



Council

Mon 22 May
2023
7.00 pm

Council Chamber,
Redditch Town Hall,
Walter Stranz Square
Redditch
B98 8AH

REDDITCH BOROUGH COUNCIL

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**If you have any queries on this Agenda please contact
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You are able to see the agenda for the meeting on the Committee Pages of the Council's website.

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Notes:

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Council

Monday, 22nd May, 2023

7.00 pm

Council Chamber, Redditch
Town Hall, Walter Stranz
Square, Redditch B98 8AH

Agenda

Membership:

Mrs Ann Isherwood (Mayor)

Cllrs:

Salman Akbar	Bill Hartnett
Imran Altaf	Sharon Harvey
Karen Ashley	Chris Holz
Joe Baker	Joanna Kane
Juliet Barker Smith	Sid Khan
Joanne Beecham	Anthony Lovell
Juma Begum	Emma Marshall
Brandon Clayton	Kerrie Miles
Luke Court	Gemma Monaco
Matthew Dormer	Timothy Pearman
James Fardoe	Jane Spilsbury
Peter Fleming	Monica Stringfellow
Alex Fogg	Craig Warhurst
Andrew Fry	Ian Woodall
Lucy Harrison	

1. Apologies for Absence

2. Declarations of Interest

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

3. Mayor's Opening Remarks

The existing Mayor, Mrs Ann Isherwood, will provide opening remarks and report on her Mayoral year.

4. Election of the Mayor for 2023/24

Once the new Mayor has been elected s/he will make the declaration of acceptance of office, receive the chain of office and take the Mayor's seat in the front of the chamber.

5. Election of the Deputy Mayor for 2023/24

When the new Deputy Mayor has been elected s/he will make the declaration of acceptance of office and receive the badge of honour.

6. Minutes (Pages 5 - 28)

7. Announcements

To consider Announcements under Procedure Rule 10:

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

8. Leader's Appointments

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

The Leader's Appointments will be published in a supplementary pack for this meeting.

9. Appointments of Committees, Panels etc and their Chairs and Vice-Chairs (Pages 29 - 54)

The covering report and Appendix 3 to the report are attached to this agenda pack. Appendices 1 and 2 to the report will follow in a supplementary pack.

10. Outside Bodies (Pages 55 - 64)

11. Scheme of Delegations (Pages 65 - 156)

12. Urgent Business - Record of Decisions

To note any decisions taken in accordance with the Council's Urgency Procedure Rules (Part 9, Paragraph 5 and/or Part 10, Paragraph 15 of the Constitution), as specified.

(None to date).

13. Urgent Business - general (if any)

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

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



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Monday, 27th February,
2023

MINUTES

Present:

Councillor Ann Isherwood (Mayor), Councillor Tom Baker-Price (Deputy Mayor), and councillors Salman Akbar, Imran Altaf, Karen Ashley, Joe Baker, Juliet Barker Smith, Juma Begum, Michael Chalk, Luke Court, Matthew Dormer, Peter Fleming, Alex Fogg, Lucy Harrison, Bill Hartnett, Sharon Harvey, Joanna Kane, Sid Khan, Anthony Lovell, Emma Marshall, Nyear Nazir and David Thain

Officers:

Peter Carpenter, Kevin Dicks, Claire Felton, Sue Hanley and Michelle Howell

Principal Democratic Services Officer:

Jess Bayley-Hill

73. WELCOME

The Mayor welcomed all those present to the meeting.

74. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors Joanne Beecham, Juliet Brunner, Brandon Clayton, Andrew Fry, Timothy Pearman and Craig Warhurst.

75. DECLARATIONS OF INTEREST

There were no declarations of interest.

76. MINUTES

The minutes of the meeting of Council held on 30th January 2023 were considered.

Members commented that, as detailed in the minutes, there had been different views expressed by Councillors at the previous meeting in respect of the proposed increase of rents for Council House tenants by 7%.

Chair

Questions were raised about whether the supplementary question that had been asked by a member of the public at the previous meeting had been answered. Officers confirmed that an answer had been provided to the gentleman concerned.

RESOLVED that

the minutes of the meeting of Council held on 30th January 2023 be approved as a true and correct record and signed by the Mayor.

77. ANNOUNCEMENTS

The following announcements were provided:

a) The Mayor's Announcements

A list of the civic engagements that had been attended by the Mayor since the previous meeting of Council was tabled at the meeting (Appendix 1).

The Mayor commented that highlights during this period had included attendance at the local Star Wars exhibition, which had been attended by visitors from a range of destinations, as far afield as Sweden.

The funeral for former Councillor, Gareth Prosser, had taken place in February 2023 and the Mayor had attended this on behalf of the Council. The funeral had been very moving and thought provoking.

The Mayor had also undertaken a tour of William Smith and Son Limited's factory in Redditch during this period. The business was still producing needles and had provided a helpful reminder of the Borough's rich history.

b) The Leader's Announcements

The Leader explained that, since the previous meeting of Council, he had attended meetings of the West Midlands Combined Authority (WMCA) Board, the District Councils' Network (DCN) Conference, a Business Leaders' meeting and a meeting of the Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP) Board.

c) The Chief Executive's Announcements

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

78. EXECUTIVE COMMITTEEIndependent Remuneration Panel Recommendations 2023/24

The Leader presented recommendations that had been made at the meeting of the Executive Committee held on 7th February 2023 in respect of Members' Allowances for 2023/24. Council was informed that, whilst the Independent Remuneration Panel (IRP) had proposed an increase to the basic allowance for Members, the Executive Committee had concluded that it would not be appropriate at this time to increase the basic allowance. The Executive Committee had also chosen not to endorse the IRP's proposals in respect of the Special Responsibility Allowances (SRAs) paid to Members. Members were asked to note that whilst the basic allowance would not increase at this time, there would be a need to increase the basic allowance in future to ensure that new and young candidates could continue to stand in local elections moving forward.

During consideration of this item, Councillor Joe Baker presented an amendment on behalf of the Labour Group (Appendix 2).

The amendment was proposed by Councillor Baker and seconded by Councillor Sharon Harvey.

In proposing the amendment, Councillor Baker commented that he agreed with the Executive Committee's proposal not to increase the basic allowance for Members and to retain existing arrangements for travel, subsistence and carer's allowance claims. However, the amendments proposed changes to the level at which various SRAs for different positions at the Council should be set. This included proposing an increase to the SRA for the position of leader of the opposition, to reflect the increasing importance of the role, as well as a reduction in the SRAs for the positions of Deputy Leader, Portfolio Holders and the Chairs of a number of Committees. In addition, the amendment proposed that there should be no SRAs payable to Members of the Executive Committee without portfolio and that no Member should be able to claim multiple SRAs. The amendment, should it be agreed, would result in savings of £21,872 for the Council.

In seconding the amendment, Councillor Harvey highlighted that not paying multiple SRAs and not paying SRAs for the position of Executive Committee member without portfolio, corresponded with proposals from the IRP. She commented that she supported proposals not to increase the basic allowance at this time, but she suggested that, under the current Scheme of Allowances, payments

of SRAs were over inflated and the amendment was designed to address this.

Members discussed the amendment in detail and in doing so commented on the following:

- The fact that Members had been able to claim multiple SRAs in Redditch for many years.
- The arrangement in place at other Councils in Worcestershire, whereby Members were not permitted to claim multiple SRAs.
- The level of increase proposed to the SRA for the leader of the opposition and the appropriate remuneration for this post.
- The role of the IRP in providing advice to the Council about Members' allowances and the need for the authority to be mindful of the IRP's proposals.
- The amount of time that Portfolio Holders needed to dedicate to undertaking their roles effectively and the need for this to be suitably reimbursed.
- The need for many Councillors to meet their duties as Councillors whilst also addressing other responsibilities, including work commitments.
- The many voluntary hours that elected Members dedicated to their roles as Councillors.
- The various commitments that Councillors could have in their elected Member roles, including case work, Committee attendance and representing the authority on outside bodies.

On being put to the vote, the amendment was lost.

Following further discussion, on being put to the vote, the recommendations from the Executive Committee in respect of Members' allowances 2023/24 were carried.

Pay Policy Statement 2023/24

The Portfolio Holder for Finance and Enabling presented the Pay Policy Statement 2023/24. Members were advised that the Pay Policy Statement, needed to be approved by Council on a yearly basis. The report detailed the remuneration levels for Officers and the relationship between them. All items were budgeted for in the Medium Term Financial Plan (MTFP). The Council set employees' pay and remuneration in accordance with relevant legislation. Members were asked to note that the Council had:

- Officer Grades 1-11
- 2 Manager Grades
- 3 Head of Service Grades
- Executive Director
- Deputy Chief Executive

- Chief Executive

Members were advised that the Council was part of the National Pay Bargaining Framework. Manager posts were evaluated by an external assessor. Other pay related allowances were subject to either national or local negotiated rates. Appointments were normally made at the minimum of the relevant grade. There was a system of annual progression to the next point on the pay scale. The Council did not apply bonuses or performance related pay to Chief Officers. Movement on scales was via satisfactory performance which was assessed annually. Posts over £50,000 were also required to be published in the Statement of Accounts. The Appointments Committee was responsible for recommending to Council matters relating to the appointment of the Chief Executive, Monitoring Officer, Section 151 Officer, and other Chief Officers. Should disciplinary action be required in respect of the Chief Executive, Monitoring Officer and S151 Officer, this would be led by the Statutory Officers Disciplinary Panel.

On being put to the vote the recommendation was carried.

Medium Term Financial Plan 2023/24 to 2025/26 (Including the Treasury Management Strategy and Capital Programme)

The Portfolio Holder for Finance and Enabling presented the MTFP 2023/24 to 2025/26 (Including the Treasury Management Strategy and Capital Programme). The report detailed the final 2023-24 to 2025-26 budgets for the Council in the MTFP. During the year, the Council had followed a two tranche process and Members were advised that the Council had entered into the process with an ongoing £1 million gap to be closed.

For the Tranche 1 proposals, progress had been achieved in respect of the £1.5m of savings proposals that had been made. However, pressures of £2.9m, mainly due to significant inflationary increases, had resulted in an increased gap of £1.7 million.

In reviewing the authority's basic assumptions (following the Provisional Local Government Settlement on the 19th December 2022) the following needed to be taken into account:

- The Council would increase Council Tax by 2.99%.
- Pay inflation increases had been adjusted to the actual award levels which had been applied to employees' pay budgets in December 2022. This amounted to £728,000, which was £200,000 less than assumed in Tranche 1 mainly due to staff vacancies. Future pay awards were assumed at 2%.

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- General Inflation was assumed to increase at 10% with utilities inflation increasing by 200%. This assumption had not changed since Tranche 1.
- The Provisional Local Government Settlement was positive for the Council, which had received:
 - £19,000 New Homes Bonus
 - £86,000 Services Grant
 - £493,000 Funding Guarantee Grant
 - A £130,000 reduction in the Council Tax base
- Overall, this was worth £468,000 for the Council and was in line with previous years' overall amounts. As this was only a one-year settlement, an assumption of an ongoing amount of £450,000 had been made for the final two years of the MTFP.

There had been a number of positive developments since the Tranche 1 savings had been agreed. This included:

- The final Triennial Pension Fund amounts had added a further £221,000 of ongoing savings for the following three years.
- Officers had reviewed and reallocated Earmarked Reserves, reallocating £1.7 million to cover half of the 200% utilities increase assumption and reducing budgetary amounts by £570,000 a year.
- Business Rates had many factors impacting on them, including relief from the Covid-19 period. Overall, £466,000 would support the base budget, and £200,00 would support the General Fund. As this was assessed by the Government on a yearly basis, only a £250,000 benefit had been assumed in future years.

This had the combined effect to move the £1.7 million deficit position that the Council had been in when Tranche 1 savings had been considered, to a £255,000 surplus. However, there were £0.6m of pressures to add to this. Consequently, the bottom-line figure for each year in the MTFP would be:

- A £311,000 deficit in 2023/24
- A £67,000 deficit in 2024/25
- A £63,000 surplus in 2025/26

Key pressures remained which included:

- Refurbishment of the Council's vehicle fleet, which extended the life of existing vehicles for five years and let the Council buy replacements in 2028 when supply would be more stable.
- A fund for apprentices across the Council in order for the authority to take advantage of apprenticeship levies and "grow" the Council's own staff at a cost of £50,000.

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- The Council needed to fund a data analyst post at a cost of £25,000 whilst the authority moved forward with all the work on automation and robotics, as there was only one staff member who could currently lead on this. The recruitment of this data analyst would indirectly lead to further savings, as new processes were embedded in future years' budgets.
- The extension of the use of Worcestershire Regulatory Services (WRS) to increase the speed at which planning enforcement was undertaken, at a cost of £25,000.
- The increased costs of WRS due to the pay award and other inflationary increases, at a cost of £47,000.
- Bringing employee budgets up to the full 2% level for pay awards in 2023/24 and 2024/25, at a cost of £100,000.
- The Council Tax Collection Fund was projected to under-recover by £1.589 million. The Council portion of this was 13% which was £190,000 for 2023/24.

Officers had reviewed Earmarked Reserves, which had seen little movement over recent years. As a consequence:

- £1.710 million had been reallocated to a Utilities Reserve and £1.584 million had been transferred to the General Fund.
- The majority of funding to support these changes came from the Covid-19 Reserve (£0.941 million), and the Business Rates Retention Reserve (£1.500 million).
- It was assumed that the Utilities Reserve would reduce to 0 over the MTFP period.

The significant issue for the General Fund was the impact of the 2022/23 overspend position which, as reported in the Quarter 2 Finance and Performance Monitoring Report, was £1.424 million. The impact of all these factors was that at the end of the MTFP period, the 31st March 2026, General Fund reserve levels were projected to be £2.114 million. This was above the 5% level suggested by the Department of Levelling Up, Housing and Communities (DLUHC) of £1.2 million, although given the overspend in 2022/23, a level closer to 10% of £2.25 million was considered to be a more prudent benchmark.

The Financial Strategy was to move the Council to financial sustainability in its Revenue Accounts by the 2024/25 financial year. To get to this position, there would be the need for investment and possibly the requirement to fund redundancies (both from reserves). These requirements would arise following the Council having to implement changes to the way it operated in order to continue to be a viable entity going forward and this would take 18 months to implement fully.

The Capital Programme for the following three years was set out in the report. Many of the schemes in the Capital Programme were already in partial delivery in the 2022/23 financial year. By approving this list, the Council was also agreeing for sums not spent in previous years to be carried forward into 2023/24. The programme was significant however, it was supported by the following substantial external funding:

- In 2023/4, of the £12.6 million programme, £10.6 million was externally funded.
- In 2024/5, of the £16.2 million programme, £10.9 million was externally funded.
- In 2025/6, of the £4.8 million programme, £3 million was externally funded.

The external funding included £15.2 million of the Town's Fund Grant and £2.5 million of the UK Shared Prosperity Fund (UKSPF) Grant, both of which were time limited.

Linked to the Capital Programme were the Council's Capital Strategy, Treasury Management Strategy, Minimum Revenue Strategy and Investment Strategy. These strategies detailed how the Council could invest surplus funds and borrow to fund its capital investments. Members were asked to note that if Councils were to "invest for gain", they could not use the Public Works Loans Board (PWLB) to fund expenditure, which was significantly lower than private finance. The Portfolio Holder for Finance and Enabling confirmed that the Council did not "invest for gain".

The Housing Revenue Account (HRA) was a ring-fenced account which could not be subsidised by the General Fund. Rents for 2023/24 had been increased by 7% in line with national limits.

Members were advised that the opinion of the Interim Chief Finance Officer was that the 2023/24 budget estimates contained considerable risk due to the continued level of uncertainty in the Council's operating environment and a single year financial settlement, making it problematic to develop meaningful assumptions. Key risks to be aware of included:

- The Council had not yet closed the authority's 2021/22 accounts, with the Period 11 Monitoring Report estimated outturn of £136,000 underspend still to be validated.
- The 2022/23 financial monitoring was showing an overspend position of £1.424 million.
- The core risks of implementation of any MTFP.
- Loss of key personnel, with the average age of staff being 49. Mitigation plans therefore needed to be drawn up.

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- The time limited nature of the large Town's Fund and UKSPF grant funding. If programmes were not delivered within the Government's specified timescales, then the Council would be liable for ongoing delivery expenditure.
- Business Rates Income – Especially with the 1st April 2023 revaluations that were being undertaken, actual income received would vary depending on actual Business Rates growth, and levels of appeals.
- The ongoing impact of inflation, especially around utilities.
- Possible changes of corporate direction/priorities following the elections in May 2023.

During consideration of this item, Councillor Joe Baker proposed an alternative budget on behalf of the Labour Group.

The alternative budget proposed the following:

“We agree that the right approach for the use of the Town Hall is as a Community Hub, but are opposed to the Library moving in as a tenant as they should remain at their present site. We know, with the present 2023/24 to 25/16 Medium Term Financial Plan, that this will result in a deficit of circa £260k. However, we agree with the Community Hub concept and our approach will be to attract other Public and Voluntary Sector Tenants to ensure there is no shortfall in 2025/26.

We want to invigorate the area running down from the Church past the library with a static market, which for Four days including a Saturday would be available for normal traders, with a specialist Market as and when required. We need to ensure that we attract footfall to this area to attract business both to the Market and existing shops. As such we propose investing in high quality Stalls (such as Wells) which would cost £50k. This equates to a capital cost of £5k a year (over 20 years) and net running costs of £33k a year - £38k in total.

We propose funding The Market initiative from the following two sources

- 1) The revised member Allowance Scheme. The Original costs of the Scheme are £236,600 and our proposals reduce the cost to £214,728 – a £21,872 reduction
- 2) The remaining £16,128 would be a reduction in Rubicon Management fee. Any additional costs due to Utilities over and above this difference would be funded from the Utilities Reserve.

In year three there is a proposal, approved at Council in January, to move to all out elections which we oppose. The savings in the

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2025/26 financial year is £170,000. We feel there needs to be a debate at full Council before a measure like this is implemented as it has a significant impact on all Political parties.”

The alternative budget was proposed by Councillor Baker and seconded by Councillor Juma Begum.

In proposing the alternative budget, Councillor Baker commented that local government finances were in a challenging position and many Councils had had to cut services and / or increase fees to pay for services, which impacted on vulnerable residents in particular. The alternative budget was also being proposed in a context in which the Council had recently been issued with a Section 24 Notice and after the Council had been unsuccessful in securing funding in the second round of the national Levelling Up programme. Members were advised that there was limited room for manoeuvre with the Council’s finances, but the alternative budget did make proposals that were designed to support economic growth and investment in the Borough. This included proposals in respect of reintroducing a static market in Redditch town centre. Redditch was a market town and the alternative budget made proposals suitable for a modern market.

The alternative budget also highlighted opposition to moving the main library in the town into the community hub, although support remained for a community hub moving forward and it was suggested that alternative tenants could hire space in the Town Hall to make up for any lost income from the library.

In order to achieve a balanced position in the alternative budget, Councillor Baker explained that the proposal was to use £21,872 savings from changes to Members’ allowances, as discussed earlier in the meeting. In addition, the alternative budget proposed a reduction in financial support for Rubicon Leisure Limited. An additional pressure would, however, be created as a result of the alternative budget removing the inclusion of savings from introducing all out elections from 2025/26 onwards.

In seconding the alternative budget, Councillor Begum commented that the market was important to the Borough. There was a need to help grow businesses in the town and the alternative budget was designed to achieve this whilst also removing the suggestion that the library should be relocated to the Town Hall.

Members subsequently discussed the alternative budget in detail and in so doing commented on the following:

- The role of markets in the modern era and the ways in which markets had changed over the years.

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- The impact that the Covid-19 pandemic had had on people's shopping habits both locally and nationally.
- The extent to which current market holders, operating from the Kingfisher Shopping Centre, were interested in returning to having an outdoor market in the town centre.
- The potential for new static market stalls to be used for the market.
- The option to hold themed markets in the town and the potential for this to attract new customers.
- The potential for new market stall holders to be introduced in a static market in the town and the level of interest amongst local entrepreneurs in taking up opportunities to introduce a market stall.
- The option for the Council to apply for further Levelling Up funding in the third round of the programme.
- The Town's Funding that had been received for the redevelopment of Redditch town centre and how this compared to other parts of the country.
- The risks to the Council should the authority not deliver the programmes, for which funding had been received through the Town's Fund, according to deadlines set by the Government.
- The impact that groups such as Digbeth Outdoor Dining had had on the vibrancy of the former covered market area in Redditch.
- The extent to which people in the local community were opposed to the relocation of the Library from its existing position to a community hub in the Town Hall.
- The plans for the community hub and the history in respect of decisions that had been taken on this subject.
- The Government's Fair Funding Review for local government and the need for clarity to be provided on the outcomes of this for the consideration of Councils moving forward.
- The impact that inflation was having on costs, which had particular implications for the capital programme and HRA.
- The need for transparency when reporting on the Council's budget position.
- The pressures that remained in the budget for future years, including in respect of the replacement of the Council's vehicle fleet.
- The review of the market that had been undertaken by the Redditch Market Scrutiny Task Group a number of years previously and the outcomes of this investigation.
- The extent to which the alternative budget achieved a balanced budget for 2023/24, in light of the previous decision during the Council meeting not to make any changes to the Members' Scheme of Allowances in respect of SRAs. The Interim Section 151 Officer confirmed that, as a consequence

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of this decision, there was a £21,872 gap in the alternative budget for 2023/24.

In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, the alternative budget was subject to a named vote.

Members voting FOR the alternative budget:

Councillors Joe Baker, Juliet Barker Smith, Juma Begum, Bill Hartnett, Sharon Harvey, Joanna Kane and Sid Khan (7).

Members voting AGAINST the alternative budget:

Councillors Salman Akbar, Imran Altaf, Karen Ashley, Tom Baker-Price, Michael Chalk, Luke Court, Matthew Dormer, Peter Fleming, Alex Fogg, Lucy Harrison, Ann Isherwood, Anthony Lovell, Emma Marshall, Nyera Nazir and David Thain (15).

Members ABSTAINING in the vote:

No Councillors (0).

The vote on the alternative budget was therefore lost.

Following discussion of the alternative budget, Members discussed the potential for all out elections to be introduced from 2025/26 onwards. There was general consensus that a system of elections by thirds worked well for Redditch. A decision not to progress with plans for all out elections would have financial implications for the Council in the third year of the MTFP. However, Members were advised that the legal requirement was to set a balanced budget in the first year of the plan and this would be achieved should Members agree the rest of the MTFP proposed by the Executive Committee on 7th February 2023.

Members subsequently debated the content of the MTFP recommendations from the Executive Committee in detail and in so doing commented on the reduction in funding that local Councils had received from the Government in recent years. Members suggested that there was a need for Councils to lobby the Government about increasing funding available to local government moving forward in order to minimise the impact on residents.

In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, and subject to the amendment to the MTFP for 2025/26 in respect of removing reference to the introduction of all out elections, all of the

recommendations in the Medium Term Financial Plan were subject to a named vote.

Members voting FOR the recommendations in the Medium Term Financial Plan 2023/24 to 2025/26:

Councillors Salman Akbar, Imran Altaf, Karen Ashley, Tom Baker-Price, Michael Chalk, Luke Court, Matthew Dormer, Peter Fleming, Alex Fogg, Lucy Harrison, Ann Isherwood, Anthony Lovell, Emma Marshall, Nyear Nazir and David Thain (15).

Members voting AGAINST the recommendations in the Medium Term Financial Plan 2023/24 to 2025/26:

No Councillors (0).

Members voting to ABSTAIN in the vote on the recommendations in the Medium Term Financial Plan 2023/24 to 2025/26:

Councillors Joe Baker, Juliet Barker Smith, Juma Begum, Bill Hartnett, Sharon Harvey, Joanna Kane and Sid Khan (7).

Subject to the amendment in respect of removing reference to savings from all out elections in 2025/26, the vote on the recommendations from the Executive Committee in relation to the Medium Term Financial Plan 2023/24 to 2025/26 was therefore carried.

30-Year HRA Business Plan, Investment Programme and Asset Management Strategy for Council Housing

Members considered the content of the 30-Year HRA Business Plan, Investment Programme and Asset Management Strategy for Council Housing.

During consideration of this item, Members noted that the report had been pre-scrutinised at a meeting of the Overview and Scrutiny Committee held on Thursday 23rd February 2023. At this meeting, Members had endorsed the recommendations detailed in the report and had also proposed a number of additional recommendations as considerations for the Executive Committee. These recommendations had been discussed at a meeting of the Executive Committee held immediately before the Council meeting on 27th February 2023 but had been rejected.

Whilst discussing the Overview and Scrutiny Committee's debate in respect of this item, Councillor Bill Hartnett proposed the recommendations that had been made at the Overview and Scrutiny Committee meeting, as follows:

“Members consider the following:

- a) Providing more parking spaces, or being more specific about when and where parking spaces will be provided for Council houses.
- b) Transferring funding for handling mould and damp on properties from the Repairs and Maintenance (R&M) budget to the Capital Programme.
- c) The Overview and Scrutiny Committee highlights the projected loss of 600 properties and the need to consider what can be done to reduce this figure.
- d) Fitting solar panels to new build properties and / or suitable existing properties in the Council’s housing stock.
- e) Adding a provisional budget, which could be amended at a later date, to pay for works needed to improve the energy efficiency of the Council’s housing stock to at least an EPC C rating.”

The additional recommendations were proposed by Councillor Hartnett and seconded by Councillor Joanna Kane.

In proposing these recommendations, Councillor Hartnett commented that the recommendations had received unanimous support at the Overview and Scrutiny Committee meeting. Whilst he recognised that the 30-year HRA report was a strategic document, parking was a significant issue for local residents and therefore required careful consideration. Damp and mould were both issues that were addressed using revenue funding from the Repairs and Maintenance budget, but Members had suggested that this could also be addressed in the capital budget. The 30-year HRA Plan was projecting a net reduction of 600 Council house properties over the period of the plan and there were some concerns amongst Members about the need to prioritise action to address this. There was also a need to improve the energy efficiency of Council houses moving forward and the Council could learn from partner organisations that were already developing energy efficient properties locally. The recommendations would help to address these points moving forward.

In seconding the recommendations, Councillor Kane commented that there had been a very detailed debate at the Overview and Scrutiny Committee meeting when this matter had been discussed. Council was informed that there was a need for more parking spaces for Council house tenants. The HRA Plan covered a period of 30 years and there was a need to start planning for this period, including in respect of matters such as parking, damp on properties and building new properties. In respect of damp, Members had discussed at the Overview and Scrutiny Committee meeting the

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cases of damp and mould that were being reported to Members as part of their casework, and that this could have a detrimental impact on people's health. Members were also asked to note that the Overview and Scrutiny Committee had only suggested installing solar panels where suitable to existing and new Council houses.

The additional recommendations were subsequently debated and during the course of this debate the following points were considered:

- The length of the Executive Committee meeting that had taken place immediately prior to the Council meeting at which the recommendations from the Overview and Scrutiny Committee had been debated.
- The Council's existing programme for reviewing parking spaces. Members were advised that the next phase of this programme was in the process of being reviewed but the Council's potential to act was limited in relation to the land owned by the authority and the space available in which to introduce extra parking spaces.
- The action that was already taken to address issues with damp and mould using funding from the existing Repair and Maintenance budget. Council was advised that a programme of capital works would be drawn up once these works had been completed.
- The fact that the number of houses due to be sold under right to buy was a projected figure. Members commented that there was a need to assess trends in sales figures before making any decisions on this subject.
- The action that was already being taken to build new Council houses in the Borough.
- The need for greater action to be taken, in addition to installing solar panels, in order for properties to receive improved Energy Performance Certificate (EPC) ratings. Members commented that insulation in properties needed to be improved.
- The complex legal implications of installing features on properties that would improve energy efficiency, including in respect of owner-occupied properties.
- The difficulties assessing the financial costs involved in taking greater action on enhancing the energy efficiency of properties at this stage and the need for budget bids to be presented at a later date once there was further clarity.
- The role of the Overview and Scrutiny Committee as a critical friend and the need to take recommendations from the Committee seriously.

On being put to the vote, the additional recommendations proposed by Councillor Hartnett were lost.

Following this debate, Members considered the recommendations from the Executive Committee in respect of the 30-year HRA Business Plan. There was general support for these recommendations and Members thanked Officers for their hard work in respect of preparing the report.

On being put to the vote, the recommendations from the Executive Committee in respect of the 30-year HRA Business Plan were carried.

Council Tax Resolutions 2023/24

The Portfolio Holder for Finance and Enabling presented the Executive Committee's recommendations on the Council Tax Resolutions, which had been made at a meeting of the Executive Committee held immediately prior to the Council meeting.

Members were advised that it was necessary to formally set Council Tax levels throughout the area for the spending requirements of Redditch Borough Council, Worcestershire County Council, the Police and Crime Commissioner for West Mercia, Hereford and Worcester Fire Authority and Feckenham Parish Council.

Details had been received from the various precepting bodies to enable the Council to set the Council Tax for 2023/24. The amounts of the preceptors were:

:

- Worcestershire County Council - £38.557 million
- Police and Crime Commissioner for West Mercia - £6.957 million
- Hereford and Worcester Fire Authority - £2.485 million
- Redditch Borough Council - £6.885m – a 2.99% increase
- Feckenham Parish Precept - £20,000 – a 32.88% increase

This increased Council Tax for a Band "D" property from £2,030.04 to £2,139.65, representing a 5.40% increase.

At a meeting of the Executive Committee held on 10th January 2023, Members had calculated the Council Tax Base 2023/24 as:

- (a) for the whole Council area as 26,304.94; and
- (b) for dwellings in those parts of its area to which a Parish precept related; this being Feckenham Parish, as 375.79.

This had informed the Executive Committee's recommendations to Council in respect of the Council Tax Resolutions for 2023/24.

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Members discussed the proposed increases to Council Tax. In doing so, Members welcomed the fact that the level of increase to Council Tax proposed for Redditch Borough Council was relatively low, at an increase of 2.99%, which was considered to be appropriate during a time of a cost of living crisis.

In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, the recommendations in respect of the Council Tax Resolutions 2023/24 were subject to a named vote.

Members voting FOR the Council Tax Resolutions:

Councillors Salman Akbar, Imran Altaf, Karen Ashley, Joe Baker, Tom Baker Price, Juliet Barker Smith, Juma Begum, Michael Chalk, Luke Court, Matthew Dormer, Peter Fleming, Alex Fogg, Lucy Harrison, Bill Hartnett, Sharon Harvey, Ann Isherwood, Joanna Kane, Sid Khan, Anthony Lovell, Emma Marshall, Nyear Nazir and David Thain (22).

Members voting AGAINST the Council Tax Resolutions:

No Councillors (0).

Members who ABSTAINED in the vote on the Council Tax Resolutions:

No Councillors (0).

The vote on the Council Tax Resolutions 2023/24 was therefore carried.

RESOLVED that

- 1) **the minutes of the meeting of the Executive Committee held on Tuesday, 7th February 2023 be approved and all recommendations adopted subject to the following amendment to the Medium Term Financial Plan 2023/24 to 2025/26:**

The removal of the move to all out elections from 2025/26 from the budget, resulting in the loss of savings of £170,000 per year from 2025/26 onwards;

- 2) **the Housing Revenue Account 30-year Business Plan 2023-2053 be approved;**
- 3) **the Housing Asset Management Strategy be approved;**

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- 4) the Housing Capital Programme 2023-2027 be approved;
that the following be approved:
- 5) the calculation for the Council Tax requirement for the Council's own purposes for 2023/24 (excluding Parish precepts) as £6,885,318.04;
- 6) that the following amounts be calculated for the year 2023/24 in accordance with sections 31 to 36 of the Act:
 - (a) £49,710,521 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (2) of the Act (taking into account all precepts issued to it by Parish Councils) (*i.e.*, *Gross expenditure*);
 - (b) £42,805,203 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (3) of the Act. (*i.e.*, *Gross income*);
 - (c) £6,905,318 being the amount by which the aggregate of 1.2.2(a) above exceeds the aggregate at 1.2.2(b) above, calculated by the Council, in accordance with Section 31A (4) of the Act, as its Council Tax requirement for the year. (Item R in the formula in Section 31B of the Act);
 - (d) £262.51 being the amount at 1.2.2 (c) above (Item R), all divided by Item T (1.1(a) above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts);
 - (e) £20,000 being the aggregate amount of all special items (Feckenham Parish precept) referred to in Section 34 (1) of the Act;
 - (f) £261.75 being the amount at 1.2.2 (d) above less the result given by dividing the amount at 1.2.2 (e) above by Item T (1.1 (a) above), calculated by the Council, in accordance with Section 34 (2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates;
 - (g) £314.97 being the amount given by adding to the amount at 1.2.2(f), the amount of the special item

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relating to the Parish of Feckenham 1.2.2(e), divided by the amount in 1.1(b) above;

- (h) the amounts below given by multiplying the amounts at 1.2.2(f) and 1.2.2(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band, divided by the number which in that proportion is applicable to dwellings listed in Band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwelling listed in different valuation bands;

Valuation Band	Proportion of Band D tax paid	Parish of Feckenham £	All other parts of the Council's area £
A	6/9	209.98	174.50
B	7/9	244.97	203.58
C	8/9	279.98	232.67
D	1	314.97	261.75
E	11/9	384.97	319.92
F	13/9	454.95	378.08
G	15/9	524.95	436.25
H	18/9	629.94	523.50

- 7) it be noted that for the year 2023/24, Worcestershire County Council, Police and Crime Commissioner for West Mercia and Hereford and Worcester Fire Authority have issued precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each category of dwelling in the Council's area as indicated below:

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	Valuation Bands							
	A	B	C	D	E	F	G	H
	£	£	£	£	£	£	£	£
Worcestershire County Council	977.19	1,140.05	1,302.92	1,465.78	1,791.51	2,117.24	2,442.97	2,931.56
Police and Crime Commissioner for West Mercia	176.33	205.72	235.11	264.50	323.28	382.06	440.83	529.00
Hereford and Worcester Fire Authority	62.93	73.42	83.91	94.40	115.38	136.36	157.33	188.80

- 8) that having calculated the aggregate in each case of the amounts at 1.2.2(h) and 1.2.3 above, that Redditch Borough Council in accordance with Sections 30 and 36 of the Local Government Finance Act 1992 hereby sets the amounts shown below as the amounts of Council Tax for 2023/24. for each part of its area and for each of the categories of dwellings:

Valuation Band	Proportion of Band D tax paid	Parish of Feckenham £	All other parts of the Council's area £
A	6/9	1,426.43	1,390.95
B	7/9	1,664.16	1,622.77
C	8/9	1,901.92	1,854.61
D	1	2,139.65	2,086.43
E	11/9	2,615.14	2,550.09
F	13/9	3,090.61	3,013.74
G	15/9	3,566.08	3,477.38
H	18/9	4,279.30	4,172.86

- 9) that the Interim Director of Finance be authorised to make payments under Section 90(2) of the Local Government Finance Act 1988 from the Collection Fund by ten equal instalments between April 2023 to March 2024 as detailed below:

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	Precept	Deficit on Collection Fund	Total to pay
	£	£	£
Worcestershire County Council	38,557,255.00	(999,626.00)	37,557,629.00
Police and Crime Commissioner for West Mercia	6,957,656.63	(178,673.00)	6,778,983.63
Hereford & Worcester Fire Authority	2,483,282.63	(63,980.00)	2,419,302.63

- 10) that the Interim Director of Finance be authorised to make transfers under Section 97 of the Local Government Finance Act 1988 from the Collection Fund to the General Fund the sum of £6,723,433 being the Council's own demand on the Collection Fund (£6,885,318) and Parish Precept (£20,000) and the distribution of the deficit on the Collection Fund (-£181,885);
- 11) that the Interim Director of Finance be authorised to make payments from the General Fund to Feckenham Parish Council the sums listed above (£20,000) by instalment after 1 April 2023 in respect of the precept levied on the Council;
- 12) that the above resolutions to be signed by the Chief Executive for use in legal proceedings in the Magistrates Court for the recovery of unpaid Council Taxes; and
- 13) notices of the making of the said Council Taxes signed by the Chief Executive are given by advertisement in the local press under Section 38(2) of the Local Government Finance Act 1992.

**79. CONSTITUTIONAL REVIEW WORKING PARTY -
RECOMMENDATIONS**

Council considered recommended changes to the constitution that had been made at a meeting of the Constitutional Review Working Party held on 23rd January 2023. The recommendations focused on proposed changes to the Council's Policy Framework, detailed in the Articles of the constitution, and to the Scheme of Delegations.

The content of the report was considered in some detail and during the debate specific reference was made to the changes that had been proposed to the Council's Policy Framework. Members

commented that items that no longer existed should be removed from the Policy Framework. In addition, Members suggested that items that were likely to be considered by a more appropriate body should also be removed from the Policy Framework.

During the Constitutional Review Working Party meeting, Members had agreed that further information should be provided at the group's following meeting in respect of the Emergency Plan, Enforcement Policies and the Sustainable Community Strategy. Members suggested that the Single Equalities Scheme should also be considered at this meeting, as concerns were raised about whether it was necessary for this to be removed from the Policy Framework at this time. The decision was taken, therefore, not to remove the Single Equalities Scheme from the Policy Framework at this time and to instead debate the issue at the following meeting of the Constitutional Review Working Party.

Concerns were raised about the extent to which it was appropriate to reduce the size of the Policy Framework and to add further delegations to officers in the Officer Scheme of Delegations. Members commented that it was important to ensure that Councillors continued to have a role in decision making as an integral part of the local democratic process. However, it was also commented that the content of the current Policy Framework was out of date. In addition, the extra delegations to officers that had been proposed would help the Council to comply with best practice and to improve the efficiency of the Council's approach to processing Government grants. Members also noted that the delegation in respect of Government grant funding only related to grants that had been ring fenced for specific purposes and which needed to be distributed quickly in order to avoid needing to return any of the funds to the Government.

RESOLVED that

- 1) the Section 151 Officer be delegated authority to accept, administer and distribute ring fenced Government Grant Funding, or Funding from bodies acting on behalf of Government, and to make the necessary and corresponding adjustments to the Medium Term Financial Plan following consultation with the relevant Portfolio Holder and subject to meeting the conditions of grant funding;**
- 2) the Chief Executive be delegated authority, as Proper Officer, to declare the office of Councillor vacant immediately after a person has ceased to be a Councillor where s/he has not attended a Council or Committee meeting for six months or more; and**

- 3) **subject to retaining the existing reference to the Single Equalities Scheme, the Policy Framework be updated to remove reference to policies that no longer exist or which are considered in an alternative forum and to add reference to the Contract Procedure Rules.**

80. OVERVIEW AND SCRUTINY ANNUAL REPORT 2022/23

The Chair of the Overview and Scrutiny Committee, Councillor Bill Hartnett, presented the Committee's Annual Report 2022/23.

Council was advised that the Overview and Scrutiny Committee had had a busy year and had held a significant number of extra meetings largely to enable Members to pre-scrutinise some important reports. The Committee had also received some overview items for debate at meetings but, due to limited officer capacity, had not been able to launch any Task Group investigations during the year.

Members of the Overview and Scrutiny Committee were thanked for their hard work, particularly the Vice Chair, Councillor Joanna Kane, who had chaired the Budget and Performance Scrutiny Working Groups as well as Councillor Michael Chalk, who had provided regular updates on the work of the Worcestershire Health Overview and Scrutiny Committee (HOSC) and the West Midlands Combined Authority (WMCA) Overview and Scrutiny Committee. Local residents who had submitted evidence during the course of the year for the Overview and Scrutiny Committee's consideration were also thanked for their time and contributions.

RESOLVED that

the Overview and Scrutiny Annual Report 2022/23 be noted.

81. URGENT BUSINESS - RECORD OF DECISIONS

Members were advised that no urgent decisions had been taken since the previous meeting of Council.

82. URGENT BUSINESS - GENERAL (IF ANY)

There was no urgent business for consideration on this occasion.

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**Annual Council
2023**22nd May**Report title: Committee Appointments Report**

Relevant Portfolio Holder	Councillor TBC
Portfolio Holder Consulted	
Relevant Head of Service	Claire Felton, Head of Legal, Democratic and Property Services
Report Author Jess Bayley-Hill	Job Title: Principal Democratic Services Officer Contact email: jess.bayley-hill@bromsgroveandredditch.gov.uk Contact Tel: (01527) 64252 Ext: 3072
Wards Affected	All
Ward Councillor(s) consulted	N/A
Relevant Strategic Purpose(s)	An Effective and Sustainable Council
Non-Key Decision	
If you have any questions about this report, please contact the report author in advance of the meeting.	

1. RECOMMENDATIONS**Council is asked to RESOLVE that**

- 1) the Political balance of the Committees of the Council be agreed as set out at Appendix 1;**
- 2) the arrangement where the seats on the Overview and Scrutiny Committee are not allocated in accordance with the political balance requirements be continued;**
- 3) appointments by political group leaders to the places on each Committee etc. be noted;**
- 4) the Council appoints Chairs and Vice-Chairs to the Committees and other bodies as set out in Appendix 2;**
- 5) appointments to Working Groups and other bodies listed in Appendix 2 be agreed; and**
- 6) the terms of reference for the Committees as set out at Appendix 3 be confirmed.**

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2. BACKGROUND

- 2.1 This report sets out the proposed political balance of the authority's Committees and seeks the Council's agreement to these.
- 2.2 Once the Council has agreed the political balance, the Leaders of each of the Political Groups on the Council can nominate to the places on each for their group.
- 2.3 The Council also makes appointments to other bodies which are not required to be politically balanced.

3. OPERATIONAL ISSUES

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

4. FINANCIAL IMPLICATIONS

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

5. LEGAL IMPLICATIONS

- 5.1 With the exception of the Executive Committee, the Council is required by law and / or its own constitution to allocate places on its main Committees in accordance with its political make-up and to approve the Committee terms of reference. The main requirements are that:
 - the number of seats on each Committee allocated to each Political Group reflects the proportion it holds of the total number of seats on the Council;
 - the Group with the majority of seats on the Council should hold the majority of seats on each Committee.
- 5.2 The definition of a Political Group for these purposes is that it has a minimum of 2 members. The current composition of the Council is 16 Conservative and 13 Labour Members.

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5.3 When considering the political balance, the group leaders took into account the current rules in the Council's constitution in respect of the Chair and Vice Chair of the Overview and Scrutiny Committee and Chair and Vice Chair of the Audit, Governance and Standards Committee. These rules require that:

- The Chair and the Vice Chair of the Audit, Governance and Standards Committee shall not be a member of the controlling group.
- The Chair and Vice Chair of the Overview and Scrutiny Committee will be a member of a political group not forming part of the ruling administration.

6. OTHER - IMPLICATIONS**Relevant Strategic Purpose**

- 6.1 The proposals detailed in this report support the strategic purpose 'An Effective and Sustainable Council'.
- 6.2 The Council is required to consider the political balance when changes are made to the composition of the membership of the authority and this report enables the Council to address this requirement.

Climate Change Implications

- 6.3 There are no climate change implications..

Equalities and Diversity Implications

- 6.4 There are no equalities and diversity implications.

7. RISK MANAGEMENT

- 7.1 There are no specific risks arising from this report.

8. APPENDICES and BACKGROUND PAPERS**Appendices**

- Appendix 1 – Political Balance (to follow)
Appendix 2 - Committee Appointments (to follow).
Appendix 3 – Terms of Reference for Committees

**Annual Council
2023**22nd May**9. REPORT SIGN OFF**

Department	Name and Job Title	Date
Portfolio Holder	To be confirmed	
Lead Director / Head of Service	Claire Felton, Head of Legal, Democratic and Property Services	
Financial Services	Pete Carpenter, Interim Section 151 Officer	
Legal Services	Claire Felton, Head of Legal, Democratic and Property Services	

APPENDIX 3: COMMITTEE TERMS OF REFERENCE**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	<p>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;</p> <p>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;</p> <p>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</p>

	d) To consider and decide on any other disciplinary and appointment matters involving other senior officers as and when required.
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	1 Independent non-voting Member for the purpose of Audit and Governance. 1 Parish Representative, who may not also be a Borough Councillor, for the purpose of Standards.
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	<u>Audit and Governance</u> <u>Internal and External Audit</u> 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

	<p>system of internal financial controls is maintained, that financial procedures are regularly reviewed.</p> <p>d. To consider, monitor and review the Council's overall corporate governance arrangements.</p> <p>e. To enhance the profile, status and authority of the internal audit function which will demonstrate its independence.</p> <p>f. To focus audit resources by agreeing, and periodically reviewing, audit plans and monitoring delivery of the audit service.</p> <p>g. To receive and consider such internal audit reports that the Chair and/or Deputy Chief Executive considers necessary.</p> <p><u>Risk</u></p> <p>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.</p> <p><u>Finance and Value for Money</u></p> <p>i. To consider and approve the Council's Annual Statements of Accounts.</p> <p>j. To consider any report from the Internal Audit Manager in pursuance of Financial Regulations.</p> <p>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.</p> <p>l. To keep under review, and make recommendations on, proposed amendments to Financial Regulations.</p> <p>m. To consider and make recommendations if appropriate on, the Annual Governance Statement.</p> <p><u>Standards</u></p> <p>n. To promote and maintain high standards of conduct by Councillors and any co-opted members of Council bodies.</p>
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	<ul style="list-style-type: none"> 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. w. To monitor and review the operation of the Member Officer Relations Protocol.
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>Executive Committee members may not be, or act as substitutes for, members of the Committee. In addition, Party Group Leaders may not be, or act as substitutes for, members of the Committee.</p>

	<p>The lead Portfolio Holder for finance is required to attend meetings of the Committee though cannot be a member of the Committee.</p>
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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"> 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.
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

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"> a. agree the scrutiny programme and the terms of reference for each scrutiny; b. establish time limited Task and Finish Groups to investigate issues in depth; or itself undertake selected reviews; c. agree reports prepared by the Task and Finish Groups; d. act as an interface with the Executive Committee; e. receive, comment and advise on the Council's policy framework such as the Corporate Plan and on other major policies; 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); 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;

	<ul style="list-style-type: none"> h. exercise the right to call in, for reconsideration of decisions made but not yet implemented by the Executive Committee; i. decide how to deal with call ins (with Task and Finish Groups established as necessary to take up any detailed work); 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; 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; l. Monitor the quality of scrutinies; m. Monitor the implementation of any scrutiny recommendations accepted by the Executive Committee; and n. Oversee the development of Member skills and competencies in scrutiny.
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.

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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"> 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"> a. considering and determining applications for planning permission b. enforcement of planning control c. building preservation, Listed Buildings and Conservation areas d. Tree preservation orders e. Control of advertisements f. Footpath diversion orders under the Town and Country Planning legislation g. Certificates of Lawfulness 2. To comment on proposals for development submitted by Worcestershire County Council and other public authorities 3. To determine High Hedges applications in accordance with Part 8 of the Anti-Social Behaviour Act 2003
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.

<p>Special provisions as to membership</p>	<p>Only those Councillors who have undertaken appropriate training as agreed by the Member Support Steering Group may sit on the Planning Committee.</p>
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SHAREHOLDER COMMITTEE TERMS OF REFERENCE

Number of members	5
Politically Balanced Y/N	Y
Quorum	3
Procedure Rules applicable	Council Procedure Rules (with the exception of Council Procedure rules 1-4, 10, 14, 18.2, 20.1 and 22).
Terms of Reference	<ol style="list-style-type: none"> 1) To approve Rubicon Leisure's annual business plan. This should be determined in the financial year prior to the application of the plan. 2) To approve the appointment of the Managing Director of Rubicon Leisure. 3) To approve the dismissal / departure of the Managing Director of Rubicon Leisure. 4) To monitor the performance of Rubicon Leisure. 5) To monitor Rubicon Leisure's budget position. 6) To undertake all other functions divested in the Committee as shareholder of Rubicon Leisure on behalf of the Council.
Special provisions as to the Chair	To avoid any potential conflict, this should not be the relevant Portfolio Holder for Leisure and Cultural Services.
Special provisions as to membership	To avoid any potential conflict the Portfolio Holder for Leisure and Cultural Services should not be a member of this Committee.

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.

<p>Special provisions as to membership</p>	<p>The shared service arrangements between Bromsgrove District and Redditch Borough Councils require the Chief Executive, Monitoring Officer, Section 151 officer and other Chief Officers to carry out work for both authorities. In the light of this the Leader of Bromsgrove District Council will be co-opted onto the Committee as a non-voting member.</p> <p>Only those Councillors who have undertaken appropriate training may sit on the Statutory Officers Disciplinary Action Panel.</p>
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**Annual Council
2023**22nd May**Report title: Outside Body Appointments**

Relevant Portfolio Holder	To be confirmed
Portfolio Holder Consulted	
Relevant Head of Service	Claire Felton, Head of Legal, Democratic and Property Services
Report Author Claire Felton	Job Title: Head of Legal, Democratic and Property Services Contact email: c.felton@bromsgroveandredditch.gov.uk Contact Tel: (01527) 64252
Wards Affected	No specific ward relevance
Ward Councillor(s) consulted	N/A
Relevant Strategic Purpose(s)	An Effective and Sustainable Council
Non-Key Decision	
If you have any questions about this report, please contact the report author in advance of the meeting.	

1. RECOMMENDATIONS

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

2. BACKGROUND

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

3. OPERATIONAL ISSUES

- 3.1 A number of bodies ask the Council to make appointments to them for terms of office which vary from one year upwards.
- 3.2 Some of these appointments, generally to national or regional bodies, are usually made by office. Where there are specific requirements for appointments these are shown against the organisations in the appendix.
- 3.3 For ease of reference, the list at Appendix 1 includes all the outside bodies to which appointments are required to be made at the Annual Meeting of Council. There are some additional bodies that have been omitted from the list because the appointment(s) have already been made and no further nominations are needed for 2023/24.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications.

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5. LEGAL IMPLICATIONS

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

6. OTHER - IMPLICATIONS**Relevant Strategic Purpose**

- 6.1 The action proposed in this report supports the strategic purpose "an effective and sustainable Council".
- 6.2 It is good practice to consider outside body appointments on an annual basis and for Council to review the outside bodies list, as attached at Appendix 1 to this report.

Climate Change Implications

- 6.3 There are no specific climate change implications.

Equalities and Diversity Implications

- 6.4 There are no specific equalities and diversity implications.

7. RISK MANAGEMENT

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

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8. APPENDICES and BACKGROUND PAPERSAppendix

Appendix 1 – List of Outside Bodies

Background Papers

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

REDDITCH BOROUGH COUNCIL**Annual Council**

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**BOROUGH COUNCIL REPRESENTATIVES ON
OUTSIDE BODIES – NOMINATIONS FOR 2023/2024****STRATEGIC APPOINTMENTS TO NOTE:**

Organisation	Appointee 2022/23	Appointment Requirements	Nomination 2023/24
Local Government Association	Councillor Matt Dormer	1 Representative (usually Leader) must be a Councillor. Term: 1 year No liability issues identified.	
West Mercia Police and Crime Panel	Councillor Nyear Nazir Sub: Councillor Lucy Harrison	1 representative (Relevant Portfolio Holder) and 1 substitute. Term: 1 year No liability issues identified.	Sub:
Assembly of the District Councils' Network	Councillor Matt Dormer	1 Nomination To represent the Council on the Assembly of this body which is a voice for District Councils within the Local Government Association. The Assembly of the DCN comprises the Leaders of the Member Authorities or equivalent. Term: 1 year No liability issues identified.	
Corporate Parenting Board <i>(Worcestershire County Council)</i>	Councillor Nyear Nazir	1 RBC Representative (elected) <u>Must be relevant Portfolio Holder</u> Until next RBC Annual Meeting. (Monthly meetings – approx. 2 hrs each time – generally Friday mornings – 9.30a.m. start) No liability issues identified.	
Redditch Partnership (Local Strategic Partnership including Redditch District Collaborative)	Councillor Matt Dormer	1 Member Representative Leader Term: 1 year No liability issues identified.	

REDDITCH BOROUGH COUNCIL**Annual Council**

22nd May 2023

Redditch Partnership Business Leaders Group <i>(Formerly an Economic Theme Group)</i>	Councillor Matt Dormer	Following changes this group is now operating under a new title and promoting greater links with local business leaders. For 2022/23 representatives required, by office: Leader Economic Development Portfolio Holder	
Redditch BID Limited <i>(Company no 11964088)</i>	Councillor Matt Dormer	1 RBC Representative to act as a Director of the company Term: to be confirmed No liability issues identified	
Redditch Towns Fund Board	Councillor Matt Dormer	1 Member Representative Leader Term: 1 year No liability issues identified.	
North Worcestershire Community Safety Partnership	Councillor Nyear Nazir Sub: Councillor Lucy Harrison	1 representative and one named substitute Term: 1 year Terms of Reference indicate the representative should be the relevant Portfolio Holder. Each district Council has a place on the Partnership Board as an Invitee to Participate. No liability issues identified.	Sub:
Waste Management Board <i>(Lead Officer – Guy Revans)</i>	Councillor Peter Fleming Sub: Councillor Emma Marshall	1 representative Representative must be a Councillor and relevant Portfolio Holder Term : 1 year <u>Note: Meets Friday mornings - 4 times per year</u> No liability issues identified	Sub:
Worcestershire Health and Wellbeing Board	Councillor Nyear Nazir Sub: Councillor Lucy Harrison	1 representative and 1 substitute per council (Since Oct 2022)	Sub:
Health Improvement Group	Councillor Nyear Nazir Sub: Councillor Lucy Harrison	1 RBC Representative (Elected) Relevant Portfolio	Sub:

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West Midlands Combined Authority Board	Councillor Matt Dormer Sub: Councillor Craig Warhurst	1 nomination and one substitute Leader by office	Sub:
West Midlands Combined Authority Housing and Land Delivery Board	Councillor Matt Dormer Sub: Councillor Craig Warhurst	1 RBC Representative (Elected) Relevant Portfolio <u>Must be relevant Portfolio Holder (function to include Housing and/or Land Use)</u>	
West Midlands Combined Authority – Audit Risk and Assurance Committee	Councillor Tom Baker-Price Sub: Councillor Luke Court	Worcestershire Non-constituent Authorities 2022/23 Redditch Borough Council to make appointment. 1 nomination and one substitute Must be members of the majority group	Sub:
West Midlands Combined Authority – Economic Growth Board	Councillor Matt Dormer	Non-constituent Authorities	
West Midlands Combined Authority – Overview and Scrutiny Committee	Councillor Mike Chalk Sub: Councillor Brandon Clayton	Worcestershire Non-constituent Authorities 2022/23 Redditch Borough Council to make appointment 1 nomination and one substitute Must be members of the majority group and ideally members of O&S	Sub:
West Midlands Combined Authority - Transport Delivery Overview & Scrutiny Committee		Worcestershire Non-constituent Authorities (2023/24 Redditch to appoint)	Sub:
Herefordshire and Worcestershire Integrated Care Partnership Assembly	Councillor Nyear Nazir	1 representative and one named substitute Ideally Relevant Portfolio	

REDDITCH BOROUGH COUNCIL**Annual Council**

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LOCAL APPOINTMENTS

Health Overview and Scrutiny Committee <i>(Worcestershire County Council)</i>	Councillor Michael Chalk	1 representative (Must be a member of Redditch Borough Council's Overview and Scrutiny Committee). Term: 1 year. Comprises 8 County Councillors and 6 District Councillors who scrutinise the local NHS and are consulted by the NHS on any proposed substantial changes to local health services.	
Redditch Highways & Transportation Forum Members Discussion Group <i>(Worcestershire County Council)</i>	Councillor Michael Chalk Councillor Andy Fry	Up to 2 Representatives (Must be Councillors) Term: To RBC AGM Role is that of non-voting observers only. No liability issues identified.	
Worcestershire Local Access Forum <i>(Worcestershire County Council)</i>	Councillor Anthony Lovell	1 nomination from north Worcestershire District Councils (must be a Councillor) Term : 1 year <u>(Note:</u> Would be beneficial if the representative had a keen interest in countryside access and recreation issues.) No liability issues identified.	
Redditch Eastern Gateway Steering Group	Councillor Anthony Lovell	1 Representative to be a ward member for Winyates Ward Term : 1 year Group of local stakeholders set up by Stratford on Avon District Council to consider proposals regarding the Eastern Gateway Development as to reserved matters and routing strategy/survey. No liability issues identified.	
Citizens Advice Bromsgrove and Redditch	New 2016 No appointments made since 2017	1 representative and 1 substitute Appointments will be trustees of the CAB which is a charitable company limited by guarantee Term: 3 years	

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Redditch Co-operative Homes	Councillors Tom Baker-Price, Andrew Fry, Bill Hartnett and Emma Marshall	4 Nominations (must be Councillors) Term: 1 year Liability appears to be limited providing there are no breaches of duty or trust.	
Redditch One World Link Executive Committee	Councillors Karen Ashley and Emma Marshall	2 Representatives Nominations should not include the Mayor who is a Member ex-officio*. Term: 1 year Liability appears to be limited, provided there are no breaches of duty or trust.	
PATROL Traffic Penalty Tribunal (Civil Parking Enforcement)	Deputy: Councillor Brandon Clayton	1 Representative plus 1 Deputy (must be Councillors) Term: AGM to AGM No liabilities identified / unlikely to be any liabilities.	Deputy:
'Where Next' Association	Councillor Anthony Lovell Councillor Sid Khan	2 Representative must be Councillors – 2 places <i>variation previously agreed</i> Term: 1 year to Council's AGM Nature of representation: to represent the Borough Council. Liability appears to be limited.	
Worcestershire Armed Forces Covenant Partnership	Councillor Alex Fogg	1 Representative to serve as Armed Forces Champion. Term: 1 year to Council's AGM Nature of representation: to represent the Borough Council.	

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**Annual Council
2023**22nd May**Officer Scheme of Delegations**

Relevant Portfolio Holder	Councillor TBC
Portfolio Holder Consulted	
Relevant Head of Service	Claire Felton, Head of Legal, Democratic and Property Services
Report Author Claire Felton	Job Title: Head of Legal, Democratic and Property Services Contact email: c.felton@bromsgroveandredditch.gov.uk Contact Tel: (01527) 64252
Wards Affected	All
Ward Councillor(s) consulted	A/L
Relevant Strategic Purpose(s)	An Effective and Sustainable Council
Non-Key Decision	
If you have any questions about this report, please contact the report author in advance of the meeting.	

1. RECOMMENDATIONS**Council is asked to RESOLVE that:-****The current version of the Officer Scheme of Delegations is agreed as set out at Appendix 1.****2. BACKGROUND**

2.1 The Council is required to review its scheme of delegations on an annual basis. This report presents the scheme for noting.

3. OPERATIONAL ISSUES

3.1 The Council's Constitution currently requires that the Officer Scheme of Delegations be approved by Members at the Annual Meeting of the Council.

3.2 The Officer Scheme of Delegations is the part of the Constitution that gives authority for certain decisions to be delegated from Council, the Executive Committee or other Committees to certain specified officers. It sets out the decisions which are delegated by Council to officers and the decisions which are delegated by the Executive / Leader to officers. In relation to certain regulatory decisions, the delegation is from Council to the relevant Committee, namely Planning Committee or Licensing Committee.

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- 3.3 The Scheme of Delegations is regularly altered and updated to reflect changes in the operation of the Council and changes to legislation.
- 3.4 Some new delegations were agreed by Members in the 2022/23 municipal year. These have been highlighted in Appendix 1 to the report.
- 3.5 Further changes have been made by the Monitoring Officer in accordance with the delegation that currently exists to amend the scheme to reflect changes in legislation, job titles and reallocation of functions. They do not extend the delegations.
- 3.6 No new delegations are requested in this report, which is instead designed to provide Members with an opportunity to note existing officer delegations.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no specific financial implications for the Council.

5. LEGAL IMPLICATIONS

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

6. OTHER - IMPLICATIONS**Relevant Strategic Purpose**

- 6.1 The action proposed in this report supports the strategic purpose “an effective and sustainable Council”.
- 6.2 A report in respect of the current Officer Scheme of Delegations is considered at the Annual Council meeting, in line with requirements set out in Article 15 of the Council’s constitution. This provides an opportunity for Members to review those delegations to ensure that they continue to meet the needs of the Council and communities it serves.

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Climate Change Implications

- 6.4 There are no climate change implications.

Equalities and Diversity Implications

- 6.5 There are no equality and diversity implications.

7. RISK MANAGEMENT

- 7.1 The main risks associated with the details included in this report are failure to comply with governance requirements which may expose the Council to the risk of challenge by way of judicial review or which may result in awards of damages and costs against the Council and loss of reputation.

8. APPENDICES and BACKGROUND PAPERS**Appendices**

Appendix 1 – the Officer Scheme of Delegations.

Background papers

The Council's constitution

**Annual Council
2023**22nd May**9. REPORT SIGN OFF**

Department	Name and Job Title	Date
Portfolio Holder	To be confirmed	
Lead Director / Head of Service	Claire Felton, Head of Legal, Democratic and Property Services	May 2023
Financial Services	Pete Carpenter, Interim Section 151 Officer	May 2023
Legal Services	Claire Felton, Head of Legal, Democratic and Property Services	May 2023

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. <u>Miscellaneous</u> See service-specific delegations elsewhere			
Subject	Detail	Delegated by:	Delegated to:
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	<ol style="list-style-type: none"> 1) In the absence of the Chief Executive, to exercise the various specific delegations (referred to elsewhere within Scheme of Delegations to Officers, etc.) 2) In the absence of the Chief Executive, to exercise the Proper Officer functions which are the responsibility of the Chief Executive. 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. 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. 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>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 3rd and 4th 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

Civil Emergencies	<ol style="list-style-type: none"> 1. To act in accordance with the delegated procedures set out in the Emergency Plan. 2. To enable Officers to undertake appropriate communications activity during an emergency without recourse to Members, should the situation require an immediate response. 3. To take any action and to incur expenditure essential to meet any immediate needs created by an emergency in accordance with the Financial Regulations. 4. To take any decisions, including key decisions, where any delay in taking the decision would seriously prejudice the Council's or the public interest to the extent that it is appropriate to exercise emergency powers. The Chief Executive will report any such decision to the next meeting of Council. 	Executive Committee / the Leader	The Chief Executive, Deputy Chief Executive, Executive Director and Heads of Service, following consultation with the Leader or, in his/her absence, the Deputy Leader
2. <u>Proper Officer Delegations</u>			
Subject:	Detail:	Delegated by:	Delegated to:
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	To be appointed "Proper Officer" in relation to the following		

CONSTITUTION – PART 5.01 – Chief Executive

Act 1972	<p>provisions of the Local Government Act 1972:</p> <p>a. Sections 83(1) to (4) - Witness and receipt of acceptance of office</p> <p>b. Section 84 – Receipt of declaration of resignation of office</p> <p>c. Section 86 - authority, to declare the office of Councillor vacant immediately after a person has ceased to be a Councillor where s/he has not attended a Council or Committee meeting for six months or more. <i>(This delegation was agreed at a Council meeting held in February 2023)</i></p> <p>d. Section 89 (1) (b): Receipt of notice of casual vacancy from two local electors</p> <p>e. Section 229(5): Certification of photographic copies of document</p> <p>f. Sections 234(1) and (2): Authentication of documents</p> <p>g. Section 88 (2): Convening of meeting to fill casual vacancy in the office of Mayor</p> <p>h. Section 210 (6) and (7): Charity functions of holders of offices with existing authorities transferred to holders of equivalent office with new authorities, or, if there is no such office to “Proper officers”.</p> <p>i. Section 212(1) and (2):</p>		<p>a.[Chief Executive]</p> <p>b.[Chief Executive]</p> <p>c.[Chief Executive]</p> <p>d.[Head of Legal, Democratic and Property Services]</p> <p>e.[Legal, Democratic and Property Services]</p> <p>f. [Head of Legal, Democratic and Property Services]</p> <p>g.[Chief Executive]</p> <p>h.[Head of Legal, Democratic and Property Services]</p> <p>i. [Head of Legal, Democratic and</p>
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CONSTITUTION – PART 5.01 – Chief Executive

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

3. Regulation of Investigatory Powers Act (RIPA)			
Subject:	Detail:	Delegated by:	Delegated to:
	<ol style="list-style-type: none"> 1. To review, revise and update the Council's RIPA policy. 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). 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. 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 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. 6. To maintain the central record of documents relating to RIPA policy, including authorisations. <i>(See also Transformation and Organisational Development delegations)</i> 	1 – 7 Council	<ol style="list-style-type: none"> 1. [Head of Legal, Democratic and Property Services.] 2. [Head of Legal, Democratic and Property Services.] 3. Heads of Service authorised to do so under Appendix 2 of the RIPA policy. 4. Heads of Service authorised to do so under Appendix 2 of the RIPA policy. 5. [Chief Executive] or in his absence the [Deputy Chief Executive. 6. The Information Management Team under the supervision of the [Head of Transformation, Organisational Development and Digital Strategy].

CONSTITUTION – PART 5.01 – Chief Executive

	<p>7. To carry out all necessary action to ensure that the Office of Surveillance Commissioners is satisfied with the Council's Policy and Procedures in respect of RIPA.</p>		<p>7. [Head of Legal, Democratic and Property Services].</p>
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Constitution Part 5 Table 5.02 – Transformation and OD

TRANSFORMATION, ORGANISATIONAL DEVELOPMENT AND DIGITAL STRATEGY			
1. <u>IT Services</u>			
Subject	Detail	Delegated by:	Delegated to:
Members' IT	To supply and maintain Members' IT facilities in accordance with approved Policy(-ies)	Executive Committee	[Head of Service – Transformation, Organisational Development and Digital Services] / [IT Manager]
Corporate IT New Proposed Delegation	To determine all the Council's IT Policies and Strategies	Council	[Head of Service – Transformation, Organisational Development and Digital Services] / [IT Manager]
Land and Property Gazetteer	To keep and maintain the Council's Local Land & Property Gazetteer (LLPG) and act as "Custodian" for this purpose.	Executive Committee	[Head of Service - Transformation, Organisational Development and Digital services]
Street Naming	To be responsible for Street / Property naming, in accordance with Council-approved Policy, and to maintain a list of candidate street and property names.	Executive Committee	[Head of Transformation, Organisational Development and Business Services], following consultation with Ward and other relevant Members /Portfolio Holder

Constitution Part 5 Table 5.02 – Transformation and OD

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

Constitution Part 5 Table 5.02 – Transformation and OD

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

Constitution Part 5 Table 5.02 – Transformation and OD

3. Human Resources

3. Human Resources			
<p><u>Employees</u></p>	<p><u>Staffing Matters</u></p> <p>Within the terms of the Council's agreed policies and employment objectives, to deal with the following matters without reference to Committee:</p> <p>a. Appointments:</p> <p>i) to appoint Executive Directors</p> <p>ii) to appoint Heads of Service</p> <p>iii) to appoint staff below the level of Head of Service</p> <p>b. Disciplinary and Capability Action</p> <p>i) Within the Council's approved disciplinary and capability procedures and National Conditions of Service, to dismiss the Head of Paid Service, s151 Officer or Monitoring Officer subject to compliance with the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended).</p> <p>ii) Within the Council's approved disciplinary and capability procedures, to take action against including (except in the case of the monitoring officer or the section 151 officer) dismissal of Executive Directors, subject, in the case of any Officer designated as Chief Finance Officer or Monitoring Officer, to compliance with the Local Authorities (Standing Orders) (England) Regulations</p>		
		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>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>c. Terms and conditions of employment</p> <p>To determine all employment/ HR policies and procedures and terms and conditions of employment (save where specified by statutory provisions) in respect of all staff (<u>except</u> the Chief Executive).</p>	<p>Council</p> <p>Council</p> <p>Council</p> <p>Council</p>	<p>[Chief Executive]/ Executive Directors</p> <p>Heads of Service</p> <p>Any one of the following: The Chief Executive, the Deputy Chief Executive or any Directors.</p> <p>[Head of Service – Transformation, Organisational Development and Digital Strategy]</p>
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Constitution Part 5 Table 5.02 – Transformation and OD

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

Constitution Part 5 Table 5.02 – Transformation and OD

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

Constitution Part 5 Table 5.02 – Transformation and OD

	<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> <p><u>Day to Day Activities</u></p> <p>a. To control and manage own Directorates</p> <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> <p>c. The day-to-day discharge of functions not otherwise covered by this scheme in accordance with any requirements of the Chief Executive.</p> <p>d. To respond to miscellaneous enquiries for which no delegated authority currently exists and to determine whether further formal decision is required and, if so, what.</p>	<p>Cttee</p> <p>Council/ Executive Committee</p> <p>Council/Execut ive Committee</p> <p>Executive Committee</p> <p>Executive Committee</p>	<p>Deputy Chief Executive]/ Directors</p> <p>[Chief Executive/ Deputy Chief Executive]/ Directors or their nominated managers</p> <p>Various</p> <p>[Chief Executive] or in his absence the [Deputy Chief Executive]</p> <p>[Chief Executive], in consultation with Group Leaders and Monitoring Officer</p>
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Constitution Part 5 Table 5.02 – Transformation and OD

<p>Miscellaneous</p>	<p><u>Operation of Scheme of Delegations</u></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>
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Constitution Part 5 Table 5.02 – Transformation and OD

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

Constitution – Part 5 – Table 5.03 – Community Services

COMMUNITY SERVICES			
1.Community Safety			
Subject	Detail	Delegated by:	Delegated to:
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 and Housing Services] and 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 and Housing Services], [Head of Environmental and Housing Property Services] [Head of Worcestershire Regulatory Services] and the [Head of Planning, Regeneration and Leisure Services].
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 and Housing Services], , [Head of Environmental and Housing Property Services] and [Head of Planning, Regeneration and Leisure Services]

Constitution – Part 5 – Table 5.03 – Community Services

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

Constitution – Part 5 – Table 5.03 – Community Services

2. Private Sector Housing			
Subject	Detail	Delegated by:	Delegated to:
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 and Housing 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 and Housing 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

2. Private Sector Housing			
Subject	Detail	Delegated by:	Delegated to:
Caravan Site Licences	To approve a transfer or renewal of a Caravan Site Licence	Executive	[Head of Community and Housing 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 and Housing 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 and Housing 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 and Housing Services] following consultation with the [relevant Portfolio Holder]
Housing Act 2004 – notices etc	To issue notices and orders in relation to improvement, prohibition, revocation, hazard awareness and emergency action under the Housing Act 2004, sections 11,12,14,16, 20,21,23,25,28,29,40,41 &43 and undertake default work in respect of such notices where necessary.	Executive Committee	[Head of Community and Housing 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 and Housing Services/ Housing Strategy Manager]

Constitution – Part 5 – Table 5.03 – Community Services

2. Private Sector Housing			
Subject	Detail	Delegated by:	Delegated to:
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 and Housing 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 Community and Housing Services]
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 and Housing 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 and Housing 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 and Housing 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 and Housing 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

2. Private Sector Housing			
Subject	Detail	Delegated by:	Delegated to:
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	[Deputy Chief Executive]/[Head of Community and Housing 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 and Housing 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 th January 1999	Executive Committee	[Head of Community and Housing 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 and Housing Services]/[Strategic Housing Manager]/[Private Sector Housing Team Leader]/[Housing Strategy & Enabling Team Leader]

Constitution – Part 5 – Table 5.03 – Community Services

Council land and premises - dealing with Trespassers	To authorise the exercise of Local Authority powers under the Criminal Justice & Public Order Act 1994 relating to occupation of council land and premises by trespassers.	Executive Committee	[Head of Community and Housing Services]/[Strategic Housing Manager]/[Private Sector Housing Team Leader]/[Housing Strategy and Enabling Team Leader].
Proceedings for possession	To authorise the instigation of civil legal proceedings for possession of council land and premises occupied by trespassers without permission and further legal proceedings for their eviction from such land and premises.	Executive Committee	[Head of Community and Housing 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	[Deputy Chief Executive]/[Head of Community and Housing 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 and Housing Services]/[Strategic Housing Manager]/[Private Sector Team Leader]
Civil Penalty Notices	to approve the use of Civil Penalties in appropriate housing related offences as an alternative to prosecution	Council	[Head of Community and Housing Services]

Constitution – Part 5 – Table 5.03 – Community Services

Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015	To implement enforcement powers under the Energy Efficiency (Private Rented Property) (England & Wales) Regulations 2015 <i>(Delegation added through an urgent decision in September 2022)</i>	Executive	[Head of Community and Housing Services]
First Homes	To make amendments to the First Homes Policy to reflect any future Government Guidance. <i>(Delegation agreed in September 2022)</i>	Executive	[Head of Community and Housing Services] following consultation with the Housing Portfolio Holder.

Constitution – Part 5 – Table 5.03 – Community Services

3. <u>Transport & Concessionary Fares</u>			
Subject	Detail	Delegated by:	Delegated to:
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 and Housing 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

4. <u>Miscellaneous other</u>			
Subject	Detail	Delegated by:	Delegated to:
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	[Deputy Chief Executive]
Councillor Grants	To approve and to pay grants to Voluntary and Community Sector (VCS) organisations which have been recommended for approval by elected Members through the Councillor Community Grant Scheme (CCGS).	Executive Committee	[Head of community and Housing Services]
Concessionary Rents	To administer the Concessionary Rents Policy and approve rent Relief following consultation with the Grants Panel.	Executive Committee	[Head of Community and Housing Services] in consultation with the [Deputy Chief Executive].

CONSTITUTION – PART 5 – TABLE 5.04 – Env Services

ENVIRONMENTAL SERVICES			
1. <u>Cemeteries / Crematorium</u>			
<u>Subject:</u>	<u>Detail:</u>	<u>Delegated by:</u>	<u>Delegated to:</u>
Cemeteries & Crematorium.	To deal with day-to-day cemetery and crematorium matters.	Executive Committee.	[Head of Environmental and Housing Property 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 and Housing Property 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 and Housing Property Services] / [Bereavement Services Manager].

CONSTITUTION – PART 5 – TABLE 5.04

2. <u>Grounds Maintenance and Landscaping</u>			
<u>Subject:</u>	<u>Detail:</u>	<u>Delegated by:</u>	<u>Delegated to:</u>
Grounds Maintenance & Landscaping.	Day-to-day management of all Council-owned parks, woodlands and open spaces.	Executive Committee.	[Head of Environmental and Housing Property Services] / [Head of Planning, Regeneration and Leisure]/[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</p>	Council	[Head of Environmental and Housing Property Services]

CONSTITUTION – PART 5 – TABLE 5.04

	<p>members at Planning Committee within six months of the decision being made, for information purposes.</p> <p>2. To initiate Tree Preservation Orders.</p>	Council	[Head of Environmental and Housing Property 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</p>	Planning Committee.	[Head of Environmental and Housing Property Services].

CONSTITUTION – PART 5 – TABLE 5.04

	<p>trees safe and if the Notice is not complied with to take the steps specified therein and recover such expenses.</p> <p>2. To take any necessary action under s23 – 26 of the Local Government (Miscellaneous Provisions) Act 1976 to secure the removal of dangerous trees and to deal with dangerous excavations.</p>	Planning Committee.	[Head of Environmental and Housing Property 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</p>	1. Council.	Planning Committee

CONSTITUTION – PART 5 – TABLE 5.04

	<p>or on behalf of any County, District or Parish Councillor whose ward is within the Borough of Redditch.</p> <p>c. any County, District or Parish Councillor whose ward is within the Borough of Redditch is affected by such an application.</p> <p>2. In all other circumstances to determine all High Hedge applications submitted in accordance with Part 8 of the Anti-Social Behaviour Act 2003 and to issue a remedial notice where appropriate.</p>	<p>2. Planning Committee</p>	<p>[Head of Environmental and Housing Property Services].</p>
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CONSTITUTION – PART 5 – TABLE 5.04

3. <u>Highways</u>			
<u>Subject:</u>	<u>Detail:</u>	<u>Delegated by:</u>	<u>Delegated to:</u>
Dedication of Land.	Acceptance of offers of dedication of land for highway purposes.	Executive Committee.	[Head of Environmental and Housing Property 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 and Housing Property 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 and Housing Property 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 and Housing Property 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 and Housing Property Services].
Street Furniture.	Siting of street furniture other than bus shelters.	Executive Committee.	[Head of Environmental and Housing Property 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 and Housing Property Services].

CONSTITUTION – PART 5 – TABLE 5.04

Traffic Management.	To approve or otherwise, local traffic management proposals and associated works.	Executive Committee.	[Head of Environmental and Housing Property Services] in consultation with Worcestershire County Council.
Road Closures.	To deal with applications for temporary road closures for special events.	Executive Committee.	[Head of Environmental and Housing Property 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].
Off Street Parking Order	<p>a. To take all necessary steps to finalise the draft Order, schedules and car park plans and then publish, consult upon, make and implement an Off Street Parking Order in terms similar to the draft “Redditch Borough Council (Off Street Parking Places) Order 2023” (“the Order”)</p> <p>b. To issue any passes or season tickets in accordance with the Order</p> <p><i>(Delegations agreed in March 2023)</i></p>	Executive Committee	[Head of Environmental and Housing Property Services and Head of Legal, Democratic and Property Services]

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

4. <u>Waste Management</u>			
<u>Subject:</u>	<u>Detail:</u>	<u>Delegated by:</u>	<u>Delegated to:</u>
Abandoned Vehicle Notices.	To issue abandoned vehicles notices under the Refuse Disposal (Amenity) Act 1978.	Executive Committee.	[Head of Environmental and Housing Property 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 and Housing Property Services] or his/her nominee(s)
Abandoned Vehicles.	Removal, storage and disposal of abandoned vehicles.	Executive Committee.	[Head of Environmental and Housing Property Services] / [Waste Management Manager].
Vehicle Amnesties.	To organise vehicle amnesties as and when required.	Executive Committee.	[Head of Environmental and Housing Property 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 and Housing Property Services], following consultation with [Portfolio Holder for Local Environment].

CONSTITUTION – PART 3 – TABLE 3.04

5. <u>Home Energy and Conservation</u>			
<u>Subject:</u>	<u>Detail:</u>	<u>Delegated by:</u>	<u>Delegated to:</u>
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 and Housing Property Services].

CONSTITUTION – PART 3 – TABLE 3.04

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

CONSTITUTION – PART 5 – TABLE 5.05 - Housing

HOUSING SERVICES			
1. Housing Management - General			
<u>Subject:</u>	<u>Detail:</u>	<u>Delegated by:</u>	<u>Delegated to:</u>
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 and Housing 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 and Housing 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"> • Repairs and Maintenance* • Capital Works* • Voids management*** • Allocations management (in accordance with the Housing Allocations Policy)** • Tenancy management** • Rent account management** • Equipment and Adaptations management*** • Garage waiting list/allocation management** 	Executive Committee	[Chief Executive & Deputy Chief Executive & Executive Director for Leisure, Environment & Community Services] [/[Head of Community and Housing Services]/ [Head of Environmental and Housing 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 Community and Housing Services]/[Housing Services Manager]/[Housing Performance and Database Manager]
Support Service Charges	To collect and recover support service charges within the Charging Policy adopted by the Council and to refer cases to the Head of Legal Equalities and Democratic Services to institute proceedings to recover such charges.	Executive Committee	[Head of Community and Housing Services] (with [Head of Legal, Democratic and Property Services])
Day-to-day management of the housing register	Management of the Council's Housing Register in accordance with the Council's Allocations Policy.	Executive Committee	[Head of Community and Housing Services]/ [Housing Options Manager] /[Housing Services Manager]
Housing Allocations Policy	To make any future amendments to the Council's Housing Allocations Policy that are deemed to be necessary and which do not trigger the statutory obligation to consult the persons affected by the changes pursuant to section 168(3) of the Housing Act 1996.	Executive Committee	[Deputy Chief Executive and Executive Director for Leisure, Environment and Community services] in conjunction with the [Principle Solicitor] following consultation with the relevant Portfolio Holder.
Staff/Elected Member relations Housing Applications	In accordance with the Council's Allocations Policy, to approve a housing application for staff members, Elected Members or relatives of either. To make any offers of accommodation in above cases.	Executive Committee Executive Committee	[Head of Community and Housing Services]/ [Housing Options Manager]/ [Housing Services Manager] [Chief Executive] & in their absence [Deputy Chief Executive & Executive Director for Leisure, Environment & Community Services] & in their absence [Executive Director of Finance & Corporate Resources]

SCHEME OF DELEGATION TO OFFICERS

<u>Subject:</u>	<u>Detail:</u>	<u>Delegated by:</u>	<u>Delegated to:</u>
Homelessness Cases	In accordance with the Council's stated policies and guidelines on homelessness, to deal with all such cases under the Housing Act 1985 (applications for accommodation, etc.).	Executive Committee	[Head of Community and Housing Services]/ [Housing Options Manager]/ [Housing Strategy Manager]
Temporary Accommodation license breaches	In respect of the management of Temporary accommodation for the purposes temporary housing for homeless families let under licences to authorise: <ul style="list-style-type: none"> • the service of notice to quit • Referral to the principle Solicitor to institute and complete proceedings for possession 	Executive Committee	[Head of Community and Housing Services]/ [Housing Options Manager]
Housing Management: Introductory and Secure Tenancy breaches and unlawful occupiers	In respect of the management of Introductory and Secure housing tenancies to authorise: <ul style="list-style-type: none"> • The Service of Notice Seeking Possession (introductory and secure tenancies) • Referral to the Principal Solicitor and complete proceedings for possession 	Executive Committee	[Head of Community and Housing Services]/ [Housing Services Manager]
Enforcement of possession proceedings for introductory and secure tenancy breaches	To sanction applications for Warrants of Possession in above cases. <u>Warrants for no access for adherence to Health & Safety/ statutory requirements</u>	Executive Committee	[Deputy Chief Executive & Executive Director for Leisure, Environment & Community Services] / [Head of Community and Housing Services]/ [Housing Services Manager] [Head of Environmental and Housing Property Services]/ Repairs & Maintenance/ Housing Services Managers

SCHEME OF DELEGATION TO OFFICERS

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 Community and Housing Services]/ [Housing Services Manager] / [Head of Legal, Democratic and Property 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 Community and Housing 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"> • Tenancy changes • Decants (temporary or permanent re-housing) 	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"> • acceptance or denial of a Right to Buy application • To agree/disagree waiver of the discount period of a completed right to buy 	Executive Committee	[Head of Community and Housing Services]/ [Housing Performance & Database Manager]/[Housing Services Manager]
Council Housing Growth Programme	To approve the necessary delivery agents for commissioning the construction of new HRA stock from the Council Housing Growth Programme budget.	Executive Committee	[Deputy Chief Executive & Executive Director for Leisure, Environment & Community Services] / [Head of Community and Housing 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 Community and Housing Services] / [Head of Environmental and Housing Property Services] / [Repairs & Maintenance and Capital Manger] following consultation with [Principal Solicitor]</p> <p>[Head of Community and Housing Services] or [Repairs & Maintenance and Capital Manger], following consultation with the [Principal Solicitor].</p>

SCHEME OF DELEGATION TO OFFICERS

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 Environmental and Housing Property Services]/[Head of Community and Housing Services]/ [Housing Services Manager] / [Repairs & Maintenance and Capital Manager], in consultation with [Principal Solicitor] or if out of hours, the [Duty Officer]
To agree inspections and maintenance requirements to Council Housing Stock	Day to day repairs and maintenance of tenanted properties and voids	Executive Committee	[Head of Environmental and Housing Property 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 Environmental and Housing Property Services]/ [Head of Community and Housing 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 Community and Housing]/[Head of Environmental and Housing Property Services]/ [Repairs & Maintenance and Capital Manager]/[Housing Services Manager]

SCHEME OF DELEGATION TO OFFICERS

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 Environmental and Housing Property Services] / [Head of Community and Housing Services]
Tenant Recharges	To authorise tenant recharges where works have been carried out and deemed as tenant responsibility	Executive Committee	[Head of Environmental and Housing Property Services]/ [Head of Community and Housing Services] / [Repairs & Maintenance and Capital Manager]
Local Lettings Plan	To agree and adopt future local lettings policies. <i>(Delegation agreed in October 2022)</i>	Executive Committee	[Head of Community and Housing Services following consultation with the Portfolio Holder for Housing and Procurement]
Housing Policies	To agree any revisions to the Housing Policies following the consultation and in line with any legislative or government guidance updates. <i>(Delegation agreed in March 2023)</i>	Executive Committee	[Head of Community and Housing Services and/or Head of Environmental and Housing Property, following consultation with the Portfolio Holder for Housing

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LEGAL, EQUALITIES AND DEMOCRATIC			
1. <u>Democratic Services - General</u>			
Subject	Detail	Delegated by:	Delegated to:
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, Democratic and Property Services] / [Principal 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	[Principal 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	[Principal Democratic Services Officer], following consultation with relevant Members
Petitions	To respond to Petitions, in accordance with the approved Protocol.	Council	[Monitoring Officer]/ [Chief Executive]/ [Deputy Chief Executive] / Directors / Relevant Officers

2. <u>Democratic Services - Members</u>			
Subject	Detail	Delegated by:	Delegated to:
Members Allowances	To keep, maintain, and operate the Scheme of Allowances to Members.	Exec.	[Principal 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 / [Principal 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]

3. <u>Legal Services</u> <i>(See also separate delegations in other Sections)</i>			
Subject	Detail	Delegated by:	Delegated to:
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, Democratic and Property 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, Democratic and Property Services] or [Principal Solicitor] or other person authorised by them.
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, Democratic and Property Services] or [Principal Solicitor].

CONSTITUTION PART 5 - Table 5.06

Subject:	Detail:	Delegated by:	Delegated to:
Contracts	to sign or seal any document, Order or Notice on behalf of the Council and to serve or receive any documents on behalf of the Council to include contracts falling under the Contract Procedure Rules	Council	[Head of Legal, Democratic and Property Services] and [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, Democratic and Property Services] / [Principal Solicitor] / [Principal 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, Democratic and Property 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, Democratic and Property Services] or nominee(s).

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, Regeneration and Leisure Services]
RIPA	See Chief Executive's / Corporate Delegations	-	-

CONSTITUTION PART 5 - Table 5.06

4. Monitoring Officer			
Subject	Detail	Delegated by:	Delegated to:
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]

CONSTITUTION – PART 5 – TABLE 5.07 Leisure & Culture

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

CONSTITUTION – PART 5 – TABLE 5.07 Leisure & Culture

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

CONSTITUTION – PART 5 – TABLE 5.07 Leisure & Culture

Subject	Detail	Delegated by:	Delegated to:
Community Meeting Rooms	Normal lettings and day-to-day operation, in consultation with various Management Committees (where applicable), of the Community Meeting Rooms.	Executive Committee	Rubicon Leisure
Promotions – Short-Term / One-Off	To approve and implement short-term and one-off promotions at all Sports and Leisure facilities.	Executive Committee	Rubicon Leisure
Roundabout Sponsorship	To agree sponsorship fees with a maximum of 20% plus/minus variance of approved charges	Executive Committee	[Head of Planning, Regeneration and Leisure Services] following consultation with the [appropriate Portfolio Holder].

CONSTITUTION – PART 5 – TABLE 5.07 Leisure & Culture

2. <u>Civic Suite Hire</u>			
Subject	Detail	Delegated by:	Delegated to:
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 Planning, Regeneration and Leisure 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 Planning, Regeneration and Leisure Services] following consultation with [relevant Portfolio Holder]
Concessionary Use	To agree requests for concessionary use of the Civic Suite.	Executive Committee	[Head of Planning, Regeneration and Leisure Services] and his/her authorised Managers, following consultation with [relevant Portfolio Holder].

CONSTITUTION – PART 5 – TABLE 5.07 Leisure & Culture

2. <u>Parks and Open Spaces</u>			
Subject	Detail	Delegated by:	Delegated to:
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 Planning, Regeneration and Leisure Services]
Playing Pitches	To grant hire agreements for the use of such facilities in line with the Budget and Policy Framework.	Executive	[Head of Planning, Regeneration and Leisure 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 Planning, Regeneration and Leisure Services]

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CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen

2. <u>Development Management / Plans</u>			
Subject	Detail	Delegated by:	Delegated to:
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 and Leisure Services]

UNLESS:

	<ol style="list-style-type: none"> 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) 2. The Planning Officer considers that the application should be considered by Committee. 3. The approval of the application would represent a departure from the policies of the statutory development plan. 4. The proposal involves the Borough or County Council either as applicant or landowner. 5. The applicant is a Councillor or known to be an employee of either Redditch 		[Head of Planning, Regeneration and Leisure Services]/ Planning officers
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CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen

	<p>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. a) The application is a Householder application and between 11 and 20 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, in which case, the application will be determined by the Head of Planning, Regeneration and Leisure Services/Planning Officers in conjunction with the Chair of Planning Committee (or in their absence the Vice Chair)</p> <p>More than 21 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>b) The application is not a Householder application and between 5 and 10 individual letters of objection from separate addresses and raising material planning considerations are received</p>		

CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen

	<p>from separate members of the public and the Officer recommendation is for approval, in which case, the application will be determined by the Head of Planning, Regeneration and Leisure Services/Planning Officers in conjunction with the Chair of Planning Committee (or in their absence the Vice Chair)</p> <p>More than 11 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>, 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>12. The action involves responding to a consultation request from an adjoining Local Planning Authority, in which case, and if a response is justified, this will be prepared by the Head of Planning, Regeneration and Leisure Services/Planning Officers in conjunction with the Chair of Planning Committee (or in their absence the Vice Chair)</p> <p><i>Legislation / regulations under which decisions will be taken include:-</i></p> <ul style="list-style-type: none"> • Town & Country Planning Act 1990 (as amended) • Planning and Compensation Act 1991 • Town & Country Planning (General Permitted Development) Order 1995 (as amended) • Town & Country Planning (General 		
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CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen

	<p>Development Procedure) Order 1995 (as amended)</p> <ul style="list-style-type: none"> • Planning (Listed Buildings & Conservation Areas) Act 1990 (as amended) • Building Act 1984 (as amended) 		
	<ul style="list-style-type: none"> • Circular 5/2000: Planning Appeals: Procedures (including inquiries into Called in Planning Applications) • Circular 18/1984: Crown Land & Crown Development • Town & Country Planning (Environmental Impact Assessment) Regulations 2011 • Highways Act 1980 • Planning (Hazardous Substances) Act 1990 • Hedgerow Regulations 1997 • Goods Vehicles (Licensing of Operators) Act 1995 • Goods Vehicles (Licensing of Operators) Regulations 1995 • Town & Country Planning (Control of Advertisements) Regulations 2007 • Wildlife and Countryside Act 1981 • Caravan Sites and Control of Development Act 1960 • Acquisition of Land Act 1981 • Telecommunications Act 1991 • Electricity Act 1989 • Planning and Compensation Act 1991 • Flood and Water Management Act 2010 		

CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen

	<ul style="list-style-type: none"> • Ancient Monuments and Archaeological Areas Act 1979 		
	<ul style="list-style-type: none"> • Local Government Planning and Land Act 1980 • Planning Listed Buildings and Conservation Areas Regulations 1990 (as amended) • Planning Act 2000 • Planning and Compulsory Purchase Act 2004 • Clean Neighbourhoods and Environment Act 2005 • Localism Act 2011 • The Town and Country Planning (Permission in Principle) Order 2017 (as amended) <p>Any reference to an Act of Parliament, Regulation or Order in this scheme of delegation shall be deemed to include reference to any statutory modification re-enactment or replacement thereof for the time being in force</p>		
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 Leisure Services] and/or [Development Plans Manager]
Planning Obligations	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	Council	[Head of Planning, Regeneration and Leisure Services]

CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen

	<p>unless any of the following apply:-</p> <ol style="list-style-type: none">1. Deletion or addition of one or more of the heads of terms.2. Significant change in overall area of land to be transferred to Redditch Borough Council.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)].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.		
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CONSTITUTION - PART 5 – TABLE 5.09 – Reg Services**REGULATORY SERVICES****1. LICENSING****HEAD OF REGULATORY SERVICES (WORCESTERSHIRE REGULATORY SERVICES)**

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

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

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

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

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

To determine applications for house to house and street collections.

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

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

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

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

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

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

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

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

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

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

Hackney Carriage and Private Hire Vehicles

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

CONSTITUTION - PART 5 – TABLE 5.09 – Reg Services

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

Operator's

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

Fares/Stand

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

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

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

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

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

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

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

CONSTITUTION - PART 5 – TABLE 5.09 – Reg Services

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

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

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

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

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

RS2

Accommodation Agencies Act 1953.

Administration of Justice Act 1970 (Section 40).

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

Agriculture Act 1970.

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

Animal Boarding Establishments Act 1963.

Animal By-Products Regulations 2005.

Animal Health & Welfare Act 1984.

Animal Health Act 1981.

Animal Health Act 2002.

Animal Welfare Act 2006.

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

Anti-Social Behaviour Act 2003.

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

Avian Influenza (Vaccination)(England) Regulations 2006.

Biofuel (Labelling) Regulations 2004.

CONSTITUTION - PART 5 – TABLE 5.09 – Reg Services

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

CONSTITUTION - PART 5 – TABLE 5.09 – Reg Services

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

CONSTITUTION - PART 5 – TABLE 5.09 – Reg Services

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

CONSTITUTION - PART 5 – TABLE 5.09 – Reg Services

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

CONSTITUTION - PART 5 – TABLE 5.09 – Reg Services

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

CONSTITUTION – PART 5 – TABLE 5.10 - Resources

RESOURCES			
1. <u>Finance - Accounts, Financial Management & Advice</u>			
<u>Subject:</u>	<u>Detail:</u>	<u>Delegated by:</u>	<u>Delegated to:</u>
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 Financial and Customer Services]
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 Financial and Customer Services]
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 Financial and Customer Services] following consultation with the [Portfolio Holder]

CONSTITUTION – PART 5 – TABLE 5.10 - Resources

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 Financial and Customer Services] 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 th March 2013)	Executive Committee	[Head of Financial and Customer Services] and [Head of Community and Housing Services]
Stock Exchange Transactions	To seal Stock Exchange Transactions.	Executive Committee	[Executive Director of Finance and Resources]

CONSTITUTION – PART 5 – TABLE 5.10 - 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 Financial and Customer Services]
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 Financial and Customer Services]
Insolvency Procedures	To commence insolvency procedures, both against individuals and companies.	Executive Committee	[Head of Financial and Customer Services]/ [Principal Solicitor]
Debts - Write-off – Insolvency Cases	To write off any debt, irrespective of value, where insolvency proceedings have occurred and where the Council's claim has been formally acknowledged.	Executive Committee	[Head of Financial and Customer Services]/ [Head of Community and Housing Services]

CONSTITUTION – PART 5 – TABLE 5.10 - Resources

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 Financial and Customer Services] / [Head of Community and Housing Services]
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 Community and Housing Services], 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 Financial and Customer Services] / [Head of Community and Housing Services]
Debts – Write-off - Irrecoverables	To write off debts due to the Council in accordance with Council policy.	Executive Committee	[S151 Officer] in consultation with other relevant Directors

CONSTITUTION – PART 5 – TABLE 5.10 - Resources

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

CONSTITUTION – PART 5 – TABLE 5.10 - Resources

	<p>competence.</p> <p>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.</p> <p>4) If there is no available professional advice within the Council the Director is authorised to seek appropriate consultants direct.)</p> <p>5) Further separate delegations under the Contract Procedure Rules.</p>	<p>Council</p> <p>Council</p> <p>Council</p>	<p>Various</p> <p>Various</p> <p>Various</p>
Section 106 Monies	Authority to spend S106 monies up to a value of £50k to spend in line with the S106 agreement which caused the receipt of the S106 monies.	Council	S151 Officer
Ring fenced Government grant funding	<p>Authority to accept, administer and distribute ring fenced Government Grant Funding, or Funding from bodies acting on behalf of Government, and to make the necessary and corresponding adjustments to the Medium Term Financial Plan following consultation with the relevant Portfolio Holder and subject to meeting the conditions of grant funding.</p> <p><i>(Delegation agreed in February 2023)</i></p>	Council	S151 Officer

CONSTITUTION – PART 5 – TABLE 5.10 - Resources

2. <u>Property, Assets and Facilities Management - Estates & Valuation</u>			
<u>Subject:</u>	<u>Detail:</u>	<u>Delegated by:</u>	<u>Delegated to:</u>
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 Financial and Customer Services]
Acceptance of Offers at Auction	The acceptance of an offer when a sale is effected by auction.	Executive Committee	[Head of Financial and Customer Services]/ [Principal Solicitor]
Leased / Tenanted Properties - Management	To manage and control all leased / tenanted properties excluding houses / flats let on residential secure tenancies under the Housing Act including those available for letting and to include those held by the Council in advance of requirements or surplus or appropriated properties.	Executive Committee	[Head of Financial and Customer Services]
Agreements - Various	Easements / wayleaves / rights of way / garden licences / grazing licences / cultivation licences and all similar agreements – to enter into such agreements on behalf of the Council for any Council-owned land or property.	Executive Committee	[Head of Financial and Customer Services]/ [Principal Solicitor]
Agreements - Minor	To enter into miscellaneous agreements of a minor nature affecting any land and / or property not provided for elsewhere including street trading licences.	Executive Committee	[Head of Financial and Customer Services]/ [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 Financial and Customer Services]/ [Principal Solicitor]
Assignment / Sub-letting – Leased Properties	The assignment or sub-letting of leased properties, subject to appropriate satisfactory references.	Executive Committee	[Head of Financial and Customer Services]/ [Principal

CONSTITUTION – PART 5 – TABLE 5.10 - Resources

			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 Financial and Customer Services]
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 Financial and Customer Services]
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 Financial and Customer Services]
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 Financial and Customer Services/ 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 Financial and Customer Services] with [Head of Legal, Democratic and Property Services]
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 Financial and Customer Services]/ [Principal Solicitor]

CONSTITUTION – PART 5 – TABLE 5.10 - Resources

Miscellaneous Delegation	<p>1) To serve requisitions for information as to ownership of property.</p> <p>2) To seek Planning Permission on behalf of the Council.</p>	<p>Executive Cttee</p> <p>Council</p>	<p>All Directors / or in their absence, other relevant Heads of Service / Managers</p> <p>Directors and Heads of Service, subject to prior consultation with Ward Members</p>
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CONSTITUTION – PART 5 – TABLE 5.10 - Resources

<u>Subject:</u>	<u>Detail:</u>	<u>Delegated by:</u>	<u>Delegated to:</u>
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 Financial and Customer Services]
'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 Financial and Customer Services]/ [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 Financial and Customer Services]/ [Principal Solicitor]

CONSTITUTION – PART 5 – TABLE 5.10

4. Right to Buy			
<u>Subject:</u>	<u>Detail:</u>	<u>Delegated by:</u>	<u>Delegated to:</u>
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 Financial and Customer Services]
Notices re Right to Buy	To serve notices in association with the Right to Buy Scheme.	Executive Committee	[Head of Financial and Customer Services]/ [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 Financial and Customer Services]
Repayment of Discount	To refuse (but not to agree) to waive the Council's entitlement to repayment of discount.	Executive Committee	[Head of Financial and Customer Services]
Discount for Disposals	To determine the level of discount to be repaid for relevant disposals under the Housing Act 2004.	Executive Committee	[Head of Financial and Customer Services]

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