



# Council

Mon 22 Jun  
2020  
7.00 pm

Virtual Meeting  
Skype

**REDDITCH** BOROUGH COUNCIL

*making  
a  
difference*

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

---

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

Town Hall, Walter Stranz Square, Redditch, B98 8AH  
Tel: (01527) 64252 (Extn.3268)  
e.mail: [jess.bayley@bromsgroveandredditch.gov.uk](mailto:jess.bayley@bromsgroveandredditch.gov.uk)

## **GUIDANCE ON VIRTUAL MEETINGS**

---

Due to the current Covid-19 pandemic Redditch Borough Council will be holding this meeting in accordance with the relevant legislative arrangements for remote meetings of a local authority. For more information please refer to the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police Crime Panels meetings) (England and Wales) Regulations 2020.

Please note that this is a public meeting conducted remotely by Skype conferencing between invited participants and live streamed for general access via the Council's YouTube channel.

You are able to access the livestream of the meeting from the Committee Pages of the website, alongside the agenda for the meeting.

If you have any questions regarding the agenda or attached papers please do not hesitate to contact the officer named above.

### **Notes:**

As referred to above, the virtual Skype meeting will be streamed live and accessible to view. Although this is a public meeting, there are circumstances when Council might have to move into closed session to consider exempt or confidential information. For agenda items that are exempt, the public are excluded and for any such items the live stream will be suspended and that part of the meeting will not be recorded.

# Council

**Monday, 22nd June, 2020**

**7.00 pm**

**Virtual Meeting - Skype - Virtual**

## Agenda

### Membership:

Cllrs:

Michael Chalk (Mayor)  
Gareth Prosser (Deputy Mayor)  
Salman Akbar  
Joe Baker  
Tom Baker-Price  
Roger Bennett  
Joanne Beecham  
Juliet Brunner  
Debbie Chance  
Greg Chance  
Brandon Clayton  
Matthew Dormer  
John Fisher  
Peter Fleming  
Andrew Fry

Julian Grubb  
Bill Hartnett  
Pattie Hill  
Ann Isherwood  
Wanda King  
Anthony Lovell  
Gemma Monaco  
Nyear Nazir  
Mike Rouse  
Mark Shurmer  
Yvonne Smith  
David Thain  
Craig Warhurst  
Jennifer Wheeler

- 1. Welcome**
- 2. Apologies for Absence**
- 3. Declarations of Interest**

To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.

### **4. Mayor's Opening Remarks**

The existing Mayor, Councillor Mike Chalk, will provide opening remarks and a report on his time serving as Mayor in 2019/20.

### **5. Election of Mayor for 2020/21**

Once the new Mayor has been elected the Chief Executive will invite the Mayor to confirm that s/he is making the declaration of acceptance of office.

The new Mayor will then wear the Mayoral chain of office and will take on the role of Chair at Council meetings.

The book for declaration of acceptance of office will be signed by the Mayor in front of witnesses at a later date once social distancing measures are no longer in place.

## **6. Election of Deputy Mayor for 2020/21**

Once the new Deputy Mayor has been elected the Chief Executive will invite the Deputy Mayor to confirm that s/he is making the declaration of acceptance of office. The Deputy Mayor will then wear the badge of honour.

The book for declaration of acceptance of office will be signed by the Deputy Mayor in front of witnesses at a later date once social distancing measures are no longer in place.

## **7. Minutes (Pages 1 - 10)**

## **8. Announcements**

To consider Announcements under Procedure Rule 10:

- a) Mayor's Announcements
- b) The Leader's Announcements
- c) Chief Executive's Announcements.

## **9. The Leader's Appointments**

The Leader of the Council decides how the executive powers of the Council will be carried out. Currently, executive decisions are taken by the Executive Committee. The Leader also allocates portfolios and will announce arrangements for these for the coming year.

The Leader's list of appointments will follow in a supplementary pack.

## **10. Appointment of Committees, Panels etc. and their Chairs and Vice Chairs (Pages 11 - 40)**

The list of nominations from each political group to the Council's committees will be circulated in a supplementary pack.

## **11. Outside Bodies (Pages 41 - 54)**

The final list of nominations to the outside bodies from each political group will be circulated in a supplementary pack.

## **12. Constitution Updates - Including the Scheme of Delegation (Pages 55 - 158)**

Due to the length of the constitution the full document will be published in a supplementary pack and will be available to access electronically only.



## 13. Urgent Business - Record of Decisions (Pages 159 - 188)

Urgent decisions on the following subject have been taken since the last meeting of Council held on 24<sup>th</sup> February 2020 in accordance with the Council's Urgency Procedure Rules (Part 2, Paragraph 7 and Part 9, Paragraph 5 of the Constitution), as specified:

- a) Local Enterprise Partnership (LEP) – Council Membership
- b) Delegations in respect of Licensing, Council contracts and the Rubicon Leisure business plan.
- c) Delegations for Planning and Regeneration Services.
- d) Public participation in virtual Planning Committee meetings.
- e) Virtual Committee meetings Protocol

The urgent decision notices for each of these decisions have been attached to the agenda for Members' consideration.

Members are asked to note that from an administrative perspective, it was not intended for the decision in respect of Rubicon Leisure, under Urgent Decision 02/2020, to only apply for three months. Under the current covid-19 lockdown it is not possible for Rubicon Leisure to provide many services and therefore the company is unable to operate as it would during normal circumstances. With that in mind Members are asked to agree the following decision, to apply until Rubicon Leisure services can once more be delivered as normal.

**Council is asked to RESOLVE that**

**the Council acknowledges that Rubicon Leisure will not have an approved Business Plan at the start of the 2020/2021 financial year. The Council resolves not to take any action in respect of any breaches of the Articles of Association or the Leisure Operating Contract (including the Services Specification) resulting from the failure for an approved Business Plan to be in place, provided that Rubicon Leisure will continue to operate as far as current circumstances allow in accordance with the previously approved (2018/2020) Business Plan and will present a revised Business Plan taking account of the operational changes necessitated by Covid-19 to the Shareholder Committee as soon as reasonably practicable.**

## 14. Urgent Business - general (if any)

To consider any additional items exceptionally agreed by the Mayor as Urgent Business in accordance with the powers vested in him by virtue of Section 100(B)(4)(b) of the Local Government Act 1972.

(This power should be exercised only in cases where there are genuinely special circumstances which require consideration of an item which has not previously been published on the Order of Business for the meeting.)

This page is intentionally left blank

## Council

Monday, 24 February 2020

## MINUTES

### Present:

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

### Officers:

Kevin Dicks, Claire Felton, Sue Hanley and Jayne Pickering

### Senior Democratic Services Officer:

Jess Bayley

### 72. WELCOME

The Mayor welcomed those present to the meeting.

### 73. APOLOGIES FOR ABSENCE

An apology for absence was received on behalf of Councillor Debbie Chance.

### 74. DECLARATIONS OF INTEREST

The Chief Executive advised Members that at a meeting of the Audit, Governance and Standards Committee held in July 2019 all Members had been granted a general dispensation to participate in voting on Members' allowances, the Council's budget and Council Tax matters.

There were no declarations of interest.

.....  
Chair

# Council

Monday, 24 February 2020

---

## 75. MINUTES

### RESOLVED that

the minutes of the meeting of Council held on Monday 20<sup>th</sup> January 2020 be approved as a true and correct record and signed by the Mayor.

## 76. ANNOUNCEMENTS

The following announcements were made during the meeting:

### a) The Mayor's Announcements

A written record of the civic engagements that had been attended by the Mayor since the previous meeting of Council was circulated at the meeting.

The Mayor also explained that a charity dinner would be taking place on 4<sup>th</sup> April 2020. All Members would be welcome to attend this dinner.

### b) The Leader's Announcements

The Leader circulated a written update in respect of Coronavirus, also called Covid-19, for Members' consideration.

Members were advised that the outcome in respect of the Council's membership of Local Enterprise Partnerships (LEPs) would be announced shortly.

### c) The Chief Executive's Announcements

The Chief Executive confirmed that he had no announcements to make on this occasion.

## 77. EXECUTIVE COMMITTEE

The following matters were discussed in detail during consideration of this item:

### Medium Term Financial Plan 2020/21 to 2023/24

Members discussed the proposals detailed in the report concerning the Medium Term Financial Plan (MTFP) 2020/21 to 2023/24.

There had been some positive developments that had helped to balance the Council's budget. This included a better rate of return on the Council's pension investments over the previous three years

# Council

Monday, 24 February 2020

---

than had been anticipated. The Council had also benefitted from receiving £494,000 in New Homes Bonus (NHB) funding for 2020/21, which had not been expected. As a consequence the original gap in the budget of £1.2 million that had been anticipated for 2020/21 had been addressed and the Council was now projecting a surplus of £82,000 in that financial year which would be returned to balances.

In order to balance the budget in 2020/21 difficult decisions had had to be taken by Members. This included decisions in respect of funding for Voluntary and Community Sector (VCS) organisations, the decision to close the One Stop Shops and the decision that had been taken in respect of Rubicon Business Centre. Officers had managed to achieve significant savings during the year and further savings were anticipated as a result of changing the operating model for the Dial A Ride service. However, there remained a budget gap of £1.6 million that would need to be addressed over the three years from 2021/22 to 2023/24. In order to address this gap Members would need to make further difficult decisions.

Reference was made to the challenging financial position for most local authorities in the country. Members noted that there remained a lot of uncertainty about Council funding moving forward; the Government's Fair Funding Review would impact on Council finances as would an anticipated resetting of the base level for business rates growth. Reference was also made to the fact that the Council was still subject to a Section 24 Notice and would need to demonstrate to the external auditors that the authority had a sustainable budget moving forward in order for this to be lifted.

During consideration of this item Councillor Bill Hartnett explained that the Labour group would support the ninth recommendation from the Executive Committee in respect of the MTFP for 2020/21 to 2023/24. This recommendation was as follows:

"The increase of the Council Tax per Band D at £5 for 2020/21 be approved."

In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 the ninth recommendation in respect of the MTFP was subject to a named vote.

Members voting FOR Recommendation 9 below:

Councillors Salman Akbar, Joe Baker, Tom Baker-Price, Joanne Beecham, Roger Bennett, Juliet Brunner, Michael Chalk, Greg Chance, Brandon Clayton, Matthew Dormer, John Fisher, Peter Fleming, Andrew Fry, Julian Grubb, Bill Hartnett, Pattie Hill, Ann Isherwood, Wanda King, Anthony Lovell, Gemma Monaco, Nyear

# Council

**Monday, 24 February 2020**

---

Nazir, Gareth Prosser, Mike Rouse, Mark Shurmer, Yvonne Smith, David Thain, Craig Warhurst and Jenny Wheeler. (28)

Members voting AGAINST recommendation 9 below:

No Councillors (0).

Members ABSTAINING on the vote on recommendation 9 below:

No Councillors (0).

The recommendation was therefore carried.

Members subsequently voted on the remaining recommendations in respect of the MTFP 2020/21 to 2023/24; recommendations 1 to 8 and 10. In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 these recommendations were subject to a named vote.

Members voting FOR Recommendations 1 to 8 and 10:

Councillors Salman Akbar, Tom Baker-Price, Joanne Beecham, Roger Bennett, Juliet Brunner, Michael Chalk, Brandon Clayton, Matthew Dormer, Peter Fleming, Julian Grubb, Ann Isherwood, Anthony Lovell, Gemma Monaco, Nyear Nazir, Gareth Prosser, Mike Rouse, David Thain and Craig Warhurst (18).

Members voting AGAINST Recommendations 1 to 8 and 10:

Councillors Joe Baker, Greg Chance, John Fisher, Andrew Fry, Bill Hartnett, Pattie Hill, Wanda King, Mark Shurmer, Yvonne Smith and Jenny Wheeler (10).

Members ABSTAINING on the vote in respect of Recommendations 1 to 8 and 10:

No Councillors (0).

The recommendations were therefore carried.

## Council Tax Resolutions

Members discussed the Council Tax Resolutions which had also been considered that same evening by the Executive Committee. During consideration of this item concerns were again raised about the financial position of local government and the impact that uncertainty about local authority funding was having on the sustainability of Council services.

In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 the recommendations in

# Council

Monday, 24 February 2020

---

respect of the Council Tax Resolutions were subject to a named vote.

Members voting FOR the Council Tax Resolutions

Councillors Salman Akbar, Tom Baker-Price, Joanne Beecham, Roger Bennett, Juliet Brunner, Michael Chalk, Brandon Clayton, Matthew Dormer, Peter Fleming, Julian Grubb, Ann Isherwood, Anthony Lovell, Gemma Monaco, Nyear Nazir, Gareth Prosser, Mike Rouse, David Thain and Craig Warhurst (18).

Members voting AGAINST the Council Tax Resolutions

No Councillors (0).

Members ABSTAINING on the Council Tax Resolutions

Councillors Joe Baker, Greg Chance, John Fisher, Andrew Fry, Bill Hartnett, Pattie Hill, Wanda King, Mark Shurmer, Yvonne Smith and Jenny Wheeler (10).

The recommendations were therefore carried.

**RESOLVED that**

- 1) the minutes of the meeting of the Executive Committee held on Monday 24<sup>th</sup> February 2020 be received and all recommendations adopted;**
- 2) the calculation for the Council Tax requirement for the Council's own purposes for 2020/21 (excluding Parish precepts) as £6,415,355 be approved;**
- 3) that the following amounts calculated for the year 2020/21 in accordance with sections 31 to 36 of the Act be approved:**
  - a) £44,214,467 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (2) of the Act (taking into account all precepts issued to it by Parish Councils) (*i.e. Gross expenditure*);**
  - b) £37,789,112 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (3) of the Act. (*i.e. Gross income*);**
  - c) £6,425,355 being the amount by which the aggregate of 3 (a) above exceeds the aggregate at 3 (b) above, calculated by the Council, in accordance with Section 31A (4) of the Act, as its Council Tax**

**Council****Monday, 24 February 2020**

---

requirement for the year. (Item R in the formula in Section 31B of the Act);

- d) £244.53 being the amount at 3 (c) above (Item R), all divided by Item T (1(a) above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts);
- e) £10,000 being the aggregate amount of all special items (Feckenham Parish precept) referred to in Section 34 (1) of the Act;
- f) £244.15 being the amount at 3 (d) above less the result given by dividing the amount at 3 (e) above by Item T (1 (a) above), calculated by the Council, in accordance with Section 34 (2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates;
- g) £271.36 being the amount given by adding to the amount at 3(f), the amount of the special item relating to the Parish of Feckenham 3(e), divided by the amount in 1(b) above;
- h) the amounts below given by multiplying the amounts at 3(f) and 3(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band, divided by the number which in that proportion is applicable to dwellings listed in Band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwelling listed in different valuation bands;



**Council**

Monday, 24 February 2020

Valuation Band	Proportion of Band D tax paid	Parish of Feckenham £	All other parts of the Council's area £
A	6/9	180.91	162.77
B	7/9	211.05	189.89
C	8/9	241.21	217.02
D	1	271.36	244.15
E	11/9	331.67	298.41
F	13/9	391.96	352.66
G	15/9	452.27	406.92
H	18/9	542.72	488.30

- 4) it be noted that for the year 2020/21, Worcestershire County Council, Police and Crime Commissioner for West Mercia and Hereford and Worcester Fire Authority have issued precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each category of dwelling in the Council's area as indicated below:

	Valuation Bands							
	A	B	C	D	E	F	G	H
	£	£	£	£	£	£	£	£
Worcestershire County Council	874.03	1,019.71	1,165.38	1,311.05	1,602.39	1,893.74	2,185.08	2,622.10
Police and Crime Commissioner for West Mercia	150.13	175.16	200.18	225.20	275.24	325.29	375.33	450.40
Hereford and Worcester Fire Authority	57.33	66.88	76.44	85.99	105.10	124.21	143.32	171.98

- 5) having calculated the aggregate in each case of the amounts at 4(h) and 5 above, Redditch Borough Council in accordance with Sections 30 and 36 of the Local Government Finance Act 1992 hereby sets the amounts shown below as the amounts of Council Tax for 2020/21 for each part of its area and for each of the categories of dwellings:

**Council**

Monday, 24 February 2020

Valuation Band	Proportion of Band D tax paid	Parish of Feckenham £	All other parts of the Council's area £
A	6/9	1,262.40	1,244.26
B	7/9	1,472.80	1,451.64
C	8/9	1,683.21	1,659.02
D	1	1,893.60	1,866.39
E	11/9	2,314.40	2,281.14
F	13/9	2,735.20	2,695.90
G	15/9	3,156.00	3,110.65
H	18/9	3,787.20	3,732.78

- 6) the Executive Director of Finance and Resources be authorised to make payments under Section 90(2) of the Local Government Finance Act 1988 from the Collection Fund by ten equal instalments between April 2020 to March 2021 as detailed below:

	Precept £	Surplus on Collection Fund £	Total to pay £
Worcestershire County Council	34,449,805.00	615,263.00	35,065,068.00
Police and Crime Commissioner for West Mercia	5,917,373.31	105,668.00	6,023,041.31
Hereford & Worcester Fire Authority	2,259,515.68	41,638.00	2,301,153.68

- 7) the Executive Director of Finance and Resources be authorised to make transfers under Section 97 of the Local Government Finance Act 1988 from the Collection Fund to the General Fund the sum of £6,543,127 being the Council's own demand on the Collection Fund (£6,415,355.00) and Parish Precept (£10,000) and the distribution of the Surplus on the Collection Fund (£117,772);
- 8) the Executive Director Finance and Resources be authorised to make payments from the General Fund to Feckenham Parish Council the sums listed above (£10,000) by instalment after 1st April 2020 in respect of the precept levied on the Council;

**Council****Monday, 24 February 2020**

---

- 9) the above resolutions 4 to 6 be signed by the Chief Executive for use in legal proceedings in the Magistrates Court for the recovery of unpaid Council Taxes; and
- 10) notices of the making of the said Council Taxes signed by the Chief Executive are given by advertisement in the local press under Section 38(2) of the Local Government Finance Act 1992.

**78. REGULATORY COMMITTEES**

Members considered recommendations that had been proposed at a meeting of the Audit, Governance and Standards Committee held on 30<sup>th</sup> January 2020 in respect of the Council's Capital Strategy and the Treasury Management Strategy.

**RESOLVED that**

- 1) the Capital Strategy as an appropriate overarching strategy for the Council be approved;
- 2) the Treasury Management Strategy for 2020/21 and the associated MRP policy be approved;
- 3) the policy for Flexible use of Capital Receipts be approved; and
- 4) the Investment Strategy be approved.

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

There were no urgent decisions to note at this meeting.

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

There was no general urgent business for consideration on this occasion.

The Meeting commenced at 7.00 pm  
and closed at 7.38 pm

This page is intentionally left blank

## Annual Meeting of the Council

22nd June 2020

### APPOINTMENT OF COMMITTEES ETC.

Relevant Portfolio Holder	N/A
Portfolio Holder Consulted	Yes
Relevant Head of Service	Claire Felton, Head of Legal, Equalities and Democratic Services
Ward(s) Affected	All
Ward Councillor(s) Consulted	N/A
Key Decision / Non-Key Decision	Non key

### **1. SUMMARY OF PROPOSALS**

- 1.1 This report sets out the proposed political balance of the Council's Committees and seeks the Council's agreement to these.
- 1.2 Once the Council has agreed the political balance, the Leaders of each of the Political Groups on the Council can nominate to the places on each for their group. Councillors who are not members of a political group are appointed to Committees by the Council.
- 1.3 The Council also makes appointments to other bodies which are not required to be politically balanced. These are listed in the appendix.

### **2. RECOMMENDATIONS**

The Council is requested to **RESOLVE** that

- 1) the Political balance of the Committees of the Council be agreed as set out in paragraph 3.5;
- 2) the arrangement where the seats on the Overview and Scrutiny Committee are not allocated in accordance with the political balance requirements be continued;
- 3) the arrangement where the seats on the Crime and Disorder Scrutiny Panel are not allocated in accordance with the political balance requirements be continued;
- 4) the Conservative Group do not take up two seats they are entitled to, arising from the suspension of the political balance for the Overview and Scrutiny Committee and Crime and Disorder Scrutiny Panel;
- 5) appointments by political group leaders to the places on each Committee etc. be noted;

## **Annual Meeting of the Council**

22nd June 2020

---

- 6) the Council appoints Chairs and Vice-Chairs to the Committees and other bodies as set out in Appendix 1;
- 7) appointments to Working Groups and other bodies listed in the appendix be agreed; and
- 8) the terms of reference for the Committees as set out at Appendix 2 be confirmed.

### **3. KEY ISSUES**

#### **Financial Implications**

- 3.1 There are no financial implications arising from this report. The level of Members' allowances, based on the current number of positions as set out in this report, has been agreed previously by the Council.

#### **Legal Implications**

- 3.2 With the exception of the Executive Committee, the Council is required by law and / or its own constitution to allocate places on its main Committees in accordance with its political make-up and to approve the Committee terms of reference. The main requirements are that:
- the number of seats on each Committee allocated to each Political Group reflects the proportion it holds of the total number of seats on the Council;
  - the Group with the majority of seats on the Council should hold the majority of seats on each Committee.
- 3.3 The definition of a Political Group for these purposes is that it has a minimum of 2 members. The composition of the Council is 18 Conservative and 11 Labour.
- 3.4 The Council is able to decide not to allocate places in accordance with political balance and has done this for the Overview and Scrutiny Committee for a number of years. The convention is that the Members who take the majority of seats on the Committee are not from the controlling political group. However, this decision can only take effect if no Councillor votes against it. A similar arrangement has been made for the Crime and Disorder Scrutiny Panel, which is a sub-committee of Overview and Scrutiny Committee.
- 3.5 The table overleaf shows the political balance based on current sizes of Committees:

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

22nd June 2020

<b>Committee</b>	<b>Total places</b>	<b>Conservative Group Places – entitled to</b>	<b>Labour Group Places – entitled to</b>
Audit, Governance & Standards	9	<b>6</b> (5.59)	<b>3</b> (3.41)
Licensing	11	<b>7</b> (6.83)	<b>4</b> (4.17)
Planning	9	<b>6</b> (5.59)	<b>3</b> (3.41)
Overview and Scrutiny	9	<b>6</b> (5.59) <b>Takes 4*</b>	<b>3</b> (3.41) <b>Takes 5*</b>
Crime and Disorder Panel	5	<b>3</b> (3.10) <b>Takes 2*</b>	<b>2</b> (1.90) <b>Takes 3*</b>
Statutory Officers Disciplinary Panel	5	<b>3</b> (3.10)	<b>2</b> (1.90)
Appointments Committee	5	<b>3</b> (3.10)	<b>2</b> (1.90)
Shareholders Committee	5	<b>3</b> (3.10)	<b>2</b> (1.90)
Electoral Matters Committee	5	<b>3</b> (3.10)	<b>2</b> (1.90)
Mathematical Calculation	63	39.10	23.89
Actual (numbers rounded)	63	39	24
Actual number (taken subject to suspending the political balance)	63	37*	26*

\* Members are asked to note that if, as in previous years, Members choose to suspend the political balance arrangements for the Overview and Scrutiny Committee and Crime and Disorder Scrutiny Panel these will be the allocated places.

## Annual Meeting of the Council

22nd June 2020

---

The Conservative Group are entitled to two further places overall, arising from the suspension of the political balance, but are choosing not to take them.

### **Service / Operational Implications**

- 3.6 Once the Council has agreed the allocation of seats to the main Committees, the leaders of each political group will nominate members to fill them so that the business of the Council can continue to run smoothly. It is planned to have a list of the nominations available for noting at the Council meeting.

### **Customer / Equalities and Diversity Implications**

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

## **4. RISK MANAGEMENT**

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

## **5. APPENDICES**

Appendix 1 - List of Committees and other bodies for appointment.

Appendix 2 – Committee Terms of Reference

## **6. BACKGROUND PAPERS**

None

## **AUTHOR OF REPORT**

Name: Jess Bayley

Email: [jess.bayley@bromsgroveandredditch.gov.uk](mailto:jess.bayley@bromsgroveandredditch.gov.uk)

Tel.: 01527 64252 Ext: 3268



**Annual Meeting  
of the Council****Appendix**

20th May 2019

**Nominations and Appointments to Offices,  
Committees, Sub-Committees etc.**

<b>Committee / Sub-Committee etc.</b>	<b>Size (Members)</b>	<b>Conservative</b>	<b>Labour</b>
<b>Audit, Governance and Standards Committee</b>	<b>9</b>	6 Cllrs	3 (Ch) Cllr (V Ch) Cllr Cllr
<b>Licensing Committee</b>  (note the sub-committees are now selected from the committee membership)	<b>11</b>	7 (Ch) (V Ch) Cllrs	4 Cllrs
<b>Planning Committee</b>  (A pool of named substitutes would be welcomed for this Committee from both groups)	<b>9</b>	6 (Ch) (V Ch) Cllrs  <u>Named substitutes:</u>  Cllrs	3 Cllrs  <u>Named Substitutes:</u>  Cllrs

# Annual Meeting of the Council

## Appendix

20th May 2019

Committee / Sub-Committee etc.	Size (Members)	Conservative	Labour
<b>Overview and Scrutiny Committee</b>  (The numbers listed assume Members will agree not to appoint to this Committee in accordance with political balance requirements as agreed in previous years. Should Members decide to apply the political balance the Conservatives are allocated 6 seats and Labour 3 seats)	9	4 Cllrs	5 (Ch) Cllr (V Ch) Cllr Cllrs
<b>Crime and Disorder Scrutiny Panel</b>  (The numbers listed assume Members will agree not to appoint to this Committee in accordance with political balance requirements as agreed in previous years. Should Members decide to apply the political balance the Conservatives are allocated 3 seats and Labour 2 seats)	5	2 Cllrs	3 (Ch) Cllr Cllrs

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

20th May 2019

<b>Committee / Sub-Committee etc.</b>	<b>Size (Members)</b>	<b>Conservative</b>	<b>Labour</b>
<b>Corporate Health, Safety and Welfare Committee</b>	<b>1</b>	1 Member  Cllr	-
<b>Shared Services Board</b>	<b>4</b>	3 Members  (Ch) the Leader – (alternating with Bromsgrove District Council's Leader)  Cllrs	1 Member  Cllr
<b>Members' Support Steering Group</b>	<b>5</b>	3 (Ch) (V Ch)	2 Cllrs
<b>Worcestershire Shared Services Joint Committee</b>	<b>2 (+ 2 subs)</b>	1 Member Cllr  Sub: Cllr	1 Member Cllr Sub: Cllr
<b>Planning Advisory Panel</b>	<b>5</b>	3 Members (Ch) Cllr (V Ch) Cllr Cllr	2 Members Cllrs
<b>Climate Change Advisory Panel</b>	<b>5</b>	3 Members (Ch) Cllrs	2 Members (V Ch) Cllr
<b>Constitutional Review Working Party</b>	<b>5</b>	3 Members (Ch) Cllr (V Ch) Cllr Cllr	2 Members Cllrs
<b>Appointments Committee</b>	<b>5</b>	3 Members (Ch) Cllr (V Ch) Cllr Cllr	2 Members Cllrs

REDDITCH BOROUGH COUNCIL**Annual Meeting  
of the Council****Appendix**20th May 2019

---

<b>Committee / Sub-Committee etc.</b>	<b>Size (Members)</b>	<b>Conservative</b>	<b>Labour</b>
<b>Shareholders Committee (Rubicon Leisure)</b>	<b>5</b>	3 Members (Ch) Cllr (V Ch) Cllr Cllr	2 Members Cllrs
<b>Electoral Matters Committee</b>	<b>5</b>	3 Members (Ch) Cllr (V Ch) Cllr Cllr	2 Members Cllrs
<b>Statutory Officers Disciplinary Panel</b>	<b>5</b>	3 Members (Ch) Cllr (V Ch) Cllr Cllr	2 Members Cllrs
<b>Holocaust Memorial Steering Group</b>	<b>5</b>	3 Members (Ch) Cllr (V Ch) Cllr Cllr	2 Members Cllrs
<b>Redditch Matters Editorial Panel</b>	<b>3</b>	2 Members Cllrs	1 Member Cllr

**Annual Meeting  
of the Council****Appendix**20th May 2019

---

**Scrutiny Groups****(political proportionality not required)**

<b>Working Group / Task Group / Short Sharp Review</b>	<b>Size (Members)</b>	<b>Conservative</b>	<b>Labour</b>
Budget Scrutiny Working Group	5 (maximum)	Cllr	Cllr (Ch)
Performance Scrutiny Working Group	5 (maximum)	Cllr	Cllr (Ch)
Suicide Prevention Task Group	5 (maximum)	Cllr	(Ch) Cllr

\*The Chairs of each of these scrutiny groups must be a member of the Overview and Scrutiny Committee.

This page is intentionally left blank

## Appendix 2

**APPOINTMENTS COMMITTEE TERMS OF REFERENCE**

Number of members	6 made up of Redditch Borough Council and the Leader of Bromsgrove District Council as a co-optee. (Co-option will not apply to any members of staff who will work for Redditch Borough Council only).
Politically Balanced Y/N	Y
Quorum	6 (5 in cases where the employee will work for Redditch Borough Council only).
Procedure Rules applicable	Officer 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) To consider and recommend to Council matters relating to the appointment of the Head of Paid Service (Chief Executive), the Monitoring Officer and Section 151 Officer as defined in the Local Authorities (Standing Orders) Regulations 2001;</li> <li>b) To consider and recommend to Council matters relating to the appointment of Chief Officers in cases where the Chief Executive is not in a position to act on his/her delegated powers;</li> <li>c) For the same officers but excluding the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer, to consider and decide on matters relating to disciplinary action in cases where the Chief Executive is not able to act on his/her delegated powers; and</li> <li>d) To consider and decide on any other disciplinary and appointment matters involving other senior officers as and when required.</li> </ul>

**Appendix 2**

Special provisions as to the Chair	None.
Special provisions as to membership	<p>When considering the appointment of the Head of Paid Service, the Monitoring Officer or Chief Finance Officer, or the appointment or dismissal of the other Chief Officers as defined at paragraph 3 of the Officer Procedure Rules, one Member of the Panel must be a member of the Executive Committee.</p> <p>Only those Members who have undertaken appropriate training may sit on the Appointments Committee.</p> <p>The Shared Service arrangements between Redditch Borough Council and Bromsgrove District Council require the Chief Executive, Monitoring Officer, Section 151 Officer and other Chief Officers to carry out work for both authorities. In light of this the Leader of Bromsgrove district Council will be co-opted onto the Appointments Committee as a non-voting member.</p>



## Appendix 2

**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>

## Appendix 2

	<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> </ul>
--	---

## Appendix 2

	<ul style="list-style-type: none"> <li>o. To assist the Councillors and co-opted members to observe the Members' Code of Conduct.</li> <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>

## Appendix 2

**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.</p> <p>The Chair will also be a member of the parent Overview and Scrutiny Committee.</p>

**Appendix 2**

	Cannot be members of the Executive Committee.
Special provisions as to membership	Training is highly recommended for members who sit on the Crime & Disorder Scrutiny Panel.

**Appendix 2****ELECTORAL MATTERS COMMITTEE**

Number of members	5
Politically Balanced Y/N	Y
Quorum	3
Procedure Rules applicable	Council Procedure Rules (with the exception of Council Procedure rules 1-3, 9 -11, 14, 18.2 and 22.5 – 22.7).
Terms of Reference	To exercise powers and undertake functions relating to electoral matters and elections.
Special provisions as to the Chair	None.
Special provisions as to membership	None

**Appendix 2****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.

**Appendix 2****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



## Appendix 2

**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>

**Appendix 2****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	The Chair must be a member of the Licensing Committee and must have received relevant quasi-judicial meetings training.  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.</i>

## Appendix 2

**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</li> </ul>

## Appendix 2

	<p>the Executive Committee;</p> <ul style="list-style-type: none"> <li>i. decide how to deal with call ins (with Task and Finish Groups established as necessary to take up any detailed work);</li> <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.

**Appendix 2****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.

**Appendix 2**

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.
-------------------------------------	---

## Appendix 2

**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>

## Appendix 2

**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.



**Appendix 2**

	Only those Councillors who have undertaken appropriate training may sit on the Statutory Officers Disciplinary Action Panel.
--	--

This page is intentionally left blank

**REDDITCH BOROUGH COUNCIL****Annual Meeting  
of the Council****22<sup>nd</sup> June 2020****APPOINTMENT TO OUTSIDE BODIES**

Relevant Portfolio Holder	N/A
Portfolio Holder Consulted	N/A
Relevant Head of Service	Claire Felton, Head of Legal, Equalities and Democratic Services
Ward(s) Affected	All
Ward Councillor(s) Consulted	N/A
Key Decision / Non-Key Decision	Non key

**1. SUMMARY OF PROPOSALS**

This report sets out proposed appointments to outside bodies and seeks nominations accordingly.

**2. RECOMMENDATIONS**

**It is recommended that the Council makes appointments to the bodies listed in the appendix to the report.**

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

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

**Legal Implications**

- 3.2 No specific legislation governs the appointment or nomination of members to outside bodies by the Council. Depending on the nature of the relationship the Council has with the organisation, the legal status of the organisation, its corporate, charity or other status and its constitution, there are differing legal implications for the members sitting on these bodies.
- 3.3 The Local Authorities (Indemnities for Members and Officers) Order 2004 governs the Council's ability to indemnify members sitting on outside bodies

**Service / Operational Implications**

- 3.4 A number of bodies ask the Council to make appointments to them for terms of office which vary from one year upwards.

**REDDITCH BOROUGH COUNCIL****Annual Meeting  
of the Council****22<sup>nd</sup> June 2020**

---

- 3.5 Some of these appointments, usually to national or regional bodies, are usually made by office. Where there are specific requirements for appointments these are shown against the organisations in the appendix.
- 3.6 Members are asked to note the following changes which have occurred during 2019/20:-
- Disability Action Redditch (DAR) was disbanded in January 2020 and has been removed from the list.
  - The St Stephens Church Group is not operational having not met for some time and has also been removed from the list.
  - Changes have been made to the group formerly known as the Redditch Partnership Economic Theme Group and on the list at Appendix 1 this has been replaced by the Redditch Business Partnership.
  - The Town Centre Partnership has been disbanded in light of the introduction of the Redditch Business Improvement District or BID. The new organisation in the process of being formally set up. In the meantime the Town Centre Partnership has been removed from the list at Appendix 1.
  - In light of the decision of Members that the Council should no longer be a member of the Worcestershire LEP, the LEP Board and associated LEP committees have been removed from the list of appointments at Appendix 1.
- 3.7 For ease of reference the list at Appendix 1 includes all the outside bodies to which appointments are required to be made at the Annual Meeting of Council. There are some additional bodies that have been omitted from the list because the appointment(s) have already been made and no further nominations are needed for 2020/21.

**Customer / Equalities and Diversity Implications**

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

**REDDITCH BOROUGH COUNCIL****Annual Meeting  
of the Council****22<sup>nd</sup> June 2020**

---

**4. RISK MANAGEMENT**

There would be risks arising if the Council failed to make appointments to the Outside Bodies listed in this report; the nature of the risk would vary depending on the type of body in question. The Council needs to participate in certain Outside Bodies to ensure that existing governance arrangements can be complied with. On other bodies the risk would be less severe but non-participation would detract from the Councils ability to shape and influence policies and activities which affect the residents of Redditch.

**5. APPENDICES**

Appendix 1 - list of Outside bodies.

**6. BACKGROUND PAPERS**

Details of the various organisations referred to are held by Democratic Services. A protocol for appointments to outside bodies, Part 27 of the constitution, gives advice for councillors appointed.

**AUTHOR OF REPORT**

Name: Jess Bayley

email: [jess.bayley@bromsgroveandredditch.gov.uk](mailto:jess.bayley@bromsgroveandredditch.gov.uk)

Tel.: 01527 64252 Extn. 3268

This page is intentionally left blank

REDDITCH BOROUGH COUNCIL**Annual Council**22<sup>nd</sup> June 2020**BOROUGH COUNCIL REPRESENTATIVES ON  
OUTSIDE BODIES – NOMINATIONS FOR 2020/2021****STRATEGIC APPOINTMENTS TO NOTE:**

<b>Organisation</b>	<b>Appointee 2019/20</b>	<b>Appointment Requirements</b>	<b>Nomination 2020/21</b>
Local Government Association	<b>Councillor Matt Dormer</b>	1 Representative (usually Leader) must be a Councillor Term : 1 year No liability issues identified.	<b>Councillor Matt Dormer</b>
West Mercia Police and Crime Panel	<b>Councillor Julian Grubb Sub: Councillor Gareth Prosser</b>	1 representative (Relevant Portfolio Holder) and 1 substitute Term: 1 year No liability issues identified	<b>Councillor  Sub: Councillor</b>
Assembly of the District Councils' Network	<b>Councillor Matt Dormer (as Leader of the Council)</b>	1 Nomination To represent the Council on the Assembly of this body which is a voice for District Councils within the Local Government Association. The Assembly of the DCN comprises the Leaders of the Member Authorities or equivalent. Term : 1 year No liability issues identified.	<b>Councillor Matt Dormer</b>

REDDITCH BOROUGH COUNCIL**Annual Council**22<sup>nd</sup> June 2020

Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP) [ Also referred to as the LEP Board]	<b>Councillor Karen May (Bromsgrove)</b>  <b>Sub: Councillor Matt Dormer</b>	1 (plus 1 Substitute) representing the 3 North Worcestershire District Councils.	<b>Councillor</b>  <b>Sub: Councillor</b>
GBSLEP – Joint Committee (Local Supervisory Board)	<b>Councillor Matt Dormer</b> <b>Leader Ex-officio for Redditch BC</b>  <b>Councillor David Thain</b> <b>Deputy Leader Ex-officio for Redditch BC</b>	1 Member (Leader) from each constituent Authority plus substitute	<b>Councillor Matt Dormer</b>  <b>Sub: Councillor</b>
GBSLEP - Local Enterprise Partnership - EU Structural and Investment Fund Strategy Committee (ESIF)	<b>Councillor Fran Oborski (Wyre Forest)</b>  <b>Sub: Councillor Matt Dormer</b>	1 Representative and 1 Substitute from the three North Worcestershire Districts.	<b>Councillor</b>  <b>Sub: Councillor</b>
Worcestershire Local Transport Board (WLTB)	<b>Councillor Julian Grubb</b>  <b>Wyre Forest Councillor</b>	2 representatives from North Worcestershire Councils plus one substitute. 2 representatives not to be drawn from the Council supplying the “main” representative on Worcestershire LEP	<b>Councillor</b>  <b>Councillor</b>



**REDDITCH BOROUGH COUNCIL****Annual Council****22<sup>nd</sup> June 2020**

Corporate Parenting Steering Group (Worcestershire County Council)	<b>Councillor Julian Grubb</b>	1 RBC Representative (elected) <u>Must be relevant Portfolio Holder</u> Until next RBC Annual Meeting. (Monthly meetings – approx. 2 hrs each time – generally Friday mornings – 9.30a.m. start) No liability issues identified.	<b>Councillor</b>
Redditch Partnership (Local Strategic Partnership)	<b>Councillor Matt Dormer Leader by Office</b>	1 Member Representative Leader Term : 1 year No liability issues identified.	<b>Councillor Matt Dormer</b>
Redditch Partnership Business Leaders Group  (formerly an Economic Theme Group)	<b>Councillor Matt Dormer Councillor David Thain Councillor Bill Hartnett</b>	Following changes this group is now operating under a new title and promoting greater links with local business leaders. For 2020/21 representatives required, by office: <ul style="list-style-type: none"> <li>• Leader</li> <li>• Economic Development Portfolio Holder</li> </ul>	<b>Councillor</b>
North Worcestershire Community Safety Partnership	<b>Councillor Julian Grubb</b>	1 representative and one named substitute Term: 1 year Terms of Reference indicate the representative should be the relevant Portfolio Holder. Each district Council has a place on	<b>Councillor</b>

**REDDITCH BOROUGH COUNCIL****Annual Council****22<sup>nd</sup> June 2020**

		the Partnership Board as an Invitee to Participate. No liability issues identified.	
Waste Management Board (Lead Officer – Guy Revans)	<b>Councillor Brandon Clayton (as relevant Portfolio Holder)</b>	1 representative Representative must be a Councillor and relevant Portfolio Holder Term : 1 year <u>Note</u> : Meets Friday mornings - 4 times per year No liability issues identified	<b>Councillor</b>
Worcestershire Health and Wellbeing Board	<b>Councillor Shirley Webb Bromsgrove DC</b>  <b>Sub: Councillor Julian Grubb</b>	1 representative and 1 substitute from North Worcestershire Councils	<b>Councillor</b>  <b>Sub: Councillor</b>
Health Improvement Group	<b>Councillor Julian Grubb</b>  <b>Sub: Councillor Juliet Brunner</b>	1 RBC Representative (Elected) Relevant Portfolio	<b>Councillor</b>  <b>Sub: Councillor</b>
West Midlands Combined Authority Board	<b>Councillor Matt Dormer</b>  <b>Sub: Councillor David Thain</b>	1 nomination and one substitute  Leader by office	<b>Councillor Matt Dormer</b>  <b>Sub: Councillor</b>

**REDDITCH BOROUGH COUNCIL****Annual Council****22<sup>nd</sup> June 2020**

---

West Midlands Combined Authority Housing and Land Delivery Board	<b>Councillor Matt Dormer</b> <b>Sub: Councillor Craig Warhurst</b>	1 RBC Representative (Elected) Relevant Portfolio <u>Must be relevant Portfolio Holder (function to include Housing and/or Land Use</u>	<b>Councillor</b>  <b>Sub – Councillor</b>
--	--	--	--

REDDITCH BOROUGH COUNCIL**Annual Council**22<sup>nd</sup> June 2020**LOCAL APPOINTMENTS**

West Midlands Combined Authority Audit Committee	<b>Councillor David Thain</b>  <b>Sub: Councillor Tom Baker-Price</b>	1 nomination and one substitute Must be members of the majority group	<b>Councillor</b>  <b>Sub: Councillor</b>
West Midlands Combined Authority Overview and Scrutiny Committee	<b>Councillor Michael Chalk</b>  <b>Sub: Councillor Julian Grubb</b>	1 nomination and one substitute Must be members of the majority group and ideally members of O&S	<b>Councillor</b>  <b>Sub: Councillor</b>
Greater Birmingham & Solihull Local Enterprise Partnership (GBSLEP) – Joint Scrutiny Board	<b>Councillor Michael Chalk</b>  <b>Councillor Julian Grubb (alternate)</b>	1 representative and 1 substitute  Term: 1 year	<b>Councillor</b>  <b>Sub: Councillor</b>
Health Overview and Scrutiny Committee (Worcestershire County Council)	<b>Councillor Mike Chalk</b>	1 representative <b>(Must be a member of Redditch Borough Council's Overview and Scrutiny Committee).</b> Term: 1 year. Comprises 8 County Councillors and 6 District Councillors who scrutinise the local NHS and are consulted by the NHS on any proposed substantial changes to local health services.	<b>Councillor</b>

**REDDITCH BOROUGH COUNCIL****Annual Council****22<sup>nd</sup> June 2020**

Redditch Highways & Transportation Forum Members Discussion Group (Worcestershire County Council)	<b>Councillor Michael Chalk</b> <b>Councillor Yvonne Smith</b>	Up to 2 Representatives (Must be Councillors) Term: To RBC AGM Role is that of non-voting observers only. No liability issues identified.	<b>Councillors</b>
Worcestershire Local Access Forum (Worcestershire County Council)	<b>Councillor Julian Grubb</b> Membership comprises 1 County Council Member; one Member from North District Councils and one Member from the Southern Districts  Bromsgrove DC do not participate.	1 nomination from north Worcestershire District Councils (must be a Councillor)  Term : 1 year ( <u>Note</u> : Would be beneficial if the representative had a keen interest in countryside access and recreation issues.)  No liability issues identified.	<b>Councillor</b>
Redditch Eastern Gateway Steering Group (Contact Officer Simon Jones)	<b>Councillor Anthony Lovell</b>	1 Representative to be a ward member for Winyates Ward  Term : 1 year  Group of local stakeholders set up by Stratford on Avon District Council to consider proposals regarding the Eastern Gateway Development as to reserved matters and routing strategy/survey. No liability issues identified.	<b>Councillor</b>

REDDITCH BOROUGH COUNCIL**Annual Council**22<sup>nd</sup> June 2020

Citizens Advice Bromsgrove and Redditch	<b>New 2016 No appointments made since 2017</b>	1 representative and 1 substitute  Appointments will be trustees of the CAB which is a charitable company limited by guarantee Term: 3 years	<b>Councillors</b>
Redditch Co-operative Homes	<b>Councillors Joe Baker, Bill Hartnett, Ann Isherwood and Craig Warhurst.</b>	4 Nominations (must be Councillors) Term : 1 year  Nature of representation: to primarily represent the Organisation and not the Borough Council. Notified in 2014 that only 4 nominations were now required  <b>Liability appears to be limited providing there are no breaches of duty or trust.</b>	<b>Councillors</b>
Redditch One World Link Executive Committee	<b>Councillor Joanne Beecham and Peter Fleming</b>	2 Representatives  Nominations should not include the Mayor who is a Member ex-officio*.  Term : 1 year  Liability appears to be limited, provided there are no breaches of duty or trust.	<b>Councillors</b>
PATROL Traffic Penalty Tribunal (Civil Parking Enforcement)	<b>Councillor Gareth Prosser</b>	1 Representative plus 1 Deputy (must be Councillors) Term: AGM to AGM No liabilities identified / unlikely to be any liabilities.	<b>Councillor</b>

REDDITCH BOROUGH COUNCIL**Annual Council**22<sup>nd</sup> June 2020

---

'Where Next' Association	<b>Councillors Anthony Lovell and Wanda King</b>	<p>2 Representative must be Councillors – 2 <i>places variation previously agreed</i></p> <p>Term : 1 year to Council's AGM</p> <p>Nature of representation: to represent the Borough Council.</p> <p>Liability appears to be limited.</p>	<b>Councillors</b>
-----------------------------	--	--	--------------------

This page is intentionally left blank



**REDDITCH BOROUGH COUNCIL****ANNUAL COUNCIL****22nd June 2020****COUNCIL'S CONSTITUTION**

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

**1. SUMMARY OF PROPOSALS**

- 1.1 The Council is required to review its scheme of delegations at the Annual Meeting. This report presents the scheme for noting.
- 1.2 In addition, the report details a proposal made by the Executive Committee on 24th February 2020 to make a permanent amendment to the scheme in respect of equalities, engagement and performance.
- 1.3 A further, permanent amendment is requested to the scheme of delegations in respect of Council contracts.
- 1.4 A temporary amendment is also requested to the scheme of delegations in respect of licensing delegations. It is intended that this temporary delegation would apply for a period of three months, commencing Sunday, 28<sup>th</sup> June 2020.

**2. RECOMMENDATIONS****Members are asked to RESOLVE**

- 1) that the Officer Scheme of Delegations as set out at Appendix 1 be agreed;**
- 2) that the proposed change to the Officer Scheme of Delegations for the Business Transformation and Organisational Development Department, in respect of delegating authority to Officers to determine all the Council's policies and strategies relating to Equalities, Engagement and Performance, be approved;**
- 3) to extend the delegation in the Council's Scheme of Delegations to the Head of Legal, Democratic and Property Services or Principal Solicitor to sign or seal any document, Order or Notice on behalf of the Council and to serve or receive any documents on behalf of the Council to include contracts falling under the Contract Procedure Rules; and**

**REDDITCH BOROUGH COUNCIL****ANNUAL COUNCIL****22nd June 2020**

---

- 4) that, for a period of three months commencing 28<sup>th</sup> June 2020, the delegation to the Head of Regulatory Services (Worcestershire Regulatory Services) shall be to determine all matters in relation to Hackney Carriage and Private Hire Operators, Vehicles and Drivers; and
- 5) that the updated Redditch Borough Council constitution, at Appendix 3 to this report, be approved.

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

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

**Legal Implications**

- 3.2 Review and revision of the Constitution is governed by Article 15 of the Constitution.
- 3.3 Section 101 of the Local Government Act 1972 (as amended) gives a general power to local authorities to discharge functions through officers. Local Authorities are required by the same Act to maintain a list of these, which is referred to as the Scheme of Delegation. This sets out those powers of the Council which can be carried out by officers of the Council.

**Service / Operational Implications**

- 3.4 The Council's Constitution currently requires that the Officer Scheme of Delegations be approved by Members at the Annual Meeting of the Council.
- 3.5 The Officer Scheme of Delegations is the part of the Constitution that gives authority for certain decisions to be delegated from Council, the Executive Committee (Executive) or other Committees to certain specified officers. It sets out the decisions which are delegated by Council to officers and the decisions which are delegated by the Executive to officers. In relation to certain regulatory decisions, the delegation is from Council to the relevant committee, namely Planning Committee or Licensing Committee.
- 3.6 The Scheme of Delegations is regularly altered and updated to reflect changes in the operation of the Council and changes to legislation. Changes have been made by the Monitoring Officer in accordance with the delegation that currently exists to amend the scheme to reflect changes in legislation, job titles and reallocation of functions. Those amendments do not extend the delegations.
- 3.7 The delegations for Community, Housing and Environmental Services have also been updated to incorporate two additional delegations that were agreed by Members during the 2019/20 municipal year. Again, these amendments do not extend the delegations.

**REDDITCH BOROUGH COUNCIL****ANNUAL COUNCIL****22nd June 2020**

---

- 3.8 At a meeting of the Executive Committee held on 24<sup>th</sup> February 2020, Members considered a report in respect of the constitution which proposed alterations to the Officer Scheme of Delegations. An extract from the minutes of that meeting have been attached at Appendix 2 to this report.
- 3.9 At that meeting of the Executive Committee, Members recommended that Officers should receive delegated authority to determine all of the Council's policies and strategies relating to equalities, engagement and performance. This report therefore also invites Members to consider whether to amend the Officer Scheme of Delegations to include this new delegation. The wording, as it would appear if Members approve recommendation 2, has been highlighted in bold text at Appendix 1 under the list of delegations for Service Transformation, Organisational Development and Digital Strategy.
- 3.10 On 27<sup>th</sup> March 2020 relevant Members approved an Urgent Decision which granted the Head of Legal, Democratic and Property Services or Principal Solicitor delegated authority to sign or seal any document, Order or Notice on behalf of the Council and to serve or receive any documents on behalf of the Council to include contracts falling under the Contracts' Procedure Rule for a period of three months. This decision was taken during the Covid-19 pandemic to ensure that Council business could continue effectively during the lockdown.
- 3.11 Officers are proposing that, in order to enhance the effective operation of Council business going forward, this delegation should be permanently included in the Scheme of delegations. The wording, as it would appear if approved by Members, has been highlighted in bold text at Appendix 1 under the list of delegations for Legal, Democratic and Property Services.
- 3.12 In the same Urgent Decision Notice relevant Members agreed that for a period of three months, commencing 27<sup>th</sup> March 2020, the Head of Regulatory Services (Worcestershire Regulatory Services) would have delegated authority to determine all matters in relation to Hackney Carriage and Private Hire Operators, Vehicles and Drivers and to develop procedural processes to facilitate these determinations.
- 3.13 Officers are requesting that this delegation should continue to apply for a further three months, commencing 28<sup>th</sup> June 2020, to ensure that efficient Council business continues during the current lockdown.
- 3.14 The Constitutional Review Working Party will consider any further proposed changes to the Scheme of Delegations and Committee Procedural Rules at meetings during the year.

**Customer / Equalities and Diversity Implications**

- 3.15 There are no specific customer or equalities implications arising from this report.
- 4.

**REDDITCH BOROUGH COUNCIL****ANNUAL COUNCIL****22nd June 2020**

---

**RISK MANAGEMENT**

- 4.1 The main risks associated with the details included in this report are failure to comply with governance requirements which may expose the Council to the risk of challenge by way of judicial review or appeal which may result in awards of damages and costs against the Council and loss of reputation.
- 4.2 Should recommendation 4 above not be approved, Members and Officers would need to physically attend meetings at the Town Hall and to collectively inspect vehicles. This would place Members, Officers and potentially members of the public, specifically taxi drivers, at risk of breaking social distancing rules as well as of potentially spreading Covid-19.

**5. APPENDICES**

Appendix 1 - Scheme of delegations to officers revised June 2020.  
Appendix 2 – Extract from the minutes of the meeting of the Executive Committee held on Monday 24<sup>th</sup> February 2020.  
Appendix 3 – Updated Council constitution, not including the Scheme of Delegation (due to the size of this document pack, only electronic copies of the constitution will be provided in a supplementary pack).

**6. BACKGROUND PAPERS**

None

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

Name: Claire Felton

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

**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.

**CONSTITUTION – PART 5.01 – Chief Executive**

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

**CONSTITUTION – PART 5.01 – Chief Executive**

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



**CONSTITUTION – PART 5.01 – Chief Executive****2. Proper Officer Delegations**

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

**CONSTITUTION – PART 5.01 – Chief Executive**

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

**CONSTITUTION – PART 5.01 – Chief Executive**

	p. Section 151		p. [Executive Director of Finance and Resources]
--	----------------	--	---

**CONSTITUTION – PART 5.01 – Chief Executive**

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

**CONSTITUTION – PART 5.01 – Chief Executive**

	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.		7. [Head of Legal, <del>Equalities and</del> Democratic <u>and Property</u> Services].
--	--	--	--

This page is intentionally left blank

## Constitution Part 5 Table 5.02 – Transformation and OD

TRANSFORMATION, ORGANISATIONAL DEVELOPMENT AND DIGITAL STRATEGY			
1. <u>IT Services</u>			
Subject	Detail	Delegated by:	Delegated to:
Members' IT	To supply and maintain Members' IT facilities in accordance with approved Policy(-ies)	Executive Committee	[Head of Service – Transformation, Organisational Development and Digital Services] / [IT Manager]
Corporate IT New Proposed Delegation	To determine all the Council's IT Policies and Strategies	Council	[Head of Service – Transformation, Organisational Development and Digital Services] / [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 Service - Transformation, Organisational Development and Digital services]
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, Organisational Development and Business Services], following consultation with Ward and other relevant Members /Portfolio Holder

**Constitution Part 5 Table 5.02 – Transformation and OD**

Street Numbering	To prescribe street numbers and renumber premises where necessary, in accordance with approved policy.	Executive Committee	[Head of Service - Transformation, Organisational Development and Digital Services]
Regulation of Investigatory Powers Act (RIPA) (See also Chief Executive's/ Corporate delegations)	To maintain the central record of documents relating to RIPA policy, including authorisations.	Council	The Information Management Team under the supervision of the [Head of Service – Transformation, Organisational Development and Digital Services]



## Constitution Part 5 Table 5.02 – Transformation and OD

<b>2. <u>Policy, Performance &amp; Partnerships</u></b>			
<b><u>Subject:</u></b>	<b><u>Detail:</u></b>	<b><u>Delegated by:</u></b>	<b><u>Delegated to:</u></b>
Publicity & Communication	To determine applications for non-commercial organisations to use the Borough Crest or Logo.	Executive Committee	[Communications Manager]
<b>Policy, Equalities and Engagement</b>  <b>New Proposed Delegation</b>	<b>To determine all the Council's policies and strategies relating to Equalities, Engagement and Performance (including the Equalities Strategy, Equal Opportunities Strategy, Engagement Strategy and Performance Strategy)</b>	<b>Executive Committee</b>	<b>[Head of Service Transformation, Organisational Development and Digital Services] / [IT Manager]</b>

## Constitution Part 5 Table 5.02 – Transformation and OD

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

**Constitution Part 5 Table 5.02 – Transformation and OD**

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

## Constitution Part 5 Table 5.02 – Transformation and OD

	<p><b>d. Restructures</b></p> <p>To make decisions on service restructures, additions and deletions of posts and on adjustments to working conditions (but not generally) within the agreed budgets decided by Council. This does not apply to changes that impact on service delivery.</p> <p><b>e. Appeals (job evaluation)</b></p> <p>To consider and determine appeals in respect of salary grading.</p> <p><b>f. Posts – Grading</b></p> <p>Within the policy and budgets decided by the Council, to make decisions on the grading of posts and on adjustments to working conditions applying to particular posts (but not generally).</p> <p><b>g. Early Retirement Payments</b></p> <p>To exercise discretionary powers under the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006 to make a single lump sum payment (including any redundancy payment where necessary) of up to no more than 52 weeks actual pay to any employee in accordance with agreed criteria.</p> <p><b>h. Overtime Payments</b></p>	<p>Executive Committee</p> <p>Council</p> <p>Council</p> <p>Council</p> <p>Council</p>	<p>[Chief Executive], [Deputy Chief Executive], Executive Directors and Heads of Service as appropriate.</p> <p>Any Officer of Head of Service level or above or a consultant selected by the [Head of Service – Transformation, Organisational Development and Digital Services</p> <p>[Head of Service – Transformation, Organisational Development and Digital Services ]</p> <p>[Chief Executive] following consultation with Head of Service – Transformation, Organisational Development and Digital Services] and the relevant Portfolio Holder</p> <p>[Chief Executive/</p>
--	---	--	---

**Constitution Part 5 Table 5.02 – Transformation and OD**

	<p>Within the budget determined by Council, to approve payments for overtime working where staff are required to work such overtime in pursuance of the Council's obligations or objectives.</p>		Deputy Chief Executive]/ Executive Directors/ Heads of Service
	<p><b>i. Pay Award</b></p> <p>Within the budget determined by Council, to implement increases in respect of the annual cost of living pay award as negotiated and agreed by the National Joint Councils or the Joint national Council for all staff.</p>	Council	[Financial Services Manager]
	<p><b>j. Pay Protection</b></p> <p>To determine an appropriate pay protection policy for all staff</p>	Council	[Head of Service – Transformation, Organisational Development and Digital Services] in consultation with the [Chief Executive] and Executive Director - Finance and Corporate Resources
	<p><b>k. Travel Allowances</b></p> <p>i) To implement increases in respect of the lump sum and mileage allowance payable to all staff in accordance with circulars issued by the Joint National Council and National Joint Council.</p> <p>ii) To implement and review increases in respect of subsistence allowances on an annual basis.</p>	Council	[Financial Services Manager]
	<b>l. Training</b>	Executive	[Chief Executive/



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

Miscellaneous	<p><b><u>Operation of Scheme of Delegations</u></b></p> <p>a. Any Officer with a delegated power under this Scheme may authorise other Officers to exercise the powers on their behalf. Any such authorisation should be in writing, which in most cases, will be by way of Job Description.</p> <p>b. Any of the powers delegated to a specific Officer within this Scheme may be exercised by any of their line Managers, except where such exercise is not permitted in law or subject to other qualification. (Some powers may only be exercised by a specific type of Officer.)</p>	<p>Council / Executive Committee/ Planning / Licensing Committees</p> <p>Council / Executive Cttee/ Planning / Licensing Committees</p>	<p>[Chief Executive/ Deputy Chief Executive]/ Directors</p> <p>Various</p>
---------------	--	---	--

## Constitution Part 5 Table 5.02 – Transformation and OD

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



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

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

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

Closure Notices and Closure Orders	To issue Closure notices (up to 48 hours) and to apply for a Closure Order in accordance with Sections 76 – 93 of the Anti Social Behaviour, Crime and Policing Act 2014.	Council	[Head of Community <u>and Housing Services</u> ], <del>[Head of Housing]</del> , [Head of Environmental <u>and Housing Property Services</u> ], [Head of Planning <del>and</del> Regeneration <u>and Leisure Services</u> ] and [Head of Worcestershire Regulatory Services].
Absolute Grounds for Possession of a Secure or Assured tenancy	To seek Absolute Grounds for Possession of a secure or assured tenancy where anti-social behaviour or criminality have been proven in court, subject to the required conditions being met in accordance with Sections 94 – 100 of the Anti Social Behaviour, Crime and Policing Act 2014.	Council	[Head of Community <u>and Housing Services</u> ] <u>and</u> <del>[Head of Housing]</del>

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

<b>2. Private Sector Housing</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Power of entry	To exercise the powers of Authorised Officers in respect of entry, inspection and investigation in relation to housing conditions as specified in any legislation the enforcement of which is delegated to Director of Leisure, Environment and Community Services	Executive Committee	[Head of Community <u>and Housing</u> 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 <u>and Housing</u> 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>2. Private Sector Housing</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Caravan Site Licences	To approve a transfer or renewal of a Caravan Site Licence	Executive	[Head of Community <u>and</u> <u>Housing</u> 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 <u>and</u> <u>Housing</u> 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 <u>and</u> <u>Housing</u> 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 <u>and</u> <u>Housing</u> Services] following consultation 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 <u>and</u> <u>Housing</u> 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 <u>and</u> <u>Housing</u> Services/ Housing Strategy Manager]

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

<b>2. Private Sector Housing</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Empty Dwellings - orders	To issue interim and final management orders in relation to empty dwellings under provisions of the Housing Act 2004 sections 133 & 136	Executive Committee	[Head of Community <u>and Housing</u> Services]/ [Housing Strategy Manager]
Mortgage Rescue Scheme	To Agree each case for purchase through the Government's Mortgage Rescue Scheme  Executive Committee October 2013	Executive Committee	[Head of <u>Community and Housing Services</u> ]
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 <u>and Housing</u> 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 <u>and Housing</u> 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 <u>and Housing</u> 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 <u>and Housing</u> 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>2. Private Sector Housing</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Lifetime Grants - approval	To approve applications for Lifetime Grants under the Housing Assistance Scheme and any subsequent schemes for works of repair, improvement, adaptation or thermal efficiency and applications for Landlord (HMO) Lifetime Grant	Executive Committee	<del>[Executive Director Leisure, Culture and Environmental Services]</del> Deputy Chief Executive/[Head of Community <u>and Housing</u> Services]/[Strategic Housing Manager]/[Private Sector Housing Team Leader]/[Housing Strategy & Enabling Team Leader]
Disabled Facilities Grants	To approve applications for mandatory Disabled Facilities Grant	Executive Committee	[Head of Community <u>and Housing</u> 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 <u>and Housing</u> 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 <u>and Housing</u> Services]/[Strategic Housing Manager]/[Private Sector Housing Team Leader]/[Housing Strategy & Enabling Team Leader]

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

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 <u>and Housing</u> 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 <u>and Housing</u> Services]/[Strategic Housing Manager]/[Private Sector Housing Team Leader]/[Housing Strategy & Enabling Team Leader].
Council land - bunding	In connection with the construction of bunding to prevent trespass on council land or removal of bunding provided for such purpose the Executive Director of Leisure, Environmental & Community Services shall, before taking action, consult with relevant Ward Members and residents in the vicinity likely to be affected. The decision to construct or remove bunding shall be delegated to the Director of Leisure, Environment & Community Services following consultation with the relevant Ward Members	Executive Committee	<del>[Executive Director Leisure, Community and Environmental Services Deputy Chief Executive]</del> /[Head of Community <u>and Housing</u> Services]/[Strategic Housing Manager]following consultation with Ward Members
Home Improvement Agency	To deal with day to day management of the Home Improvement Agency Service	Executive Committee	[Head of Community <u>and Housing</u> Services]/[Strategic Housing Manager]/[Private Sector Team Leader]
<u>Civil Penalty Notices</u>	<u>to approve the use of Civil Penalties in appropriate housing related offences as an alternative to prosecution</u>  <i>(Agreed by Council in June 2019)</i>	<u>Council</u>	<u>[Head of Community and Housing Services]</u>

**Constitution – Part 5 – Table 5.03 – 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 <u>and Housing</u> Services]/[Dial a Ride and Shopmobility Manager]

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

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

			Resources].
--	--	--	-------------

This page is intentionally left blank

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

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

**CONSTITUTION – PART 3 – TABLE 3.04**

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

**CONSTITUTION – PART 3 – TABLE 3.04**

	<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> <p>2. To initiate Tree Preservation Orders.</p>	Council	[Head of Environmental <u>and Housing Property Services</u> ]
Trees - Dangerous.	<p>1. Where notice is received under s23(2) of the Local Government (Miscellaneous Provisions) Act 1976 that trees are in such condition that they are likely to cause damage to persons or property on the land of the person giving notice:</p> <p>a. To take any steps necessary to make the trees safe (whether by felling or otherwise) where the owner of the land is not known.</p> <p>b. to serve a notice under s23 (3) of the Act on the owner or occupier of the land on which the trees are growing where</p>	Planning Committee.	[Head of Environmental <u>and Housing Property Services</u> ].

**CONSTITUTION – PART 3 – TABLE 3.04**

	<p>the name and address of such or occupier is known requiring the taking of steps to make the trees safe and if the Notice is not complied with to take the steps specified therein and recover such expenses.</p> <p>2. To take any necessary action under s23 – 26 of the Local Government (Miscellaneous Provisions) Act 1976 to secure the removal of dangerous trees and to deal with dangerous excavations.</p>	Planning Committee.	[Head of Environmental <u>and Housing Property Services</u> ].
High Hedges.	<p>1. To determine High Hedge applications submitted in accordance with Part 8 of the Anti-Social Behaviour Act 2003 and to issue a remedial notice where appropriate when:</p> <p>a. such applications are submitted by or on behalf of any officer of the Council or any Parish Council within the</p>	1. Council.	Planning Committee



**CONSTITUTION – PART 3 – TABLE 3.04**

	<p>Borough of Redditch.</p> <p>b. such applications are submitted by or on behalf of any County, District or Parish Councillor whose ward is within the Borough of Redditch.</p> <p>c. any County, District or Parish Councillor whose ward is within the Borough of Redditch is affected by such an application.</p> <p>2. In all other circumstances to determine all High Hedge applications submitted in accordance with Part 8 of the Anti-Social Behaviour Act 2003 and to issue a remedial notice where appropriate.</p>	<p>2. Planning Committee</p>	<p>[Head of Environmental <u>and Housing Property</u> Services].</p>
--	---	------------------------------	--

**CONSTITUTION – PART 3 – TABLE 3.04**

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

**CONSTITUTION – PART 3 – TABLE 3.04**

Traffic Management.	To approve or otherwise, local traffic management proposals and associated works.	Executive Committee.	[Head of Environmental <u>and Housing Property</u> Services] in consultation with Worcestershire County Council.
Road Closures.	To deal with applications for temporary road closures for special events.	Executive Committee.	[Head of Environmental <u>and Housing Property</u> Services]
Orders – Town Police Clauses Act.	To make, in appropriate cases, Orders under Section 21 of the Town Police Clauses Act 1847.	Executive Committee.	[Principal Solicitor].

## 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 <u>and Housing Property</u> 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 <u>and Housing Property</u> Services] or his/her nominee(s)
Abandoned Vehicles.	Removal, storage and disposal of abandoned vehicles.	Executive Committee.	[Head of Environmental <u>and Housing Property</u> Services] / [Waste Management Manager].
Vehicle Amnesties.	To organise vehicle amnesties as and when required.	Executive Committee.	[Head of Environmental <u>and Housing Property</u> 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 <u>and Housing Property</u> Services], following consultation with [Portfolio Holder for Local Environment].

**CONSTITUTION – PART 3 – TABLE 3.04**

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

**CONSTITUTION – PART 3 – TABLE 3.04**

<b><u>6. Energy Efficiency and Climate Change</u></b>			
<b><u>Subject:</u></b>	<b><u>Detail:</u></b>	<b><u>Delegated by:</u></b>	<b><u>Delegated to:</u></b>
<u>Low Emissions Vehicle Strategy</u>	<p><u>To act, following consultation with the relevant Portfolio Holder, to apply for, accept, and administer (including in partnership with other local authorities) future funding in line with this strategy.</u></p> <p><u>(Agreed by Council in July 2019)</u></p>	<u>Executive Committee.</u>	<p><u>[Head of Environmental and Housing Property Services] and [Head of Community and Housing Services].</u></p>

**LEGAL, EQUALITIES AND DEMOCRATIC****1. Democratic Services - General**

<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, <del>Equalities &amp;</del> Democratic <u>and</u> <u>Property</u> Services] / [Senior Democratic Services Officer]
Scheme of Delegation	To make any necessary minor administrative amendments to the Scheme of Delegation, subject to report in due course to the relevant parent body.	Council / Executive Committee.	[Chief Executive] following consultation with [Portfolio Holder for Corporate Management]
Committee Membership	To accept nominations and fill vacancies which arise in any Council-approved Committee membership.	Various	[Chief Executive] following consultation with [Leader] / Group Leaders
Outside Bodies	To appoint Officer representatives to outside bodies.	Council	[Chief Executive]
Calendar of Meetings	To set the annual Calendar of Meetings, provided that existing agreed patterns and frequency of meetings are observed.	Council and Executive Committee	[Senior Democratic Services Officer] following consultation with relevant Chairs
Variations to the Calendar of Meetings	Within the municipal year, to set and vary dates for Council / Committee meetings, in accordance with relevant statutory and constitutional provisions.	Various	[Senior Democratic Services Officer], following consultation with relevant Members
Petitions	To respond to Petitions, in accordance with the approved Protocol.	Council	[Monitoring Officer]/ [Chief Executive]/ [Deputy Chief Executive] / Directors / Relevant Officers

**2. Democratic Services - Members**

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



**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, <del>Equalities and</del> Democratic <u>and Property</u> 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, <del>Equalities &amp;</del> Democratic <u>and Property</u> 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, <del>Equalities &amp;</del> Democratic <u>and</u> <u>Property</u> Services] or [Principal Solicitor].
<b>Contracts</b>	<b>to sign or seal any document, Order or Notice on behalf of the Council and to serve or receive any documents on behalf of the Council to include contracts falling under the Contract Procedure Rules</b>  <b><i>(Proposed new delegation)</i></b>	<b>Council</b>	<b>[Head of Legal, Democratic and Property Services] and [Principle Solicitor]</b>
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, <del>Equalities &amp;</del> Democratic <u>and</u> <u>Property</u> Services] / [Principal Solicitor] / [Senior Democratic Services Officer]
Standards Committee Procedure	Together with the Standards Committee, to administer the Standards procedures and processes relating to the Code of Conduct and arrangements for managing Standards complaints as adopted by the Council.	Council/ Standards Committee	[Head of Legal, <del>Equalities &amp;</del> Democratic <u>and</u> <u>Property</u> Services]
Affidavits etc.	To authorise Officers to sign statements of truth, Statutory Declarations and Affidavits on behalf of the Council.	Council	[Principal Solicitor], or their nominees duly authorised by them in writing.
Authorised Officer – Misc Provisions	To act as an authorised Officer for the purposes of paragraph 14 of schedule 1 of the Local Government (Miscellaneous Provisions) Act 1982.		[Head of Legal, <del>Equalities &amp;</del> Democratic <u>and</u> <u>Property</u> Services] or nominee(s). <small>RBC May June 2020</small>

**CONSTITUTION PART 5 - Table 5.06**

Subject	Detail	Delegated by:	Delegated to:
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, <del>Equalities</del> Democratic <u>and Property</u> Services] or [Principal Solicitor], following consultation with [relevant Portfolio Holder]
Enforcement Action - Planning	To take enforcement action, including the instigation of legal proceedings if necessary, in respect of breaches of Planning Control, namely the display of any advertisement paraphernalia, without the express consent of the Local Planning Authority.	Council	[Head of Legal, <del>Equalities &amp;</del> Democratic <u>and Property</u> Services] in consultation with [Head of Planning, <del>and</del> Regeneration <u>and Leisure</u> Services]
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, <del>Equalities &amp;</del> Democratic <u>and Property</u> Services] / [Principal Solicitor] / [Mayor] or, in his/her absence, the [Deputy Mayor].

**CONSTITUTION PART 5 - Table 5.06**

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

**CONSTITUTION PART 5 - Table 5.06**

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

This page is intentionally left blank

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

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

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

Home Support Service	Day to day management of the Home Support Service to include the collection and recovery of support service charges	Executive Committee	<del>[Head of Housing]/</del> [Head of Community and Housing Services]/[Housing Services Manager]/[Housing Performance and Database Manager]
Support Service Charges	To collect and recover support service charges within the Charging Policy adopted by the Council and to refer cases to the Head of Legal Equalities and Democratic Services to institute proceedings to recover such charges.	Executive Committee	<del>[Head of Housing]/</del> [Head of Community and Housing Services] (with [Head of Legal Equalities and Democratic and Property Services])
Day-to-day management of the housing register	Management of the Council's Housing Register in accordance with the Council's Allocations Policy.	Executive Committee	<del>[Head of Housing]/</del> [Head of Community and Housing Services]/ [Housing Options Manager] /[Housing Services Manager]
Housing Allocations Policy	To make any future amendments to the Council's Housing Allocations Policy that are deemed to be necessary and which do not trigger the statutory obligation to consult the persons affected by the changes pursuant to section 168(3) of the Housing Act 1996.	Executive Committee	[Deputy Chief Executive and Executive Director for Leisure, Environment and Community services] in conjunction with the [Principle Solicitor] following consultation with the relevant Portfolio Holder.



Staff/Elected Member relations Housing Applications	In accordance with the Council's Allocations Policy, to approve a housing application for staff members, Elected Members or relatives of either.	Executive Committee	<del>[Head of Housing]</del> /[Head of Community <u>and</u> <u>Housing</u> Services]/ [Housing Options Manager]/ [Housing Services Manager]
	To make any offers of accommodation in above cases.	Executive Committee	[Chief Executive] & in their absence [Deputy Chief Executive & Executive Director for Leisure, Environment & Community Services] & in their absence [Executive Director of Finance & Corporate Resources]

## SCHEME OF DELEGATION TO OFFICERS

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

**SCHEME OF DELEGATION TO OFFICERS**

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

**SCHEME OF DELEGATION TO OFFICERS**

Tenant Rent Account credit refunds	To authorise rent account credit refunds where a tenant has overpaid their rent leaving a credit in accordance with procedures up to £3,000.	Executive Committee	[Housing Performance and Database Manager] / [Housing Services Manager]
Right to Buy	In respect of the management of the right to buy process within the guidance of the Housing Act 1985 within policy and procedure to authorise: <ul style="list-style-type: none"> <li>• acceptance or denial of a Right to Buy application</li> <li>• To agree/disagree waiver of the discount period of a completed right to buy</li> </ul>	Executive Committee	<del>[Head of Housing]</del> / [Head of Community and Housing Services]/ [Housing Performance & Database Manager]/[Housing Services Manager]
Council Housing Growth Programme	To approve the necessary delivery agents for commissioning the construction of new HRA stock from the Council Housing Growth Programme budget.	Executive Committee	[Deputy Chief Executive & Executive Director for Leisure, Environment & Community Services] <del>/[Head of Housing Services]</del> / [Head of Community and Housing Services]
Enforcement Action Inspection and Maintenance	To take enforcement action in relation to the Inspection and Maintenance e.g. gas, electrical and other statutory or essential inspections or maintenance  To gain entry to properties where a tenant does not permit access to the Council or Council's contractor to undertake safety inspections, routine servicing or maintenance .	Executive Committee  <u>Executive Committee</u>	<del>[Head of Housing]</del> / [Head of Community and Housing Services] / [Head of Environmental and Housing Property Services] / [Repairs & Maintenance and Capital Manger] following consultation with [Principal Solicitor]  [Head of <u>Community and</u> Housing Services] or [Repairs & Maintenance and Capital Manger], following consultation with the [Principal Solicitor].

**SCHEME OF DELEGATION TO OFFICERS**

Powers to Force Entry	To exercise the Councils powers within the guidelines of the Housing Act 1985 acting within policy and procedure to enforce entry to Council-owned properties in cases of emergency.	Executive Committee	[Deputy Chief Executive & Executive Director for Leisure, Environment & Community Services] / <del>[Head of Housing]</del> / [Head of Environmental <u>and Housing Property</u> Services]/[Head of Community <u>and Housing</u> Services]/ [Housing Services Manager] / [Repairs & Maintenance and Capital Manager], in consultation with [Principal Solicitor] or if out of hours, the [Duty Officer]
To agree inspections and maintenance requirements to Council Housing Stock	Day to day repairs and maintenance of tenanted properties and voids	Executive Committee	<del>[Head of Housing Services]</del> / [Head of Environmental <u>and Housing Property</u> Services]/ [Head of Community Services] and [Repairs & Maintenance and Capital Manager]
Improvements and Alternations	To approve an application of a secure tenant to make an alternation or improvement to their home	Executive Committee	<del>[Head of Housing]</del> / [Head of Environmental <u>and Housing Property</u> Services]/ <del>[Head of Community and Housing Services]</del> / [Repairs & Maintenance and Capital Manager]
Major property Medical Adaptation works	To authorise major property works for OT recommended medical adaptations costing more than £5k	Executive Committee	[Head of <u>Community and Housing</u> ]/[Head of Environmental <u>and Housing Property</u> Services]/ [Repairs & Maintenance and Capital Manager]/[Housing

## SCHEME OF DELEGATION TO OFFICERS

			Services Manager]
Major property void works	To authorise major void works costing more than £10k	Executive Committee	[Deputy Chief Executive & Executive Director for Leisure, Environment & Community Services] / <del>[Head of Housing]</del> / [Head of Environmental <u>and Housing Property Services</u> ] / [Head of <u>Community and Housing Services</u> ];
Tenant Recharges	To authorise tenant recharges where works have been carried out and deemed as tenant responsibility	Executive Committee	[Head of Environmental <u>and Housing Property Services</u> ] / [Head of <u>Community and Housing Services</u> ] / [Repairs & Maintenance and Capital Manager]

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

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

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

			Head of Service
Sports Development	Day-to-day operation of Sports Development, and the setting of fees and charges for their activities.	Executive Committee	[Head of <u>Planning, Regeneration and Leisure and Cultural Services</u> ]
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 <u>Planning, Regeneration and Leisure and Cultural Services</u> ]
Off-Peak Charges at Sports Facilities	To negotiate off-peak charges for specific amenity events at Sports Centres	Executive Committee	Rubicon Leisure
Varying Charges	To vary charges at Leisure Facilities, in response to additional competition over 5% from previous year	Executive Committee	Rubicon Leisure in consultation with [RBC Client Officer]
Palace Theatre / Arts Development / Negotiation of Fees	Day-to-day operation of the Palace Theatre and Arts Development function; normal lettings and negotiation with artists and organisations of performing fees where appropriate.	Exec	[Head of <u>Planning, Regeneration and Leisure and Cultural Services</u> ] for Arts Development functions, Rubicon Leisure for Palace Theatre
Bank Holiday Closures	To determine dates for the closure of recreational facilities for the Christmas and New Year Holidays.	Exec	Rubicon Leisure in consultation with [RBC Client Officer]



**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	Rubicon Leisure
Promotions – Short-Term / One-Off	To approve and implement short-term and one-off promotions at all Sports and Leisure facilities.	Executive Committee	Rubicon Leisure
Roundabout Sponsorship	To agree sponsorship fees with a maximum of 20% plus/minus variance of approved charges	Executive Committee	[Head of <u>Planning, Regeneration and Leisure</u> <del>and Cultural</del> 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	[Head of <u>Planning, Regeneration and Leisure</u> <del>and Cultural</del> Services] following consultation with [Chief Executive]
Bookings	Subject to the agreed policies of the Council, to accept bookings of the Town Hall Civic Suite.	Executive Committee	[Head of <u>Planning, Regeneration and Leisure</u> <del>and Cultural</del> Services] following consultation with [relevant Portfolio Holder]
Concessionary Use	To agree requests for concessionary use of the Civic Suite.	Executive Committee	[Head of <u>Planning, Regeneration and -Leisure</u> <del>&amp; Cultural</del> Services] and his/her authorised Managers, following consultation with [relevant Portfolio Holder].

**CONSTITUTION – PART 5 – TABLE 5.07 Leisure & Culture****2. Parks and Open Spaces**

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

This page is intentionally left blank

**CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen****PLANNING & REGENERATION****1. Building Control**

<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	<p>[Head of Planning_&amp; Regeneration <u>and Leisure Services</u>] / [Building Control Manager]</p>
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 <u>and Leisure Services</u>] / [Building Control Manager]</p> <p>As above</p> <p>[Head of Planning_&amp; Regeneration <u>and Leisure Services</u>] / [Building Control Manager] / [Principal Solicitor]</p>
Entering Premises	<p>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.</p>	Exec	<p>[Head of Planning_&amp; Regeneration <u>and Leisure Services</u>] / [Building Control Manager]</p>

**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 <sub>1</sub> & Regeneration <u>and Leisure Services</u> ] / [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 <sub>1</sub> & Regeneration <u>and Leisure Services</u> ] / [Building Control Manager]
Fees & Charges	Council's Scheme of Charges under the Building (Local Authority Charges) Regulations 1998 - To vary the standard fee scales of the Local Government Association Model Scheme by up to plus or minus 10%.	Exec	[Head of Planning <sub>1</sub> <del>and</del> Regeneration <u>and Leisure Services</u> ] in consultation with the [Chief Executive]

**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, <u>&amp; Regeneration and Leisure Services</u> ]

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, <u>and Regeneration and Leisure Services</u> ]/ Planning officers
--	--	--	---

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

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



**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>• 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, <u>&amp; Regeneration and Leisure Services</u> ] and/or [Development Plans Manager]
Planning Obligations	<p>All planning obligation variations and discharges, other actions or advice / responses on behalf of the Local Planning Authority within the list of Planning and Associated legislation / regulations, are considered to fall within the delegation scheme and will be enacted by Officers unless any of the following apply:-</p> <ol style="list-style-type: none"> <li>1. Deletion or addition of one or more of the heads of terms.</li> </ol>	Council	[Head of Planning, <u>&amp; Regeneration and Leisure Services</u> ]

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

	<ol style="list-style-type: none"><li>2. Significant change in overall area of land to be transferred to Redditch Borough Council.</li><li>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)].</li><li>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.</li></ol>		
--	--	--	--

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

Subject	Detail	Delegated by:	Delegated to:
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 and Leisure Services]

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

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

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

			[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	[Head of Planning, & Regeneration <u>and Leisure Services</u> ] and [Head of Economic Development and Regeneration – North Worcestershire]
Fees & Charges	The setting of fees / rents as published in the “Fees and Charges” booklet, or as agreed by the Executive Committee.	Executive Committee	[Head of Planning, & Regeneration <u>and Leisure Services</u> ] and [Head of Economic Development and Regeneration – North Worcestershire]
Refund of Fees	To deal with the refund of fees / rents due to inclement weather or, in other exceptional circumstances.	Executive Committee	[Head of Planning, & Regeneration <u>and Leisure Services</u> ], in consultation with [Chief Executive] or [Executive Director of Finance and Corporate Resources] and [Head of Economic

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

			Development and Regeneration – North Worcestershire]
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, <u>&amp; Regeneration and Leisure Services</u> ] and [Head of Economic Development and Regeneration – North Worcestershire]
Charity Stalls	To allocate up to two stalls per day free of charge to charitable / not for profit organisations when stalls are not required by licensed or casual traders.	Executive Committee	[Head of Planning, <u>&amp; Regeneration and Leisure Services</u> ] and [Head of Economic Development and Regeneration – North Worcestershire]

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

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



**CONSTITUTION - PART 5 – TABLE 5.09 – Reg Services****REGULATORY SERVICES****1. LICENSING****HEAD OF REGULATORY SERVICES (WORCESTERSHIRE REGULATORY SERVICES)**

To determine applications made for licences of premises for acupuncture, tattooing, ear piecing and electrolysis.

To determine applications for the registration of animal trainers and exhibitors.

To be responsible for inspections of premises are undertaken to ensure compliance with animal welfare licensing legislation and to engage veterinary surgeons for these purposes where necessary.

To authorise officers for the purpose of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

To be designated as “Proper Officer” for the provisions of the Breeding of Dogs Act 1973 and to act on behalf of the Council in respect of the provisions of the Act and to engage veterinary surgeons for the purpose of inspecting premises under the Act.

To determine applications for house to house and street collections.

To respond to applications where the Council is a responsible authority or consultee.

To be designated as “Proper Officer” for the purposes of the administration of the Dangerous Wild Animals Act 1976 and to be authorised to carry out all appropriate functions including the entering of premises.

To grant consents for uncontested Street Amenity Consents under the Highways Act 1980

To authorise the entry of premises for the purpose of enforcing the provisions of the following legislation on behalf of the Council:

- Animal Boarding Establishments Act 1963.
- Breeding of Dogs Act 1973.
- Gambling Act 2005.
- Licensing Act 2003.
- Local Government (Miscellaneous Provisions) Acts 1976 and 1982.
- Town Police Clauses Act 1847.
- Zoo Licensing Act 1981.

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

- Determination of fee levels.
- Applications for variations to premises licences, provisional statements, club gaming/club machine permits and other permits where representations have been received and not withdrawn.
- Applications for transfer of premises licences where representations have been made by the Gambling Commission.
- Review of premises licenses.
- Decision to give a counter notice to a temporary use notice.
- Refusal of applications for registration by societies wishing to promote lotteries.

**Hackney Carriages and Private Hire Operators, Vehicles and Drivers****To determine all matters in relation to Hackney Carriage Drivers and Private Hire Operators, Vehicles and Drivers except:****Hackney Carriage and Private Hire Driver's**

- Determination of applications where the applicant does not meet the Council's application criteria.
- Suspension / revocation of a drivers licence, where suspension / revocation is required with immediate effect (in consultation with the Licensing Committee Chairman / Vice-Chairman) that since the grant of the licence they have:-
  - (i) been convicted of an offence involving dishonesty, indecency or violence; or
  - (ii) been convicted of an offence under or has failed to comply with the provision of the Act of 1847 or section 61 of the Local Government (Miscellaneous Provisions) Act 1976; or
  - (iii) any other reasonable cause.

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

**Hackney Carriage and Private Hire Vehicles**

- Determination of an application where the vehicle does not meet the Council's criteria.
- Suspension / revocation / refuse to renew a vehicle licence, where suspension / revocation is required with immediate effect (in consultation with the Licensing Committee Chairman / Vice-Chairman) on any of the following grounds:-
  - (i) that the vehicle is unfit for use as a hackney carriage or private hire vehicle;
  - (ii) any offence under, or non-compliance with, the provision of the Act of 1847 or section 60 of the Local Government (Miscellaneous Provisions) Act 1976; or
  - (iii) any other reasonable cause.

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

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

**Operator's**

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

**Fares/Stand**

- Revisions to the Council's Table of Hackney Carriage Fares.
- Appointment of Hackney Carriage stands/revisions to existing Hackney Carriage stands.

**To suspend Premises and Club Premises Licences following non payment of fees under sections 55A and 92A of the Licensing Act 2003 (as amended)**

**To determine all matters under the Licensing Act except:**

- Application to vary designated premises supervisors if representations are made.
- Applications for personal licences, premises licences/ club premises licences and provisional statements where representations have been received.
- Applications for Interim Authorities if a police representation is made.
- Application to vary premises licences/ club premises certificates if representations are made.
- Applications to review premises/ club premises certificate.
- Any interim steps following an application for an expedited review.
- Determination of Temporary Event Notices where representations have been made by the Police.
- Applications to transfer premises licences if representations are made.
- Applications for minor variations if representations are made by the Police.

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

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

**To determine applications for licences for riding establishments**

**To determine applications for Zoo Licensing**

**To carry out any other function or responsibility in relation to the legislation listed at RS1 not specifically referred to above**

**RS1**

- Animal Boarding Establishments Act 1963.
- Animal Welfare Act 2006.
- Breeding and Sale of Dogs (Welfare) Act 2006.

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

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

**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.

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

Bluetongue Regulations 2008.  
 Breeding and Sale of Dogs (Welfare) Act 1999.  
 Breeding of Dogs Act 1973 and 1991.  
 Building Act 1984.  
 Business Protection from Misleading Marketing Regulations 2008.  
 Cancellation of Contracts made in a Consumers House or Place of Work etc Regulations 2008.  
 Caravan Sites Act 1968.  
 Caravan Sites and Control of Development Act 1960.  
 Cat and Dog Fur (Control of Import, Export and Placing on Market) Regulation 2008.  
 Cattle Identification Regs 2007.  
 Charities Act 1993.  
 Children & Young Persons (Protection from Tobacco) Act 1991.  
 Children & Young Persons Act 1933.  
 Chronically Sick and Disabled Persons Act 1970.  
 Cinemas Act 1985.  
 Civic Amenities Act 1967.  
 Civil Defence Act 1948 and Regulations made thereunder.  
 Clean Air Act 1993.  
 Clean Neighbourhoods and Environment Act 2005.  
 Construction Products Regulations 1991.  
 Consumer Credit Act 1974.  
 Consumer Protection (Distance Selling) Regulations 2000.  
 Consumer Protection Act 1987.  
 Consumer Protection from Unfair Trading Regulations 2008.  
 Control of Pollution Act 1974.  
 Copyright, Designs and Patents Act 1988.  
 Criminal Justice and Immigration Act 2008.  
 Criminal Justice and Public Order Act 1994.  
 Crystal Glass (Descriptions) Regs 1973.  
 Dangerous Wild Animals Act 1976.  
 Dangerous Dogs Act 1990  
 Deer Act 1991.  
 Defective Premises Act 1972.  
 Development of Tourism Act 1969 (Section 18).  
 Disabled Persons Act 1981.  
 Distance Selling Regulations 2000.  
 Ecodesign for Energy-Using Product Regulations 2007.  
 Education Reform Act 1988.  
 Eggs (Marketing Standards) Regulations 2005.  
 Eggs and Chicks (England) Regulations 2008.  
 Electromagnetic Compatibility Regs 1992.  
 Electro-medical Equipment (EEC Requirements) Regs 1988.  
 Energy Act 1976 (Section 18).  
 Energy Conservation Act 1981 (Section 20).  
 Energy Efficiency (Refrigerators and Freezers) Regs 1997.  
 Energy Information (Combined Washer-driers) Regs 1997.  
 Energy Information (Dishwashers) Regs 1999.  
 Energy Information (Household Air Conditioners) (No.2) Regulations 2005.  
 Energy Information (Household Electric Ovens) Regulations 2003.

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

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

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

Land Drainage Acts 1976 & 1991.  
 Litter Act 1983.  
 Local Government & Housing Act 1989.  
 Local Government (Miscellaneous Provisions) Acts 1976 & 1982.  
 Manufacturing and Storage of Explosives Regulations 2005.  
 Materials and Articles in Contact with Food England Regs 2007.  
 Measuring Instruments (Automatic Catchweighers) Regulations 2006.  
 Measuring Instruments (Automatic Discontinuous Totalisers) Regulations 2006.  
 Measuring Instruments (Automatic Gravimetric Filling Instruments) Regulations 2006.  
 Measuring Instruments (Beltweighers) Regulations 2006.  
 Measuring Instruments (Capacity Serving Measures) Regulations 2006.  
 Measuring Instruments (Cold Water Meters) Regulations 2006.  
 Measuring Instruments (Liquid Fuel and Lubricants) Regulations 2006.  
 Measuring Instruments (Liquid Fuel delivered from Road Tankers) Regulations 2006.  
 Measuring Instruments (Material Measures of Length) Regulations 2006.  
 Measuring Instruments (Non prescribed Instruments) Regulations 2006.  
 Measuring Instruments (Rail - Weighbridges) Regulations 2006.  
 Medicines Act 1968.  
 Mobile Homes Acts 1975 & 1993.  
 Motor Cycle Noise Act 1987.  
 National Assistance Act 1948 Sec 47.  
 Natural Mineral Water, Spring Water & Bottled Water England Regs 1999.  
 Noise & Statutory Nuisance Act 1993.  
 Noise Act 1996.  
 Non-Automatic Weighing Instruments (EEC Requirements) Regs 2000.  
 Offensive Weapons Act 1996.  
 Offices, Shops & Railway Premises Act 1963.  
 Official Controls (Animal Feed and Food) (England) Regs 2006.  
 Official Feed & Food Controls (England) Regs 2007.  
 Olive Oil (Marketing Standards) Regs 2003.  
 Olympic Symbol etc. (Protection) Act 1995.  
 Organic Product Regulations 2009.  
 Package Travel, Package Holidays & Package Tours Regs 1992.  
 Packaging (Essential Requirements) Regs 2003.  
 Party Wall Act 1966.  
 Performing Animals (Regulation) Act 1925.  
 Personal Protective Equipment Regulations 2002.  
 Pet Animals Act 1951.  
 Petroleum (Transfer of Licences) Act 1936.  
 Petroleum Consolidation Act 1928.  
 Planning (Hazardous substances) Act 1990.  
 Plastic Materials and Articles in Contact with Food England Regs 2009.  
 Poisons Act 1972.  
 Police, Factories etc (Miscellaneous Provisions) Act 1916.  
 Pollution Prevention and Control Act 1999.  
 Poultry Meat (Water Content) Regs 1984.  
 Prevention of Damage by Pests Act 1949.  
 Prices Acts 1974 and 1975.  
 Private Security Industries Act 2001.  
 Proceeds of Crime Act 2002.



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

Products of Animal Origin (Disease Control) (England) Regulations 2008.  
 Products of Animal Origin (Import and Export) Regulations 1996 (as amended).  
 Products of Animal Origin (Third Country Imports) (England) Regulations 2006.  
 Property Mis-descriptions Act 1991.  
 Protection of Animals Act 1911 as amended.  
 Protection of Children (Tobacco) Act 1986.  
 Public Health (Control of Disease) Act 1984.  
 Public Health Acts (Amendment) Act 1907.  
 Public Health Acts 1875, 1925, 1936 & 1961.  
 Quick Frozen Food Stuffs (England) Regulations 2007.  
 Radio Equipment and Telecommunications Terminal Equipment Regs 2000.  
 REACH Enforcement Regulations 2008.  
 Refuse Disposal (Amenity) Act 1978.  
 Regulation (EC) No. 178/2002.  
 Regulation (EC) No. 852/2004.  
 Regulation (EC) No. 853/2004.  
 Regulation (EC) No. 854/2004.  
 Regulation (EC) No. 2073/2005.  
 Rent Act 1977.  
 Rice Products (Restrictions on First Packaging on the Market) (England) Regs 2006.  
 Riding Establishments Acts 1964 & 1970.  
 Road Traffic (Consequential Provisions) Act 1988.  
 Road Traffic (Foreign Vehicles) Act 1972.  
 Road Traffic Acts 1988 and 1991.  
 Road Traffic Offenders Act 1988.  
 Road Traffic Regulation Act 1984 (Section 5).  
 Safety of Sports Grounds Act 1975.  
 Sale of Goods Act 1979.  
 Scotch Whisky Act 1988.  
 Scrap Metal Dealers Act 2013.  
 Simple Pressure Vessels (Safety) Regs 1991.  
 Slaughter of Poultry Act 1967.  
 Slaughterhouses Act 1974.  
 Smokefree (Exemptions and Vehicles) Regulations 2007.  
 Smokefree (Penalties and Discounted Amounts) Regulations 2007.  
 Smoke-free (Premises and Enforcement) Regulations 2006.  
 Smokefree (Signs) Regulations 2007.  
 Smokefree (Vehicle Operators and Penalty Notices) Regulations 2007.  
 Sunday Trading Act 1994.  
 Supply of Goods and Services Act 1982.  
 Supply of Machinery (Safety) Regs 1992.  
 Telecommunications Act 1984.  
 Textile Products (Indications of Fibre Content) Regs 1986.  
 Theft Acts 1968 and 1978.  
 Timeshare Act 1992.  
 Town Police Clauses Act 1847.  
 Trade Descriptions Act 1968.  
 Trade Marks Act 1994.  
 Trading Standards - Agricultural (Miscellaneous Provisions) Act 1968.  
 Transmissible Spongiform Encephalopathies (England) Regulations 2008.

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

Unfair Terms in Consumer Contracts Regulations 1999.  
Unsolicited Goods and Services Acts 1971 and 1975.  
Video Recordings Acts 1984 and 1993.  
Warm Homes & Energy Conservation Act 2000.  
Water Acts 1973-2003.  
Water Industry Act 1991.  
Water Industry Act 1999.  
Weeds Act 1959.  
Weights and Measures Act 1985.  
Wildlife and Countryside Act 1981.  
Wine Regulations 2009.  
Worcester City Act 1985.  
Zoo Licensing Act 1981.

**CONSTITUTION – PART 5 – TABLE 5.10 - Resources****RESOURCES****1. Finance - Accounts, Financial Management & Advice**

<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 <del>Customer Access and Financial Support and Customer Services</del> ]
Reduction of Council Tax payable	To reduce the Council Tax payable on a case by case basis, as provided by Section 13A 1 (c) of the Local Government Finance Act 1992.	Council	[Executive Director Finance and Resources] and [Financial Support Manager]
Debt Collection / Recovery	To collect and recover all debts, except housing rents.	Executive Committee	[Head of <del>Customer Access and Financial Support and Customer Services</del> ]
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 <del>Customer Access and Financial Support and</del> ]

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

			<u>Customer Services</u> following consultation with the [Portfolio Holder]
Discretionary Rate Relief	To grant applications under the Non-Domestic Rates – Discretionary Rate Relief Scheme recommended for approval by Executive Committee on 11th February 2004 where within budget with reference to Section 47 of the Local Government Finance Act 1988.	Executive Committee	[Financial Support Manager]
Local Discretionary Relief Scheme	To adjust the percentage relief awarded in order to ensure that the maximum level of support is provided to businesses and that the Government funding meets the overall costs of the relief.	Executive Committee / Council	[Executive Director of Finance and Resources] After consultation with the [relevant Portfolio Holder].
Collection Fund	To administer the Collection Fund in accordance with Section 89(3) of the Local Government Finance Act 1988.	Executive Committee	[Executive Director of Finance and Resources]
Offences under Social Security Administration Act	To administer formal cautions for offences under the Social Security Administration Act 1992.	Executive Committee	[Head of <del>Customer Access and</del> Financial Support and <u>Customer Services</u> ] 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	To administer the Essential Living	Executive	[Head of

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

Living Allowance	Allowance scheme in accordance with Council Policy (agreed 12 <sup>th</sup> March 2013)	Committee	<del>Customer Access and Financial Support and Customer Services</del> ] and [Head of <del>Community and Housing Services</del> ]
Stock Exchange Transactions	To seal Stock Exchange Transactions.	Executive Committee	[Executive Director of Finance and Resources]
Investment of Balances	To invest balances, other and special funds.	Executive Committee	[Executive Director of Finance and Resources]
Investments	To determine action to be taken in respect of the Council's funds invested by approved external Fund Managers.	Executive Committee	[Executive Director of Finance and Resources]
Legal Processes- Rates, Council Tax , NNDR	In respect of rates, Council Tax, penalties and the National Non-Domestic Rate and representation in the Valuation Tribunal, Issue of all legal processes, including applications for committal.	Executive Committee	[Executive Director of Finance and Resources]
Empty Property Rates - Exemptions	To determine legal exemption under the empty property rate provisions in accordance with Section 44(A) of the Local Government Finance Act 1988 in respect of national non-domestic rates except in cases of dispute.	Executive Committee	[Head of <del>Customer Access and Financial Support and Customer Services</del> ]
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 <del>Customer Access and Financial Support and Customer Services</del> ]

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

Insolvency Procedures	To commence insolvency procedures, both against individuals and companies.	Executive Committee	[Head of <del>Customer Access and Financial Support and Customer Services</del> ]/ [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 <del>Customer Access and Financial Support and Customer Services</del> ]/ [Head of <del>Community and Housing Services</del> ]
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 <del>Customer Access and Financial Support and Customer Services</del> ] / [Head of <del>Community and Housing Services</del> ]
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

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

			[Head of <u>Community and Housing Services</u> ], 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 <u>Customer Access and Financial Support and Customer Services</u> ] / [Head of <u>Community and Housing Services</u> ]
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

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

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



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

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

**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 <del>Customer</del> Access and Financial Support and <del>Customer</del> Services]
Acceptance of Offers at Auction	The acceptance of an offer when a sale is effected by auction.	Executive Committee	[Head of <del>Customer</del> Access and Financial Support and <del>Customer</del> Services]/ [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 <del>Customer</del> Access and Financial Support and <del>Customer</del> Services]
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 <del>Customer</del> Access and Financial Support and <del>Customer</del> Services]/ [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 <del>Customer</del> Access and Financial Support and <del>Customer</del> Services]/ [Principal Solicitor]

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

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 <u>Customer Access and Financial Support and Customer Services</u> ]/ [Principal Solicitor]
Assignment / Sub-letting – Leased Properties	The assignment or sub-letting of leased properties, subject to appropriate satisfactory references.	Executive Committee	[Head of <u>Customer Access and Financial Support and Customer Services</u> ]/ [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 <u>Customer Access and Financial Support and Customer Services</u> ]
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 <u>Customer Access and Financial Support and Customer Services</u> ]
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 <u>Customer Access and Financial Support and Customer Services</u> ]

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

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 <u>Customer Access and Financial Support and Customer Services</u> / 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 <u>Customer Access and Financial Support and Customer Services</u> ] with [Head of Legal, <u>Equalities and Democratic and Property Services</u> ]
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 <u>Customer Access and Financial Support and Customer Services</u> ]/ [Principal Solicitor]
Miscellaneous Delegation	<p>1) To serve requisitions for information as to ownership of property.</p> <p>2) To seek Planning Permission on behalf of the Council.</p>	<p>Executive Cttee</p> <p>Council</p>	<p>All Directors / or in their absence, other relevant Heads of Service / Managers</p> <p>Directors and Heads of Service, subject to prior consultation with Ward Members</p>

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

<b><u>Subject:</u></b>	<b><u>Detail:</u></b>	<b><u>Delegated by:</u></b>	<b><u>Delegated to:</u></b>
Disposals of Surplus Assets	To deal fully with all disposals of surplus assets approved by the Executive Committee / Council, subject to reports being submitted to the Executive Committee on the receipts generated from major land or building sales.	Executive Committee	[Director of Finance & Resources] / [Head of <del>Customer Access and Financial Support and Customer Services</del> ]
'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 <del>Customer Access and Financial Support and Customer Services</del> ]/ [Principal Solicitor]
Dedication of Council Land	To approve, and complete documentation in respect of, the dedication of Council land for the purposes of either footpaths, bridleways, cycle routes or roads, as requested in consultation with Worcestershire County Council.	Executive Committee	[Principal Solicitor]
Public Open Space	To accept, on behalf of the Council, land for Public Open Space, or land for other public purposes, in connection with the provisions of Section 106 of the Town & Country Planning Act 1990, or Section 111 of the Local Government Act 1972, following consultation with other appropriate Officers.	Executive Committee	[Head of <del>Customer Access and Financial Support and Customer Services</del> ]/ [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 <del>Access and</del> Financial <del>Support and</del> Customer <del>Services</del> ]
Notices re Right to Buy	To serve notices in association with the Right to Buy Scheme.	Executive Committee	[Head of <del>Customer</del> <del>Access and</del> Financial <del>Support and</del> Customer <del>Services</del> ]/ [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 <del>Customer</del> <del>Access and</del> Financial <del>Support and</del> Customer <del>Services</del> ]
Repayment of Discount	To refuse (but not to agree) to waive the Council's entitlement to repayment of discount.	Executive Committee	[Head of <del>Customer</del> <del>Access and</del> Financial <del>Support and</del> Customer <del>Services</del> ]
Discount for Disposals	To determine the level of discount to be repaid for relevant disposals under the Housing Act 2004.	Executive Committee	[Head of <del>Customer</del> <del>Access and</del> Financial <del>Support and</del> Customer <del>Services</del> ]



## Executive Committee

Monday, 24 February 2020

### MINUTES

#### Present:

Councillor Matthew Dormer (Chair), Councillor David Thain (Vice-Chair) and Councillors Greg Chance, Brandon Clayton, Julian Grubb, Bill Hartnett, Mike Rouse and Craig Warhurst

#### Also Present:

Salman Akbar, Juliet Brunner, John Fisher, Peter Fleming, Andrew Fry, Ann Isherwood, Anthony Lovell, Gemma Monaco, Nyear Nazir, Gareth Prosser, Mark Shurmer, Yvonne Smith and Jennifer Wheeler

#### Officers:

Kevin Dicks, Claire Felton, Sue Hanley, Jayne Pickering and Deb Poole

#### Committee Services Officer:

Jess Bayley

### 115. CONSTITUTION REVIEW

The Head of Service for Transformation, Organisational Development and Digital Strategy presented a report outlining proposed amendments to the Officer Scheme of Delegations. Members were asked to consider delegating authority to Officers in respect of the following:

- To determine the Council's IT policies.
- To determine equalities, engagement and performance policies.
- To determine service restructures.

In all cases the delegated authority would enable the Council to update policies and procedures at the Council more quickly than at present. The proposed delegations would also enable the Council to adapt in a fast changing environment, including with respect to modern technology. The changes had been reviewed at a recent meeting of the Constitutional Review Working Party (CRWP) and the proposals detailed in the report reflected the conclusions reached by the group.

.....  
Chair

# **Executive Committee**

Monday, 24 February 2020

---

Members discussed the proposed delegations and in doing so noted that this followed previous reviews of the Officer Scheme of Delegations in recent years. As had been the case at the CRWP meeting there was general consensus that the proposed delegation for Officers to determine IT policies should be supported, as this was an internal operational matter. However, concerns were raised about proposals to delegate authority to Officers to determine equalities and engagement policies. Members noted that the Council in the past had frequently adopted progressive policies in respect of these areas prior to legislation being passed that required such action and Members would potentially want to continue to do so. In respect of service restructures concerns were raised that this could result in staff redundancies as well as impact on services provided to the local community.

**RECOMMENDED that**

- 1) the proposed change to the Officer Scheme of Delegations for the Business Transformation and Organisational Development Department, in respect of delegating authority to Officers to determine all the Council's policies and strategies relating to Equalities, Engagement and Performance be approved;**

**and RESOLVED that**

- 2) the proposed changes to the Officer Scheme of Delegations for the Business Transformation and Organisational Development Department, in respect of delegating authority to Officers to determine all the Council's IT policies be approved; and**
- 3) the proposed changes to the Officer Scheme of Delegations for the Business Transformation and Organisational Development Department, in respect of delegating authority to Officers to determine restructures within agreed budgets be approved.**

The Meeting commenced at 6.31 pm  
and closed at 6.46 pm



**REDDITCH BOROUGH COUNCIL****RECORD OF DECISION TAKEN UNDER URGENCY PROCEDURES****SUBJECT: Local Enterprise Partnership (LEP) - Council membership****BRIEF STATEMENT OF SUBJECT MATTER:**

Members are asked to make this urgent decision on the basis that the West Midlands is the only area that has failed to come up with its own plan to remove boundary overlaps between the three LEPs in the region – Stoke-on-Trent and Staffordshire LEP, Greater Birmingham and Solihull LEP and Worcestershire LEP – and have not been able to agree a way forward. The Council previously agreed a Motion on Notice in respect of LEP membership, on 22<sup>nd</sup> July 2019. This decision would enable the Council to act on the resolutions that were agreed by Council during consideration of that Motion.

**DECISION: As a result of the LEPs' failure to resolve this issue, and pre-empting the imposition of a government decision, Redditch Brough Council should implement the decision taken on 22<sup>nd</sup> July 2019 by Council.**

**RESOLVED that**

- a) the Council writes to the Worcestershire LEP to resign from the partnership; and
- b) the council writes to the Secretary of state for Housing, Communities and Local Government informing him of the authority's decision.

**(Council decision)****GROUND FOR URGENCY:**

The Government has indicated that it will be making a decision for Councils that have not yet made a decision for themselves about LEP membership. This urgent decision is therefore needed to ensure the Council's position.

**DECISION APPROVED BY:***(Deputy)* **CHIEF EXECUTIVE****EXECUTIVE DIRECTOR FINANCE & RESOURCES**  
*(if financial implications)*.....  
**(Signature) (Sue Hanley / Kevin Dicks - (D)CX)**.....  
**(Signature) (Jayne Pickering)****Date: March 2020**

**PROPOSED ACTION SUPPORTED** *(amend as appropriate)*

..... <b>(Signature)</b>	..... <b>(Signature)</b>	..... <b>(Signature)</b>	..... <b>(Signature)</b>	..... <b>(Signature)</b>
<i>(Block Capitals)</i>	<i>(Block Capitals)</i>	<i>(Block Capitals)</i>	<i>(Block Capitals)</i>	<i>(Block Capitals)</i>
<b>MAYOR *</b>	<b>PF HOLDER</b>	<b>LEADER / LABOUR Group</b>	<b>LEADER / LDR CONSERVATIVE Group</b>	<b>CHAIR O&amp;S Committee</b>
Date:	Date:	Date:	Date:	Date:

Notes:

\* In addition to the Executive decision above regarding the matter under consideration, the Mayor is signing to agree both that the Executive decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. This is to ensure that the call-in procedures as set out in Part 8 of the Constitution shall not apply where an Executive decision being taken is urgent.

## REDDITCH BOROUGH COUNCIL

**RECORD OF DECISION TAKEN UNDER URGENCY PROCEDURES****SUBJECT: Delegations - Contracts and Licensing****BRIEF STATEMENT OF SUBJECT MATTER:**

The following urgent decisions are required to facilitate the continued functioning of Council business given the expected inability to call Member meetings and potential executive staff absence as a result of the Covid-19 outbreak.

Rubicon Leisure's Articles of Association provide at Article 8.2 that *At least 30 days prior to the start of each financial year the Board of Directors shall prepare a draft business plan and present the same for approval by the Members. Once approved (subject to such amendment as the Members see fit) the Directors shall at all times, conduct the business of the Company in a manner which is consistent with the provisions of the Business Plan.* The Leisure Operating Contract also includes requirements relating to the approved Business Plan.

Rubicon Leisure's Business Plan for the financial year 2020/2021 has not yet been approved by the Shareholder Committee. The closure of a number of Rubicon sites from 21 March 2020 in response to the Covid-19 outbreak will have significant impact on Rubicon Leisure's operations in the financial year 2020 to 2021 and the draft Business Plan has effectively been rendered obsolete before its approval.

**DECISION:****To RESOLVE**

- 1. To extend the delegation in the Council's Scheme of Delegations to the Head of Legal, Equalities & Democratic Services or Principal Solicitor to sign or seal any document, Order or Notice on behalf of the Council and to serve or receive any documents on behalf of the Council to include contracts falling under the Contracts Procedure Rules; and**
- 2. That the delegation to the Head of Regulatory Services (Worcestershire Regulatory Services) shall be to determine all matters in relation to Hackney Carriage and Private Hire Operators, Vehicles and Drivers and to develop procedural processes to facilitate these determinations.**
- 3. The Council acknowledges that Rubicon Leisure will not have an approved Business Plan at the start of the 2020/2021 financial year. The Council resolves not to take any action in respect of any breaches of the Articles of Association or the Leisure Operating Contract (including the Services Specification) resulting from the failure for an approved Business Plan to be in place, provided that Rubicon Leisure will continue to operate as far as current circumstances allow in accordance with the previously approved (2018/2020) Business Plan and will present a revised Business Plan taking account of the operational changes necessitated by Covid-19 to the Shareholder Committee as soon as reasonably practicable.**

**These delegations should apply for a period of three months commencing 27<sup>th</sup> March 2020.**

**(Council decision)**

**GROUND'S FOR URGENCY:**

These decisions are required urgently due to the immediate need to reduce the requirement for Member meetings and anticipated officer absence in the context of the Covid-19 outbreak

**DECISION APPROVED BY:**

(Deputy) **CHIEF EXECUTIVE**

**EXECUTIVE DIRECTOR FINANCE & RESOURCES**

(if financial implications)

.....  
(Signature) (Sue Hanley / Kevin Dicks - (D)CX)

.....  
(Signature) (Jayne Pickering)

Date: 25<sup>th</sup> March 2020

PROPOSED ACTION SUPPORTED <i>(amend as appropriate)</i>				
..... (Signature)	..... (Signature)	..... (Signature)	..... (Signature)	..... (Signature)
(Block Capitals)	(Block Capitals)	(Block Capitals)	(Block Capitals)	(Block Capitals)
<b>MAYOR *</b>	<b>PF HOLDER**</b>	<b>LEADER / LABOUR</b> Group	<b>LEADER / LDR CONSERVATIVE</b> Group	<b>CHAIR O&amp;S</b> Committee
Date:	Date:	Date:	Date:	Date:

Notes:

\* In addition to the Executive decision above regarding the matter under consideration, the Mayor is signing to agree both that the Executive decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. This is to ensure that the call-in procedures as set out in Part 8 of the Constitution shall not apply where an Executive decision being taken is urgent.

\*\*Councillors David Thain (resolution 1), Julian Grubb (resolution 2) and Mike Rouse (resolution 3).

03/2020**REDDITCH BOROUGH COUNCIL****RECORD OF DECISION TAKEN UNDER URGENCY PROCEDURES****SUBJECT:            Delegations for Planning and Regeneration Services****BRIEF STATEMENT OF SUBJECT MATTER:**

The following urgent decision is required to facilitate the continued functioning of Council business given the expected inability to call Member meetings and potential executive staff absence as a result of the Covid-19 outbreak.

The decision invites Members to approve the attached document, which sets out in detail proposed temporary delegations for Planning and Regeneration Services. As detailed in the attached document, the proposed delegations would apply for a period of three months.

**DECISION:****To RESOLVE that**

**the amendments to the scheme of delegations to officers in respect of Planning and Regeneration Services, attached to this urgent decision form, be approved.**

**(This delegation should apply until a virtual or physical Planning Committee meeting can be convened).**

**(Council)****GROUND FOR URGENCY:**

This decision is required urgently due to the immediate need to reduce the requirement for Member meetings and anticipated officer absence in the context of the Covid-19 outbreak

**DECISION APPROVED BY:**

*(Deputy)* **CHIEF EXECUTIVE  
RESOURCES**

**EXECUTIVE DIRECTOR FINANCE &***(if financial implications)*

.....  
**(Signature) (Sue Hanley / Kevin Dicks - (D)CX)      (Signature) (Jayne Pickering)**

**Date: April 2020**

**PROPOSED ACTION SUPPORTED** *(amend as appropriate)*

..... (Signature)	..... (Signature)	..... (Signature)	..... (Signature)	..... (Signature)
(Block Capitals)	(Block Capitals)	(Block Capitals)	(Block Capitals)	(Block Capitals)
<b>MAYOR *</b>	<b>PF HOLDER**</b>	<b>LEADER of the LABOUR Group</b>	<b>LEADER / LDR CONSERVATIVE** Group</b>	<b>CHAIR O&amp;S Committee</b>
Date:	Date:	Date:	Date:	Date:

Notes:

\* In addition to the Executive decision above regarding the matter under consideration, the Mayor is signing to agree both that the Executive decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. This is to ensure that the call-in procedures as set out in Part 8 of the Constitution shall not apply where an Executive decision being taken is urgent.

\*\*The Leader is also the relevant Portfolio Holder for Planning.

### **Purpose**

In light of the Coronavirus COVID-19 pandemic and with respect to the Planning and Regeneration Services, it is proposed to revise for a temporary period, essential elements of Redditch Borough Council's Constitution.

### **Background**

The *Coronavirus Act 2020* gained royal assent on 25<sup>th</sup> March and whilst this enabled the virtual meeting of a Committee in principle, the secondary legislation (i.e. The Regulations) have only just been published. Officers are aware that it will be necessary to gather equipment, undertake training and make necessary adjustments in processes to enable virtual committee meetings to occur. These adjustments will take a little time, and this is against the back drop of already having cancelled Planning Committees scheduled for 25<sup>th</sup> March and the 15<sup>th</sup> April.

Officers have therefore been considering what alternative routes may exist to enable Planning Applications to still be determined during this difficult time.

### **Alternative routes**

Alternative routes to making Planning decisions during this period may involve two steps; firstly increasing the Delegation given to the Head of Planning and Regeneration Services to enable additional applications to be determined without referral to Planning Committee. It is proposed that this additional Delegation would be exercised in consultation with the Chair of Planning Committee (or if absent the Vice-Chair of Planning Committee). This would mean the number of applications presented to Planning Committee could be reduced to essential items only.

Secondly and when suitably informed by the Regulations, further revisions to relevant processes will be required and which may include changes to public speaking rules etc. to enable virtual meetings to function.

### **The scheme of delegation**

The Constitution, at Part 5, table 5.08, relates to Development Management/Plans (inc Enforcement) function. The Delegation as currently stands is that;

*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,*

UNLESS; and then follows a lists of exceptions to that Delegation numbered 1 to 11. The effect of which is that if planning decisions, actions or advice / responses fall within those exceptions numbered 1 – 11 then it is necessary to report those items to Planning Committee for determination.

(Table 5.08 is reproduced at the end of this document for reference)

### **Proposed revision**

The revision proposed relates only to applications falling within paragraphs 7 and 8 and 9 of the current Delegation Scheme i.e. Major Applications, those with a Legal Agreements and those instances where 2 or more letters of objection have been received. All other parts of the existing Delegation Scheme remain changes.

It is proposed to revise, for a temporary period until a virtual or physical Planning Committee meeting can be convened, the Delegations given by Full Council to the Head of Planning and Regeneration Services. The effect of this revision is that;

1. Where applications fall within the definition of Major development (paragraph 7) and or where a Legal Agreement is required (paragraph 8)) where the recommendation is for APPROVAL and where there have been NO OBJECTIONS FROM THE PUBLIC OR LOCAL WARD MEMBER, the decision will be Delegated to the Head of Planning and Regeneration Services in consultation with the Chair of Planning Committee (or if absent the Vice-Chair of Planning Committee).
2. Where 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 (paragraph 9) the decision will be Delegated to the Head of Planning and Regeneration Services in consultation with the Chair of Planning Committee (or if absent the Vice-Chair of Planning Committee).
3. The Delegations listed above would be undertaken using the attached Emergency Powers Delegations process.

The scheme of Delegation also includes a list of Legislation/Regulations under which decisions will be taken. It is proposed to add to this list a new piece of Legislation. This is a housekeeping item which would enable Permission in Principle applications to be considered under the scheme of Delegation. (Information regarding a PIP application is included below).

4. It is proposed to add; *Town and Country Planning (Permission in Principle) Order 2017 (as amended) and the Town and Country Planning (Brownfield Land Register) Regulations 2017* to the list of Legislation /Regulations.



**Emergency Powers Delegations process.**

1. In the relevant situations, the case officer prepares a written report similar to the current Planning Committee report accompanied by the relevant site plan.
2. The report is uploaded to the relevant application on the Council's Public access system and is labelled 'Officers Report'.
3. Planning Committee members and Ward Members receive an email from the case officer stating that the report has been published and inviting members to express a view, if any, upon that report. That view should be sent, by email, directly to the case officer within 5 working days of the date of notification. (Time for closure of comments to be 5pm of the 5<sup>th</sup> working day)
4. All objectors/supporters/those who made representations on the application (excluding consultees) will receive an email from the case officer stating that the report has been published and inviting them to acknowledge that their comment is included in the report and submit any further comment, if any, upon that report. That view should be sent, by email, directly to the case officer within 5 working days of the date of notification. (Time for closure of comments to be 5pm of the 5<sup>th</sup> working day)
5. Normal declaration of interest rules apply and Members should seek advice from Legal and Democratic Services should they require clarification.
6. Should questions arise then the case officer should be contacted as normal to clarify matters.
7. The case officer will collate all comments received and present them in the form of an 'Update report'. This report shall also be uploaded application on the Council's Public access system.
8. Once all information has been collated and uploaded the case officer will notify the Head of Planning and Regeneration Services, by email, that the application is available for determination.
9. The Head of Planning and Regeneration Services will consider the proposal in the light of all available information including the Officers report, site plan and update report. The Head of Planning and Regeneration Services will then liaise with the Chair of Planning Committee (or if absent the Vice-Chair of Planning Committee). Following this consultation with the Chair the Head of Planning and Regeneration Services will make a decision, with regard to the officer's recommendation and in the context of the relevant policies in the Development Plan and all other material planning considerations. The Head of Planning and Regeneration Services will record this decision.
10. The Head of Planning and Regeneration Services will notify the Planning Decision to the case officer, who in turn will notify relevant members and objectors identified in 3 and 4 above.
11. The case officer issues the planning decision.
12. It is envisaged this process could be a rolling process, not necessarily governed by the currently scheduled Committee dates.

**Extract of Constitution with respect to Development Management – existing position.**

RBC May 2019

**PLANNING & REGENERATION****2. Development Management / Plans**

<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> </ol>		[Head of Planning and Regeneration]/ Planning officers
--	--	--	---

	<ol style="list-style-type: none"> <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 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.</li> <li>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</li> <li>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.</li> </ol>		
	<ol style="list-style-type: none"> <li>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)</li> <li>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.</li> <li>10. The application has resulted in a formal objection being received (and has not been resolved through Officer negotiation) from a statutory consultee.</li> <li>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.</li> </ol> <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</li> </ul>		

	<p>(as amended)</p> <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> <li>• Telecommunications Act 1991</li> </ul>		

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

	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.		
--	--	--	--

End of extract

### **THE PERMISSION IN PRINCIPLE**

The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed.

Extract from NPPG

04/2020**REDDITCH BOROUGH COUNCIL****RECORD OF DECISION TAKEN UNDER URGENCY PROCEDURES****SUBJECT:               Public Participation at Virtual Planning Committee meetings****BRIEF STATEMENT OF SUBJECT MATTER:**

The following urgent decision is required to facilitate the continued functioning of Council business during the Covid-19 outbreak.

Under the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No.392 (the Regs) local authority Committee meetings, including Planning Committee meetings, can now take place virtually. Public interest in the work of the Planning Committees remains. However, there is a risk that if the public are only permitted to speak verbally during the meeting, as currently stipulated in Committee Procedure Rules, this could prevent participation by members of the public who do not have internet access or have a poor broadband connection.

Therefore, the attached amended Planning Committee Procedure Rules propose that members of the public should be able to participate in virtual Planning Committee meetings either by speaking at the Committee meeting or by submitting a written statement in advance for the consideration of the Committee. To ensure that both verbal and written submissions from the public are treated equally, it is suggested in the attached amended procedure rules that there should be no questioning by Members of public speakers at the meeting.

The decision invites Members to approve the attached document.

**DECISION:****To RESOLVE that**

**For virtual Planning Committee meetings, the attached Planning Committee Procedure Rules in respect of public speaking should apply.**

**(The amended Planning Committee Procedure Rules will only apply to Virtual Committee meetings).**

**(Council)****GROUND FOR URGENCY:**

This decision is required urgently due to the forthcoming meeting of the Planning Committee, due to take place on 27<sup>th</sup> May 2020 and in the context of the Covid-19 outbreak

**DECISION APPROVED BY:**

*(Deputy)* **CHIEF EXECUTIVE  
RESOURCES**

**EXECUTIVE DIRECTOR FINANCE &**

*(if financial implications)*

.....  
**(Signature) (Sue Hanley / Kevin Dicks - (D)CX)**      **(Signature) (Jayne Pickering)**

**Date: May 2020**

<b>PROPOSED ACTION SUPPORTED</b> <i>(amend as appropriate)</i>				
..... <b>(Signature)</b>	..... <b>(Signature)</b>	..... <b>(Signature)</b>	..... <b>(Signature)</b>	..... <b>(Signature)</b>
<i>(Block Capitals)</i>	<i>(Block Capitals)</i>	<i>(Block Capitals)</i>	<i>(Block Capitals)</i>	<i>(Block Capitals)</i>
<b>MAYOR *</b>	<b>PF HOLDER**</b>	<b>LEADER of the LABOUR Group</b>	<b>LEADER / LDR CONSERVATIVE** Group</b>	<b>CHAIR O&amp;S Committee</b>
Date:	Date:	Date:	Date:	Date:

**Notes:**

\* In addition to the Executive decision above regarding the matter under consideration, the Mayor is signing to agree both that the Executive decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. This is to ensure that the call-in procedures as set out in Part 8 of the Constitution shall not apply where an Executive decision being taken is urgent.

\*\*The Leader is also the relevant Portfolio Holder for Planning.



## **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 Officers shall respond to the representations, advising the Committee on their material relevance, or otherwise.
- 7.6 Committee Members will then be invited to ask Planning Officers questions of clarification.
- 7.7 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.
- 7.8 Before taking the vote the Chair will ascertain whether the motion before the Committee is clearly understood.
- 7.9 If no alternative recommendation is put forward the Chair will proceed to the vote.
- 7.10 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);
- 7.11 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**

During the pandemic, formal site visits will not be possible. Officers will endeavour to provide as much information as necessary, to assist Members in their understanding of the site. Should any member of the Committee decide to go on a personal visit to see a site, then they must observe the following:

- Only view the site from the public highway (Members do not have the authority to enter a site);
- Do not engage in any conversation with any person you may see at the site, nor disclose the purpose of your visit. If you are approached, explain that the purpose of the visit is to view the site and its surroundings and that you cannot enter into any discussion about the merits of the application.
- Do not take photographs or make recordings with your phone.
- View alone - no third parties may accompany you. Someone can travel with you in your car, but must not be with you when viewing the site.

**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 either in person or in writing the Planning Committee must give notice to the Democratic Services Team of his or her intention to do so by 12.00 noon two working days prior to the Planning Committee meeting in question. Members of the public registering to submit comments in writing must submit the written statement by the same deadline.
2. Members of the public who register to address a meeting of the Planning Committee EITHER can do so verbally at the meeting OR by providing a written statement in advance of the meeting.
3. 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 and written statements registered per item and/or the size of the public attendance in respect of any given application.
4. 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 the application  
(Officer comments as appropriate.)
  - c) **Supporters**
  - d) Ward Member(s) supporting application  
(Officer comment as appropriate.)
  - e) Applicant(s)/ agent  
(Officer comment as appropriate.)
5. Subject as mentioned at paragraphs 7 and / or 8 below, an applicant (or agent) and/or an individual objector or supporter will each be allowed to speak for no more than 3 minutes.
  6. Subject to paragraphs 8 and 9 below, written statements submitted by Members of the public for consideration in relation to a particular application will be read out at the meeting by the Democratic Services Officer. Each written statement should be a length that would take no longer than 3 minutes to read. The Democratic Services Officer when reading the written statement will not speak for more than 3 minutes when doing so.
  7. Subject as mentioned at paragraphs 8 and 9 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. If a group has chosen to submit a written statement this again should be of a length that would take no more than 10 minutes to read at the Planning Committee meeting. The Democratic Services Officer will read out the written statement and will not speak for more than 10 minutes when doing so.

8. 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
  - (iii) depending upon circumstances, to vary the periods of time referred to in paragraphs 4 and/or 5 above where s/he deems it appropriate.
9. The Chief Executive may reject a written statement if it is defamatory; frivolous or offensive.
10. 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.
11. 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.
12. 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.

This page is intentionally left blank

05/2020**REDDITCH BOROUGH COUNCIL****RECORD OF DECISION TAKEN UNDER URGENCY PROCEDURES****SUBJECT: Virtual Committee Meetings Protocol****BRIEF STATEMENT OF SUBJECT MATTER:**

The following urgent decision is required to facilitate the continued functioning of Council business during the Covid-19 outbreak.

Under the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No.392 (the Regs) local authority Committee meetings can now take place virtually. In order to ensure that these meetings run smoothly the Council have created the attached Virtual Committee Meetings Protocol. The aim of the protocol is to provide guidance to both Members and Officers when participating in virtual Committee meetings. This was considered necessary as the process for holding virtual Committee meetings differs in some respects from physical Committee meetings.

The decision invites Members to approve the attached document.

**DECISION:****To RESOLVE that****the attached Virtual Committee Meetings Protocol be approved.****(The protocol will only apply to Virtual Committee meetings).****(Council)****GROUNDINGS FOR URGENCY:**

This decision is required urgently to ensure that the protocol is in place prior to the forthcoming meeting of the Planning Committee, due to take place on 27<sup>th</sup> May 2020 and in the context of the Covid-19 outbreak

**DECISION APPROVED BY:****(Deputy) CHIEF EXECUTIVE  
RESOURCES****EXECUTIVE DIRECTOR FINANCE &***(if financial implications)*

(Signature) (Sue Hanley / Kevin Dicks - (D)CX)      (Signature) (Jayne Pickering)

Date: May 2020

PROPOSED ACTION SUPPORTED <i>(amend as appropriate)</i>				
..... (Signature)	..... (Signature)	..... (Signature)	..... (Signature)	..... (Signature)
(Block Capitals)	(Block Capitals)	(Block Capitals)	(Block Capitals)	(Block Capitals)
<b>MAYOR *</b>	<b>PF HOLDER</b>	<b>LEADER of the LABOUR Group</b>	<b>LEADER / LDR CONSERVATIVE Group</b>	<b>CHAIR O&amp;S Committee</b>
Date:	Date:	Date:	Date:	Date:

Notes:

\* In addition to the Executive decision above regarding the matter under consideration, the Mayor is signing to agree both that the Executive decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. This is to ensure that the call-in procedures as set out in Part 8 of the Constitution shall not apply where an Executive decision being taken is urgent.



**REDDITCH BOROUGH COUNCIL  
REMOTE MEETING PROTOCOL**

**Introduction**

This protocol is made in line with the requirements of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No.392 (the Regs) and will apply to the conduct of all Virtual Meetings of the Council and its various Committees and Sub-Committees.

Remote attendance is permitted provided certain conditions are satisfied. These include that the Councillor is able to hear and be heard by the other Councillors in attendance and be heard by any members of the public entitled to attend the meeting. A visual solution is preferred, but audio is sufficient.

This also relates to members of the public attending the meeting also being able to be heard by all those attending the meeting.

The regulations are clear that a meeting is not limited to those present in the same place, but includes electronic, digital or virtual locations (internet locations, web addresses or conference call telephone numbers).

This protocol should be read in conjunction with the wider requirements for meetings as set out in the Council's Constitution and where the specifics for a Virtual Meeting are not detailed then the normal meeting rules should be assumed unless the meeting Chair states otherwise.

This protocol will be kept under regular review.

**Skype for Business**

Skype for Business is the system which has been adopted by the Council for hosting remote / virtual meetings. It has functionality for audio, video, and screen sharing and has accessibility for a member of an organisation or the public to join a meeting.

**1. Calling of Virtual Meetings**

- 1.1 All virtual meetings will be considered called when the relevant Notice of meeting and Agenda are published on the Council's website. This shall be at least five clear working days before a meeting and detail date, time and web attendance details.
- 1.2 Members and Officers should note that the start times of virtual meetings may differ from the usual time of a meeting, therefore all attendees are encouraged to check their agendas in advance to ensure they have the correct details.
- 1.3 This will be accompanied by such reports as are available and clearly set out details on how, and by when, members of the public can submit their questions and comments in advance of the meeting.

**2. Access to Documents**

- 2.1 Democratic Services will publish the agenda and reports for Committee meetings on the Council's website and will notify Councillors by email in line with usual practice. Paper copies of agendas will be made available to attendees to assist with participating in virtual meetings.

(Printed copies will not be available for inspection at the Council's offices and this requirement was removed by the Regulations.)

**3. Pre meeting arrangements**

- 3.1 Officers hosting virtual Council meetings will ensure that all public questions and comments received by the relevant cut off time (where meeting rules allow for these) will be published on the Council's website and available to all Members and officers attending the meeting prior to the start of the meeting.

- 3.2 In respect of Planning Committee meetings the updated public speaking rules will apply. For Overview and Scrutiny, Audit, Governance and Standards and Licensing Parent Committees the existing public speaking rules as set out in the Council's constitution will continue to apply.
- 3.3 Any Member, not a member of the relevant Committee, wishing to participate in the virtual meeting must submit their request by email to Democratic Services at least 24 hours in advance of the meeting taking place (for example a Member wishing to speak to the Executive Committee or Portfolio Holders at Overview and Scrutiny Committee) in order to be provided with the relevant information to join the meeting.
- 3.4 For a Ward Councillor wishing to speak at Planning Committee, Members should refer to the amended Planning Procedure Rules, as detailed on the Urgent Decision page of the Council's website.
- 3.4 All members of the Committee whose meeting has been called will be sent a Skype for Business Outlook Calendar invitation by email.
- 3.5 The Outlook Calendar invitation will always be set as at least 15 minutes prior the commencement of the virtual meeting start time.

#### **4. Including external participants**

- 4.1 All employees and Councillors have Skype for Business on their Council owned equipment (it can also be made available on personal mobile phones) linked to their email account and therefore they can join a meeting.
- 4.2 External participants (for example Worcestershire County Council's Highways Officers at Planning Committee meetings) can be sent the meeting request via email and if a participant is included in this way, they can access the meeting by voice call as a guest. This needs to be controlled at the appropriate time in the meeting by the Democratic Services Officer.
- 4.3 Alternatively, there is also provision for a conference call number and ID to be given to external people who are calling in, which is another mechanism for them to join the meeting. Again, this will be done by the Democratic Services Officer as part of the meeting administration.

#### **5. Starting the Meeting**

- 5.1 The Chair will give a brief overview and introduction to the meeting, explaining how it is anticipated that the virtual meeting will be run.
- 5.2 At the start of the meeting, the Chair will check all required attendees are present by asking each Member and Officer to introduce themselves and, in the case of Members, confirm that they have received and read the agenda and any supplementary documentation.
- 5.3 The Chair will ask all Councillors and Officers to **turn off all unnecessary microphones** unless they are speaking. This prevents background noise, coughing etc. which is intrusive and disruptive during the meeting. The Democratic Services Officer will also keep a watch on this and will be able to turn off participants' microphones when they are not in use. Councillors would then need to turn their microphones back on when they wished to speak.

#### **6. Chair of Virtual Meetings**

- 6.1 Subject to being available to virtually join the meeting, the Chair of the Committee whose meeting has been called shall lead the meeting and exercise their discretion to ensure that the virtual meeting is conducted, as much as reasonably practicable, in line with the requirements of this protocol.

- 6.2 Where the Chair is not available the usual rules around Vice Chair, another member, chosen by the members present shall apply.
- 6.3 Where the Chair is required to interpret the Council's Constitution in light of the requirements for virtual participation they shall take advice from the Monitoring Officer, other Legal Officer or Democratic Services Officer prior to the meeting or in virtual attendance at the meeting. The Chair's decision will be final.
- 6.4 The rules of quorums for virtual meetings are the same as those applicable to non-virtual meetings and as set out in the Council's constitution.

## **7. Etiquette When Attending a Virtual Meeting**

Members and officers attending a virtual meeting should ensure:

- They must ensure that in advance of the meeting that their Council device is fully charged and operational and remains so throughout the length of the meeting.
- They should be available and logged in to any virtual meeting at least 15 minutes prior to the start to ensure equipment is working.
- They have no audible background noise when participating in the meeting.
- They turn off smart speakers such as Amazon Echo (Alexa), Google Home or smart music devices. These could inadvertently record phone or video conversations, which would not be appropriate during the consideration of exempt items and can also cause interference.
- They mute their microphone when they are not speaking.
- They join and stay for the duration of the meeting unless specifically asked to leave by the Chair.
- On each occasion that they speak, they clearly state their name.
- They do not speak when somebody else is speaking / interrupt anybody already speaking.
- If a specific page is referred to in the agenda, ensure the page number is read out.
- The instant messaging chat function is used solely for the purpose of making the Chair/Democratic Services Officer aware that you wish speak (otherwise it is very distracting if other questions/conversations are happening within the chat simultaneous to the meeting).
- Members may also wish to think about their location during the duration of a meeting and the background which will be displayed whilst they are participating by video.
- Members need to remember that the meeting, whilst being remote, may also be available by video to the public and is a public meeting and they should therefore behave in the same manner as they would if attending a meeting on Council premises.
- It is suggested that during formal Committee meetings Members and officers also give consideration to how they are dressed.

## **8. The Meeting and Debate**

- 8.1 The Chair will go through the list of Members 'in attendance' following presentation of each item and ask each Member in turn if they have any comments or questions on that item that they would like to discuss in more detail.
- 8.2 Any member who has declared an interest in an item and stated that they will not be partaking in the vote, either at the start of the meeting or prior to the meeting, will not be included in the debate for that item and must remove themselves both by video and sound from the meeting (in line with standard practice when declaring any pecuniary interest).
- 8.3 For Members of the Committee who wish to speak in the debate, they should click on the meeting chat facility and simply write their name. The Chair/Democratic Services Officer will then be aware you wish to speak and can take the requests in the appropriate order. Officers should also use this mechanism if they wish to speak.
- 8.4 When referring to reports or making specific comments, Councillors should refer to the report and page number so that all Members of the Committee and any members of the public that may be "observing" have a clear understanding of what is being discussed at all times.

- 8.5 If the debate appears to be coming to an end, the Chair may ask if any other Member wishes to speak before concluding the debate.

## **9. Proposing / Seconding / Voting**

- 9.1 As the Chair takes comments from each Member in attendance any Member wishing to propose or second a proposal being discussed will state this clearly and officers will record this information.
- 9.2 When the Chair is satisfied that they have allowed sufficient debate and have a proposer and seconder for the item being discussed they will pass to the Democratic Services Officer present who will then call out the name of each Member present (in the form of a roll call). When the Member's name is called they will be required to clearly state 'for', 'against', 'abstain' to indicate their vote.
- 9.3 The Democratic Services Officer will then clearly state the result of the vote and the Chair will then move onto the next agenda item.
- 9.4 Details of how Members voted will not be kept or minuted unless a formal Recorded Vote was requested by a Member before the vote took place and the normal process for recorded votes was followed.

## **10. Public Participation**

- 10.1 Officers in attendance at the meeting will, at the relevant time and upon the request of the Chair, read out, verbatim, public comments as received and published in advance of the virtual meeting.
- 10.2 Any public speakers at the meeting will, at the invitation of the Chair, be given the opportunity to speak at the relevant time. The Democratic Services Officer will ensure that they are not able to speak at any other point within the meeting.
- 10.3 At the discretion of the Chair any member of the public speaking, when not invited to do so or when asked by the Chair to cease speaking may be removed from the meeting by the Chair.

## **11. Confidential/Exempt Items**

- 11.1 There are times when Council meetings are not open to the public, when confidential, or "exempt" issues – as defined in Schedule 12A of the Local Government Act 1972 – are under consideration. It is important to ensure that there are no members of the public at remote locations able to hear or see the proceedings during such meetings.
- 11.2 If the discussion of a confidential/exempt item is required, prior to the meeting each Member will be asked to record in an email confirmation verifying that their venue is secure, that no member of the public has access and that no recording of the proceedings is being made.
- 11.3 At the start of the exempt item webcasting will temporarily be suspended, and any Member in attendance who has not returned their verification email will be asked by the Chair to leave the meeting.
- 11.4 Any Councillor in remote attendance who fails to disclose that there are in fact persons present, such as those who may be able to see and/or hear the meeting, who are not entitled could be in breach of the Members' Code of Conduct.
- 11.5 If there are members of the public and press listening to the open part of the meeting, then the Democratic Services Officer will, at the appropriate time when the meeting goes into exempt session, remove the participant from the meeting.
- 11.6 Turn off smart speakers such as Amazon Echo (Alexa), Google Home or smart music devices. These could inadvertently record phone or video conversations, which would not be appropriate during the consideration of confidential items.

**12. Leaving a Virtual Meeting**

- 12.1 Once all business on the agenda is concluded the Chair will close the meeting and invite all Members and officers who have joined the meeting to log out.
- 12.2 Members should all leave the meeting quickly and quietly.

**13. Technical Issues**

- 13.1 If a Member encounters IT problems causing them to drop out of the virtual meeting they should use best endeavours to re-join as quickly as possible, e.g. by recalling the joining number, contacting IT services or a Democratic Services Officer.
- 13.2 At any point during a virtual meeting should any aspect of the IT fail, either at the Council source, for an individual Member or for a participating Member of the public, the Chair will use their discretion and call a short adjournment of up to fifteen minutes if necessary in order for this to be rectified.
- 13.3 If a Member's IT equipment fails for any reason during the debate around a quasi-judicial meeting that Member would be unable to vote on that particular item. This corresponds with arrangements for a physical meeting, where a Member would not be permitted to vote where they had left the meeting for any reason.
- 13.3 If it is not possible to address the fault and the meeting becomes inquorate through this fault, the meeting will be abandoned until such time as it can be reconvened. If the meeting is quorate, then it should continue.
- 13.4 Members attending remotely would be aware of the problems and accept that the meeting would continue without them, and a vote taken without their attendance.
- 13.5 If the meeting was due to determine an urgent matter or one which is time-limited and it has not been possible to continue because of technical difficulties, the Chief Executive, Leader and relevant Portfolio Holder, in consultation with the Monitoring Officer, shall explore such other means of taking the decision as may be permitted by the Council's constitution.

**14. Disability**

- 14.1 It is also important for authorities to ensure that the needs of any disabled Members and virtual participants are taken into account when considering the practicality of a remotely attended meeting.

**15. Interpretation of Procedure Rules**

- 15.1 Where the Chair is required to interpret the Council's existing Procedure Rules in light of the requirements of remote participation, they shall take advice from the Democratic Services Officer, Legal Advisor or Monitoring Officer prior to making a ruling. However, the Chair's decision shall be final.

**16. Disorderly Conduct**

- 16.1 If a Councillor persistently disregards the ruling of the person presiding by behaving improperly or offensively or deliberately obstructs business, the person presiding may direct that the Councillor be not heard further.
- 16.2 If the Councillor continues to behave improperly after such a direction, the person presiding may direct that either the Councillor leaves the meeting or that the removed from the meeting or that the meeting is adjourned for a specified period.

- 16.3 Disorderly conduct by members of the public and Council officers will also not be tolerated. The Chair will reserve the right to exclude such a person should they behave in an inappropriate matter.