



## **REDDITCH BOROUGH COUNCIL**

# **CONSTITUTION**

## **CONTENTS AND OVERVIEW**

### **OVERVIEW**

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

#### **Political Representation**

The Council comprises 29 elected Members, representing 12 Wards.

#### **Elections**

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

#### **Democratic Arrangements**

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

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

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

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

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

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

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

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

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

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During the Coronavirus pandemic, temporary Planning Procedure rules have been issued. These will be in place only whilst the Council is holding virtual Committee meetings and do not permanently replace the attached procedure rules.

The temporary planning procedure rules can be accessed from the following link:

<https://moderngovwebpublic.redditchbc.gov.uk/documents/s39137/Urgent%20decision%20form%20-%20public%20participation%20at%20Planning%20Committee.pdf>

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# **INTRODUCTION TO THE CONSTITUTION**

## **A BRIEF GUIDE**

## **1. INTRODUCTION**

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

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

### **2.1 The Council**

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

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

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

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

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

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

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

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

## **3. THE FULL COUNCIL**

### **3.1 Composition and Role**

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

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

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

## **3.2 Meetings of the Council**

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

## **4. THE EXECUTIVE COMMITTEE**

### **4.1 Composition and Role**

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

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

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

**4.2 'Key Decisions'**

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

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

**4.3 The Work Programme**

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

**4.4 Meetings of the Executive Committee**

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

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

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

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

### **5.1 Composition and Role**

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

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

The specific terms of reference include:-

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

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

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

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

## **5.2 Call-in**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**6.2 Audit, Governance and Standards Committee**

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

**6.3 Planning Committee**

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

**6.4 Licensing Committee**

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

**6.5 Appeals Committee**

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

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

**7. AREA ARRANGEMENTS**

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

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

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

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

**8.2 Service on other committees**

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

**8.3 Substitution**

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

**8.4 Budget and Policy Framework Procedure Rules**

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

**8.7 Members' Allowances**

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

**8.8 Ethical Framework**

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

**8.9 Access to Information**

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

**8.10 Member - Officer Relations**

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

**8.11 Member involvement in making Regulatory decisions**

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

**8.12 Member use of IT facilities**

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

**8.13 Outside Bodies**

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

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

**8.13 Members Roles and Responsibilities**

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

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

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

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

9.1.3 The Council has appointed a number of Chief Officers.

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

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

## **9.2 Delegations**

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

## **9.3 Financial Regulations**

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

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

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

## **9.4 Contract Procedure Rules**

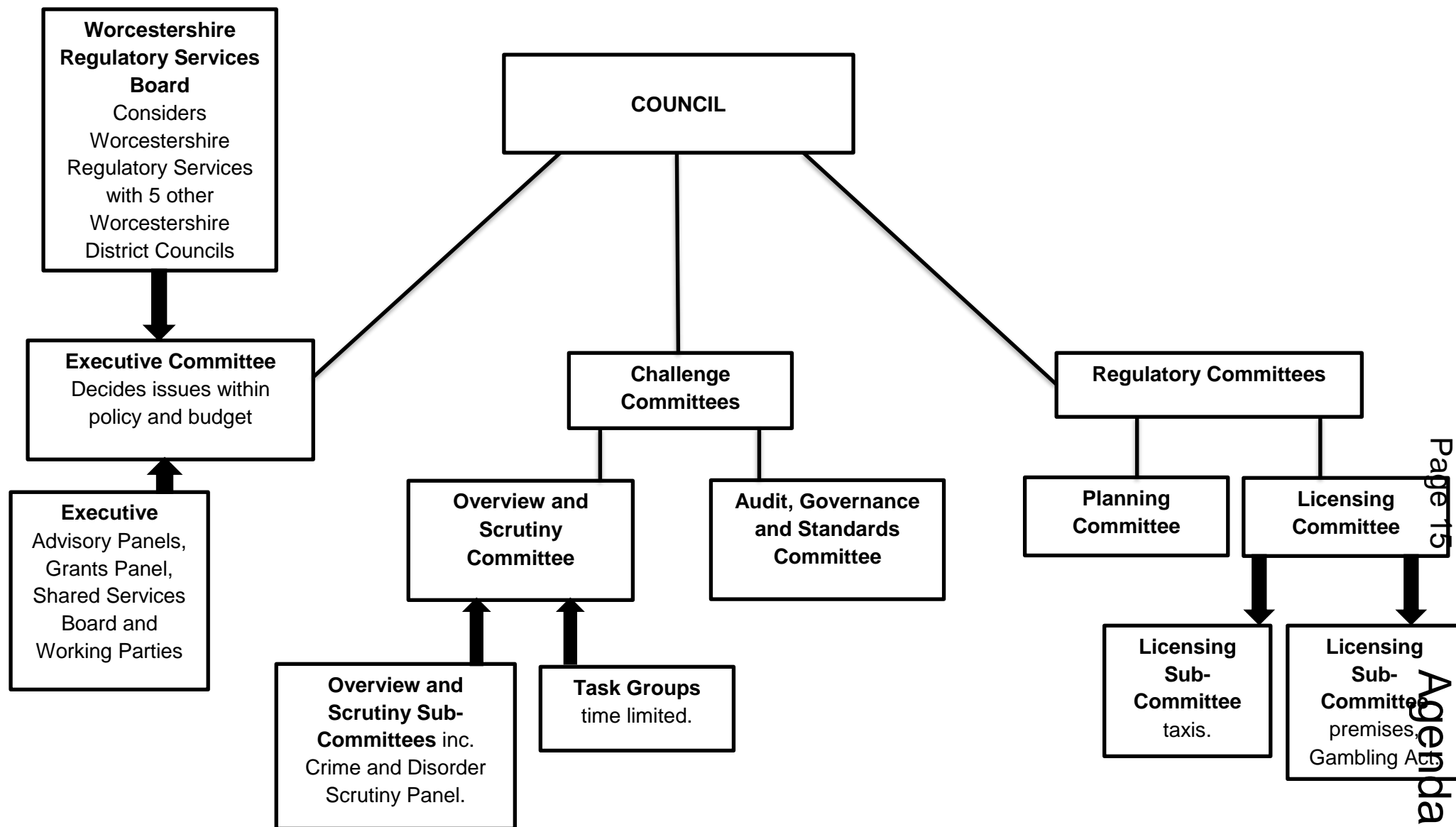
9.4.1 Part 12 includes the Council's Current Contract Procedure Rules which set the framework for the acquisition and disposal of goods, works and services.

**9.5 Employment Procedures**

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

**10. CONCLUSION**

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



## Redditch Borough Council – Decision Making Structure

July 2016

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**THE ARTICLES OF CONSTITUTION**

<b>Article No.</b>	
1	The Constitution
2	Members of the Council
3	Citizens and the Council
4	The full Council
5	Chairing the Council
6	Overview and Scrutiny
7	The Executive Committee
8	Regulatory and other Committees
9	Area Committees (if any)
10	The Audit, Standards and Governance Committee
11	Joint Arrangements
12	Officers
13	Decision-Making
14	Finance, Contracts and Legal Matters
15	Review and Revision of the Constitution
16	Suspension, Interpretation and Publication of the Constitution

## **ARTICLE 1 - THE CONSTITUTION**

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

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

### **1.2 The Constitution**

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

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

The purpose of the Constitution is to:

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

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

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

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

### **2.1 Composition and eligibility**

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

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

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

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

All Councillors will:

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

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

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

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

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

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

#### **2.5 Conduct**

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

#### **2.6 Allowances**

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

## ARTICLE 3 – CITIZENS AND THE COUNCIL

### 3.1 Citizens' rights

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

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

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

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

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

- c. **Participation**

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

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

### 3.2 Citizens' responsibilities

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

## ARTICLE 4 – THE FULL COUNCIL

### 4.1 Meanings

"Policy Framework"

The policy framework means the following plans and strategies:-

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

"Budget"

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

### 4.2 Functions of the full Council

Only the Council will exercise the following functions:

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

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

**4.3 Council meetings**

There are three types of Council meeting:

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

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

**4.4 Responsibility for functions**

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

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

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

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

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

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

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

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

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

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

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

### **6.2 Composition**

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

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

### **6.3 Terms of reference**

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

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

The Overview and Scrutiny Committee will:

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

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

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

The Overview and Scrutiny Committee may:

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

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

The Crime and Disorder Scrutiny Panel will

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

**6.7 Finance.**

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

**6.8 Officers.**

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

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

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

**6.10 Annual Report**

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

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

### 7.1 Role

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

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

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

### 7.2 Composition of the Executive Committee

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

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

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

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

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

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

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

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

### **7.4 Other Executive members**

Other Executive members shall hold office until:

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

**7.5 Proceedings of the Executive Committee**

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

**7.6 Responsibility for functions**

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

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

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

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

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

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

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

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

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

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

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

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

**ARTICLE 9 - AREA COMMITTEES**

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

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

However, no such Area Committees are currently appointed.

**Local Strategic Partnership**

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

**Feckenham Parish Council**

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

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

### 10.1 Audit, Standards and Governance Committee

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

### 10.2 Composition

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

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

### 10.3 General Role

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

#### Audit and Governance Internal and External Audit

- a. To review and monitor the annual audit plans of both the internal and external auditors.
- b. To receive and comment upon the external auditors' reports.
- c. To monitor the adequacy and effectiveness of the Council's system of internal control by ensuring that an adequate and effective system of internal financial controls is maintained, that financial procedures are regularly reviewed.
- d. To consider, monitor and review the Council's overall corporate governance arrangements.
- e. To enhance the profile, status and authority of the internal audit function which will demonstrate its independence.
- f. To focus audit resources by agreeing, and periodically reviewing, audit plans and monitoring delivery of the audit service.
- g. To receive and consider such internal audit reports that the Chair and/or Deputy Chief Executive considers necessary.

#### Risk

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

#### Finance and Value for Money

- i. To consider and approve the Council's Annual Statements of Accounts.
- j. To consider any report from the Internal Audit Manager in pursuance of Financial Regulations.
- k. To ensure good stewardship of the Council's resources and assist the Council to achieve value for money in the provision of its services.

- l. To keep under review, and make recommendations on, proposed amendments to Financial Regulations.
- m. To consider and make recommendations if appropriate on, the Annual Governance Statement.

#### Standards

- n. To promote and maintain high standards of conduct by Councillors and any co-opted members of Council bodies;
- o. To assist the Councillors and co-opted members to observe the Members' Code of Conduct;
- p. To advise the Council on the adoption or revision of the Members' Code of Conduct;
- q. To monitor the operation of the Members' Code of Conduct;
- r. To advise, train or arrange to train Councillors and co-opted members on matters relating to the Members' Code of Conduct;
- s. To grant dispensations to Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
- t. To deal with any report from the Monitoring Officer following an investigation into a complaint concerning the Members' Code of Conduct;
- u. To consider and determine allegations that a Councillor or co-opted Councillor may have failed to follow the Code of Conduct and where a breach of the Code is established making recommendations as to any sanctions to the appropriate person or body.
- v. The exercise of u – v above in relation to the Parish Councils in the Council's area and the members of those parish Councils;
- w. To monitor, and review the operation of the Protocols on Member-Officer and Member-Member relations.

## **ARTICLE 11 - JOINT ARRANGEMENTS**

### **11.1 Arrangements to promote well-being**

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

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

### **11.2 Joint arrangements**

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

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

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

**11.3 Access to information**

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

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

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

**11.5 Contracting out**

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

## ARTICLE 12 - OFFICERS

### 12.1 Management structure

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

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

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

### 12.2 Functions of the Head of Paid Service

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

### 12.3 Functions of the Monitoring Officer

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

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

#### 12.4 Functions of the Section 151 Officer

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

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

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

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

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

#### **12.6 Conduct**

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

#### **12.7 Employment**

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

## **ARTICLE 13 - DECISION MAKING**

### **13.1 Responsibility for decision-making**

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

### **13.2 Principles of decision-making**

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

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

### **13.3 Types of decision**

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

OR

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

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

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

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

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

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

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

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

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

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

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

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

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

**14.2 Contracts**

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

**14.3 Legal proceedings**

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

**14.4 Authentication of documents**

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

**14.5 Common Seal of the Council**

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

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

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

**15.2 Changes to the Constitution**

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

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

The Articles of this Constitution may not be suspended.

**16.2 Suspension of Rules**

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

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

**16.3 Procedure for Suspension of Rules**

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

**16.4 Interpretation**

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

**16.5 Mayor's Ruling**

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

**16.6 Publication**

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

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

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

**RESPONSIBILITY FOR FUNCTIONS****1. Council Functions**

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

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

Any function relating to contaminated land

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

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

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

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

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

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

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

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

1.3 Council Functions delegated to Committees and Officers

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

2. **Executive Committee Functions**

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

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

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

**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>

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>

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

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

	<p>ensuring that an adequate and effective system of internal financial controls is maintained, that financial procedures are regularly reviewed.</p> <ul style="list-style-type: none"> <li>d. To consider, monitor and review the Council's overall corporate governance arrangements.</li> <li>e. To enhance the profile, status and authority of the internal audit function which will demonstrate its independence.</li> <li>f. To focus audit resources by agreeing, and periodically reviewing, audit plans and monitoring delivery of the audit service.</li> <li>g. To receive and consider such internal audit reports that the Chair and/or Deputy Chief Executive considers necessary.</li> </ul> <p><u>Risk</u></p> <ul style="list-style-type: none"> <li>h. To consider, monitor and review the effectiveness of the Council's risk strategies, policies and management arrangements and seek assurances that action is being taken to address identified risk related issues.</li> </ul> <p><u>Finance and Value for Money</u></p> <ul style="list-style-type: none"> <li>i. To consider and approve the Council's Annual Statements of Accounts.</li> <li>j. To consider any report from the Internal Audit Manager in pursuance of Financial Regulations.</li> <li>k. To ensure good stewardship of the Council's resources and assist the Council to achieve value for money in the provision of its services.</li> <li>l. To keep under review, and make recommendations on, proposed amendments to Financial Regulations.</li> <li>m. To consider and make recommendations if appropriate on, the Annual Governance Statement.</li> </ul> <p><u>Standards</u></p> <ul style="list-style-type: none"> <li>n. To promote and maintain high standards of conduct by Councillors and any co-opted members of Council bodies.</li> </ul>
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	<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>

**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>

	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.

**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

**EMPLOYMENT APPEALS COMMITTEE**

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

**EXECUTIVE COMMITTEE**

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

**LICENSING COMMITTEE**

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

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

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

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

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

**OVERVIEW AND SCRUTINY COMMITTEE**

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

	<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.

**PLANNING COMMITTEE**

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

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

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

**STATUTORY OFFICERS DISCIPLINARY ACTION PANEL**

Number of Members	8 made up of 5 Borough Council Members, 2 Independent Persons with voting rights and the Leader of Bromsgrove District Council as co-optee
Politically Balanced Y/N	Y
Quorum	7
Procedure Rules applicable	Officer Employment Procedure Rules (incorporating the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015) and applicable Council Procedure Rules
Terms of Reference	In relation to disciplinary action affecting the statutory posts of head of the authority's paid service, monitoring officer and chief finance officer, to consider the issues, including the conclusions of any investigation, and make recommendations to Full Council as to dismissal or alternative action.
Special provisions as to the Chairman	None
Officer attendance	When meeting to determine an issue relating to disciplinary action the committee will be supported by independent external legal advisors.
Special provisions as to membership	The shared service arrangements between Bromsgrove District and Redditch Borough Councils require the Chief Executive, Monitoring Officer, Section 151 officer and other Chief Officers to carry out work for both authorities. In the light of this the Leader of Bromsgrove District Council will be co-opted onto the Committee as a non-voting member.

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

1. This Scheme of Delegation will be updated regularly. However:
  - a) any reference to specific legislation or to statutory provisions shall be deemed to refer to any relevant aspects of any successive legislation or statutory provisions;
  - b) reference to a post holder shall be deemed to refer to any successor post holder(s) who is/are charged with the same responsibilities following any reorganisation or reallocation of functions, save that where there is any ambiguity as to who shall exercise a particular delegation of authority, the delegation shall refer to the higher-ranking Officer(s). For the avoidance of doubt, successor post holder(s) include Officers placed at the disposal of the Council under secondment arrangements pursuant to s113 of the Local Government Act 1972 or any other enactment or power.

**Delegations to Committees and Sub-Committees**

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

**Delegations to Officers**

3. All powers, duties and responsibilities appropriate and necessary for day to day operational activities shall be deemed to be delegated to the relevant Head of Service with the responsibility for the discharge of that function or the exercise of that power unless otherwise specifically prescribed and shall include authority to incur normal revenue expenditure in the discharge of day to-day operational activities in accordance with Financial Regulations and where budgetary provision has been made unless the Executive Committee or Section 151 Officer has placed a conditional approval on any such item. The Scheme of Delegations is not intended to be an exhaustive and complete list of delegations to officers.
4. Notwithstanding that functions are delegated to an Officer, the relevant parent committee or other member body with decision-making powers will retain concurrent powers. An Officer may decide not to exercise any function in relation to a particular matter and invite the relevant committee or member body with decision-making powers to do so instead.
5. Where an Officer whose post is named under this Scheme is unable to act or is absent the powers delegated to him/her may be exercised by any officer authorised by him in writing or by any more senior Officer in that Officer's hierarchical line of management up to and including the Chief Executive except where this is not permitted in law or is subject to other qualification. Any delegation to the Chief Executive may in his/her absence be exercised by the Deputy Chief Executive, Executive Directors, Monitoring Officer or Section 151 Officer as may be appropriate.

**CONSTITUTION – PART 5 – INTRODUCTION**

6. There are further delegations of powers which can be exercised by officers under Contract Procedure Rules.

**Interpretation of the Scheme of Delegations**

7. The Monitoring Officer shall be the final arbiter in relation to the interpretation and application of the Scheme.

**CONSTITUTION – PART 5.01 – Chief Executive****CHIEF EXECUTIVE'S OFFICE AND CORPORATE DELEGATIONS****1. Miscellaneous** 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**

<b>2. <u>Proper Officer Delegations</u></b>			
<b>Subject:</b>	<b>Detail:</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Council Summons	To sign summonses to Council Meetings and to receive notices regarding addresses to which summons to meeting is to be sent under provisions of paragraphs 4(2)(b) and 4(3) of Schedule 12 to the Local Government Act 1972.		[Chief Executive] or in his/her absence the [Monitoring Officer]
Local Government Act 1972	<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, Equalities and Democratic Services]</li> <li>d.[Legal, Equalities and Democratic Services]</li> <li>e.[Head of Legal, Equalities and Democratic Services]</li> <li>f. [Chief Executive]</li> <li>g.[Head of Legal, Equalities and Democratic Services]</li> </ul>

**CONSTITUTION – PART 5.01 – Chief Executive**

	<p>h. Section 212(1) and (2): Proper Officer to act as Local Registrar for Land Charges Act 1925</p> <p>i. Section 225: Deposit of documents</p> <p>j. Section 236(9): To send copies of byelaws for parish records</p> <p>k. Section 236(10): To send copies of byelaws to the County Council</p> <p>l. Section 238: Certification of byelaws</p> <p>m. Section 228 (3): Accounts of “any Proper Officer” to be open to inspection by any member.</p> <p>n. Section 191: Function with respect to ordnance survey</p> <p>o. Sections 115(2) and 146(1)(a) and (b): Receipt of money due from officers declaration and certificates with regard to securities</p> <p>p. Section 151</p>		<p>h.[Head of Legal, Equalities and Democratic Services]</p> <p>i. [Head of Legal, Equalities and Democratic Services]</p> <p>j. [Head of Legal Equalities and Democratic Services]</p> <p>k.[Head of Legal, Equalities and Democratic Services]</p> <p>l. [Executive Director of Finance and Corporate Resources}</p> <p>m.[Head of Planning]</p> <p>n. [Head of Planning]</p> <p>o. [Executive Director of Finance and Resources]</p> <p>p. [Executive Director of Finance and Resources]</p>
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**CONSTITUTION – PART 5.01 – Chief Executive**

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

**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, Equalities and Democratic Services].
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## Constitution Part 5 Table 5.02 – Transformation and OD

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

## 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]

## 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		
		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

	<p>Orders) (England) Regulations 2001.</p> <p>iii) Within the Council's approved disciplinary and capability procedures, to take action against including (except in the case of the monitoring officer or the section151 officer) dismissal of Heads of Service and Assistant Chief Executive subject, in the case of any Officer designated as Chief Finance Officer or Monitoring Officer, to compliance with the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended).</p> <p>iv) Within the Council's approved disciplinary and capability procedures, to take disciplinary action against (including dismissal of) any member of staff in the department concerned below Head of Service level.</p> <p>v) To consider and determine appeals in respect of discipline and dismissal for staff below the level of Head of Service.</p> <p><b>c. Terms and conditions of employment</b></p> <p>To determine all employment/ HR policies and procedures and terms and conditions of employment (save where specified by statutory provisions) in respect of all staff <u>except</u> the Chief Executive).</p> <p><b>d. Restructures and Service Reviews</b></p>	<p>Council</p> <p>Council</p> <p>Council</p> <p>Council</p> <p>Executive Cttee</p>	<p>[Chief Executive]/ Executive Directors</p> <p>Heads of Service</p> <p>Any one of the following: The Chief Executive, the Deputy Chief Executive or any Directors.</p> <p>[Head of Transformation and Organisational Development]</p> <p>[Chief Executive/ Deputy Chief Executive]/Executive Directors/</p>
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## Constitution Part 5 Table 5.02 – Transformation and OD

	<p>i) Subject to the prior approval of the Executive Committee, and consultation with employees and/or their representatives, to carry out Restructures, as necessary, and implement outcomes;</p> <p>ii) Within the policy and budgets decided by the Council, to make decisions on the addition and deletion of posts and on adjustments to working conditions applying to particular posts (but not generally) insofar as it relates to a service review which is not associated with the setting of the Council's budget</p>	Council	<p>Heads of Service as appropriate</p> <p>[Chief Executive/ Deputy Chief Executive]/ Executive Directors/ Heads of Service as appropriate</p>
	<p><b>e. Appeals (job evaluation)</b></p> <p>To consider and determine appeals in respect of salary grading.</p>	Council	<p>Any Officer of Head of Service level or above or a consultant selected by the [Head of Transformation and Organisational Development]</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>	Council	<p>[Head of Transformation and Organisational Development ]</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</p>	Council	<p>[Chief Executive] following consultation with Head of Transformation and Organisational Development and the relevant Portfolio Holder</p>

## Constitution Part 5 Table 5.02 – Transformation and OD

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

## Constitution Part 5 Table 5.02 – Transformation and OD

	<p>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>		
	<p><b>I. Training</b></p> <p>To provide training activities for the Council in accordance with the Council's stated requirements, through either direct provision of in-house training or external resources );</p>	Executive Cttee	[Chief Executive/ Deputy Chief Executive]/ Directors
	<p><b><u>Day to Day Activities</u></b></p> <p>a. To control and manage own Directorates</p>	Council/ Executive Committee	[Chief Executive/ Deputy Chief Executive]/ Directors or their nominated managers
	<p>b. In the absence of any specific delegation and subject to supervision by their immediate line Managers, Service Managers are authorised to perform the duties for which they are employed, including the day-to-day management of their specific Service.</p>	Council/Executive Committee	Various
	<p>c. The day-to-day discharge of functions not otherwise covered by this scheme in accordance with any requirements of the Chief Executive.</p>	Executive Committee	[Chief Executive] or in his absence the Deputy Chief Executive
	<p>d. To respond to miscellaneous enquiries for which no delegated</p>	Executive Committee	[Chief Executive], in consultation with Group Leaders and Monitoring Officer

## Constitution Part 5 Table 5.02 – Transformation and OD

	authority currently exists and to determine whether further formal decision is required and, if so, what.		
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 Transformation and Organisational Development], following consultation with the Corporate Management Team, the Joint Corporate Health, Safety and Welfare Committee (where applicable), the Leader of the Council and the relevant Portfolio Holder

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

<b>COMMUNITY SERVICES</b>			
<b>1.Community Safety</b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Civil Injunctions	To seek a civil injunction in accordance with Sections 1 –21 of the Anti Social Behaviour, Crime and Policing Act 2014.	Council	[Head of Community Services] and [Head of Housing] in consultation with the [Principle Solicitor].
Community Protection Notices and Fixed Penalty Notices	To serve Community Protection notices (and Fixed Penalty Notices in the event of a breach) in accordance with Section 43 – 58 of the Anti Social Behaviour, Crime and Policing Act 2014.	Council	[Head of Community Services], [Head of Environmental Services] [Head of Worcestershire Regulatory Services] and the [Head of Planning and Regeneration].
Public Space Protection Orders (PSPOs)	To initiate and implement the consultation process required to make a Public Space Protection Order (PSPO) in accordance with Sections 59 – 75 of the Anti Social Behaviour, Crime and Policing Act 2014.	Council	[Head of Community Services], [Head of Housing Services], [Head of Environmental Services] and [Head of Leisure and Cultural Services]
Closure Notices and Closure Orders	To issue Closure notices (up to 48 hours) and to apply for a Closure Order in accordance with Sections 76 – 93 of the Anti Social Behaviour, Crime and Policing Act 2014.	Council	[Head of Community Services], [Head of Housing], [Head of Environmental Services], [Head of Planning and Regeneration] and [Head of Worcestershire Regulatory Services].

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<b>4. <u>Miscellaneous other</u></b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
CCTV/Lifeline	Day to day management of the 24 hour CCTV/NEW Lifeline Monitoring Centre, Installation Team and telephone answering out of hours service, in accordance with the Council's adopted codes of practice and industry best practice. To include entering in to contracts to provide services on behalf of external organisations following consultations with Legal Services.	Executive Committee	[CCTV and Lifeline Manager]
License under Housing Act 2004	To issue and refuse licences as appropriate under the provisions of the Housing Act 2004.	Executive Committee	[Director of Leisure, Culture, Environment & Community]
Voluntary Sector – Major and Minor Grants	1) To deal with the day-to-day management of the Voluntary Sector Grants Programme, including payment of minor grants.  2) To pay Major Grants to community and voluntary organisations following consultation with the Grants Panel. (major grants recommended to Executive Committee)	Executive Committee	[Executive Director Leisure, Culture, Environment and Community]/[Head of Community Services]
Concessionary Rents	To administer the Concessionary Rents Policy and approve rent Relief following consultation with the Grants Panel.	Executive Committee	[Head of Community Services] in consultation with the [Executive Director of Finance and Corporate Resources].

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

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

**CONSTITUTION – PART 3 – TABLE 3.04**

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

**CONSTITUTION – PART 3 – TABLE 3.04**

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

**CONSTITUTION – PART 3 – TABLE 3.04**

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

**CONSTITUTION – PART 3 – TABLE 3.04**

	<p>any County, District or Parish Councillor whose ward is within the Borough of Redditch.</p> <p>c. any County, District or Parish Councillor whose ward is within the Borough of Redditch is affected by such an application.</p> <p>2. In all other circumstances to determine all High Hedge applications submitted in accordance with Part 8 of the Anti-Social Behaviour Act 2003 and to issue a remedial notice where appropriate.</p>	2. Planning Committee	[Head of Environmental Services].
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**CONSTITUTION – PART 3 – TABLE 3.04**

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

**CONSTITUTION – PART 3 – TABLE 3.04**

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

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

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

**CONSTITUTION – PART 3 – TABLE 3.04**

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

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

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

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

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

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

## SCHEME OF DELEGATION TO OFFICERS

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

**SCHEME OF DELEGATION TO OFFICERS**

Right to Buy	<p>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:</p> <ul style="list-style-type: none"> <li>• acceptance or denial of a Right to Buy application</li> <li>• To agree/disagree waiver of the discount period of a completed right to buy</li> </ul>	Executive Committee	[Head of Housing] / [Head of Community Services]/ [Housing Performance & Database Manager]/[Housing Services Manager]
Council Housing Growth Programme	To approve the necessary delivery agents for commissioning the construction of new HRA stock from the Council Housing Growth Programme budget.	Executive Committee	[Deputy Chief Executive & Executive Director for Leisure, Environment & Community Services] / [Head of Housing Services]/ [Head of Community Services]
Enforcement Action Inspection and Maintenance	<p>To take enforcement action in relation to the Inspection and Maintenance e.g. gas, electrical and other statutory or essential inspections or maintenance</p> <p>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 .</p>	<p>Executive Committee</p> <p><u>Executive Committee</u></p>	<p>[Head of Housing]/ [Head of Community Services] / [Head of Environmental Services] / [Repairs &amp; Maintenance and Capital Manger] following consultation with [Principal Solicitor]</p> <p>[Head of Housing Services] or [Repairs &amp; Maintenance and Capital Manger], following consultation with the [Principal Solicitor].</p>
Powers to Force Entry	To exercise the Council's powers within the guidelines of the Housing Act 1985 acting within policy and procedure to enforce entry to Council-owned properties in cases of emergency.	Executive Committee	[Deputy Chief Executive & Executive Director for Leisure, Environment & Community Services] / [Head of Housing] / [Head of Environmental Services]/[Head of Community Services]/

**SCHEME OF DELEGATION TO OFFICERS**

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

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

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

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

**CONSTITUTION PART 5 - Table 5.06**

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

**CONSTITUTION PART 5 - Table 5.06**

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

**CONSTITUTION PART 5 - Table 5.06**

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

<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]

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

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

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

Play Areas – Representations	To determine representations (retrospective or otherwise) received which fall within the standards and policies to be applied for play areas within residential estates and that in all other cases they be referred to the Executive Committee for consideration.	Executive Committee	[Head of Leisure and Cultural Services]
Off-Peak Charges at Sports Facilities	To negotiate off-peak charges for specific amenity events at Sports Centres	Executive Committee	[Head of Leisure and Cultural Services]
Varying Charges	To vary charges at Leisure Facilities, in response to additional competition, to a maximum of 30% above or below the charge.	Executive Committee	[Head of Leisure and Cultural Services] in consultation with the [Chief Executive]
Varying Charges II	To vary fees and charges in accordance with market conditions	Executive Committee	[Head of Leisure and Cultural Services]
Palace Theatre / Arts Development / Negotiation of Fees	Day-to-day operation of the Palace Theatre and Arts Development function; normal lettings and negotiation with artists and organisations of performing fees where appropriate.	Exec	[Head of Leisure and Cultural Services]
Bank Holiday Closures	To determine dates for the closure of recreational facilities for the Christmas and New Year Holidays.	Exec	[Head of Leisure and Cultural Services]
Community Meeting Rooms	Normal lettings and day-to-day operation, in consultation with various Management Committees (where applicable), of the Community Meeting Rooms.	Executive Committee	[Head of Leisure and Cultural Services]

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

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

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

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

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

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

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

<b>PLANNING &amp; REGENERATION</b>			
<b>1. <u>Building Control</u></b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Applications	<p>To approve or reject applications deposited under Building Regulations, except applications which require a relaxation of Reg. B1 (Means of Escape) and to determine matters arising from the following associated statutory provisions:-</p> <p>Highways Act 1989 (Sections 169, 172 &amp; 173)</p> <p>Building Act 1984 (Sections 8, 15, 16, 18-30, 32, 33, 36, 71, 72 (1)(b), 80, 81.</p>	Exec	[Head of Planning & Regeneration] / [Building Control Manager]
Taking Action	<p>To take action as appropriate under the following enactments:-</p> <p>Public Health Act 1936 Section 262.</p> <p>Local Government (Miscellaneous Provisions) Act 1976</p> <ul style="list-style-type: none"> <li>- Dangerous Excavations.</li> <li>- Building Act 1984, Sections 77 and 78.</li> </ul>	Exec	<p>[Head of Planning &amp; Regeneration] / [Building Control Manager]</p> <p>As above</p> <p>[Head of Planning &amp; Regeneration] / [Building Control Manager] / [Principal Solicitor]</p>
Entering Premises	To enter premises for the purposes of enforcement and administering the Building Regulations and appropriate provisions of the Building Act 1984 as set out above and additionally Section 94.	Exec	[Head of Planning & Regeneration] / [Building Control Manager]

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

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

**UNLESS:**

	<ol style="list-style-type: none"> <li>1. A Member makes a written request within 21 days of the application receipt for the application to be considered by the Planning Committee.  (see procedure set out above)</li> <li>2. The Planning Officer considers that the application should be considered by Committee.</li> <li>3. The approval of the application would represent a departure from the policies of the statutory development plan.</li> <li>4. The proposal involves the Borough or County Council either as applicant or landowner.</li> <li>5. The applicant is a Councillor or known to</li> </ol>		[Head of Planning and Regeneration]/ Planning officers
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**CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen**

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

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

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

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

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

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

	<p>Council.</p> <p>3. Significant change in financial contributions to be provided to Redditch Borough Council [except where this is a result of (an)other Member decision(s)].</p> <p>4. A Member makes a written request for a case to be considered by the Planning Committee, as set out above in the Calling in Procedure.</p>		
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**CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen**

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

**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 - Business Centres:</u></b>			
Day-to-day Management / Fees & Charges	<p>To manage and control the Centres and all lettings and licences, including:</p> <p>(a) Annual rent review – to set rent annually, any change to be limited to plus or minus 10% of the preceding year's level, unless first approved by the Executive Committee;</p> <p>(b) To secure new lettings in times of decreased demand, to agree a rent-free period and/or a period of reduced rent up to 20% of the current year's levy, judged on a case by case basis;</p> <p>(c) To maximise income from new lettings in times of increased demand, to increase rents by up to 20% of the current year's levy, judged on a case by case basis;</p> <p>(d) To agree a period of reduced rent for specific licensees in response to evidence of hardship, from time to time during their tenancy, judged on a case by case basis.</p>	Exec	[Head of Planning & Regeneration], [Business Centres Manager] and [Economic Development Manager], following consultation with the [Portfolio Holder]
Secretarial Services	<p>Following consultation with the Portfolio Holder, to set fees annually, limited to plus or minus 10% of the preceding year's level unless first approved by the Executive Committee.</p> <p>To agree a discounted rate for bulk orders, judged on a case-by-case basis.</p>	Executive	[Head of Planning & Regeneration], [Business Centres Manager] and [Economic Development Manager]
<b><u>Regeneration - Redditch Market:</u></b>			
Day-to-day Management	To deal with the day-to-day management of the Redditch Market including the letting of stalls, kiosks and pitches.	Exec	[Head of Planning & Regeneration] and [Head of Economic

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

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

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

Charity Stalls	To allocate up to two stalls per day free of charge to charitable / not for profit organisations when stalls are not required by licensed or casual traders.	Executive Committee	[Head of Planning & Regeneration] and [Head of Economic Development and Regeneration – North Worcestershire]
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**CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen****4. Other Matters**

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

**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**

<b>RESOURCES</b>			
<b>1. <u>Finance - Accounts, Financial Management &amp; Advice</u></b>			
<b><u>Subject:</u></b>	<b><u>Detail:</u></b>	<b><u>Delegated by:</u></b>	<b><u>Delegated to:</u></b>
Grant of Housing / Council Tax Reduction	Granting of Housing Benefit and Local Council Tax Reduction Scheme in all cases including matters of individual discretion and back-dating, except that, where a claimant is dissatisfied with the Officer's decision, the matter be referred to: The Social Security and Child Support Tribunal for Housing Benefit (and Council Tax Reduction) Valuation Office Agency for Local Council Tax Reduction Scheme.	Executive Committee	[Head of Customer Access and Financial Support]
Reduction of Council Tax payable	To reduce the Council Tax payable on a case by case basis, as provided by Section 13A 1 (c) of the Local Government Finance Act 1992.	Council	[Executive Director Finance and Resources] and [Financial Support Manager]
Debt Collection / Recovery	To collect and recover all debts, except housing rents.	Executive Committee	[Head of Customer Access and Financial Support]
Council Tax – Non – Domestic Rates - Refund of overpayments	To refund all overpayments of Council Tax and National Non-Domestic Rates including statutory interest.	Executive Committee	[Executive Director of Finance and Resources]
Council Tax Support Scheme	To carry out statutory consultation on draft Council Tax Support Schemes in accordance with legislative guidelines.	Council	[Head of Customer Access and Financial Support] following consultation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**CONSTITUTION – PART 5 – TABLE 5.10**

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

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## **JOINT ARRANGEMENTS**

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

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

### **1. Joint Committees**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **3. Other arrangements**

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

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

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

Service for all the authorities.

The service is hosted by Worcester City Council.

**b. Payroll Service**

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

The service is hosted by Redditch Borough Council.

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

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

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

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

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

The service is hosted by Wyre Forest District Council.

**e. Building Control Shared Service**

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

The service is hosted by Bromsgrove District Council.

**f. Land Drainage Shared Service**

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

authorities.

The service is hosted by Wyre Forest District Council.

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

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

The service is hosted by Wyre Forest District Council.

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

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

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

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

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

**1.2 Access to Meetings**

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

**1.3 Host Authority**

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

**2. Objects of Joint Scrutiny Committee**

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

**3. Membership**

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

**4. Voting**

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

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

## **5 Quorum**

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

## **6 Meetings**

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

**1. Call-In**

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

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

(c) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless any 2 Local Authorities object to it and request that the decision be called in for review.

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

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

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

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

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

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

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

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

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

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

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

## COUNCIL PROCEDURE RULES

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

### 1.1 **Timing and business**

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

The Annual Meeting will:

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

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

At the Annual Meeting, the Council will:

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

## 2. ORDINARY MEETINGS

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

Ordinary meetings will:

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

### **3. EXTRAORDINARY MEETINGS**

#### **Calling extraordinary meetings**

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

- 3.4 The Chief Executive may call Council meetings in addition to ordinary meetings.
- 3.5 Those listed below may also request the Chief Executive to call Council meetings in addition to ordinary meetings:

- (a) the Council by resolution;
- (b) the Mayor of the Council;
- (c) the Monitoring Officer.

**3.6 Business**

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

**4. TIME AND PLACE OF MEETINGS**

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

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

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

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

**6. CHAIRING THE MEETING**

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

- 6.2 Where these rules provide for a maximum time to be devoted to an item or speech or other process, the Mayor may, if the Mayor and the majority of the members present agree, extend that time if it is felt appropriate in the interests of effective conduct of Council business.
- 6.3 Any ruling of the Mayor shall not be challenged.

## 7. **QUORUM**

- 7.1 Except as stated below, the quorum of a meeting will be at least one quarter of the whole number of members. During any meeting if the Mayor counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.
- 7.2 A motion to suspend any of those Rules set out in Article 16.2 in Part 2 of this Constitution will not be moved with or without notice unless a majority of the number of Councillors present agree.
- 7.3 Rule 7.1 above shall not apply to committees or sub-committees whose terms of reference or Procedure Rules specify the quorum applicable to a meeting of that committee or sub-committee.

## 8. **ADVICE FROM OFFICERS**

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

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

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

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

### **Questions on notice**

- 9.2 Subject to Rule 9.3, a member of the Council or member of the Public may ask:
- the Mayor;
  - a member of the Executive Committee; or
  - the Chair of any committee or sub-committee

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

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

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

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

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

### **Notice of questions**

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

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

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

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

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

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

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

### **Response**

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

### **Supplementary question**

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

### **Time limit for questions**

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

**10. ANNOUNCEMENTS**

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

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

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

**Motion set out in agenda**

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

**Scope**

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

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

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

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

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

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

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

### **Deferment of Motions**

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

### **Referral of Motions**

- 11.8 The Monitoring Officer will, in consultation with the member submitting the Notice of Motion, the Leader, the Chief Executive and the Mayor, determine whether the motion will be placed on the agenda for Council or whether it might more appropriately be referred to the Executive Committee or another Committee for determination, or to an officer for further action.
- 11.9 If a Notice of Motion is so referred to Executive Committee or to a committee, it shall be placed on the agenda for the next available meeting of that Executive Committee or that committee

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

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

The following procedural motions may be moved without notice:

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

### 13. MOTIONS - RULES OF DEBATE

#### **No speeches until motion seconded**

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

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

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

#### 13.3 **Secunder's speech**

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

#### 13.4 **Content and length of speeches**

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

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

4 minutes – standard duration

5 minutes – mover of Motion / summing up.

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

#### 13.5 **When a member may speak again**

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

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

### 13.6 Amendments to motions

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

### 13.7 Alteration of motion

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

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

### 13.8 **Withdrawal of motion**

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

### 13.9 **Right of reply**

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

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

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

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

### 13.11 **Closure Motions**

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

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

### 13.12 **Point of order**

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

### 13.13 **Personal explanation**

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

### 13.14 **'Point of information'**

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

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

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

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

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

#### Resolved Items

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

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

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

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

### 16. **URGENT ITEMS**

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

### 17. **VOTING**

#### **Majority**

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

**Mayor's casting vote**

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

**Show of hands**

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

**Named vote**

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

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

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

17.9 **Voting on appointments**

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

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

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

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

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

**Form of minutes**

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

**19. EXCLUSION OF PUBLIC**

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

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

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

**Member not to be heard further**

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

**Member to leave the meeting**

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

**General disturbance**

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

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

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

**Clearance of part of meeting room**

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

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

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

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

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

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

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

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

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

### **Hearing of Deputations**

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

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

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

**Amendment**

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

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

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

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

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

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

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

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

**26. EXTRAORDINARY MEETINGS OF COMMITTEES**

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

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

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

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

27.3 Substitute members may attend meetings in that capacity only:

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

**28. CALCULATION OF TIME**

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

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

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## **ACCESS TO INFORMATION PROCEDURE RULES**

### **1. SCOPE**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 6. **SUPPLY OF COPIES**

The Council will supply copies of:

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

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

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

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

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

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

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

## 9. **BACKGROUND PAPERS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**11.3 Meaning of confidential information**

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

**11.4 Meaning of exempt information**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 15. **THE WORK PROGRAMME**

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

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

## 15.2 Contents of Work Programme

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

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

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

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

## 16. GENERAL EXCEPTION

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

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

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

## 17. **SPECIAL URGENCY**

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

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

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

## 18. **REPORT TO COUNCIL**

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

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

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

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

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

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

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

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

# **19. RECORD OF DECISIONS**

## **19.1 Meetings**

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

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

## 19.2 Officer Decisions

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

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

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

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

## 19.3 Publication of Decisions

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

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

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

## 21. ATTENDANCE AT MEETINGS OF THE EXECUTIVE COMMITTEE

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

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

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

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

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

### **22.1 Rights to copies**

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

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

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

### **22.2 Limit on rights**

The Overview and Scrutiny Committee will not be entitled to:

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

**23. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS****23.1 Material relating to previous business**

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

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

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

**23.2 Material relating to Key Decisions**

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

**23.3 Nature of rights**

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

## BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

*(Subject to further review and update)*

### 1. **Definitions**

In these Rules -

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

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

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

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

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

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

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

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

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

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

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

## 5. Urgent Decisions outside of the Budget or Policy Framework

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

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

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

## 6. Virement

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

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

## 7. In-year changes to policy framework

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

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

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

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

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

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

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

OR

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

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

OR

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

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

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

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

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

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

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

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

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

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

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

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

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

## **EXECUTIVE COMMITTEE PROCEDURE RULES**

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

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

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

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

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

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

**4. Exclusion of the Public**

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

**5. Chairing the Meeting**

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

**6. Quorum**

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

**7. Advice from Officers**

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

**8. Business to be Conducted**

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

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

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

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

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

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

- 9.9 The Chief Executive may place on the agenda of the next available meeting of the Executive Committee an item to consider a report of a Chief Officer of the Council.
- 9.10 The Executive Committee will consider all reports and recommendations presented by the Overview and Scrutiny Committee and will provide the Committee with a response.
- 9.11 An Overview and Scrutiny report which includes one or more proposals which would require a departure from the Budget and Policy Framework will be considered in the first instance by the Executive Committee. The Executive Committee will decide whether to recommend to the Council that those proposals be implemented. If the Executive Committee decides not to recommend to Council that those proposals be implemented, its decision, together with the reasons for that decision, shall be reported back to the Overview & Scrutiny Committee.

## **10. Urgent Items**

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

## **11. Voting**

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

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

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

**13. Minutes**

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

**14. Publication of Executive Committee Decisions**

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

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

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

In the absence of the Mayor, the Deputy Mayor's consent shall be required. In the absence of both, the Chief Executive or his/her nominee's consent shall be required.

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

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

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

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

**Questions on notice**

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

**Questions which may not be asked**

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

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

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

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

### **Response**

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

### **Supplementary question**

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

### **Time limit for questions**

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

**Presentation of Petitions at Executive Committee Meetings**

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

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

**Hearing of Deputations**

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

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

## OVERVIEW AND SCRUTINY PROCEDURE RULES

### 1. Arrangements for Overview and Scrutiny

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

### 2. Co-optees

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

**3. Meetings of the Committee**

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

**4. Quorum**

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

**5. Participation in Meetings**

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

**6. Chair**

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

**7. Work Programme**

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

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

and in doing so shall make provision for considering:

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

## **8. Procedure at meetings**

8.1 The Committee shall at each meeting consider the following business:

- a. consideration of the accuracy of the minutes of the last meeting;
- b. declarations of interest (including whipping declarations);
- c. minutes of recent Executive Committee meetings and responses of the Executive Committee to the Committee's reports.
- d. the Forward Plan;
- e. progress on ongoing Task and Finish Reviews;
- f. any petitions referred to the Committee under the Council's adopted Petitions Protocol.
- g. any Councillor Calls for Action which have been received;
- h. scrutiny of the Medium Term Financial Plan ( if appropriate);
- i. scrutiny of the Crime and Disorder Reduction Partnership, via reports of the Crime and Disorder Scrutiny Panel;
- j. reports from the quarterly leadings between the Leader of the Council and the chair of the Overview and Scrutiny Committee (if appropriate);

- k. other matters set out on the agenda for the meeting in accordance with paragraph 9 below.

## **9. Agenda items**

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

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

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

## **11. Policy review and development**

- 11.1 The role of the Overview and Scrutiny Committee in relation to the development of the Council's Budget and Policy Framework is set out in detail in the Budget and Policy Framework Procedure Rules in Part 9 of the Constitution.
- 11.2 In relation to the development of the Council's approach to other matters not forming part of its Budget and Policy Framework, the Overview and Scrutiny Committee may make proposals to the Executive Committee for developments in so far as they relate to matters within their terms of reference.

11.3 The Committee and any Task Group may:

- a. hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process;
- b. conduct site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations;
- c. ask witnesses to attend to address them on any matter under consideration;
- d. pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so, provided that the budget set by the Council each year for such purposes is not exceeded.

**12. Members and officers giving account**

12.1 The Committee or a Task Group may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Executive Committee, the Chief Executive and/or any senior officer to attend before it to explain in relation to matters within their remit:

- a. any particular decision or series of decisions;
- b. the extent to which the actions taken implement Council policy; and/or
- c. his/her performance

and, subject to paragraph 12.2 below, it is the duty of those persons to attend if so required.

12.2 If any councillor or officer is required to attend a meeting of the Committee, or a Task Group under this provision, the councillor or officer will be given reasonable notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee or Task Group. Where the account to be given to the Committee will require the production of a report, then the councillor or officer concerned will be given sufficient notice to allow for preparation of that documentation

- 12.3 If the councillor or officer is unable to attend on the required date, the Committee or Task Group shall, in consultation with the councillor or officer, arrange an alternative date for attendance.

### **13. Attendance by others**

- 13.1 The Committee and/or Task Groups may invite people other than those people referred to in paragraph 12 above to attend a meeting to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend. The person invited will be given reasonable notice and the notice will state the nature of the item on which he/she is invited to attend and whether any papers are requested.
- 13.2 If the Committee is to consider a motion referred to it by the Council, the proposer and seconder of the motion shall (if they are not members of the Overview and Scrutiny Committee) have the right to attend the relevant meeting and to explain the reasons for their motion, although they may not propose, second or vote on recommendations by the Committee which arise from that motion.
- 13.3 If the Committee or a Task Group invites a person to address a meeting or to give evidence, the following principles will be observed:
- a. the investigation will be conducted fairly and all members of the Committee or Task Group will be given the opportunity to ask questions of attendees, and to contribute and speak;
  - b. those assisting the Committee or Task Group by giving evidence will be treated with respect and courtesy (Witness Guidance notes are attached at Appendix C); and
  - c. the investigation will be conducted so as to maximise the efficiency of the investigation or analysis.

### **14. Reports from the Committee**

- 14.1 Once it has formed recommendations on proposals for development, the Committee will make its report and findings public and will submit a formal report to the Chief Executive for consideration by the Executive Committee.

- 14.2 If the Committee cannot agree on one single final report to the Council or Executive Committee, as appropriate, then no more than one minority report may be prepared and submitted for consideration by the Council or Executive Committee with the majority report.
- 14.3 The Executive Committee shall consider the Overview and Scrutiny Committee report within two months of it being submitted to the Chief Executive and shall issue a formal response to the report.

**15. Consideration of Overview and Scrutiny Committee reports by the Executive Committee**

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

If the Executive Committee decides not to recommend to Council that those proposals be implemented, its decision, together with the reasons for that decision, shall be reported back to the Overview and Scrutiny Committee.

The Overview and Scrutiny Committee may then request the Chief Executive to place an item on the next available meeting of the Council to enable the Council to consider those proposals.

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

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

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

**17. Call-in**

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

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

17.2 When a decision is made by the Executive Committee, or a Key Decision is made by an Officer with delegated authority from the Executive Committee, or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 3 working days of being made. All members of the Council will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.

17.3 That decision (which may take the form of the minutes of a meeting of the Executive Committee) will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless the decision is the subject of a valid request for call-in.

17.4 A valid request is required to initiate call-in a decision referred to at 17.3 above. The request must be in writing addressed to the Monitoring Officer on the approved form (at Appendix D) giving the reasons for the request for call-in and must be:-

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

and in any case must:-

- state the reason(s) for the call-in; and
- be delivered to the Monitoring Officer by hand, post or email, within 5 clear working days of the publication of the decision.

The decision on whether the call-in is valid will be taken by the Monitoring Officer following consultation with the Overview and Scrutiny Committee Chair. The final decision shall rest with the Monitoring Officer.

If the Monitoring Officer decides the call-in is valid the Monitoring Officer will notify the Chief Executive, who will notify the decision-taker of the request for call-in.

17.5 Implementation of the decision which is the subject of the call-in will be suspended from the date of receipt of the request for call-in pending consideration by the Overview and Scrutiny Committee.

17.6 The call-in will be considered by the Overview and Scrutiny Committee at either:

- a. the next scheduled meeting of the Committee; or
- b. a special meeting of the Committee to be convened by the Chief Executive within 10 working days of receipt of the request to call-in, or such other date as may be agreed by the Chief Executive in consultation with the author of the call-in and the Overview and Scrutiny Committee Chair.

17.7 The Overview and Scrutiny Committee will determine the call-in in such manner as it considers appropriate but in any event expeditiously and within a maximum of 20 working days from the date of the meeting at which the call-in is first considered by the Overview and Scrutiny Committee.

If more detailed evidence or consideration of the issues is required to determine the call-in, the Overview and Scrutiny Committee may during that period hold one or more additional meetings to determine the call-in.

- 17.8 The Overview and Scrutiny Committee may require the relevant Executive Committee member with responsibility or another member of the Executive Committee, if appropriate, to attend any meeting and explain the decision taken by Executive Committee.
- 17.9 Having considered the decision subject to the call-in, the Overview and Scrutiny Committee will either:
- a. accept the decision without qualification or comment; or
  - b. require reconsideration of the decision setting out its reasons in a report; or
  - c. in exceptional circumstances refer the decision to the Council to consider whether the decision should be accepted without qualification or comment or reconsidered.
- 17.10 Exceptional circumstances referred to in paragraph 17.9c include, but are not limited to, decisions which the Overview and Scrutiny Committee considers:-
- a. the Executive Committee cannot in law take; or
  - b. is reserved to the Council; or
  - c. is contrary or not wholly in accordance with the Budget and Policy Framework.
- 17.11 If the Overview and Scrutiny Committee accepts the decision without qualification or comment under paragraph 17.9a the decision may be implemented with immediate effect.
- 17.12 If the Overview and Scrutiny Committee refers the decision to the Executive Committee for reconsideration under paragraph 17.9b implementation of the decision is deferred pending the meeting of the Executive Committee at which it is reconsidered.
- 17.13 If the Overview and Scrutiny Committee refers the decision to the Council under paragraph 17.9c implementation of the decision is deferred pending the meeting of the Council at which it is considered. If the Council decides to request the Executive Committee to reconsider the decision, implementation of the decision remains deferred until the Executive Committee has reconsidered the matter.

17.14 Any report of the Overview and Scrutiny Committee or Council pursuant to paragraph 17.9b or c will be submitted to the Executive Committee which will consider that report within 10 working days and either:-

- a. confirm the decision without modification; or
- b. confirm the decision with modification; or
- c. rescind the decision and if considered appropriate take a new one.

In each case the Executive Committee must give reasons for its decision. The decision taken by the Executive Committee following consideration of the report of the Overview and Scrutiny Committee or Council on the call-in is final.

17.15 The Chair or Vice-Chair of the Overview and Scrutiny Committee or, with the Chair's agreement, the Chair or other designated representative of a relevant Task and Finish Group, may attend any meeting of the Executive Committee at which a report of the Overview and Scrutiny Committee is being considered and may speak but not vote.

17.16 A decision of the Executive Committee may be called in only once.

17.17 The call-in procedure shall not apply where the decision being taken by the Executive Committee is urgent.

A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the interest of either the Council or public. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in.

The Mayor must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Mayor, the Deputy Mayor's consent shall be required. In the absence of both, the Chief Executive or his/her nominees' consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

17.18 The operation of the provisions relating to call-in and urgency shall be monitored annually by the Overview and Scrutiny Committee, and a report submitted to Council with proposals for review if necessary.

**18. The party whip**

When considering any matter in respect of which a member of any of the Overview and Scrutiny Committee is subject to a party whip, the Councillor must declare the existence of the whip and the nature of it before the commencement of the Overview and Scrutiny Committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

**19. Petitions**

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

**20. Public speaking**

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

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

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

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

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

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

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

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

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

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

**3. Co-opted members**

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

- 3.2 Co-opted members will have no voting rights.

**4. Proportional allocation of seats**

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

**5. Terms of reference**

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

**6. Working**

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

**7. Timescales**

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

**8. Monitoring**

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

**9. Final report**

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

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

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

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

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

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

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

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

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

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

**RULES OF OPERATION**

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

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

Meetings shall normally take place early evening.

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

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

TERMS OF REFERENCE

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

The Panel will carry out the following functions:

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

OFFICER SUPPORT

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

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

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

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

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

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

**Is it compulsory to attend?**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Further Information:**

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

### **Contacts**

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

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

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

Address: Redditch Borough Council, Town Hall, Walter Stranz Square, Redditch,  
Worcestershire B98 8AH

**APPENDIX D****CALL- IN REQUEST FORM**

I am / We are exercising the right to call in a decision in accordance with the Overview & Scrutiny Procedure Rules, on the basis that:

**1. Details of the decision to be called in**

1.1 The decision to be called in is that taken on *[insert date]*:

1.2 and the decision was to:

1.3 The decision was: *[delete as appropriate]*

- an Executive Committee Decision; OR
- a Key Decision made by an Officer under delegated powers.

**2. Grounds for Call In**

2.1 The reason for the request for call-in is that I / We have evidence which suggests that the decision was not taken in accordance with one or more of the principles of Decision Making in Article 13 of the Constitution, as indicated below:

*[delete as appropriate]*

- Decisions based on consideration of the full facts.
- Proportionality (action must be proportionate to the proposed outcome).
- Due consultation and the taking of professional officer advice.
- Respect for Human Rights.
- A presumption in favour of openness.
- Clarity of aims and desired outcomes.
- Due regard for the Council's environmental objectives.
- Due regard to the Council's duties in respect of Crime and Disorder.
- Clear explanations of the options considered and the reason for the decisions taken.

- 2.2 The evidence suggesting the decision was not taken in accordance with the principles indicated in 21.1 above is that:

--

### 3. Councillors requesting Call In

- 3.1 This request is delivered by:

Name: Signed:	
Name: Signed:	
Name: Signed:	
Name: Signed:	
Name: Signed:	
Name: Signed:	
Date:	

**Note:**

A request for Call-in may only be made by:

- The Chair of the Overview & Scrutiny Committee; OR
- 3 members of the Overview and Scrutiny Committee; OR
- Any 5 members of the Council, who are not members of either the Overview and Scrutiny Committee or the Executive Committee.

Please return this form, by hand, post or e.mail, within 5 clear working days of publication of the decision to:

The Overview and Scrutiny Support Team,  
Redditch Borough Council,  
Town Hall, Walter Stranz Square,  
Redditch, B98 8AH  
Email: [democratic@redditchbc.gov.uk](mailto:democratic@redditchbc.gov.uk)

## APPENDIX E

## SCOPING DOCUMENT

**Scrutiny Proposal Form**

(This form should be completed by sponsoring Member(s), Officers and / or members of the public when proposing an item for Scrutiny).

**Note:** The matters detailed below have not yet received any detailed consideration. The Overview and Scrutiny Committee reserves the right to reject suggestions for scrutiny that fall outside the Borough Council's remit.

Proposer's name and designation		Date of referral	
Proposed topic title			
Link to national, regional and local priorities and targets			
Background to the issue			
Key Objectives Please keep to SMART objectives (Specific, Measurable, Achievable, Relevant and Timely)			

How long do you think is needed to complete this exercise? (Where possible please estimate the number of weeks, months and meetings required)	
---	--

**Please return this form to:**

**The Overview and Scrutiny Support Team,  
Redditch Borough Council,  
Town Hall,  
Walter Stranz Square,  
Redditch, B98 8AH  
Email: [democratic@redditchbc.gov.uk](mailto:democratic@redditchbc.gov.uk)**

## AUDIT, GOVERNANCE AND STANDARDS COMMITTEE PROCEDURE RULES

### **1. Role of the Audit, Governance and Standards Committee**

- 1.1 The Council has established an Audit, Governance and Standards Committee.
- 1.2 The Audit, Governance and Standards Committee will work in partnership with the Executive Committee and Officers to ensure good stewardship of the Council's resources and deliver better outcomes for the people of the Borough.
- 1.3 The ultimate responsibility for Audit rests with the Council's Section 151 Officer. Therefore the Audit, Governance and Standards Committee can make informed recommendations but it is not the role of the Audit, Governance and Standards Committee to be a substitute for management of Internal Audit.
- 1.4 The Audit, Governance and Standards Committee does not have the power to make decisions with regard to Internal Audit or to direct Officers with regard to Internal Audit.

### **2. Terms of Reference**

- 2.1 The Terms of Reference of the Audit, Governance and Standards Committee are as follows:

#### Audit and Governance Internal and External Audit

- a. To review and monitor the annual audit plans of both the internal and external auditors;
- b. To receive and comment upon the external auditors' reports;
- c. To monitor the adequacy and effectiveness of the Council's system of internal control by ensuring that an adequate and effective system of internal financial controls is maintained, that financial procedures are regularly reviewed;
- d. To consider, monitor and review the Council's overall corporate governance arrangements;
- e. To enhance the profile, status and authority of the internal audit function which will demonstrate its independence;

- f. To focus audit resources by agreeing, and periodically reviewing, audit plans and monitoring delivery of the audit service;
- g. To receive and consider such internal audit reports that the Chair and/or Deputy Chief Executive considers necessary;

#### Risk

- h. To consider, monitor and review the effectiveness of the Council's risk strategies, policies and management arrangements and seek assurances that action is being taken to address identified risk related issues;

#### Finance and Value for Money

- i. To consider and approve the Council's Annual Statements of Accounts;
- j. To consider any report from the Internal Audit Manager in pursuance of Financial Regulations;
- k. To ensure good stewardship of the Council's resources and assist the Council to achieve value for money in the provision of its services;
- l. To keep under review, and make recommendations on, proposed amendments to Financial Regulations;
- m. To consider and make recommendations if appropriate on, the Annual Governance Statement;

#### Standards

- n. To promote and maintain high standards of conduct by Councillors and any co-opted members of Council bodies;
- o. To assist the Councillors and co-opted members to observe the Members' Code of Conduct;
- p. To advise the Council on the adoption or revision of the Members' Code of Conduct;
- q. To monitor the operation of the Members' Code of Conduct;
- r. To advise, train or arrange to train Councillors and co-opted members on matters relating to the Members' Code of Conduct;
- s. To grant dispensations to Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
- t. To deal with any report from the Monitoring Officer following an investigation into a complaint concerning the Members' Code of Conduct;

- u. To consider and determine allegations that a Councillor or co-opted Councillor may have failed to follow the Code of Conduct and where a breach of the Code is established making recommendations as to any sanctions to the appropriate person or body;
  - v. The exercise of t – u above in relation to the Parish Councils in the Council's area and the members of those parish Councils; and
  - w. To monitor and review the operation of the Member Officer Relations Protocol.
- 2.2 Within those Terms of Reference, the Audit, Governance and Standards Committee will:
- a. agree annual and strategic audit plans;
  - b. review Internal Audit's progress against the audit plan and consider Internal Audit performance measures;
  - c. receive and consider a summary of work undertaken by Internal Audit since the last meeting, plus current status;
  - d. receive and consider executive summaries of financial process / procedures;
  - e. receive and consider executive summaries of Value For Money reports;
  - f. receive and consider executive summaries of contract audit reports;
  - g. receive and consider executive summaries of any special investigations undertaken by Internal Audit;
  - h. receive and consider a chronological summary of Internal Audit reports awaiting departmental response and address any evident problems;
  - i. monitor the proportion of key recommendations actioned since the previous meeting; and
  - j. consider all external audit reports including the Annual Audit Letter.

### **3. Composition**

The Audit, Governance and Standards Committee will comprise such number of Councillors as are determined at the Council's Annual Meeting. All Councillors except for Party Group Leaders may be members of the Audit, Governance and Standards Committee or act as substitutes for members of the Committee.

**4. Co-optees**

The Audit, Governance and Standards Committee shall be entitled to appoint a number of people as non-voting co-optees.

**5. Chair**

- a. The Committee's Chair and Vice-Chair will normally be appointed at the Council's Annual Meeting.
- b. If the Chair / Vice-Chair are not so appointed, they shall be appointed at the first meeting of the Audit, Governance and Standards Committee.

The Chair and Vice-Chair shall not be members of the controlling political group.

**6. Meetings of the Audit, Governance and Standards Committee**

- 6.1 There shall be at least 4 ordinary meetings of the Audit, Governance and Standards Committee in each year.
- 6.2 Extraordinary meetings may be called from time to time as and when appropriate.
- 6.3 A meeting of the Audit, Governance and Standards Committee may be called by the Chair of the Audit, Governance and Standards Committee, by any 3 members of the Audit, Governance and Standards Committee or by the Chief Executive if s/he considers it necessary or appropriate.

**7. Quorum**

The quorum for a meeting of the Audit, Governance and Standards Committee shall be 4 members (to include at least one member of the Majority Group).

**8. Attendance of Officers at meetings**

- 8.1 The Section 151 Officer or his/her deputy shall be expected to attend each meeting of the Audit, Governance and Standards Committee.
- 8.2 The Audit Services Manager shall be expected to attend each meeting of the Audit, Governance and Standards Committee.

- 8.3 The Monitoring Officer shall be expected to attend each meeting of the Audit, Governance and Standards Committee when Standards issues are included on the agenda.

**9. Participation in Meetings**

No member of the Audit, Governance and Standards Committee may be involved in the consideration of a decision in which s/he has been directly involved. If any member of the Audit, Governance and Standards Committee finds that a decision in which s/he has been directly involved is to be considered, s/he shall declare the fact to the Audit, Governance and Standards Committee and take no part in the discussion and voting in the part of the meeting which relates to that decision.

**10. Work Programme**

The Audit, Governance and Standards Committee will be responsible for setting its own work programme and in doing so shall take into account of:

- a. the views of members of the Audit, Governance and Standards Committee who are not members of the largest political group on the Council;
- b. suggestions of matters for consideration made by the Executive Committee; and
- c. suggestions of matters for consideration made by the Council.

**11. Procedure at Audit, Governance and Standards Committee meetings**

The Audit, Governance and Standards Committee shall at each meeting consider the following business:

- a. consideration of the accuracy of the minutes of the previous meeting;
- b. declarations of interest;
- c. responses of the Executive Committee to reports of the Audit, Governance and Standards Committee; and
- d. matters set out on the agenda for the meeting in accordance with paragraph 12 below.

**12. Agenda items**

- 12.1 Any member of the Audit, Governance and Standards Committee shall be entitled to give notice to the Section 151 Officer that s/he wishes an item relevant to the functions of the Audit, Governance and Standards Committee to be included on the agenda for the next available meeting of

the Committee. On receipt of such a request the Section 151 Officer will ensure that it is included on the next available agenda.

- 12.2 Where a matter is referred to the Audit, Governance and Standards Committee by the Council (including a matter referred by the Monitoring Officer under Council Procedure Rule 11.10), it shall be considered at either the first or second ordinary meeting of the Audit, Governance and Standards Committee following the referral.
- 12.3 The Audit, Governance and Standards Committee shall also respond, as soon as its work programme permits, to requests from the Council or the Executive Committee to review particular areas of Council activity. The Audit, Governance and Standards Committee shall report its findings and any recommendations back to Council or Executive Committee (as appropriate).

### **13. Investigations and Enquiries**

The Audit, Governance and Standards Committee may:

- a. hold enquiries and investigate the available options for the future direction of Internal Audit and may appoint advisers and assessors to assist them in this process;
- b. conduct site visits, conduct public surveys, hold public meetings, commission research and do all other things that it reasonably considers necessary to inform the Audit, Governance and Standards Committee in its deliberations;
- c. invite witnesses to attend to address the Audit, Governance and Standards Committee on any matter under consideration; and / or
- d. pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so, provided that any such budget set by the Council each year for such purposes is not exceeded.

### **14. Members and Officers giving account**

- 14.1 The Audit, Governance and Standards Committee may review internal control mechanisms and systems that exist in any Council Department. As well as reviewing documentation, in fulfilling its Terms of Reference, it may require any member of the Executive Committee, the Chief Executive and/or any senior Officer to attend before it to explain in relation to matters within their remit:
- a. any particular decision or series of decisions;
  - b. the extent to which the actions taken implement Council policy; and /or

c. his/her performance,

and it is the duty of those persons to attend if so required.

14.2 If any Councillor or Officer is required to attend meetings of the Audit, Governance and Standards Committee under this provision, the Councillor or Officer will be given reasonable notice in writing of the meeting at which s/he is required to attend. The notice will state the nature of the item on which s/he is required to attend to give account and whether any papers are required to be produced for the Audit, Governance and Standards Committee. Where the account to be given to the Audit, Governance and Standards Committee will require the production of a report, then the Councillor or Officer concerned will be given sufficient notice to allow for preparation of that documentation.

14.3 If the Councillor or Officer is unable to attend on the required date, the Audit, Governance and Standards Committee shall in consultation with the Councillor or Officer arrange an alternative date for attendance.

#### **15. Attendance by others**

15.1 The Audit, Governance and Standards Committee may invite people other than those people referred to in paragraph 14 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Members and Officers in other parts of the public sector and shall invite such people to attend. Any such person invited will be given reasonable notice and the notice will state the nature of the item on which he/she is invited to attend and whether any papers are requested.

15.2 If the Audit, Governance and Standards Committee is to consider a motion referred to it by the Council meeting, the proposer and seconder of the motion shall (if they are not members of the Audit, Governance and Standards Committee) have the right to attend the relevant meeting and to explain the reasons for their motion, although they may not propose, second or vote on recommendations by the Audit, Governance and Standards Committee which arise from that motion.

15.3 If the Audit, Governance and Standards Committee invites a person to address a meeting or to give evidence, the following principles will be observed:

- a. the investigation will be conducted fairly and all members of the Audit, Governance and Standards Committee will be given the opportunity to ask questions of attendees, and to contribute and speak;

- b. those assisting the Audit, Governance and Standards Committee by giving evidence will be treated with respect and courtesy; and
- c. the investigation will be conducted so as to maximise the efficiency of the investigation or analysis.

**16. Reports from the Audit, Governance and Standards Committee**

- 16.1 Once it has formed recommendations on proposals for development, the Audit, Governance and Standards Committee will make its findings public and will report to the Executive Committee.
- 16.2 The Audit, Governance and Standards Committee may report directly to full Council where the Section 151 Officer and/or Audit Services Manager advises the Audit, Governance and Standards Committee that it is appropriate to do so.
- 16.3 If the Audit, Governance and Standards Committee cannot agree on one single final report to the Council or Executive Committee as appropriate, then no more than one minority report may be prepared and submitted for consideration by the Council or Executive Committee with the majority report.
- 16.4 The Council or the Executive Committee shall consider the report of the Audit, Governance and Standards Committee within two months of it being submitted.

**17. Consideration of Audit, Governance and Standards Committee Reports by the Executive Committee**

The agenda for Executive Committee meetings shall (when appropriate) include an item at which minutes and/or reports of the Audit, Governance and Standards Committee will be considered. The minutes and/or reports of the Audit, Governance and Standards Committee referred to the Executive Committee shall be included at this point in the agenda (unless they have been considered in the context of the Executive Committee's deliberations on a substantive item on the agenda).

**18. The party whip**

The party whip must not be applied at Audit, Governance and Standards Committee meetings.

**19. Finance**

The Audit, Governance and Standards Committee may exercise overall responsibility for any finances made available to it.

**20. Public speaking**

- 20.1 Members of the public, and other interested parties, shall be entitled to participate in Audit, Governance and Standards Committee meetings.
- 20.2 A person wishing to address the Audit, Governance and Standards Committee must give notice to the Democratic Services Team of his or her intention to do so by 12 noon on the day of the Audit, Standards and Governance Committee meeting in question.
- 20.3 Members of the public who register to speak at meetings of the Audit, Governance and Standards Committee will each be allowed to speak for no more than three minutes.
- 20.4 At any meetings not more than 15 minutes in total shall be devoted by the Audit, Governance and Standards Committee to Public Speaking, provided that the Chair may at his or her discretion extend the time if the chair and a majority of those present agree.
- 20.5 The Committee Chair shall have the discretion:
- (i) In exceptional circumstances, to allow late additions to the list of public speakers.
  - (ii) To decide not to allow speeches, which merely repeat representations made in earlier speeches and which are inaccurate.
  - (iii) Depending on circumstances, to vary the periods of time referred to in paragraphs 20.3 and 20.4 where s/he deems it appropriate.
- 20.5 Direct or open questioning and discussion / debate between Public speakers and either Members or Officers will not be allowed during Public Speaking. Any such matters raised may be answered by Members / Officers only after the close of Public Speaking, or will be addressed during the subsequent debate. At no time will direct discussion between Members or Officers with a Public Speaker be permitted.

After the close of Public Speaking, no other inputs will be permitted from the 'public gallery', other than at the discretion of the Chair, and subject to relevant Officer advice, if exceptional circumstances warrant this.

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## **PLANNING COMMITTEE PROCEDURE RULES**

### **1. Terms of Reference of Planning Committee**

- 1.1 The Council will appoint a Planning Committee.
- 1.2 The Terms of Reference of the Planning Committee are as set out in Part 4 of the Constitution.

### **2. Time and Place of Meetings**

- 1.1 The Planning Committee shall normally meet on a monthly cycle on dates to be set by the Chief Executive, in consultation with the Committee Chair.
- 1.2 Meetings will normally commence at 7.00 pm at the Town Hall, Redditch.
- 1.3 The time and place of Planning Committee meetings may be varied by the Chief Executive, in consultation with the Committee Chair, and any such change will be notified in the agenda.

### **3. Composition of the Planning Committee**

- 3.1 The Planning Committee will comprise such number of Councillors as may be determined annually at the Council's Annual Meeting.

Article 8.4 of the Articles at Part 2 of this Constitution applies to the Planning Committee.

- 3.2 Members of the Planning Committee who cannot attend a particular meeting may arrange for an appropriately trained substitute to attend in his or her place in accordance with Article 8.4 of the Articles at Part 2 of this Constitution.

### **4. Chair**

- 4.1 The Planning Committee Chair and Vice-Chair will conventionally be appointed at the Council's Annual Meeting. Failing this, the Committee will appoint one of its members as Chair at its first meeting following the Annual Council Meeting.
- 4.2 Neither the Chair nor the Vice-Chair, if a member of the Controlling Party Group, will be a member of the Executive Committee.

### **5. Quorum**

The quorum for a meeting of the Planning Committee is 3 Members.

**6. Application of Council Procedure Rules**

The Council Procedure Rules (as specified in Council Procedure Rule 24) will apply to all meetings of the Planning Committee, except as modified by these Rules.

**7. Procedure for Determining Applications for Planning Permission**

- 7.1 A Planning Officer will present the Officers' report.
- 7.2 Members of the public who have registered to speak may then address the meeting in accordance with the agreed procedure for public speaking.
- 7.3 Ward Members who have registered to speak may address the meeting in accordance with the agreed procedure for public speaking.
- 7.4 The Applicant's / Supporters' side shall always speak last.
- 7.5 Committee Members will be invited to ask each Speaker questions of clarification, only to ascertain that they have understood their representations.
- 7.6 Officers shall respond to the representations, advising the Committee on their material relevance, or otherwise.
- 7.7 Committee Members will then be invited to ask Planning Officers questions of clarification.
- 7.8 The Chair will then open the debate. With the consent of the Chair, members of the Committee will be entitled to address the meeting more than once.
- 7.9 Before taking the vote the Chair will ascertain whether the motion before the Committee is clearly understood.
- 7.10 If no alternative recommendation is put forward the Chair will proceed to the vote.
- 7.11 If one or more alternative recommendations are put forward the Chair will deal with these one by one in accordance with the approved constitutional rules of debate (Council Procedural Rule 13);
- 7.12 At each stage, the Chair shall :
  - a) invite Planning Officers to advise the Committee on the extent to which the alternative recommendation and the reasons given for it fall within or outside planning policy; and/or

- b) consider whether an adjournment is required to enable the Member proposing the alternative recommendation to take advice from Officers;

and only then proceed to the vote.

## **8. Public Speaking**

- 8.1 Members of the public, and other interested parties, shall be entitled to participate in Planning Committee meetings and may address the Planning Committee in support of or against any application for planning permission
- 8.2 Public Speaking / participation shall be permitted in accordance with the approved Procedure (the current version is attached at Appendix 1 to these Procedure Rules).

## **9. Members of the Planning Committee with Dislosable Pecuniary Interests (DPI) or Other Disclosable Interests and Public Speaking**

Any Member who considers that they have a DPI or Other Disclosable Interest in any planning matter, whether or not as a Planning Committee Member, should seek advice from the Monitoring Officer, Deputy Monitoring Officer or a member of the Democratic Services Team at an early stage.

## **10. Ward Members**

- 10.1 Ward Members shall be entitled to participate in Planning Committee meetings to the extent set out under paragraph 8 of these Procedure Rules (Public Speaking) and may address the Planning Committee in support of or against any application.
- 10.2 A Ward Member wishing to address the Planning Committee must give notice to the Committee Services Team of his or her intention to do so by the same deadline set for Public Speakers, as detailed in the attached Procedure.
- 10.3 Time limits shall be the same for (Ward) Members who wish to speak in relation to a planning application as for any other Public Speaker.

## **11. Site Visits**

Formal Site Visits shall routinely be arranged for Committee Members before consideration of any significant applications (such need to be determined by Senior Planning Officers, in consultation with the Chair).

## **12. Limit to length of Meetings**

Meetings shall not proceed beyond 10.00 pm, without the consent of the Committee by majority vote.

Any business remaining shall be deferred to the next available meeting of the Committee, or to an earlier additional meeting, as considered most appropriate by the Committee, further to Officer advice.

**13. Appendices**

Appendix 1. Procedure for Public Speaking.

**PLANNING COMMITTEE - PROCEDURE FOR PUBLIC SPEAKING**

1. A person wishing to address the Planning Committee must give notice to the Committee Services Team of his or her intention to do so by 12.00 noon on the day of the Planning Committee meeting in question.
2. Agenda running orders will be reviewed by the Chair before the start of the meeting to enable the Committee to consider the most controversial items first. This will normally take into account the number of Public Speakers registered per item and/or the size of the public attendance in respect of any given application.
3. The order of speakers will follow the principles of natural justice to enable the applicant a fair right of reply to those opposing a development.

The order of speaking will therefore be:

- a) **Objectors**
- b) Ward Member(s) objecting to application  
Members' questions to each objector (through Chair)\*  
(Officer comment at each stage as appropriate.)
- c) **Supporters**
- d) Ward Member(s) supporting application  
Members' questions to each supporter (through Chair)\*  
(Officer comment at each stage as appropriate.)
- e) Applicant(s)/ agent  
Members' questions to applicant/agent (through Chair)\*  
(Officer comment at each stage as appropriate.)

Note \* Members' questions at this stage must only be *to clarify* the representations made by Public Speakers.

4. Subject as mentioned at paragraphs 5 and/or 6 below, an applicant (or agent) and/or an individual objector or supporter will each be allowed to speak for no more than 3 minutes.
5. Subject as mentioned at paragraph 6 below, where there is a group of supporters or objectors with a common interest, the group will be allowed no more than 10 minutes within which to address the Committee.

6. The Committee Chair shall have the discretion:
- (i) in exceptional circumstances, to allow late additions to the list of public Speakers;
  - (ii) to decide not to allow speeches, which merely repeat representations made in earlier speeches, which are inaccurate, or which are irrelevant to material Planning considerations; and
  - (ii) depending upon circumstances, to vary the periods of time referred to in paragraphs 4 and/or 5 above where s/he deems it appropriate.

For example, the Chair may wish to allow an individual applicant, agent, objector or supporter or a spokesperson for a group of objectors or supporters extra time within which to address the Committee, where the issues are numerous or particularly complex.

7. Members' questions will clearly extend this time but will enable issues to be fully understood.
8. For the purpose of ensuring a fair hearing, the Chair will offer the Supporters'/ Applicant's side an equivalent time to Objectors, or vice versa, where there is an imbalance between the two.
9. If several individual speakers register, it may be necessary, for the efficient conduct of the meeting, for the Chair to encourage a spokesperson to be identified. Where this is not possible, each speaker will be allowed, at the Chair's discretion, to speak separately and with suitable prompting where issues are being repeated that have been raised by a previous speaker.
10. Direct or open questioning and discussion / debate between Public Speakers and either Members or Officers will not be allowed during Public Speaking. Any such matters raised may be answered by Members / Officers only after the close of Public Speaking, or will be addressed during the subsequent debate. At no time will direct discussion between Members or Officers with a Public Speaker be permitted.
11. After the close of Public Speaking, no other inputs will be permitted from the 'public gallery', other than at the discretion of the Chair, and subject to relevant Officer advice, if exceptional circumstances warrant this.

END.



## Section 1 - Financial Procedure Rules

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## PART A FINANCIAL REGULATION POLICY (1.0)

### Background

- 1.1 Section 151 of the Local Government Act 1972 requires that *“Every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their Officers has responsibility for the administration of those affairs”*.
- 1.2 The person with overall responsibility for Redditch Borough Council financial affairs under the act, the Chief Financial Officer (CFO) or Section 151 Officer is the Director of Finance and Resources. Redditch Borough Council uses the Chartered Institute of Public Finance (CIPFA) guidance in defining the role of their Director of Finance and Resources:
- is a key member of the leadership team, helping it to develop and implement strategy and to resource and deliver the authority’s strategic objectives sustainably and in the public interest;
  - must be actively involved in, and able to bring influence to bear on, all material business decisions to ensure immediate and longer term implications, opportunities and risks are fully considered, and alignment with the authority’s financial strategy; and
  - must lead the promotion and delivery by the whole authority of good financial management so that public money is safeguarded at all times and used appropriately, economically, efficiently and effectively.
- 1.3 To deliver these responsibilities the Director of Finance and Resources:
- must lead and direct a finance function that is resourced to be fit for purpose; and
  - must be professionally qualified and suitably experienced.
- 1.4 Under section 114(6) of the Local Government Finance Act 1988 the chief financial officer (the S151 officer) can nominate a member of staff to perform the duties of S151 officer should the chief financial officer be unable to act owing to absence or illness. The person filling the role of Financial Services Manager is nominated to perform the duties of S151 Officer in these circumstances and shall also be known as the Deputy S151 Officer.
- 1.6 The Financial Procedure Rules apply to every Member and Officer of the Council and anyone acting on its behalf.

### Purpose

- 1.7 The purpose of the Financial Procedures Rules are:
- Promote best value and improve service delivery;



- Set out procedures for employees and members to meet the Council's expected standards;
- Demonstrate that controls are in place.

### **Controls**

- 1.8 The Financial Procedure Rules consist of this policy, the Financial Regulations and the financial guidance. All employees and Members are required at all times when engaged on Council activities to comply with these documents as applicable.

## **PART B FINANCIAL REGULATIONS (2.0)**

- 2.1 All Members and Officers must comply with these Financial Procedure Rules all times as applicable.
- 2.2 All Members and Officers must at all times when engaged on Council activities act in the interest of the Council.
- 2.3 All activities must comply with legislation, approved service plans and other Council policies or procedure documents.
- 2.4 All activities must seek to achieve value for money.
- 2.5 Managers must ensure that there are controls in place for every system under their management.
- 2.6 Adequate records must be kept for all transactions in all systems.
- 2.7 Members and Officers have a general responsibility for taking reasonable action to provide for the security of assets under their control and for ensuring that the use of these resources is legal, properly authorised, provide value for money and achieves best value.
- 2.8 The Chief Executive, Directors, Auditors and other Officers designated by them should have unrestricted access to all assets and records held on behalf of the Council.
- 2.9 Members, Officers and others acting on behalf of the Council are required to have proper regard to the advice and guidance issued by the Director of Finance and Resources on the Financial Procedure Rules.
- 2.10 Every report to Members requires approval by the Director of Finance and Resources, or a nominee designated by the Director of Finance and Resources, setting out the financial implications of the recommendation(s) proposed.
- 2.11 The Council's expectation of propriety and accountability is that Members and staff at all levels shall lead by example in ensuring adherence to financial and legal requirements, rules, procedures and practices.
- 2.12 Members and staff at all levels shall act in accordance with the Council's anti-fraud and anti-corruption policies.
- 2.13 The Council also expects that individuals and organisations (e.g. suppliers, contractors, service providers) that it comes into contact with, shall act towards the Council with integrity and without thought or actions involving fraud or corruption.
- 2.14 The Council's Scheme of Delegation is the formal record of delegation of financial decision making.

## **PART C FINANCIAL GUIDANCE**

### **3.0 Urgent decisions**

- 3.1 In accordance with the Council's Scheme of Delegation to Officers the Chief Executive and in his absence the Directors, are empowered to take all necessary decisions in cases of emergency.
- 3.2 Any decisions made under the 'urgent decision' arrangements shall be reported to Council.
- 3.3 Nothing in these finance procedure rules shall prevent expenditure required to meet immediate needs caused by a sudden emergency to which the Civil Contingencies Act 2004 applies, provided that such expenditure shall be reported as soon as possible to the appropriate Executive member and the Executive.

### **4.0 Income charging policy**

- 4.1 Local authorities have a wide discretion to levy charges for services. Where charges can be set at the discretion of the Council, Directors should comply with the income and charging principles, including:
- a) The Council should aim to charge for all services where it is appropriate to do so, unless there are conflicting policies or legal reasons not to do so.
  - b) The Council should (subject to market conditions) aim to maximise income from fees and charges by ensuring that the full cost of provision and enforcement is recovered, unless there are contrary policies, legal or contractual reasons.
  - c) Decisions to subsidise services, or to not make a charge for a service should be clearly linked to Council objectives, and the potential income that is not earned must be a consideration in the decision.
  - d) Where the Council continues to subsidise the cost of services provided to customers, the level of subsidy should be clearly understood by the Service unit.
  - e) Charges must be linked to both service and strategic objectives and must be clearly understood.
  - f) The direct implications of charging for residents, and the indirect implications for public, private and voluntary sector partners should be clearly understood.
  - g) Any concessionary scheme should be based on ability to pay and be applied in a consistent and transparent approach across all Council services.
  - h) Where appropriate annual inflationary uplifts will be applied through the budget setting process, this will be agreed by Members as part of the budget setting process.

## 5.0 Income collection

5.1 The Director of Finance and Resources shall agree arrangements for the collection of all income and approve procedures and systems. In order to achieve this, the following controls must be followed:

- a) All income due to the Council is identified, charged correctly and billed promptly.
- b) All money received by an employee on behalf of the Council is paid without delay to the Director of Finance and Resources or to a nominated Officer or into the Council's specified bank account and is properly recorded.
- c) All receipts given for money should be on an official receipt form.
- d) All income is collected from the correct person, at the right time using the correct procedures and appropriate stationery and effective recovery action to pursue outstanding sums is taken within defined timescales.
- e) A formal approval process for write-offs of uncollectable debts should be followed using the criteria detailed below.
- f) Personal cheques shall not be cashed out of money held on behalf of the Council.
- g) All income received shall be receipted immediately.
- h) Officers shall record all cash received immediately; its use for either personal or official purposes is strictly forbidden.
- i) All paying in records shall be retained securely in line with the Council's policies on the retention of documents.

5.2 The Director of Finance and Resources has determined the following authorisations for writing off uncollectable debt:

Value	Recommendation	Examined/ Approved	Authorised
Credit balances	Income Officer Rent & Welfare Officer Locality Officer Housing Database Officer Revenue Officer Benefits Overpayments Officer	Appropriate Service Supervisors/ Team Leaders	Appropriate Service Managers
Debts up to £100	Income Officer Rent & Welfare Officer Locality Officer Revenue Officer Benefits Overpayments Officer	N/A	Appropriate Service Supervisors/ Team Leaders.

Value	Recommendation	Examined/ Approved	Authorised
£101 - £2,000	Income Officer Rent & Welfare Officer Locality Officer Revenue Officer Benefits Overpayments Officers	N/A	Appropriate Service Managers
Debts over £2,000	Income Officer Rent & Welfare Officer Locality Officer Revenue Officer Benefits Overpayments Officers	Service Managers	Executive Director (Finance and Corporate Resources) - Section 151 Officer Financial Services Manager (Deputy Section 151 Officer). Head of Customer Access and Financial Support Head of Housing Services (HRA debt only)
Debts remitted by Magistrates or where a term of imprisonment has been served	Income Officer Rent & Welfare Officer Locality Officer Revenue Officer Benefits Overpayments Officer	N/A	Appropriate Service Managers
Insolvency proceedings Administratio n Order (where claim has been formally acknowledge d	Income Officer Rent & Welfare Officer Locality Officer Revenue Officer Benefits Overpayments Officer	N/A	Appropriate Service Managers
Debtor is deceased no prospect of dividend from estate	Income Officer Rent & Welfare Officer Locality Officer Revenue Officer Benefits Overpayments Officer	N/A	Appropriate Service Managers
Debt matching agreements	Appropriate Service Managers		Director of Finance and Corporate Resources
Cases of hardship or discretionary write offs	Appropriate Service Managers		Director of Finance and Corporate Resources in conjunction with the Portfolio Holder for Finance and Enabling.

## **6.0 Orders for goods, works and services**

- 6.1 Orders shall not be issued for goods, work or services unless the cost is covered by an approved budget. No payment will be made without an authorised order, unless otherwise agreed by the Director of Finance and Resources or Financial Services Manager.
- 6.2 All orders given on behalf of the Council shall be approved in electronic or written form in accordance with signatory limits. All orders are to be authorised by Officers nominated by the appropriate Head of Service who shall be responsible for official orders issued from his or her Service.
- 6.3 The key controls for ordering and paying for work, goods and services are:
- a) All works, goods and services are ordered only by appropriate persons and recorded. An order number **MUST** be in place for all goods and services or the supplier will not be paid. Any changes to this must be approved by the Director of Finance or the Financial Services Manager.
  - b) All works, goods and services shall be ordered in accordance with the Contracts Procedure Rules unless they are transferred from other parts of the Council. A full schedule of payment terms must be agreed with the supplier.
  - c) Works, goods and services received are checked to ensure they are in accordance with the order.
  - d) Payments are authorised by Officers who can certify that goods have been received to price, quantity and quality.
  - e) All payments are made to the correct person, for the correct amount and are properly recorded, regardless of the payment method.
  - f) All appropriate payment documents are retained and stored for the defined period in accordance with the Redditch Borough Council Records Management Policy'.
  - g) All expenditure is accurately recorded against the right budget and any exceptions corrected.
  - h) That processes are in place to maintain the security and integrity of data for transacting business electronically.

## **7.0 Payments**

- 7.1 Individual Officers shall ensure that payments are authorised by appropriate Officers who can certify that goods and services have been received and that price, quantity and quality are in accordance with the initial order.
- 7.2 Heads of Service shall maintain for their area a list of Authorised Officers showing their signing levels with specimen signatures, this is to be held on the Council

intranet. This list should be reviewed at intervals to ensure it is up to date and accurate and any changes being reported promptly.

- 7.3 Where an electronic file contains multiple payments, an Officer may authorise the whole file with one signature if his or her authorised limit is at least the value of the highest individual amount within that file.
- 7.4 References to certification and authorisation are deemed to include those made online within a system where the identity of the user is verified using the system's identification protocols.
- 7.5 Once certified, all accounts paid through the centralised payment system must be passed to the Payments Section that shall ensure that the required payment is made to the correct person by the agreed method of payment and that all expenditure including VAT is accurately recorded against the correct budget.
- 7.6 Requests for payment shall be rejected by the Senior Payments Officer unless certified by an Officer who has the appropriate level of authority.
- 7.7 The use of feeder systems to generate payments will only be allowed if the Director of Finance and Resources is satisfied that the data integrity of the corporate financial system would not be compromised and that the feeder system works in accordance with these financial procedures.
- 7.8 Invoices do not need specific authorisation for payment in an electronic system where the invoice matches the authorised order and goods receipt, and all three are correctly entered into the system.
- 7.9 In accordance with the Public Contract Regulations 2015, Regulation 113 and the Late Payment of Commercial Debts Regulations 2013, and to maximise performance under the contract; the Council has to consider and verify all invoices in a timely fashion and pay all undisputed invoices within 30 days of the date on which the relevant invoice is regarded as valid and undisputed. All Council contracts shall contain provisions to this effect. All accounts received must be date stamped with the day of receipt. In the event of a claim for damages/interest for late payment, the amount will be charged to the budget of the Directorate responsible.
- 7.10 Regulation 113 of the Public Contracts Regulations 2015 also requires the Council to include provisions in all contracts requiring the contractor to consider and verify all invoices from subcontractors in a timely fashion and pay undisputed invoices within 30 days of the date on which the relevant invoice is regarded as valid and undisputed. Council contracts shall require contractors to include provisions to this effect in their contracts with subcontractors, and also to require the subcontractors to cascade these provisions down the supply chain.
- 7.11 The Director of Finance and Resources shall ensure that all appropriate payment documentation is retained for the required period of time in accordance with the Redditch Borough Council Records Management Policy.

## **8.0 Salaries, wages, pensions, travel and subsistence**

- 8.1 Heads of Service shall maintain for their area a list of Authorised Officers showing their signing levels with specimen signatures, this is to be held on the Council intranet. This list should be reviewed at intervals to ensure is up to date and accurate and any changes being reported promptly.
- 8.2 All claims for payment of allowances, subsistence, travelling and expenses must be submitted within two months of the period they relate to on the approved form, duly certified in a form approved by the Director of Finance and Resources with all required supporting evidence including receipts for expenses where appropriate. Any exceptions shall require individual certification by both the Director and the Head of Service.
- 8.3 The certification of claims by or on behalf of a Director or Head of Service shall be taken to mean that the Certifying Officer is satisfied that the journeys and the expenses incurred were necessary and authorised as being in line with the council's policies on travel and subsistence claims.
- 8.4 The Senior Payroll Officer shall ensure that all appropriate payroll documents are retained for the required period of time in accordance with the Council Records Management Policy.

## **9.0 Imprest accounts**

- 9.1 The Financial Services Manager will authorise provision of a cash or bank imprest account to meet minor expenditure on behalf of the Council.
- 9.2 The Financial Services Manager will maintain a record of all advances made and reconcile to the Council's main financial system.

In summary Officers operating an imprest account will comply with the following procedures:

- a) Obtain and retain vouchers to support each payment from the imprest account including official VAT receipts where appropriate.
- b) Make adequate arrangements in their office for the safe custody of the account including vouchers and any other supporting documentation.
- c) Produce upon demand by the Financial Services Manager cash and all vouchers to the total value of the imprest account.
- d) Record transactions promptly.
- e) Reconcile and balance the account at least monthly with reconciliation sheets to be signed and retained by the imprest holder.
- f) Provide the Financial Services Manager with a certificate of the value of the account held at 31st March each year.
- g) Ensure that the imprest is never used to cash personal cheques or to make personal loans.

- h) Ensure that the only payments into the account are the reimbursement payments and any notes/coinage relating to purchases made by a cash advance from the imprest account.
- i) Ensure income due to the Council is collected and banked as provided in accordance with the Council's Financial Procedure Rules and not through an imprest account.
- j) On leaving the Council's employment, ceasing to be entitled to hold an imprest advance or no longer requiring an imprest advance, Officers must request that the Financial Services Manager close the account. All funds and account documentation should be returned to the Financial Services Manager.
- k) A bank imprest account cannot become overdrawn.
- l) Submit a claim for reimbursement at least monthly or return a nil claim.

#### **10.0 Banking arrangements and Government Procurement cards**

- 10.1 All arrangements with the Council's bank concerning the Council's bank accounts and for the ordering and issue of cheques shall be made by, or under arrangements approved by, the Director of Finance and Resources. The Director of Finance and Resources shall be authorised to open and operate such banking accounts, as he or she may consider necessary. This authority shall include the power to give the necessary directions to the bank as to signatures for withdrawals.
- 10.2 Apart from payments from Government Procurement cards, petty cash, imprest accounts, the normal method of payment due from the Council shall be by BACS or cheque. Direct debit and periodical payment arrangements shall require the prior agreement and authorisation of the Director of Finance and Resources.
- 10.3 All cheques and cheque stationery shall be ordered only on the authority of the Director of Finance and Resources who shall be satisfied that proper arrangements are in place for their safe custody. Where the signature is printed on the cheque by a Council system, the signature shall be that of the Director of Finance and Resources.
- 10.4 The Director of Finance and Resources shall be responsible for authorising the issue of Government Procurement cards and determining spending limits. Cardholders are required to comply with the policy issued by the Director of Finance and Resources regulating the use of corporate credit cards as shown in Appendix B. Purchases must be made in accordance with the Contract Procedure rules. This policy will include the requirement for cardholders to provide the Senior Payments Officer with a receipt and complete the online system with details of all items purchased including the general ledger code this is due by 17th of each month.

#### **11.0 Preventing financial irregularities**

- 11.1 All Officers are required under their contractual obligation to report financial irregularities at the earliest opportunity to their Manager or Director of Finance and Resources. The Director of Finance and Resources will report financial irregularities to the Chief Executive, Executive and the Audit, Governance and Standards

Committee. Providers of services are required to highlight financial irregularities immediately as stipulated under the Contract Procedure Rules.

- 11.2 The Director of Finance and Resources, in conjunction with audit, will determine the scope of any internal enquiries or investigations, subject to consultation with the relevant member of the Management Team.
- 11.3 The Director of Finance and Resources, in consultation with the relevant member of the Management Team, will decide whether any matter under investigation should be referred for Police investigation and take recovery action as appropriate on such matters.
- 11.4 The Director of Finance and Resources will inform the Chief Executive and Monitoring Officer if a suspected irregularity occurs involving staff who are his or her responsibility.
- 11.5 All staff and members must report financial irregularities to the Director of Finance and Resources.
- 11.6 The Director of Finance and Resources will advise the relevant Director if the outcome of an audit investigation indicates improper behaviour by a member of staff; or the Monitoring Officer if the outcome of an audit investigation indicates improper behaviour by an Elected Member. The Director or Monitoring Officer will then instigate the relevant disciplinary/standards procedure.

## **12.0 Money laundering**

- 12.1 The Director of Finance and Resources is appointed as the Money Laundering Reporting Officer (MLRO). This Officer shall ensure that all staff likely to receive payments from the public, businesses or professions are aware of the authority's responsibilities under the Proceeds of Crime Act 2002, the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) 2017 and any other relevant acts and regulations, such as the Terrorism Act 2000 and Anti-terrorism, Crime and Security Act 2001 and any updates of them.
- 12.2 The MLRO shall receive reports from staff about suspicious payments of any value for any purpose and payments in cash in excess of £10,000 including in aggregate.
- 12.3 The MLRO shall report any instance of suspected money laundering to the serious organised crime agency.

## **13.0 Asset management**

### **Introduction**

- 13.1 The asset management section of the Council's Financial Procedure Rules provides a framework of principles, minimum requirements, levels of authority and delegations to ensure that the Council's asset portfolio is managed effectively to achieve maximum value for money.

### **Overarching principles**

13.2 A set of overarching principles govern the operation of this section of the Council's Financial Procedure Rules.

13.3 These are:

#### **Property**

- a) All property owned or leased by Redditch Borough Council is held corporately.
- b) All property held by the Council must be held for specific statutory purposes and the Council's records must identify the purposes for which land is held. These purposes include:
  - housing purposes;
  - planning purposes; and
  - general purposes.
- c) The Director of Finance and Resources, in conjunction with the applicable Service Director, is responsible for ensuring that the occupation of all Redditch Borough Council property by Directorates or other tenants is in the interests of the Council as a whole.
- d) The Director of Finance and Resources has the authority to intervene in property matters to protect Redditch Borough Council's overall interests.
- e) Resolution of disputes on property matters is overseen by the Chief Executive.
- f) All property transactions [including proposed appropriations] should be referred to the Director of Finance and Resources who shall seek the comments of all interested parties, including relevant Executive members, Directorates and local members, before the decision is taken to proceed. All decisions must be taken in accordance with the delegations set out in this section of the Council's Financial Procedure Rules, the functions scheme, and the decision making procedures set out in the Council's Constitution.
- g) Mandatory training on health and safety legislation applying to property occupation must be provided to employees occupying property as part of their work for the Council.

#### **General**

- g) Capital investment on assets must be linked to priorities identified through the corporate planning process using a clear and objective prioritisation policy.
- h) Capital investment must be directed to obtain maximum benefit from available resources, taking account of economy, efficiency and effectiveness.
- i) Revenue implications of capital investment must be considered, including the revenue costs of any borrowing required, and spend to save funding may be available to pump prime investment that can demonstrate a clear financial pay back.

### **Acquisitions and improvements to assets**

- 13.4 Before an asset is acquired or improved the need for investment must be clearly identified and appraised.
- 13.5 Prior to allocation of resources a business case must be prepared and approved by the relevant Director.
- 13.6 The Director of Finance and Resources will present the business case to the Management Team. Where the acquisition proposed is part of the annual budget setting process the Management Team will make recommendations to Executive for inclusion in the Medium Term Financial Strategy. Where the proposal is outside of the budget setting process the approval will follow the Council's virement procedures provided that the capital budget approved by Council is not exceeded.
- 13.7 The use of compulsory purchase powers must be approved by Executive.

### **Property**

- 13.8 Property is to be used efficiently, effectively and economically with due regard to legislative requirements.
- 13.9 The Director of Finance and Resources must approve all material changes to properties occupied and used by a Directorate, including change of use, appropriations, granting/taking of interests, alterations or additions. Such changes must then be reported to the Financial Services Manager for correct accounting treatment and apportionment of charges.
- 13.10 The Director of Finance and Resources has the authority to undertake reviews of the property portfolio, or parts of it, to determine if it is optimised in terms of its utilisation, cost and value and within this to challenge the retention or use of existing properties occupied by Directorates or other tenants.

### **Disposals**

- 13.11 Land, property and any other assets which are surplus to operational need are either to be reallocated to meet alternative needs or disposed of in line with statutory requirements and/or Redditch Borough Council policies.
- 13.12 Directorates shall notify the Director of Finance and Resources of:
- a) Any property (or part) that is:
- Vacant.
  - Held against a future operational need.
  - Not used for the principal purpose for which it is held.
  - Likely to be surplus to requirements (with estimated timescale).

- b) Any statutory/process issues relevant to its disposal (e.g. prescribed consultation processes, reference to the Secretary of State, etc.).
- c) Any other issues which need to be considered prior to disposal.

13.13 The Executive must be informed of any surplus property to enable it to declare as surplus, and further agree to the marketing of any surplus assets.

#### **Treatment of capital receipts**

13.14 All capital receipts from disposals are deemed to be a corporate capital resource available for allocation in line with corporate priorities.

#### **Financial Procedure Rules**

13.15 All of the protocols set out in the Council's Financial Procedure Rules and the Financial Guidance (Part 3) and Chief Executive Schemes of Delegation must be adhered to. No transaction should be approved unless specific budgetary provision is identified, except where the purchase is approved under the authority given in Paragraph 3.0 for urgent decisions.

#### **14.0 Audit**

14.1 The Director of Finance and Resources has responsibility for maintaining an adequate and effective internal audit service. This service has been delegated to the Worcestershire Internal Audit Shared Services (WIASS).

14.2 The Director of Finance and Resources shall maintain strategic and annual audit plans that take account of the relative risks of the activities involved. He/she shall liaise with the Management Team on the audit strategy and plan.

14.3 WIASS is responsible for providing the Audit, Standards and Governance Committee with regular assurance reports that highlight any areas of concern regarding the effectiveness or level of compliance with agreed systems of internal control.

14.4 WIASS shall submit an annual report to the Audit, Governance and Standards and Standards Committee detailing internal audit activity for the previous year and reporting significant findings and areas of concern.

14.5 WIASS shall provide a regular summary to the Leader, Chairman of Audit, Governance and Standards Committee and relevant Executive Member(s) of audit review reports following sharing of the detailed reports with Directors before hand.

14.5 The Director of Finance and Resources is responsible for producing an Annual Governance Statement for inclusion with the annual Statement of Accounts based on assurances provided by WIASS and also on risks and areas for improvement identified by Management Team.

14.7 Officers shall ensure that internal and external auditors are provided with:

- a) Access at reasonable times to premises or land used by the Council.



- b) Access at reasonable times to any employee or employees.
  - c) Access to all assets, records, documents, correspondence and control systems relating to any matter or business of the Council.
  - d) Any information and explanation considered necessary concerning any matter under examination.
- 14.8 Officers must account for cash, stores or any other Council property under their control and produce such items for inspection if required by WIASS.
- 14.9 Officers are required to consider and respond to audit reports and audit recommendations within two weeks.
- 14.10 Officers must ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient manner.
- 14.11 Where an appropriate response to audit recommendations has not been made within the agreed period, the Director of Finance and Resources shall refer the matter to the Chief Executive and/or the Audit, Governance and Standards Committee.
- 14.12 Officers are responsible for notifying the Director of Finance and Resources or WIASS immediately in writing/electronic medium of any suspected or alleged fraud, theft, irregularity, improper use or misappropriation of Council property or resources including any breach of these Financial Procedure Rules or the Contract Procedure Rules. Pending investigation, all necessary steps should be taken to prevent further loss and secure records and documents against removal, destruction or alterations.
- 14.13 The Director of Finance and Resources is to investigate promptly all apparent, suspected or reported irregularity or fraud he/she becomes aware of. He/she shall report his/her findings to the Chief Executive to discuss and agree appropriate legal proceedings and/or disciplinary action, consulting with the relevant member(s) of the Management Team as appropriate.
- 14.14 Officers are responsible for ensuring that new systems for maintaining financial records, or records of assets, or changes to such systems are discussed and agreed with the Director of Finance and Resources prior to implementation.
- 14.15 Officers are responsible for ensuring that all paperwork and systems are up to date, kept securely and are made available for inspection by audit.
- 14.16 Officers shall ensure that all fundamental systems and other financial systems are reconciled on a regular basis and that records are up to date and available for audit inspection when required.

## **15.0 Revenue budget management**

- 15.1 The Financial Services Manager shall prepare and review annually a long term financial plan and strategy to provide an estimate of resources available to the Council and identify budget pressures.



- 15.2 Proposed budgets over periods of one year or longer shall be prepared by Directors, in consultation with the Director of Finance and Resources, for consideration by the Executive, having regard to the views of the Overview and Scrutiny Committees, before submission to Council.
- 15.3 The Executive shall recommend an annual budget to Council that includes the following:
- a) Annual capital and revenue budget.
  - b) Proposed contingencies, general reserves and specific reserves.
  - c) Council Tax requirement.
  - d) Treasury Management Policy and borrowing limits.
  - e) The Director of Finance and Resources statutory declaration on budget setting.
- 15.4 Budget management ensures that resources allocated by Members are used for their intended purposes and that these resources are properly accounted for. Budgetary control is a continual process enabling the Council to review and adjust its budget targets during the financial year. It also provides the mechanism to call to account Managers responsible for defined elements of the budget.
- 15.5 The structure and format of the revenue budget should be sufficient to permit effective financial management.
- 15.6 The overall budget setting process for both revenue and capital is controlled by the Director of Finance and Resources.
- 15.7 Budgets will be distributed to budget holders for consultation. Budget holders will work with Finance staff to prepare detailed income and expenditure estimates for the forthcoming year taking into account known service level changes, contractual commitments and financial constraints.
- 15.8 Budget holders should provide information on any legislative changes, statutory duties, demographic changes, which impact upon service trends and activity levels to inform the financial planning and budget setting process.

## **16.0 Capital budget management**

- 16.1 The Executive shall, following the submission of proposals by the Management Team, recommend to Council:
- a) A capital programme for each financial year.
  - b) A future indication of a capital programme over a four-year period.
  - c) The recommended funding method for each capital project (including the use of prudential borrowing, capital receipts, revenue or other financing methods).

- 16.2 Following the approval of a capital programme, and subject to any conditions specified in that programme, or specified by the relevant Executive member, the relevant Director shall take all appropriate action to carry into effect the approved schemes, within the budget and timescale agreed in the capital programme. Any material variation in cost or timescale shall be reported to the Executive.
- 16.3 Executive Members will monitor capital expenditure once budgets are approved by Council.
- 16.4 If a project has not started within the specified timeframe, being two years behind the intended start date it will require resubmitting before proceeding.
- 16.5 Any report for a project or policy of a capital nature shall include details of:
- a) The estimated cost of the proposal.
  - b) Any phasing of the capital expenditure.
  - c) The proposed method of financing, whether by loan, revenue or otherwise.
  - d) The effect on the revenue estimates in the first and subsequent years.
  - e) The additional staff and grades required both initially and ultimately.
  - f) An assessment and measurement of the need for the scheme and the benefits it will produce.
  - g) A technical and financial appraisal of the alternative approaches to meeting the need. (larger projects only)

## **17.0 Budgetary Control**

- 17.1 Each Director shall be responsible for monitoring the revenue and any capital budget relevant to his/her Directorate to ensure that such budgets are properly spent and not exceeded.
- 17.2 Any new proposal or variation which would materially affect the finances of the Council shall require approval by the Executive. Any budget virements must comply with the Council's scheme of budget virement
- 17.3 The Council operates within an overall annual cash limit. As a result all individual budgets are cash limited. Each budget holder is required to operate within the cash limit.
- 17.4 Directors shall monitor spend and income against budgets monthly and ensure, so far as practicable, that expenditure in excess of their net approved budgets is not incurred without prior approval. If actual income is expected to be below budget, this must also be actively managed.



- 17.5 If it appears to a Director that his/her overall cash limited budget may be exceeded, he/she shall report the details as soon as practicable and identify mitigating action. The overall position is then reported to the Executive.
- 17.6 Action plans must be put in place by each Directorate at an early stage in the financial year in order to manage potential overspendings (e.g. due to additional spending or below target income). Directors must ensure Officers adhere to the savings targets and take mitigating action if delivery is deemed to be at risk.
- 17.7 It is the duty of Directors to ensure that responsibility for budgetary control is clearly allocated to appropriate Officers in their Directorates. Directors shall nominate a Budget Manager for each cost centre. As a general principle budget responsibility should be aligned as closely as possible to the decision-making processes that commits expenditure.
- 17.8 Budget Managers are accountable for their budgets and the level of service to be delivered and must understand their financial responsibilities. Budget Managers should be responsible only for income and expenditure that they can influence.
- 17.9 Budget Managers are required to;
- a) Follow an approved process for all expenditure.
  - b) Ensure that income and expenditure are properly recorded and accounted for.
  - c) Ensure that expenditure is committed only against an appropriate budget head.
  - d) Monitor performance levels/levels of service in conjunction with the budget and necessary action is taken to align service outputs and budget.
  - e) Monitor and control the gross expenditure budget position.
  - f) Investigate and report significant variances from approved budgets.
- 17.10 The Director of Finance and Resources shall establish an appropriate framework of budgetary control, monitored and reported through the financial system.
- 17.11 The Director of Finance and Resources shall provide Directors, budget holders and Executive members with monthly financial management information reports in line with the Forward Plan.
- 17.12 The Director of Finance and Resources shall ensure that each Director has available timely information on receipts and payments on each budget which is sufficiently detailed to enable managers to fulfil their budgetary responsibilities.
- 17.13 The head of management accounts and corporate finance shall provide financial management training courses that all budget managers must attend.

## **18.0 Virement**

- 18.1 The Council operates a scheme of budget virement. This enables budget holders to manage budgets with a degree of flexibility within the overall policy framework determined by the Council.
- 18.2 Head of Service have authority to vire expenditure between individual budget heads in accordance with the virement policy.
- 18.3 Key controls for the virement policy are:
- a) Any variation from this policy requires the approval of Council.
  - b) That the overall budget is developed by Executive and approved by Council. Directors and budget holders are authorised to incur expenditure in accordance with the estimates contained within the annual budget. The rules below cover virement; that is switching resources between budget heads. For the purposes of these rules a budget head is considered to be the standard service sub-division as defined by CIPFA. The scheme applies equally to a reduction in income as to an increase in expenditure.
- 18.4 All virements must be entered onto the finance system for approval by an authorised Officer. There will be no virements below £5,000 unless authorised by the Director of Finance and Resources or Financial Services Manager.
- 18.5 All virements below £20,000 and within a single Executive Member Portfolio and a single Directorate budget must be approved by the Head of Service and the Financial Services Manager. Capital and corporate budgets up to £20,000 will require the approval of the Financial Services Manager. All virements above £20,000 and up to £40,000 must be approved by the Director of Finance and Resources following consultation with the relevant Director and Portfolio Executive Member. All virements of above £40,000 shall be reported in the budget monitoring report provided to Executive.
- 18.6 There will be no virements from salary budget to other types of expenditure without approval from Executive.
- 19.0 Insurance and risk management**
- 19.1 All organisations, whether they are in the private or public sector, face risks to people, property and continued operations. Risk is defined as the chance or possibility of loss, damage or injury caused by an unwanted or uncertain action or event. Risk management is the planned and systematic approach to the identification, evaluation and control of risk.
- 19.3 Insurance has been the traditional means of protecting against loss, but this cannot be seen as the complete answer. By reducing or even preventing the incidence of losses (whether they result from crime or accident), the Council shall benefit from reduced costs of providing insurance cover and shall also avoid the disruption and wasted time caused by losses and insurance claims.
- 19.3 Through half yearly performance monitoring Audit, Governance and Standards Committee should be kept informed of items listed on the corporate risk registers

19.4 The key controls for risk management and insurance are:

- a) Robust systems are in place to identify, assess, prevent or contain significant operational risks on an integrated basis and these systems are promoted throughout the organisation.
- b) Acceptable levels of retained risk are identified and evaluated and arrangements are in place for their funding, either by internal provision or external insurance as appropriate.
- c) Managers know that they are responsible for managing relevant risks and are provided with appropriate and timely information on claims experience and risk management initiatives relating to their areas of responsibility.
- d) Procedures are in place to investigate and process claims within required timescales.
- e) A monitoring process is in place to review regularly the effectiveness of risk reduction strategies and the operation of these controls. The risk management process should be conducted on a continuing basis.

19.5 The Director of Finance and Resources shall effect all insurance cover and negotiate all claims in consultation with the relevant Officer where appropriate.

19.6 Heads of Service shall give prompt notification to the Director of Finance and Resources of all new risks, properties, vehicles and other assets that are required to be insured or any alterations affecting existing insurances.

19.7 Heads of Service shall promptly notify the Director of Finance and Resources in writing of any actual or potential loss, liability or damage or any event likely to lead to an insurance claim by or against the Council.

## **20.0 Loans, leasing and investments**

20.1 The Director of Finance and Resources shall report to Executive, on an annual basis, with recommendations to Council to determine the limits for the borrowing of monies.

20.2 The Director of Finance and Resources shall borrow as necessary to finance the approved capital programme and deal with all matters in connection with the raising or repayment of loans and is authorised to borrow for meeting expenses pending the receipt of revenues.

20.3 All investments and all borrowing shall be made in the name of the Council.

20.4 Directors/Heads of Service shall not enter into financial leasing arrangements except with the consent of the Director of Finance and Resources. Before entering into any lease agreement Directors shall submit details to the Financial Services Manager to enable a financial appraisal to be undertaken, including alternative financing options and implications for accounting treatment.

20.5 Loans to third parties will only be made in exceptional circumstances, and having followed the Council's decision making process.



- 20.6 The Director of Finance and Resources shall arrange the borrowing and investment activities of the Council in such a manner as to comply with the CIPFA Code of Practice on Treasury Management and the authority's Treasury Management Policy Statement.
- 20.7 The Director of Finance and Resources shall prepare an annual strategy with regard to investments, borrowing and the repayment of external debt. These are set out in the Treasury Management Strategy approved by full Council before the start of the new financial year.
- 20.8 The Treasury Management Strategy will include the following:
- Prospects for the economy and for interest rates;
  - Borrowing requirement and strategy;
  - Investment policy and strategy;
  - MRP statement;
  - Prudential indicators for the next three years providing assurance that the Council's capital plans are affordable, prudent and sustainable; and
  - The Treasury Management Policy Statement.
- 20.9 In addition, Executive will receive an annual treasury management report after the end of the financial year and will recommend to full Council for approval.
- 20.10 Executive will also receive treasury management reports as part of the budget monitoring updates.

## **21.0 Trust funds**

- 21.1 The Director of Finance and Resources shall:

- a) Arrange for all trust funds to be held wherever possible in the name of the authority. All Officers acting as trustees by virtue of their official position, as declared in register of interest, shall deposit securities, etc. relating to the trust with the Director of Finance and Resources unless the deed otherwise provides.
- b) Arrange where funds are held on behalf of third parties for their secure administration approved by the Director of Finance and Resources and to maintain written records of all transactions.
- c) Ensure that trust funds are operated within any relevant legislation and the specific requirement for each trust.

## **22.0 Inventories and stocks and stores**

22.1 The Director of Finance and Resources shall:

- a) Advise on the form, layout and content of inventory records to be maintained by the Council.
- b) Advise on the arrangements for the care and custody of stocks and stores in Directorates.

22.2 Heads of Service shall:

- a) Maintain inventories in a form approved by the Director of Finance and Resources to adequately record and describe all furniture, fittings and equipment, plant and machinery under their control.
- b) Carry out an annual check of all items on the inventory in order to verify location, review condition, ensure insurance cover is adequately provided and to take action in relation to surpluses or deficiencies.
- c) Ensure attractive and portable items, such as computers, cameras and mobile technology devices are identified with security markings as belonging to the Council and appropriately controlled and secured.
- d) Make sure that property is only used in the course of the Council's business unless the Director concerned has given permission otherwise.
- e) Make arrangements for the care, custody and recording of stocks and stores in Directorates.
- f) Ensure that assets are identified, their location recorded and that they are appropriately marked and insured.
- g) Ensure stocks are maintained at reasonable levels and subject to a regular independent physical check. All discrepancies should be investigated and pursued to a satisfactory conclusion.
- h) Write-off discrepancies of up to £5,000 and seek advice from audit on discrepancies above this limit.
- i) Record the reasons for the chosen method of disposing of redundant stocks and equipment if not by competitive quotation or auction.

22.3 Directors have discretion to write off redundant equipment up to the value of £5,000, but must seek Executive member approval for write-offs in excess of £5,000. Directors shall seek independent quotations where it is not immediately obvious what the market value of the redundant item is.

### **23.0 Working for third parties**

23.1 Current legislation enables the Council to provide a range of services to certain other bodies. Such work may enable the Directorate to maintain economies of scale and existing expertise. Arrangements must be in place to ensure that any risk associated with this work is minimised.

- 23.2 All proposals for the Council to undertake work for a third party shall be properly costed in accordance with guidance provided by the Director of Finance and Resources. Financial advice should be obtained from the Financial Services Manager on the cost of providing the service.
- 23.3 All decisions for the Council to undertake work for a third party shall be made in accordance with the Council's formal decision making processes and as set out in the Council's functions scheme and before any negotiations to work for third parties are concluded.
- 23.4 Officers must obtain legal advice on the implications of providing the proposed service to the third party. All contracts for providing work for a third party shall be drawn up using guidance provided by the Council's Legal Services team.
- 23.5 Officers shall ensure that:
- a) All contracts are properly documented and a register of all contracts to supply works, goods and/or services to third parties is maintained by each Directorate.
  - b) Appropriate identity checks on the third party are carried out in accordance with the Council's Anti-Money Laundering Policy and Guidance.
  - c) Appropriate insurance arrangements are in place for the third party work.
  - d) The Council is not put at any risk of bad debts as a result of any third party work.
  - e) Wherever possible, payment is received in advance of the delivery of the service under a third party contract.

## Appendix A

### Responsibilities under the Financial Procedure Rules

This Appendix provides details of responsibilities under the Financial Procedure Rules. It lists in a single place responsibilities that would otherwise be repeated in various sections of the Financial Procedure Rules. It confirms the overall responsibilities of the Council's Director of Finance and Resources, the Audit, Governance and Standards Committee and Members of the Management Team within the Financial Procedure Rules.

#### **A1 Audit, Governance and Standards Committee responsibilities**

- A1.1 Day to day responsibility for the Council's finances rests with Directors and their Managers as set out in these Financial Procedure Rules with some functions delegated to the Audit, Governance and Standards Committee.
- A1.2 Audit, Governance and Standards Committee shall oversee compliance with the Council's Financial Procedure Rules for those functions within their Terms of Reference. Management Team are responsible for ensuring those functions within their Terms of Reference operate within the Council's Financial Procedure Rules.

#### **A2 Chief Financial Officer (Director of Finance and Resources) responsibilities**

- A2.1 The Director of Finance and Resources has been appointed under Section 151 of the Local Government Act 1972 as the Officer with responsibility for the proper administration of the Council's financial affairs.
- A2.2 Reference in these Financial Procedure Rules to the Director of Finance and Resources shall be taken to include any Officer nominated by the Director of Finance and Resources to act on his/her behalf.
- A2.3 The Director of Finance and Resources shall be entitled to attend a meeting of any body on which Members are represented where matters affecting the financial affairs of the Council are being discussed.
- A2.4 The Director of Finance and Resources, under the general direction of Executive, is responsible for determining the basis for all accounting procedures and financial records for the Council and for exercising a check over all financial matters.
- A2.5 The Director of Finance and Resources is responsible for maintaining a continuous review of the Financial Procedure Rules and advising the Audit & Governance Committee and Council of any additions or changes necessary.
- A2.6 The Director of Finance and Resources is responsible for reporting, where appropriate, breaches of the Financial Procedure Rules or any other element of the Constitution that relates to the proper administration of the Council's financial affairs to the Council and/or Audit, Governance and Standards Committee.

- A2.7 The Director of Finance and Resources is responsible for issuing advice and guidance to underpin the Financial Procedure Rules.
- A2.8 The Director of Finance and Resources is responsible for maintaining adequate and effective audit arrangements for the Council and for ensuring that audit services complies with the public sector internal audit standards.
- A2.9 The Director of Finance and Resources is responsible for ensuring, in conjunction with the relevant member of the Management Team, that the Council's disciplinary procedures are followed where the outcome of an audit or other investigation indicates fraud or irregularity.
- A2.10 The Director of Finance and Resources is responsible for ensuring that any case of fraud or loss or financial irregularity or bribery or corruption discovered or suspected to exist which involves the Council's interest shall be dealt with in accordance with the Council's Anti-Fraud and Anti-Corruption Policy.
- A2.11 The Director of Finance and Resources is responsible for appointing Senior Officers to be the Council's Money Laundering Reporting Officer and Deputy to the Council's Money Laundering Reporting Officer.
- A2.12 The Director of Finance and Resources has overall responsibility for making payments on behalf of the Council.
- A2.13 The Director of Finance and Resources has overall responsibility for the Council's income and collection functions although this will be carried out by Hoople Ltd who will ensure the effective collection and recording of all monies due to the Council.
- A2.14 The Director of Finance and Resources is responsible for making payments to employees, former employees and Members on behalf of the Council.

### **A3 Corporate Management Team responsibilities**

- A3.1 Members of the Management Team are responsible for ensuring that all employees are aware of the content of the Financial Procedure Rules and other internal regulatory documents and that they are complied with.
- A3.2 Members of the Management Team are responsible for consulting with the Director of Finance and Resources on any matter within their area of responsibility that is liable to materially affect the finances of the Council before any provisional or other commitment is incurred or before reporting the matter to a Executive member.
- A3.3 Members of the Management Team are responsible for supplying the Director of Finance and Resources with all information necessary for the proper administration of the Council's affairs.
- A3.4 Members of the Management Team shall allow the Director of Finance and Resources and his/her authorised representatives access to all documents and records on demand.



- A3.5 Members of the Management Team shall maintain a sound system of internal control.
- A3.6 Members of the Management Team are responsible for ensuring those functions within their Terms of Reference operate within the Council's Financial Procedure Rules.
- A3.7 Members of the Management Team are responsible for informing Executive members promptly if the Council's Financial Procedure Rules are not being complied with.



## Appendix B

### GOVERNMENT PROCUREMENT CARDS (GPC)

#### GUIDANCE FOR CARDHOLDERS

##### Contact Details

##### RBS Cardholder Helpline

Telephone: 0870 909 3702  
Mon - Fri 8.00 a.m. - 6.00 p.m.  
Sat 9.00 a.m. - 1.00 p.m.

Fax: 01702 278312

##### Lost or Stolen Cards

The Royal Bank of Scotland Card Loss Centre

Telephone: 0870 6000 459

Open 24 hours, 7 days a week.

## Introduction

You have been selected to participate in the Government Procurement Card scheme (GPC). This scheme is designed to make it easier and more cost effective for employees to make low value purchases of goods and services for Council use. A low value purchase is not likely to exceed £250 and is likely to be substantially less. Using GPC you can purchase goods and services from suppliers who accept Mastercard.

We are implementing this new purchasing concept for lower value purchases because we feel it will help you to more quickly and easily obtain the goods and services you need to get your job done. It will reduce paperwork associated with the traditional purchase order process resulting in cost savings for the Council and a saving in time for you.

Your feedback will help us to fine-tune the scheme as we integrate it into our purchasing processes. If you have any comments or questions about the GPC scheme, please contact your Administrator who is:

**Jordan Smith on 01527 64252 ext 2161**  
**or**  
**Payments on 01527 64252**

You should contact immediately if your card is

- **Lost or Stolen**
- **Changes to current limits required**
- **Changes to Merchant Category Codes**
- **You are leaving us**
- **You Change your name or address**
- **You have a change of job**
- **You no longer require a GPC Card**

**If your card is lost or stolen please also contact:**

**The Royal Bank of Scotland Card Loss Centre**  
**Telephone: 0870 6000 459**  
**24 hours, 7 days a week**

### What We Expect From You

- Your Purchasing Card is personal to you, no one else is authorised to use your card. Do not allow any other employee to use your card or quote its number when ordering.
- The card number should always be kept confidential.
- Do not share your PIN number with anyone.
- The card must be used in accordance with this user/procedure guide, and the Employee Agreement.
- It is to be used for business related purchases only, where there is not a more cost-effective way of making the purchase.
- The types and values of purchases must be within the limits set. You are responsible for achieving best value for money.
- You are responsible for ensuring the security of the card.
- The card must not be used to obtain cash back facilities offered when making authorised purchases.
- You are responsible for reporting its loss, theft or misuse to The Royal Bank of Scotland Card Loss Centre Telephone 0870 6000 459 and your Administrator as soon as you notice your card is missing.
- You will be asked to sign an Employee Agreement to this effect.
- Misuse of the card as determined by non-compliance with this cardholder guide may result in action being taken under the Council's disciplinary procedures. In such circumstances the Card Administrator has authorisation to cancel your card without further notice.
- Under no circumstance must the Card be used for paying an invoice.
- You will be responsible for keeping a record and receipts for all your transactions these must be entered onto the online system each time you use your card completing all of the fields including the Cost Centre and Account Code information. Failure to complete this will result in your card being cancelled.
- Full training and a user name password will be given to you so that you can use the online system to record any purchases you make utilising the card. If you forget your password please contact the Card Administrator.

### **What is a Purchasing card?**

GPC cards is an alternative method to the current buying process of paying for low value, high volume goods or services. By simplifying transaction processing it assists purchasing efficiency and will save RBC time and money. The current indicated savings from the Audit Office equate to £28 per transaction however this does not include the paper and other associated print/environmental savings when the need not to produce orders, delivery note and invoices is taken into account.

The Purchasing card looks like any normal debit/credit card, but is a procurement card, which means your total balance on your monthly statement must be settled in full.

It also means that the supplier is paid much more quickly (typically 3 to 5 days) rather than waiting for us to settle their invoice.

The card can be used at any establishment displaying the Mastercard symbol, in the UK. But we are looking for you to use suppliers who are capable of providing VAT reporting to level 3, this to facilitate further efficiency savings as the banks monthly returns of purchases made can be used to reclaim VAT from HMC&R. We are currently working with the Bank and the Suppliers we most commonly use to increase their VAT reporting capabilities to level 3. Embossed on the card is the following:

Redditch Borough Council  
Your Name  
Expiry Date  
Card Number

Your Purchasing card offers the opportunity to improve both the focus and flexibility of purchasing procedures whilst reducing the volume of purchase orders, invoices and associated paperwork for small value purchases, improving the cost effectiveness of processing these types of transactions.

Your card is to be used for business expenditure only.



## Controls

Each card has a maximum monthly expenditure limit and individual transaction limit.

### Monthly Expenditure limit

The total amount you can spend on your card each month.

### Transaction Limit

The total amount you can spend on any single purchase.

Both of these limits are inclusive of VAT and any carriage.

The limits were set on your card application form based upon your estimated spend pattern.

### Merchant Category Group code blocking

A further control has been applied to your Purchasing card.

Each supplier capable of accepting your GPC card will be classified by a certain Merchant Category Group code. By the way of an additional control, any number of these codes can be blocked or left unblocked to ensure compliance with business policies and to mirror each cardholder's buying profile.

Please make a note of these limits/controls.

**If you try to purchase goods and services that are outside of these limits, your transaction will be declined and could lead to embarrassment. If you can prove that your limits are unrealistic to your work or the purchases you have to regularly make using the card please discuss with your line manager prior to requesting any increase in same**

**As detailed above, if you try to use your card with a supplier whose Merchant Category Group code has been blocked on your Purchasing card, this will also lead to your card being declined.**

**If this occurs, please contact the Administrator immediately to discuss how your card can be updated to reflect your requirements.**



### **Queries on Goods**

#### **Faulty or damaged goods supplied**

If the cardholder rejects the goods purchased as unsatisfactory he/she should inform the supplier immediately, and try to reach an agreement to return the goods and obtain a refund. The Royal Bank of Scotland is unable to become involved in any disputes between purchaser and supplier over the quality or suitability of goods purchased.

The supplier should arrange for a credit (refund) to be made to The Royal Bank of Scotland Purchasing Card Account which will then appear on a subsequent statement. To aid reconciliation, we suggest the cardholder retains a record of the credit at the time the goods are returned, rather than waiting for the statement to arrive.

Please note that refunds from abroad may vary from the original transaction amount due to exchange rates.

#### **Goods not supplied/wrong goods supplied**

If an item is charged to the cardholder's account but the goods or services ordered have not been received or are incorrect, the cardholder should contact the supplier to confirm that the goods have been supplied or the correct goods are being despatched.

**A refund can be claimed from the supplier only after allowing 60 days from the transaction date for delivery of the correct goods.**



## **APPENDIX 1**

### **Employee Agreement**

- a) I, ..... Hereby accept a Purchasing Card. As a cardholder I agree to comply with the terms of the attached policy regarding my use of the Card.
- b) I have received and understood that I am being entrusted with a corporate charge card and will be making financial commitments on behalf of the company. I understand that the RBC is liable to the card provider for all the charges made on the card.
- c) I agree to use this card for business purchases only and agree not to charge personal purchases. I understand that the RBC will audit the use of this card and report and take appropriate action on any discrepancies.
- d) I will follow the established procedures for the use of the card. Failure to do so will result in cancellation of my card and disciplinary actions, including termination of employment.
- e) I have been given a copy of the Purchasing Card Policy and User Guide and understand the requirements for the Card's use.
- f) I agree to return the Card immediately upon request or upon termination of employment (including retirement). Should there be any organisational change, which cause my purchasing requirements to change, I agree to return my card and arrange for a new one, if appropriate.
- g) If the card is lost or stolen I agree to notify Royal Bank of Scotland immediately by telephone and the Card Administrator as soon as possible thereafter.

Employees Signature.....

Date.....

Card Number.....

Card Administrators Signature.....

Date.....

## Appendix C

### Glossary of terms

In the Financial Procedure Rules the words and phrases in the left hand column have the meaning given in the right hand column;

Appropriation	Land held by the Council for one statutory purpose being held for a different statutory purpose.
Asset	Something the Council owns that has value, such as premises, vehicles, equipment or cash.
Audit	A specialist team that examines, evaluates and reports on the adequacy of internal control systems.
Budget	A statement of the authority's plans for revenue and capital expenditure and income over a specified period of time.
Capital	Spending, usually on major assets like a building, where the benefit of the asset lasts for more than one year.
Capital Programme	A budget generally covering a 3-5 year period relating to items of capital expenditure.
Capital receipts	Proceeds from the sale of fixed assets, such as land or buildings.
Cash Limit	The most that can be spent in an area in one year.
CIPFA	The Chartered Institute of Public Finance and Accountancy is the leading professional accountancy body for public services in the UK. CIPFA has responsibility for setting good practice accounting standards for local government.
Gross Expenditure	The total cost of providing the Council's services before taking into account income from government grants and fees and charges for services.
Imprests	Bank and petty cash floats.
Internal Control	The systems of control that help ensure the Council's objectives are achieved in an economical, efficient and effective way and consistent with safeguarding the Council's assets.
Inventory	A list of equipment and furniture.
Money Laundering	The practice of engaging in financial transactions in order to conceal the identity, source, and/or destination of money.
Officer	A person employed or appointed as a member of staff.
Revenue budget	Budget relating to the day-to-day expenses associated with the provision of services.
Treasury Management	Management of the Council's cash balances on a daily basis, to obtain the best return while maintaining an acceptable level of risk.
Treasury Management	A document stating how the Council plans to borrow and optimise its return on its cash and investments in the coming financial year whilst



Strategy	ensuring the over-riding criterion of security of public money.
Virement	Transfers of budgets between one area and another.

**Clarification of Post titles**

Chief Executive	The Council's Head of Paid Service
Director of Finance and Resources	The Council's Chief Financial Officer (CFO) or Section 151 Officer
Financial Services Manager	The Council's Deputy Section 151 Officer

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## Contract Procedure Rules

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## INTRODUCTION AND SUMMARY OF ESSENTIAL REQUIREMENTS

### A. Introduction

In this document, any words in *italics* are explained in the Definitions Appendix. References to “the Council” includes the Council’s Executive and any other Committee or persons acting in accordance with delegated authority on behalf of the Council, as set out in the Council’s Constitution.

These Contract Procedure Rules exist to ensure that the Council lets contracts in a fair, consistent, honest, legal and transparent manner. There is a statutory basis for the rules which promote good purchasing practice and public accountability. Following the rules is also the best defence against potential allegations that a purchase has been made incorrectly or fraudulently.

**All Council staff with financial responsibilities, especially for purchasing, must comply with these Contract Procedure Rules. This includes purchasing on behalf of other organisations and purchasing using external funding e.g. grants. The Contract Procedure Rules lay down the minimum requirements and more rigorous procedures may be appropriate for specific contracts. Exemptions are only to be used in exceptional circumstances as detailed in Section 3. Failure to comply with these Contract Procedure Rules could result in disciplinary action.**

This edition of the Procedure Rules will apply from 29<sup>th</sup> January 2018 and supersedes all previous editions. The Rules are reviewed from time to time and are available on the Council’s Intranet and Website.

### B. Summary of essential requirements

- Follow the rules if you have a delegated responsibility to purchase goods or services or order building work.
- Always check with your line manager about your responsibilities and take all necessary legal, financial and professional advice.
- Declare any personal interest in a contract and withdraw from taking part in it. Corruption and or Bribery is a criminal offence.
- Conduct an appraisal of the purchasing need and the requirement to obtain best value for money.
- Check whether there is an existing *corporate or national* contract you can make use of before undergoing a competitive process.
- Allow at least four weeks for submission of bids for high value contracts (not to be submitted by fax or e-mail).
- Keep bids confidential.



- Complete a written contract and have a Council order number in place before the supply or works begin.
- Identify a *contract manager* (on both sides) with responsibility for ensuring the contract delivers as intended.
- Keep records of all dealings with suppliers.
- Ensure that where there is a requirement for communication to be in writing, this includes e-mail and fax transmissions as well as hard copy.
- Assess each contract afterwards to see how well it met the purchasing need and *value for money* requirements.

**C. Summary of values and thresholds determining competition requirements**

Total value	Award procedure
<b>£0- £3,000</b>	There must be evidence of competitive enquiries being undertaken with details of final selection criteria recorded and retained for one year from date of purchase (this can be in electronic form e.g. email)
<b>£3,001 - £25,000</b>	At least 3 written quotations
<b>£25,001- £50,000</b>	<i>Invitation to quote</i> by advertisement
<b>£50,001 – EU threshold*</b>	<i>Invitation to tender</i> by advertisement
<b>Above EU threshold*</b>	<i>EU procedure</i> or where this does not apply, <i>invitation to tender</i> by advertisement

See CPR 11 for further information.

Values exclude VAT, staff costs and fees.

\*EU Threshold as at 1.1.16 (updated every 2 years):

£4,104,394 (works contracts)

£164,176 (supplies and services contracts)

## SCOPE OF CONTRACT PROCEDURE RULES

### 1. BASIC PRINCIPLES

All purchasing and disposal procedures must:

- achieve *best value* for public money spent;
- be consistent with the highest standards of integrity;
- ensure fairness in allocating public contracts;
- comply with all legal requirements;
- ensure that where *non commercial* considerations are discussed in every contracting decision and that these are linked to and support the Councils 'social value' aims as set out in our corporate strategy. No other *non-commercial* considerations should influence any contracting decision;
- support the Council's corporate vision, aims, values and policies;
- comply with the Council's corporate *procurement strategy*.

### 2. OFFICER RESPONSIBILITIES

2.1 *Service Unit Managers* will ensure that:

- *Authorised Officers* comply with these procedure rules;
- registers are securely maintained of:
  - contracts completed by signature, rather than by the Council's seal (see Rule 16.3)
  - exemptions recorded under Rule 3.1;
  - appropriate training is provided to staff involved in procurement.

2.2 All *Authorised Officers* responsible for purchasing or disposal must comply with these procedure rules, the Council's *Financial Regulations*, and codes of conduct and with all UK and European Union binding legal requirements. *Authorised Officers* must ensure that any agents, consultants and contractual partners acting on their behalf also comply, as if they were an officer of the Council.

2.3 Where the Council is acting jointly with other organisations it shall be a condition of any contribution by the Council that these procedure rules are followed where applicable.

2.4 *Authorised Officers* must:



- have regard to any Council guidance on best practice in purchasing;
- check whether a suitable *corporate or national contract* exists before seeking to let another contract; where a suitable *corporate or national contract* exists, this must be used unless there is an auditable reason not to;
- where appropriate ensure the providers of Council services will comply with the 7 Nolan principles
- comply with the requirements of Government transparency code 2015
- take all necessary legal, financial, audit, procurement and other professional advice.

- 2.5 When any employee (either of the Council or of a service provider) may be affected by any transfer arrangement, *Authorised Officers* must ensure that the Transfer of Undertakings (Protection of Employment) (*TUPE*) *regulations* are considered and obtain legal advice before proceeding with inviting Tenders or Quotations.
- 2.6 Any doubts as to the interpretation of these procedure rules should be referred to the relevant Service Unit Manager in the first instance and if necessary to the Procurement Officer or the Director of Finance & Resources.
- 2.7 Failure to comply with these procedure rules may leave the Council, or individual officers or members, open to the risk of legal challenge. Breaches will be regarded as a serious matter. Any officer becoming aware of any compliance failure should inform the Director of Finance & Resources who will, if necessary, investigate the matter and report to the Executive. Alternatively, matters can be raised through the Council's whistleblowing policy.

### **3. EXEMPTIONS, COLLABORATIVE AND E-PROCUREMENT ARRANGEMENTS**

#### **3.1 Exemptions**

3.1.1 In exceptional circumstances, these Contract Procedure Rules will not apply if:

- (i) the appropriate *Service Unit Manager*, in consultation with the Director of Finance & Resources, is satisfied that there is no genuine competition, for example where:
  - (a) the goods or materials are proprietary articles or are sold only at a fixed price and no satisfactory alternative is available;
  - (b) the price of goods, materials or services are wholly controlled by trade organisations or government order;
  - (c) the goods, materials or services are required for repairing or servicing existing specialist plant or equipment;
  - (d) the work is required to be carried out by public service providers.

Where there is no genuine competition, the *Service Unit Manager*, in consultation with the Director of Finance & Resources, will obtain written quotations from the contractor, and where appropriate, will negotiate to obtain best value for money for the Council prior to awarding any contract;

- (ii) the proposed contract for the execution of work forms part of a serial programme, the terms having been negotiated with the contractor on the basis of the rates and prices contained in an initial contract awarded competitively following an invitation to provide a written quotation or tender;
  - (iv) the goods, materials or services are required due to an emergency involving immediate risk to persons, property or serious disruption to Council services;
  - (v) the appropriate *Service Unit Manager* and the *Head of Service* agree that significant financial loss may be incurred if the letting of the contract is delayed;
  - (vi) external/partner funding arrangements require other procedures to be followed;
- 3.1.2 In cases (iv) and (v) above the appropriate *Service Unit Manager* may obtain verbal quotations provided they are subsequently confirmed in writing.
- 3.1.3 If the Director of Finance & Resources, appropriate *Service Unit Manager* or *Authorised Officer* with appropriate authority to deal with a particular contract is of the opinion that any of these procedure rules should not apply to a contract, an appropriate report will be submitted to the Executive at the earliest opportunity. Where the contract is likely to exceed £50,000, the relevant *portfolio holder* must be consulted.
- 3.1.4 Where a proposed contract is likely to exceed the *EU threshold*, a *Service Unit Manager* has no delegated powers and the matter has to be determined by the Executive.
- 3.1.5 Where an exemption is necessary because of an unforeseeable emergency the *Authorised Officer* in conjunction with the Director of Finance & Resources and/or *Head of Service* may jointly approve the exemption but they must prepare a report for the next Executive to support the action taken.
- 3.1.6 All exemptions, and the reasons for them, must be recorded and signed by the *Authorised Officer* and countersigned by the *Service Unit Manager* using a form of waiver then signed by the Head of Service.
- 3.1.7 Where the Council carries out work using a recognised standard form of contract from a professional institution, procedural requirements may differ slightly to those laid down in these Contract Procedure Rules.
- 3.1.8 *Service Unit Managers* will monitor the use of all exemptions.

### 3.2 Collaborative and E-procurement arrangements

- 3.2.1 In order to secure value for money, the Council may enter into collaborative procurement arrangements, including initiatives such as E-auctions with other Councils. *Authorised Officers* wishing to do this must consult the *Head of Service* and the *Director* of Finance & Resources where the purchase is to be made using collaborative procurement arrangements with another local authority, government department, statutory undertaker or public service purchasing consortium.
- 3.2.2 All purchases made via a local authority purchasing and distribution consortium (e.g. ESPO, YPO and CCS) are deemed to comply with these contract procedure rules and no exemption is required. However, purchases above the *EU threshold* must be let under the EU procedure, unless the consortium has satisfied this requirement already by letting their contract in accordance with the EU procedures on behalf of the authority and other consortium members.
- 3.2.3 Any contracts entered into through collaboration with other local authorities or other public bodies, where a competitive process has been followed that complies with the contract procedure rules of the leading organisation, will be deemed to comply with these contract procedure rules and no exemption is required. However, advice must be sought from the *Head of Service* and Director of Finance & Resources.
- 3.2.4 The use of e-procurement technology does not negate the requirement to comply with all elements of these contract procedure rules, particularly those relating to competition and value for money.

## 4. RELEVANT CONTRACTS

- 4.1 All relevant contracts must comply with these contract procedure rules. A relevant contract is any arrangement made by, or on behalf of the Council for the carrying out of works, or for the supply (or disposal) of goods and materials or the carrying out of services. These include arrangements for:
- the supply or disposal of goods;
  - delivery of services, including (but not limited to) those related to:
    - the recruitment of staff;
    - land and property transactions;
    - financial and consultancy services.
- 4.2 *Relevant contracts* do not include:
- contracts of employment which make an individual a direct employee of the authority, or;
  - agreements regarding the acquisition, disposal or transfer of land (for which Financial Regulations shall apply).



## COMMON REQUIREMENTS

### 5. STEPS PRIOR TO PURCHASE

#### 5.1 Pre-commitment appraisal

- 5.1.1 *Authorised Officers* must carry out an appraisal of the proposed purchase, in a manner appropriate to its complexity and value, taking into account any advice and guidance available within the Council. The appraisal should where relevant:
- take into account the requirements from any relevant review;
  - appraise the need for the expenditure and its priority;
  - define the objectives of the purchase;
  - assess the risks associated with the purchase and how to manage them;
  - consider the procurement method most likely to achieve the purchasing objectives, including internal or external sourcing, partnering, packaging strategy and collaborative procurement arrangements with another local authority, government department, statutory undertaker or public service purchasing consortium;
  - consult users as appropriate about the proposed procurement method, contract standards and performance and user satisfaction monitoring;
  - draft the terms and conditions that are to apply to the proposed contract;
  - set out these matters in writing if the *total value* of the purchase is High Value i.e. exceeds £50,000.
- 5.1.2 The appraisal must confirm that there is member or delegated approval for the expenditure and the purchase accords with the approved policy framework and scheme of delegation as set out in the *Constitution*. The proposed contract must be provided for in an appropriate budget and a proper financial and technical appraisal must be carried out.
- #### 5.2 Preparation of tender documents
- 5.2.1 Where written quotations or tenders are required, the tender documentation will normally consist of some or all of the following documents:
- (i) instructions to tenderers;
  - (ii) specification;
  - (iii) drawings;
  - (iv) pricing schedule;



- (v) conditions of contract;
- (vi) form of tender.

5.2.2 Other information may need to be made available to ensure that tenderers' bids reflect service requirements and are competitively priced. This may include the following:

- (i) an outline of the tender evaluation criteria;
- (ii) the terms and conditions under which any assets will be made available;
- (iii) workforce information required for assessing any prospective liability in relation to *TUPE legislation*. To ensure consistency of provision of information, this may be provided by the Council's *Authorised Officer* and not by an existing contractor;
- (iv) the amount of work likely to be available under the contract.

5.2.3 The *Authorised Officer* will ensure that:

- (i) ambiguities and contradictions do not occur between documents and information provided;
- (ii) any locally prepared variations to standard documentation are clear and use generally accepted terms;
- (iii) contract conditions and specifications are in the best interests of the Council in respect of quality, cost and performance;
- (iv) independent scrutiny of tender documentation occurs at this stage, as errors may eventually prove costly;
- (v) contracts are sufficiently clear and robust to enable the Council to enforce their fulfilment;
- (vi) potential tenderers understand the implications of the Freedom of Information legislation, in particular that commercial confidentiality cannot be guaranteed.

5.2.4 To ensure consistency and to aid understanding by the tenderer, tender documentation will be collated by an experienced officer who will obtain the advice and approval of the *Director of Finance and Resources*.

5.2.5 For all contracts, sufficient time must be made available at each of the key stages, for example to allow potential contractors to provide a considered response and answer any supplementary questions.

## 6. RECORDS

6.1 Where the total value is less than £50,000, the following records must be kept:



- invitations to quote and quotations received;
- a record:
  - of any exemptions and the reasons for them;
  - of the reason if the lowest price is not accepted;
  - written records of communications with the successful contractor or an electronic record if a written record of the transaction would normally not be produced.

6.2 Where the total value exceeds £50,000 the *Authorised Officer* must record:

- the method for obtaining bids (see Rule 11.1.1);
- any contracting decision and the reasons for it;
- any exemption under Rule 3 together with the reasons for it;
- the award criteria in descending order of importance;
- tender documents sent to and received from tenderers;
- pre-tender market research;
- clarification and post-tender negotiation (to include minutes of meetings)
- the contract documents;
- post-contract evaluation and monitoring;
- formal communications with tenderers and with the successful contractor throughout the period of the contract.

6.3 Records required by this rule must be kept for six years after the end of the contract. However, written documents which relate to unsuccessful tenderers may be scanned or stored by some other suitable method after 12 months from award of contract, provided there is no challenge to the award.

6.4 *Service Unit Managers* will maintain adequate records in order to produce a register or list of all current contracts, to include the name of the contractor, the work to be done/goods supplied, the contract value, expiry dates and timescales for renewal.

## 7. ADVERTISING, APPROVED LISTS AND FRAMEWORK AGREEMENTS

### 7.1 Identifying and assessing potential tenderers

7.1.1 *Authorised Officers* shall ensure that, where proposed contracts, irrespective of their total value, might be of interest to potential tenderers located in other member states of the EU, a sufficiently accessible advertisement is published. Generally, the greater the interest of the contract to potential bidders from other member states, the wider the coverage of the advertisement should be. Examples of where such advertisements may be placed include:

- the Council's website;
- finditinworcestershireshire website
- Contracts finder website
- portal websites specifically created for contract advertisements;
- national official journals, or;
- the Official Journal of the European Union (OJEU)/Tenders Electronic Daily (TED) (even if there is no requirement within the *EU procedure*).

7.1.2 *Authorised Officers* are responsible for ensuring that all potential tenderers for a *relevant contract* are suitably assessed. The assessment process shall establish that *potential tenderers* have sound:

- economic and financial standing;
- technical ability and capacity to fulfil the Council's requirements.

### 7.2 Framework Agreements

7.2.1 *Authorised Officers* will check whether a suitable framework agreement exists before seeking to let another contract.

#### **Framework Agreements**

7.2.2 The term of a Framework Agreement must not exceed four years. An agreement may be entered into with one provider but where an agreement is concluded with several organisations, there must be at least three in number.

7.2.3 Contracts based on Framework Agreements may be awarded by either:-

- Applying the terms laid down in the Framework Agreement (where such terms are sufficiently precise to cover the particular call-off) without reopening competition; or
- Where terms laid down in the Framework Agreement are not precise enough or complete for the particular call-off, by holding a mini competition in

accordance with the following procedure:

- Inviting the organisations with the Framework Agreement that are capable of executing the subject of the contract to submit written tenders;
- Fixing a time limit which is sufficiently long to allow tenders for each specific contract to be submitted, taking into account factors such as the complexity of the subject of the contract;
- Awarding each contract to the tenderer who has submitted the best tender on the basis of the evaluation criteria set out in the specifications of the Framework Agreement.

## 8. COMMUNITY RIGHT TO CHALLENGE

8.1 The Community Right to Challenge under Part 5 of the Localism Act allows certain *Relevant Bodies* to submit expressions of interest to deliver council services. The Act states that the Council must consider expressions of interest in respect of relevant services from relevant bodies which include:

- (i) voluntary/community bodies;
- (ii) charities;
- (iii) parish councils;
- (iv) two or more employees of the relevant authority.

8.2 Details of the Statutory Guidance on Community Right to Challenge along with other background information can be found at:  
<http://www.communities.gov.uk/documents/localgovernment/pdf/2168126.pdf>

8.3 In order to meet our obligations under the Localism Act the Council will:

- accept informal approaches from all Relevant Bodies;
- prepare and maintain an online 'Contracts Register'\* detailing when the window of opportunity to bid for each contract will open and close and setting out the time frame within which:
  - (i) Expressions Of Interest (EOI) will be acknowledged;
  - (ii) a decision will be made;
  - (iii) how soon any procurement process *to include the EOI* will start.

\* it will be the relevant *Service Unit Managers* responsibility to update and maintain the register in respect of contracts entered by their section – further information can be obtained from Legal and Support Services.



## 9. CONSTRUCTION, DESIGN AND MANAGEMENT REGULATIONS

Please see separate policy. It is a requirement that all contracts let by the Council comply with Construction, Design and Management (CDM) Regulations.

## 10. PUBLIC SERVICES (SOCIAL VALUE) ACT 2012

10.1 The Public Services (Social Value) Act 2012 requires contracting authorities to consider at the pre-procurement stage of **any** services contract and services framework agreement (including goods and works contracts procured in combination with services) to which the Public Contracts Regulations 2015) apply:

- how the proposed procurement may improve the economic, social and environmental well-being of their areas;
- how the contracting authority may act with a view to securing that improvement in conducting the process of procurement;
- in addition, the contracting authority is required to consider whether to undertake any community consultation on the above matters.

10.2 If you are undertaking a procurement exercise to which you think this Act applies please consult with the Procurement Officer before proceeding.

## CONDUCTING PURCHASE AND DISPOSAL

## 11. COMPETITION REQUIREMENTS FOR PURCHASE, DISPOSAL AND PARTNERSHIP ARRANGEMENTS

*The Authorised Officer* must calculate the total value of any proposed purchase or disposal. The following procedures apply where there are no other procedures which take precedence. Other procedures may include agency agreements with government. If in doubt, *Authorised Officers* must seek the advice of the *Procurement Officer* and/or the *Director of Finance and Resources*.

### 11.1 Purchasing: competition requirements

11.1.1 Where the total value for a purchase is within the values in the first column below, the *award procedure* in the second column must be followed.

### Purchasing: competition requirements

Total value	Award procedure
£0-£3,000	<ul style="list-style-type: none"> <li>• Must consider using existing corporate contract if there is one or an existing <i>Framework Agreement</i> provided costs are competitive.</li> <li>• There must be evidence of competitive enquiries being undertaken with details of final selection criteria recoded &amp; retained.</li> <li>• The Contractor can be selected on price alone; however if chosen contractor is not the lowest quote, MEAT evaluation should be used to justify choice.</li> <li>• Consider using the Due North Electronic Portal Quick Quote process.</li> </ul>
£3,001 - £25,000	<ul style="list-style-type: none"> <li>• Must consider using existing corporate contract if there is one or an existing <i>Framework Agreement</i> provided costs are competitive.</li> <li>• Must <b>obtain</b> at least 3 written quotations</li> <li>• MEAT evaluation criteria must be used to support decision if contract awarded other than on price alone.</li> <li>• Should consider using Tender procedure if appropriate</li> <li>• Consider using the Due North Electronic Portal Quick Quote Process.</li> </ul>
£25,001 - £50,000	<ul style="list-style-type: none"> <li>• Must consider using existing corporate contract if there is one or an existing <i>Framework Agreement</i> provided costs are competitive</li> <li>• Must advertise the contract and invite expressions of interest via the Due North Portal.</li> <li>• Must use Council's formal Quotation documents</li> </ul>
£50,001 – EU Threshold	<ul style="list-style-type: none"> <li>• Must consider using existing corporate contract if there is one or an existing <i>Framework Agreement</i> provided costs are competitive</li> <li>• Must advertise the contract and invite expressions of interest via the Due North Portal.</li> <li>• Must use Council's formal tender documents</li> </ul>
Above EU threshold*	<ul style="list-style-type: none"> <li>• In accordance with <i>EU Procedures</i> and advice from the Procurement Officer and Legal Services</li> </ul>

Values exclude VAT, staff costs and fees.

**\*EU Threshold** as at 1.1.16 (updated every 2 years)

£4,104,394 (works contracts)

£164,176 (supplies and services contracts)

11.1.2 Where it can be demonstrated that there are insufficient suitably qualified *potential tenderers* to meet the competition requirement, all suitably qualified *potential tenderers* must be invited.



- 11.1.3 An *Authorised Officer* must not split orders, enter into separate contracts or select a method of calculating the total value in order to minimise the application of these contract procedure rules.
- 11.1.4 Where the *EU procedure* is required, the *Authorised Officer* shall consult the *Director of Finance and Resources* to determine the method of conducting the purchase.

## 11.2 Assets for disposal

- 11.2.1 For stocks and stores, *Service Unit Managers* will be responsible for the disposal of surplus assets subject to the agreement of the *Head of Service*. This will be by public auction, competitive tender or by other manner most beneficial to the Council. Any disposal of a single asset valued in excess of £5,000 will be reported to the Executive.
- 11.2.2 For land and property assets, the *Head of Service* in conjunction with the appropriate *Portfolio Holder in accordance with Financial Regulations* will exercise a delegation to deal with disposals up to £50,000. Disposals over £50,000 will require the prior approval of the Executive who will consider a report by the *Head of Service*, which will include the financial, legal and other consequences of the proposed disposal. Disposals over £500,000 also require the approval of full Council.
- 11.2.3 The Localism Act requires the Council to maintain a register of Community assets. The register is maintained and kept by *The Director of Finance & Resources*. If there is interest in the disposal of any asset listed on the Register a set procedure needs to be followed and a full consultation needs to be undertaken. Any approach made to the Council with regards disposal of an asset listed on the register must go to the *Director of Finance & Resources* in the first instance.

## 11.3 Providing services to external purchasers

- 11.3.1 The *Head of Service* and the *Director of Finance and Resources* must be consulted where it is proposed to do work for organisations other than Redditch Borough Council.

## 11.4 Collaborative and partnership arrangements

- 11.4.1 Collaborative and partnership arrangements are subject to all UK and EU procurement legislation and must follow these Contract Procedure Rules. If in doubt, *Authorised Officers* must seek the advice of the *Procurement Officer*.

## 11.5 Appointment of consultants

- 11.5.1 *Consultants* will only be used if in the opinion of the appropriate *Service Unit Manager* in consultation with the *Head of Service* the work cannot be handled by Council employees.
- 11.5.2 If the consultant is to be appointed, a note should be placed on the file stating:
- (i) why it was necessary to use an external consultant;



- (ii) the brief for the project;
- (iii) the brief for selecting the consultant and how this was met;
- (iv) the names of the members and Officers involved in the selection process.
- (vi) Officers should consider any other options for savings before any appointment.

11.5.3 Consultants shall be selected in accordance with table C.

11.5.4 The engagement of a *consultant* shall follow the agreement of a brief that adequately describes the scope of the services to be provided and shall be subject to completion of a formal letter or contract of appointment. The appropriate *Service Unit Manager* will ensure that the requirements of 11.5.5 below are written into the contract and are verified.

11.5.5 Any *consultant* working on behalf of the Council will:

- (i) comply in all respects with the Council's Contract Procedure Rules and Financial Regulations;
- (ii) hold, where appropriate, an adequate level of professional indemnity insurance to cover any loss that may arise;
- (iii) produce all records relating to the contract on request during the currency of the contract;
- (iv) pass all relevant records to the *Service Unit Manager* on completion of the contract, to be maintained in accordance with Rule 6.

11.5.6 There may be instances when the use of these Contract Procedure Rules to appoint a consultant would be inappropriate, for example when engaging a barrister or other consultant where quality of performance is more important than the lowest tender.

11.5.7 For all types of *consultants*, the appropriate *Service Unit Manager* will:

- (i) ensure that consultancies can be properly funded, within an approved budget and expenditure code;
- (ii) consider the type of contract and how payments will be made;
- (iii) draw up a written contract with any *consultants* engaged;
- (iv) appoint a project manager to manage and monitor each consultancy project;
- (v) ensure that all documentation relating to a proposed consultancy is collated by an experienced officer in consultation with the *Director of Finance and Resources* if appropriate.



11.5.8 When grants are awarded to outside bodies to fund *consultants* (for example to carry out feasibility studies) the organisation concerned will be responsible for appointing and monitoring the *consultants*.

## 11.6 Information Technology

11.6.1 The procurement of information technology should follow all other rules but in addition the following requirements apply.

11.6.2 For all information technology purchases, approval must be sought from the IT Services.

11.6.3 Any extension or additional modules to software may be procured without a Tendering process if:

- (i) the original system was procured through a full Tendering exercise;
- (ii) the contracts for the system and any support and maintenance contracts are still in term;
- (iii) the cost of additional modules does not exceed 25% of the original purchase price;
- (iv) the total cumulative price does not exceed the OJEU Threshold; and
- (v) the proposed purchase has had a technical sign off by the IT Services and the Procurement Officer .

## 12. PRE-TENDER MARKET RESEARCH AND CONSULTATION

12.1 The *Authorised Officer* responsible for the purchase:

- may consult potential suppliers prior to the issue of the *invitation to tender* in general terms about the nature, level and standard of the supply,
- contract packaging and other relevant matters, provided this does not prejudice any potential supplier or tenderer, but
- must not seek or accept technical advice on the preparation of an *invitation to tender or quotation* from anyone who may have a commercial interest in them, if this may prejudice the equal treatment of all potential suppliers/tenderers or distort competition, and
- should seek advice as appropriate, for example from the Procurement Officer and the Director of Finance and Resources.

## 13. STANDARDS AND AWARD CRITERIA

13.1 The *Authorised Officer* must ascertain whether there are any relevant British, European or international standards which apply to the subject matter of the contract.

The officer must include those standards which are necessary to properly describe the required quality. *The Director of Finance and Resources* must be consulted if it is proposed to use standards other than European standards.

- 13.2 The *Authorised Officer* must define award criteria that are appropriate to the purchase and designed to secure an outcome giving value for money for the Council. The basic criteria are:

- 'lowest price' where payment is to be made by the Council;
- 'highest price' if payment is to be received; or
- 'most economically advantageous', where considerations other than price also apply.

If the last criterion is adopted, it must be further defined by reference to sub criteria subcriteria which may refer only to relevant considerations. These may include price, cost (including internal and life-cycle costs), service, quality of goods, running costs, cost effectiveness, quality, technical merit, previous experience, delivery date, cost effectiveness, relevant environmental considerations, aesthetic and functional characteristics (including security and control features), accessibility, safety, after-sales services, technical assistance, experience of staff, social and environmental considerations (provided relevant to the contract), trading terms and any other relevant matters.

- 13.3 *Award criteria* must not include:

- *Non-commercial* considerations: (fully explained in definitions appendix);
- matters which discriminate against suppliers from the *European Economic Area* or signatories to the *Government Procurement Agreement*.

#### 14. INVITATIONS TO TENDER/QUOTATIONS

**\* please use standard documentation when possible**

- 14.1 All *invitations to tender* must state that no tender will be considered unless it is received by the date, place and time stipulated. Tenders delivered in contravention of this clause will not be considered other than (at the discretion of the Council) in exceptional circumstances, such as a fault in a tendering portal operated by the Council.

- 14.2 All *invitations to tender* shall include the following:

- (i) specification that describes the Council's requirements in sufficient detail to enable the submission of competitive offers;
- (ii) requirement for tenderers to declare that the *tender* content, price or any other figure or particulars concerning the *tender* have not been disclosed by the tenderer to any other party (except where such a disclosure is made in



confidence to subcontractors, insurers and advisers for the purposes of compiling a tender for purpose);

- (iii) requirement for tenderers to complete fully and sign all *tender* documents including a form of *tender* and certificates relating to canvassing and non-collusion;
  - (iv) notification that tenders are submitted to the Council on the basis that they are compiled at the tenderer's expense;
  - (v) a description of the *award procedure* and, unless defined in a prior advertisement, a definition of the award criteria in objective terms with their respective weightings;
  - (vi) notification that no tender will be considered unless it is either (as applicable) submitted via an electronic tendering portal used by the Council or enclosed in a sealed envelope or container which bears the word '*Tender*' followed by the subject to which it relates, but no other name or mark indicating the sender;
  - (vii) a stipulation that any *tenders* submitted by fax or other electronic means (excluding any formal electronic tendering arrangements) shall not be considered;
  - (viii) the method by which any arithmetical errors discovered in the submitted *tenders* will be dealt with, in particular, whether the overall price prevails over the rates in the tender or vice versa.
- 14.3 All invitations to tender or quotations must specify the goods, services and/ or works that are required, together with the full set of contract documents that will apply (see Rule 16).
- 14.4 The invitation to *tender* or *quotation* must state that the Council is not bound to accept any *tender* or *quotation*.
- 14.5 All potential suppliers invited to tender or quote must be issued with the same information at the same time and subject to the same conditions. Any supplementary information must be given on the same basis.

## 15. SHORTLISTING

- 15.1 Any *shortlisting* must have regard to the financial and technical standards relevant to the contract and the *award criteria*. Special rules apply in respect of the *EU Procedure*.

## 16. SUBMISSION, RECEIPT AND OPENING OF TENDERS/QUOTATIONS

- 16.1 Potential suppliers must be given an adequate period in which to prepare and submit a proper *quotation* or *tender*, consistent with the complexity of the contract



requirement. Normally at least four weeks should be allowed for submission of tenders. *The EU procedure* lays down specific time periods.

## 16.2 Receipt and safe custody of tenders

The Council's electronic tendering system will receive, receipt and store (via a secure online portal) all the Council's tenders.

Receipt of tenders will be logged electronically on the system and a full audit trail evidenced, including dates and times of receipt and opening.

## 16.3 Opening tenders and Register of tenders

- (i) The e-tendering system shall be maintained by the Procurement Department to show for each set of competitive tender invitations despatched:
  - The name of all firms' individuals invited;
  - The names of firms individuals from which tenders have been received;
  - The date the tenders were received and opened;
  - The person(s) opening the 'Tender Box';
  - The price shown on each tender.

## 17. CLARIFICATION PROCEDURES AND POST-TENDER NEGOTIATION

- 17.1 Providing clarification of an *invitation to tender* to potential or actual tenderers, or seeking clarification of a *tender*, whether in writing or by way of a meeting, is permitted. However, discussions with tenderers after submission of a *tender* and before the award of a contract with a view to obtaining adjustments in price, delivery or content (i.e. post-*tender* negotiations) must be the exception rather than the rule. In particular, they must not be conducted in an *EU procedure* where this might distort competition, especially with regard to price.
- 17.2 If post-tender negotiations are necessary, then such negotiations shall only be undertaken with tenderer(s) identified as having submitted the best *tender(s)*. During negotiations tendered rates and prices shall only be adjusted in respect of a corresponding adjustment in the scope or quantity included in the tender documents. *Authorised Officers* appointed to carry out post-tender negotiations should ensure that there are recorded minutes of all negotiation meetings and that both parties agree actions in writing.
- 17.3 Whenever it is proposed to enter into post-tender negotiation, the *Director of Finance and Resources* must be consulted for advice. Negotiations must be conducted by a team of at least two Officers.



- 17.4 Where post-tender negotiation results in a fundamental change to the specification (or contract terms) the contract must not be awarded but retendered.

**18. TENDER EVALUATION, AWARD OF CONTRACT, AND DE-BRIEFING TENDERERS**

- 18.1 Apart from the debriefing required or permitted by these contract procedure rules, the confidentiality of quotations, *tenders* and the identity of tenderers must be preserved at all times and information about one tenderer's response must not be given to another tenderer.
- 18.2 Tenderers must complete all tender documentation. Any omissions may render a tender null and void, with no further consideration given.
- 18.3 *Tenders* must be evaluated impartially in accordance with the award criteria. Particular attention will be given to rates and prices, percentage adjustments, balancing items, ambiguities, qualifications and alternative offers. The following must also be included in the evaluation (to the extent that the Council is entitled to consider them, which will not be the case for all of the following on an EU tender process):-
- comparison of submitted *tender* prices with pre-tender estimates, and analysis of any discrepancies;
  - overall *value for money* assessment;
  - quality of performance on any previous Council contracts (applicable only at the selection stage in an EU tender process);
  - previous experience;
  - views of referees (applicable only at the selection stage in an EU tender process and can be based only on factual references without any subjective opinion);
  - financial standing (applicable only at the selection stage in an EU tender process);
  - capability of EU compliance, where appropriate;
  - proposals for health and safety, equality and diversity, and dealing with complaints;
  - any significant environmental features of goods and services such as life expectancy, energy efficiency, recyclability.
  - Contribution to delivering the priorities and goals in our corporate strategy (whether relevant to the subject matter of the tender in an EU tender process).



- 18.4 Compliant *tenders* must be checked for arithmetic accuracy, including the correct extension and summation of rates tendered in the bill of quantities. If arithmetical errors are found they should be notified to the tenderer, who should be requested to confirm or withdraw their *tender*. Alternatively, if the rates in the tender, rather than the overall price, were stated within the *tender* invitation as being dominant, an amended tender price may be requested to accord with the rates given by the tenderer.
- 18.5 No amendments to *tender* rates after submission of tenders will be permitted. If a tenderer withdraws or the revised tender is no longer the most competitive, the next most competitive will be examined and dealt with in the same way.
- 18.6 *Authorised Officers* may accept quotations and tenders received in respect of proposed contracts, provided they are within the approved estimate and have been sought and evaluated fully in accordance with these contract procedure rules. In respect of proposed High Value and EU contracts, the approval of the relevant *Head of Service* will be obtained, and the awarding of the contract will be reported to the next Executive and minuted.
- 18.7 For EU contracts, the *Authorised Officer* must notify all tenderers simultaneously and as soon as possible of the intention to award the contract to the successful tenderer. The *Authorised Officer* must provide unsuccessful tenderers with a period of at least ten calendar days (Standstill Period) in which to challenge the decision before awarding the contract. If the decision is challenged by an unsuccessful tenderer then the *Authorised Officer* shall not award the contract and shall immediately seek the advice of the *Director of Finance and Resources*.
- 18.8 Once the contract has been let, all unsuccessful tenderers will be notified of the results, and may be informed of the successful price on request. The letter of acceptance will not seek to qualify the terms and amounts previously tendered by the contractor.
- 18.9 If a tenderer requests in writing the reasons for a contracting decision, the *Authorised Officer* must give the reasons in writing within reasonable time frame of the request.

## CONTRACT AND OTHER FORMALITIES

### 19. CONTRACT DOCUMENTS

#### 19.1 Relevant contracts

19.1.1 All *relevant contracts* that exceed the High Value threshold shall be in writing.

19.1.2 All *relevant contracts*, irrespective of value, shall clearly specify:

- what is to be supplied (i.e. the work, goods, materials or services to be delivered or undertaken);

- a defined quality of provision, requiring where appropriate that all works carried out or goods supplied will conform to current British Standards or Codes of Practice;
- the provisions for payment (i.e. the price to be paid and when, including details of any discounts or deductions, and where appropriate a means of defining price adjustments for any subsequent amendment of requirements);
- the time, or times, within which the contract is to be performed, and any other conditions and terms as may be agreed between the parties;
- the provisions for the Council to terminate the contract.

19.1.3 The Council's ordering procedures, as laid down in Financial Regulations, must be used wherever possible.

19.1.4 The formal advice of the *Director of Finance and Resources* must be sought in the following instances:

- where the *total value* exceeds £50,000;
- those involving leasing arrangements;
- where it is proposed to use a supplier's own terms;
- those that are complex in any way.

19.1.5 Every relevant contract over the High Value threshold must, where applicable, also state clearly:

- any insurance requirements. This will include, where appropriate, Professional Indemnity insurance, which will protect the Council's interests and cover any potential losses. An adequate level of insurance will be determined in consultation with the Council's insurers;
- health and safety requirements;
- performance and complaints monitoring requirements;
- data protection requirements, if relevant;
- any professional, quality or EU standards that must be met;
- any Council expectations regarding environmentally sustainable working practices;
- equalities and diversity requirements;
- freedom of information requirements;

- that when *agents* are used to let contracts, they must comply with the Council's contract procedure rules;
- a right of access to relevant documentation and records of the contractor for monitoring and audit purposes;
- that the contractor may not assign or sub-contract without prior written consent from the Council's *Authorised Officer*.

## 19.2 Contract formalities

19.2.1 Agreements shall be completed by the following as a minimum:

Total Value (Rule 11.1.1)	Method of Completion	By
Low value	Signature	Authorised Officer
Medium value	Signature	Service Unit Manager
High value	Signature/Sealing	See Rule 19.3.1

19.2.2 The contract letting process must allow sufficient time for the legal documentation to be completed prior to the start of the contract. All contracts should be concluded in writing before the supply, service or construction work begins, except in exceptional circumstances where it is essential that the contract starts before formal contract signing. In such cases reasons will be clearly noted on the contract file.

19.2.3 The *Authorised Officer* responsible for securing signature of the contract must ensure that the person signing for the other contracting party has authority to bind it.

## 19.3 Sealing

19.3.1 Where it is appropriate for contract documents to be sealed by the Council, this will be done in accordance with the Council's constitution.

19.3.2 Copies all contracts entered should be stored with the Legal Section.

19.3.3 Details of all contracts should be added to and maintained on the Contracts Register maintained by the Legal Section.

## 20. BONDS, PARENT COMPANY GUARANTEES AND LIQUIDATED DAMAGES

20.1 *Authorised Officers* must consult the *Head of Service* about whether a parent company guarantee is necessary when it is proposed to appoint a contractor who is a subsidiary of a parent company and:

- the *total value* of the proposed contract exceeds £1 million; or
- award is based on evaluation of the parent company; or
- there is concern about the stability of the contractor.

20.2 *Authorised Officers* must consult the *Head of Service* about whether a bond is needed:

- where the total value of the proposed contract exceeds £1 million; or
- where it is proposed to make stage or other payments in advance of receiving the whole of the subject matter of the contract and there is concern about the stability of the contractor.

20.3 If a *bond* is deemed necessary, the amount will be at least 10% of the contract sum (or its annual value where the contract relates to continuing service). Any decision not to require a bond will be recorded on the appropriate file.

20.4 Provision should be made for liquidated damages to be paid by the contractor if the contract is not completed within the time specified. This will normally be the case for contracts over £500,000 but may also be appropriate for lesser value contracts. The amount of liquidated damages will be determined by the appropriate *Service Unit Manager* in consultation with the *Head of Service*.

20.5 In certain circumstances, both a *parent company guarantee* and a *bond* may be required.

## 21. PREVENTION OF CORRUPTION

21.1 Officers and Members must not invite or accept any gift or reward in respect of the award or performance of any contract. High standards of conduct are obligatory. Corrupt behaviour will lead to dismissal in the case of Officers and a reference to the Standards Committee in the case of Members. Where appropriate a matter may be referred to the Police.

21.2 The following clause must be put in every written Council contract:

*“The Council may terminate this contract and recover all its loss if the Contractor, its employees or anyone acting on the Contractor’s behalf do any of the following things:*

- (i) offers, gives or agrees to give to anyone any inducement or reward in respect of this or any other Council contract (even if the Contractor does not know what has been done); or
- (ii) commits an offence under the Prevention of Corruption Acts 1889 to 1916 or Section 117(2) of the Local Government Act 1972; or
- (iii) commits any fraud in connection with this or any other Council contract whether alone or in conjunction with Council members, contractors or employees.

Any clause limiting the Contractor’s liability shall not apply to this clause.”

## 22. BRIBERY ACT 2010



- 22.1 The Bribery Act 2010 sets out a number of prohibited acts which, if committed, carry criminal sanctions. Specifically the Council is covered by the offences in the following sections of the Act:
- Section 1: the offence of bribing another person;
  - Section 2: the offences relating to being bribed;
  - Section 6: the offence of bribing a foreign public official.
- 22.2 Government guidance highlights as the main example of how an employee of a public authority may commit an offence under the Act is if they accept a payment in return for manipulating the process or outcome of a public procurement in favour of a particular bidder.
- 22.3 The Council has an overriding duty to prevent and eliminate bribery not only in the way that it affects employees but also by ensuring that no contractors have been involved in any bribery offences. A conviction for an offence under the Bribery Act 2010 will trigger mandatory exclusion from competing for public contracts under regulation 57(1)(d) of the Public Contracts Regulations 2015.
- 22.4 If you have any concerns in respect of bribery by another *officer* and/or a contractor/tenderer then please inform *Head of Service* or the *Director of Finance and Resources* immediately. Failure to do so could result in criminal proceedings against you personally.

## **23. DECLARATION OF INTERESTS**

- 23.1 Officers and Members must have regard to their relevant codes of conduct.
- 23.2 Officers must declare to their *Service Unit Manager* any interests which could bring about conflict with the Council's interests.
- 23.3 Members must disclose all relevant interests on their register of interest forms, and at any meetings they attend.

## **CONTRACT MANAGEMENT**

## **24. MANAGING CONTRACTS**

- 24.1 All contracts must have a named Council *contract manager* for the entirety of the contract. This will normally be the appropriate *Service Unit Manager* or a named deputy.
- 24.2 All contract managers will comply with these *Contract Procedure Rules* and any associated Council guidance.

## **25. RISK ASSESSMENT AND CONTINGENCY PLANNING**



- 25.1 A business case must be prepared for all procurements with a potential value over the *EU threshold*. Provision for resources for the management of the contract, for its entirety, must be identified in the business case.
- 25.2 For all High Value contracts, contract managers must:
- maintain a risk register during the contract period;
  - undertake appropriate risk assessments;
  - for identified risks, ensure contingency measures are in place;
  - undertake and record such checks as are necessary to ensure that the contractor's insurance policies remain in force for the duration of the contract.

## **26. CONTRACT MONITORING, EVALUATION AND REVIEW**

- 26.1 During the life of a contract, the *contract manager* must monitor the contractor in respect of:
- performance;
  - risk management;
  - compliance with specification and contract;
  - cost;
  - any value for money requirements;
  - user satisfaction.
- 26.2 In the case of High Value contracts, the *Head of Service* will be responsible for budget monitoring and reporting any particular areas of concern to the Senior Management Team and the appropriate Executive member.



## **DEFINITIONS**

### **APPENDIX**

#### **Agent**

A person or organisation acting on behalf of the Council, or on behalf of another organisation.

#### **Approved list**

A list drawn up in accordance with Rule 7.2.

#### **Authorised Officer**

The Officer designated to deal with the contract in question. This is usually the Service Unit Manager or their nominated deputy.

#### **Award criteria**

The criteria by which the successful quotation or tender is to be selected (see Rules 10 and 11.2e).

#### **Award procedure**

The procedure for awarding a contract as specified in Rules 8, 10 and 15.

#### **Best value**

The duty, which Part I of the Local Government Act 1999 places on local authorities, to secure continuous improvement in the way in which functions are exercised, having regard to a combination of economy, efficiency and effectiveness as implemented by the Council.

This terminology has now in many instances been superseded by value for money.

#### **Bond**

An insurance policy intended to protect the Council against a level of cost arising from the contractor's failure. If a contractor does not fulfil their contractual obligations, the Council can claim the sum of money specified in the bond (often 10% of the contract value).

#### **Chief Finance Officer**

The Head of Service or such other Officer as may be designated by him.

#### **Chief Officer**

The Officers defined as such in the constitution.

#### **Code of conduct**



The code regulating conduct of Officers. See Council Personnel Policy C4 on the Council Intranet. A national code of conduct is also in the course of preparation.

### **Committee**

A Committee which has power to make decisions for the Council, for example a joint Committee with another local authority, but not a Scrutiny Committee.

### **Constitution**

The constitutional document approved by the Council which:

- allocates powers and responsibility within the Council and between it and others;
- delegates authority to the Executive, Committees, Portfolio Holders and Officers;
- regulates the behaviour of individuals and groups through rules of procedure, codes and protocols.

### **Consultant**

Someone engaged for a specific length of time to work to a defined project brief with clear outcomes to be delivered, who brings specialist skills or knowledge to the role, and where the Council has no ready access to employees with the skills, experience or capacity to undertake the work.

### **Contract Manager**

The named Council officer, usually a Service Unit Manager, who is responsible for sponsoring a contract from inception to completion.

### **Contracting decision**

Any of the following decisions:

- composition of approved lists;
- withdrawal of invitation to tender;
- whom to invite to submit a quotation or tender;
- Shortlisting;
- award of contract;
- any decision to terminate a contract.

### **Corporate contract**

A contract let to benefit all sections of the Council, to support the Council's aim of achieving value for money.

**Head of Service**

As defined in the constitution.

**EU procedure**

The procedure required by the EU where the total value exceeds the EU threshold.

**EU threshold**

The contract value at which the EU public procurement directives apply. The values usually change every 2 years. As at 1.1.16 these were:

£4,104,394 (works contracts)

£164,176 (supplies and services contracts)

**European Economic Area**

(EEA) provides for the free movement of persons, goods, services and capital through three of the four member states of the European Free Trade Association (EFTA) – Iceland, Liechtenstein and Norway – and 27 of the 28 member states of the European Union (EU).

**Executive**

The Council's Executive as defined in the constitution.

**Financial Regulations**

The financial regulations outlining Officer responsibilities for financial matters issued by the Head of Service in accordance with the constitution.

**Framework Agreement**

An agreement between one or more authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged.

**Government Procurement Agreement**

The successor agreement to the General Agreement on Trade and Tariffs. The main signatories other than those in the European Economic Area are the USA, Canada, Japan, Israel, South Korea, Switzerland, Norway, Aruba, Hong Kong, China, Liechtenstein and Singapore.

**Director of Finance and Resources**

As identified in the constitution.

**High profile**

A high-profile purchase is one that could have an impact on functions integral to Council service delivery should it fail or go wrong.

**High risk**

A high-risk purchase is one which presents the potential for substantial exposure on the Council's part should it fail or go wrong.

**High Value contract**

Where the value exceeds the threshold as stated in the summary of essential requirements in the introduction to these contract procedure rules. Formal written tenders are required. See also EU threshold.

**Invitation to tender**

Invitation to tender documents in the form required by these contract procedure rules.

**Key decision**

Decisions that are defined as key decisions in the constitution.

**Line Manager**

The Officer's immediate superior or the Officer designated by the Service Unit Manager to exercise the role reserved to the line manager by these contract procedure rules.

**Low Value contract**

As defined in the summary of essential requirements in the introduction to these contract procedure rules. Verbal estimates are required, confirmed in writing over a particular value.

**Managing Director**

The Council's Chief Executive Officer, as defined in the constitution.

**MEA**

Most Economically Advantageous.

**Medium Value contract**

As defined in the summary of essential requirements in the introduction to these contract procedure rules. Written quotations are required.

**Nominated suppliers and sub-contractors**

Those persons specified in a main contract for the discharge of any part of that contract.

**Non-commercial considerations**



- (a) The terms and conditions of employment by contractors of their workers or the composition of, the arrangements for the promotion, transfer or training of or the other opportunities afforded to, their workforces ('workforce matters').
- (b) Whether the terms on which contractors contract with their sub-contractors constitute, in the case of contracts with individuals, contracts for the provision by them as self-employed persons of their services only.
- (c) Any involvement of the business activities or interests of contractors with irrelevant fields of government policy.
- (d) The conduct of contractors or workers in industrial disputes between them or any involvement of the business activities of contractors in industrial disputes between other persons ('industrial disputes').
- (e) The country or territory of origin of supplies to, or the location in any country or territory of the business activities or interests of, contractors.
- (f) Any political, industrial or sectarian affiliations or interests of contractors or their directors, partners or employees.
- (g) Financial support or lack of financial support by contractors for any institution to or from which the authority gives or withholds support.
- (h) Use or non-use by contractors of technical or professional services provided by the authority under the Building Act 1984.

Workforce matters and industrial disputes, as defined in paragraphs (a) and (d), cease to be non-commercial considerations to the extent necessary or expedient to comply with best value; or where there is a transfer of staff to which the Transfer of undertakings (Protection of Employment) Regulations 1981 (TUPE) may apply.

### **Parent company guarantee**

A contract which binds the parent of a subsidiary company as follows: if the subsidiary company fails in its contractual obligations, the Council can require the parent company to rectify the situation.

### **Portfolio Holder**

A member of the Executive to whom political responsibility is allocated in respect of specified functions.

### **Potential Tenderer**

Any person who asks or is invited to submit a quotation or tender.

### **Priority services**

Those services required to be tendered as defined in the EU public procurement directives.

**Procurement strategy**

The document setting out the Council's approach to procurement and key priorities for the next few years.

**Quotation**

A quotation of price and any other relevant matter (without the formal issue of an invitation to tender).

**Relevant contract**

Contracts to which these contract procedure rules apply (see Rule 4).

**Senior Management Team**

Collective name for Managing Director and Heads of Service.

**Service Unit Manager**

Heads of Service who report directly to the Managing Director, collectively known as the Senior Management Team.

**Shortlisting**

The process of selecting potential suppliers or contractors who are to be invited to quote or bid or to proceed to final evaluation.

**Statutory basis**

The Local Government Act 1972 (section 135) requires Local Authorities to introduce and implement standing orders (procedure rules) for contracts made "by them or on their behalf for the supply of goods and materials or for the execution of works".

The Local Government Act 1988 (Part II) lays down general rules as to contracting practice. All contracts let by the Council will comply with these rules.

The Local Government Act 1999 and associated guidance requires local authorities to make arrangements to secure best value and continuous improvement in exercising current functions and also when considering procurement options for future service delivery.

**Tender**

A formal proposal submitted in response to an invitation to tender.

**Tenderer**

Any person who submits a formal quotation or tender in response to an invitation to tender.

### **Tender register**

The register kept by the Director of Finance and Resources to record details of tenders (see Rule 16.5).

### **Total value**

The whole of the value or estimated value (in money or equivalent value) for a single purchase or disposal calculated as follows:

- (a) where the contract is for a fixed period, by taking the total price to be paid or which might be paid during the whole of the period;
- (b) where the purchase involves recurrent transactions for the same type of item, by aggregating the value of those transactions in the coming 12 months;
- (c) where the contract is for an uncertain duration, by multiplying the monthly payment by 48;
- (d) for feasibility studies, the value of the scheme or contracts which may be awarded as a result;
- (e) for nominated suppliers and sub-contractors, the total value shall be the value of that part of the main contract to be fulfilled by the nominated supplier or sub-contractor.

### **TUPE**

#### **Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006 No. 246)**

Subject to certain conditions, these regulations apply where responsibility for the delivery of works or services for the authority is transferred from one organisation (e.g. private contractor, local authority in-house team) to another (e.g. following a contracting-out or competitive tendering process) and where the individuals involved in carrying out the work are transferred to the new employer. These regulations seek to protect the rights of employees in such transfers, enabling them to enjoy the same terms and conditions, with continuity of employment, as existed with their former employer. Broadly, TUPE regulations ensure that the rights of employees are transferred along with the business.

### **Value for Money**

Value for money is not just the lowest possible price: it combines goods or services that fully meet your needs, with the level of quality required, delivery at the required time, and at an appropriate price.

## OFFICER EMPLOYMENT PROCEDURE RULES

### Definitions

*(Mandatory provisions to be incorporated – The Local Authorities (Standing Orders) Regulations 2001(as amended) Schedule I Part II)*

1. In this Part:

- "the 1989 Act" means the Local Government and Housing Act 1989;
- "the 2000 Act" means the Local Government Act 2000;
- "disciplinary action" has the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001(as amended);
- "executive" and "executive leader" have the same meaning as in Part II of the 2000 Act;
- "member of staff" means a person appointed to or holding a paid office or employment under the authority; and
- "proper officer" means an officer appointed by the authority for the purposes of the provisions in this Part.

### Appointment and Dismissal of Staff

2. Subject to paragraphs 3 and 7, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the authority must be discharged, on behalf of the authority, by the officer designated under section 4(1) of the 1989 Act (designation and reports of head of paid service) as the head of the authority's paid service or by an officer nominated by him.
3. Paragraph 2 shall not apply to the appointment or dismissal of, or disciplinary action against:
- (a) the officer designated as the head of the authority's paid service;
  - (b) a statutory chief officer within the meaning of section 2(6) of the 1989 Act (politically restricted posts);
  - (c) a non-statutory chief officer within the meaning of section 2(7) of the 1989 Act;
  - (d) a deputy chief officer within the meaning of section 2(8) of the 1989 Act; or
  - (e) a person appointed in pursuance of section 9 of the 1989 Act (assistants for political groups).
4. (1) Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the appointment of an officer designated as the head of the authority's paid service, the authority must approve that appointment before an offer of appointment is made to that person

- (1A) Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the dismissal of an officer designated as the head of the authority's paid service, as the authority's chief finance officer, or as the authority's monitoring officer, the authority must approve that dismissal before notice is given to that person.
- (2) Where a committee or a sub-committee of the authority is discharging, on behalf of the authority, the function of the appointment or dismissal of any officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3, at least one member of the executive must be a member of that committee or sub-committee.
5. (1) In this paragraph, "appointer" means, in relation to the appointment of a person as an officer of the authority, the authority or, where a committee, sub-committee or officer is discharging the function of appointment on behalf of the authority, that committee, sub-committee or officer, as the case may be.
- (2) An offer of an appointment as an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3 must not be made by the appointer until:
- (a) the appointer has notified the proper officer of the name of the person to whom the appointer wishes to make the offer and any other particulars which the appointer considers are relevant to the appointment;
  - (b) the proper officer has notified every member of the executive of the authority of:
    - i. the name of the person to whom the appointer wishes to make the offer;
    - ii. any other particulars relevant to the appointment which the appointer has notified to the proper officer; and
    - iii. the period within which any objection to the making of the offer is to be made by the executive leader on behalf of the executive to the proper officer; and
  - (c) either:
    - i. the executive leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the appointer that neither s/he nor any other member of the executive has any objection to the making of the offer;
    - ii. the proper officer has notified the appointer that no objection was received by him within that period from the executive leader; or

- iii. the appointer is satisfied that any objection received from the executive leader within that period is not material or is not well-founded.
- 6.
- (1) In this paragraph, "dismissor" means, in relation to the dismissal of an officer of the authority, the authority or, where a committee, sub-committee or another officer is discharging the function of dismissal on behalf of the authority, that committee, sub-committee or other officer, as the case may be.
  - (2) Notice of the dismissal of an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3 must not be given by the dismissor until:
    - (a) the dismissor has notified the proper officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;
    - (b) the proper officer has notified every member of the executive of the authority of:
      - i. the name of the person who the dismissor wishes to dismiss;
      - ii. any other particulars relevant to the dismissal which the dismissor has notified to the proper officer; and
      - iii. the period within which any objection to the dismissal is to be made by the executive leader on behalf of the executive to the proper officer; and
    - (c) either:
      - i. the executive leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the dismissor that neither s/he nor any other member of the executive has any objection to the dismissal;
      - ii. the proper officer has notified the dismissor that no objection was received by him within that period from the executive leader; or
      - iii. the dismissor is satisfied that any objection received from the executive leader within that period is not material or is not well-founded.
7. Nothing in paragraph 2 shall prevent a person from serving as a member of any committee or sub-committee established by the authority to consider an appeal by:

- (a) another person against any decision relating to the appointment of that other person as a member of staff of the authority; or
- (b) a member of staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

### **Disciplinary Action**

*(Mandatory provisions to be incorporated – The Local Authorities (Standing Orders) Regulations 2001 (as amended) Schedule 3)*

8. In the following paragraphs –

- (a) “the 2011 Act” means the Localism Act 2011;
- (b) “chief finance officer”, “disciplinary action”, “head of the authority’s paid service” and “monitoring officer” have the same meaning as in regulation 2 of the Local Authorities (Standing Orders)(England) Regulations 2001;
- (c) “independent person” means a person appointed under section 28(7) of the 2011 Act;
- (d) “local government elector” means a persons registered as a local government elector in the register of electors in the authority’s area in accordance with the Representation of the People Acts;
- (e) “the Panel” means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;
- (f) “relevant meeting” means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and
- (g) “relevant officer” meant the chief finance officer, head of the authority’s paid service or monitoring officer , as the case may be.

- 9. . A relevant officer may not be dismissed by an authority unless the procedure set out in the following paragraphs is complied with
- 10. The authority must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.

11. In paragraph 10 “relevant independent person” means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considered appropriate.
12. Subject to paragraph 13, the authority must appoint to the Panel such relevant independent persons who have accepted an invitation in accordance with paragraph in accordance with the following priority order-
  - (a) a relevant independent person who has been appointed by the authority and who is a local government elector;
  - (b) any other relevant independent person who has been appointed by the authority;
  - (c) a relevant independent person who has been appointed by another authority or authorities.
13. An authority is not required to appoint more than two relevant independent persons in accordance with paragraph 12 but may do so.
14. The authority must appoint any Panel at least 20 working days before the relevant meeting.
15. Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular\_
  - (a) Any advice, views or recommendations of the Panel;
  - (b) The conclusions of any investigation into the proposed dismissal; and
  - (c) Any representations from the relevant officer.
16. Any remuneration, allowance of fees paid by the authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowance or fees payable to that independent person in respect of that person’s role as independent person under the 2011 Act”.

**Declarations – relatives of existing councillors and officers**

17. The Council will draw up a statement requiring any candidate for appointment as an Officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or Officer of the Council; or of the partner of such persons.

18. No candidate so related to a Councillor or an Officer will be appointed without the authority of the relevant Chief Officer or an Officer nominated by him/her.

### **Seeking support for appointment**

19. The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
20. No Councillor will seek support for any person for any appointment with the Council.

### **Recruitment of Head of Paid Service and Chief Officers**

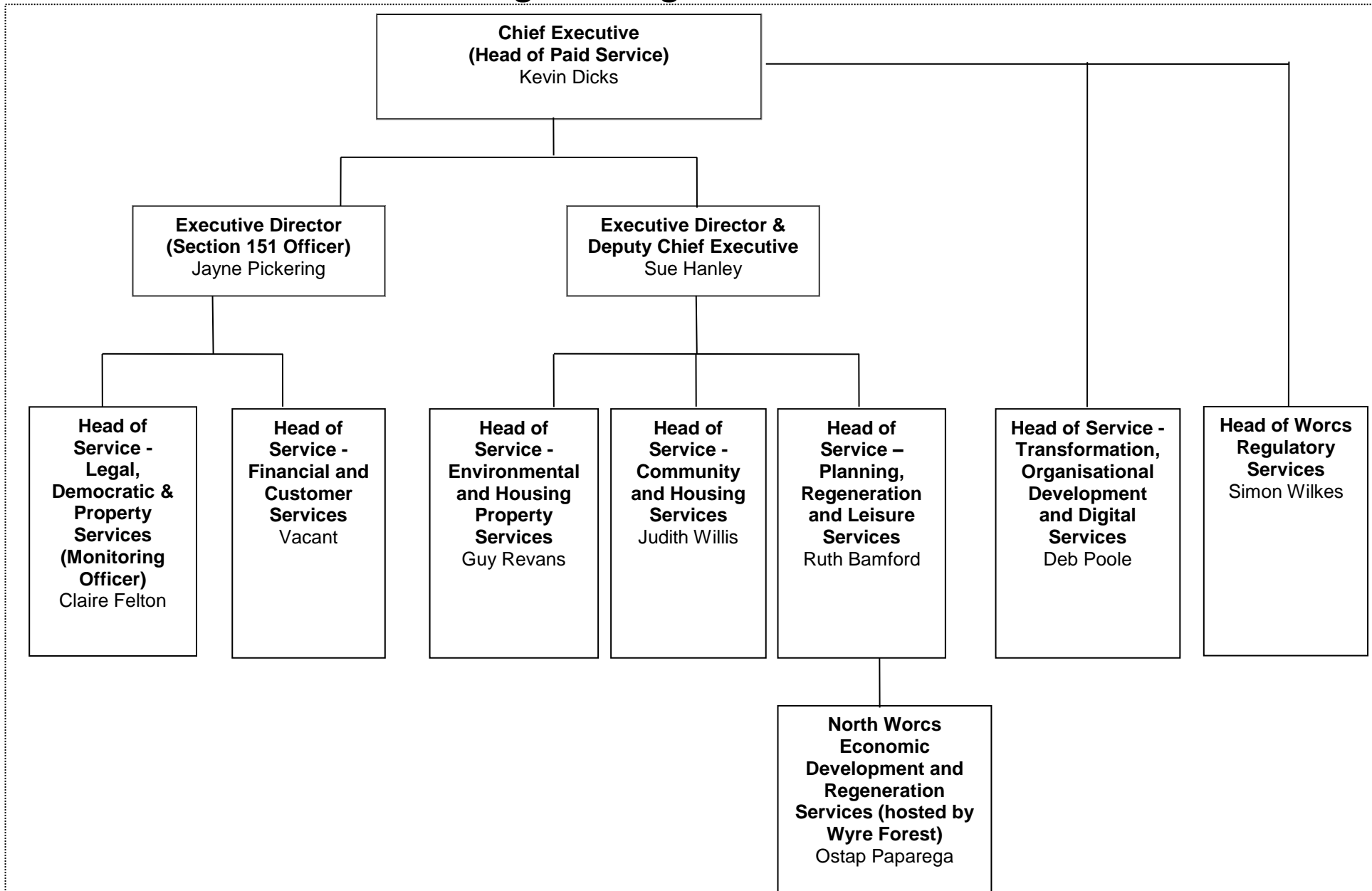
21. Where the Council proposes to appoint a chief officer (within the meaning of the Local Authorities (Standing Orders) Regulations 1993) and it is not proposed that the appointment be made exclusively from among their existing officers, the Council shall—
  - (a) draw up a statement specifying—
    - (i) the duties of the officer concerned; and
    - (ii) any qualifications or qualities to be sought in the person to be appointed;
  - (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
  - (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.
22. (1) Where a post has been advertised as provided in rule 15(b), the Council shall—
  - (a) interview all qualified applicants for the post, or
  - (b) select a short list of such qualified applicants and interview those included on the short list.

(2) Where no qualified person has applied, the Council shall make further arrangements for advertisement in accordance with rule 15(b).
23. The steps under rule 22 or 23 above may be taken by a committee, sub-committee or chief officer of the Council;
24. Any chief officer may be appointed by the Council, a committee or sub-committee of the authority or a relevant joint committee.

25. Where the duties of a chief officer include the discharge of functions of two or more local authorities under section 101(5) of the Local Government Act 1972
- (a) the steps under rule 22 or 23 above may be taken by a joint committee of those authorities, a sub-committee of that committee or a chief officer of any of the authorities concerned; and
  - (b) any chief officer may be appointed by such a joint committee, a sub-committee of that committee or sub-committee of any of those authorities.

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# Bromsgrove District Council and Redditch Borough Council Single Management Structure



### Chief Executive

- LSP & Other Strategic Partnerships
- Communications, Marketing and Promotion (including oversight of web content)
- Printing & Reprographics
- Civic/Mayoral Support
- Corporate Administration/ Central Post Opening

### Head of Service - Transformation, Organisational Development and Digital Services

- I.C.T.
- Business Development
- 5G / Digital Champion
- Web Development
- Land and Property Gazetteer / GIS / Street Naming and Numbering
- Transformation, Business Process Re-engineering and Lean Systems
- Information Management
- Freedom of Information, Data Protection, Records Management
- Organisational Development (including Workforce Planning and Succession Planning)
- Training & Development (strategy)
- Performance Management & Improvement
- Policy (excluding service specific strategy)
- Consultation & Community Engagement
- Customer Insight
- Human Resources
- Training & Organisational Development
- Health & Safety
- Equalities & Diversity
- Commercialism – Operational efficiency

### Head of Worcs Regulatory Services

- Health & safety
- Food Safety
- Food Standards
- Licenses (all)
- Pest & Dog Control
- Animal Health and Welfare
- Contaminated land
- Fair Trading
- Consumer and Business Advice
- Air Quality
- Metrology
- Product Safety
- Rogue Trading and Counterfeiting
- Underage Sales
- Statutory Nuisances
- Infectious Diseases

<b>Head of Service – Legal, Democratic &amp; Property Services (Monitoring Officer)</b>
<ul style="list-style-type: none"> <li>• Professional Legal Advice &amp; Services</li> <li>• Election &amp; Electoral Services, Periodic Electoral Review</li> <li>• Democratic Services &amp; Member Support</li> <li>• Monitoring Officer Role, Probity &amp; Standards</li> <li>• Governance</li> <li>• Advice to Parishes</li> <li>• Member Development</li> <li>• Land Charges</li> <li>• Procurement</li> <li>• Assets &amp; Facilities Management</li> <li>• Property</li> <li>• Business Development (previously under Leisure Services)</li> </ul>

<b>Head of Service – Financial and Customer Services (new role)</b>
<ul style="list-style-type: none"> <li>• Accounts &amp; Financial Management &amp; Advice</li> <li>• Audit</li> <li>• Risk Management</li> <li>• Payroll (RBC, BDC, WFDC)</li> <li>• Revenues including corporate Income &amp; Debt Management</li> <li>• Benefits</li> <li>• Customer Services including: <ul style="list-style-type: none"> <li>○ Centres and One Stop Shops</li> <li>○ Complaints and Customer Feedback</li> <li>○ Customer Service Strategy</li> <li>○ Cashiers</li> <li>○ Reception Services</li> <li>○ Switchboard Services</li> </ul> </li> </ul>

### Head of Service – Environmental & Housing Property Services

- Waste Management
- Place teams including:
  - Street Scene / Street Cleansing
  - Grounds Maintenance/ Landscaping
- Bereavement Services
- Stores and Depots
- Cesspools/Sewers
- Engineering and Design
- Fleet Management/Workshops
- Minor Works Team
- Abandoned Vehicles
- Street Naming and Numbering (operational)
- Tree management inc TPOs
- Land Drainage
- Car Parks/Civil Parking Enforcement
- Housing Property Capital and Compliance
- Repairs & Maintenance (including voids and Equipment and Adaptations)
- Mechanical and Electrical
- Commercialism – income Generation / cost reduction

### Head Service –Community and Housing Services

- Community Cohesion (Older and Young People) / Social Inclusion
- Community Safety
- Anti Social Behaviour Team
- CCTV & Lifeline Operation & Development
- Voluntary Sector & Community Networks, Grant Aid
- Transport
- Community Transport / Dial A Ride
- Bus Passes / Concessionary Fares
- Grant Aid
- Housing Strategy and Enabling
- Private Sector Housing
- Disabled Facilities Grants
- Travellers
- Shopmobility
- Children's Centres
- Climate Change / Energy Efficiency
- Homelessness
- Housing Options/Choice Based Lettings
- Housing Performance and Database
- Right to Buy
- St David's House Extra Care Housing
- Tenancy Management

### Head of Service – Planning, Regeneration and Leisure Services

- Strategic Planning (Planning & Local Development Framework)
- Development Management (including Planning Enforcement)
- Building Control
- Emergency Planning / Business Continuity
- Conservation
- Economic Development
- Leisure and Cultural Services Strategy incorporating
- Development Services (Sports and Arts Development)
- Parks and Events

**Scheme of Members Allowances 2019/20, as from 1<sup>st</sup> April 2019**

The Members Allowances Scheme is agreed by the Council each year. It sets out the allowances which are paid to Councillors and the expenses they can claim.

The amounts of the allowances are reviewed each year by the Independent Remuneration Panel. This group of non-Councillors make recommendations to the Council, and it must take account of these when setting its allowances.

**Basic Allowance and Special Responsibility Allowance**

A Basic Allowance of £4,437 is paid to all Members of the Council. By law, the Council must pay an equal amount of Basic Allowance to each Councillor, unless they choose not to receive all or part of it. The Basic Allowance is paid automatically each month as part of the payroll process and Councillors do not need to claim.

In addition to the Basic Allowance referred to above, Special Responsibility Allowances are paid to the holders of the following Offices:

<b>Position</b>	<b>Multiplier of Basic Allowance*</b>	<b>Special Responsibility Allowance</b>
Leader of the Council	3	£13,311, plus £6,656 as portfolio holder
Deputy Leader	1.75	£7,765, plus £6,656 as portfolio holder
Executive Members (Cabinet Portfolio Holders)	1.5	£6,656
Executive Members without Portfolio	1	£4,437
Chair of Overview and Scrutiny Committee	1.5	£6,656
Chairs of Overview and Scrutiny Task Groups	0.25	£1,109
Chair of Audit, Governance and Standards Committee	0.25	£1,109
Chair of Planning Committee	1	£4,437
Chair of Licensing Committee	0.75	£3,328

Political Group Leaders	0.25	£1,109 X1
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\*To nearest decimal place

There is no limit on the number of Special Responsibility Allowances payable to any one Member.

These allowances are also paid automatically each month via payroll.

In addition to the allowances set out above, and for ease of reference, the following additional allowances are made:

#### Representatives on Major Outside Bodies

Local Government Association & General Assembly	£269 pa
West Midlands Councils (now named West Midlands Employers)	£269 pa

#### Part Year Payments

If a Councillor holds office for less than a full year, any allowances will be paid in proportion to the length of the period the office is held. This applies to Basic and Special Responsibility Allowances.

#### Civic Payments

An allowance of £3,690 is paid to the Mayor and £1,100 to the Deputy Mayor. This allowance is permitted in the Local Government Act 1972 and is separate to those which are reviewed by the Independent Remuneration Panel.

#### Travelling and Subsistence Allowances – require a claim to be made

Travelling and subsistence allowances can be paid to reimburse Councillors when they carry out an Approved Duty. Details of what constitutes an Approved Duty are set out elsewhere in this Scheme.

The Council will reimburse any business mileage at the published HM Revenue and Customs authorised non taxable rates (given below).

**All claims for vehicle mileage must be submitted promptly at the end of each month. Claims which are more than 2 months old will be rejected.**

Inland Revenue rates:

	First 10,000 business miles in tax year	Each mile after
Cars and vans	45 p	25 p
Motorcycles	24 p	24 p
Bicycles	20 p	20 p
Carrying Passengers (RBC Employee or fellow Member)	5p per person per mile	
Towing	6p	

- (a) In situations where Members move out of the area, or otherwise change circumstances, a maximum distance for mileage to be paid for home to meetings mileage is 40 miles each way. No limit is set on mileage for journeys from home to conferences, training and seminars.
- (b) Councillors may claim actual expenditure incurred on tolls or parking fees, in addition to travelling allowances. Proof of expenditure must be provided.
- (c) Public transport costs can be reimbursed on production of receipts, again claimable for Approved Duties only.
- (d) Subsistence allowances are available for Councillors where they are away from home and unable to make their own arrangements. Councillors are reimbursed for actual expenses incurred up to the following maximum amounts, subject to the production of receipts:-

Breakfast	£5.00
Lunch	£6.75
Evening Meal	£20.00

Childcare and Dependant Care Allowances

The Dependent Carer's Allowance is intended to provide support to a Councillor with responsibilities for childcare (under age 16) or a dependent relative when attending meetings of the Council. The allowance is to cover reasonable and legitimate costs, but payment cannot be made if a carer is a member of the Councillor's immediate family or under 16 years of age.

When making a claim, the Councillor should include Receipts. Payments are for the actual time that a carer is employed and therefore includes the travelling time of a Councillor to and from a meeting.

Approved Duties

The following Approved Duties are those for which travel and /or subsistence allowances may be claimed:-

- (a) Meetings of the Council, Executive and other Committees and any meeting of a Council-appointed body, or involving Council-nominated representation; or one to which Officers have invited Members;
- (b) Attendance at meetings required as part of Overview and Scrutiny, or similar Member-led Review;
- (c) Opening tenders, when attendance is required as set out in Contract Standing Orders;
- (d) Attendance at relevant meetings by Leaders, Portfolio Holders / O&S Chair where required by virtue of their position.
- (e) Training events and briefings arranged via Council officers, either specifically for Redditch Councillors or in conjunction with other authorities.
- (f) External conferences, seminars and training events, where attendance is appropriate to the role the Councillor carries out and has been agreed in advance with the Political Group Leader

Authority is delegated to the Democratic Services Manager to adjudicate on such duties, and to determine whether duties are approved or not for payment, within the above definitions. Any dispute arising on such adjudication will be settled in consultation with the Portfolio Holder for Corporate Management.

Claims for Allowances

Members should submit claims for allowances on a monthly basis. The Democratic Services Team will tell you the deadlines before the beginning of the financial year.

Foregoing an Allowance

A Councillor may, by giving written notice to the Council's Payroll Manager, choose to forego all or part of an allowance under this Scheme. If a Councillor has made this decision, s/he can change their mind, but not retrospectively.

Should a Councillor choose to donate all or part of his/her entitlement to allowances under this Scheme to registered charities of his/her choice the Councillor will need to make their own arrangements for donating such allowances to the charity following receipt of the allowances.

General Advice

Councillors who are members of more than one authority may not receive allowances from more than one authority for the same duties.

Quick guide to Members Allowances and Expenses

**Allowances**

Write to the Payroll Manager if you wish to receive a reduced amount or to decline to receive an allowance.

Basic allowance – paid to all Councillors via payroll.

Special Responsibility Allowance – paid to Councillors who hold posts with additional responsibility.

**Expenses**

What you can claim:

Travel expenses for car/public transport for carrying out approved duties. These include return journeys with a maximum mileage of 40 miles each way from home or work to:

- meetings of the Council, Executive and other Committee meetings, task group meetings;
- associated briefing meetings;
- meetings arranged by officers, including opening tenders;
- training events
- external conferences and training events where attendance has been agreed in advance with the Councillor's political group leader, or where there is no group leader, with the Chief Executive.

Subsistence allowances for when you are carrying out an approved duty, are not able to make your own arrangements and refreshments are not provided for you.

Reimbursement of reasonable costs for childcare or care of dependant relatives who live with you.

What you cannot claim:

First class travel

Expenses more than 2 months old

Subsistence allowances where you have received refreshments

Expenses where you can claim from another organisation.

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**REDDITCH BOROUGH COUNCIL****CODE OF CONDUCT****Part 1****General provisions****Introduction and interpretation**

1. (1) This Code applies to **you** as a member or co-opted member of Redditch Borough Council Council.
- (2) You should read this Code together with the Ten Principles of Public Life (also known as the Nolan Principles) which are set out in Appendix 1
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code—
  - "meeting" means any meeting of
    - (a) the authority (Redditch Borough Council);
    - (b) any of the authority's, committees, sub-committees, joint committees, joint sub-committees, or area committees;
    - (c) the executive (Cabinet) of the authority or it's committees
    - (d) an external body upon which the member sits as a representative of the authority;
  - "Monitoring Officer" means the Monitoring Officer for the principal Council which is Redditch Borough Council;
  - "bullying and harassment includes;
    - oppressive behaviour or the abuse of power, which makes the recipient feel threatened, humiliated or vulnerable, and which may undermine his/her self confidence and cause him/her to suffer stress."

Examples are set out at Appendix 3 to this Code.

**Scope**

2. (1) This Code applies to you as a member of this authority when you act in your role as a Member or as a representative of the authority in the circumstances described in para 2 (b) below.
- (2) Where you act as a representative of the authority:
  - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
  - (b) on any other body, you must, when acting for that other body, comply with the authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

**General obligations**

3. (1) You must treat others with respect in accordance with the Nolan principles).
  - (2) You must co-operate with any standards investigations.
  - (3) You must not:
    - (a) do anything which may cause your authority to breach any of the equality enactments;
    - (b) bully or harass any person;
    - (c) intimidate or attempt to intimidate any person who is or is likely to be:
      - (i) a complainant,
      - (ii) a witness, or
      - (iii) involved in the administration of any investigation or proceedings,in relation to an allegation that a member (including yourself) has failed to comply with the authority's Code of Conduct;
    - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the authority.
4. You must not:

- (a) do anything that is likely to cause your authority to breach Data Protection law;
- (b) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
  - (i) you have the consent of a person authorised to give it;
  - (ii) you are required by law to do so;
  - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
  - (iv) the disclosure is:
    - (aa) reasonable and in the public interest; and
    - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
- (c) prevent another person from gaining access to information to which that person is entitled by law.

**5.** You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

**6.** You:

- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
- (b) must, when using or authorising the use by others of the resources of, or under the control of, the authority:
  - (i) act in accordance with the authority's reasonable requirements including in relation to the use of authority stationery and official logos and branding;
  - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity.

7. You must:

- (a) when reaching decisions on any matter have regard to any relevant advice provided to you by the authority's officers and in particular by the authority's Monitoring Officer and Section 151 Officer; and
- (b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the authority

.

8. You must not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties, and must comply with the authority's guidance on gifts and hospitality (attached as Appendix 4).

## **Part 2**

### **Interests**

#### **Disclosable Pecuniary Interests ("DPI")**

9. (1) You will have a Disclosable Pecuniary Interest ("DPI") under this Code if:-

(a) such interest meets the definition prescribed by The Relevant Authorities ( Disclosable Pecuniary Interests) Regulations 2012 regulations as amended from time to time and set out in Appendix 2 to this Code; and

(b) it is either an interest of yourself; or it is an interest of :-

- (i) your spouse or civil partner; or
- (ii) a person with whom you are living as husband and wife: or
- (iii) a person with whom you are living as if you were civil partners;

And you are aware that the other person has the interest.

**Registration of DPIs**

10. (1) You must within 28 days of becoming a member of the authority or being re-elected notify the Monitoring Officer in writing of any DPI which you hold at the time notification is given
- (2) You must within 28 days of becoming aware of any new DPI, or changes to existing DPIs notify the Monitoring Officer in writing of the detail.

**Other Disclosable Interests (ODI)**

- 11.(1) You will have a Disclosable Interest in any matter if you are aware that you or a member of your family or person or organisation with whom you are associated have a:-
- a pecuniary interest in the matter under discussion; or
  - b a close connection with the matter under discussion.
- (2) If you are a member of another local authority, or public body, or you have been appointed as the Council's representative on an outside body, you do not have a Disclosable Interest unless a member of the public knowing the circumstances would reasonably regard membership of the body concerned as being likely to prejudice your judgment of what is in the public interest.

**Disclosure of Interests****12.(1) Formal Meetings****Disclosable Pecuniary Interest (DPI)**

If you are present at a meeting of the Council and you have a DPI then you must:

- a Disclose the nature and existence of the interest; and
- b Leave the meeting (including the meeting room and public gallery) and take no part in the discussion ; and

- c If the interest has not already been recorded notify the Monitoring Officer of the interest within 28 days beginning with the date of the meeting.

**Other Disclosable Interest (ODI)**

If you are present at a Meeting and you have an ODI then you must:

- a disclose the nature and existence of the interest; and
- b if the interest;
  - i affects your pecuniary interests or relates to the determination of a planning or regulatory matter; and
  - ii is one which a member of the public knowing the circumstances would reasonably regard as being likely to prejudice your judgment of what is in the public interest

then you must leave the Meeting (including the meeting room and public gallery) and take no part in the discussion.

**(2) Informal Meetings and Correspondence****Disclosable Pecuniary Interest (DPI)**

If you have a DPI in the matter you must not participate in informal meetings, briefings or site visits, and must disclose the DPI in any correspondence with the authority.

**Other Disclosable Interest (ODI)**

If you have an ODI in the matter, then you must disclose the existence and nature of that interest at informal meetings, briefings or site visits, and must disclose the ODI in any correspondence with the authority.

If the ODI is such that you would be required to leave a formal Meeting as above, then you must not participate in the informal meeting.

**(3) Single Member Decisions**

**Disclosable Pecuniary Interest (DPI)**

If when participating in single member decision making you have a DPI in the matter being decided then you may take no steps in relation to the decision other than asking for the matter to be decided in some other manner.

**Other Disclosable Interest (ODI)**

If you have an ODI in the matter being decided, then you must disclose the existence and nature and record it on the record of decision.

If the ODI is such that you would be required to leave a formal Meeting as set out above, then you must take no steps in relation to the decision other than asking for the matter to be decided in some other manner.

**(4) Dispensations**

You may take part in the discussion of and any decision or vote on a matter in which you have been granted a formal dispensation.

**Sensitive Information**

**13.** (1) An interest will be a sensitive interest if the two following conditions apply:

- (a) That you have an interest (whether or not a DPI); and
  - (b) the nature of the interest is such that you and the Monitoring Officer consider that disclosure of the details of the interest could lead to you or a person connected to you being subject to violence or intimidation.
- (2) Where it is decided that an interest is a “sensitive interest ” it will be excluded from published versions of the register. The Monitoring Officer may state on the register that the member has an interest the details of which are excluded under this section.
- (3) Where the sensitive interest is a DPI the usual rules relating to disclosure will apply save that the member will only be required to disclose that they hold a DPI in the matter concerned.

**APPENDIX 1**

The Ten General Principles of Public Life

**APPENDIX 2**

The Localism Act Definition of Disclosable Pecuniary Interests Regulations

**APPENDIX 3**

Examples of bullying and harassment

**Appendix 4**

Gifts and hospitality

**APPENDIX 1****THE TEN GENERAL PRINCIPLES OF PUBLIC LIFE**

**Selflessness** – members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

**Honesty and integrity** – members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.

**Objectivity** – members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

**Accountability** – members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

**Openness** – members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

**Personal judgment** – members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

**Respect for others** – members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

**Duty to uphold the law** – members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

**Stewardship** – members should do whatever they are able to do to ensure that their authorities use their resources prudently, and in accordance with the law.

**Leadership** – members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

**APPENDIX 2****DISCLOSABLE PECUNIARY INTERESTS**

This note explains the requirements of the Localism Act 2011 (Ss 29-34) in relation to disclosable pecuniary interests.

These provisions are enforced by criminal sanction.

They come into force on 1 July.

**1 Notification of disclosable pecuniary interests**

Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'.

A 'disclosable pecuniary interest' is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

<i>Interest</i>	<i>description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to

occupy land in the area of the relevant authority for a month or longer.

#### Corporate tenancies

Any tenancy where (to M's knowledge)—  
(a) the landlord is the relevant authority;  
and  
(b) the tenant is a body in which the relevant person has a beneficial interest.

#### Securities

Any beneficial interest in securities of a body where—  
(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and  
(b) either—

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

These descriptions on interests are subject to the following definitions;

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” includes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means the person M referred to in section 30 of the Act;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000() and other securities of any description, other than money deposited with a building society.

**APPENDIX 3****EXAMPLES OF BULLYING AND HARRASSMENT**

Bullying and harassment may include:

- physical contact ranging from touching to assault
- verbal and written comments through jokes, offensive language, personal comments about appearance, size, clothing etc
- innuendo, gossip and letters etc.
- malicious rumours and allegations, including fabricating complaints from clients and other members of staff.
- open aggression, threats, shouting, abuse and obscenities, persistent negative attacks.
- constant humiliation, criticism and ridicule, belittling efforts and undervaluing contribution.
- Trolling behaviour

Harassment is unwanted conduct on the grounds of any protected characteristic as defined by the Equality Act 2010, political or Trade Union affiliation, or take the form of victimisation, that:

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- is reasonably considered by that person to have the effect of violating his/her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her, even if this effect was not intended by the person responsible for the conduct.

This is not exhaustive.

**APPENDIX 4****GIFTS AND HOSPITALITY**

1. Minor gifts and hospitality are sometimes part of the normal courtesies of life: a resident may offer a modest gift as a token of appreciation and sometimes simple items such as diaries and pens are distributed as advertising matter. In dealing with a matter in your division you may be offered a cup of tea or light refreshments.
2. As a guideline, any gift or hospitality with a value of £15 or more is highly unlikely to be viewed as a 'token'. You must consider whether it is appropriate to accept even token gifts, especially where you are dealing with regulatory or procurement matters when it would usually be inappropriate to receive any gift from involved parties. In case of doubt you should consult the Monitoring Officer.
3. Offers of hospitality, even if seemingly minor in nature, must be treated with particular caution as they can leave individuals and the Council open to allegations of impropriety. The timing of offers of hospitality, for example in relation to the award of contracts, granting of applications or other decisions, should be considered equally to the generosity of the hospitality offered. Accepting hospitality must be justified in the public interest, for example when there is a genuine need to represent the Council.
4. All offers and receipt of gifts and hospitality with a value of £15 higher must be reported to the Monitoring Officer who will ensure it is recorded in the Council's register of gifts and hospitality, which will be published.

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**MEMBERS' CODE ON GIFTS AND HOSPITALITY****Gifts and Hospitality****A Code of Conduct for Councillors**

The acceptance of gifts and hospitality by Councillors is not merely an administrative issue. It reflects directly upon the perception of Councillors and of the authority as acting in the public interest or as acting for the personal advantage of friends and for what personal benefit Councillors can get out of their position.

The law on the acceptance of gifts and hospitality is set out in the authority's Code of Conduct for Members and in the Prevention of Corruption Acts. These requirements are then supplemented by the procedures which have been adopted by this authority, to provide a clear set of rules for the protection of both Councillors and the authority. Acceptance of a gift or hospitality in breach of the Code, or failure to declare receipt of such a gift or hospitality, can lead to disqualification from holding any public office for a period of up to five years. Corrupt acceptance of a gift or hospitality can lead to a heavy fine or up to 7 years' imprisonment.

This Code of Conduct sets out:

- (a) the principles which you should apply whenever you have to decide whether it would be proper to accept any gift or hospitality
- (b) a procedure for obtaining consent to accept a gift or hospitality, when you consider that it would be proper to accept it
- (c) a procedure for declaring any gift or hospitality which you receive and for accounting for any gift to the authority

This Code does not apply to the acceptance of any facilities or hospitality which may be provided to you by this authority.

**1 General Principles**

In deciding whether it is proper to accept any gift or hospitality, you should apply the following principles. Even if the gift or hospitality comes within one of the general consents set out below, you should not accept it if to do so would be in breach of one or more of these principles:

- (a) **Never accept a gift or hospitality as an inducement or reward for anything you do as a Councillor.**

As a Councillor, you must act in the public interest and must not be swayed in the discharge of your duties by the offer, prospect of an offer, or the non-offer of any inducement or reward for discharging those duties in a particular manner.

The Public Bodies (Corrupt Offences) Act 1889 provides that if you accept any gift, loan, fee, reward or advantage whatsoever as an inducement to or reward for doing or forbearing to do anything in respect of any matter or transaction in which the authority is concerned, you commit a criminal offence carrying a maximum term of imprisonment of 7 years

Further, the authority's Code of Conduct for Members provides that you must act in the public interest, serving the authority and the whole community, rather than acting in the interests of any particular individual or section of the community, and that it is a breach of the Code improperly to confer any advantage or disadvantage on any person, including yourself.

**(b) You should only accept a gift or hospitality if there is a commensurate benefit to the authority.**

The only proper reason for accepting any gift or hospitality is that there is a commensurate benefit for the authority which would not have been available but for the acceptance of that gift or hospitality.

Acceptance of hospitality can confer an advantage on the authority, such as an opportunity to progress the business of the authority expeditiously through a working lunch, or to canvass the interests of the authority and its area at a meeting.

Acceptance of a gift is much less likely to confer such an advantage. But unless the benefit to the authority is clear, and is commensurate with the value of the gift or hospitality, the presumption must be that the gift or hospitality is purely for your personal benefit.

As set out above, the authority's code provides that you must not improperly confer any advantage on anyone, including yourself. Acceptance as a Councillor of a gift or hospitality for your own benefit or advantage, rather than for the benefit to the authority, would be a breach of the Code.

**(c) Never accept a gift or hospitality if acceptance might be open to misinterpretation.**

The appearance of impropriety can be just as damaging to the authority and to you as a Councillor as actual impropriety. The authority's ability to govern rests upon its reputation for acting fairly and in the public interest.

You must therefore consider whether the acceptance of the gift or hospitality is capable of being interpreted as a sign that you or the authority favours any particular person, company or section of the community or as placing you under any improper obligation to any person or organisation. If there is any possibility that it might be so interpreted, you must either refuse the gift or hospitality or take appropriate steps to ensure that such a misunderstanding cannot arise.

Certain occasions are particularly sensitive, and require the avoidance of any opportunity for such misunderstanding. These include:

- (i) occasions when the authority is going through a competitive procurement process, in respect of any indication of favour for a particular tenderer.
  - (ii) determinations of planning applications or planning policy, in respect of any person or organisation which stands to gain or lose from the determination,
  - (iii) funding decisions, when the authority is determining a grant application by any person or organisation.
- (d) Never accept a gift or hospitality which puts you under an improper obligation.**

Recognise that some commercial organisations and private individuals see the provision of gifts and hospitality as a means of buying influence. If you accept a gift or hospitality improperly, it is possible that they may seek to use this fact to persuade you to determine an issue in their favour. Equally, if others note that you have been prepared to accept a gift or hospitality improperly, they may feel that they will no longer be able to secure impartial consideration from the authority.

- (e) Never solicit a gift or hospitality.**

You must never solicit or invite an offer of a gift or hospitality in connection with your position as a Councillor unless the acceptance of that gift or hospitality would be permitted under this Code. You should also take care to avoid giving any indication that you might be open to any such improper offer.

## **2 Consent Regimes**

- (a) General consent provisions.**

For clarity, the authority has agreed that you may accept gifts and hospitality in the following circumstances:

- (i) civic hospitality provided by another public authority

- (ii) modest refreshment in connection with any meeting in the ordinary course of your work, such as tea, coffee, soft drinks and biscuits
- (iii) tickets for sporting, cultural and entertainment events which are sponsored by the authority
- (iv) small gifts of low intrinsic value below £25, branded with the name of the company or organisation making the gift, such as pens, pencils, mouse pads, calendars and diaries. However, you should take care not to display any such branded items when this might be taken as an indication of favour to a particular supplier or contractor, for example in the course of a procurement exercise
- (v) a modest alcoholic or soft drink on the occasion of an accidental social meeting, such as a pint of beer from an employee of a contractor or party with whom you have done business on behalf of the authority if you meet accidentally in a public house, cafe or bar. In such cases, you should make reasonable efforts to return the offer where this is practicable
- (vi) a modest working lunch not exceeding £10 a head in the course of a meeting in the offices of a party with whom the authority has an existing business connection where this is required in order to facilitate the conduct of that business. Councillors should not make such arrangements themselves, but request officers to settle the detailed arrangements, and officers are under instruction, when arranging any such meeting, to make it clear to the other party that such a lunch must not exceed a value of £10 a head
- (vii) modest souvenir gifts with a value below £25 from another public authority given on the occasion of a visit by or to the authority
- (viii) Hospitality received in the course of an external visit or meeting which has been duly authorised by the authority. Councillors should not make such arrangements themselves, but request officers to settle the detailed arrangements, and officers are under instruction to make it clear that any such hospitality for Councillors and officers is to be no more than commensurate with the nature of the visit
- (ix) other unsolicited gifts, where it is impracticable to return them to the person or organisation making the gift, provided that the Councillor deals with the gift strictly in accordance with the following procedure:

The Councillor must, as soon as practicable after the receipt of the gift, pass it to the Democratic Services Manager together with a written statement identifying the information set out in Paragraph 2(b) below. The Democratic Services Manager will then write to the person or organisation making the gift thanking them on your behalf for the gift and informing them that you have donated the gift to the Mayor's Charity Fund, on whose behalf it will be raffled or otherwise disposed of in due course, the proceeds being devoted to a charitable cause chosen by the Mayor.

**(b) Special consent provisions**

If you wish to accept any gift or hospitality which is in accordance with the General Principles set out in Paragraph 1, but is not within any of the general consents set out in Paragraph 2(a), you may only do so if you have previously obtained specific consent in accordance with the following procedure:

You must make an application in writing to the Monitoring Officer, setting out:

- (i) the nature and your estimate of the market value of the gift or hospitality
- (ii) who the invitation or offer has been made by or on behalf of
- (iii) the connection which you have with the person or organisation making the offer or invitation, such as any work which you have undertaken for the authority in which they have been involved
- (iv) any work, permission, concession or facility which you are aware that the person or organisation making the offer or invitation may seek from the authority
- (v) any special circumstances which lead you to believe that acceptance of the gift or hospitality will not be improper

You must not accept the gift or hospitality until you have received the appropriate consent.

The Monitoring Officer will enter details of any approval in a register which will be available for public inspection on the occasion of the public inspection of the authority's accounts for the relevant year. But note that this does not relieve you of the obligation to register the receipt of gifts and hospitality in accordance with Paragraph 3, below.

**3     Reporting**

Where you accept any gift or hospitality which you estimate to have a market value or cost of provision of £25 or greater, you must, as soon as possible after receipt of the gift or hospitality, make a declaration in writing to the Monitoring Officer, setting out the information set out in Paragraphs 2(b) above. A form for this purpose is attached to this Code, but you can send the same information by any convenient means. The Monitoring Officer will retain a copy of any such declaration in a register which will be available for public inspection until the approval of the authority's accounts for the year in question.

Even if the value of the gift or hospitality is less than £25, if you are concerned that its acceptance might be misinterpreted, and particularly where it comes from a contractor or tenderer, you may make a voluntary declaration in the same manner to ensure that there is nothing secret or underhand about the gift or hospitality.

**4     Gifts to the authority**

Gifts to the authority may take the form of the provision of land, goods or services, either to keep or to test with a view to future acquisition, an offer to carry out works or sponsorship of a function which is organised or supported by the authority. You should not solicit any such gift on behalf of the authority except where the authority has formally identified the opportunity for participation by an external party and how that participation is to be secured, for example in relation to sponsorship of public musical and theatrical performances and developers' contributions under Section 106 Agreements. If you receive such an offer on behalf of the authority, you must first consider whether it is appropriate for the authority to accept the offer (in terms of whether the acceptance of the gift might be seen as putting the authority under any improper obligation, whether there is a real benefit to the authority which would outweigh any dis-benefits). If you do not have delegated authority to accept the gift, you should report the offer directly to the Monitoring Officer who has such delegated authority, together with your recommendation. The Monitoring Officer will then write back to the person or organisation making the offer, to record the acceptance or non-acceptance of the gift, record the gift for audit purposes and ensure that the gift is properly applied for the benefit of the authority. If you have any concerns about the motives of the person or organisation making the offer, or whether it would be proper for the authority to accept the gift, you should consult the Monitoring Officer directly.

**5     Definitions**

- (a)     “Gift or hospitality” includes any:
  - (i)       free gift of any goods or services
  - (ii)      opportunity to acquire any goods or services at a discount or on terms which are more advantageous than those which are available to the general public
  - (iii)     opportunity to obtain any goods or services which are not available to the general public
  - (iv)      offer of food, drink, accommodation or entertainment, or the opportunity to attend any cultural, sporting or entertainment event.
- (b)     References to the “value” or “cost” of any gift or hospitality are references to the higher of:
  - (i)       your estimate of the cost to the person or organisation of providing the gift or consideration
  - (ii)      the open market price which a member of the public would have to pay for the gift or hospitality, if it were made available commercially to the public, less the cash sum of any contribution which you would be required to make toward that price to the person or organisation providing or offering the gift or hospitality.

To:

### Declaration of Receipt of Gifts or Hospitality

Name	
What was the gift or hospitality?	
What is your best estimate of its market value or cost?	
Who provided it?	
When and where did you receive it?	
Does it come within one of the general consents set out in the Code of Conduct? If so, which?	
Did you get the consent of any officer before accepting it? If so, who?	
Were there any special circumstances justifying acceptance of this gift or hospitality?	
Do you have any contact in your role as Councillor with the person or organisation providing the gift or hospitality?	
Signed	Date

## Redditch Borough Council

To:

**Declaration of Receipt of Gifts or Hospitality**

Name	
What was the gift or hospitality?	
What is your best estimate of its market value or cost?	
Who provided it?	
When and where did you receive it?	
Does it come within one of the general consents set out in the Code of Conduct? If so, which?	
Did you get the consent of any officer before accepting it? If so, who?	
Were there any special circumstances justifying acceptance of this gift or hospitality?	
Do you have any contact in your role with the person or organisation providing the gift or hospitality?	
Signed	Date

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**MEMBER OFFICER RELATIONS PROTOCOL****PROTOCOL**  
**FOR RELATIONS BETWEEN**  
**COUNCILLORS AND OFFICERS****1. INTRODUCTION**

- 1.1 The purpose of this protocol is to guide Councillors and Officers of the Council in their relations with one another.
- 1.2 Given the variety and complexity of such relations, this Protocol does not seek to be either prescriptive or comprehensive. It seeks simply to offer guidance on some of the issues that most commonly arise. It is hoped, however, that the approach that it adopts to these issues will serve as a guide to dealing with other issues.
- 1.3 This Protocol is to a large extent no more than a written statement of current practice and convention. In some respects, however, it seeks to promote greater clarity and certainty.
- 1.4 This Protocol also seeks to reflect the principles underlying the respective rules of conduct which apply to Councillors and Officers. The purpose of the rules and this protocol is to enhance and maintain the integrity (real and perceived) of local government by demanding very high standards of personal conduct.
- 1.5 The former National Code of Local Government Conduct for Members says:

“Both Councillors and employees are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Employees are responsible to the Council. Their job is to give advice to Councillors and the Council, and to carry out the Council’s work under the direction and control of the Council, its Committees and Sub-Committees.

Mutual respect between Councillors and employees is essential to good local government. Close personal familiarity between individual Councillors and employees can damage this relationship and prove embarrassing to other Councillors and employees.”

(\*The National Code of Conduct has now been replaced by a local Code. Nonetheless the points made above remain relevant.)

## **2. RESPECT AND COURTESY**

- 2.1 For the effective conduct of Council business there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal, between Councillors and Officers. This too plays a very important part in the Council's reputation and how it is seen in public. It is very important that both Councillors and Officers remember their respective obligations to enhance the Council's reputation and to do what they can to avoid criticism of other Councillors, or other Officers, in public places.

### Undue Pressure

- 2.2 It is important that in any dealings between Councillors and Officers, neither should seek to take unfair advantage of their position.
- 2.3 In their dealings with both Directors and staff (especially junior employees), Councillors need to be aware that it is easy for Officers to be overawed and feel at a disadvantage. Such feelings can be intensified where Members hold official and/or political office.
- 2.4 A Councillor should not apply undue pressure on an Officer either to do anything that he or she is not empowered to do, or to undertake work outside normal duties or outside normal hours. Particular care needs to be taken in connection with the use of Council property and services.
- 2.5 Similarly, an Officer must neither seek to use influence on an individual Councillor to make a decision in his or her personal favour, nor raise personal matters to do with his or her job, nor make claims or allegations about other Officers. The Council has formal procedures for consultation, grievance, and discipline. The one exception to this rule is the right of staff to report possible wrong doing under the Council's "Whistle-blowing" procedure.

### Familiarity

- 2.6 Close personal familiarity should be avoided, where practicable.

### Criticism of Officers by Councillors

- 2.7 Councillors have the right to criticise reports or the actions taken by Officers but they should always be constructive, relate to the subject matter of the report and should not be personal.

### Redress / Complaint

- 2.8 If a Councillor considers that he or she has not been treated with proper respect or courtesy, he or she may raise it with the employee's line Manager or Director without delay if it is not possible to resolve it through direct discussion.

If the issue still remains unresolved, appropriate disciplinary action may be taken against an employee by the Director in accordance with the Council's normal procedures.

- 2.9 If an employee feels the same way about a Councillor, and a direct discussion is impractical or fails to resolve the matter, he or she should raise the matter with the line Manager or Director without delay. In such circumstances, the Director will take such action as is appropriate either by approaching the individual Councillor and/or Party Group Leader or, if appropriate, by referring the matter to the Monitoring Officer. The Director will tell the Chief Executive if the Party Group Leader becomes involved, or in any other case where that is appropriate. Feedback should be given to the employee on the outcome.

### **3. PROVISION OF INFORMATION**

- 3.1 All Councillors will normally receive copies of all reports, other than:
- those relating to sensitive regulatory matters such as Employee and Housing-related Appeals; and
  - Licensing Sub-Committee agendas which are sent only to those Members involved in considering specific applications under the Licensing Act 2003 (statutory requirement).
- 3.2 Ward Councillors and/or other relevant Members (Portfolio Holders / Chairs, etc.) should be routinely notified in advance about any significant, sensitive, or controversial issues likely to affect them (see also paragraphs 6.7 and 8.2 below).

### **4. POLITICAL ACTIVITY**

- 4.1 Senior employees, except those who are not politically restricted, cannot be Councillors or Members of Parliament, nor can they “speak or publish written work for the public at large or to a section of the public with the apparent intention of affecting public support for a political party”.
- 4.2 Employees are employed by the Council as a whole. They serve the Council and are responsible to the Chief Executive and their respective Directors and not to individual members of the Council whatever office they might hold.
- 4.3 It is important though for there to be regular contact between the Chief Executive, Directors, senior employees and the Leaders of Political Groups on matters affecting the Council; and between Directors, other senior employees, and Members and Officers who provide support services to Councillors and Party Groups.

- 4.4 The only basis on which the Council can lawfully provide support services (such as stationery, typing, printing, photocopying, transport, etc.) to Councillors is to assist them in discharging their role as Councillors. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.

#### Correspondence

- 4.5 When a letter or e-mail is copied to anyone in addition to the addressee Councillor, it should always have a list of those receiving copies at the head of the letter or e-mail.
- 4.6 Official letters on behalf of the Council will normally be issued in the name of the appropriate Officer rather than that of a Councillor. It may be appropriate in certain circumstances (for instance representations to a Government Minister) for a letter to appear in the name of the Leader or a Chair or other Councillor, but this should be the exception rather than the norm. Where the Leader or a Chair or other Councillor issues a letter in these circumstances, he or she will arrange for copies to be sent to other members of the Council/Committee as the case may be. Letters on behalf of the Council would not normally be sent out in the name of a Councillor, save to confirm a decision of the Council, or occasionally in the case of Civic matters, by the Mayor.

#### Officer Advice to Political Groups

- 4.7 It is common practice for Party Groups to give preliminary consideration to matters of Council business. Officers may properly be called upon to provide information and advice in connection with such deliberations by Groups.
- 4.8 Information and advice may be available to all Groups on the same basis. Officers may be invited (but not singly) to address Group meetings.
- 4.9 Officer input in these circumstances will be limited to providing information and advice about matters of Council business. Group meetings, whilst they may form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at these meetings will not therefore rank as Council decisions and will not be interpreted as such by Officers.

### **5. COUNCILLORS' BRIEFING, AGENDAS AND REPORTS**

- 5.1 Briefings on agendas will be given by Directors or their nominees to the Chairs and Vice-Chairs of Council Committees, Sub-Committees, Panels, Working Parties, etc.

- 5.2 Briefings to all members of a Committee, Task & Finish Group, or Working Party may sometimes be preferable, on occasions when the Council is meeting with representatives of outside bodies or other parties external to the Council.
- 5.3 Formal requests to Directors for a report to be prepared on a particular issue may only come from the Council, a Committee or Sub-Committee, the Leader, or the Chair of a Committee, Sub-Committee, Panel, Working Party, etc. in accordance with the provisions of the Council's Constitution.

## **6. PRESS RELEASES AND PUBLICITY**

- 6.1 All publicity activities carried out by the Council will be in accordance with the Code of Recommended Practice on Local Authority Publicity issued by the Department of the Environment, Transport and the Regions and the Council's own Media Protocol / Strategy as agreed from time to time.
- 6.2 News releases and press statements issued by the Council require Member approval, where they contain quotes by Members or sensitive information.
- 6.3 Where a news release is issued after a Council, Committee or Sub-Committee meeting, any comments must relate to matters discussed at that meeting. Advance news releases which contain matters due to be discussed, should be limited to factual information only.
- 6.4 The Communications Manager will be guided by the Leader, Committee Chair or Chief Executive on whether a news release should be issued before or after a meeting. The Communications Manager will give advice as to whether this is appropriate.
- 6.5 All news releases about decisions will contain the name and telephone number of the relevant Councillor spokesperson(s) or an appropriate Officer.
- 6.6 All news releases issued by Group Leaders, Chairs, Group Spokespersons or individual Councillors should state clearly that the release has been issued by that person not on behalf of the Council.
- 6.7 Particular care to observe the relevant Codes and Guidance will be exercised during formal election periods.
- 6.8 Ward Councillors and/or other relevant Members (Portfolio Holders / Chairs, etc.) should be notified in advance about any significant, sensitive, or controversial issues likely to affect them. This would include press releases relating to a particular Ward or significant matters likely to affect a Ward.

**7. SPECIAL MEETING**

- 7.1 If a special meeting of the Council or a Committee is needed, the Chief Executive shall consult with the Chair, Vice-Chair and the Leader (or their nominee) of any other party group represented on the Council, about the time and location of the special meeting.
- 7.2 Consultation with the same Members shall apply if a meeting needs to be deferred or cancelled.

**8. INVOLVEMENT OF WARD COUNCILLORS**

- 8.1 Whenever a public meeting is organised by the Council to consider a local issue, all the Councillors representing the Ward or Wards affected should, as a matter of course, be invited to attend the meeting, and the maximum possible notice should be given. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Councillors should be consulted at the outset of the exercise.
- 8.2 Ward Councillors should be notified in advance about any significant, sensitive, or controversial issues likely to affect them. This would include press releases relating to a particular Ward or significant matters likely to affect a Ward.

END

**CODE OF PRACTICE - PLANNING SERVICES****1. INTRODUCTION**

- 1.1 The role of a Member serving on the Planning Committee involves balancing the representation of the needs and interests of individual constituents and the community, with the need to maintain an ethic of impartial decision-making on what can be highly controversial proposals.
- 1.2 This document has been prepared to guide Members and Officers in dealing with planning matters in a manner consistent with good practice, including the conduct of Members in its processes and procedures and should be read alongside the Councillors' Code of Conduct.
- 1.3 Failure to follow the recommendations set out in this Code of Practice, without good reason, may be regarded as being incompatible with good administration by the Local Government Ombudsman and affect how the Council, its Officers or Members may be perceived by others.
- 1.4 By setting out clearly what is expected of both Members and Officers, it is anticipated that this Code will engender greater mutual understanding and support between all those involved in the planning process. The Code has been produced in the spirit of looking for continuous improvements in the delivery of services, discharging duties responsibly in an open, professional and consistent way compatible with the Councillors' Code of Conduct and its Protocol for Members/Officer relations.
- 1.5 Both Members and Officers dealing with planning matters and advising Committees will be required to observe all the provisions of this Code.
- 1.6 The Code is set out in the form of a series of headings followed by a brief discussion of the issues involved and best practice advice.

**2. THE ROLE OF COUNCILLORS**

- 2.1 The role of Members is central to the planning system, which operates within a political arena. It is well recognised that planning is not an exact science and, provided that Members are properly briefed by Officers, they are well placed to make decisions.

**Ward Interests**

- 2.2 Members have a special duty to their ward constituents but their overriding responsibility is to the whole community. In terms of the planning process, this can produce a conflict of interest between

Members legitimately and effectively giving vent to local, sometimes individual, concerns and the need to reflect the interests of the wider community in decisions reached on planning merits alone. Much is often at stake in this process, and opposing views are often strongly held by those involved. Whilst Members should take account of these views, they should not favour any person, company, group or locality above the wider community interest, nor put themselves in a position where they appear to do so. Members should be mindful of the need to carefully weigh up all of the arguments before deciding what view to take. Where a Member of Planning Committee takes the view that they would wish to speak in relation to an application affecting their ward they may do so as Ward Councillor under the procedure for Public Speaking at Planning Committee. However, they will have to remain in the public gallery after they have spoken and take no part in the debate or vote on the application.

- 2.3 Members should also be very cautious about accepting gifts and hospitality. Members should abide by the Council's Code of Conduct for Gifts and Hospitality, including recording offers and/or acceptance of these in the register as required.

#### Interests arising from the Code of Conduct

- 2.4 Under the Council's Member Code of Conduct, Members will need to make sure they are clear whether they have a discloseable pecuniary interest or other discloseable interest when involving themselves in planning matters.
- 2.5 Members who are unsure as to whether an interest should be declared should seek the advice of the Council's Monitoring Officer **at an early stage**.

#### Lobbying

- 2.6 It is a fact of public life that Members will be subject to varying degrees of lobbying. This is part of the democratic process. However, when individuals or groups seek to influence the outcome of a planning decision, which should be treated upon its individual planning merits in the wider public interest, the impartiality of the decision may be questioned. Such problems might arise if Members indicate their voting intention or support for a particular cause in advance of all the relevant information and Officer advice. However, section 25 the Localism Act states that a member is not to be regarded as having a closed mind about a decision simply because they have previously expressed a view on it.
- 2.7 When being lobbied, Members should take care about expressing an opinion that may be taken as indicating that they have already made up their mind on the likely outcome of a planning application before they have heard all the evidence and arguments. If they do express an opinion, they should make it clear that they will only be in a position to

make a final decision when all the facts are known and they have heard both sides of the argument at Committee. On occasion, the Member may respond to lobbying by deciding to go public in support of a particular outcome, or even campaigning actively for it.

- 2.8 However, Members must not have a closed mind when they make a decision. Decisions taken by those with pre-determined views are vulnerable to successful legal challenge. At the point of making a decision, members must carefully consider all the evidence that is put before them and be prepared to modify or change their initial view in the light of the arguments and evidence presented. Then they must make their final decision at the meeting with an open mind based on all the evidence.
- 2.9 Where a Member has campaigned for or come to a final view prior to a meeting, the member should not take part in the decision making process. Depending on the circumstance and to preserve the appearance of propriety, the member should also consider whether or not to withdraw from the public gallery, after making his or her representations to the planning committee.
- 2.8 Members should not represent an applicant or individual objector and should not organise support or opposition for a planning application or other planning decision. In particular, they should avoid representing applicants or objectors in discussions with Planning Officers which may take place before an application is considered by the Planning Committee. Instead they should suggest to those who are lobbying, that they should speak or write to the relevant Planning Officer, in order that their opinions can be included in the officer's report to committee. Any letters referred to and relied upon by Councillors in speaking on an application should be given to the Head of Planning and Regeneration to be placed on the respective planning file immediately after the meeting.
- 2.9 Members should not lobby other Members or put pressure on Officers to make a particular recommendation. Therefore no political group meeting must take place prior to the committee meeting to discuss the planning applications.
- 2.10 Members of the Planning Committee need to take account of the general public's expectation that a planning application will be processed and determined in an open and fair manner. There is the possibility that an aggrieved party may seek judicial review on the way in which a decision has been arrived at, or complain to the Local Government Ombudsman on the grounds of maladministration.

**3. MEMBERSHIP OF PARISH COUNCILS**

- 3.1 Parish Councils are consulted and asked to comment on planning applications prior to their being considered by the Borough Council's Planning Committee. Sometimes, a member of the Planning Committee will also be a member of a Parish Council and such a situation could give rise to a perception that there is a conflict between these two roles.
- 3.2 Members of the Planning Committee may participate in the formulation of their Parish Council's comments on a planning application and may vote on motions put forward in connection with the making of such comments. However, in doing so, they must recognise that they have not yet received full information about the application e.g. the planning history, comments by other consultees and officer recommendation. They should therefore declare, at the Parish Council's meeting, that in assisting in the formulation of the Parish Council's comments, that they are only forming a preliminary view on the application, that they recognise that there is further information about the application which they have not yet received, and that they reserve the right to change their preliminary view, in the light of such further information, when the application is considered by the Borough Council's Planning Committee.
- 3.3 In this way, members of the Planning Committee, who are also members of Parish Councils, will avoid any perception that they have fettered their judgment on an application before knowing the full facts about it.
- 3.4 Members are advised to let the planning committee know any ward interest, participation in parish council responses to applications or any significant lobbying at the meeting, whether or not they decide that it is appropriate to participate in the debate and determination regarding an application.

**4. PLANNING SITE VISITS PROCEDURE**

- 4.1 Members of Planning Committee will have the opportunity to attend site visits for some of the planning applications which are decided by the Planning Committee.
- 4.2 The purpose of site visits is to allow Members to consider the general setting of the application site so that they will be in the best position to decide whether or not planning permission should be granted. In particular Members will be able to:-
- Observe the geography of the site including the boundaries and its relationship to adjoining properties;

- Consider the scale and impact of the proposed development in relation to the site;
  - Use the visit to assess whether any planning conditions might need to be considered.
- 4.3 Site visits will not be arranged for sites that have been the subject of a site visit within the preceding 6 months.
- 4.4 The site visit does not constitute a meeting of the Planning Committee. Accordingly, Members should not form a collective view on the issue.
- 4.5 Since Members are attending a site merely to “see what is to be seen”; it is inappropriate to hear from either the applicant or his representative during the site visit. Similarly, it is inappropriate to hear from anybody else who wishes to make representations. This includes the Ward councillor for the area in which the site is located. The occasion is not a local hearing. Members should leave each site with no collective view – the occasion is simply to assist them individually to form a view.
- 4.6 When the application is next considered by the Planning Committee, the Chair of the Committee should remind Members that the application was the subject of a site visit, and then let the debate proceed normally.

## **5. THE ROLE OF OFFICERS**

- 5.1 Officers, as the paid employees of the Council, have the principal responsibility for carrying out the Council’s work. They should provide professional and impartial advice to Members to assist them in reaching their decisions and to the public at large on all planning matters. It is very important that such advice is consistent with the provisions of the prevailing planning policies and guidance so that the planning system is seen to be fair whatever the outcome.
- 5.2 The Planning Committee has given delegated authority to the Head of Planning and Regeneration to approve certain categories of planning application as set out in the Council’s Scheme of Delegation.
- 5.3 Any decisions delegated to Officers should be clearly recorded.

## **6. OFFICER REPORTS TO COMMITTEE**

- 6.1 All reports shall provide a clear technical appraisal of the application including site location and description, planning history, consultations received and the policy contents for the recommendation, which should be justified in the Officers’ written comments.
- 6.2 Reports should have a written recommendation of action; oral reporting (except to update a report) should be avoided and carefully minuted.

- 6.3 Reports should contain technical appraisals, which clearly justify a recommendation.
- 6.4 If the report's recommendation is contrary to the provisions of the development plan or Local Development Framework, the material considerations, which justify the departure, must be clearly stated.
- 6.5 Terms for Planning Obligations (Section 106 Agreements) must be clearly set out, discussed openly and recorded in the minutes.
- 6.6 The Monitoring Officer or his or her representative shall attend all Planning Committee meetings and provide advice, together with legal advice as required.

## **7. PRE-APPLICATION DISCUSSIONS**

- 7.1 Officers are often asked informally during meetings whether planning permission is required for changes of use and/or for new development.
- 7.2 Officers will always endeavour to be as helpful as they can in this matter but can only offer an informal opinion as to whether or not planning permission is required for the development someone wishes to undertake, whether it is a new building, an extension to a home, or a change of use of land or building. Any advice that they offer in this respect is an individual opinion based on the information the enquirer has provided at the time. It is not binding on the Council.
- 7.3 For an official decision, enquirers should be invited to apply for a Certificate of Lawfulness of Proposed Use or Development, under Section 192 of the Town and Country Planning Act 1990. A fee is payable for the processing of such an application but the enquirer will be presented with a legally binding determination, in other words, an official decision of the Council telling him/her whether or not planning permission is required.
- 7.4 The fee varies according to the type of development proposed and staff will be able to advise on the amount payable. It is in the interests of the enquirer to have an official written determination relating to development should he/she want to sell his/her land/property or should any legal challenge arise relating to the work which has been undertaken.
- 7.5 The following guidelines have been adopted to ensure that all parties involved are treated fairly and that the Planning Officers' role is clearly understood:
  - Planning Officers will give informal advice in the spirit of helpfulness. It is however only informal advice which is not binding on the Local Planning Authority;

- Planning Officers will negotiate and offer advice to overcome problems at application stage where a solution is apparent and the proposal can be determined within the statutory time limit as a consequence;
- The onus to negotiate falls upon the applicant/agent to offer alternatives to the original submission;
- Planning Officers cannot advise what a potential recommendation will be should an application be made.

**8. DECISIONS CONTRARY TO THE DEVELOPMENT PLAN/ LOCAL DEVELOPMENT FRAMEWORK**

- 8.1 The law requires that where the development plan/Local Development Framework is relevant, decisions should be taken in accordance with it, unless material planning considerations indicate otherwise. Members will receive training and guidance from officers as to what constitutes material planning considerations. In certain situations, legislation requires the Council to notify the relevant Secretary of State before granting permission contrary to the development plan. Officers will advise members if this process is necessary and will carry out the process.

**9. DECISIONS CONTRARY TO OFFICER RECOMMENDATION**

- 9.1 Members are perfectly entitled to reach different decisions to those recommended to them by Officers by attaching different weight to the various relevant planning criteria. That this happens from time to time is inevitable but it is essential that the public be left in no doubt as to how the decision was reached. Officer reports must be well structured and the public should not be given the impression that decisions reached contrary to advice are made hastily or new conditions imposed on the spur of the moment. A full detailed minute of the Committee's reasons should be made. The Officer should also be given an opportunity to explain the implications of the contrary decision.
- 9.2 Where a Member is minded to raise new issues, information or questions, they are advised to contact the respective Planning Officer or Head of Planning and Regeneration before the meeting wherever possible.
- 9.3 Where a Member is minded to make a recommendation, which is contrary to the Officer recommendation, then the reasons should be clearly set out, particularly in the case of a refusal and in the case of an approval, the type of conditions proposed should be indicated.
- 9.4 If an imminent decision is thought to be perverse, the Head of Planning and Regeneration or the Monitoring Officer should so advise the

Committee, but it remains the role of the Chair to decide whether or not it would be preferable to defer consideration to allow for a period of reflection on the advice given before proceeding.

- 9.5 Where an application is refused or conditions imposed contrary to an officer recommendation, it may not be in the Council's best interests for the Case Officer to give evidence at any subsequent public inquiry or hearing resulting from an appeal. In such circumstances it will be a matter for the Head of Planning and Regeneration in consultation with the Head of Legal, Equalities and Democratic Services to establish whether a suitably experienced and qualified Officer exists within his establishment who is able to concur professionally with the decision taken. If so, then they will act as the Council's professional witness. If not, then the use of planning consultants will be explored. It is rarely in the Council's best interests for individual Members to represent the Council but this may be appropriate where factual evidence is in dispute particularly in enforcement appeals.
- 9.6 All planning approvals and refusals shall be fully minuted. Unless otherwise stated, these should accord with those set out in the Agenda subject to the incorporation of any further conditions or reasons (or variations) thought to be necessary by the Head of Planning & Regeneration to give full effect to the Council's wishes about any particular application.

**10. DEALING WITH APPLICATIONS SUBMITTED BY MEMBERS AND OFFICERS AND COUNCIL SERVICE AREAS**

- 10.1 The submission of planning applications and/or development plan proposals by serving Members, Officers, or their close friends and relatives can easily give rise to suspicions of impropriety, including proposals for the Council's own development. The following points should be taken into account:

**Members**

- 10.2 Serving Members of the Council who act as agents for people pursuing planning matters shall not be Members of the Planning Committee.
- 10.3 Members should take no part in the processing of their own applications or those of their immediate family or close friends or anyone with whom the Member has a close personal association.
- 10.4 As soon as a planning application is received from a Member, the Head of Planning and Regeneration must inform the Council's Monitoring Officer, who will take such steps as are necessary to ensure that applications for dispensations from other Members of the Planning Committee are considered as soon as possible.

10.5 Members who are members of the Planning Committee should declare an interest in respect of applications prepared by them or on their behalf and leave the meeting while such applications are under consideration.

10.6 Applications of currently serving Members should not be dealt with under delegated powers and should be decided by the Planning Committee.

#### **Officers**

10.7 Serving Officers in the planning department should never act as agents for people pursuing a planning matter. If an officer in another department acts as such agent for people pursuing a planning matter, the matter cannot be dealt with under delegated powers and should be decided by the Planning Committee.

10.8 Officers should take no part in the processing of their own planning applications or those of their immediate family or close friends.

10.9 Applications for Planning Consents made to Redditch Borough Council by Officers currently working for either Bromsgrove District Council or Redditch Borough Council or their family members, whether or not directly employed by them and should be decided by the Planning Committee.

#### **Developments by the Council**

10.10 Planning applications made by Council Service Areas must be processed in accordance with existing policy and treated in the same way as a private application except that all such applications shall be considered by the Planning Committee and not determined under delegated powers.

#### **Applications submitted by former Members and former employees**

10.11 There has been some considerable concern about former employees setting up their own consultancies and providing planning advice in the Redditch Borough area and about the consideration of applications by or on behalf of former Members. Both circumstances occur from time to time and the guiding principles should be that:-

- (i) applications by former Members will be treated in the same way as any other application;
- (ii) applications by former employees whether they are acting for themselves or an agent for others will be treated in exactly the same way as any other application.

#### **Applications by Members of Political Associations**

10.12 Where a planning application is made by someone who is not a Member, but is known to be a member of the same Political Association as some of the members of the Planning Committee, those

Members will need to give consideration as to whether they should declare an interest when the application is considered.

- 10.13 In some cases, no declaration will be necessary, but in other cases the relationship between the parties may be close enough to warrant a declaration of interest. Councillors should have regard to the Councillors' Code of Conduct and should err on the side of safety.

## **CODE OF PRACTICE IN RELATION TO LICENSING MATTERS UNDER THE LICENSING ACT 2003 AND THE GAMBLING ACT 2005**

### **1. Introduction**

- 1.1 The Licensing Act 2003 and the Gambling Act 2005 gave local authorities responsibility for deciding on licences for regulated entertainment, and the use of premises for gambling activities.
- 1.2 Elected Members fulfil different roles: being a Ward councillor, representing their communities is one of them.
- 1.3 Members of the Licensing Committee constitute the Local Licensing Authority and are charged with discharging the licensing functions of the Council. This is a broad and strategic role, discharged within the statutory licensing framework.
- 1.4 When sitting on a Licensing Sub-Committee the role of the elected member is to balance the multiple needs and interests of the community, while prioritising the licensing objectives if the relevant Act as a member of the Local Licensing Authority.
- 1.5 Good decision making relies on ensuring that councillors act in a way that is lawful and is clearly seen to be fair, open and impartial.
- 1.6 This guidance should be read in conjunction with other parts of the Constitution, including the Member Code of Conduct and the procedure rules for meetings. It is intended to assist councillors to participate in any of these roles at Licensing Committee, without:
  - (a) opening up the local authority to accusations of pre-determination, bias or maladministration; or
  - (b) leaving themselves open to allegations under the Members' Code of Conduct.

### **2. Declaration of Interests**

- 2.1 Members must always declare their interests in accordance with the Council's Code of Conduct. Whether they can participate and to what extent will depend on the nature of any interest, which will ideally need to be considered prior to a meeting or raised at the time with the Legal Advisor.
- 2.2 Each councillor is personally responsible for deciding whether s/he has an interest that should be declared and the extent to which they can or

can not participate in a meeting and should seek advice from the Monitoring Officer as soon as they can.

### **3. Improper Influence**

- 3.1 Members are also reminded of their obligation under the Code of Conduct not to use their positions as members to confer on or secure for themselves any advantage or disadvantage. This means that Members should not use anything which is available to them as Members (but which is not available to members of the public), e.g. access to officers or other Council members, or access to papers, to influence the outcome of a licensing application. Should a Councillor have an interest in respect of an item before the Committee, they must observe the provisions of the Code of Conduct regarding their declaration of any such interest/s.
- 3.2 Each Councillor is personally responsible for deciding whether s/he has an interest that should be declared, although advice should be sought in advance from the Monitoring Officer, rather than having to have a discussion in the open forum at the meeting

### **4. Bias**

- 4.1 Bias has been defined as an attitude of mind which prevents the [decision-maker] from making an objective determination of the issues that he has to resolve". The test for bias is 'whether a fair-minded and informed observer, having considered the facts would conclude that there was a real possibility of bias'. The appearance of bias is sufficient to result in 'procedural impropriety'
- 4.2 Predisposition and Predetermination: Localism Act 2011  
  
The law on bias and predetermination (which is a particular form of bias) is part of the general legal obligation to act fairly. The Localism Act 2011 codified the case law on predisposition and predetermination that had developed in the preceding years. Decision makers are entitled to be **predisposed** to particular views as it is acknowledged that it is almost inevitable that councillors may form some kind of prior view about the merits of a particular proposal. However, **predetermination** occurs where someone closes their mind to any other possibility beyond that predisposition, with the effect that they are unable to apply their judgment fully and properly to the issue requiring a decision.
- 4.3 Even where a councillor may have expressed a view about a matter, provided they demonstrate that they have come to the Committee "with an open mind" and will listen to all the material presented at the Committee before deciding on how to exercise their vote, this is

acceptable. 'Predetermination' however, is not acceptable and would leave the decision open to challenge by Judicial Review.

- 4.4 It is each individual councillor's responsibility to consider whether their involvement with a particular matter / people / group, or their past comments or conduct before the decision-making stage, is such that it could give rise to a public perception that the councillor might not have an open mind. A councillor in this position will be judged on the objective test set out above – whether the reasonable onlooker with knowledge of the facts, would consider that s/he was biased. If in any doubt, early advice should be sought as to whether or not the councillor should be part of the decision-making process.
- 4.5 There will also be occasions when a Licensing Sub-Committee considers an application made by the Council itself, in respect of one of its buildings or a piece of its land. In such a situation, Members would not normally be excluded from the Sub-Committee in these circumstances as it would make the decision-making process unworkable, but any Member who has been a leading advocate for or against the application, or who is the Portfolio Holder responsible for the building or land concerned, should not sit on the Sub-Committee when such an application is considered. Applications made by the Council itself will always be referred to the Sub-Committee even where there are no representations, to minimise any potential appearance of bias on the part of the Council.

## **5. Lobbying of or by Councillors**

- 5.1 The Licensing Act 2003 and the Gambling Act 2005 set out the grounds for making representations on licence applications and limits the parties which may make such representations. It should be borne in mind that one of the key aims of both pieces of legislation is to localise decision-making or 'democratise' the process and Members are therefore legitimately concerned with their locality and the needs/wishes of its constituents, including both the needs for entertainment facilities and employment, as well as the undesirability of crime and public nuisance.
- 5.2 Once a proposal is in the public domain, interested parties may seek to persuade Committee members, to either approve or refuse an application. Lobbying is a normal part of the political process, but unless care and common sense is exercised by all parties, lobbying can lead to the impartiality and integrity of a Committee member being called into question.

### 5.3 GUIDANCE

To avoid an appearance of bias the following rules should be adhered to:

- No Member sitting on the Licensing Sub-Committee can represent an applicant or another party. If s/he wishes to do so s/he must excuse him/herself from membership of the Sub-Committee which is considering the application and address the Sub-Committee as an Interested Party.
- If a Member who sits on the Licensing Sub-Committee is approached by persons wishing to lobby him/her as regards the licence application then that Member must politely explain that they cannot discuss the matter and refer the lobbyist to his/her Ward Member or the Licensing Officer who can explain the process of decision making. If the Member who sits on the Licensing Sub-Committee wishes to represent them then s/he will need to excuse him/herself from the Licensing Sub-Committee.
- Members who are part of the Licensing Sub-Committee must avoid expressing personal opinions prior to Licensing Sub-Committee decision. To do so will indicate that the Member has made up his/her mind before hearing all the evidence and that their decision may not be based upon the licensing objectives relating to each piece of legislation nor the Licensing Authority's policy statements.
- Political group meetings should never be used to decide how any Members on the Licensing Sub-Committee should vote. The view of the Ombudsman is that using political whips in this manner may well amount to findings of maladministration.
- Councillors must not be members of the Licensing Sub-Committee if they are involved in campaigning on the particular application.
- Other Members (i.e. those which do not sit on the Licensing Sub-Committee) need to be careful when discussing issues relating to matters which may come before the Licensing Sub-Committee Members as this can easily be viewed as bias or pressure and may well open that Sub-Committee Member to accusations of such. There is no prohibition on discussing such issues with Committee Members but members should avoid taking measures which might be viewed as excessive e.g. attempting to obtain a commitment as to how the Member might vote.

**6. Pre-application / pre-decision discussions**

- 6.1 Although all applicants will be advised that all pre-decision discussions should be addressed to the officers in the Council's Licensing Section, Members of the Licensing Committee or Sub-Committee may also be approached by applicants before the meeting at which the application is to be decided. In such circumstances, a member should inform the person making the approach that they are unable to discuss the matter with him/her prior to the meeting at which the application will be decided and that he/she should address any enquiries to the relevant officer.

**7. Role of the Licensing Officer**

- 7.1 Licensing Officers have no ability under the Licensing Act 2003 to make representations or to be a party to the hearing of an application by the Sub-Committee. In presenting applications to the Licensing Committee or Sub-Committee, the Licensing Officer will provide a summary report of the application, the representations, and his/her comments as to how these relate to the Licensing Act 2003, the Guidance and the local Licensing Policy Statement.
- 7.2 Decisions taken by officers, e.g. as to whether an application is vexatious or frivolous, will be fully recorded, together with the reasons for them.

**8. Decision making**

- 8.1 Reasons for decisions made by a Licensing Sub-Committee must be clearly documented in the Decision Notice, setting out clearly the rationale for the decision and also to ensure that any subsequent accusations of bias or predetermination. can be defended.

**9. Site visits**

- 9.1 A site visit will not normally be undertaken by members of a Licensing Sub-Committee in respect of premises licence applications unless for some particular reason members consider that it would be helpful to their consideration of the application
- 9.2 The site visit does not constitute a meeting of the Licensing Sub-Committee and members of a Sub-Committee must not discuss the merits of the application during the site visit, before or after the site visit or at any time until the Sub-Committee meets to consider the application. Members should leave each site with no collective view.

- 9.3 Since Members are attending a site merely to “see what is to be seen”; it is inappropriate to hear either the applicant or his representative. Similarly, it is inappropriate to hear anybody else who wishes to make representations such as the Ward Member or a Parish Councillor.
- 9.4 The Democratic Services Officer will report the site visit to the meeting of the Licensing Sub-Committee which considers the application.

#### **10. Public speaking – Licensing Committee Meetings**

- 10.1 Members of the public, and other interested parties, shall be entitled to participate in parent Licensing Committee meetings.
- 10.2 A person wishing to address the Licensing Committee must give notice to the Democratic Services Team of his or her intention to do so by 12 noon on the day of the Licensing Committee meeting in question.
- 10.3 Members of the public who register to speak at meetings of the Licensing Committee will each be allowed to speak for no more than three minutes.
- 10.4 At any meetings not more than 15 minutes in total shall be devoted by the Licensing Committee to Public Speaking, provided that the Chair may at his or her discretion extend the time if the Chair and a majority of those present agree.
- 10.5 The Committee Chair shall have the discretion:
- (i) In exceptional circumstances, to allow late additions to the list of public speakers.
  - (ii) To decide not to allow speeches, which merely repeat representations made in earlier speeches and which are inaccurate.
  - (iii) Depending on circumstances, to vary the periods of time referred to in paragraphs 10.3 and 10.4 where s/he deems it appropriate.
- 10.6 Direct or open questioning and discussion / debate between Public Speakers and either Members or Officers will not be allowed during Public Speaking. Any such matters raised may be answered by Members / Officers only after the close of Public Speaking, or will be addressed during the subsequent debate. At no time will direct discussion between Members or Officers with a Public Speaker be permitted.
- 10.7 After the close of Public Speaking, no other inputs will be permitted from the ‘public gallery’, other than at the discretion of the Chair, and subject to relevant Officer advice, if exceptional circumstances warrant this.

# **Policy Document**

## **Members' ICT Facilities**

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## 1 Policy Statement

Redditch Council Members require access to information that enables them to perform their duties as a councillor. Much of this information can be provided electronically via email, word processing and spread sheet files. The Council's general presumption is for electronic provision of information / transaction of business.

## 2 Purpose

The purpose of this policy is to ensure that Redditch Borough Councillors can access Information and Communication Technology (ICT) facilities whilst maintaining compliance with Central Government's Public Service Network (PSN) and other related policies.

The Council holds large amounts of personal and restricted information. Information security is very important to help protect the interests and confidentiality of the Council and its customers. Information security cannot be achieved by technical means alone. Information security must also be enforced and applied by the people who use it and those who provide support for it.

## 3 Scope

This policy applies to any Councillor that requires access to Council information systems such as email or other documents, whether it is a temporary or permanent arrangement.

## 4 Definition

The Council understands that to reduce the risk of theft, fraud or inappropriate use of its information systems, anyone that is given access to Council information systems **must**:

- Be suitable for their roles.
- Fully understand their responsibilities for ensuring the security of the information.
- Only have access to the information they need.
- Request that this access be removed as soon as it is no longer required.
- Complete Data Protection training to ensure Members are clear on how information can be used when they are working on behalf of the council and when they are working on behalf of constituents, and how it should be stored.
- Ensure that no personal information that could be in breach of the Data Protection Act, is stored on their laptop or other unencrypted device.

This policy must therefore be applied prior, during and after any user's access to information or information systems used to deliver Council business.

Access to Council information systems will not be permitted until the requirements of this policy have been met.

## **5 Provision for ICT equipment.**

The Council recognises that individual Councillors have a requirement to access electronic information.

Due to a zero tolerance approach to the PSN code of connection, this has led to implementing innovative methods of accessing ICT, whilst remaining within the budget and work with the resource limitations of the Authority. Should the limits of the budget be reached, the Leader of the Council will revisit current ICT needs for the future.

The Authority will provide an Apple iPad that is technically secure, to enable the Councillor to access corporate email, corporate calendars, Modern.Gov, Office Suite and necessary documents. Additional security may be added at a future date to keep in line with new PSN policy requirements.

Broadband services are to be provided by the Councillor and expenses for these claimed through the normal expenditure claim process at £100 per year (maximum 1 per household).

Support for this Apple iPad will be provided by the authority's ICT department by telephoning 01527 881766 Mon-Fri 8:30 to 17:00.

All internet usage and emails sent and received via the corporate device, may be subject to automated scanning, monitoring and filtering to assist with IT security and adherence to additional policies as described in section 9.

It is the Councillor's responsibility to ensure their password for accessing any Corporate Information service is not shared with any other person and that connection to such services is ended by logging off the system, as soon as work is completed or the connection is left unattended. This is to prevent unauthorised access to information.

If it suspected that someone else may know their password, or any security problem has occurred, Councillors must report this to the helpdesk immediately so it can be rectified.

The Councillor shall make reasonable arrangements for the safe-keeping of the iPad.

Insurance for the iPad is provided by the council but a £100 excess is payable for loss, theft or damage.

Ensure that an Apple iPad which is in need of repair is brought to the Council's ICT Section or for the appropriate work to be done.

The Council provides the Apple iPad together with ancillary equipment and materials required, for the Councillor's functions as a Councillor. Use of this equipment for any other reason, including personal use or use by anyone other than a Councillor is not permitted.

All ICT equipment provided by the authority remains the property of the Council and must be returned at the end of the election term.

## 6 Policy Compliance

If any Member is found to have breached this policy, IT provision will be withdrawn. If a criminal offence is considered to have been committed further action may be taken to assist in the prosecution of the offender(s).

If you do not understand the implications of this policy or how it may apply to you, please seek advice from Members' Services or ICT.

## 7 Policy Governance

The following table identifies who within the council is Accountable, Responsible, Informed or Consulted with regards to this policy. The following definitions apply:

- **Responsible** – the person(s) responsible for developing and implementing the policy.
- **Accountable** – the person who has ultimate accountability and authority for the policy.
- **Consulted** – the person(s) or groups to be consulted prior to final policy implementation or amendment.
- **Informed** – the person(s) or groups to be informed after policy implementation or amendment.

<b>Responsible</b>	ICT Transformation Manager
<b>Accountable</b>	Head of Business Transformation
<b>Consulted</b>	Corporate Management Team, Members' Services
<b>Informed</b>	All Councillors.

## 8 Review and Revision

This policy will be reviewed as it is deemed appropriate, but no less frequently than every 12 months.

Policy review will be undertaken by the ICT Manager.

## 9 References

The following Redditch Borough Council policy documents are directly relevant to this policy.

- Central Governments PSN Policy
- Information Security Policy.

- Information Protection Policy.
- Information Security Incident Policy.
- Members' Code of Conduct and related Codes and Protocols.

**Receipt and acceptance statement**

I, Councillor \_\_\_\_\_ agree to comply with the policy items as stated within this document.

Signed \_\_\_\_\_ Date \_\_\_\_\_

PLEASE RETURN COMPLETED STATEMENT AS SOON AS POSSIBLE TO :

Democractic Services  
Redditch Borough Council  
Town Hall  
Walter Stranz Square  
Redditch  
Worcestershire  
B98 8AH

Tel: 01527 881248



## **Policy Document**

## **Information Security Policy**

Version 4.1

## Document Control

<b>Organisation</b>	Bromsgrove District Council and Redditch Borough Council
<b>Owner</b>	ICT Transformation Manager
<b>Protective Marking</b>	Not protected
<b>Review date</b>	March 2021 (annual review)

## Revision History

<b>Revision Date</b>	<b>Reviser</b>	<b>Version</b>	<b>Description of Revision</b>
19/02/2013	Mark Hanwell	1.0	Policy created.
2/07/2014	C. Shepard	2.0	Changes to government classification system references
11/12/2015	N Brothwell	3.0	This policy created as a copy of the BDC Information Security Policy v3.0 This Policy also includes the former: <ul style="list-style-type: none"> <li>• Computer, Telephone and Desk Use Policy</li> <li>• Email Policy</li> <li>• Human Resources Information Security Policy</li> <li>• Information Protection Policy</li> <li>• Internet Acceptable Usage Policy</li> <li>• IT Access Policy</li> <li>• IT Infrastructure Security Policy</li> <li>• Legal Responsibilities</li> <li>• Removable Media Policy</li> <li>• Software Policy</li> <li>• GCSx Policy</li> <li>• Remote Working Policy</li> <li>• Information Security Incident Policy</li> </ul>
10/10/2016	N Brothwell	3.1	Access to staff email accounts can be authorised by 4 <sup>th</sup> line managers (changed from HOS).
2/2/2017	M Hanwell	3.2	Password advice updated to include passphrases, and update to passphrase may be annual rather than every 42 days. Also minor update to removable media.
23/03/2017	M Hanwell	3.3	Changes to allow for the use of Drop box for business Cloud storage.
01/11/2017	C Shepard	3.4	Expansion of staff monitoring explanation, inclusion of physical record destruction.
09/03/2018	N Brothwell	3.5	Version update so NetConsent will accept the document, also minor link updates to table of contents and cross references. NB

Revision Date	Reviser	Version	Description of Revision
03/05/2018	N Brothwell	3.6	Minor updates, including: <ul style="list-style-type: none"> <li>• Clarification (section 7.2) that users should ensure access to software or information they no longer need is removed.</li> <li>• Ensure access to an employee's emails by management is revoked as soon as possible.</li> </ul>
4/10/2019	N Brothwell	4.0	BDC and RBC policies combined to create joint Information Security Policy. Voicemail information is the property of the Councils. Clarification of insurance of mobile devices, other minor updates. References to data protection legislation updated. Bring Your Own Device guidance added, new BYOD policy referred to.
12/03/2020	N Brothwell	4.1	GCSx now superseded. Updated references to GCSx. Removed instruction that OFFICIAL information must be labelled OFFICIAL.

## Document Approvals

Sponsor Approval	Name	Date	Version Approved
Head of ICT and Business Transformation	Deborah Poole	19/02/2013	1.0
Head of ICT and Business Transformation	Deborah Poole	12/02/2016	3.0
Head of ICT and Business Transformation	Deborah Poole	23/03/2017	3.3
ICT Manager	Mark Hanwell	08/02/2018	3.4
ICT Manager	Mark Hanwell	09/03/2018	3.5
ICT Manager	Mark Hanwell	5/06/2018	3.6
ICT Manager	Mark Hanwell	21/10/2019	4.0
ICT Manager	Mark Hanwell	12/03/2020	4.1

## Document Distribution

This policy applies to all employees of Bromsgrove District Council and Redditch Borough Council, all temporary staff and all contractors. Councillors will also receive the policies, which they will adhere to when working on behalf of the councils. The policy will be distributed via NetConsent.

The term 'the Council' refers to Bromsgrove District Council and Redditch Borough Council throughout.

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## 1 What is this Policy For?

Information is a major asset. Information security is the protection of information against accidental or malicious disclosure, modification or destruction.

The purpose of this policy is to ensure that the Council protects all information assets within its custody, and that high standards of confidentiality, integrity and availability of information are maintained at all times.

There are seven areas where information security is maintained, and this document is organised into those areas, as follows:

Information Security – Infrastructure

Information Security – Desk, PC, Phone

Information Security - Software

Information Security – Access to Software

Information Security – Passwords and Passphrases

Information Security - Asset Management

Information Security – Data Protection

Please refer to the Table of Contents for more details.

## 2 Who is this Policy for?

This policy applies to all the systems, people and business processes that make up the Council's information systems.

This includes all councillors, committees, departments, partners, employees of the Council, contractual third parties and agents of the Council who have access to information systems or information used for Council purposes.

## 3 Risks

This policy aims to mitigate the following risks:

- Information being disclosed or accessed prematurely, accidentally or unlawfully. Individuals or companies, without the correct authorisation and clearance, intentionally or accidentally gaining unauthorised access to business information.
- The non-reporting of information security incidents, inadequate destruction of data, the loss of direct control of user access to information systems and facilities.
- Disclosure of OFFICIAL (all council information is classified as OFFICIAL) or personal or sensitive information as a consequence of loss, theft or careless use.
- Contamination of the Council's networks or equipment through the introduction of viruses through the transfer of data from one form of IT equipment to another.
- Potential sanctions against the council or individuals imposed by the Information Commissioner's Office as a result of information loss or misuse.
- Potential legal action against the council or individuals as a result of information loss or misuse.
- Council reputational damage as a result of information loss or misuse.

Non-compliance with this policy could have a significant effect on the efficient operation of the Council and may result in financial loss and an inability to provide necessary services to our customers.

## **4 Information Security – Infrastructure**

### **4.1 Building Security**

Physical security must begin with the building itself and an assessment of perimeter vulnerability must be conducted. The building must have appropriate control mechanisms in place for the type of information and equipment that is stored there. These could include, but are not restricted to, the following:

- Alarms fitted and activated outside working hours.
- Window and door locks.
- Window bars on lower floor levels.
- Access control mechanisms fitted to all accessible doors (where codes are utilised they should be regularly changed and known only to those people authorised to access the area/building).
- CCTV cameras.
- Staffed reception area.
- Protection against damage - e.g. fire, flood, vandalism.

As an example, access to secure areas such as the data centre and IT equipment rooms must be adequately controlled and physical access to buildings should be restricted to authorised persons. Staff working in secure areas should challenge anyone not wearing a badge. Each department must ensure that doors and windows are properly secured.

Identification and access tools/passes (e.g. badges, keys, entry codes etc.) must only be held by officers authorised to access those areas and should not be loaned/provided to anyone else.

Visitors to secure areas are required to sign in and out with arrival and departure times and are required to wear an identification badge. A Council ICT employee must monitor all visitors accessing secure IT areas at all times.

Keys to all secure areas housing IT equipment and lockable IT cabinets are held centrally by ICT, as appropriate. Keys are not stored near these secure areas or lockable cabinets.

In all cases where security processes are in place, instructions must be issued to address the event of a security breach. Where breaches do occur, or a member of staff leaves outside normal termination circumstances:

- All identification and access tools/passes (e.g. badges, keys etc.) should be recovered from the staff member
- Door/access codes should be changed immediately.
- Report incident to Information Management team with as much detail as is available, so it can be investigated.

### **4.2 Equipment Security**

All general computer equipment must be located in suitable physical locations that:

- Limit the risks from environmental hazards – e.g. heat, fire, smoke, water, dust and vibration.
- Limit the risk of theft – e.g. if necessary items such as laptops should be physically attached to the desk.
- Allow workstations handling sensitive data to be positioned so as to eliminate the risk of the data being seen by unauthorised people.

Do not store work related data on the local hard drive, nor on the desktop of a computer. Store data on the network file servers where appropriate. This ensures that information lost, stolen or damaged via unauthorised access can be restored with its integrity maintained.

All servers located outside of the data centre must be sited in a physically secure environment. Business critical systems should be protected by an uninterrupted power supply (UPS) to reduce the operating system and data corruption risk from power failures. The equipment must not be moved or modified by anyone without authorisation from ICT.

All equipment must have a unique asset number allocated to it. This asset number should be recorded in the department and with ICT.

For portable computer devices please refer to the 5.14 Remote Working section of this policy.

### **4.3 Cabling Security**

Cables that carry data or support key information services must be protected from interception or damage. Network cables should be protected by conduit and where possible avoid routes through public areas.

### **4.4 Security of Equipment Off-Premises**

If you want to use any mobile device (for example, a laptop, mobile phone, or any equipment for working at home) offsite, you must secure the approval of ICT. The device you remove from Council premises is your responsibility, and you must:

- Log the device out and back in, where applicable.
- Ensure you don't leave the device unattended.
- Conceal the device while in transit, where this is possible.
- Make sure the device is not left open to theft or damage in the office, in transit or at home.
- Disguise devices where possible (e.g. carry laptops in less formal bags).
- Ensure all mobile devices are encrypted and password protected.

You must take appropriate measures to protect against the accidental loss, damage or theft of Council information held on mobile devices. You must, for example, remove a work phone or laptop from your car when you are not driving, and you should put the in-car charger out of sight. If any work device is damaged beyond repair, lost, or stolen, you can be given a replacement with the authority of the service manager and financial services manager. If the device is damaged again without good cause, you will not receive another one. If a device is stolen, you must report the theft to the police and obtain a crime number from them.

You should be aware of your responsibilities with regard to data protection and be conversant with Data Protection legislation (please refer to Information Security – Data Protection).

### **4.5 Secure Disposal or Re-use of Equipment**

Equipment that is to be reused or disposed of must have all of its data and software erased or destroyed. If the equipment is to be passed onto another organisation (for example, returned under a leasing agreement) the data removal must be achieved by using professional data removing software tools. Equipment must be returned to ICT for data removal.

Software media or services must be destroyed to avoid the possibility of inappropriate usage that could break the terms and conditions of the licences held.

**4.6 Delivery and Receipt of Equipment into the Council**

In order to confirm accuracy and condition of deliveries and to prevent subsequent loss or theft of stored equipment, the following guidelines must be applied:

- Equipment deliveries must be signed for by an authorised individual using an auditable formal process. This process should confirm that the delivered items correspond fully to the list on the delivery note. Actual assets received must be recorded.
- Loading areas and holding facilities should be adequately secured against unauthorised access and all access should be auditable.
- Subsequent removal of equipment should be via a formal, auditable process.

**4.7 Regular Audit**

The Council has a duty to audit information security arrangements regularly to provide an independent appraisal and recommend security improvements where necessary.

**5 Information Security – Desk, PC, Phone**

All of the information the Council handles is designated as OFFICIAL information. This designation is not shown on the information itself. The security of this information is of paramount importance. Information security cannot be achieved by technical means alone; information security must also be enforced and applied by people, and this section addresses security issues related to people.

There is also considerable scope for the misuse of computer resources for fraudulent or illegal purposes, for the pursuance of personal interests or for amusement/entertainment.

Computer and telephony resources include, but are not restricted to, the following:

- Departmental computers.
- PCs.
- Portable laptop computers.
- Printers.
- Network equipment.
- Telecommunications facilities.
- Cameras
- Removable media
- Email
- Internet
- Software

The misuse or abuse of the Council's computer and telephony resources is considered to be potential gross misconduct and may render the individual(s) concerned liable to disciplinary action including dismissal.

**5.1 Disposal of Physical Data**

All personal information held physically should be disposed of using confidential waste bins at the end of its retention period. Confidential waste bins should be secured and only accessed by specific key holders. Confidential waste should be destroyed by an approved contractor and a certificate of destruction should be obtained at this time.

## 5.2 Computer Resources Misuse

No exhaustive list can be prepared defining all possible forms of misuse of computer resources; the individual circumstances of each case will need to be taken into account. However, some examples are outlined below:

- Use of computer resources for the purposes of fraud, theft or dishonesty.
- Storing/loading/executing of software that has not been authorised by ICT.
- Storing/loading/executing of software:
  - that has not been acquired through approved Council procurement procedures, or
  - for which the Council does not hold a valid program licence, or
  - that has not been the subject of formal virus checking procedures.
- Storing/processing/printing of data for a purpose which is not work-related.

## 5.3 Telephone

The Council acknowledges that employees may need to make telephone calls of a personal nature whilst at work. Reasonable steps should be taken by all employees to ensure that the provision of service is not compromised and there is no financial loss.

- Where possible, private calls should be made outside working hours.
- Private calls during these hours should be kept to a minimum, so as not to prevent business calls getting through.
- There may be times when unforeseen working commitments may require the rearranging of personal engagements. The Council recognises that such calls are necessary in order for employees to effectively perform their duties. However, the Council stresses that such calls are normally exceptional, and expect employees to recognise when such calls are required.

Employees should note that voicemail messages they may leave or receive are the property of the Council.

## 5.4 Clear Desk

The Council has a clear desk policy in place in order to ensure that all information is held securely at all times. Work should not be left on desks unattended and should be removed from view when unsupervised.

At the end of each day, every desk will be cleared of all documents that contain any Council information, or any information relating to clients or citizens.

The Council's OFFICIAL information (that is, all council information) must be stored in a facility (e.g. locked safe or cabinet) commensurate with this classification level.

Users of IT facilities are responsible for safeguarding data by ensuring that equipment is locked when unattended, and that portable equipment in their custody is not exposed to opportunistic theft.

## 5.5 Legislation

Users should understand the relevant legislation relating to information security and data protection, and should be aware of their responsibilities under this legislation. The following

statutory legislation governs aspects of the Council's information security arrangements. This list is not exhaustive:

- The Freedom of Information Act 2000.
- The Data Protection Act 2018.
- The General Data Protection Regulations
- The Data Protection Bill
- The Computer Misuse Act 1990.

Individuals can be held personally and legally responsible for breaching the provisions of the above and other Acts.

## **5.6 Storing Data on the Network**

Store all work-related council information on an appropriate network drive. Do not store work data on the hard drive of a PC or laptop, nor on the desktop.

## **5.7 Removable Media**

It is the council's policy to prohibit the use of all removable media devices except those that are pre-authorised. Requests for access to, and use of, removable media devices such as USB memory sticks, external hard drives, CDs, DVDs and mobile phone storage, must be made to the ICT Helpdesk (ext 1766). You must be able to demonstrate why the use of removable media is the only way for you to carry out council business. The helpdesk will require written permission from your line manager to approve the usage.

Non-Council-owned removable media devices must not be used to store any council information, or used with any council equipment. This means that you must not use your own equipment, for example mobile phones, to store data, for example photographs.

In order to minimise physical risk, loss, theft or electronic corruption, all storage media must be stored in an appropriately secure and safe environment.

All data stored on removable media devices must be encrypted to a minimum standard of 256 AES – if you need more information, refer to the ICT Team Helpdesk.

Users should be aware that the council will, where possible, audit and log the transfer of data files to and from all removable media devices and council-owned IT equipment – however, it is the responsibility of the user to ensure the removable storage device is encrypted before it is used. ICT can assist with this by a call being raised on the ICT Helpdesk (ext 1766).

## **5.8 Cloud Storage**

The use of cloud storage to store any council information needs to be considered very carefully before its use is implemented. In every case, a Data Protection Impact Assessment (DPIA) should be completed for the subject matter before any document is stored there. Once a DPIA has been completed then documents of a non-personal nature can be stored using the 'DropBox for Business' cloud storage area. This does not include the DropBox cloud storage used at home or for other personal use as it does not offer the same level of auditing and security that is required by the Council. The use of any other cloud storage is not permitted. Contact ICT for help and advice on cloud storage before using it. There is a license cost for the use of DropBox for business and this will need to be funded by the department wishing to use it.

Data stored in cloud storage must be added to the Information Asset Register.

## 5.9 Incident Management

It is the duty of all users, including council members, to immediately report any actual or suspected breaches in information security to the ICT Helpdesk (ext 1766).

## 5.10 Disposing of IT Equipment

IT equipment that is no longer required, or that has become damaged, including software and telephones, must be returned to ICT for disposal.

## 5.11 Emails

All emails that are used to conduct or support Council business are now safe to be sent using the standard email address (that is, using the domains @bromsgroveandredditch.gov.uk, @redditchbc.gov.uk and @bromsgrove.gov.uk). The GCSx system is now discontinued.

Emails held on Council equipment are considered to be part of the corporate record and email also provides a record of staff activities. All emails that represent aspects of Council business or Council administrative arrangements are the property of the Council and not of any individual employee.

All external Council business emails must carry the following disclaimer:

\*\*\*\*\*

*This e-mail may include confidential information and is solely for the use by the intended recipient(s). If you have received this e-mail in error please notify the sender immediately. You must not disclose, copy, distribute or retain any part of the email message or attachments.*

*No responsibility will be assumed by the organisation for any direct or consequential loss, financial or otherwise, damage or inconvenience, or any other obligation or liability incurred by readers relying on information contained in this e-mail or any virus contamination that may occur as a consequence of opening the email or any attachments. Views and opinions expressed by the author are not necessarily those of the organisation nor should they be treated where cited as an authoritative statement of the law and independent legal and other professional advice should be obtained as appropriate.*

*Any Freedom of Information requests should be sent directly to [foi@redditchbc.gov.uk](mailto:foi@redditchbc.gov.uk) for Redditch Borough Council requests and to [foi@bromsgrove.gov.uk](mailto:foi@bromsgrove.gov.uk) for Bromsgrove District Council requests.*

\*\*\*\*\* "

Users should be aware that deletion of email from individual accounts does not necessarily result in permanent deletion from the Council's ICT systems.

It is the responsibility of the person sending the email to decide whether email is the most appropriate method for conveying time-critical or OFFICIAL information (that is, all council information).

If it is necessary to provide a file to another person within the council (that is, with a bromsgroveandredditch.gov.uk email address), then a reference to where the file exists should be sent rather than a copy of the file.

All users should be aware that email usage is monitored and recorded centrally. Monitoring of content will only be undertaken by staff specifically authorised for that purpose within the ICT department. Where a manager suspects that the email facilities are being abused by a user, they should contact their line manager or the ICT Transformation Manager.

Access to another employee's email is forbidden without the express permission of the relevant 4<sup>th</sup> line manager. If the relevant 4<sup>th</sup> line manager is not available, then authorisation should be sought from the Head of Service or Director. Any access so granted should be revoked as soon as it is no longer required (for example, the day an employee who has been sick returns to work).

All staff are under a general requirement to maintain the confidentiality of information. There are also particular responsibilities under Data Protection legislation to maintain the confidentiality of personal data. It should also be noted that email and attachments may need to be disclosed under Data Protection legislation or the Freedom of Information Act 2000. Further information regarding this can be obtained from the Data Protection Officer.

Under no circumstances should users communicate material (either internally or externally), which is, for example, defamatory, obscene, or does not comply with the Council's Equal Opportunities Policy, or which could reasonably be anticipated to be considered inappropriate.

Computer viruses are easily transmitted via email and internet downloads. Full use must therefore be made of the Council's anti-virus software.

### **5.12 Email Security**

GCSx stands for Government Connect Secure Extranet. It was a secure private Wide-Area Network (WAN) but is no longer used for emails

Normal email addresses are now secure, and the usual domains @bromsgroveandredditch.gov.uk, @redditchbc.gov.uk and @bromsgrove.gov.uk can be used.

### **5.13 Internet Service**

The internet service is primarily provided to give Council employees and councillors access to information, research and electronic commerce.

The Council internet should be used in accordance with this policy to access anything in pursuance of your work.

At the discretion of your line manager, and provided it does not interfere with your work, the council permits personal use of the internet in your own time (for example during your lunch break).

The Council is not responsible for any personal transactions you enter in to. You must accept responsibility for, and keep the Council protected against any claims, damages or losses.

#### **5.13.1 Internet Account Management, Security and Monitoring**

The provision of Internet access is owned by the Council and all access is recorded, logged and interrogated for the purposes of:

- Monitoring total usage to ensure business use is not impacted by lack of capacity.
- The filtering system monitors and records all access for reports that are produced for line managers and auditors.

Except where it is strictly and necessarily required for your work, for example IT audit activity or other investigation, you must **not** use your Internet access to:

- Create, download, upload, display or access knowingly, sites that contain pornography or other "unsuitable" material that might be deemed illegal, obscene or offensive.
- Subscribe to, enter or use peer-to-peer networks or install software that allows sharing of music, video or image files.
- Subscribe to, enter or utilise real time chat facilities such as chat rooms, text messenger or pager programs.
- Subscribe to, enter or use online gaming or betting sites.

- Subscribe to or enter “money making” sites or enter or use “money making” programs.
- Run a private business.
- Download any software that does not comply with section 6 Information Security - Software in this policy.

The above list is neither exclusive nor exhaustive. Unsuitable material would include data, images, audio files or video files the transmission of which is illegal under British law, and, material that is against the rules, essence and spirit of this and other Council policies.

You must not attempt to by-pass or remove any of the security and monitoring facilities.

#### **5.14 Remote Working**

The Council provides users with the facilities and opportunities to work remotely as appropriate. The Council will ensure that all users who work remotely are aware of the acceptable use of portable computer devices and remote working opportunities.

Securing data when users work remotely or beyond the Council network is a pressing issue – particularly in relation to the Council’s need as an organisation to protect data in line with the requirements of Data Protection legislation.

All IT equipment (including portable computer devices) supplied to users is the property of the Council. It must be returned upon the request of the Council. Access for ICT Services staff of the Council shall be given to allow essential maintenance security work or removal, upon request.

All IT equipment will be supplied and installed by Council ICT Service staff. Hardware and software **must only** be provided by the Council. The only exception to this is where a Bring Your Own Device (BYOD) policy document has been signed by an individual, and access granted to emails, calendars and documents via the Blackberry Works software that has been provided by ICT to be used on equipment owned by that individual.

It is the user’s responsibility to ensure that the following points are adhered to at all times:

- Users must take due care and attention of portable computer devices when moving between home and another business site.
- Users will not install or update any software on to a Council-owned portable computer device.
- Users will not install any screen savers on to a Council-owned portable computer device.
- Users will not change the configuration of any Council-owned portable computer device.
- Users will not install any hardware to or inside any Council-owned portable computer device, unless authorised by the Council ICT department.
- Users will allow the installation and maintenance of Council-installed Anti Virus updates immediately.
- Users will inform the ICT Helpdesk (ext 1766) of any Council-owned portable computer device message relating to configuration changes.
- All faults must be reported to the ICT Helpdesk (ext 1766).
- Users must not remove or deface any asset registration number.

- User registration must be requested from the ICT Helpdesk (ext 1766). Users must state which applications they require access to.
- The IT equipment may not be used for personal use by staff. Only software supplied and approved by the Council can be used (e.g. Word, Excel, Adobe, etc.).
- No family members may use the IT equipment. The IT equipment is supplied for the staff members' sole use.
- The user must ensure that reasonable care is taken of the IT equipment supplied. Where any fault in the equipment has been caused by the user, in breach of the above paragraphs, the Council may recover the costs of repair.
- The user should seek advice from the Council before taking any Council supplied ICT equipment outside the United Kingdom. The equipment may not be covered by the Council's normal insurance against loss or theft and the equipment is liable to be confiscated by airport security personnel.
- The Council may at any time, and without notice, request a software and hardware audit, and may be required to remove any equipment at the time of the audit for further inspection. All users must co-operate fully with any such audit.

If the IT equipment is stolen, this theft should be reported to the police as soon as possible and any crime number received should be passed to the insurance team at the council in order to pursue an insurance claim.

#### **5.14.1 Remote and Mobile Working Arrangements**

Users should be aware of the physical security dangers and risks associated with working within any remote office or mobile working location.

Equipment should not be left where it would attract the interests of the opportunist thief. In the home it should also be located out of sight of the casual visitor. For home working it is recommended that the office area of the house should be kept separate from the rest of the house. Equipment must be secured whenever it is not in use.

Users must ensure that access / authentication tokens and personal identification numbers are kept in a separate location to the portable computer device at all times. All removable media devices and paper documentation must also not be stored with the portable computer device.

Paper documents are vulnerable to theft if left accessible to unauthorised people. These should be securely locked away in suitable facilities (e.g. secure filing cabinets) when not in use. Documents should be collected from printers as soon as they are produced and not left where they can be casually read. Waste paper containing personal data or OFFICIAL information (that is, all council information) must be disposed of in 'confidential waste' bins.

#### **5.14.2 Bring Your Own Device**

Users may use their own equipment only in accordance with the council's Bring Your Own Device policy and procedures.

#### **5.14.3 Access Controls**

It is essential that access to all OFFICIAL information (that is, all council information) is controlled. This can be done through physical controls, such as locking the home office or locking the

computer's keyboard. Alternatively, or in addition, this can be done logically such as by password controls or User Login controls.

Portable computer devices should be switched off, logged off, or the keyboard locked when left unattended, even if only for a few minutes.

All portable computer devices must be encrypted.

Dual-factor authentication must be used when accessing the Council network and information systems (including Outlook Web Access) remotely via Council owned equipment.

Access to the Internet from Council-owned ICT equipment should only be allowed via onward connection to Council-provided Proxy Servers and not directly to the Internet.

#### **5.14.4 Anti-Virus Protection**

ICT will deploy an up-to-date Anti-Virus signature file to all users who work away from the Council premises. Users who work remotely must ensure that their portable computer devices are connected to the corporate network at least once every two weeks to enable the Anti-Virus software to be updated.

#### **5.14.5 User Awareness**

The user shall ensure that appropriate security measures are taken to stop unauthorised access to OFFICIAL information (that is, all council information), either on the portable computer device or in printed format. Users are bound by the same requirements on confidentiality and Data Protection as the Council itself.

#### **5.15 Software**

All departments must inform ICT via the ICT Helpdesk (ext 1766) of any new product requirements or of any upgrades, service packs, patches or fixes required to existing systems. All new products must be purchased through ICT.

Every piece of software used by the Council is required to have a licence in the name of the Council. The ICT department maintains a register of all Council software and will keep a library of software licences.

Software is owned by the licencing company and the copying of such software is an offence under the Copyright, Designs and Patents Act 1988, unless authorised by the software manufacturer. It is the responsibility of users to ensure that all software on their computer equipment is licensed.

Software must only be installed by the ICT department once the registration requirements have been met. Software may not be used unless approved by the ICT Manager or their nominated representative.

The Council will ensure that personal firewalls are installed where appropriate. Users must not attempt to disable or reconfigure the personal firewall.

### **6 Information Security - Software**

#### **6.1 Software Acquisition**

All software acquired by the Council must be purchased through the ICT department. Software acquisition channels are restricted to ensure that the Council has a complete record of all software that has been purchased for Council computers and can register, support, and upgrade such software accordingly. This includes software that may be downloaded and/or purchased from the Internet.

Under no circumstances should personal or unsolicited software (this includes screen savers, games and wallpapers etc.) be loaded onto a Council machine as there is a serious risk of introducing a virus.

## **6.2 Software Registration**

The Council uses software in all aspects of its business to support the work carried out by its employees. In all instances every piece of software is required to have a licence and the Council will not condone the use of any software that does not have a licence.

Software must be registered in the name of the Council and the department in which it will be used. Due to personnel turnover, software will never be registered in the name of the individual user.

The ICT department maintains a register of all Council software and will keep a library of software licenses.

The Council holds licences for the use of a variety of software products on all Council information systems and computer equipment. This software is owned by the software company and the copying of such software is an offence under the Copyright, Designs and Patents Act 1988, unless authorised by the software manufacturer.

It is the responsibility of users to ensure that all the software on their computer equipment is licensed.

## **6.3 Software Installation**

Software must only be installed by the ICT department once the registration requirements have been met. Once installed, the original media will be kept in a safe storage area maintained by ICT.

Software may not be used unless approved by the ICT Manager or their nominated representative.

Shareware, freeware and public domain software are bound by the same policies and procedures as all other software. No user may download or install any free or evaluation software onto the Council's systems without prior approval from ICT.

## **6.4 Personal Computer Equipment**

Council computers are Council-owned assets and must be kept both software-legal and virus-free. Only software acquired through the procedures outlined above may be used on Council machines. Users are not permitted to bring software from home (or any other external source) and load it onto Council computers. Council-owned software cannot be taken home and loaded on a user's home computer.

## **6.5 Software Misuse**

The Council will ensure that personal firewalls are installed where appropriate. Users must not attempt to disable or reconfigure the personal firewall software.

It is the responsibility of all Council staff to report any known software misuse to their line manager. Councillors should inform the ICT Manager of such instances.

According to the Copyright, Designs and Patents Act 1988, illegal reproduction of software is subject to civil damages and criminal penalties. Any Council user who makes, acquires, or uses unauthorised copies of software will be disciplined as appropriate under the circumstances. The Council does not condone the illegal duplication of software and will not tolerate it.

## **7 Information Security – Access to Software**

### **7.1 Prior to Employment**

The Council must ensure that potential users are recruited in line with the Council's recruitment and selection policy for the roles they are considered for and to reduce the risk of theft, fraud or misuse of information or information systems by those users.

#### **7.1.1 User Screening – Potential Employees**

Background verification checks must be carried out on all potential users, in accordance with all relevant laws, regulations and ethics. The level of such checks must be appropriate to the business requirements, the classification of the information to be accessed, and the risks involved.

The basic requirements for Council employment are:

- Minimum of two satisfactory references.
- Completeness and accuracy check of employee's application form.
- Confirmation of National Insurance number.
- Confirmation of claimed academic and professional qualifications.
- Identity check against a passport or equivalent document that contains a photograph.

For some jobs a Disclosure and Barring Service (formerly called the Criminal Records Bureau) check on the prospective member of staff must be carried out to an appropriate level as demanded by law.

If the prospective employee would have access to systems processing payment card data, credit checks must be carried out to an appropriate level as required by the Payment Card Industry Data Security Standards (PCI-DSS).

All the above requirements for verification checks must be applied to technical support and temporary staff that have access to those systems or any copies of the contents of those systems (e.g. backup tapes, printouts, test datasets).

#### **7.1.2 Terms and Conditions of Employment**

As part of their contractual obligation users must agree and sign the terms of their employment contract, which shall state their and the Council's responsibilities for information security. This must be drafted by the Council's lawyers and must form an integral part of the contract of employment.

Each user must sign a confidentiality statement that they understand the nature of the information they access, that they will not use the information for unauthorised purposes and that they will return or destroy any information or assets when their employment terminates.

### 7.1.3 Roles and Responsibilities – New Starters

Decisions on the appropriate level of access to information or information systems for a particular user are the responsibility of the information asset owner.

Line managers are responsible for ensuring that creation of new users, changes in role, and termination of users are notified to the ICT Helpdesk (ext 1766) in a timely manner, using an agreed process.

The information security responsibilities of users must be defined and documented and incorporated into induction processes and contracts of employment. As a minimum this will include a statement that every user is aware of, and understands, this policy.

## 7.2 During Employment

Each user must be allocated access rights and permissions to computer systems and data that:

- Are applicable to the tasks they are expected to perform.
- Have a unique login and password that is not shared with or disclosed to any other user.
- Have individual administrator accounts that will be logged and audited.

User access rights must be reviewed at regular intervals to ensure that the appropriate rights are still allocated. System administration accounts must only be provided to users that are required to perform system administration tasks. Users who have access to information they no longer need access to should inform their managers and have access removed.

The unnecessary allocation and use of system privileges significantly increases the vulnerability of systems.

- systems administrative accounts (super users on routers and LAN servers, SANs, etc) must only be used when necessary, and not for normal day-to-day operation;
- Where technically possible, users must initially log on with a personal user ID and only be granted privileged access by way of group assignment;

Administrator accounts should be used only when a standard user account does not have the rights or privileges to perform a task or function required by the corporate demands and should be an extension from within their personal standard account e.g. switch user on Orb from initial.surname or forename.surname to a.initials.

The Council must ensure that all users are aware of information security threats and concerns, their responsibilities and liabilities, and are equipped to support organisational security policy in the course of their work, and to reduce the risk of human error. It is also necessary that user changes in role or business environment are carried out in an orderly manner that ensures the continuing security of the information systems to which they have access.

### 7.2.1 Management Responsibilities

Line managers must notify the ICT Helpdesk (1766) in a timely manner of any changes in a user's role or business environment, to ensure that the user's access can be changed as appropriate. Processes must ensure that access to information systems is extended to include new user requirements and also that any access that is no longer needed is removed.

Any changes to user access must be made in a timely manner and be clearly communicated to the user.

Departmental managers must require users to understand and be aware of information security threats and their responsibilities in applying appropriate Council policies. This requirement must be documented.

### **7.2.2 Monitoring**

The ICT team will supply all managers with monitoring information regarding their team's use of internet services and email services. This information is supplied to assist managers in the effective running of their teams.

It is possible for the ICT department to further investigate individual users activity on the internet and email, this would only be done with the consultation of HR.

### **7.2.3 Information Security Awareness, Education and Training**

All users must receive appropriate information security awareness training and regular updates in related statute and organisational policies and procedures as relevant for their role.

It is the role of departmental managers to ensure that their staff are adequately trained and equipped to carry out their role efficiently and securely.

### **7.2.4 User Responsibilities**

It is a user's responsibility to prevent their user ID and password being used to gain unauthorised access to Council systems by:

- Following the password policy statements outlined in Information Security – Passwords and Passphrases.
- Ensuring that any PC they are using that is left unattended is locked or logged out.
- Leaving nothing on display that may contain access information such as login names and passwords.
- Informing ICT of any changes to their role and access requirements.

### **7.2.5 User Authentication for Third Parties**

Where remote access to the Council network is required, an application must be made via the ICT Helpdesk (ext 1766).

### **7.2.6 Supplier's Remote Access to the Council Network**

Partner agencies or 3<sup>rd</sup> party suppliers must not be given details of how to access the Council's network without permission from the ICT Helpdesk (ext 1766). Any changes to a supplier's connections must be immediately sent to the ICT so that access can be updated or ceased. All permissions and access methods must be controlled by ICT.

Partners or 3<sup>rd</sup> party suppliers must contact the ICT Helpdesk (ext 1766) before connecting to the Council network and a log of activity must be maintained. Remote access software must be disabled when not in use.

### **7.2.7 Operating System Access Control**

Access to operating systems is controlled by a secure login process. The access control defined in this section and the Information Security – Passwords and Passphrases section of this policy must be applied. The login procedure must also be protected by:

- Not displaying any previous login information e.g. username.
- Limiting the number of unsuccessful attempts and locking the account if exceeded.
- The password characters being hidden by symbols.

All access to operating systems is via a unique login ID that will be audited and can be traced back to each individual user. The login ID must not give any indication of the level of access that it provides to the system (e.g. administration rights).

System administrators must have individual administrator accounts that will be logged and audited. The administrator account must not be used by individuals for normal day-to-day activities.

### **7.2.8 Application and Information Access**

Access within software applications must be restricted using the security features built into the individual product. The departmental administrator of the software application is responsible for granting access to the information within the system. The access must:

- Be compliant with this policy.
- Be separated into clearly defined roles.
- Give the appropriate level of access required for the role of the user.
- Be unable to be overridden (with the admin settings removed or hidden from the user).
- Be free from alteration by rights inherited from the operating system that could allow unauthorised higher levels of access.
- Be logged and auditable.

## **7.3 At the End of Employment**

### **7.3.1 Secure Termination of Employment**

Termination of employment may be due to resignation, change of role, suspension or the end of a contract or project. The key requirement is that access to Council information assets is removed in a timely manner when no longer required by the user, and processes must be implemented to ensure this.

### **7.3.2 Termination Responsibilities**

Line managers must notify the ICT Helpdesk (ext 1766) in a timely manner of the impending termination or suspension of employment so that access can be suspended.

ICT Helpdesk (ext 1766) must notify the appropriate system owners who must suspend access for that user at an appropriate time, taking into account the nature of the termination.

Responsibilities for notifying changes, performing employment termination or change of employment must be clearly defined and assigned.

### **7.3.3 Return of Assets**

Processes must be implemented to ensure that users return all of the organisation's assets in their possession upon termination of their employment, contract or agreement. This must include any copies of information in any format.

### **7.3.4 Removal of Access Rights**

If a user's access is considered a risk to the Council or its systems, you must implement emergency suspension of that user's access. Contact Human Resources to ensure the correct procedure is followed.

## **8 Information Security – Passwords and Passphrases**

### **8.1 Choosing Passwords (or a Passphrase)**

Passwords are the first line of defence for our ICT systems and together with the user ID help to establish that people are who they claim to be.

A poorly chosen or misused password is a security risk and may impact upon the confidentiality, integrity or availability of our computers and systems.

Passphrases are similar to passwords but are longer and made up of several words and with the addition of numbers and possibly other special characters.

For the remainder of this policy the terms password and passphrase are interchangeable.

#### **8.1.1 Weak and strong passwords**

A weak password is one which is easily discovered, or detected, by people who are not supposed to know it.

Examples of weak passwords include:

- words picked out of a dictionary
- names of children and pets
- car registration numbers
- simple patterns of letters from a computer keyboard.

A strong password is a password that is designed in such a way that it is unlikely to be detected by people who are not supposed to know it, and difficult to work out even with the help of a computer.

For this reason when creating or changing your logon account on the Corporate Network, a passphrase is required rather than a single word.

The basic rules of a passphrase are that it needs to be something personal to you, you can remember it without the need to write it down, contains a minimum of 15 characters – at least one of which must be a capital letter and another one a number.

A strong passphrase would be:

MyD4dsNamelsGary – here the passphrase uses a capital letter for the start of each new word and replaces the first letter A with a number 4.

Mydadsnameisgary1– Not as good as the one above but it passes the minimum rules of having minimum 15 characters, one capital letter and one number.

A weak passphrase would be:

Thecowjumpedoverthemoon1 – Whilst this is in accordance with the rules, it is a bare minimum. This is a common phrase and has just one capital letter and one number.

## **8.2 Protecting Passwords and Passphrases**

It is of utmost importance that the password remain protected at all times. The following guidelines must be adhered to at all times:

- Never reveal your passwords to anyone.
- Never use the 'remember password' function.
- Never store your passwords in a computer system without encryption.
- Do not use any part of your username within the password.
- Do not use the same password to access different Council systems.
- Do not use the same password for systems inside and outside of work.
- Avoid writing passwords down. If you must write them down, ensure they are written in code, are not obviously passwords, and do not store them where they are open to theft. Do not store them in electronic documents on your computer.

## **8.3 Changing Passwords**

Given the additional security a good passphrase brings, it needs only be changed once per year, or whenever the system prompts you to change it. Other, shorter passwords, need to be changed every 42 days or when the system prompts you to change them. All default passwords must be changed immediately. If you become aware, or suspect, that your password has become known to someone else, you must change it immediately and report your concern to the ICT helpdesk (ext 1766).

## **8.4 System Administration Standards**

The password administration process for individual Council systems is available to designated individuals.

All Council IT systems will be configured to enforce the following:

- Authentication of individual users, not groups of users - i.e. no generic accounts.
- Protection with regards to the retrieval of passwords and security details.
- System access monitoring and logging - at a user level.
- Role management so that functions can be performed without sharing passwords.
- Password admin processes must be properly controlled, secure and auditable.

## **8.5 PIN Numbers**

Users are sometimes given Personal Identification Numbers (PINs), for example to retrieve printouts from a printer.

Users must never reveal PINs to anyone else, and must follow the same security standards as for protecting passwords.

## **9 Information Security - Asset Management**

### **9.1 Identifying Information Assets**

The process of identifying important information assets should be sensible and pragmatic.

Important information assets will include, but are not limited to, the following:

- Filing cabinets and stores containing paper records.
- Computer databases.
- Data files and folders.
- Software licenses.
- Physical assets (computer equipment and accessories, PDAs, cell phones).
- Key services.
- Key people.
- Intangible assets such as reputation and brand.

The Council must draw up and maintain inventories of all important information assets that it relies upon. These should identify each asset and all associated data required for risk assessment, information and records management and disaster recovery. At minimum it must include the following:

- Type.
- Location.
- Designated owner.
- Security classification.
- Format.
- Backup.
- Licensing information.

### **9.2 Classifying Information**

On creation, all information assets must be assessed and classified by the owner according to their content. At minimum all information assets must be classified and labelled in accordance with the HMG Security Policy Framework (SPF). The classification will determine how the document should be protected and who should be allowed access to it.

The classes are:

- OFFICIAL
- SECRET
- TOP SECRET

All Council information is classified as OFFICIAL.

### **9.3 Personal Information**

Personal information is any information relating to an identified or identifiable natural person.

### **9.4 Assigning Asset Owners**

All information assets have a nominated owner and should be accounted for. The information asset owner would be the manager of the team, that manager is responsible for the proper and legal collection, processing, storage and destruction of that data.

### **9.5 Unclassified Information Assets**

Items of information that have no security classification and are of limited or no practical value should not be assigned a formal owner or inventoried. Information should be destroyed if there is no legal or operational need to keep it and temporary owners should be assigned within each department to ensure that this is done.

### **9.6 Corporate Information Assets**

For information assets whose use throughout the Council is widespread and whose origination is as a result of a group or strategic decision, a corporate owner must be designated and the responsibility clearly documented. This should be the person who has the most control over the information.

### **9.7 Acceptable Use of Information Assets**

The Council documents the acceptable usage for information assets in the Information Asset Register. . These conditions should apply to all Council councillors, committees, departments, partners, employees of the Council, contractual third parties and agents of the Council.

### **9.8 Information Storage**

All electronic information will be stored on centralised facilities to allow regular backups to take place. Files which are identified as a potential security risk should only be stored on secure network areas.

ICT services must ensure that guidelines are available for all council staff with regards to identifying redundant equipment and action required e.g. sending to ICT to assess whether it should be disposed of or reused.

Physical files of information should be organised, labelled and managed so that their contents and owners can be identified by other teams, not just the team who owns them.

Records management and retention guidance will be followed for both electronic and physical information. The Retention and Disposal Schedule records how long different types of information should be kept for, it is the responsibility of each team to keep their entries in the Schedule up to date (contact Information Management for more details), and to ensure they are adhered to.

Databases holding personal information will have a defined security and system management procedure for the records and documentation. This documentation will include a clear statement as to the use, or planned use of the personal information.

### **9.9 Disclosure of Information**

Where information is disclosed or shared it should only be done so in accordance with a documented information-sharing protocol and/or data exchange agreement, or in accordance with other legal requirements.

If there is suspicion of a Councillor or employee treating OFFICIAL information (that is, council information) in a way that could be harmful to the Council or to the data subject, then it must be reported to the ICT Manager, and the person may be subject to disciplinary procedure.

Any sharing or transfer of Council information with other organisations must comply with all legal, regulatory and Council policy requirements. In particular this must be compliant with the Data

Protection Act 2018, General Data Protection Regulations, the Data Protection Act, the Human Rights Act 2000 and the Common Law of Confidentiality.

## 10 Information Security – Data Protection

### 10.1 Relevant Legislation

The following statutory legislation governs aspects of the Council's information security arrangements. This list is not exhaustive:

Legislation	Areas Covered
The Freedom of Information Act 2000	Public access to Council information
The Human Rights Act 1998	Right to privacy and confidentiality
The Electronic Communications Act 2000	Cryptography, electronic signatures
The Regulation of Investigatory Powers	Hidden surveillance of staff
The Data Protection Act 2018	Protection and use of personal information
The General Data Protection Regulations	Protection and use of personal information
The Copyright Designs and Patents Act 1988	Software piracy, music downloads, theft of Council data
The Computer Misuse Act 1990	Hacking and unauthorised access
The Environmental Information Regulations 2004	Public access to Council information related to the environment
The Re-use of Public Sector Information Regulations 2005	The Council's ability to sell certain data sets for commercial gain

Data protection and privacy must be ensured as required in relevant legislation, regulations, and, if applicable, contractual clauses. Key records must be protected from loss, destruction and falsification, in accordance with statutory, regulatory, contractual, and business requirements.

### 10.2 How will the Council Ensure Compliance?

In order to ensure it meets its obligations under data protection regulation, the Council ensures that:

- There is an individual with specific responsibility for data protection in the organisation.
- Everyone managing and handling personal information understands that they are contractually responsible for following good data protection practice.
- Everyone managing and handling personal information is appropriately trained to do so.
- Persons wishing to make enquiries about handling personal information, whether a member of staff or a member of the public, is aware of how to make such an enquiry.

- Queries about handling personal information are promptly and courteously dealt with.
- Methods of handling personal information are regularly assessed and evaluated.

The Council will, through appropriate management and the use of strict criteria and controls:

- Observe fully conditions regarding the fair collection and use of personal information.
- Meet its legal obligations to specify the purpose for which information is used.
- Collect and process appropriate information and only to the extent that it is needed to fulfil operational needs or to comply with any legal requirements.
- Ensure the quality of information used.
- Apply strict checks to determine the length of time information is held.
- Take appropriate technical and organisational security measures to safeguard personal information.
- Ensure that personal information is not transferred abroad without suitable safeguards.
- Ensure that the rights of data subjects can be fully exercised under GDPR.

### **10.3 What Roles and Responsibilities have been Assigned?**

Proper definitions of roles and responsibilities are essential to assure compliance with this policy. In summary these are as follows:

#### **10.3.1 Information Management Team**

The Information Management team promotes this policy and provides detailed advice training and resources to departments to facilitate the correct processing of requests for access and other data protection related issues, and will also monitor departments to ensure compliance with statutory and regulatory obligations.

#### **10.3.2 Senior Management**

Senior management will provide support and approval for this Information Security Policy and any related initiatives across the Council. It will also ensure that adequate funding is made available.

#### **10.3.3 Departmental Managers**

Departmental managers are responsible for ensuring that the Information Security Policy is communicated and implemented within their area of responsibility, and for ensuring that any issues such as resourcing or funding are communicated back to their strategic directors in a timely manner.

#### **10.3.4 Individual Employees**

Individual employees will be responsible for understanding this Information Security Policy and ensuring that requests for access and other data protection related issues in their own department are handled in compliance with this policy.

### **10.4 Freedom of Information Act**

The Freedom of Information Act came into force in January 2005. By granting a general right of access to records held by public authorities it encourages an attitude of openness and will enable the public to scrutinise their decisions and working practises. The key features of the Freedom of Information Act are:

- Every Council employee has a duty to provide advice and assistance to anyone requesting information.
- The public has a general right of access to all recorded information held by the Council and some independent contractors. Subject to exemptions set out in the Freedom of Information Act, a requester has the right to know whether a record exists and the right to a copy of that record supplied in a format of their choice.
- Every Council must adopt and maintain a Publication Scheme, listing what kinds of record it chooses to publish, how to obtain them and whether there is a charge involved.

The Information Commissioner's Office will oversee the implementation and compliance with the Freedom of Information Act and the General Data Protection Regulations.

### **10.5 What is a Security Incident?**

Events and weaknesses need to be reported at the earliest possible stage as they need to be assessed by the Information Management team. It is vital for the Information Management team to gain as much information as possible from the business users to identify if an incident is occurring.

The definition of an information management security incident is an adverse event that has caused or has the potential to cause damage to an organisation's assets, reputation and / or personnel. Incident management is concerned with intrusion, compromise and misuse of information and information resources, and the continuity of critical information systems and processes.

An information security incident includes, but is not restricted to, the following:

- The loss or theft of data or information.
- The transfer of data or information to those who are not entitled to receive that information.
- Attempts (either failed or successful) to gain unauthorised access to data or information storage or a computer system.
- Changes to information or data or system hardware, firmware, or software characteristics without the Council's knowledge, instruction, or consent.
- Unwanted disruption or denial of service to a system.
- The unauthorised use of a system for the processing or storage of data by any person.

Examples of the most common information security incidents are listed below. This list is not exhaustive.

- Giving information to someone who should not have access to it - verbally, in writing or electronically.
- Infecting a computer with a virus or other malware.
- Sending a sensitive email to 'all staff'.
- Receiving mail of an offensive nature.
- Receiving unsolicited mail which requires you to enter personal data.
- Changing data without authorisation.
- Receiving and forwarding chain letters – including virus warnings, scam warnings and other emails which encourage the recipient to forward onto others other than the ICT helpdesk (ext 1766).
- Unknown people asking for information which could gain them access to council data (e.g. a password or details of a third party).
- Use of unapproved or unlicensed software on Council equipment.
- Accessing a computer database using someone else's authorisation (e.g. someone else's user id and password).
- Writing down your password and leaving it on display / somewhere easy to find.
- Printing or copying confidential information and not storing it correctly or confidentially.

- Theft / loss of a hard copy file through negligence.
- Theft / loss of any Council computer equipment e.g. laptops, memory sticks and CDs through negligence.

This policy aims to ensure incidents are followed up correctly, and to identify areas for improvement to decrease the risk and impact of future incidents.

#### **10.5.1 Procedure for Incident Handling**

Events and weaknesses need to be reported at the earliest possible stage as they need to be assessed by the Information Management team. It is vital for the Information Management team to gain as much information as possible from the business users to identify if an incident is occurring.

1. Report incident to Information Management team with as much detail as is available.
2. Report incident to line manager. Emergency suspension of a user's access may be necessary if that access is considered a risk to the Council or its systems.
3. Information Management team will assess incident against the ICO data breach guidance, to decide whether to report the incident to the ICO.
4. Information Management team will assess incident and decide on actions to be taken.

The Information Management team will require you to supply further information, the nature of which will depend upon the nature of the incident. However, the following information should be supplied:

- Contact name and number of person reporting the incident.
- The type of data, information or equipment involved.
- Whether the loss of the data puts any person or other data at risk.
- Location of the incident.
- Inventory numbers of any equipment affected.
- Date and time the security incident occurred.
- Location of data or equipment affected.
- Type and circumstances of the incident.

The authority may need to collect evidence. This could include, for example, personal information, deleted files, and emails from any asset owned by the Council.

#### **10.6 Individual Responsibilities**

All Councillors must accept responsibility for maintaining information security standards within the Council.

All managers must accept responsibility for initiating, implementing and maintaining security standards within the Council.

All non-managerial users must accept responsibility for maintaining standards by conforming to those controls which are applicable to them.

ICT will be responsible for implementation of the controls marked for IT specialists.

Local managers must undertake yearly assessments of security risks within their own areas to ensure that the security breaches are kept to a minimum.

### **11 Key Messages**

Access:

- Every user must be aware of, and understand, this policy.
- Background verification checks must be carried out on all users.
- All users must receive appropriate information security awareness training and regular updates in related statute and organisational policies and procedures as relevant for their role.
- Processes must be implemented to ensure that all access rights of users of Council information systems shall be removed in a timely manner upon termination or suspension of their employment, contract or agreement.

#### Information Protection:

- The Council must draw up and maintain inventories of all important information assets.
- All information assets, where appropriate, must be assessed and classified by the owner in accordance with the HMG Security Policy Framework (SPF).
- Access to information assets, systems and services must be conditional on acceptance of the appropriate policy.
- Users should not be allowed to access information until they understand and agree the legislated responsibilities for the information that they will be handling.
- Personal information should not be disclosed other than in accordance with legal obligations and conditions of processing
- If you are unsure about the disclosure of personal data you should contact the Information Management team for advice.
- The disclosure of personal or sensitive information in any way other than in accordance with conditions of processing or legal obligations is a disciplinary offence.

#### IT Access

- All users must use **strong** passwords.
- Passwords must be protected at all times
- Network passphrases must be changed every 12 months.
- Passwords for specific applications must comply with the application policy
- User access rights must be reviewed at regular intervals.
- It is a user's responsibility to prevent their user ID and password being used to gain unauthorised access to Council systems.
- Partner agencies or 3<sup>rd</sup> party suppliers must not be given details of how to access the Council's network without permission from the ICT Helpdesk (ext 1766).
- Partners or 3<sup>rd</sup> party suppliers must contact the ICT Helpdesk (ext 1766) before connecting to the Council network.

#### IT Infrastructure Security

- OFFICIAL information (that is, all council information), and equipment used to store and process this information, must be stored securely.
- Keys to all secure areas housing ICT equipment and lockable IT cabinets are held centrally by ICT, as appropriate. Keys are not stored near these secure areas or lockable cabinets.
- All general computer equipment must be located in suitable physical locations.
- Desktop PCs should not have data stored on the local hard drive.
- Non-electronic information must be assigned an owner and a classification.
- Staff should be aware of their responsibilities in regard to Data Protection legislation
- Equipment that is to be reused or disposed of must have all of its data and software erased / destroyed.

#### Software

- All software acquired must be purchased through the ICT Department.

- Under no circumstances should personal or unsolicited software be loaded onto a Council machine.
- Every piece of software is required to have a licence and the Council will not condone the use of any software that does not have a licence.
- Unauthorised changes to software **must not** be made.
- Users are not permitted to bring software from home (or any other external source e.g. ipod, mobile phone, personal memory stick, email) and load it onto Council computers.
- Users **must not** attempt to disable or reconfigure the Personal Firewall software.
- Illegal reproduction of software is subject to civil damages and criminal penalties.

#### Remote Working

- It is the user's responsibility to use portable computer devices in an acceptable way. This includes not installing software, taking due care and attention when moving portable computer devices and not emailing personal or sensitive information to a non-Council email address.
- Users should be aware of the physical security dangers and risks associated with working within any remote office or mobile working location.
- It is the user's responsibility to ensure that access to all OFFICIAL information (that is, all council information) is controlled – e.g. through password controls.
- All council data held on portable computer devices must be encrypted.

#### Information Security Incident

- All staff should report any incidents or suspected incidents immediately by reporting them to the Information Management team
- We can maintain your anonymity when reporting an incident if you wish.

## PROCEDURES FOR AUDITING THE COUNCIL

Local Authorities are subject to both internal and external audit.

### 1. Internal Audit

- 1.1. The requirement for an Internal Audit function for local authorities is implied by Section 151 of the Local Government Act 1972, which requires that authorities “make arrangements for the proper administration of their financial affairs and shall secure that one of their Officers has responsibility for the administration of those affairs”
- 1.2. Regulation 6 of the Accounts and Audit Regulations 2006 more specifically requires that “a relevant body shall maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control in accordance with the proper practices in relation to internal control”.
- 1.3. Internal audit can be defined as an “independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes”.
- 1.4. The Internal Audit function is provided under a service level agreement with Worcester City Council. The Service Manager of the Internal Audit function reports direct to the Council's Section 151 Officer and has a link to the Head of Finance and Resources. However, the Audit Services Manager can also report direct to the Chief Executive and the Audit Committee Chair, if required.

### 2. External Audit

- 2.1 The Council has a statutory responsibility to prepare the Financial Accounts for each financial year in accordance with relevant legislation and accounting practice. In addition there is a legal requirement to have the accounts audited by an External Auditor within a prescribed framework. As part of the abolition of the Audit Commission, the contract for the provision of this External Audit Service for Council has been awarded to Grant Thornton.

The new External Audit contract will be effective for the 2012/13 Audit.

External Audit are under a duty to satisfy themselves that:

- The Council's Annual Statement of Accounts is prepared in accordance with current legislation.
- Proper practice has been observed in the completion of the accounts.
- The Council has made proper arrangements for value for money.

- 2.2 The Head of Finance and Resources and the Executive Director of Finance and Resources (S.151 Officer) shall ensure that the auditors are given access at all reasonable times to premises, personnel, documents and assets which the external auditors consider necessary for the purposes of their work.
- 2.3 The Head of Finance and Resources and the Executive Director of Finance and Resources (S.151 Officer) shall ensure that there is effective liaison between external and internal audit.
- 2.4 The Head of Finance and Resources and the Executive Director of Finance and Resources (S.151 Officer) shall report to Council and the Audit & Governance Committee on the external audits, Annual Management Letter and on any other reports prepared by the external auditors on specific matters and the Audit & Governance Committee shall decide how these reports are to be considered.
- 2.5 Information and contact details regarding the Council's current external auditors can be obtained from the Council's Financial Services Team.

End.

**Redditch Borough Council****Protocol on Member Representation on Outside Bodies****1. Introduction – Two Categories of Organisation**

1.1. The Council appoints or nominates Members to sit on a wide range of outside bodies and organisations. These appointments broadly fall into two categories:

(a) those where the Councillor is appointed to represent the views of this Authority and to speak on our behalf

e.g. The Local Government Association  
Joint Local Authority Committees

(b) those where he/she is appointed because they are a Councillor but once appointed, their duty is as a member of that outside organisation rather than as a representative of the Council

e.g. Redditch Co-Operative Homes

1.2 As a general rule, an appointment is likely fall into the second of the above categories if the organisation concerned is a distinct legal entity (i.e. if it can sue and be sued in its own name). Such an entity can take many forms e.g.

- Company
- Industrial & Provident Society
- Public Authority

This second category would also include charitable trusts

**2. Category (a) – the Representative Role**

2.1 Very little needs to be said about appointments to bodies within category (a). The Councillor is there to represent the views of the Borough Council, to speak up for the Council's interests, and those of the Borough as a whole.

2.2 As a general rule, it is unlikely that Councillors will be at risk of personal liability as a result of being appointed to any of the category (a) organisations. The nature of those organisations is not such as to be likely to give rise to additional liabilities.

2.3 However, Councillors should bear in mind to take care how they approach conflicts of interest and declarations of those interests, and if in doubt to seek guidance.

### 3. Category (b) – The Director/Trustee/Board Member role

- 3.1 It is the appointment of Councillors to positions within Category (b) organisations which potentially cause most difficulty. The most important point to bear in mind is that although the Council makes the initial nomination/appointment, after appointment the Councillor holds office according to the constitution of that other organisation. Appendix A sets out some further guidance notes for Members acting as Directors. In practice, various issues arise of which the following are the most common:

#### 3.1.1 Period of appointment and removal

- a) Once appointed, the Council can only remove a person from office if the constitution of the particular organisation gives the Council that power. The situation differs from organisation to organisation and it is therefore necessary for the Councillor to check the particular constitution, (or articles of association of a company, etc) of the organisation concerned.

#### 3.1.2 To whom is the Councillor Responsible?

- a) In the case of category (b) organisations, once a Councillor accepts an appointment as a director, board member, trustee etc of that organisation then they take on all the responsibilities of that position and their duty *when acting as a director or trustee etc* is to that organisation, not to the Council. They must act in accordance with what they consider to be the best interests of that organisation and are not there as a representative on behalf of the Council.
- b) It would, for example, be a breach of their duty to an outside organisation to disclose confidential information about that organisation to the Council, even if it were relevant to something that the Council was discussing. This point about confidentiality applies both ways and it would be equally wrong to disclose confidential information belonging to the Council to an outside body.
- c) The duty towards the outside organisation only applies when the Councillor is acting in their capacity as a director/trustee/board member of that organisation. When at Council meetings or acting in a Councillor role, he/she must act in the best interests of the Council (subject to the above point about confidentiality). It is therefore very important that Members have a clear understanding of “which hat they are wearing” at any time.
- d) It may often be the case that a Councillor has been appointed to an outside body because he/she has a particular interest in the subject matter e.g. housing. In those circumstances it would not be unusual

if the Councillor's own views and those of the particular organisation were closely aligned. Alternatively, a Councillor may have gained particular knowledge about a subject because of their involvement on another body. It is perfectly proper that the Councillor should express those views/use that special knowledge during Council debates *because they are his/her own views*. However, a Councillor should never be seen to use their position on the Council to act as an advocate on behalf of an outside organisation during Council debates, because that would be putting the other organisations interests ahead of the Council's. This applies regardless of whether or not they were appointed by the Council.

### .1.3 Conflicts of Interest

- a) Where a director, trustee or member of an outside body has a conflict of interest because they are also a Councillor, then that interest must always be disclosed at any meeting of that outside organisation (this also applies where the person has an interest because of their personal circumstances). Whether or not he/she should continue to participate in that meeting will depend on the rules of that organisation: as a general guide, if there are no rules or procedures specified then he/she should abide by the same rules as apply at Council meetings.
- b) Where a matter under discussion at a Council meeting concerns another local authority or an outside organisation to which a Councillor has been appointed as the Council's representative, the Council's Code of Conduct says that this does not have to be declared as a *Disclosable* interest unless a Member of the Public, knowing the circumstances, would reasonably regard membership of the body concerned as being likely to prejudice the Councillor's judgment of what is in the public interest.

However, there may be circumstances where the conflict of interest would be so great as to make it impossible for the person to act both as a Councillor and a member of the other organisation – for example, in the case of negotiations involving confidential information on both sides. In that situation the person should declare an interest and take no part in the matter in one or other forum i.e. decide whether to act as a Councillor or as a director/trustee in relation to the particular matter but not both. Equally, it could never be right for a Councillor to participate in the determination of a planning application made by an outside organisation of which s/he was a director or board member, even though nominated by the Council.

- c) This advice in relation to potential conflicts of interest applies to both category (a) and (b) organisations.

### 3.2 Personal Liability

3.2.1 A Councillor who accepts appointment to a Category (b) outside body takes on a responsibility to act in accordance with the particular obligations and requirements applicable to that type of organisation, and so should ensure that they are fully understood. The Council's Legal Section will provide general guidance on these matters, but the outside organisation itself (or their advisors) is likely to be better placed to advise on the specific issues concerning that organisation. Appendix A contains some notes exploring the rights, duties and responsibilities of company directors.

3.2.2 Assuming that Councillor nominees to outside organisations understand and comply with the relevant legal obligations applicable to that type of organisation, Councillors are unlikely to incur personal liability as a result of their appointment.

3.2.3 In order to guard against personal liability, Councillors should:

- Make sure they understand the obligations and responsibilities they have taken on (see above);
- Ensure that the organisation concerned is properly advised and managed;
- Ensure that the organisation has appropriate insurance cover, including Directors' Liability insurance;
- Make sure that the legal framework of the organisation is appropriate to the activities that it conducts e.g. it would be inadvisable for bare trustees to be undertaking significant trading activities;
- Be diligent – attend Board meetings and make sure they know what is happening, and do not assume that legal formalities are being attended to by other people.

### 3.3 Indemnity

3.3.1 The question is sometimes raised as to whether the Council should indemnify Councillors against any personal liability as a result of being appointed as a member of an outside organisation. Whilst it is theoretically possible to give an indemnity to Councillors who are acting on the Council's behalf, the law is not ideally clear and a blanket approach is not appropriate

- a) In the majority of instances, the Council's involvement ends once the nomination has been made. Although appointed by the Council, the Councillor is not acting as the Council's representative because the Councillor's responsibility is to act in the best interests of the Company rather than the Council.
- b) The Council cannot regulate how Councillors behave on outside bodies or what decisions are made by those bodies. Therefore the Council cannot accept responsibility for matters over which it has no control.

- c) There is still some uncertainty as to the extent of any indemnities which could be given. The Council could not, for example, indemnify Councillors against their own fraud or wilful misconduct. It could potentially cause greater problems and create a false sense of security to give indemnities which later proved to be invalid.
- d) In many instances the nature of the organisation's activities are low risk and an indemnity ought not to be necessary.
- e) Many of these issues are better addressed by the organisations themselves taking out appropriate insurance cover and ensuring they have proper management procedures in place.

#### **4. Non-Council Appointments**

- 4.1 A Councillor may seek membership of, or appointment to, a voluntary organisation in a private capacity as long as there is no conflict of interest with his position as a Member of the Council. The role and responsibilities of the Member will be governed by the organisation's constitution or governing document.
- 4.2 If a Councillor is appointed to a body in a personal capacity they will not be indemnified by the Council and need to be mindful that the Code of Conduct may still apply to them in certain circumstances.

#### **5. Further Advice**

- 5.1 For further advice about any matters covered in this protocol, please contact the Monitoring Officer, Principal Solicitor or Democratic Services Manager.

## APPENDIX A

**Guidance Notes for Members acting as Directors of Outside Bodies****Duties**

1. Members who are appointed as directors of outside bodies should note that when acting as a director, their prime duty is to that outside body. Members should therefore take careful note of which capacity they are acting in, at any given time.
2. A Director owes a fiduciary duty to the body to act honestly, in good faith, and in the best interests of the body as a whole. Directors are in the position of quasi-trustees who must take proper care of the assets of the body. The fiduciary duty of a director towards a body is very similar in nature to the fiduciary duty of a Councillor to Council Tax payers.
3. A Director owes a general duty of care and skill to the body, but no more than might reasonably be expected of someone of that person's particular knowledge and experience. A Director is not deemed to be an expert but is expected to use due diligence and to obtain expert advice if necessary.
4. In the same way as a Councillor in respect of Council decisions, a Director is under a duty to exercise independent judgment, although they may take account of third party interests which they represent. In such cases, a Director must disclose that position to the body and must strike a fine balance between the interests of the body and the interests of the third party (e.g. the Council). The Director cannot simply vote in accordance with a Council mandate since to do so would be a breach of duty.
5. The Director may encounter actual or potential situations where there is a conflict between the interests of the Council on the one hand, and those of the body on the other. In such circumstances the only proper manner to resolve the conflict is for the Member to resign from either the body or the Council.
6. Directors must not make a private profit from their position. They must disclose any interests they or their family have in relation to contracts entered into by the body. Whether they may vote on such matters will depend on the Articles or Constitution of that body.
7. Directors must ensure that they comply with the Companies Act in relation to keeping accounts, and making relevant returns to the Registrar of Companies. Failure to do so may incur fines and persistent default may lead to disqualification as a director.

# Redditch Borough Council

## Members' Roles

These role descriptions try to capture the essence of Members' roles. Activities not listed should not automatically be assumed to be outside the role. The document may be amended as often as the Council considers necessary to keep it relevant and up to date.

This document aims to describe the potential range of activities which Members may find themselves undertaking in their various roles, it does not seek to prescribe what Members must do.

This document should provide a direct and useful reference for anyone taking on, or considering taking on, the roles described. It should also therefore assist with identifying suitable training and development opportunities.

	Role	Page Number
1.	Councillor Core Role (including ward councillor responsibilities and ways of working)	2
2.	Leader of the Council	5
3.	Deputy Leader of the Council	7
4.	Party Group Leader	8
5.	Portfolio Holder / Executive Committee Member	9
6.	Mayor	12
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**1. COUNCILLOR - CORE ROLE****Council Duties**

- To represent electors and the people and businesses of Redditch by acting as effective advocates, campaigners, representatives and champions.
- To bring forward proposals supported by the community for securing improvements to the economic, social and environmental well-being of their Ward and the Borough as a whole, and to act in accordance with the highest standards of probity in public life, seeking to serve the community without personal gain.
- To attend meetings of the full Council and its Committees as necessary and contribute effectively.
- To contribute to the political management of the Council and undertake any other role allocated in respect of either Executive, non-Executive, Overview & Scrutiny or quasi-judicial / appeal functions.
- To undertake other official duties or act as representatives of the Borough Council on outside bodies / external organisations to which they have been appointed and to make arrangements to feed back on that organisation's deliberations.
- To participate in setting a budget, forming the Council's policy and scrutiny of practices and service delivery.
- To monitor performance against strategic purposes and measures in all areas of the Council's direct and indirect activity.
- To co-operate with other agencies to the benefit of people in the Borough.
- To promote and represent the Borough Council in the local community.
- To liaise with other levels of government, agencies or bodies which influence the well-being of the Borough and local area.
- To Chair Committees, Panels, Working Groups and other meetings as required.
- To undertake appropriate Member Development necessary to carry out their role(s) or designated responsibilities.

**Community duties / Ward Councillor responsibilities**

- To promote the economic, social and environmental well-being of the community.
- To find ways of effectively and regularly communicating with constituents.
- To be an advocate for constituents.
- To explore new ways of being accountable to constituents.
- To actively campaign for measures that will secure strong, safer communities.
- To help access funding from different sources for the benefit of the community.
- To deal effectively with the concerns of local residents in respect of issues pertaining to the Council and its partners.
- To liaise with other levels of government, agencies or bodies which influence the well-being of residents living in the Borough.
- To develop an understanding of and impact on the local community of the key strategies and plans developed by the Council together with those developed by external partners.
- To develop effective relationships with key individuals and partners in the Ward and to seek to secure the commitment of those individuals and partners in shaping and developing a shared vision for the community.
- To feed back to the community, where appropriate, decisions and issues which concern the Ward, business interests and/or individuals and to bring forward any views into the Borough Council's processes.
- To participate effectively in all relevant consultative processes within the local community, including those delivered by other organisations.
- To participate in any meetings to which s/he is invited to discuss petitions submitted by local residents or businesses pertaining to his /her ward.
- In undertaking their duties, to observe the Members' Code of Conduct, Members' Code of Conduct for Gifts and Hospitality and any other codes and protocols adopted by the Council.

The roles described above must be carried out in a manner which promotes equality of opportunity, dignity and due respect for Members, employees, service users, partners and constituents.

**Ways of working**

To enable Councillors to effectively fulfil their duties and responsibilities, Councillors:

- Should expect to be briefed, informed and involved in respect of any issue or initiative affecting their Ward.
- Have certain rights of access to information held by the Borough Council. Councillors should, however, recognise the need to respect any confidentiality of information made available to them to fulfil their responsibilities and respect the privacy of individuals.
- Should not involve themselves in any matter which relates to other Councillors' electoral areas without their prior knowledge and consent.
- May not serve (or act as a substitute) on the Planning or Licensing Committee unless they have undertaken the required training.
- Who serve on the Planning Committee must abide by the Planning Code of Practice for Councillors engaged in the determination of Planning Applications.
- Who serve on Licensing Committee, must abide by the Licensing Code of Good Practice.
- Should comply with the Council's Code of Conduct and protocols, or such other protocols as the council may from time to time adopt.
- Should comply with the Members / Officer Relations Protocol.
- Should promote the Council's policies on equalities and diversity in the workplace, in partnerships and in service provision.
- Should keep abreast of national best practice / new initiatives relating to local government so as to ensure the continuous improvement of Council services.
- Should make use of technology as an effective means of communication.
- Should always act in a manner which ensures that challenge to policy is kept at a political level and does not damage the reputation of individual officers.

## 2. LEADER OF THE COUNCIL

### Key Purpose of the Role

- The Leader of the Council will provide visible strategic leadership and direction for the Council. In so doing s/he will adopt and promote the principles of mutual respect, constructive engagement and recognition that the common good of the Borough of Redditch and its citizens is paramount.
- The Leader of the Council, with the Chief Executive and Monitoring Officer, will determine the agenda of Executive Committee meetings.
- The Leader of the Council, with the Chief Executive, the Monitoring Officer and Mayor, will determine the agendas for Council meetings.
- The Leader of the Council will work with Portfolio Holders to ensure the effective delivery of services against agreed policies of the Council.
- The Leader will be the primary link between the Chief Executive, Executive Directors and Councillors. The Corporate Management Team will work closely with the Executive Committee in the formulation and development of new strategies, policies and objectives.
- The Leader of the Council will report regularly to Council and Committees in respect of strategic matters to engender corporate ownership and awareness.
- The Leader of the Council will enable Portfolio Holders to recognise the need to work as a collective team at a strategic level to achieve wider organisational objectives.
- The Leader of the Council will act as an ambassador of the whole Council, its citizens and businesses on external bodies that enhance the reputation and promote the environmental, social and economic wellbeing of the Borough of Redditch (outside civic and ceremonial roles and functions).

### Key duties

- To Chair all meetings of the Executive Committee and manage its business / work programme / the Executive Committee's Work Programme
- To appoint Portfolio Holders to the Executive Committee and to allocate areas of responsibility to the Portfolio Holders.
- To act as a final arbitrator between Portfolio Holders within the Executive Committee.
- To report to Council on decisions taken by the Executive Committee.
- To represent the Borough at local, regional and national levels, acting as an ambassador and leading the development of key strategic partnerships with local communities, outside agencies and key stakeholders to deliver the Council's corporate objectives and provide high quality services to residents.
- To provide clear / strong, fair and visible political leadership for the Council, relating to all Members, citizens, staff and stakeholders.
- To act as the Council's spokesperson on all key corporate issues, consistent with the overall policy and budgetary framework agreed by the Council.
- To lead the development of local and regional policies which fulfil the Council's strategic purposes..

- To lead on the Council's effective decision-making processes and supporting administration.
- To lead the budget-making and performance management processes of the Council.
- To lead the Council's public participation activities, encouraging local people to take part in the Council's decision-making processes.
- To lead on all regional affairs.
- To lead in ensuring that the Council's strategies, plans, strategic purposes and measures are monitored, implemented and achieved.
- To ensure that the Council is open and responsive to the community, so that accountability is seen to operate.
- To ensure that decisions are taken properly, openly and, where appropriate, publicly and that key decisions are properly programmed and subject to effective public consultation.
- To develop and maintain a good relationship with the Chief Executive of the Council and other Officers, providing a contact point between the political and Officer groups and setting an example to the whole organisation.
- To meet regularly with the Chief Executive to monitor and review the progress of the Council towards delivering on the Council's strategic purposes.
- To lead in the performance appraisal procedures for the Chief Executive.
- To liaise with the Chair of the Overview and Scrutiny Committee when items which are not on the Executive Work Programme but which need to be considered urgently arise.
- To attend meetings of the Overview and Scrutiny Committee as required and to be subject to examination in respect of any Council policies or objectives.
- To ensure that recommendations from the Overview and Scrutiny Committee are fully considered in the formulation and development of Council policy. To nominate Council Members from his/her political group to serve on all appropriate member bodies, including, as appropriate, other outside bodies.
- To provide effective liaison between all political groups.
- To establish and maintain effective and efficient working relations with the leaders of other groups, the Executive Committee, the Chairs of other Committees, overview and scrutiny, other members and officers as appropriate.

The above activities are in addition to the responsibilities set out in the Core Councillor, Group Leader and Portfolio Holder Roles.

Members are advised that the Leader of the Council and relevant Portfolio Holder for Planning should not ideally sit on the Planning Committee.

### 3. DEPUTY LEADER OF THE COUNCIL

#### **Key Purpose of the Role**

The Deputy Leader will support and deputise for the Leader in his/her executive functions.

#### **Key duties**

- In the absence of the Leader of the Council, to undertake those duties expected of the Leader and encompassed in the role description for that position.
- To deputise for the Leader of the Council in his/her absence.
- To chair Executive Committee meetings in the absence of the Leader of the Council.
- To act as the Council's spokesperson on all key corporate issues, consistent with the Council's overall policy and budgetary framework, in the absence of the Leader.
- To hold and lead on any Portfolio Holder position which the Council may allocate.
- To undertake specified delegated / designated Leader duties.
- To share and support in general the full workload of the Leader.
- To establish and maintain effective and efficient working relations with the leaders of other groups, the Executive Committee, Chairs of other committees, overview and scrutiny, other Members and officers as appropriate.

The above activities are in addition to the responsibilities set out in the Core Councillor and Executive / Portfolio Holder Role.

**4. PARTY GROUP LEADER****Key duties**

- To provide clear political leadership for the Party represented.
- When in Opposition, to provide credible checks and balances, challenges and alternatives to the ruling party.
- To canvas a range of views within the Party in the formulation of policy.
- To integrate and represent Party policy at a local level.
- To co-operate with other Groups where appropriate, particularly in matters of a non-party political nature.
- To chair and/or attend meetings where appointed to a representative role within the Council.
- To liaise with other local and regional representatives of the party.
- To monitor the performance of the Council against its budget, policy and performance plan.
- To represent the views of his/her Group in relation to any matter on which Officers seek consultation and guidance.
- To provide effective leadership and management of and communications within his/her own Group;
- To ensure that members of his/her Group comply with local and national Codes of Conduct and protocols governing Member conduct and behaviour and, where necessary, to deal with any breaches of these codes or protocols.
- If appropriate, to 'shadow' one or more service of corporate area of the Borough Council's activity;
- If appropriate, to appoint members of his/her Group to 'shadow' particular service or corporate areas of the Borough Council's activity.

The above activities are in addition to the responsibilities set out in the Core Councillor Role.

Group Leaders cannot sit on the Audit, Governance and Standards Committee.

**5. PORTFOLIO-HOLDER / EXECUTIVE COMMITTEE MEMBER****Portfolio Holder role**

Portfolio Holders:

- provide visible leadership in the area of their portfolio functions and responsibilities to the Council;
- assist in the development of appropriate new strategies and policies for the consideration of the Executive Committee;
- ensure policies are implemented effectively;
- ensure effective delivery and operation of all projects and budgets within his/her portfolio; and
- participate in making collective decisions at meetings of the Executive Committee.

**Executive Committee member (without portfolio)**

- To participate in making decisions at meetings of the Executive Committee.

**Executive duties**

- To meet the Council's strategic purposes, as set out in the Council Plan.
- To ensure performance improvement in all services, consistent with Value for Money principles and within the policy and budgetary framework agreed by the Council. This includes responding appropriately to statutory reports on external inspections and service reviews.
- To facilitate and encourage public participation in the Council's activities by engaging key stakeholders in the Council's decision-making processes.
- To oversee the publication of consultation papers on key issues and ensure that there is appropriate public consultation.
- To consider budget priorities and actions on the delivery of Council services within the overall policy and budgetary framework agreed by the Council.
- To consult with the Overview and Scrutiny Committee on matters relating to the development and formulation of policy.
- To support positive relationships and practices through co-operative working with Officers and Trade Unions.
- To oversee the investigation of and responses to all Local Authority Ombudsman reports, including any findings of maladministration.

**Portfolio Holder duties**

- To provide pro-active political leadership and to be the principal political spokesperson for the designated function / service of the Council set out in the allocated Portfolio.
- To initiate (subject to any necessary Executive Committee/ Council approvals) and/or promote strategies, policies and programmes in the allocated Portfolio within the Council and externally.
- To provide political leadership in ensuring that service strategies, plans, objectives and targets within his/her area of responsibility are monitored, implemented and achieved.

- To present and consult on the Council's policies in the allocated Portfolio with the public, directly and through appropriate media.
- To engage actively and represent the Council in appropriate local, regional and national groupings involved with the service areas set out in the allocated Portfolio.
- To make recommendations about the implementation of strategies and policies within the allocated Portfolio.
- To report to the Council on decisions made, actions taken and progress achieved within the allocated Portfolio.
- To consult with and report as required to the Executive Committee and the Overview and Scrutiny Committee.
- To commission and consider reports from appropriate Officers as required for the efficient discharge of the Portfolio Holder's duties / responsibilities and to ensure these reports are listed on the Executive Committee's Work Programme.
- To keep abreast of national best practice / new initiatives in the areas covered by the Portfolio to help ensure high local service standards and provision. To consider and act on performance data and reports from the Executive Committee and the Overview and Scrutiny Committee.
- To take responsibility for monitoring progress in relation to strategic purposes and measures within the remit of his/her portfolio and to consider reports from the Executive and Overview and Scrutiny Committees in respect of this matter.
- To contribute to the corporate development of the Council's strategic purposes and measures through active engagement of the Executive Committee.
- To work closely with relevant Senior Officers of the Council to support the efficient management of the Council and to uphold high standards of performance and conduct and in enabling Officers to exercise any powers delegated to them.
- To attend meetings of the Overview and Scrutiny Committee as and when required.
- At meetings of the Executive, to present / speak to and to move any necessary motions in relation to reports within his/her areas of responsibility.
- To consult with local Ward Members about policy developments or service initiatives which have a specific relevance to their areas.
- To commission research, studies or the collection of information relating to policy issues or service delivery.
- To advise the Executive on how to respond to a scrutiny report relating to his/her area of responsibility.
- To meet with relevant Heads of Service on at least a bi-monthly basis to discuss the budget spending profile and ensure it is in accordance with the agreed budget.
- To examine and discuss with Heads of Service relevant budgets relating to his/her portfolio prior to consideration by the Executive Committee.
- To ensure that officers consult and keep informed, as necessary, Members, residents and businesses of the Borough of Redditch on all matter covered by his/her portfolio.
- To refer, as necessary, to the appropriate officer any issues which fall within the scope of their duties.
- To work in collaboration with the Leader, other Executive Committee Members, other relevant Members of the Council, MPs and external bodies, to enhance the image of the

Borough of Redditch and, where appropriate, to advocate for resources/inward investment and regeneration for the benefit of the residents of the Borough of Redditch.

- To establish and maintain effective and efficient working relations with the leaders of other groups, the Executive Committee, the Chairs of Committees, other Members and officers as appropriate.
- To work with the Leader, Chief Executive, Executive Directors and Heads of Service to ensure effective and efficient delivery of the Council Plan and, in particular, the continuous improvement of all services covered by his/her portfolio.

The above activities are in addition to the responsibilities set out in the Core Councillor Role.

Executive Committee Members cannot serve on the Overview and Scrutiny Committee, as substitutes on the Overview and Scrutiny Committee, on the Crime and Disorder Scrutiny Panel or on any Scrutiny Task Groups / Scrutiny Working Groups / Short Sharp Reviews.

Neither the Mayor nor the Deputy Mayor can serve on the Executive Committee.

## 6. MAYOR (Civic / Ceremonial)

### Key Purpose of the Role

The Mayor of the Borough of Redditch is elected on an annual basis. S/he will chair Council meetings and represent the Council at ceremonial, civic and other functions inside and outside of Redditch. S/he will receive civic guests, delegations and visitors, host civic occasions and provide civic hospitality as required.

### Key duties

- As the Borough's first citizen, the main role of the Mayor is to act as the non-political, Civic and Ceremonial Head of the Borough.
- To chair meetings of the full Council, to preserve order at the meetings and to ensure that proceedings are conducted impartially so that its business can be carried out fairly and efficiently and with regard to the rights of Councillors and the interests of the community.
- To uphold and promote the purposes of the Constitution and interpreting it where necessary.
- To ensure that the Council meeting is a forum for debate of matters of concern to the local community.
- To inform his/herself as to the business of the meeting.
- To ensure that discussions at Council are within the scope of the meeting and within the time limits allowed.
- To rule on a point of order and other incidental questions which require a decision at the time.
- To put relevant questions to the meeting and take a vote on them; causing a named vote or ballot to be taken if demanded; if necessary to give a second or casting vote; and to declare the result.
- To adjourn Council meetings when circumstances justify or require that course.
- To declare Council meetings closed when business is completed.
- To act in a proper and dignified manner at all times as befits the office.
- To establish and maintain effective and efficient working relations with the leaders of other groups, the Executive Committee, Chairs of other committees, overview and scrutiny, other Members and officers as appropriate.
- To determine any matter referred to him /her in relation to matters requiring an urgent decision pursuant to the Constitution.
- To maintain the historical and ceremonial traditions of the Office of Mayor.
- To promote as widely as possible the interest and reputation of the Borough Council and of Redditch locally, nationally and internationally.
- To promote, liaise and link with private and voluntary sector organisations in the Borough.
- To participate in and help initiate activities which enhance the economic, social, cultural and environmental well-being of the Borough and its residents.
- To act as patron / president to local organisations.
- To act as host to official visitors to the Borough.
- To attend annual civic events and local community activities.

- To represent the Borough at ceremonial events.
- To act as the Borough's representative on other occasions determined by Council.
- To carry out all duties in a manner appropriate to the status and tradition of the Office.

## 7. DEPUTY MAYOR

### **Key Purpose of the Role**

The Deputy Mayor is elected to deputise and support the Mayor of the Borough of Redditch and will represent the Council at ceremonial, civic and other functions inside and outside of Redditch in that capacity as appropriate. S/he will receive civic guests, delegations and visitors, host civic occasions and provide civic hospitality as required.

To ensure their impartiality at meetings neither the Mayor nor the Deputy Mayor may serve on the Executive Committee.

### **Key duties**

The Deputy Mayor will on occasions, perform these duties.

- To deputise, as necessary for the Mayor.
- To undertake specific tasks and responsibilities as requested by the Mayor.
- To work actively with the Mayor to manage the work of the Council meeting.
- To act as an ambassador for the Council both inside and external to the Borough of Redditch.

The above activities are in addition to the responsibilities set out in the Core Councillor Role.

To ensure their impartiality at meetings neither the Mayor nor the Deputy Mayor may serve on the Executive Committee.

## 7. OVERVIEW & SCRUTINY COMMITTEE CHAIR

### Key Purpose of the Role:

The Overview and Scrutiny Committee Chair will chair Committee meetings covering the areas of responsibility determined by the Council in particular:

- scrutinising budgets, plans, policies and strategies proposed by the Executive Committee to ensure that it is effectively held to account;
  - monitoring and reviewing policies, strategies and budget decisions and implementation of proposals;
  - monitoring service performance and any related proposals;
  - identifying and pursuing cross-cutting strategy issues and ensuring a corporate approach to overview and scrutiny.
  - ensuring Councillors' information needs are met so that they can contribute fully to decision making; and
  - initiating and developing constructive relationships with members of the Executive Committee and senior officers.
- 
- **Key duties** To steer the Committee and manage its business in an efficient manner, ensuring effective engagement by all members and participants.
  - To provide leadership and direction both for the Committee and for scrutiny arrangements within the Council.
  - To promote the role of Overview and Scrutiny both within and outside the Council.
  - To lead and encourage members of the Committee in the formulation of a scrutiny programme which is manageable, balanced and meets the criteria for chosen review topics.
  - To engender a culture for scrutiny in which party political considerations are put aside, focussing instead on achieving the best outcomes for the community.
  - To ensure that individual scrutiny exercises are conducted in an appropriate and timely manner.
  - To Chair a Task Group, Short sharp Review Group or Scrutiny Working Group.
  - To work with the Vice-Chair and relevant Officers to co-ordinate the activities and the work programme of the Overview and Scrutiny Committee.
  - To foster and maintain a disciplined approach by the Members involved in Scrutiny having regard to high standards of behaviour and ethics.
  - To monitor the Council's decision-making processes, ensuring that such decisions are consistent with Council policy.
  - To scrutinise the activities of the Executive Committee.
  - To invite members of the Executive Committee, Officers and others to attend meetings of the Scrutiny Committee to answer questions and to speak on proposals when presenting reports for pre-scrutiny..
  - To own and present the reports of the Scrutiny Committee to the relevant bodies with the Council.
  - To report annually to Council as part of the overview and scrutiny arrangements.
  - To bring forward suggestions to ensure the future development of the Council's scrutiny practices.

- To respond on any matter referred to him/her in matters requiring an urgent decision pursuant to the Constitution.
- To act as a focus for liaison between the Council, communities and partners in the scrutiny function.
- To present recommendations made by the Overview and Scrutiny Committee at meetings of the Executive Committee as and when required.

To consider whether to permit any key decisions, for which 28 days' notice have not been provided, to be included on the Executive Committee agenda.

VICE CHAIR OF THE OVERVIEW AND SCRUTINY COMMITTEE

### **Key Purpose of the Role:**

The Vice Chair will support and deputise for the Chair of the Overview and Scrutiny Committee.

### **Key duties**

Vice-Chairs will on occasions, also perform this role

- To deputise for the Chair of the Committee.
- To undertake specific tasks and responsibilities as requested by the Chair.
- To work actively with the Chair to manage the work of the Committee.

The above activities are in addition to the responsibilities set out in the Core Councillor Role.

Members of the Overview and Scrutiny Committee cannot sit on the Executive Committee or be appointed as Portfolio Holders.

**CHAIR OF THE CRIME AND DISORDER SCRUTINY PANEL****Key Purpose of the Role:**

The Chair of the Crime and Disorder Scrutiny Panel chairs meetings of the Panel and ensures that the focus of these meetings is on the work of the North Worcestershire Community Safety Partnership in the Borough of Redditch.

**Key duties**

- To chair the Crime and Disorder Scrutiny Panel and manage its business in an efficient manner, ensuring effective engagement by all members and participants.
- To lead and encourage members of the Panel in the formulation of a work programme which is manageable, balanced and focuses on the work of the North Worcestershire Community Safety Partnership as a whole and not on individual partner organisations..
- To engender a culture for scrutiny in which party political considerations are put aside, focussing instead on achieving the best outcomes for the community.
- To Chair Task Groups launched by the Panel.
- To foster and maintain a disciplined approach by the Members involved in Crime and Disorder Scrutiny having regard to high standards of behaviour and ethics.
- To report to the Overview and Scrutiny Committee on the work of the Panel.
- To invite members of the Executive Committee, Officers and others to attend meetings of the panel to answer questions and to speak on proposals when presenting reports.
- To own and present the reports of the Crime and Disorder Scrutiny Panel to the relevant bodies with the Council.

The Chair of the Crime and Disorder Scrutiny Panel must be a member of the Overview and Scrutiny Committee.

Overview and Scrutiny Committee Members cannot serve on the Executive Committee or be appointed as Portfolio Holders.

**8. OVERVIEW & SCRUTINY COMMITTEE MEMBER****Key Purpose of the Role**

Overview and Scrutiny Committee Members contribute actively to the work of the Committee.

**Key duties**

- To scrutinise Executive Committee decisions, to assess how these contribute to effective service delivery and help to achieve the authority's Council Plan and whether they are in accordance with the Council's approved budgetary and policy framework.
- To review individual policies and projects to evaluate their effectiveness and success and consult with all relevant stakeholders in this process.
- To monitor how the Council is meeting the agreed strategic purposes, as set out in the Council Plan.
- To facilitate and encourage participation in the Council's activities by effectively engaging local residents, businesses, outside agencies and other key stakeholders in the Committee's work as appropriate.
- To check that the Council continues to improve performance in all services within the policy and budgetary framework agreed by the Council and recommend areas for improvement and change.
- To undertake reviews of the Council's services and make recommendations which positively contribute to improving service delivery.
- To put forward suggestions for areas for scrutiny and participate fully in the conduct of any scrutiny exercise.
- To Chair Scrutiny Task Groups, Working Groups and Short Sharp Reviews as and when required.
- To review any matters which impact on the Borough of Redditch. Overview and Scrutiny Committee Members are not confined to reviewing only Council services.
- To conduct research, and community or other consultation.
- To question and gather evidence from any person (with their consent).
- To promote the role of Overview and Scrutiny both within and outside the Council.
- To contribute to suggestions for the future development of the Council's scrutiny practices.

To report back to the Overview and Scrutiny Committee about the work of external scrutiny bodies to which they have been appointed. The above activities are in addition to the responsibilities set out in the Core Councillor Role.

Overview and Scrutiny Committee Members cannot serve on the Executive Committee or be appointed as Portfolio Holders.

## 9. COMMITTEE CHAIRS

### Key Purpose of the Role

Ro Chair Committee meetings.

### Key duties

- To enable the smooth and orderly conduct of business within the Council's Constitution.
- To provide leadership and direction for the Committee.
- To determine priorities in light of the volume of work presented to the Committee.
- To ensure an orderly debate or deliberation of the business in hand.
- To report on the workings of the Committee, Sub-Committee, Panel or Working Group to the Executive Committee or full Council, as appropriate, and to present, where appropriate, recommendations to the Council.
- To allow proper consideration of any item.
- To ensure that the Committee (Sub-Committee, etc.) takes balanced decisions based on all relevant evidence, with impartiality and fairness.
- To ensure, with the Chief Executive, that Committee decisions are recorded with full justifications / reasoning.
- To develop a thorough understanding of the subject area of the Committee, including relevant legislation and policies.
- To bring, where appropriate, the views of co-opted members (if any) to the attention of the Executive Committee or Council.
- To liaise with Officers in formulating agendas and to attend any meetings with Officers to discuss matters relevant to the business of the Committee, Sub-Committee, Panel or Working Group.
- Where appropriate, to liaise with other interested parties in establishing co-opted membership, and topics for consideration.
- Where applicable, to liaise with other tiers of local government and to contribute to any other joint working arrangements.
- Where applicable, to lead such site visits that may assist Members arriving at a considered decision.
- To undertake specific training including updates in the law pertaining to the work of the Committee.

Vice-Chairs will on occasions, also perform this role

The above activities are in addition to the responsibilities set out in the Core Councillor Role.

**10. COMMITTEE MEMBER****Key Purpose of the Role**

To attend and participate in Committee meetings as voting Members.

**Key duties**

- To participate in Committee discussions.
- To give proper consideration to items before and during meetings.
- To offer opinions based upon an understanding of the legal requirements of the subject discussed.
- To inform the Committee of constituent opinion (if appropriate).
- To take into consideration a range of views and issues when reaching a decision.
- To conduct oneself with dignity and decorum when offering views which differ from those of other Members.
- To undertake appropriate site visits.
- To undertake specific training including updates in the law pertaining to the work of the Committee.

The above activities are in addition to the responsibilities set out in the Core Councillor Role.

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**REDDITCH BOROUGH COUNCIL  
CORPORATE ANTI-BRIBERY POLICY**

**Bribery Act 2010**

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## Introduction

The Bribery Act 2010 came into force on 1st July 2011. The act makes it an offence for a United Kingdom citizen or resident to pay or receive a bribe, either directly or indirectly. The act applies to transactions that take place in the UK and abroad, and both in the public and private sectors.

Redditch District Council through myself and the Senior Management Team is determined to maintain its reputation as an authority which will not tolerate fraud, bribery, corruption or abuse of position for personal gain, wherever it may be found in any area of Council activity.

To achieve this goal the Council will work to identify and eliminate any form of bribery through the introduction of this anti-bribery policy and through a risk assessment process and ongoing monitoring and review.

Elected Members and employees should play a key role in anti-fraud initiatives. This includes providing a corporate framework within which anti-fraud arrangements can flourish, and the promotion of an anti-fraud culture across the whole Council. This should provide a sound defence against internal and external abuse of public funds.

Under the terms of this policy all employees and elected Members are prohibited from soliciting, arranging or accepting bribes intended for the benefit of the Council, or for their personal benefit, or for the benefit of the employee's family, associates or acquaintances. This Policy extends to all the Council's business dealings, transactions and decisions.

Through the 'Whistle Blowing Policy' employees are encouraged to report any suspicion of bribery, safe in the knowledge that they are able to report concerns in confidence and without risk of reprisal

Kevin Dicks  
Chief Executive  
Redditch Borough Council  
November 2011

**Policy Statement**

Bribery is a criminal offence. The Council through its employees and elected Members does not, and will not, pay bribes or offer improper inducements to anyone for any purpose or, accept bribes or improper inducements. It is the Council's policy to conduct all business in an honest and ethical manner. The Council takes a zero-tolerance approach to bribery and corruption and is committed to acting professionally, fairly and with integrity in all business dealings and relationships. The Council will operate and enforce effective systems to counter bribery.

To use a third party as a conduit to channel bribes to others is a criminal offence. The Council does not, and will not, engage indirectly in or otherwise encourage bribery.

In this policy, **third party** means any individual or organisation we come into contact with during the course of our work. This includes actual and potential customers, suppliers, advisers, contractors, government and public bodies (including their advisers, representatives and officials), politicians and political parties. This list is not exhaustive.

This policy applies to all individuals, working at all levels and grades, including senior managers, officers, employees (whether permanent, fixed term or temporary), elected members (including independent Members), consultants, contractors, agents, trainees, seconded staff, casual and agency staff, volunteers, or any other person associated with the Council, wherever located.

This policy also applies to all of the Council's activities. For partners, joint ventures and suppliers, we will seek to promote the adoption of policies consistent with the principles set out in this document.

**What is Bribery?**

Bribery is an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage.

It is unacceptable to:

- give, promise to give, or offer a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given;
- give, promise to give, or offer a payment, gift or hospitality to a government official, agent or representative to "facilitate" or expedite a routine procedure;

- accept payment from a third party that you know or suspect that it is offered or provided with an expectation that a business advantage will be provided by the Council in return;
- retaliate against or threaten a person who has refused to commit a bribery offence or who has raised concerns under this policy;
- engage in activity in breach of this policy.

### **Objective of the Policy**

This policy provides a coherent and consistent framework to enable Redditch Borough Council employees and elected Members to understand and implement arrangements enabling compliance. In conjunction with related policies and key documents it will also enable employees to identify and effectively report a potential breach.

### **Role of Employees**

Employees are governed in their work by the various policies, protocols, codes, rules and procedures, particularly regarding conduct issues and are responsible for ensuring that they follow any instructions given to them by management, particularly in relation to the safekeeping of assets.

The Council requires that all staff, including those permanently employed, temporary agency staff and contractors:

- act honestly with integrity, at all times, and to safeguard the organisations resources for which they are responsible
- comply with the spirit, as well as the letter, of the laws and regulations of all jurisdictions in which the Council operates, in respect of the lawful and responsible conduct of activities
- read, understand and comply with this policy
- avoid any activity that may lead to, or suggest, a breach of this policy.

Any employee who breaches this policy will face disciplinary action, which could result in summary dismissal for gross misconduct. Disciplinary action will be taken in addition to, or instead of, criminal proceedings, depending on the circumstances of each individual case. The Council reserves the right to terminate its contractual relationship with other workers if they breach this policy.

Role of Elected Members

As elected representatives, all Members of the Council have a duty to the citizens of the Borough to protect the Council from any acts of fraud and bribery and ensure that resources are used prudently and within the law to safeguard public money, including ensuring they do not procure an advantage improperly. Elected Members are required to operate and adhere to the Council's Constitution, which incorporates a Code of Conduct for Members (Part 19 of the Constitution).

The Code includes rules regarding:

- ☐ The disclosure of relationships
- ☐ The declaration of gifts and hospitality
- ☐ Registering personal interests

Elected Members are also referred to the Code of Conduct for Councilors in relation to Gifts and Hospitality set out at Part 20 of the Constitution. This sets out the process that should be followed by elected Members when declaring gifts. See further below under "Record Keeping".

**The Council's commitment to action**

The Council commits to:

- setting out a clear anti-bribery policy and keeping it up to date;
- making all employees aware of their responsibilities under the terms of this policy;
- training all employees so that they can recognise and avoid the use of the bribery by themselves or others;
- encouraging employees to be vigilant and to report any suspicions of bribery, providing suitable lines of communication;
- ensuring that sensitive information is treated appropriately;
- rigorously investigating allegations of bribery, taking such cases to prosecution where relevant;
- assisting the Police or other authorities in more complex cases;
- taking action against any individual found to be involved in bribery;
- provide information to all employees to report breaches and suspected breaches of this policy;
- include appropriate clauses in contracts to prevent bribery.

**Facilitation Payments**

These are illegal, and will not be tolerated. Facilitation payments are unofficial payments made to public officials in order to secure or expedite actions.

**Gifts and Hospitality**

The Council's policy on gifts and hospitality for staff is found within the Officers' Code of Conduct. A copy is included in the Council's Constitution and is available on the Council's website and Intranet – 'Orb' *[insert link]*

The Officer's Code of Conduct makes it clear that one should not accept significant personal gifts from contractors and service providers such as food, drink, cars, clothes and jewellery.

Inexpensive calendars, diaries, blotting pads, pens etc (perhaps marked with the donor's name) are acceptable. If in any doubt about whether you should accept a gift, it is best to refuse it.

However, staff are prohibited from accepting a gift, or giving a gift to a third party if the following requirements are met:

- it is made with the intention of influencing a third party to obtain or retain business or a business advantage, or to reward the provision or retention of business or a business advantage, or in explicit or implicit exchange for favours or benefits;
- it is given in the Council's name, not the individuals;
- it includes cash or a cash equivalent (such as gift certificates or vouchers);
- if it is inappropriate for the circumstances;
- if the gift received is an inappropriate type and value, and given at an inappropriate time;
- it is given secretly and not openly;
- gifts should not be offered to, or accepted from, government officials or representatives, or politicians or political parties, without the prior approval of the relevant Head of Service.

### Public Contracts and failure to prevent bribery

Under the Public Contract Regulations 2006 (which gives effect to EU law in the UK) a company is automatically and perpetually debarred from competing for public contracts where it is convicted of a corruption offence. There are no plans to amend the 2006 Regulations for this to include the crime of failure to prevent bribery. Organisations that are convicted of failing to prevent bribery are not automatically barred from participating in tenders for public contracts. However, the Council has the discretion to exclude organisations convicted of this offence.

### Record Keeping

We must keep records and have appropriate internal controls in place which will evidence the business reasons for:-

- Receiving or declining gifts and hospitality which are offered to staff or elected Members;
- Providing gifts or hospitality on behalf of the Council to third parties.

Staff must ensure that any gift or hospitality for employees that is accepted, offered or refused, should be recorded in the Corporate Gift and Hospitality Register. The Register is held centrally by the Information Management Team.

Any gifts or hospitality received by elected Members must be reported to the Council's Monitoring Officer in accordance with Part 20 of the Constitution (Members' Code of Conduct on Gifts and Hospitality)

### How to raise a concern

All elected Members and employees have a responsibility to help detect, prevent and report instances of bribery. If you have a concern, **please speak up** – your information and assistance will help. The sooner you act, the sooner it can be resolved.

### Staff

In line with the reporting provisions of the Whistle blowing Policy, if staff believe or suspect that a conflict with this policy has occurred, or may occur in the future **but feel unable to report the matter to their Line Manager or Director, or have raised the matter in this way without success**, they should contact either the Chief Executive, the Monitoring Officer, Human Resources Manager, the Benefits Fraud Manager or the Audit Service.

Staff who do not have access to the intranet can contact any of these parties either in person or by telephone in the first instance.

### Members

Members should contact either the Chief Executive, the Monitoring Officer, Human Resources Manager, the Benefits Fraud Manager or the Audit Service.

Preferably any disclosure will be made and resolved internally. However, where this proves inappropriate and you are not happy to speak to someone internally, concerns can be raised externally. Raising concerns in these ways may be more likely to be considered reasonable than making disclosures publicly (for instance, to the media),

Concerns can be anonymous. The Council will act as soon as possible to evaluate the situation. It is however, easier and quicker to evaluate allegations if they are not made anonymously, particularly where it is necessary to get clarification on the allegation made.

### **Bribery Act Offences**

There are four key offences under the Act:

- bribing of another person (Section 1)
- accepting a bribe (Section 2)
- bribing a foreign official (Section 6)
- failing to prevent bribery (Section 7).

Section 7 is a corporate offence but an organisation will have a defence to this offence if it can show that it had in place 'adequate procedures' designed to prevent bribery by or of persons associated with the organisation.

### **Bribery Act Penalties**

An individual guilty of an offence under sections 1, 2 or 6 is liable:

- on conviction in a magistrates court, to imprisonment for a maximum term of 12 months, or to a fine not exceeding £5000, or to both;
- on conviction in a crown court, to imprisonment for a maximum term of ten years, or to an unlimited fine, or both.

Organisations, if found guilty of an offence under section 7 are liable to an unlimited fine.

End.

