Designation of consent streets and non consent streets under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- Deciding the Council's policy in relation to the issue of street trading consents.

**To determine applications for licences for riding establishments****To determine applications for Zoo Licensing****To carry out any other function or responsibility in relation to the legislation listed at RS1 not specifically referred to above****RS1**

- Animal Boarding Establishments Act 1963.
- Animal Welfare Act 2006.
- Breeding and Sale of Dogs (Welfare) Act 2006.
- Breeding of Dogs Act 1973 and 1991.
- Dangerous Wild Animals Act 1976.
- Gambling Act 2005.
- Licensing Act 2003.
- Local Government (Miscellaneous provisions) Acts 1976 and 1982.
- Pet Animals Act 1951.
- Police Factories Act (miscellaneous provisions) Act 1916.
- Riding establishments Acts 1964 and 1970.
- Scrap Metal Dealers Act 2013.
- Vehicle Crime Act 2001 - Section 4 (13) - Motor Salvage Operators.
- Town Police Clauses Act 1847.
- Video Recordings Act 1984 and 1993.
- Licensing Act 2003.
- Hackney carriage licensing.
- Private Hire (including driver, vehicle and operator) licensing.
- Control of sex establishments (including lap dancing and sexual entertainment venues).
- Street Trading.
- Street amenity licences.
- Zoo Licensing Act 1981.

**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.  
 Bluetongue Regulations 2008.  
 Breeding and Sale of Dogs (Welfare) Act 1999.

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

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.  
Deer Act 1991.  
Defective Premises Act 1972.  
Development of Tourism Act 1969 (Section 18).  
Disabled Persons Act 1981.  
Distance Selling Regulations 2000.  
Ecodesign for Energy-Using Product Regulations 2007.  
Education Reform Act 1988.  
Eggs (Marketing Standards) Regulations 2005.  
Eggs and Chicks (England) Regulations 2008.  
Electromagnetic Compatibility Regs 1992.  
Electro-medical Equipment (EEC Requirements) Regs 1988.  
Energy Act 1976 (Section 18).  
Energy Conservation Act 1981 (Section 20).  
Energy Efficiency (Refrigerators and Freezers) Regs 1997.  
Energy Information (Combined Washer-driers) Regs 1997.  
Energy Information (Dishwashers) Regs 1999.  
Energy Information (Household Air Conditioners) (No.2) Regulations 2005.  
Energy Information (Household Electric Ovens) Regulations 2003.  
Energy Information (Household Refrigerators and Freezers) Regs 2004.  
Energy Information (Lamps) Regs 1999.  
Energy Information (Tumble Driers) Regs 1996.

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

Energy Information (Washing Machines) Regs 1996.  
Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007.  
Enterprise Act 2002.  
Environment Act 1995.  
Environmental Protection (Controls on Substances that Deplete the Ozone Layer) Regs 2002.  
Environmental Protection Act 1990.  
Estate Agents Act 1979.  
Explosives Act 1875.  
Export Restrictions (Foot and Mouth Disease) Regulations 2007.  
Factories Act 1961.  
Fair Trading Act 1973.  
Farm and Garden Chemicals Act 1967.  
Feed (Hygiene and Enforcement) (England) Regulations 2005.  
Firework Act 2003.  
Firework Regulations 2004.  
Food & Environmental Protection Act 1985.  
Food (Jelly Mini-Cups) (Emergency Control) (England) Regulations 2009.  
Food (Suspension of the use of E128 Red 2G as food colour) (England) Regulations 2007.  
Food Act 1984.  
Food Hygiene (England) Regulations 2006.  
Food of Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes)(England) Regs 2009.  
Food Safety Act 1990.  
Food Standards Act 1999.  
Forgery and Counterfeiting Act 1981 Part 1.  
Fraud Act 2006.  
Game Act 1831.  
General Food Regulations 2004.  
General Product Safety Regulations 2005.  
Guard Dogs Act 1975.  
Hallmarking Act 1973.  
Health & Safety at Work etc Act 1974.  
Health Act 2006.  
Highways Act 1980.  
Home Energy Conservation Act 1995.  
Home Information Pack Regulations 2007.  
Home Safety Act 1961.  
Horse Passports Regulations 2009.  
House to House Collections Act 1939.  
Housing & Planning Act 1986.  
Housing Act 1980, 1985, 2004.  
Hypnotism Act 1952.  
Imported Food Regulations 1997.  
Imported Food Regulations 2007.  
Intoxicating Substances (Supply) Act 1985.  
Land Drainage Acts 1976 & 1991.  
Litter Act 1983.  
Local Government & Housing Act 1989.



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

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

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

Property Mis-descriptions Act 1991.  
Protection of Animals Act 1911 as amended.  
Protection of Children (Tobacco) Act 1986.  
Public Health (Control of Disease) Act 1984.  
Public Health Acts (Amendment) Act 1907.  
Public Health Acts 1875, 1925, 1936 & 1961.  
Quick Frozen Food Stuffs (England) Regulations 2007.  
Radio Equipment and Telecommunications Terminal Equipment Regs 2000.  
REACH Enforcement Regulations 2008.  
Refuse Disposal (Amenity) Act 1978.  
Regulation (EC) No. 178/2002.  
Regulation (EC) No. 852/2004.  
Regulation (EC) No. 853/2004.  
Regulation (EC) No. 854/2004.  
Regulation (EC) No. 2073/2005.  
Rent Act 1977.  
Rice Products (Restrictions on First Packaging on the Market) (England) Regs 2006.  
Riding Establishments Acts 1964 & 1970.  
Road Traffic (Consequential Provisions) Act 1988.  
Road Traffic (Foreign Vehicles) Act 1972.  
Road Traffic Acts 1988 and 1991.  
Road Traffic Offenders Act 1988.  
Road Traffic Regulation Act 1984 (Section 5).  
Safety of Sports Grounds Act 1975.  
Sale of Goods Act 1979.  
Scotch Whisky Act 1988.  
Scrap Metal Dealers Act 2013.  
Simple Pressure Vessels (Safety) Regs 1991.  
Slaughter of Poultry Act 1967.  
Slaughterhouses Act 1974.  
Smokefree (Exemptions and Vehicles) Regulations 2007.  
Smokefree (Penalties and Discounted Amounts) Regulations 2007.  
Smoke-free (Premises and Enforcement) Regulations 2006.  
Smokefree (Signs) Regulations 2007.  
Smokefree (Vehicle Operators and Penalty Notices) Regulations 2007.  
Sunday Trading Act 1994.  
Supply of Goods and Services Act 1982.  
Supply of Machinery (Safety) Regs 1992.  
Telecommunications Act 1984.  
Textile Products (Indications of Fibre Content) Regs 1986.  
Theft Acts 1968 and 1978.  
Timeshare Act 1992.  
Town Police Clauses Act 1847.  
Trade Descriptions Act 1968.  
Trade Marks Act 1994.  
Trading Standards - Agricultural (Miscellaneous Provisions) Act 1968.  
Transmissible Spongiform Encephalopathies (England) Regulations 2008.  
Unfair Terms in Consumer Contracts Regulations 1999.  
Unsolicited Goods and Services Acts 1971 and 1975.  
Video Recordings Acts 1984 and 1993.

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

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.

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**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 Revenue Services 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

**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	Revenue Services Manager
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
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	
Investments	To determine action to be taken in respect of the Council's funds invested by approved	Executive Committee	Executive Director of

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

	external Fund Managers.		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
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

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

			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
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



**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

**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

**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
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**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, in accordance with the Asset Management Plan.	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	Property Services Manager / 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

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## **JOINT ARRANGEMENTS**

This section sets out the joint arrangements the Council has entered into with other local authorities, and is divided into the following parts:-

- Joint Committees
- Shared Services with Bromsgrove District Council
- Other arrangements

### **1. Joint Committees**

#### **Worcestershire Regulatory Services Board**

A joint committee has been established of two Members from each of the following participating Councils: Bromsgrove District Council, Malvern Hills District Council, Worcester City Council, Wychavon District Council and Wyre Forest District Council.

The Joint Committee has provision to operate and manage Worcestershire Regulatory Services. The Council has delegated to the Joint Committee the functions set out in Table 1 below.

The Council has delegated to the Head of Worcestershire Regulatory Service the discharge of functions set out in Part 5, in the Officers' Scheme of Delegation for Regulatory Services.

#### **Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP) - Joint Scrutiny Committee**

The Council appoints one member to a Joint Scrutiny Committee which reviews and/or scrutinises decisions made by the GBSLEP Supervisory Board. The Joint Committee is administered by Solihull Metropolitan Borough Council.

Terms of reference of the Joint Scrutiny Committee are attached at appendix 1 to this section.

#### **West Midlands Combined Authority**

The Borough Council is a non-constituent member of the West Midlands Combined Authority, established in June 2016. The Combined Authority is made up of 12 local authorities and 3 Local Enterprise Partnerships.

The Council's Leader is appointed to the Combined Authority; the Council also appoints a member to the Overview and Scrutiny and Audit Committees of the authority.

Details of the governance of the authority are available on the Combined Authority's website, <https://westmidlandscombinedauthority.org.uk>

## **2. Shared Services with Bromsgrove District Council**

In 2009 the Council agreed to the appointment of a shared Chief Executive with Bromsgrove District Council. In 2010 a shared management team for both Councils was appointed. The two Councils have agreed to work together to deliver services jointly across both Councils. The co-operation between the two Councils on sharing services is reflected by a legal agreement referred to as the Overarching Framework Agreement.

As each Council continues to be independent politically, the Scheme of Delegations for Redditch Borough Council, delegates the responsibility for making decisions from the Redditch Executive Committee and Council to the relevant Committees and Officers. Under the terms of the Overarching Framework Agreement, the Officers may be employed by either RBC or BDC, but this does not affect their ability to carry out functions delegated to them under the RBC Constitution.

The specific legislation which underpins these arrangements is set out in the Local Government Act 1972 and the Local Government Act 2000.

Under section 113 of the Local Government Act 2000, a local authority may enter into an agreement with another local authority for the placing at the disposal of the latter authority the services of staff employed by the former authority. Under section 101 of the Local Government Act 2000 a local authority may arrange for the discharge of its functions by any other local authority. This principle is further expanded in sections 19 and 20 of the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000.

The staffing arrangements for the shared management team have been established under section 113 of the Local Government Act with each authority placing its employees at the disposal of the other. As shared services are introduced across the Council, department by department, a host authority for each department will be identified. Staff will be transferred under TUPE to the host or receiving authority, and will carry out the functions of the delegating authority in accordance with section 101 of the Local Government Act.

## **3. Other arrangements**

The Council has agreed to enter into other arrangements for sharing services with local authorities, regulated by formal agreements. These are summarised below:-

### **a. Internal Audit Services**

The Council has entered into arrangements with Bromsgrove District Council, Malvern Hills District Council, Worcester City Council and Wychavon District Council for the authorities to collaborate and provide one shared Internal Audit



Service for all the authorities.

The service is hosted by Worcester City Council.

**b. Payroll Service**

The Council has entered into an arrangement with Bromsgrove District Council and Wyre Forest District Council for the authorities to collaborate and provide one shared service for Payroll services across the three authorities.

The service is hosted by Redditch Borough Council.

**c. Assets Management Service – Joint Property Vehicle**

The Council has entered into an agreement with Worcester City Council, Worcestershire County Council, Hereford and Worcester Fire Authority, Warwickshire Police, West Mercia Police and Herefordshire County Council for management of public sector property. The legal framework for this agreement is that the partners establish a trading company, limited by shares and owned wholly by the partners.

The company and service is due to go live in September 2015.

**d. North Worcestershire Economic Development and Regeneration Service**

The Council has entered into an arrangement with Bromsgrove District Council and Wyre Forest District Council for the authorities to collaborate and provide one shared service for Economic Development and Regeneration across the three authorities.

The service is hosted by Wyre Forest District Council.

**e. Building Control Shared Service**

The Council has entered into an arrangement with Bromsgrove District Council and Wyre Forest District Council for the authorities to collaborate and provide one shared service for Building Control Services across the three authorities.

The service is hosted by Bromsgrove District Council.

**f. Land Drainage Shared Service**

The Council has entered into an arrangement with Bromsgrove District Council and Wyre Forest District Council for the authorities to collaborate and provide one shared service for land drainage service across the three

authorities.

The service is hosted by Wyre Forest District Council.

**g. North Worcestershire Emergency Planning Shared Service**

The Council has entered into an arrangement with Bromsgrove District Council and Wyre Forest District Council for the authorities to collaborate and provide one shared service for Emergency Planning across the three authorities.

The service is hosted by Wyre Forest District Council.

**PART 6 - TABLE 1****DELEGATIONS TO WORCESTERSHIRE REGULATORY SERVICES BOARD**

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

- (i) Oversee the implementation, development and on-going operation of the shared services
- (ii) Ensure the effective delivery of the shared service functions in accordance with the terms of the agreement
- (iii) Monitor the effectiveness of those arrangements and make recommendations to the Participating Authorities e.g. in the event of any changes to legislation, developments in best practice or the requirements imposed on Member Authorities
- (iv) On an annual basis, agree a three year business plan for each shared service including:
  - Service delivery, service development & financial objectives
  - Performance improvement & efficiency targets
  - Staffing
  - Business continuity planning
  - Risk management
- (v) Set annual capital, revenue and staffing budgets for each shared service and no later than 1<sup>st</sup> December in each year submit these to the Member Authorities for approval as part of the business plan
- (vi) Monitor the operational performance of the shared services on [a quarterly basis]
- (vii) Ensure service delivery is in accordance with the key performance indicators and agreed national, regional and local priorities
- (viii) Ensure effective action is taken to remedy any under-performance in the delivery of services
- (ix) Monitor the financial performance of each shared service – quarterly report and monthly updates
- (x) Determine the terms of employment of all staff within the shared service functions
- (xi) Determine the arrangements for support services in agreement with the Host Authority and participating Authorities, in consultation with the Head of Shared Service
- (xii) Produce an annual report to the member Authorities by no later than 30<sup>th</sup> June in each year covering the performance of the shared services in the 12 month period ending on the preceding 31<sup>st</sup> March
- (xiii) Co-operate with and participate in Overview and Scrutiny exercises of the Member Authorities
- (xiv) Review the operation and effectiveness of the shared service arrangements at least every two years, consider ways in which the Shared Services partnership can be expanded and make recommendations to the Member Authorities as appropriate

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**GBSLEP Joint Scrutiny Committee – Draft Terms of Reference****1. Governance**

The Joint Scrutiny Committee will act as a Joint Committee under sections 101 and 102 Local Government Act 1972 and s 9F Local Government Act 2000 (as amended).

**1.2 Access to Meetings**

Normal rules apply as to public access i.e. as a Joint Committee the public has access except for exempt business.

**1.3 Host Authority**

- 1.3.1 The Joint Scrutiny Committee will be hosted under local government arrangements by Solihull Metropolitan Borough Council and the Chief Executive of Solihull Metropolitan Borough Council shall be Secretary to the Joint Scrutiny Committee.
- 1.3.2 Solihull Metropolitan Borough Standing Orders will apply to the Joint Scrutiny Committee (save for section 5 below).
- 1.3.3 The Host Authority will also provide s151 and Monitoring Officer roles to the Joint Scrutiny Committee.

**2. Objects of Joint Scrutiny Committee**

- 2.1 To review and/or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the Supervisory Board
- 2.2 To make reports or recommendations to the Supervisory Board with respect to the discharge of any functions which are the responsibility of the Supervisory Board.

**3. Membership**

- 3.1 One member from each constituent authority. Each authority will also appoint an Alternate Member.
- 3.2 Power for the committee to co-opt other members as it sees fit [this can include further councillors but also covers ability to co-opt members from the private sector etc.]

**4. Voting**

- 4.1 One member one vote for local authority members i.e. nine in total.
- 4.2 No ability to vote for non-local authority members or Members co-opted under (3.2).

- 4.3 Conflicts of Interest will be dealt with in accordance with the Members Code of Conduct of the Host authority.

## **5 Quorum**

- 5.1 Four members present (one from Birmingham City Council, one from Solihull MBC, one District from Staffordshire and one District from Worcestershire).

## **6 Meetings**

- 6.1 The Chair of the Meeting will be elected at the first meeting of the Committee at the start of each municipal year. A Vice Chair shall also be elected at the same meeting.
- 6.2 Meetings are to take place when there is a valid call-in of a decision and also when the Committee considers it expedient to have an overview of the overall expressed purpose and intended outcomes of the GBSLEP provided that a minimum of one meeting of the Joint Scrutiny Committee shall be held in each municipal year.

**1. Call-In**

a) When a decision is made by the GBSLEP Supervisory Board (whether or not a key decision), the decision shall be published, including where possible by electronic means, and shall be available at Greater Birmingham & Solihull LEP Executive, Baskerville House, Centenary Square, Birmingham B1 2ND normally within 3 working days of being the decision being made.

(b) Each Local Authority represented on the GBSLEP Supervisory Board and the Members serving on the GBSLEP Joint Scrutiny Committee will be sent in electronic form copies of the record of all such decisions within the same timescale, by the person responsible for publishing the decision.

(c) That notice 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 any 2 Local Authorities object to it and request that the decision be called in for review.

(d) Any Call-In request should be made on the agreed form (Call-In Notice), signed by a Joint Scrutiny Committee representative for each of the Local Authorities requiring the Call-In. The grounds contained in the Notice should related either to one or more of the principles of good decision making or be in conflict with one or more of the GBSLEP Policies. The principles of good decision making are: -

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for the European Convention of Human Rights as applied by the Human Rights Act 1998;
- a presumption in favour of openness;
- clarity of aims and desired outcomes;
- explaining what options were considered and giving the reasons for the decision, and
- having regard to statutory duties in relation to equalities and diversity.

(e) Initially the validity of a Call-In request will be judged by the Solihull MBC Monitoring Officer. This process will not consider the merits of the Call-In simply whether it is properly made and that it reflects one or more grounds referred to in (d) above. If the Call-In is deemed invalid the Call-In request falls.

(f) Subject to (e), the Solihull MBC Chief Executive shall call-in a decision for scrutiny by the Joint Scrutiny Committee and shall notify the GBSLEP Supervisory Board of the Call-In. He/she shall convene a meeting of the Joint Scrutiny Committee to consider the decision.

(g) If, having considered the decision, the Joint Scrutiny Committee is still concerned about it, then it may refer it back to the GBSLEP Supervisory Board setting out in writing the nature of its concerns. If referred back, the GBSLEP Supervisory Board shall reconsider the decision at its next meeting, or before if required, amending the decision or not, before adopting a final decision.

(h) The decision subject to Call-In shall not take effect until either the Joint Scrutiny Committee has met to consider the Call-In and does not refer the matter back to the GBSLEP Supervisory Board or

upon the reference back following re-consideration by the GBSLEP Supervisory Board who may amend or adhere to the original decision.

## **2. Call-In and urgency**

(a) The Call-In procedure set out above shall not apply where the decision being taken by the GBSLEP Supervisory Board is urgent. A decision will be urgent if any delay likely to be caused by the Call-In process would seriously prejudice the GBSLEP or the public's interests. The record of the decision and notice by which it is made public shall state whether in the opinion of the GBSLEP Supervisory Board, the decision is an urgent one, and therefore not subject to Call-In.

(b) The Chairman of the Joint Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairman, the Vice-Chairman's consent shall be required. In the absence of both, the consent of one other member of the Joint Scrutiny Committee. Decisions taken as a matter of urgency must be reported to each of the GBSLEP constituent Councils with the reasons for urgency.

(c) The operation of the provisions relating to Call-In and urgency shall be monitored annually, and a report submitted to constituent Councils with proposals for review if necessary.



## COUNCIL PROCEDURE RULES

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## 1. **ANNUAL MEETING OF THE COUNCIL**

### 1.1 **Timing and business**

The Annual Meeting will normally take place in May, following May annual elections.

The Annual Meeting will:

- (a) elect a person to preside if the Mayor is not present;
- (b) elect the Mayor;
- (c) elect the Deputy Mayor;
- (d) approve the minutes of the last meeting;
- (e) receive any announcements from the Mayor, Leader and/or Chief Executive;
- (f) elect the Council Leader;  
(Any political party represented on the Council may appoint a Leader and a Deputy Leader of that party from time to time and, on notification of the name of such persons in writing to the Chief Executive, such persons shall be so recognised by the Council.)
- (h) appoint such committees, sub-committees etc. as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive Committee functions (as set out in the tables in Part 3 of this Constitution);
- (i) consider any business set out in the notice convening the meeting.

### 1.2 **Selection of Councillors on Committees and Outside Bodies**

At the Annual Meeting, the Council will:

- (a) decide which committees to establish for the municipal year;
- (b) decide the size and terms of reference for those committees;
- (c) decide, where appropriate, the allocation of seats to political groups in accordance with the political balance rules;
- (d) receive nominations of councillors to serve on each outside body and appoint to those outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Executive Committee; details of 'ex officio' appointments will be set out on the agenda.

## 2. ORDINARY MEETINGS

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's Annual Meeting.

Ordinary meetings will:

- (a) elect a person to preside if the Mayor and Deputy Mayor are not present;
- (b) approve the minutes of the last meeting;
- (c) receive any declarations of interest from members;
- (d) receive any announcements from the Mayor and/or the Head of Paid Service;
- (e) receive any announcements from the Leader;
- (f) deal with any business from the last Council meeting;
- (g) deal with questions on notice from members of the Council, in the order in which they have been received;
- (h) receive minutes and/or reports from the Audit & Governance Committee;
- (i) consider reports and/or recommendations from the Executive Committee including any proposals in relation to the Council's Budget and Policy Framework;
- (j) receive minutes from the Executive Committee for information only and receive and answer questions on matters of clarification;
- (k) consider and (where appropriate) respond to recommendations from the Standards Committee;
- (l) consider recommendations from and (where appropriate) respond to any other Committees of the Council;
- (m) receive and consider reports from officers of the Council;
- (k) receive reports about the business of joint arrangements and external organisations and answer questions on matters of clarification;
- (n) consider motions (in the order in which they have been received);
- (o) consider any other business specified in the summons to the meeting;
- (p) to carry out all other matters, by law, which must be reserved to the Council;
- (q) to consider urgent items of business not specified on the summons to the meeting pursuant to paragraph 14 below;
- (r) other than items under sub-paragraphs (a) – (c), the order of business may be varied by the Mayor or by Council resolution.

### **3. EXTRAORDINARY MEETINGS**

#### **Calling extraordinary meetings**

- 3.1 Any five members of the Council may sign a requisition and present it to the Mayor requesting him/her to convene an extraordinary meeting of the Council subject to paragraph 3.3 below.
- 3.2 A requisition presented under paragraph 3.1 must include details of the business it is proposed should be considered at the extraordinary meeting. In any event that business should:
- (i) be about a matter for which the local authority has a responsibility or which affects the Borough of Redditch;
  - (ii) not be defamatory; frivolous or offensive;
  - (iii) not be substantially the same as a question which has been put at a meeting of the Council in the past six months;
  - (iv) relate to functions which are the responsibility of the full Council or the committee or sub-committee to which the question is directed;
  - (v) be of a strategic nature; or
  - (vi) relate to the Budget and Policy Framework; or
  - (vii) relate to functions undertaken by the Council; or
  - (viii) not be business which could more appropriately be dealt with by an officer.
- 3.3 On receiving a requisition under paragraph 3.1 the Mayor may:
- (a) convene an extraordinary meeting of the Council to take place on a date not later than 14 days after the date of requisition, or on such other date as agreed between the Mayor and the signatories to the requisition; or
  - (b) in consultation with the Chief Executive and Monitoring Officer, refer the matter to the next available meeting of the Council if the Mayor is of the opinion that the business specified in the requisition is not so urgent as to require the calling of an extraordinary meeting; or
  - (c) in consultation with the Chief Executive and Monitoring Officer refer the matter to the next available meeting of the Executive or other committee if the Mayor is of the opinion that the business specified in the requisition could be more appropriately be dealt with in that manner; or
  - (d) decline to convene an extraordinary meeting if the Mayor, in consultation with the Chief Executive and Monitoring Officer, considers that the business specified in the requisition does not meet the requirements of paragraph 3.2.

- 3.4 The Chief Executive may call Council meetings in addition to ordinary meetings.
- 3.5 Those listed below may also request the Chief Executive to call Council meetings in addition to ordinary meetings:
- (a) the Council by resolution;
  - (b) the Mayor of the Council;
  - (c) the Monitoring Officer.

3.6 **Business**

Extraordinary meetings of the Council will consider only such business as is specifically stated on the agenda for the meeting. Extraordinary meetings will not consider motions (whether on Notice or without) or Questions from Members (whether on Notice or without) but may consider minutes of the previous Council meeting, Executive Committee or other Committee meetings or such other items of business as may be appropriate in the interests of efficient administration of Council business.

4. **TIME AND PLACE OF MEETINGS**

Council and Committee meetings will normally commence at 7.00 pm and be held at the Town Hall.

Any variations to the above will be determined by the Chief Executive, in consultation with the Mayor / Chair and notified in the summons for the meeting.

5. **NOTICE OF AND SUMMONS TO MEETINGS**

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. Except in cases of exceptional urgency, at least five clear days before a meeting the Chief Executive will send a summons to every member of the Council. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

6. **CHAIRING THE MEETING**

- 6.1 The person presiding at the meeting will exercise any power or duty of the Mayor. Where these rules apply to committee and sub-committee meetings, references to the Mayor also include the Chair of committees and sub-committees.

6.2 Where these rules provide for a maximum time to be devoted to an item or speech or other process, the Mayor may, if the Mayor and the majority of the members present agree, extend that time if it is felt appropriate in the interests of effective conduct of Council business.

6.3 Any ruling of the Mayor shall not be challenged.

## 7. **QUORUM**

7.1 Except as stated below, the quorum of a meeting will be at least one quarter of the whole number of members. During any meeting if the Mayor counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

7.2 A motion to suspend any of those Rules set out in Article 16.2 in Part 2 of this Constitution will not be moved with or without notice unless a majority of the number of Councillors present agree.

7.3 Rule 7.1 above shall not apply to committees or sub-committees whose terms of reference or Procedure Rules specify the quorum applicable to a meeting of that committee or sub-committee.

## 8. **ADVICE FROM OFFICERS**

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

## 9. **QUESTIONS BY MEMBERS / MEMBERS OF THE PUBLIC**

### **On reports of the Executive Committee or committees**

9.1 A member of the Council may ask the Leader or the Chair of a committee any question without notice upon an item of the minutes and/or any report of the Executive Committee or a committee when that item is being received or under consideration by the Council.

### **Questions on notice**

9.2 Subject to Rule 9.3, a member of the Council or member of the Public may ask:

- the Mayor;
- a member of the Executive Committee; or
- the Chair of any committee or sub-committee

a question on any matter in relation to which the Council, Executive Committee, Committee or sub-committee has powers or duties or which affects the Borough of Redditch.

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

A question shall not be regarded as affecting the Borough of Redditch

- (a) if it is one which relates to a national issue and would have no more effect on the Borough of Redditch than it would on any other area; or
- (b) if it relates to actions taken by or statements made by a body or individual connected with the Borough of Redditch, but those actions or statements are not specifically related to the Borough.

For the purpose of avoiding potential conflict of interest, other than in exceptional circumstances, which shall be determined by the Chief Executive Officer, in consultation with the Mayor, no Questions on Notice are permitted for any of the 'exceptional' meetings of the Council, to include: the Annual Meeting, the Budget-setting meeting in February each year, other one-off extraordinary meetings of the Council (unless called specifically for the purpose of considering such Petition or Deputation), or meetings which fall within a formal Election period.

### **Notice of questions**

- 9.3 A person may only ask a question under Rule 9.2 if either:
- (a) he/she has given at least 5 clear working days' notice of the question to the Monitoring Officer; or
  - (b) if the question relates to urgent matters, he/she has the consent of the Mayor and the member to whom the question is to be put, and the content of the question is given to the Chief Executive not less than 2 hours before the start of the meeting.

### **Questions which may not be asked**

- 9.5 The Chief Executive may reject a question
- (a) if it is not about a matter for which the local authority has a responsibility or which affects the Borough of Redditch;
  - (a) is defamatory; frivolous or offensive;
  - (b) is substantially the same as a question which has been put at a meeting of the Council in the past six months;



- (d) does not relate to functions which are the responsibility of the full Council or the committee or sub-committee to which the question is directed;
- (e) it is not of a strategic nature;
- (f) it does not relate to functions undertaken by the Council; or
- (g) the question could more appropriately be dealt with by an officer.

### **Reading the question at the meeting**

- 9.6 The question will be read out at the meeting by the person who has asked the question or by another person on his/her behalf.

Alternatively, they may refer to the question as printed in the agenda papers.

### **Response**

- 9.7 An answer may take the form of:
- (a) a direct oral answer;
  - (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
  - (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

### **Supplementary question**

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

### **Time limit for questions**

- 9.9 At any meeting not more than 5 minutes per question, and 15 minutes in total, shall be devoted by the Council to the asking and answering of questions under this rule, provided that the Mayor may at his or her discretion extend the time if the Mayor and the majority of those present agree. Any questions remaining unanswered shall (unless the person who gave notice of the question has indicated that it may be answered in writing) be dealt with at the next ordinary meeting of the Council, in the order in which they would have been dealt with at the original meeting.

**10. ANNOUNCEMENTS**

- 10.1 Subject to the Mayor's discretion, each person entitled to make an announcement may speak for a total of five minutes.
- 10.2 Announcements must not relate to items on the agenda or exempt or confidential items.
- 10.3 In respect of the Leader's announcements only, members may ask questions by way of clarification. Up to five minutes in total may be devoted to members' questions to the Leader on his/her announcements.

**11. MOTIONS ON NOTICE****Notice**

- 11.1 Except for procedural motions which can be moved without notice under Rule 12, written notice of every motion shall be delivered to the Monitoring Officer by post or by electronic means not later than close of business 9 clear working days before the date of the meeting.
- 11.2 No member shall be a signatory to more than one Notice of Motion on each agenda. Each Notice of Motion must clearly state the name of the Member submitting it.
- 11.3 The Monitoring Officer will maintain a record of all Notices received.

**Motion set out in agenda**

- 11.4 Motions will be placed on the agenda and dealt with in the order in which they were received, provided that where several Notices of Motion are considered by the Monitoring Officer to address a similar subject, they shall be grouped together.

**Scope**

- 11.5 Motions must be about matters for which the Council has a responsibility or which affect the Borough of Redditch.

A motion shall not be regarded as affecting the Borough of Redditch if

- (a) it is one which relates to a national issue and would have no more effect on the Borough of Redditch than it would on any other area; or

- (b) it relates to actions taken by or statements made by a body or individual connected with the Borough of Redditch, but those actions or statements are not specifically related to the Borough.

### **Rejection of Notices of Motion**

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

- (a) the scope of the motion exceeds that set out in Rule 11.5 above
- (b) it is defamatory, frivolous or offensive,
- (c) it is substantially the same as one submitted within the previous six months;
- (d) it requests the Council to make a decision which is outside the powers or responsibility of the full Council;
- (e) it is not of a strategic nature;
- (f) it does not relate to functions undertaken by the Council.

(For the purpose of avoiding potential conflict of interest, other than in exceptional circumstances, which shall be determined by the Chief Executive Officer, in consultation with the Mayor, no Motions on Notice are permitted for any of the 'exceptional' meetings of the Council, to include: the Annual Meeting, the Budget-setting meeting in February each year, other one-off extraordinary meetings of the Council (unless called specifically for the purpose of considering such Petition or Deputation), or meetings which fall within a formal Election period.)

### **Deferment of Motions**

11.7 If the motion is about a matter which, in the opinion of the Mayor on taking the advice of the Chief Executive and/or the Monitoring Officer, should be dealt with in conjunction with a report by an officer, it shall automatically stand deferred until such time as that report can be presented to the Council, provided that no motion shall stand deferred for more than one ordinary meeting of the Council. The Council will be informed on the agenda of the contents of any motions standing deferred under this paragraph.

### **Referral of Motions**

11.8 The Monitoring Officer will, in consultation with the member submitting the Notice of Motion, the Leader, the Chief Executive and the Mayor, determine whether the motion will be placed on the agenda for Council or whether it might more appropriately be referred to the Executive Committee or another Committee for determination, or to an officer for further action.

11.9 If a Notice of Motion is so referred to Executive Committee or to a committee, it shall be placed on the agenda for the next available meeting of that Executive Committee or that committee

- 11.10 If a Notice of Motion is referred to an officer, the Monitoring Officer will inform the Council on the agenda of the contents of any Notice of Motion referred to the Executive Committee or a committee or an officer and, where appropriate, of the timescales within which the officer will respond to the author of the Notice of Motion.
- 11.11 The Monitoring Officer will inform the member who submitted the Notice of Motion what action has been taken pursuant to Rules 11.6 to 11.10 above.

## 12. **PROCEDURAL MOTIONS WITHOUT NOTICE**

The following procedural motions may be moved without notice:

- (a) to appoint a Chair for the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put to the vote;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) to suspend a particular council procedure rule;
- (n) to exclude the public and press in accordance with the Access to Information Rules;
- (o) to not hear further a member named under Rule 18.3 or to exclude them from the meeting under Rule 18.4; and
- (p) to give the consent of the Council where its consent is required by this Constitution.

**13. MOTIONS - RULES OF DEBATE****No speeches until motion seconded**

- 13.1 Until the mover has moved a proposal and explained the purpose of it and the proposal has been seconded no other member may speak on the motion.

**Right to require motion or amendment in writing**

- 13.2 Unless Notice of the Motion has already been given, the Mayor may require any procedural motion or any amendment to be written down and handed to him/her before it is discussed.

**13.3 Secunder's speech**

When seconding a motion or amendment, a member may reserve his/her speech until later in the debate.

**13.4 Content and length of speeches**

- (a) Speeches must be directed to the question under discussion or to a personal explanation or point of order.

Length of speeches shall be in accordance with the following guidelines:

4 minutes – standard duration

5 minutes – mover of Motion / summing up.

Significant variation of these timings shall not be permitted without the consent of the Mayor and a majority of those present.

**13.5 When a member may speak again**

A member who has spoken on a motion (including the mover and seconder) may not speak again whilst it is the subject of debate, except:

- (a) to move an amendment
- (b) to speak once on an amendment moved by another member;
- (c) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation, or
- (g) to give notice of a further amendment.

### 13.6 Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
  - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - (ii) to leave out words;
  - (iii) to leave out words and add others; or
  - (iv) to add words;so long as the effect of (ii) to (iv) is not to negate the motion (in other words the same outcome could be achieved by voting against the Motion).
- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the amended motion takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

### 13.7 Alteration of motion

- (a) An alteration to a motion must be either:
  - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - (ii) to leave out words;
  - (iii) to leave out words and add others;
  - (iv) to add words;so long as the effect of (ii) to (iv) is not to negate the motion (in other words the same outcome could be achieved by voting against the motion).
- (b) A motion may be altered before it has been moved by the Member who submitted the motion (or another Member on his/her behalf) if the majority of those present agree.

- (c) Any motion may be altered after it has been moved and seconded by the mover of the motion if both the seconder and the majority of those present agree.

### 13.8 **Withdrawal of motion**

A member may withdraw a motion which he/she has moved. No member may speak on the motion after it has been withdrawn.

### 13.9 **Right of reply**

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment.

### 13.10 **Motions which may be moved during debate**

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put to the vote;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to exclude the public and press in accordance with the Access to Information Rules; and
- (h) to not hear further a member named under Rule 19.3 or to exclude them from the meeting under Rule 19.4.

### 13.11 **Closure Motions**

- (a) A member may move, without comment, the following motions at the end of a speech of another member:
  - (i) to proceed to the next business;
  - (ii) that the question be now put to the vote;
  - (iii) to adjourn a debate; or
  - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, he/she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

- (c) If a motion that the question now be put to the vote is seconded and the Mayor thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

### 13.12 Point of order

A member may raise a point of order at any time. The Mayor will hear him/her immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Mayor on the matter will be final and will not be open to discussion.

### 13.13 Personal explanation

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member at the same meeting which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final and will not be open to discussion.

### 13.14 'Point of information'

A 'Point of information' is effectively a request by a Member to speak again and will therefore be entertained only at the Mayor's discretion at an appropriate point during a debate. The ruling of the Mayor on this matter will be final and will not be open to discussion.

## 14. CONSIDERATION OF RECOMMENDATIONS FROM EXECUTIVE COMMITTEE AND REPORTS

- 14.1 Each report or recommendation from Executive Committee will be presented by the Leader, or other member of the Executive Committee.
- 14.2 The member of the Executive Committee presenting the report or recommendation may, with the consent of the Mayor, respond to all questions raised or points made during the debate.
- 14.3 The member of the Executive Committee presenting the report or recommendation has a right to reply at the end of the debate on the recommendation immediately before it is put to the vote.



- 14.4 The member of the Executive Committee presenting the report or recommendation may alter or amend the recommendation if the majority of members present agree, provided such alteration or amendment is one which could be made as an amendment to a motion under Rule 13.6.
- 14.5 An amendment to a report or recommendation from Executive Committee may be made provided such amendment is one which could be made as an amendment to a motion under Rule 13.6 and the procedure set out in Rule 13 insofar as it applies to amendments to motions shall apply to amendments to recommendations from Executive Committee.

Speeches shall be subject to the standard timings indicated at Rule 13.4 above.

#### Resolved Items

- 8) Matters already resolved by the Executive or other Committee(s) are received by the Council for information only and the only aspect of the minutes that can be discussed is their accuracy or questions of clarification.

### 15. **PREVIOUS DECISIONS AND MOTIONS**

#### **Motion to rescind a previous decision**

A motion, the effect of which is to rescind a decision made at a meeting of Council within the past six months, cannot be moved unless the Notice of Motion is signed by at least 7 members of the Council.

### 16. **URGENT ITEMS**

Where there is a need to consider items of urgent business which are not specified in the summons to meeting, the Member wishing to raise the same shall before the commencement of the meeting discuss the matter with the Mayor, the Leader, the Chief Executive and the Monitoring Officer and their collective decision as to whether to consider the item shall be conclusive.

### 17. **VOTING**

#### **Majority**

- 17.1 Except where the Constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the matter was put.
- 17.2 Changes to the Constitution shall be decided by a majority of the whole number of members present.

**Mayor's casting vote**

- 17.3 If there are equal numbers of votes for and against, the Mayor will have a second or a casting vote. There is no restriction on how the Mayor chooses to exercise a casting vote.

**Show of hands**

- 17.4 Unless a recorded vote is demanded under Rule 17.5, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

**Named vote**

- 17.5 If any member present at the meeting demands it, the names for and against the matter to be decided or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a Named Vote must be made before the Mayor calls for a show of hands.
- 17.6 In the interests of the efficient conduct of the meeting the Mayor shall decide how such a demand shall be administered. The ruling of the Mayor shall be final and not subject to debate or discussion.
- 17.7 Immediately after any vote is taken on a budget or Council Tax decision at a budget decision meeting of the Council, the names of those who voted for or against the motion or abstained shall be recorded.

17.8 **Right to require individual votes to be recorded**

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

17.9 **Voting on appointments**

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

**18. MINUTES****Signing the minutes**

- 18.1 The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record. The only aspect of the minutes that can be discussed is their accuracy.

**No requirement to sign minutes of previous meeting at extraordinary meeting**

- 18.2 Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

**Form of minutes**

- 18.3 Minutes will contain all motions and amendments in the form and order the Mayor put them to the vote.

**19. EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 5 of this Constitution or Rule 21 (Disturbance by Public).

**20. MEMBERS' CONDUCT****Respect for Chair**

- 20.1 When a member speaks at full Council he/she must address the meeting through the Mayor unless the Mayor agrees or directs otherwise.
- 20.2 Whenever the Mayor speaks during a debate, a member then speaking, and the other members of the Council, shall be silent.

**Member not to be heard further**

- 20.3 If a member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor or another member may move that the member be not heard further. If seconded, the motion will be voted on without discussion.

**Member to leave the meeting**

- 20.4 If the member continues to behave improperly after such a motion is carried, the Mayor or another member may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

**General disturbance**

- 20.5 If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he/she thinks necessary.

**21. DISTURBANCE BY PUBLIC****Removal of member of the public**

- 21.1 If a member of the public interrupts proceedings, the Mayor may warn the person concerned. If they continue to interrupt, the Mayor may order their removal from the meeting room.

**Clearance of part of meeting room**

- 21.2 If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared.

**22. PUBLIC INVOLVEMENT IN COUNCIL MEETINGS****Public Speaking**

- 22.1 Public speaking shall be permitted at meetings of the Council, Executive Committee and O&S Committees, Planning Committee on applications and in quasi judicial meetings, such as those of the Licensing Sub-Committee or Appeals Panels, in accordance with the various separate procedures currently approved by the Council, as appropriate to each meeting.

(For the purpose of avoiding potential conflict of interest, other than in exceptional circumstances, which shall be determined by the Chief Executive Officer, in consultation with the Mayor, no Public Involvement shall be permitted for any of the 'exceptional' meetings of the Council, to include: the Annual Meeting, the Budget-setting meeting in February each year, other one-off extraordinary meetings of the Council (unless called specifically for the

purpose of considering such Petition or Deputation), or meetings which fall within a formal Election period.)

- 22.2 Petitions shall be presented, and deputations shall be received, in the order in which notice of them is received by the Proper Officer.

### **Presentation of Petitions at Council Meetings**

- 22.3 Petitions may be presented at a meeting of the Council in accordance with the Council's approved Petitions protocol.
- 22.4 Petitions may be considered in conjunction with the Council's arrangements for Deputations, detailed separately below.

Unless the Mayor decides otherwise, not more than 15 minutes will be allowed to deal with all Petitions presented at a given Council meeting.

### **Hearing of Deputations**

- 22.5 Any person may ask that a deputation be received by a meeting of the Council. Such a request shall be made to the Chief Executive at least 9 clear working days before the meeting. The person making the request shall indicate the matter to which the request relates, the number (which shall not be more than five), of names and addresses of the persons who will form the deputation, and the member or members of the deputation who will speak for them.
- 22.6 On being called by the Mayor, the person or persons speaking for the deputation may make such remarks as he/she or they think fit, (provided that the remarks shall relate to the matter indicated when the request was made, and that the remarks do not constitute a personal attack upon any person). The person or persons speaking for the deputation shall be heard in silence.
- 22.7 Members of the Council may ask questions to the members of the deputation. Such questions shall be asked and answered without discussion. Unless the Mayor decides otherwise, not more than 15 minutes will be allowed to deal with all Deputations at a given Council meeting.

**23. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES****Suspension**

- 23.1 All of these Council Rules of Procedure except Rule 17.7 and 18.2 may be suspended by motion on notice or without notice if a majority of the number of members of the Council present agree. Suspension shall last until such time as the meeting agrees to reinstate the suspended rule(s), or the end of the meeting, whichever is the earlier. The advice of the Chief Executive Officer and/or Monitoring Officer shall be considered before any such motion is put to the vote.

**Amendment**

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

**24. APPLICATION TO COMMITTEES AND SUB-COMMITTEES**

All of the preceding Council Rules of Procedure apply to meetings of full Council. None of the rules apply to meetings of the Executive Committee. All of the preceding Rules except Rules 1-3, 10, 14, 15, 20.1, 20.2 and 22 apply to meetings of committees and sub-committees. Rules 24 - 26 shall apply only to meetings of committees and sub-committees.

**25. ELECTION OF CHAIRS AND VICE-CHAIRS OF COMMITTEES****25.1 Election of Chairs and Vice-Chairs following Annual Meeting of the Council**

Committee Chairs and Vice-Chairs will normally be appointed at the Council's annual meeting.

If for any reason this is not possible, every Committee will, at its first meeting following the Annual Meeting of the Council, before proceeding to any other business, elect a Chair and Vice-Chair for the municipal year, in whose absence from a particular meeting, a Chair for that meeting may be appointed.

**25.2 Vacancy in Office of Chair or Vice-Chair of a Committee**

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

## 26. EXTRAORDINARY MEETINGS OF COMMITTEES

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

## 27. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES

27.1 When a member of the Council is unable to attend a particular meeting of a committee or sub-committee, he/she may be permitted to appoint another Member to attend the meeting as his/her substitute subject to any specific procedural rules, or required training needs, applying to the various specific meetings (Committee Terms of Reference at Part 3 of the Constitution provide the definitive guidance).

27.2 Substitute members will normally have all the powers and duties of any ordinary member of the committee (subject to the formal Committee Terms of Reference at Part 3).

27.3 Substitute members may attend meetings in that capacity only:

- (a) where the ordinary member will be absent for the whole of the meeting and his/her consent has been expressly given; and
- (b) after notifying the Head of Legal, Equalities & Democratic Services, or his/her representative, before the commencement of the meeting of the intended substitution.

## 28. CALCULATION OF TIME

"Working day" shall not include a Saturday, Sunday, Bank Holiday, public holiday or other day on which the Town Hall is closed.

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

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## **ACCESS TO INFORMATION PROCEDURE RULES**

### **1. SCOPE**

These rules apply to all meetings of the Council, the Executive Committee, the Overview and Scrutiny Committee, the Standards Committee, Area Committees and other formal Committees, Sub-Committees and Panels, unless a statutory exemption applies. Overview and Scrutiny Task and Finish Groups are not covered by these Rules.

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

### **2. ADDITIONAL RIGHTS TO INFORMATION**

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

### **3. RIGHTS TO ATTEND MEETINGS**

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

### **4. NOTICES OF MEETING**

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

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

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

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

5.1 Copies of the agenda and reports for all meetings will be provided electronically to all members of the Council at least 5 clear days before the meeting.

The Council will make copies of the agenda and reports open to the public available for inspection on the Council's website and at the Town Hall at least 5 clear days before the meeting.

5.2 Items will only be added to an agenda less than 5 clear days before the date of the meeting in cases of exceptional urgency and only if the officer or member presenting the item has, before the meeting, submitted to the Head of Legal, Equalities and Democratic Services a form signed or approved by the Mayor or the relevant Committee Chair as appropriate giving reasons why:

- (a) the item could not have been included on the agenda; and
- (b) the item required a decision before the next scheduled meeting of the Council or Committee.

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

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

## 6. **SUPPLY OF COPIES**

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Chief Executive thinks fit, copies of any other documents supplied to councillors in connection with an item

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

## 7. **WITHDRAWAL OF ITEMS FROM AN AGENDA**

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

## 8. **ACCESS TO MINUTES ETC. AFTER THE MEETING**

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

- (a) the minutes of the meeting, or records of decisions taken, together with reasons, for all meetings of the Executive Committee, excluding any part of the minutes of proceedings which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

## 9. **BACKGROUND PAPERS**

### 9.1 **List of background papers**

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

- (a) disclose any facts or matters on which the report of an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report

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

### 9.2 **Public inspection of background papers**

When a report for a meeting is made available for Executive Committee meetings the Council will also make available at the Town Hall and on its website, one copy of each of the background papers referred to in the list prepared under rule 9.1 above.

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

For all other Council, Committee and Sub-Committee meetings, the Council will make available for public inspection for 4 years after the date of the meeting one copy of each of the documents on the list of background papers. Copies of these background papers will be supplied on payment of a charge to cover postage and any other costs.

**10. SUMMARY OF THE RIGHTS OF THE PUBLIC**

These Rules constitute a summary of the rights of the public to attend meetings and to inspect and copy documents.

These Rules will be made available to the public on the Council's website and kept at the Town Hall, Redditch.

**11. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS****11.1 Confidential information - requirement to exclude public**

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

**11.2 Exempt information - discretion to exclude public**

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

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

**11.3 Meaning of confidential information**

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

**11.4 Meaning of exempt information**

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

Category	Condition
1. Information relating to any individual.	Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

Category	Condition
	<p>Information is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>
<p>2. Information which is likely to reveal the identity of any individual.</p>	<p>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General regulations 1992.</p> <p>Information is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>
<p>3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).</p>	<p>"Financial or business affairs" includes contemplated, as well as past or current, activities.</p> <p>Information falling within paragraph 3 is not exempt by virtue of that paragraph if it is required to be registered under:</p> <ul style="list-style-type: none"> <li>a) the Companies Act 1985</li> <li>b) the Friendly Societies Act 1974</li> <li>c) the Friendly Societies Act 1992</li> <li>d) the Industrial and Provident Societies Acts 1965 to 1978</li> <li>e) the Building Societies Act 1986</li> <li>f) the Charities Act 1993.</li> </ul> <p>"Registered" in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act).</p> <p>Information is not exempt information</p>

Category	Condition
	<p>if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.</p> <p>Information is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>
<p>4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.</p>	<p>"Employee" means a person employed under a contract of service.</p> <p>"Labour relations matter" means:</p> <ul style="list-style-type: none"> <li>a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or</li> <li>b) any dispute about a matter falling within paragraph (a) above;</li> </ul> <p>and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority.</p> <p>"office holder", in relation to the authority means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority.</p>

Category	Condition
	Information is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	<p>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.</p> <p>Information is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>
<p>6. Information which reveals that the authority proposes:</p> <p>(a) to give, under any enactment, a notice under, or by virtue of, which requirements are imposed on a person; or</p> <p>(b) to make an order or direction under any enactment.</p>	<p>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.</p> <p>Information is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>
7. Information relating to any action taken, or be taken, in connection with the prevention, investigation or prosecution of crime.	Information is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

## 12. **EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS**

If the Chief Executive thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 11, the meeting is likely not to be open to the public. Such reports will be marked "Not for Publication" together with the category of information likely to be disclosed.

In some cases the Council may consider an item in public although the report it is discussing contains some exempt information. In all cases a public summary of the item will be provided after the meeting, usually as part of the minutes of the meeting.

The Executive Committee will indicate on its Work programme where it is likely to exclude the public from a meeting or part of a meeting. Members of the public can make representations to the Council if they feel that the item should be considered in public. Rule 15 below refers to this in more detail.

## 13. **APPLICATION OF RULES TO THE EXECUTIVE COMMITTEE**

Rules 14-24 apply to the Executive Committee and its Sub-Committees. If the Executive Committee or its Sub-Committees meet to take a Key Decision then it must also comply with Rules 1-12 unless either Rule 16 (General Exception) or Rule 17 (Special Urgency) applies. A Key Decision is as defined in Article 13.3 of this Constitution.

## 14. **PROCEDURE BEFORE TAKING KEY DECISIONS**

Subject to Rule 16 (General Exception) and Rule 17 (Special Urgency), a Key Decision may not be taken unless:

- (a) a notice (called here a Work Programme) has been published in connection with the matter in question;
- (b) at least 28 days have elapsed since the publication of the Work Programme; and
- (c) where the decision is to be taken at a meeting of the Executive Committee or its Sub-Committees, notice of the meeting has been given in accordance with Rule 4 (Notice of Meetings).

## 15. **THE WORK PROGRAMME**

### 15.1 **Period of Work Programme**

Work Programmes will be prepared by the Leader to cover a period of at least 28 days. They will be prepared on an approximately monthly basis and published at least 28 days before the first meeting of the Executive Committee to which Key decisions on the Programme relate.



## 15.2 Contents of Work Programme

The Work Programme will contain matters which the Leader has reason to believe will be subject of a Key Decision to be taken by the Executive Committee, a Sub-committee of the Executive Committee, individual members of the Executive Committee, officers or under joint arrangements in the course of the discharge of an Executive function during the period covered by the Programme. It will describe the following items in so far as the information is available or might reasonably be obtained:

- (a) the matter in respect of which a key decision is to be made;
- (b) where the decision taker is an individual, his/her name and title, if any and where the decision taker is a body, its name and details of membership;
- (c) the date on which, or the period within which, the decision will be taken;
- (d) a list of the documents submitted to the decision-maker for consideration in relation to the matter in respect of which the key decision is to be made;
- (e) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
- (f) that other documents relevant to those matters may be submitted to the decision maker; and
- (g) the procedure for requesting details of those documents (if any) as they become available.
- (h) which of the key decisions outlined may involve the consideration of exempt or confidential information, the reasons why and how the public may make representations when they consider the item should be considered in public.

The Work Programme must be published at least 28 days before the start of the period covered.

Exempt information need not be included in the Work Programme and confidential information cannot be included.

## 16. GENERAL EXCEPTION

If a matter which is likely to be a key decision has not been included in the Work Programme, then subject to Rule 17 (Special Urgency), the decision may still be taken if:

- (a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next Work Programme;
- (b) the Chief Executive has informed the Chair of the Overview and Scrutiny Committee, or in his/her absence each member of the Committee, by notice, of the matter about which the decision is to be made;
- (c) the Chief Executive has made copies of that notice available to the public at the offices of the Council and published it on the Council's website; and
- (d) at least 5 clear days have elapsed since the Chief Executive complied with (a) and (b).

The notice should include reasons why it has not been possible to include the item on the Work Programme.

## 17. **SPECIAL URGENCY**

If the date by which a decision must be taken means that Rule 16 (General Exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the Chair of the body making the decision, obtains the agreement of the Chair of the Overview and Scrutiny Committee, or in his/her absence the Vice-Chair, that the taking of the decision is urgent and cannot be reasonably deferred.

If the Chair of the Overview and Scrutiny Committee, or in his/her absence the Vice-Chair, is unable to act, then the agreement of the Mayor, or in his/her absence the deputy Mayor, will suffice.

As soon as reasonably practicable after the decision-maker has agreement that the decision is urgent and cannot reasonably be deferred, they must publish a notice on the Council's website setting out the reasons why the meeting is urgent. The notice must also be available at the Council's offices for members of the public to see.

## 18. **REPORT TO COUNCIL**

### 18.1 **When the Overview and Scrutiny Committee can require a report**

If the Overview and Scrutiny Committee considers that a Key Decision has been taken which was not:

- (a) included in the Work Programme; or
- (b) the subject of the general exception procedure (Rule 16); or
- (c) the subject of an agreement with the Mayor / Deputy Mayor of the Council under the Special Urgency procedure (Rule 17)

the Overview and Scrutiny Committee may, subject to Rule 18.2, require the Executive Committee to submit a report to the next available meeting of the Council. The power to require a report rests with the Overview and Scrutiny Committee, but is also delegated to the Chief Executive, who shall require such a report on behalf of the Overview and Scrutiny Committee when so requested by the Chair or Vice-Chair of the Overview and Scrutiny Committee or any three members of the Overview and Scrutiny Committee. Alternatively the requirement may be raised by resolution passed at a meeting of the Overview and Scrutiny Committee.

## **18.2 Executive Committee report to Council**

The Executive Committee will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council falls within 7 days of receipt of the written notice or the resolution of the Overview and Scrutiny Committee, then the report may be submitted to the following meeting of the Council. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the Leader is of the opinion that it was not a Key Decision, the reasons for that opinion.

## **18.3 Quarterly reports on special urgency decisions**

In any event the Leader will submit quarterly reports to the Council on the Executive Committee decisions taken in the circumstances set out in Rule 17 (Special Urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

# **19. RECORD OF DECISIONS**

## **19.1 Meetings**

After any meeting of the Executive Committee or any of its committees, whether held in public or private, the Chief Executive or, where no officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable. The record will include:

- a statement of the reasons for each decision;
- any alternative options considered and rejected at that meeting;
- A record of any conflict of interest relating to the matter declared by any member of the decision-making body;
- For any declared conflict of interest, a note of dispensation granted by the Head of Paid Service (the Chief Executive).

## 19.2 Officer Decisions

From time to time, Officers will make decisions that would otherwise be made at meetings of the Executive Committee. As soon as practicable after the decision is made the officer will provide a written statement which will include:

- A record of the decision and the date it was made;
- The reasons for the decision;
- Details of alternative options considered and rejected when making the decision;
- Any conflict of interest declared by any executive member who is consulted by the officer which relates to the decision;
- A note of dispensation granted by the Council's Head of Paid Service (the Chief Executive) relating to any declared conflicts of interest.

The Decisions recorded will be those where a matter has been delegated to an officer/s at a meeting of the Executive Committee or involves expenditure above £50,000.

Where a decision has been delegated to an officer/s at a meeting of the Council or another decision-making body, the Officer will also make a report after the decision has been made.

## 19.3 Publication of Decisions

Once a decision is made under paragraphs 19.1 and 19.2 above, copies of the record of the decision will be published, as soon as reasonably practicable, on the Council's website. Copies will also be available for inspection by members of the public at the Council's offices.

## 20. EXECUTIVE COMMITTEE MEETINGS RELATING TO MATTERS WHICH ARE NOT KEY DECISIONS

Meetings of the Executive Committee relating to matters which are not Key Decisions will be held in public and must comply with Rules 1-12.

## 21. ATTENDANCE AT MEETINGS OF THE EXECUTIVE COMMITTEE

21.1 All members of the Council are entitled to attend a meeting of the Executive Committee. Members of the Council who are not members of the Executive Committee may speak at meetings of the Executive Committee only with the consent of the person presiding. Only members of the Executive Committee may vote.

21.2 All members of the Council are entitled to attend a meeting of a Sub-Committee of the Executive Committee. Members of the Council who are not members of the Executive Committee and who are not members of the Sub-

Committee may speak at such meetings only with the consent of the person presiding. Only members of the Sub-Committee may vote.

- 21.3 The Head of Paid Service, the Section 151 Officer and the Monitoring Officer, and their nominees are entitled to attend any meeting of the Executive Committee and its Sub-Committees. The Executive Committee may not meet unless the Chief Executive has been given reasonable notice that a meeting is to take place.
- 21.4 A meeting of the Executive Committee or any of its Sub-Committees may only take place in the presence of the Chief Executive or his/her nominee with responsibility for recording and publicising the decisions.
- 21.5 In all cases, the provisions of Rule 19 (Record of Decisions) will apply.

## **22. OVERVIEW AND SCRUTINY COMMITTEE - ACCESS TO DOCUMENTS**

### **22.1 Rights to copies**

Subject to Rule 22.2 below, a member of the Overview and Scrutiny Committee will be entitled to copies of any document which is in the possession or control of the Executive Committee or its committees and which contains material relating to:

- (a) any business transacted at a meeting of the Executive Committee or its committees; or
- (b) any decision taken by an individual member of the Executive Committee.
- (c) Any decision made by an officer in accordance with executive arrangements.

Subject to paragraph 22.2 below, the Executive Committee must provide the document requested as soon as reasonably practicable and in any case no later than 10 clear days after the Executive receives the request.

### **22.2 Limit on rights**

The Overview and Scrutiny Committee will not be entitled to:

- (a) any document that is in draft form;
- (b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or
- (c) the advice of a political adviser.

## **23. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS**

### **23.1 Material relating to previous business**

All members will be entitled to inspect any document which is in the possession or under the control of the Executive Committee or its Sub-committees and contains material relating to any business previously transacted at a meeting or to a decision made by an officer in accordance with Executive arrangements, unless (a) (b) or (c ) below applies:

- (a) it contains exempt information, unless it is exempt under paragraphs 3 or 6 of the categories of exempt information. However, information which is exempt under paragraph 3 does not have to be disclosed if it related to terms proposed or to be proposed by or to the authority in the course of negotiations for a contract;
- (b) it contains confidential information; or
- (d) it contains the advice of a political adviser.

The information set out above must be made available at the latest within 24 hours of the decision being made.

### **23.2 Material relating to Key Decisions**

All members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Executive Committee or its committees which relates to any key decision unless paragraph (a) or (b) above applies.

### **23.3 Nature of rights**

These rights of a Member are additional to any other right he/she may have.

## BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

*(Subject to further review and update)*

### 1. **Definitions**

In these Rules -

"Executive" and "Executive Leader" have the same meaning as in Part II of the Local Government Act 2000; and "plan or strategy" and "working day" have the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001.

### 2. **The framework for Executive Committee decisions**

The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. Once a budget or a policy framework is in place, it will be the responsibility of the Executive Committee to implement it.

### 3. **Process for developing the framework**

The process by which the budget and policy framework shall be developed is:

- (a) After consulting stakeholders in a manner appropriate to the matter under consideration, the Executive Committee will draw up initial proposals in relation to any plan, strategy or budget which forms part of the Council's budget and policy framework. Once drawn up the Proper Officer will serve copies of them on the Chair of the Overview and Scrutiny Committee together with dates when the Executive Committee will consider them further, which shall be at least 6 weeks after service of the notice on the Chair.
- (b) The Overview and Scrutiny Committee will be convened within 28 days to consider whether to respond to the Executive Committee's initial proposals and whether any consultation by it is appropriate. If so the Overview and Scrutiny Committee will conduct a consultation exercise and will reflect any representations made to it in its response to the Executive Committee within the timescale set for decision by the Executive Committee.
- (c) The Executive Committee will finalise its proposals for the Council to consider having taken into account the comments from the Overview and Scrutiny Committee.

The report to Council will show the Executive Committee's response to those comments.

- (d) Subject to the provisions of paragraph 7B (Local Authorities Standing Orders (Amendment) Regulations 2002), the Council will consider the proposals of the Executive Committee and may decide to adopt them, amend them, refer them back to the Executive Committee for further consideration, or substitute its own proposals in their place.

- (e) A copy of the decision / Notice of Decision (which shall be made public in accordance with Article 4) shall be given to the Leader and the Proper Officer. The decision / Notice of Decision shall be dated and shall state whether the decision shall be effective immediately, whether the Council adopts the Executive Committee's proposal without amendment or if the Executive Committee's proposal is amended by the Council and adopted as amended or if the Council substitutes its own proposals and adopts them or if the Executive Committee's proposal is referred back to the Executive Committee for further consideration.
- (f) The Council's decision, whether or not in accordance with the recommendation of the Executive Committee, shall require a simple majority of those voting at the meeting.
- (g) Unless the Executive Committee's proposal is referred back to the Executive Committee for further consideration the decision shall be implemented immediately
- (h) In approving the policy and budgetary framework the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the Executive Committee in accordance with paragraphs 5 and 6 of these Rules if otherwise than as contained within the Council's Financial Procedure Rules (virement and in-year adjustments). Any other changes to the budget and policy framework are reserved to the Council.

**4. Decisions outside the budget or policy framework**

- (a) Subject to the provisions of paragraph 5 (virement) the Executive Committee, and any Officers, or joint arrangements discharging Executive Committee functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full Council, then that decision may only be taken further to approval of the budget / policy variations by the Council.
- (b) If the Executive Committee, any Officers, or joint arrangements discharging Executive Committee functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Finance Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those Officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision.



5. Urgent Decisions outside of the Budget or Policy Framework

- (a) The Executive Committee, a sub-committee of the Executive Committee, or officers or joint arrangements discharging Executive functions may take a decision which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the Budget approved by the full Council, if the decision is a matter of urgency. However, the decision may only be taken:
- i) if it is not practical to convene a quorate meeting of the full Council;
  - ii) subject to consultation with the Leader of the Opposition; and
  - iii) if the Chair of the Overview and Scrutiny Committee agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of the full Council and the Chair of the Overview and Scrutiny Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chair of the Overview and Scrutiny Committee, the consent of the Mayor, and in the absence of both the Deputy Mayor, will be sufficient.

- (b) Following the decision, the decision-taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

6. Virement

- (a) The Council shall have the budget heads set by the Council when approving its budget each year and will allocate an amount for expenditure under each heading.
- (b) Steps taken by the Executive Committee or Officers, or joint arrangements discharging Executive Committee functions to implement Council policy shall not exceed those budgets allocated to each budget head excluding staffing budget heads.

However, such bodies or individuals shall be entitled to vire across budget heads in accordance with the provisions of the Council's Financial Procedure Rules or other constraints agreed by Council. Beyond that, approval to any virement across budget heads shall require the approval of the full Council.

7. In-year changes to policy framework

The responsibility for agreeing the budget and policy framework lies with the Council whenever made, and decisions by the Executive Committee, Officers, or joint arrangements discharging Executive Committee functions must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals.

**8. Call-in of decisions outside the budget or policy framework**

- (a) Where the Overview and Scrutiny Committee is of the opinion that an Executive Committee decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and/or Chief Finance Officer.
- (b) In respect of functions which are the responsibility of the Executive Committee, the Monitoring Officer's report and/or Chief Finance Officer's report shall be to the Executive Committee with a copy to every member of the Council.

Regardless of whether the decision is delegated or not, the Executive Committee must meet to decide what action to take in respect of the Monitoring Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the Chief Finance Officer conclude that the decision was a departure, and to the Overview and Scrutiny Committee if the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure.

- (c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Finance Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Overview and Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 28 days of the request by the Overview and Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer. The Council may either:

- i) endorse a decision or proposal of the Executive Committee decision taker as falling within the existing budget and policy framework.

In this case no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way;

OR

- ii) amend the Council's Financial Procedure Rules or policy concerned to encompass the decision or proposal of the body or individual responsible for that Executive Committee function and agree to the decision with immediate effect.

In this case, no further action is required save that the decision of the Council be minuted and circulated to all Councillors in the normal way;

OR

- iii) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Executive Committee to reconsider the matter.

## **9. Dispute Resolution on Budgets and Plans**

In respect of the preparation of the Budget or a plan, policy or strategy forming part of the Strategic Framework, the Executive is required to prepare draft proposals and submit them to Council for approval, and Council has the right to approve them, amend them, reject them or send them back to the Executive for revision and resubmission.

If the Executive submits its draft Budget to Council before 8th February in any year, it will have a right to ask the Council to reconsider if the Council proposes to depart from the Executive's proposals.

Once the Council has considered the proposals and decided what it wants to do, if it wishes to do anything other than simply to adopt the draft Budget as submitted by the Executive, it will have to notify the Executive of its proposed amendments and give the Executive 5 days to object. The Council will then have to meet again and consider any objections from the Executive, but can then resolve on a simple majority to over-ride the Executive's objections. This does mean that the Council meeting to consider the Budget and to set the precept / set the rate of Council Tax will now have to be brought forward by at least 10 days from the deadline of 1 / 11 March to allow for the possible need to give the Executive 5 days in which to consider any amendments proposed by Council and to convene an additional Council meeting to consider any objections from the Executive.

In the case of plans, policies and strategies, there is no such annual deadline by which they must be approved, but again the Council will be required to notify the Executive of any proposed amendments to the Executive's proposals, allow them 5 days to decide whether to make any objection to those proposed amendments, and then consider any such objections before finally determining whether to adopt, amend, reject or remit the proposed plan, policy or strategy.

## **10. Local Authorities Standing Orders (Amendment) Regulations 2002**

### **1. In this Part -**

"Executive" and "Executive Leader" have the same meaning as in Part II of the Local Government Act 2000; and "plan or strategy" and "working day" have the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001.

### **2. Where the executive of the authority has submitted a draft plan or strategy to the authority for its consideration and, following consideration of that draft plan or strategy, the authority has any objections to it, the authority must take the action set out in paragraph 3.**

3. Before the authority -
  - (a) amends the draft plan or strategy;
  - (b) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or
  - (c) adopts (with or without modification) the plan or strategy, it must inform the Executive Leader of any objections which it has to the draft plan or strategy and must give to him instructions requiring the executive to reconsider, in the light of those objections, the draft plan or strategy submitted to it.
4. Where the authority gives instructions in accordance with paragraph 3, it must specify a period of at least five working days beginning on the day after the date on which the Executive Leader receives the instructions on behalf of the Executive within which the Executive Leader may -
  - (a) submit a revision of the draft plan or strategy as amended by the executive (the "revised draft plan or strategy"), with the Executive's reasons for any amendments made to the draft plan or strategy, to the authority for the authority's consideration; or
  - (b) inform the authority of any disagreement that the Executive has with any of the authority's objections and the Executive's reasons for any such disagreement.
5. When the period specified by the authority, referred to in paragraph 4, has expired, the authority must, when -
  - (a) amending the draft plan or strategy or, if there is one, the revised draft plan or strategy;
  - (b) approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or
  - (c) adopting (with or without modification) the plan or strategy, take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Executive's reasons for those amendments, any disagreement that the Executive has with any of the authority's objections and the Executive's reasons for that disagreement, which the Executive Leader submitted to the authority, or informed the authority of, within the period specified.
6. Subject to paragraph 10, where, before 8 February in any financial year, the authority's Executive submits to the authority for its consideration in relation to the following financial year –

- (a) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49, of the Local Government Finance Act 1992;
  - (b) estimates of other amounts to be used for the purposes of such a calculation;
  - (c) estimates of such a calculation; or
  - (d) amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992, and following consideration of those estimates or amounts the authority has any objections to them, it must take the action set out in paragraph 7.
- 7. Before the authority makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph 6(a), or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the Executive Leader of any objections which it has to the Executive's estimates or amounts and must give to him instructions requiring the Executive to reconsider, in the light of those objections, those estimates and amounts in accordance with the authority's requirements.
- 8. Where the authority gives instructions in accordance with paragraph 7, it must specify a period of at least five working days beginning on the day after the date on which the Executive Leader receives the instructions on behalf of the Executive within which the Executive Leader may -
  - (a) submit a revision of the estimates or amounts as amended by the executive ("revised estimates or amounts"), which have been reconsidered in accordance with the authority's requirements, with the Executive's reasons for any amendments made to the estimates or amounts, to the authority for the authority's consideration; or
  - (b) inform the authority of any disagreement that the Executive has with any of the authority's objections and the Executive's reasons for any such disagreement.
- 9. When the period specified by the authority, referred to in paragraph 8, has expired, the authority must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in paragraph 6(a), or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account -
  - (a) any amendments to the estimates or amounts that are included in any revised estimates or amounts;
  - (b) the Executive's reasons for those amendments;
  - (c) any disagreement that the Executive has with any of the authority's objections; and

- (d) the Executive's reasons for that disagreement, which the Executive Leader submitted to the authority, or informed the authority of, within the period specified.
10. Paragraphs 6 to 9 shall not apply in relation to -
- (a) calculations or substitute calculations which an authority is required to make in accordance with section 52I, 52J, 52T or 52U of the Local Government Finance Act 1992; and
  - (b) amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with section 52J or 52U of that Act.

## **EXECUTIVE COMMITTEE PROCEDURE RULES**

### **1. Time and Place of Meeting**

- 1.1 The Executive Committee will meet regularly at times to be agreed by the Leader and details will be set out on the Council's website. However, in consultation with relevant Officers, the Chair may review this pattern at any time during the municipal year.
- 1.2 The place of Executive Committee meetings will be determined by the Chief Executive and notified in the agenda.

### **2. Notice of and Agenda for Meetings**

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting the Chief Executive will send an agenda by post to every member of the Executive Committee. The agenda will give the date, time and place of each meeting. The agenda will specify the business to be transacted and will be accompanied by such reports as are available.

### **3. Who may attend**

- 3.1 Councillors who are not members of the Executive Committee may attend meetings of the Executive Committee including any part of such a meeting from which the public is excluded in accordance with the Access to Information Rules but shall not (subject to paragraph 3.2 below) be entitled to speak at such meetings unless invited to do so by the Chair.
- 3.2 If the Executive Committee is to consider a motion referred to it by the Council the proposer and seconder of that motion (if they are not members of the Executive Committee) shall have the right to attend and explain the reasons for the motion.
- 3.3 If the Executive Committee is to consider a matter referred to it under paragraph 9.7 below the Councillor proposing the item for consideration will be entitled to attend and address the Executive Committee.

**4. Exclusion of the Public**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules or Rule 12 below.

**5. Chairing the Meeting**

The Leader will preside at the meeting. In his/her absence the Deputy Leader will preside. If both are absent, those present will appoint a member of the Executive Committee who is present to preside.

**6. Quorum**

The quorum for a meeting of the Executive Committee will be 4 members.

**7. Advice from Officers**

- 7.1 The Leader may invite officers to give advice at a meeting of the Executive Committee or any Executive Sub-Committee.
- 7.2 Whenever the Chief Executive, the Section 151 Officer or the Monitoring Officer considers it appropriate to give advice to the Executive Committee they shall be at liberty to do so and the Executive Committee shall hear such advice.

**8. Business to be Conducted**

At each meeting of the Executive Committee the following business will be conducted:

- a. consideration of the accuracy of the minutes of the last meeting;
- b. declarations of interest;
- c. matters referred to the Executive Committee (whether by the Overview and Scrutiny Committee or the Council) for reconsideration by the Executive Committee in accordance with the Budget and Policy Framework Rules or the Overview and Scrutiny Procedure Rules set out in Parts 9 and 11 of this Constitution);
- d. consideration of minutes and/or reports from the Overview & Scrutiny Committee;



- e. matters set out in the agenda for the meeting in accordance with paragraph 9 below.

**9. Items for consideration by the Executive Committee**

- 9.1 The Leader may put on the agenda of any Executive Committee meeting any matter which s/he wishes whether or not it relates to a Executive Committee function. The Chief Executive will comply with the Leader's requests in this respect.
- 9.2 Any member of the Executive Committee may require the Chief Executive to place an item on the agenda of the next available Executive Committee meeting for consideration.
- 9.3 The Council may require the Chief Executive to place on the agenda of the next available Executive Committee meeting an item for consideration.
- 9.4 The Overview and Scrutiny Committee may require the Chief Executive to place on the agenda of the next available Executive Committee meeting an item for consideration.
- 9.5 The Audit and Governance Committee may require the Chief Executive to place on the agenda of the next available Executive Committee meeting an item for consideration.
- 9.6 A Councillor (who is not a member of the Executive Committee) may request the Leader to place an item on the agenda of the next available meeting of the Executive Committee for consideration and the Leader will decide whether the item should be placed on the agenda. In exercising his discretion the Leader should not act unreasonably and, if refused, reasons for his decision must be given in writing to the Councillor concerned. The Notice of Meeting will give the name of the Councillor who requested the consideration of the item.
- 9.7 The Monitoring Officer and/or Section 151 Officer may include an item for consideration on the agenda of a meeting of the Executive Committee and may require the Chief Executive to call such a meeting in pursuance of their statutory duties.
- 9.8 If any two of the Chief Executive, the Section 151 Officer and the Monitoring Officer are of the opinion that a meeting of the Executive Committee needs to consider a matter that requires a decision they may jointly include an item on the agenda of the next available meeting of the Executive Committee.

If necessary, they may also require that a meeting of the Executive Committee be specially convened for consideration of the matter.

- 9.9 The Chief Executive may place on the agenda of the next available meeting of the Executive Committee an item to consider a report of a Chief Officer of the Council.
- 9.10 The Executive Committee will consider all reports and recommendations presented by the Overview and Scrutiny Committee and will provide the Committee with a response.
- 9.11 An Overview and Scrutiny 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 & Scrutiny Committee.

## **10. Urgent Items**

When there is a need to consider items of urgent business which are not on the formal agenda, the Councillor or Officer wishing to raise the same shall before the start of the meeting discuss the matter with the Leader who will consult the Monitoring Officer and/or the Chief Executive. The Leader's decision shall be conclusive.

## **11. Voting**

- 11.1 Any matter will be decided by a simple majority of those present in the room at the time the question was put.
- 11.2 If there are equal numbers of votes for and against, the Chair will have a second or casting vote.
- 11.3 Each item of business requiring a decision by the Executive Committee will be moved and seconded before the vote is taken.

## **12. Disturbance by the Public**

If a member of the public interrupts proceedings the Chair may warn the person concerned. If s/he continues to interrupt, the Chair may order his/her removal from the meeting room.

**13. Minutes**

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

**14. Publication of Executive Committee Decisions**

- 14.1 Decisions made by the Executive Committee shall be published by electronic means, and shall be available at the main offices of the Council normally within 3 working days of being made. All Councillors will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.
- 14.2 Those records, which will take the form of the minutes of a meeting of the Executive Committee, will bear the date on which they are published and will specify that the decisions will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decisions, unless three members of the Council object to them and call them in.

**15. Exclusion of the Call-In Process**

- 15.1 The call-in procedure set out in the Overview and Scrutiny Procedure Rules in Part 11 of this Constitution shall not apply where the decision being taken by the Executive Committee is urgent.
- 15.2 A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests.
- 15.3 The record of the decision and notice by which it is made public shall state whether in the opinion of the decision-making body, the decision is an urgent one, and therefore not subject to call-in. In such circumstances, 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 nominee's consent shall be required.

- 15.4 Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

**16. PUBLIC INVOLVEMENT IN EXECUTIVE COMMITTEE MEETINGS****Public Speaking**

- 16.1 Public speaking shall be permitted at meetings of the Executive Committee in terms of Questions to the Leader, Petitions and Deputations in relation to matters which fall within the Terms of Reference of the Committee, subject to the further considerations detailed below.
- 16.2 For the purpose of avoiding potential conflict of interest, other than in exceptional circumstances, which shall be determined by the Chief Executive Officer, in consultation with the Executive Leader, no Public Involvement shall be permitted at any 'exceptional' meeting of the Executive Committee, such as the Budget-setting meeting in February each year, other one-off extraordinary meetings of the Committee (unless called specifically for the purpose of considering such Petition or Deputation), or meetings which fall within a formal Election period.

Petitions shall be presented, and deputations shall be received, in the order in which notice of them is received by the Proper Officer.

**Questions on notice**

- 16.3 Subject to Rule 16.4, a member of the Public may ask the Executive Leader a question on any matter in relation to which the Executive Committee or any sub-committee has powers or duties.
- The Leader may, if appropriate, refer it to another member for answer.
- 16.4 A member of the public may only ask a question under Rule 16.3 if either:
- (a) s/he has given at least **5** clear working days' notice of the question to the Monitoring Officer; or
  - (b) if the question relates to urgent matters, he/she has the consent of the Leader and the content of the question is given to the Chief Executive not less than 2 hours before the start of the meeting.

**Questions which may not be asked**

- 16.5 The Chief Executive may reject a question
- (a) if it is not about a matter for which the Executive Committee has responsibility;

- (b) is defamatory; frivolous or offensive;
- (c) is substantially the same as a question which has been put at a meeting of the Committee in the past six months; or
- (d) the question could more appropriately be dealt with by an officer.

### **Reading the question at the meeting**

- 16.6 The question will be read out at the meeting by the person who has asked the question or by another person on his/her behalf. Alternatively, reference may be made to the Question as detailed in the agenda / in printed form.

### **Response**

- 16.7 An answer may take the form of:
- (a) a direct oral answer;
  - (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
  - (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

### **Supplementary question**

- 16.8 A person asking a question under Rule 16.2 may, without notice, ask the Leader one supplementary question. The supplementary question must arise directly out of the original question or the reply.

### **Time limit for questions**

- 16.9 At any meeting not more than 5 minutes per question, and 15 minutes in total, shall be devoted by the Council to the asking and answering of questions under this rule, provided that the Mayor may at his or her discretion extend the time if the Mayor and the majority of those present agree. Any questions remaining unanswered shall (unless the member who gave notice of the question has indicated that it may be answered in writing) be dealt with at the next ordinary meeting of the Council, in the order in which they would have been dealt with at the original meeting.

**Presentation of Petitions at Executive Committee Meetings**

- 16.10 Petitions may be presented at a meeting of the Executive Committee in accordance with the Council's Petitions Protocol.
- 16.11 Petitions may be considered in conjunction with the Committee's arrangements for Deputations, detailed separately below.

Unless the Leader, as Chair, decides otherwise, not more than 15 minutes will be allowed to deal with all Petitions presented at a given Committee meeting.

**Hearing of Deputations**

- 16.12 Any person may ask that a deputation be received by a meeting of the Committee. Such a request shall be made to the Chief Executive at least 9 clear working days before the meeting. The person making the request shall indicate the matter to which the request relates, the number (which shall not be more than five), of names and addresses of the persons who will form the deputation, and the member or members of the deputation who will speak for them.
- 16.13 On being called by the Chair, the person or persons speaking for the deputation may make such remarks as he/she/they think fit (provided that the remarks shall relate to the matter indicated when the request was made, and that the remarks do not constitute a personal attack upon any person). The person or persons speaking for the deputation shall be heard in silence.
- 16.14 Committee members may ask questions to the members of the deputation. Such questions shall be asked and answered without discussion.

Unless the Chair decides otherwise, not more than 15 minutes will be allowed to deal with all Deputations at a given Committee meeting.

## 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.

**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 21.1 above is that:

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### 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)	
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**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)**

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**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.



## **PLANNING COMMITTEE PROCEDURE RULES**

### **1. Terms of Reference of Planning Committee**

- 1.1 The Council will appoint a Planning Committee.
- 1.2 The Terms of Reference of the Planning Committee are as set out in Part 4 of the Constitution.

### **2. Time and Place of Meetings**

- 1.1 The Planning Committee shall normally meet on a monthly cycle on dates to be set by the Chief Executive, in consultation with the Committee Chair.
- 1.2 Meetings will normally commence at 7.00 pm at the Town Hall, Redditch.
- 1.3 The time and place of Planning Committee meetings may be varied by the Chief Executive, in consultation with the Committee Chair, and any such change will be notified in the agenda.

### **3. Composition of the Planning Committee**

- 3.1 The Planning Committee will comprise such number of Councillors as may be determined annually at the Council's Annual Meeting.

Article 8.4 of the Articles at Part 2 of this Constitution applies to the Planning Committee.

- 3.2 Members of the Planning Committee who cannot attend a particular meeting may arrange for an appropriately trained substitute to attend in his or her place in accordance with Article 8.4 of the Articles at Part 2 of this Constitution.

### **4. Chair**

- 4.1 The Planning Committee Chair and Vice-Chair will conventionally be appointed at the Council's Annual Meeting. Failing this, the Committee will appoint one of its members as Chair at its first meeting following the Annual Council Meeting.
- 4.2 Neither the Chair nor the Vice-Chair, if a member of the Controlling Party Group, will be a member of the Executive Committee.

### **5. Quorum**

The quorum for a meeting of the Planning Committee is 3 Members.

**6. Application of Council Procedure Rules**

The Council Procedure Rules (as specified in Council Procedure Rule 24) will apply to all meetings of the Planning Committee, except as modified by these Rules.

**7. Procedure for Determining Applications for Planning Permission**

- 7.1 A Planning Officer will present the Officers' report.
- 7.2 Members of the public who have registered to speak may then address the meeting in accordance with the agreed procedure for public speaking.
- 7.3 Ward Members who have registered to speak may address the meeting in accordance with the agreed procedure for public speaking.
- 7.4 The Applicant's / Supporters' side shall always speak last.
- 7.5 Committee Members will be invited to ask each Speaker questions of clarification, only to ascertain that they have understood their representations.
- 7.6 Officers shall respond to the representations, advising the Committee on their material relevance, or otherwise.
- 7.7 Committee Members will then be invited to ask Planning Officers questions of clarification.
- 7.8 The Chair will then open the debate. With the consent of the Chair, members of the Committee will be entitled to address the meeting more than once.
- 7.9 Before taking the vote the Chair will ascertain whether the motion before the Committee is clearly understood.
- 7.10 If no alternative recommendation is put forward the Chair will proceed to the vote.
- 7.11 If one or more alternative recommendations are put forward the Chair will deal with these one by one in accordance with the approved constitutional rules of debate (Council Procedural Rule 13);
- 7.12 At each stage, the Chair shall :
  - a) invite Planning Officers to advise the Committee on the extent to which the alternative recommendation and the reasons given for it fall within or outside planning policy; and/or

- b) consider whether an adjournment is required to enable the Member proposing the alternative recommendation to take advice from Officers;

and only then proceed to the vote.

## **8. Public Speaking**

- 8.1 Members of the public, and other interested parties, shall be entitled to participate in Planning Committee meetings and may address the Planning Committee in support of or against any application for planning permission
- 8.2 Public Speaking / participation shall be permitted in accordance with the approved Procedure (the current version is attached at Appendix 1 to these Procedure Rules).

## **9. Members of the Planning Committee with Dislosable Pecuniary Interests (DPI) or Other Disclosable Interests and Public Speaking**

Any Member who considers that they have a DPI or Other Disclosable Interest in any planning matter, whether or not as a Planning Committee Member, should seek advice from the Monitoring Officer, Deputy Monitoring Officer or a member of the Democratic Services Team at an early stage.

## **10. Ward Members**

- 10.1 Ward Members shall be entitled to participate in Planning Committee meetings to the extent set out under paragraph 8 of these Procedure Rules (Public Speaking) and may address the Planning Committee in support of or against any application.
- 10.2 A Ward Member wishing to address the Planning Committee must give notice to the Committee Services Team of his or her intention to do so by the same deadline set for Public Speakers, as detailed in the attached Procedure.
- 10.3 Time limits shall be the same for (Ward) Members who wish to speak in relation to a planning application as for any other Public Speaker.

## **11. Site Visits**

Formal Site Visits shall routinely be arranged for Committee Members before consideration of any significant applications (such need to be determined by Senior Planning Officers, in consultation with the Chair).

## **12. Limit to length of Meetings**

Meetings shall not proceed beyond 10.00 pm, without the consent of the Committee by majority vote.

Any business remaining shall be deferred to the next available meeting of the Committee, or to an earlier additional meeting, as considered most appropriate by the Committee, further to Officer advice.

**13. Appendices**

Appendix 1. Procedure for Public Speaking.

**PLANNING COMMITTEE - PROCEDURE FOR PUBLIC SPEAKING**

1. A person wishing to address the Planning Committee must give notice to the Committee Services Team of his or her intention to do so by 12.00 noon on the day of the Planning Committee meeting in question.
2. Agenda running orders will be reviewed by the Chair before the start of the meeting to enable the Committee to consider the most controversial items first. This will normally take into account the number of Public Speakers registered per item and/or the size of the public attendance in respect of any given application.
3. The order of speakers will follow the principles of natural justice to enable the applicant a fair right of reply to those opposing a development.

The order of speaking will therefore be:

- a) **Objectors**
- b) Ward Member(s) objecting to application  
Members' questions to each objector (through Chair)\*  
(Officer comment at each stage as appropriate.)
- c) **Supporters**
- d) Ward Member(s) supporting application  
Members' questions to each supporter (through Chair)\*  
(Officer comment at each stage as appropriate.)
- e) Applicant(s)/ agent  
Members' questions to applicant/agent (through Chair)\*  
(Officer comment at each stage as appropriate.)

Note \* Members' questions at this stage must only be *to clarify* the representations made by Public Speakers.

4. Subject as mentioned at paragraphs 5 and/or 6 below, an applicant (or agent) and/or an individual objector or supporter will each be allowed to speak for no more than 3 minutes.
5. Subject as mentioned at paragraph 6 below, where there is a group of supporters or objectors with a common interest, the group will be allowed no more than 10 minutes within which to address the Committee.

6. 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, which are inaccurate, or which are irrelevant to material Planning considerations; and
  - (ii) depending upon circumstances, to vary the periods of time referred to in paragraphs 4 and/or 5 above where s/he deems it appropriate.

For example, the Chair may wish to allow an individual applicant, agent, objector or supporter or a spokesperson for a group of objectors or supporters extra time within which to address the Committee, where the issues are numerous or particularly complex.

7. Members' questions will clearly extend this time but will enable issues to be fully understood.
8. For the purpose of ensuring a fair hearing, the Chair will offer the Supporters'/ Applicant's side an equivalent time to Objectors, or vice versa, where there is an imbalance between the two.
9. If several individual speakers register, it may be necessary, for the efficient conduct of the meeting, for the Chair to encourage a spokesperson to be identified. Where this is not possible, each speaker will be allowed, at the Chair's discretion, to speak separately and with suitable prompting where issues are being repeated that have been raised by a previous speaker.
10. 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.
11. 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.

END.

**Part 14: Financial Procedure Rules**

The Council's financial procedure rules are currently in the process of being updated and will be available to view shortly.

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# **REDDITCH BOROUGH COUNCIL**

## **CONTRACT PROCEDURE RULES**

**(Previously Standing Order 46)**

Revised December 2011 (*further updates pending*)

**RBC APRIL 2011(Updated NOVEMBER 2011)**

## 1. Introduction – Purpose of the Contract Procedure Rules

Purchasing decisions and processes are important because the money involved is public money. The purpose of these Contract Procedure Rules is to provide a structure within which procurement decisions are made and implemented and which ensure that the Council:

- Furthers its corporate objectives
- Uses its resources efficiently
- Procures quality goods, services and works
- Safeguards its reputation from any implication of dishonesty or corruption.

Compliance with Contract Procedure Rules is essential to demonstrate honesty in the procurement process. It is also important to deliver value for money through competition and to avoid practices that may restrict, distort or prevent competition. The most important principles contained in the Rules are transparency, openness and fair competition.

These Contract Procedure Rules set out the **minimum** standards that should be applied to all Council procurement.

### 1.1 Statutory basis

The Council is required by Section 135 of the Local Government Act 1972 to make Standing Orders with respect to how the Council contracts for goods, services or works. The Contract Procedure Rules have to include provisions to ensure that there is competition for contracts and for regulating the way in which Quotations and Tenders are invited. They can make exemptions for contracts below European Unions (EU) Thresholds and can authorise the Council to grant exemptions where it is satisfied that there are special circumstances, which gives the option, if approved, not to compete a particular requirement to the full extent of these Contracts Procedure Rules but this is only with the agreement and approval of a Corporate Director or the Chief Executive as appropriate.

### 1.2 Annual Review

These Contract Procedure Rules are reviewed annually, usually in March/April. Any requests for changes at other times of the year should be made to the Monitoring Officer.

### 1.3 Application of the Rules

- (a) The Rules apply to any contract that results in payment being made by the Council as well as to any contract which results in an income being generated for the Council. They also apply to the disposal of surplus goods and to Concession Contracts. (A Concession Contract is used where the Council wishes to engage a contractor to provide a service within the Council's area in return for which the contractor ("concessionaire") is given a right to charge the public for the services being provided).

**RBC APRIL 2011(Updated NOVEMBER 2011)**

- (b) The Rules do not apply to grants which the Council may receive or make or to the sale or purchase of land or property.
- (c) The Rules should be read alongside the Council's Procurement Strategy, Procurement Guidance and Financial Regulations.
- (d) If you are buying higher value supplies, works or services, the Rules will be more strict than for lower value contracts. This is to ensure that the benefits of good procurement are not outweighed by the cost of procuring the supplies, works or services.
- (e) For any procurements for goods and services ***which exceed the EU Procurement Thresholds, (currently £173,934 (200,000 Euros\*) or works exceeding £4,348,350 (5 million Euros\*)*** the Council has to follow full EU Public Procurement Directives which contain additional procedures. In these cases, you must consult with the Procurement Unit before beginning the procurement process.

***(Note: \*These thresholds are set in sterling and Euros and are not subject to currency fluctuations. They are effective for two years - 1<sup>st</sup> January 2012 to 31<sup>st</sup> December 2013.***

***Any subsequent update of the threshold figures, shall be notified to all interested parties and shall apply to these Contract Procedure Rules, as above and throughout below, without need for further Council approvals.)***

- (f) Directors Heads of Service and Service Managers are responsible for ensuring that there is compliance with any relevant legal requirements, that proper procedures are observed and that all relevant records are kept and maintained. Directors, Heads of Service and Service Managers are also responsible for ensuring that any external consultant or agent required to procure or supervise a contract on the Council's behalf complies with these Rules as if they were an Officer of the Council.

If you are in any doubt about whether the Rules apply, you must seek advice from the Procurement Unit, Internal Audit, Legal Services or the Head of Legal, Equalities and Democratic Services.

- (g) Failure to comply with the Rules may leave the Council open to the risk of legal challenge. It is also a disciplinary offence for Officers.

#### **1.4 Electronic procurement and purchasing**

- (a) Electronic procurement (e-procurement) systems are more cost efficient and should always be used when available. Please note however that the normal rules still apply (e.g. three quotations or whatever is appropriate to the amount being spent in total)
- (b) An approved Purchasing Card (e-purchasing) should always be used in preference to paper Purchase Orders wherever appropriate.

## 1.5 E Auctions

- (a) 'Reverse' auctions are where suppliers bid decreasing prices for a contract offered by a customer the process is conducted online using specialised software and is time limited. They are normally conducted by organisations such as the Office of Government Commerce and cover the whole public sector.
- (b) Redditch Borough Council would not attempt to organise or run such a specialised process unless it was in collaboration with other major public sector procurement organisations.
- (c) Sellers progressively reduce their prices in response to competitors' bids during the process and only the buyer can see who is offering each price.  
The specialised software is able to combine qualitative scores and pricing instantly to measure overall competitiveness of each bid.
- (d) The successful supplier is the one bidding lowest the auction when it closes
- (e) If properly implemented, they consistently deliver significant savings and improve quality. Other inherent benefits include:
  - The process is legally compliant;
  - It is transparent to all parties;
  - It provides suppliers with clear visibility of selection criteria;
  - Highly competitive pricing levels;
  - It supports high quality procurement execution; and
  - It has the potential to condition and shape the marketplace.

## 1.6 Contract Values & Aggregation

- (a) The contract values contained in these Rules refer to the known or estimated monetary value of the contract over its full duration exclusive of VAT, including any extension options – **not the annual value**. Where the duration of a contract is indeterminate, the value of the contract should be arrived at by using the value per annum multiplied by 4 years.
- (b) No contract should be subdivided or intentionally split into smaller contracts so as to avoid complying with these Rules. Wherever possible, the Council should procure in the form of a single large value contract in preference to a series of smaller value contracts in order to obtain the maximum benefit in terms of the prices/costs obtained.
- (c) No contract should be entered into unless there is sufficient budget available to cover the estimated cost of the proposed contract.

## 1.7 Equality and Diversity

- (a) The Council provides a wide range of services to the community and business within the Borough. In some cases, these are provided directly by the Council. In other cases, these are provided on the Council's behalf by its contractors and partners.

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- (b) In providing its services, the Council has a statutory duty to ensure that public money is spent in a way that ensures Value For Money and does not lead to unfair discrimination and/or social exclusion.
- (c) The promotion of equality in procurement will help the Council to:
  - Improve the overall value for money for the Council in terms of the supplies, works and services it purchase;
  - Improve the quality, responseiveness and appropriateness of its services;
  - Ensure that public money is not spent on practices which lead to unfair discrimination to sections of the Borough;
  - Deliver more responsive and flexible services in combatting social exclusion and building stronger and more cohesive communities;
  - Encourage the Council's suppliers and contractors to promote and practice the Council's policies on equality
- (d) Guidance for Officers and Suppliers/Contractors are available on the Intranet under 'Procurement'

### **1.8 Local Supplier policies**

- (a) Whilst current EU procurement directives make it illegal for Councils to favour local suppliers, there may be instances where a local supplier is more suitable to provide the materials or service.
- (b) As an example if all other factors are equal (price, quality, service etc), a local supplier may be chosen over a remote supplier as the reduced level of transport represents a positive environmental benefit.
- (c) As with all purchases, however, decisions must be made in accordance with the Council's Contract Procedure Rules and relevant EU procurement directives. Advice on these is available from the Corporate Procurement Unit.
- (d) Through its Best Value consultation processes, an authority can seek the input of local Small to Medium Enterprises (SME's) on the provision of services to find the value that can be added by those SME's to the services required. A dialogue with SME's is encouraged at this stage to help an authority to find the link between the services needed by the community and the services that can be supplied locally. Authorities can develop their market intelligence and appraisal skills to identify the capabilities of potential local SME suppliers and to design a business case for local SME's.
- (e) The Council may design its specification and award criteria according to the value that local SME's can add to the service required, for example, sustainability, quality, fuel efficiency, replacement cycles, benefits to local people, community safety, diversity, good workforce management.

### **1.9 Whistleblowing**

- (a) The Council is committed to ensuring that the culture and tone of the Council is one of honesty and opposition to all forms of wrongdoing.

**RBC APRIL 2011(Updated NOVEMBER 2011)**

The Council's contractors can help to achieve this aim and are positively encouraged to raise any concerns that they may have in relation to possible wrongdoing by Council Officers or by work colleagues engaged in performing works or services for the Council.

(b) Wrongdoing could include:

- fraudulent or corrupt behaviour;
- breaches of agreed procedures and practices;
- discrimination on the grounds of race, religion, disability, age, gender or sexual orientation; or
- endangering others or their own health and safety.
- unlawful behaviour
- unsafe working practices
- harassment or victimisation.

(c) The Council's standard Conditions of Contract provide further information on the Council's Whistleblowing Policy and procedures and require all contractors to make their staff aware of the policy and procedures.

#### 1.10 Who can carry out procurement on the Council's behalf?

- (a) Compulsory Procurement Training for Officers – No Officer will be allowed to be involved in procurement on behalf of the Council unless they have undergone this training
- (b) Officers who are Authorised signatories (within their individual specified limits)
- (c) Consultants where duly authorised by the Council but they still must operate with the Council's Contracts Procedure Rules
- (d) Another public authority where they are acting as the lead Authority in a collaborative procurement
- (e) Public Sector Buying Consortia.

## 2. Summary of Procurement Stages

- Identify the **need** for the supplies, works or services, **establish the approximate value** of the proposed contract and draw up the **Specification**. Challenge the perceived need for what is to be purchased (e.g. could the existing equipment be refurbished, could it be provided as a shared service)
- Consider the **options** set out in the Procurement Strategy;
- Estimate the **value** of the proposed contract and **Invite quotations/tenders** in accordance with the relevant part of the Rules;
- **Receive quotations/tenders** in accordance with the relevant part of the Rules;
- **Evaluate quotations/tenders** in accordance with the relevant part of the Rules;
- **Award** the contract and ensure that all contract documents are **signed**;
- **Monitor and manage** the contract.

## **2.1 Need, Specification & Budget**

- (a) As a minimum, you must clearly and carefully specify the supplies, works or services to be supplied, the programme for their delivery and the terms for payment together with all other relevant terms and conditions. Specifications should be output or performance based, for example it is not acceptable to specify brand names without adding the words “or equivalent”. However wherever possible the Specification should be generic without using ‘brand’ names.
- (b) This means that you must decide in advance of the competitive process the size, scope and specification for the supplies, works or services required. If you are buying with other organisations, the scope must be agreed with all the other buying partners first.
- (c) When preparing the Specification for a contract, it is important to ensure that consideration is given to what performance information will be required from the supplier in order to measure whether the supplier is meeting the service levels and targets specified in the contract.
- (d) In addition, it may be necessary for the supplier to provide performance information to enable the Council to meet statutory requirements, such as the need to provide information to the Audit Commission each year for the National Performance Indicators.
- (e) The Specification should set out not only what is required but also the frequency and timescales within which performance information is required. In the Quotation or Tender response, tenderers should be invited to demonstrate how they will ensure that the performance data they supply is of adequate quality, such as information about quality processes and procedures used and quality standards achieved.
- (f) The criteria for evaluating Quotations or Tenders (the Scoring Matrix), including any weighting, must be submitted in writing to the Procurement Unit in advance of Quotations or Tenders being invited.
- (g) If in doubt, or it is a high risk or complex contract process you must check with the Procurement Unit and/or Finance and/or Legal Services.
- (h) You must ensure that the required budget is in place before inviting quotations/tenders
- (i) You must also allow sufficient time in your procurement timetable for any Executive Committee or Council approvals that may be required and for contractors to respond to and answer any supplementary questions.

## **2.2 Procurement Options**

- (a) You must always consider the Council’s Procurement Strategy and Procurement Guidance, together with any other applicable Council policies when you buy.
- (b) Once the need has been determined, you must determine the way in which the supplies, works or services will be procured. This means assessing all the options, particularly when the need is for the provision of services.

- (c) Under the Council's Procurement Strategy, you must consider the following options for the delivery of supplies, works or services:
- challenge the need
  - is there an existing external compliant contract/framework that you could utilise that would offer savings and efficiencies for the Council
  - could the requirement be delivered in collaboration with other authorities in Worcestershire?
- (d) You must consider whether a "call-off" or "Framework" contract is available for the supplies, works or services you wish to procure as you could get better value for the Council by using an existing Framework agreement (known as 'piggy'backing').
- (e) If there isn't a Framework Agreement already in place then you **must** consider whether it would be better value to set one up. This is likely to be of use where you are going to need to buy the same or similar things again in the future. Guidance on how to set up a framework is contained in the Procurement Guidance. You must also liaise with the Procurement Unit.
- (f) If, following consideration of the options, a joint procurement or other form of collaborative procurement is to be used with another public authority, the conduct of the procurement should be on terms no less rigorous than the requirements of these Rules.

### **2.3 Contract Estimated Values and Inviting Quotations/Tenders**

- (a) Before any prospective contractors can be invited to submit a Quotation or Tender for the supply of supplies, works or services, the relevant Officer must identify the purpose, scope and type of the proposed contract and estimate, on the basis of all relevant, available information, the approximate total value of the proposed contract. The estimated value and the calculations forming part of the estimate must be recorded in the relevant working papers.
- (b) There is no authority for any Officer to proceed any further with the procurement process unless the estimated value of the contract has been approved by the Council or is already within budgets approved and allocated by the Council.
- (c) All Quotations and Tenders must be invited on the basis that the Council will not be bound to accept any Quotation or Tender.

#### **Low value Procurements - For contracts up to the value of £4,999**

- (d) You must undertake competitive enquiries and record and retain details of your final selection criteria on file, unless you buy from an existing Corporate Contract (see current list at Appendix A).

#### **Intermediate value Procurements - For contract values between £5,000 and £49,999**

- (e) You must obtain at least three written quotations from suppliers before a purchase order is issued, specifying the supplies, works or services to be provided and setting out all terms and conditions, including price and terms of payment. E-mailed quotations are acceptable, but copies must be retained on the relevant file.

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- (f) If fewer than three quotations are received, you **must** seek additional quotations or obtain an exemption from the Rules in accordance with Rule 4.1 (Form of Exemption) of these Contracts Procedure Rules.

**High value Procurements / Contracts -**

**For contract values between £50,000 and £173,000**

- (g) A full and formal Tender process must be conducted. The standard documents to be used, including the relevant Terms and Conditions are available on the Intranet.
- (h) The minimum number of Tenders to be invited will depend upon the type of contract to be let. The Procurement Unit will provide advice on this.

**Advice from the Procurement Unit must be sought before engaging in any procurement above the EU thresholds.**

**For contract values above the EU thresholds**

- (i) The values above which the procurement procedures are governed by EU Directives are currently (as from **1st January 2012**):

For goods, services or works (including goods and consultancy services)	<b>£173,934 (€200,000)</b>
For works	<b>£4,348,350 (€5million)</b>

**N.B. These thresholds are amended approximately every 2 years and Officers should check current thresholds with the Procurement Unit.**

- (j) If your contract has a value above these thresholds, you must procure in accordance with the Public Contracts Regulations 2006 or subsequent relevant Regulations. Your contract must therefore be tendered under the Open, Restricted, Competitive Dialogue (for particularly complex contracts) or, in exceptional circumstances, the Negotiated Procedure.
- (k) For each contract above the EU thresholds, a Contract Notice must be published in the Supplement to the Official Journal of the European Union (OJEU). Other advertisements published in relation to any contract above the EU thresholds:
- Must not appear in any form before a Contract Notice is transmitted to OJEU; and
  - Must not contain any information above that contained in the Contract Notice in OJEU.
- (l) The procedure to be followed must be determined prior to advertising and must be one of the following:
- **Open procedure** – all interested contractors submit a Tender in response to an advertisement. The Tender is open to anyone who expresses an interest;

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- **Restricted procedure** – expressions of interest are sought from interested contractors in response to an advertisement. A number of contractors are selected from those expressing an interest and are invited to submit a Tender. All those who express an interest will be required to complete a Pre-Qualification Questionnaire (PQQ). The PQQs will be evaluated and a shortlist of suitable persons will then be invited to Tender;
  - **Competitive Dialogue Procedure** – interested contractors are invited to complete a PQQ and a Tender, both of which must be submitted before the deadline;
  - **Negotiated procedure** - expressions of interest are sought from interested contractors in response to an advertisement. A number of contractors are selected from those expressing an interest and are invited to negotiate;
  - **Framework agreement** – Tenders are invited from contractors in accordance with the relevant Framework agreement.
- (m) The minimum number of Tenders to be invited will depend upon the type of contract to be let. The Procurement Unit will provide advice on this.
- (n) Invitations to submit Quotations or Tenders must state that no Quotation or Tender will be accepted unless contained in a plain, sealed envelope, bearing the word “Quotation” or “Tender” followed by the subject to which it relates. Every envelope must bear no name or mark indicating the person, company or firm submitting the Quotation or Tender. The envelope or package in which the Quotation or Tender is submitted must not be capable of being sealed more than once.
- (o) Every Quotation shall be addressed to the relevant Head of Service and every Tender shall be addressed to the Head of Legal, Equalities & Democratic Services. Every Quotation or Tender shall remain in the relevant Officer’s custody until the appointed time for their opening.

### Some useful definitions

- (p) A **public supply contract** is a contract for:
- The purchase of ‘goods’ (does not include land or the product of an activity); or
  - The hire of ‘goods’ with or without the siting or installation of those goods.
- (q) A **public works contract** is a contract for the carrying out of a ‘work’ or ‘works’ under which the Council engages a person to procure a work ‘by any means’. (see below for definition)
- (r) A “**work**” is defined as including:
- Building and civil engineering work;
  - Construction of office blocks, hospitals or other buildings;
  - Civil engineering, construction of roads, bridges and railways;
  - Installation of work (e.g heating and electrical equipment);
  - Completion of work such as tiling and papering;
  - Maintenance of buildings.

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(s) The following activities may also be regarded as a **works contract**:

- A contract where the Council engages a contractor to act as agent for the Council in letting contracts;
- An agreement where a developer constructs a building on its own land (according to the Council's needs) and undertakes to transfer the land and structure to the Council upon completion or at a later date.

(t) A **public services contract** is one under which the Council engages a person to provide services. The Public Contracts Regulations divide services into two categories: "Part A Services" and "Part B Services".

(u) Part A Services are listed in Part A of Schedule I to the Regulations. Contracts for Part A Services are subject to the Regulations, including tendering procedure rules, specifications, pre-qualification etc.

(v) Part B Services are subject only to limited provisions, including rules on technical specifications, contract award notices and the submission of statistical reports. Part B Services are all those services set out in Part B of Schedule I to the Regulations. In addition, they include all those services that fall outside Part A.

(w) Where a contract involves both Part A and Part B services, the contract classification is determined by the service that forms the greatest proportion of the total value of the contract.

**Contract Notices must only be placed by the Council's Procurement Unit.**

(x) Minimum timescales relating to tender procedures governed by the EU Directives are shown in the Guidance and these must always be followed.

## 2.4 Receiving and Opening Quotations and Tenders

### Quotations – Opening of Quotations between £5,000 and £49,999

(a) All Quotations for a contract shall be opened in the presence of the relevant Head of Service (or in the case of absence another Head of Service) and at least one other Officer by arrangement and all pages containing price or cost details must be initialled and endorsed with the date and time of opening by both Officers and listed in the "Quotations Received" register maintained by the relevant Service Team.

(b) The register must record the following particulars:

- (i) a description of the goods, materials, works or services concerned;
- (ii) the date and time when the Quotations were opened;
- (iii) the name of the person, company or firm submitting the Quotation and the amount of the Quotation;
- (iv) the names and signatures of all persons present at the opening of the Quotations;

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**Confidentiality / Collusion**

- (c) No Officer present at the opening of a Quotation shall discuss or communicate the amount of a Quotation to any person other than relevant Council Officers or Members
- (d) Where three Quotations are not received owing to a lack of suitable potential suppliers / providers, or for any other reason, then the relevant Officer shall, in consultation with their Director, certify the reason for not obtaining three Quotations in the Quotations Register and then consider those Quotations which have been received.

**Tenders - Opening of Tenders between £50,000 and £173,934 (€200,000) – Current EU Procurement Threshold**

- (e) All Tenders for a contract shall be opened at a predetermined time in an area clear of other distractions. Tenders shall be opened by the Democratic Services Manager, or his nominee, in the presence of representative(s) of the Procurement Unit and/or the relevant Head of Service or other appropriate Officer of the Council designated by him/her.
- (f) The Democratic Services Manager will maintain a register of Tenders received and record in the register the following :
  - (i) the last date and time for the receipt of Tenders;
  - (ii) the date and time when the Tender was actually received;
  - (iii) the name of the Tenderer and the amount of the Tender;
  - (iv) the date and time when upon the Tenders were opened;
  - (v) the signature of the Officer to whom the Tenders were handed after opening;
  - (vi) the names of all persons present at the opening of the Tenders;
  - (vii) any nil responses by a Tenderer;
  - (viii) in respect of 'Schedule of Rates' contracts, any rates left blank in the Tender Schedule should be noted at the time of opening by the Member or Officer present entering their initials in place of any blank response; and
  - (ix) in respect of any Tender, any figure left blank in the Tender documents should be noted at the time of opening by the Member or Officer present entering their initials in place of any blank response.
- (g) All persons required by (e) above to be present at the opening of Tenders shall immediately sign against the relevant particulars in the register as evidence of such Tenders having been opened by them or in their presence. Tender documents should be initialled and dated by the Officers immediately after they are opened.

**Confidentiality / Collusion**

- (h) No Member or Officer present at the opening of a Tender shall discuss a Tender or communicate the amount of a Tender to any person other than relevant Officers, Members, the Executive Committee or the Council.

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### Opening of Tenders over the EU Thresholds

- (j) In addition to the procedure specified for Tenders up to the EU Thresholds all EU related Tenders will be opened by the Chair or, in his/her absence, Vice-Chair or other Member of the Overview and Scrutiny Committee.

### Late Tenders

- (k) Any Tender submitted or received after the specified closing date and time (deadline) shall be promptly returned to the Tenderer by the Head of Legal, Equalities and Democratic Services or an appropriate Officer of the Council nominated by him/her.
- (l) The Tender may be opened to ascertain the name and address of the Tenderer. BUT NO DETAILS of the Tender shall be discussed internally or externally.

## 2.5 Evaluating Quotations/Tenders

### Quotations

- (a) Where written quotations are invited for purchases between **£5,000 and £49,999** then the supplier or contractor submitting the lowest priced compliant quotations must awarded the contract.

### Tenders

- (b) For contracts valued over **£50,000** and for all contracts governed by EU Directives, a more complex tender evaluation procedure based on the identification of the 'Most Economically Advantageous Tender' ("MEAT") should be used. However, there are some situations where MEAT will not be an appropriate method of evaluation (e.g. where the only distinguishing factor will be that of price). In all cases, an appropriate method of evaluation must be used.
- (c) Care and consideration should be taken to ensure that the weighting method employed does not distort the scoring method in a way that the results are not aligned with the objectives of the procurement exercise. Consult the Procurement unit if in any doubt.
- (d) The evaluation of tenders involves the objective scoring of bids by a panel of stakeholders/officers and/or independent experts using criteria which must:
  - (i) Be predetermined and listed in the Invitation to Tender ("ITT") documentation in order of importance;
  - (ii) Be based on an offer made against either a performance or output based specification of the goods or services required
  - (iii) Be strictly observed at all times throughout the tender process;
  - (iv) Reflect the principles of Value for Money;
  - (v) Include price;

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- (vi) Consider whole-life costing, particularly in the case of capital equipment where the full cost of maintenance, decommissioning and disposal should be taken into account;
  - (vii) Be capable of objective assessment;
  - (viii) Be weighted according to their respective importance;
  - (ix) Include, where applicable, the quality of the tenderer's proposals to accept a transfer of staff under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE); and
  - (x) Avoid discrimination or perceived discrimination in accordance with the Council's policies.
- (e) Where this evaluation methodology is used, any resulting contract **must** be awarded to the Tenderer who submits the most economically advantageous tender (i.e. the tender that achieves the highest score in the objective assessment). This protects the Council from any 'challenges' which could potentially result in prosecution or fines.

## 2.6 Award of Contract and Execution of Contract Documents

### Contract Award

- (a) For all contracts under the EU Directive Thresholds, the relevant Officer must award the contract to the most economically advantageous complaint Quotation or Tender.
- (b) For all contracts tendered over the EU Directive Thresholds, a mandatory 10 day 'standstill period' must be observed between the decision to award the contract and the completion of the contract documents (the Council actually requires a 15 day 'standstill' period). Once the decision to award a contract has been made, each tendere must be notified in wiring of the outcome of the tender process. The Procurement Unit can provide you with template letters for this process.
- (c) This notification must include:
  - (i) details of the contract award criteria;
  - (ii) where practicable, the score the tenderer obtained against those award criteria;
  - (iii) where practicable, the score the winning tenderer obtained; and
  - (iv) the name of the winning tenderer.
- (d) There must be a minimum of 15 calendar days between the despatch of this notification and the conclusion of the contract documents. Special rules apply where a tenderer requests a de-brief on the tender process. Even if a tenderer asks for a de-brief outside the standstill period, we are still obliged to provide this.
- (e) All contracts awarded under EU Directives must be announced by means of a Contract Award Notice in OJEU transmitted no later than 48 calendar days after the date of the contract award.

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**Final Contract Award Notices which need to be placed in the Official Journal of the European Union (OJEU) must only be placed by the Council's Procurement Unit.**

### **Execution of Contract Documents**

- (f) It is important to contract only under the Council's relevant Conditions of Contract, unless you receive permission not to do so from the Head of Legal, Equalities & Democratic Services. Officers must use an appropriate model form of contract approved by the Procurement Unit and the Head of Legal, Equalities & Democratic Services, which are available on the Intranet.
- (g) Your Purchase Order **must** contain the standard form of terms and conditions of contract between the Council and the supplier. A quotation and a purchase order will create a legally binding document. The Purchase Order is used to formalise the terms of the contract.
- (h) For all contracts for services where the services are of an unusual or complex nature, the Head of Legal, Equalities & Democratic Services must be consulted to produce a suitable set of conditions for the contract before inviting tenders.

### **Signature of Contracts**

- (i) Every contract under the EU threshold must be written in a form approved by the HLEDs and may be signed by a Director or Head of Service. (Standard form contracts approved by HLEDs, covering goods, services and works are available on the Intranet).
- (j) Every contract over the EU thresholds must be drawn up in consultation with and approved by the HLEDs and must be signed by the Chief Executive or the HLEDs.
- (k) A copy of every contract over £49,999 shall be forwarded to Legal Services.
- (l) Contracts let by Official Orders must include the Council's standard Terms and Conditions.

## **2.7 Contract Management and Monitoring**

- (a) It is essential to good contract management that a realistic set of Key Performance Indicators (KPIs) is built into the Specification upon which the contract is to be let. This allows Officers to hold regular meetings with contractors throughout the life of the contract to monitor and manage the supplier/contractor against the KPIs to ensure that they consistently deliver what the Council has contracted for in terms of quality, cost and benefit. Letting the contract is just the first step.
- (b) All Quotation or Tender documentation must be retained by the relevant Service Team for the duration of the contract, including any maintenance period and a further period of six years (if the contract was signed) or twelve years (if the contract was sealed).

### 3. Specific types of contracts and procedures

#### 3.1 Contracts

##### Framework Agreements

- (a) These are agreements with suppliers for the provision of supplies, works or services on agreed terms for a specific period for estimated quantities against which orders may be placed if and when required during the contract period. They offer benefits of bulk-buying, improved service and reduced administration costs over the period of the agreement.
- (b) A framework agreement may allow you to hold a “mini-competition” with all the suppliers in the framework, other features and benefits include:
  - It removes the requirement to go out for Quotations - less time consuming.
  - Because no business is guaranteed to any contractor/supplier as a result of being appointed to the Framework Agreement it keeps cost and quality of service higher on the contractor/suppliers agenda as they want to win as large a share of possible of the business the Council has to place.
  - It Increases contractor/supplier capacity
  - It can be utilised to assist small businesses or start up businesses.
- (c) Corporate Framework agreements for goods, services or works should be used where they exist for procurements up to the EU thresholds

##### Concession contracts

- (d) A Concession Contract is used where the Council wishes to engage a contractor to provide a service within the Council’s area in return for which the contractor (“concessionaire”) is given a right to charge the public for the services being provided.
- (e) The EU procurement rules do not apply to public works concessions where the estimated value is below the relevant EU threshold. Where the concessionaire intends to sub-contract the performance of the services, the concessionaire may fall within the scope of the EU procurement rules. In all cases where the concessionaire is procuring supplies and/or services as part of the concession contract, the procurement should be carried out in accordance with these Rules.

Advice from the Procurement Unit must be sought before engaging in any procurement relating to a concession contract.

#### 3.2 Procedures

##### Restricted Procedure

- (f) This is the procedure most utilised by the Council under which a selection is made utilising a Pre Qualification Questionnaire (PQQ) of those who respond to the advertisement and only they are invited to submit a tender for the contract.



This allows the Council to avoid having to deal with an overwhelmingly large number of tenders;

### Open Procedure

- (g) Under which all those interested may respond to the advertisement in the OJEU by tendering for the contract. This Procedure should not be used without seeking advice from the Corporate Procurement Unit or the Legal Department as it can consume vast amounts of Officer time and effort as the potential levels of response can be huge as there is no PQQ (or filter) mechanism

### Competitive Dialogue Procedure

- (h) Under EU Directives, the Competitive Dialogue Procedure may be used for contracts valued at or above the EU thresholds in certain circumstances where:
- ❑ The Council wishes to award a particularly complex contract and believes that the use of the Open or Restricted procedures will not allow the award of that contract; or
  - ❑ The contract is for a service and the precise nature of the service required cannot be clearly specified or accurately priced (e.g. bespoke software application, insurance services, artistic services)

This is a complex potentially costly process with high risk and advice from the Procurement Unit and Legal Services must be sought before engaging in any Competitive Dialogue Procedure.

### Negotiated Procedure

- (i) This procedure should not now be used, except in very specific circumstances, for the procurement of particularly complex projects.

If in doubt, you must contract the Procurement Unit, Legal Services or the Head of Legal, Equalities & Democratic Services.

## 4. Exemptions and other issues

### 4.1 Exemptions

- (a) Any exemptions from these Rules must be obtained **in advance** using a completed 'Form of Waiver' in accordance with the following procedure. **Waivers can only be signed by a Corporate Director or the Chief Executive.**
- (b) The Contract Procedure Rules may be waived in the following circumstances:
- (i) Where the supply is proposed under special arrangements negotiated by the Office of Government Commerce (OGC) or OGC Buying Solutions (OGCbs) in which event the special arrangements must be complied with;
  - (ii) The timescale for procurement of the supplies, works or services genuinely precludes competitive tendering. Failure to plan the procurement properly is not a justification for inviting a single quotation or tender;
  - (iii) Specialist expertise is required that is only available from one source;

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- (iv) The task is essential to complete a project and arises as a consequence of a recently completed assignment and engaging different consultants for the new task would be inappropriate;
- (v) There is clear benefit to be gained from maintaining continuity with an earlier project. However, in such cases the benefits of such continuity must outweigh any potential financial advantage to be gained by competitive tendering;
- (vi) There is a recognised purchasing consortium in place (e.g. OGC Buying Solutions, Eastern Shires Purchasing Organisation ("ESPO"), Yorkshire Purchasing Organisation ("YPO")) whereby members of the consortium may utilise the consortium's purchasing arrangements in order to procure supplies and/or services. The Council must be a member of the relevant consortium or otherwise eligible to access the consortium's purchasing arrangements for this exemption to be applicable and only the goods and/or services that are the subject matter of the consortium arrangements may be procured. Where the goods and/or services are outside the scope of the consortium arrangements, you must use another method of procurement in accordance with these Rules.
- (vii) the contract is for the purchase of goods/materials which are sold only at fixed prices or where prices are controlled by a trade organisation and there would therefore be no genuine competition.
- (c) The limited application of the single tender rules should not be used to avoid competition, for administrative convenience or to award further work to a contractor originally appointed through a competitive procedure.
- (d) Where it is approved that the Contract Procedure Rules should be waived in relation to a particular procurement, a copy of the signed Form of Waiver must be sent electronically to be added to the Contracts Register which is held and maintained by the Corporate Procurement Unit or the "Quotations Received" register maintained by the relevant Service Team (according to the relevant value of the procurement)

N.B. The Form of Waiver is set out in Appendix B to these Rules and can be downloaded from the Intranet (see under 'Contracts Home')

Exemptions **cannot** be given for procurement within the EU Directives.

## 4.2 Other issues

### Conflicts of Interest

- (a) Any interest an Officer has which may affect the award of a contract under these Rules must be declared. Every Officer entitled to buy supplies, services or works on behalf of the Council must declare their interest in writing to the Audit Services Manager and update their declaration as soon as any interest changes arise.

Contracts procured under EU Directives must not be extended or varied without consulting the Procurement Unit.

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**Consultants**Procurement of consultancy services

- (b) It is important to ensure when engaging any Consultants or Consultancies that the Council retains the Intellectual Property Rights (IPR) to the product of their work for the Council. There may be a commercial value that the Council can exploit or the Council may at some future date wish to utilise the product of the Consultants work as the basis of a further study/piece of work, in this instance If the Council retain the IPR they can use any Consultancy they wish
- (c) There may be instances where use of these Rules would be inappropriate (e.g in the case of engaging a barrister or other consultant where the quality of performance or the interpersonal skills of the contractor are more important than the price). In such cases, consultants will be engaged according to the following:
- i) Low value: at the discretion of the Head of Service;
  - ii) Intermediate value : subject to consideration and selection by the Head of Service in consultation with the relevant Director;
  - iii) High value : subject to consideration and selection by a panel comprising the Head of Service, relevant Director and at least three elected Members

Procurement by consultants on the Council's behalf.

- (d) Any consultant who is to be responsible for supervising any stage of the procurement process on behalf of the Council will:
- (i) Comply in all respects with these Rules and the Council's Financial Regulations;
  - (ii) Hold, where appropriate, an adequate level of Professional Indemnity insurance to cover any potential loss that may arise;
  - (iii) Produce all records maintained by him relating to the contract to the appropriate Head of Service or his representative whenever requested during the life of the contract; and
  - (iv) Pass all relevant records to the Head of Service on completion of the contract.

Information to be provided to consultants

- (e) Information has to be relevant and specific to the work they will be required to do and would include;
- i) A comprehensive brief of the outcomes/results sought
  - ii) A time frame within which the work is to be completed
  - iii) Payment schedules.

**Parent company guarantees and bonds**

- (f) Any Officer procuring a contract for supplies, works or services which is over £1 Million must consult the Head of Financial, Revenues and Benefits Services and the Head of Legal, Equalities & Democratic Services to determine whether a bond, parent company guarantee or other form of security is required.

**Subcontractors**

- (g) The use of Subcontractors by Suppliers or Main Contractors to the Council must be approved by the Officer letting or responsible for managing the contract. It is not an automatic right.

**Collusion / Corruption**

- (h) In all their dealings, Officers of the Council shall preserve the highest standards of honesty, integrity, impartiality and objectivity and shall comply with the Employee Code of Conduct.
- (i) Council Officers and Members must not benefit personally from dealings with current or prospective contractors or suppliers.
- (j) Hospitality, gifts, prizes or commission offered by contractors or suppliers should not normally be accepted. Minor promotional gifts distributed as part of a contract or supplier's general advertising may be retained for use within the Council.

If in any doubt, please seek further advice from the Monitoring Officer or from Internal Audit.

**Anti-collusion certificates**

- (k) For contracts let over £50,000 all Bidders will be required to sign and return a Certificate of Non-Collusion with their Tender submission - the format and content as per the following;

**ANTI COLLUSION / BONA FIDE TENDER CERTIFICATE**

"I declare that this is a bona fide Tender, intended to be competitive, and that I have not fixed or adjusted the amount of the tender by or under or in accordance with any agreement or arrangement with any other person. I also declare that I have not and I undertake that I will not before the award of any contract for the work:

- (a) disclose the tender price or any other figures or other information in connection with the tender to any other party (including any other company or part of a company forming part of a group of companies of which I am a part) nor to any sub-contractor (whether nominated or domestic) nor supplier (whether nominated or domestic) or any other person to whom such disclosure could have the effect of preventing or restricting full competition in this tendering exercise.

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- (b) enter into any agreement or arrangement with any person that they shall refrain from tendering, that they shall withdraw any tender once offered or vary the amount of any tender to be submitted;
- (c) otherwise collude with any person with the intent of preventing or restricting full competition;
- (d) pay, give or offer to pay or give any sum of money or other valuable consideration directly or indirectly to any person for doing or having done or causing or having caused to be done in relation to any other tender or proposed tender for the work any act or thing of the sort described at (a), (b) or (c) above.

I further declare that I have no knowledge either of the sum quoted or of any other particulars of any other tender for this contract by any other party.

I further declare that the principles described above have been, or will be, brought to the attention of all sub-contractors, suppliers and associated companies providing services or materials connected with the tender and any contract entered into with such sub-contractors, suppliers or associated companies will be made on the basis of compliance with the above principles by all parties.

I acknowledge that any breach of the foregoing provisions shall lead automatically to this tender being disqualified and may lead to criminal or civil proceedings.

The company/organisation acknowledges that the Council shall treat any tender received in confidence but reserves the right to make the same available to any person in compliance with its statutory duty including Trading Standards Departments, the Office of Fair Trading, and/or any other statutory regulatory authority either having jurisdiction over the works or who may now or at any time in the future have statutory power to require disclosure of this tender.

I am authorised by the Tenderer to sign this Certificate, and to submit the accompanying bid, on behalf of the Tenderer.

Each person whose signature appears on the accompanying tender has been authorised by the Tenderer to determine the terms of, and to sign, the tender, on behalf of the Tenderer".

- (l) Amongst other advantages this will help to discourage collusion and ultimately give the Council the legal right to terminate contracts where collusion is proven post any contract award

### **Register of contracts**

- (m) Originals of all contracts let must be lodged with Legal Services and electronic copies with the Corporate Procurement Unit.



**Appendix 'A'****CORPORATE CONTRACTS**

<b>Goods or Services Provided</b>	<b>Supplier/Contractor</b>	<b>Date Let</b>	<b>Date of Expiry</b>
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## Appendix 'B'

## REDDITCH BOROUGH COUNCIL

Contract ref (if any):

**PRO-FORMA REQUEST FOR THE WAIVER OF TENDERING/QUOTATION PROCEDURES**

In accordance with the Redditch Borough Council (RBC) Contracts Procedure Rules (formerly SO46) tendering/quotation procedures may be waived when the goods, services or works are required urgently or other special circumstances as described in Schedule A (below) are applicable and may only be actioned on the written authority of a Corporate Director or the Chief Executive Officer.

**THIS FORM CANNOT BE USED TO AVOID EU PROCUREMENT REGULATIONS****SECTION A - TO BE COMPLETED BY THE PERSON MAKING THE REQUEST:***Directorate / Service:**Item of Goods, Services or Works:**Estimated / Actual Cost (including delivery, maintenance, training, etc. if applicable):*

*Please indicate in the space provided below why you do not consider that it is appropriate to follow the Council's procurement process for the goods, services or works and identify which exemption within the Rules you believe applies;*

*If it is essential that the goods, services or works be purchased from the Supplier nominated above rather than as the result of competitive tendering or any existing approved source please give reasons: (Refer to Schedule A stating the reason which best describes your course of action):*

Signed .....

Designation .....

Date.....

IN SIGNING THIS FORM I DECLARE THAT I DO NOT HAVE A FINANCIAL OR OTHER INTEREST IN THE COMPANY INVOLVED IN THE SUPPLY OF THE GOODS, SERVICES OR WORKS LISTED ABOVE.

RBC APRIL 2011(Updated NOVEMBER 2011)

**SECTION B - TO BE COMPLETED BY THE APPROVING OFFICER**

REQUEST \*ACCEPTABLE / UNACCEPTABLE (\*delete as appropriate)

COMMENTS (if any)

.....

.....

.....

Signed .....

Designation .....

Date .....

**IF ACCEPTABLE PLEASE FORWARD IMMEDIATELY TO REQUISITIONER FOR ACTION****IF UNACCEPTABLE PLEASE RETURN TO THE ORIGINATOR OF THIS REQUEST WITH COMMENTS AS APPROPRIATE.****N.B. In Both cases a copy MUST be sent to the Corporate Procurement Unit****SCHEDULE A**

Formal tendering/quotation procedures may only be waived by Directors or the Chief Executive where:

- 1) the supply is proposed under special arrangements negotiated by the OGC/OGCs in which event the said special arrangements must be complied with;
- 2) the timescale genuinely precludes competitive tendering. Failure to plan the work properly is not a justification for a single tender;
- 3) specialist expertise is required and such expertise is available from only one source;
- 4) the task is essential to complete a project, arises as a consequence of a recently completed assignment and engaging different consultants for the new task would be inappropriate;
- 5) there is clear benefit to be gained from maintaining continuity with an earlier project . However, in such cases the benefits of such continuity must outweigh any potential financial advantage to be gained by competitive tendering;
- 6) it is proposed to procure goods, services or works from an existing pre-tendered Public Sector Consortia contract arrangement let by a Public Sector Consortia such as Eastern Shires Purchasing Organisation (ESPO), or any other PRO5 Consortia OGC, NHS Purchasing & Supplies Organisation;
- 7) The contract is for the purchase of supplies, works or services which are sold only at fixed prices or where prices are controlled by a trade organization and there would be no genuine competition.
- 8) The limited application of the single tender rules should not be used to avoid competition or for administrative convenience or to award further work to a consultant originally appointed through a competitive procedure.

End.

**RBC APRIL 2011(Updated NOVEMBER 2011)**

## 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.

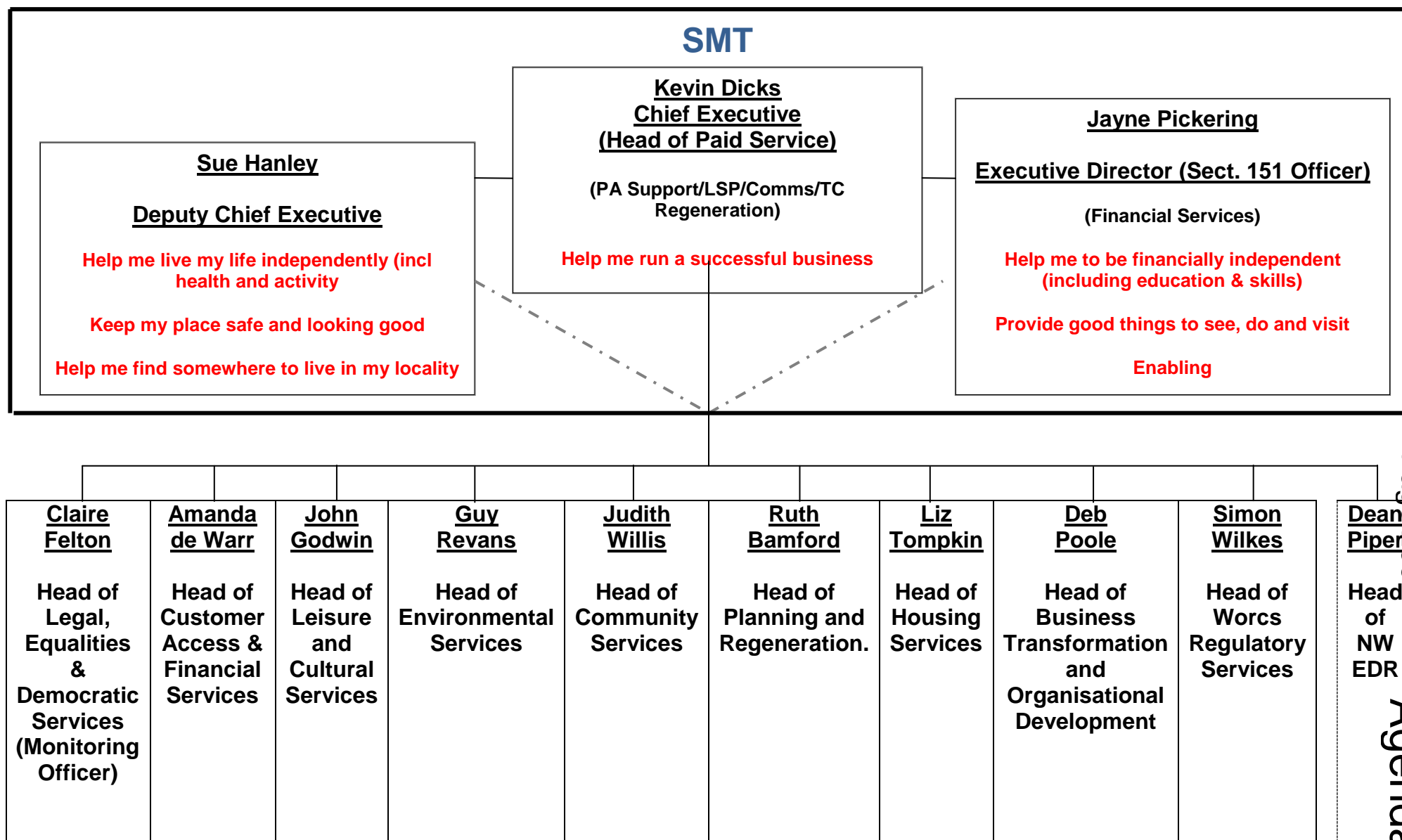
(2) Where no qualified person has applied, the Council shall make further arrangements for advertisement in accordance with rule 15(b).
23. The steps under rule 22 or 23 above may be taken by a committee, sub-committee or chief officer of the Council;
24. Any chief officer may be appointed by the Council,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

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# Bromsgrove District Council and Redditch Borough Council - Single Management Structure



**Nb** – although Executive Directors are not directly responsible for the line management of HofS, they are directly responsible for leading and driving achievement of **Strategic Purposes** and will be expected to co-ordinate activity to enable this.

**Kevin Dicks,  
Chief Executive**

- LSP & Other Strategic Partnerships
- Communications, Marketing and Promotion (including oversight of web content)
- Printing & Reprographics
- Civic/Mayoral Support
- Corporate Administration/ Central Post Opening
- Town Centre Regeneration

**Deb Poole  
Head of Business  
Transformation and  
Organisational Development**

- I.C.T.
- Business Development
- E Government
- Web Development
- Land and Property Gazetteer / GIS / Street Naming and Numbering
- Transformation, Business Process Re-engineering and Lean Systems
- Information Management
- Freedom of Information, Data Protection, Records Management
- Organisational Development (including Workforce Planning and Succession Planning)
- Training & Development (strategy)
- Performance Management & Improvement
- Policy (excluding service specific strategy)
- Consultation & Community Engagement
- Customer Insight
- Human Resources
- Training & Organisational Development
- Health & Safety

**Simon Wilkes  
Head of Regulatory  
Services**

- Health & safety
- Food Safety
- Food Standards
- Licenses (all)
- Pest & Dog Control
- Animal Health and Welfare
- Contaminated land
- Fair Trading
- Consumer and Business Advice
- Air Quality
- Metrology
- Product Safety
- Rogue Trading and Counterfeiting
- Underage Sales
- Statutory Nuisances
- Infectious Diseases

**Dean Piper  
Head of NW EDR**

<b>Claire Felton Head of Legal, Equalities &amp; Democratic Services</b>
<ul style="list-style-type: none"> <li>• Professional Legal Advice &amp; Services</li> <li>• Election &amp; Electoral Services, Periodic Electoral Review</li> <li>• Democratic Services &amp; Member Support</li> <li>• Monitoring Officer Role, Probity &amp; Standards</li> <li>• Governance</li> <li>• Advice to Parishes</li> <li>• Member Development</li> <li>• Equalities &amp; Diversity</li> <li>• Land Charges</li> </ul>

<b>Sam Morgan Financial Services Manager (reports direct to Jayne Pickering)</b>
<ul style="list-style-type: none"> <li>• Accounts &amp; Financial Management &amp; Advice</li> <li>• Procurement</li> <li>• Audit</li> <li>• Risk Management</li> <li>• Payroll (RBC, BDC, WFDC)</li> </ul>

<b>John Godwin Head of Leisure and Cultural Services</b>
<ul style="list-style-type: none"> <li>• Leisure/Sports Centres/Dual Use Facilities</li> <li>• Sports and Recreation Development</li> <li>• Arts Development</li> <li>• Children &amp; Young People, Play</li> <li>• Health Education/Interventions</li> <li>• Parks and Open Spaces</li> <li>• Allotments</li> <li>• Museum</li> <li>• Events</li> <li>• Community Centres</li> <li>• Theatre</li> <li>• Countryside Centre</li> <li>• Sponsorship</li> </ul>

<b>Amanda de Warr Head of Customer Access &amp; Financial Support</b>
<ul style="list-style-type: none"> <li>• Customer Service Centres and One Stop Shops</li> <li>• Revenues including corporate Income &amp; Debt Management</li> <li>• Benefits</li> <li>• Complaints and Customer Feedback</li> <li>• Customer Service Strategy</li> <li>• Cashiers</li> <li>• Reception Services</li> <li>• Switchboard Services</li> <li>• Assets &amp; Facilities Management (RBC)</li> <li>• Property</li> </ul>

<b>Guy Revans Head of Environmental Services</b>
<ul style="list-style-type: none"> <li>• Waste Management</li> <li>• Street Scene / Street Cleansing</li> <li>• Grounds Maintenance/ Landscaping</li> <li>• Bereavement Services</li> <li>• Climate Change / Energy Efficiency</li> <li>• Public Conveniences</li> <li>• Cesspools/Sewers</li> <li>• Engineering and Design</li> <li>• Minor Works Team</li> <li>• Abandoned Vehicles</li> <li>• Street Naming and Numbering (operational)</li> <li>• Tree management inc TPOs</li> <li>• Land Drainage</li> <li>• Car Parks/Civil Parking Enforcement</li> </ul>

<b>Judith Willis Head of Community Services</b>
<ul style="list-style-type: none"> <li>• Community Cohesion (Older and Young People) / Social Inclusion</li> <li>• Community Safety</li> <li>• Anti Social Behaviour Team</li> <li>• CCTV &amp; Lifeline Operation &amp; Development</li> <li>• Voluntary Sector &amp; Community Networks, Grant Aid</li> <li>• Transport</li> <li>• Community Transport / Dial A Ride</li> <li>• Bus Passes / Concessionary Fares</li> <li>• Grant Aid</li> <li>• Housing Strategy and Enabling</li> <li>• Private Sector Housing</li> <li>• Disabled Facilities Grants</li> <li>• Travellers</li> <li>• Shopmobility</li> <li>• Children's Centres</li> </ul>

<b>Ruth Bamford Head of Planning and Regeneration</b>
<ul style="list-style-type: none"> <li>• Strategic Planning (Planning &amp; Local Development Framework)</li> <li>• Development Management (including Planning Enforcement)</li> <li>• Building Control</li> <li>• Land Charges</li> <li>• Emergency Planning / Business Continuity</li> <li>• Conservation</li> <li>• Economic Development</li> </ul>

<b>Liz Tompkin Head of Housing</b>
<ul style="list-style-type: none"> <li>• Capital Improvements</li> <li>• Repairs &amp; Maintenance</li> <li>• Homelessness</li> <li>• Housing Options/Choice Based Lettings</li> <li>• Housing Performance and Database</li> <li>• Right to Buy</li> <li>• St David's House Extra Care Housing</li> <li>• Tenancy Management</li> </ul>



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**Scheme of Members Allowances 2017/18, as from 1<sup>st</sup> April 2017**

The Members Allowances Scheme is agreed by the Council each year. It sets out the allowances which are paid to Councillors and the expenses they can claim.

The amounts of the allowances are reviewed each year by the Independent Remuneration Panel. This group of non-Councillors make recommendations to the Council, and it must take account of these when setting its allowances.

**Basic Allowance and Special Responsibility Allowance**

A Basic Allowance of £3,350 is paid to all Members of the Council. By law, the Council must pay an equal amount of Basic Allowance to each Councillor, unless they choose not to receive all or part of it. The Basic Allowance is paid automatically each month as part of the payroll process and Councillors do not need to claim.

In addition to the Basic Allowance referred to above, Special Responsibility Allowances are paid to the holders of the following Offices:

<b>Position</b>	<b>Multiplier of Basic Allowance*</b>	<b>Special Responsibility Allowance</b>
Leader of the Council	2.0	£6,697, plus £1,560 as portfolio holder
Deputy Leader	1.4	£4,687, plus £1,560 as portfolio holder
Executive Members (Portfolio Holders)	0.466	£1,560
Executive Members without Portfolio	0.32	£1,072
Chair of Overview and Scrutiny Committee	0.6	£2,009
Members of Overview and Scrutiny Committee	0.32	£1,072
Chair of Planning Committee	0.466	£1,560
Chair of Licensing Committee	0.4	£1,340
Political Group Leaders	0.31	£1,040 X1

\*To nearest decimal place

There is no limit on the number of Special Responsibility Allowances payable to any one Member.

These allowances are also paid automatically each month via payroll.

In addition to the allowances set out above, and for ease of reference, the following additional allowances are made:

#### Representatives on Major Outside Bodies

Local Government Association & General Assembly	£269 pa
West Midlands Councils (now named West Midlands Employers)	£269 pa

#### Part Year Payments

If a Councillor holds office for less than a full year, any allowances will be paid in proportion to the length of the period the office is held. This applies to Basic and Special Responsibility Allowances.

#### Civic Payments

An allowance of £3,690 is paid to the Mayor and £1,100 to the Deputy Mayor. This allowance is permitted in the Local Government Act 1972 and is separate to those which are reviewed by the Independent Remuneration Panel.

#### Travelling and Subsistence Allowances – require a claim to be made

Travelling and subsistence allowances can be paid to reimburse Councillors when they carry out an Approved Duty. Details of what constitutes an Approved Duty are set out elsewhere in this Scheme.

The Council will reimburse any business mileage at the published HM Revenue and Customs authorised non taxable rates (given below).

**All claims for vehicle mileage must be submitted promptly at the end of each month. Claims which are more than 2 months old will be rejected.**

Inland Revenue rates:

	First 10,000 business miles in tax year	Each mile after
Cars and vans	45 p	25 p
Motorcycles	24 p	24 p
Bicycles	20 p	20 p
Carrying Passengers (RBC Employee or fellow Member)	5p per person per mile	
Towing	6p	

- (a) In situations where Members move out of the area, or otherwise change circumstances, a maximum distance for mileage to be paid for home to meetings mileage is 40 miles each way. No limit is set on mileage for journeys from home to conferences, training and seminars.
- (b) Councillors may claim actual expenditure incurred on tolls or parking fees, in addition to travelling allowances. Proof of expenditure must be provided.
- (c) Public transport costs can be reimbursed on production of receipts, again claimable for Approved Duties only.
- (d) The rate for travel by Taxi Cab shall not exceed:
  - (i) In cases of urgency or where no public transport is reasonably available, the amount of the actual fare and any reasonable gratuity paid, and
  - (ii) In any other case, the amount of the fare for travel by appropriate public transport.
- (e) Subsistence allowances are available for Councillors where they are away from home and unable to make their own arrangements. Councillors are reimbursed for actual expenses incurred up to the following maximum amounts, subject to the production of receipts:-

Breakfast	£5.00
Lunch	£6.75
Evening Meal	£20.00

Childcare and Dependant Care Allowances

The Dependent Carer's Allowance is intended to provide support to a Councillor with responsibilities for childcare (under age 16) or a dependent relative when attending meetings of the Council. The allowance is to cover reasonable and legitimate costs, but payment cannot be made if a carer is a member of the Councillor's immediate family or under 16 years of age.

When making a claim, the Councillor should include Receipts. Payments are for the actual time that a carer is employed and therefore includes the travelling time of a Councillor to and from a meeting.

Approved Duties

The following Approved Duties are those for which travel and /or subsistence allowances may be claimed:-

- (a) Meetings of the Council, Executive and other Committees and any meeting of a Council-appointed body, or involving Council-nominated representation; or one to which Officers have invited Members;
- (b) Attendance at meetings required as part of Overview and Scrutiny, or similar Member-led Review;
- (c) Opening tenders, when attendance is required as set out in Contract Standing Orders;
- (d) Attendance at relevant meetings by Leaders, Portfolio Holders / O&S Chair where required by virtue of their position.
- (e) Training events and briefings arranged via Council officers, either specifically for Redditch Councillors or in conjunction with other authorities.
- (f) External conferences, seminars and training events, where attendance is appropriate to the role the Councillor carries out and has been agreed in advance with the Political Group Leader

Authority is delegated to the Democratic Services Manager to adjudicate on such duties, and to determine whether duties are approved or not for payment, within the above definitions. Any dispute arising on such adjudication will be settled in consultation with the Portfolio Holder for Corporate Management.

Claims for Allowances

Members should submit claims for allowances on a monthly basis. The Democratic Services Team will tell you the deadlines before the beginning of the financial year.

Foregoing an Allowance

A Councillor may, by giving written notice to the Council's Payroll Manager, choose to forego all or part of an allowance under this Scheme. If a Councillor has made this decision, s/he can change their mind, but not

retrospectively.

Should a Councillor choose to donate all or part of his/her entitlement to allowances under this Scheme to registered charities of his/her choice the Councillor will need to make their own arrangements for donating such allowances to the charity following receipt of the allowances.

General Advice

Councillors who are members of more than one authority may not receive allowances from more than one authority for the same duties.

Redditch Borough CouncilQuick guide to Members Allowances and Expenses**Allowances**

Write to the Payroll Manager if you wish to receive a reduced amount or to decline to receive an allowance.

Basic allowance – paid to all Councillors via payroll.

Special Responsibility Allowance – paid to Councillors who hold posts with additional responsibility.

**Expenses**

What you can claim:

Travel expenses for car/public transport for carrying out approved duties. These include return journeys with a maximum mileage of 40 miles each way from home or work to:

- meetings of the Council, Executive and other Committee meetings, task group meetings;
- associated briefing meetings;
- meetings arranged by officers, including opening tenders;
- training events
- external conferences and training events where attendance has been agreed in advance with the Councillor's political group leader, or where there is no group leader, with the Chief Executive.

Subsistence allowances for when you are carrying out an approved duty, are not able to make your own arrangements and refreshments are not provided for you.

Reimbursement of reasonable costs for childcare or care of dependant relatives who live with you.

What you cannot claim:

First class travel

Expenses more than 2 months old

Subsistence allowances where you have received refreshments

Expenses where you can claim from another organisation.

**REDDITCH BOROUGH COUNCIL**

**CODE OF CONDUCT**

**Part 1**

**General provisions**

**Introduction and interpretation**

1. (1) This Code applies to **you** as a member or co-opted member of Redditch Borough Council.
- (2) You should read this Code together with the Ten Principles of Public Life which are set out in Appendix 1
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code—
  - "meeting" means any meeting of
    - (a) the authority;
    - (b) any of the authority's, sub-committees, joint committees, joint sub-committees, or area committees;
    - (c) the executive of the authority or it's committees
  - "Monitoring Officer" means the Monitoring Officer for the principal Council which is Redditch Borough Council;

**Scope**

2. (1) This Code applies to you as a member of this authority when you act in your role as a Member or as a representative of the authority in the circumstances described in para 2 (b) below.
- (2) Where you act as a representative of the authority:
- (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
  - (b) on any other body, you must, when acting for that other body, comply with the authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

**General obligations**

3. (1) You must treat others with respect.
- (2) You must not:
- (a) do anything which may cause your authority to breach any of the equality enactments;
  - (b) bully any person;
  - (c) intimidate or attempt to intimidate any person who is or is likely to be:
    - (i) a complainant,
    - (ii) a witness, or
    - (iii) involved in the administration of any investigation or proceedings,in relation to an allegation that a member (including yourself) has failed to comply with the authority's Code of Conduct;
  - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the authority.



**4.** You must not:

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
  - (i) you have the consent of a person authorised to give it;
  - (ii) you are required by law to do so;
  - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
  - (iv) the disclosure is:
    - (aa) reasonable and in the public interest; and
    - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.

**5.** You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.**6.** You:

- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
- (b) must, when using or authorising the use by others of the resources of, or under the control of, the authority:
  - (i) act in accordance with the authority's reasonable requirements;
  - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) must have regard to any applicable Local Authority Code of Publicity.

7. You must:
- (a) when reaching decisions on any matter have regard to any relevant advice provided to you by the authority's officers and in particular by the authority's Monitoring Officer and Section 151 Officer; and
  - (b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the authority
- .
8. You must not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

## **Part 2**

### **Interests**

#### **Disclosable Pecuniary Interests ("DPI")**

9. (1) You will have a Disclosable Pecuniary Interest ("DPI") under this Code if:-
- (a) such interest meets the definition prescribed by The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 regulations as amended from time to time and set out in Appendix 2 to this Code; and
  - (b) it is either an interest of yourself; or it is an interest of :-
    - (i) your spouse or civil partner; or
    - (ii) a person with whom you are living as husband and wife: or
    - (iii) a person with whom you are living as if you were civil partners;

And you are aware that the other person has the interest.

**Registration of DPIs**

10. (1) You must within 28 days of becoming a member of the authority or being re-elected notify the Monitoring Officer in writing of any DPI which you hold at the time notification is given
- (2) You must within 28 days of becoming aware of any new DPI, or changes to existing DPIs notify the Monitoring Officer in writing.

**Other Disclosable Interests**

- 11.(1) You will have a Disclosable Interest in any matter if you are aware that you or a member of your family or person or organisation with whom you are associated have a:-
- a pecuniary interest in the matter under discussion; or
  - b a close connection with the matter under discussion.
- (2) If you are a member of another local authority, or public body, or you have been appointed as the Council's representative on an outside body, you do not have a Disclosable Interest unless a member of the public knowing the circumstances would reasonably regard membership of the body concerned as being likely to prejudice your judgment of what is in the public interest.

**Disclosure of Interests****12.(1) DPIs: formal meetings**

If you are present at a meeting of the Council and you have a DPI then you must:

- a Disclose the nature and existence of the interest; and
- b Leave the meeting (including the meeting room and public gallery) and take no part in the discussion ; and
- c If the interest has not already been recorded notify the Monitoring Officer of the interest within 28 days beginning with the date of the meeting.

(2) DPIs: informal meetings

If you have a DPI you must not participate in informal meetings or briefings and site visits and must disclose the DPI in any correspondence with the Council.

(3) Single Member Decisions

If when participating in single member decision making you have a DPI affecting the matter being decided then you may take no steps other than asking for the matter to be decided in some other manner.

(4) Other Disclosable Interests

If you are present at a meeting of the Council and you have an Other Disclosable Interest then you must:

- a Disclose the nature and existence of the interest; and
- b If the interest;
  - i affects your pecuniary interests or relates to the determination of a planning or regulatory matter; and
  - ii is one which a member of the public knowing the circumstances would reasonably regard as being likely to prejudice your judgment of what is in the public interest

then you must leave the meeting (including the meeting room and public gallery) and take no part in the discussion.

(5) Dispensations

You may take part in the discussion of and vote on a matter in which you have a been granted a dispensation.

**Sensitive Information**

13. (1) An interest will be a sensitive interest if the two following conditions apply:

- (a) That you have an interest (whether or not a DPI); and
  - (b) the nature of the interest is such that you and the Monitoring Officer consider that disclosure of the details of the interest could lead to you or a person connected to you being subject to violence or intimidation.
- (2) Where it is decided that an interest is a “sensitive interest ” it will be excluded from published versions of the register. The Monitoring Officer may state on the register that the member has an interest the details of which are excluded under this section.
- (3) Where the sensitive interest is a DPI the usual rules relating to disclosure will apply save that the member will only be required to disclose that they hold a DPI in the matter concerned.

**APPENDIX 1****The Ten General Principles of Public Life**

**Selflessness** – members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

**Honesty and integrity** – members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.

**Objectivity** – members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

**Accountability** – members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

**Openness** – members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

**Personal judgment** – members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

**Respect for others** – members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

**Duty to uphold the law** – members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

**Stewardship** – members should do whatever they are able to do to ensure that their authorities use their resources prudently, and in accordance with the law.

**Leadership** – members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

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STATUTORY INSTRUMENTS

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2012 No. 1464

## LOCAL GOVERNMENT, ENGLAND

The Relevant Authorities (Disclosable Pecuniary Interests)  
Regulations 2012

<i>Made</i>	- - - -	<i>6th June 2012</i>
<i>Laid before Parliament</i>		<i>8th June 2012</i>
<i>Coming into force</i>	- -	<i>1st July 2012</i>

The Secretary of State, in exercise of the powers conferred by sections 30(3) and 235(2) of the Localism Act 2011(a), makes the following Regulations.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and shall come into force on 1st July 2012.

(2) In these regulations—

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000(b) and other securities of any description, other than money deposited with a building society.

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(a) 2011 c.20.

(b) 2000 c. 8.

**Specified pecuniary interests**

2. The pecuniary interests which are specified for the purposes of Chapter 7 of Part 1 of the Act are the interests specified in the second column of the Schedule to these Regulations.

Signed by authority of the Secretary of State for Communities and Local Government

*Grant Shapps*  
Minister of State

6th June 2012

Department for Communities and Local Government

**SCHEDULE**

Regulation 2

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(a).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of

(a) 1992 c. 52.



business or land in the area of the relevant authority; and

(b) either—

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

#### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

Section 30 of the Localism Act 2011 provides that a member or co-opted member of a relevant authority as defined in section 27(6) of the Localism Act 2011, on taking office and in the circumstances set out in section 31, must notify the authority's monitoring officer of any disclosable pecuniary interest which that person has at the time of notification. These Regulations specify what is a pecuniary interest. Section 30(3) of the Act sets out the circumstances in which such an interest is a disclosable interest.

A full impact assessment has not been produced for these Regulations as no impact on the private or voluntary sectors is foreseen.



**MEMBERS' CODE ON GIFTS AND HOSPITALITY****Gifts and Hospitality****A Code of Conduct for Councillors**

The acceptance of gifts and hospitality by Councillors is not merely an administrative issue. It reflects directly upon the perception of Councillors and of the authority as acting in the public interest or as acting for the personal advantage of friends and for what personal benefit Councillors can get out of their position.

The law on the acceptance of gifts and hospitality is set out in the authority's Code of Conduct for Members and in the Prevention of Corruption Acts. These requirements are then supplemented by the procedures which have been adopted by this authority, to provide a clear set of rules for the protection of both Councillors and the authority. Acceptance of a gift or hospitality in breach of the Code, or failure to declare receipt of such a gift or hospitality, can lead to disqualification from holding any public office for a period of up to five years. Corrupt acceptance of a gift or hospitality can lead to a heavy fine or up to 7 years' imprisonment.

This Code of Conduct sets out:

- (a) the principles which you should apply whenever you have to decide whether it would be proper to accept any gift or hospitality
- (b) a procedure for obtaining consent to accept a gift or hospitality, when you consider that it would be proper to accept it
- (c) a procedure for declaring any gift or hospitality which you receive and for accounting for any gift to the authority

This Code does not apply to the acceptance of any facilities or hospitality which may be provided to you by this authority.

**1 General Principles**

In deciding whether it is proper to accept any gift or hospitality, you should apply the following principles. Even if the gift or hospitality comes within one of the general consents set out below, you should not accept it if to do so would be in breach of one or more of these principles:

- (a) **Never accept a gift or hospitality as an inducement or reward for anything you do as a Councillor.**

As a Councillor, you must act in the public interest and must not be swayed in the discharge of your duties by the offer, prospect of an offer, or the non-offer of any inducement or reward for discharging those duties in a particular manner.

The Public Bodies (Corrupt Offences) Act 1889 provides that if you accept any gift, loan, fee, reward or advantage whatsoever as an inducement to or reward for doing or forbearing to do anything in respect of any matter or transaction in which the authority is concerned, you commit a criminal offence carrying a maximum term of imprisonment of 7 years

Further, the authority's Code of Conduct for Members provides that you must act in the public interest, serving the authority and the whole community, rather than acting in the interests of any particular individual or section of the community, and that it is a breach of the Code improperly to confer any advantage or disadvantage on any person, including yourself.

**(b) You should only accept a gift or hospitality if there is a commensurate benefit to the authority.**

The only proper reason for accepting any gift or hospitality is that there is a commensurate benefit for the authority which would not have been available but for the acceptance of that gift or hospitality.

Acceptance of hospitality can confer an advantage on the authority, such as an opportunity to progress the business of the authority expeditiously through a working lunch, or to canvass the interests of the authority and its area at a meeting.

Acceptance of a gift is much less likely to confer such an advantage. But unless the benefit to the authority is clear, and is commensurate with the value of the gift or hospitality, the presumption must be that the gift or hospitality is purely for your personal benefit.

As set out above, the authority's code provides that you must not improperly confer any advantage on anyone, including yourself. Acceptance as a Councillor of a gift or hospitality for your own benefit or advantage, rather than for the benefit to the authority, would be a breach of the Code.

**(c) Never accept a gift or hospitality if acceptance might be open to misinterpretation.**

The appearance of impropriety can be just as damaging to the authority and to you as a Councillor as actual impropriety. The authority's ability to govern rests upon its reputation for acting fairly and in the public interest.

You must therefore consider whether the acceptance of the gift or hospitality is capable of being interpreted as a sign that you or the authority favours any particular person, company or section of the community or as placing you under any improper obligation to any person or organisation. If there is any possibility that it might be so interpreted, you must either refuse the gift or hospitality or take appropriate steps to ensure that such a misunderstanding cannot arise.

Certain occasions are particularly sensitive, and require the avoidance of any opportunity for such misunderstanding. These include:

- (i) occasions when the authority is going through a competitive procurement process, in respect of any indication of favour for a particular tenderer.
  - (ii) determinations of planning applications or planning policy, in respect of any person or organisation which stands to gain or lose from the determination,
  - (iii) funding decisions, when the authority is determining a grant application by any person or organisation.
- (d) Never accept a gift or hospitality which puts you under an improper obligation.**

Recognise that some commercial organisations and private individuals see the provision of gifts and hospitality as a means of buying influence. If you accept a gift or hospitality improperly, it is possible that they may seek to use this fact to persuade you to determine an issue in their favour. Equally, if others note that you have been prepared to accept a gift or hospitality improperly, they may feel that they will no longer be able to secure impartial consideration from the authority.

- (e) Never solicit a gift or hospitality.**

You must never solicit or invite an offer of a gift or hospitality in connection with your position as a Councillor unless the acceptance of that gift or hospitality would be permitted under this Code. You should also take care to avoid giving any indication that you might be open to any such improper offer.

## **2 Consent Regimes**

- (a) General consent provisions.**

For clarity, the authority has agreed that you may accept gifts and hospitality in the following circumstances:

- (i) civic hospitality provided by another public authority

- (ii) modest refreshment in connection with any meeting in the ordinary course of your work, such as tea, coffee, soft drinks and biscuits
- (iii) tickets for sporting, cultural and entertainment events which are sponsored by the authority
- (iv) small gifts of low intrinsic value below £25, branded with the name of the company or organisation making the gift, such as pens, pencils, mouse pads, calendars and diaries. However, you should take care not to display any such branded items when this might be taken as an indication of favour to a particular supplier or contractor, for example in the course of a procurement exercise
- (v) a modest alcoholic or soft drink on the occasion of an accidental social meeting, such as a pint of beer from an employee of a contractor or party with whom you have done business on behalf of the authority if you meet accidentally in a public house, cafe or bar. In such cases, you should make reasonable efforts to return the offer where this is practicable
- (vi) a modest working lunch not exceeding £10 a head in the course of a meeting in the offices of a party with whom the authority has an existing business connection where this is required in order to facilitate the conduct of that business. Councillors should not make such arrangements themselves, but request officers to settle the detailed arrangements, and officers are under instruction, when arranging any such meeting, to make it clear to the other party that such a lunch must not exceed a value of £10 a head
- (vii) modest souvenir gifts with a value below £25 from another public authority given on the occasion of a visit by or to the authority
- (viii) Hospitality received in the course of an external visit or meeting which has been duly authorised by the authority. Councillors should not make such arrangements themselves, but request officers to settle the detailed arrangements, and officers are under instruction to make it clear that any such hospitality for Councillors and officers is to be no more than commensurate with the nature of the visit
- (ix) other unsolicited gifts, where it is impracticable to return them to the person or organisation making the gift, provided that the Councillor deals with the gift strictly in accordance with the following procedure:

The Councillor must, as soon as practicable after the receipt of the gift, pass it to the Democratic Services Manager together with a written statement identifying the information set out in Paragraph 2(b) below. The Democratic Services Manager will then write to the person or organisation making the gift thanking them on your behalf for the gift and informing them that you have donated the gift to the Mayor's Charity Fund, on whose behalf it will be raffled or otherwise disposed of in due course, the proceeds being devoted to a charitable cause chosen by the Mayor.

**(b) Special consent provisions**

If you wish to accept any gift or hospitality which is in accordance with the General Principles set out in Paragraph 1, but is not within any of the general consents set out in Paragraph 2(a), you may only do so if you have previously obtained specific consent in accordance with the following procedure:

You must make an application in writing to the Monitoring Officer, setting out:

- (i) the nature and your estimate of the market value of the gift or hospitality
- (ii) who the invitation or offer has been made by or on behalf of
- (iii) the connection which you have with the person or organisation making the offer or invitation, such as any work which you have undertaken for the authority in which they have been involved
- (iv) any work, permission, concession or facility which you are aware that the person or organisation making the offer or invitation may seek from the authority
- (v) any special circumstances which lead you to believe that acceptance of the gift or hospitality will not be improper

You must not accept the gift or hospitality until you have received the appropriate consent.

The Monitoring Officer will enter details of any approval in a register which will be available for public inspection on the occasion of the public inspection of the authority's accounts for the relevant year. But note that this does not relieve you of the obligation to register the receipt of gifts and hospitality in accordance with Paragraph 3, below.

**3     Reporting**

Where you accept any gift or hospitality which you estimate to have a market value or cost of provision of £25 or greater, you must, as soon as possible after receipt of the gift or hospitality, make a declaration in writing to the Monitoring Officer, setting out the information set out in Paragraphs 2(b) above. A form for this purpose is attached to this Code, but you can send the same information by any convenient means. The Monitoring Officer will retain a copy of any such declaration in a register which will be available for public inspection until the approval of the authority's accounts for the year in question.

Even if the value of the gift or hospitality is less than £25, if you are concerned that its acceptance might be misinterpreted, and particularly where it comes from a contractor or tenderer, you may make a voluntary declaration in the same manner to ensure that there is nothing secret or underhand about the gift or hospitality.

**4     Gifts to the authority**

Gifts to the authority may take the form of the provision of land, goods or services, either to keep or to test with a view to future acquisition, an offer to carry out works or sponsorship of a function which is organised or supported by the authority. You should not solicit any such gift on behalf of the authority except where the authority has formally identified the opportunity for participation by an external party and how that participation is to be secured, for example in relation to sponsorship of public musical and theatrical performances and developers' contributions under Section 106 Agreements. If you receive such an offer on behalf of the authority, you must first consider whether it is appropriate for the authority to accept the offer (in terms of whether the acceptance of the gift might be seen as putting the authority under any improper obligation, whether there is a real benefit to the authority which would outweigh any dis-benefits). If you do not have delegated authority to accept the gift, you should report the offer directly to the Monitoring Officer who has such delegated authority, together with your recommendation. The Monitoring Officer will then write back to the person or organisation making the offer, to record the acceptance or non-acceptance of the gift, record the gift for audit purposes and ensure that the gift is properly applied for the benefit of the authority. If you have any concerns about the motives of the person or organisation making the offer, or whether it would be proper for the authority to accept the gift, you should consult the Monitoring Officer directly.



**5     Definitions**

- (a)     “Gift or hospitality” includes any:
  - (i)       free gift of any goods or services
  - (ii)      opportunity to acquire any goods or services at a discount or on terms which are more advantageous than those which are available to the general public
  - (iii)     opportunity to obtain any goods or services which are not available to the general public
  - (iv)      offer of food, drink, accommodation or entertainment, or the opportunity to attend any cultural, sporting or entertainment event.
- (b)     References to the “value” or “cost” of any gift or hospitality are references to the higher of:
  - (i)       your estimate of the cost to the person or organisation of providing the gift or consideration
  - (ii)      the open market price which a member of the public would have to pay for the gift or hospitality, if it were made available commercially to the public, less the cash sum of any contribution which you would be required to make toward that price to the person or organisation providing or offering the gift or hospitality.

To:

### Declaration of Receipt of Gifts or Hospitality

Name	
What was the gift or hospitality?	
What is your best estimate of its market value or cost?	
Who provided it?	
When and where did you receive it?	
Does it come within one of the general consents set out in the Code of Conduct? If so, which?	
Did you get the consent of any officer before accepting it? If so, who?	
Were there any special circumstances justifying acceptance of this gift or hospitality?	
Do you have any contact in your role as Councillor with the person or organisation providing the gift or hospitality?	
Signed	Date

## Redditch Borough Council

To:

**Declaration of Receipt of Gifts or Hospitality**

Name	
What was the gift or hospitality?	
What is your best estimate of its market value or cost?	
Who provided it?	
When and where did you receive it?	
Does it come within one of the general consents set out in the Code of Conduct? If so, which?	
Did you get the consent of any officer before accepting it? If so, who?	
Were there any special circumstances justifying acceptance of this gift or hospitality?	
Do you have any contact in your role with the person or organisation providing the gift or hospitality?	
Signed	Date

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**MEMBER OFFICER RELATIONS PROTOCOL****PROTOCOL**  
**FOR RELATIONS BETWEEN**  
**COUNCILLORS AND OFFICERS****1. INTRODUCTION**

- 1.1 The purpose of this protocol is to guide Councillors and Officers of the Council in their relations with one another.
- 1.2 Given the variety and complexity of such relations, this Protocol does not seek to be either prescriptive or comprehensive. It seeks simply to offer guidance on some of the issues that most commonly arise. It is hoped, however, that the approach that it adopts to these issues will serve as a guide to dealing with other issues.
- 1.3 This Protocol is to a large extent no more than a written statement of current practice and convention. In some respects, however, it seeks to promote greater clarity and certainty.
- 1.4 This Protocol also seeks to reflect the principles underlying the respective rules of conduct which apply to Councillors and Officers. The purpose of the rules and this protocol is to enhance and maintain the integrity (real and perceived) of local government by demanding very high standards of personal conduct.
- 1.5 The former National Code of Local Government Conduct for Members says:

“Both Councillors and employees are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Employees are responsible to the Council. Their job is to give advice to Councillors and the Council, and to carry out the Council’s work under the direction and control of the Council, its Committees and Sub-Committees.

Mutual respect between Councillors and employees is essential to good local government. Close personal familiarity between individual Councillors and employees can damage this relationship and prove embarrassing to other Councillors and employees.”

(\*The National Code of Conduct has now been replaced by a local Code. Nonetheless the points made above remain relevant.)

**2. RESPECT AND COURTESY**

- 2.1 For the effective conduct of Council business there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal, between Councillors and Officers. This too plays a very important part in the Council's reputation and how it is seen in public. It is very important that both Councillors and Officers remember their respective obligations to enhance the Council's reputation and to do what they can to avoid criticism of other Councillors, or other Officers, in public places.

Undue Pressure

- 2.2 It is important that in any dealings between Councillors and Officers, neither should seek to take unfair advantage of their position.
- 2.3 In their dealings with both Directors and staff (especially junior employees), Councillors need to be aware that it is easy for Officers to be overawed and feel at a disadvantage. Such feelings can be intensified where Members hold official and/or political office.
- 2.4 A Councillor should not apply undue pressure on an Officer either to do anything that he or she is not empowered to do, or to undertake work outside normal duties or outside normal hours. Particular care needs to be taken in connection with the use of Council property and services.
- 2.5 Similarly, an Officer must neither seek to use influence on an individual Councillor to make a decision in his or her personal favour, nor raise personal matters to do with his or her job, nor make claims or allegations about other Officers. The Council has formal procedures for consultation, grievance, and discipline. The one exception to this rule is the right of staff to report possible wrong doing under the Council's "Whistle-blowing" procedure.

Familiarity

- 2.6 Close personal familiarity should be avoided, where practicable.

Criticism of Officers by Councillors

- 2.7 Councillors have the right to criticise reports or the actions taken by Officers but they should always be constructive, relate to the subject matter of the report and should not be personal.

Redress / Complaint

- 2.8 If a Councillor considers that he or she has not been treated with proper respect or courtesy, he or she may raise it with the employee's line Manager or Director without delay if it is not possible to resolve it through direct discussion.

If the issue still remains unresolved, appropriate disciplinary action may be taken against an employee by the Director in accordance with the Council's normal procedures.

- 2.9 If an employee feels the same way about a Councillor, and a direct discussion is impractical or fails to resolve the matter, he or she should raise the matter with the line Manager or Director without delay. In such circumstances, the Director will take such action as is appropriate either by approaching the individual Councillor and/or Party Group Leader or, if appropriate, by referring the matter to the Monitoring Officer. The Director will tell the Chief Executive if the Party Group Leader becomes involved, or in any other case where that is appropriate. Feedback should be given to the employee on the outcome.

### **3. PROVISION OF INFORMATION**

- 3.1 All Councillors will normally receive copies of all reports, other than:
- those relating to sensitive regulatory matters such as Employee and Housing-related Appeals; and
  - Licensing Sub-Committee agendas which are sent only to those Members involved in considering specific applications under the Licensing Act 2003 (statutory requirement).
- 3.2 Ward Councillors and/or other relevant Members (Portfolio Holders / Chairs, etc.) should be routinely notified in advance about any significant, sensitive, or controversial issues likely to affect them (see also paragraphs 6.7 and 8.2 below).

### **4. POLITICAL ACTIVITY**

- 4.1 Senior employees, except those who are not politically restricted, cannot be Councillors or Members of Parliament, nor can they “speak or publish written work for the public at large or to a section of the public with the apparent intention of affecting public support for a political party”.
- 4.2 Employees are employed by the Council as a whole. They serve the Council and are responsible to the Chief Executive and their respective Directors and not to individual members of the Council whatever office they might hold.
- 4.3 It is important though for there to be regular contact between the Chief Executive, Directors, senior employees and the Leaders of Political Groups on matters affecting the Council; and between Directors, other senior employees, and Members and Officers who provide support services to Councillors and Party Groups.

- 4.4 The only basis on which the Council can lawfully provide support services (such as stationery, typing, printing, photocopying, transport, etc.) to Councillors is to assist them in discharging their role as Councillors. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.

#### Correspondence

- 4.5 When a letter or e-mail is copied to anyone in addition to the addressee Councillor, it should always have a list of those receiving copies at the head of the letter or e-mail.
- 4.6 Official letters on behalf of the Council will normally be issued in the name of the appropriate Officer rather than that of a Councillor. It may be appropriate in certain circumstances (for instance representations to a Government Minister) for a letter to appear in the name of the Leader or a Chair or other Councillor, but this should be the exception rather than the norm. Where the Leader or a Chair or other Councillor issues a letter in these circumstances, he or she will arrange for copies to be sent to other members of the Council/Committee as the case may be. Letters on behalf of the Council would not normally be sent out in the name of a Councillor, save to confirm a decision of the Council, or occasionally in the case of Civic matters, by the Mayor.

#### Officer Advice to Political Groups

- 4.7 It is common practice for Party Groups to give preliminary consideration to matters of Council business. Officers may properly be called upon to provide information and advice in connection with such deliberations by Groups.
- 4.8 Information and advice may be available to all Groups on the same basis. Officers may be invited (but not singly) to address Group meetings.
- 4.9 Officer input in these circumstances will be limited to providing information and advice about matters of Council business. Group meetings, whilst they may form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at these meetings will not therefore rank as Council decisions and will not be interpreted as such by Officers.

### **5. COUNCILLORS' BRIEFING, AGENDAS AND REPORTS**

- 5.1 Briefings on agendas will be given by Directors or their nominees to the Chairs and Vice-Chairs of Council Committees, Sub-Committees, Panels, Working Parties, etc.



- 5.2 Briefings to all members of a Committee, Task & Finish Group, or Working Party may sometimes be preferable, on occasions when the Council is meeting with representatives of outside bodies or other parties external to the Council.
- 5.3 Formal requests to Directors for a report to be prepared on a particular issue may only come from the Council, a Committee or Sub-Committee, the Leader, or the Chair of a Committee, Sub-Committee, Panel, Working Party, etc. in accordance with the provisions of the Council's Constitution.

## **6. PRESS RELEASES AND PUBLICITY**

- 6.1 All publicity activities carried out by the Council will be in accordance with the Code of Recommended Practice on Local Authority Publicity issued by the Department of the Environment, Transport and the Regions and the Council's own Media Protocol / Strategy as agreed from time to time.
- 6.2 News releases and press statements issued by the Council require Member approval, where they contain quotes by Members or sensitive information.
- 6.3 Where a news release is issued after a Council, Committee or Sub-Committee meeting, any comments must relate to matters discussed at that meeting. Advance news releases which contain matters due to be discussed, should be limited to factual information only.
- 6.4 The Communications Manager will be guided by the Leader, Committee Chair or Chief Executive on whether a news release should be issued before or after a meeting. The Communications Manager will give advice as to whether this is appropriate.
- 6.5 All news releases about decisions will contain the name and telephone number of the relevant Councillor spokesperson(s) or an appropriate Officer.
- 6.6 All news releases issued by Group Leaders, Chairs, Group Spokespersons or individual Councillors should state clearly that the release has been issued by that person not on behalf of the Council.
- 6.7 Particular care to observe the relevant Codes and Guidance will be exercised during formal election periods.
- 6.8 Ward Councillors and/or other relevant Members (Portfolio Holders / Chairs, etc.) should be notified in advance about any significant, sensitive, or controversial issues likely to affect them. This would include press releases relating to a particular Ward or significant matters likely to affect a Ward.

**7. SPECIAL MEETING**

- 7.1 If a special meeting of the Council or a Committee is needed, the Chief Executive shall consult with the Chair, Vice-Chair and the Leader (or their nominee) of any other party group represented on the Council, about the time and location of the special meeting.
- 7.2 Consultation with the same Members shall apply if a meeting needs to be deferred or cancelled.

**8. INVOLVEMENT OF WARD COUNCILLORS**

- 8.1 Whenever a public meeting is organised by the Council to consider a local issue, all the Councillors representing the Ward or Wards affected should, as a matter of course, be invited to attend the meeting, and the maximum possible notice should be given. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Councillors should be consulted at the outset of the exercise.
- 8.2 Ward Councillors should be notified in advance about any significant, sensitive, or controversial issues likely to affect them. This would include press releases relating to a particular Ward or significant matters likely to affect a Ward.

END

**REDDITCH BOROUGH COUNCIL  
OFFICERS' CODE OF CONDUCT**

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## STANDARDS

- 1.1 The public is entitled to demand conduct of the highest possible standard, of a Local Government employee. Public confidence in their integrity is paramount and it would be shaken if there were any suspicion, that they could be influenced by improper motives. Under no circumstances should an employee use their authority or office for personal gain.
- 1.2 It is not enough to avoid actual impropriety. An employee should at all times avoid any occasion for suspicion to be raised or any appearance of improper conduct.
- 1.3 Where their duties demand it, employees should provide appropriate advice to Councillors and fellow employees with impartiality.
- 1.4 No employee should become personally involved in any transaction in which the Authority has a direct or indirect interest, except as an employee of the Authority.
- 1.5 The Council has an adopted Whistle blowing Policy to address situations where Staff may have concerns about something that is happening within the Council, including possible breaches of this Code of Conduct, perceived impropriety, breach of procedure or shortfall in delivery of service. (This Policy is attached as an Appendix.)

The Whistle blowing / Confidential Reporting Policy has been put in place to enable staff to bring attention to those concerns whilst at the same time ensuring they are protected from any victimisation or harassment.

## DISCLOSURE OF INFORMATION

- 2.1 There is a general principle of open government. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. Under no circumstances should an employee use information gained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in some way.
- 2.2 Employees must not communicate to the public or press, the proceedings of any confidential committee meeting, etc., nor the contents of any document relating to the Authority unless required by law or expressly authorised to do so. Confidentiality of information still applies when an individual is no longer employed by the Authority.

- 2.3 Authorised information given by an employee in the course of his/her duty should be true and fair and never designed to mislead.
- 2.4 Personal information relating to individual Councillors or members of the public and commercially sensitive information about other organisations should not be divulged by any employee unless required or sanctioned by the law.

## **POLITICAL NEUTRALITY**

- 3.1 Employees serve the Authority as a whole. It follows they must serve all Councillors, and not just those of the controlling group, and must ensure that the individual rights of all Councillors are respected equally.
- 3.2 Where political groups seek officer guidance to a group meeting, on a particular issue, the Chief Executive should always be made aware of this request. There are no restrictions as to what level of officer can attend a political group to give advice but the Chief Executive or one of the two Corporate Directors must always be present. All political groups are entitled to the same level of information about Council matters. However, Officers attending a political group meeting have a responsibility to keep confidential any discussion that takes place within that group when they are present.
- 3.3 Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in Paragraph 3.1 and 3.2.
- 3.4 The Local Government and Housing Act 1989, Part 1, contains provisions to restrict the political activity of senior employees. Local Authority employees holding politically restricted posts are disqualified from membership of any local authority, other than a parish or community council [s1(1)], from being an MP or MEP and are subject to prescribed restrictions on their political activity.

The Local Government Officers [Political Restriction] Regulations 1990 and the Local Government [Politically Restricted Posts] [No.2] Regulations 1990 covers the posts which are politically restricted.

These are :

- [a] specified posts such as the Monitoring Officer. Chief Officers and their deputies are restricted without exemption or appeal;

- [b] all posts which meet the duties-related criteria for determining a “sensitive post” irrespective of remuneration level, unless the postholder appeals successfully against determination. These posts are defined as those which:
  - [i] give advice on a regular basis to the employing authority, to any committee or sub-committee or another joint committee on which the authority is represented [but excluding purely factual information] or
  - [ii] speak on behalf of the authority on a regular basis to journalists and broadcasters.
- 3.6 Employees, whether or not politically restricted, must follow every lawful expressed policy of the Authority and must not allow their own personal or political opinions to interfere with their work.

## **RELATIONSHIPS**

### **4.1 COUNCILLORS**

Employees are responsible to the Authority, through its senior managers. For some, their role is to give advice to Councillors and senior managers and all are there to carry out the Authority’s work. Mutual respect between employees and Councillors is essential to good local government. Close personal familiarity between employees and individual Councillors can damage the relationship and prove embarrassing to other employees and Councillors and should therefore be avoided.

### **4.2 THE LOCAL COMMUNITY AND SERVICE USERS**

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community, as defined by the policies of the Authority.

### **4.3 CONTRACTORS**

Employees should make known to their Line Manager any relationships of a business or private nature with external contractors, or potential contractors. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship to their Line Manager.

## **APPOINTMENT OF STAFF AND OTHER EMPLOYMENT MATTERS**

- 5.1 Employees involved in appointments of staff should ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.
- 5.2 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner etc.

## **PERSONAL INTERESTS**

- 6.1 Employees should not subordinate their duty to the Authority to their private interests or place themselves in a position where duty and private interest may conflict.
- 6.2 All employees should be clear about their contractual obligations and should disclose any personal interests [either financial or non-financial] that could actually or potentially conflict with the Authority's interests or which others may deem to affect the employee's impartiality in any matter relating to their duties. Such interests might include :
  - taking outside work or giving professional advice, whether paid or unpaid, which could conflict with or have an impact on the Authority's work or interests;
  - involvement with an organisation receiving grant-aid from the Authority;
  - membership of a National Health Service Trust Board;



- involvement in any organisation or pressure group which may seek to influence the Authority's policies;
  - any pecuniary interest [whether direct or indirect] in contracts let by the Authority.
- 6.3 The Authority will not preclude employees from undertaking additional employment providing that it does not, in the view of the Authority, conflict with or react detrimentally to the Authority's interests or in any way weaken public confidence in the conduct of the Authority's business.
- 6.4 Employees on Scale SO1 and above, who wish to take outside work or give professional advice, whether paid or unpaid, in addition to their full-time employment with the Authority, must obtain the written approval of their Line Manager. A record of such work or advice should be kept in the Employee's Interests Register relating to outside work / advice provision.
- 6.5 Whilst part-time employees and those on Scale 6 and below do not need to obtain the approval of their Line Manager, they should, nonetheless, declare any other work they undertake, whether paid or unpaid, outside their employment with the Authority and record it in the Employee's Interests Register.
- 6.6 Employees should declare to their Line Manager or Director, membership of any organisation which is not open to members of the public who are not members of that organisation and requires members to make a commitment of allegiance and secrecy about the rules, membership or conduct of the organisation.

## INTELLECTUAL PROPERTY

All inventions, creative writings and drawings created by an employee in the course of their normal duties or duties specifically assigned to them are the property of the authority.

## EQUALITY ISSUES

All employees should ensure that policies relating to equality issues, as agreed by the Authority in its Equal Opportunities Policy, are complied with in addition to the requirements of the law.

All members of the local community, customers and other employees have a right to be treated with fairness and equity.

**SEPARATION OF ROLES DURING TENDERING**

- 9.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the Authority. Senior employees, who have both a client and contractor responsibility, must be aware of the need for accountability and openness.
- 9.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 9.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.
- 9.4 Employees contemplating a management buy-out should, as soon as they have formed a definite intent, inform their Line Manager and withdraw from the contract-awarding process
- 9.5 Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates, in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

**BRIBERY AND CORRUPTION**

- 10.1 Employees must be aware that it is a serious criminal offence for them to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity.  
  
It is also a criminal offence to use a third party as a conduit to channel bribes to others.
- 10.2 The Council has an Anti-Bribery Policy, which must be read in conjunction with this Code of Conduct.
- 10.3 Where it is proved that a gift or other consideration has been received by, paid to or given to an employee by a person holding or seeking to obtain a contract from the Authority, then the gift or other consideration shall be deemed to have given and received in breach of provisions of the Bribery Act, unless the contrary is proved.

- 10.4 The law relating to the acceptance of inducements or rewards is set out in the Bribery Act 2010
- 10.5 An employee's spouse's interests count as those of the employee [if he/she is living with the employee] but a partner's, son's or daughter's interests do not.

## USE OF FINANCIAL RESOURCES

- 11. Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge of the Authority.

## HOSPITALITY AND GIFTS

- 12.1 When offered any form of hospitality or gift, employees must be aware of the possibility of such actions affecting or being seen to affect their judgment when official dealings with the donor or potential donor takes place and the potential risk of falling foul of the Anti-Bribery Policy. Employees must ensure that any hospitality or gift is not of a level or amount which would lead to any reasonable person to believe that the employee might be influenced.
- 12.2 Employees should only consider acceptance of any offer of hospitality or a gift where the employee regards it as normal and reasonable.  
"Normal and reasonable" is defined for this purpose as no more than the Authority would be prepared to offer in the equivalent circumstances. Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the Authority in the community.

When receiving authorised hospitality, employees should be particularly sensitive as to its timing in relation to decisions which the Authority may be taking affecting those providing the hospitality.

- 12.3 Examples of hospitality which would be considered reasonable are:-
  - i. Up to three working meals;
  - ii. One non-working meal;
  - iii. Attending a professional function as a member of a profession;

- iv. Attending purely social or sporting functions only when these are part of the life of the community or where the Authority should be seen to be represented and they should be properly authorised and recorded.
  - v. Attendance at conferences and courses where the hospitality is clearly of a corporate nature, where authority in advance has been obtained, and where no purchasing decisions are compromised.
- 12.4 When hospitality has to be declined, those making the offer should be courteously but firmly informed of the official code of conduct operating within the Authority.
- Where visits to inspect equipment, etc. are required, employees should ensure that the Authority meets the costs of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.
- 12.5 Gifts and favours should not be accepted, other than items of very small intrinsic value and then only if it bears the Company's name or insignia and can thus be regarded as being in the nature of advertising matter. All offers of personal favours such as specially discounted goods or buying at trade prices must be rejected unless the offer is open to all staff employed by the Authority. Gifts considered reasonable would be, for example, pens, notepads, calendars and diaries.
- 12.6 If when making personal purchases, a Council contractor is identified as the best source of supply, then employees must ensure that a priced V.A.T. invoice is raised and that a receipt is issued by the contractor as proof of payment.
- 12.7 If any doubt remains in the employee's mind as to whether an offer of hospitality or a gift is acceptable, the matter should be discussed immediately with their Line Manager for guidance on whether the offer is normal and reasonable.

In reaching a decision, the following will be taken into consideration:

- The value and nature of the offer
- Could you explain the gifts/hospitality to somebody else?
- Is it socially acceptable and not lavish or extravagant?
- Does it feel right?
- Will you be influenced by this gift/hospitality?
- How would others perceive it?

- Would they perceive that you might be influenced by such gifts / hospitality?
- Could you reciprocate that which is being offered? If the answer is no, then there is a risk that this could be interpreted as an attempt to influence.

12.8 All gifts and hospitality offered, whether accepted or not, must be entered in the Employees' Interests Register, which is kept by Democratic Services.

## **SPONSORSHIP - GIVING AND RECEIVING**

13.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a Local Government activity whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

13.2 Where the Authority wishes to sponsor an event or service, neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to their Line Manager of any such interest. Similarly, where the Authority through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

## **EMPLOYEES' INTERESTS REGISTER**

14.1 The Employees' Interests Register will be maintained by the Democratic Services Team.

14.2 Officers are expected to make suitable entries in the Interests Register in respect of the following:-

- i. All gifts / hospitality or inducements offered to them, whether accepted or not - see 6.2;
- ii. Involvement with any organisation of the type described in 6.2;
- iii. Any pecuniary interest [whether direct or indirect] in contracts led by the Authority;

- iv. Any outside employment taken or professional advice offered, paid or unpaid, undertaken by an officer - see 6.4 and 6.5;
  - v. Membership of an organisation, as described in 6.6.
- 14.3 Failure to fully register any of the matters outlined above may result in disciplinary action.

## **APPENDIX (PART 19a)**

RBC approved Whistle Blowing Policy

END.

## WHISTLE BLOWING POLICY

### Procedure for dealing with an allegation of fraud, corruption and other malpractice.

#### 1. Introduction

- 1.1 Staff may come across instances whilst they are working, where they have concerns about something that is happening within the Council. The Whistleblowing / Confidential Reporting Policy has been put in place to enable staff to bring attention to those concerns whilst at the same time ensuring they are protected from any victimisation or harassment.
- 1.2 The Public Interest Disclosure Act 1998 gives statutory protection to persons who raise concerns in good faith about possible wrongdoing. Additional provisions are inserted into the Employment Rights Act 1996 related to “protected disclosures” and the rights of employees not to suffer detriment through making such disclosures. This protection applies provided that the disclosure is itself classed as a “protected disclosure” and that the individual choosing to “blow the whistle” does so in accordance with the requirements set out.
- 1.3 Staff of the Council are expected to follow the Council’s Code of Official Conduct which sets out the Council’s requirements on personal conduct (this code forms part of the Council’s Staff Handbook, a copy of which is held by all staff) and abide by any Code of Conduct issued by their Professional Institute or body.
- 1.4 Employees are often the first to realise that there may be something seriously wrong within the Council, but may not express their concerns because they feel that speaking out would be disloyal to their colleagues or the Council. Staff may also fear harassment or victimisation and may feel that it would be easier to ignore the concern rather than report what may be just a suspicion of malpractice. However this is not a culture that the Council wishes to encourage. This policy document makes it clear that anyone wishing to highlight wrongdoings can do so without fear of reprisals.
- 1.5 The Council is committed to the highest possible standards of openness, probity and accountability and is opposed to wrongdoing whether it is attempted on, or from within the Council. In line with this commitment, employees (including casual workers, temporary and agency staff, trainees and contractors) with serious concerns about any aspect of the Council’s work are encouraged to come forward and voice those concerns.

This Whistleblowing Policy Statement is intended to encourage and enable staff to raise serious concerns within the Council, rather than overlooking the problem or in the first instance “blowing the whistle” outside the Council. In addition this policy is designed to encourage the raising of any concerns regarding the following areas:-

- Fraudulent or corrupt behaviour;
- Breaches of the Council’s Constitutional requirements / Procedure Rules
- Unlawful behaviour;
- Breaches of agreed procedures and practices;
- Closed and unfair recruitment
- Discrimination on the grounds of race, religion, disability, age, gender or sexual orientation;
- Unsafe working practices;
- Abuse of children, and vulnerable adults (including the elderly);
- Damage to the environment;
- Endangering others or their own health and safety.
- Breaches in legislation relating to Data Protection and Freedom of Information.

1.6 The objectives of the policy are to:-

- Give a clear and unambiguous statement of the Council’s position on wrongdoing;
- To provide avenues for staff to raise concerns regarding wrongdoing and receive feedback on any action taken;
- To allow staff to take the matter further if they are dissatisfied with the Council’s response;
- To re-assure staff that they will be protected from reprisals or victimisation for whistle-blowing in good faith.

However in order for the staff to be protected by the Public Interest and Disclosure Act, the disclosure needs to fall under one (or more) of the following:-

- A criminal offence has been committed, is being committed or is likely to be committed;



- A person has failed, is failing or is likely to fail to comply with any legal obligation to which he or she is subject;
- A miscarriage of justice has occurred, is occurring, or is likely to occur;
- The health and safety of an individual has been, or is being, or is likely to be endangered;
- The environment has been, is being, or is likely to be damaged;
- Information tending to show any matter falling within any one of the preceding paragraphs has been, is being, or is likely to be deliberately concealed.

#### 1.7 **EQUALITIES STATEMENT**

This policy is intended to operate within the Council's commitment to equalities and diversity including:

- Equal treatment regardless of race, gender, age, disability, sexual orientation, religion or belief, with reasonable adjustments where necessary in line with the Disability Discrimination Act.
- Working to eliminate unlawful discrimination.
- Promoting equal opportunities.
- Promoting community cohesion, including good relations between people from different racial groups.
- Providing reasonable access to interpretation or support on request.
- Responding to the needs of all, and working to engage all sections of the community.

This policy will be assessed as part of a rolling programme of reviews to ensure that it does not have a detrimental or disproportionate effect on any group.

Any concerns that the policy is operating in a way that could be construed as discriminatory should be passed to the responsible Manager and will be dealt with as part of the official Complaints Procedure, in line with the Council's Equality Schemes.

**2. Culture**

- 2.1 The Council is determined that the culture and tone of the organisation is one of honesty and opposition to all forms of wrongdoing.
- 2.2 The Council's staff are central to achieving this aim and staff are positively encouraged to raise any concerns they may have on any issues associated with the Council's activity. They can do this in the knowledge that such concerns will be treated in confidence and will be fully investigated. Concerns should be reported as soon as possible as it is then easier to investigate any allegations made.
- 2.3 This does not mean that, if staff are already the subject of disciplinary or redundancy procedures, or if staff have raised a separate grievance, that those procedures will be halted as a result of your whistle-blowing.
- 2.4 The Council recognises that the decision to report a concern is a difficult one to make, not least because of the fear of reprisal from those committing the wrongdoing. Therefore, the Council will not tolerate harassment or victimisation and will take action to protect staff when they raise a concern in good faith.
- 2.5 The Policy encourages staff to put their name to any allegation they make as concerns expressed anonymously are much less powerful. However, anonymous allegations will be considered at the discretion of the Council depending on the seriousness of the issue, the credibility of the concern and the likelihood of confirming the allegation.
- 2.6 Allegations of abuse of children and vulnerable adults will always be referred to Worcestershire Social Services.

**3. Reporting**

- 3.1 If staff discover or have any other concerns regarding wrongdoing that may be taking place within the Council, but feel unable to report the matter to their Line Manager or Director, or have raised the matter in this way without success, they should contact either:-

Internal Audit (Worcestershire Internal Audit Shared Services)

RBC Chief Executive	-	Kevin Dicks - Extension 3250
Benefits Fraud Manager	-	
Monitoring Officer	-	Claire Felton - Extension 3210
Human Resources Manager	-	Becky Talbot - Extension 3385.

- 3.2 If staff require any advice about the Council's Whistleblowing Policy, or who they should report their concerns to, they can also seek advice from their Trade Union Local Branch Secretaries.

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- 3.3 Staff are welcome to raise concerns by telephone or through a direct meeting with the Officer in question. If they wish to set out the background to their concern in writing and provide documents in support, this would be helpful.

Alternatively, they may choose to explain the reasons for their concern orally. A written (contemporaneous) record will be taken when staff express their concern and this note may be used as evidence.

- 3.4 Although staff are not expected to prove the truth of an allegation, they will need to demonstrate to the Officer concerned that there are sufficient grounds for their concern. Staff should remember that the earlier they express their concern, the easier it may be for action to be taken. If in doubt, staff should contact one of the Officers named above and talk to them about the situation.
- 3.5 If staff wish, they may ask their trade union representative, professional association or solicitor to raise a matter on their behalf. They will have an equal right to contact the Officers named above on the same terms as the whistleblower.

### **Confidentiality and Support**

- 3.6 The Council will do its best to protect the identity of staff who raise a concern and do not want their name to be disclosed. It must be appreciated that the investigation process may reveal the source of the information and a statement by the whistleblower may be required as part of the evidence (albeit that it may be presented anonymously).
- 3.7 The Council will do all that it reasonably can to support staff once they have taken the decision to voice their concern. It recognises that people are all individual and that they will each deal with the circumstances in different ways. The type and level of support offered will therefore depend upon the person concerned. The Council does, however, fundamentally believe that the whistleblower should not feel "shut out" once they have voiced their concern.

## Untrue allegations

- ## Further Reporting Routes

- 3.12 Staff are strongly advised not to refer any concerns they may have to the media TV, radio, press, or websites.

Adverse publicity may damage the reputation of the Council and by going to the media staff may be in breach of their contract of employment and liable to disciplinary action. Staff may also lose their right to statutory protection against whistleblowing. In addition, it could leave the whistleblower more exposed to publicity and to counter allegations/actions by those accused.

However, disclosures made outside the Council are protected provided they are not made for personal gain and they were not raised internally because there was a reasonable belief of victimisation or that there would be a cover up, and the matter was exceptionally serious.

#### **4. Detection and Investigation**

- 4.1 It is often the alertness of staff and members of the public that first identifies where cases of possible wrongdoing are occurring.
- 4.2 Despite the best efforts of Unit Managers and Auditors many instances of wrongdoing are discovered by chance or 'tip-off' and the Council has in place arrangements to enable such information to be properly communicated. These are shown within the policy at Section 3.
- 4.3 Reporting is an essential element of the Whistleblowing Strategy and all allegations of wrongdoing will be forwarded to the Council's Internal Audit Section and/or Council's Monitoring Officer for investigation. This will ensure that:-
- Incidents are correctly collated;
  - There is consistent treatment;
  - Evidence is collected properly and as early as possible; and
  - Experienced Officers are available to investigate the claim.

Initial enquiries will be made to decide whether an investigation is appropriate (this will depend on nature and scale of alleged wrongdoing and the evidence that is available) and, if so, what form it will take. Some concerns may be resolved by agreed action without the need for investigation.

- 4.4 Within ten working days of a concern being raised (if raised with one of the internal contacts), the Officer contacted will write to the whistleblower:

- Acknowledging that the concern has been received
- Indicating how the matter is likely to be dealt with
- Supplying the whistleblower with information on staff support mechanisms in place.
- Giving an estimate of how long the investigations will take.

4.5 The matters raised may:-

- Be investigated internally;
- Be referred to the Police;
- Be referred to the Council's External Auditor (KPMG);
- Form the subject of an independent inquiry.

or any combination of all four of the above avenues.

- 4.6 The amount of contact between the Officers considering the issues and the whistleblower will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from the whistleblower. Depending on the circumstances, they may be asked to maintain confidentiality.
- 4.7 When any meeting is arranged with the whistleblower, they have the right, if they so wish, to be accompanied by a trade union or professional representative, a staff representative, solicitor or friend; such a person must respect any confidentiality that applies.
- 4.8 The Council will take steps to minimise any difficulties which staff may experience as a result of raising a concern. For instance, if staff are required to give evidence in criminal or disciplinary proceedings, the Council will advise the whistleblower about the procedure.
- 4.9 The Council's Disciplinary Procedures will be used where the outcome of the investigation indicates improper behaviour.
- 4.10 When the investigation finds that the matter occurred because of a breakdown in the authority's systems or procedures, Directors will ensure that appropriate improvements in systems of control are implemented to prevent a recurrence.

- 4.11 The Council will normally wish the Police to be made aware of and to independently prosecute offenders where financial impropriety is discovered or a criminal offence has been committed. Referral to the Police is a matter for the Borough Director.
- 4.12 Arrangements will be put in place to ensure that if requested and subject to legal constraints a report back to the complainant indicating the outcome of the investigation and on any proposed action will be made.

**5. Persons working for Council Contractors, Partners and Agents**

- 5.1 The Council wishes the principles and procedures set out above to apply, so far as possible, to persons working for Council contractors, its partners and agents.
- 5.2 Such persons or organisations may have concerns about possible wrongdoing:-
- By Council Officers;
  - By work colleagues engaged in performing works or services for the Council.
- 5.3 If such persons have any concerns, they are encouraged to contact either their Manager or the Council's Monitoring Officer, the Chief Executive or Internal Audit Manager in the first instance.
- 5.4 These Officers will follow the same approach and endeavour to provide the same safeguards as would apply to a concern expressed by a Council employee.
- 5.5 If the concerns relate to an elected member of the Council then Officers may contact the Monitoring Officer.

**6. What happens if you are the subject of a concern in accordance with the Public Interest Disclosure Act?**

- 6.1 The Council believes that everyone has the right to be treated fairly and in accordance with the principles of natural justice, and will therefore apply these principles to staff if they are the subject of someone voicing their concern.
- 6.2 The following steps will be taken by the Council if staff are the subject of such a concern:-

- When appropriate staff will be informed both verbally and in writing of the concern, and will be advised to seek the advice of their trade union, solicitor or professional association.
- There will be nominated people available for support who will be responsible for advising staff at regular intervals on how the investigation is proceeding.
- Staff may be suspended from work on full pay during the investigative process but this will not be regarded as a punitive measure. It will be used in circumstances, where for example, public interest is likely to be high or where, it may aid the investigation itself.
- Staff will be advised of the outcome of the investigation and how this may impact their employment with the Council as soon as possible, once the investigation has been concluded.

END.





**Bromsgrove District Council**  
**Redditch Borough Council**  
**Code Of Conduct –**  
**Declaration Of Interest by Officers**

**Full Name:**

**Post Title:**

I wish to declare the following interests that conflict with my duties as an Officer of Bromsgrove District Council/Redditch Borough Council and agree not to take part in any Council matters of either Council affected by this interest.

**Nature Of Interest:**

Signed.....

Dated.....



Please hand this form to your Head of Service in the first instance. It will be kept in a register maintained by the Democratic Services Team.

This form should be used to record the following as set out in the Officers' Code of Conduct:

- Involvement with any organisation described on 6.2 of the Code;
- Any pecuniary interest, whether direct or indirect, in contracts led by the Authority;
- Any outside employment taken or professional advice offered, paid or unpaid, undertaken by an officer – 6.4 and 6.5 of the Code;
- Membership of an organisation as described in 6.6 of the Code.

All gifts/hospitality should be recorded on a separate form in accordance with the Code of Conduct and Corporate Anti-Bribery Policy.

The Officers Code of Conduct can be viewed on the website and the Orb under the Constitution – Part 19A. The Policy is also on the ORB under HR Policies.

**Bromsgrove District and Redditch Borough Councils****Declaration of Receipt of Gifts or Hospitality made in accordance with  
Section 12.1-12.8 of the Officer Code of Conduct**

Name and Department	
What was the gift or hospitality offered?	
Who provided it?	
When and where was the offer made?	
Does it come within one of the general consents set out in the Officers Code of Conduct? If so, which?	
Did you accept the gift or hospitality?	
Were there any special circumstances justifying acceptance of this gift or hospitality?	
Do you have any contact in your job with the person or organisation providing the gift or hospitality?	
Signed:	Date:

**Please return to the Democratic Services Team**

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## Planning Code of Good Practice

### Introduction

The aim of this Code of Good Practice is to help Members maintain high standards of conduct and to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

**The key purpose of Planning:** to control development in the public interest and in accordance with national and local planning policies unless material considerations indicate otherwise.

**Your role as a Member of the Planning Authority:** to make planning decisions openly, impartially, with sound judgement and for justifiable reasons.

**When the Code of Good Practice applies:** this code applies to Members at all times when involving themselves in the planning process. This includes, where applicable when they attend as:

- an observer,
- participant or
- when taking part in the decision making meetings of the Council in exercising the functions of the Planning Authority, or
- when involved on less formal occasions, such as meetings with officers or the public, consultative meetings, as well as formal and informal site visits.

It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications and pre-application discussions.

If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from either the Monitoring Officer or the Development Management Manager or one of their staff, and preferably well before any meeting takes place.

### 1. Relationship to the Members' Code of Conduct

- Do apply the rules in the Members' Code of Conduct first, which must always be complied with. Failure to comply with that Code could put you at risk of a complaint being made against you to the Monitoring Officer;
- Do then apply the rules in this Planning Code of Good Practice, which seek to explain and supplement the Members' Code of Conduct for the purposes of planning control. If you do not abide by this Code of Good Practice, you may put:
  - the Council at risk of a challenge on the legality or maladministration of the related decision; and

- yourself at risk of a complaint being made to the Monitoring Officer and an Independent investigation having to be carried out.

## 2. Development Proposals and Interests under the Members' Code

- Do disclose the existence and nature of your interest at any relevant meeting, including informal meetings or discussions with officers and other Members. You should disclose your interest at the beginning of the meeting and not just at the commencement of discussion on that particular matter. If you become aware of an interest during the meeting you must declare it as soon as practicable.
- Remember your interest may relate to the effect of a proposal, which may be either beneficial or adverse, on you, your employer or employee, or a friend or relative.
- Do then act accordingly:

Where your interest is a **Disclosable Pecuniary Interest**:-

- Don't participate, or give the appearance of trying to participate, in the making of any decision on the matter by the planning authority. Under the Members' Code of Conduct you can no longer speak on a matter even if it is a public speaking item;
- Don't seek improperly to influence any such decision.
- Don't try to represent ward views, or call-in an application - get another Member, if appropriate, from the same or a neighbouring ward to do so instead.
- Don't get involved in the processing of the application.
- Don't seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a member. This would include using your position to discuss that proposal with officers or members when other members of the public would not have the same opportunity to do so.
- Do be aware that, whilst you are not prevented from seeking to explain and justify a proposal in which you have a disclosable pecuniary interest to an appropriate officer, in person or in writing, the Members' Code of Conduct places greater limitations on you in representing that proposal than would apply to a member of the public. In particular, you should have regard to paragraph 12 of the Code.
- Do notify the Monitoring Officer in writing within 28 days of any interest you declare if such interest is not already registered
- Do note that:

- any application submitted by you will always be reported to the Committee as a main item and not dealt with by officers under delegated powers; and
- it is advisable that you employ an agent to act on your behalf on the proposal in dealing with officers and any public speaking at Committee.

Do ensure that when contacting an officer about your own proposals, or those of a person closely connected with you, you must make it clear that you are doing so in a private capacity and not in your capacity or role as a councillor

Where your interest is **non-pecuniary** only (not a disclosable pecuniary interest):-

- having declared it you may speak and vote (unless you consider yourself to be predetermined or biased).

Further advice about dealing with applications from members and officers is set out in appendix 1.

### 3. Fettering Discretion in the Planning Process

- Planning matters must be determined on their own individual merits against the formal planning policy background. These considerations will be set out in the officers' reports, supplemented, as appropriate, at the meeting. Accordingly, Members should not decide how they will vote on a particular matter before it is considered at the meeting, but must base their decision on the officers' reports, any additional information presented to the meeting and the debate.
- Predetermination: Section 25 of the Localism Act 2011 gives greater flexibility for a decision-maker to indicate, directly or indirectly, a view on a matter prior to a meeting and provides greater scope for Members to represent the views of residents and to vote on certain issues. However, the decision-maker must still be seen to have an open mind.
- Don't fetter your discretion and therefore your ability to participate in planning decision making at the Council by making up your mind, or clearly appearing to have made up your mind (particularly in relation to an external interest or lobby group), on how you will vote on any planning matter prior to formal consideration of the matter at the meeting of the planning authority and before hearing other relevant evidence. Fettering your discretion in this way and then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.
- Do be aware that you are likely to have fettered your discretion where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for the proposal. This would apply, for example, to an Executive Member in relation to schemes within their area or responsibility

(This is more than a matter of membership of both the proposing and planning determination committees; through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.).

- Do be aware that whilst the Members' Code of Conduct provides a presumption that you may regard yourself as not having a disclosable pecuniary interest in matters which relate to organisations such as another local authority of which you are a member, or a body to which you have been appointed or nominated by the Council, you must exercise your discretion in deciding whether or not to participate in a case where:

- you have been involved significantly with the preparation, submission, promotion, or opposition of a planning proposal; or

- you are a trustee or company director of the body submitting the proposal.

- Do consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where, for example, you are also a member of the parish council or both a Borough and county member), provided that:

- the proposal does not substantially affect the well being or financial standing of the consultee body;

- you make it clear to the consultee body that:

- your views are expressed on the limited information before you only;

- you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Committee and you hear all of the relevant information;

- you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee; and

- you disclose the non-pecuniary interest regarding your membership or role on the consultee body when the Committee comes to consider the proposal.

- Don't speak and vote on a proposal where you appear to have fettered your discretion.

You should leave the meeting for the sake of appearances.

- Do leave the meeting if there is a risk of an appearance to a member of the public of bias by you - do not remain or take part in the meeting.



- Do explain, in either of the above cases, that you do not intend to speak and vote because you have or you could reasonably be perceived as having judged (or reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes.

#### **4. Contact with Applicants, Developers and Objectors**

- Do refer those who approach you for planning, procedural or technical advice to officers.
- Don't agree to any formal meeting with applicants or developers (e.g. a meeting requested by applicants or developers to explain their proposals) where you can avoid it. Where you feel that a formal meeting would be useful in clarifying the issues, you should never hold that meeting without a planning officer being present. (The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee).
- If you meet with objectors make sure that you advise the objectors at the beginning of the meeting that you are there to listen to their views but you cannot express a firm point of view otherwise you will prejudice your ability to take part in the decision making process.

Inform the Development Management Manager about the meeting, if possible, before it takes place. It is good practice to take notes and to supply the Development Management Manager with a copy of the notes if an officer was not present.

- Do otherwise:

- follow the rules on lobbying;

- make notes; and

- report to the Development Management Manager any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.

In addition in respect of presentations by applicants/developers:

- Do be aware that it is in order to attend presentations held in public but do not do so if it is not held in public and an officer is not present unless this cannot be avoided in the circumstances.
- Do ask relevant questions for the purposes of clarifying your understanding of the proposals.

- Do remember that the presentation is not part of the formal process of debate and determination of any subsequent application. This will be carried out by the appropriate Committee of the planning authority.
- Do be aware that a presentation is a form of lobbying and you must not express any strong view or state how you or other Members might vote.

## 5. Pre-Application Discussions

Members have an important role to play in pre-application discussions. The Localism Act 2011 has given Members more freedom to engage in pre-application discussions. Nevertheless, in order to avoid the perception that Members might have fettered their discretion, Members should adhere to the guidelines given above and as follows:

- Do ensure that officers are present with you in pre-application meetings. If you do speak to applicants make it clear that the discussion will not bind the Council to making a particular decision.
- Do avoid giving separate advice on the development plan or material considerations without officers in attendance. In any case, a written note should be made of all meetings.
- Do note that the Council has other mechanisms to involve you in pre-application discussions, such as developer presentations to the Committee (e.g. technical briefings) which have the advantage of being held in public for transparency.

## 6. Lobbying of Members

- Do explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, doing so may lead to the perception that you are unable to act and that therefore it may affect your ability to participate in the Committee's decision making. To express an intention to vote one way or another or to express such a firm point of view amounts to the same thing.
- Do remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.
- Don't accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimal nature, its acceptance is declared as soon as possible and remember to register it with the Monitoring Officer **where its value is over £25** (in accordance with the Members' Code of Conduct for gifts and Hospitality).
- Do copy or pass on any lobbying correspondence you receive to the Development Management Manager at the earliest opportunity (unless the correspondence has

been circulated to all Members), so that it may be placed on file for consideration by other Members or the public.

- Do promptly refer to the Development Management Manager any offers made to you of planning gain or constraint of development, either through a proposed s.106 Planning Obligation or otherwise.

- Do inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.

- Do note that, unless you have a disclosable pecuniary interest, you will not normally be considered to have fettered your discretion or breached this Planning Code of Good Practice through:

- listening or receiving viewpoints from residents or other interested parties;
- making comments to residents, interested parties, other Members or appropriate officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind e.g. 'my initial view is .....
- seeking information through appropriate channels; or
- being a vehicle for the expression of opinion or speaking at the meeting as a Ward Member, provided you explain your actions at the start of the meeting or item and make it clear that, having expressed the opinion or ward view, you have not committed yourself to vote in accordance with those views and will make up your own mind having heard all the facts and listened to the debate.

## **7. Lobbying by Members**

- Don't become a member of, or lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If you do, you will have fettered your discretion and placed yourself in a position where you have perceived bias and have to withdraw. Involvement in such activity before you were elected as a Member could also be perceived by the public as relevant and you need to consider this possibility before taking part in a planning determination.

- Do feel free to join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, CPRE, Ramblers Association or a local civic society, but do disclose a non-pecuniary interest where that organisation has made representations on a particular proposal and make it clear to that organisation and the Committee that you have reserved judgement and the independence to make up your own mind on each separate proposal. Simple membership of such organisations is less likely to give rise to a non-pecuniary interest than if you were actively involved in drafting or making representations.

- Don't lobby fellow members regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken
- Don't lobby, discuss or decide how to vote on any application at any sort of political group meeting, or lobby any other Member to do so. Members' group meetings should never dictate how Members should vote on a planning issue.

## **8. Formal Site Visits**

- Do try to attend site visits organised by the Council where possible.
- Don't request a site visit unless you feel it is strictly necessary because:
  - particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
  - there are significant policy or precedent implications and specific site factors need to be carefully addressed.
- Do ensure that any information which you gained from the site visit is reported back to the Committee, so that all Members have the same information.
- Do ensure that you treat the site visit only as an opportunity to seek information and to observe and familiarise yourself with the site.
- Do ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- Don't hear representations from any other party, with the exception of the Ward Member(s), who must focus only on site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the authority and direct them to or inform the officer present.
- Don't express opinions or views to anyone.
- Don't enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:
  - you feel it is essential for you to visit the site other than through attending the official site visit,
  - you notify the Development Control Manager of your visit afterwards (which will be recorded on the file) and
  - you can ensure you will comply with these good practice rules on site visits.

- Do take the opportunity to view a property or site from the roadside or public footpath.

## **9. Public Speaking at Meetings**

- Don't allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking, as this may give the appearance of bias.
- Do ensure that you comply with the Council's procedures in respect of public speaking.

## **10. Officers**

- Don't put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the Development Management Manager, which may be incorporated into any committee report).
- Do involve yourself in pre-application discussions with the relevant officer but recognise that officers are part of a management structure and you should only discuss a proposal, outside of any arranged meeting, with a Corporate Head of Service or those officers who are authorised by their Corporate Head of Service to deal with the proposal at a Member level. (Should you be in any doubt about who to contact to discuss a proposal with, outside of an arranged meeting, please contact the Development Management Manager who will be able to advise you).
- Do recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion differ from the views, opinions or decisions of the Committee or its Members.

Further advice about dealing with applications submitted by members and officers is set out in Appendix 1.

## **11. Call-in Process**

- Do ensure that you comply with the rules for asking for an application to be considered by the Committee, your reasons are recorded and declared at the meeting if not already noted in the officer's report.

- Do not ask for an item to be referred to the Committee if you have a disclosable pecuniary interest in the matter or there is a risk of your being seen as biased.

## **12. Decision Making**

- Do come to meetings with an open mind and demonstrate that you are open-minded.
- Do come to each meeting and participate only if you are familiar with the written report on each site.
- Do comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 i.e. make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
- Do come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, a motion for deferral can be made and voted upon. Such motion must be based on clear grounds which should be recorded at the meeting. Remember that planning law requires a determination to be based on planning considerations and not political, personal or Council interests or priorities.
- Don't vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter.
- Do make sure that if you are proposing, seconding or supporting a motion contrary to officer recommendations or the Development Plan that you clearly identify and understand the planning reasons leading to this conclusion/decision, seeking the advice of the Development Management Manager in framing the wording in advance if you are unsure. These reasons must be given immediately after proposing the motion and will be recorded by the officers. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

## **13. Representations on Appeals**

Where you wish to make representations in connection with a planning appeal:

- Do make it clear to the Inspector in what capacity you are making the representations, i.e. as a ward member, as a member representing the views of other residents or in a personal capacity.

**14. Training**

- Don't participate in decision making at meetings dealing with planning matters if you have not attended the mandatory planning training prescribed by the Council.
- Do endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and support you in carrying out your role properly and effectively.
- Do participate in the annual review of a sample of planning decisions to ensure that Members' judgements have been based on proper planning considerations.

**15. Review**

This Code of Good Practice will be reviewed by the Council periodically.

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**APPENDIX 1****10. DEALING WITH APPLICATIONS SUBMITTED BY MEMBERS AND OFFICERS AND COUNCIL SERVICE AREAS**

- 10.1 The submission of planning applications and/or development plan proposals by serving Members, Officers, or their close friends and relatives can easily give rise to suspicions of impropriety, including proposals for the Council's own development. The following points should be taken into account:

**Members**

- 10.2 Serving Members of the Council who act as agents for people pursuing planning matters shall not be Members of the Planning Committee.
- 10.3 Members should take no part in the processing of their own applications or those of their immediate family or close friends or anyone with whom the Member has a close personal association.
- 10.4 As soon as a planning application is received from a Member, the Head of Planning and Regeneration must inform the Council's Monitoring Officer, who will take such steps as are necessary to ensure that applications for dispensations from other Members of the Planning Committee are considered as soon as possible.
- 10.5 Members who are members of the Planning Committee should declare an interest in respect of applications prepared by them or on their behalf and leave the meeting while such applications are under consideration.
- 10.6 Applications of currently serving Members should not be dealt with under delegated powers and should be decided by the Planning Committee.

**Officers**

- 10.7 Serving Officers should never act as agents for people pursuing a planning matter.
- 10.8 Officers should take no part in the processing of their own planning applications or those of their immediate family or close friends.
- 10.9 Applications for Planning Consents made to Redditch Borough Council by Officers currently working for either Bromsgrove District Council or Redditch Borough Council, or employed by other local authorities who provide services for or on behalf of Redditch Borough Council under shared service arrangements should not be dealt with under delegated powers and should be decided by the Planning Committee.

**Developments by the Council**

- 10.10 Planning applications made by Council Service Areas must be processed in accordance with existing policy and treated in the same way as a private application except that all such applications shall be considered by the Planning Committee and not determined under delegated powers.

**Applications submitted by former Members and former employees**

- 10.11 There has been some considerable concern about former employees setting up their own consultancies and providing planning advice in the Redditch Borough Council area and about the consideration of applications by or on behalf of former Members. Both circumstances occur from time to time and the guiding principles should be that:-

- (i) applications by former Members will be treated in the same way as any other application;
- (ii) applications by former employees whether they are acting for themselves or an agent for others will be treated in exactly the same way as any other application.

**Applications by Members of Political Associations**

- 10.12 Where a planning application is made by someone who is not a Member, but is known to be a member of the same Political Association as some of the members of the Planning Committee, those Members will need to give consideration as to whether they should declare an interest when the application is considered.
- 10.13 In some cases, no declaration will be necessary, but in other cases the relationship between the parties may be close enough to warrant a declaration of interest. Councillors should have regard to the Council's Code of Conduct and should err on the side of safety.

## **REDDITCH BOROUGH COUNCIL LICENSING CODE OF GOOD PRACTICE**

### **1. Introduction**

- 1.1 This Code of Good Practice (the Licensing Code) gives advice to Members who:
- 1) Are members of the Licensing Committee and who sit on Sub-Committees, either as full members, or as potential substitutes.
  - 2) Wish to address the Committee or a Sub-Committee on any licensing issue.
  - 3) Are involved outside the Committee on licensing applications or other licensing matters – including informal occasions such as meetings with Officers or public and consultative meetings.
  - 4) Are involved in applications for licences under the Licensing Act 2003.
  - 5) Are otherwise “interested” in Licensing matters.
- 1.2 A key aim of the Licensing Code is to ensure that there are no grounds for suggesting that a Licensing decision has been biased, partial or is not well founded in any way. Members must make these decisions openly, impartially with sound judgement and for justifiable reasons.
- 1.3 This is particularly important, as licensing applications will be subject to close scrutiny both because applicants may be seeking to maximise the business potential of their premises and because the quality of the environment in which local residents and the wider community live and work may be affected through inappropriate applications.
- 1.4 The Human Rights Act 1998 has implications for the licensing system and has created enhanced requirements for procedural fairness, transparency and accountability in decision making.
- 1.5 The Licensing Code is intended to minimise the prospect of legal or other challenge to decisions. Non-compliance without good reason could be taken into account in investigations into possible maladministration or may have implications for the standing of Councillors and the Council as a whole.
- 1.6 Although essentially intended for elected Members, this Code at the same time provides Officers with guidance in a number of areas.

## **2. Relationship with the Council's Code of Conduct for Members**

2.1 The Members' Code of Conduct must always be complied with and the rules in that Code must be applied before considering the Licensing Code.

2.2 The Licensing Code is not intended to form a part of the adopted Members' Code of Conduct but is a separate document, which is both supportive of the Members' Code and the source of expanded guidance in the particular area of licensing.

2.3 To distinguish it from the Members' Code, this document is referred to as the Licensing Code.

2.4 Both documents are appended to, and form part of, the Council's Constitution.

## **3. Declaration of interests**

3.1 The Members' Code places requirements on Councillors on the registration and declaration of their interests and participation in the business of the Council in light of those interests. These requirements must be followed scrupulously and Councillors should review their situation regularly. Whilst the Standards Board and, from time to time, the Council's Standards Committee, may produce guidance, and advice can be sought from the Monitoring Officer, ultimate responsibility for compliance rests with individual Councillors.

3.2 Councillors can have personal and prejudicial interests in licensing applications, which affect them, their friends, relatives or employers.

Examples include, but are not limited, to:

- 1) applications from existing or proposed licensed premises for increased licensing hours or an intensification of use in close proximity to a property owned / occupied by the Councillor, a friend, relative or employer.
- 2) situations where the Member or a relative or friend regularly visits the premises or is a Member of any club, organisation or team which uses the premises as their base.
- 3) applications made by a Member or a friend, relative or employer of the Member.

3.3 If a Councillor has a personal and prejudicial interest in an application then they:

- 1) must not sit on a Sub-Committee or otherwise take part in the business of the Sub-Committee when that application or those premises are discussed.
- 2) must leave the room when that item is being discussed and must not participate in or give the appearance of trying to participate in the making of a decision.
- 3) cannot represent general ward or local views – they will need to get another Member to do so instead (and must not seek to influence the Member concerned with their own personal views).
- 4) cannot participate as an “interested party” (see definitions below).
- 5) must not lobby Members who will be hearing the application.
- 6) must not get involved in processing the licensing application.
- 7) must not seek any preferential treatment. This includes using their position to discuss a proposal with Officers when other Members of the public would not have the same opportunity to do so.

As the Council’s quorum for Licensing Sub-Committees is 3 Members, Members will be expected to closely scrutinise the application they are nominated to hear, in advance of the meeting, to ensure that they do not have a prejudicial interest.

3.4 Declaration of interests (and appropriate subsequent action) is also a requirement in relation to informal meetings or discussions including those held with Officers and other Councillors.

3.5 Whilst having a personal and prejudicial interest does not prevent a Councillor from seeking to *explain* a proposal in which they have such an interest to an appropriate Officer, the Members’ Code does mean there are greater limitations on Councillors than on a member of the public (see also section below on Lobbying).

3.6 The Members’ Code provides that the following are not automatically personal and prejudicial interests:

- 1) matters relating to another relevant authority of which they are a Member or another public authority where they hold a position of management or control;
- 2) matters relating to a body the Councillor has been nominated as a representative of the Borough Council.

However the above are personal interests and a Councillor who has taken a leading role in the submission or negotiation of a licensing proposal for one of the above organisations would still have a personal and prejudicial interest. Regard should also be had to Section 4 of the Licensing Code in deciding whether or not to participate.

3.7 A personal interest must be declared as soon as a Councillor becomes aware of it. This should wherever possible be at the start of a meeting. A personal interest in itself does not prevent a Member from speaking and voting. Good practice dictates that Members with a personal interest in an application should wherever possible not sit on a Sub-Committee which will be deciding that application – although there will be fewer restrictions on participating in the full Committee.

3.8 Members should not sit on Sub-Committees for applications in relation to premises located within their own Wards. However they can represent ward views, if requested to do so by relevant interested parties (see below for definition), unless they also have a prejudicial interest.

#### **4. Fettering discretion**

4.1 If Councillors have taken a firm view on a licensing matter, or appear to have made up their mind before the formal consideration of an application, those Councillors are said to have “fettered their discretion”.

4.2 If a Member who has fettered their discretion takes part in the decision that will put the Council at risk of a finding of maladministration. It could also lead to legal proceedings on grounds of there being a danger of bias or predetermination or a failure to take into account all factors enabling the proposal to be considered on its merits.

4.3 There is acceptance that a Member may consider matters in several capacities as different factors may apply to different decisions. However, given the size of Licensing Sub-Committees, and the proportionately greater influence an individual Member will have, Members who sit on a Planning Committee which deals with granting (or refusing) a planning application for new premises are advised not to sit on a Sub-Committee which considers the subsequent application for a licence under the 2003 Act.

4.4 As long as a Councillor does not have a personal and prejudicial interest, they can still make representations to a Sub-Committee (on request / behalf of a relevant interested party).

4.5 Areas which need particular attention are set out below.

Membership of a Parish Council

4.6 Where a Parish Council makes representations on a planning application, then a Member who is also a member of that Council should not sit on a Sub-Committee. It goes without saying that a Member should not become involved at Borough Council level in applications for licences made by Parish Council on which they serve.

4.7 Even where a Parish Councillor who is also a Borough Councillor has fettered their discretion, they will have the same right as any other Member to address the Sub-Committee providing they do not have a prejudicial interest.

4.8 Membership of a Parish Council constitutes a personal interest where the Licensing Committee considers an issue where that Parish has been involved, and this must be declared in the usual way.

Lobbying by Councillors

4.9 If a Member leads, represents or belongs to a group whose primary purpose is to lobby to promote or oppose a licensing application, they will have fettered their discretion. Depending on their involvement they will probably also have a personal and prejudicial interest.

4.10 The position in 4.9 is distinct from membership of general interest groups, which reflect a Councillor's area of interest e.g. CAMRA (Campaign for Real Ale), a church group or a body supporting live music.

However the Member will have as a minimum a personal interest where that body has made representations on an application and should not sit on the Sub-Committee but can make representations in the usual way as long as the interest is not prejudicial. The Member will also have fettered their discretion if they have participated in making those representations and may also depending on the level of involvement have a personal and prejudicial interest.

4.11 Councillors should not excessively lobby other Councillors, or Officers, regarding their views on licensing applications. Nor should they, outside of the Sub-Committees, try to persuade other Councillors how to vote.

4.12 Members should not have access to papers and persons which would not be available to an ordinary member of the public, and must not be able to address or view the proceedings of the Licensing Sub-Committee, which are not available to members of the public. (Copies of Agenda papers will therefore only be issued to Licensing Sub-Committee members as a matter of course.)

4.13 Councillors should not decide or discuss how to vote on licensing applications at Political Group meetings or lobby other Members to do so. Political Group meetings should never dictate how Members should vote on licensing applications.

#### Lobbying of Councillors

4.14 Lobbying is a normal and perfectly proper part of the political process. Those who may be promoting or affected by a licensing application will often seek to influence it through an approach to their elected Ward Councillor, another Councillor or a Member of the Licensing Committee. However such lobbying can, where a Member subsequently sits on a Sub-Committee which will determine the application, lead to the integrity and impartiality of a Councillor being called into question, which can in turn affect the validity of a licensing decision.

4.15 A Councillor who wishes to participate in the determination of a licensing application should explain to persons lobbying or attempting to lobby that, whilst they can listen to what is said, it would prejudice their impartiality and ability to participate in the decision if they give a firm statement of how they intend to vote or express strong sympathies with a point of view in advance of the meeting.

For the avoidance of doubt a Councillor will not have fettered their discretion ...

- 1) by just listening to viewpoints from residents or interested parties.
- 2) by making comments which fall short of prejudging the issue.
- 3) by seeking information through appropriate channels.
- 4) by asking questions at the hearing which reflect issues raised.

4.16 When a Councillor participates in a licensing hearing their overriding duty is to the community as a whole. As decisions need to be taken impartially, a Councillor should not improperly favour or appear to improperly favour or disadvantage any person, company, group or locality.

4.17 Councillors should not accept gifts or hospitality from any person involved in or affected by a licensing application. It is advisable to let the Head of Democratic Services, on behalf of the Borough Director / Monitoring Officer, know if they feel they have been exposed to excessive lobbying or offers of gifts or hospitality linked to a licensing application.

4.18 To avoid potential perceptions of bias, it may be appropriate that generally any gifts or offers are unacceptable. It is recognised that this is more stringent than the National Model Code of Conduct.



However, in particular circumstances where a gift or offer is accepted e.g. free drinks, meals, admission to events, etc. it is recommended that the details are registered and stored on the relevant Gifts and Hospitality and licence files.

4.19 It is good practice for Councillors to:

- 1) forward copies of lobbying correspondence to the Head of Democratic Services, on behalf of the Borough Director / Monitoring Officer;
- 2) comply with guidance on lobbying, or attending presentations or discussions as set out in Section 5 of the Licensing Code.

## **5. Contact with Applicants and other Interested Parties**

5.1 Councillors should refer those who approach them for assistance on procedural or technical licensing matters to relevant Officers.

5.2 Councillors who wish to consider an application should not agree to formal or informal meetings with applicants, or other interested parties.

5.3 Members who will be considering an application should take advice as to whether they should attend presentations on, for example, a major new licensing proposal, even if it is part of a wider presentation organised by Officers, or other agencies.

## **6. Site Visits**

6.1 Site visits by Licensing Sub-Committee members are generally unnecessary and can put the Members and the Licensing Authority at risk of accusations of bias.

6.2 Formal site visits should be made only in accordance with the provisions detailed below. If a formal site visit is agreed, all relevant Sub-Committee Members must attend and be accompanied by an Officer.

6.3 No hospitality should be accepted at site visits.

6.4 Councillors should endeavour to keep together as a group and not engage individually in discussions with any applicants, parties who have made representations or third parties who may be present.

6.5 Councillors taking part in the licensing decision must not express views to anyone present. If this happens it will usually lead to a cessation of the process and a re-hearing by a new Sub-Committee.

6.6 It is acceptable to ask Officers at the site visit questions to seek clarification on matters relevant to the site visit.

6.7 If a site visit forms part of the formal hearing process, details of the visit should be properly recorded and reported back to the hearing.

6.8 Councillors who wish to determine an application should not enter a site which is the subject of a licensing proposal, in connection with their consideration of the application, other than as part of an official site visit - even in response to an invitation.

6.9 Any Member who wishes to acquaint him/herself informally with premises which are the subject of an application (or likely application) for a licence, should only do so with due regard to the guidance provided under this Code of Good Practice.

## **7. Contact with Officers**

*(To be read in conjunction with Section 3 above)*

7.1 General guidance is given in the Council's Protocol for Relations between Councillors and Officers, attached to the Council's Constitution, which is not repeated here.

7.2 Members should not put pressure on Officers to put forward a particular recommendation (which is, in any case, prohibited by law). However this does not prevent a Councillor asking questions or submitting views to a relevant Officer.

7.3 Officers must act in accordance with the Employee Code of Conduct and any relevant professional codes of conduct which may, on occasion, be at odds with the views, opinions or decisions of the Committee or its members.

## **8. Applications submitted by Councillors, Officers or the Council**

8.1 Proposals to the Council by serving and former Councillors and Officers and their close friends and relatives can easily give rise to suspicions of impropriety, as can proposals for a Council's own applications.

8.2 It is perfectly legitimate for such proposals to be submitted. However, it is vital to ensure that they are handled in such a way that gives no grounds for accusations of favouritism.

8.3 Councillors and Officers who submit their own proposal should notify the Head of Democratic Services, on behalf of the Borough Director / Monitoring Officer, of the proposal and play no part in its processing or determination and avoid contact, whether direct or indirect, with members of the Sub-Committee concerning the application.

8.4 All Borough Council applications shall be notified to relevant Ward Members for information. If no relevant representations are received during the statutory consultation process, and licences subsequently granted, these shall be listed and reported to the next available meeting of the Licensing Committee.  
*(paragraph amended by the Council 7<sup>th</sup> August 2006)*

8.5 Recent decisions by the Standards Board Adjudication Panel make it very difficult for Members who have a professional qualification to act in presenting cases in that capacity for applicants, or to act as professional witnesses in hearings.

## **9. Decision Making**

Councillors making licensing decisions must

- 1) come to meetings with an open mind and demonstrate that they are open minded;
- 2) not vote or take part in the meeting's discussions on a proposal unless present to hear the entire case;
- 3) come to a decision only after due consideration of all information reasonably required upon which to base such a decision;
- 4) request further information if it is felt there is insufficient information before the (Sub-)Committee to reach a decision.

## **10. Training**

Councillors should not participate in Licensing Sub-Committee hearings unless they have attended prescribed training (in Licensing and quasi-judicial meetings).

**11. Definitions**

	<b>Term</b>	<b>Definition</b>
	"Interested parties"	<p>This term has a specific meaning under the Licensing Act 2003 as follows:</p> <p><i>"Residents and businesses in the vicinity of the premises, or bodies representing them."</i></p>

END.

# **Policy Document**

## **Members' ICT Facilities**

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## 1 Policy Statement

Redditch Council Members require access to information that enables them to perform their duties as a councillor. Much of this information can be provided electronically via email, word processing and spread sheet files. The Council's general presumption is for electronic provision of information / transaction of business.

## 2 Purpose

The purpose of this policy is to ensure that Redditch Borough Councillors can access Information and Communication Technology (ICT) facilities whilst maintaining compliance with Central Government's Public Service Network (PSN) and other related policies.

The Council holds large amounts of personal and restricted information. Information security is very important to help protect the interests and confidentiality of the Council and its customers. Information security cannot be achieved by technical means alone. Information security must also be enforced and applied by the people who use it and those who provide support for it.

## 3 Scope

This policy applies to any Councillor that requires access to Council information systems such as email or other documents, whether it is a temporary or permanent arrangement.

## 4 Definition

The Council understands that to reduce the risk of theft, fraud or inappropriate use of its information systems, anyone that is given access to Council information systems **must**:

- Be suitable for their roles.
- Fully understand their responsibilities for ensuring the security of the information.
- Only have access to the information they need.
- Request that this access be removed as soon as it is no longer required.
- Complete Data Protection training to ensure Members are clear on how information can be used when they are working on behalf of the council and when they are working on behalf of constituents, and how it should be stored.
- Ensure that no personal information that could be in breach of the Data Protection Act, is stored on their laptop or other unencrypted device.

This policy must therefore be applied prior, during and after any user's access to information or information systems used to deliver Council business.

Access to Council information systems will not be permitted until the requirements of this policy have been met.

## **5 Provision for ICT equipment.**

The Council recognises that individual Councillors have a requirement to access electronic information.

Due to a zero tolerance approach to the PSN code of connection, this has led to implementing innovative methods of accessing ICT, whilst remaining within the budget and work with the resource limitations of the Authority. Should the limits of the budget be reached, the Leader of the Council will revisit current ICT needs for the future.

The Authority will provide an Apple iPad that is technically secure, to enable the Councillor to access corporate email, corporate calendars, Modern.Gov, Office Suite and necessary documents. Additional security may be added at a future date to keep in line with new PSN policy requirements.

Broadband services are to be provided by the Councillor and expenses for these claimed through the normal expenditure claim process at £100 per year (maximum 1 per household).

Support for this Apple iPad will be provided by the authority's ICT department by telephoning 01527 881766 Mon-Fri 8:30 to 17:00.

All internet usage and emails sent and received via the corporate device, may be subject to automated scanning, monitoring and filtering to assist with IT security and adherence to additional policies as described in section 9.

It is the Councillor's responsibility to ensure their password for accessing any Corporate Information service is not shared with any other person and that connection to such services is ended by logging off the system, as soon as work is completed or the connection is left unattended. This is to prevent unauthorised access to information.

If it suspected that someone else may know their password, or any security problem has occurred, Councillors must report this to the helpdesk immediately so it can be rectified.

The Councillor shall make reasonable arrangements for the safe-keeping of the iPad.

Insurance for the iPad is provided by the council but a £100 excess is payable for loss, theft or damage.

Ensure that an Apple iPad which is in need of repair is brought to the Council's ICT Section or for the appropriate work to be done.

The Council provides the Apple iPad together with ancillary equipment and materials required, for the Councillor's functions as a Councillor. Use of this equipment for any other reason, including personal use or use by anyone other than a Councillor is not permitted.

All ICT equipment provided by the authority remains the property of the Council and must be returned at the end of the election term.



## 6 Policy Compliance

If any Member is found to have breached this policy, IT provision will be withdrawn. If a criminal offence is considered to have been committed further action may be taken to assist in the prosecution of the offender(s).

If you do not understand the implications of this policy or how it may apply to you, please seek advice from Members' Services or ICT.

## 7 Policy Governance

The following table identifies who within the council is Accountable, Responsible, Informed or Consulted with regards to this policy. The following definitions apply:

- **Responsible** – the person(s) responsible for developing and implementing the policy.
- **Accountable** – the person who has ultimate accountability and authority for the policy.
- **Consulted** – the person(s) or groups to be consulted prior to final policy implementation or amendment.
- **Informed** – the person(s) or groups to be informed after policy implementation or amendment.

<b>Responsible</b>	ICT Transformation Manager
<b>Accountable</b>	Head of Business Transformation
<b>Consulted</b>	Corporate Management Team, Members' Services
<b>Informed</b>	All Councillors.

## 8 Review and Revision

This policy will be reviewed as it is deemed appropriate, but no less frequently than every 12 months.

Policy review will be undertaken by the ICT Manager.

## 9 References

The following Redditch Borough Council policy documents are directly relevant to this policy.

- Central Governments PSN Policy
- Information Security Policy.

- Information Protection Policy.
- Information Security Incident Policy.
- Members' Code of Conduct and related Codes and Protocols.

**Receipt and acceptance statement**

I, Councillor \_\_\_\_\_ agree to comply with the policy items as stated within this document.

Signed \_\_\_\_\_ Date \_\_\_\_\_

PLEASE RETURN COMPLETED STATEMENT AS SOON AS POSSIBLE TO :

Democractic Services  
Redditch Borough Council  
Town Hall  
Walter Stranz Square  
Redditch  
Worcestershire  
B98 8AH

Tel: 01527 881248



## **Policy Document**

## **RBC Information Security Policy**

Version 3.3

## Document Control

<b>Organisation</b>	Redditch Borough Council
<b>Owner</b>	ICT Transformation Manager
<b>Protective Marking</b>	Not protected
<b>Review date</b>	One year from last approval

## Revision History

<b>Revision Date</b>	<b>Reviser</b>	<b>Version</b>	<b>Description of Revision</b>
19/02/2013	Mark Hanwell	1.0	Policy created.
2/07/2014	C. Shepard	2.0	Changes to government classification system references
11/12/2015	N Brothwell	3.0	<p>This policy created as a copy of the BDC Information Security Policy v3.0</p> <p>This Policy also includes the former:</p> <ul style="list-style-type: none"> <li>• Computer, Telephone and Desk Use Policy</li> <li>• Email Policy</li> <li>• Human Resources Information Security Policy</li> <li>• Information Protection Policy</li> <li>• Internet Acceptable Usage Policy</li> <li>• IT Access Policy</li> <li>• IT Infrastructure Security Policy</li> <li>• Legal Responsibilities</li> <li>• Removable Media Policy</li> <li>• Software Policy</li> <li>• GCSx Policy</li> <li>• Remote Working Policy</li> <li>• Information Security Incident Policy</li> </ul>
10/10/2016	N Brothwell	3.1	Access to staff email accounts can be authorised by 4 <sup>th</sup> line managers (changed from HOS).
2/2/2017	M Hanwell	3.2	Password advice updated to include passphrases, and update to passphrase may be annual rather than every 42 days. Also minor update to removable media.
23/03/2017	M Hanwell	3.3	Changes to allow for the use of Drop box for business Cloud storage.

## Document Approvals

<b>Sponsor Approval</b>	<b>Name</b>	<b>Date</b>	<b>Version Approved</b>
Head of ICT and Business Transformation	Deborah Poole	19/02/2013	1.0
Head of ICT and Business Transformation	Deborah Poole	12/02/2016	3.0

Head of ICT and Business Transformation	Deborah Poole	23/03/2017	3.3
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### **Document Distribution**

This document will be distributed via NetConsent to all Council employees, all temporary staff and all contractors. Councillors will also receive the policies, which they will adhere to when working on behalf of the council. Inform Democratic Services of every policy update.

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## 1 What is this Policy For?

Throughout this policy, the term 'the Council' refers to Redditch Borough Council.

Information is a major asset. Information security is the protection of information against accidental or malicious disclosure, modification or destruction.

The purpose of this policy is to ensure that the Council protects all information assets within its custody, and that high standards of confidentiality, integrity and availability of information are maintained at all times.

There are seven areas where information security is maintained, and this document is organised into those areas, as follows:

Information Security – Infrastructure  
Information Security – Desk, PC, Phone  
Information Security - Software  
Information Security – Access to Software  
**Error! Reference source not found.**  
Information Security - Asset Management  
Information Security – Data Protection

Please refer to the Table of Contents for more details.

## 2 Who is this Policy for?

This policy applies to all the systems, people and business processes that make up the Council's information systems.

This includes all councillors, committees, departments, partners, employees of the Council, contractual third parties and agents of the Council who have access to information systems or information used for Council purposes.

## 3 Risks

This policy aims to mitigate the following risks:

- Information being disclosed or accessed prematurely, accidentally or unlawfully. Individuals or companies, without the correct authorisation and clearance, intentionally or accidentally gaining unauthorised access to business information.
- The non-reporting of information security incidents, inadequate destruction of data, the loss of direct control of user access to information systems and facilities.
- Disclosure of OFFICIAL (all council information is classified as OFFICIAL) or personal or sensitive information as a consequence of loss, theft or careless use.
- Contamination of the Council's networks or equipment through the introduction of viruses through the transfer of data from one form of IT equipment to another.
- Potential sanctions against the council or individuals imposed by the Information Commissioner's Office as a result of information loss or misuse.
- Potential legal action against the council or individuals as a result of information loss or misuse.
- Council reputational damage as a result of information loss or misuse.

Non-compliance with this policy could have a significant effect on the efficient operation of the Council and may result in financial loss and an inability to provide necessary services to our customers.



## **4 Information Security – Infrastructure**

### **4.1 Building Security**

Physical security must begin with the building itself and an assessment of perimeter vulnerability must be conducted. The building must have appropriate control mechanisms in place for the type of information and equipment that is stored there. These could include, but are not restricted to, the following:

- Alarms fitted and activated outside working hours.
- Window and door locks.
- Window bars on lower floor levels.
- Access control mechanisms fitted to all accessible doors (where codes are utilised they should be regularly changed and known only to those people authorised to access the area/building).
- CCTV cameras.
- Staffed reception area.
- Protection against damage - e.g. fire, flood, vandalism.

As an example, access to secure areas such as the data centre and IT equipment rooms must be adequately controlled and physical access to buildings should be restricted to authorised persons. Staff working in secure areas should challenge anyone not wearing a badge. Each department must ensure that doors and windows are properly secured.

Identification and access tools/passes (e.g. badges, keys, entry codes etc.) must only be held by officers authorised to access those areas and should not be loaned/provided to anyone else.

Visitors to secure areas are required to sign in and out with arrival and departure times and are required to wear an identification badge. A Council ICT employee must monitor all visitors accessing secure IT areas at all times.

Keys to all secure areas housing IT equipment and lockable IT cabinets are held centrally by ICT, as appropriate. Keys are not stored near these secure areas or lockable cabinets.

In all cases where security processes are in place, instructions must be issued to address the event of a security breach. Where breaches do occur, or a member of staff leaves outside normal termination circumstances:

- All identification and access tools/passes (e.g. badges, keys etc.) should be recovered from the staff member
- Door/access codes should be changed immediately.
- Report incident to Information Management team with as much detail as is available, so it can be investigated.

### **4.2 Equipment Security**

All general computer equipment must be located in suitable physical locations that:

- Limit the risks from environmental hazards – e.g. heat, fire, smoke, water, dust and vibration.
- Limit the risk of theft – e.g. if necessary items such as laptops should be physically attached to the desk.

- Allow workstations handling sensitive data to be positioned so as to eliminate the risk of the data being seen by unauthorised people.

Desktop PCs should not have data stored on the local hard drive, nor on the desktop. Data should be stored on the network file servers where appropriate. This ensures that information lost, stolen or damaged via unauthorised access can be restored with its integrity maintained.

All servers located outside of the data centre must be sited in a physically secure environment. Business critical systems should be protected by an uninterrupted power supply (UPS) to reduce the operating system and data corruption risk from power failures. The equipment must not be moved or modified by anyone without authorisation from ICT.

All equipment must have a unique asset number allocated to it. This asset number should be recorded in the departmental and the IS / IT inventories.

For portable computer devices please refer to the 5.13 Remote Working section of this policy.

### **4.3 Cabling Security**

Cables that carry data or support key information services must be protected from interception or damage. Network cables should be protected by conduit and where possible avoid routes through public areas.

### **4.4 Security of Equipment Off-Premises**

The use of equipment off-site must be formally approved by ICT. Equipment taken away from the Council premises is the responsibility of the user and should:

- Be logged in and out, where applicable.
- Not be left unattended.
- Be concealed whilst transported.
- Not be left open to theft or damage whether in the office, during transit or at home.
- Where possible, be disguised (e.g. laptops should be carried in less formal bags).
- Be encrypted.
- Be password protected.
- Be adequately insured.

Users should ensure, where necessary and required, that insurance cover is extended to cover equipment which is used off-site. Users should also ensure that they are aware of and follow the requirements of the insurance policy. Any losses or damage must be reported to the ICT department and the insurance section (if applicable).

Staff should be aware of their responsibilities in regard to data protection and be conversant with the Data Protection Act (please refer to Information Security – Data Protection).

### **4.5 Secure Disposal or Re-use of Equipment**

Equipment that is to be reused or disposed of must have all of its data and software erased or destroyed. If the equipment is to be passed onto another organisation (for example, returned under a leasing agreement) the data removal must be achieved by using professional data removing software tools. Equipment must be returned to ICT for data removal.

Software media or services must be destroyed to avoid the possibility of inappropriate usage that could break the terms and conditions of the licences held.

#### **4.6 Delivery and Receipt of Equipment into the Council**

In order to confirm accuracy and condition of deliveries and to prevent subsequent loss or theft of stored equipment, the following guidelines must be applied:

- Equipment deliveries must be signed for by an authorised individual using an auditable formal process. This process should confirm that the delivered items correspond fully to the list on the delivery note. Actual assets received must be recorded.
- Loading areas and holding facilities should be adequately secured against unauthorised access and all access should be auditable.
- Subsequent removal of equipment should be via a formal, auditable process.

#### **4.7 Regular Audit**

The Council has a duty to audit information security arrangements regularly to provide an independent appraisal and recommend security improvements where necessary.

### **5 Information Security – Desk, PC, Phone**

All of the information the Council handles is designated as OFFICIAL information. This designation is not shown on the information itself. The security of this information is of paramount importance. Information security cannot be achieved by technical means alone; information security must also be enforced and applied by people, and this section addresses security issues related to people.

There is also considerable scope for the misuse of computer resources for fraudulent or illegal purposes, for the pursuance of personal interests or for amusement/entertainment.

Computer and telephony resources include, but are not restricted to, the following:

- Departmental computers.
- PCs.
- Portable laptop computers.
- Printers.
- Network equipment.
- Telecommunications facilities.
- Cameras
- Removable media
- Email
- Internet
- Software

The misuse of the Council's computer and telephony resources is considered to be potential gross misconduct and may render the individual(s) concerned liable to disciplinary action including dismissal.

#### **5.1 Computer Resources Misuse**

No exhaustive list can be prepared defining all possible forms of misuse of computer resources; the individual circumstances of each case will need to be taken into account. However, some examples are outlined below:

- Use of computer resources for the purposes of fraud, theft or dishonesty.

- Storing/loading/executing of software that has not been authorised by ICT.
- Storing/loading/executing of software:
  - that has not been acquired through approved Council procurement procedures, or
  - for which the Council does not hold a valid program licence, or
  - that has not been the subject of formal virus checking procedures.
- Storing/processing/printing of data for a purpose which is not work-related.

## 5.2 Telephone

The Council acknowledges that employees may need to make telephone calls of a personal nature whilst at work. Reasonable steps should be taken by all employees to ensure that the provision of service is not compromised and there is no financial loss.

- Where possible, private calls should be made outside working hours.
- Private calls during these hours should be kept to a minimum, so as not to prevent business calls getting through.
- There may be times when unforeseen working commitments may require the rearranging of personal engagements. The Council recognises that such calls are necessary in order for employees to effectively perform their duties. However, the Council stresses that such calls are normally exceptional, and expect employees to recognise when such calls are required.

## 5.3 Clear Desk

The Council has a clear desk policy in place in order to ensure that all information is held securely at all times. Work should not be left on desks unattended and should be removed from view when unsupervised.

At the end of each day, every desk will be cleared of all documents that contain any Council information, or any information relating to clients or citizens.

The Council's OFFICIAL information (that is, all council information) must be stored in a facility (e.g. locked safe or cabinet) commensurate with this classification level.

Users of IT facilities are responsible for safeguarding data by ensuring that equipment is locked when unattended, and that portable equipment in their custody is not exposed to opportunistic theft.

## 5.4 Legislation

Users should understand the relevant legislation relating to information security and data protection, and should be aware of their responsibilities under this legislation. The following statutory legislation governs aspects of the Council's information security arrangements. This list is not exhaustive:

- The Freedom of Information Act 2000.
- The Data Protection Act 1998.
- The Computer Misuse Act 1990.

Individuals can be held personally and legally responsible for breaching the provisions of the above and other Acts.

## **5.5 Storing Data on the Network**

All work-related council information should be stored on an appropriate network drive. No data should be stored on the hard drive of a PC or laptop, nor on the desktop.

## **5.6 Removable Media**

It is the council's policy to prohibit the use of all removable media devices except those that are pre-authorised. Requests for access to, and use of, removable media devices such as USB memory sticks, external hard drives, CDs, DVDs and mobile phone storage, must be made to the ICT Helpdesk (ext 1766). You must be able to demonstrate why the use of removable media is the only way for you to carry out council business. The helpdesk will require written permission from your line manager to approve the usage.

Non-Council-owned removable media devices must not be used to store any council information, or used with any council equipment. This means that you must not use your own equipment, for example mobile phones, to store data, for example photographs.

In order to minimise physical risk, loss, theft or electronic corruption, all storage media must be stored in an appropriately secure and safe environment.

All data stored on removable media devices must be encrypted.

Users should be aware that the council will, where possible, audit and log the transfer of data files to and from all removable media devices and council-owned IT equipment – however, it is the responsibility of the user to ensure the removable storage device is encrypted before it is used. ICT can assist with this by a call being raised on the ICT Helpdesk (ext 1766).

## **5.7 Cloud Storage**

The use of Cloud Storage to store any council information needs to be considered very carefully before its use is implemented. In every case, a Privacy Impact Assessment (PIA) should be completed for the subject matter before any document is stored there. Once a PIA has been completed then documents of a none personal nature can be stored using the 'DropBox for Business' cloud storage area. This does not include the DropBox cloud storage used at home or for other personal use as it does not offer the same level of auditing and security that is required by the Council. The use of any other cloud storage is not permitted. For help and advice on cloud storage please contact ICT before using it. There is a license cost for the use of DropBox for business and this will need to be funded by the department wishing to use it.

## **5.8 Incident Management**

It is the duty of all users, including council members, to immediately report any actual or suspected breaches in information security to the ICT Helpdesk (ext 1766).

## **5.9 Disposing of IT Equipment**

IT equipment that is no longer required, or that has become damaged, including software and telephones, must be returned to ICT for disposal.

## **5.10 Emails**

All emails that are used to conduct or support official council business must be sent using a '@bromsgroveandredditch.gov.uk' or '@redditch.gcsx.gov.uk' email address.

Emails held on council equipment are considered to be part of the corporate record and email also provides a record of staff activities. All emails that represent aspects of Council business or Council administrative arrangements are the property of the Council and not of any individual employee.

All official external emails must carry the following disclaimer:

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*This e-mail may include confidential information and is solely for the use by the intended recipient(s). If you have received this e-mail in error please notify the sender immediately. You must not disclose, copy, distribute or retain any part of the email message or attachments.*

*No responsibility will be assumed by the organisation for any direct or consequential loss, financial or otherwise, damage or inconvenience, or any other obligation or liability incurred by readers relying on information contained in this e-mail or any virus contamination that may occur as a consequence of opening the email or any attachments. Views and opinions expressed by the author are not necessarily those of the organisation nor should they be treated where cited as an authoritative statement of the law and independent legal and other professional advice should be obtained as appropriate.*

*Any Freedom of Information requests should be sent directly to [foi@redditchbc.gov.uk](mailto:foi@redditchbc.gov.uk) for Redditch Borough Council requests and to [foi@bromsgrove.gov.uk](mailto:foi@bromsgrove.gov.uk) for Bromsgrove District Council requests.*

\*\*\*\*\* "

Users should be aware that deletion of email from individual accounts does not necessarily result in permanent deletion from the Council's ICT systems.

It is the responsibility of the person sending the email to decide whether email is the most appropriate method for conveying time-critical or OFFICIAL information (that is, all council information).

If it is necessary to provide a file to another person within the council (that is, with a [bromsgroveandredditch.gov.uk](mailto:bromsgroveandredditch.gov.uk) email address), then a reference to where the file exists should be sent rather than a copy of the file.

All users should be aware that email usage is monitored and recorded centrally. Monitoring of content will only be undertaken by staff specifically authorised for that purpose within the ICT department. Where a manager suspects that the email facilities are being abused by a user, they should contact their line manager or the ICT Transformation Manager.

Access to another employee's email is forbidden without the express permission of the relevant 4<sup>th</sup> line manager. If the relevant 4<sup>th</sup> line manager is not available, then authorisation should be sought from the Head of Service or Director.

Emails sent between '.bromsgroveandredditch.gov.uk' addresses are held within the same network and are deemed secure. Emails sent outside this closed network travel the public communications network and are liable to interception and loss. Therefore, personal or sensitive material must not be sent via email outside a closed network except via GCSx .

All staff are under a general requirement to maintain the confidentiality of information. There are also particular responsibilities under Data Protection legislation to maintain the confidentiality of personal data. It should also be noted that email and attachments may need to be disclosed under the Data Protection Act 1998 or the Freedom of Information Act 2000. Further information regarding this can be obtained from the Data Protection Officer.

Under no circumstances should users communicate material (either internally or externally), which is, for example, defamatory, obscene, or does not comply with the Council's Equal Opportunities Policy, or which could reasonably be anticipated to be considered inappropriate.

Computer viruses are easily transmitted via email and internet downloads. Full use must therefore be made of the Council's anti-virus software.

## 5.11 GCSx

GCSx stands for Government Connect Secure Extranet. It is a secure private Wide-Area Network (WAN) which enables secure interactions between connected Local Authorities and organisations that sit on the PSN government secure network infrastructure.

Some Council staff will need access to this network in order to carry out their business. This may include staff having access to the secure email facility. All staff requiring access to the GCSx network in any way must be aware of the commitments and security measures surrounding the use of this network, and must have a basic disclosure (DBS) before access is given. This policy must be adhered to by all Councillors, committees, departments, partners, employees of the Council, contractual third parties and agents of the Council using the GCSx facilities.

Each GCSx user must read, understand and accept this policy.

For the avoidance of doubt, the security rules relating to secure e-mail and information systems usage include the following. Please note that all council information is designated OFFICIAL.

1. I acknowledge that my use of the GCSx may be monitored and/or recorded for lawful purposes.
2. I agree to be responsible for any use by me of the GCSx using my unique user credentials (user ID and password, access token or other mechanism as provided) and e-mail address; and,
3. I will not use a colleague's credentials to access the GCSx and will equally ensure that my credentials are not shared and are protected against misuse; and,
4. I will protect such credentials at least to the same level of secrecy as the information they may be used to access, (in particular, I will not write down or share my password other than for the purposes of placing a secured copy in a secure location at my employer's premises); and,
5. I will not attempt to access any computer system that I have not been given explicit permission to access; and,
6. I will not attempt to access the GCSx other than from IT equipment and systems and locations which have been explicitly authorised to use for this purpose; and,
7. I will not transmit information via the GCSx that I know or suspect to be unacceptable within the context and purpose for which it is being communicated; and,
8. I will not make false claims or denials relating to my use of the GCSx (e.g. falsely denying that an e-mail had been sent or received); and,
9. I will protect any sensitive or not protectively marked material sent, received, stored or processed by me via the GCSx to the same level as I would paper copies of similar material; and,
10. I will appropriately label, using the HMG Security Policy Framework (SPF), information up to OFFICIAL sent via the GCSx; and,
11. I will not send sensitive or personal information over public networks such as the Internet; and,

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12. I will always check that the recipients of e-mail messages are correct so that potentially sensitive information is not accidentally released into the public domain; and,
  13. I will not auto-forward email from my GCSx account to any other non-GCSx email account; and,
  14. I will not forward or disclose any sensitive or personal material received via the GCSx unless the recipient(s) can be trusted to handle the material securely according to its sensitivity and forwarding is via a suitably secure communication channel; and,
  15. I will seek to prevent inadvertent disclosure of sensitive or OFFICIAL information by avoiding being overlooked by others when I am working, by taking care when printing information received via GCSx (e.g. by using printers in secure locations or collecting printouts immediately they are printed, checking that there is no interleaving of printouts, etc) and by carefully checking the distribution list for any material to be transmitted; and,
  16. I will securely store or destroy any printed material; and,
  17. I will not leave my computer unattended in such a state as to risk unauthorised disclosure of information sent or received via GCSx (this will be in accordance with the Information Security Policy - e.g. logging-off from the computer, activate a password-protected screensaver etc, so as to require a user logon for activation); and,
  18. where ICT Services has implemented other measures to protect unauthorised viewing of information displayed on IT systems (such as an inactivity timeout that causes the screen to be blanked requiring a user logon for reactivation), then I will not attempt to disable such protection; and,
  19. I will make myself familiar with the Council's security policies, procedures and any special instructions that relate to GCSx; and,
  20. I will inform my manager immediately if I detect, suspect or witness an incident that may be a breach of security – refer to section 10 Information Security – Data Protection of this policy; and,
  21. I will not attempt to bypass or subvert system security controls or to use them for any purpose other than that intended; and,
  22. I will not remove equipment or information from council premises without appropriate approval; and,
  23. I will take precautions to protect all computer media and portable computers when carrying them outside my organisation's premises (e.g. leaving a laptop unattended or on display in a car such that it would encourage an opportunist theft) in accordance with section 5.13 Remote Working in this policy; and,
  24. I will not introduce viruses, Trojan horses or other malware into the system or GCSx; and,
  25. I will not disable anti-virus protection provided at my computer; and,
  26. I will comply with the Data Protection Act 1998 and any other legal, statutory or contractual obligations that the Council informs me are relevant.



Document Date:	
Name of User:	
Position:	
Department:	
User Access Request Approved by:	
User Access Request Approved by:	
Username Allocated	
Email Address Allocated:	
User Access Request Processed:	

## 5.12 Internet Service

The internet service is primarily provided to give Council employees and councillors access to information, research and electronic commerce.

The Council internet should be used in accordance with this policy to access anything in pursuance of your work.

At the discretion of your line manager, and provided it does not interfere with your work, the council permits personal use of the internet in your own time (for example during your lunch break).

The Council is not responsible for any personal transactions you enter in to. You must accept responsibility for, and keep the Council protected against any claims, damages or losses.

### 5.12.1 Internet Account Management, Security and Monitoring

The provision of Internet access is owned by the Council and all access is recorded, logged and interrogated for the purposes of:

- Monitoring total usage to ensure business use is not impacted by lack of capacity.
- The filtering system monitors and records all access for reports that are produced for line managers and auditors.

Except where it is strictly and necessarily required for your work, for example IT audit activity or other investigation, you must **not** use your Internet access to:

- Create, download, upload, display or access knowingly, sites that contain pornography or other “unsuitable” material that might be deemed illegal, obscene or offensive.

- Subscribe to, enter or use peer-to-peer networks or install software that allows sharing of music, video or image files.
- Subscribe to, enter or utilise real time chat facilities such as chat rooms, text messenger or pager programs.
- Subscribe to, enter or use online gaming or betting sites.
- Subscribe to or enter “money making” sites or enter or use “money making” programs.
- Run a private business.
- Download any software that does not comply with section 6 Information Security - Software in this policy.

The above list is neither exclusive nor exhaustive. Unsuitable material would include data, images, audio files or video files the transmission of which is illegal under British law, and, material that is against the rules, essence and spirit of this and other Council policies.

You must not attempt to by-pass or remove any of the security and monitoring facilities.

### 5.13 Remote Working

The Council provides users with the facilities and opportunities to work remotely as appropriate. The Council will ensure that all users who work remotely are aware of the acceptable use of portable computer devices and remote working opportunities.

Securing data when users work remotely or beyond the Council network is a pressing issue – particularly in relation to the Council’s need as an organisation to protect data in line with the requirements of the Data Protection Act 1998.

All IT equipment (including portable computer devices) supplied to users is the property of the Council. It must be returned upon the request of the Council. Access for ICT Services staff of the Council shall be given to allow essential maintenance security work or removal, upon request.

All IT equipment will be supplied and installed by Council ICT Service staff . Hardware and software **must only** be provided by the Council.

Where users access Government Connect Secure Extranet (GCSx) type services, facilities or OFFICIAL information (all council information is classified as OFFICIAL), **under no circumstances** should non-Council-owned equipment be used.

It is the user’s responsibility to ensure that the following points are adhered to at all times:

- Users must take due care and attention of portable computer devices when moving between home and another business site.
- Users will not install or update any software on to a Council-owned portable computer device.
- Users will not install any screen savers on to a Council-owned portable computer device.
- Users will not change the configuration of any Council-owned portable computer device.
- Users will not install any hardware to or inside any Council-owned portable computer device, unless authorised by the Council ICT department.
- Users will allow the installation and maintenance of Council-installed Anti Virus updates immediately.

- Users will inform the ICT Helpdesk (ext 1766) of any Council-owned portable computer device message relating to configuration changes.
- All faults must be reported to the ICT Helpdesk (ext 1766).
- Users must not remove or deface any asset registration number.
- User registration must be requested from the ICT Helpdesk (ext 1766). Users must state which applications they require access to.
- The IT equipment may not be used for personal use by staff. Only software supplied and approved by the Council can be used (e.g. Word, Excel, Adobe, etc.).
- No family members may use the IT equipment. The IT equipment is supplied for the staff members' sole use.
- The user must ensure that reasonable care is taken of the IT equipment supplied. Where any fault in the equipment has been caused by the user, in breach of the above paragraphs, the Council may recover the costs of repair.
- The user should seek advice from the Council before taking any Council supplied ICT equipment outside the United Kingdom. The equipment may not be covered by the Council's normal insurance against loss or theft and the equipment is liable to be confiscated by airport security personnel.
- The Council may at any time, and without notice, request a software and hardware audit, and may be required to remove any equipment at the time of the audit for further inspection. All users must co-operate fully with any such audit.

#### **5.13.1 Remote and Mobile Working Arrangements**

Users should be aware of the physical security dangers and risks associated with working within any remote office or mobile working location.

Equipment should not be left where it would attract the interests of the opportunist thief. In the home it should also be located out of sight of the casual visitor. For home working it is recommended that the office area of the house should be kept separate from the rest of the house. Equipment must be secured whenever it is not in use.

Users must ensure that access / authentication tokens and personal identification numbers are kept in a separate location to the portable computer device at all times. All removable media devices and paper documentation must also not be stored with the portable computer device.

Paper documents are vulnerable to theft if left accessible to unauthorised people. These should be securely locked away in suitable facilities (e.g. secure filing cabinets) when not in use. Documents should be collected from printers as soon as they are produced and not left where they can be casually read. Waste paper containing personal data or OFFICIAL information (that is, all council information) must be disposed of in 'confidential waste' bins.

#### **5.13.2 Access Controls**

It is essential that access to all OFFICIAL information (that is, all council information) is controlled. This can be done through physical controls, such as locking the home office or locking the

computer's keyboard. Alternatively, or in addition, this can be done logically such as by password controls or User Login controls.

Portable computer devices should be switched off, logged off, or the keyboard locked when left unattended, even if only for a few minutes.

All data on portable computer devices must, where possible, be encrypted. If this is not possible, then all OFFICIAL data (that is, all council information) held on the portable device must be encrypted.

Dual-factor authentication must be used when accessing the Council network and information systems (including Outlook Web Access) remotely via Council owned equipment.

Access to the Internet from Council-owned ICT equipment should only be allowed via onward connection to Council-provided Proxy Servers and not directly to the Internet.

### **5.13.3 Anti Virus Protection**

ICT will deploy an up-to-date Anti Virus signature file to all users who work away from the Council premises. Users who work remotely must ensure that their portable computer devices are connected to the corporate network at least once every two weeks to enable the Anti Virus software to be updated.

### **5.13.4 User Awareness**

The user shall ensure that appropriate security measures are taken to stop unauthorised access to OFFICIAL information (that is, all council information), either on the portable computer device or in printed format. Users are bound by the same requirements on confidentiality and Data Protection as the Council itself.

## **5.14 Software**

All departments must inform ICT via the ICT Helpdesk (ext 1766) of any new product requirements or of any upgrades, service packs, patches or fixes required to existing systems. All new products must be purchased through ICT.

Every piece of software used by the Council is required to have a licence in the name of the Council. The ICT department maintains a register of all Council software and will keep a library of software licences.

Software is owned by the licencing company and the copying of such software is an offence under the Copyright, Designs and Patents Act 1988, unless authorised by the software manufacturer. It is the responsibility of users to ensure that all software on their computer equipment is licensed.

Software must only be installed by the ICT department once the registration requirements have been met. Software may not be used unless approved by the ICT Manager or their nominated representative.

The Council will ensure that personal firewalls are installed where appropriate. Users must not attempt to disable or reconfigure the personal firewall.

## **6 Information Security - Software**

## **6.1 Software Acquisition**

All software acquired by the Council must be purchased through the ICT department. Software acquisition channels are restricted to ensure that the Council has a complete record of all software that has been purchased for Council computers and can register, support, and upgrade such software accordingly. This includes software that may be downloaded and/or purchased from the Internet.

Under no circumstances should personal or unsolicited software (this includes screen savers, games and wallpapers etc.) be loaded onto a Council machine as there is a serious risk of introducing a virus.

## **6.2 Software Registration**

The Council uses software in all aspects of its business to support the work carried out by its employees. In all instances every piece of software is required to have a licence and the Council will not condone the use of any software that does not have a licence.

Software must be registered in the name of the Council and the department in which it will be used. Due to personnel turnover, software will never be registered in the name of the individual user.

The ICT department maintains a register of all Council software and will keep a library of software licenses.

The Council holds licences for the use of a variety of software products on all Council information systems and computer equipment. This software is owned by the software company and the copying of such software is an offence under the Copyright, Designs and Patents Act 1988, unless authorised by the software manufacturer.

It is the responsibility of users to ensure that all the software on their computer equipment is licensed.

## **6.3 Software Installation**

Software must only be installed by the ICT department once the registration requirements have been met. Once installed, the original media will be kept in a safe storage area maintained by ICT.

Software may not be used unless approved by the ICT Manager or their nominated representative.

Shareware, freeware and public domain software are bound by the same policies and procedures as all other software. No user may download or install any free or evaluation software onto the Council's systems without prior approval from ICT.

## **6.4 Personal Computer Equipment**

Council computers are Council-owned assets and must be kept both software-legal and virus-free. Only software acquired through the procedures outlined above may be used on Council machines. Users are not permitted to bring software from home (or any other external source) and load it onto Council computers. Council-owned software cannot be taken home and loaded on a user's home computer.

## **6.5 Software Misuse**

The Council will ensure that personal firewalls are installed where appropriate. Users must not attempt to disable or reconfigure the personal firewall software.

It is the responsibility of all Council staff to report any known software misuse to their line manager. Councillors should inform the ICT Manager of such instances.

According to the Copyright, Designs and Patents Act 1988, illegal reproduction of software is subject to civil damages and criminal penalties. Any Council user who makes, acquires, or uses unauthorised copies of software will be disciplined as appropriate under the circumstances. The Council does not condone the illegal duplication of software and will not tolerate it.

## **7 Information Security – Access to Software**

### **7.1 Prior to Employment**

The Council must ensure that potential users are recruited in line with the Council's recruitment and selection policy for the roles they are considered for and to reduce the risk of theft, fraud or misuse of information or information systems by those users.

#### **7.1.1 User Screening – Potential Employees**

Background verification checks must be carried out on all potential users, in accordance with all relevant laws, regulations and ethics. The level of such checks must be appropriate to the business requirements, the classification of the information to be accessed, and the risks involved.

The basic requirements for Council employment are:

- Minimum of two satisfactory references.
- Completeness and accuracy check of employee's application form.
- Confirmation of National Insurance number.
- Confirmation of claimed academic and professional qualifications.
- Identity check against a passport or equivalent document that contains a photograph.

Prospective members of staff who will (if employed) be using the Government Connect Secure Extranet (GCSx) facility must be cleared to Baseline Personnel Security Standard. For this, the following additional requirements must be met:

- Identity must be proven by showing:
  - A full 10 year passport.
- Or two from the following list:
  - British driving licence.
  - P45 form.
  - Birth certificate.
  - Proof of residence – i.e. council tax or utility bill.
- Verification of full employment history for the past 3 years.
- Verification of nationality and immigration status.
- Verification of criminal record (unspent convictions only).

For some jobs a Disclosure and Barring Service (formerly called the Criminal Records Bureau) check on the prospective member of staff must be carried out to an appropriate level as demanded by law.

If the prospective employee would have access to systems processing payment card data, credit checks must be carried out to an appropriate level as required by the Payment Card Industry Data Security Standards (PCI-DSS).

All the above requirements for verification checks must be applied to technical support and temporary staff that have access to those systems or any copies of the contents of those systems (e.g. backup tapes, printouts, test data-sets).

### **7.1.2 Terms and Conditions of Employment**

As part of their contractual obligation users must agree and sign the terms of their employment contract, which shall state their and the Council's responsibilities for information security. This must be drafted by the Council's lawyers and must form an integral part of the contract of employment.

Each user must sign a confidentiality statement that they understand the nature of the information they access, that they will not use the information for unauthorised purposes and that they will return or destroy any information or assets when their employment terminates.

### **7.1.3 Roles and Responsibilities – New Starters**

Decisions on the appropriate level of access to information or information systems for a particular user are the responsibility of the information asset owner.

Line managers are responsible for ensuring that creation of new users, changes in role, and termination of users are notified to the ICT Helpdesk (ext 1766) in a timely manner, using an agreed process.

The information security responsibilities of users must be defined and documented and incorporated into induction processes and contracts of employment. As a minimum this will include a statement that every user is aware of, and understands, this policy.

## **7.2 During Employment**

Each user must be allocated access rights and permissions to computer systems and data that:

- Are applicable to the tasks they are expected to perform.
- Have a unique login and password that is not shared with or disclosed to any other user.
- Have individual administrator accounts that will be logged and audited.

User access rights must be reviewed at regular intervals to ensure that the appropriate rights are still allocated. System administration accounts must only be provided to users that are required to perform system administration tasks.

The unnecessary allocation and use of system privileges significantly increases the vulnerability of systems.

- systems administrative accounts (super users on routers and LAN servers, SANs, etc) must only be used when necessary, and not for normal day-to-day operation;
- Where technically possible, users must initially log on with a personal user ID and only be granted privileged access by way of group assignment;

Administrator accounts should be used only when a standard user account does not have the rights or privileges to perform a task or function required by the corporate demands and should be an extension from within their personal standard account e.g. switch user on Orb from forename.surname to a.initials.

The Council must ensure that all users are aware of information security threats and concerns, their responsibilities and liabilities, and are equipped to support organisational security policy in the course of their work, and to reduce the risk of human error. It is also necessary that user changes in role or business environment are carried out in an orderly manner that ensures the continuing security of the information systems to which they have access.

### **7.2.1 Management Responsibilities**

Line managers must notify the ICT Helpdesk (1766) in a timely manner of any changes in a user's role or business environment, to ensure that the user's access can be changed as appropriate. Processes must ensure that access to information systems is extended to include new user requirements and also that any access that is no longer needed is removed.

Any changes to user access must be made in a timely manner and be clearly communicated to the user.

Departmental managers must require users to understand and be aware of information security threats and their responsibilities in applying appropriate Council policies. This requirement must be documented.

### **7.2.2 Information Security Awareness, Education and Training**

All users must receive appropriate information security awareness training and regular updates in related statute and organisational policies and procedures as relevant for their role.

It is the role of departmental managers to ensure that their staff are adequately trained and equipped to carry out their role efficiently and securely.

### **7.2.3 User Responsibilities**

It is a user's responsibility to prevent their user ID and password being used to gain unauthorised access to Council systems by:

- Following the password policy statements outlined in **Error! Reference source not found..**
- Ensuring that any PC they are using that is left unattended is locked or logged out.
- Leaving nothing on display that may contain access information such as login names and passwords.
- Informing ICT of any changes to their role and access requirements.

### **7.2.4 User Authentication for Third Parties**

Where remote access to the Council network is required, an application must be made via the ICT Helpdesk (ext 1766).

### **7.2.5 Supplier's Remote Access to the Council Network**

Partner agencies or 3<sup>rd</sup> party suppliers must not be given details of how to access the Council's network without permission from the ICT Helpdesk (ext 1766). Any changes to a supplier's



connections must be immediately sent to the ICT so that access can be updated or ceased. All permissions and access methods must be controlled by ICT.

Partners or 3<sup>rd</sup> party suppliers must contact the ICT Helpdesk (ext 1766) before connecting to the Council network and a log of activity must be maintained. Remote access software must be disabled when not in use.

### 7.2.6 Operating System Access Control

Access to operating systems is controlled by a secure login process. The access control defined in this section and the **Error! Reference source not found.** section of this policy must be applied. The login procedure must also be protected by:

- Not displaying any previous login information e.g. username.
- Limiting the number of unsuccessful attempts and locking the account if exceeded.
- The password characters being hidden by symbols.

All access to operating systems is via a unique login ID that will be audited and can be traced back to each individual user. The login ID must not give any indication of the level of access that it provides to the system (e.g. administration rights).

System administrators must have individual administrator accounts that will be logged and audited. The administrator account must not be used by individuals for normal day-to-day activities.

### 7.2.7 Application and Information Access

Access within software applications must be restricted using the security features built into the individual product. The departmental administrator of the software application is responsible for granting access to the information within the system. The access must:

- Be compliant with this policy.
- Be separated into clearly defined roles.
- Give the appropriate level of access required for the role of the user.
- Be unable to be overridden (with the admin settings removed or hidden from the user).
- Be free from alteration by rights inherited from the operating system that could allow unauthorised higher levels of access.
- Be logged and auditable.

## 7.3 At the End of Employment

### 7.3.1 Secure Termination of Employment

Termination of employment may be due to resignation, change of role, suspension or the end of a contract or project. The key requirement is that access to Council information assets is removed in a timely manner when no longer required by the user, and processes must be implemented to ensure this.

### 7.3.2 Termination Responsibilities

Line managers must notify the ICT Helpdesk (ext 1766) in a timely manner of the impending termination or suspension of employment so that access can be suspended.

ICT Helpdesk (ext 1766) must notify the appropriate system owners who must suspend access for that user at an appropriate time, taking into account the nature of the termination.

Responsibilities for notifying changes, performing employment termination or change of employment must be clearly defined and assigned.

### **7.3.3 Return of Assets**

Processes must be implemented to ensure that users return all of the organisation's assets in their possession upon termination of their employment, contract or agreement. This must include any copies of information in any format.

### **7.3.4 Removal of Access Rights**

If a user's access is considered a risk to the Council or its systems, you must implement emergency suspension of that user's access. Contact Human Resources to ensure the correct procedure is followed.

## **8 Information Security – Passwords and Passphrases**

### **8.1 Choosing Passwords (or a Passphrase)**

Passwords are the first line of defence for our ICT systems and together with the user ID help to establish that people are who they claim to be.

A poorly chosen or misused password is a security risk and may impact upon the confidentiality, integrity or availability of our computers and systems.

Passphrases are similar to passwords but are longer and made up of several words and with the addition of numbers and possibly other special characters.

For the remainder of this policy the terms password and passphrase are interchangeable.

#### **8.1.1 Weak and strong passwords**

A weak password is one which is easily discovered, or detected, by people who are not supposed to know it.

Examples of weak passwords include:

- words picked out of a dictionary
- names of children and pets
- car registration numbers
- simple patterns of letters from a computer keyboard.

A strong password is a password that is designed in such a way that it is unlikely to be detected by people who are not supposed to know it, and difficult to work out even with the help of a computer.

For this reason when creating or changing your logon account on the Corporate Network, a passphrase is required rather than a single word.

The basic rules of a passphrase are that it needs to be something personal to you, you can remember it without the need to write it down, contains a minimum of 15 characters – at least one of which must be a capital letter and another one a number.

A strong passphrase would be:

MyD4dsNamelsGary – here the passphrase uses a capital letter for the start of each new word and replaces the first letter A with a number 4.

Mydadsnameisgary1 – Not as good as the one above but it passes the minimum rules of having minimum 15 characters, one capital letter and one number.

A weak passphrase would be:

Thecowjumpedoverthemoon1 – Whilst this is in accordance with the rules, it is a bare minimum. This is a common phrase and has just one capital letter and one number.

## **8.2 Protecting Passwords and Passphrases**

It is of utmost importance that the password remain protected at all times. The following guidelines must be adhered to at all times:

- Never reveal your passwords to anyone.
- Never use the 'remember password' function.
- Never store your passwords in a computer system without encryption.
- Do not use any part of your username within the password.
- Do not use the same password to access different Council systems.
- Do not use the same password for systems inside and outside of work.
- Avoid writing passwords down. If you must write them down, ensure they are written in code, are not obviously passwords, and do not store them where they are open to theft. Do not store them in electronic documents on your computer.

## **8.3 Changing Passwords**

Given the additional security a good passphrase brings, it needs only be changed once per year, or whenever the system prompts you to change it. Other, shorter passwords, need to be changed every 42 days or when the system prompts you to change it. All default passwords must be changed immediately. If you become aware, or suspect, that your password has become known to someone else, you must change it immediately and report your concern to the ICT helpdesk (ext 1766).

## **8.4 System Administration Standards**

The password administration process for individual Council systems is available to designated individuals.

All Council IT systems will be configured to enforce the following:

- Authentication of individual users, not groups of users - i.e. no generic accounts.
- Protection with regards to the retrieval of passwords and security details.
- System access monitoring and logging - at a user level.
- Role management so that functions can be performed without sharing passwords.
- Password admin processes must be properly controlled, secure and auditable.

## **8.5 PIN Numbers**

Users are sometimes given Personal Identification Numbers (PINs), for example to retrieve printouts from a printer.

Users must never reveal PINs to anyone else, and must follow the same security standards as for protecting passwords.

## **9 Information Security - Asset Management**

### **9.1 Identifying Information Assets**

The process of identifying important information assets should be sensible and pragmatic.

Important information assets will include, but are not limited to, the following:

- Filing cabinets and stores containing paper records.
- Computer databases.
- Data files and folders.
- Software licenses.
- Physical assets (computer equipment and accessories, PDAs, cell phones).
- Key services.
- Key people.
- Intangible assets such as reputation and brand.

The Council must draw up and maintain inventories of all important information assets that it relies upon. These should identify each asset and all associated data required for risk assessment, information and records management and disaster recovery. At minimum it must include the following:

- Type.
- Location.
- Designated owner.
- Security classification.
- Format.
- Backup.
- Licensing information.

### **9.2 Classifying Information**

On creation, all information assets must be assessed and classified by the owner according to their content. At minimum all information assets must be classified and labelled in accordance with the HMG Security Policy Framework (SPF). The classification will determine how the document should be protected and who should be allowed access to it. Any system subsequently allowing access to this information should clearly indicate the classification. Information classified as OFFICIAL sent via GCSx must be labelled appropriately.

The classes are:

- OFFICIAL
- SECRET
- TOP SECRET

All council information is classified as OFFICIAL.

### **9.3 Personal Information**

Personal information is any information about any living, identifiable individual. The Council is legally responsible for it. Its storage, protection and use are governed by the Data Protection Act 1998.

### **9.4 Assigning Asset Owners**

All important information assets must have a nominated owner and should be accounted for. An owner must be a member of staff whose seniority is appropriate for the value of the asset they own. The owner's responsibility for the asset and the requirement for them to maintain it should be formalised and agreed.

### **9.5 Unclassified Information Assets**

Items of information that have no security classification and are of limited or no practical value should not be assigned a formal owner or inventoried. Information should be destroyed if there is no legal or operational need to keep it and temporary owners should be assigned within each department to ensure that this is done.

### **9.6 Corporate Information Assets**

For information assets whose use throughout the Council is widespread and whose origination is as a result of a group or strategic decision, a corporate owner must be designated and the responsibility clearly documented. This should be the person who has the most control over the information.

### **9.7 Acceptable Use of Information Assets**

The Council must document, implement and circulate policies that outline acceptable usage for information assets, systems and services. These should apply to all Council councillors, committees, departments, partners, employees of the Council, contractual third parties and agents of the Council and use of the system must be conditional on acceptance of the appropriate policy. This requirement must be formally agreed and auditable.

### **9.8 Information Storage**

All electronic information will be stored on centralised facilities to allow regular backups to take place. Files which are identified as a potential security risk should only be stored on secure network areas.

ICT services must ensure that guidelines are available for all council staff with regards to identifying redundant equipment and action required e.g. sending to ICT to assess whether it should be disposed of or reused.

Physical files of information should be organised, labelled and managed so that their contents and owners can be identified by other teams, not just the team who owns them.

Records management and retention guidance will be followed for both electronic and physical information. The Retention and Disposal Schedule records how long different types of information should be kept for, it is the responsibility of each team to keep their entries in the Schedule up to date (contact Information Management for more details), and to ensure they are adhered to.

Databases holding personal information will have a defined security and system management procedure for the records and documentation. This documentation will include a clear statement as to the use, or planned use of the personal information.

## 9.9 Disclosure of Information

Disclosing sensitive or personal information to any external organisation is prohibited, unless via the Government Connect Secure Extranet (GCSx) email. Emails that are sent outside this closed network travel over the public communications network and are liable to interception or loss. There is a risk that copies of the email are left within the public communications system.

Where information is disclosed or shared it should only be done so in accordance with a documented information-sharing protocol and/or data exchange agreement.

The disclosure of personal or sensitive information in any way other than via GCSx email is a disciplinary offence. If there is suspicion of a Councillor or employee treating OFFICIAL information (that is, council information) in a way that could be harmful to the Council or to the data subject, then it must be reported to the ICT Manager, and the person may be subject to disciplinary procedure.

Any sharing or transfer of Council information with other organisations must comply with all legal, regulatory and Council policy requirements. In particular this must be compliant with the Data Protection Act 2000, The Human Rights Act 2000 and the Common Law of Confidentiality.

## 10 Information Security – Data Protection

### 10.1 Relevant Legislation

The following statutory legislation governs aspects of the Council's information security arrangements. This list is not exhaustive:

Legislation	Areas Covered
The Freedom of Information Act 2000	Public access to Council information
The Human Rights Act 1998	Right to privacy and confidentiality
The Electronic Communications Act 2000	Cryptography, electronic signatures
The Regulation of Investigatory Powers Act 2000	Hidden surveillance of staff
The Data Protection Act 1998	Protection and use of personal information
The Copyright Designs and Patents Act 1988	Software piracy, music downloads, theft of Council data
The Computer Misuse Act 1990	Hacking and unauthorised access
The Environmental Information Regulations 2004	Public access to Council information related to the environment

Legislation	Areas Covered
The Re-use of Public Sector Information Regulations 2005	The Council's ability to sell certain data sets for commercial gain

Data protection and privacy must be ensured as required in relevant legislation, regulations, and, if applicable, contractual clauses. Key records must be protected from loss, destruction and falsification, in accordance with statutory, regulatory, contractual, and business requirements.

## 10.2 How will the Council Ensure Compliance?

In order to ensure it meets its obligations under the Data Protection Act, the Council ensures that:

- There is an individual with specific responsibility for data protection in the organisation.
- Everyone managing and handling personal information understands that they are contractually responsible for following good data protection practice.
- Everyone managing and handling personal information is appropriately trained to do so.
- Persons wishing to make enquiries about handling personal information, whether a member of staff or a member of the public, is aware of how to make such an enquiry.
- Queries about handling personal information are promptly and courteously dealt with.
- Methods of handling personal information are regularly assessed and evaluated.

The Council will, through appropriate management and the use of strict criteria and controls:

- Observe fully conditions regarding the fair collection and use of personal information.
- Meet its legal obligations to specify the purpose for which information is used.
- Collect and process appropriate information and only to the extent that it is needed to fulfil operational needs or to comply with any legal requirements.
- Ensure the quality of information used.
- Apply strict checks to determine the length of time information is held.
- Take appropriate technical and organisational security measures to safeguard personal information.
- Ensure that personal information is not transferred abroad without suitable safeguards.
- Ensure that the rights of data subjects can be fully exercised under the Data Protection Act.

## 10.3 What Roles and Responsibilities have been Assigned?

Proper definitions of roles and responsibilities are essential to assure compliance with this policy. In summary these are as follows:

### 10.3.1 Information Management Team

The Information Manager promotes this policy and provides detailed advice training and resources to departments to facilitate the correct processing of requests for access and other data protection related issues, and will also monitor departments to ensure compliance with statutory and regulatory obligations.

### 10.3.2 Senior Management

Senior management will provide support and approval for this Information Security Policy and any related initiatives across the Council. It will also ensure that adequate funding is made available.

### **10.3.3 Departmental Managers**

Departmental managers are responsible for ensuring that the Information Security Policy is communicated and implemented within their area of responsibility, and for ensuring that any issues such as resourcing or funding are communicated back to their strategic directors in a timely manner.

### **10.3.4 Individual Employees**

Individual employees will be responsible for understanding this Information Security Policy and ensuring that requests for access and other data protection related issues in their own department are handled in compliance with this policy.

## **10.4 Freedom of Information Act**

The Freedom of Information Act came into force in January 2005. By granting a general right of access to records held by public authorities it encourages an attitude of openness and will enable the public to scrutinise their decisions and working practises. The key features of the Freedom of Information Act are:

- Every Council employee has a duty to provide advice and assistance to anyone requesting information.
- The public has a general right of access to all recorded information held by the Council and some independent contractors. Subject to exemptions set out in the Freedom of Information Act, a requester has the right to know whether a record exists and the right to a copy of that record supplied in a format of their choice.
- Every Council must adopt and maintain a Publication Scheme, listing what kinds of record it chooses to publish, how to obtain them and whether there is a charge involved.

The Information Commissioner's Office will oversee the implementation and compliance with the Freedom of Information Act and the Data Protection Act 1998.

## **10.5 What is a Security Incident?**

Events and weaknesses need to be reported at the earliest possible stage as they need to be assessed by the Information Management team. It is vital for the Information Management team to gain as much information as possible from the business users to identify if an incident is occurring.

The definition of an information management security incident is an adverse event that has caused or has the potential to cause damage to an organisation's assets, reputation and / or personnel. Incident management is concerned with intrusion, compromise and misuse of information and information resources, and the continuity of critical information systems and processes.

An information security incident includes, but is not restricted to, the following:

- The loss or theft of data or information.
- The transfer of data or information to those who are not entitled to receive that information.
- Attempts (either failed or successful) to gain unauthorised access to data or information storage or a computer system.
- Changes to information or data or system hardware, firmware, or software characteristics without the Council's knowledge, instruction, or consent.
- Unwanted disruption or denial of service to a system.
- The unauthorised use of a system for the processing or storage of data by any person.



Examples of the most common information security incidents are listed below. This list is not exhaustive.

- Giving information to someone who should not have access to it - verbally, in writing or electronically.
- Infecting a computer with a virus or other malware.
- Sending a sensitive email to 'all staff'.
- Receiving solicited mail of an offensive nature.
- Receiving solicited mail which requires you to enter personal data.
- Changing data without authorisation.
- Receiving and forwarding chain letters – including virus warnings, scam warnings and other emails which encourage the recipient to forward onto others other than the ICT helpdesk (ext 1766).
- Unknown people asking for information which could gain them access to council data (e.g. a password or details of a third party).
- Use of unapproved or unlicensed software on Council equipment.
- Accessing a computer database using someone else's authorisation (e.g. someone else's user id and password).
- Writing down your password and leaving it on display / somewhere easy to find.
- Printing or copying confidential information and not storing it correctly or confidentially.
- Theft / loss of a hard copy file through negligence.
- Theft / loss of any Council computer equipment e.g. laptops, memory sticks and CDs through negligence.

This policy aims to ensure incidents are followed up correctly, and to identify areas for improvement to decrease the risk and impact of future incidents.

#### **10.5.1 Procedure for Incident Handling**

Events and weaknesses need to be reported at the earliest possible stage as they need to be assessed by the Information Management team. It is vital for the Information Management team to gain as much information as possible from the business users to identify if an incident is occurring.

1. Report incident to Information Management team with as much detail as is available.
2. Report incident to line manager. Emergency suspension of a user's access may be necessary if that access is considered a risk to the Council or its systems.
3. Information Management team will assess incident against the ICO data breach guidance, to decide whether to report the incident to the ICO.
4. Information Management team will assess incident and decide on actions to be taken.

The Information Management team will require you to supply further information, the nature of which will depend upon the nature of the incident. However, the following information should be supplied:

- Contact name and number of person reporting the incident.
- The type of data, information or equipment involved.
- Whether the loss of the data puts any person or other data at risk.
- Location of the incident.
- Inventory numbers of any equipment affected.
- Date and time the security incident occurred.
- Location of data or equipment affected.
- Type and circumstances of the incident.

The authority may need to collect evidence. This could include, for example, personal information, deleted files, and emails from any asset owned by the Council.

### 10.6 Individual Responsibilities

All Councillors must accept responsibility for maintaining information security standards within the Council.

All managers must accept responsibility for initiating, implementing and maintaining security standards within the Council.

All non-managerial users must accept responsibility for maintaining standards by conforming to those controls which are applicable to them.

ICT will be responsible for implementation of the controls marked for IT specialists.

Local managers must undertake yearly assessments of security risks within their own areas to ensure that the security breaches are kept to a minimum.

## 11 Key Messages

Access:

- Every user must be aware of, and understand, this policy.
- Background verification checks must be carried out on all users.
- Users who require use of the Government Connect Secure Extranet (GCSx) email facility **must** be cleared to Baseline Personnel Security Standard.
- All users must receive appropriate information security awareness training and regular updates in related statute and organisational policies and procedures as relevant for their role.
- Processes must be implemented to ensure that all access rights of users of Council information systems shall be removed in a timely manner upon termination or suspension of their employment, contract or agreement.

Information Protection:

- The Council must draw up and maintain inventories of all important information assets.
- All information assets, where appropriate, must be assessed and classified by the owner in accordance with the HMG Security Policy Framework (SPF).
- Information classed as OFFICIAL (that is, all council information) sent via the Government Connect Secure Extranet (GCSx) must be labelled appropriately using the SPF guidance.
- Access to information assets, systems and services must be conditional on acceptance of the appropriate policy.
- Users should not be allowed to access information until they understand and agree the legislated responsibilities for the information that they will be handling.
- Personal or sensitive information **must not** be disclosed to any other person or organisation via any insecure methods including paper based methods, fax and telephone.
- Disclosing personal or sensitive information to any external organisation is also **prohibited**, unless via the GCSx email.
- Where GCSx email is available to connect the sender and receiver of the email message, this **must be used** for all external email use and must be used for communicating personal or sensitive material.
- The disclosure of personal or sensitive information in any way other than via GCSx email is a disciplinary offence.

IT Access

- All users must use **strong** passwords.

- Passwords must be protected at all times and must be changed at least every 42 days.
- User access rights must be reviewed at regular intervals.
- It is a user's responsibility to prevent their user ID and password being used to gain unauthorised access to Council systems.
- Partner agencies or 3<sup>rd</sup> party suppliers must not be given details of how to access the Council's network without permission from the ICT Helpdesk (ext 1766).
- Partners or 3<sup>rd</sup> party suppliers must contact the ICT Helpdesk (ext 1766) before connecting to the Council network.

#### IT Infrastructure Security

- OFFICIAL information (that is, all council information), and equipment used to store and process this information, must be stored securely.
- Keys to all secure areas housing ICT equipment and lockable IT cabinets are held centrally by ICT, as appropriate. Keys are not stored near these secure areas or lockable cabinets.
- All general computer equipment must be located in suitable physical locations.
- Desktop PCs should not have data stored on the local hard drive.
- Non-electronic information must be assigned an owner and a classification.
- Staff should be aware of their responsibilities in regard to the Data Protection Act.
- Equipment that is to be reused or disposed of must have all of its data and software erased / destroyed.

#### Software

- All software acquired must be purchased through the ICT Department.
- Under no circumstances should personal or unsolicited software be loaded onto a Council machine.
- Every piece of software is required to have a licence and the Council will not condone the use of any software that does not have a licence.
- Unauthorised changes to software **must not** be made.
- Users are not permitted to bring software from home (or any other external source e.g. ipod, mobile phone, personal memory stick, email) and load it onto Council computers.
- Users **must not** attempt to disable or reconfigure the Personal Firewall software.
- Illegal reproduction of software is subject to civil damages and criminal penalties.

#### Remote Working

- It is the user's responsibility to use portable computer devices in an acceptable way. This includes not installing software, taking due care and attention when moving portable computer devices and not emailing personal or sensitive information to a non-Council email address.
- Users should be aware of the physical security dangers and risks associated with working within any remote office or mobile working location.
- It is the user's responsibility to ensure that access to all OFFICIAL information (that is, all council information) is controlled – e.g. through password controls.
- All council data held on portable computer devices must be encrypted.

#### Information Security Incident

- All staff should report any incidents or suspected incidents immediately by reporting them to the Information Management team
- We can maintain your anonymity when reporting an incident if you wish.



## PROCEDURES FOR AUDITING THE COUNCIL

Local Authorities are subject to both internal and external audit.

### 1. Internal Audit

- 1.1. The requirement for an Internal Audit function for local authorities is implied by Section 151 of the Local Government Act 1972, which requires that authorities “make arrangements for the proper administration of their financial affairs and shall secure that one of their Officers has responsibility for the administration of those affairs”
- 1.2. Regulation 6 of the Accounts and Audit Regulations 2006 more specifically requires that “a relevant body shall maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control in accordance with the proper practices in relation to internal control”.
- 1.3. Internal audit can be defined as an “independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes”.
- 1.4. The Internal Audit function is provided under a service level agreement with Worcester City Council. The Service Manager of the Internal Audit function reports direct to the Council's Section 151 Officer and has a link to the Head of Finance and Resources. However, the Audit Services Manager can also report direct to the Chief Executive and the Audit Committee Chair, if required.

### 2. External Audit

- 2.1 The Council has a statutory responsibility to prepare the Financial Accounts for each financial year in accordance with relevant legislation and accounting practice. In addition there is a legal requirement to have the accounts audited by an External Auditor within a prescribed framework. As part of the abolition of the Audit Commission, the contract for the provision of this External Audit Service for Council has been awarded to Grant Thornton.

The new External Audit contract will be effective for the 2012/13 Audit.

External Audit are under a duty to satisfy themselves that:

- The Council's Annual Statement of Accounts is prepared in accordance with current legislation.
- Proper practice has been observed in the completion of the accounts.
- The Council has made proper arrangements for value for money.

- 2.2 The Head of Finance and Resources and the Executive Director of Finance and Resources (S.151 Officer) shall ensure that the auditors are given access at all reasonable times to premises, personnel, documents and assets which the external auditors consider necessary for the purposes of their work.
- 2.3 The Head of Finance and Resources and the Executive Director of Finance and Resources (S.151 Officer) shall ensure that there is effective liaison between external and internal audit.
- 2.4 The Head of Finance and Resources and the Executive Director of Finance and Resources (S.151 Officer) shall report to Council and the Audit & Governance Committee on the external audits, Annual Management Letter and on any other reports prepared by the external auditors on specific matters and the Audit & Governance Committee shall decide how these reports are to be considered.
- 2.5 Information and contact details regarding the Council's current external auditors can be obtained from the Council's Financial Services Team.

End.

**Redditch Borough Council****Protocol on Member Representation on Outside Bodies****1. Introduction – Two Categories of Organisation**

1.1. The Council appoints or nominates Members to sit on a wide range of outside bodies and organisations. These appointments broadly fall into two categories:

(a) those where the Councillor is appointed to represent the views of this Authority and to speak on our behalf

e.g. The Local Government Association  
Joint Local Authority Committees

(b) those where he/she is appointed because they are a Councillor but once appointed, their duty is as a member of that outside organisation rather than as a representative of the Council

e.g. Redditch Co-Operative Homes

1.2 As a general rule, an appointment is likely fall into the second of the above categories if the organisation concerned is a distinct legal entity (i.e. if it can sue and be sued in its own name). Such an entity can take many forms e.g.

- Company
- Industrial & Provident Society
- Public Authority

This second category would also include charitable trusts

**2. Category (a) – the Representative Role**

2.1 Very little needs to be said about appointments to bodies within category (a). The Councillor is there to represent the views of the Borough Council, to speak up for the Council's interests, and those of the Borough as a whole.

2.2 As a general rule, it is unlikely that Councillors will be at risk of personal liability as a result of being appointed to any of the category (a) organisations. The nature of those organisations is not such as to be likely to give rise to additional liabilities.

2.3 However, Councillors should bear in mind to take care how they approach conflicts of interest and declarations of those interests, and if in doubt to seek guidance.

### 3. Category (b) – The Director/Trustee/Board Member role

- 3.1 It is the appointment of Councillors to positions within Category (b) organisations which potentially cause most difficulty. The most important point to bear in mind is that although the Council makes the initial nomination/appointment, after appointment the Councillor holds office according to the constitution of that other organisation. Appendix A sets out some further guidance notes for Members acting as Directors. In practice, various issues arise of which the following are the most common:

#### 3.1.1 Period of appointment and removal

- a) Once appointed, the Council can only remove a person from office if the constitution of the particular organisation gives the Council that power. The situation differs from organisation to organisation and it is therefore necessary for the Councillor to check the particular constitution, (or articles of association of a company, etc) of the organisation concerned.

#### 3.1.2 To whom is the Councillor Responsible?

- a) In the case of category (b) organisations, once a Councillor accepts an appointment as a director, board member, trustee etc of that organisation then they take on all the responsibilities of that position and their duty *when acting as a director or trustee etc* is to that organisation, not to the Council. They must act in accordance with what they consider to be the best interests of that organisation and are not there as a representative on behalf of the Council.
- b) It would, for example, be a breach of their duty to an outside organisation to disclose confidential information about that organisation to the Council, even if it were relevant to something that the Council was discussing. This point about confidentiality applies both ways and it would be equally wrong to disclose confidential information belonging to the Council to an outside body.
- c) The duty towards the outside organisation only applies when the Councillor is acting in their capacity as a director/trustee/board member of that organisation. When at Council meetings or acting in a Councillor role, he/she must act in the best interests of the Council (subject to the above point about confidentiality). It is therefore very important that Members have a clear understanding of “which hat they are wearing” at any time.
- d) It may often be the case that a Councillor has been appointed to an outside body because he/she has a particular interest in the subject matter e.g. housing. In those circumstances it would not be unusual



if the Councillor's own views and those of the particular organisation were closely aligned. Alternatively, a Councillor may have gained particular knowledge about a subject because of their involvement on another body. It is perfectly proper that the Councillor should express those views/use that special knowledge during Council debates *because they are his/her own views*. However, a Councillor should never be seen to use their position on the Council to act as an advocate on behalf of an outside organisation during Council debates, because that would be putting the other organisations interests ahead of the Council's. This applies regardless of whether or not they were appointed by the Council.

### .1.3 Conflicts of Interest

- a) Where a director, trustee or member of an outside body has a conflict of interest because they are also a Councillor, then that interest must always be disclosed at any meeting of that outside organisation (this also applies where the person has an interest because of their personal circumstances). Whether or not he/she should continue to participate in that meeting will depend on the rules of that organisation: as a general guide, if there are no rules or procedures specified then he/she should abide by the same rules as apply at Council meetings.
- b) Where a matter under discussion at a Council meeting concerns another local authority or an outside organisation to which a Councillor has been appointed as the Council's representative, the Council's Code of Conduct says that this does not have to be declared as a *Disclosable* interest unless a Member of the Public, knowing the circumstances, would reasonably regard membership of the body concerned as being likely to prejudice the Councillor's judgment of what is in the public interest.

However, there may be circumstances where the conflict of interest would be so great as to make it impossible for the person to act both as a Councillor and a member of the other organisation – for example, in the case of negotiations involving confidential information on both sides. In that situation the person should declare an interest and take no part in the matter in one or other forum i.e. decide whether to act as a Councillor or as a director/trustee in relation to the particular matter but not both. Equally, it could never be right for a Councillor to participate in the determination of a planning application made by an outside organisation of which s/he was a director or board member, even though nominated by the Council.

- c) This advice in relation to potential conflicts of interest applies to both category (a) and (b) organisations.

### 3.2 Personal Liability

3.2.1 A Councillor who accepts appointment to a Category (b) outside body takes on a responsibility to act in accordance with the particular obligations and requirements applicable to that type of organisation, and so should ensure that they are fully understood. The Council's Legal Section will provide general guidance on these matters, but the outside organisation itself (or their advisors) is likely to be better placed to advise on the specific issues concerning that organisation. Appendix A contains some notes exploring the rights, duties and responsibilities of company directors.

3.2.2 Assuming that Councillor nominees to outside organisations understand and comply with the relevant legal obligations applicable to that type of organisation, Councillors are unlikely to incur personal liability as a result of their appointment.

3.2.3 In order to guard against personal liability, Councillors should:

- Make sure they understand the obligations and responsibilities they have taken on (see above);
- Ensure that the organisation concerned is properly advised and managed;
- Ensure that the organisation has appropriate insurance cover, including Directors' Liability insurance;
- Make sure that the legal framework of the organisation is appropriate to the activities that it conducts e.g. it would be inadvisable for bare trustees to be undertaking significant trading activities;
- Be diligent – attend Board meetings and make sure they know what is happening, and do not assume that legal formalities are being attended to by other people.

### 3.3 Indemnity

3.3.1 The question is sometimes raised as to whether the Council should indemnify Councillors against any personal liability as a result of being appointed as a member of an outside organisation. Whilst it is theoretically possible to give an indemnity to Councillors who are acting on the Council's behalf, the law is not ideally clear and a blanket approach is not appropriate

- a) In the majority of instances, the Council's involvement ends once the nomination has been made. Although appointed by the Council, the Councillor is not acting as the Council's representative because the Councillor's responsibility is to act in the best interests of the Company rather than the Council.
- b) The Council cannot regulate how Councillors behave on outside bodies or what decisions are made by those bodies. Therefore the Council cannot accept responsibility for matters over which it has no control.

- c) There is still some uncertainty as to the extent of any indemnities which could be given. The Council could not, for example, indemnify Councillors against their own fraud or wilful misconduct. It could potentially cause greater problems and create a false sense of security to give indemnities which later proved to be invalid.
- d) In many instances the nature of the organisation's activities are low risk and an indemnity ought not to be necessary.
- e) Many of these issues are better addressed by the organisations themselves taking out appropriate insurance cover and ensuring they have proper management procedures in place.

#### **4. Non-Council Appointments**

- 4.1 A Councillor may seek membership of, or appointment to, a voluntary organisation in a private capacity as long as there is no conflict of interest with his position as a Member of the Council. The role and responsibilities of the Member will be governed by the organisation's constitution or governing document.
- 4.2 If a Councillor is appointed to a body in a personal capacity they will not be indemnified by the Council and need to be mindful that the Code of Conduct may still apply to them in certain circumstances.

#### **5. Further Advice**

- 5.1 For further advice about any matters covered in this protocol, please contact the Monitoring Officer, Principal Solicitor or Democratic Services Manager.

## APPENDIX A

**Guidance Notes for Members acting as Directors of Outside Bodies****Duties**

1. Members who are appointed as directors of outside bodies should note that when acting as a director, their prime duty is to that outside body. Members should therefore take careful note of which capacity they are acting in, at any given time.
2. A Director owes a fiduciary duty to the body to act honestly, in good faith, and in the best interests of the body as a whole. Directors are in the position of quasi-trustees who must take proper care of the assets of the body. The fiduciary duty of a director towards a body is very similar in nature to the fiduciary duty of a Councillor to Council Tax payers.
3. A Director owes a general duty of care and skill to the body, but no more than might reasonably be expected of someone of that person's particular knowledge and experience. A Director is not deemed to be an expert but is expected to use due diligence and to obtain expert advice if necessary.
4. In the same way as a Councillor in respect of Council decisions, a Director is under a duty to exercise independent judgment, although they may take account of third party interests which they represent. In such cases, a Director must disclose that position to the body and must strike a fine balance between the interests of the body and the interests of the third party (e.g. the Council). The Director cannot simply vote in accordance with a Council mandate since to do so would be a breach of duty.
5. The Director may encounter actual or potential situations where there is a conflict between the interests of the Council on the one hand, and those of the body on the other. In such circumstances the only proper manner to resolve the conflict is for the Member to resign from either the body or the Council.
6. Directors must not make a private profit from their position. They must disclose any interests they or their family have in relation to contracts entered into by the body. Whether they may vote on such matters will depend on the Articles or Constitution of that body.
7. Directors must ensure that they comply with the Companies Act in relation to keeping accounts, and making relevant returns to the Registrar of Companies. Failure to do so may incur fines and persistent default may lead to disqualification as a director.

# Redditch Borough Council

## Members' Roles

These role descriptions try to capture the essence of Members' roles. Activities not listed should not automatically be assumed to be outside the role. The document may be amended as often as the Council considers necessary to keep it relevant and up to date.

This document aims to describe the potential range of activities which Members may find themselves undertaking in their various roles, it does not seek to prescribe what Members must do.

This document should provide a direct and useful reference for anyone taking on, or considering taking on, the roles described. It should also therefore assist with identifying suitable training and development opportunities.

# **1. COUNCILLOR - CORE ROLE**

## **Council Duties**

- To represent electors and the people and businesses of Redditch by acting as effective advocates, campaigners, representatives and champions.
- To bring forward proposals supported by the community for securing improvements to the economic, social and environmental well-being of their Ward and the Borough as a whole, and to act in accordance with the highest standards of probity in public life, seeking to serve the community without personal gain.
- To attend meetings of the full Council and its Committees as necessary and contribute effectively.
- To contribute to the political management of the Council and undertake any other role allocated in respect of either Executive, non-Executive, Overview & Scrutiny or quasi-judicial / appeal functions.
- To undertake other official duties or act as representatives of the Borough Council on outside bodies / external organisations to which they have been appointed and to make arrangements to feed back on that organisation's deliberations..
- To participate in setting a budget, forming the Council's policy and scrutiny of practices and service delivery.
- To monitor performance against targets in all areas of the Council's direct and indirect activity.
- To co-operate with other agencies to the benefit of people in the Borough.
- To promote and represent the Borough Council in the local community.
- To liaise with other levels of government, agencies or bodies which influence the well-being of the Borough and local area.
- To Chair Committees, Panels, Working Groups and other meetings as required.
- To undertake appropriate Member Development necessary to carry out their role(s) or designated responsibilities.

**Community duties**

- To promote the economic, social and environmental well-being of the community.
- To find ways of effectively and regularly communicating with constituents.
- To be an advocate constituents can raise issues of importance or personal concern with.
- To explore new ways of being accountable to constituents.
- To actively campaign for measures that will secure strong, safer communities.
- To help access funding from different sources for the benefit of the community.
- To liaise with other levels of government, agencies or bodies which influence the well-being of the constituency.
- To develop an understanding of and impact on the local community of the key Borough Council strategies and plans developed by the Council together with those developed by external partners.
- To develop effective relationships with key individuals and partners in the Ward and to seek to secure the commitment of those individuals and partners in shaping and developing a shared vision for the community.
- To feed back to the community, where appropriate, decisions and issues which concern the Ward, business interests and/or individuals and to bring forward any views into the Borough Council's processes.
- In undertaking their duties, to observe the Code of Conduct for Councillors and any other codes and protocols adopted by the Council.

The roles described above must be carried out in a manner which promotes equality of opportunity, dignity and due respect for Members, employees, service users, partners and constituents.

Conventions and Protocols

- To enable Councillors to effectively fulfil their duties and responsibilities, Councillors:
  - should expect to be briefed, informed and involved in respect of any issue or initiative affecting their Ward;
  - have certain rights of access to information held by the Borough Council. Councillors should, however, recognise the need to respect any confidentiality of information made available to them to fulfil their responsibilities and respect the privacy of individuals;
  - should not involve themselves in any matter which relates to other Councillors' electoral areas without their prior knowledge and consent;
  - may not serve (or act as a substitute) on the Planning or Licensing Committee unless they have undertaken the required training.
  - who serve on the Planning Committee must abide by the Code of Practice for Councillors engaged in the determination of Planning Applications;
  - who serve on Licensing Committee, must abide by the Licensing Code of Good Practice.



**2. LEADER OF THE COUNCIL****Key duties**

- To represent the Borough at local, regional and national levels, acting as an ambassador and leading the development of key strategic partnerships with local communities, outside agencies and key stakeholders to deliver the Council's corporate objectives and provide high quality services to residents.
- To provide clear / strong, fair and visible political leadership for the Council, relating to all Members, citizens, staff and stakeholders.
- To act as the Council's spokesperson on all key corporate issues, consistent with the overall policy and budgetary framework agreed by the Council.
- To lead the development of local and regional policies which fulfil the Council's corporate policy objectives, as stated in the Best Value Performance Plan (or relevant successor plans).
- To lead on the Council's effective decision-making processes and supporting administration.
- To lead the budget-making processes of the Council, closely linked to performance management.
- To lead the Council's public participation activities, encouraging local people to take part in the Council's decision-making processes.
- To lead on all regional affairs.
- To Chair all meetings of the Executive Committee and manage its business / work programme / the Forward Plan.
- To lead in ensuring that the Council's strategies, plans, objectives and targets are monitored, implemented and achieved.
- To ensure that the Council is open and responsive to the community, so that accountability is seen to operate.
- To ensure that decisions are taken properly, openly and, where appropriate, publicly and that key decisions are properly programmed and subject to effective public consultation.
- To develop and maintain a good relationship with the Chief Executive of the Council and other Officers, providing a contact point between the political and Officer groups and setting an example to the whole organisation.
- To nominate Council Members from his/her political group to serve on all appropriate member bodies, including, as appropriate, other outside bodies.
- To provide effective liaison between all political groups.

The above activities are in addition to the responsibilities set out in the Core Councillor, Group Leader and Portfolio Holder Roles.

**3. DEPUTY LEADER OF THE COUNCIL****Key duties**

- In the absence of the Leader of the Council, to undertake those duties expected of the Leader and encompassed in the role description for that position.
- To deputise for the Leader of the Council in his/her absence.
- To chair Executive Committee meetings in the absence of the Leader of the Council.
- To act as the Council's spokesperson on all key corporate issues, consistent with the Council's overall policy and budgetary framework, in the absence of the Leader.
- To hold and lead on any Portfolio Holder position which the Council may allocate.
- To undertake specified delegated / designated Leader duties.
- To share and support in general the full workload of the Leader.

The above activities are in addition to the responsibilities set out in the Core Councillor and Executive / Portfolio Holder Role.

**4. PARTY GROUP LEADER****Key duties**

- To provide clear political leadership for the Party represented.
- When in Opposition, to provide credible checks and balances, challenges and alternatives to the ruling party.
- To canvas a range of views within the Party in the formulation of policy.
- To integrate and represent Party policy at a local level.
- To co-operate with other Groups where appropriate, particularly in matters of a non-party political nature.
- To chair and/or attend meetings where appointed to a representative role within the Council.
- To liaise with other local and regional representatives of the party.
- To monitor the performance of the Council against its budget, policy and performance plan.
- To represent the views of his/her Group in relation to any matter on which Officers seek consultation and guidance.
- To provide effective leadership and management of and communications within his/her own Group;
- To ensure that members of his/her Group comply with local and national Codes of Conduct and protocols governing Member conduct and behaviour and, where necessary, to deal with any breaches of these codes or protocols.
- If appropriate, to 'shadow' one or more service of corporate area of the Borough Council's activity;
- If appropriate, to appoint members of his/her Group to 'shadow' particular service or corporate areas of the Borough Council's activity.

The above activities are in addition to the responsibilities set out in the Core Councillor Role.

**5. PORTFOLIO-HOLDER / EXECUTIVE COMMITTEE MEMBER****Executive duties**

- To work at meeting the Council's corporate objectives, as set out in the Corporate Plan.
- To encourage performance improvement in all services, consistent with Value for Money principles and within the policy and budgetary framework agreed by the Council. This includes responding appropriately to statutory reports on external inspections and service reviews.
- To facilitate and encourage public participation in the Council's activities by engaging key stakeholders in the Council's decision-making processes.
- To oversee the publication of consultation papers on key issues and ensure that there is appropriate public consultation.
- To consider budget priorities and actions on the delivery of Council services within the overall policy and budgetary framework agreed by the Council.
- To consult with the Overview and Scrutiny Committee on matters relating to the development and formulation of policy.
- To consult with local Ward Members about policy developments or service initiatives which have a specific relevance to their areas.
- To support positive relationships and practices through co-operative working with Officers and Trade Unions.
- To oversee the investigation of and responses to all Local Authority Ombudsman reports, including any findings of maladministration.
- To commission research, studies or the collection of information relating to policy issues or service delivery.

**Portfolio Holder duties**

- To provide pro-active political leadership and to be the principal political spokesperson for the designated function / service of the Council set out in the allocated Portfolio.
- To initiate (subject to any necessary Executive Committee/ Council approvals) and/or promote policies and programmes in the allocated Portfolio within the Council and externally.
- To provide political leadership in ensuring that service strategies, plans, objectives and targets within his/her area of responsibility are monitored, implemented and achieved.
- To present and consult on the Council's policies in the allocated Portfolio with the public, directly and through appropriate media.
- To engage actively and represent the Council in appropriate local, regional and national groupings involved with the service areas set out in the allocated Portfolio.
- To make recommendations about the implementation of policies within the allocated Portfolio.
- To report to the Council on decisions made, actions taken and progress achieved within the allocated Portfolio.
- To consult with and report as required to the Executive Committee and the Overview and Scrutiny Committee.
- To commission and consider reports from appropriate Officers as required for the efficient discharge of the Portfolio Holder's duties / responsibilities.

- To keep abreast of national best practice / new initiatives in the areas covered by the Portfolio to help ensure high local service standards and provision.
- To consider and act on performance data and reports from the Executive Committee and the Scrutiny Committee.
- To contribute to the corporate development of the Council's policies and objectives through active engagement of the Executive Committee.
- To work closely with relevant Senior Officers of the Council to support the efficient management of the Council and to uphold high standards of performance and conduct and in enabling Officers to exercise any powers delegated to them.
- To attend meetings of the Overview and Scrutiny Committee as and when required.
- At meetings of the Executive, normally to present / speak to and to move any necessary motions in relation to his/her areas of responsibility.
- To advise the Executive on how to respond to a scrutiny report relating to his/her area of responsibility.

The above activities are in addition to the responsibilities set out in the Core Councillor Role.

**6. MAYOR (Civic / Ceremonial)**  
**Key duties**

- As the Borough's first citizen, the main role of the Mayor is to act as the non-political, Civic and Ceremonial Head of the Borough.
- To chair meetings of the full Council so that its business can be carried out fairly and efficiently and with regard to the rights of Councillors and the interests of the community.
- To uphold and promote the purposes of the Constitution.
- To determine any matter referred to him /her in relation to matters requiring an urgent decision pursuant to the Constitution.
- To maintain the historical and ceremonial traditions of the Office of Mayor.
- To promote as widely as possible the interest and reputation of the Borough Council and of Redditch locally, nationally and internationally.
- To promote, liaise and link with private and voluntary sector organisations in the Borough.
- To participate in and help initiate activities which enhance the economic, social, cultural and environmental well-being of the Borough and its residents.
- To act as patron / president to local organisations.
- To act as host to official visitors to the Borough.
- To attend annual civic events and local community activities.
- To represent the Borough at ceremonial events.
- To act as the Borough's representative on other occasions determined by Council.
- To carry out all duties in a manner appropriate to the status and tradition of the Office.

The Deputy Mayor will on occasions, also perform this role.

- To deputise, as necessary for the Mayor.
- To undertake specific tasks and responsibilities as requested by the Mayor.
- To work actively with the Mayor to manage the work of the Council meeting.

The above activities are in addition to the responsibilities set out in the Core Councillor Role.

**7. OVERVIEW & SCRUTINY COMMITTEE CHAIR****Key duties**

- To chair the Overview and Scrutiny Steering Committee and manage its business in an efficient manner, ensuring effective engagement by all members and participants.
- To provide leadership and direction both for the Committee and for scrutiny arrangements within the Council.
- To promote the role of Overview and Scrutiny both within and outside the Council.
- To lead and encourage members of the Committee in the formulation of a scrutiny programme which is manageable, balanced and meets the criteria for chosen review topics.
- To engender a culture for scrutiny in which party political considerations are put aside, focussing instead on achieving the best outcomes for the community.
- To ensure that individual scrutiny exercises are conducted in an appropriate and timely manner.
- To Chair a Task & Finish Group.
- To work with the Vice-Chair and relevant Officers to co-ordinate the activities and the work programme of the Overview and Scrutiny Committee.
- To foster and maintain a disciplined approach by the Members involved in Scrutiny having regard to high standards of behaviour and ethics.
- To monitor the Council's decision-making processes, ensuring that such decisions are consistent with Council policy.
- To scrutinise the activities of the Executive Committee.
- To invite members of the Executive Committee, Officers and others to attend meetings of the Scrutiny Committee to answer questions.
- To own and present the reports of the Scrutiny Committee to the relevant bodies with the Council.
- To report annually to Council as part of the overview and scrutiny arrangements.
- To develop and maintain an effective working relationship and links with the Executive Committee and its members.
- To bring forward suggestions to ensure the future development of the Council's scrutiny practices.
- To respond on any matter referred to him/her in matters requiring an urgent decision pursuant to the Constitution.
- To organise Committee Members' input into the Council's Value for Money processes and to advise the Council on its approach to Value for Money.
- To act as a focus for liaison between the Council, communities and partners in the scrutiny function.

Vice-Chairs will on occasions, also perform this role

- To deputise for the Chair of the Committee.
- To undertake specific tasks and responsibilities as requested by the Chair.
- To work actively with the Chair to manage the work of the Committee.

The above activities are in addition to the responsibilities set out in the Core Councillor Role.

NOTE

*Subsequent to agreement of these Members' roles the need for a further description has been noted: Chair of the Crime and Disorder Scrutiny Panel.*

*This will be considered at the first review of these role descriptors.*



**8. OVERVIEW & SCRUTINY COMMITTEE MEMBER****Key duties**

- To scrutinise Executive Committee decisions, to assess how these contribute to effective service delivery and help to achieve the Council's Corporate Plan and whether they are in accordance with the Council's approved budgetary and policy framework.
- To review individual policies and projects to evaluate their effectiveness and success and consult with all relevant stakeholders in this process.
- To monitor how the Council is meeting its agreed corporate objectives, as set out in the Corporate Plan.
- To facilitate and encourage participation in the Council's activities by effectively engaging local residents, businesses, outside agencies and other key stakeholders in the Committee's work as appropriate.
- To check that the Council continues to improve performance in all services within the policy and budgetary framework agreed by the Council and recommend areas for improvement and change.
- To undertake reviews of the Council's services and make recommendations which positively contribute to improving service delivery.
- To put forward suggestions for areas for scrutiny and participate fully in the conduct of any scrutiny exercise.
- To conduct research, and community or other consultation.
- To question and gather evidence from any person (with their consent).
- To promote the role of Overview and Scrutiny both within and outside the Council.
- To contribute to suggestions for the future development of the Council's scrutiny practices.

The above activities are in addition to the responsibilities set out in the Core Councillor Role.

**9. COMMITTEE CHAIRS****Key duties**

- To enable the smooth and orderly conduct of business within the Council's Constitution.
- To provide leadership and direction for the Committee.
- To determine priorities in light of the volume of work presented to the Committee.
- To ensure an orderly debate or deliberation of the business in hand.
- To report on the workings of the Committee, Sub-Committee, Panel or Working Group to the Executive Committee or full Council, as appropriate, and to present, where appropriate, recommendations to the Council.
- To allow proper consideration of any item.
- To ensure that the Committee (Sub-Committee, etc.) takes balanced decisions based on all relevant evidence, with impartiality and fairness.
- To ensure, with the Chief Executive, that Committee decisions are recorded with full justifications / reasoning.
- To develop a thorough understanding of the subject area of the Committee, including relevant legislation and policies.
- To bring, where appropriate, the views of co-opted members (if any) to the attention of the Executive Committee or Council.
- To liaise with Officers in formulating Agendas and to attend any meetings with Officers to discuss matters relevant to the business of the Committee, Sub-Committee, Panel or Working Group.
- Where appropriate, to liaise with other interested parties in establishing co-opted membership, and topics for consideration.
- Where applicable, to liaise with other tiers of local government and to contribute to any other joint working arrangements.
- Where applicable, to lead such site visits that may assist Members arriving at a considered decision.
- To undertake specific training including updates in the law pertaining to the work of the Committee.

Vice-Chairs will on occasions, also perform this role

The above activities are in addition to the responsibilities set out in the Core Councillor Role.

**10. COMMITTEE MEMBER****Key duties**

- To participate in Committee discussions.
- To give proper consideration to items before and during meetings.
- To offer opinions based upon an understanding of the legal requirements of the subject discussed.
- To inform the Committee of constituent opinion (if appropriate).
- To take into consideration a range of views and issues when reaching a decision.
- To conduct oneself with dignity and decorum when offering views which differ from those of other Members.
- To undertake appropriate site visits.
- To undertake specific training including updates in the law pertaining to the work of the Committee.

The above activities are in addition to the responsibilities set out in the Core Councillor Role.

**11. MEMBER CHAMPION - GENERAL****Key duties**

- To be lead Member and spokesperson, under the relevant Portfolio Holder, for the area for which he/she is appointed Champion.
- To act as a channel between the Council and external agencies / partners in the relevant area

The above activities are in addition to the responsibilities set out in the Core Councillor Role.

**12. MEMBER CHAMPION – MEMBER DEVELOPMENT****Key duties**

- To be lead Member and spokesperson, under the relevant Portfolio Holder and the Chair of the Member Development and Support Steering Group, within each Party Group.
- To promote Member Development and the West Midlands Member Development Charter within the Council and within each Party Group.
- To act as a channel between Members / Party Groups and relevant Officers, as appropriate.
- To assist if/as required with Members' Personal Development Plans.

The above activities are in addition to the responsibilities set out in the Core Councillor Role.

## Redditch Borough Council

## Part 2

**Introduction to the Skills and Knowledge Requirements  
for the Various Member Roles**

A set of skills and knowledge requirements which correspond to the various Member Roles has been created.

These should be viewed not as hard and fast list of prerequisites but as a suggestion of the sorts of skills and knowledge likely to be required.

No direct linking of skills against each element of the Role has been made but, rather, key requirements have been focused on.

## **1. Core Councillor - Skills and Knowledge**

**This may be considered in conjunction with any other roles that the Councillor may take on within the Council.**

### **Knowledge**

- Council Constitution
- Standing Orders
- Council policies
- Codes & Protocols
- Council Services
- Who to contact to pursue enquiries
- Relevant legislation
- Ethics, standards and legal responsibilities
- Community groups within the ward
- Social and economic initiatives affecting the Council

### **Skills**

- Running a surgery
- Working with groups
- Relationship building, developing trust
- Diplomacy and influencing
- Public speaking
- Dealing with the media
- Contributing to meetings
- Pursuing case work resulting from ward consultations
- Personal organisational skills
- Analysing information
- Basic computer literacy

## **2. Council Leader - Skills and Knowledge**

**To be viewed in conjunction with the Core Councillor, Group Leader and Portfolio Holder Roles**

### **Knowledge**

- Broad local and national political issues
- Economic and regeneration initiatives and opportunities
- Strategic planning
- Social and business aspirations and concerns within the Borough and rural environs
- Thorough understanding of political, budgeting and legal processes within the Council

### **Skills**

- A high level of media and personal presentation skills
- Chairing meetings
- Analysing considerable and varied complex information
- Decision making
- Leadership and the ability to gain support
- Relationship building, particularly with key players inside and outside of the Council
- Strategy development
- Personal planning, prioritisation and delegation
- Highly developed negotiation and influencing skills
- The ability to act as a role model as the figurehead of the Council



### 3. Deputy Leader - Skills and Knowledge

The skills and knowledge for this role need to cover all of the areas outlined in the Core Councillor role, Portfolio Holder and the Leader role but in the latter not to the same depth.

Additionally, the Deputy needs to be skilled in:

- Flexibility and responsiveness
- Interpreting and enacting the views and actions of the leader
- If agreed, developing specific skills in designated, delegated Leader responsibilities

#### **4. Party Group Leaders - Skills and Knowledge**

**To be viewed in conjunction with the Core Councillor role. Reference to aspects of the Council Leader Skills and Knowledge may also be helpful.**

##### **Knowledge**

- A thorough understanding of political, budgetary and legal processes within the Council.
- A detailed knowledge of party rules
- An awareness of and the ability to interpret party politics at national and local levels.

##### **Skills**

- Ability to manage and co-ordinate varying views within the party
- Influencing, negotiating and mediation skills
- Presenting arguments and alternatives persuasively
- Chairing meetings
- Decision making
- Leadership and team-building
- Managing complex information

**5. Portfolio Holder / Executive Member – Skills and Knowledge**

- Excellent practical knowledge of the Constitution, Council policies and procedures
- A good working knowledge of the issues and legal requirements of the services for which the Portfolio Holder has responsibility.
- An understanding of the lines of authority as they relate to individual as they relate to individual responsibility
- An understanding of the lines of authority as they relate to individual responsibility, Executive decisions and Overview and Scrutiny
- An understanding of Comprehensive Area Assessment, Value for Money and Performance Indicators, particularly relating to areas of responsibility

**Skills**

- The ability to take a broad, objective overview for the areas for which they have responsibility
- Excellent communication skills and the ability to engage with people individually and collectively
- The ability to contribute to wider strategic discussions and decisions
- The ability to chair meetings where appropriate and maximise their effectiveness
- Well developed analytical skills and the ability to evaluate services against a range of quality standards
- Good relationship building skills in working with Officers other Parties and agencies

**6. Mayor – Skills and Knowledge**

**To be viewed in conjunction with the Core Councillor Role**

**Knowledge**

- Thorough understanding of Standing Orders and Council Chamber procedures
- Knowledge of Mayoral protocols and appropriate behaviours in a variety of public situations
- Appropriate forms of address for public and religious dignitaries
- A credible knowledge of local and civic history
- Some knowledge and understanding of the Borough's Twin Towns and their history & culture.

**Skills**

- Excellent media skills
- Well developed personal presentation
- Conversational skills and the ability to engage quickly and effectively with a wide variety of people
- The ability to deliver prepared speeches and where necessary ad hoc speeches
- Commanding respect and order in full Council meetings
- The ability to be diplomatic and professional at all times.

These requirements are also expected of the Deputy Mayor

**7. Overview and Scrutiny Chair(s) – Skills and Knowledge**

**To be viewed in conjunction with the Core Councillor Role**

**Knowledge**

- Thorough understanding of the purpose and process of Overview and Scrutiny and how this relates to Executive decisions
- An understanding of the parameters of the powers of Overview and Scrutiny
- A knowledge of analytical and evaluation processes
- A knowledge of the particular type of chairing required for an O&S meeting
- A knowledge of Comprehensive Area Assessment, Value for Money and performance management criteria

**Skills**

- How to prepare for an Overview and Scrutiny meeting
- Chairing skills which encourage participation
- The ability to analyse and evaluate detailed and complex information
- Team building along cross party lines
- The ability to offer direction and process skills to O&S members
- The encouragement of creative approaches to evaluation
- Policy development

These requirements are also expected of Vice-Chairs.

**8. Overview and Scrutiny Member – Skills and Knowledge**

**To be viewed in conjunction with the Core Councillor Role.**

**Reference to the Skills and Knowledge requirements for O&S Chairs will also prove useful.**

All of the skills and knowledge for O&S Chairs will be applicable except those relating directly to Chairing Skills.

Additionally, O&S Members will need to be able to:

- Apply a range of thinking, analysing, questioning and decision-making techniques
- Be able to articulate conclusions based on sound reasoning
- Be prepared to operate from a primarily objective rather than Party Political perspective

## 9. Committee Chairs – Skills and Knowledge

### Knowledge

- A detailed understanding of the role of the Committee and how this relates to Council-wide decision making processes.
- Specific knowledge of the law as it applies to the particular Committee – e.g. planning, licensing etc. (furthermore, it may be that the Chair possesses a higher level of knowledge in this area, in order to be able to guide and inform Members).
- Knowledge of the correct decision making procedures to be adopted by the Committee.
- A knowledge of analytical and evaluation processes
- A knowledge of how to prepare for and chair a Committee meeting.

### Skills

- Chairing and meeting skills including encouragement, management and summarising
- Managing time and the agenda within a meeting
- Information analysis and evaluation
- The ability to differentiate between subjective and objective judgements
- Relationship building, particularly with other Committee members and reporting Officers

These requirements are also expected of Vice-Chairs

**10. Committee Member – Skills and Knowledge**

**To be viewed in conjunction with Core Councillor Role. Reference to Committee Chairs will also be useful**

All of the skills and knowledge requirements for Committee Chairs will be relevant except those relating specifically to Chairing Skills.

- Prepare appropriately for meetings.
- Absorb, digest and interpret sometimes complex and detailed information.
- Articulate views based on sound judgement and objective interpretation.
- Respond to community interests and opinions.



## Redditch Borough Council

## Part 3

## Member Development Programme (MDP)

## A Suggested Scale of Developmental Commitment

**1. REQUIRED**

**For any Member with a quasi-judicial role where a lack of legal knowledge could make the Council vulnerable to legal challenge**

- Any relevant specialist training pertaining to e.g. planning, finance, employment appeals and licensing law.

(Mandatory Training is a requirement of active participation in Planning & Licensing (Sub-)Committees – initial full training, with refresher training at least every 2 years, renewable after any break in service.

Quasi-judicial meetings training is a mandatory requirement of active participation in all quasi-judicial meetings.)

*(Members may wish to consider setting further parameters in respect of these requirements.)*

**2. EXPECTED**

**For Executive Members, Overview and Scrutiny Members and Committee Representatives**

- Training relating to:
  - Comprehensive Area Assessment;
  - Local Government Finance;
  - Value for Money;
  - Overview and Scrutiny;
  - Performance Management.
- Equality training for people involved in Recruitment and Selection.

**For the Leader, Deputy Leader, Mayor and Deputy Mayor**

- Media training
- Thorough understanding of Constitution and Council protocols.

**For all Councillors**

- Code of Conduct training
- Induction training
- Personal risk and awareness of Health and Safety.

**3. STRONGLY RECOMMENDED**

**For all Chairs and Vice-Chairs**

- Chairing skills

**For all Councillors**

- Equality and diversity awareness
- Ethics, standards and personal legal liabilities
- Standing orders
- Budgetary processes
- Community Leadership.

**4. RECOMMENDED****For all Councillors**

- Legislative updates – particular in planning and licensing
- Comprehensive Area Assessment and Value for Money understanding
- Surgery Skills
- Working with community groups
- Contributing in meetings

## **5. SUGGESTED**

### **For all Councillors**

**Depending upon current knowledge and skill and experience, some of these may not be necessary.**

- Understanding of Council services and policies
- Personal organisation, work / life balance
- Managing conflict
- Negotiation and influencing skills
- Personal presentation
- Using Information Technology (IT).

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**REDDITCH BOROUGH COUNCIL  
CORPORATE ANTI-BRIBERY POLICY**

**Bribery Act 2010**

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## Introduction

The Bribery Act 2010 came into force on 1st July 2011. The act makes it an offence for a United Kingdom citizen or resident to pay or receive a bribe, either directly or indirectly. The act applies to transactions that take place in the UK and abroad, and both in the public and private sectors.

Redditch District Council through myself and the Senior Management Team is determined to maintain its reputation as an authority which will not tolerate fraud, bribery, corruption or abuse of position for personal gain, wherever it may be found in any area of Council activity.

To achieve this goal the Council will work to identify and eliminate any form of bribery through the introduction of this anti-bribery policy and through a risk assessment process and ongoing monitoring and review.

Elected Members and employees should play a key role in anti-fraud initiatives. This includes providing a corporate framework within which anti-fraud arrangements can flourish, and the promotion of an anti-fraud culture across the whole Council. This should provide a sound defence against internal and external abuse of public funds.

Under the terms of this policy all employees and elected Members are prohibited from soliciting, arranging or accepting bribes intended for the benefit of the Council, or for their personal benefit, or for the benefit of the employee's family, associates or acquaintances. This Policy extends to all the Council's business dealings, transactions and decisions.

Through the 'Whistle Blowing Policy' employees are encouraged to report any suspicion of bribery, safe in the knowledge that they are able to report concerns in confidence and without risk of reprisal

Kevin Dicks  
Chief Executive  
Redditch Borough Council  
November 2011

**Policy Statement**

Bribery is a criminal offence. The Council through its employees and elected Members does not, and will not, pay bribes or offer improper inducements to anyone for any purpose or, accept bribes or improper inducements. It is the Council's policy to conduct all business in an honest and ethical manner. The Council takes a zero-tolerance approach to bribery and corruption and is committed to acting professionally, fairly and with integrity in all business dealings and relationships. The Council will operate and enforce effective systems to counter bribery.

To use a third party as a conduit to channel bribes to others is a criminal offence. The Council does not, and will not, engage indirectly in or otherwise encourage bribery.

In this policy, **third party** means any individual or organisation we come into contact with during the course of our work. This includes actual and potential customers, suppliers, advisers, contractors, government and public bodies (including their advisers, representatives and officials), politicians and political parties. This list is not exhaustive.

This policy applies to all individuals, working at all levels and grades, including senior managers, officers, employees (whether permanent, fixed term or temporary), elected members (including independent Members), consultants, contractors, agents, trainees, seconded staff, casual and agency staff, volunteers, or any other person associated with the Council, wherever located.

This policy also applies to all of the Council's activities. For partners, joint ventures and suppliers, we will seek to promote the adoption of policies consistent with the principles set out in this document.

**What is Bribery?**

Bribery is an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage.

It is unacceptable to:

- give, promise to give, or offer a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given;
- give, promise to give, or offer a payment, gift or hospitality to a government official, agent or representative to "facilitate" or expedite a routine procedure;



- accept payment from a third party that you know or suspect that it is offered or provided with an expectation that a business advantage will be provided by the Council in return;
- retaliate against or threaten a person who has refused to commit a bribery offence or who has raised concerns under this policy;
- engage in activity in breach of this policy.

### **Objective of the Policy**

This policy provides a coherent and consistent framework to enable Redditch Borough Council employees and elected Members to understand and implement arrangements enabling compliance. In conjunction with related policies and key documents it will also enable employees to identify and effectively report a potential breach.

### **Role of Employees**

Employees are governed in their work by the various policies, protocols, codes, rules and procedures, particularly regarding conduct issues and are responsible for ensuring that they follow any instructions given to them by management, particularly in relation to the safekeeping of assets.

The Council requires that all staff, including those permanently employed, temporary agency staff and contractors:

- act honestly with integrity, at all times, and to safeguard the organisations resources for which they are responsible
- comply with the spirit, as well as the letter, of the laws and regulations of all jurisdictions in which the Council operates, in respect of the lawful and responsible conduct of activities
- read, understand and comply with this policy
- avoid any activity that may lead to, or suggest, a breach of this policy.

Any employee who breaches this policy will face disciplinary action, which could result in summary dismissal for gross misconduct. Disciplinary action will be taken in addition to, or instead of, criminal proceedings, depending on the circumstances of each individual case. The Council reserves the right to terminate its contractual relationship with other workers if they breach this policy.

Role of Elected Members

As elected representatives, all Members of the Council have a duty to the citizens of the Borough to protect the Council from any acts of fraud and bribery and ensure that resources are used prudently and within the law to safeguard public money, including ensuring they do not procure an advantage improperly. Elected Members are required to operate and adhere to the Council's Constitution, which incorporates a Code of Conduct for Members (Part 19 of the Constitution).

The Code includes rules regarding:

- ☐ The disclosure of relationships
- ☐ The declaration of gifts and hospitality
- ☐ Registering personal interests

Elected Members are also referred to the Code of Conduct for Councilors in relation to Gifts and Hospitality set out at Part 20 of the Constitution. This sets out the process that should be followed by elected Members when declaring gifts. See further below under "Record Keeping".

**The Council's commitment to action**

The Council commits to:

- setting out a clear anti-bribery policy and keeping it up to date;
- making all employees aware of their responsibilities under the terms of this policy;
- training all employees so that they can recognise and avoid the use of the bribery by themselves or others;
- encouraging employees to be vigilant and to report any suspicions of bribery, providing suitable lines of communication;
- ensuring that sensitive information is treated appropriately;
- rigorously investigating allegations of bribery, taking such cases to prosecution where relevant;
- assisting the Police or other authorities in more complex cases;
- taking action against any individual found to be involved in bribery;
- provide information to all employees to report breaches and suspected breaches of this policy;
- include appropriate clauses in contracts to prevent bribery.

**Facilitation Payments**

These are illegal, and will not be tolerated. Facilitation payments are unofficial payments made to public officials in order to secure or expedite actions.

**Gifts and Hospitality**

The Council's policy on gifts and hospitality for staff is found within the Officers' Code of Conduct. A copy is included in the Council's Constitution and is available on the Council's website and Intranet – 'Orb' *[insert link]*

The Officer's Code of Conduct makes it clear that one should not accept significant personal gifts from contractors and service providers such as food, drink, cars, clothes and jewellery.

Inexpensive calendars, diaries, blotting pads, pens etc (perhaps marked with the donor's name) are acceptable. If in any doubt about whether you should accept a gift, it is best to refuse it.

However, staff are prohibited from accepting a gift, or giving a gift to a third party if the following requirements are met:

- it is made with the intention of influencing a third party to obtain or retain business or a business advantage, or to reward the provision or retention of business or a business advantage, or in explicit or implicit exchange for favours or benefits;
- it is given in the Council's name, not the individuals;
- it includes cash or a cash equivalent (such as gift certificates or vouchers);
- if it is inappropriate for the circumstances;
- if the gift received is an inappropriate type and value, and given at an inappropriate time;
- it is given secretly and not openly;
- gifts should not be offered to, or accepted from, government officials or representatives, or politicians or political parties, without the prior approval of the relevant Head of Service.

### Public Contracts and failure to prevent bribery

Under the Public Contract Regulations 2006 (which gives effect to EU law in the UK) a company is automatically and perpetually debarred from competing for public contracts where it is convicted of a corruption offence. There are no plans to amend the 2006 Regulations for this to include the crime of failure to prevent bribery. Organisations that are convicted of failing to prevent bribery are not automatically barred from participating in tenders for public contracts. However, the Council has the discretion to exclude organisations convicted of this offence.

### Record Keeping

We must keep records and have appropriate internal controls in place which will evidence the business reasons for:-

- Receiving or declining gifts and hospitality which are offered to staff or elected Members;
- Providing gifts or hospitality on behalf of the Council to third parties.

Staff must ensure that any gift or hospitality for employees that is accepted, offered or refused, should be recorded in the Corporate Gift and Hospitality Register. The Register is held centrally by the Information Management Team.

Any gifts or hospitality received by elected Members must be reported to the Council's Monitoring Officer in accordance with Part 20 of the Constitution (Members' Code of Conduct on Gifts and Hospitality)

### How to raise a concern

All elected Members and employees have a responsibility to help detect, prevent and report instances of bribery. If you have a concern, **please speak up** – your information and assistance will help. The sooner you act, the sooner it can be resolved.

### Staff

In line with the reporting provisions of the Whistle blowing Policy, if staff believe or suspect that a conflict with this policy has occurred, or may occur in the future **but feel unable to report the matter to their Line Manager or Director, or have raised the matter in this way without success**, they should contact either the Chief Executive, the Monitoring Officer, Human Resources Manager, the Benefits Fraud Manager or the Audit Service.

Staff who do not have access to the intranet can contact any of these parties either in person or by telephone in the first instance.

### Members

Members should contact either the Chief Executive, the Monitoring Officer, Human Resources Manager, the Benefits Fraud Manager or the Audit Service.

Preferably any disclosure will be made and resolved internally. However, where this proves inappropriate and you are not happy to speak to someone internally, concerns can be raised externally. Raising concerns in these ways may be more likely to be considered reasonable than making disclosures publicly (for instance, to the media),

Concerns can be anonymous. The Council will act as soon as possible to evaluate the situation. It is however, easier and quicker to evaluate allegations if they are not made anonymously, particularly where it is necessary to get clarification on the allegation made.

### **Bribery Act Offences**

There are four key offences under the Act:

- bribing of another person (Section 1)
- accepting a bribe (Section 2)
- bribing a foreign official (Section 6)
- failing to prevent bribery (Section 7).

Section 7 is a corporate offence but an organisation will have a defence to this offence if it can show that it had in place 'adequate procedures' designed to prevent bribery by or of persons associated with the organisation.

### **Bribery Act Penalties**

An individual guilty of an offence under sections 1, 2 or 6 is liable:

- on conviction in a magistrates court, to imprisonment for a maximum term of 12 months, or to a fine not exceeding £5000, or to both;
- on conviction in a crown court, to imprisonment for a maximum term of ten years, or to an unlimited fine, or both.

Organisations, if found guilty of an offence under section 7 are liable to an unlimited fine.

End.

